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December 17, 2012

Ms. Gwendolyn Keyes Fleming  
Regional Administrator  
U.S. EPA, Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

RE: Section 110(a) Infrastructure State Implementation Plan (SIP) submittal

Dear Ms. Fleming:

The Kentucky Energy and Environment Cabinet (EEC) hereby submits to the U.S. Environmental Protection Agency (EPA) a State Implementation Plan (SIP) that documents the Clean Air Act (CAA) requirements of Section 110(a) infrastructure provisions addressing the National Ambient Air Quality Standards (NAAQS) requirements for the 2010 Sulfur Dioxide and Nitrogen Dioxide NAAQS.

Under Sections 110(a)(1) and (2), all states are required to submit plans to provide for the implementation, maintenance, and enforcement of any new or revised NAAQS. States are required to address basic program elements, including requirements for emissions inventories, monitoring, and modeling, among other things. States are required to submit SIPs to EPA demonstrating that these basic program elements have been addressed within 3 years of the promulgation of any new or revised NAAQS. Subsections (A) through (M) of Section 110(a)(2), set forth the elements that a state's program must contain in the SIP.

The list of Section 110(a)(2) NAAQS requirements and Kentucky's provisions are listed as an attachment to this letter. Your prompt attention to this letter is appreciated. If you have any questions or comments concerning this matter, please contact Andrea Smith at the Division for Air Quality at (502) 564-3999.

Sincerely yours,

  
Leonard K. Peters  
Secretary

Enclosures

cc: Beverly Banister/R. Scott Davis

# Section 110(a) Infrastructure Requirements

**Emission limits and other control measures:** Section 110(a)(2)(A) of the CAA requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules or compliance and other related matters.

## **Kentucky Authority:**

- Kentucky Revised Statute Chapter 224 Section 10-100 (KRS 224.10-100) provides the Energy and Environment Cabinet the authority to administer all rules, regulations and orders promulgated under Chapter 224, and to provide for the prevention, abatement, and control of all water, land, and air pollution.

### Chapter 50 General Administrative Procedures

- 401 KAR 50:010. *Definitions for 401 KAR Chapter 50.* This administrative regulation defines the terms used in 401 KAR Chapter 50;
- 401 KAR 50:012. *General application.* This administrative regulation provides guidelines by which all administrative regulations of 401 KAR Chapters 50 to 65, are to be understood;
- 401 KAR 50:015. *Documents incorporated by reference.* This administrative regulation provides for the incorporation by reference of documents referred to within these administrative regulations;
- 401 KAR 50:020. *Air quality control regions.* This administrative regulation provides for the designation and classification of air quality control regions;
- 401 KAR 50:025. *Classification of counties.* This administrative regulation provides for the classification of counties with respect to various pollutants;
- 401 KAR 50:040. *Air quality models.* This administrative regulation specifies general provisions for the use of air quality models;
- 401 KAR 50:042. *Good engineering practice stack height.* This administrative regulation defines good engineering practice stack height which shall be used in establishing emissions limitations;
- 401 KAR 50:045. *Performance tests.* This administrative regulation establishes requirements for performance tests;
- 401 KAR 50:047. *Test procedures for capture efficiency.* This administrative regulation provides capture efficiency test procedures for volatile organic compounds;
- 401 KAR 50:050. *Monitoring.* This administrative regulation establishes requirements for stack gas monitoring, ambient air monitoring, and recording and reporting requirements as related to monitoring data;
- 401 KAR 50:055. *General compliance requirements.* This administrative regulation establishes requirements for compliance during shutdown and malfunctions; establishes requirements for demonstrating compliance with standards; establishes requirements for compliance when a source is relocated within the Commonwealth of Kentucky; and other general compliance requirements;
- 401 KAR 50:060. *Enforcement.* This administrative regulation provides for enforcement of the terms and conditions of permits and compliance schedules;

- 401 KAR 50:065. *Conformity of general federal actions.* The federal regulation incorporated by reference in this administrative regulation provides for determining the conformity of general federal actions to the SIP. 40 CFR 51.850 to 51.860 require that the applicable federal agencies implement the conformity determination in consultation with agencies of the Commonwealth of Kentucky;
- 401 KAR 50:066. *Conformity of transportation plans, programs, and projects.* This administrative regulation adopts the Federal Transportation Conformity Rules as codified in 40 C.F.R. Part 93 Subpart A and incorporates a guidance document that establishes criteria and procedures for the interagency consultation process used in demonstrating conformity of federal transportation plans to the Kentucky State Implementation Plan.

Chapter 51 Attainment and Maintenance of the National Ambient Air Quality Standards

- 401 KAR 51:001. *Definitions for 401 KAR Chapter 51.* This administrative regulation defines the terms used in 401 KAR Chapter 51. The definitions contained in this administrative regulation are neither more stringent nor otherwise different than the corresponding federal definitions;
- 401 KAR 51:005. *Purpose and General Provisions.* This administrative regulation establishes the general provisions as related to new sources with respect to the prevention of significant deterioration of air quality and construction of stationary sources impacting on nonattainment areas;
- 401 KAR 51:010. *Attainment Status Designations.* This administrative regulation designates the status of all areas of the Commonwealth of Kentucky with regard to attainment of the ambient air quality standards;
- 401 KAR 51:017. *Prevention of significant deterioration of air quality.* This administrative regulation applies to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as attainment or unclassifiable;
- 401 KAR 51:052. *Review of new sources in or impacting upon nonattainment areas.* This administrative regulation establishes requirements for the construction or modification of stationary sources within, or impacting upon, areas where the national ambient air quality standards have not been attained;
- 401 KAR 51:150. *NO<sub>x</sub> requirements for stationary internal combustion engines.* Pursuant to the federal NO<sub>x</sub> SIP Call, this administrative regulation provides for the regional control of NO<sub>x</sub> emissions by establishing requirements for large stationary internal combustion engines;
- 401 KAR 51:160. *NO<sub>x</sub> requirements for large utility and industrial boilers.* This administrative regulation establishes requirements for the control of NO<sub>x</sub> emissions from large boilers and turbines used in power plants and other industrial applications, pursuant to the federal mandate published under the NO<sub>x</sub> SIP Call;
- 401 KAR 51:170. *NO<sub>x</sub> requirements for cement kilns.* This administrative regulation provides for the regional control of NO<sub>x</sub> emissions from portland cement manufacturing plants pursuant to the federal mandate published under the NO<sub>x</sub> SIP Call;

- 401 KAR 51:180. *NOx credits for early reduction and emergency.* This administrative regulation provides for the distribution of NOx allowances from a compliance supplement pool allocated to Kentucky by the U.S. EPA for sources that reduce NOx emissions before the compliance deadline of the federal mandate published under the NOx SIP Call. It also provides for setting aside unused credits to assist sources that are unable to meet the compliance deadline;
- 401 KAR 51:190. *Banking and trading NOx allowances.* This administrative regulation incorporates by reference the federal regulation that establishes a program for banking and trading of emission allowances to reduce NOx emissions under the federal NOx SIP Call;
- 401 KAR 51:195. *NOx opt-in provisions.* The federal regulation incorporated by reference in this administrative regulation establishes provisions for individual sources to opt into the NOx Budget Trading Program;
- 401 KAR 51:210. *CAIR NOx annual trading program.* This administrative regulation establishes requirements for the control of NOx emissions from large boilers and turbines used in power plants, pursuant to the federal mandate published under the Clean Air Interstate Rule (CAIR), 40 C.F.R. 96.101 to 96.188;
- 401 KAR 51:220. *CAIR NOx ozone season trading program.* This administrative regulation establishes requirements for the control of NOx emissions from large boilers and turbines used in power plants and other industrial applications, pursuant to the federal mandate published under the Clean Air Interstate Rule (CAIR), 40 C.F.R. 96.301 to 96.388;
- 401 KAR 51:230. *CAIR SO<sub>2</sub> trading program.* This administrative regulation establishes the provisions of the CAIR SO<sub>2</sub> Trading Program as codified at 40 C.F.R. 96.201 to 96.288 for applicable sources located in the Commonwealth of Kentucky.

Chapter 52 Permits, Registrations, and Prohibitory Rules

- 401 KAR 52:001. *Definitions for 401 KAR Chapter 52.* This administrative regulation defines the terms used in 401 KAR Chapter 52;
- 401 KAR 52:020. *Title V permits.* This administrative regulation establishes requirements for air contaminant sources located in Kentucky that are required to obtain a Title V permit;
- 401 KAR 52:030. *Federally-enforceable permits for nonmajor sources.* This administrative regulation establishes requirements for air contaminant sources located in Kentucky that accept emission limitations to avoid the New Source Review requirements under Title I of the Clean Air Act or the Operating Permit Program requirements under Title V of the Clean Air Act;
- 401 KAR 52:040. *State-Origin Permits.* This administrative regulation establishes requirements for minor sources whose permits are not required to be federally enforceable;
- 401 KAR 52:050. *Permit application forms.* This administrative regulation incorporates by reference the application forms used to permit air contaminant sources in Kentucky;
- 401 KAR 52:060. *Acid rain permits.* This administrative regulation incorporates by reference the federal acid rain provisions as codified at 40 CFR Parts 72 to 78;

- 401 KAR 52:070. *Registration of designated sources.* This administrative regulation establishes the procedure for the registration of designated air contaminant sources in Kentucky;
- 401 KAR 52:090. *Prohibitory rule for hot mix asphalt plants.* This administrative regulation establishes production limits for hot mix asphalt plants, which keeps their emissions below the major source threshold and avoids the necessity of having to obtain a Title V or conditional major permit;
- 401 KAR 52:100. *Public, affected state and U.S. EPA review.* This administrative regulation establishes the procedures used by the cabinet to provide for the review of federally-enforceable permits by the public, affected states, and the U.S. EPA;
- 401 KAR 53:005. *General provisions.* This administrative regulation is to provide for the establishment of general provisions, definitions and time schedules as they pertain to this chapter;
- 401 KAR 53:010. *Ambient air quality standards.* This administrative regulation is to fix ambient air quality standards necessary for the protection of the public health, the general welfare, and the property and people in this Commonwealth.

**Ambient air quality monitoring/data system:** Section 110(a)(2)(B) of the CAA requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and presentation of these data available to EPA upon request.

**Kentucky Authority:**

- KRS 224.10-100 (22) requires the installation, maintenance, and use of equipment, devices, or test and methodologies to monitor the nature and amount of any substance emitted into the ambient air and to provide the information to the cabinet;
- 401 KAR 50:050. *Monitoring.* This administrative regulation establishes requirements for stack gas monitoring, ambient air monitoring, and recording and reporting requirements as related to monitoring data;
- 401 KAR 51:017. *Prevention of significant deterioration of air quality.* This administrative regulation applies to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as attainment or unclassifiable;
- 401 KAR 51:052. *Review of new sources in or impacting upon nonattainment areas.* This administrative regulation establishes requirements for the construction or modification of stationary sources within, or impacting upon, areas where the national ambient air quality standards have not been attained;
- 401 KAR 53:005. *General provisions.* This administrative regulation is to provide for the establishment of general provisions, definitions and time schedules as they pertain to this chapter;
- 401 KAR 53:010. *Ambient Air Quality Standards.* This administrative regulation establishes ambient air quality standards necessary for the protection of the public health, welfare, and property. The regulations became effective in Kentucky on December 7, 2012.

**Program for enforcement of control measures:** Section 110(a)(2)(C) of the CAA requires States to include a program that provides for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources to meet prevention of significant deterioration (PSD) and nonattainment new source review (NSR) requirements.

**Kentucky Authority:**

- 401 KAR 50:060. *Enforcement.* This administrative regulation provides for enforcement of the terms and conditions of permits and compliance schedules;
- 401 KAR 51:017. *Prevention of Significant Deterioration of Air Quality.* This administrative regulation applies to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as attainment or unclassifiable;
- 401 KAR 51:052. *Review of new sources in or impacting upon nonattainment areas.* This administrative regulation establishes requirements for the construction or modification of stationary sources within, or impacting upon, areas where the national ambient air quality standards have not been attained;
- 401 KAR 51:001, 51:017 and 51:052. These regulations were amended to adopt federal revisions to the lists of major sources relating to PSD, NSR and Title V applicability, removed the existing requirements for clean units and pollution control projects, and added nitrogen oxides as a precursor to ozone formation. These amendments became effective in Kentucky on February 5, 2010, were submitted to EPA on February 22, 2010, and were officially approved to the SIP in 75 FR 55988, on September 15, 2010;
- 401 KAR 51:001 and 52:001. These regulations were amended to include federal definition changes significant to Kentucky's permitting by establishing thresholds for the regulation and permitting of greenhouse gas emissions. These amendments became effective in Kentucky on January 3, 2011, were submitted to EPA on December 13, 2010 and were officially approved to the SIP in 75 FR 81868, December 29, 2010;
- 401 KAR 51:001, 51:017 and 51:052. These regulations were amended to adopt revisions to the NSR/PSD programs consistent with the PM<sub>2.5</sub> NAAQS implementation. The Division filed the proposed administrative regulation amendments with the Legislative Research Commission June 14, 2012 and EPA on June 19, 2012. The regulations became effective in Kentucky on December 7, 2012.

**Interstate transport:** Section 110(a)(2)(D) of the CAA requires SIPs to include provisions prohibiting any source of other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another State. States are required to submit 110(a)(2)(D)(i) plans to demonstrate compliance with these provisions.

**Kentucky Authority:**

- Finding regarding section 110(a)(2)(D)(i) promulgated submitted on 12/10/07 for the 1997 8-hour ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards;
- Kentucky submitted the 110(a)(1) plan on 12/7/07 for the 1997 8-hour ozone and PM<sub>2.5</sub> NAAQS;
- Kentucky's regulations in response to the Clean Air Interstate Rule (CAIR) were approved 10/4/07 (72 FR 56623);

- The Final Regional Haze SIP was submitted to U.S. EPA on 6/25/08, and EPA published a limited approval and limited disapproval on March 30, 2012 effective April 30, 2012;
- The Final 8-Hour Ozone Attainment Demonstration for Boone, Campbell, and Kenton counties, Kentucky, was submitted to U.S. EPA on 12/07/07;
- The Final PM<sub>2.5</sub> Attainment Demonstration for Jefferson, Bullitt, Boone, Campbell, Kenton, Boyd, and a portion of Lawrence counties, Kentucky, was submitted to U.S. EPA on 12/03/08;
- 401 KAR 51:010. *Attainment Status Designations*. This administrative regulation designates the status of all areas of the Commonwealth of Kentucky with regard to attainment of the ambient air quality standards;
- 401 KAR 51:017. *Prevention of significant deterioration of air quality*. This administrative regulation applies to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as attainment or unclassifiable;
- Regulation 401 KAR 51:052. *Review of new sources in or impacting upon nonattainment areas*, Section 1 applies to a new major stationary source or project that is a major modification at an existing major source and locates in or impacts upon an area designated nonattainment under 42 U.S.C. 7407(d)(1)(A)(i);
- 401 KAR 52:100. *Public, affected state, and U.S. EPA review* Section 6 requires that public notice to permit actions shall be provided to affected states.

**Adequate resources:** Section 110(a)(2)(E) of the CAA requires states to provide for adequate personnel, funding and legal authority under State law to carry out its SIP and related issues, and that the state complies with the requirements state boards under section 7428, State Boards.

**Kentucky Authority:**

- KRS 224.10-100. *Powers and Duties of the Cabinet*, provides for authority under State law to carry out its SIP and related issues;
- KRS 224.10-100. *Powers and Duties of the Cabinet*, Section (11) provides for the authority to accept, receive, and administer grants or other funds or gifts from public and private agencies including the federal government for the purpose of carrying out any of the functions of the cabinet;
- KRS 224.10-020, *Departments within the cabinet – Offices and divisions within the departments – Appointments*, describes who is authorized in the Commonwealth to approve Air permits and enforcement orders and appeals thereof;
- 401 KAR 50:038. *Air Emissions Fee*. This administrative regulation provides for the assessment of fees necessary to fund the state Title V permit program;
- KRS 11A.020. *Public servant prohibited from certain conduct—Exception—Disclosure of personal or private interest*, requires adequate disclosure of any potential conflicts of interest;
- KRS 11A.030 *Considerations in determination to abstain from action on official decision – Advisory opinion*, proscribes guidelines for determining whether to abstain from action on an official decision because of a possible conflict of interest;
- KRS 11A.040 *Acts prohibited for public servant or officer – Exception*.

**Stationary source monitoring system:** Section 110(a)(2)(F) of the CAA requires States to establish a system to monitor emissions from stationary sources and to submit periodic emissions reports.

**Kentucky Authority:**

Chapter 50 General Administrative Procedures

- 401 KAR 50:050 *Monitoring*, Section 1 Monitoring Records and Reporting establishes the requirements for the installation, use, and maintenance of stack gas and ambient air monitoring equipment;
- 401 KAR 50:055 *General Compliance Requirements*, Section 1 Emission During Shut Down Malfunction.

**Emergency power:** Section 110(a)(2)(G) of the CAA requires States to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs.

**Kentucky Authority:**

Chapter 55 Emergency Episodes

- 401 KAR 55:005. *Significant Harm Criteria*, Section 1 Purpose defines those levels of pollutant concentration which must be prevented in order to avoid significant harm to the health of persons;
- 401 KAR 55:010. *Episodic Criteria*. The administrative regulation defines those levels of pollutant concentrations which justify the proclamation of an air pollution alert, air pollution warning, an air pollution emergency;
- 401 KAR 55:015. *Episode Declaration*. This administrative regulation provides for the curtailment or reduction of processes or operations which emit an air contaminant or an air contaminant precursor whose criteria has been reached and are located in the affected areas for which an episode level has been declared;
- All of Kentucky is considered a Priority III Area, and therefore no emergency episode plan for PM<sub>2.5</sub> is required;
- An emergency episode was already included for the 1-hour ozone standard and would suffice for the 8-hour ozone standard.

**Future SIP revisions:** Section 110(a)(2)(H) of the CAA requires States to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate.

**Kentucky Authority:**

Chapter 53 Ambient Air Quality

- 401 KAR 53:005. *General Provisions*;
- 401 KAR 53:010. *Ambient Air Quality Standards*. This administrative regulation is to fix ambient air quality standards necessary for the protection of the public health, the general welfare, and the property and people in this Commonwealth;
- 401 KAR 51:010. *Attainment Status Designations*. This administrative regulation contains provisions for the cabinet to review applicable data and submit to U.S. EPA revisions to the attainment-nonattainment list pursuant to 42 U.S.C. 7407.

**Consultation with government officials:** Section 110(a)(2)(J) of the CAA requires States to provide a process for consultation with local governments and Federal Land Managers carrying out NAAQS implementation requirements pursuant to CAA Section 121 relating to consultation.

**Kentucky Authority:**

- 401 KAR 50:055. *General compliance requirements.* This administrative regulation establishes requirements for compliance during shutdown and malfunctions; establishes requirements for demonstrating compliance with standards; establishes requirements for compliance when a source is relocated within the Commonwealth of Kentucky; and other general compliance requirements;
- 401 KAR 50:060. *Enforcement.* This administrative regulation provides for enforcement of the terms and conditions of permits and compliance schedules;
- 401 KAR 50:065. *Conformity of general federal actions.* The federal regulation incorporated by reference in this administrative regulation provides for determining the conformity of general federal actions to the State Implementation Plan (SIP). 40 CFR 51.850 to 51.860 require that the applicable federal agencies implement the conformity determination in consultation with agencies of the Commonwealth of Kentucky;
- 401 KAR 50:060. *Enforcement.* This administrative regulation provides for enforcement of the terms and conditions of permits and compliance schedules;
- 401 KAR 50:066. *Conformity of Transportation Plans, Programs, and Projects.* This administrative regulation establishes criteria and procedures for the interagency consultation process used in demonstrating conformity of federal transportation plans to the SIP;
- 401 KAR 51:017. *Prevention of Significant Deterioration of Air Quality.* This administrative regulation applies to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as attainment or unclassifiable;
- 401 KAR 51:052. *Review of new sources in or impacting upon nonattainment areas.* This administrative regulation establishes requirements for the construction or modification of stationary sources within, or impacting upon, areas where the national ambient air quality standards have not been attained;
- 401 KAR 51:001, 51:017 and 51:052. These regulations were amended to adopt federal revisions to the lists of major sources relating to PSD, NSR and Title V applicability, removed the existing requirements for clean units and pollution control projects, and added nitrogen oxides as a precursor to ozone formation. These amendments became effective in Kentucky on February 5, 2010, were submitted to EPA on February 22, 2010, and were officially approved to the SIP in 75 FR 55988, on September 15, 2010;
- 401 KAR 51:001 and 52:001. These regulations were amended to include federal definition changes significant to Kentucky's permitting by establishing thresholds for the regulation and permitting of greenhouse gas emissions. These amendments became effective in Kentucky on January 3, 2011, were submitted to EPA on December 13, 2010 and were officially approved to the SIP in 75 FR 81868, December 29, 2010;
- 401 KAR 51:001, 51:017 and 51:052. These regulations were amended to adopt revisions to the NSR/PSD programs consistent with the PM<sub>2.5</sub> NAAQS implementation. The Division filed the proposed administrative regulation amendments with the Legislative

Research Commission June 14, 2012 and EPA on June 19, 2012. The regulations became effective in Kentucky on December 7, 2012.

- KAR 52:100. *Public, Affected State, and U.S. EPA Review.* This administrative regulation establishes the procedures used by the cabinet to provide for the review of federally-enforceable permits by the public, affected states, and the U.S. EPA.

**Public notification:** Section 110(a)(2)(J) of the CAA further requires States to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measure that can be taken to prevent exceedances.

**Kentucky Authority:**

- 401 KAR 51:001. *Definitions for 401 KAR Chapter 51.* This administrative regulation defines the terms used in 401 KAR Chapter 51. The definitions contained in this administrative regulation are neither more stringent nor otherwise different than the corresponding federal definitions;
- 401 KAR 51:005. *Purpose and General Provisions.* This administrative regulation establishes the general provisions as related to new sources with respect to the prevention of significant deterioration of air quality and construction of stationary sources impacting on nonattainment areas;
- 401 KAR 51:010. *Attainment Status Designations.* This administrative regulation designates the status of all areas of the Commonwealth of Kentucky with regard to attainment of the ambient air quality standards;
- 401 KAR 51:017. *Prevention of significant deterioration of air quality.* This administrative regulation applies to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as attainment or unclassifiable;
- 401 KAR 51:052. *Review of new sources in or impacting upon nonattainment areas.* This administrative regulation establishes requirements for the construction or modification of stationary sources within, or impacting upon, areas where the national ambient air quality standards have not been attained;
- 401 KAR 51:150. *NO<sub>x</sub> requirements for stationary internal combustion engines.* Pursuant to the federal NO<sub>x</sub> SIP Call, this administrative regulation provides for the regional control of NO<sub>x</sub> emissions by establishing requirements for large stationary internal combustion engines;
- 401 KAR 51:160. *NO<sub>x</sub> requirements for large utility and industrial boilers.* This administrative regulation establishes requirements for the control of NO<sub>x</sub> emissions from large boilers and turbines used in power plants and other industrial applications, pursuant to the federal mandate published under the NO<sub>x</sub> SIP Call;
- 401 KAR 51:170. *NO<sub>x</sub> requirements for cement kilns.* This administrative regulation provides for the regional control of NO<sub>x</sub> emissions from portland cement manufacturing plants pursuant to the federal mandate published under the NO<sub>x</sub> SIP Call;
- 401 KAR 51:180. *NO<sub>x</sub> credits for early reduction and emergency.* This administrative regulation provides for the distribution of NO<sub>x</sub> allowances from a compliance supplement pool allocated to Kentucky by the U.S. EPA for sources that reduce NO<sub>x</sub> emissions before the compliance deadline of the federal mandate published under the

NO<sub>x</sub> SIP Call. It also provides for setting aside unused credits to assist sources that are unable to meet the compliance deadline;

- 401 KAR 51:190. *Banking and trading NO<sub>x</sub> allowances*. This administrative regulation incorporates by reference the federal regulation that establishes a program for banking and trading of emission allowances to reduce NO<sub>x</sub> emissions under the federal NO<sub>x</sub> SIP Call;
- 401 KAR 51:195. *NO<sub>x</sub> opt-in provisions*. The federal regulation incorporated by reference in this administrative regulation establishes provisions for individual sources to opt into the NO<sub>x</sub> Budget Trading Program;
- 401 KAR 51:210. *CAIR NO<sub>x</sub> annual trading program*. This administrative regulation establishes requirements for the control of NO<sub>x</sub> emissions from large boilers and turbines used in power plants, pursuant to the federal mandate published under the Clean Air Interstate Rule (CAIR), 40 C.F.R. 96.101 to 96.188;
- 401 KAR 51:220. *CAIR NO<sub>x</sub> ozone season trading program*. This administrative regulation establishes requirements for the control of NO<sub>x</sub> emissions from large boilers and turbines used in power plants and other industrial applications, pursuant to the federal mandate published under the Clean Air Interstate Rule (CAIR), 40 C.F.R. 96.301 to 96.388;
- 401 KAR 51:230. *CAIR SO<sub>2</sub> trading program*. This administrative regulation establishes the provisions of the CAIR SO<sub>2</sub> Trading Program as codified at 40 C.F.R. 96.201 to 96.288 for applicable sources located in the Commonwealth of Kentucky;
- 401 KAR 52:100. *Public, Affected State, and U.S. EPA Review*. This administrative regulation establishes the procedures used by the cabinet to provide for the review of federally-enforceable permits by the public, affected states, and the U.S. EPA.

**PSD and visibility protection:** Section 110(a)(2)(J) of the CAA also requires States to meet applicable requirements of Part C related to PSD and visibility protection.

**Kentucky Authority:**

- 401 KAR 51:005. *Purpose and General Provisions*. This administrative regulation establishes the general provisions as related to new sources with respect to the prevention of significant deterioration of air quality and construction of stationary sources impacting on nonattainment areas;
- 401 KAR 51:010. *Attainment Status Designations*. This administrative regulation designates the status of all areas of the Commonwealth of Kentucky with regard to attainment of the ambient air quality standards;
- 401 KAR 51:017. *Prevention of significant deterioration of air quality*. This administrative regulation applies to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as attainment or unclassifiable;
- 401 KAR 51:052. *Review of new sources in or impacting upon nonattainment areas*. This administrative regulation establishes requirements for the construction or modification of stationary sources within, or impacting upon, areas where the national ambient air quality standards have not been attained;
- 401 KAR 63:005. *Open Burning*. This administrative regulation establishes requirements for the control of open burning;

- 401 KAR 63:010. *Fugitive Emissions*. This administrative regulation provides for the control of fugitive emissions.

**Air quality modeling/data:** Section 110(a)(2)(K) of the CAA requires that SIPs provide for performing air quality modeling so that effects on air quality of emissions from NAAQS pollutants can be predicted and submission of such data to EPA can be made.

**Kentucky Authority:**

- 401 KAR 50:040. *Air Quality Models*. This administrative regulation specifies general provisions for the use of air quality models;
- 401 KAR 50:050. *Monitoring*.

**Permitting fees:** Section 110(a)(2)(L) of the CAA requires SIPs to require each major stationary source to pay permitting fees to cover the costs of reviewing, approving, implementing, and enforcing a permit.

**Kentucky Authority:**

- 401 KAR 50:038. *Air Emissions Fee*. This administrative regulation provides for the assessment of fees necessary to fund the state permit program.

**Consultation/participation by affected local entities:** Section 110(a)(2)(M) of the CAA requires States to provide for consultation and participation in SIP development by local political subdivision affected by the SIP.

**Kentucky Authority:**

- 401 KAR 50:066. *Conformity of transportation plans, programs, and projects*. This administrative regulation adopts the Federal Transportation Conformity Rules as codified in 40 C.F.R. Part 93 Subpart A and incorporates a guidance document that establishes criteria and procedures for the interagency consultation process used in demonstrating conformity of federal transportation plans to the Kentucky State Implementation Plan;
- 401 KAR 52:100. *Public, Affected State, and U.S. EPA Review*. This administrative regulation establishes the procedures used by the cabinet to provide for the review of federally-enforceable permits by the public, affected states, and the U.S. EPA;
- KRS Chapter 77. *Air Pollution Control*, provides for the creation of each county to development an air pollution control district.

**KENTUCKY DIVISION FOR AIR QUALITY  
NOTICE OF PUBLIC HEARING  
TO REVISE KENTUCKY'S STATE IMPLEMENTATION PLAN**

The Kentucky Energy and Environment Cabinet will conduct a public hearing on January 25, 2013 at 10:00 a.m. (local time) in the Conference Room of the Division for Air Quality, 200 Fair Oaks, 1<sup>st</sup> Floor, Frankfort, Kentucky. This hearing is being held to receive comments on a proposed State Implementation Plan (SIP) revision to address Clean Air Act (CAA) Section 110 requirements.

This hearing is open to the public and all interested persons will be given the opportunity to present testimony. The hearing will be held, if requested, at the date, time and place given above. It is not necessary that the hearing be held or attended in order for persons to comment on the proposed submittal to EPA. To assure that all comments are accurately recorded, the Division requests that oral comments presented at the hearing also be provided in written form, if possible. To be considered part of the hearing record, comments must be received by the close of the hearing. Comments should be sent to the contact person. If no request for a public hearing is received, the hearing will be cancelled, and notice of the cancellation will be posted at the website listed below. Request for a public hearing must be received no later than January 18, 2013, while all comments must be submitted no later than January 25, 2013.

The full text of the proposed SIP revision is available for public inspection and copying during regular business hours (8:00 a.m. to 4:30 p.m.). Requests for copies should be directed to the contact person. In addition, an electronic version can be downloaded from the Division for Air Quality's website at:

<http://air.ky.gov/Pages/PublicNoticesandHearings.aspx>.

The hearing facility is accessible to people with disabilities. An interpreter or other auxiliary aid or service will be provided upon request. Please direct these requests to the contact person.

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