

**STATEMENT OF CONSIDERATION RELATING TO
401 KAR 52:050 and 401 KAR 52:070
Amended After Comments**

Energy and Environment Cabinet
Department for Environmental Protection
Division for Air Quality

- I.** The public hearing on 401 KAR 52:050 and 52:070 scheduled for September 30, 2018 at 10:00 a.m. in Conference Room 111 at 300 Sower Boulevard, Frankfort, Kentucky, 40601 was cancelled in accordance with KRS 13A.270(7). However, written comments were received during the public comment period.
- II.** The following individuals submitted written comments:

<u>Name and Title</u>	<u>Affiliation</u>
Carolyn Brown, Counsel	Utility Information Exchange of Kentucky (UIEK)
Lloyd R. Cress, Jr., Counsel	Kentucky Association of Manufacturers (KAM); Chemical Industry Council (CIC)
Toni G. Darnall, Environmental Manager	Evonik Corporation
R. Scott Davis, Chief, Air Planning and Implementation Branch	United States Environmental Protection Agency (US EPA)
Tom Fitzgerald, Director	Kentucky Resources Council
Emily Harkenrider, Regulations Analyst	Legislative Research Commission (LRC)
Stephen Holcomb, Environmental Policy Team Leader	NiSource
Marlene Zeckner Pardee, Senior Environmental Scientist	Louisville Gas & Electric and Kentucky Utilities (LGE-KU)
Kate Shanks, Director of Public Affairs	Kentucky Chamber
Ryan Watts, Executive Director	Kentucky Oil & Gas Association (KOGA)

III. The following individuals responded to comments:

<u>Name and Title</u>	<u>Affiliation</u>
Sean Alteri, Deputy Commissioner	Department for Environmental Protection
Jarrold Bell, Manager, FOB	Division for Air Quality
Zachary Bittner, Supervisor, PRB	Division for Air Quality
Melissa Duff, Director	Division for Air Quality
Cassandra Jobe*, Supervisor, PPA	Division for Air Quality
Michael Kennedy, Environmental Engineer Consultant	Division for Air Quality
Kelly Lewis, Manager, PPA	Division for Air Quality

*Cabinet representative

IV. Summary of Comments and Responses

401 KAR 52:050

- (1) **Subject Matter: KRS 13A change**
- (a) **Comment: Emily Harkenrider, LRC**
Insert “establishes and” in the final sentence of the Necessity, Function, and Conformity paragraph.
- (b) **Response:** The Cabinet concurs and amends the administrative regulation accordingly.

401 KAR 52:050 – General comments on forms

- (2) **Subject Matter: Form grouping**
- (a) **Comment: Toni Darnall, Evonik; Kate Shanks, Kentucky Chamber**
The commenters appreciate that there is now one form for each group of similar emission units rather than one file per emission unit.
- (b) **Response:** The Cabinet acknowledges this comment of support.
- (3) **Subject Matter: Form revisions**
- (a) **Comment: Kate Shanks, Kentucky Chamber**
“The Kentucky Chamber applauds the efforts of the Kentucky Division for Air Quality (Division) to revise these regulations and in conjunction, publish much-needed updates to the DEP7007 series application forms used to facilitate air permit actions in the Commonwealth. We believe that the proposed changes are a step in the right direction and will ultimately help improve the effectiveness and efficiency of the air permitting process, both for regulated entities and for Division personnel. In particular, we support

the Division's implementation of a consistent design for the various functional and equipment type-specific forms, as well as the Division's decision to put all application form templates into a Microsoft Excel format. Both of these changes serve as precursors toward future planned efforts to facilitate the online submittal of data and applications."

- (b) **Response:** The Cabinet acknowledges this comment of support.
- (4) **Subject Matter: Page numbers**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Kate Shanks, Kentucky Chamber; Carolyn Brown, UIEK**
The commenters request that each form have page numbers.
- (b) **Response:** The Cabinet concurs and amends each form to include page numbers.
- (5) **Subject Matter: Source Information**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Kate Shanks, Kentucky Chamber; Carolyn Brown, UIEK**
The commenters request that for forms other than DEP7007AI, DEP7007CC, and DEP7007DD, the general source information data be removed. This information is redundant since DEP7007AI must be included with all permit application forms.
- (b) **Response:** The Cabinet does not concur with the comment. Forms may become separated from the original application package or may be submitted as supplemental information at a later date, and as such, each form needs to include the source information data.
- (6) **Subject Matter: Additional documentation box should include DEP7007AI**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters request that DEP7007AI be listed in the additional documentation box for all forms except for DEP7007CC and DEP7007DD.
- (b) **Response:** The Cabinet concurs and amends the forms accordingly. In addition, the Cabinet amends DEP7007N, V, AA, and GG. The Cabinet is not including DEP7007AI on DEP7007BB because that form already has a signature requirement.
- (7) **Subject Matter: MSDS vs SDS**
- (a) **Comment: Lloyd R. Cress, Jr, KAM and CIC; Toni Darnall, Evonik; Marlene Zeckner Pardee, LGE-KU**
The commenters specify that Material Safety Data Sheets (MSDS) have been replaced by Safety Data Sheets (SDS) and request that the forms be revised to reference SDS instead of MSDS.
- (b) **Response:** The Cabinet concurs and amends the forms accordingly.

- (8) **Subject Matter: Font style**
(a) **Comment: Kate Shanks, Kentucky Chamber**
“Since only PDF copies of the draft forms were made available for public review (and not the underlying Excel files), it was not possible to test or evaluate certain aspects of the new forms, such as the font style used for data inputs. We recommend that a distinct and narrow format font (e.g., Arial Narrow) and distinguishing color (e.g., dark blue) be used for all cell input fields to help distinguish form text from input text.”
- (b) **Response:** The Cabinet acknowledges the comment. To clarify, the text fields are all bolded and should be easily distinguishable from input fields.
- (9) **Subject Matter: Text and number fields should be separate**
(a) **Comment: Kate Shanks, Kentucky Chamber**
“Reserve fields to be used either for numbers or text, but not a mix of both. For example, instead of a field requesting process rate capacity including units (e.g., “5 ton/hr”), have one column for the numerical value (“5”) and one column for the specified units (“ton/hr”). This strategy of isolating numeric fields will improve the versatility of the forms and allow the applicant to apply numerical-based calculations within the forms.”
- (b) **Response:** The Cabinet concurs and amends the forms accordingly.
- (10) **Subject Matter: ID number fields and names should be separate**
(a) **Comment: Kate Shanks, Kentucky Chamber**
“Keep fields to be used for ID numbers distinct from fields to be used for names. For example, most forms have separate fields for Control Device ID and Control Device Name, but the 7007N form (Section N.1) melds these fields together. Similarly, some forms meld together the Control Device ID and Stack ID fields (7007K, Section K.3, K.4 and K.5; 7007M, Section M.1, M.2, and M.3; 7007T, Section T.2). The strategy of separating these fields will improve the functionality of the forms by allowing for cross-references and lookups in Excel.”
- (b) **Response:** The Cabinet concurs and amends the forms accordingly.
- (11) **Subject Matter: Stack ID and control device ID**
(a) **Comment: Kate Shanks, Kentucky Chamber**
“Maintain the same sequence for entering control device and stack IDs throughout the forms. While some of the application form columns request the Control Device ID first and then the Stack ID, which makes the most sense overall, other forms request the Stack ID first and then the Control Device ID.”
- (b) **Response:** The Cabinet concurs and amends the appropriate forms.
- (12) **Subject Matter: Consistent terminology**
(a) **Comment: Kate Shanks, Kentucky Chamber;**
“Use the same terminology when referring to similar information fields. For fields used to provide identification numbers, there is inconsistency between the use of “#” vs “ID”.

“Stack ID” vs “Emission Point #” vs “Exhaust Point #” – “Stack ID” is most often used but “Emission Point #” is used on the 7007F and 7007J forms, and “Exhaust Point #” is used on the 7007Y form.”

(b) **Response:** The Cabinet concurs that there should be consistency between “#” and “ID” and amends the appropriate forms. To clarify, units identified on DEP7007J are unlikely to have a Stack ID, which is why Emission Point # is more appropriate. “Exhaust Point #” used on DEP7007Y does not necessarily refer to the “Emissions Point,” but rather the exit point of the emissions. Multiple “Emissions Points” may contribute to a single “Exhaust Point.”

(13) **Subject Matter: Emission Unit # clarification**

(a) **Comment: Kate Shanks, Kentucky Chamber**

“Add clarification (either directly to the forms or to the supplemental instructions) to explain that information populated in the “Emission Unit #” fields of the forms should align with the “Source ID” fields of the KyEIS.”

(b) **Response:** The Cabinet acknowledges the comment. The instructions clarify the “Emission Unit #” fields of the forms.

(14) **Subject Matter: Additional document box**

(a) **Comment: Kate Shanks, Kentucky Chamber**

“Clarify whether the items listed in the “Additional Documentation” box in the top right corner of page 1 of each application form are optional (i.e., to be submitted if relevant) or mandatory.”

(b) **Response:** The Cabinet acknowledges the comment. To clarify, the documents listed in the “Additional Documentation” box of each form should be submitted, as applicable.

(15) **Subject Matter: Excel appearance**

(a) **Comment: Kate Shanks, Kentucky Chamber**

“Because these forms are intended to be completed electronically within Excel and Excel already provides cell grid lines, we recommend that the general format for the tabular areas of the forms be revised to eliminate the black cell borders, which decrease readability. The fixed cell borders may also lead to confusion because in some contexts many rows will be used to convey information about the same emission unit (e.g., as for different pollutants on the 7007N form), whereas in other contexts different rows will be used to convey information about different emission units.”

(b) **Response:** The Cabinet acknowledges the comment. The Cabinet clarifies that the forms are available in Excel for applicant use. However, as part of this proposed rulemaking, the Cabinet is not requiring that the forms be submitted electronically or filled out electronically. For printed versions of the forms, the Cabinet finds that the cell borders are necessary.

- (16) **Subject Matter: Column width**
(a) **Comment: Kate Shanks, Kentucky Chamber**
“In general, the field column widths for names/descriptions should be wider than those for ID numbers.”
- (b) **Response:** The Cabinet acknowledges this comment.
- (17) **Subject Matter: Effective date of the forms**
(a) **Comment: Lloyd R. Cress, Jr, KAM and CIC; Toni Darnall, Evonik; Kate Shanks, Kentucky Chamber; Carolyn Brown, UIEK**
The commenters request that the Division allow for a 180 day grace period for the use of previous versions of the forms after the effective date of the revised regulation. This eliminates the need for current work in progress on renewals and other permit actions to be re-entered onto a new form, reducing the administrative burden on facilities. A 180 day grace period would also allow time to populate the revised DEP7007CC form for use in the calendar year 2019 report due on January 30, 2020.
- (b) **Response:** The Cabinet determines that a grace period is appropriate and amends the administrative regulation to allow for previous versions of the forms to be submitted until July 1, 2019.
- (18) **Subject Matter: Index form**
(a) **Comment: Toni Darnall, Evonik; Kate Shanks, Kentucky Chamber**
The commenters request that the Cabinet include a form to provide a consolidated list of all emission units with identification numbers and nomenclature used for emission units, processes, control devices, and stacks. An index form would be useful to both the Division and the applicant.
- (b) **Response:** The Cabinet acknowledges this comment. The Cabinet agrees that an index may be useful for the applicant. However, the Cabinet does not find it necessary to require every applicant to use such a form. If any individual applicant creates and submits an index form for their use, the Cabinet will accept and review accordingly.
- (19) **Subject Matter: Instructions for forms**
(a) **Comment: Lloyd R. Cress, Jr, KAM and CIC; Toni Darnall, Evonik; Carolyn Brown, UIEK**
The commenters specify that the instructions designed by the Division are an integral part of permit application form system and directly affect the application process. Following the instructions is necessary to submit a complete permit application to DAQ. Consequently, the instructions should be included in documents submitted for public review and comment pursuant to KRS Chapter 13A.
- (b) **Response:** The Cabinet does not concur. The Cabinet provides the instructions to the forms as informational support documents to help the applicant complete the forms. The instructions are meant to provide the applicant with useful information and answer any questions. The instructions are not required and are not part of the administrative

regulation. Therefore, the Cabinet does not concur that the instructions should have been included for public comment purposes.

(20) Subject Matter: Format of the forms

(a) Comment: Toni Darnall, Evonik

“KDAQ has stated that proposed regulation amendments posted for public comments are required to be pdf files. However, since the forms will all be Excel version forms, Excel would have been the preferred format for review.”

(b) Response: The Cabinet acknowledges the comment. KRS 13A.2251 requires material incorporated by reference to be filed with the administrative regulation. Due to the number of forms incorporated by reference, the Cabinet filed the material incorporated on a CD-ROM saved as an Adobe Portable Document Format (PDF). Since the material was provided to the Legislative Research Commission as an official version in PDF, the Cabinet provided the same documents in PDF on the website. All content contained in the PDF is exactly the same as the Excel document.

(21) Subject Matter: Excel version of forms

(a) Comment: Toni Darnall, Evonik; Kate Shanks, Kentucky Chamber; Carolyn Brown, UIEK

The commenters request a blank tab or area for notes and comments be added to each form’s Excel workbook. This could be used to provide the Division with explanation, clarification, comments, or justification for technical information included in the form itself.

(b) Response: The Cabinet concurs that a comments and notes section is appropriate and beneficial for some forms, and amends each form accordingly to include a section “Notes, Comments, and Explanations”.

(22) Subject Matter: Excel version of forms

(a) Comment: Kate Shanks, Kentucky Chamber

“While the Kentucky Chamber recognizes the Division’s presumed intent of locking down the Excel form files to restrict applicants from making structural or format changes to maintain consistency among applicants, a “once-size-fits-all” approach will not be able to accommodate the significant variety of industrial plant types, emission units, and ways emission units are defined and regulated. For the benefit of both the applicants and the Division, the Kentucky Chamber strongly recommends that applicants be given the ability (subject to approval by the affected Permit Review Branch staff on a case-by-case basis) to make minor revisions to the organizational layout of the forms to best accommodate the unique aspects of their plants. For example, to optimize how information is presented on forms, applicants should at a minimum have the ability to adjust column widths.”

(b) Response: The Cabinet acknowledges this comment. The forms are incorporated by reference. Once they are adopted and become effective, neither the Cabinet nor an applicant will have the ability to change the organizational layout of the form.

- (23) **Subject Matter: Emissions factors**
(a) **Comment: Toni Darnall, Evonik; Kate Shanks, Kentucky Chamber**
The commenters request that information on emission factors and emission rates should be consolidated on the DEP7007N form and not duplicated on other equipment type-specific forms. The duplication of emission factors on multiple forms is inefficient and increases the risk of errors and inconsistencies.
- (b) **Response:** The Cabinet does not concur. There are specific circumstances where an applicant may not need to use multiple forms.

401 KAR 52:050 – Comments on Administrative Information DEP7007AI

- (24) **Subject Matter: Permit Shield**
(a) **Comment: Lloyd R. Cress, Jr, KAM and CIC; Toni Darnall, Evonik; Kate Shanks, Kentucky Chamber; Carolyn Brown, UIEK**
The commenters identify that the current form provides the applicant with a field to indicate whether the source is seeking coverage under a permit shield and to identify applicable and non-applicable regulations. The proposed form does not contain the same language. The permit shield language should be reinserted into the form.
- (b) **Response:** The Cabinet concurs and amends the form accordingly to include the permit shield language.
- (25) **Subject Matter: Permit shield**
(a) **Comment: Lloyd R. Cress, Jr, KAM and CIC**
In order to ensure that permit shield coverage remains available, KAM and CIC request that the language be reinserted into the form and that, as applicable, permits list all information necessary to maintain the permit shield.
- (b) **Response:** The Cabinet concurs and amends the form accordingly to include the permit shield language. To clarify, in accordance with Section 11 of 401 KAR 52:020, 52:030, and 52:040, the Cabinet will expressly state that a permit shield exists in the permit.
- (26) **Subject Matter: Permit shield**
(a) **Comment: Toni Darnall, Evonik**
“Also, Evonik understands that the Division intends to move all non-applicable regulations from the actual permit to the Statement of Basis. Since the permit shield is only in effect if expressly stated so in the permit and a list of non-applicable regulations is included in the permit, how does the Division plan to address this discrepancy?”
- (b) **Response:** The Cabinet acknowledges this comment. To clarify, in accordance with Section 11 of 401 KAR 52:020, 52:030, and 52:040, the Cabinet will expressly state non-applicable requirements in the permit.
- (27) **Subject Matter: Additional categories for commonly provided materials**
(a) **Comment: Kate Shanks, Kentucky Chamber**

“Most permit applications include other key elements beyond the required set of application forms. For example, typically a letter or report describing the project and emission units for which authorization is being sought and a summary of the regulatory and permit applicability requirements is provided. In addition, for many types of facilities, supplemental documentation and sample calculations are needed to support the derivation of emission factors and/or emission rates presented on the 7007N form. Thus, it may be beneficial to add “Application Report” and/or “Project Description/Process Description” and/or “Emission Calculations/Documentation” to the checklist of documents that may be attached to the application forms in Section AI.5. It may also be prudent to include a line item for “Other _____” so there is a field for the applicant to reference other non-standard items that may be included in a particular application.”

(b) **Response:** The Cabinet concurs and amends the form accordingly.

(28) **Subject Matter: Source name**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**

The commenters suggest deleting the source name in Section AI.1. The source name is already requested in the box prior to Section AI.1.

(b) **Response:** The Cabinet concurs and amends the form accordingly.

(29) **Subject Matter: Orientation of form**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**

The commenters suggest changing the orientation of the DEP7007AI form from landscape to portrait. The information is easier to read in portrait format and it could be printed on 5 instead of 6 pages.

(b) **Response:** The Cabinet acknowledges the comment.

(30) **Subject Matter: NAICS**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**

The commenters question why, in Section AI.1, are there two requests for the primary NAICS? Is this a typo?

(b) **Response:** The Cabinet clarifies the “Primary NAICS Category” is for the category description, and the “Primary NAICS #” is the actual numerical code.

(31) **Subject Matter: NAICS vs SIC**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**

The commenters question why, in Section AI.1, does the Division need the SIC# and the NAICS#?

(b) **Response:** The Cabinet acknowledges this comment. To clarify, the NAICS# is the current federal standard being used. The SIC# is no longer being updated at the federal level. However, Section 5 of the applicable permitting regulations require the submission

of the SIC# in the permit application. Additionally, the SIC# is necessary to determine major source status.

(32) Subject Matter: Number of employees

(a) Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK

The commenters question why, in Section AI.1, does the Division need to know the number of employees at the facility? Perhaps note <20, >50, etc.

(b) Response: The Cabinet requests the number of employees for various reasons. For instance, the number of employees is a criteria to determine if a source qualifies as a small business. Further, the number of employees allows the Cabinet to determine the cost benefit of air pollution control strategies. It should be noted that this information is required in the current AI form and is not a new requirement.

(33) Subject Matter: Waste activity

(a) Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK

The commenters question why, in Section AI.1, does the Division need information related to regulated waste activity? Is this section necessary?

(b) Response: The Cabinet requests information related to type of regulated waste activity to determine regulatory applicability as related to activities subject to requirements of Section 129 of the CAA.

(34) Subject Matter: Notes

(a) Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK

The commenters request to include the notes that were on the old form. As an example, "The applicant must be the owner or operator. (The owner/operator may be individual(s) or a corporation.)".

(b) Response: The Cabinet acknowledges the comment. To clarify, the notes are included as part of the instructions.

(35) Subject Matter: Permit contact

(a) Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK

The commenters question why the Division needs both a technical and an air permit contact? This seems redundant. Perhaps just request a contact for permit application submittal.

(b) Response: The Cabinet determines that the application form should include both an air permit contact as well as a technical contact. The air permit contact and the technical contact may not be the same person at the source.

(36) Subject Matter: Section AI.2

(a) Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK

The commenters request clarification on whether or not the owner information boxes self-populate if the information is the same as the applicant information in Section AI.2? If not can a box be added, "same as applicant?"

- (b) **Response:** The Cabinet clarifies by adding a check box for 'same as applicant'.
- (37) **Subject Matter: Type of application**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters suggest that the requested action boxes match the boxes noted on the KY One Stop form and add a box for "other changes."
- (b) **Response:** The Cabinet concurs and amends the form accordingly.
- (38) **Subject Matter: Air Toxics**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU**
"Page 5, Section AI.4 - LGE-KU suggests that KDAQ add a description for 'Air Toxics.' Is this the TRI chemical list or 401 KAR 63:020?"
- (b) **Response:** The Cabinet acknowledges this comment and amends the form to clarify that the Air Toxics list refers to the pollutants listed in 40 CFR Part 68 Subpart F.
- (39) **Subject Matter: Construction vs modification**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters request clarification on whether or not instructions will be available, or can a note be provided, to the sections for new construction and modification to distinguish between the two. The commenters assume that new construction is the addition of a new emission unit and that all other changes such as adding a new control would be considered a modification.
- (b) **Response:** The Cabinet acknowledges the comment. The commenters' assumption is correct. For clarification, the terms "Construction" and "Modification" are defined in 401 KAR 52:001. *Definitions for 401 KAR Chapter 52.*

401 KAR 52:050 – Comments on Indirect Heat Exchangers and Turbines DEP7007A

- (40) **Subject Matter: Additional documentation box**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU**
"LGE-KU suggests that a reference to the DEP7007AI form be added to the additional documentation box."
- (b) **Response:** The Cabinet concurs and amends the form accordingly.
- (41) **Subject Matter: General information headers**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters request to add "Company" to the "Emission Unit Name."

- (b) **Response:** The Cabinet does not agree. Including “Company” as part of the “Emission Unit Name” will lead to confusion for both the applicant and the Cabinet. Thus, the Cabinet is not amending the form in response to this comment.
- (42) **Subject Matter: General information headers**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters suggest adding KYEIS to “Process ID” and “Stack ID”.
- (b) **Response:** The Cabinet acknowledges the comment. The Cabinet finds that adding KYEIS does not provide any clarification and is unnecessary. For clarification, the instructions for this form have been revised to identify the use of existing process IDs.
- (43) **Subject Matter: General information headers**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters suggest deleting the column “List Applicable Regulations.” This information must be included in the DEP7007V form. It is noted as a form that must be completed on the first page of the DEP7007A form. The DEP7007V notes the applicable regulations pollutant by pollutant and via emission, monitoring, recordkeeping, testing, and reporting requirements.
- (b) **Response:** The Cabinet concurs and amends the form accordingly.
- (44) **Subject Matter: General information headers**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters question “why does the Division need to know the rated capacity power output and the time percentage for multipurpose units? A drop down box which notes the purpose of the unit (not just for multipurpose units) could be used to conserve space on the form and ID the purpose of the equipment. Also, why as an example is there no information requested for the description of the indirect heat exchangers (wall-fired, cyclone, etc.)? How does the permit writer describe the description in the permit if a detailed description is not noted in the application?”
- (b) **Response:** The Cabinet concurs that a description of the indirect heat exchanger is necessary and amends the form accordingly. Further, the Cabinet requires rated capacity output and time percentage for multipurpose units to accurately determine regulatory applicability. A drop down box may be beneficial for applicants filling the form out electronically, but would not benefit an applicant filling out a paper version of the form.

401 KAR 52:050 – Comments on Manufacturing or Processing Operations DEP7007B

- (45) **Subject Matter: Process ID and process name**
- (a) **Comment: Kate Shanks, Kentucky Chamber**
“Information on raw materials and process rates for manufacturing processes is most often specified at the process level rather than the emission unit level. Yet, the fields on Section B.2 of the 7007B form (where raw materials and process rates are listed) only include the

Emission Unit # and Name. At a minimum, a column for the Process ID and possibly the Process Name should also be added to Section B.2.”

- (b) **Response:** The Cabinet agrees that information is specified at the process level and amends the form accordingly.
- (46) **Subject Matter: Additional documentation box**
 - (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters suggest that a reference to the DEP7007AI form be added to the additional documentation box.
 - (b) **Response:** The Cabinet concurs and amends the form accordingly.
- (47) **Subject Matter: General information headers**
 - (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters suggest adding KYEIS to “Process ID” and “Stack ID.”
 - (b) **Response:** The Cabinet acknowledges the comment. The Cabinet finds that adding KYEIS does not provide any clarification and is unnecessary. For clarification, the instructions for this form have been revised to identify the use of existing process IDs.
- (48) **Subject Matter: General information headers**
 - (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters suggest merging the Emission Unit Name and Describe Emission Unit column and ID as Emission Unit Description.
 - (b) **Response:** The Cabinet does not concur. These columns require different information to be provided.
- (49) **Subject Matter: Manufacturer and Model #**
 - (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters state that some process equipment may be custom built. Is this data needed?
 - (b) **Response:** The Cabinet finds this information is necessary to properly identify equipment in the permit and, therefore, should be provided.

401 KAR 52:050 – Comments on Volatile Liquid Storage DEP7007J

- (50) **Subject Matter: Additional documentation box**
 - (a) **Comment: Marlene Zeckner Pardee, LGE-KU**
“LGE-KU suggests that a reference to the DEP7007AI form be added to the additional documentation box.”
 - (b) **Response:** The Cabinet concurs and amends the form accordingly.

- (51) **Subject Matter: Tank exclusions**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
 The commenters request clarification regarding any exclusions (tank sizes, gasoline tanks/non gasoline commercial stations, fuel oil on IA list, etc) for the DEP7007J form. If yes, clearly note the exclusions on the instructions and the DEP7007J form.
- (b) **Response:** The Cabinet clarifies that tanks that meet the definition of an “insignificant activity” should be listed on DEP7007DD and would not be required to list the tank on another form. Further, a tank subject to 401 KAR Chapter 59, Chapter 61, 60:005, 63:002, or any other applicable requirement should be identified on DEP7007J.
- (52) **Subject Matter: Tanks on DEP7007DD form**
- (a) **Comment: Carolyn Brown, UIEK**
 “Often tanks meet the definition of ‘insignificant activity’ and are included on the DEP7007DD form. Please confirm that the applicant is not required to complete a DEP7007J form for tanks listed on DEP7007DD form.”
- (b) **Response:** The Cabinet clarifies that tanks that meet the definition of an “insignificant activity” should be listed on DEP7007DD and would not be required to list the tank on another form.
- (53) **Subject Matter: Section J.5**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
 “Section J.5 states that this section should be completed for VOC systems that may have leaks. Does that mean if they have had a leak in the past?”
- (b) **Response:** The Cabinet clarifies that Section J.5 is completed for all components of the Volatile Liquid Storage System that have the potential to leak.

401 KAR 52:050 – Comments on Mineral Processes DEP7007L

- (54) **Subject Matter: Additional documentation box**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU**
 “LGE-KU suggests that a reference to the DEP7007AI form be added to the additional documentation box.”
- (b) **Response:** The Cabinet concurs and amends the form accordingly.
- (55) **Subject Matter: Combustion equipment**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
 The commenters request clarification on whether or not combustion equipment needs to be completed for coal or aggregate processes if movement is controlled with electric motors or gravity?
- (b) **Response:** The Cabinet clarifies that Section L.1 of the form is required for all mineral processing operations including combustion equipment associated with the minerals

processing operations. Additionally, the instructions for DEP7007L note the additional forms required for combustion equipment. For example, DEP7007A is required for process heaters, and DEP7007B is required for dryers.

(56) Subject Matter: Excel version of form

(a) Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK

The commenters request clarification regarding the availability of a drop down button in the Excel version of the form for the “Affected facility” column, which identifies as an example (hoppers, crushers, conveyors, etc.) similar to the existing DEP7007L form so that the drop points can be identified?

(b) Response: The Cabinet clarifies that the Excel version of the form does not have a drop down box. A drop down box may be beneficial for applicants filling the form out electronically, but would not benefit an applicant filling out a paper version of the form. Additionally, the instructions list available options including but not limited to receiving hoppers, primary crusher, secondary crusher, screen, conveyors and transfer points, stockpiles, thermal dryer, rail loadout, barge loadout, and truck loadout.

(57) Subject Matter: Control efficiency

(a) Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK

The commenters suggest removing the control efficiency columns in L.4 and L.5. This information must be noted on the DEP7007N form.

(b) Response: The Cabinet acknowledges the comment. The Cabinet determines it is appropriate to leave the control efficiency columns on DEP7007L.

401 KAR 52:050 – Comments on Metal Cleaning Degreasers DEP7007M

(58) Subject Matter: Additional documentation box

(a) Comment: Marlene Zeckner Pardee, LGE-KU

“An additional documentation box needs to be added, and a reference to the DEP7007AI form needs to be included in the additional documentation box.”

(b) Response: To clarify, the additional documentation box already exists on the form. However, the Cabinet amends the box to include DEP7007AI.

(59) Subject Matter: Exclusions

(a) Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK

The commenters request clarification regarding any exclusions for this form. Does this apply to ALL metal degreasers (non-VOC solvents)? If there are exclusions (trivial activities #13), clearly state them on the form and note in the instructions.

(b) Response: The Cabinet clarifies that units that meet the definition of “insignificant activity” and list such activities on DEP7007DD would not be required to list the unit on another form. The Cabinet further clarifies that emissions from trivial activities are not required to be included on permits or permit applications, and are not considered when

determining source status or other applicability determinations. The Cabinet amends the form to include a section specifically for Notes, Comments, and Explanations, in which the applicant can explain any units that were omitted as a trivial or insignificant activity.

401 KAR 52:050 – Comments on Source Emissions Profile DEP7007N

(60) Subject Matter: Process name

(a) Comment: Kate Shanks, Kentucky Chamber

“Unless a separate new emission unit index form is added (see Comment #3), the Division should add a field for the Process Name to Section N.1. To accommodate the limited page width, it may be beneficial to reconfigure the Section N.1 table to include a header row for each emission unit (providing the Emission Unit #, Name, Process ID, Process Name, Control Device ID, Control Device Name, and Stack ID), and separate sub-rows for each pollutant.”

(b) Response: The Cabinet concurs and amends the form to include the Process Name.

(61) Subject Matter: Maximum sustainable process rates

(a) Comment: Kate Shanks, Kentucky Chamber

“For many types of emission units, process rates achievable in the short-term (hourly) cannot be sustained over longer-term periods, even in the absence of synthetic operating limits and even if the emission unit is able to operate 8,760 hours per year. In these instances, calculating the annual emission rate simply by scaling the short-term hourly process rate by 8,760 hr/yr results in an overestimate of the unit’s potential emissions. Therefore, the Division should consider incorporating an additional field to allow the applicant to denote the maximum annual sustainable process rate upon which potential annual emissions are based.”

(b) Response: The Cabinet does not concur. The Cabinet is amending each form to include a section “Notes, Comments, and Explanations”, and the Cabinet finds it more appropriate to use that section of the form to document and clarify these situations for an emission unit.

The definition of PTE does not consider the maximum annual sustainable process rate. An applicant may request the maximum annual sustainable process rate as an operational limitation to appropriately restrict an emission unit’s PTE. The operational limitation shall be enforceable as a practical matter.

(62) Subject Matter: Additional documentation box

(a) Comment: Marlene Zeckner Pardee, LGE-KU

“An additional documentation box similar to the one on the DEP 7007A form should be added and it should note that a DEP7007AI form needs to be completed.”

(b) Response: The Cabinet concurs and amends the form accordingly.

- (63) **Subject Matter: Column headers**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters suggest changing “Emission Unit Name” to “Emission Unit Description” or “Company Emission Unit Description.” This should match the description in the permit.
- (b) **Response:** The Cabinet does not agree. Including “Company” as part of the “Emission Unit Name” will lead to confusion for both the applicant and the Cabinet. Thus, the Cabinet is not amending the form in response to this comment.
- (64) **Subject Matter: General information headers**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters suggest adding KYEIS to “Process ID” and “Stack ID”.
- (b) **Response:** The Cabinet acknowledges the comment. The Cabinet finds that adding KYEIS does not provide any clarification and is unnecessary. For clarification, the instructions for this form have been revised to identify the use of existing process IDs.
- (65) **Subject Matter: General information headers**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters request clarification on whether or not there is a format preference for naming the controls? As an example, would ESP Unit 1 C1, SCR Unit 1 C2, etc. be acceptable names/ID?
- (b) **Response:** The Cabinet does not have a preference for naming the controls as long as the application is consistent. If an existing unit is already labeled in a particular way, the Cabinet requests that the unit remain labeled the same as identified in the current permit or registration.
- (66) **Subject Matter: Control efficiency**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters suggest merging capture and control efficiency and changing the name to capture/control efficiency.
- (b) **Response:** The Cabinet does not concur. These are distinctly different parameters and both values are necessary to accurately determine emissions.
- (67) **Subject Matter: Section N.2**
- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
“Is Section N.2 only required to be completed for units which have emissions from a stack and emissions other than fugitive emissions?”
- (b) **Response:** To clarify, Section N.2 is required for emissions from a stack. Section N.3 is required for fugitive emissions.

(68) Subject Matter: Section N.3

(a) Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK

The commenters request an explanation of the regulatory basis for requiring the UTMs, area physical data, and area release data for fugitive emissions? It will be labor intensive to collect this data. Is the Division requesting this data for each drop point of a single process? Absent a clearly demonstrated need for this information, the Division should reevaluate this section of the form in order to avoid increasing the burden on the regulated community.

(b) Response: To clarify, the Cabinet requires all relevant information to determine regulatory applicability and estimate emissions from fugitive emission sources. In some circumstances, fugitive emissions count toward total emissions for applicability purposes.

(69) Subject Matter: Fugitive emissions

(a) Comment: Marlene Zeckner Pardee, LGE-KU

“There is no column to note how fugitives are controlled.”

(b) Response: The Cabinet amends each form to include a section “Notes, Comments, and Explanations.”

401 KAR 52:050 – Comments on Applicable Requirements and Compliance Activities DEP7007V

(70) Subject Matter: Additional documentation box

(a) Comment: Marlene Zeckner Pardee, LGE-KU

“An additional documentation box needs to be added, and a reference to the DEP7007AI form needs to be included in the additional documentation box.”

(b) Response: The Cabinet concurs and amends the form accordingly.

401 KAR 52:050 – Comments on Compliance Certification DEP7007CC

(71) Subject Matter: Excel format

(a) Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK

The commenters request clarification regarding the function of the form in Excel format. Specifically, will the user be able to adjust row height, font size, and add or delete rows?

(b) Response: The Cabinet acknowledges this comment. To clarify, the Excel version of the form will allow for the addition of rows as needed by the user. The user will not be able to delete rows, however, this should not be necessary as the user will only fill in the number of rows necessary for the source. Font size will be determined by the user. Row height will grow as needed based on what the user types into the appropriate cell.

(72) Subject Matter: Format of the CC form

(a) Comment: Toni Darnall, Evonik

“The format of DEP7007CC has changed somewhat (some of the columns have been moved from what is currently used for annual reporting). For example, the columns "Emission Unit Description" and "Permit Condition or Applicable Regulation" have been interchanged. Unless there is a compelling reason to move the column locations, Evonik requests that columns remain in the same order as the current DEP7007CC form so that information from previously submitted DEP7007CC reports is easier to transfer (i.e., copy and paste).”

(b) Response: The Cabinet concurs and has amended the form accordingly.

(73) Subject Matter: Section CC.3 header

(a) Comment: Kate Shanks, Kentucky Chamber

“Revise the header text in Section CC.3 of the form to make it clear that the certification form should encompass all permit conditions and applicable requirements, not just emission standards, operating limits, and work practices.

The permit condition categories currently identified by the header text in Section CC.3 exclude monitoring, recordkeeping, and reporting requirements, which in many permits make up a large percentage of the conditions. To avoid confusion regarding the intended contents of the form, consider changing the header text for Section CC.3 to, *‘The following emission units were in continuous compliance with each permit condition and applicable requirement listed, including emission standards, operating limits, work practices, testing, monitoring, recordkeeping, and reporting requirements, and other procedural requirements, based on the compliance methods specified below.’*”

(b) Response: The Cabinet does not concur. The language used for the header in 10a) was taken directly from the applicable state regulations (401 KAR 52:020, Section 21(2); 401 KAR 52:030, Section 21(2); and 401 KAR 52:040, Section 19(2)) that implement the annual compliance certification requirements of the Clean Air Act in Kentucky.

(74) Subject Matter: Column width Section CC.3

(a) Comment: Kate Shanks, Kentucky Chamber

“Revise the column width allocations in Section CC.3.

The field in Section CC.3 used to specify the “Permit Limit or Requirement” is often the field that contains the most text as, except for numerical emission limits, a paraphrase of the underlying permit condition is provided. Considering the scope of this field, the space allocated on the draft 7007CC form is too small. Other fields such as Emission Unit # and Permit Condition will typically require less characters but they are allocated more space.”

(b) Response: The Cabinet acknowledges this comment and adjusts the column width accordingly.

(75) Subject Matter: Section CC.3 10a) and 10c)

(a) Comment: Kate Shanks, Kentucky Chamber

“Combine Item 10a of Section CC.3 and Item 10c of CC.3 into a single table and add a new checkbox column to denote conditions for which compliance was continuous.

Rather than splitting up permit conditions between Item 10a in Section CC.3 (for those in continuous compliance) and Item 10c in Section CC.3 (for those not in continuous compliance), it would be more efficient and easier to manage year-to-year submittals of the 7007CC form if the form has one section for listing all conditions with an additional column to check on a condition-by-condition basis whether compliance was continuous.”

(b) Response: The Cabinet acknowledges the comment. To maintain consistency in format, the Cabinet has chosen to stay with the general approach of noting units not in continuous compliance in a separate section of the form.

(76) Subject Matter: Field in Section CC.3 10c)(2)

(a) Comment: Kate Shanks, Kentucky Chamber

“Add fields for Emission Unit Description, Permit Condition, and Permit Requirement to Item 10c)(2) in Section CC.3.

Item 10c)(2) of Section CC.3 is used to describe the nature, causes, and corrective actions for non-compliant issues, which will be tied to particular permit conditions and requirements. Yet, this table of the form only has a column to denote the Emission Unit #. As there are often numerous permit conditions for a single emission unit, the first 5 column fields under Item 10c)(1) of Section CC.3 should be carried forward to Item 10c)(2) of Section CC.3.”

(b) Response: To clarify, the Cabinet intends that 10c) be considered together as number that each row in 10c)(1) corresponds to the same row in 10c)(2). The “Emission Unit/Permit ID#” column is meant to be the link between each row of 10c)(1) and 10c)(2).

(77) Subject Matter: Section CC.3

(a) Comment: Carolyn Brown, UIEK

“Although the summary of material incorporated by reference filed with the proposed revision of 401 KAR 52:050 states that the new form ‘contains the same information’ as the prior form, there are changes in the presentation of information that require clarification. The existing form in Section 8a)(1) identifies emission units that ‘are in compliance with applicable requirements’ and in the last column calls for identification of the ‘Method used for Determining Compliance & whether continuous or intermittent.’ Pursuant to the Division’s instructions for the existing form, the permittee specifies in the last column both whether the method of determining compliance is continuous or intermittent and whether compliance was continuous or intermittent. According to the instructions, compliance is listed as intermittent if ‘there is evidence or reason to believe the source was not in compliance at all times for a given term or condition. Failure to meet any permit term or condition is considered intermittent compliance and should also be listed in section 8b)1) and 8b)2) to reflect being out of compliance.’ *Instructions for*

Completing Form DEP 7007CC Compliance Certification Form, at 2 (emphasis added). This is consistent with U.S. EPA statements and requirements for annual compliance certifications under the Title V program.

Section CC.3 of the proposed new form includes '10a) Emission Units in Continuous Compliance,' and the first sentence states: 'The following emission units were in continuous compliance with each permit term or condition(s) and listed here . . .'. The last column of item 10a) only addresses whether the method for determining compliance is continuous or intermittent. Please confirm that the evaluation of 'continuous compliance' is done for each permit term so that a noncompliance with one permit term does not require the permittee to omit the emission unit entirely from 10a) and list it only under 10c)(1) 'Emission Units Not in Continuous Compliance.' As an example, if the permittee is required to conduct visual observations of an emission point for visible emissions on a weekly basis and the observation is not conducted for one week, would the permittee list each permit term, except that one, under 10a) and list the visual observation permit condition under 10c)(1)? If that is not the case, the proposed form should be revised either to allow certification of continuous compliance on a permit condition by permit condition basis or to utilize the approach currently set out in the instructions for the existing form. Otherwise there is concern the form will create an inaccurate picture of compliance, particularly for those sources with emission units that are subject to multiple permit conditions."

(b) **Response:** The Cabinet concurs and amends the 10c)(1) to read "The method used for determining compliance over the reporting period, and whether compliance was continuous or intermittent." Additionally, the Cabinet confirms that the evaluation of 'continuous compliance' is done for each permit term or condition and not on the emission unit as whole.

(78) **Subject Matter: Section CC.3 10a)**

(a) **Comment: Carolyn Brown, UIEK**

"A column for entry of 'Actual Emissions or Status of Requirement' is included. As the Division is aware, electric generating facilities operate continuous emission monitoring systems of various types and submit quarterly reports of the data. Test reports are also submitted to the Division. It would be unduly burdensome to have to repeat or summarize that information on the form. The Department of Environmental Protection, Division of Compliance Assistance has previously issued guidance that it is acceptable to complete the actual emissions column by entering '< [the emission limit]'. Please confirm this approach will continue to be acceptable when completing the new forms."

(b) **Response:** The Cabinet concurs in part. An emission unit monitored by CEMS and submitting quarterly reports would refer to the permit conditions specifically for the semi-annual or CEMS data reporting. For the annual submittal, the highest emissions measured will be recorded in the "Actual Emissions" column.

(79) **Subject Matter: Section CC.3 10b)**

(a) **Comment: Carolyn Brown, UIEK**

“Emission Units in Continuous Compliance but Subject to Future Compliance Dates’ — The form states in part: “The following emission units, which are currently in continuous compliance with applicable requirements listed here, will achieve compliance on a timely basis and maintain compliance with future compliance dates as they become applicable during the permit term.” (Emphasis added). This section is for identification for requirements with future compliance dates; therefore, the underlined language should be deleted.”

(b) **Response:** The Cabinet concurs and amends the form accordingly.

(80) **Subject Matter: Section CC.3 10c)(2)**

(a) **Comment: Carolyn Brown, UIEK;**

“Emission Units Not in Continuous Compliance’ — The second sentence states: ‘Each row of 10b)(2) must relate to the corresponding row of 10b)(1).’ Neither 10b)(1) nor 10b)(2) exist in the new form so the sentence should be revised to read: ‘Each row of 10c)(2) must relate to the corresponding row of 10c)(1).’”

(b) **Response:** The Cabinet concurs and amends the form accordingly.

401 KAR 52:050 – Comments on Insignificant Activities DEP7007DD

(81) **Subject Matter: Layout**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**

The commenters suggest changing the orientation of the DEP7007DD form from landscape to portrait. Many plants have a long list of insignificant activities (IA).

(b) **Response:** The Cabinet acknowledges the comment.

(82) **Subject Matter: Applicable regulation**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**

The commenters request clarification for equipment that have no applicable regulation, should the applicant note NA or the IA list number in the emission calculations column?

(b) **Response:** The Cabinet acknowledges the comment. To clarify, the applicant would put the calculated emissions in the “Calculated Emissions” column. The Cabinet recommends the applicant confirm the emissions are less than 5 tons per year and there are no regulatory requirements that would cause the emissions unit to no longer qualify as an IA. Additionally, the Cabinet does not find including the IA list number in the calculated emissions column is appropriate, as it may be mistaken for actual emissions.

(83) **Subject Matter: 401 KAR 63:010**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**

The commenters request clarification on reporting emissions for IA’s. Specifically, for IA’s that fall under 401 KAR 63:010 and which were approved by the Division, can the

applicant reference the Division approval letter and note that the potential emission were less than 5 tons/year?

- (b) **Response:** To clarify, the applicant would put the calculated emissions in the “Calculated Emissions” column. The applicant can reference the approval letter in the “Notes, Comments, and Explanations” section of the form. The Cabinet recommends the applicant confirm the emissions are less than 5 tons per year and there are no regulatory requirements that would cause the emissions unit to no longer qualify as an IA.

(84) Subject Matter: Calculated emissions

- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters request clarification regarding explanation of calculated emissions. Specifically, can the applicant note, in the calculated emission (CE) column, “see attached Excel document” or must an emission ton number (no verbiage) be noted in the CE column?

- (b) **Response:** To clarify, the Cabinet adds a “Notes, Comments, and Explanations” section to each form. The applicant should provide an emission number in the “Calculated Emissions” column and then provide explanation in the “Notes, Comments, and Explanations” section.

401 KAR 52:050 – Comments on Internal Combustion Engines DEP7007EE

(85) Subject Matter: Additional documentation box

- (a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
The commenters suggest that the additional documentation box should note DEP7007AI needs to be completed.

- (b) **Response:** The Cabinet concurs and amends the form accordingly.

(86) Subject Matter: Additional documentation box

- (a) **Comment: Marlene Zeckner Pardee, LGE-KU**
“In the additional documentation box, does an EPA certification or performance test report need to be resubmitted for a renewal application?”

- (b) **Response:** The Cabinet clarifies that for a renewal application, the applicant would only submit the information that is new or different from the most recent source-wide permit application.

(87) Subject Matter: Certifications and performance tests

- (a) **Comment: Carolyn Brown, UIEK**
“Do applicants need to resubmit engine certifications and performance test reports that are already on file with the Division?”

(b) **Response:** The Cabinet clarifies that for a renewal application, the applicant would only submit the information that is new or different from the most recent source-wide permit application.

(88) **Subject Matter: Renewals**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU**

“LGE-KU suggests adding another column in Section EE.1 for renewals, to ID the date of the most recent test report and/or the date the original certification (ID tier) was submitted, if applicable.”

(b) **Response:** The Cabinet does not concur that an additional column for renewals is necessary.

401 KAR 52:050 – Comments on Control Equipment DEP7007GG

(89) **Subject Matter: Excel format of DEP7007GG**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**

The commenters request clarification regarding the function of the form in Excel format. Specifically, when the DEP7007GG form is in an Excel format will the user be able to adjust row height, column width, font size, and add or delete rows? The column width is extremely small.

(b) **Response:** The Cabinet acknowledges this comment. To clarify, the Excel version of the form will allow for the addition of rows as needed by the user. The user will not be able to delete rows, however, this should not be necessary as the user will only fill in the number of rows necessary for the source. Font size will be determined by the user. Row height will grow as needed based on what the user types into the appropriate cell.

(90) **Subject Matter: Required information**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**

The commenters request an explanation regarding data fields. Specifically, does the Division actually need some of the requested information (serial #, diagrams, and dimensions)? Some of the requested data seems to go beyond the actual assumed need of emission calculations and will be time-consuming (research of historical documents/documents in storage).

(b) **Response:** The Cabinet clarifies that it is necessary to have all requested information for compliance demonstration purposes.

(91) **Subject Matter: Additional documentation box**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU;**

“The additional documentation box should note DEP7007AI needs to be completed.”

(b) **Response:** The Cabinet concurs and amends the form accordingly.

- (92) **Subject Matter: Filters**
(a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
“For filters, does the Division actually need the ductwork length and diameter?”
(b) **Response:** The Cabinet clarifies that it is necessary to have all requested information for compliance demonstration purposes, including fabric filter ratio.
- (93) **Subject Matter: SCRs**
(a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
“For SCRs, does the Division actually need the gas composition, design temp min and max, reagent min and max injection rate, max design ammonia slip, catalyst volume and weight (this will change), and the SCR catalyst replacement schedule?”
(b) **Response:** The Cabinet clarifies that it is necessary to have all requested information for compliance demonstration purposes.
- (94) **Subject Matter: Scrubbers**
(a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**
“For scrubbers, does the Division actually need the scrubber liquid chemical composition, flowrate, freshwater liquid makeup rate, and the disposal method of scrubber effluent?”
(b) **Response:** The Cabinet clarifies that it is necessary to have all requested information for compliance demonstration purposes.
- (95) **Subject Matter: ESPs**
(a) **Comment: Marlene Zeckner Pardee, LGE-KU**
“For ESPs, does the Division actually need, the plate spacing, ESP total width, ESP total height, collection plate height, and length of the collection plate?”
(b) **Response:** The Cabinet clarifies that it is necessary to have all requested information for compliance demonstration purposes.
- (96) **Subject Matter: Inherent controls**
(a) **Comment: Marlene Zeckner Pardee, LGE-KU**
“Should inherent controls (low NOx burners, drift eliminators) be identified on the DEP7007GG form? If yes, should they be noted under Section G.11?”
(b) **Response:** To clarify, any control equipment not specifically listed in Sections GG.2 through GG.10 should be identified in Section GG.11, including inherent controls.
- (97) **Subject Matter: Inherent controls**
(a) **Comment: Carolyn Brown, UIEK**
“It is UIEK’s understanding that equipment which is an inherent part of the process is not required to be listed on the DEP7007GG form even though it may provide some secondary air pollution control benefit. Low NOx burners would be an example.”

- (b) **Response:** To clarify, any control equipment not specifically listed in Sections GG.2 through GG.10 should be identified in Section GG.11, including inherent controls.

401 KAR 52:050 – Comments on Haul Roads DEP7007HH

(98) **Subject Matter: Additional documentation box**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU;**

“The additional documentation box should note DEP7007AI needs to be completed.”

- (b) **Response:** The Cabinet concurs and amends the form accordingly.

(99) **Subject Matter: Additional documentation box**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU; Carolyn Brown, UIEK**

The commenters request clarification regarding the information on form GG.

Specifically, the additional documentation box states that a DEP7007GG form need to be completed for haul roads. Controls are generally watering and best engineering practices. The DEP7007HH form already has boxes to describe the controls. Why is an additional form necessary?

- (b) **Response:** The Cabinet concurs and removes DEP7007GG from the additional documentation box.

(100) **Subject Matter: Use of DEP7007HH**

(a) **Comment: Marlene Zeckner Pardee, LGE-KU**

“Is the DEP7007HH form required for storage piles and roads that are currently on the DEP7007DD form? Are there any exclusions (pm emissions < 5 tons) for the DEP7007HH form?”

- (b) **Response:** The Cabinet clarifies that units that meet the definition of “insignificant activity” list such activities on DEP7007DD would not be required to list the unit on another form.

401 KAR 52:070

(101) **Subject Matter: Thresholds for registered sources**

(a) **Comment: Tom Fitzgerald, Kentucky Resources Council**

“The Council is concerned that the proposed amendment to Section 1, which eliminates existing registration requirements for sources emitting non-HAP regulated pollutants of ten (10) tons per year (“tpy”) or more but less than twenty-five (25) tpy of a pollutant subject to an applicable requirement that does not specify the method for achieving compliance; ten (10) tpy or more but less than 100 tpy of a pollutant subject to an applicable requirement that clearly specifies the method of compliance; ten (10) tpy or more but less than 100 tons per year of a pollutant for which there is no applicable requirement; will leave a registration gap for sources emitting over 25 tpy of a non-HAP regulated pollutant but less than 100 tpy. The Council recommends revising the new

language to assure that any emissions of a regulated non-HAP pollutant between 5 tpy and 100 tpy are registered, rather than only regulated non-HAP pollutants of 5-25 tpy as is proposed in new Section 1(1)(a)(3).”

- (b) **Response:** The Cabinet acknowledges this comment. The Cabinet determines that the proposed change has an unintended consequence leading to regulatory uncertainty; therefore, the Cabinet is retaining the current provisions for applicability in Section 1 of the administrative regulation.

(102) **Subject Matter: Threshold for registered sources**

(a) **Comment: R. Scott Davis, US EPA**

“Under Clean Air Act (CAA) section 182(a)(3), the Commonwealth must require emissions statements from VOC and NO_x source in any ozone nonattainment area; however, under CAA section 182(a)(3)(B)(ii) the Commonwealth can choose to waive the requirement for sources that emit less than 25 tons of NO_x and VOC to report annually, if the Commonwealth fulfills certain requirements. Under the changes to Section 1 of the rule, the sources that would be required to report are those with the potential to emit:

- (1) between 2 tpy and 10 tpy of a single hazardous air pollutant (HAP) (if the HAP is a VOC);
- (2) between 10 tpy and 25 tpy of combined HAPs (if the HAPs are VOCs); and
- (3) between 5 tpy and 25 tpy of a regulated air pollutant that is not a HAP (NO_x and other VOCs).

The amended regulations appear to shift the existing reporting burden to those sources smaller than 25 tpy and eliminate the requirements for source greater than or equal to 25 tpy.”

- (b) **Response:** The Cabinet acknowledges this comment. The Cabinet determines that the proposed change has an unintended consequence leading to regulatory uncertainty; therefore, the Cabinet is retaining the current provisions for applicability in Section 1 of the administrative regulation.

(103) **Subject Matter: Sources that emit 25 tpy**

(a) **Comment: Kate Shanks, Kentucky Chamber; Carolyn Brown, UIEK**

The commenters identify a concern regarding sources that emit 25 tpy of a regulated air pollutant are not classified as subject to either registration or state origin permitting. Compare proposed 401 KAR 52:070 Section 1(1)(a)3 with existing 401 KAR 52:040 Section 1(1)(a). This could be addressed by revising Section 1(1)(a)3 of proposed 401 KAR 52:070 to capture sources that emit more than 5 tpy up to and including 25 tpy of a regulated air pollutant.

- (b) **Response:** The Cabinet concurs and amends the regulation accordingly.

(104) Subject Matter: Registered source emission certification

(a) Comment: R. Scott Davis, US EPA

“The changes to subsection (2) of Section 3 of 52:070 appear to be inconsistent with the federal emissions statement requirements for ozone nonattainment areas. The Commonwealth is expanding the requirement for ongoing annual emissions reports to maintenance areas rather than only nonattainment areas. The EPA does not require sources in attainment/maintenance areas to make these annual emissions certifications. However, the Commonwealth can choose to expand the requirement for ongoing annual emissions reports to maintenance areas.”

(b) Response: The Cabinet acknowledges this comment. The Cabinet finds it appropriate to require annual emissions reports for sources located in maintenance areas.

(105) Subject Matter: Registered source emission certification

(a) Comment: R. Scott Davis, US EPA

“The changes to subsection (2) of Section 3 of 52:070 appear to be inconsistent with the federal emissions statement requirements for ozone nonattainment areas. If Section 1 – “*Applicability*”, is revised, the revised criteria for sources required to submit these reports is as follows: (1) the source is located in nonattainment or maintenance areas; (2) the source is otherwise subject to 52.070; *and* (3) the source has the potential to emit [any] oxides of nitrogen (NO_x) or volatile organic compounds (VOCs).

Because Section 1 of this rule is not currently in the SIP, by eliminating the threshold of twenty-five (25) tons per year (tpy) for potential to emit NO_x or VOCs from subsection (2), and adding the phrase: “area that is subject to this administrative regulation,” it is not clear what sources would be subject to these requirements.”

(b) Response: The Cabinet concurs. The Cabinet determines that the 25 tons per year or more threshold should remain as part of the administrative regulation. In addition, the Cabinet deletes language for clarification purposes.

(106) Subject Matter: Registered source emission certification

(a) Comment: Stephen Holcomb, NiSource

“The proposed rule appears to require registered sources in ozone nonattainment areas or maintenance areas to submit an annual emission certification.”

(b) Response: The Cabinet concurs in part. The current regulation requires sources located in an ozone nonattainment area with a potential to emit 25 tons per year or more of VOC or NO_x to submit an annual emission certification. The proposed amendment deleted the 25 tons per year or more threshold, and included ozone maintenance areas. The Cabinet determines that the addition of the ozone maintenance area is appropriate, but that the 25 tons per year or more threshold should be retained as part of the administrative regulation.

- (107) **Subject Matter: Stationary emergency engines**
- (a) **Comment: Stephen Holcomb, NiSource**
“Subpart JJJJ is an NSPS and Subpart ZZZZ is a NESHAP. Kentucky sources subject to either a NSPS or NESHAP are required to register, which includes many stationary engines that only operate during emergencies, maintenance, and testing. We ask that the DEP exempt such engines from the requirement to register, which would reduce the administrative burden on sources and the DEP. Sources would still be required to comply with any applicable NSPS or NESHAP requirements.”
- (b) **Response:** The Cabinet acknowledges this comment. To clarify, the proposed amendment does not change the requirement for sources subject to 40 C.F.R. Parts 60, 61, or 63 to register. This requirement already exists in Section 1(2) of the current administrative regulation.
- (108) **Subject Matter: Ozone maintenance areas**
- (a) **Comment: Carolyn Brown, UIEK**
“Section 3(2) addresses requirements for sources located in an ozone nonattainment area or “ozone maintenance area”. It would be helpful if the Division made available on its website an up-to-date listing of ozone maintenance areas.”
- (b) **Response:** The Cabinet acknowledges this comment. To clarify, the attainment status designations are found in 401 KAR 51:010 and 40 CFR 81.318.
- (109) **Subject Matter: When to apply for registration**
- (a) **Comment: Carolyn Brown, UIEK**
“Section 4(2)(a)1 provides that a complete application must be submitted by an existing registered source that plans to reconstruct or modify. It is not clear whether a complete application must include resubmittal of the forms for the existing source in addition to the forms for the reconstruction or modification or only the latter. The source should only need to submit the forms related to the changes, along with the DEP7007AI form.”
- (b) **Response:** The Cabinet agrees that the source should only need to submit the forms related to the changes, along with DEP7007AI. To clarify, the source would need to submit a complete application that clearly shows that the source remains a registered source after reconstruction or modification.
- (110) **Subject Matter: Registration Process**
- (a) **Comment: Ryan Watts, KOGA**
“While we appreciate the Division's intention to streamline the air pollutant registration process, KOGA believes that the changes, as written, will complicate the permit application process and inhibit the effectiveness of natural gas producers who operate in the Commonwealth.”
- (b) **Response:** The Cabinet acknowledges this comment.

(111) Subject Matter: Registration thresholds

(a) Comment: Ryan Watts, KOGA

“KOGA opposes changes to the regulation as it relates to the governance of Kentucky's oil and gas sector. In particular, the Kentucky Oil and Gas Association solely objects to the elimination of Section 1(c) subsections (2) and (3) which define the applicability requirements for the registration of sources as being ten (10) tons per year (tpy) or more but less than 100 tpy of a pollutant subject to an applicable requirement that clearly specifies the method of compliance, or ten (10) tpy or more but less than 100 tpy of a pollutant for which there is no applicable requirements.

By removing these applicability definitions, KOGA's members are now subject to a new DAQ permitting tier, which we believe will create a duplicative and burdensome reporting process for the operator with no environmental benefit. If implemented, the proposed regulation eliminates the source registration process for facilities that emit a regulated air pollutant other than HAPs of twenty-five (25) tons or more per year and requires those entities to obtain a State Origin permit.

As it stands, 401 KAR 52:070, Section 1(c) subsections (2) and (3) allow an applicant to register sources that emit a pollutant other than HAPs of twenty-five (25) or more tons per year. The regulation also allows a facility to operate with emission yields up to Title V permitting thresholds. Subsequently, applicants can still qualify for registration status if they are subject to federal or state requirements that specify the method of compliance including but not limited to 40 CFR 60 Subpart JJJJ, 40 CFR 63 Subpart ZZZZ or 40 CFR 60 Subpart OOOOa; or if they are not subject to any applicable requirements.

Thus, if a facility is subject to any federal rule, they fall under the purview of those requirements regardless if they are listed specifically in a State Origin permit. Since the Division lists the applicable regulations to a location in registration approval notices, companies are also aware of the rules that pertain to them. Therefore, KOGA believes that obtaining a State Origin permit, if they qualify, is a redundant step in the application process.

Over the past several years, it has been the apparent practice by the Division to require companies whose facilities emit a regulated air pollutant other than HAPs of twenty-five (25) tons or more per year to submit State Origin permit applications, which is supplemental to source registration requirements and contrary to existing Kentucky regulation. Consequently, the Association has some reservations on codifying this regulatory approach.

KOGA has many concerns about applying for a State Origin permit instead of exercising the practice of registering sources through 401 KAR 52:070 as allowed in Section 1(c) subsections (2) and (3). Our chief objection with submitting a State Origin permit is the potential delays in constructing and operating facilities in Kentucky.

The approval of a State Origin permit can take up to 120 days after submission, and it must be in hand before work can begin. In contrast, once a company files an application for a registered source, it can construct and operate a facility.

Other shared concerns of a State Origin permit include:

- Increased time, energy and overhead on behalf of the operator to prepare the application for a State Origin permit, which is more rigorous than a registration application.
- Increased time, energy and overhead in managing the State origin permit's requirements, which include annual emission inventories and fees, semi-annual monitoring, deviation reports and annual compliance certifications—none of which are required for registered facilities.
- The proposed changes do not grandfather registered older facilities that are currently registered with facility emissions of twenty-five (25) tons or more per year. Any changes could trigger the need to obtain a State Origin permit to comply with the rule.
- New facilities will not be able to construct or operate until the DAQ issues a State Origin permit, which potentially impedes and deters economic development in Kentucky.
- There are no environmental benefits to this approach. An applicant submits nearly the same information that is required for the registration of air contaminant sources.
- Extended review periods by the Division to grant final permit approval.

For these reasons, KOGA believes that the proposed regulation changes to 401 KAR 52:070, specifically the elimination of Section 1(c) subsections (2) and (3), increase the burden on the industry and hinder our ability to conduct business in the Commonwealth. The revisions create unnecessary steps for the application process, which include additional time, resources and labor—all at the expense of the operator.”

- (b) **Response:** The Cabinet clarifies that the tiered-approach for determining applicability of permitting and registration is established through 401 KAR 52:020, 52:030, 52:040, and 52:070. The Cabinet determines that the proposed change has an unintended consequence leading to regulatory uncertainty; therefore, the Cabinet is retaining the current provisions for applicability in Section 1 of the administrative regulation.

(112) **Subject Matter: Permitting rules and tiers**

(a) **Comment: Ryan Watts, KOGA**

“KOGA respectfully requests that the Kentucky Division of Air Quality reconsider its proposed regulations and withdraw the removal of Section 1(c) subsections (2) and (3). The Kentucky Oil and Gas Association also recommends that the Division address perceived loopholes in the air permitting rules by clarifying its permitting tier qualifications.

For example, if the Division questions what requirements, whether state or federal, specify the method of compliance, then it could identify, up front, which regulations are applicable for compliance.

Specific language could be included to address the ambiguity of a source permitting tier. In other words, if a facility is subject to a Title V permit, then it does not qualify for registration status or a State Origin permit. If a facility is subject to a State Origin permit, then it is not eligible for registration status. This approach will permit more flexibility to companies who construct and operate facilities while also adhering to the permitting and compliance requirements.”

(b) **Response:** The Cabinet acknowledges the comment. The Cabinet determines that the proposed change has an unintended consequence leading to regulatory uncertainty; therefore, the Cabinet is retaining the current provisions for applicability in Section 1 of the administrative regulation.

(113) **Subject Matter: KRS 13A amendment**

(a) **Comment: Emily Harkenrider, LRC**
Make changes to be consistent with KRS 13A requirements.

(b) **Response:** The Cabinet concurs and amends the administrative regulation accordingly.

V. Summary of Action Taken by Promulgating Agency

401 KAR 52:050: Comments were considered and the following amendments are proposed:

Page 1
Necessity, Function, and Conformity
Line 13

After “administrative regulation”, insert “establishes and”.

Page 1
Section 1
Line 15

After “Section 1. Applicability.”, insert “(1)”.

Line 19

After “as applicable.”, insert the following:

(2) An applicant may use previous versions of the forms incorporated by reference in this administrative regulation until July 1, 2019.

Page 2
Section 2(1)(a)
Line 3

After “DEP7007AI.”, insert “November”.
Delete “August”.

Page 2
Section 2(1)(b)
Line 4

After "DEP7007A," insert "November".
Delete "August".

Page 2
Section 2(1)(c)
Line 5

After "DEP7007B," insert "November".
Delete "August".

Page 2
Section 2(1)(d)
Line 6

After "DEP7007C," insert "November".
Delete "August".

Page 2
Section 2(1)(e)
Line 7

After "DEP7007F," insert "November".
Delete "August".

Page 2
Section 2(1)(f)
Line 8

After "DEP7007J," insert "November".
Delete "August".

Page 2
Section 2(1)(g)
Line 9

After "DEP7007K," insert "November".
Delete "August".

Page 2
Section 2(1)(h)
Line 10

After "DEP7007L," insert "November".
Delete "August".

Page 2
Section 2(1)(i)
Line 11

After "DEP7007M," insert "November".

Delete "August".

Page 2

Section 2(1)(j)

Line 12

After "DEP7007N," insert "November".

Delete "August".

Page 2

Section 2(1)(k)

Line 13

After "DEP7007P," insert "November".

Delete "August".

Page 2

Section 2(1)(l)

Line 14

After "DEP7007R," insert "November".

Delete "August".

Page 2

Section 2(1)(m)

Line 15

After "DEP7007S," insert "November".

Delete "August".

Page 2

Section 2(1)(n)

Line 16

After "DEP7007T," insert "November".

Delete "August".

Page 2

Section 2(1)(o)

Line 17

After "DEP7007V," insert "November".

Delete "August".

Page 2

Section 2(1)(p)

Line 18

After "DEP7007Y," insert "November".

Delete "August".

Page 2

Section 2(1)(q)

Line 19

After "DEP7007AA," insert "November".
Delete "August".

Page 2

Section 2(1)(r)

Line 20

After "DEP7007BB," insert "November".
Delete "August".

Page 2

Section 2(1)(s)

Line 21

After "DEP7007CC," insert "November".
Delete "August".

Page 2

Section 2(1)(t)

Line 22

After "DEP7007DD," insert "November".
Delete "August".

Page 2

Section 2(1)(u)

Line 23

After "DEP7007EE," insert "November".
Delete "August".

Page 3

Section 2(1)(v)

Line 1

After "DEP7007FF," insert "November".
Delete "August".

Page 3

Section 2(1)(w)

Line 2

After "DEP7007GG," insert "November".
Delete "August".

Page 3

Section 2(1)(x)

Line 3

After "DEP7007HH," insert "November".

Delete "August".

401 KAR 52:050 – Material Incorporated by Reference

DEP7007AI

Insert page numbers at the bottom of each page. Insert a new Section AI.7 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Insert permit shield language in Section AI.4. Add an "other" line in Section AI.5. Insert a check box for 'same as applicant' in Owner Information in Section AI.2. In Section AI.4, clarify the "Air Toxics" list as 40 CFR Part 68 Subpart F. In Section AI.4, include in "Requested Action" the same actions that are available on the KY OneStop Portal. Change MSDS to SDS.

DEP7007A

Insert page numbers at the bottom of each page. Insert a new Section A.3 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Add DEP7007AI to Additional Documentation box. In Section A.1, delete the "List Applicable Regulations" column. Insert a column titled "Indirect Heat Exchanger Configuration". In Section A.2, split columns "Rated Capacity Power Output" and "Heat Content (HHV)".

DEP7007B

Insert page numbers at the bottom of each page. Insert a new Section B.4 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Add DEP7007AI to Additional Documentation box. In Section B.2, split columns "Maximum Quantity of Each Raw Material Input", "Maximum Quantity of Each Finished Material Output", "Maximum Hourly Fuel Usage Rate", and "Maximum Yearly Fuel Usage Rate". Insert "tons/hr" in the "Total Process Weight Rate for Emission Unit" column. Change MSDS to SDS.

DEP7007C

Insert page numbers at the bottom of each page. Insert a new Section C.4 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Add DEP7007AI to Additional Documentation box.

DEP7007F

Insert page numbers at the bottom of each page. Insert a new Section F.6 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Add DEP7007AI to Additional Documentation box.

DEP7007J

Insert page numbers at the bottom of each page. Insert a new Section J.6 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Add DEP7007AI to Additional Documentation box. Change MSDS to SDS in the Additional Documentation Box. In Section J.2H, replace "specify units" with "lb/1000 gal" in the "Lost Emissions" column; change "Occurance" to "Occurrence". In Section J.5, change the title of the

“Indicate the number of each type of equipment for this facility” to “Indicate the number of each type of equipment for this emission point”.

DEP7007K

Insert page numbers at the bottom of each page. Insert a new Section K.6 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Add DEP7007AI to additional documentation box. Change MSDS to SDS in the Additional Documentation box. In Section K2.A, split the “Maximum Design Application Rate” column. In Section K2.D, split the “Maximum Design Application Rate” column. In Section K2.E, split the “Maximum Design Application Rate” column. In Section K2.F, split the “Maximum Design Application Rate” column.

DEP7007L

Insert page numbers at the bottom of each page. Insert a new Section L.9 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Add DEP7007AI to Additional Documentation box.

DEP7007M

Insert page numbers at the bottom of each page. Insert a new Section M.4 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Add DEP7007AI to Additional Documentation box.

DEP7007N

Insert page numbers at the bottom of each page. Insert a new Section N.4 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Add a column “Process Name” to Section N.1. Add an Additional Documentation box and include DEP7007AI.

DEP7007P

Insert page numbers at the bottom of each page. Insert a new Section P.3 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Add DEP7007AI to Additional Documentation box.

DEP7007R

Insert page numbers at the bottom of each page. Change the edition date of the form to 11/2018. Add DEP7007AI to the Additional Information box.

DEP7007S

Insert page numbers at the bottom of each page. Change the edition date of the form to 11/2018. Insert a new Section S.3 Notes, Comments, and Explanations. Add an Additional Documentation box and include DEP7007AI.

DEP7007T

Insert page numbers at the bottom of each page. Insert a new Section T.4 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Add DEP7007AI to additional documentation box. Change MSDS to SDS in the Additional

Documentation box. In Section T.2, split the “Maximum Hourly Make-Up Rate” column; replace “amptr” with “amp-hr” in the “Rectifier Capacity” column.

DEP7007V

Insert page numbers at the bottom of each page. Insert a new Section V.6 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Add an Additional Documentation box and include DEP7007AI.

DEP7007Y

Insert page numbers at the bottom of each page. Insert a new Section Y.3 Notes, Comments, and Explanations. Change the edition date of the form to 11/2018. Add DEP7007AI to additional documentation box.

DEP7007AA

Insert page numbers at the bottom of each page. Change the edition date of the form to 11/2018. Insert a new Section AA.4 Notes, Comments, and Explanations. Add DEP7007AI to Additional Documentation box.

DEP7007BB

Insert page numbers at the bottom of each page. Change the edition date of the form to 11/2018. Insert a new Section BB.5 Notes, Comments, and Explanations. Delete address on first page.

DEP7007CC

In top left of page one, insert “Submit to the Regional Office identified in your permit”, delete address. Insert page numbers at the bottom of each page. Change the edition date of the form to 11/2018. Insert a new Section CC.4 Notes, Comments, and Explanations. In Section CC.3, item 10a), switch the “Emission Unit Description” and “Permit Term, Condition, or Applicable Regulation” columns; adjust column widths. In Section CC.3, remove “in Continuous Compliance but” in row 2. In Section CC.3, item 10b), change to read “Emission Units Subject to Future Compliance Dates. *The following emission units will achieve compliance on a timely basis and maintain compliance with future compliance dates as they become applicable during the permit term. If additional space is required, reproduce this page as needed.*”. In Section CC.3, item 10c)(1), switch the “Emission Unit Description” and “Permit Term, Condition, or Applicable Regulation” columns; in the last column, after “and whether”, insert “compliance was”, delete “the method provided”, delete ‘data’. In Section CC.3, item 10c)(2), change the references to 10b)(2) and 10b)(1) to 10c)(2) and 10c)(1), respectively.

DEP7007DD

Insert page numbers at the bottom of each page. Change the edition date of the form to 11/2018. Insert a new Section DD.3 Notes, Comments, and Explanations.

DEP7007EE

Insert page numbers at the bottom of each page. Change the edition date of the form to 11/2018. Insert a new Section EE.6 Notes, Comments, and Explanations. Add DEP7007AI to Additional Documentation Box. In Section EE.5, split the "Emission Factor" column.

DEP7007FF

Insert page numbers at the bottom of each page. Change the edition date of the form to 11/2018. Insert a new Section FF.8 Notes, Comments, and Explanations. Change MSDS to SDS. Add DEP7007AI to the Additional Documentation Box.

DEP7007GG

Insert page numbers at the bottom of each page. Change the edition date of the form to 11/2018. Insert a new Section GG.12 Notes, Comments, and Explanations. In Section GG.4, replace "specify units" with "volts" in the "Primary and Secondary Voltage Across Plates" column. In Section GG.4, replace "specify units" with "amperes" in the "Primary and Secondary Current" column. In Section GG.7, replace "specify units" with "MMBtu/scf" in the "Higher Heating Value" column. In Section GG.7, replace "specify units" with "scf/hr" in the "Hourly Fuel Usage" column. Add DEP7007AI to the Additional Documentation Box.

DEP7007HH

Insert page numbers at the bottom of each page. Change the edition date of the form to 11/2018. Insert a new Section HH.3 Notes, Comments, and Explanations. Change MSDS to SDS. Add DEP7007AI to the Additional Documentation Box. Remove DEP7007GG from the Additional Documentation Box. Change all "Material Safety Data Sheet" to "Safety Data Sheet".

401 KAR 52:070: Comments were considered and the following amendments are proposed:**Page 1****Section 1(1)(a)3.****Line 18**

After "3.", insert:

Ten (10) tpy or more but not more than twenty-five (25) tpy of a regulated air pollutant subject to an applicable requirement that does not specify the method for achieving compliance;

4. Ten (10) tpy or more but less than 100 tpy of a regulated air pollutant subject to an applicable requirement that clearly specifies the method of compliance; or

5. Ten (10) tpy or more but less than 100 tons per year of a regulated air pollutant for which there is no applicable requirement

Delete:

"More than five (5) tpy but less than twenty-five (25) tpy of a regulated air pollutant that is not a HAP".

Page 3

Section 2(1)(d)

Line 1

After “from logs and”, insert “that”.
Delete “which”.

Page 3

Section 2(2)(a)

Line 5

After “(a)”, insert “Use of”.
Delete “used”.

Page 3

Section 3(1)(c)1.

Line 20

After “all reasonable times”, insert “to”.

Page 3

Section 3(1)(c)1.a.

Line 21

After “a.”, delete “To”.
Capitalize the first letter of “access”.

Page 3

Section 3(1)(c)1.b.

Line 22

After “b.”, delete “To”.
Capitalize the first letter of “inspect”.

Page 4

Section 3(1)(c)1.c.

Line 1

After “c.”, delete “To”.
Capitalize the first letter of “sample”.

Page 4

Section 3(2)

Lines 7-8

After “maintenance area that”, delete “is subject to this administrative regulation and”.

Page 4

Section 3(2)

Line 9

After “potential to emit”, insert “twenty-five (25) tpy or more of”.

Page 4

Section 3(2)(a)1.

Line 14

After “to the survey;”, insert “and”.

Page 4

Section 3(2)(a)2.a.

Line 18

After “this administrative regulation;”, insert “and”.

Page 5

Section 4(2)(a)2.

Line 21

After “complete application”, insert “; or”.

Delete the period.

Page 6

Section 6(1)(b)

Line 16

After “that the source”, insert “complies with”.

Delete “meets”.

Page 6

Section 6(2)

Line 18

After “of receipt that”, insert “the request is”.

Page 6

Section 6(2)(a)

Line 19

After “(a)”, delete “The request is”.

Capitalize the first letter of “approved”.

Page 6

Section 6(2)(b)

Line 20

After “(b)”, delete “The request is”.

Capitalize the first letter of “denied”.

