401 KAR 50:005. General application.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division for Air Quality

RELATES TO: KRS Chapter 224
PURSUANT TO: KRS 13,082, 224.033
NECESSITY AND FUNCTION: KRS 224.033 requires the Department for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation provides guidelines by which all regulations of Title 401, Chapters 50 to 65, are to be understood.

Section 1. General Application of Regulations and Standards. Regulations of the department shall be construed and applied in light of the considerations set forth hereinafter which shall guide the department in the issuance, modification, and revocation of permits.

(1) In the absence of any standard specified in these regulations, all air contaminant sources shall as a minimum apply such control procedures as are reasonable, available, and practical.

(2) Nothing in these regulations is intended to permit any practice which is in violation of any statue, ordinance, or regulation.

(3) These regulations shall be construed as complementary to each other, and to such other regulations as have been adopted or shall be adopted by the department. If any provision of these regulations as have been adopted or shall be adopted by the department. If any provision of these regulations or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations, and to this end each provision of these regulations, and the various applications thereof are declared to be severable.

Effective Date: June 6, 1979

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	JUN 29, 1979	JAN 25, 1980	45 FR 6092
		DEC 24, 1980	45 FR 84999
		JUL 12, 1982	47 FR 30059

401 KAR 50:010. Definitions and abbreviations of terms used in Title 401, Chapters 50, 51, 53, 55, 57, 59, 61, 63, and 65.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection Division for Air Quality

RELATES TO: KRS 224.01-010, 224.01-100, 224.20-100, 224.20-110, 224.20-120; 40 CFR, Chapter I; Appendices A through K to 40 CFR 50; 40 CFR 5 1: 100(s); 40 CFR 53; 40 CFR 60; Appendices A and B to 40 CFR 60; Appendix B to 40 CFR 61; 42 USC 7410; 42 USC 741t(a)(8)

STATUTORY AUTHORITY: KRS 13A.222(4)(e); 224.10-100

NECESSITY AND FUNCTION: KRS224.10-100(5) requires the Environmental and Public Protection Cabinet to promulgate regulations for the prevention, abatement, and control of air pollution. This regulation provides for the defining of terms to be used in Title 401, Chapters 50 to 65.

Section 1. Definitions. All terms not defined in this regulation or in subsequent regulations shall have the meaning given them in KRS 224.01-010 or by commonly accepted usage. As used in the regulations of the Division for Air Quality, unless the content clearly indicates otherwise, the following words shall have the following meanings:

(1) "Affected facility" means an apparatus, building, operation, road, or other entity or series of entities that emits or may emit an air contaminant into the outdoor atmosphere.

(2) "Air contaminant" has the meaning given it in KRS 224.01-010.

(3) "Air pollutant" means an air contaminant.

(4) "Air pollution" has the meaning given it in KRS 224.01-010.

(5) "Air pollution control equipment" means a mechanism, device or contrivance used to control or prevent air pollution, that is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation.

(6) "Alteration" means:
  (a) The installation or replacement of air pollution control equipment at a source;

  (b) A physical change in or change in the method of operation of an affected facility that increases the potential to emit of a pollutant (to which a standard applies) emitted by the facility or which results in the emission of an air pollutant (to which a standard applies) not previously emitted.

(7) "Alternative method" means a method of sampling and analyzing for an air pollutant that is not a reference method or equivalent method and has been demonstrated to the cabinet's and the U.S. EPA's satisfaction to, in specific cases, produce results adequate for its determination of compliance.

(8) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(9) "Ambient air quality standard" means a numerical expression of a specified concentration level for a particular air contaminant and the time averaging interval over which that concentration level is measured and is a goal to be achieved in a stated time through the application of appropriate preventive or control measures.

(10) "Cabinet" has the meaning given it in KRS 224.01-010.

(11) "Capital expenditure" is defined in 40 C.F.R. 60.2

(12) "Commence" means that an owner or operator has undertaken a continuous program of construction, modification, or reconstruction of an affected facility, or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction, modification, or reconstruction of an affected facility.

(13) "Compliance schedule" means a time schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with a limitation or standard.

(14) "Construction" means fabrication, erection, installation or modification of an air contaminant source.

(15) "Continuous monitoring system" means the total equipment, required under the applicable regulations used to sample, to condition (if applicable), to analyze and to provide a permanent record of emissions or process parameters.

(16) "Director" means Director of the Division for Air Quality of the Environmental and Public Protection Cabinet.

(17) "District" has the meaning given it in KRS 224.01-100.

(18) "Emission standard" means that numerical limit that fixes the amount of an air contaminant or air contaminants that may be vented into the atmosphere (open air) from an affected facility or from air pollution control equipment installed in an affected facility.

(19) "Equivalent method" means a method of sampling and analyzing for an air pollutant that has been demonstrated to the cabinet's and the U.S. EPA's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

(20) “Exempt compound” or "Exempt solvent" means an organic compound listed in the definition of volatile organic compound as not participating in atmospheric photochemical reactions.

(21) "Existing source" means a source that is not a new source.

(22) "Extreme nonattainment county" or "extreme nonattainment area" means a county or portion of a county designated extreme nonattainment in 401 KAR 51:010.

(23) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(24) "Fuel" means natural gas, petroleum, coal, wood, and any form of solid, liquid, or gaseous fuel derived from these materials for the purpose of creating useful heat.

(25) "Fugitive emissions" means the emissions of an air contaminant into the open air other than from a stack or air pollution control equipment exhaust.

(26) "Hydrocarbon" means an organic compound consisting predominantly of carbon and hydrogen.

(27) "Incineration" means the process of igniting and burning solid, semi-solid, liquid, or gaseous combustible wastes.

(28) "Intermittent emissions" means emissions of particulate matter into the open air from a process that operates for less than any six (6) consecutive minutes.

(29) "Major source" means a source of which the potential emission rate is equal to or greater than 100 tons per year of any one (1) of the following pollutants: particulate matter, sulfur oxides, nitrogen oxides, volatile organic compounds or carbon monoxide.

(30) "Malfunction" means a failure of air pollution control equipment, or process equipment, or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

(31) "Marginal nonattainment county" or "marginal nonattainment area" means a county or portion of a county designated marginal nonattainment in 401 KAR 51:010.

"ttg" means microgram .

"min" means minute.

"MM" means million.

(32) "Moderate nonattainment county" or "moderate nonattainment area" means a county or portion of a county designated moderate nonattainment in 401 KAR 51:010.

(33) "Modification" means any physical change in, or change in the method of operation of, an affected facility that increases the amount of an air pollutant (to which a standard applies) emitted into the atmosphere by that facility or that results in the emission of an air pollutant (to which a standard applies) into the atmosphere not previously emitted. The following shall not, by themselves, be considered modifications:

(a) Maintenance, repair, and replacement that the cabinet determines to be routine for a source category;

(b) An increase in production rate of an affected facility, if that increase can be accomplished without a capital expenditure on that facility;

(c) An increase in the hours of operation;

(d) Use of an alternative fuel or raw material if, prior to the date any standard becomes applicable to that source type, the affected facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications as amended prior to the change. Conversion to coal required for energy considerations, as specified in 42 USC 7411(a)(8), shall not be considered a modification;

(e) The addition or use of any system or device the primary function of which is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system that the cabinet determines to be less environmentally beneficial;

(f) The relocation or change in ownership of an existing facility.

(34) "Monitoring device" means the total equipment, required in applicable regulations, used to measure and record, if applicable, process parameters.

(35) "New source" means a source, the construction, reconstruction, or modification of which commenced on or after the classification date as defined in the applicable regulation. A source, upon reconstruction, becomes a new source, irrespective of a change in emission rate.

(36) "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods specified by the cabinet.

(37) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

(38) "Owner or operator" means a person who owns, leases, operates, controls, or supervises an affected facility or a source to which an affected facility is a part.

(39) "Particulate matter" means a material, except uncombined water, that exists in a finely divided form as a liquid or a solid as measured by an approved test method.

(40) "Particulate matter emissions" means, except as used in 40 C.F.R. Part 60, all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter 1, or by a test method specified in the approved state implementation plan.

(41) "Person" means an individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, firm, trust, estate, or other entity.

"$PM_{2.5}$" means particulate matter with an aerodynamic diameter less than or equal to a nominal two-and-a-half (2.5) micrometers as measured by a reference method in 40 C F R Part 50 Appendix L and designated in accordance with 40 C.F.R. Part 53 or by an equivalent method designated in accordance with 40 C.F.R. Part 53.

(42) "PM_{10}" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method in 40 C.F .R. Part 50, Appendix J which has been incorporated by reference in 401 KAR 50:015, and designated in accordance with 40 C.F.R. 53, or by an equivalent method designated in accordance with 40 C.F.R. 53.

(43) "PM_{10} emissions" means finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 C.F.R. Chapter 1, or by a test method specified in the approved state implementation plan.

(44) "Potential to emit" or “PTE” means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. A physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material

combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions shall not count in determining the potential to emit of a stationary source.

(45) "Reconstruction" means the replacement of components of an existing affected facility to the extent that the fixed capital cost of the new components exceeds fifty (50) percent of the fixed capital cost that would be required to construct a comparable entirely new affected facility, and it is technologically and economically feasible to meet the applicable new source standards. Individual sections of these regulations may include specific provisions which refine and delimit the concept of reconstruction set forth in this subsection. The cabinet's determination as to whether the proposed replacement constitutes reconstruction shall be based on:

(a) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility;

(b) The estimated life of the affected facility after the replacements compared to the life of a comparable entirely new affected facility;

(c) The extent to which the components being replaced cause or contribute to the emissions from the affected facility; and

(d) Economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.

(46) "Reference method" means a method of sampling and analyzing for an air pollutant as published in Appendices A through N to 40 C.F.R. 50, 40 C.F.R. Part 53; Appendices A and B to 40 C.F.R. Part 60, and Appendix B to 40 C.F.R. 61, or 40 C.F.R. Part 63, Appendices A to D, which have been incorporated by reference in 401 KAR 50:015. This term may be more narrowly defined within a specific regulation or chapter.

(47) "Run" means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

(48) "Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions shall be specific, well defined, quantifiable, and shall impact the same general area as does the stationary source modification that causes the secondary emissions. Secondary emissions may include, but are not limited to emissions from an offsite support facility that would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include emissions that come directly from a mobile source, such as the emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

(49) "Serious nonattainment county" or "serious nonattainment area" means a county or portion of a county designated serious nonattainment in 401 KAR 51:010.

(50) "Severe nonattainment county" or "severe nonattainment area" means a county or portion of a county designated severe nonattainment in 401 KAR 51:010.

(51) "Shutdown" means the cessation of an operation.

(52) "Source" means one (1) or more affected facilities contained within a given contiguous property line. The property shall be considered contiguous if separated only by a public thoroughfare, stream, or other right of way.

(53) "Stack or chimney" means a flue, conduit, or duct arranged to conduct emissions to the atmosphere.

(54) "Standard" means an emission standard, a standard of performance, or an ambient air quality standard promulgated in the regulations of the Division for Air Quality or the emission control requirements necessary to comply with Title 401, Chapter 51 of the regulations of the Division for Air Quality.

(55) "Standard conditions" means:

(a) For source measurements, twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit) and a pressure of 760 mm Hg (29.92 in. of Hg);

(b) For air quality determinations, twenty-five (25) degrees Celsius (seventy-seven (77) degrees Fahrenheit) and a reference pressure of 760 mm Hg (29.92 in. of Hg).

(56) "Start-up" means the setting in operation of an affected facility.

(57) "State implementation plan" means the most recently prepared plan or revision required by 42 USC 7410.

(58) "Total suspended particulates" or “TSP” means particulate matter as measured by the method described in 40 C.F.R. Part 50, Appendix B, which has been incorporated by reference in 401 KAR 50:015.

(59) "Uncombined water" means water that can be separated from a compound by ordinary physical means and is not bound to a compound by internal molecular forces.

(60) "Urban county" means a county that is a part of an urbanized area with a population of greater than 200,000 based upon the 1980 census. If a portion of a county is a part of an urbanized area, then the entire county shall be classified as urban with respect to the

regulations of the Division for Air Quality.

(61) "Urbanized area" means an area defined as such by the U.S. Department of Commerce, Bureau of Census.

Section 2. Abbreviations.
The abbreviations used in the regulations of Title 401, Chapters 50 to 65, shall have the following meanings:

AOAC - Association of Official Analytical Chemists;
ANSI - American National Standards Institute;
ASTM - American Society for Testing and Materials;
BOD - Biochemical oxidant demand;
BTU - British Thermal Unit;
^{o}C - Degree Celsius (centigrade);
Cal - calorie;
cfm - cubic feet per minute;
CFR - Code of Federal Regulations;
CH_4 - methane;
CO - Carbon monoxide;
CO_2- Carbon dioxide;
COD - Chemical oxidant demand;
dscf - dry cubic feet at standard conditions;
dscm - dry cubic meter at standard conditions;
^{o}F - Degree Fahrenheit;
ft - feet;
g - gram;
gal - gallon;
gr - grain;
hr - hour;
HCl - Hydrochloric acid;
Hg - mercury;
HF - Hydrogen fluoride;
H_2O - water;
H_2S - Hydrogen sulfide;
H_2SO_4 - Sulfuric acid;
in - inch;
J - joule;
KAR - Kentucky Administrative Regulations;
kg - kilogram;
KRS - Kentucky Revised Statutes;
L - liter;
lb - pound;
m - meter;

m^3- cubic meter;
min - minute;
mg - milligram;
MJ - megajoules;
MM - million;
mm - millimeter;
mo - month;
Ng - nanograms;
N_2- Nitrogen;
NO - Nitric oxide;
N_2O - Nitrogen dioxide;
NO_x - Nitrogen oxides;
oz - ounce;
0_2 - oxygen;
O_3 - ozone;
ppb - parts per billion;
ppm - parts per million;
ppm (w/w) - parts per million (weight by weight);
µg - microgram;
psia - pounds per square inch absolute;
psig - pounds per square inch gage;
S - at standard conditions;
sec - second;
SIP - State implementation plan;
SO_2 - Sulfur dioxide;
sq - square;
TAPPI - Technical Association of the Pulp and Paper Industry;
TSP - Total suspended particulates;
TSS - Total suspended solids;
U.S. EPA - United States Environmental Protection Agency;
UTM - Universal Transverse Mercator;
VOC - Volatile organic compound;
yd - yard;

Section 3. 401 KAR 50:047 definitions. As used in 401 KAR 50:047, unless the content clearly indicates otherwise, the following terms shall have the following meanings:

(1) "Capture" means the containment or recovery of emissions from a process for direction into a duct which may be exhausted through a stack or sent to a control device.

(2) "Capture system" means all equipment (including, but not limited to, hoods, ducts, fans, booths, ovens, dryers, etc.) that contains, collects, and transports an air pollutant to a control device.

(3) "Capture efficiency" means the weight per unit time of volatile organic compounds (VOCS) entering a capture system and delivered to a control device divided by the weight per unit time of total VOCs generated by a source of VOCS, expressed as a percentage.

(4) "Control device" means equipment such as an incinerator or carbon adsorber used to reduce, by destruction or removal, the amount of air pollutants in an air stream prior to discharge to the ambient air.

(5) "Control system" means a combination of one (1) or more capture systems and control devices working in concert to reduce discharges of pollutants to the ambient air.

(6) "Destruction or removal efficiency" means the efficiency, expressed as a decimal fraction, of a control device in destroying or removing contaminants. It is calculated as one (1) minus the quotient of the amount of VOCs exiting the control device divided by the amount of VOCs entering the control device, i.e. 1-((VOC exiting)/(VOC entering)).

(7) "Gas-gas method" means either of two (2) methods for determining capture of emissions which rely on only gas phase measurements. One (1) method requires construction of a total temporary enclosure to assure all would-be fugitive emissions are measured; the other method uses the room or building which houses the emission source as an enclosure.

(8) "Hood" means a partial enclosure or canopy for capturing and exhausting, by means of a draft, the organic vapors or other fumes rising from a coating process or other source.

(9) "Liquid-gas method" means either of two (2) methods for determining capture of emissions which require both gas phase and liquid phase measurements and analysis. One (1) liquid-gas method requires construction of a temporary enclosure; the other uses the building or room which houses the facility as an enclosure.

(10) "Overall emission reduction efficiency" means the weight per unit time of VOC removed by a control device divided by the weight per unit time of VOC emitted by an emission source, expressed as a percentage. With the efficiencies expressed as decimal fractions, the overall emission reduction efficiency is the product of the capture efficiency and the control equipment destruction or removal efficiency.

(11) “PTE” means a permanent total enclosure which contains a process that emits VOC and meets the specifications given in Procedure T.

(12) “TTE” means a temporary total enclosure which is built around a process that emits VOC and meets the specifications given in Procedure T.

(13) “BE” means a building or room enclosure that contains a process that emits VOC. If

a BE is to serve as a PTE or TTE, the appropriate requirements given in Procedure T shall be met.

(14) "Procedure F.1" means Procedure F.1 in "VOM Measurement Techniques for Capture Efficiency," which has been incorporated by reference in Section 5 of this regulation.

(15) "Procedure F.2" means Procedure F.2 in "VOM Measurement Techniques for Capture Efficiency," which has been incorporated by reference in Section 5 of this regulation.

(16) "Procedure G.2" means Procedure G.2 in "VOM Measurement Techniques for Capture Efficiency," which has been incorporated by reference in Section 5 of this regulation.

(17) "Procedure L" means Procedure L in "VOM Measurement Techniques for Capture Efficiency," which has been incorporated by reference in Section 5 of this regulation.

(18) "Procedure T" means Procedure T in "VOM Measurement Techniques for Capture Efficiency," which has been incorporated by reference in Section 5 of this regulation.

Section 4. Reference Material.

(1) Incorporation by reference. The following documents are incorporated by reference:

(a) Depreciation, IRS Publication 534, catalog number 150640, Department of the Treasury, Internal Revenue Service, and

(b) Section 1012, Basis of Property Cost, Income Tax-Basic Rules, Internal Revenue Code.

(2) The documents incorporated by reference in subsection (1) of this section are available for public inspection and copying, subject to copyright law, at the following main and regional offices of the Kentucky Division for Air Quality during the normal working hours of 8:00 a.m. to 4:30 p.m., local time.

(a) Kentucky Division for Air Quality, 316 St. Clair Mall, Frankfort, Kentucky, 40601, (502) 564-3382;

(b) Ashland Regional Office, 3700 Thirteenth Street, Ashland, Kentucky, 41101, (606) 325-8569;

(c) Bowling Green Regional Office, 1508 Westen Avenue, Bowling Green, Kentucky, 42104, (502) 843-5475;

(d) Florence Regional Office, 7964 Kentucky Drive, Suite 8, Florence, Kentucky, 41042, (606) 292-641 1;

(e) Hazard Regional Office, 233 Birch Street, Hazard, Kentucky, 41701, (606) 439-2391;

(f) Owensboro Regional Office, 311 West Second Street, Owensboro, Kentucky, 42301, (502) 686-3304; and

(g) Paducah Regional Office, 4500 Clarks River Road, Paducah, Kentucky, 42003, (502) 898-8468.

Effective Date: June 6, 1996

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	JUN 29, 1979	JAN 25, 1980	45 FR 6092
		DEC 24, 1980	45 FR 84999
		JUL 12, 1982	47 FR 30059
1st Revision	DEC 09, 1982	DEC 04, 1986	51 FR 43472
2nd Revision	DEC 29, 1986	NOV 28, 1989	54 FR 48887
3rd Revision	JUL 07, 1988	FEB 07, 1990	55 FR 4169
4th Revision	OCT 20, 1992	JUN 23, 1994	59 FR 32343
5th Revision	MAY 04, 1995	JUN 13, 1995	60 FR 31087
6th Revision	JUN 19, 1996	JAN 21, 1997	62 FR 2915
7th Revision	DEC 14, 2006	SEP 13, 2007	72 FR 52282

401 KAR 50:012. General application.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division for Air Quality

RELATES TO: KRS 224.10-100, 224.20-120, 40 CFR 60.14, 42 USC 7401 et. seq., 42 USC 7408, 42 USC 7410

STATUTORY AUTHORITY: KRS 224.10-100

NECESSITY AND FUNCTION: KRS 224. 10-100 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. 42 USC 7410 likewise requires the state to implement standards for national primary and secondary ambient air quality. This regulation provides guidelines by which all regulations of Title 401, Chapters 50 to 65, are to be understood.

Section 1. General Application of Regulations and Standards. Regulations of the cabinet shall be construed and applied according to Subsections (1) through (6) of this section, which shall guide the cabinet in the issuance, modification, and revocation of permits.

(1) All major sources of VOCs located in a county or portion of a county which is designated ozone nonattainment, for any nonattainment classification except marginal, under 401 KAR 51:010, shall install and use control technology which is reasonable and available.

(a) The determination of reasonably control technology shall be approved by the cabinet and shall be based upon:

1. A Control Techniques Guidelines Document issued by the U.S. EPA promulgated in regulatory form by the cabinet, or
2. If no Control Techniques Guidelines Document is appropriate, the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. The cabinet may require technology that has been applied to similar, but not necessarily identical source categories.

(b) For those reasonably available control technology determinations not based on a control techniques guideline document, the cabinet shall:

1. Hold a public hearing on the determination.
2. Submit the determination to the U.S. EPA for approval.

(c) For these determinations, that portion of a source with facilities uncontrolled by reasonably available control technology which emit VOCs that sum to 100 tpy or greater shall be considered a major source.

(2) In the absence of a standard specified in these regulations, all air contaminant sources shall as a minimum apply control procedures that are reasonable, available, and practical.

(3) Nothing in these regulations is intended to permit a practice which is in violation of a statute, ordinance, or regulation.

(4) These regulations shall be complementary to each other, and to other regulations adopted by the cabinet. If a provision of these regulations or the application thereof to a person or circumstance is held to be invalid, the invalidity shall not affect other provisions or application of another part of these regulations and to this end each provision of these regulations, and the various implications thereof are declared to be severable.

(5) Except as provided by 401 KAR 50:055, nothing in these regulations shall allow a source to remove control equipment or discontinue procedures previously required in a nonattainment area to achieve the national ambient air quality standards until a State Implementation Plan containing different requirements has been approved by the U.S. EPA.

(6) For the purpose of applying the definition of modification, an increase in the amount of an air pollutant shall be determined as in 40 CFR 60.14.

Effective Date: November 12, 1997

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	JUN 29, 1979	JAN 25, 1980	45 FR 6092
		DEC 24, 1980	45 FR 84999
		JUL 12, 1982	47 FR 30059
1st Revision	OCT 20, 1992	JUN 23, 1994	59 FR 32343
2nd Revision	DEC 19, 1997	JUL 24, 1998	63 FR 39739

401 KAR 50:015. Documents incorporated by reference.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division for Air Quality

RELATES TO: KRS 224.320, 224.330,224.340

PURSUANT TO: KRS 224.033

NECESSITY AND FUNCTION: KRS 224.033 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation provides for the incorporation by reference of documents referred to within these regulations.

Section 1. Code of Federal Regulations.

(1) The following documents from the "Code of Federal Regulations" which are in effect as of October 1, 1987, are incorporated herein by reference:

(a) 40 CFR 50:

1. Appendix A: Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method).

2. Appendix B: Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High Volume Method).

3. Appendix C: Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry).

4. Appendix D: Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere.

5. Appendix E: Reference Method for the Determination of Hydrocarbons Corrected for Methane.

6. Appendix F: Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence).

7. Appendix G: Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air.

8. Appendix H: Interpretation of the National Ambient Air quality

Standards for Ozone.

9. Appendix J: Reference Method for the Determination of Particulate Matter as PM_{10} in the Atmosphere.

10. Appendix K: Interpretation of the National Ambient Air Quality Standards for Particulate Matter.

(b) 40 CFR 58: Appendix B: Quality Assurance Requirements for Prevention of Significant Deterioration PSD) Air Monitoring.

(c) 40 CFR 60:

1. Appendix A: Reference Methods:
   a. Method 1 - Sample and Velocity Traverses for Stationary Sources.
   b. Method 2 - Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube).
   c. Method 2A - Direct Measurement of Gas volume through Pipes and Small Ducts.
   d. Method 2B - Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators.
   e. Method 3 - Gas Analysis for Carbon Dioxide, Oxygen, Excess Air, and dry molecular weight.
   f. Method 3A - determination of oxygen and carbon dioxide concentrations in emissions from stationary sources (instrumental analyzer procedure).
   g. Method 4 - Determination of moisture content in stack gases.
   h. Method 5 - Determination of particulate emissions from stationary sources.
   i. Method 5A - determination of particulate emissions from the asphalt processing and asphalt roofing industry.
   j. Method 5B - Determination of Nonsulfuric Acid Particulate Matter from Stationary Sources.
   k. Method 5D - determination of particulate matter emissions from positive pressure fabric filters.

l. Method 5E - determination of particulate emissions from the wool Fiberglass insulation manufacturing industry.

m. Method 5F - Determination of Nonsulfate Particulate Matter from Stationary Sources.

n. Method 6 - determination of sulfur dioxide emissions from stationary sources.

o. Method 6A - Determination of sulfur dioxide, moisture, and carbon dioxide emissions from fossil fuel combustion sources.

p. Method 6B - determination of sulfur dioxide and carbon dioxide daily average emissions from fossil fuel combustion sources.

q. Method 6C - determination of sulfur dioxide emissions from stationary sources (instrumental analyzer procedure).

r. Method 7 - Determination of nitrogen oxide emissions from stationary sources.

s. Method 7A - Determination of nitrogen oxide emissions from stationary sources -- ion chromatographic method.

t. Method 7B - determination of nitrogen oxide emissions from stationary sources (ultraviolet spectrophotometry).

u. Method 7C - determination of nitrogen oxide emissions from stationary sources -- alkaline - permanganate/colorimetric method.

v. Method 7D - Determination of nitrogen oxide emissions from stationary sources -- alkaline - permanganate/ion chromatographic method.

w. Method 7E - Determination of nitrogen oxides emissions from stationary sources (instrumental analyzer procedure).

x. Method 8 - determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources.

y. Method 9 - visual determination of the opacity of emissions from stationary sources.

z. Method 10 - determination of carbon monoxide emissions from

stationary sources.

aa. Method 10A - Determination of Carbon Monoxide Emissions in Certifying Continuous Emission Monitoring Systems at Petroleum refineries.

bb. Method 11 - determination of hydrogen sulfide content of fuel gas streams in petroleum refineries.

cc. Method 12 - determination of inorganic lead emissions from stationary sources.

dd. Method 13A - determination of total fluoride emissions from stationary sources - SPADNS zirconium lake method.

ee. Method 13 B - determination of total fluoride emissions from stationary sources - specific ion electrode method.

ff. Method 14 - determination of fluoride emissions from potroom roof monitors of primary aluminum plants.

gg. Method 15 - determination of hydrogen sulfide, carbonyl sulfide, and carbon disulfide emissions from stationary sources.

hh. Method 15A - determination of Total Reduced Sulfur Emissions from Sulfur Recovery Plants in Petroleum Refineries.

ii. Method 16 - semicontinuous determination of sulfur emissions from stationary sources.

jj. Method 16A - determination of total reduced sulfur emissions from stationary sources (impinger technique).

kk. Method 16B - determination of Total Reduced sulfur emissions from Stationary sources.

ll. Method 17 - determination of particulate emissions from stationary sources (instack filtration method).

mm. Method 18 - measurement of gaseous organic compound emissions by gas chromatography.

nn. Method 19 - determination of sulfur dioxide removal efficiency and particulate, sulfur dioxide and nitrogen oxides emissions rates

from electric utility steam generators.

oo. Method 20 - determination of nitrogen oxides, sulfur dioxide, and diluent emissions from stationary gas turbines.

pp. Method 21 - determination of volatile organic compounds leaks.

qq. Method 22 - visual determination of fugitive emissions from material processing sources.

rr. Method 24 - determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings.

ss. Method 24A - determination of volatile matter content and density of printing inks and related coatings.

tt. Method 25 - determination of total gaseous nonmethane organic emissions as carbon.

uu. Method 25 A - determination of total gaseous organic concentration using a flame ionization analyzer.

vv. Method 25B - determination of total gaseous organic concentration using a nondispersive infrared analyzer.

ww. Method 27 - determination of vapor tightness of gasoline delivery tank using pressure-vacuum test.

2. Appendix B: Performance specifications:

a. Performance specification 1 - specifications and test procedures for opacity continuous emission monitoring systems in stationary sources.

b. Performance specification 2 - specifications and test procedures for sulfur dioxide and nitric oxides continuous emission monitoring systems in stationary sources.

c. Performance specification 3 - specifications and test procedures for oxygen and carbon dioxide continuous emission monitoring systems in stationary sources.

d. Performance specification 4 - specifications and test procedures for carbon monoxide continuous emission monitoring systems in stationary sources.

e. Performance specification 5 - specifications and test procedures for TRS continuous emission monitoring systems in stationary sources.

3. Appendix C: Determination of emission rate change.

4. Appendix F: Quality Assurance Procedure 1 - Quality Assurance Requirements for Gas Continuous Emission Monitoring Systems Used for Compliance Determination.

(d) 40 CFR 61:

1. Appendix B: Test Methods:

a. Method 101 - determination of particulate and gaseous mercury emissions from chlor-alkali plants (air streams).

b. Method 101A - determination of particulate and gaseous mercury emissions from sewage sludge incinerators.

c. Method 102 - determination of particulate and gaseous mercury emissions from chlor-alkali plants (hydrogen streams).

d. Method 103 - beryllium screening method.

e. Method 104 - reference method for determination of beryllium emissions from stationary sources.

f. Method 105 - method for determination of mercury in wastewater treatment plant sewage sludges.

g. Method 106 - determination of vinyl chloride from stationary sources.

h. Method 107 - determination of vinyl chloride content of inprocess wastewater samples, and vinyl chloride content of polyvinyl chloride resin, slurry, wet cake, and latex samples.

i. Method 107 A - determination of vinyl chloride content of solvents, resin-solvent solution, polyvinyl chloride resin, resin slurry, wet resin, and latex samples.

j. Method 108 - determination of particulate and gaseous arsenic emissions.

k. Method 108A - determination of particulate and gaseous arsenic emissions.

l. Method 111 - determination of polonium - 210 emissions from stationary sources.

2. Appendix C: Quality assurance procedures:

a. Procedure 1 - determination of adequate chromatographic peak resolution.

b. Procedure 2 - procedures for field auditing GC analysis.

(2) Copies may be obtained from: Office of the Federal Register, National Archives and Records Service, 8th and Pennsylvania Avenue, NW, Washington, D.C. 20408; Phone (202) 523-5215.

Section 2. Association of Official Analytic Chemists. The following document from the Association of official analytical chemists is incorporated herein by reference.

(l) Method 9 - Spectrophotometric Molybdovanadophosphate from "Official Method of Analysis" of the association of official analytic chemists, 11th edition.

(2) Copies may be obtained from: Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, D.C. 20014; Phone (202)245-1191.

Section 3. American Society for Testing and Materials. The following documents from the appropriate "Book of ASTM Standards" in which the standard appears from the American Society for Testing and Materials are incorporated herein by reference:

(1) ASTM Standards:

(a) A 99-66(7l) standard specification for ferromanganese.

(b) A 100-69(74) standard specification for ferrosilicon.

(c) A 101-73 standard specification for ferrochromium.

(d) A 482-66(7l) standard specification for ferrochrome- silicon.

(e) A 483-64(74) standard specification for silicomanganese.

(f) A 495-64(70) standard specification for calcium-silicon and calcium-manganese-silicon.

(g) D 86-82 standard method for distillation of petroleum products.

(h) D 240-76 standard test method for heat of combustion of liquid hydrocarbon fuels by bomb calorimeter.

(i) D 322-67(77) Standard test method for gasoline diluent in used gasoline engine oils by distillation.

(j) D 323-82 Standard Specifications for Fuel Oils.

(k) D 388-82 standard specification for classification by coals by rank.

(l) D 396-84 Standard Specifications for Fuel Oils.

(m) D 737-75 standard test method for air permeability of textile fabrics.

(n) D 1072-80 standard method for total sulfur in fuel gases.

(o) D 1137-53(75) standard method for analysis of natural gases and related types of gaseous mixtures by the mass spectrometer.

(p) D 1475-60(80) standard test method for density of paint, varnish, lacquer, and related products.

(q) D 1644-75 standard test methods for nonvolatile content of varnishes.

(r) D 1826-64(75) standard test method for calorific value of gases in natural gas range by continuous recording calorimeter.

(s) D 1945-64(73) standard method for analysis of natural gas by gas chromatography.

(t) D 1946-67(72) standard method for analysis of reformed gas by gas chromatography.

(u) D 2015-66(72) standard test method for gross calorific value of solid fuel by the adiabatic bomb calorimeter.

(v) D 2265-83 Standard test method for aromatics in light naphthas and aviation gasolines by gas chromatography.

(w) D 2369-73 standard test method for volatile content of paints.

(x) D 2382-83 standard test method for eat of combustion of hydrocarbon fuels by bomb calorimeter (high-precision method).

(y) D 2504-83 standard test method for noncondensable gases in C_3 and lighter hydrocarbon products by gas chromatography.

(z) D 2584j-68(79) standard test method for ignition loss of cured reinforced resins.

(aa) D 2880-78 standard specification for gas turbine fuel oils.

(bb) D 2879-83 standard test method for vapor pressure- temperature relationship and initial decomposition temperatures of liquids by isoteniscope.

(cc) D 3031-81 standard test method for total sulfur in natural gas by hydrogenation.

(dd) D 3176-74 standard method for ultimate analysis of coal and coke.

(ee) D 3178-73 standard test methods for carbon and hydrogen in the analysis sample of coal and coke.

(ff) D 3246-8l standard method for sulfur in petroleum gas by oxidative microcoulometry.

(gg) D 3421-80 Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons.

(hh) D 4084-82 Standard method for analysis of hydrogen sulfide in gaseous fuels (lead acetate reaction rate method).

(ii) E 123-78 Standard specification for apparatus for determination of water by distillation.

(jj) E 168-67(77) standard recommended practices for general techniques of infrared quantitative analysis.

(kk) E 169-63(81) standard recommended practices for general techniques of ultraviolet quantitative analysis.

(ll) E 260-73 Standard recommended practice for general gas chromatography procedures.

(2) Copies may be obtained from: American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103; Phone (215) 299-5400.

Section 4. Technical Association of the Pulp and Paper Industry. The following document from the Technical Association of the Pulp and Paper Industry (TAPPI) is incorporated herein by reference:

(1) T624 os-68--Analysis of Soda and Sulfate - White and Green Liquors. This reference is also numbered ANSI P3.6-1970 (American National Standards Institute)

(2) Copies may be obtained from: TAPPI, l Dunwoody Park, Atlanta, GA 30341.

Section 5. Environmental Protection Agency. The following documents from the U.S. Environmental Protection Agency are incorporated herein by reference:

(1) (a) Guideline on Air Quality Models (Revised), EPA-450/2- 78-027R, OAQPS No. 1.2-080R, July, 1986, and Supplement A to the Guideline on Air Quality Models (Revised), July 1987.

(b) Workbook for Comparison of Air Quality Models, EPA- 450/2-78-028a, OAQPS No. 1.2-097, May, 1978.

(c) Control of volatile organic compound leaks from petroleum refinery equipment, Appendix B, EPA-450/2-78-036, OAQPS No. 1.2-111, June, 1978.

(d) Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems, EPA-450/2-78-051, OAQPS No. 1.2-119, December, 1978.

(e) Control of Hydrocarbons from Tank Truck Gasoline Loading terminals, EPA-450/2-77-026, OAQPS No. 1.2-082, October, 1977.

(f) Guidelines for use of fluid modeling to determine good engineering practice stack height, EPA 450/4-81-003, PB 82- 145327, July, 1981.

(g) Guidelines for fluid modeling of atmospheric diffusion, EPA-600/8-81-009, PB 81-201410,. April, 1981.

(2) Copies may be obtained from: U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 and the U.S. Department of Commerce, National Technical Information Service, Springfield, Virginia 22161.

Section 6. American Association of State Highway and Transportation Officials. The following document from the American Association of State Highway and Transportation Officials (AASHTO) is incorporated herein by reference:

(1) AASHTO T 59-78 standard method of test for testing emulsified asphalt.

(2) Copies may be obtained from: American Association of State Highway and

Transportation Officials, 444 N. Capital Avenue, Washington, D.C. 20001.

Section 7. Federal Test Method Standard. The following document from the Federal Test Standard is incorporated herein by reference:

(1) Federal Test Method Standard No. 141a, Method 4082.1, "Water in Paints and Varnishes (Karl Fischer Titration Method)."

(2) Single copies may be obtained from:
(a) General Services Administration Regional Offices; or

(b) Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Section 8. Kentucky Division of Air Pollution. The following documents from the Kentucky Division of Air Pollution are incorporated herein by reference:

(1) (a) Kentucky Method 50: Kentucky division of Air Pollution Control Reference Method 50, "Determination of Total Particulate Emissions from Stationary Sources."

(b) Kentucky Method 90: Kentucky Division of Air Pollution Control Reference Method 90, "Determination of total gaseous organic emissions from stationary sources."

(c) Kentucky Method 91: Kentucky division of air pollution control reference method 91,"Alternate test method for the determination of total gaseous organic emissions from stationary sources."

(d) Kentucky Method 95: Kentucky Division of Air Pollution Control Reference Method 95,"Determination of Gasoline Vapor Emissions from Bulk Terminals."

(e) Kentucky Method 130: Kentucky Division of Air Pollution Control Reference Method 130, "Determination of Gaseous Fluoride Emissions from Stationary Sources."

(f) Kentucky Method 150(F-1): Kentucky Division of Air Pollution Control Reference Method 150(F-1),"Visual Determination of Intermittent Opacity Emissions from Stationary sources."

(2) Copies may be obtained from: Division of Air Pollution, Technical Services Branch, Department for Environmental Protection, Fort Boone Plaza, 18 Reilly Road, Frankfort, Kentucky 40601.

Section 9. American National Standards Institute. The following document from the American National Standards Institutes is incorporated herein by reference:

(1) Voluntary Product Standard PS 59-73 - Prefinished Hardboard Paneling. The reference is also numbered ANSI A135.5-1973 (American National Standards Institute).

(2) Copies may be obtained from: American National Standards Institute, 1430 Broadway, New York, New York 10018.

Section 10. American Public Health Association. The following document from the American Public Health Association, American Water Works Association and Water Pollution Control Federation is incorporated herein by reference:

(1) Standard Methods for the Examination of Water and Wastewater, 15th Edition, 1980:
(a) Method 209A. Total Residue Dried at 103-105C.

(b) Method 209C. Total Filterable Residue Dried at 103-105C.

(2) Copies may be obtained from: American Public Health Association, 1015 Fifteenth Street, N.W., Washington, D.C. 20005.

Section 11. American Petroleum Institute. The following document from the American Petroleum Institute in incorporated herein by reference:

(1) API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Second Edition, February 1980.

(2) Copies may be purchased from: American Petroleum Institute, 1220 L Street N. W., Washington, D.C. 2005.

Section 12. Availability. Copies of the material incorporated by reference in this regulation shall be available for public review at the following offices of the Division of Air Pollution Control:

(1) Director's Office, Division of Air Pollution Control, Fort Boone Plaza, 18 Reilly Road, Frankfort, Kentucky 4060, (502) 564- 3382;

(2) Ashland Regional Office, 3700 Thirteenth Street, Ashland, Kentucky 41101, (606) 325-8569;

(3) Bowling Green Regional Office, 1508 Western Avenue, Bowling Green, Kentucky 42101, (502) 842-8l31;

(4) Florence Regional Office, 7964 Kentucky Drive, Suite 8, Florence, Kentucky 41042, (606) 292-6411;

(5) Hazard Regional Office, 233 Birch St., Hazard, Kentucky 41701, (606) 439-2391;

(6) Owensboro Regional Office, 31 West Second Street, Owensboro, Kentucky 423-1, (502) 686-3304; and

(7) Paducah Regional Office, 1390 Irvin Cobb Drive, Paducah, Kentucky 42001, (502) 444-8295.

Effective Date: April 14, 1988

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	JUN 29, 1979	JAN 25, 1980	45 FR 6092
		DEC 24, 1980	45 FR 84999
		JUL 12, 1982	47 FR 30059
1st Revision	SEP 19, 1986	MAY 04, 1989	54 FR 19169
2nd Revision	MAR 23, 1987	APR 08, 1988	53 FR 11655
3rd Revision	FEB 09, 1989	NOV 09, 1989	54 FR 47077
4th Revision	JUL 07, 1988	FEB 07, 1990	55 FR 4169

401 KAR 50:020. Air quality control regions.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection Division of Air Pollution

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.033

NECESSITY AND FUNCTION: KRS 224.033 requires the Department for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation provides for the designation and classification of air quality control regions.

Section 1. Designation of Air Quality Control Regions. Air quality control regions designated by the Administrator of the U.S. Environmental Protection Agency pursuant to Section 107 of the Clean Air Act as amended are listed in this section. The air quality control regions consist of the territorial area encompassed by the boundaries of the designated jurisdictions herein geographically located within the outermost boundaries of the area so delimited.

(1) Appalachian Intrastate Air Quality Control Region. In the Commonwealth of Kentucky the following counties: Bell, Breathitt, Clay, Floyd, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Magoffin, Martin, Owsley, Perry, Pike, Rockcastle, Whitley, Wolfe.

(2) Bluegrass Intrastate Air Quality Control Region. In the Commonwealth of Kentucky the following counties: Anderson, Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott, Woodford.

(3) Evansville (Indiana) Owensboro - Henderson (Kentucky) Interstate Air Quality Control Region. In the Commonwealth of Kentucky, the following counties: Daviess, Hancock, Henderson, McLean, Ohio, Union, Webster.

(4) Huntington (west Virginia) - Ashland (Kentucky) - Portsmouth- Ironton (Ohio) Interstate Air Quality Control Region. In the Commonwealth of Kentucky, the following counties: Bath, Boyd, Bracken, Carter, Elliott, Fleming, Greenup, Lawrence, Lewis, Mason, Menifee, Montgomery, Morgan, Robertson, Rowan.

(5) Louisville Interstate Air Quality Control Region. In the Commonwealth of Kentucky, the following county: Jefferson.

(6) Metropolitan Cincinnati (Ohio) Interstate Air Quality Control Region. n the Commonwealth of Kentucky the following counties: Boone, Campbell, Carroll, Gallatin,

Grant, Kenton, Owen, Pendelton.

(7) North Central Kentucky Intrastate Air Quality Control Region. In the Commonwealth of Kentucky the following counties: Breckinridge, Bullitt, Grayson, Hardin, Henry, Larue, Marion, Meade, Nelson, Oldham, Shelby, Spencer, Trimble, Washington.

(8) Paducah (Kentucky) - Cairo (Illinois) Interstate Air Quality Control Region. In the Commonwealth of Kentucky the following counties: Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, Muhlenberg, Todd, Trigg.

(9) South Central Kentucky Intrastate Air Quality Control Region. In the Commonwealth of Kentucky the following counties: Adair, Allen, Barren, Butler, Casey, Clinton, Cumberland, Edmonson, Green, Hart, Logan, McCreary, Metcalfe, Monroe, Pulaski, Russell, Simpson, Taylor, Warren, Wayne.

Section 2. Classification of Air Quality Control Regions. The priority classifications of air quality control regions shall be as in Appendix A to this regulation. This priority system was established by the regulations of the U.S. Environmental Protection Agency.

[SIP Compilation Table After Appendix]

APPENDIX A TO 401 KAR 50:020

Priority Classification to Air Quality Control Regions with Respect to Particulates, Sulfur Oxides*, Carbon Monoxide, Nitrogen Dioxide and Photochemical Oxidants (and Hydrocarbons)

Region(No.)	Particulate Matter	Sulfur Oxides*	Carbon Monoxide	Nitrogen Dioxide	Photochemical Oxidants (Hydrocarbons)
Louisville (078)	I	I	III	III	I
Cincinnati (079)	I	II	III	III	I
Paducah-Cairo (072)	I	II	III	III	III
Huntington-Ashland(103)	I	III	III	III	III
Evansville-Henderson(077)	I	II	III	III	III

Bluegrass(102)	II	III	III	III	III
Appalachian(101)	II	III	III	III	III
North Central (104)	II	III	III	III	III
South Central (105)	III	III	III	III	III

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* Refer to 401 KAR 50:025 for the county classification system.

Effective Date: June 6, 1979.

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	JUN 29, 1979	JAN 25, 1980	45 FR 6092
		DEC 24, 1980	45 FR 84999
		JUL 12, 1982	47 FR 30059

401 KAR 50:025. Classification of counties.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection Division of Air Pollution

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.82, 224.033

NECESSITY AND FUNCTION: KRS 224.033 requires the Department for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation provides for the classification of counties with respect to various pollutants.

Section 1. Counties in the Commonwealth of Kentucky shall be classified with respect to sulfur dioxide as follows:

(1) Class I: Jefferson County;

(2) Class IA: McCracken County;

(3) Class II: Bell County, Clark County, Woodford County;

(3) Class III: Pulaski County;

(4) Class IV: Webster County, Hancock County;

(5) Class IVA: Muhlenberg County;

(6) Class V: All other counties not specifically listed within this section;

(7) Class VA: Boyd County.

Effective Date: June 01, 1983

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	JUN 29, 1979	JAN 25, 1980	45 FR 6092
1st Revision	JUN 15, 1983	APR 02, 1996	61 FR 14489

401 KAR 50:030. Registration of sources.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection Division of Air Pollution

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.033

NECESSITY AND FUNCTION: KRS 224.033 requires the Department for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation provides for the registration of sources.

Section l. Persons engaged in the operation of sources shall, upon request by the department, register such sources or discharges which may result from their operation in accordance with the provisions of this regulation.

Section 2. The department may require from such person reports containing information relating to said sources and air contaminants emitted by each into the atmosphere.

Section 3. Registration and reporting of air contaminant sources and their related discharges shall be upon forms provided by the department.

Effective Date: June 6, 1979

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	JUN 29, 1979	JAN 25, 1980	45 FR 6092
		DEC 24, 1980	45 FR 84999
		JUL 12, 1982	47 FR 30059
4th Revision	MAR 15, 2001	SEP 6, 2006	71 FR 52460

401 KAR 50:040. Air quality models.

Cabinet FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection Division of Air Pollution

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.003

NECESSITY AND FUNCTION: KRS 224.033 requires the Cabinet for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation specifies general provisions for the use of air quality models.

Section 1. Air Quality Models.

(1) All estimates of ambient concentrations required under the regulations of the Division of Air Pollution shall be based on the applicable air quality models, data bases, and other requirements specified in the "Guidelines on Air Quality Models" (OAQPS 1.2-080, U. S. Environmental Protection Agency, Office of Air Quality Planning and Standards).

(2) Where an air quality impact model specified in the "Guideline on Air Quality Models" is inappropriate, the model may be modified or another model substituted subject to the approval of the cabinet.

(3) If the source is subject to 401 KAR 51:015, a substitution or modification of a model shall be subject to public comment procedures in accordance with 401 KAR 50:035, Section 3(3), and such substitution or modification of a model must be approved in writing by the cabinet and the U.S. Environmental Protection Agency.

(4) Methods like those outlined in the "Workbook for the Comparison of Air Quality Models" (U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards) shall be used to determine the comparability of air quality models.

Effective Date: June 6, 1979

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	JUN 29, 1979	JAN 25, 1980	45 FR 6092
		DEC 24, 1980	45 FR 84999
		JUL 12, 1982	47 FR 30059

401 KAR 50:042. Good engineering practice stack height.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Cabinet for Environmental Protection Division of Air Pollution

Relates to: KRS 224.320, 224.330, 224.340

Pursuant to: KRS 224.033

Necessity and Function: KRS 224.033 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement and control of air pollution. This regulation defines good engineering practice stack height which shall be used in establishing emissions limitations.

Section 1. Applicability. The provisions of this regulation shall apply to all stacks or all dispersion techniques commenced on or after the classification date defined below, or to those stack heights in existence, or dispersion techniques implemented before the classification date, where pollutants are being emitted from such stacks or using such techniques by stationary sources which were constructed or reconstructed or for which major modifications were carried out on or after the classification date.

Section 2. Definitions. As used in this regulation, all terms not defined herein shall have the meaning given them in 401 KAR 50:010, 401 KAR 51:017, or 401 KAR 51:052.

(1) "Emission limitation" and "emission standard" mean requirements established by the cabinet or the U.S. EPA which limit the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(2) "Stack" means any point in a source designed to emit air pollutants into the atmosphere, including a pipe or duct but not including flares.

(3) "A stack in existence" means that the owner or operator had:
  (a) Begun, or caused to begin, a continuous program of physical on-site construction of a stack; or

  (b) Entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of a stack to be completed in a reasonable time.

(4) "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by:

(a) Using that portion of a stack which exceeds good engineering practice stack height;

(b) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

(c) Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one (1) stack; or other selective handling of exhaust gas streams so as to increase the exhaust plume rise, but does not include:

1. The re-heating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

2. The merging of exhaust gas streams where:
   a. The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

   b. After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation; or
   c. Before July 8, 1985, such merging is part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in quantity of pollutants actually emitted prior to the merging, the cabinet shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the cabinet shall deny credit for the effects of such merging in calculating the allowable emissions for the source;

3. Smoke management in agricultural or silvicultural prescribed burning programs;

4. Episodic restrictions on residential wood burning and open burning; or

5. Techniques which increase final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or

combining exhaust gases from several existing stacks into one (l) stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

(5) "Good engineering practice (GEP) stack height" means the greater of:

(a) Sixty-five (65) meters, measured from the ground- level elevation at the base of the stack;

(b) l. For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under the regulations of the Division of Air Pollution, good engineering practice stack height is two and five-tenths (2.5) multiplied by the height of nearby structure(s) measured from the ground-level elevation at the base of the stack ($H_g = 2.5H$), provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limit;

2. For all other stacks, good engineering practice stack height shall be determined by the following equation, provided that the cabinet or the U.S. EPA may require the use of a field study or fluid model to verify GEP stack height for the source:

$$H_g = H + 1.5L$$

where:

H_g = GEP stack height measured from the ground-level elevation at the base of the stack.

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack.

L = lesser dimension (height or projected width) of nearby structure(s); or

(c) 1. The height demonstrated by a fluid model or a field study approved by the cabinet or the U.S. EPA, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

2. The fluid model study shall be conducted in accordance with guidelines published by the U.S. EPA in "Guidelines for Use of Fluid Modeling to Determine Good Engineering Practice Stack Height," July 1981, U.S. EPA

Office of Air Quality Planning and Standards, EPA-450/4-81-003; and "Guideline for Fluid Modeling of atmospheric Diffusion," April 1981, U.S. EPA Environmental Sciences Research Laboratory, EPA-600/8-81-009, filed by reference in 401 KAR 50:015.

(6) "Nearby" as used in subsection (5) of this section is defined for a specific structure or terrain feature; and means:

(a) For purposes of applying the equations provided in subsection (5)(b) of this section, that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than eight-tenths (0.8) km (five-tenths (0.5) mile); and

(b) For conducting demonstrations under subsection (5)(c) of this section, not greater than eight-tenths (0.8) km (five- tenths (0.5) mile) except that the portion of a terrain feature may be considered to be nearby if it falls within a distance of up to ten (10) times the maximum height (H_t) of the feature, not to exceed two (2) miles if such feature achieves a height (H_t) eight-tenths (0.8) km from the stack that is at least forty (40) percent of the GEP stack height determined by the equations provided in subsection (5)(b)2 of this section or twenty-six (26) meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(7) "Excessive concentration" is defined for the purpose of determining good engineering practice stack height under subsection (5)(c) of this section and means:

(a) For sources seeking credit for stack height exceeding that established under subsection (5)(b) of this section, a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty (40) percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to 401 KAR 51:017, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least forty (40) percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under subsections (5)(c) of this section shall be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the cabinet, an alternative emission rate shall be established in consultation with

the source owner or operator;

(b) For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under subsection (5)(b) of this section; either:

1. A maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects as provided in paragraph (a) of this subsection, except that the emission rate specified by any applicable State Implementation Plan (or, in the absence of such a limit, the actual emission rate) shall be used; or

2. The actual presence of a local nuisance caused by the existing stack as determined by the cabinet.

(c) For sources seeking credit after January 12, 1979, for a stack height determined under subsection (5)(b) of this section where the cabinet requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in subsections (5)(b) of this section, a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least forty (40) percent in excess of the maximum concentration experienced in the absences of such downwash, wakes, or eddy effects.

(8) "Classification date" means January 1, 1971.

Section 3. Emissions limitations. No stack height in excess of GEP height, nor any other dispersion techniques, shall be used to determine the emissions limitations required for control of any air pollutant regulated by the cabinet or the U.S. EPA. This regulation does not in any manner restrict the actual physical stack height of any source.

Section 4. Public Notice. Before submitting to the U.S. EPA a new or revised emission limitation that is based on GEP stack height that exceeds the stack height allowed by Section 2(5)(a) or (b) of this regulation, the cabinet shall notify the public of the availability of the demonstration study and shall provide opportunity for public hearing on it.

Effective Date: June 10, 1986

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg:	JUL 15, 1986	SEP 04, 1987	52 FR 33592

401 KAR 50:045. Performance tests.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Bureau of Environmental Protection Division of Air Pollution

Relates to: 224.10-100(5), (22), (23), (30): 224.20-110(1)

STATUTORY AUTHORITY: KRS 224.10-100(5), (22), (23), (30)

Necessity and Function: KRS 224.033 requires the Cabinet for Environmental and Public Protection to promulgate regulations for the prevention, abatement, and control of air pollution, and KRS 224.10·100(3) authorizes the cabinet to promulgate administrative regulations not inconsistent with the provisions of law administered by the cabinet. This regulation establishes requirements for performance tests.

Section 1. The cabinet may require the owner or operator of an affected facility to sample emissions in accordance with methods approved by the cabinet or the U.S. EPA. All tests shall be made under the direction of persons qualified by training or experience in the field of air pollution.

Section 2. Pretest Requirements. (1) A source required to conduct a performance test shall submit a completed Compliance Test Protocol form. DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the cabinet's Division for Air Quality a minimum of sixty (60) days prior to the scheduled test date.

(2) The cabinet shall review the Compliance Test Protocol submittal for approvability and determine the need for a pretest meeting with the source.

(3) If a pretest meeting is held:

(a) The source shall resolve with the division all testing and process issues: and

(b) The division's approval shall be in writing and sent to the source.

(4) The source shall not deviate from the approved pretest protocol without the division's prior approval.

Section 3. The cabinet may conduct tests of emissions of air contaminants from any source.

Section 4. Test methods and exceptions.

(1) Performance tests required by this or any other regulation in 401 KAR Chapters 50-68 for affected facilities that are subject to a standard of performance promulgated under 40 CFR 60 or 40 CFR 61, incorporated by reference in 401 KAR 57:002 and 401 KAR

60:005, shall be conducted, and data shall be reduced, in accordance with the reference methods and procedures contained in each applicable regulation unless:

(a) The cabinet specifies or approves the use of a reference method with minor changes in methodology;

(b) The cabinet and the U.S. Environmental Protection Agency approve the use of an equivalent method;

(c) The cabinet and the U.S. Environmental Protection Agency approve the use of an alternative method the results of which they have determined to be adequate for indicating whether a specific source is in compliance; or

(d) The cabinet and the U.S. Environmental Protection Agency waive the requirement for performance tests for affected facilities for which a standard of performance has been promulgated under 40 CFR 60 or 40 CFR 61 because the owner or operator of an affected facility has demonstrated to the cabinet's and the U.S. Environmental Protection Agency's satisfaction that the affected facility is in compliance with the applicable standard.

(2) Performance tests required or any other administrative regulation in 401 KAR Chapters 50-68 for affected facilities that are subject to a standard promulgated under 40 C.F.R. 63, incorporated by reference in 401 KAR 63:002, shall be conducted, and data shall be reduced, in accordance with the reference methods and procedures contained in 40 C.F.R. 63.7 unless:

(a) The cabinet specifies or approves the use of a reference method with minor changes in methodology pursuant to 40 C.F.R. 63.90(a);

(b) The cabinet and the U.S. EPA approve the use of an equivalent method;

(c) The cabinet and the U.S. EPA approve the use of an alternative method that provides results adequate for indicating whether a specific source is in compliance; or

(d) The cabinet and the U.S. EPA waive the requirement for performance test for affected facilities for which a standard has been promulgated under 40 C.F.R. 63 because the owner or operator of an affected facility has demonstrated to the cabinet's and the U.S. EPA's satisfaction that the affected facility is in compliance with the applicable standard.

(3} Performance tests required by this or any other administrative regulation in 401 KAR Chapters 50-68 for affected facilities that are not subject to a standard promulgated under 40 C.F.R. 60, 40 C.F.R. 61, or 40 C.F.R. 63 shall be conducted, and data shall be reduced, in accordance with the methods and

procedures 21 contained in each applicable administrative regulation unless:

(a) The cabinet specifies or approves minor changes in methodology:

(b) The cabinet specifies or approves the use of an alternative method that provides results adequate for indicating whether a specific source is in compliance: or

(c) The cabinet waives the requirement for performance tests because the owner or operator of the affected facility has demonstrated to the cabinet's satisfaction that:

1. The affected facility is in compliance with the applicable standard: or

2. In the case of an existing affected facility, the test cannot be performed by a source due to physical plant limitations or extreme economic burden:

a. The cabinet shall determine the validity of an economic burden waiver request based on proof presented by the affected facility; and

b. The determination of an extreme economic burden shall be made on the basis of whether meeting the compliance standards would produce serious hardship without equal or greater benefit to the public and environment.

Section 5. Test Conditions. (1) In order to demonstrate, that a source is capable of complying with a standard at all times, a performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. The Division for Air Quality may waive this requirement on a case-by-case basis if the source demonstrates to the cabinet's satisfaction that the source is in compliance with all applicable requirements.

(2) If the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110% of the average production rate during the performance tests.

(3} A source that becomes capable of operating at a higher production rate than the production rate demonstrated during a prior performance test shall conduct another performance test at the higher rate to demonstrate the source's ability to comply with emissions limitations.

Section 6. The owner or operator shall
(1) Permit the cabinet to conduct performance tests at a reasonable time:

(2) Operate the facility, for the purpose of the performance tests, under conditions specified by the cabinet based on representative performance for the affected facility: and

(3) Provide the cabinet with records necessary to determine representative performance.

Section 7. (1) The owner or operator of an affected facility subject to 40 C.F.R. Part 60 or 40 C.F.R. Part 61 testing requirements shall provide the cabinet thirty (30) calendar days prior notice of the performance test to afford the cabinet the opportunity to have an observer present.

(2) The owner or operator of an affected facility subject to 40 C.F.R. Part 63 testing requirements shall provide the cabinet sixty (60) calendar days prior notice of the performance test.

(3) If a facility is unable to conduct a performance test as scheduled, the owner or operator shall notify the cabinet as soon as practicable to reschedule the test. A delay in conducting a performance test shall not relieve an owner or operator of a facility from any legal responsibility for demonstrating compliance.

Section 8. The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such facility;

(2) safe sampling platforms.

(3) safe access to sampling platforms; and

(4) Utilities for sampling and testing equipment.

Section 9. Sampling Runs (1) Each performance test shall consist of three (3) separate runs using the applicable test method. Each run shall be conducted for such time and under such conditions specified in the applicable regulation. For the purpose of determining compliance with an applicable standard, the arithmetic mean of the results of the three (3) runs shall apply.

(2) Once performance testing has begun, a person conducting the testing shall not halt a sampling run except due to:

1. Forced shutdown;
2. Failure of an irreplaceable portion of the sample train;
3. Extreme meteorological conditions; or
4. Unforeseen circumstances beyond the owner's or operator's control.

(b) The person conducting the testing shall not halt a sampling run for the purpose of making adjustments to the parameters of the performance test.

(3) If a sample is accidentally lost or one (1) of the three (3) runs must be discontinued for a purpose in accordance with subsection (2)(a) of this section, compliance may, upon the cabinet's

approval, be determined using the arithmetic mean of the results of the two (2) other runs.

Section 10. Incorporation by Reference. (1) "Compliance Test Protocol," DEP form 6028, January 15, 2005, is incorporated by reference.

(2) This material may be inspected, copied or obtained, subject to
6 applicable copyright law, at the Division for Air Quality, 803 Schenkel Lane, Frankfort, 7
Kentucky, 40601. Monday through Friday, 8:00 a.m. to 4:30 p.m.

Effective Date: June 6, 1979

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	JUN 29, 1979	JAN 25, 1980	45 FR 6092
		DEC 24, 1980	45 FR 84999
		JUL 12, 1982	47 FR 30059
1st Revision	SEP 14, 2005	Oct 17, 2007	72 FR 58759

401 KAR 50:047. Test procedures for capture efficiency.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection Division for Air Quality

RELATES TO: KRS 224.20-100, 224.20-110, 224.20-120, 42 USC 7401 et. seq., 42 USC 7408, 42 USC 7410

STATUTORY AUTHORITY: KRS 224.10-100

NECESSITY AND FUNCTION: KRS 224.10-100 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. 42 USC 7410 likewise requires the state to implement standards for national primary and secondary ambient air quality. This regulation provides capture efficiency test procedures for volatile organic compounds.

Section 1. Definitions. As used in this regulation, all terms not defined in this section shall have the meaning given them in 401 KAR 50:010.

(1) "Capture" means the containment or recovery of emissions from a process for direction into a duct which may be exhausted through a stack or sent to a control device.
(2) "Capture system" means all equipment (including, but not limited to, hoods, ducts, fans, booths, ovens, dryers, etc.) that contains, collects, and transports an air pollutant to a control device.
(3) "Capture efficiency" means the weight per unit time of volatile organic compounds (VOCs) entering a capture system and delivered to a control device divided by the weight per unit time of total VOCs generated by a source of VOCs, expressed as a percentage.
(4) "Capture efficiency protocol" means a method for determining capture efficiency.
(5) "Control device" means equipment such as an incinerator or carbon adsorber used to reduce, by destruction or removal, the amount of air pollutants in an air stream prior to discharge to the ambient air.
(6) "Control system" means a combination of one (1) or more capture systems and control devices working in concert to reduce discharges of pollutants to the ambient air.
(7) "Hood" means a partial enclosure or canopy for capturing and exhausting, by means of a draft, the organic vapors or other fumes rising from a coating process or other source.

Section 2. Applicability. This regulation shall apply to all regulated VOC emitting processes employing a control system which are located in an ozone nonattainment area except marginal.

Section 3. Testing Protocols.

(1) If a determination of capture efficiency is required in order to comply with an administrative regulation in 401 KAR Chapters 50 through 63, the owner or operator of an affected facility shall submit a proposed capture efficiency protocol to the cabinet.
(2) The cabinet shall approve the use of a proposed capture efficiency protocol if it

determines that the proposed capture efficiency protocol accurately describes the capture efficiency that will be achieved at the affected facility.

(3) The cabinet shall not approve a proposed capture efficiency protocol that violates a protocol mandated by the U.S. EPA.

Effective Date: June 24, 1992

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	OCT 20, 1992	JUN 23, 1994	59 FR 32343

401 KAR 50:050. Monitoring.

Cabinet FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection Division of Air Pollution

Relates to: KRS Chapter 224

Pursuant to: KRS 13.082, 224.033

Necessity and Function: KRS 224.033 requires the Cabinet for Natural resources and Environmental Protection to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation establishes requirements for stack gas monitoring, ambient air monitoring, and recording and reporting requirements as related to monitoring data.

Section 1. Monitoring, Records, and Reporting. The cabinet may require the owner or operator of any affected facility to install, use, and maintain stack gas and ambient air monitoring equipment in accordance with such methods as the cabinet shall prescribe, establish and maintain records of same and make periodic emission reports at intervals prescribed by the cabinet. Requirements for specific affected facilities are contained in applicable regulations.

Section 2. Ambient Air Monitoring. Persons owning or operating any affected facility for which standard is prescribed in the regulations of the Division of Air Pollution when required by the cabinet shall install, use, and maintain ambient air monitoring equipment in accordance with the provisions of 401 KAR 53:010, Section 2, and shall make periodic ambient air monitoring reports at intervals prescribed by the cabinet.

Effective Date: June 6, 1979

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg J	UN 29, 1979	JAN 25, 1980	45 FR 6092
		DEC 24, 1980	45 FR 84999
		JUL 12, 1982	47 FR 30059

401 KAR 50:055. General compliance requirements.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection Division for Air Quality

Relates to: KRS Chapter 224

Pursuant to: KRS 13.082, 224.033

Necessity and Function: KRS 224.033 requires the Cabinet for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement, and control of air pollution. This 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.

Section 1. Emissions during Shutdown and Malfunction.

(1) Emissions which, due to shutdown or malfunctions, temporarily exceed the standard set forth by the cabinet shall be deemed in violation of such standards unless the requirements of this section are satisfied and the determinations specified in subsection (4) of this section are made.

(2) When emissions during any planned shutdown and ensuing startup will exceed the standards, the owner or operator of the source shall notify the director or his designee no later than three (3) days before the planned shutdown. However, if the shutdown is necessitated by events which the owner or operator could not reasonable have foreseen three (3) days before the shutdown, then such notification shall be given immediately following the decision to shutdown. The notice shall be in writing and shall specify the name of the air contaminant source, its location, the address and telephone number of the person responsible for the source, the reasons for and duration of the proposed shutdown, the date and time for the action, the physical and chemical composition, rate and concentration of the emissions during such shutdown and ensuing startup, the basis for determination that such shutdown is necessary, and the measures which will be taken to minimize the extent and duration of the emissions during such shutdown and ensuing startup.

(3) When emissions due to malfunctions, unplanned shutdowns or ensuing start-ups are or may be in excess of the standards, the owner or operator shall notify the director by telephone as promptly as possible, and shall cause written notice when requested by the director to be sent to the director. Such notice shall specify the name of the source, its location, the address and telephone number of the person responsible for the source, the nature and cause of the malfunctions, or unplanned shutdown, the date and time when the malfunction was first observed, the expected duration, the nature of the action to be taken

to correct the malfunction, and an estimate of the physical and chemical composition, rate and concentration of the emission.

(4) A source shall be relieved from compliance with the standards set forth by the cabinet if the director determines, upon a showing by the owner or operator of the source, that:

(a) The malfunction or shutdown and ensuing startup did not result from the failure by the owner or operator of the source to operate and maintain properly the equipment;

(b) All reasonable steps were taken to correct, as expeditiously as practicable, the conditions causing the emissions to exceed the standards, including the use of off shift labor and overtime if necessary;

(c) All reasonable steps were taken to minimize the emissions and their effect on air quality resulting from the occurrence.

(d) The excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(e) The malfunction or shutdown and ensuing startup was not caused entirely or in part by poor maintenance, careless operation or any other preventable upset conditions or equipment breakdown.

(5) The director shall notify the owner or operator of the source of the determination made under this section no later than sixty (60) days after the date that all information required by this section has been submitted.

Section 2. Compliance with Standards and Maintenance Requirements.

(1) An owner or operator of any affected facility subject to any standard within the regulations of the Division of Air Pollution shall:

(a) in the case of a new source, demonstrate compliance with the applicable standard(s) within sixty (60) days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility;

(b) in the case of an existing source, demonstrate compliance with the applicable standard before or on the date that final compliance is required by the applicable compliance schedule unless otherwise specified by regulation; and

(c) Maintain the affected facility in compliance with all applicable standards at all times subsequent to the date that compliance is demonstrated.

(2) Compliance with standards in the regulations of the Division of Air Pollution shall be demonstrated as follows:

(a) By performance tests as specified in the applicable regulation and according to the requirements and exceptions provided in 401 KAR 50:045.

(b) By methods other than performance tests as provided for by the applicable regulation.

(c) By methods acceptable to the cabinet if the applicable regulation does not specify a performance test or other method of determining compliance.

(3) Compliance with opacity standards in the regulations of the Division of Air Pollution shall be determined by Method 9 of Appendix A of 40 CFR 60, filed by reference in 401 KAR 50:015, except as may be provided for by regulation for a specific category of sources. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The results of continuous monitoring by transmissionmeter which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission,provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation), performance specification as required by the cabinet, has been properly maintained and (at the time of the alleged violation) calibrated, and that the resulting data have not been tampered with in any way.

(4) The opacity standards set forth in this regulation shall apply at all times except during periods of startup, shutdown, and as otherwise provided in the applicable standard.

(5) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the cabinet which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(6) Adjustment of opacity standards for emissions from a stack or control device:

(a) An owner or operator of an affected facility may request the cabinet to determine opacity of emissions from the affected facility during the initial performance tests. Fugitive emissions are not subject to the provisions of this subsection.

(b) Upon receipt from such owner or operator of the written report of the results of the performance tests, the cabinet will make a finding concerning compliance with opacity and other applicable standards. If the cabinet finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted, but during the time such performance tests are being conducted

fails to meet any applicable opacity standard, the cabinet shall notify the owner or operator and advise him that he may petition the cabinet within ten (10) days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.

(c) The cabinet will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment were operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the cabinet; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.

(d) The cabinet will establish an opacity standard for the affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard.

Section 3. Shutdown and Relocation.

(l) Any affected facility commencing operations after a shutdown for six (6) months shall demonstrate compliance with the applicable standard(s) within sixty (60) days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after commencing operations.

(2) Any source located within the Commonwealth of Kentucky and moved to another location involving a change of address shall be subject to applicable regulations at the new location or to regulations which were applicable at the original location, whichever is more stringent.

Section 4. Circumvention. No owner or operator subject to the provisions of the regulations of the Division of Air Pollution shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

Section 5. Prohibition of Air Pollution. o person shall permit or cause air pollution as defined in 401 KAR 50:010 in violation of regulations promulgated by the cabinet.

[SIP Compilation Table After Appendix]
APPENDIX A TO 401 KAR 50:055

Determination of source allowable emission rate

$$F = \sum_{i=1}^{N} E_i$$

Where:

F = source allowable emission rate in pounds per hour of a particular pollutant.

E_i = allowable emission rate contained in applicable standard of performance for the ith process or affected facility in pounds of that pollutant per hour at rated capacity.

N = total number of processes, operations, or affected facilities for which individual emission limitations apply pursuant to Title 401, Chapters 59 and 61 for the same or comparable pollutant.

Effective Date: September 22, 1982

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	JUN 29, 1979	SEP 18, 1980	45 FR 62163
		DEC 24, 1980	45 FR 84999
1st Revision	DEC 9, 1982	DEC 04, 1986	51 FR 43472
		MAY 04, 1989	54 FR 19169

401 KAR 50:060. Enforcement.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection Division for Air Quality

Relates to: KRS 224.033(5),(18),(19),(22),(23),(26), 224.081, 224.083, 224.330.

Pursuant to: KRS 13.082, 224.033

Necessity and Function: KRS 224.033 requires the Cabinet for Natural Resources and

Environmental Protection to prescribe regulations for the prevention, abatement and control of air pollution. This regulation provides for enforcement of the terms and conditions of permits and compliance schedules.

Section 1. Permits and compliance schedules subject to conditions. Permits and compliance schedules issued under these regulations shall be subject to such terms and conditions set forth in the permit or compliance schedule as the cabinet may deem necessary to insure compliance with all applicable standards. Such terms and conditions may include, but shall not be limited to, the maintenance and production for inspection of records relating to operation which may cause or contribute to air pollution including periodic source or stack sampling, or periodic ambient air monitoring.

Section 2. Permit Revocation. The cabinet may revoke any permit issued under these regulations if the permittee:

(1) Willfully makes material misstatements in the permit application or any amendments thereto;

(2) Fails to comply with the terms or conditions of the permit;

(3) Fails to comply with any emission standards applicable to an affected facility included in the permit;

(4) Causes emissions from the source which result in violations of, or interfere with the attainment and maintenance of, any ambient air quality standards contained in Title 401, Chapter 53, of these regulations or result in an exceedance of any allowable increase over baseline concentrations contained in Title 401, Chapter 51, of these regulations;

(5) Fails to report construction, modification, alteration, or reconstruction of an affected facility.

Section 3. Compliance Schedule Revocation. The cabinet may revoke a compliance schedule issued under these regulations if the owner or operator of the source or any other person acting on his behalf:

(l) willfully makes material misstatements in the application for the compliance schedule or in any communications relied upon by the cabinet in issuing the compliance schedule;

(2) Fails to comply with the terms and conditions of the compliance schedule, including but not limited to any increment dates and any interim emission standards;

(3) Fails to report construction, modification, alteration or reconstruction of the affected facilities.

Section 4. Suspensions, modifications, violation of regulations subject to penalties.

(l) The grounds for revocation of permits and compliance schedules listed in Sections 2 and 3 are declared to be violations of these regulations and are subject to the penalties and all other relief contained in KRS 224.994.

(2) The cabinet may order appropriate modifications to any permit or compliance schedule whenever it appears that the conditions of the permit or compliance schedule will not be sufficient to meet all of the standards and requirements contained in these regulations, including but not limited to Title 401, Chapters 51, 57, 59 and 61.

(3) The cabinet may suspend under such conditions and for such period of time as the cabinet may prescribe any permit or compliance schedule for any of the grounds for revocation contained in Sections 2 and 3 or for any other violations of these regulations.

Section 5. Administrative Hearing Procedures.

(l) Whenever the cabinet has reason to believe that a violation of any of the provisions of KRS Chapter 224 or these regulations has occurred it shall issue and serve upon the person complained against a written notice of the provision of KRS Chapter 224 or the rule or regulation alleged to have been violated and the facts alleged to constitute the violation thereof and shall require the person so complained against to answer the charges set out in the notice at a hearing before the cabinet. Nothing herein shall prevent the cabinet from seeking all appropriate relief in circuit court.

(2) Any person not previously heard in connection with the issuance of any order or the making of any determination, including but not limited to the issuance, denial, modification, or revocation of any permit, by which he considers himself aggrieved may file with the cabinet a petition alleging that such order or determination is contrary to law or fact and is injurious to him, alleging the grounds and reasons therefor, and demand a hearing. Unless the cabinet considers that the petition is frivolous, it shall serve written notice of the petition

on each person named therein and shall schedule a hearing before the cabinet. The right to demand such a hearing shall be limited to a period of thirty (30) days after the petitioner has had actual notice of the order or determination, or could reasonably have had such notice.

(3) The cabinet shall schedule a hearing before the cabinet not less than twenty-one(21) days after notice of such a hearing is served upon the parties, unless the person complained against waives in writing the twenty-one (21) day period. The notice of hearing shall include a statement of the time, place, and nature of the hearing; the legal authority for the hearing; reference to the statutes and regulations involved; and a short statement of the reason for the granting of the hearing.

(4) Prior to the formal hearing, and upon seven (7) days written notice to all parties, delivered personally or by certified mail, return receipt requested, the hearing officer may hold a pre- hearing conference to consider simplification of the issues, admissions of fact and documents which will avoid unnecessary proof, limitations of the number of witnesses and such other matters as will aid in the disposition of the matter. Disposition of the matter may be made at the pre-hearing conference by stipulation, agreed settlement, consent order, or default for non-appearance.

(5) (a) Any party to a hearing may be represented by counsel, may make oral or written argument, offer testimony, cross-examine witnesses, or take any combination of such actions. A hearing officer shall preside at the hearing, shall keep order, and shall conduct the hearing in accordance with reasonable administrative practice.

(b) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. When necessary to ascertain facts not reasonably susceptible of proof under judicial rules of evidence, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their own affairs. Hearing officers shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original. A party may conduct cross-examinations required for a full and true disclosure of the facts. Notice may be taken of generally recognized technical or scientific facts within the cabinet's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data and they shall be afforded an opportunity to contest the material so noticed. The cabinet's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

(c) It will be within the hearing officer's discretion to require transcripts or to set up other procedures for taking evidence, including but not limited to the use of mechanical recording devices for recording the testimony. The record of such hearing, consisting of all pleadings, motions, rulings, documentary and physical evidence received or considered, a statement of matters officially noticed, questions and offers of proof, objections and rulings thereon, proposed findings and recommended order and legal briefs, shall be open to public inspection and copies thereof shall be made available to any person upon payment of the actual cost of reproducing the original except as provided in KRS 224.035. The cabinet may case the mechanical recording of the testimony to be transcribed. When certified as true and correct copy of the testimony by the hearing officer, the transcript shall constitute the official transcript of the evidence.

(d) The hearing officer shall within thirty (30) days of the closing of the hearing record make a report and a recommended order to the secretary. The order shall contain the appropriate findings of fact and conclusions of law. If the secretary finds upon written request of the hearing officer that additional time is needed, then the secretary may grant a reasonable extension. The hearing officer shall serve a copy of his report and recommended order upon all parties. The parties may file within exceptions to the recommended order. The secretary shall consider the report and recommended order and exceptions. The secretary may remand to the hearing officer the matter for further deliberation, adopt the opinion of the hearing officer as the cabinet's or issue his own written order based on the report and recommended order. The secretary shall act within twenty (20) days of the deadline for filing exceptions, unless extensions of time have been granted to the hearing officer, pursuant to paragraph (e) of this subsection.

(e) After completion of the hearing and filing of exceptions, the cabinet shall notify the parties in writing, certified mail, return receipt requested, of the final decision of the cabinet. If any extension of time is granted by the secretary for a hearing officer to complete his report, the cabinet shall notify all parties at the time of the granting of the extension. Parties shall have seven (7) days to file exceptions to the report and recommended order if such an extension is granted.

(f) The secretary shall not grant extensions of time to the hearing officer for more than thirty (30) days for any one (l) extension, and no more than two (2) such extensions shall be granted.

(g) A final order of the cabinet shall be based on the preponderance of the evidence appearing in the record as a whole and shall set forth the decision of the cabinet and the facts and law upon which the decision is based.

(h) There shall be no ex-parte communications between a hearing officer and parties

to the action.

(i) Any person aggrieved by a final order of the cabinet may have recourse to the courts as set forth in KRS 224.085.

Effective Date: June 6, 1979

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	JUN 29, 1979	JAN 25, 1980	45 FR 6092
		DEC 24, 1980	45 FR 84999
		JUL 12, 1982	47 FR 30059

401 KAR 50:065. Conformity of general federal actions.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection Division for Air Quality

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110; 42 U.S.C. 7401 to 7671p; 40 CFR 51.850 to 51.860

STATUTORY AUTHORITY: KRS 224.10-100, 224.20-100, 224.20-110; 42 U.S.C. 7506(c); 40 CFR 51.850 to 51.860

NECESSITY AND FUNCTION: KRS 224.10-100 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. 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.

Section 1. Definitions. As used in 40 CFR 51.850 to 51.860, the following terms shall be defined as provided in this section.

(1) "Local air quality agency" means an air pollution control district created pursuant to KRS Chapters 77 and 224.

(2) "State air quality agency" means the Natural Resources and Environmental Protection Cabinet.

Section 2.

(1) 40 CFR 51.850 to 51.860, (40 CFR 51, Subpart W), Determining Conformity of General Federal Actions to State or Federal Implementation Plans, as published in the *Federal Register*, 58 FR 63247, November 30, 1993, is incorporated by reference.

(2) The material incorporated by reference may be obtained, inspected, or copied at the following offices of the Division for Air Quality, Monday through Friday, 8:00 a.m. to 4:30 p.m.:

(a) The Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky, 40601-1403, (502) 573-3382;

(b) Ashland Regional Office, 3700 Thirteenth Street, Ashland, Kentucky, 41105-1507, (606) 920-2067;

(c) Bowling Green Regional Office, 1508 Westen Avenue, Bowling Green,

Kentucky, 42104, (502) 746-7475;

(d) Florence Regional Office, 7964 Kentucky Drive, Suite 8, Florence, Kentucky, 41042, (606) 292-6411;

(e) Hazard Regional Office, 233 Birch Street, Hazard, Kentucky, 41701, (606) 439-2391;

(f) London Regional Office, 85 State Police Road, Regional State Office Building, Room 345, London, Kentucky, 40741-9008, (606) 878-0157;

(g) Owensboro Regional Office, 3032 Alvey Park Drive W., Suite 700, Owensboro, Kentucky, 42303, (502) 686-3304; and

(h) Paducah Regional Office, 4500 Clarks River Road, Paducah, Kentucky, 42003, (502) 898-8468.

(3) Copies of the Code of Federal Regulations (CFR) are available for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Effective Date: October 11, 1995

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	NOV 10, 1995	JUL 27, 1998	63 FR 40044

401 KAR 50:066. Conformity of transportation plans, programs, and projects.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 23 C.F.R. Part 450, 40 C.F.R. 51.390, Part 93, 49 C.F.R. Part 613, 23 U.S.C. 109, 134, 42 U.S.C. 7506(c)(4), 49 U.S.C. 53, EO 2008-507, 2008-531

STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-100, 224.20-110, 42 U.S.C. 7506(c)(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the Environmental and Public Protection Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. EO 2008-507 and 2008-531, effective June 16, 2008, abolish the Environmental and Public Protection Cabinet and establish the new Energy and Environment Cabinet. 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.

Section 1. All transportation plans, transportation improvement plans, and projects subject to 40 C.F.R. 93, Subpart A, shall be found to conform to the Kentucky State Implementation plan before they shall be implemented. This finding of conformity shall be done in accordance with the consultation procedures outlined in the document, “Transportation Conformity: A Guide for lnteragency Consultation” that is incorporated by reference in section 2(1).

Section 2. Incorporation by Reference. (1} "Transportation Conformity: A Guide for lnteragency Consultation", September 2008, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the following offices of the Division for Air Quality, Monday through Friday, 8 a.m. to 4:30 p.m.:

(a) The Division for Air Quality, 200 Fair Oaks, First Floor, Frankfort, Kentucky 40601, (502) 564-3999;

(b) Ashland Regional Office, 1550 Wolohan Drive, Suite 1, Ashland, Kentucky 41102-8942, (606) 929-5285;

(c) Bowling Green Regional Office, 1508 Westen Avenue, Bowling Green, Kentucky 42104, (270) 746-7475;

(d) Florence Regional Office, 8020 Veterans Memorial Drive, Suite 110, Florence, Kentucky 41042, (859) 525-4923;

(e) Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701, (606) 435-6022;

(f) London Regional Office, 875 S. Main Street, London, Kentucky 40741, (606) 330-2080;

(g) Owensboro Regional Office, 3032 Alvey Park Drive W., Suite 700, Owensboro, Kentucky 42303, (270) 687-7304; and

(h) Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky 42003, (270) 898-8468.

(24 Ky.R. 800; Am. 1244; eff. 11-12-97; TAm eff. 8-9-2007; Am. eff.11-12-08.)

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	DEC 31, 2008	APR 21, 2010	75 FR 20780