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*Emily B Caudill*  
REGULATIONS COMPLIER

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division for Air Quality

4 (Amended After Comments)

5 401 KAR 52:050. Permit application, registration application, and compliance forms.

6 RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. Part 51,  
7 Part 70, 42 U.S.C. 7401-7671q

8 STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-100, 224.20-110, 224.20-120,  
9 [40 C.F.R. Part 51, Part 70,] 42 U.S.C. 7401-7671q

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5)  
11 authorizes[requires] the [~~Environmental and Public Protection~~] cabinet to promulgate  
12 administrative regulations for the prevention, abatement, and control of air pollution. This  
13 administrative regulation establishes and incorporates by reference the application and  
14 compliance forms used to permit or register air contaminant sources in Kentucky.

15 Section 1. Applicability. (1) An applicant shall use forms DEP7007 AI through  
16 HH, ["Forms DEP7007AI to DD, Permit Application to Construct or Operate an Air Contaminant  
17 Source", shall be required] to apply for a permit, permit revision, [or] permit renewal, or  
18 registration pursuant to 401 KAR 52:020, Section 4(1); [401] 52:030, Section 4(1); [or 401 KAR]  
19 52:040, Section 4(1); or 52:070, Section 7(1), as applicable.

20 (2) An applicant may use previous versions of the forms incorporated by reference in  
21 this administrative regulation until July 1, 2019.[Forms DEP7007AI to DD, Permit

1 ~~Application to Construct or Operate an Air Contaminant Source", is incorporated by reference in~~  
2 ~~Section 2 of this administrative regulation.]~~

3 Section 2. Incorporation by Reference. (1) The following material is incorporated by  
4 reference:

5 (a) Administrative Information, DEP7007AI, November[August] 2018;

6 (b) Indirect Heat Exchangers and Turbines, DEP7007A, November[August] 2018;

7 (c) Manufacturing or Processing Operations, DEP7007B, November[August] 2018;

8 (d) Incinerators and Waste Burners, DEP7007C, November[August] 2018;

9 (e) Episode Standby Plan, DEP7007F, November[August] 2018;

10 (f) Volatile Liquid Storage, DEP7007J, November[August] 2018;

11 (g) Surface Coating or Printing Operations, DEP7007K, November[August] 2018;

12 (h) Mineral Processes, DEP7007L, November[August] 2018;

13 (i) Metal Cleaning Degreasers, DEP7007M, November[August] 2018;

14 (j) Source Emissions Profile, DEP7007N, November[August] 2018;

15 (k) Perchloroethylene Dry Cleaning Systems, DEP7007P, November[August] 2018;

16 (l) Emission Offset Credit, DEP7007R, November[August] 2018;

17 (m) Service Stations, DEP7007S, November[August] 2018;

18 (n) Metal Plating and Surface Treatment Operations, DEP7007T, November[August]

19 2018;

20 (o) Applicable Requirements and Compliance Activities, DEP7007V, November[August]

21 2018;

22 (p) Good Engineering Practice and Stack Height Determination, DEP7007Y,

23 November[August] 2018;

1 (q) Compliance Schedule for Noncomplying Emission Units, DEP7007AA,  
2 November[August] 2018;

3 (r) Certified Progress Report, DEP7007BB, November[August] 2018;

4 (s) Compliance Certification, DEP7007CC, November[August] 2018;

5 (t) Insignificant Activities, DEP7007DD, November[August] 2018;

6 (u) Internal Combustion Engines, DEP7007EE, November[August] 2018;

7 (v) Secondary Aluminum Processing, DEP7007FF, November[August] 2018;

8 (w) Control Equipment, DEP7007GG, November[August] 2018; and

9 (x) Haul Roads, DEP7007HH, November[August] 2018. [~~Forms DEP7007AI to DD,~~  
10 ~~Permit Application to Construct or Operate an Air Contaminant Source", June 2000, is~~  
11 ~~incorporated by reference.~~]

12 (2) This material may be inspected, copied, or obtained, subject to applicable copyright  
13 law, at the following offices of the Division for Air Quality, Monday through Friday, 8 a.m. to  
14 4:30 p.m.:

15 (a) The Division for Air Quality, 300 Sower Boulevard, Frankfort, Kentucky 40601, (502)  
16 564-3999;

17 (b) Ashland Regional Office, 1550 Wolohan Drive, Suite 1, Ashland, Kentucky 41102-  
18 8942, (606) 929-5285;

19 (c) Bowling Green Regional Office, 2642 Russellville Road, Bowling Green, Kentucky  
20 42101, (270) 746-7475;

21 (d) Florence Regional Office, 8020 Veterans Memorial Drive, Suite 110, Florence,  
22 Kentucky 41042, (859) 292-6411;

1 (e) Frankfort Regional Office, 300 Sower Boulevard, Frankfort, Kentucky 40601, (502)  
2 564-3358;

3 (f) Hazard Regional Office, 1332 South Kentucky Highway, Suite 100~~[233 Birch Street,~~  
4 ~~Suite 2]~~, Hazard, Kentucky 41701, (606) 435-6022;

5 (g) London Regional Office, 875 S. Main Street, London, Kentucky 40741, (606) 330-  
6 2080;

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

9 (i) Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky 42003, (270) 898-  
10 8468; or

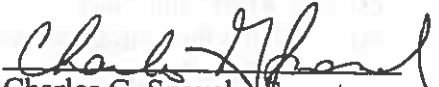
11 (3) This material is available:

12 (a) On request by contacting the Division for Air Quality, Permit Support Section, 300  
13 Sower Boulevard, Frankfort, Kentucky 40601, (502)564-3999; or

14 (b) On the Internet at: <http://air.ky.gov>.

401 KAR 52:050 approved for filing.

11/14/2018  
Date

  
Charles G. Snaveley, Secretary  
Energy and Environment Cabinet

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 401 KAR 52:050

Contact person: Cassandra Jobe

Phone: (502) 782-6670

E-mail: Cassandra.jobe@ky.gov

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does:

This administrative regulation incorporates by reference application and compliance forms used to permit or register air contaminant sources in Kentucky. Air contaminant sources shall be required to apply for a permit, permit revision, permit renewal, or registration pursuant to 401 KAR 52:050, Section 4(1); 52:030, Section 4(1); 52:040, Section 4(1); or 52:070, Section 7(1), as applicable.
  - (b) The necessity of this administrative regulation:

This administrative regulation is necessary to ensure that applications for permits and registrations contain information necessary to determine the applicability of federal and state regulations to new and existing air contaminant sources.
  - (c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 224.10-100(5) authorizes the Energy and Environment Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation establishes forms utilized for permitting and registering air contaminant sources in Kentucky. By permitting and registering air contaminant sources, the Cabinet can continue to enforce air quality regulations and air quality in Kentucky will continue to improve.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation assists in the effective administration of the statutes by requiring information about a source to determine applicability of federal and state air regulations.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
  - (a) How the amendment will change this existing administrative regulation:

This proposed amendment makes changes to the forms for clarification purposes and adds language to the administrative regulation to allow for a 6 month period where previous versions of the forms can be submitted.
  - (b) The necessity of the amendment to this administrative regulation:

This proposed amendment is necessary clarify information contained on the forms and to all the regulated community a 6 month period to use the old forms in order to reduce paperwork burden for applications that are already in the process of being

completed.

- (c) How the amendment conforms to the content of the authorizing statutes:  
KRS 224.10-100(5) authorizes the Energy and Environment Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This amendment conforms to the content of the authorizing statutes by clarifying information in the permit and registration application forms for emissions from air contaminant sources.
  - (d) How the amendment will assist in the effective administration of statutes:  
The proposed amendment will assist in the effective administration of the statutes by requiring information about a source to determine applicability of federal and state regulations.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation.  
The proposed administrative regulation incorporates by reference the application forms, which air contaminant sources are required to use when applying for a permit, permit revision, permit renewal, or registration in the Commonwealth of Kentucky. All sources in Kentucky subject to 401 KAR 52:020, 52:030, 52:040, and 52:070 are required to use the forms in this administrative regulation.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:  
Air contaminant sources will use the forms incorporated by reference in this administrative regulation when applying for a permit, permit revision, permit renewal, or registration for an air contaminant source in the Commonwealth of Kentucky.
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):  
There are no additional costs for complying with this administrative regulation because it updates and streamlines the permitting and registration forms that are incorporated by reference.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3):  
The streamlined forms will be easier to use, will provide clarity, uniformity, and ensure that regulated air pollutants are regulated properly. The forms can be filled out and filed electronically. In addition, this amendment allows for older forms to be used for a period of 6 months for any applications that have regulated entities have already started internally.

- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially:  
There will be no additional costs to implement the proposed administrative regulation initially.
  - (b) On a continuing basis:  
There will be no additional costs to implement the proposed administrative Regulation on a continuing basis.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation?  
The Division for Air Quality's current operating budget will be used to implement the proposed administrative regulation.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment.  
No additional funding is necessary to implement the proposed amendments to this administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees.  
This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.
- (9) TIERING: Is tiering applied? (Explain why tiering was or was not used.)  
No. The proposed administrative regulation incorporates by reference the forms that are used by the cabinet for permitting and registering air contaminant sources. However, tiering is provided within the cabinet's permitting program in that sources whose emissions fall below certain levels are required to apply for registration, rather than a permit.



## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation: 401 KAR 52:050

Contact person: Cassandra Jobe

Phone: (502) 782-6670

E-mail: Cassandra.jobe@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

Any unit, part, or division of local government that operates an air contaminant source required to apply for a permit or registration under 401 KAR 52:020, 52:030, 52:040, or 52:070 would use the forms incorporated by reference in this administrative regulation. The Division for Air Quality will use the forms incorporated by reference in this administrative regulation to permit and register air contaminant sources in Kentucky.

2. Identify each state or federal statute or federal regulation that requires or authorizes action taken by the administrative regulation.

KRS 224.10-100(5), 224.20-100, 40 C.F.R. Part 70.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the regulation is to be in effect.

- (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

The proposed amendment to the administrative regulation will not generate revenue in the first year.

- (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

The proposed amendment to the administrative regulation will not generate revenue in subsequent years.

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

The Division for Air Quality's operating budget will be used to administer the permitting program for the first year.

- (d) How much will it cost to administer this program for subsequent years?

The Division for Air Quality's operating budget will be used to administer the permitting program for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impacts of the administrative regulation.

Revenues (+/-): There is no known effect on current revenues.

Expenditures (+/-): There is no known effect on current expenditures.

Other Explanation: There is no further explanation.

## FEDERAL MANDATE ANALYSIS COMPARISON

**Administrative Regulation: 401 KAR 52:050**

**Contact person: Cassandra Jobe**

**Phone: (502) 782-6670**

**E-mail: Cassandra.jobe@ky.gov**

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

The federal mandate for permit applications is contained in 40 C.F.R. 70.5(c).

**2. State compliance standards.**

This administrative regulation contains permit and registration forms used by sources subject to 401 KAR 52:020, 52:030, 52:040, and 52:070.

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

40 C.F.R. 70.5(c) requires information to be submitted in a standard application form.

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

Yes. The requirement for air contaminant sources to use the same forms for permitting and registration is different than the federal mandate.

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

The cabinet is requiring the use of the same forms for permitting and registration to ensure consistency in protecting human health and the environment.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE  
401 KAR 52:050

The permit application forms are an updated version of the application forms currently incorporated by reference. These forms have been amended in response to comments during the public comment period. All forms were given a new edition date, page numbers, and a "Notes, Comments, and Explanations" section. The incorporated by reference materials consists of 142 pages and covers the following topics:

1. This administrative regulation incorporates by reference DEP7007AI, "Administrative Information," November 2018. This form is amended to add the permit shield language into 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; and change MSDS to SDS.. This document consists of seven (7) pages.
2. This administrative regulation incorporates by reference DEP7007A, "Indirect Heat Exchangers and Turbines," November 2018. This form is amended to add DEP7007AI to the Additional Documentation box; in Section A.1, delete the "List Applicable Regulations" column; in Section A.1, insert a column titled "Indirect Heat Exchanger Configuration"; and in Section A.2, split columns "Rated Capacity Power Output" and "Heat Content (HHV)". This document consists of three (3) pages.
3. This administrative regulation incorporates by reference DEP7007B, "Manufacturing or Processing Operations," November 2018. This form is amended to add DEP7007AI to the 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; and change MSDS to SDS. This document consists of three (3) pages.
4. This administrative regulation incorporates by reference DEP7007C, "Incinerators and Waste Burners," November 2018. This form is amended to add DEP7007AI to the Additional Documentation box. This document consists of three (3) pages.
5. This administrative regulation incorporates by reference DEP7007F, "Episode Standby Plan," November 2018. This form is amended to add DEP7007AI to the Additional Documentation box. This document consists of six (6) pages.
6. This administrative regulation incorporates by reference DEP7007J, "Volatile Liquid Storage," November 2018. This form is amended to add DEP7007AI to the Additional Documentation box; change MSDS to SDS in the Additional Documentation Box; in Section J.2H, split the "Lost Emissions" column; change "Occurance" to "Occurrence"; and 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:". This document consists of ten (10) pages.

7. This administrative regulation incorporates by reference DEP7007K, "Surface Coating or Printing Operations," November 2018. This form is amended to add DEP7007AI to the 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; and in Section K2.F, split the "Maximum Design Application Rate" column. This document has nine (9) pages.

8. This administrative regulation incorporates by reference DEP7007L, "Mineral Processes," November 2018. This form is amended to add DEP7007AI to the Additional Documentation box. This document consists of ten (10) pages.

9. This administrative regulation incorporates by reference DEP7007M, "Metal Cleaning Degreasers," November 2018. This form is amended to add DEP7007AI to the Additional Documentation box. This document consists of seven (7) pages.

10. This administrative regulation incorporates by references DEP7007N, "Source Emissions Profile," November 2018. This form is amended to add a column "Process Name" to Section N.1; and add an Additional Documentation box and include DEP7007AI. This document has four (4) pages.

11. This administrative regulation incorporates by reference DEP7007P, "Perchloroethylene Dry Cleaning Systems," November 2018. This form is amended to add DEP7007AI to the Additional Documentation box. This document has three (3) pages.

12. This administrative regulation incorporates by reference DEP7007R, "Emission Offset Credit," November 2018. This form is amended to add an Additional Documentation box and include DEP7007AI. This document has three (3) pages.

13. This administrative regulation incorporates by reference DEP7007S, "Service Stations," November 2018. This form is amended to add an Additional Documentation box and include DEP7007AI. This document has three (3) pages.

14. This administrative regulation incorporates by reference DEP7007T, "Metal Plating and Surface Treatment Operations," November 2018. This form is amended to add DEP7007AI to the Additional Documentation box; change MSDS to SDS in the Additional Documentation box; in Section T.2, split the "Maximum Hourly Make-Up Rate" column, and replace "amptr" with "amp-hr" in the "Rectifier Capacity" column. This document has five (5) pages.

15. This administrative regulation incorporates by reference DEP7007V, "Applicable Requirements and Compliance Activities," November 2018. This form is amended to add an Additional Documentation box and include DEP7007AI. This document has six (6) pages.

16. This administrative regulation incorporates by reference DEP7007Y, "Good Engineering Practice and Stack Height Determination," November 2018. This form is amended to add

DEP70007AI to the Additional Documentation box. This document has three (3) pages.

17. This administrative regulation incorporates by reference DEP7007AA, "Compliance Schedule for Noncomplying Emission Units," November 2018. This form is amended to add DEP70007AI to the Additional Documentation box. This document has four (4) pages.

18. This administrative regulation incorporates by reference DEP7007BB, "Certified Progress Report," November 2018. This form is amended to delete the address on the first page. This document has four (4) pages.

19. This administrative regulation incorporates by reference DEP7007CC, "Compliance Certification," November 2018. This form is amended to insert "Submit to the Regional Office identified in your permit", and delete address in the top left corner of page one; in Section CC.3, item 10a), switch the "Emission Unit Description" and "Permit Term, Condition, or Applicable Regulation" columns and 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, and in the last column, after "and whether", insert "compliance was", delete "the method provided", and delete 'data'; and in Section CC.3, item 10c)(2), change the references to 10b)(2) and 10b)(1) to 10c)(2) and 10c)(1), respectively. This document has six (6) pages.

20. This administrative regulation incorporates by reference DEP7007DD, "Insignificant Activities," November 2018. This form is amended to add an Additional Documentation box and include DEP7007AI. This document has three (3) pages.

21. This administrative regulation incorporates by reference DEP7007EE, "Internal Combustion Engines," November 2018. This form is amended to add DEP7007AI to the Additional Documentation Box; and in Section EE.5, split the "Emission Factor" column. This document consists of six (6) pages.

22. This administrative regulation incorporates by reference DEP7007FF, "Secondary Aluminum Processing," November 2018. This form is amended to change MSDS to SDS; and add DEP7007AI to the Additional Documentation Box. This document consists of eight (8) pages.

23. This administrative regulation incorporates by reference DEP7007GG, "Control Equipment," November 2018. This form is amended to change MSDS to SDS; 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; and add DEP7007AI to the Additional Documentation Box. This document consists of twelve (12) pages.

24. This administrative regulation incorporates by reference DEP7007HH, "Haul Roads," November 2018. This forms is amended to add DEP7007AI to the Additional Documentation Box; remove DEP7007GG from the Additional Documentation Box; and change all "Material Safety Data Sheet" to "Safety Data Sheet". This document consists of three (3) pages.

