ENERGY AND ENVIRONMENT CABINET

Department for Environmental Protection

Division for Air Quality

(Amendment)

401 KAR 60:005. 40 C.F.R. Part 60 standards of performance for new stationary sources.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120. 40 C.F.R. Part 60, 42 U.S.C. 7411

STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-120, 42 U.S.C. 7411

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation establishes the standards of performance for new stationary sources by referencing the Standards of Performance for New Stationary Sources (NSPS) codified in 40 C.F.R. Part 60. Delegation of implementation and enforcement authority for the federal NSPS program from the U.S. Environmental Protection Agency to the Commonwealth of Kentucky is provided by 42 U.S.C. 7411(c)(1).

Section 1. Definitions. (1) Except as provided in subsection (2) of this section, terms used in this administrative regulation shall have the meaning given to them in 40 C.F.R. Part 60.

(2) "Administrator" means the Secretary of the Energy and Environment Cabinet unless a specific provision of 40 C.F.R. Part 60 states that the U.S. Environmental Protection Agency retains authority.

Section 2. Applicability. This administrative regulation shall apply to sources subject to 40 C.F.R. Part 60. A source subject to this administrative regulation shall comply with:

(1) 40 C.F.R. 60.1 through[~~to~~] 60.19, Table 1 (Subpart A), General Provisions, as published July 1, 2020 and at 85 F.R. 57739 and 85 F.R. 63394[~~2016~~];

(2)(a) 40 C.F.R. 60.40 through[~~to~~] 60.46 (Subpart D), Standards of Performance for Fossil-Fuel-Fired Steam Generators, as published July 1, 2020[~~2016~~];

(b) 40 C.F.R. 60.40Da through[~~to~~] 60.52Da (Subpart Da), Standards of Performance for Electric Utility Steam Generating Units, as published July 1, 2020[~~2016~~];

(c) 40 C.F.R. 60.40b through[~~to~~] 60.49b (Subpart Db), Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, as published July 1, 2020[~~2016~~];

(d) 40 C.F.R. 60.40c through[~~to~~] 60.48c (Subpart Dc), Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, as published July 1, 2020[~~2016~~];

(e) 40 C.F.R. 60.50 through[~~to~~] 60.54 (Subpart E), Standards of Performance for Incinerators, as published July 1, 2020[~~2016~~];

(f) 40 C.F.R. 60.50a through[~~to~~] 60.59a (Subpart Ea), Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994, as published July 1, 2020[~~2016~~];

(g) 40 C.F.R. 60.50b through[~~to~~] 60.59b (Subpart Eb), Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996, as published July 1, 2020[~~2016~~];

(h) 40 C.F.R. 60.50c through[~~to~~] 60.58c, Tables 1A through 3[~~Tables 1 to 3~~] (Subpart Ec), Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators, as published July 1, 2020[~~2016~~];

(i) 40 C.F.R. 60.60 through[~~to~~] 60.66 (Subpart F), Standards of Performance for Portland Cement Plants, as published July 1, 2020[~~2016~~];

(j) 40 C.F.R. 60.70 through[~~to~~] 60.74 (Subpart G), Standards of Performance for Nitric Acid Plants, as published July 1, 2020[~~2016~~];

(k) 40 C.F.R. 60.70a through[~~to~~] 60.77a (Subpart Ga), Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011, as published July 1, 2020[~~2016~~];

(l) 40 C.F.R. 60.80 through[~~to~~] 60.85 (Subpart H), Standards of Performance for Sulfuric Acid Plants, as published July 1, 2020[~~2016~~];

(m) 40 C.F.R. 60.90 through[~~to~~] 60.93 (Subpart I), Standards of Performance for Hot Mix Asphalt Facilities, as published July 1, 2020[~~2016~~];

(n) 40 C.F.R. 60.100 through[~~to~~] 60.109 (Subpart J), Standards of Performance for Petroleum Refineries, as published July 1, 2020[~~2016~~];

(o) 40 C.F.R. 60.100a through[~~to~~] 60.109a, Table 1 (Subpart Ja), Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007, as published July 1, 2020[~~2016~~];

(p) 40 C.F.R. 60.110 through[~~to~~] 60.113 (Subpart K), Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978, as published July 1, 2020[~~2016~~];

(q) 40 C.F.R. 60.110a through[~~to~~] 60.115a (Subpart Ka), Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984, as published July 1, 2020[~~2016~~];

(r) 40 C.F.R. 60.110b through[~~to~~] 60.117b (Subpart Kb), Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, as published July 1, 2020[~~2016~~];

(s) 40 C.F.R. 60.120 through[~~to~~] 60.123 (Subpart L), Standards of Performance for Secondary Lead Smelters, as published July 1, 2020[~~2016~~];

(t) 40 C.F.R. 60.130 through[~~to~~] 60.133 (Subpart M), Standards of Performance for Secondary Brass and Bronze Production Plants, as published July 1, 2020[~~2016~~];

(u) 40 C.F.R. 60.140 through[~~to~~] 60.144 (Subpart N), Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973, as published July 1, 2020[~~2016~~];

(v) 40 C.F.R. 60.140a through[~~to~~] 60.145a (Subpart Na), Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983, as published July 1, 2020[~~2016~~];

(w) 40 C.F.R. 60.150 through[~~to~~] 60.156 (Subpart O), Standards of Performance for Sewage Treatment Plants, as published July 1, 2020[~~2016~~];

(x) 40 C.F.R. 60.160 through[~~to~~] 60.166 (Subpart P), Standards of Performance for Primary Copper Smelters, as published July 1, 2020[~~2016~~];

(y) 40 C.F.R. 60.170 through[~~to~~] 60.176 (Subpart Q), Standards of Performance for Primary Zinc Smelters, as published July 1, 2020[~~2016~~];

(z) 40 C.F.R. 60.180 through[~~to~~] 60.186 (Subpart R), Standards of Performance for Primary Lead Smelters, as published July 1, 2020[~~2016~~];

(aa) 40 C.F.R. 60.190 through[~~to~~] 60.195 (Subpart S), Standards of Performance for Primary Aluminum Reduction Plants, as published July 1, 2020[~~2016~~];

(bb) 40 C.F.R. 60.200 through[~~to~~] 60.205 (Subpart T), Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants, as published July 1, 2020[~~2016~~];

(cc) 40 C.F.R. 60.210 through[~~to~~] 60.215 (Subpart U), Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants, as published July 1, 2020[~~2016~~];

(dd) 40 C.F.R. 60.220 through[~~to~~] 60.225 (Subpart V), Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants, as published July 1, 2020[~~2016~~];

(ee) 40 C.F.R. 60.230 through[~~to~~] 60.235 (Subpart W), Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants, as published July 1, 2020;

(ff) 40 C.F.R. 60.240 through[~~to~~] 60.245 (Subpart X), Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities, as published July 1, 2020[~~2016~~];

(gg) 40 C.F.R. 60.250 through[~~to~~] 60.258 (Subpart Y), Standards of Performance for Coal Preparation and Processing Plants, as published July 1, 2020[~~2016~~];

(hh) 40 C.F.R. 60.260 through[~~to~~] 60.266 (Subpart Z), Standards of Performance for Ferroalloy Production Facilities, as published July 1, 2020[~~2016~~];

(ii) 40 C.F.R. 60.270 through[~~to~~] 60.276 (Subpart AA), Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983, as published July 1, 2020[~~2016~~];

(jj) 40 C.F.R. 60.270a through[~~to~~] 60.276a (Subpart AAa), Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983, as published July 1, 2020[~~2016~~];

(kk) 40 C.F.R. 60.280 through[~~to~~] 60.285 (Subpart BB), Standards of Performance for Kraft Pulp Mills, as published July 1, 2020[~~2016~~];

(ll) 40 C.F.R. 60.280a through[~~to~~] 60.288a (Subpart BBa), Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013, as published July 1, 2020[~~2016~~];

(mm) 40 C.F.R. 60.290 through[~~to~~] 60.296 (Subpart CC), Standards of Performance for Glass Manufacturing Plants, as published July 1, 2020[~~2016~~];

(nn) 40 C.F.R. 60.300 through[~~to~~] 60.304 (Subpart DD), Standards of Performance for Grain Elevators, as published July 1, 2020[~~2016~~];

(oo) 40 C.F.R. 60.310 through[~~to~~] 60.316 (Subpart EE), Standards of Performance for Surface Coating of Metal Furniture, as published July 1, 2020[~~2016~~];

(pp) 40 C.F.R. 60.330 through[~~to~~] 60.335 (Subpart GG), Standards of Performance for Stationary Gas Turbines, as published July 1, 2020[~~2016~~];

(qq) 40 C.F.R. 60.340 through[~~to~~] 60.344 (Subpart HH), Standards of Performance for Lime Manufacturing Plants, as published July 1, 2020[~~2016~~];

(rr) 40 C.F.R. 60.370 through[~~to~~] 60.374 (Subpart KK), Standards of Performance for Lead-Acid Battery Manufacturing Plants, as published July 1, 2020[~~2016~~];

(ss) 40 C.F.R. 60.380 through[~~to~~] 60.386 (Subpart LL), Standards of Performance for Metallic Mineral Processing Plants, as published July 1, 2020[~~2016~~];

(tt) 40 C.F.R. 60.390 through[~~to~~] 60.398 (Subpart MM), Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations, as published July 1, 2020[~~2016~~];

(uu) 40 C.F.R. 60.400 through[~~to~~] 60.404 (Subpart NN), Standards of Performance for Phosphate Rock Plants, as published July 1, 2020[~~2016~~];

(vv) 40 C.F.R. 60.420 through[~~to~~] 60.424 (Subpart PP), Standards of Performance for Ammonium Sulfate Manufacture, as published July 1, 2020[~~2016~~];

(ww) 40 C.F.R. 60.430 through[~~to~~] 60.435 (Subpart QQ), Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing, as published July 1, 2020[~~2016~~];

(xx) 40 C.F.R. 60.440 through[~~to~~] 60.447 (Subpart RR), Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations, as published July 1, 2020[~~2016~~];

(yy) 40 C.F.R. 60.450 through[~~to~~] 60.456 (Subpart SS), Standards of Performance for Industrial Surface Coating: Large Appliances, as published July 1, 2020[~~2016~~];

(zz) 40 C.F.R. 60.460 through[~~to~~] 60.466 (Subpart TT), Standards of Performance for Metal Coil Surface Coating, as published July 1, 2020[~~2016~~];

(aaa) 40 C.F.R. 60.470 through[~~to~~] 60.474 (Subpart UU), Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture, as published July 1, 2020[~~2016~~];

(bbb) 40 C.F.R. 60.480 through[~~to~~] 60.489 (Subpart VV), Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006, as published July 1, 2020[~~2016~~];

(ccc) 40 C.F.R. 60.480a through[~~to~~] 60.489a (Subpart VVa), Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which

Construction, Reconstruction, or Modification Commenced After November 7, 2006, as published July 1, 2020[~~2016~~];

(ddd) 40 C.F.R. 60.490 through[~~to~~] 60.496 (Subpart WW), Standards of Performance for the Beverage Can Surface Coating Industry, as published July 1, 2020[~~2016~~];

(eee) 40 C.F.R. 60.500 through[~~to~~] 60.506 (Subpart XX), Standards of Performance for Bulk Gasoline Terminals, as published July 1, 2020[~~2016~~];

(fff) 40 C.F.R. 60.540 through[~~to~~] 60.548 (Subpart BBB), Standards of Performance for the Rubber Tire Manufacturing Industry, as published July 1, 2020[~~2016~~];

(ggg) 40 C.F.R. 60.560 through[~~to~~] 60.566 (Subpart DDD), Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry, as published July 1, 2020[~~2016~~];

(hhh) 40 C.F.R. 60.580 through[~~to~~] 60.585 (Subpart FFF), Standards of Performance for Flexible Vinyl and Urethane Coating and Printing, as published July 1, 2020[~~2016~~];

(iii) 40 C.F.R. 60.590 through[~~to~~] 60.593 (Subpart GGG), Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and On or Before November 7, 2006, as published July 1, 2020[~~2016~~];

(jjj) 40 C.F.R. 60.590a through[~~to~~] 60.593a (Subpart GGGa), Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, as published July 1, 2020[~~2016~~];

(kkk) 40 C.F.R. 60.600 through[~~to~~] 60.604 (Subpart HHH), Standards of Performance for Synthetic Fiber Production Facilities, as published July 1, 2020[~~2016~~];

(lll) 40 C.F.R. 60.610 through[~~to~~] 60.618 (Subpart III), Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes, as published July 1, 2020[~~2016~~];

(mmm) 40 C.F.R. 60.620 through[~~to~~] 60.625 (Subpart JJJ), Standards of Performance for Petroleum Dry Cleaners, as published July 1, 2020[~~2016~~];

(nnn) 40 C.F.R. 60.630 through[~~to~~] 60.636 (Subpart KKK), Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and On or Before August 23, 2011, as published July 1, 2020[~~2016~~];

(ooo) 40 C.F.R. 60.640 through[~~to~~] 60.648 (Subpart LLL), Standards of Performance for SO_2 Emissions from Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and On or Before August 23, 2011, as published July 1, 2020[~~2016~~];

(ppp) 40 C.F.R. 60.660 through[~~to~~] 60.668 (Subpart NNN), Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations, as published July 1, 2020[~~2016~~];

(qqq) 40 C.F.R. 60.670 through[~~to~~] 60.676, Tables 1 through[~~to~~] 3 (Subpart OOO), Standards of Performance for Nonmetallic Mineral Processing Plants, as published July 1, 2020[~~2016~~];

(rrr) 40 C.F.R. 60.680 through[~~to~~] 60.685 (Subpart PPP), Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants, as published July 1, 2020[~~2016~~];

(sss) 40 C.F.R. 60.690 through[~~to~~] 60.699 (Subpart QQQ), Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems, as published July 1, 2020[~~2016~~];

(ttt) 40 C.F.R. 60.700 through[~~to~~] 60.708 (Subpart RRR), Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes, as published July 1, 2020[~~2016~~];

(uuu) 40 C.F.R. 60.710 through[~~to~~] 60.718 (Subpart SSS), Standards of Performance for Magnetic Tape Coating Facilities, as published July 1, 2020[~~2016~~];

(vvv) 40 C.F.R. 60.720 through[~~to~~] 60.726 (Subpart TTT), Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines, as published July 1, 2020[~~2016~~];

(www) 40 C.F.R. 60.730 through[~~to~~] 60.737 (Subpart UUU), Standards of Performance for Calciners and Dryers in Mineral Industries, as published July 1, 2020[~~2016~~];

(xxx) 40 C.F.R. 60.740 through[~~to~~] 60.748 (Subpart VVV), Standards of Performance for Polymeric Coating of Supporting Substrates Facilities, as published July 1, 2020[~~2016~~];

(yyy) 40 C.F.R. 60.750 through[~~to~~] 60.759 (Subpart WWW), Standards of Performance for Municipal Solid Waste Landfills, as published July 1, 2020 and at 85 F.R. 64398[~~2016~~];

(zzz) 40 C.F.R. 60.760 through[~~to~~] 60.769 (Subpart XXX), Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014, as published July 1, 2020 and at 85 F.R. 63394[~~81 F.R. 59368~~];

(aaaa) 40 C.F.R. 60.1000 through[~~to~~] 60.1465, Tables 1 through[~~to~~] 5 (Subpart AAAA), Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001, as published July 1, 2020[~~2016~~];

(bbbb) 40 C.F.R. 60.2000 through[~~to~~] 60.2265, Tables 1 through[~~to~~] 8 (Subpart CCCC), Standards of Performance for Commercial and Industrial Solid Waste Incineration Units, as published July 1, 2020 and at 85 F.R. 63394[~~2016~~];

(cccc) 40 C.F.R. 60.2880 through[~~to~~] 60.2977, Tables 1 through[~~to~~] 4 (Subpart EEEE), Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006, as published July 1, 2020[~~2016~~];

(dddd) 40 C.F.R. 60.4200 through[~~to~~] 60.4219, Tables 1 through[~~to~~] 8 (Subpart IIII), Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, as published July 1, 2020[~~2016~~];

(eeee) 40 C.F.R. 60.4230 through[~~to~~] 60.4248, Tables 1 through[~~to~~] 4 (Subpart JJJJ), Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, as published July 1, 2020 and at 85 F.R. 63394[~~2016~~];

(ffff) 40 C.F.R. 60.4300 through[~~to~~] 60.4420, Table 1 (Subpart KKKK), Standards of Performance for Stationary Combustion Turbines, as published July 1, 2020 and at 85 F.R. 63394[~~2016~~];

(gggg) 40 C.F.R. 60.4760 through[~~to~~] 60.4930, Tables 1 through[~~to~~] 5 (Subpart LLLL), Standards of Performance for New Sewage Sludge Incineration Units, as published July 1, 2020[~~2016~~];

(hhhh) 40 C.F.R. 60.5360 through[~~to~~] 60.5430, Tables 1 through[~~to~~] 3 (Subpart OOOO), Standards of Performance for Crude Oil and Natural Gas Facilities[~~Production, Transmission and Distribution~~] for Which Construction, Modification or Reconstruction Commenced after August

23, 2011, and On or Before September 18, 2015, as published July 1, 2020 and at 85 F.R. 57018[~~2016~~];

(iiii) 40 C.F.R. 60.5360a through[~~to~~] 60.5432a, Tables 1 through[~~to~~] 3 (Subpart OOOOa), Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015, as published July 1, 2020 and at 85 F.R. 57018 and 85 F.R. 57398[~~2016~~]; or

(jjjj) 40 C.F.R. 60.5508 through[~~to~~] 60.5580, Tables 1 through[~~to~~] 3 (Subpart TTTT), Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units, as published July 1, 2020[~~2016~~]; and

(3) The applicable methods, procedures, and reporting requirements codified in 40 C.F.R. Part 60, Appendices A-1 through[~~A to~~] F and I, as published July 1, 2020 and at 85 F.R. 63394[~~2016~~].

Section 3. Reporting Requirements. All documentation required by this administrative regulation to be submitted to the U.S. EPA shall also be submitted to the Cabinet.

401 KAR 60:005 approved for filing.

December 8, 2020
Date

Rebecca W. Goodman, Secretary
Energy and Environment Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A virtual public hearing on this administrative regulation amendment will be held on February 24, 2021, at 10:00 a.m. (Eastern Time). The public hearing can be accessed at the following website address: https://global.gotomeeting.com/join/212720813 or can be accessed by phone: +1 (224) 501-3412 using access code 212-720-813. Please note that registration is required to participate in this hearing. You must either email your name and mailing address to Matthew.Dollar@ky.gov or mail this information to Matthew Dollar, Division for Air Quality, 300 Sower Building, 2nd Floor, Frankfort, KY 40601. Please put "Standards of Performance for New Stationary Sources Public Hearing" as the subject line, and state in the body of the message if you plan to speak during the hearing. If no one registers to speak by February 16, 2021, then the hearing will be cancelled. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until February 28, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation amendment to the contact person.

CONTACT PERSON:

Matthew Dollar, Environmental Scientist
Division for Air Quality
300 Sower Boulevard, 2nd Floor
Frankfort, KY 40601
Phone: (502) 782-6468
Fax: (502) 564-4245
E-mail: matthew.dollar@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: 401 KAR 60:005
Contact person: Matthew Dollar, Environmental Scientist
Phone: (502) 782-6468
Email: matthew.dollar@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes standards of performance for new stationary sources (NSPS) by referencing the NSPS, codified in 40 C.F.R. Part 60, pursuant to Section 111 of the Clean Air Act (CAA).

(b) The necessity of this administrative regulation: This administrative regulation is necessary to control the emissions of air pollution from stationary sources which have been reasonably determined to endanger public health or welfare. This administrative regulation is necessary to be consistent with the federal regulations codified at 40 C.F.R. Part 60, and for the Energy and Environment Cabinet (Cabinet) to retain delegation of authority for implementation and enforcement of the standards established under 40 C.F.R. Part 60.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(5) authorizes the Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. 42 U.S.C. 7416 requires that state authorities not adopt or enforce emission standards or limitations that are less stringent than the federal standards. This administrative regulation updates the NSPS to be consistent with the federal standards.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will enable the Cabinet to continue to implement and enforce the NSPS requirements established in 40 C.F.R. Part 60, pursuant to Section 111 of the CAA. The standards established for stationary sources require emission reductions using control technologies and work practice standards, resulting in cleaner air and the protection of human health and the environment.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment updates the existing administrative regulation to include amendments to 40 C.F.R. Part 60 that have been promulgated by U.S. EPA since the last amendment of this administrative regulation. These updates are current through July 1, 2020.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary for state standards of new stationary sources to be consistent with the federal standards established in 40 C.F.R. Part 60. This amendment is necessary for the Cabinet to retain delegation of authority to implement and enforce the federal NSPS program, and to be no less stringent than the federal standards in 40 C.F.R. Part 60.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statute by adopting standards from new stationary sources that protect health and welfare. The amendment also conforms to the authorizing statute by being no less stringent than the federal standards in 40 C.F.R. Part 60.

(d) How the amendment will assist in the effective administration of statutes: The amendment adopts the federal NSPS to provide for consistency between state and federal regulations for new stationary sources. The new provisions will be enforceable by the Cabinet.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are no individuals, businesses, organizations, or state and local governments affected by this administrative regulation beyond those affected by the 40 C.F.R. Part 60 NSPS requirements. The Cabinet will retain delegation of authority for the implementation and enforcement of these requirements.

(4) Provide an assessment of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities are already subject to the 40 C.F.R. Part 60 NSPS requirements, and will not have to take any additional action to comply with this proposed amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Regulated entities are already subject to 40 C.F.R. Part 60. This amendment will allow the Cabinet to retain delegation of authority for implementation and enforcement of these requirements. Regulated entities will work with the Cabinet to comply with these requirements instead of the U.S. EPA.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, regulated entities will not be subject to enforcement actions. The standards established in 40 C.F.R. Part 60 limit the emissions of air pollutants, protecting public health and welfare.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially:

The Cabinet will not incur any additional costs for the implementation of this administrative regulation initially.

(b) On a continuing basis:

The Cabinet will not incur any additional continuing costs for the implementation of this administrative regulation on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation?

The Cabinet's current operating budget will be used for the implementation and enforcement of the amendment to this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment.

No increase in fees or funding is necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees.

This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used.): Yes, tiering is applied. Standards for new stationary sources differ based on source category and applicability thresholds. However, this administrative regulation adopts the same standards as the federal regulations codified in 40 C.F.R. Part 60.

FEDERAL MANDATE ANALYSIS COMPARISON

Administrative Regulation #: 401 KAR 60:005
Contact person: Matthew Dollar, Environmental Scientist
Phone: (502) 782-6468
Email: matthew.dollar@ky.gov

1. Federal statute or regulation constituting the federal mandate.

   U.S. EPA promulgated the federal regulations in 40 C.F.R. Part 60, pursuant to 42 U.S.C. 7411.

2. State compliance standards.

   This administrative regulation establishes performance standards for new stationary sources.

3. Minimum or uniform standards contained in the federal mandate.

   42 U.S.C. 7411 establishes the requirements for the Administrator to develop performance standards for new stationary sources.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

   No. This administrative regulation is being amended to adopt the same standards as the federal regulations codified in 40 C.F.R. Part 60.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

   This amended administrative regulation does not impose stricter standards, or additional or different responsibilities or requirements.

FISCAL NOTE ON LOCAL GOVERNMENT

Administrative Regulation #: 401 KAR 60:005
Contact person: Matthew Dollar, Environmental Scientist
Phone: (502) 782-6468
Email: matthew.dollar@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

   The Cabinet will continue to permit sources in accordance with this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes action taken by the administrative regulation.

   KRS 224.10-100(5), 224.20-120, 42 U.S.C. 7411, 40 C.F.R. Part 60.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the regulation is to be in effect.

   (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

   The proposed administrative regulation will not generate new revenue in the first year.

   (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

   The proposed administrative regulation will not generate new revenue in subsequent years.

   (c) How much will it cost to administer this program for the first year?

   The Cabinet's current operating budget will be used to administer this program for the first year.

   (d) How much will it cost to administer this program for subsequent years?

   The Cabinet's operating budget will be used to administer this program for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impacts of the administrative regulation.

Revenues (+/-):	There is no known effect on current revenues.
Expenditures (+/-):	There is no known effect on current expenditures.
Other Explanation:	There is no further explanation.