

DRAFT, 2020

Source ID No. 0910174

Ms. Stephanie Hirner
Manager, Air Permitting
Evergy, Inc. – West Gardner Generating Station
818 S. Kansas Ave.
Topeka, KS 66601

Re: Class I Air Emission Source Operating Permit Significant Modification

Dear Ms. Hirner:

Enclosed is the Class I Operating Permit Significant Modification in response to the “Air Emissions Source Modification of Construction Permit” dated **DRAFT**, 2020. The construction modification was issued to change the monitoring requirements and reflect the as-built status of the Evergy, Inc. – West Gardner Generating Station in Edgerton, Johnson County, Kansas.

The significant modification contains the following changes:

- Changes to turbine Testing, Monitoring, Recordkeeping and Reporting requirements;
- Removal of fuel oil related equipment and requirements;
- Updates to the General Provisions.

Please review the enclosed operating permit carefully since it obligates your source to certain requirements.

For the transition period between the previous permit and the enclosed renewal permit, please comply with the following interim reporting requirements. The certification due on January 30, 2021 should cite both the January 4, 2017 permit and the enclosed permit. The semi-annual report due on January 31, 2021 shall contain two separate reports: one covering the January 4, 2017 permit requirements from July 1, 2020 to **DRAFT**, 2020, and one covering the enclosed permit requirements from **DRAFT**, 2020 to December 31, 2020. For questions on semi-annual reporting requirements for this facility please contact Air Compliance and Enforcement staff at 785-296-1542 or 785-296-0243.

As provided for in K.S.A. 65-3008b(e), an owner or operator may request a hearing within 15 days after affirmations, modification or reversal of a permit decision pursuant to subsection (b) of K.S.A. 65-3008a. In the Request for Hearing, the owner or operator shall specify the provision of this act or rule and regulation allegedly violated, the facts constituting the alleged violation and secretary's intended action. Such request must be submitted to: Director, Office of Administrative Hearings, 1020 S. Kansas Avenue, Topeka, Kansas 66612-1327. Failure to submit a timely request shall result in a waiver of the right to hearing.

The enclosed Class I Operating Permit does not relieve the permittee of the responsibility to obtain an air construction permit for future modifications that increase the facility's potential-to-emit of any regulated air pollutants as specified in K.A.R. 28-19-300, or any other modifications that may trigger other applicable air emission requirements.

Please include the source ID number listed above in all communications with KDHE in reference to this permitted facility. If you have any questions about the enclosed permit, please contact me at (785) 296-1581.

Sincerely,

A handwritten signature in cursive script that reads "Jason Heitman".

Jason Heitman
Engineering Associate
Air Permitting Section

Enclosure
JH:
c: JCDHE
OP100463 v5.1

AIR EMISSION SOURCE CLASS I OPERATING PERMIT

Source ID No.: 0910174

Initial Date: August 24, 2004 (Revised May 11, 2007)

Renewal Dates: March 8, 2010
January 4, 2017 (Revised DRAFT, 2020)

Expiration Date: January 3, 2022

Source Name: Evergy, Inc. – West Gardner Generating Station

SIC Code: 4911, Electrical Services – electric power generation by fossil fuels

NAICS Code: 221112, Fossil fuel electric power generation

Source Location: 18827 S. Dillie Road
S32, T14S, R22E
Edgerton, Johnson County, Kansas 66021

Mailing Address: 818 S. Kansas Ave.
Topeka, KS 66601

Contact Person: Stephanie Hirner
Manager, Air Permitting
(785) 575-8447
stephanie.hirner@evergy.com

I. Authority

This permit, developed in accordance with the provisions of K.A.R. 28-19-500 et seq., “Operating Permit,” meets the requirements of K.A.R. 28-19-510 et seq., Class I Operating Permits, and Title V of the federal Clean Air Act.

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Attachment B: Site Diagrams

Attachment C: Acid Rain Phase II Requirements

Attachment D: Cross-State Air Pollution Rule (CSAPR) Requirements, 40 CFR Part 97

II. Permit Intent

The purpose of this Class I Air Operating Permit is to identify the emission sources, types of regulated air pollutants emitted from the facility, the emission limitations, standards and requirements applicable to each emission source, and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of this permit. At the time of permit issuance, a Class I Air Emission Source Operating Permit was required because of the potential to emit for nitrogen oxides (NO_x) and carbon monoxide (CO) were above the major source threshold levels.

III. Facility Description

Energy, Inc. – West Gardner Generating Station operates four General Electric simple cycle combustion turbines, rated at approximately 1016 MMBtu/hr (for natural gas) or 80 megawatts each, firing pipeline natural gas only.

This facility is a major source for NO_x and CO because its potential-to-emit for these pollutants were above the major source threshold (greater than 100 tpy of NO_x and greater than 100 tpy of CO).

IV. Emission Source Information

| Emission Source ID No. | Emission Source Description | Stack/Vent ID No. | Control Equipment ID No. | Applicable Regulation |
|------------------------|---|-------------------|--------------------------|---|
| EU-CT1 | GE Simple Cycle Combustion Turbine, 1016 MMBtu/hr, 80 megawatts, NG | S-1 | CE-DLNBurner1 | K.A.R. 28-19-275 K.A.R. 28-19-650(a)(3) 40 CFR Part 60, Subpart A 40 CFR Part 60, Subpart GG 40 CFR Part 97 (PSD Air Construction Permit issued on 5/28/2002, amended on 7/29/2016 and XX/XX/2020) |
| EU-CT2 | GE Simple Cycle Combustion Turbine, 1016 MMBtu/hr, 80 megawatts, NG | S-2 | CE-DLNBurner2 | K.A.R. 28-19-275 K.A.R. 28-19-650(a)(3) 40 CFR Part 60, Subpart A 40 CFR Part 60, Subpart GG 40 CFR Part 97 (PSD Air Construction Permit issued on 5/28/2002, amended on 7/29/2016 and XX/XX/2020) |
| EU-CT3 | GE Simple Cycle Combustion Turbine, 1016 MMBtu/hr, 80 megawatts, NG | S-3 | CE-DLNBurner3 | K.A.R. 28-19-275 K.A.R. 28-19-650(a)(3) 40 CFR Part 60, Subpart A 40 CFR Part 60, Subpart GG 40 CFR Part 97 (PSD Air Construction Permit issued on 5/28/2002, amended on 7/29/2016 and XX/XX/2020) |

| Emission Source ID No. | Emission Source Description | Stack/Vent ID No. | Control Equipment ID No. | Applicable Regulation |
|------------------------|---|-------------------|--------------------------|---|
| EU-CT4 | GE Simple Cycle Combustion Turbine, 1016 MMBtu/hr, 80 megawatts, NG | S-4 | CE-DLNBurner4 | K.A.R. 28-19-275 K.A.R. 28-19-650(a)(3) 40 CFR Part 60, Subpart A 40 CFR Part 60, Subpart GG 40 CFR Part 97 (PSD Air Construction Permit issued on 5/28/2002, amended on 7/29/2016 and XX/XX/2020) |

V. Summary of Applicable Requirements

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VI. Applicable Requirements

A. The following emission source is subject to the requirements listed below:

| Emission Source ID No. | Emission Source Description |
|--------------------------|---|
| EU-CT1/S-1/CE-DLNBurner1 | GE Simple Cycle Combustion Turbine, 1016 MMBtu/hr, 80 Megawatts, NG |
| EU-CT2/S-2/CE-DLNBurner2 | GE Simple Cycle Combustion Turbine, 1016 MMBtu/hr, 80 Megawatts, NG |
| EU-CT3/S-3/CE-DLNBurner3 | GE Simple Cycle Combustion Turbine, 1016 MMBtu/hr, 80 Megawatts, NG |
| EU-CT4/S-4/CE-DLNBurner4 | GE Simple Cycle Combustion Turbine, 1016 MMBtu/hr, 80 Megawatts, NG |

1. Limitation or Standard:

K.A.R. 28-19-275 which adopted by reference 40 CFR Part 72, Acid Rain. These units are subject to the Title IV Acid Rain Requirements [40 CFR 72.6(a)]. Where an applicable requirement of this permit is more stringent than an applicable requirement of the

regulations promulgated under Title IV, both provisions shall be incorporated into this permit. [40 CFR 70.6(a)(1)(ii)]

Emissions from these units shall not exceed any allowances that the source lawfully holds under Title IV of the Act or its regulations. [40 CFR 70.6(a)(4)]

As specified in 40 CFR Part 72.72(b)(1)(viii), the Acid Rain permit requirements shall be complete and segregable portion of the Operating Permit. As such, the requirements are found in Attachment C of this permit. These units are subject to and must comply with all the terms and conditions of Attachment C.

2. Limitation or Standard

The owner or operator shall comply with the applicable requirements of 40 CFR Part 97 for the Cross-State Air Pollution Rule (CSAPR) NO_x Annual Trading Program found at 40 CFR Part 97 Subpart AAAAA, and CSAPR SO₂ Group 2 Trading Program found at 40 CFR Part 97 Subpart DDDDD, as provided in Attachment D of this permit.

a. Monitoring, Recordkeeping and Reporting

The owner or operator shall conduct monitoring, maintain records and submit reports in accordance with 40 CFR Part 97, as outlined in Attachment D.

3. Limitation or Standard:

The owner or operator shall comply with the applicable section of 40 CFR Part 60, Subparts A and GG, and the conditions contained in the construction permit issued on May 28, 2002 and amended on July 29, 2016 and **DATE, 2020**.

The following limitations from the construction permit issued on May 28, 2002 (and amended on July 29, 2016 and **DATE, 2020**) are based on the analyses performed in support of the construction permit. The limitations of this section found in a, b, and c below do not apply to periods of startup, shutdown, or malfunction. Startup and shutdown are defined in item d below.

- a. The NO_x emissions from each combustion turbine generator shall not exceed the following:
 - i. 9 parts per million by dry volume (ppmdv), corrected to 15 percent oxygen (O₂), 30 day rolling average¹ while burning natural gas.
 - ii. 37 lbs/hr while burning natural gas.
- b. The CO emissions from each combustion turbine generator shall not exceed the following:
 - i. 25 ppmdv, corrected to 15 percent O₂ when firing natural gas at full load (baseload).
 - ii. 61 lbs/hr when firing natural gas at full load (baseload).
- c. PM₁₀ emissions from each combustion turbine generator shall not exceed the following:
 - i. 10 lbs/hr when firing natural gas at full load (baseload).

¹ 30 days is defined as 720 hours of cumulative operation. Partial hours of operation are rounded up to whole hours.

- d. Startup and shutdown are defined as follows:
 - i. Startup: The period from when the combustion turbine is started until it reaches 60% load. The startup periods shall be readily identifiable on the load chart recording. Such periods shall not exceed 8 hours without approval by KDHE.
 - ii. Shutdown: The period when the combustion turbine is shutting down from 60% load to 0% load. The shutdown periods shall be readily identifiable on the load chart recording. Such periods shall not exceed 8 hours without approval by KDHE.
- e. Each combustion turbine shall operate at load conditions between 60% and 100% of capacity except during startup and shutdown.
- f. Each combustion turbine is limited to firing natural gas for a total of 4,000 hours or less during each consecutive 12-month period.
- g. The permittee shall not use any fuel other than pipeline-grade natural gas in the turbines.

Monitoring

- a. The owner or operator may, but is not required to, for purposes of determining excess emissions, use a continuous emission monitoring system (CEMS) that meets the requirements of paragraph (b) of 40 CFR 60.334. Also, if the owner or operator has previously submitted and received EPA, State, or local permitting authority approval of a procedure for monitoring compliance with the applicable NO_x emission limit under 40 CFR 60.332, that approved procedure may continue to be used. [40 CFR 60.334(c)]
- b. If the owner or operator claims an allowance for fuel bound nitrogen, the nitrogen content of the fuel shall be determined using methods described in 40 CFR 60.335(b)(9) or an approved alternative. [40 CFR 60.334(h)(2)]
- c. The owner or operator of combustion turbine generators are exempt from the requirement to monitor total sulfur content by burning natural gas with fuel quality characteristics in a current, valid purchase contract, tariff sheet, or transportation contract specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less. Additionally, representative fuel sampling as outlined in 40 CFR 60.344(h)(3)(ii) may also be used to demonstrate compliance. [40 CFR 60.334(h)(3)]
- d. If the owner/operator claims an allowance for fuel bound nitrogen, any applicable nitrogen content value of the gaseous fuel shall be determined and recorded once per unit operating day. For owners and operators that elect not to demonstrate sulfur content using options in 40 CFR 60.332(h)(3), and for which the fuel is supplied without intermediate bulk storage, the sulfur content value of the gaseous fuel shall be determined and recorded once per unit operating day. [40 CFR 60.334(i)]
- e. For any turbine for which a custom fuel monitoring schedule has previously been approved, the owner or operator may, without submitting a special petition to the Administrator, continue monitoring on this schedule. [40 CFR 60.334(h)(4)]
- f. Compliance with NO_x emission limits shall be demonstrated with CEMS or the alternative provided herein. If using a CEMS, the CEMs shall be installed, operated and maintained in accordance with 40 CFR Part 75, Continuous Emission Monitoring.

Alternatively, any affected unit which meets the definition of a gas-fired peaking unit in 40 CFR 72.2 may elect to utilize the procedures for estimating the NO_x emission rate in Appendix E to Part 75 in accordance with 40 CFR 75.12(d), or an affected unit which meets the Low Mass Emissions (LME) criteria provided in 40 CFR 75.19 may elect to utilize the LME excepted methodology for estimating the NO_x emission rate as provided in 40 CFR 75.19.

Recordkeeping and Reporting

- a. The owner or operator of the turbine shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of each turbine; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative. These requirements are described in 40 CFR 60.7(b).
- b. Records shall be maintained of the number and length (in hours) of periods of operation at less than 60% loads during any consecutive 12-month period.
- c. Records shall be maintained demonstrating that only natural gas is fired in each turbine.
- d. Records shall be maintained on the number of hours of each turbine firing natural gas during any consecutive 12-month period.
- e. All of the above records shall be maintained for a period of 5 years.
- f. Items required to be reported semiannually shall be submitted to KDHE and postmarked by the 30th day following the end of each six-month period.
- g. Items required to be reported annually shall be submitted to KDHE and postmarked by the 30th day following the end of each calendar year.
- h. For each combustion turbine, excess emissions and monitoring systems performance report and/or a summary report shall be submitted to the KDHE as required by 40 CFR 60.7(c) on a semiannual basis (or quarterly). The summary report form shall contain the information and be in the format as specified in 40 CFR 60.7(d). One summary report form for NO_x shall be submitted. Written reports of excess emissions shall include the following information:
 - i. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factor(s) used, the date and time of commencement and completion of each time period of excess emissions, and the process operating time during the reporting period.
 - ii. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions, the nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.
 - iii. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero span checks and the nature of the system repairs and adjustments.
 - iv. When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

- i. For purposes of the reports required under item h, periods of excess emissions as defined in 40 CFR 60.334(c) shall be as follows:
 - i. Any 30-day rolling average² which exceeds 9 ppm_{dv}, corrected to 15% O₂, excluding periods of startup, shutdown, or malfunction.
 - ii. If claiming a fuel bound nitrogen credit, any period during which the fuel bound nitrogen of the fuel is greater than the value measured during the performance test required in 40 CFR 60.8 and used to determine the allowance as provided in 40 CFR 60.334(j)(1)(ii). [40 CFR 60.334(j)]
- j. All reports required to be submitted shall be submitted to the KDHE in the same units as stated in the applicable requirements.

Since monitoring/recordkeeping requirements are identified in **Section VI. Applicable Requirements**, the facility is required to submit a semi-annual report every six months. Refer to **Section XII. Testing, Monitoring, Recordkeeping and Reporting** for the submittal dates of these reports.

VII. Opacity Summary

All emission units are limited to 20% opacity.

VIII. Facility-Wide Applicable Requirements

The permittee shall comply with the following when required by the relevant regulation:

A. K.A.R. 28-19-30 through K.A.R. 28-19-32, Indirect Heating Equipment Emissions

Except as provided in K.A.R. 28-19-32, aggregated emissions of particulate matter from indirect heating equipment shall not exceed those specified in table H-1 of K.A.R. 28-19-31(a), or for equipment having intermediate heat input between 10 MMBtu/hr and 10,000 MMBtu/hr, the allowable emission rate may be determined by the equation provided at K.A.R. 28-19-31(a).

Records shall be maintained of any recalculations and evaluations. These records shall include the design rate capacity of the unit, emission factors used in calculations and potential/allowable emission rates.

B. K.A.R. 28-19-55 through K.A.R. 28-19-58, Air Pollution Emergency Episode Plans

The permittee shall comply with the requirements of K.A.R. 28-19-55 through 28-19-58, Air Pollution Emergency Episode Plans, and shall maintain on site an emergency episode plan if the KDHE requires an emergency episode plan be developed pursuant to K.A.R. 28-19-58.

C. K.A.R. 28-19-210, Calculation of Actual Emissions

The following applies to emission control equipment not otherwise addressed in this permit:

If the owner or operator uses air emission control equipment, not otherwise addressed in this permit, to calculate actual emissions, the air emission control equipment shall be maintained in accordance with the manufacturer's recommendation. The owner or operator shall keep a written log recording the date and type of action taken when performing preventive or other maintenance on the air emission control equipment.

² 30 days is defined as 720 hours of cumulative operation. Partial hours of operation are rounded up to whole hours.

D. K.A.R. 28-19-517, Annual Emissions Inventory and Fees

1. Annual Emissions Inventory:

The owner or operator shall submit all operating or relevant information to estimate emissions for the preceding year to the KDHE This information shall be submitted on or before the date specified at K.A.R. 28-19-517 or amendments thereto.

2. Annual Emissions Fee:

The owner or operator of a permitted emissions unit or stationary source is required to pay fees to the permitting authority consistent with the fee schedule set out in the regulations pursuant to K.A.R. 28-19-517(b).

3. Submittal:

Each annual emissions inventory and each annual emissions fee shall be submitted through SLEIS as specified in K.A.R. 28-19-517(c). At the time of permit issuance, the due date for submittal of this information is on or before April 1 of each year.

4. Late Fee and Refund:

Each owner or operator who fails to submit the annual emission inventory and pay the annual emissions fee by the due date specified shall pay a late fee as specified in K.A.R. 28-19-517(d) and any overpayment of \$100.00 or more made by the owner or operator of a stationary source may be refunded.

E. K.A.R. 28-19-645, Open Burning

The permittee is prohibited from conducting open burning, except as allowed by K.A.R. 28-19-647 and K.A.R. 28-19-648.

F. K.A.R. 28-19-735, Which Adopts by Reference 40 CFR Part 61 Subpart A, General Provisions, and Subpart M, NESHAP for Asbestos

The permittee shall comply with the National Emission Standard for Hazardous Air Pollutants (NESHAP) 40 CFR Part 61 Subpart A, General Provisions, and Subpart M, National Emission Standard for Asbestos, adopted by K.A.R. 28-19-735 and K.A.R. 28-50-1 et seq., when conducting any renovation or demolition activities at the facility.

G. 40 CFR Part 68, Chemical Accident Prevention Provisions

Chemical Accident Prevention Provisions, 40 CFR Part 68, is applicable to an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined in 40 CFR 68.115.

If the stationary source is subject to 40 CFR Part 68, but is not required to comply with those requirements as of the effective date of this operating permit, the stationary source shall be in compliance with the requirements of 40 CFR Part 68 no later than the latest of the following dates:

- Three years after the date on which a regulated substance is first listed in 40 CFR 68.130; or
- The date on which a regulated substance is first present above a threshold quantity in a process.

H. 40 CFR Part 82, Protection of Stratospheric Ozone

The permittee shall comply with 40 CFR Part 82, Protection of Stratospheric Ozone. Affected controlled substances include, but are not limited to, chlorofluorocarbons, hydrochlorofluorocarbon refrigerants, halons, carbon tetrachloride, and methyl chloroform (specific affected controlled substances are listed in 40 CFR Part 82, Subpart A, appendices A {Class I} and B {Class II}).

The following subparts and sections of 40 CFR Part 82 are conditions of this permit:

- Subpart A - Production and Consumption Controls
- Subpart B - Servicing of Motor Vehicle Air Conditioners
- Subpart E - Labeling of Products Using Ozone-Depleting Substances: Section; 82.106 Warning statement requirements, 82.108 Placement of warning statement, 82.110 Form of label bearing warning statement, and 82.112 Removal of label bearing warning statement
- Subpart F - Recycling and Emissions Reduction: Sections; 82.156 Required practices, 82.158 Standards for recycling and recovery equipment, 82.161 Technician certification, and 82.166 Reporting and recordkeeping requirements
- Subpart G - Significant New Alternatives Policy Program

IX. Opacity Limitations and Monitoring

Except as otherwise provided in K.A.R. 28-19-9, K.A.R. 28-19-11, and K.A.R. 28-19-650(c) or as otherwise identified in the Applicable Requirements portion of this permit, K.A.R. 28-19-650(a)(3) limits visible air emissions from each emission unit to 20%. K.A.R. 28-19-31(b)(2) limits visible air emissions from any indirect heating equipment to less than 20%.

Except as otherwise provided in the applicable requirements portion of this permit, emissions from the following or similar activities do not require routine periodic monitoring: emissions vented inside an enclosed building or structure, from cooling towers, and from evaporative VOC sources; and emissions from turbines, reciprocating internal combustion engines, burners in indirect heating applications, and space heaters when burning natural gas, propane/LPG, or refinery gas.

Routine periodic monitoring requirements: Except as otherwise provided in the applicable requirements portion of this permit or as provided above, the owner or operator shall perform a qualitative assessment at least once per calendar month, with at least one week between assessments. The monthly qualitative assessment shall include each activity at the facility, which is operating at the time scheduled. For each activity from which the opacity of visible emissions appears to exceed the limit, the permittee shall take appropriate action to correct process operating parameters, after which the permittee shall perform an additional qualitative assessment for that unit. If, at the end of ten operating days from the date of the possible exceedance, opacity of visible emissions appears to exceed the limit, the owner or operator shall notify the agency, within seven days of the end of the ten operating day period, and shall schedule a test utilizing EPA Method 9, of visible emissions from the unit appearing to exceed the limit, within 30 days of the end of the ten operating day period.

The person responsible for making qualitative opacity assessments shall be knowledgeable about the effects on visibility of emissions caused by background contrast, ambient lighting, observer position relative to lighting and wind, and the presence of uncombined water in the plume.² The permittee shall keep records of each qualitative assessment, which shall include the time and date of the assessment, a description of the emission point from which any unusual emissions emanated, the steps taken to correct any abnormal emissions, and the name of the person conducting the assessment.

The KDHE Bureau of Air does not consider a qualitative assessment in which emissions appear to exceed the applicable opacity limits to be a violation or deviation subject to reporting in accordance with Section **XIII. Reporting of Deviations from Permit Terms**. A Method 9 evaluation that shows opacity exceeding the emission

² For basic information about opacity observations, refer to 40 CFR Part 60 Appendix A, Method 9.

limit would be subject to reporting in accordance with Section **XIII. Reporting of Deviations from Permit Terms.**

X. Requirements Which Will Become Applicable During the Permit Term

The owner or operator, in accordance with the provisions of K.A.R. 28-19-511(b)(16)(C)(ii) and K.A.R. 28-19-512(a)(23) shall comply in a timely manner with those applicable requirements that become effective during the permit term.

The Cross-State Air Pollution Rule (CSAPR) NO_x Ozone Season Group 2 Trading Program Requirements of 40 CFR 97.806 may become applicable during the permit term. If the facility becomes subject to this rule, the owner or operator shall comply with the applicable provisions.

XI. Permit Shield

Compliance with the conditions of this permit shall be deemed in compliance with the applicable requirements of the Kansas air quality program as of the date of permit issuance. This shield applies only to:

- A. Applicable requirements included, and specifically identified in the permit; and
- B. Applicable requirements that the KDHE has specifically identified in writing as not being applicable to the emissions unit or stationary sources and the determination or a concise summary thereof is included in the permit.

Nothing in this permit shall alter or affect:

- A. The liability of a permittee for any violation of an applicable requirement occurring prior to or at the time of issuance of this permit;
- B. U.S. EPA's ability to obtain information under Section 114 of the Clean Air Act
- C. The provisions of Section 303, Emergency orders, of the Clean Air Act, including the authority of the administrator of the U.S. EPA under that section or the air pollution emergency provisions of the Kansas air quality program regulations, K.A.R. 28-19-55 through 28-19-58; or
- D. The applicable requirements of the acid rain program, consistent with section 408(a) of the Act. [K.A.R. 28-19-512(b)]

XII. Testing, Monitoring, Recordkeeping and Reporting

Testing, monitoring, recordkeeping and reporting requirements sufficient to assure compliance with the terms and conditions of the permit are required. [K.A.R. 28-19-512(a)(21)]

In addition to any testing, monitoring, recordkeeping, or reporting requirement contained in Section **VI. Applicable Requirements**, monitoring and reporting may be required under the provisions of K.A.R. 28-19-12, Measurement of Emissions, or as required by any other provision of the federal Clean Air Act.

Records to support all monitoring and copies of all reports required by the permit must be maintained for a period of at least five years from the date of the activity. [K.A.R. 28-19-512(a)(10)(G)]

Summary reports of any routine, continuous, or periodic monitoring must continue to be submitted at six-month intervals for the duration of the permit. The reporting periods and due dates for these reports are identified in

Section **XIV. G., Compliance Certification**. All instances of deviations from permit requirements, **including perceived opacity exceedances**, shall be clearly identified in the report. All reports shall be certified by a responsible official. [K.A.R. 28-19-512(a)(11)(A)]

Submission of quarterly or semi-annual reports required by any applicable requirement which duplicate the reporting required in the previous paragraph will satisfy the reporting requirements of the previous paragraph if noted on the submitted report. [K.A.R. 28-19-512(a)(9)]

Records of required monitoring shall include:

- A. The date, place, and time of sampling or measurement;
- B. The date(s) analyses were performed;
- C. The company or entity which performed the analyses;
- D. The analytical techniques or methods used;
- E. The results of the analyses;
- F. The operating conditions that existed at the time of sampling or measurement; and
- G. The retention of records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information shall include all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
[K.A.R. 28-19-512(a)(10)]

XIII. Reporting of Deviations from Permit Terms

Unless a different time period is specified in this permit, deviations from the requirements of this permit shall be reported to the KDHE as follows:

- A. Deviations which result in emissions exceeding those allowed in this permit shall be reported the next business day following the discovery of the release, with follow-up written notice within five business days following discovery of the release. The report shall include the probable cause of such deviations and any corrective actions or preventive measures taken.
- B. Deviations which do not result in emissions exceeding those allowed in this permit shall be reported in writing within ten business days following discovery of the deviation.

Oral notification shall be made to the air program compliance staff in the KDHE central office in Topeka. Written notifications shall also be made to the KDHE central office through KEIMS at <https://www.kdheks.gov/bar/keims-BOA.html> . [K.A.R. 28-19-512(a)(11)]

XIV. General Provisions

A. K.A.R. 28-19-11, Enforcement Discretion Due to Startup, Shutdown, Malfunctions, or Scheduled Maintenance

An emission source having emissions that are in excess of the applicable emission limitation and standard specified at K.A.R. 28-19-30 through 28-19-32 and K.A.R. 28-19-650, and result from startup, shutdown, malfunctions, or scheduled maintenance of control or processing equipment and appurtenances may be

exempt from enforcement action at the secretary's discretion if both of the following conditions are met:

1. The person responsible for the operation of the emission source notifies the KDHE of the occurrence and nature of the excess emissions resulting from startup, shutdown, malfunctions, or scheduled maintenance, in writing, within ten (10) days of discovery of the excess emissions.
2. Reasonable action is taken regarding the occurrence specified in paragraph (a)(1) to initiate and complete any necessary repairs and place the equipment back in operation as quickly as possible.

Emissions that are in excess of the applicable emission source emission limitation and standard specified at K.A.R. 28-19-30 through 28-19-32 and K.A.R. 28-19-650, and result from startup, shutdown, or malfunctions shall be evaluated by the secretary for potential enforcement action based on the frequency and severity of the excess emissions.

Emissions that are in excess of the applicable emission source emission limitation and standard and result from scheduled maintenance of control or processing equipment and appurtenances shall be evaluated by the secretary for potential enforcement action based on the following: (1) the severity of the excess emissions; (2) any prior approval for scheduled maintenance by the secretary; and (3) demonstration that the scheduled maintenance cannot be accomplished by maximum reasonable effort, including off-shift labor where required, during periods of shutdown of any related control or processing equipment.

Any exemption granted under this regulation may be rescinded if the secretary obtains additional information and deems enforcement action necessary based upon this information.

Lack of enforcement for excess emissions under this regulation shall not preclude the taking of enforcement action by USEPA or through private citizen lawsuits.

B. K.A.R. 28-19-752a, Hazardous Air Pollutants; Limitations Applicable to Construction of New Major Sources or Reconstruction of Existing Major Sources

This regulation shall continue in effect for an emissions unit or stationary source until a standard has been promulgated which is applicable to such source pursuant to section 112(d) of the federal Clean Air Act.

This regulation shall apply whenever construction of a new major source or reconstruction of an existing major source of hazardous air pollutants is proposed.

C. Permit Term and Renewal

This permit has a term of five years unless otherwise stated in this permit. A complete application, as defined in K.A.R. 28-19-518, and any applicable fee must be submitted to the KDHE not less than six months and not more than 18 months prior to the expiration date. This operating permit shall not expire on the expiration date if a complete and timely application has been filed with the KDHE. [K.A.R. 28-19-512(a)(8) and K.A.R. 28-19-514]

D. Severability

The provisions of this permit are severable, and if any portion of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstance, and the remainder of this permit, shall not be affected thereby. [K.A.R. 28-19-512(a)(13)]

E. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege. [K.A.R. 28-19-512(a)(14)(D)]

F. Compliance

The owner or operator shall comply with all conditions of the permit and shall continue to comply with applicable requirements with which the owner or operator is in compliance, in accordance with K.A.R. 28-19-511(b)(16)(C)(i). Any permit noncompliance shall constitute a violation of the Kansas Air Quality Act and shall be grounds for enforcement action, for permit revocation or amendment, or for denial of a permit renewal application. All permit terms and conditions are federally enforceable.

It shall not be a defense for a permittee in an enforcement action to contend that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

This permit may contain provisions which require that data from specific test methods, monitoring, or recordkeeping be used as a demonstration of compliance with permit limits. On February 24, 1997, the U.S. EPA promulgated revisions to the following federal regulations: 40 CFR Sec. 51.212; 40 CFR Sec.52.12; 40 CFR Sec. 60.11; 40 CFR Sec. 61.12; and incorporation of 40 CFR Sec. 52.33, that allow the use of any credible evidence to establish compliance with applicable requirements. At the issuance of this permit, the State of Kansas has incorporated these provisions in its air quality regulations K.A.R. 28-19-212(c) and (d), K.A.R. 28-19-350, K.A.R. 28-19-720 and K.A.R. 28-19-735. [K.A.R. 28-19-512(a)(14)]

G. Compliance Certification

The permittee shall annually submit a certification of compliance (Form CR-02, “Annual Certification”) to the system or address required in **Section XIV. N. Submissions**.

The due date of the certification will continue to be January 31 of each year for the period from January 1 to December 31 of the previous year.

The semiannual summary reports required by **Section XII. Testing, Monitoring, Recordkeeping and Reporting** shall be submitted by the dates specified below for each subsequent reporting period:

- The report covering the period from July 1 to December 31 shall be submitted by January 31 of each year, and
- The report covering the period from January 1 to June 30 shall be submitted by July 31 of each year.

The certification shall include the permit term or condition that is the basis of the certification; the current compliance status; whether compliance was continuous or intermittent; the method or methods used for determining the compliance, currently and over the reporting period; and such other facts as the KDHE may require to determine the compliance status of the source. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate and complete. [K.A.R. 28-19-512(a)(26) and K.A.R. 28-19-512(a)(27)]

H. Emergency

An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

An emergency shall constitute an affirmative defense to an action brought for noncompliance with such

technology-based emission limitation if the conditions below are met. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs or relevant evidence that:

1. An emergency occurred and that the permittee can identify the cause or causes of the emergency;
2. The permitted facility was at the time being properly operated;
3. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit; and
4. The permittee submitted notice of the emergency, containing a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken, to the KDHE within two working days of the time when emission limitations were exceeded due to the emergency.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

These emergency provisions are in addition to any emergency or upset provisions contained in any applicable requirement. Whenever these emergency provisions conflict with the provisions of K.A.R. 28-19-11, these emergency provisions shall control.

[K.A.R. 28-19-512(d)]

I. Inspection and Entry

Upon presentation of credentials and other documents as may be required by law, representatives of the KDHE, including authorized contractors of the KDHE, shall be allowed by the permittee to:

1. enter upon the premises where a regulated facility or activity is located or conducted or where records are kept under conditions of this document;
2. have access to and copies of, at reasonable times, any records that must be kept under conditions of this document;
3. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this document; and
4. as authorized by the Kansas Air Quality Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

[K.A.R. 28-19-512(a)(22)]

J. Permit Amendment, Modification, Reopening, and Changes Not Requiring a Permit Action

The permit may be modified, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

The permitting authority will reopen and revise or revoke this permit as necessary to remedy deficiencies in the following circumstances:

1. Additional requirements under the federal Clean Air Act become applicable to the source three or more years prior to the expiration date of this permit. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the expiration date of this permit.

2. It is determined by the KDHE that this permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of this permit.
3. It is determined by the KDHE that it is necessary to revise or revoke this permit in order to assure compliance with applicable requirements.

This document is subject to periodic review and amending as deemed necessary to fulfill the intent and purpose of the Kansas Air Quality Statutes and the Kansas Air Quality Regulations.

No permit revision shall be required under any approved economic incentives, pollution prevention incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit.

[K.A.R. 28-19-513]

K. Duty to Provide Information

Unless a different time frame is specified in this permit, the permittee shall furnish to the KDHE any information that the KDHE may request in writing within 60 days of the request, unless the KDHE specifies another time period. Submittal of confidential business information must be in accordance with the KDHE procedures. [K.A.R. 28-19-518(c) and K.A.R. 28-19-512(a)(14)(E)]

L. Duty to Supplement

The permittee, upon becoming aware that any relevant facts were omitted from or incorrect information was included in any submittal, shall promptly submit such supplementary facts or corrected information. [K.A.R. 28-19-518(e)]

M. Other Permits and Approvals; Applicability

A construction permit or approval must be obtained from the KDHE prior to commencing any construction or modification of equipment or processes which results in potential emission increases equal to or greater than the thresholds specified at K.A.R. 28-19-300.

This document does not relieve the permittee of the obligation to obtain any approvals, permits, licenses, or documents of sanction which may be required by other federal, state, or local government agencies. [K.A.R. 28-19-512(a)(29)]

N. Submissions

Written notification of malfunctions, exceedances, and deviations shall be submitted through KEIMS. Questions regarding submission may be sent to the following email address: KDHE.BOAKEIMS@ks.gov.

EPA regulations codified in 40 CFR Part 60, 62, and 63 require affected sources to electronically submit performance test reports, notification reports, and periodic reports to EPA, as specified in the affected regulations. As a result, the EPA has developed the Compliance and Emissions Data Reporting Interface (CEDRI), which is accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>).

The CDX Web is the application used by EPA programs and various stakeholders to manage environmental data transmitted to EPA in order to meet EPA's electronic reporting requirements. The source must begin submitting required reports via CEDRI no later than 90 days after the form becomes available in CEDRI. However, if the reporting form is not available in CEDRI at the time that the report is due, the source must submit the report to the Administrator [address listed in 40 CFR 63.13]:

Kansas Compliance Officer
Air Branch
Enforcement and Compliance Assurance Division
U.S. EPA, Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

All other reports, notifications, information, and other correspondence (including submission of the Annual Certification Form CR-02) shall be submitted through the Kansas Environmental Information Management System (KEIMS):

<http://www.kdheks.gov/bar/keims-BOA.html>

A copy of each Annual Certification Form CR-02 shall be submitted to either CEDRI, unless it contains confidential business information, or the address below:

Kansas Compliance Officer
Air Branch
Enforcement and Compliance Assurance Division
U.S. EPA, Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

The Annual Certification shall be certified by a responsible official. This certification shall state that, based on the information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete.

[K.A.R. 28-19-512(a)(21) and K.A.R. 28-19-512(a)(27)]

When specified in the permit, contact the local office at:

Johnson County Department of Health and Environment
11811 S Sunset Drive, Suite 2700
Olathe, Kansas 66061
(913) 715-6939

Permit Writer

Jason Heitman
Engineering Associate
Air Permitting Section

JH:
c: JCDHE
OP100463 v5.1 (Revises OPI00463 v5.0/ O-12498)

STATEMENT OF BASIS

by the Kansas Department of Health and Environment
for Evergy, Inc. – West Gardner Generating Station
Source ID 0910174, Tracking No. OP100463 v5.1
DRAFT, 2020

This statement of basis sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory or regulatory provisions. Determinations were made based upon the application submitted, file review and reasonable inquiry.

Facility Description

Evergy, Inc. – West Gardner Generating Station operates a power plant located at 18827 S. Dillie Road, Edgerton, Kansas. This facility operates four general electric simple cycle combustion turbines, rated at approximately 1,016 MMBtu/hr (for natural gas) or 80 megawatts each, firing pipeline natural gas only.

This facility is a major source for NO_x and CO because its potential-to-emit for these pollutants were above the major source threshold (greater than 100 tpy of NO_x and greater than 100 tpy of CO).

Facility Equipment

EU-CT1/S-1/CE-DLNBurner1, GE Simple Cycle Combustion Turbine, 80 Megawatts, 1016 MMBtu/hr, NG
EU-CT2/S-2/CE-DLNBurner2, GE Simple Cycle Combustion Turbine, 80 Megawatts, 1016 MMBtu/hr, NG
EU-CT3/S-3/CE-DLNBurner3, GE Simple Cycle Combustion Turbine, 80 Megawatts, 1016 MMBtu/hr, NG
EU-CT4/S-4/CE-DLNBurner4, GE Simple Cycle Combustion Turbine, 80 Megawatts, 1016 MMBtu/hr, NG

Facility Emissions Summary

| Pollutant | 2019 Actual (tpy) | Potential (tpy) |
|------------------|-------------------|-----------------|
| NO _x | 21.93 | 296.0 |
| CO | 12.16 | 488.0 |
| SO ₂ | 0.49 | 45.8 |
| PM ₁₀ | 5.35 | 80.0 |
| VOC | 1.70 | 11.2 |

Potential Applicable Requirements

1. Permit wording has been updated to meet current standards.
2. Insignificant activities have been reviewed in accordance with U.S. EPA permit streamlining guidance and current KDHE policy.
3. Facility wide requirements including opacity monitoring have been revised in accordance with current KDHE policy.

4. For Title V purposes, the facility is not a major source for emissions of greenhouse gases (GHGs) as defined in 40 CFR 70.2. No requirements related to GHGs apply to the facility at the time of permit issuance.
5. 40 CFR Part 64, Compliance Assurance Monitoring (CAM). The source is not currently subject to CAM requirements because the source does not have a major equipment with a control device and with emission limitation and uses actual device to achieve the limitation.
6. The Evergy, Inc. – West Gardner Generating Station is an area source of Hazardous Air Pollutants (HAPs). EU-CT1, EU-CT2, EU-CT3, and EU-CT4 are existing simple cycle combustion turbines subject to the requirements of 40 CFR Part 60, Subpart GG.
7. K.A.R. 28-19-275. Special Provisions; Acid Rain Deposition. The simple cycle combustion turbines EU-CT1, EU-CT2, EU-CT3, and EU-CT4 are affected units subject to this regulation. The combustion turbines operate under an Acid Rain permit that was issued on December 23, 2014 and was renewed on December 26, 2019. The acid rain permit requirements are found in Attachment C of the operating permit. The new Title IV Acid Rain permit is effective January 1, 2020, and expires December 31, 2024.
8. The Relative Accuracy Test Audit (RATA) were conducted on all four units to comply with the monitoring requirements of 40 CFR Part 75. The RATA was reported for Continuous Emission Monitoring Systems (CEMS), and was performed for the determination of oxygen (O₂) and oxides of nitrogen (NO_x). The RATA test for EU-CT1 was conducted on July 1, 2013, EU-CT2 was conducted on July 2, 2013, EU-CT3 was conducted on July 3, 2013, and EU-CT4 was conducted on August 2, 2013.
9. 40 CFR Part 97 – Federal NO_x Budget Trading Program and CAIR NO_x and SO₂ Trading Programs, also known as the Cross State Air Pollution Rule (CSAPR). The GE Combustion Turbines (EU-CT1, EU-CT2, EU-CT3, EU-CT4) are subject to this rule. The owner or operator shall follow the applicable requirements of 40 CFR Part 97 (Attachment D of the operating permit).
10. The MMBtu/hr numbers were changed according to the specifications in the original PSD construction permit dated May 28, 2002. The turbine ratings in the permit were 1016 MMBtu/hr for natural gas and 1090 MMBtu/hr for No. 2 fuel oil.
11. The facility requested to change the reporting requirements from quarterly to semiannual basis. A PSD Air Construction Permit (Administrative Amendment) was issued to the facility on July 29, 2016 with the proposed reporting requirement changes.
12. Since the previous renewal, the annual inspections show the facility was in compliance with its permit.
13. The facility requested to change the monitoring and recordkeeping requirements and remove the fuel oil related equipment and requirements. A PSD Air Construction Permit (Administrative Amendment) was issued to the facility on **DRAFT**, 2020 with the proposed changes. These changes are incorporated in the operating permit.

Source ID No.: 0910174

Source Name: Evergy, Inc. – West Gardner
Generating Station

The period of time for which compliance is certified began at 12:01 a.m. on _____,
_____ and ended at 11:59 p.m. on _____, _____.

Certifications of compliance are required to be submitted at least annually. The period of time covered by each certification document cannot exceed one year and there can be no period of time during the term of the permit for which compliance is not certified.

The terms or conditions of the permit that is the basis for this certification are those specified in the Class I Operating Permit issued and/or renewed by the Secretary of Health and Environment on _____, _____.

Compliance status of each term or condition of the permit during the certification period:

1. In continuous compliance with all applicable requirements during the entire certification period.

2. Not in continuous compliance with all applicable requirements during the entire certification period.

If not in continuous compliance with all applicable requirements during the entire certification period, mark the applicable description below.

One or more instances of non-compliance with any applicable requirement during the certification period.

Continuous non-compliance with any applicable requirement during the certification period.

Provide a summary of the nature, duration, and frequency of the non-compliance that occurred, including the applicable requirement(s) and emission unit(s).

Compliance status of each term or condition of the permit at the time the certification is signed:

1. In compliance with all applicable requirements at the time of certification.

2. Not in compliance with all applicable requirements at the time of certification.

Provide a description of the nature, duration, and frequency of the non-compliance that occurred, including the applicable requirement(s) and emission unit(s).

| |
|---|
| Methods used to determine compliance during the certification period and at the time of signing the certification: |
| 1. ____ In accordance with compliance demonstration methods specified in the Class I Operating Permit. |
| 2. ____ Other - In accordance with attachments. |

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on information and belief formed after reasonable inquiry, including the person or persons who manage the system, or those persons directly responsible for gathering the information, the stated information in this document is true, accurate, and complete.

Name of Responsible Official (print or type):

Title: _____

Signature: _____ Date: ____ / ____ / ____

"Responsible official" means one of the following (From K.A.R. 28-19-200 General provisions; definitions):

- (1) For a corporation, a president, secretary, treasurer or vice-president in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production or operating facilities applying for or subject to permit or other relevant regulatory requirement and either:
 - (A) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million, in second quarter, 1980 dollars; or
 - (B) the delegation of authority to such representative is approved in advance by the department;
- (2) for a partnership or sole proprietorship, a general partner or the proprietor, respectively;
- (3) for a municipality, or a state, federal or other public agency, a principal executive officer or ranking elected official. For purposes of this definition, a principal executive officer of a federal agency shall include the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or
- (4) for affected sources, the designated representative under title IV, acid deposition control, of the federal clean air act, 42 USC 7401 et seq.

Send certification with original signatures to:

Air Compliance & Enforcement Section
Bureau of Air
Kansas Department of Health and Environment
1000 SW Jackson, Suite 310
Topeka, KS 66612-1366

Send a copy of certification to:

Kansas Compliance Officer
Air Branch
Enforcement and Compliance Assurance Division
U.S. EPA, Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

