

FILED WITH LRC  
TIME: 2 PM  
NOV 14 2016  
Donna Little  
REGULATIONS COMPILER

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division for Air Quality

4 (Amendment)

5 401 KAR 60:005. 40 C.F.R. Part 60 standards of performance for new stationary sources.

6 RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120. 40 C.F.R. Part  
7 ~~60[60.1-60.19, 60.40-60.316, 60.330-60.506, 60.540-60.548, 60.560-60.566, 60.580-60.648,~~  
8 ~~60.660-60.3078, Tables 1-5, 60.4101-60.4420, Table 1], 42 U.S.C. 7411[~~EO 2009-538]~~~~

9 STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-120, 42 U.S.C. 7411[~~EO~~  
10 ~~2009-308]~~

11 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the  
12 cabinet to promulgate administrative regulations for the prevention, abatement, and control of air  
13 pollution. [~~EO 2009-538, effective June 12, 2009, establishes the Energy and Environment~~  
14 ~~Cabinet.] This administrative regulation establishes the standards of performance for new  
15 stationary sources by referencing[adopts] the Standards of Performance for New Stationary  
16 Sources (NSPS) codified in 40 C.F.R. Part 60[60.1 through 60.19, 60.40 through 60.316, 60.330  
17 through 60.506, 60.540 through 60.548, 60.560 through 60.566, 60.580 through 60.648, 60.660  
18 through 60.3078, Tables 1-5, and 60.4101 through 60.4420, Table 1]. Delegation of  
19 implementation and enforcement authority for the federal NSPS program from the U.S.  
20 Environmental Protection Agency to the Commonwealth of Kentucky is provided by 42 U.S.C.  
21 7411(c)(1).~~

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

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

6 ~~[(2) "Part 60 NSPS" means the Standards of Performance for New Stationary Sources~~  
7 ~~codified in 40 C.F.R. 60.1 through 60.19 (Subpart A), 60.40 through 60.316 (Subparts D through~~  
8 ~~EE), 60.330 through 60.506 (Subparts GG through XX), 60.540 through 60.548 (Subpart BBB),~~  
9 ~~60.560 through 60.566 (Subpart DDD), 60.580 through 60.648 (Subparts FFF through LLL),~~  
10 ~~60.660 through 60.3078, Tables 1-5, (Subparts NNN through FFFF), and 60.4101 through~~  
11 ~~60.4420, Table 1 (Subparts HHHH through KKKK).]~~

12 Section 2. Applicability. This administrative regulation shall apply to sources subject to  
13 40 C.F.R. Part 60. A source subject to this administrative regulation shall comply with:

14 (1) 40 C.F.R. 60.1 to 60.19, Table 1 (Subpart A), General Provisions, as published July 1,  
15 2016;

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

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

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

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

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

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

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

10           (h) 40 C.F.R. 60.50c to 60.58c, Tables 1 to 3 (Subpart Ec), Standards of Performance for  
11 New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators, as published July 1,  
12 2016;

13           (i) 40 C.F.R. 60.60 to 60.66 (Subpart F), Standards of Performance for Portland Cement  
14 Plants, as published July 1, 2016;

15           (j) 40 C.F.R. 60.70 to 60.74 (Subpart G), Standards of Performance for Nitric Acid  
16 Plants, as published July 1, 2016;

17           (k) 40 C.F.R. 60.70a to 60.77a (Subpart Ga), Standards of Performance for Nitric Acid  
18 Plants for Which Construction, Reconstruction, or Modification Commenced After October 14,  
19 2011, as published July 1, 2016;

20           (l) 40 C.F.R. 60.80 to 60.85 (Subpart H), Standards of Performance for Sulfuric Acid  
21 Plants, as published July 1, 2016;

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

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

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

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

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

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

16           (s) 40 C.F.R. 60.120 to 60.123 (Subpart L), Standards of Performance for Secondary  
17 Lead Smelters, as published July 1, 2016;

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

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

23           (v) 40 C.F.R. 60.140a to 60.145a (Subpart Na), Standards of Performance for Secondary

- 1 Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is  
2 Commenced After January 20, 1983, as published July 1, 2016;
- 3 (w) 40 C.F.R. 60.150 to 60.156 (Subpart O), Standards of Performance for Sewage  
4 Treatment Plants, as published July 1, 2016;
- 5 (x) 40 C.F.R. 60.160 to 60.166 (Subpart P), Standards of Performance for Primary  
6 Copper Smelters, as published July 1, 2016;
- 7 (y) 40 C.F.R. 60.170 to 60.176 (Subpart Q), Standards of Performance for Primary Zinc  
8 Smelters, as published July 1, 2016;
- 9 (z) 40 C.F.R. 60.180 to 60.186 (Subpart R), Standards of Performance for Primary Lead  
10 Smelters, as published July 1, 2016;
- 11 (aa) 40 C.F.R. 60.190 to 60.195 (Subpart S), Standards of Performance for Primary  
12 Aluminum Reduction Plants, as published July 1, 2016;
- 13 (bb) 40 C.F.R. 60.200 to 60.205 (Subpart T), Standards of Performance for the Phosphate  
14 Fertilizer Industry: Wet-Process Phosphoric Acid Plants, as published July 1, 2016;
- 15 (cc) 40 C.F.R. 60.210 to 60.215 (Subpart U), Standards of Performance for the Phosphate  
16 Fertilizer Industry: Superphosphoric Acid Plants, as published July 1, 2016;
- 17 (dd) 40 C.F.R. 60.220 to 60.225 (Subpart V), Standards of Performance for the Phosphate  
18 Fertilizer Industry: Diammonium Phosphate Plants, as published July 1, 2016;
- 19 (ee) 40 C.F.R. 60.230 to 60.235 (Subpart W), Standards of Performance for the  
20 Phosphate Fertilizer Industry: Triple Superphosphate Plants, as published July 1;
- 21 (ff) 40 C.F.R. 60.240 to 60.245 (Subpart X), Standards of Performance for the Phosphate  
22 Fertilizer Industry: Granular Triple Superphosphate Storage Facilities, as published July 1, 2016;
- 23 (gg) 40 C.F.R. 60.250 to 60.258 (Subpart Y), Standards of Performance for Coal

1 Preparation and Processing Plants, as published July 1, 2016;

2 (hh) 40 C.F.R. 60.260 to 60.266 (Subpart Z), Standards of Performance for Ferroalloy  
3 Production Facilities, as published July 1, 2016;

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

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

10 (kk) 40 C.F.R. 60.280 to 60.285 (Subpart BB), Standards of Performance for Kraft Pulp  
11 Mills, as published July 1, 2016;

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

15 (mm) 40 C.F.R. 60.290 to 60.296 (Subpart CC), Standards of Performance for Glass  
16 Manufacturing Plants, as published July 1, 2016;

17 (nn) 40 C.F.R. 60.300 to 60.304 (Subpart DD), Standards of Performance for Grain  
18 Elevators, as published July 1, 2016;

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

21 (pp) 40 C.F.R. 60.330 to 60.335 (Subpart GG), Standards of Performance for Stationary  
22 Gas Turbines, as published July 1, 2016;

23 (qq) 40 C.F.R. 60.340 to 60.344 (Subpart HH), Standards of Performance for Lime

- 1 Manufacturing Plants, as published July 1, 2016;  
2 (rr) 40 C.F.R. 60.370 to 60.374 (Subpart KK), Standards of Performance for Lead-Acid  
3 Battery Manufacturing Plants, as published July 1, 2016;  
4 (ss) 40 C.F.R. 60.380 to 60.386 (Subpart LL), Standards of Performance for Metallic  
5 Mineral Processing Plants, as published July 1, 2016;  
6 (tt) 40 C.F.R. 60.390 to 60.398 (Subpart MM), Standards of Performance for Automobile  
7 and Light Duty Truck Surface Coating Operations, as published July 1, 2016;  
8 (uu) 40 C.F.R. 60.400 to 60.404 (Subpart NN), Standards of Performance for Phosphate  
9 Rock Plants, as published July 1, 2016;  
10 (vv) 40 C.F.R. 60.420 to 60.424 (Subpart PP), Standards of Performance for Ammonium  
11 Sulfate Manufacture, as published July 1, 2016;  
12 (ww) 40 C.F.R. 60.430 to 60.435 (Subpart OO), Standards of Performance for the  
13 Graphic Arts Industry: Publication Rotogravure Printing, as published July 1, 2016;  
14 (xx) 40 C.F.R. 60.440 to 60.447 (Subpart RR), Standards of Performance for Pressure  
15 Sensitive Tape and Label Surface Coating Operations, as published July 1, 2016;  
16 (yy) 40 C.F.R. 60.450 to 60.456 (Subpart SS), Standards of Performance for Industrial  
17 Surface Coating: Large Appliances, as published July 1, 2016;  
18 (zz) 40 C.F.R. 60.460 to 60.466 (Subpart TT), Standards of Performance for Metal Coil  
19 Surface Coating, as published July 1, 2016;  
20 (aaa) 40 C.F.R. 60.470 to 60.474 (Subpart UU), Standards of Performance for Asphalt  
21 Processing and Asphalt Roofing Manufacture, as published July 1, 2016;  
22 (bbb) 40 C.F.R. 60.480 to 60.489 (Subpart VV), Standards of Performance for Equipment  
23 Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which

1 Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or  
2 Before November 7, 2006, as published July 1, 2016;

3 (ccc) 40 C.F.R. 60.480a to 60.489a (Subpart VVa), Standards of Performance for  
4 Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for  
5 Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, as  
6 published July 1, 2016;

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

9 (eee) 40 C.F.R. 60.500 to 60.506 (Subpart XX), Standards of Performance for Bulk  
10 Gasoline Terminals, as published July 1, 2016;

11 (fff) 40 C.F.R. 60.530 to 60.539b (Subpart AAA), Standards of Performance for New  
12 Residential Wood Heaters, as published July 1, 2016;

13 (ggg) 40 C.F.R. 60.540 to 60.548 (Subpart BBB), Standards of Performance for the  
14 Rubber Tire Manufacturing Industry, as published July 1, 2016;

15 (hhh) 40 C.F.R. 60.560 to 60.566 (Subpart DDD), Standards of Performance for Volatile  
16 Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry, as published  
17 July 1, 2016;

18 (iii) 40 C.F.R. 60.580 to 60.585 (Subpart FFF), Standards of Performance for Flexible  
19 Vinyl and Urethane Coating and Printing, as published July 1, 2016;

20 (jjj) 40 C.F.R. 60.590 to 60.593 (Subpart GGG), Standards of Performance for  
21 Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or  
22 Modification Commenced After January 4, 1983, and on or Before November 7, 2006, as  
23 published July 1, 2016;

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

4           (lll) 40 C.F.R. 60.600 to 60.604 (Subpart HHH), Standards of Performance for Synthetic  
5 Fiber Production Facilities, as published July 1, 2016;

6           (mmm) 40 C.F.R. 60.610 to 60.618 (Subpart III), Standards of Performance for Volatile  
7 Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing  
8 Industry (SOCMI) Air Oxidation Unit Processes, as published July 1, 2016;

9           (nnn) 40 C.F.R. 60.620 to 60.625 (Subpart JJJ), Standards of Performance for Petroleum  
10 Dry Cleaners, as published July 1, 2016;

11           (ooo) 40 C.F.R. 60.630 to 60.636 (Subpart KKK), Standards of Performance for  
12 Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction,  
13 Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August  
14 23, 2011, as published July 1, 2016;

15           (ppp) 40 C.F.R. 60.640 to 60.648 (Subpart LLL), Standards of Performance for SO<sub>2</sub>  
16 Emissions from Onshore Natural Gas Processing for Which Construction, Reconstruction, or  
17 Modification Commenced After January 20, 1984, and on or Before August 23, 2011, as  
18 published July 1, 2016;

19           (qqq) 40 C.F.R. 60.660 to 60.668 (Subpart NNN), Standards of Performance for Volatile  
20 Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing  
21 Industry (SOCMI) Distillation Operations, as published July 1, 2016;

22           (rrr) 40 C.F.R. 60.670 to 60.676, Tables 1 to 3 (Subpart OOO), Standards of Performance  
23 for Nonmetallic Mineral Processing Plants, as published July 1, 2016;

1           (sss) 40 C.F.R. 60.680 to 60.685 (Subpart PPP), Standards of Performance for Wool  
2 Fiberglass Insulation Manufacturing Plants, as published July 1, 2016;  
3           (ttt) 40 C.F.R. 60.690 to 60.699 (Subpart QOO), Standards of Performance for VOC  
4 Emissions From Petroleum Refinery Wastewater Systems, as published July 1, 2016;  
5           (uuu) 40 C.F.R. 60.700 to 60.708 (Subpart RRR), Standards of Performance for Volatile  
6 Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry  
7 (SOCMI) Reactor Processes, as published July 1, 2016;  
8           (vvv) 40 C.F.R. 60.710 to 60.718 (Subpart SSS), Standards of Performance for Magnetic  
9 Tape Coating Facilities, as published July 1, 2016;  
10          (www) 40 C.F.R. 60.720 to 60.726 (Subpart TTT), Standards of Performance for  
11 Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines, as published  
12 July 1, 2016;  
13          (xxx) 40 C.F.R. 60.730 to 60.737 (Subpart UUU), Standards of Performance for  
14 Calciners and Dryers in Mineral Industries, as published July 1, 2016;  
15          (yyy) 40 C.F.R. 60.740 to 60.748 (Subpart VVV), Standards of Performance for  
16 Polymeric Coating of Supporting Substrates Facilities, as published July 1, 2016;  
17          (zzz) 40 C.F.R. 60.750 to 60.759 (Subpart WWW), Standards of Performance for  
18 Municipal Solid Waste Landfills, as published July 1, 2016;  
19          (aaaa) 40 C.F.R. 60.760 to 60.769 (Subpart XXX), Standards of Performance for  
20 Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification  
21 After July 17, 2014, as published at 81 F.R. 59368.  
22          (bbbb) 40 C.F.R. 60.1000 to 60.1465, Tables 1 to 5 (Subpart AAAA), Standards of  
23 Performance for Small Municipal Waste Combustion Units for Which Construction is

1 Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced  
2 After June 6, 2001, as published July 1, 2016;

3 (cccc) 40 C.F.R. 60.2000 to 60.2265, Tables 1 to 8 (Subpart CCCC), Standards of  
4 Performance for Commercial and Industrial Solid Waste Incineration Units, as published July 1,  
5 2016;

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

10 (eeee) 40 C.F.R. 60.4200 to 60.4219, Tables 1 to 8 (Subpart IIII), Standards of  
11 Performance for Stationary Compression Ignition Internal Combustion Engines, as published  
12 July 1, 2016;

13 (ffff) 40 C.F.R. 60.4230 to 60.4248, Tables 1 to 4 (Subpart JJJJ), Standards of  
14 Performance for Stationary Spark Ignition Internal Combustion Engines, as published July 1,  
15 2016;

16 (gggg) 40 C.F.R. 60.4300 to 60.4420, Table 1 (Subpart KKKK), Standards of  
17 Performance for Stationary Combustion Turbines, as published July 1, 2016;

18 (hhhh) 40 C.F.R. 60.4760 to 60.4930, Tables 1 to 5 (Subpart LLLL), Standards of  
19 Performance for New Sewage Sludge Incineration Units, as published July 1, 2016;

20 (iiii) 40 C.F.R. 60.5360 to 60.5430, Tables 1 to 3 (Subpart OOOO), Standards of  
21 Performance for Crude Oil and Natural Gas Production, Transmission and Distribution, as  
22 published July 1, 2016;

23 (jjjj) 40 C.F.R. 60.5360a to 60.5432a, Table 1 to 3 (Subpart OOOOa), Standards of

1 Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or  
2 Reconstruction Commenced After September 18, 2015, as published July 1, 2016;

3 (kkkk) 40 C.F.R. 60.5472 to 60.5483 (Subpart QQQQ), Standards of Performance for  
4 New Residential Hydronic Heaters and Forced-Air Furnaces, as published July 1, 2016; or

5 (llll) 40 C.F.R. 60.5508 to 60.5580, Tables 1 to 3 (Subpart TTTT), Standards of  
6 Performance for Greenhouse Gas Emissions for Electric Generating Units, as published July 1,  
7 2016; and

8 (3) The applicable methods, procedures, and reporting requirements codified in 40 C.F.R.  
9 Part 60, Appendices A to F and I, as published July 1, 2016.[60.1 through 60.19 (Subpart A),  
10 60.40 through 60.316 (Subparts D through EE), 60.330 through 60.506 (Subparts GG through  
11 XX), 60.540 through 60.548 (Subpart BBB), 60.560 through 60.566 (Subpart DDD), 60.580  
12 through 60.648 (Subparts FFF through LLL), 60.660 through 60.3078, Tables 1-5, (Subparts  
13 NNN through FFFF), and 60.4101 through 60.4420, Table 1 (Subparts HHHH through KKKK).  
14 These sources shall comply with the following:

15 (1) The applicable provisions codified in 40 C.F.R. 60.1 through 60.19 (Subpart A),  
16 “General Provisions”;

17 (2) The applicable methods, procedures, and reporting requirements codified in 40 C.F.R.  
18 Part 60, Appendices A through D and F ; and

19 (3) The applicable Part 60 NSPS.]

401 KAR 60:005 approved for filing.

11/8/2016  
Date

Charles G. Snavely  
Charles G. Snavely, Secretary  
Energy and Environment Cabinet

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation and the SIP Revision package for the amended administrative regulation will be held on December 22, 2016, at 10:00 a.m. (Eastern Time) in Conference Room 111 at 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by December 15, 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 December 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.

This administrative regulation is contained in Kentucky's State Implementation Plan approved by US EPA. The SIP revision package for the amended regulation will be submitted to US EPA once the proposed amendments to this administrative regulation become effective.

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, Supervisor  
Division for Air Quality  
300 Sower Blvd  
Frankfort, KY 40601  
Phone: (502) 782-6670  
Fax: (502) 564-4245  
E-mail: [Cassandra.Job@ky.gov](mailto:Cassandra.Job@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 401 KAR 60:005

Contact person: Cassandra Jobe

Phone: (502) 782-6670

E-mail: Cassandra.Jobe@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 standards of performance for new stationary sources (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 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 Energy and Environment Cabinet (Cabinet) to promulgate administrative regulations for the prevention, abatement, and control of air pollution. 42 U.S.C. 7416 requires that state authorities may 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 consistent with the federal standards 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 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 subparts of 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, 2016.

- (b) The necessity of the amendment to this administrative regulation: This amendment is necessary for the state standards for new stationary sources to be consistent with the federal standards for new stationary sources 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 public 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 federal 40 C.F.R. Part 60 NSPS requirements. The Division will retain delegation of authority for the implementation and enforcement of these requirements.
- (4) Provide an analysis 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, including:
- (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 have to meet requirements for operator training and qualification, emissions standards, siting, operating limits, compliance, monitoring, performance testing, and record keeping and reporting as contained in the applicable subpart.
  - (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 additional cost to the regulated entities to comply with this amendment as regulated entities are already subject to the federal 40 C.F.R. Part 60 NSPS requirements. 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 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 Division will not incur any additional costs for the implementation of this administrative regulation.
  - (b) On a continuing basis: The Division will not incur any continuing 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'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 or why not.): 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.

## FISCAL NOTE ON STATE AND LOCAL GOVERNMENT

Administrative Regulation: 401 KAR 60:005

Contact person: Cassandra Jobe

Phone Number: (502) 782-6670

E-mail: Cassandra.Job@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 Division for Air Quality 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 224.20-100(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 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 60:005

Contact person: Cassandra Jobe

Phone: (502) 782-6670

E-mail: Cassandra.Job@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.

Stricter standards or additional or different requirements are not imposed.