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REGULATIONS COMPILER

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division for Air Quality

4 (Amendment)

5 401 KAR 51:010. Attainment status designations.

6 RELATES TO: KRS 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 50, 51, 52, 53, 58,

7 75, 81.318, 42 U.S.C. 7401-7675

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

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the
10 cabinet to promulgate administrative regulations for the prevention, abatement, and control of air
11 pollution. This administrative regulation establishes the designation status of all areas of the
12 Commonwealth of Kentucky with regard to attainment of the ambient air quality standards.

13 Section 1. Definitions.

14 (1) "Rest of state" means the remainder of the state has been designated and identified on
15 a county by county basis.

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

18 (3) "Statewide" means the entire state has been designated on a county by county basis.

19 Section 2. Attainment Status Designations.

MA 21.1

1 (1) The attainment status of areas of the Commonwealth of Kentucky with respect to the
2 ambient air quality standards for carbon monoxide, lead, nitrogen oxides, ozone, particulate matter,
3 and sulfur dioxide shall be as listed in Sections 4 through 10 of this administrative regulation.

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

7 (3) A road, junction, or intersection of two (2) or more roads that delineates a nonattainment
8 boundary for an area that is a portion of a county designated as nonattainment for ozone for any
9 classification except marginal, shall include as nonattainment an area extending 750 feet from the
10 center of the road, junction, or intersection.

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

13 Section 4. Attainment Status Designations for Carbon Monoxide (CO). 1971 Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

14 Section 5. Attainment Status Designations for Lead (Pb). 2008 Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

15 Section 6. Attainment Status Designations for Nitrogen Oxides (NO₂).

16 (1) 1971 Annual Standard:

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

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

2 Section 7. Attainment Status Designations for Ozone (O₃).

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

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

Designated Area	Designation Type
Boone County	Attainment ⁽¹⁾
Boyd County	Attainment ⁽¹⁾
Bullitt County	Attainment ⁽¹⁾
Campbell County	Attainment ⁽¹⁾
Christian County	Attainment ⁽¹⁾
Jefferson County	Attainment ⁽¹⁾

Kenton County	Attainment ⁽¹⁾
Oldham County	Attainment ⁽¹⁾
Rest of state	Unclassifiable/Attainment

1 Footnote: ⁽¹⁾ Existing sources located in areas previously designated as nonattainment shall
2 continue to comply with all applicable conditions pursuant to 401 KAR Chapters 59 and 61.

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

Designated Area	Designation Type
Boone County (part) 2000 Census tracts: 701, 702, 703.01, 703.04, 703.05, 703.06, 703.07, 703.08, 703.09, 704.01, 704.02, 705.01, 705.02, 706.03	Attainment ⁽¹⁾
Campbell County (part) 2000 Census tracts: 501, 502, 503, 504, 505, 506, 511.01, 511.02, 512, 513, 519.01, 519.03, 519.04, 521, 522, 523.01, 523.02, 524, 525, 526, 528, 529, 530, 531	Attainment ⁽¹⁾
Kenton County (part) 2000 Census tracts: 603, 607, 609, 610, 611, 612, 613, 614, 616, 636.03, 636.04, 636.05, 636.06, 638, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655.01, 655.02, 656, 657, 658, 659, 668, 669, 670, 671	Attainment ⁽¹⁾
Rest of state	Unclassifiable/Attainment

4 Footnote: ⁽¹⁾ Existing sources located in areas previously designated as nonattainment shall
5 continue to comply with all applicable conditions pursuant to 401 KAR Chapters 59 and 61.

6 (4) 2015 Eight (8) Hour Primary and Secondary Standard:

Designated Area	Designation Type	[Classification]
Boone County (part)The entire county except for 2010 U.S. Census Tracts 706.01 and 706.04	<u>Attainment</u> ⁽¹⁾ [Nonattainment]	[Marginal]
Bullitt County	<u>Attainment</u> ⁽¹⁾ [Nonattainment]	[Marginal]
Campbell County (part)The entire county except for 2010 U.S. Census Tracts 520.01 and 520.02	<u>Attainment</u> ⁽¹⁾ [Nonattainment]	[Marginal]
Jefferson County	<u>Attainment</u> ⁽¹⁾ [Nonattainment]	[Marginal]
Kenton County (part)The entire county except for 2010 U.S. Census Tracts 637.01 and 637.02	<u>Attainment</u> ⁽¹⁾ [Nonattainment]	[Marginal]
Oldham County	<u>Attainment</u> ⁽¹⁾ [Nonattainment]	[Marginal]
Rest of state	Attainment/Unclassifiable	

1 Footnote: ⁽¹⁾ Existing sources located in areas previously designated as nonattainment shall
2 continue to comply with all applicable conditions pursuant to 401 KAR Chapters 59 and 61.

3 Section 8. Attainment Status Designations for PM_{2.5}.

4 (1) 1997 Annual Primary and Secondary Standard:

Designated Area	Designation Type
Boone County	Attainment ⁽¹⁾

Boyd County	Attainment ⁽¹⁾
Bullitt County	Attainment ⁽¹⁾
Campbell County	Attainment ⁽¹⁾
Jefferson County	Attainment ⁽¹⁾
Kenton County	Attainment ⁽¹⁾
Lawrence County (part) The area described by U.S. Census 2000 block group identifier 21-127-9901-6	Attainment ⁽¹⁾
Rest of state	Unclassifiable/Attainment

1 Footnote: ⁽¹⁾ Existing sources located in areas previously designated as nonattainment shall
2 continue to comply with all applicable conditions pursuant to 401 KAR Chapters 59 and 61.

3 (2) 2012 Annual Primary Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

4 (3) 1997 Twenty-four (24) Hour Primary and Secondary Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

5 (4) 2006 Twenty-four (24) Hour Primary and Secondary Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

6 Section 9. Attainment Status Designations for Sulfur Dioxide (SO₂).

1 (1) 1971 Primary and Secondary Standard:

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

2 (2) 2010 Primary Standard:

Designated Area

Designated Type

Campbell County (part) That portion of Campbell County, which lies south and west of the Ohio River and is described as follows: Beginning at geographic coordinates 38.9735 North Latitude, 84.3017 West Longitude on the edge of the Ohio River running southwesterly to Kentucky Highway 1566; thence continuing running southwesterly along Kentucky Highway 1566 to Kentucky Highway 9 (AA Highway); thence running northwesterly along Kentucky Highway 9 (AA Highway) from Hwy 1566 to Interstate 275; thence running northeasterly along Interstate 275 to Highway 2345 (John's Hill Road), Hwy 2345 to US-27, US-27 to I-275, I-275 to the Ohio River; thence running southeasterly along the Ohio River from I-275 to geographic coordinates 38.9735 North Latitude, 84.3017 West Longitude

Attainment⁽¹⁾

Henderson-Webster Counties, KY Henderson County (part). Webster County (part). That portion of Henderson and Webster Counties encompassed by the polygon with the 48 vertices using Universal Traverse

Nonattainment

Mercator (UTM) coordinates of North American Datum 1983 (NAD83) as follows: (1) Kentucky 520, Upper Delaware Rd to the Green River boundary at 463979.00 Easting (E), 4171000.03 Northing (N); (2) The Green River boundary to JZ Shelton Rd 459058.03 E, 4160832.96 N; (3) JZ Shelton Rd to Kentucky 370 457811.00 E, 4159192.96, N; (4) Kentucky 370 to Pennyriple Parkway I-69 457089.96 E, 4159452.95 N; (5) Pennyriple Parkway I-69 to Sassafras Grove Rd 457675.35 E, 4156244.55 N; (6) Sassafras Grove Rd to US 41 456236.68 E, 4156125.75 N; (7) US 41 to Slaughters Elmwood Rd 457442.82 E, 4153425.68 N; (8) Slaughters Elmwood Rd to Railroad Track (NW) 456589.41 E, 4153424.43 N; (9) Railroad Track (NW) to Breton Rd 453677.09 E, 4155992.29 N; (10) Breton Rd to Kentucky 1835 453079.74 E, 4154924.00 N; (11) Kentucky 1835 to Kentucky 138 450702.89 E, 4153141.51 N; (12) Kentucky 138 to Crowder Rd 452587.06 E, 4152032.38 N; (13) Crowder Rd to Kentucky 120 453030.14 E, 4149175.08 N; (14) Kentucky 120 to Gooch Jones Rd 447528.25 E, 4147663.88 N; (15) Gooch Jones Rd to John Roach Rd 446551.75 E, 4150042.51 N; (16) John Roach Rd to Old Dixon Slaughters Rd 447462.17 E, 4151329.04 N; (17) Old Dixon Slaughters Rd to Old Dixon Rd 446532.28 E, 4152143.23 N; (18) Old Dixon Rd to Kentucky 138 446849.49 E, 4152437.09 N; (19) Kentucky 138 to Carnel Brooks Rd 450196.38 E, 4153305.18 N; (20) Carnel Brooks Rd to Rakestraw Bottoms Rd 450079.34 E, 4154326.39 N; (21) Rakestraw

Bottoms Rd to Kentucky 132
447141.40 E, 4157145.04 N; (22)
Kentucky 132 to Kentucky 283
444025.55 E, 4156172.90 N; (23)
Kentucky 283 to Beckley Osbourne
Rd 444300.82 E, 4158111.35 N; (24)
Beckley Osbourne Rd to Dixon
Wanamaker Rd 442067.07 E,
4158641.90 N; (25) Dixon
Wanamaker Rd to Kentucky 191
441887.88 E, 4161614.33 N; (26)
Kentucky 191 to D Melton Rd
442743.25 E, 4161250.11 N; (27) D
Melton Rd to Knoblick Creek Rd
443688.82 E, 4162093.08 N; (28)
Knoblick Creek Rd to US 41A
442319.35 E, 4163220.45 N; (29) US
41A to Dixon 1 Rd 443500.62 E,
4170518.52 N; (30) Dixon 1 Rd to
GF Sights Rd 443094.58 E,
4170166.59 N; (31) GF Sights Rd to
Cairo Dixie Rd 441341.46 E,
4170978.60 N; (32) Cairo Dixie Rd
to Liles Cairo Rd 442919.00 E,
4173140.24 N; (33) Liles Cairo Rd to
US 41A 443124.23 E, 4173204.51 N;
(34) US 41A to Cairo Hickory Grove
Rd 442860.28 E, 4174017.18 N; (35)
Cairo Hickory Grove Rd to Pruitt
Agnew Rd 446056.06 E, 4175740.98
N; (36) Pruitt Agnew Rd to Kentucky
1299 447662.11 E, 4180049.93 N;
(37) Kentucky 1299 to Anthoston
Frog Island Rd 448905.37 E,
4176327.31 N; (38) Anthoston Frog
Island Rd to Kentucky 136
452613.63 E, 4179047.02 N; (39)
Kentucky 136 to Upper Delaware Rd
454451.59 E, 4177687.26 N; (40)
Upper Delaware Rd to Barren Church
Rd S 456153.23 E, 4177723.20 N;
(41) Barren Church Rd S to Barren
Church Rd N 457912.85 E,
4180247.83 N; (42) Barren Church
Rd N to Kentucky 1078 458542.52 E,
4181615.55 N; (43) Kentucky 1078

to Jones Brothers Rd 461322.00 E,
 4179952.85 N; (44) Jones Brothers
 Rd to Kentucky 416 461209.84 E,
 4177755.55 N; (45) Kentucky 416 to
 Kentucky 1078 463492.08 E,
 4178026.50 N; (46) Kentucky 1078
 to Onionville Rd 464177.31 E,
 4177054.13 N; (47) Onionville Rd to
 Work Road 465476.34 E,
 4176076.78 N; (48) Work Road to
 Upper Delaware Rd 462529.15 E,
 4173036.52 N.

Jefferson County (part) That portion
 of Jefferson County compassed by
 the polygon with the vertices using
 Universal Traverse Mercator (UTM)
 coordinates in UTM zone 16 with
 datum NAD83: Ethan Allen Way
 extended to the Ohio River at UTM
 Easting (m) 595738, UTM Northing
 4214086 and Dixie Highway (US60
 and US31W) at UTM Easting (m)
 597515, UTM Northing 4212946;
 Along Dixie Highway from UTM
 Easting (m) 597515, UTM Northing
 4212946 to UTM Easting (m)
 595859, UTM Northing 4210678;
 Near the adjacent property lines of
 Louisville Gas and Electric-Mill
 Creek Electric Generating Station
 and Kosmos Cement where they join
 Dixie Highway at UTM Easting (m)
 595859, UTM Northing 4210678 and
 the Ohio River at UTM Easting (m)
 595326, UTM Northing 4211014;
 Along the Ohio River from UTM
 Easting (m) 595326, UTM Northing
 4211014 to UTM Easting (m)
 595738, UTM Northing 4214086

Attainment⁽¹⁾

Ohio County

Unclassifiable

Pulaski County

Unclassifiable

Rest of state

Attainment/Unclassifiable

1 Footnote: ⁽¹⁾ Existing sources located in areas previously designated as nonattainment shall
 2 continue to comply with all applicable conditions pursuant to 401 KAR Chapters 59 and 61.

3 Section 10. Attainment Status Designations for Total Suspended Particulates (TSP). 1971

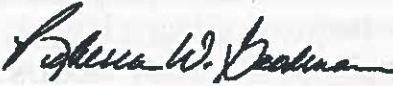
4 Standard:

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

That portion of Henderson County in Henderson			X	
Jefferson County			X	
That portion of Lawrence County in Louisa			X	
McCracken County				X
That portion of Madison County in Richmond			X	
Marshall County				X
Muhlenberg County				X
That portion of Perry County in Hazard			X	
That portion of Pike County in Pikeville			X	
That portion of Whitley County in Corbin				X
Rest of state				X

401 KAR 51:010 approved for filing.

6/13/2023
Date


Rebecca W. Goodman, Secretary
Energy and Environment Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A virtual public hearing on this administrative regulation amendment will be held on August 31, 2023 at 10:00 a.m. (Eastern Time). The public hearing can be accessed at the following website address: <https://us02web.zoom.us/j/82454910621?pwd=dGZpOEIGMWpSTnVITjQvRTk1YytYUT09> or can be accessed by phone: +1 646 931 3860 US using meeting code: 824 5491 0621 and passcode: 473374. Please note that registration is required to participate in this hearing. You must either email your name and mailing address to Lisa.C.Jones@ky.gov or mail this information to Lisa Jones, Division for Air Quality, 300 Sower Boulevard, 2nd Floor, Frankfort, KY 40601. Please put "Registration for Attainment Status Designations Hearing" as the subject line, and state in the body of the message if you plan to speak during the hearing. If no one registers to speak by August 24, 2023, then the hearing will be cancelled. Written comments shall be accepted until August 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation amendment to the contact person.

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

CONTACT PERSON:

Lisa Jones, Environmental Scientist III
Division for Air Quality
300 Sower Boulevard, 2nd Floor
Frankfort, KY 40601
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Fax: (502) 564-4245
Email: Lisa.C.Jones@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

401 KAR 51:010

Contact Person: Lisa Jones

Phone: (502) 782-1288

Email: Lisa.C.Jones@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation designates the status of all areas of the Commonwealth (Commonwealth) with regard to attainment of the national ambient air quality standards. Under section 107 of the Clean Air Act, the state has the primary responsibility of assuring air quality within the entire geographic area by submitting an implementation plan that specifies the manner in which national primary and secondary ambient air quality standards will be achieved and maintained within each air quality region in that state.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary because it designates whether an area is attaining national ambient air quality standards.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 224.10-100(5) authorizes the Energy and Environment Cabinet (Cabinet) to promulgate administrative regulations for the prevention, abatement, and control of air pollution. KRS 224.20-110 prohibits pollution of the air under the jurisdiction of the Commonwealth in contravention of the emission standards or the ambient air standards adopted by the Cabinet. Section 107 of the Clean Air Act provides states with the primary responsibility for assuring air quality within the entire geographic area of the state. This administrative regulation designates the status of all areas of the Commonwealth with regard to attainment of the National Ambient Air Quality Standards (NAAQS).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

The Kentucky State Implementation Plan (SIP) specifies the manner in which national primary and secondary ambient air quality standards will be achieved and maintained within each air quality control region in the state depending on the attainment status designation of the area as established in this administrative regulation.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The proposed amendment to this administrative regulation will update the attainment status of geographic areas in Kentucky for new and revised national primary and secondary ambient air quality standards.

(b) The necessity of the amendment to this administrative regulation:

The proposed amendment to this administrative regulation updates the state designations based on the most recent air quality data.

(c) How the amendment conforms to the content of the authorizing statutes:

The proposed amendment to this administrative regulation conforms to the content of the authorizing statutes by identifying the status of areas in Kentucky with regard to attainment of national air quality standards for the planning and implementation of the Kentucky SIP.

(d) How the amendment will assist in the effective administration of the statutes:

The Kentucky SIP specifies the manner in which national primary and secondary ambient air quality standards will be achieved and maintained within each air quality control region in the state depending on the attainment status designation of the area as prescribed in this administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The number and type of entities affected by this administrative regulation depends on the location of the facility since this regulation designates areas of the Commonwealth with regard to attainment of the NAAQS based on ambient air quality data.

(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:

Regulated entities will not have to take any action to comply directly with this administrative regulation. However, an entity may be required to meet additional requirements established in other administrative regulations due to the attainment status designation assigned to them in this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There is no cost associated with the proposed amendment to this administrative regulation as it updates the attainment status designations to be consistent with federal regulations.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Compliance with standards set for the by other regulations due to the designations in this administrative regulation will ensure entities are complying with the requirements of the Kentucky SIP to protect human health and the environment.

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

(a) Initially: The Cabinet will not incur any additional costs for the implementation of the proposed amendment to this administrative regulation.

(b) On a continuing basis: The Cabinet will not incur any additional costs for the implementation

of the proposed amendment to this 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 Cabinet's current operating budget will be used to implement and enforce the proposed amendment to this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees or funding is necessary to implement the proposed amendment of this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

The proposed amendment to this administrative regulation will not establish, nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

No, tiering is not applicable because this regulation only indicates the attainment status designation for an area based on the most recent air quality data.

FISCAL NOTE

401 KAR 51:010

Contact Person: Lisa Jones

Phone: (502) 782-1288

Email: Lisa.C.Jones@ky.gov

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

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

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

KRS 224.10-100(5), 224.20-110, 42 U.S.C. 7407, 40 C.F.R. 81.318

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative 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 this administrative regulation will not generate revenue for 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 this administrative regulation will not generate revenue for subsequent years.

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

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

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

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

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact 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.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

The proposed administrative regulation will not generate cost savings for any regulated entities in the first year.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

The proposed administrative regulation will not generate cost savings for any regulated entities in subsequent years.

(c) How much will it cost the regulated entities for the first year?

There is no known cost to the regulated entities in subsequent years.

(d) How much will it cost the regulated entities for subsequent years?

There is no known cost to the regulated entities in subsequent years.

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

Cost Savings(+/-): There is no known cost savings.

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

Other Explanation: There is no other explanation.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. *"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]*

The proposed administrative regulation will not have a major economic impact.

FEDERAL MANDATE ANALYSIS COMPARISON

401 KAR 51:010

Contact Person: Lisa Jones

Phone: (502) 782-1288

Email: Lisa.C.Jones@ky.gov

(1) Federal statute or regulation constituting the federal mandate.

The federal mandate for this administrative regulation is in 40 C.F.R.81.318 and 42 U.S.C. 7407.

(2) State compliance standards.

The administrative regulation designates the status of areas in the Commonwealth associated with national ambient air quality standards.

(3) Minimum or uniform standards contained in the federal mandate.

42 U.S.C.7407 requires each state with the primary responsibility for assuring air quality within the entire geographic area of the state.

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

No, the administrative regulation does not impose stricter requirements or additional or different responsibilities than those required by the federal mandate.

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

Stricter standards, or additional or different responsibilities or requirements are not imposed.