

**Environmental Protection Agency**

**§ 52.870**

**EPA—APPROVED KANSAS NONREGULATORY PROVISIONS—Continued**

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Explanation
(14) Letter and Supporting Documentation Relating to Reasonably Available Control Technology for Certain Particulate Matter Sources.	Kansas City .....	9/15/81	6/18/82, 47 FR 26387.	Correction notice published 1/12/84.
(15) Letter Agreeing to Follow EPA Interim Stack Height Policy for Each PSD Permit Issued Until EPA Revises the Stack Height Regulations.	Statewide .....	6/20/84	12/11/84, 49 FR 48185.	
(16) Letters Pertaining to Permit Fees .....	Statewide .....	3/27/86 9/15/87	12/21/87, 52 FR 48265.	
(17) Revisions to the Ozone Attainment Plan	Kansas City .....	7/2/86 4/16/87 8/18/87 8/19/87	5/18/88, 53 FR 17700.	
(18) Revised CO Plan .....	Wichita .....	1/6/88 3/1/85 9/3/87	10/28/88, 53 FR 43691.	
(19) Letter Pertaining to the Effective Date of Continuous Emission Monitoring Regulations.	Statewide .....	1/6/88	11/25/88, 53 FR 47690.	
(20) Letters Pertaining to New Source Permit Regulations, Stack Height Regulations, and Stack Height Analysis and Negative Declarations.	Statewide .....	3/27/86 12/7/87 1/6/88	4/20/89, 54 FR 15934.	
(21) PM <sub>10</sub> Plan .....	Statewide .....	10/5/89 10/16/89	1/16/90, 55 FR 1422.	
(22) Ozone Maintenance Plan .....	Kansas City .....	10/23/91	6/23/92, 57 FR 27936.	
(23) Letter Pertaining to PSD NO <sub>x</sub> Requirements.	Statewide .....	9/15/92	1/12/93, 58 FR 3847.	
(24) Small Business Assistance Plan .....	Statewide .....	1/25/94	5/12/94, 59 FR 24644.	
(25) Letter Regarding Compliance Verification Methods and Schedules Pertaining to the Board of Public Utilities Power Plants.	Kansas City .....	12/11/92	10/18/94, 59 FR 52425.	
(26) Emissions Inventory Update Including a Motor Vehicle Emissions Budget.	Kansas City .....	5/11/95	4/25/96, 59 FR 52425.	
(27) Air monitoring plan .....	Statewide .....	1/6/02	8/30/02, 67 FR 55728.	
(28) Maintenance Plan for the 1-hour ozone standard in the Kansas portion of the Kansas City maintenance area for the second ten-year period.	Kansas City .....	01/09/03	01/13/04.	
(29) Revision to Maintenance Plan for the 1-hour ozone standard in the Kansas portion of the Kansas City maintenance area for the second ten-year period.	Kansas City .....	02/10/06	06/26/06, 71 FR 36213.	
(30) CAA 110(a)(2)(D)(i) SIP—Interstate Transport.	Statewide .....	1/07/07	3/09/07, 72 FR 10608.	

[64 FR 7098, Feb. 12, 1999, as amended at 65 FR 1547, Jan. 11, 2000; 65 FR 39551, June 27, 2000; 66 FR 64150, Dec. 12, 2001; 67 FR 6658, Feb. 13, 2002; 67 FR 55728, Aug. 30, 2002; 67 FR 66060, Oct. 30, 2002; 68 FR 8846, Feb. 26, 2003; 68 FR 14541, Mar. 26, 2003; 68 FR 34545, June 10, 2003; 68 FR 64533, Nov. 14, 2003; 69 FR 1921, Jan. 13, 2004; 71 FR 36215, June 26, 2006; 72 FR 10610, Mar. 9, 2007; 72 FR 29431, May 29, 2007]

**§ 52.871 Classification of regions.**

The Kansas plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Kansas City Interstate .....	I	III	III	I	I
South Central Kansas Intrastate .....	I	III	III	III	I
Northeast Kansas Intrastate .....	I	III	III	III	III
Southeast Kansas Intrastate .....	III	III	III	III	III
North Central Kansas Intrastate .....	I	III	III	III	III

§ 52.872

40 CFR Ch. I (7-1-07 Edition)

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Northwest Kansas Intrastate .....	I	III	III	III	III
Southwest Kansas Intrastate .....	I	III	III	III	III

[37 FR 10867, May 31, 1972]

§ 52.872 Operating permits.

Emission limitations and related provisions which are established in Kansas operating permits as Federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem permit conditions not Federally enforceable. Such a determination will be made according to appropriate procedures and be based upon the permit, permit approval procedures, or permit requirements which do not conform with the operating permit program requirements or the requirements of EPA underlying regulations.

[60 FR 36364, July 17, 1995]

§ 52.873 Approval status.

(a) The Kansas portion of the Kansas City metropolitan area was designated as nonattainment for ozone in 40 CFR part 81. Therefore, the Administrator approves continuation of the 7.8 RVP limit as federally enforceable in the Kansas City metropolitan area, even after the area is redesignated to attainment, because of its nonattainment designation effective January 6, 1992. Also, the requirement for 7.8 psi RVP volatility is deemed necessary to ensure attainment and maintenance of the ozone standard as demonstrated by the emissions inventory projections (based on use of 7.8 psi RVP) in Kansas' ozone maintenance plan for the Kansas City metropolitan area.

(b) [Reserved]

(c) The Administrator approves Rule K.A.R. 28-19-31 as identified at § 52.870(c)(29), with the understanding that any alternative compliance plans issued under this rule must be ap-

proved by EPA as individual SIP revisions.

[37 FR 10867, May 31, 1972, as amended at 46 FR 20170, Apr. 3, 1981; 46 FR 61118, Dec. 15, 1981; 57 FR 27939, June 23, 1992; 59 FR 52427, Oct. 18, 1994; 61 FR 16061, Apr. 11, 1996]

§ 52.874 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met since authority to make emission data available to the public is inadequate. Kansas Statutes Annotated 65-3015 would require confidential treatment if the data related to processes or production unique to the owner or would tend to affect adversely the competitive position of the owner.

(b) The requirements of § 51.232(b) of this chapter are not met since the following deficiencies exist in the local agency legal authority:

(1) *Kansas City, Kans.-Wyandotte County Health Department.* (i) Authority to make emission data available to the public is inadequate because the Kansas Statutes Annotated 65-3016 provides a designated local air quality conservation authority with the same authority as the State (§ 51.230(f) of this chapter).

(2) *Topeka-Shawnee County Health Department.* (i) Authority to make emission data available to the public is inadequate because the Kansas Statutes Annotated 65-3016 provides a designated air quality conservation authority with the same authority as the State (§ 51.230(f) of this chapter).

(3) *Wichita-Sedgwick County Health Department.* (i) Authority to make emission data available to the public is inadequate because the Kansas Statutes Annotated 65-3016 provides a designated local air quality conservation authority with the same authority as the State (§ 51.230(f) of this chapter).