



ANDY BESHEAR  
GOVERNOR

REBECCA W. GOODMAN  
SECRETARY

## ENERGY AND ENVIRONMENT CABINET

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
TELEPHONE: 502-564-3350  
TELEFAX: 502-564-7484

October 15, 2020

Ms. Mary Walker  
Regional Administrator  
U.S. EPA, Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

RE: Request for approval of the proposed Kentucky State Implementation Plan (SIP) revision, certification of the emissions statement and Nonattainment New Source Review (NNSR) program for the 2015 8-hour ozone NAAQS.

Dear Ms. Walker:

The Kentucky Energy and Environment Cabinet (Cabinet) submits this letter as a proposed revision to the Kentucky SIP for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). Specifically, the Cabinet is certifying that the existing approved Kentucky SIP satisfies the requirements of Sections 182(a)(2)(C), and 182(a)(3)(B) of the Clean Air Act, Nonattainment New Source Review (NNSR) program and the emissions statement for the 2015 8-hour ozone NAAQS provisions that address marginal ozone nonattainment areas. The Cabinet is requesting EPA's approval of this certification request as a revision to the Kentucky SIP.

On April 30, 2018, EPA designated the Kentucky counties of Boone (partial), Kenton (partial), Campbell (partial), Bullitt, and Oldham as marginal nonattainment for the 2015 8-hour ozone NAAQS. Pursuant to Sections 182(a)(2)(C), and 182(a)(3)(B) of the Clean Air Act, marginal nonattainment areas must have Nonattainment New Source Review (NNSR) emissions statement programs.

In EPA's December 6, 2018 final rule for the *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements* (83 FR 62998), air agencies are advised to review their current regulations that address nonattainment area planning requirements for prior ozone NAAQS. If these regulations meet the nonattainment area planning requirements, a certified written statement can replace the submittal of revised regulations.

Due to previous nonattainment ozone designations, Kentucky has existing emissions statement and NNSR programs. Kentucky's provisions for the emissions statement program are

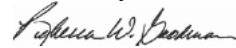
Ms. Mary Walker  
October 15, 2020  
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contained in 401 KAR 52:020, Sections 22 and 23; 401 KAR 52:030, Sections 3 and 22; 401 KAR 52:040 Section 3; and 401 KAR 52:070 Section 3. The emissions statement program was approved by EPA and published in the Federal Register (81 FR 4896) on January 28, 2016.

Kentucky also has an NNSR program (401 KAR 51:052) that was reviewed and approved by EPA on April 10, 2017 (82 FR 17131). Kentucky continues to operate under the provisions approved by EPA. Therefore, no further actions are necessary to satisfy the emissions statement and NNSR requirements for the 2015 ozone marginal nonattainment areas.

In accordance with 40 CFR 51.102, the proposed SIP revision certification letter was available for public review and comment from August 31, 2020 through September 29, 2020. If you have any questions or comments concerning this matter, please contact Ms. Melissa Duff, Director of the Kentucky Division for Air Quality, at (502) 782-6597, or [melissa.duff@ky.gov](mailto:melissa.duff@ky.gov).

Sincerely,



Rebecca W. Goodman  
Secretary

CC: Caroline Freeman, Region 4 US EPA  
Scott Davis, Region 4 US EPA  
Lynorae Benjamin, Region 4 US EPA

# Attachments

**KENTUCKY DIVISION FOR AIR QUALITY  
PUBLIC NOTICE FOR  
THE 2015 OZONE MARGINAL NONATTAINMENT AREA REQUIREMENTS**

The Kentucky Division for Air Quality (Division) is submitting a letter certifying the previously approved emissions statement program and the nonattainment new source review program for the Kentucky 2015 ozone marginal nonattainment areas.

In accordance to 40 CFR 51.102, the Division is making this proposed certification letter available for public inspection and provides the opportunity for public comment. The proposed certification letter can be found at <https://eec.ky.gov/Environmental-Protection/Air/Pages/Public-Notices.aspx>. The public comment period will be open from August 31, 2020 through September 29, 2020. Comments should be submitted in writing to the contact person by either mail or email.

**CONTACT PERSON:** Kelly Lewis, Branch Manager, Program Planning & Administration Branch, Kentucky Division for Air Quality, 300 Sower Boulevard, Frankfort, Kentucky 40601. Phone: (502) 782-6687. Email: [Kelly.Lewis@ky.gov](mailto:Kelly.Lewis@ky.gov).

The Energy and Environment Cabinet does not discriminate on the basis of race, color, national origin, sex, age, religion or disability and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford an individual with a disability an equal opportunity to participate in all services, programs and activities.



ANDY BESHEAR  
GOVERNOR

REBECCA W. GOODMAN  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

ANTHONY R. HATTON  
COMMISSIONER

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
TELEPHONE: 502-564-2150  
TELEFAX: 502-564-4245

August 28, 2020

Ms. Mary Walker  
Regional Administrator  
U.S. EPA, Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

RE: Request for approval of the proposed Kentucky State Implementation Plan (SIP) revision, certification of the emissions statement and Nonattainment New Source Review (NNSR) program for the 2015 8-hour ozone NAAQS.

Dear Ms. Walker:

On behalf of the Kentucky Energy and Environment Cabinet (Cabinet), the Kentucky Division for Air Quality (Division) submits this letter as a proposed revision to the Kentucky SIP for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). Specifically, the Cabinet is certifying that the existing approved Kentucky SIP satisfies the requirements of Sections 182(a)(2)(C), and 182(a)(3)(B) of the Clean Air Act, Nonattainment New Source Review (NNSR) program and the emissions statement for the 2015 8-hour ozone NAAQS provisions that address marginal ozone nonattainment areas. The Cabinet is requesting EPA's approval of this certification request as a revision to the Kentucky SIP.

On April 30, 2018, EPA designated the Kentucky counties of Boone (partial), Kenton (partial), Campbell (partial), Bullitt, and Oldham as marginal nonattainment for the 2015 8-hour ozone NAAQS. Pursuant to Sections 182(a)(2)(C), and 182(a)(3)(B) of the Clean Air Act, marginal nonattainment areas must have Nonattainment New Source Review (NNSR) emissions statement programs.

In EPA's December 6, 2018 final rule for the *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements* (83 FR 62998), air agencies are advised to review their current regulations that address nonattainment area planning requirements for prior ozone NAAQS. If these regulations meet the nonattainment area planning requirements, a certified written statement can replace the submittal of revised regulations.

Ms. Mary Walker

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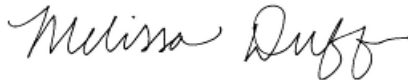
August 28, 2020

Due to previous nonattainment ozone designations, Kentucky has existing emissions statement and NNSR programs. Kentucky's provisions for the emissions statement program are contained in 401 KAR 52:020, Sections 22 and 23; 401 KAR 52:040 Section 3; and 401 KAR 52:070 Section 3. The emissions statement program was approved by EPA and published in the Federal Register (81 FR 4896) on January 28, 2016. Kentucky also has an NNSR program (401 KAR 51:052) that was reviewed and approved by EPA on April 10, 2017 (82 FR 17131). Kentucky continues to operate under the provisions approved by EPA. Therefore, no further actions are necessary to satisfy the emissions statement and NNSR requirements for the 2015 ozone marginal nonattainment areas.

In accordance with 40 CFR 51.102, the Division will make the proposed SIP revision certification letter available for public review and comment beginning August 31, 2020, and ending September 29, 2020. If you have any questions or comments concerning this matter, please contact Kelly Lewis, Program Planning and Administration Branch Manager, at (502)782-6687 or Kelly.Lewis@ky.gov.

Sincerely,

 Recoverable Signature

X 

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Melissa Duff, Director  
Kentucky Division for Air Quality  
Signed by: Melissa Duff

CC: Caroline Freeman, Region 4 US EPA  
Scott Davis, Region 4 US EPA  
Lynorae Benjamin, Region 4 US EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

September 28, 2020

Melissa Duff  
Director  
Kentucky Division for Air Quality  
300 Sower Boulevard  
Frankfort, Kentucky 40601

Dear Ms. Duff:

Thank you for your letter dated August 28, 2020, transmitting a prehearing package regarding the certification of emissions statement and Nonattainment New Source Review (NNSR) program for the 2015 8-hour ozone national ambient air quality standards (NAAQS). This rule is subject to public review and comment, with written comments due by the close of business on September 29, 2020. We have completed our review of the prehearing submittal and offer a suggested clarification in the enclosure.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Ms. Jane Spann, Acting Chief, Air Regulatory Management Section at (404) 562-9029, or have your staff contact Ms. LaRocca at (404) 562-8994.

Sincerely,

**LYNORAE  
BENJAMIN**

Lynorae Benjamin  
Acting Chief  
Air Planning and Implementation Branch

 Digitally signed by LYNORAE  
BENJAMIN  
Date: 2020.09.28 14:09:04 -04'00'

Enclosure

**U.S. EPA Comments on Prehearing State Implementation Plan Regarding Certification of the Emissions Statement and Nonattainment New Source Review program for the 2015 8-hour ozone NAAQS**

**General Comment**

The Commonwealth lists the emissions statement program provisions as 401 KAR 52:020, Sections 22 and 23; 401 KAR 52:040 Section 3; and 401 KAR 52:070 Section 3. The EPA recommends updating this list to include the appropriate sections of 401 KAR 52:030 for which additional emissions statement program elements are found.



**STATEMENT OF CONSIDERATION  
Relating to the Proposed SIP Revision for the 2015  
Ozone Nonattainment State Implementation Plan**

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

**Response to Comments for Kentucky’s proposed 2015 Ozone Emissions Certification Letter to address Clean Air Act (CAA) Sections 182(a)(3)(B) and 182(a)(2)(C), regarding the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS) Nonattainment State Implementation Plan (SIP).**

Beginning August 31, 2020 until September 29, 2020, the Energy and Environment Cabinet (Cabinet) provided an opportunity for the public to review and comment on the proposed SIP revision addressing CAA sections 182(a)(3)(B) and 182(a)(2)(C) for the 2015 ozone NAAQS. The Cabinet made available the public notice of the comment period on the Division for Air Quality’s website, and mailed the public notice to interested individuals registered on the regulatory mailing lists maintained by the Cabinet.

The following person submitted a written statement during the public comment period:

<u>Name</u>	<u>Title/Agency/Organization/Entity/Other</u>
Lynorae Benjamin.....	U.S. EPA

Comments for this public notice were accepted by:

Name and Title  
Kelly Lewis, Branch Manager, Program Planning, Administration Branch

**1. Comment:** The Commonwealth lists the emissions statement program provisions as 401 KAR 52:020, Sections 22 and 23; 401 KAR 52:040 Section 3; and 401 KAR 52:070 Section 3. The EPA recommends updating this list to include the appropriate sections of 401 KAR 52:030 for which additional emissions statement program elements are found.

**Response:** The Cabinet acknowledges this comment. The Cabinet has amended the language on page 2, within Kentucky’s proposed 2015 ozone emissions certification letter, to reflect the appropriate section of 401 KAR 52:030, where additional emissions statement program elements are found.