

K.A.R. 28-19-650. Emissions opacity limits.

(a) Except as otherwise provided in K.A.R. 28-19-9, K.A.R. 28-19-11, or K.A.R. 28-19-31, in subsections (b) and (c) of this regulation, or in other applicable air quality regulations, opacity of visible air emissions from any emission unit shall not exceed the following limits:

(1) 40 percent opacity for any portable source existing on or before January 1, 1971;

(2) 40 percent opacity for any emission unit, other than a portable source, that existed on or before January 1, 1971 and that has not been relocated after January 1, 1971; and

(3) 20 percent opacity for any other emission unit.

(b) Special opacity limits, Wyandotte County. Air emissions within Wyandotte County from any processing of materials or other uses of the premises within the county shall not exceed 20 percent opacity.

(c) Exceptions. Air emissions opacity levels that exceed the specified limits in subsections (a) and (b) of this regulation shall not be considered a violation of this regulation if the owner or operator of the emission unit demonstrates to the satisfaction of the department that the opacity exceedance is due solely to the presence of uncombined water in the plume.

(d) Method. The determination of opacity of air emissions shall be made either by 40 C.F.R. Part 60, appendix A, method 9, as adopted in K.A.R. 28-19-720, or by another method approved in advance by the department. (Authorized by K.S.A. 1997 Supp. 65-3005 and K.S.A. 1997 Supp. 65-3007; implementing K.S.A. 1997 Supp. 65-3005, K.S.A. 65-3006, and 65-3010; effective Jan. 29, 1999.)

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EPA Rulemakings

CFR: 40 C.F.R. 52.870(c)
FRM: 65 FR 1545 (1/11/00) and 66 FR 64148 (12/12/2001) (correction)
PRM: 65 FR 1583 (1/11/00)
State Submission: 5/3/99
State Effective Date: 1/29/99
APDB File: KS-60
Description: This rule includes the opacity regulations formerly in the now revoked rules 28-19-50 and 52. It also incorporates provisions for Wyandotte County regarding opacity.

CFR: 40 C.F.R. 52.870(c)(4)
FRM: 38 FR 30876 (11/8/73)
PRM: none
State Submission: 4/17/73
State Effective Date: 12/27/72
APDB File: KS-00
Description: This revision eliminated the Ringelmann number in favor of an opacity provision, which does not affect the control strategy.

CFR: 40 C.F.R. 52.870(b)
FRM: 37 FR 10867 (5/31/72)
PRM: none
State Submission: 1/31/72
State Effective Date: 1/1/71
APDB File: KS-00
Description: This rule was part of the original SIP and established opacity requirements including exceptions to general visible emissions limitations.

Difference Between the State and EPA-Approved Regulation

None.