Ms. Mary Walker
Regional Administrator
U.S. EPA, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Re: Withdraw request for inclusion of 401 KAR 51:010, Section 9, into the Kentucky State Implementation Plan

Dear Ms. Walker:

The purpose of this letter is to request the withdrawal of Section 9 of 401 KAR 51:010 from consideration for approval into the Kentucky State Implementation Plan (SIP). On December 13, 2016, the Kentucky Energy and Environment Cabinet (Cabinet) submitted a request for the United States Environmental Protection Agency (EPA) to approve a revision to the Kentucky State Implementation Plan (SIP). Specifically, the Cabinet requested EPA to revise the Kentucky SIP to include the amended administrative regulation, 401 KAR 51:010, Attainment status designations. Effective on October 6, 2016, the amendment to 401 KAR 51:010 updated the attainment status designations for areas in the Commonwealth of Kentucky based on current quality-assured ambient air quality data.

On December 18, 2018, EPA approved all portions of the amended administrative regulation into the Kentucky SIP, except for Section 9, Attainment Status Designations for Sulfur Dioxide (SO₂). Due to timing differences between the Cabinet’s SIP submittal and EPA’s recent SO₂ designations, the SO₂ designations in 401 KAR 51:010 are not identical to the federal designations codified in 40 CFR 81.318. Thus, EPA did not take a final action on Section 9 of the administrative regulation.

To resolve this discrepancy, the Cabinet requests to withdraw Section 9 of 401 KAR 51:010 from consideration for approval into the Kentucky SIP as submitted on December 13, 2016. Currently, the Cabinet intends to promulgate amendments to 401 KAR 51:010 and request approval of those changes, including Section 9, into the Kentucky SIP upon completion of the promulgation process.

1 83 FR 65088
If you have any questions or comments regarding this request, please contact Melissa Duff, Director of the Division for Air Quality, at (502) 782-6597.

Sincerely,

[Signature]

Charles G. Snavely,
Secretary

cc: Lynorae Benjamin, EPA Region 4