



1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division for Air Quality

4 (Amendment)

5 401 KAR 51:010. Attainment status designations.

6 RELATES TO: KRS 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 50, 51, 52, 53, 58,  
7 75, 81.318, 42 U.S.C. 7401-7671q[7626, 7407, 7501-7515, 7601]

8 STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-110, 42 U.S.C. 7407[7401-  
9 7626]

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) requires the  
11 cabinet[Environmental and Public Protection Cabinet] to promulgate[prescribe] administrative  
12 regulations for the prevention, abatement and control of air pollution. This administrative  
13 regulation designates the status of all areas of the Commonwealth of Kentucky with regard to  
14 attainment of the ambient air quality standards.

15 Section 1. Definitions. (1) "Rest of state" [~~as used in Sections 4 through 7 of this~~  
16 ~~administrative regulation]~~ means the remainder of the state has been designated and identified on  
17 a county by county basis.

18 (2) "Road" means a Kentucky route, a county road, a lane, or a U.S. route, highway, or  
19 interstate.

20 (3) "Statewide" [~~as used in Section 8 of this administrative regulation]~~ means the entire  
21 state has been designated on a county by county basis.

1           ~~[(3) "Road" as used in Section 2(3) of this administrative regulation means a Kentucky~~  
2 ~~route, a county road, a lane, or a U.S. route, highway, or interstate.]~~

3           Section 2. Attainment Status Designations. (1) The attainment status of areas of the  
4 Commonwealth of Kentucky with respect to the ambient air quality standards for carbon  
5 monoxide, lead, nitrogen oxides, ozone, particulate matter and sulfur dioxide~~[, carbon monoxide,~~  
6 ~~ozone and nitrogen oxides]~~ is listed in Sections 4 through 10~~[Sections 5 through 8]~~ of this  
7 administrative regulation. ~~[The attainment status of areas of the Commonwealth of Kentucky~~  
8 ~~with respect to total suspended particulates is listed in Section 4 of this administrative~~  
9 ~~regulation.]~~

10           (2) Within sixty (60) days of revision by the U.S. Environmental Protection Agency (U.S.  
11 EPA) of a national ambient air quality standard, the cabinet shall review applicable data and  
12 submit to the U.S. EPA a revision to the attainment - nonattainment list pursuant to 42 U.S.C.  
13 7407(d)(1).

14           (3) A road, junction, or intersection of two (2) or more roads as used in Section 7 of this  
15 administrative regulation that defines a nonattainment boundary for an area which is a portion of  
16 a county designated as nonattainment for ozone for any classification except marginal shall  
17 include as nonattainment an area extending 750 feet from the center of the road, junction, or  
18 intersection.

19           Section 3. Attainment Timetable. Primary and secondary ambient air quality standards  
20 shall be attained as expeditiously as practicable.

21           Section 4. Attainment Status Designations for Carbon Monoxide (CO). The 1971  
22 Standard is as follows:

<u>Designated Area</u>	<u>Designation Type</u>
------------------------	-------------------------

<u>Designated Area</u>	<u>Designation Type</u>
<u>Statewide</u>	<u>Unclassifiable/Attainment</u>

1        Section 5. Attainment Status Designations for Lead (Pb). The 2008 Standard is as  
2 follows:

<u>Designated Area</u>	<u>Designation Type</u>
<u>Statewide</u>	<u>Unclassifiable/Attainment</u>

3        Section 6. Attainment Status Designations for Nitrogen Oxides (NO<sub>2</sub>).

4        (1) 1971 Annual Standard:

<u>Designated Area</u>	<u>Does Not Meet Primary Standards</u>	<u>Cannot Be Classified or Better Than Standards</u>
<u>Statewide</u>		<u>X</u>

5        (2) 2010 One (1) Hour Standard:

<u>Designated Area</u>	<u>Designation Type</u>
<u>Statewide</u>	<u>Unclassifiable/Attainment</u>

6        Section 7. Attainment Status Designations for Ozone (O<sub>3</sub>).

7        (1) The 1971 One (1) Hour Standard was revoked effective June 15, 2005, for all areas in  
8 the Commonwealth of Kentucky. The Cincinnati-Hamilton, Edmonson County, Huntington-  
9 Ashland, Lexington-Fayette, Louisville, Owensboro, and Paducah areas shall be considered  
10 maintenance areas for the one (1) hour national ambient air quality standards for the purposes of  
11 40 C.F.R. Part 51, Subpart X.

12        (2) 1997 Eight (8) Hour Primary and Secondary Standard:

<u>Designated Area</u>	<u>Designation Type</u>
<u>Boone County</u>	<u>Attainment</u>

<u>Designated Area</u>	<u>Designation Type</u>
<u>Boyd County</u>	<u>Attainment</u>
<u>Bullitt County</u>	<u>Attainment</u>
<u>Campbell County</u>	<u>Attainment</u>
<u>Christian County</u>	<u>Attainment</u>
<u>Jefferson County</u>	<u>Attainment</u>
<u>Kenton County</u>	<u>Attainment</u>
<u>Oldham County</u>	<u>Attainment</u>
<u>Rest of state</u>	<u>Unclassifiable/Attainment</u>

1

(3) 2008 Eight (8) Hour Primary and Secondary Standard:

<u>Designated Area</u>	<u>Designation Type</u>
<u>Boone County (part)</u>  <u>2000 Census tracts: 701, 702, 703.01,</u> <u>703.04, 703.05, 703.06, 703.07,</u> <u>703.08, 703.09, 704.01, 704.02,</u> <u>705.01, 705.02, 706.03</u>	<u>Attainment</u>
<u>Campbell County (part)</u>  <u>2000 Census tracts: 501, 502, 503,</u> <u>504, 505, 506, 511.01, 511.02, 512,</u> <u>513, 519.01, 519.03, 519.04, 521, 522,</u> <u>523.01, 523.02, 524, 525, 526, 528,</u> <u>529, 530, 531</u>	<u>Attainment</u>

<u>Kenton County (part)</u>  <u>2000 Census tracts: 603, 607, 609,</u> <u>610, 611, 612, 613, 614, 616, 636.03,</u> <u>636.04, 636.05, 636.06, 638, 640, 641,</u> <u>642, 643, 644, 645, 646, 647, 648,</u> <u>649, 650, 651, 652, 653, 654, 655.01,</u> <u>655.02, 656, 657, 658, 659, 668, 669,</u> <u>670, 671</u>	<u>Attainment</u>
<u>Rest of state</u>	<u>Unclassifiable/Attainment</u>

1            Section 8. Attainment Status Designations for PM<sub>2.5</sub>.

2            (1) 1997 Annual Primary and Secondary Standard:

<u>Designated Area</u>	<u>Designation Type</u>	<u>Classification</u>
<u>Boone County</u>	<u>Attainment</u>	
<u>Boyd County</u>	<u>Attainment</u>	
<u>Bullitt County</u>	<u>Nonattainment</u>	<u>Moderate</u>
<u>Campbell County</u>	<u>Attainment</u>	
<u>Jefferson County</u>	<u>Nonattainment</u>	<u>Moderate</u>
<u>Kenton County</u>	<u>Attainment</u>	
<u>Lawrence County (part)</u>  <u>The area described by U.S.</u> <u>Census 2000 block group</u> <u>identifier 21-127-9901-6</u>	<u>Attainment</u>	
<u>Rest of state</u>	<u>Unclassifiable/Attainment</u>	

1 (2) 2012 Annual PM<sub>2.5</sub> Primary Standard:

<u>Designated Area</u>	<u>Designation Type</u>
<u>Bullitt County (part)</u>  <u>2010 Census tracts: 201.01, 201.02, 201.03, 202.01, 202.02, 203, 204, 205, 206.01, 206.02, 207.01, 207.02, 208, 211.01 and 211.02</u>	<u>Unclassifiable</u>
<u>Jefferson County</u>	<u>Unclassifiable</u>
<u>Rest of state</u>	<u>Unclassifiable/Attainment</u>

2 (3) 1997 Twenty-four (24) Hour Primary and Secondary Standard:

<u>Designated Area</u>	<u>Designation Type</u>
<u>Statewide</u>	<u>Unclassifiable/Attainment</u>

3 (4) 2006 Twenty-four (24) Hour Primary and Secondary Standard:

<u>Designated Area</u>	<u>Designation Type</u>
<u>Statewide</u>	<u>Unclassifiable/Attainment</u>

4 Section 9. Attainment Status Designations for Sulfur Dioxide (SO<sub>2</sub>).

5 (1) 1971 Primary and Secondary Standard:

<u>Designated Area</u>	<u>Does Not Meet</u> <u>Primary</u> <u>Standards</u>	<u>Does Not Meet</u> <u>Secondary</u> <u>Standards</u>	<u>Cannot Be</u> <u>Classified</u>	<u>Better Than</u> <u>National</u> <u>Standards</u>
<u>Statewide</u>				<u>X</u>

6

(2) 2010 Primary Standard:

<u>Designated Area</u>	<u>Designation Type</u>
<p><u>Campbell County (part)</u></p> <p><u>That portion of Campbell County which lies south and west of the Ohio River described as follows: Beginning at 38.9735 North Latitude, 84.3017 West Longitude on the edge of the Ohio River running southwesterly to KY Hwy 1566 to KY Hwy 9 (AA Highway); running northwesterly along KY Hwy 9 (AA Highway) from Hwy 1566 to Interstate 275; running northeasterly along Interstate 275 to Hwy 2345 (John's Hill Rd.), Hwy 2345 to US-27, US-27 to I-275, I-275 to the Ohio River; running southeasterly along the Ohio River from Interstate 275 to geographic coordinates 38.9735 North Latitude, 84.3017 West Longitude</u></p>	<p><u>Attainment</u></p>

<u>Designated Area</u>	<u>Designation Type</u>
<p><u>Jefferson County (part)</u></p> <p><u>That portion of Jefferson County compassed by the polygon with the vertices using Universal Traverse Mercator (UTM) coordinates in UTM zone 16 with datum NAD83: Ethan Allen Way extended to the Ohio River at UTM Easting (m) 59738, UTM Northing 4214086 and Dixie Hwy (US60 and US31W) at UTM Easting (m) 59751, UTM Northing 4212946; along Dixie Hwy from UTM Easting (m) 597515, UTM Northing 4212946 to UTM Easting (m) 595859, UTM Northing 4210678; Near the adjacent property lines of Louisville Gas and Electric-Mill Creek Electric Generating Station and Kosmos Cement where they join Dixie Hwy at UTM Easting (m) 595859, UTM Northing 4210678 and the Ohio River at UTM Easting (m) 595326, UTM Northing 4211014; Along the Ohio River from UTM Easting (m) 595326, UTM Northing 4211014 to UTM Easting (m) 595738, UTM Northing 4214086</u></p>	<p><u>Nonattainment</u></p>
<p><u>Rest of state</u></p>	<p><u>Unclassifiable/Attainment</u></p>

1           Section 10. Attainment Status Designations for Total Suspended Particulates (TSP). The  
2    1971 Standard is as follows:

<u>Designated Area</u>	<u>Does Not Meet Primary Standards</u>	<u>Does Not Meet Secondary Standards</u>	<u>Cannot Be Classified</u>	<u>Better Than National Standards</u>
<u>Bell County</u>			<u>X</u>	
<u>Boyd County</u>			<u>X</u>	
<u>That portion of Bullitt County in Shepherdsville</u>			<u>X</u>	
<u>That portion of Campbell County in Newport</u>			<u>X</u>	
<u>That portion of Daviess County in Owensboro bordered by the Ohio River on the north, by Frederica Street projected to the river on the west, by Fourth Street and U.S. 60 on the south, and by the Beltline (KY 212) projected to the river on the east</u>			<u>X</u>	
<u>That portion of Henderson County in Henderson</u>			<u>X</u>	
<u>Jefferson County</u>			<u>X</u>	

<u>Designated Area</u>	<u>Does Not Meet Primary Standards</u>	<u>Does Not Meet Secondary Standards</u>	<u>Cannot Be Classified</u>	<u>Better Than National Standards</u>
<u>That portion of Lawrence County in Louisa</u>			X	
<u>McCracken County</u>			X	
<u>That portion of Madison County in Richmond</u>			X	
<u>Muhlenberg County</u>			X	
<u>That portion of Perry County in Hazard</u>			X	
<u>That portion of Pike County in Pikeville</u>			X	
<u>That portion of Whitley County in Corbin</u>			X	
<u>Rest of state</u>				X

1 [Attainment Status Designations for Total Suspended Particles.

<u>Designated Areas</u>	<u>Does Not Meet Primary Standard</u>	<u>Does Not Meet Secondary Standards</u>	<u>Better Than Standard</u>	<u>Cannot Be Classified</u>
<u>Bell Co.</u>	-	-	X	-
<u>Boyd Co.</u>	-	-	-	X

Designated Areas	Does Not Meet Primary Standard	Does Not Meet Secondary Standards	Better Than Standard	Cannot Be Classified
That portion of Bullitt County in Shepherdsville	-	-	X	-
That portion of Campbell County in Newport	-	-	X	-
That portion of Daviess County in Owensboro bordered by the Ohio River on the north, by Frederica Street projected to the river on the west, by Fourth Street and U.S. 60 on the south and by the Beltline (KY 212) projected to the river on the east	-	-	-	X
That portion of Henderson County in Henderson	-	-	-	X
Jefferson County	-	-	-	X
That portion of Lawrence County in Louisa	-	-	-	X
McCracken County	-	-	X	-
Marshall County	-	-	X	-
That portion of Madison County in	-	-	-	X

Designated Areas	Does Not Meet Primary Standard	Does Not Meet Secondary Standards	Better Than Standard	Cannot Be Classified
Richmond				
Muhlenberg County	-	-	X	-
That portion of Perry County in Hazard	-	-	-	X
That portion of Pike County in Pikeville	-	-	-	X
That portion of Whitley County in Corbin	-	-	X	-
Rest of State	-	-	X	-

1 Section 5. Attainment Status Designations for Sulfur Dioxide.

Designated Areas	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Better Than Standards
That portion of Boyd County south of the Northern UTM line 4251 Km	X	X	-
Muhlenberg County	-	X	-
Rest of State	-	-	X

2 Section 6. Attainment Status Designations for Carbon Monoxide.

Designated Area	Does Not Meet Primary Standards	Cannot Be Classified Or Better Than Standards
Jefferson Co.	-	X
Rest of State	-	X

1

Section 7. Attainment Status Designations for Ozone.

Designated Areas	Moderate	Marginal	Cannot be Classified or Better Than Standards
Boone County	X	-	-
Boyd County	-	-	X
That portion of Bullitt County within the boundaries described as follows: Beginning at the intersection of KY 1020 and the Jefferson Bullitt County line proceeding to the east along the county line to the intersection of county road 567 and the Jefferson-Bullitt County line; proceeding south on county road 567 to the junction with KY 1116 (also known as Zoneton Road); proceeding to the south on KY 1116 to the junction with Hebron Lane; proceeding to the south on Hebron Lane to Cedar Creek; proceeding south on Cedar Creek to the confluence of Floyds Fork turning southeast along a creek that meets KY 44 at Stallings	X	-	-

Designated Areas	Moderate	Marginal	Cannot be Classified or Better Than Standards
<p>Cemetery; proceeding west along KY 44 to the eastern most point in the Shepherdsville city limits; proceeding south along the Shepherdsville city limits to the Salt River and west to a point across the river from Mooney Lane; proceeding south along Mooney Lane to the junction of KY 480; proceeding west on KY 480 to the junction with KY 2237; proceeding south on KY 2237 to the junction with KY 61 and proceeding north on KY 61 to the junction with KY 1494; proceeding south on KY 1494 to the junction with the perimeter of the Fort Knox military reservation; proceeding north along the military reservation perimeter to Castleman Branch Road; proceeding north on Castleman Branch Road to KY 44; proceeding a very short distance west on KY 44 to a junction with KY 2723; proceeding north on KY 2723 to the junction of Chillicoop Road; proceeding northeast on Chillicoop Road to the junction of KY 2678; proceeding north on KY 2673 to the junction of KY 1020; proceeding north on KY</p>			

Designated Areas	Moderate	Marginal	Cannot be Classified or Better Than Standards
1020 to the beginning.			
Caldwell County	-	-	X
Calloway County	-	-	X
Campbell County	X	-	-
Christian County	-	-	X
Fayette County	-	-	X
That portion of Greenup County within the boundaries described as follows: Beginning at a point where the Ohio River meets the Greenup-Boyd County Line; proceeding southwest along the Greenup-Boyd County Line to the junction of the East Fork of the Little Sandy River and the Greenup-Boyd County Line; proceeding north and west along the East Fork of the Little Sandy River to the confluence of the Little Sandy River; proceeding north along the Little Sandy River to the confluence of the Ohio River; proceeding east along the Ohio River to the beginning.	-	-	X
Jefferson County	X	-	-
Kenton County	X	-	-

Designated Areas	Moderate	Marginal	Cannot be Classified or Better Than Standards
<p>That portion of Oldham County within the boundaries described as follows: Beginning at the intersection of the Oldham Jefferson County line with the southbound lane of Interstate 71; proceeding to the northeast along the southbound lane of Interstate 71 to the intersection of KY 329 and the southbound lane of Interstate 71; proceeding to the northwest on KY 329 to the intersection of Zaring Road and KY 329; proceeding to the east northeast on Zaring Road to the junction of Cedar Point Road and Zaring Road; proceeding to the north northeast on Cedar Point Road to the junction of KY 393 and Cedar Point Road; proceeding to the south southeast on KY 393 to the junction of the access road on the north side of Reformatory Lake and the Reformatory; proceeding to the east northeast on the access road to the junction with Dawkins Lane and the access road; proceeding to follow an electric power line east northeast across from the junction of County Road 746 and Dawkins Lane to the east northeast</p>	X	-	-

Designated Areas	Moderate	Marginal	Cannot be Classified or Better Than Standards
<p>across KY 53 on to the LaGrange Water Filtration Plant; proceeding on to the east southeast along the power line then south across Fort Pickens Road to a power substation on KY 146; proceeding along the power line south across KY 146 and the Seaboard System Railroad Track to adjoin the incorporated city limits of LaGrange; then proceeding east then south along the LaGrange city limits to a point abutting the north side of KY 712; proceeding east southeast on KY 712 to the junction of Massie School Road and KY 712; proceeding to the south southwest on Massie School Road to the intersection of Massie School Road and Zale Smith Road; proceeding northwest on Zale Smith Road to the junction of KY 53 and Zale Smith Road; proceeding on KY 53 to the north northwest to the junction of new Moody Lane and KY 53; proceeding on new Moody Lane to the south southwest until meeting the city limits of LaGrange; then briefly proceeding north following the LaGrange</p>			

Designated Areas	Moderate	Marginal	Cannot be Classified or Better Than Standards
city limits to the intersection of the northbound lane of Interstate 71 and the LaGrange city limits; proceeding southwest on the northbound lane of Interstate 71 until intersecting with the North Fork of Currys Fork; proceeding south-southwest beyond the confluence of Currys Fork to the south-southwest beyond the confluence of Floyds Fork continuing on to the Oldham-Jefferson County Line; proceeding northwest along the Oldham-Jefferson County Line to the beginning.			
Trigg County	-	-	X
Rest of State	-	-	X

1 Section 8. Attainment Status Designations for Nitrogen Oxides.

Designated Area	Does Not Meet Primary Standards	Cannot Be Classified or Better Than Standards
Statewide		X]

401 KAR 51:010 approved for filing.

4/14/16  
Date

  
Charles G. Snavely, Secretary  
Energy and Environment Cabinet

## **PUBLIC HEARING AND PUBLIC COMMENT PERIOD**

A public hearing on this administrative regulation will be held on May 26, 2016, at 10:00 a.m. (Eastern Time) in Conference Room 201B of the Division for Air Quality at 200 Fair Oaks Lane, 1<sup>st</sup> Floor, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by May 19, 2016, five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing shall be cancelled, and notification of the cancellation shall be posted at <http://air.ky.gov/pages/publicnoticesandhearings.aspx>. A transcript of the public hearing will not be made unless a written request for a transcript is made. 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 May 31, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

The hearing facility is accessible to persons with disabilities. Requests for reasonable accommodations, including auxiliary aids and services necessary to participate in the hearing, may be made to the contact person at least five (5) workdays prior to the hearing.

### **CONTACT PERSON:**

Cassandra Jobe, Policy Analyst  
Division for Air Quality  
200 Fair Oaks Lane, 1<sup>st</sup> Floor  
Frankfort, KY 40601  
Phone: (502) 564-3999  
Fax: (502) 564-4666  
E-mail: [Cassandra.Jobes@ky.gov](mailto:Cassandra.Jobes@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 401 KAR 51:010

Contact person: Cassandra Jobe

- (1) **Provide a brief summary of:**
  - (a) **What this administrative regulation does:** This administrative regulation designates the status of all areas of the Commonwealth of Kentucky with regard to attainment of ambient air quality standards. Under the Clean Air Act (CAA), states have the primary responsibility for assuring air quality within the entire geographic area of the state by submitting an implementation plan to specify the manner in which national primary and secondary ambient air quality standards will be achieved and maintained within each air quality control region in a state.
  - (b) **The necessity of this administrative regulation:** This administrative regulation is necessary to identify geographic areas pursuant to Section 107 of the CAA and designate whether the area is attaining ambient air quality standards.
  - (c) **How this administrative regulation conforms to the content of the authorizing statutes:** Section 107 of the Clean Air Act provides states with the primary responsibility for assuring air quality within the entire geographic area of the state. This administrative regulation designates the status of all areas of the Commonwealth of Kentucky with regard to attainment of the ambient air quality standards for the purposes of planning and implementation of air pollution control strategies. Further, KRS 224.20-110 prohibits pollution of the air of the Commonwealth in contravention of the emission standards or the ambient air standards adopted by the cabinet.
  - (d) **How this administrative regulation currently assists or will assist in the effective administration of the statutes:** The applicability of several regulations relates to the designation of an area as listed in this administrative regulation. The Kentucky state implementation plan (SIP) specifies the manner in which national primary and secondary ambient air quality standards will be achieved and maintained within each air quality control region in the state depending on the designation of the area as prescribed in this administrative regulation.
- (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 will update the description and attainment or nonattainment status of geographic areas in Kentucky in regard to new and revised national primary and secondary ambient air quality standards.
  - (b) **The necessity of the amendment to this administrative regulation:** Since this administrative regulation was last amended in 1997, a number of revisions have

been promulgated to the designations of areas. The amendment to this administrative regulation is consistent with federal designations and eliminates discrepancies between federal and state law.

- (c) **How the amendment conforms to the content of the authorizing statutes:** This regulation identifies the status of geographic areas in Kentucky with regard to attainment of ambient air quality standards for the purposes of planning and implementation of the Kentucky SIP pursuant to Section 107 of the Clean Air Act.
  - (d) **How the amendment will assist in the effective administration of statutes:** The applicability of several regulations relates to the designation of an area as listed in this administrative regulation. The Kentucky SIP specifies the manner in which national primary and secondary ambient air quality standards will be achieved and maintained within each air quality control region in a state depending on the designation of the area as prescribed in this administrative regulation.
- (3) **List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation.** This administrative regulation designates all areas of the Commonwealth of Kentucky with regard to attainment of the NAAQS based on air quality data. The impact of this administrative regulation is indirect, as other regulations refer to the status designation. The number and types of affected facilities will vary depending on location of the facility and regulatory requirements based on the facility's operating parameters.
- (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:** Entities will not have to take any action to directly comply with this administrative regulation. However, an entity may be required to meet more stringent requirements set forth in another administrative regulation due to the status designation in this regulation.
  - (b) **In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):** There is no cost associated with this proposed amendment as it updates the status designations to be consistent with federal regulations. Entities will not have to take any action to directly comply with this administrative regulation. However, an entity may be required to meet standards set forth in another administrative regulation due to the status designation in this regulation.
  - (c) **As a result of compliance, what benefits will accrue to the entities identified**

**in question (3):** As a result of compliance and upon the designation of Attainment status, new sources will be subject to less stringent requirements than those in Nonattainment as a result of the air quality in that particular area, thus attracting new businesses and thereby encouraging economic development.

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

**(a) Initially:**

The Division for Air Quality will not incur any additional costs for the implementation of this administrative regulation.

**(b) On a continuing basis:**

The Division for Air Quality will not incur any additional costs for the implementation of this administrative regulation.

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

The Division for Air Quality's current operating budget will be used for the implementation and enforcement of 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 amendment.

**(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. An area's air quality designation status is determined by ambient air quality data. The regulation is tiered based upon the severity of the area's non-compliance and triggers more stringent control strategies for areas not meeting the ambient air quality standards.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation: 401 KAR 51:010

Contact person: Cassandra Jobe

Phone number: (502) 564-3999

- (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 Division for Air Quality will continue to use the status designations in this regulation to determine applicability of other regulations. State and local governments that own or operate affected facilities may be subject to other regulatory requirements based on the location of the affected facility and the facility's operating parameters.

- (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), KRS 224.20-110, 42 U.S.C. 7407, 40 C.F.R. 81.318

- (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 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 revenue in subsequent years.

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

The Division for Air Quality'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 Division for Air Quality'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.

## FEDERAL MANDATE ANALYSIS COMPARISON

Administrative Regulation: 401 KAR 51:010

Contact person: Cassandra Jobe

**1. Federal statute or regulation constituting the federal mandate.**

U.S. EPA promulgated the federal regulations in 40 C.F.R. 81.318 pursuant to 42 U.S.C. 7407.

**2. State compliance standards.**

This administrative regulation designates the status of a geographic area in the Commonwealth as related to ambient air quality standards.

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

42 U.S.C. 7407 obligates each state with the primary responsibility for assuring air quality within the entire geographic area of the state. This administrative regulation designates the status of all areas of the Commonwealth of Kentucky with regard to attainment of ambient air quality standards for the purposes of planning and implementation of air pollution control strategies.

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

No. Stricter standards or requirements are not imposed. The amendment to this administrative regulation provides regulatory consistency with 40 C.F.R. 81.318.

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

Stricter standards or requirements are not imposed.