



**Andy Beshear**  
GOVERNOR

## ENERGY AND ENVIRONMENT CABINET

300 Sower Boulevard  
Frankfort, Kentucky 40601  
Phone: (502) 564-3350

**Rebecca Goodman**  
SECRETARY

November 29, 2022

Mr. Daniel Blackman  
Regional Administrator  
U.S. EPA, Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-8960

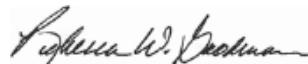
Dear Mr. Blackman:

On behalf of the Commonwealth of Kentucky, the Energy and Environment Cabinet (Cabinet), respectfully requests that the U.S. EPA approve 401 Kentucky Administrative Regulation 51:010, *Attainment status designations*, to Kentucky's SIP pursuant to 42 U.S.C. 7410(a). This regulation became effective in Kentucky on June 9, 2022, and a copy can be found at <https://apps.legislature.ky.gov/law/kar/titles/401/051/010/>.

In accordance with 40 C.F.R. 51.102, the Cabinet made a copy of the proposed amended regulation available for public comment from January 14, 2022 until March 31, 2022. A copy of the amended administrative regulation is enclosed, and an electronic version of this submittal has been emailed directly to EPA Region 4.

The Cabinet appreciates your prompt response to this request. If you have any questions or concerns about this submittal, please contact Mr. Michael Kennedy, Director of the Division for Air Quality, at (502) 782-6597 or [Michael.Kennedy@ky.gov](mailto:Michael.Kennedy@ky.gov).

Sincerely,

  
Rebecca W. Goodman,  
Secretary

RWG/lcj  
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## **Executive Summary**

This SIP amendment includes one administrative regulation, which became effective on June 9, 2022.

### **401 KAR 51:010. Attainment status designations.**

This regulation was filed with the Legislative Research Commission on January 12, 2022. It was published in the January 12, 2022, *Administrative Register of Kentucky*. Public comments were accepted on the regulation through March 31, 2022; however, no public comments were received.

This regulation amends Section 9, Attainment Status Designations for Sulfur Dioxide (SO<sub>2</sub>). The proposed amendment also provides clarifying language and format changes pursuant to KRS 13A.

The current SIP approved regulation for 401 KAR 51:010, *Attainment status designations*, became effective on November 19, 2019. The regulation was approved to Kentucky's SIP on March 31, 2021, (86 FR 11,870).

This action requests EPA to approve the effective administrative regulation to the Kentucky SIP as it became effective on June 9, 2022.

## **COMPLETENESS CRITERIA FOR SIP SUBMITTALS –**

### **40 CFR PART 51 APPENDIX V**

To ensure completeness of this SIP revision submittal, the following elements detailed in 40 CFR Part 51, Appendix V are listed:

#### **A. ADMINISTRATIVE MATERIALS:**

- 1. A formal letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision.**

The cover letter dated November 29, 2022, and signed by Secretary Rebecca W. Goodman, the Governor's designee, requests EPA's approval of the SIP revision to amend 401 KAR 51:010, Attainment status designations.

- 2. Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.**

The Commonwealth of Kentucky is submitting this document to request 401 KAR 51:010 be amended to the SIP. The regulation became effective on June 9, 2022. The effective date of the plan should be the date of the SIP revision submittal, November 29, 2022.

- 3. Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.**

The powers and duties of the Cabinet established in KRS 224.10-100 provide the Energy and Environment Cabinet with the statutory authority to prepare and develop a comprehensive plan or plans related to the environment of the Commonwealth. Additionally, KRS 224.10-100 requires the cabinet to administer and enforce all rules, regulations, and orders promulgated under Chapter 224, Environmental Protection, including those regulations that provide for the prevention, abatement, and control of all air pollution.

- 4. A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made to the existing approved plan, where applicable. The submittal shall be a copy of the official State regulation/document signed, stamped, dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation/document shall, whenever possible, be indicated in the document itself.**

A copy of 401 KAR 51:010 along with approved changes is provided in Appendix A.

- 5. Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.**

The procedural requirements associated with this plan and public comment period are included in Appendices B and C.



**6. Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.**

In accordance with 40 CFR 51.102, the Cabinet provided notice for opportunity to submit written comments and to allow the public the opportunity to request a public hearing. A record of the filing of the proposed regulation was contained in the *Administrative Register of Kentucky* published on February 1, 2022, and is included in Appendix C. A copy of the public hearing notice published on the Division's website is included in the submittal package in Appendix B. A public hearing was scheduled for March 30, 2022. However, no request for public hearing was received, so the hearing was cancelled.

**7. Certification that public hearing(s) were held in accordance with the information provided in the public notice and the State's laws and constitutions, if applicable.**

A public hearing notice was posted on the Division's website and sent to members of the community. This notice detailed that the public had until March 31, 2022 to provide comment and that a public hearing would be held on March 30, 2022, listing the time and location. The SIP revision document was made available for public review on the Division's website throughout the 77 day review period. Information related to public hearing notice requirements is provided in Appendix B.

**8. Compilation of public comments and the State's response thereto.**

No comments were received.

# APPENDIX A

Proposed Regulation, January 12, 2022

Suggested Substitute, April 7, 2022

401 KAR 51:010, effective June 9, 2022

**Proposed Regulation  
Filed with the Legislative Research Commission  
on January 12, 2022**

FILED WITH LRC  
TIME: 12:00PM  
JAN 12 2022  
Emily B Caudill  
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. 7401-7671q

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 designates the status of all areas of the Commonwealth  
12 of Kentucky with regard to attainment of the ambient air quality standards.

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

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

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

18 Section 2. Attainment Status Designations. (1) The attainment status of areas of the  
19 Commonwealth of Kentucky with respect to the ambient air quality standards for carbon  
20 monoxide, lead, nitrogen oxides, ozone, particulate matter, and sulfur dioxide is listed in Sections  
21 4 through 10 of this administrative regulation.

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

4 (3) A road, junction, or intersection of two (2) or more roads as used in Section 7 of this  
5 administrative regulation that defines a nonattainment boundary for an area that is a portion of a  
6 county designated as nonattainment for ozone for any classification except marginal shall include  
7 as nonattainment an area extending 750 feet from the center of the road, junction, or intersection.

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

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

11

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

13

14 Section 6. Attainment Status Designations for Nitrogen Oxides (NO<sub>2</sub>).

15 (1) 1971 Annual Standard:

Designated Area	Does Not Meet Primary Standards	Cannot Be Classified or

		Better Than Standards
Statewide		X

1

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

3

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

9 (2) 1997 Eight (8) Hour Primary and Secondary Standard:

Designated Area	Designation Type
Boone County	Attainment <sup>(1)</sup>
Boyd County	Attainment <sup>(1)</sup>
Bullitt County	Attainment <sup>(1)</sup>
Campbell County	Attainment <sup>(1)</sup>
Christian County	Attainment <sup>(1)</sup>
Jefferson County	Attainment <sup>(1)</sup>
Kenton County	Attainment <sup>(1)</sup>

Oldham County	Attainment <sup>(1)</sup>
Rest of state	Unclassifiable/Attainment

1 Footnote: <sup>(1)</sup> 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 <sup>(1)</sup>
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 <sup>(1)</sup>
Kenton County (part)	Attainment <sup>(1)</sup>

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	
Rest of state	Unclassifiable/Attainment

1 Footnote: <sup>(1)</sup> 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 (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	Nonattainment	Marginal
Bullitt County	Nonattainment	Marginal
Campbell County (part)	Nonattainment	Marginal



The entire county except for 2010 U.S. Census Tracts 520.01 and 520.02		
Jefferson County	Nonattainment	Marginal
Kenton County (part) The entire county except for 2010 U.S. Census Tracts 637.01 and 637.02	Nonattainment	Marginal
Oldham County	Nonattainment	Marginal
Rest of state	Attainment/Unclassifiable	

1

2 Section 8. Attainment Status Designations for PM<sub>2.5</sub>. (1) 1997 Annual Primary and

3 Secondary Standard:

Designated Area	Designation Type
Boone County	Attainment <sup>(1)</sup>
Boyd County	Attainment <sup>(1)</sup>
Bullitt County	Attainment <sup>(1)</sup>
Campbell County	Attainment <sup>(1)</sup>
Jefferson County	Attainment <sup>(1)</sup>
Kenton County	Attainment <sup>(1)</sup>
Lawrence County (part)	Attainment <sup>(1)</sup>

The area described by U.S. Census 2000 block group identifier 21- 127-9901-6	
Rest of state	Unclassifiable/ Attainment

1 Footnote: <sup>(1)</sup> 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  
7 Section 9. Attainment Status Designations for Sulfur Dioxide (SO<sub>2</sub>). (1) 1971 Primary and  
8 Secondary Standard:

Designated Area	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
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Statewide				X
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1 (2) 2010 Primary Standard:

Designated Area	Designated Type
<p>Campbell County (part)</p> <p>That portion of Campbell County which lies south and west of the Ohio River 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</p>	<p>Attainment<sup>(1)</sup></p>
<p><u>Henderson-Webster Counties, KY</u></p>	<p><u>Nonattainment</u></p>

Henderson County (part).

Webster County (part).

That portion of Henderson and Webster Counties encompassed by the polygon with the 48 vertices using Universal Traverse Mercator (UTM) coordinates of North American Datum 1983 (NAD83) as follows: (1) KY 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 KY 370 457811.00 E, 4159192.96, N; (4) KY 370 to Pennyrile Parkway I-69 457089.96 E, 4159452.95 N; (5) Pennyrile 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 KY 1835

453079.74 E, 4154924.00 N; (11) KY 1835 to  
KY 138 450702.89 E, 4153141.51 N; (12) KY  
138 to Crowder Rd 452587.06 E, 4152032.38  
N; (13) Crowder Rd to KY 120 453030.14 E,  
4149175.08 N; (14) KY 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 KY 138 446849.49 E,  
4152437.09 N; (19) KY 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 KY 132 447141.40 E,  
4157145.04 N; (22) KY 132 to KY 283  
444025.55 E, 4156172.90 N; (23) KY 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

KY 191 441887.88 E, 4161614.33 N; (26) KY  
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 KY 1299 447662.11 E,  
4180049.93 N; (37) KY 1299 to Anthoston  
Frog Island Rd 448905.37 E, 4176327.31 N;  
(38) Anthoston Frog Island Rd to KY 136  
452613.63 E, 4179047.02 N; (39) KY 136 to  
Upper Delaware Rd 454451.59 E, 4177687.26  
N; (40) Upper Delaware Rd to Barren Church

<p><u>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 KY 1078 458542.52 E, 4181615.55 N; (43) KY 1078 to Jones Brothers Rd 461322.00 E, 4179952.85 N; (44) Jones Brothers Rd to KY 416 461209.84 E, 4177755.55 N; (45) KY 416 to KY 1078 463492.08 E, 4178026.50 N; (46) KY 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.</u></p> <p>[Henderson County (part) Census Block Groups 211010207013, 211010207014, 211010207024, and 211010208004]</p>	<p>[Attainment/Unclassifiable]</p>
<p>Jefferson County (part)</p> <p>That portion of Jefferson County compassed by the polygon with the vertices using Universal Traverse Mercator (UTM)</p>	<p>Attainment<sup>(1)</sup></p>

<p>coordinates in UTM zone 16 with datum NAD83:</p> <p>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</p>	
Ohio County	Unclassifiable
Pulaski County	Unclassifiable
Rest of state <sup>(2)</sup>	Attainment/Unclassifiable



1 Footnote: <sup>(1)</sup> 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 [~~<sup>(2)</sup> Excluding Webster and the remainder of Henderson County.~~]

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

5 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			X	

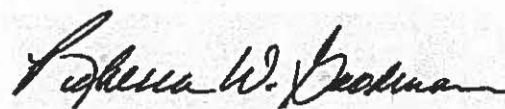
the north, by Frederica Street projected to the river on the west, by Fourth Street and U.S. 60 on the south, and by the Beltline (KY 212) projected to the river on the east				
That portion of Henderson County in Henderson			X	
Jefferson County			X	
That portion of Lawrence County in Louisa			X	
McCracken 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.

December 20, 2021

Date

A handwritten signature in black ink, appearing to read "Rebecca W. Goodman". The signature is fluid and cursive, with a prominent initial "R".

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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 March 30, 2022 at 10:00 a.m. (Eastern Time). The public hearing can be accessed at the following website address: <https://global.gotomeeting.com/join/466756517> or can be accessed by phone: +1 (872) 240-3212 using code: 466-756-517. 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](mailto:Lisa.C.Jones@ky.gov) or mail this information to Lisa Jones, Division for Air Quality, 300 Sower Boulevard, 2<sup>nd</sup> 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 March 24, 2022, then the hearing will be cancelled. Written comments shall be accepted until March 31, 2022. 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, 2<sup>nd</sup> Floor  
Frankfort, KY 40601  
Phone: (502) 782-1288  
Fax: (502) 564-4245  
Email: [Lisa.C.Jones@ky.gov](mailto:Lisa.C.Jones@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 401 KAR 51:010  
Contact Person: Lisa Jones  
Phone: (502) 782-1288  
Email: [Lisa.C.Jones@ky.gov](mailto: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 of Kentucky (Commonwealth) with regard to attainment of 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 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 ambient 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 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 forth by other regulations due to the status 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 ON STATE OR LOCAL GOVERNMENT

Administrative Regulation: 401 KAR 51:010

Contact Person: Lisa Jones

Phone: (502) 782-1288

Email: [Lisa.C.Jones@ky.gov](mailto: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.

## FEDERAL MANDATE ANALYSIS COMPARISON

Administrative Regulation: 401 KAR 51:010

Contact Person: Lisa Jones

Phone: (502) 782-1288

Email: [Lisa.C.Jones@ky.gov](mailto: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.

This administrative regulation designates the status of areas in the Commonwealth associated with 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.

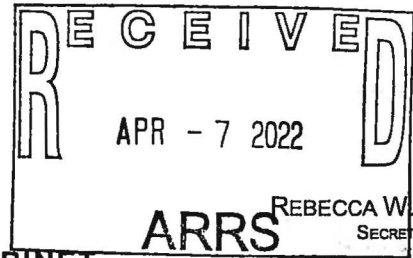
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

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.

**Suggested Substitute  
Filed with the Legislative Research Commission  
on April 7, 2022**



ANDY BESHEAR  
GOVERNOR

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

REBECCA W. GOODMAN  
SECRETARY

ANTHONY R. HATTON  
COMMISSIONER

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

March 29, 2022

Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Sarah Amburgey, Committee Staff Administrator  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: 401 KAR 51:010. Attainment Status Designations.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 401 KAR 51:010, the Energy and Environment Cabinet, Division for Air Quality, proposes the attached amendment to 401 KAR 51:010.

Sincerely,

For **Anthony R. Hatton**  
**Acting Director**  
**Division for Air Quality**

**SUGGESTED SUBSTITUTE**

Final Version: 3/28/2022 3:46 PM

**ENERGY AND ENVIRONMENT CABINET  
Department for Environmental Protection  
Division for Air Quality**

**401 KAR 51:010. Attainment status designations.**

RELATES TO: KRS 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 50, 51, 52, 53, 58, 75, 81.318, 42 U.S.C. 7401-7671q

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

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

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

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

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

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

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

(3) A road, junction, or intersection of two (2) or more roads~~as used in Section 7 of this administrative regulation~~ that **delineates**~~defines~~ a nonattainment boundary for an area that is a portion of a county designated as nonattainment for ozone for any classification except marginal, shall include as nonattainment an area extending 750 feet from the center of the road, junction, or intersection.

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

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

Section 6. Attainment Status Designations for Nitrogen Oxides (NO<sub>2</sub>). (1) 1971 Annual Standard:

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

(2) 2010 One (1) Hour Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

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

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

Designated Area	Designation Type
Boone County	Attainment <sup>(1)</sup>
Boyd County	Attainment <sup>(1)</sup>
Bullitt County	Attainment <sup>(1)</sup>
Campbell County	Attainment <sup>(1)</sup>
Christian County	Attainment <sup>(1)</sup>
Jefferson County	Attainment <sup>(1)</sup>
Kenton County	Attainment <sup>(1)</sup>
Oldham County	Attainment <sup>(1)</sup>
Rest of state	Unclassifiable/Attainment

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

(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 <sup>(1)</sup>
Campbell County (part) 2000 Census tracts: 501, 502, 503, 504, 505, 506, 511.01, 511.02, 512,	Attainment <sup>(1)</sup>

513, 519.01, 519.03, 519.04, 521, 522, 523.01, 523.02, 524, 525, 526, 528, 529, 530, 531	
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 <sup>(1)</sup>
Rest of state	Unclassifiable/ Attainment

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

(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	Nonattainment	Marginal
Bullitt County	Nonattainment	Marginal
Campbell County (part) The entire county except for 2010 U.S. Census Tracts 520.01 and 520.02	Nonattainment	Marginal
Jefferson County	Nonattainment	Marginal
Kenton County (part) The entire county except for 2010 U.S.	Nonattainment	Marginal

Census Tracts 637.01 and 637.02		
Oldham County	Nonattainment	Marginal
Rest of state	Attain- ment/Unclassi- fiable	

Section 8. Attainment Status Designations for PM<sub>2.5</sub>. (1) 1997 Annual Primary and Secondary Standard:

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

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

(2) 2012 Annual Primary Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attain- ment

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

Section 9. Attainment Status Designations for Sulfur Dioxide (SO<sub>2</sub>). (1) 1971 Primary and Secondary Standard:

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



(2) 2010 Primary Standard:

Designated Area	Designated Type
<p>Campbell County (part) That portion of Campbell County, which lies south and west of the Ohio River <b>and is</b> 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</p>	Attainment <sup>(1)</sup>
<p><u>Henderson-Webster Counties, KY</u> <u>Henderson County (part).</u> <u>Webster County (part).</u> <u>That portion of Henderson and Webster Counties encompassed by the polygon with the 48 vertices using Universal Traverse 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</u></p>	<u>Nonattainment</u>

Pennyrile Parkway I-69 457089.96 E, 4159452.95 N; (5) Pennyrile 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

[Attainment/  
Unclassifiable]

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.

<p>[Henderson County (part) Census Block Groups 211010207013, 211010207014, 211010207024, and 211010208004]</p>	
<p>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 High- way from UTM Easting (m) 597515, UTM Northing 4212946 to UTM East- ing (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 East- ing (m) 595326, UTM Northing 4211014 to UTM Easting (m) 595738, UTM Northing 4214086</p>	<p>Attain- ment<sup>(1)</sup></p>
<p>Ohio County</p>	<p>Unclassifi- able</p>
<p>Pulaski County</p>	<p>Unclassifi- able</p>
<p>Rest of state<sup>(2)</sup></p>	<p>Attain- ment/ Unclassifi- able</p>

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

[<sup>(2)</sup> Excluding Webster and the remainder of Henderson County.]

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

County in Louisa				
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

CONTACT PERSON: Lisa Jones, Environmental Scientist III, Division for Air Quality, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 782-1288, fax (502) 564-4245, email [Lisa.C.Jones@ky.gov](mailto:Lisa.C.Jones@ky.gov).

**Regulation**

**401 KAR 51:010**

**Effective June 9, 2022**

**401 KAR 51:010. Attainment status designations.**

RELATES TO: KRS 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 50, 51, 52, 53, 58, 75, 81.318, 42 U.S.C. 7401-7671q

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

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

**Section 1. Definitions.**

- (1) "Rest of state" means the remainder of the state has been designated and identified on a county by county basis.
- (2) "Road" means a Kentucky route, a county road, a lane, or a U.S. route, highway, or interstate.
- (3) "Statewide" means the entire state has been designated on a county by county basis.

**Section 2. Attainment Status Designations.**

- (1) The attainment status of areas of the Commonwealth of Kentucky with respect to the ambient air quality standards for carbon monoxide, lead, nitrogen oxides, ozone, particulate matter, and sulfur dioxide shall be as listed in Sections 4 through 10 of this administrative regulation.
- (2) Within sixty (60) days of revision by the U.S. Environmental Protection Agency (U.S. EPA) of a national ambient air quality standard, the cabinet shall review applicable data and submit to the U.S. EPA a revision to the attainment - nonattainment list pursuant to 42 U.S.C. 7407(d)(1).
- (3) A road, junction, or intersection of two (2) or more roads that delineates a nonattainment boundary for an area that is a portion of a county designated as nonattainment for ozone for any classification except marginal, shall include as nonattainment an area extending 750 feet from the center of the road, junction, or intersection.

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

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

**Section 6. Attainment Status Designations for Nitrogen Oxides (NO<sub>2</sub>).**

(1) 1971 Annual Standard:

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

(2) 2010 One (1) Hour Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

**Section 7. Attainment Status Designations for Ozone (O<sub>3</sub>).**

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

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

Designated Area	Designation Type
Boone County	Attainment <sup>(1)</sup>
Boyd County	Attainment <sup>(1)</sup>
Bullitt County	Attainment <sup>(1)</sup>
Campbell County	Attainment <sup>(1)</sup>
Christian County	Attainment <sup>(1)</sup>
Jefferson County	Attainment <sup>(1)</sup>
Kenton County	Attainment <sup>(1)</sup>
Oldham County	Attainment <sup>(1)</sup>
Rest of state	Unclassifiable/Attainment

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



(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 <sup>(1)</sup>
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 <sup>(1)</sup>
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 <sup>(1)</sup>
Rest of state	Unclassifiable/Attainment

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

(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	Nonattainment	Marginal
Bullitt County	Nonattainment	Marginal
Campbell County (part)The entire county except for 2010 U.S. Census Tracts 520.01 and 520.02	Nonattainment	Marginal
Jefferson County	Nonattainment	Marginal
Kenton County (part)The entire county except for 2010 U.S. Census Tracts 637.01 and 637.02	Nonattainment	Marginal
Oldham County	Nonattainment	Marginal
Rest of state	Attainment/Unclassifiable	

Section 8. Attainment Status Designations for PM<sub>2.5</sub>.

(1) 1997 Annual Primary and Secondary Standard:

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

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

(2) 2012 Annual Primary Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

Section 9. Attainment Status Designations for Sulfur Dioxide (SO<sub>2</sub>).

(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) 2010 Primary Standard:

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

(5 Ky.R. 364; 986; eff. 6-6-1979; 7 Ky.R. 226; eff. 12-3-1980; 577; eff. 3-4-1981; 8 Ky.R. 1044; eff. 9-22-1982; 14 Ky.R. 1598; eff. 4-14-1988; 17 Ky.R. 407; eff. 11-15-1990; 19 Ky.R. 1101; 1581; eff. 2-8-1993; 24 Ky.R. 650; eff. 11-12-1997; TAm eff. 8-9-2007; 43 Ky.R. 242, 396; eff. 10-6-2016; 46 Ky.R. 651; eff. 11-19-2019; 48 Ky.R. 2278, 2729; eff. 6-9-2022.)

# APPENDIX B

## Public Notice Requirements

DAQ website public notice

Regulation public notice

Letter to concerned citizens

## **DAQ Website Public Notice**

**NOTICE OF PUBLIC HEARING  
DIVISION FOR AIR QUALITY  
PROPOSED ADMINISTRATIVE REGULATION AMENDMENT**

The Kentucky Energy and Environment Cabinet will conduct a virtual public hearing on March 30, 2022, at 10:00 a.m. (EST). This hearing will be held to receive comments on the following proposed administrative regulation amendment:

**401 KAR 51:010. Attainment status designations.**

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.

401 KAR 51:010 designates the status of all areas of the Commonwealth of Kentucky (Commonwealth) with regard to attainment of 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. Final amendments to the administrative regulation will be submitted to U.S. EPA as part of a SIP revision.

This hearing is open to the public and all interested persons will be given the opportunity to present testimony. To assure that all comments are accurately recorded, the Division requests that oral comments presented at the hearing are also provided in written form, if possible. It is not necessary that the hearing be held or attended in order for persons to comment on the proposed administrative regulation. If no request for a public hearing is received by March 24, 2022, the hearing will be cancelled, and notice of the cancellation will be posted at <https://eec.ky.gov/Environmental-Protection/Air/Pages/Public-Notices.aspx>. Written comments should be sent to the contact person and must be received by March 31, 2022, to be considered part of the public record.

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](mailto:Lisa.C.Jones@ky.gov) or mail this information to Lisa Jones, Division for Air Quality, 300 Sower Building, 2nd Floor, Frankfort, KY 40601. Please put "Registration for Attainment Status Designations Public Hearing" as the subject line, and state in the body of the message if you plan to speak during the hearing.

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.

The full text of the proposed administrative regulations is available for public inspection and copying during regular business hours (8:00 a.m. to 4:30 p.m., local time) at the Division for Air Quality, 300 Sower Boulevard, Frankfort, Ky. Any individual requiring copies may submit a request to the Division for Air Quality in writing, by telephone, by FAX, or e-mail. Requests for copies should be directed to the contact person. The proposed administrative regulation amendment can be accessed at: <https://apps.legislature.ky.gov/law/kar/TITLE401.HTM> or <https://eec.ky.gov/Environmental-Protection/Air/Pages/Proposed-Regulation-Changes.aspx>

**CONTACT PERSON:** Lisa Jones, Regulation Development Section, Division for Air Quality, 300 Sower Boulevard, Frankfort, Kentucky 40601. The phone number is (502) 782-1288, FAX number is (502) 564-4245, and e-mail address is [lisa.c.jones@ky.gov](mailto:lisa.c.jones@ky.gov).

## **Regulation Public Notice**

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A virtual public hearing on this administrative regulation amendment will be held on March 30, 2022 at 10:00 a.m. (Eastern Time). The public hearing can be accessed at the following website address: <https://global.gotomeeting.com/join/466756517> or can be accessed by phone: +1 (872) 240-3212 using code: 466-756-517. 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](mailto:Lisa.C.Jones@ky.gov) or mail this information to Lisa Jones, Division for Air Quality, 300 Sower Boulevard, 2<sup>nd</sup> 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 March 24, 2022, then the hearing will be cancelled. Written comments shall be accepted until March 31, 2022. 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, 2<sup>nd</sup> Floor  
Frankfort, KY 40601  
Phone: (502) 782-1288  
Fax: (502) 564-4245  
Email: [Lisa.C.Jones@ky.gov](mailto:Lisa.C.Jones@ky.gov)

## **Letter to Concerned Citizens**





ANDY BESHEAR  
GOVERNOR

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

REBECCA W. GOODMAN  
SECRETARY

ANTHONY R. HATTON  
COMMISSIONER

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

January 14, 2022

Dear Concerned Citizen,

Pursuant to the public notification requirements of KRS 13A.270, the Kentucky Division for Air Quality (Division) has enclosed information on the following proposed administrative regulation amendment:  
401 KAR 51:010. Attainment status designations.

The Division filed the proposed administrative regulation amendment with the Legislative Research Commission on January 12, 2022. The proposed administrative regulation amendment will be published in the February 1, 2022 *Administrative Register of Kentucky*.

Full text of the filed administrative regulation amendment can also be viewed on the Legislative Research Commission's web page at <https://apps.legislature.ky.gov/law/kar/TITLE401.HTM>. The regulation may also be found at:  
<https://eec.ky.gov/Environmental-Protection/Air/Pages/Proposed-Regulation-Changes.aspx>.

Written comments that identify anticipated effects of the proposed administrative regulation amendment will be accepted through March 31, 2022. Written comments should be submitted to:

Lisa Jones  
Division for Air Quality  
Program Planning and Administration Branch  
300 Sower Boulevard  
Frankfort, KY 40601

Written comments may also be submitted by e-mail to [Lisa.C.Jones@ky.gov](mailto:Lisa.C.Jones@ky.gov).

A virtual public hearing is scheduled for March 30, 2022, at 10 a.m. (Eastern Time). 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](mailto:Lisa.C.Jones@ky.gov) or mail this information to Lisa Jones, Division for Air Quality, 300 Sower Building, 2nd Floor, Frankfort, KY 40601. Please put "Registration for Attainment Status Designations Public Hearing" as the subject line, and state in the body of the message if you plan to speak during the hearing.

Thank you,

A handwritten signature in blue ink that reads "Lisa Jones".

Lisa Jones, Environmental Scientist III  
Division for Air Quality, PPAB  
300 Sower Boulevard  
Frankfort, KY 40601

# APPENDIX C

*Administrative Register of Kentucky, February 1, 2022*

*Administrative Register of Kentucky, May 1, 2022*

**Administrative Register of Kentucky**  
**February 1, 2022**



# ADMINISTRATIVE REGISTER OF KENTUCKY

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, January 14, 2022.

### MEETING NOTICES

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet on February 7, 2022, at 1:00 p.m. in room 149 Capitol Annex.

**ARRS Tentative Agenda - 2161** [Online agenda updated as needed](#)

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**KENTUCKY ADMINISTRATIVE REGULATIONS** are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title		Chapter	Regulation
806	KAR	50:	155
Cabinet, Department, Board, or Agency		Office, Division, Board, or Major Function	Specific Regulation

**ADMINISTRATIVE REGISTER OF KENTUCKY**

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**STANDARD ADMINISTRATIVE REGULATION REVIEW PROCEDURE**  
**Overview for Regulations Filed under KRS Chapter 13A As Amended by 2021 Legislation**

**(See KRS Chapter 13A for specific provisions)**

**Filing and Publication**

Administrative bodies shall file all proposed administrative regulations with the Regulations Compiler. Filed regulations shall include public hearing and comment period information; a regulatory impact analysis and tiering statement; a fiscal note on state and local government; and, if applicable, a federal mandate comparison and any required incorporated material. Administrative regulations received by the deadline established in KRS 13A.050 shall be published in the Administrative Register. Emergency administrative regulations become effective upon filing.

**Public Hearing and Public Comment Period**

The administrative body shall schedule a public hearing on a proposed administrative regulation. The public hearing is held between the 21st and the last workday of the month in which the public comment period ends. Information about the public comment period shall include: the place, time, and date of the hearing; the manner in which a person may submit written comments or a notification to attend the hearing; a statement specifying that unless a notification to attend the hearing is received no later than 5 workdays prior to the hearing date, the hearing may be cancelled; the deadline for submitting written comments; and the name, position, and contact information of the person to whom notifications and written comments shall be sent.

Public comment periods for ordinary regulations end on the last day of the month following publication; whereas, public comment periods for emergency regulations run through the last day of the month in which the regulation was published. For other ordinary regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

The administrative body shall notify the Compiler whether the hearing was held or cancelled and whether or not written comments were received. If the hearing was held or written comments were received, the administrative body shall file a statement of consideration with the Compiler by the fifteenth day of the calendar month following the close of the public comment period.

**Review Procedure**

After the public hearing and public comment period processes are completed, the administrative regulation will be tentatively scheduled for review at the next meeting of the Administrative Regulation Review Subcommittee. After review by the subcommittee, the regulation shall be referred by the Legislative Research Commission to an appropriate jurisdictional committee for a second review. If a quorum is present, unless the regulation is deferred or found deficient, an ordinary regulation shall be considered in effect upon adjournment of the appropriate jurisdictional committee or 90 days after being referred by LRC, whichever occurs first.

in question (3) will have to take to comply with this administrative regulation or amendment: All Kentucky Licensed Ground Ambulance Services and Kentucky Medical First Response agencies will be permitted to assign emergency medical responders as ambulance drivers.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to any entity identified in question (3), other than administrative costs that may be incurred in recruiting and maintaining qualified attendants.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities affected will benefit by being permitted to assign emergency medical responders (EMRs) as ambulance drivers.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: The Board shall pay for all administrative costs of reviewing compliance with applicable requirements.

(a) Initially: There will be no cost to any entity identified in question (3), other than administrative costs that may be incurred in recruiting and maintaining qualified attendants.

(b) On a continuing basis: There will be no cost to any entity identified in question (3), other than administrative costs that may be incurred in recruiting and maintaining qualified attendants.

(6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Board of Emergency Medical Services is a state agency that receives its annual budget from the state government.

(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 will be necessary.

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

(9) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because the amendment establishes minimum staffing certification requirements for ground vehicles, which apply to all affected entities to ensure that all affected personnel meet the minimum qualifications.

**FISCAL NOTE ON STATE OR LOCAL GOVERNMENT**

(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 administrative regulation will relate to all Kentucky Licensed Ground Ambulance Services and Kentucky Medical First Response agencies.

(2) Identify each state or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 311A.030. No federal statutes necessitate this administrative regulation.

(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? This administrative regulation will generate no 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? This administrative regulation will generate no revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? This administrative regulation will not impose any costs on state or local government.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not impose any costs on state or local government.

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

regulation.

Revenues (+/-): This administrative regulation will not generate revenue.

Expenditures (+/-): This administrative regulation will not impose any costs.

Other Explanation:

**ENERGY AND ENVIRONMENT CABINET  
Department for Environmental Protection  
Division for Air Quality  
(Amendment)**

**401 KAR 51:010. Attainment status designations.**

RELATES TO: KRS 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 50, 51, 52, 53, 58, 75, 81.318, 42 U.S.C. 7401-7671q

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

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

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

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

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

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

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

(3) A road, junction, or intersection of two (2) or more roads as used in Section 7 of this administrative regulation that defines a nonattainment boundary for an area that is a portion of a county designated as nonattainment for ozone for any classification except marginal shall include as nonattainment an area extending 750 feet from the center of the road, junction, or intersection.

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

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

**Section 6. Attainment Status Designations for Nitrogen Oxides (NO<sub>2</sub>). (1) 1971 Annual Standard:**

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

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

Designated Area	Designation Type



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Statewide	Unclassifiable/Attainment
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Section 7. Attainment Status Designations for Ozone (O<sub>3</sub>). (1) The 1971 One (1) Hour Standard was revoked effective June 15, 2005, for all areas in the Commonwealth of Kentucky. The Cincinnati-Hamilton, Edmonson County, Huntington-Ashland, Lexington-Fayette, Louisville, Owensboro, and Paducah areas shall be considered maintenance areas for the one (1) hour national ambient air quality standards for the purposes of 40 C.F.R. Part 51, Subpart X.

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

Designated Area	Designation Type
Boone County	Attainment <sup>(1)</sup>
Boyd County	Attainment <sup>(1)</sup>
Bullitt County	Attainment <sup>(1)</sup>
Campbell County	Attainment <sup>(1)</sup>
Christian County	Attainment <sup>(1)</sup>
Jefferson County	Attainment <sup>(1)</sup>
Kenton County	Attainment <sup>(1)</sup>
Oldham County	Attainment <sup>(1)</sup>
Rest of state	Unclassifiable/Attainment

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

(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 <sup>(1)</sup>
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 <sup>(1)</sup>
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 <sup>(1)</sup>
Rest of state	Unclassifiable/Attainment

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

(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	Nonattainment	Marginal
Bullitt County	Nonattainment	Marginal
Campbell County (part) The entire county except for 2010 U.S. Census Tracts 520.01 and 520.02	Nonattainment	Marginal
Jefferson County	Nonattainment	Marginal
Kenton County (part) The entire county except for 2010 U.S. Census Tracts 637.01 and 637.02	Nonattainment	Marginal

Oldham County	Nonattainment	Marginal
Rest of state	Attainment/Unclassifiable	

Section 8. Attainment Status Designations for PM<sub>2.5</sub>. (1) 1997 Annual Primary and Secondary Standard:

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

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

(2) 2012 Annual Primary Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

Section 9. Attainment Status Designations for Sulfur Dioxide (SO<sub>2</sub>). (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) 2010 Primary Standard:

Designated Area	Designated Type
Campbell County (part) That portion of Campbell County which lies south and west of the Ohio River 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 <sup>(1)</sup>
<u>Henderson-Webster Counties, KY</u> <u>Henderson County (part).</u> <u>Webster County (part).</u> That portion of Henderson and Webster Counties encompassed by the polygon with the 48 vertices using Universal Traverse Mercator (UTM) coordinates of North American Datum 1983 (NAD83) as follows: (1) Kentucky 520, Upper Delaware Rd to the Green River boundary at	Nonattainment

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<p>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 Pennyrile Parkway I-69 457089.96 E, 4159452.95 N; (5) Pennyrile 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</p>	<p>[Attainment/ Unclassifiable]</p>	<p>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. [Henderson County (part) Census Block Groups 211010207013, 211010207014, 211010207024, and 211010208004]</p>	
		<p>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</p>	<p>Attainment<sup>(1)</sup></p>
		<p>Ohio County</p>	<p>Unclassifiable</p>
		<p>Pulaski County</p>	<p>Unclassifiable</p>
		<p>Rest of state<sup>(2)</sup></p>	<p>Attainment/ Unclassifiable</p>
		<p>Footnote: <sup>(1)</sup> Existing sources located in areas previously designated as nonattainment shall continue to comply with all applicable conditions pursuant to 401 KAR Chapters 59 and 61. [<sup>(2)</sup>Excluding Webster and the remainder of Henderson County.]</p>	

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

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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

REBECCA W. GOODMAN, Secretary

APPROVED BY AGENCY: December 20, 2021

FILED WITH LRC: January 12, 2022 at noon

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A virtual public hearing on this administrative regulation amendment will be held on March 30, 2022 at 10:00 a.m. (Eastern Time). The public hearing can be accessed at the following Web site address: <https://global.gotomeeting.com/join/466756517> or can be accessed by phone: +1 (872) 240-3212 using code: 466-756-517. 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](mailto:Lisa.C.Jones@ky.gov) or mail this information to Lisa Jones, Division for Air Quality, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 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 March 24, 2022, then the hearing will be cancelled. Written comments shall be accepted until March 31, 2022. 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, Kentucky 40601, phone (502) 782-1288, fax (502) 564-4245, email [Lisa.C.Jones@ky.gov](mailto:Lisa.C.Jones@ky.gov).

**REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

Contact Person: Lisa Jones

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation designates the status of all areas of the Commonwealth of Kentucky (Commonwealth) with regard to attainment of 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 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 ambient 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 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 forth by other regulations due to the status 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 ON STATE OR LOCAL GOVERNMENT

(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.

#### FEDERAL MANDATE ANALYSIS COMPARISON

(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. This administrative regulation designates the status of areas in the Commonwealth associated with 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.

#### PUBLIC PROTECTION CABINET Kentucky Horse Racing Commission (Amendment)

#### 810 KAR 7:050. Kentucky Horse Breeders' Incentive Fund.

RELATES TO: KRS 230.225(5)(c), 230.330, 230.804, 15 U.S.C. 1821-1831

STATUTORY AUTHORITY: KRS 230.804(2)(b)

NECESSITY, FUNCTION AND CONFORMITY: KRS. 230.804 establishes the Kentucky Horse Breeders' Incentive Fund. KRS 230.804(2)(b) requires the Kentucky Horse Racing Commission to promulgate administrative regulations establishing the conditions and criteria for the distribution of moneys from the fund. This administrative regulation establishes eligibility standards, administrative practices to enforce the standards, and the procedures for paying incentive awards from the fund.

#### Section 1. Definitions.

(1) "Applicant" means a Kentucky affiliate representing a breed of horses which is eligible to register with the commission to participate in the Kentucky Horse Breeders' Incentive Fund.

(2) "Award distribution plan" means a plan submitted by a Kentucky affiliate to the commission outlining the procedures by which the Kentucky affiliate will award funds from the Kentucky Horse Breeders' Incentive Fund to incentive winners who are members of the Kentucky affiliate.

(3) "Breed" means a subspecies of horse with particular physical characteristics common to the subspecies which are used in establishing the identity of a horse by a registry recognized by the commission.

(4) "Breeder" means:

(a) A person or persons engaged in the breeding of horses eligible for the Kentucky Horse Breeders' Incentive Fund, as defined by the national association of the Kentucky affiliate recognized by the commission as a participant in the Kentucky Horse Breeders' Incentive Fund program; or

(b) If the national association does not define "breeder", the owner of the dam of a horse when the horse was foaled.

(5) "Closed breed registry" means the restrictions of the official national breed registry recognized by the Kentucky Horse Breeders' Incentive Fund.

(6) "Contest" means a competitive event with an outcome which qualifies the owner of a horse as an incentive winner under a Kentucky affiliate's award distribution plan.

(7) "Incentive winner" means a person whose horse's performance in a contest entitles that person to an award from the Kentucky Horse Breeders' Incentive Fund.

(8) "Kentucky affiliate" means the Kentucky organization that is recognized by a national breed organization representing that particular breed of horse in Kentucky.

(9) "Kentucky Horse Breeders' Incentive Fund" means the trust and revolving fund established by KRS 230.804.

(10) "KHBIF" means the Kentucky Horse Breeders' Incentive Fund.

**Administrative Register of Kentucky**

**May 1, 2022**



# ADMINISTRATIVE REGISTER OF KENTUCKY

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, April 15, 2022.

### MEETING NOTICES

The Administrative Regulation Review Subcommittee is tentatively scheduled to meet on May 10, 2022, at 1:00 p .m. in room 149 Capitol Annex.

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The following agenda may not take into consideration all of the administrative regulations that may be removed to complete the public comment process or deferred or withdrawn by promulgating agencies. Deferrals and withdrawals may be made any time prior to or during the meeting.



**Administrative Regulation Review Subcommittee**  
**TENTATIVE Meeting Agenda**  
**Tuesday, May 10, 2022 at 1 p.m.**  
**Annex Room 149**



**1. CALL TO ORDER AND ROLL CALL**  
**2. REGULATIONS FOR COMMITTEE REVIEW**

**FINANCE AND ADMINISTRATION CABINET**

**Executive Branch Ethics Commission**

009 KAR 001:070. Standards of ethical conduct for transition team members and disclosure form.

**DEPARTMENT OF LAW**

**Medical Examination of Sexual Abuse Victims**

040 KAR 003:020. Protocol for operation of local multidisciplinary teams on child sexual abuse. (Deferred from November)

**BOARDS AND COMMISSIONS**

**Board of Pharmacy**

201 KAR 002:430. Emergency orders and hearings. (Amended After Comments) (Deferred from February)

201 KAR 002:440. Legend drug repository. (Comments Received; SOC ext. due 04-15-2022)

**Board of Dentistry**

201 KAR 008:600. Mobile dental facilities and portable dental units.

**Board of Speech-Language Pathology and Audiology**

201 KAR 017:110. Telehealth and telepractice.

**Board of Nursing**

201 KAR 020:260E. Organization and administration standards for prelicensure registered nurse or practical nurse programs of nursing.

(Emergency Only) ("E" expires 10-08-2022) (Not Amended After Comments) (Deferred from April)

201 KAR 020:480E. Licensure of graduates of foreign nursing schools. ("E" expires 10-30-2022) (Filed with Ordinary) (Deferred from April)

201 AR 020:480. Licensure of graduates of foreign nursing schools. (Filed with Emergency)

**Board of Physical Therapy**

201 KAR 022:020. Eligibility and credentialing procedure.

201 KAR 022:070. Requirements for foreign-educated physical therapists and physical therapist assistants.

201 KAR 022:170. Physical Therapy Compact Commission.

**Board of Licensure and Certification for Dietitians and Nutritionists**

201 KAR 033:015. Application; approved programs.

**Board of Alcohol and Drug Counselors**

201 KAR 035:070. Supervision experience. (Not Amended After Comments)

**Board of Medical Imaging and Radiation Therapy**

201 KAR 046:060. Continuing education requirements.

**Applied Behavior Analysis Licensing Board**

201 KAR 043:010. Application procedures for licensure. (Deferred from February)

201 KAR 043:020. Application procedures for temporary licensure. (Not Amended After Comments) (Deferred from April)

201 KAR 043:030. Fees. (Deferred from February)

201 KAR 043:040. Code of ethical standards and standards of practice. (Amended After Comments) (Deferred from April)

201 KAR 043:050. Requirement for supervision. (Amended After Comments) (Deferred from April)

201 KAR 043:060. Complaint and disciplinary process. (Deferred from February)

201 KAR 043:071. Repeal of 201 KAR 043:070. (Deferred from February)

201 KAR 043:080. Renewals. (Amended After Comments) (Deferred from April)

201 KAR 043:090. Voluntary inactive and retired status. (Deferred from February)

201 KAR 043:100. Telehealth and telepractice. (Deferred from February)

**TOURISM, ARTS AND HERITAGE CABINET**

**Department of Fish and Wildlife Resources**

**Wildlife**

301 KAR 004:001. Selection of Fish and Wildlife Resources Commission nominees. (Deferred from November)

301 KAR 004:010. Districts. (Deferred from November)

301 KAR 004:020. Ballard Wildlife Management Area restrictions. (Deferred from November)

written or typed report signed and dated by the physical therapist who is performing the evaluation or who is supervising the physical therapist student performing the evaluation. The evaluation shall include:

- (a) Pertinent medical and social history;
  - (b) Appropriate subjective and objective information;
  - (c) An assessment, which may indicate problems, interpretations, and a diagnosis identifying the nature and extent of the patient's impairment; and
  - (d) The plan of care, which includes the:
    - 1. Treatment; and
    - 2. Measurable goals, including anticipated time frame of achievement.
- (3) Ongoing documentation in the physical therapy record shall:
- (a) Be completed at least weekly or, if treatment is less than weekly, at each patient visit;
  - (b) Be written or typed, signed, and dated:
    - 1. By the physical therapist or physical therapist assistant rendering treatment;
    - 2. By the supervising physical therapist or physical therapist assistant if treatment was rendered by a physical therapist student or physical therapist assistant student; or
    - 3. By the physical therapist student or physical therapist assistant student rendering treatment if countersigned and dated by the supervising physical therapist;
  - (c) Include:
    - 1. The treatment rendered since the last evaluation, ongoing documentation, or reassessment;
    - 2. The patient's response to treatment; and
    - 3. Appropriate subjective and objective information ~~if~~;
    - (4) The reassessment included in the physical therapy record for the revision or reaffirmation of the existing plan of care, or the establishment of a new plan of care shall be written or typed, signed, and dated by a physical therapist. The reassessment shall:
      - (a) ~~[The reassessment shall]~~ Be in compliance with Section 2(4) of this administrative regulation; ~~and~~;
      - (b) ~~[A reassessment shall]~~ include:
        - 1. Subjective, objective, and medical information acquired by the physical therapist, physical therapist student, physical therapist assistant, or physical therapist assistant student;
        - 2. An assessment in compliance with subsection (2)(c) of this section completed by the physical therapist or physical therapist student; and
        - 3. A plan of care in compliance with subsection (2)(d) of this section completed by the physical therapist or physical therapist student.
      - (5) The correct designation following the signature of the person who has entered a statement into the patient record shall be as follows:
        - (a) If written by a physical therapist: "PT". Appropriate designations for advanced physical therapy degrees may follow "PT";
        - (b) If written by a physical therapist assistant: "PTA";
        - (c) If written by supportive personnel: "PT Aide", ~~[or]~~ "Physical Therapy Aide", or "PT Tech"; and
        - (d) If written by a student: "Physical Therapist Student", ~~[or]~~ "PT Student", ~~if~~ "Physical Therapist Assistant Student", or "PTA Student".

Section 6. Appointment~~[Apportionment]~~ of Fees. Unless prohibited by law, all members of a business entity shall be allowed to pool or apportion fees received in accordance with a business agreement.

CONTACT PERSON: Stephen Curley, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, (502) 429-7140 and Fax (502) 429-7142, Stephen.Curley@ky.gov.

ENERGY AND ENVIRONMENT CABINET  
 Department for Environmental Protection  
 Division for Air Quality  
 (As Amended at ARRS, April 13, 2022)

401 KAR 51:010. Attainment status designations.

RELATES TO: KRS 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 50, 51, 52, 53, 58, 75, 81.318, 42 U.S.C. 7401-7671q  
 STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-110, 42 U.S.C. 7407

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

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

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

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

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

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

(3) A road, junction, or intersection of two (2) or more roads ~~[as used in Section 7 of this administrative regulation]~~ that delineates~~[defines]~~ a nonattainment boundary for an area that is a portion of a county designated as nonattainment for ozone for any classification except marginal, shall include as nonattainment an area extending 750 feet from the center of the road, junction, or intersection.

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

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

Section 6. Attainment Status Designations for Nitrogen Oxides (NO<sub>2</sub>). (1) 1971 Annual Standard:

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

(2) 2010 One (1) Hour Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

Section 7. Attainment Status Designations for Ozone (O<sub>3</sub>). (1) The 1971 One (1) Hour Standard was revoked effective June 15, 2005, for all areas in the Commonwealth of Kentucky. The

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Cincinnati-Hamilton, Edmonson County, Huntington-Ashland, Lexington-Fayette, Louisville, Owensboro, and Paducah areas shall be considered maintenance areas for the one (1) hour national ambient air quality standards for the purposes of 40 C.F.R. Part 51, Subpart X.

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

Designated Area	Designation Type
Boone County	Attainment <sup>(1)</sup>
Boyd County	Attainment <sup>(1)</sup>
Bullitt County	Attainment <sup>(1)</sup>
Campbell County	Attainment <sup>(1)</sup>
Christian County	Attainment <sup>(1)</sup>
Jefferson County	Attainment <sup>(1)</sup>
Kenton County	Attainment <sup>(1)</sup>
Oldham County	Attainment <sup>(1)</sup>
Rest of state	Unclassifiable/Attainment

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

(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 <sup>(1)</sup>
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 <sup>(1)</sup>
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 <sup>(1)</sup>
Rest of state	Unclassifiable/Attainment

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

(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	Nonattainment	Marginal
Bullitt County	Nonattainment	Marginal
Campbell County (part) The entire county except for 2010 U.S. Census Tracts 520.01 and 520.02	Nonattainment	Marginal
Jefferson County	Nonattainment	Marginal
Kenton County (part) The entire county except for 2010 U.S. Census Tracts 637.01 and 637.02	Nonattainment	Marginal
Oldham County	Nonattainment	Marginal
Rest of state	Attainment/Unclassifiable	

Section 8. Attainment Status Designations for PM<sub>2.5</sub>.

(1) 1997 Annual Primary and Secondary Standard:

Designated Area	Designation Type
Boone County	Attainment <sup>(1)</sup>

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

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

(2) 2012 Annual Primary Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

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

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

Section 9. Attainment Status Designations for Sulfur Dioxide (SO<sub>2</sub>). (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) 2010 Primary Standard:

Designated Area	Designated Type
Campbell County (part) That portion of Campbell County, which lies south and west of the Ohio River <u>and is</u> 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 <sup>(1)</sup>
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 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 Pennyville Parkway I-69 457089.96 E, 4159452.95 N; (5) Pennyville 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	Nonattainment [Attainment/Unclassifiable]



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<p>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 Carmel Brooks Rd 450196.38 E, 4153305.18 N; (20) Carmel 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.</p> <p>[Henderson County (part) Census Block Groups 211010207013, 211010207014, 211010207024, and 211010208004]</p> <p>Jefferson County (part) That portion of Jefferson County compassed by the polygon with the vertices using Universal Traverse Mercator (UTM) coordinates in UTM</p>	
	Attainment <sup>(1)</sup>

<p>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</p>	
Ohio County	Unclassifiable
Pulaski County	Unclassifiable
Rest of state <sup>(2)</sup>	Attainment/ Unclassifiable

Footnote:

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

<sup>(2)</sup> Excluding Webster and the remainder of Henderson County.

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

Henderson				
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

CONTACT PERSON: Lisa Jones, Environmental Scientist III, Division for Air Quality, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 782-1288, fax (502) 564-4245, email Lisa.C.Jones@ky.gov.

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET**  
 Department of Workforce Investment  
 Office of Employer and Apprenticeship Services  
 (As Amended at ARRS, April 13, 2022)

**787 KAR 3:020. Confidentiality of records of the Office of Employer and Apprenticeship Services.**

RELATES TO: KRS 151B.280  
 STATUTORY AUTHORITY: KRS 151B.280(5)(a)  
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.280(5)(a) requires the secretary of the Education and Workforce Development Cabinet to promulgate administrative regulations to protect the confidential nature of all records and reports which directly or indirectly identify a client or former client of programs administered by the cabinet's Office of Employer and Apprenticeship Services. This administrative regulation establishes which records of the Office of Employer and Apprenticeship Services shall be considered confidential in order to encourage full disclosure of information on the part of job applicants and employers and to provide guidelines to employment service personnel in responding to requests for information.

**Section 1. Definition. (1) "Personal information" is defined by KRS 61.931(6).**

**Section 2.** The employment and service records identified in this section shall be confidential and shall not be subject to disclosure, except as provided in KRS 151B.280(5)(a) and (b) or any other applicable law.

- (1) Work Opportunity Tax Credit Program:
  - (a) Form 8850, Pre-Screening Notice and Certification Request for the Work Opportunity Credit;
  - (b) ETA Form 9061, Individual Characteristics Form Work Opportunity Tax Credit;
  - (c) ETA Form 9063, Employer Certification Work Opportunity Tax Credit;

- (d) ETA Form 9175, Long Term Unemployment Recipient Self-Attestation Form, Work Opportunity Tax Credit Program;
- (e) Form 2828, Power of Attorney and Declaration of Representative; and
- (f) Documents provided by employers in support of their applications for the Work Opportunity Tax Credit that contain ~~personal information as that term is defined in KRS 61.931(6)~~ to include Form W-4 and DD Form 214.
- (2) Registered Apprenticeship:
  - (a) Kentucky Registered Apprenticeship Registration, Standards, and Agreement (ETA Form 671, Section 1);
  - (b) Program Registration and Apprenticeship Agreement, Office of Apprenticeship, Apprentice Registration (ETA Form 671, Section 2);
  - (c) ETA Form 671, Voluntary Disability Disclosure;
  - (d) Registered Apprenticeship Standards Occupation Page;
  - (e) RAPIDS Program Registration Form;
  - (f) Apprentice ~~personal information as that term is defined in KRS 61.931(6)~~ contained in the Commonwealth's Citizen Connect online portal;
  - (g) Employer Acceptance Agreement (Registered Apprenticeship Appendix D); and
  - (h) Additional documents provided by employers relevant to apprenticeship program approval that contain private business information to include Approved Job Description and Related Technical Instruction outlines, Vendor Verifications, Citation Requests, and Occupation Support Letters.
- (3) Federal Bonding Program:
  - (a) Kentucky Federal Bonding Program Requests from employers; and
  - (b) Kentucky Federal Bonding Program Conditional Pre-Approval Letter.

**Section 3/Section 2]. Publicly Available Information. Notwithstanding the provisions of Section 2/1(2), the following information in possession of the Office of Employer and Apprenticeship Services for Registered Apprenticeship Programs shall be [is] available to the general public: sponsor program number, sponsor program name, sponsor program address (street, city, state, zip code, county), sponsor contact information, occupation title, program standards type, term length minimum, term length maximum, related technical instruction length, hours when related technical instruction is provided, journeyman employee count, female employee count, minority employee count, youth employee count, and active apprentice count.**

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**PUBLIC PROTECTION CABINET**  
 Kentucky Horse Racing Commission  
 (As Amended at ARRS, April 13, 2022)

**810 KAR 7:050. Kentucky Horse Breeders' Incentive Fund.**

RELATES TO: KRS 230.225(5)(c), 230.330, 230.804, 15 U.S.C. 1821-1831

STATUTORY AUTHORITY: KRS 230.804(2)(b)  
 NECESSITY, FUNCTION AND CONFORMITY: KRS 230.804 establishes the Kentucky Horse Breeders' Incentive Fund. KRS 230.804(2)(b) requires the Kentucky Horse Racing Commission to promulgate administrative regulations establishing the conditions and criteria for the distribution of moneys from the fund. This administrative regulation establishes eligibility standards, administrative practices to enforce the standards, and the procedures for paying incentive awards from the fund.

Section 1. Definitions.  
 (1) "Applicant" means a Kentucky affiliate representing a breed of horses that[which] is eligible to register with the commission to