



MATTHEW G. BEVIN  
GOVERNOR

## ENERGY AND ENVIRONMENT CABINET

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FRANKFORT, KENTUCKY 40601  
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CHARLES G. SNAVELY  
SECRETARY

R. BRUCE SCOTT  
DEPUTY SECRETARY

December 9, 2019

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

Dear Ms. Walker:

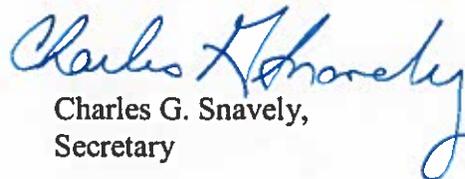
The Commonwealth of Kentucky, on behalf of the Energy and Environment Cabinet (Cabinet), requests that the U.S. EPA approve the following amended air quality regulation to Kentucky's State Implementation Plan (SIP) pursuant to 42 U.S.C. 7410(a). This regulation became effective in Kentucky on November 19, 2019, and an official copy can be found at <https://apps.legislature.ky.gov/law/kar/TITLE401.HTM>. The statutory authority for this regulation is given in KRS 224.10-100(5).

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

In accordance with 40 C.F.R. 51.102, a copy of the proposed amended regulation was made available for public comment from July 12, 2019 until August 31, 2019. This SIP revision complies with the requirements of 40 C.F.R. Part 51, Appendix V. A copy of the amended administrative regulation is enclosed.

The Cabinet appreciates your prompt response to this request. If you have any further questions or concerns about this submittal, please feel free to contact Ms. Melissa Duff, Director of the Division for Air Quality, at (502)-782-6597, or [melissa.duff@ky.gov](mailto:melissa.duff@ky.gov).

Sincerely,

  
Charles G. Snavely,  
Secretary

CGS/cps  
Enclosures

**REGULATION**

**401 KAR 51:010**

**EFFECTIVE NOVEMBER 19, 2019**

COMMONWEALTH OF KENTUCKY  
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 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
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
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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	
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**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
<p><b>Campbell County (part)</b>                      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 KY Highway 1566; thence continuing running southwesterly along KY Highway 1566 to KY Highway 9 (AA Highway); thence running northwesterly along KY 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><b>Attainment<sup>(1)</sup></b></p>
<p><b>Henderson County (part)</b>                      Census Block Groups 211010207013, 211010207014, 211010207024, and 211010208004</p>	<p><b>Attainment/Unclassifiable</b></p>
<p><b>Jefferson County (part)</b>                      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</p>	<p><b>Attainment<sup>(1)</sup></b></p>

(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	
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 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

# PUBLIC NOTICE REQUIREMENTS

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**NOTICE OF PUBLIC HEARING  
KENTUCKY DIVISION FOR AIR QUALITY  
KENTUCKY STATE IMPLEMENTATION PLAN REVISION  
PROPOSED REGULATORY AMENDMENT**

The Kentucky Energy and Environment Cabinet will conduct a public hearing on August 26, 2019, at 10:00 a.m. in Conference Room 214 at 300 Sower Boulevard, Frankfort, Kentucky. This hearing will be held to receive comments on the following proposed regulation:

**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. 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 regulatory amendments. If no request for a public hearing is received by August 20, 2019, the hearing will be cancelled, and notice of the cancellation will be posted at <https://eec.ky.gov/Environmental-Protection/Pages/public-notice.aspx>. Written comments should be sent to the contact person and must be received by August 31, 2019, to be considered part of the public record.

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 amendment 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 regulation can be accessed at: <https://apps.legislature.ky.gov/law/kar/TITLE401.HTM>.

**CONTACT PERSON:** Paige Stephens, Regulation Development Section, Division for Air Quality, 300 Sower Boulevard, Frankfort, Kentucky 40601. The phone number is (502) 782-6286, and email address is [paige.stephens@ky.gov](mailto:paige.stephens@ky.gov).

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation will be held on August 26, 2019 at 10:00 a.m. (Local Time) in Conference Room 214 at 300 Sower Boulevard, Frankfort, Kentucky.

Individuals interested in being heard at this hearing shall notify this agency in writing by August 20, 2019, five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing shall be cancelled, and notification of the cancellation shall be posted at <http://air.ky.gov/pages/publicnoticesandhearings.aspx>.

A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until August 31, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

This administrative regulation is contained in Kentucky's State Implementation Plan approved by US EPA.

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:

Paige Stephens, Environmental Scientist II  
Division for Air Quality  
300 Sower Boulevard, 2<sup>nd</sup> Floor  
Frankfort, KY 40601  
Phone: (502) 782-6286  
Fax: (502) 564-4245  
E-mail: [Paige.Stephens@ky.gov](mailto:Paige.Stephens@ky.gov)



MATTHEW G. BEVIN  
GOVERNOR

CHARLES G. SNAVELY  
SECRETARY

## ENERGY AND ENVIRONMENT CABINET

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

R. BRUCE SCOTT  
DEPUTY SECRETARY

July 17, 2019

Dear Concerned Citizen,

Pursuant to the public notification requirements of KRS 13A.270, the Kentucky Division for Air Quality has enclosed for your information the following proposed administrative regulation:

401 KAR 51:010. Attainment status designations

The Division filed the proposed administrative regulation with the Legislative Research Commission on July 12, 2019. The proposed administrative regulation will be published in the August 1, 2019 *Administrative Register of Kentucky*.

Full text of the filed administrative regulation 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 amended administrative regulation will be accepted through August 31, 2019. Written comments should be submitted to:

Paige Stephens  
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 [Paige.stephens@ky.gov](mailto:Paige.stephens@ky.gov).

A public hearing is scheduled for August 26, 2019 at 10:00 a.m. at 300 Sower Boulevard, Frankfort, KY 40601.

To waive future notifications, please contact me.

Please contact me at (502) 782-6286, or by e-mail at [Paige.stephens@ky.gov](mailto:Paige.stephens@ky.gov) if you have any questions or concerns.

Sincerely,  
Paige Stephens

**PROPOSED REGULATION**

**FILED WITH THE LEGISLATIVE  
RESEARCH COMMISSION  
ON JULY 12, 2019**

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FILED WITH LRC  
TIME: *11:00 AM*  
JUL 12 2019  
*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  
10 [~~requires~~] the cabinet to promulgate administrative regulations for the prevention, abatement, and  
11 control of air pollution. This administrative regulation designates the status of all areas of the  
12 Commonwealth 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
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Statewide		X
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(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)  2000 Census tracts: 603, 607, 609, 610, 611, 612,	Attainment <sup>(1)</sup>

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

<u>Designated Area</u>	<u>Designation Type</u>	<u>Classification</u>
<u>Boone County (part)</u> <u>The entire county except for</u> <u>2010 U.S. Census Tracts</u> <u>706.01 and 706.04</u>	<u>Nonattainment</u>	<u>Marginal</u>
<u>Bullitt County</u>	<u>Nonattainment</u>	<u>Marginal</u>
<u>Campbell County (part)</u> <u>The entire county except for</u> <u>2010 U.S. Census Tracts</u> <u>520.01 and 520.02</u>	<u>Nonattainment</u>	<u>Marginal</u>
<u>Jefferson County</u>	<u>Nonattainment</u>	<u>Marginal</u>

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

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2

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

3

Secondary Standard:

Designated Area	Designation Type	[Classification]
Boone County	Attainment <sup>(1)</sup>	
Boyd County	Attainment <sup>(1)</sup>	
Bullitt County	<u>Attainment<sup>(1)</sup></u> [Nonattainment]	[Moderate]
Campbell County	Attainment <sup>(1)</sup>	
Jefferson County	<u>Attainment<sup>(1)</sup></u> [Nonattainment]	[Moderate]
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	

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 [~~PM<sub>2.5</sub>~~] Primary Standard:

<u>Designated Area</u>	<u>Designation Type</u>
<u>Statewide</u>	<u>Unclassifiable/Attainment</u>

4

<u>[Designated Area</u>	<u>Designation Type</u>
<u>Bullitt County (part)</u> <del>2010 Census tracts: 201.01, 201.02, 201.03, 202.01, 202.02, 203, 204, 205, 206.01, 206.02, 207.01, 207.02, 208, 211.01, 211.02</del>	<u>Unclassifiable</u>
<u>Jefferson County</u>	<u>Unclassifiable</u>
<u>Rest of state</u>	<u>Unclassifiable/Attainment]</u>

5  
6 (3) 1997 Twenty-four (24) Hour Primary and Secondary Standard:

<u>Designated Area</u>	<u>Designation Type</u>
<u>Statewide</u>	<u>Unclassifiable/Attainment</u>

7  
8 (4) 2006 Twenty-four (24) Hour Primary and Secondary Standard:

9

<u>Designated Area</u>	<u>Designation Type</u>
<u>Statewide</u>	<u>Unclassifiable/Attainment</u>

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

2 Secondary Standard:

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

3

4 (2) 2010 Primary Standard:

<u>Designated Area</u>	<u>Designated Type</u>
<p><u>Campbell County (part)</u></p> <p><u>That portion of Campbell County</u> <u>which lies south and west of the Ohio</u> <u>River described as follows: Beginning</u> <u>at geographic coordinates 38.9735</u> <u>North Latitude, 84.3017 West</u> <u>Longitude on the edge of the Ohio</u> <u>River running southwesterly to KY</u> <u>Highway 1566; thence continuing</u> <u>running southwesterly along KY</u> <u>Highway 1566 to KY Highway 9 (AA</u> <u>Highway); thence running</u> <u>northwesterly along KY Highway 9</u></p>	<p><u>Attainment<sup>(1)</sup></u></p>

<p><u>(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</u></p>	
<p><u>Henderson County (part)</u></p> <p><u>Census Block Groups 211010207013, 211010207014, 211010207024, and 211010208004</u></p>	<p><u>Attainment/Unclassifiable</u></p>
<p><u>Jefferson County (part)</u></p> <p><u>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</u></p>	<p><u>Attainment<sup>(1)</sup></u></p>

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

1

<p><u>Designated Area</u></p>	<p><u>Designation Type</u></p>
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Boyd County	Unclassifiable/Attainment
<p>Campbell County (part)</p> <p>That portion of Campbell County that 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 Hwy 1566; continuing running southwesterly along Kentucky Hwy 1566 to Kentucky Hwy 9 (AA Highway); running northwesterly along Kentucky Hwy 9 (AA Highway) from Hwy 1566 to Interstate 275; running northeasterly along Interstate 275 to Hwy 2345 (John's Hill Rd.), Hwy 2345 to US 27, US 27 to I 275, I 275 to the Ohio River; running southeasterly along the Ohio River from Interstate 275 to geographic coordinates 38.9735 North Latitude, 84.3017 West Longitude</p>	Attainment <sup>(4)</sup>
Daviess County	Unclassifiable/Attainment
Fayette County	Unclassifiable/Attainment
Greenup County	Unclassifiable/Attainment
Henderson County	Unclassifiable/Attainment

<p><b>Jefferson County (part)</b></p> <p><del>That portion of Jefferson County compassed by the polygon with the vertices using Universal Transverse 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 Hwy (US60 and US31W) at UTM Easting (m) 597515, UTM Northing 4212946; along Dixie Hwy 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 Hwy 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</del></p>	<p><b>Nonattainment</b></p>
<p><b>Jessamine County</b></p>	<p><b>Unclassifiable/Attainment</b></p>
<p><b>Livingston County</b></p>	<p><b>Unclassifiable/Attainment</b></p>
<p><b>McCracken County</b></p>	<p><b>Unclassifiable/Attainment</b></p>
<p><b>Rest of state</b></p>	<p><b>Unclassifiable]</b></p>

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			X	

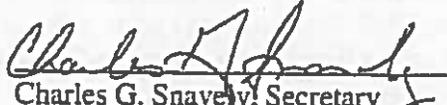
<p>bordered by the Ohio River on the north, by Frederica Street projected to the river on the west, by Fourth Street and U.S. 60 on the south, and by the Beltline (KY 212) projected to the river on the east</p>				
<p>That portion of Henderson County in Henderson</p>			<p>X</p>	
<p>Jefferson County</p>			<p>X</p>	

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				X



401 KAR 51:010 approved for filing.

7/9/2019  
Date

  
Charles G. Snavey, Secretary  
Energy and Environment Cabinet

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 401 KAR 51:010

Contact Person: Paige Stephens

Phone: (502) 782-6286

Email: [Paige.Stephens@ky.gov](mailto:Paige.Stephens@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 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: Paige Stephens

Phone: (502) 782-6286

Email: [Paige.Stephens@ky.gov](mailto:Paige.Stephens@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.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation: 401 KAR 51:010

Contact Person: Paige Stephens

Phone: (502) 782-6286

Email: [Paige.Stephens@ky.gov](mailto:Paige.Stephens@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: Paige Stephens**

**Phone: (502) 782-6286**

**Email: Paige.Stephens@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.

*ADMINISTRATIVE REGISTER OF  
KENTUCKY*

August 1, 2019

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Revenues (+/-): NA  
 Expenditures (+/-): NA  
 Other Explanation: This administrative regulation will not generate additional revenue or result in additional costs.

**FEDERAL MANDATE ANALYSIS COMPARISON**

1. Federal statute or regulation constituting the federal mandate. There is no federal mandate for the construction, modification, or abandonment of monitoring wells.
2. State compliance standards. KRS 223.435, 224.10-100, 224.70-100, 224.70-110
3. Minimum or uniform standards contained in the federal mandate. There is no federal mandate for the construction, modification, or abandonment of monitoring wells.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? There is no federal mandate for the construction, modification, or abandonment of monitoring wells.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There is no federal mandate for the construction, modification, or abandonment of monitoring wells.

**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[requires] 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). 2006 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)	Nonattainment	Marginal

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The entire county except for 2010 U.S. Census Tracts 706.01 and 706.04		
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)	Nonattainment	Marginal
The entire county except for 2010 U.S. Census Tracts 637.01 and 637.02		
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	(Classification)
Boone County	Attainment <sup>(1)</sup>	
Boyd County	Attainment <sup>(1)</sup>	
Bullitt County	Attainment <sup>(1)</sup> /Nonattainment	(Moderate)
Campbell County	Attainment <sup>(1)</sup>	
Jefferson County	Attainment <sup>(1)</sup> /Nonattainment	(Moderate)
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 (PM<sub>2.5</sub>) Primary Standard:

Designated Area	Designation Type
Statewide	Unclassifiable/Attainment

Designated Area	Designation Type
Bullitt County (part) 2010 Census tracts: 201.01, 201.02, 201.03, 202.01, 202.02, 203, 204, 205, 206.01, 206.02, 207.01, 207.02, 208, 211.01, 211.02	Unclassifiable
Jefferson County	Unclassifiable
Rest of state	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>
Henderson County (part) Census Block Groups 211010207013, 211010207014, 211010207024, and 211010208004	Attainment/Unclassifiable
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: Eitan Allen Way extended to the Ohio River at UTM Easting (m) 595738, UTM Northing 4214086 and Dixie Highway (US60 and US31W) at UTM Easting (m) 597515, UTM Northing 4212946; Along Dixie Highway from UTM Easting (m) 597515, UTM Northing 4212946 to UTM Easting (m) 595859, UTM Northing 4210678. Near the adjacent property lines of Louisville Gas and Electric-Mill Creek Electric Generating Station and Kosmos Cement where they join Dixie Highway at UTM Easting (m) 595859, UTM Northing 4210678 and the Ohio River at UTM Easting (m) 595326, UTM Northing 4211014; Along the Ohio River from UTM Easting (m) 595326, UTM Northing 4211014 to UTM Easting (m) 595738, UTM Northing 4214086	Attainment <sup>(1)</sup>
Ohio County	Unclassifiable
Pulaski County	Unclassifiable
Rest of state <sup>(2)</sup>	Attainment/Unclassifiable

Designated Area	Designation Type
Boyd County	Unclassifiable/Attainment

Campbell County (part) That portion of Campbell County that lies south and west of the Ohio River described as follows: Beginning at geographic coordinates 38.8735 North Latitude, 84.3017 West Longitude on the edge of the Ohio River running southwest to Kentucky Hwy 1566; continuing running southwest along Kentucky Hwy 1566 to Kentucky Hwy 0 (AA Highway); running northwest along Kentucky Hwy 0 (AA Highway) from Hwy 1566 to Interstate 275; running northeast along Interstate 275 to Hwy 2345 (John's Hill Rd.), Hwy 2345 to US 27, US 27 to I-275, I-275 to the Ohio River; running southeast along the Ohio River from Interstate 275 to geographic coordinates 38.8735 North Latitude, 84.3017 West Longitude	Attainment <sup>(1)</sup>
Daviess County	Unclassifiable/Attainment
Fayette County	Unclassifiable/Attainment
Greenup County	Unclassifiable/Attainment
Henderson County	Unclassifiable/Attainment
Jefferson County (part) That portion of Jefferson County compassed by the polygon with the vertices using Universal Transverse 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 Hwy (US60 and US31W) at UTM Easting (m) 597515, UTM Northing 4212946; along Dixie Hwy from UTM Easting (m) 597515, UTM Northing 4212946 to UTM Easting (m) 595859, UTM Northing 4210679; Near the adjacent property lines of Louisville Gas and Electric Mill Creek Electric Generating Station and Kosmos Cement where they join Dixie Hwy 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	Nonattainment
Jessamine County	Unclassifiable/Attainment
Livingston County	Unclassifiable/Attainment
McCracken County	Unclassifiable/Attainment
Rest of state	Unclassifiable

Newport				
That portion of Daviess County in Owensboro bordered by the Ohio River on the north, by Frederica Street projected to the river on the west, by Fourth Street and U.S. 60 on the south, and by the Beltline (KY 212) projected to the river on the east			X	
That portion of Henderson County in Henderson			X	
Jefferson County			X	
That portion of Lawrence County in Louisa			X	
McCracken County				X
That portion of Madison County in Richmond			X	
Marshall County				X
Muhlenberg County				X
That portion of Perry County in Hazard			X	
That portion of Pike County in Pikeville			X	
That portion of Whitley County in Corbin				X
Rest of state				X

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				X

CHARLES G. SNAVELY, Secretary

APPROVED BY AGENCY: July 9, 2019

FILED WITH LRC: July 12, 2019 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation will be held on August 26, 2019 at 10:00 a.m. (Local Time) in Conference Room 214 at 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by August 20, 2019, five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing shall be cancelled, and notification of the cancellation shall be posted at <http://air.ky.gov/pages/publicnoticesandhearings.aspx>. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until August 31, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person. This administrative regulation is contained in Kentucky's State Implementation Plan approved by US EPA. 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:** Paige Stephens, Environmental Scientist II, Division for Air Quality, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, Phone: (502) 782-6286, Fax: (502) 564-4245, Email: Paige.Stephens@ky.gov.

**REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

**Contact Person:** Paige Stephens

(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 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.

#### JUSTICE AND PUBLIC SAFETY CABINET Department Of Corrections (Amendment)

501 KAR 6:060. Northpoint Training Center.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the cabinet or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes the policies and procedures for the Northpoint Training Center.

Section 1. Incorporation by Reference. (1) "Northpoint Training Center Policies and Procedures", July 15, 2019 [April 14, 2015], are incorporated by reference. Northpoint Training Center policies and procedures include:

- NTC 01-17-01 Relationships with Public, Media and Other Agencies (Amended 7/14/14)
- NTC 02-07-02 Institutional Religious Center Fund (Amended 4/11/17)
- NTC 02-08-01 Inmate Canteen (Amended 7/15/19[24447])
- NTC 02-12-01 Inmate Accounts (Amended 7/15/19[24447])
- NTC 03-03-01 Tobacco Products and Nicotine Procedures (Amended 2/14/17)
- NTC 03-25-01 Firewood Cutting and Firewood Sales (Added 7/15/19[24447])
- NTC 06-01-01 Offender Information Services (Amended 7/15/19[8/28/15])
- NTC 06-01-02 Offender Information Services - Release of Information (Amended 9/13/11)
- NTC 09-06-01 Searches and Contraband Procedures; Disposition of Contraband (Amended 4/11/17)
- NTC 09-14-01 Inmate Death (Amended 7/15/19[744344])
- NTC 09-16-01 Restricted Areas (Amended 2/14/17)
- NTC 10-01-01 Restrictive Housing Unit (Amended 7/15/19[44447])
- NTC 11-04-02 Menu, Nutrition, Special, and Individual Diets (Amended 9/28/15)
- NTC 11-05-02 Food Service Staff Health Standards (Amended 9/28/15)
- NTC 12-02-01 Personal Hygiene for Inmates: Clothing and Linens (Amended 7/15/19[24447])
- NTC 12-02-02 Issuance of Personal Hygiene Products (Amended 2/14/17)
- NTC 12-06-01 Housekeeping Procedures (Amended 7/15/19[744344])
- NTC 12-07-01 Grooming and Hair Care Standards (Amended 2/14/17)
- NTC 13-01-01 Emergency Medical Care Plan (Amended 4/11/17)
- NTC 13-02-01 Provisions and Authority for Health Services (Amended 7/15/19[42/8/15])
- NTC 13-03-01 Sick Call and Pill Call (Amended 2/14/17)
- NTC 13-04-01 Use of Pharmaceutical Products (Amended 2/14/17)
- NTC 13-05-01 Dental Services (Amended 9/28/15)
- NTC 13-08-01 Medical and Dental Records (Amended 9/28/15)
- NTC 13-10-01 Notification of Inmate's Family or Designation Individual of Serious Illness or Injury, Surgery, or Inmate Death (Added 11/15/07)
- NTC 13-11-01 Inmate Health Screening and Evaluation (Amended 7/15/19[24447])
- NTC 13-12-01 Special Health Care Programs (Amended 12/9/15)
- NTC 13-13-01 Inmate Self Administration of Medication (Amended 2/14/17)
- NTC 13-19-01 Mental Health Care Program (Amended 7/15/19[24447])
- NTC 13-19-03 Suicide Prevention and Intervention Program (Amended 2/14/17)
- NTC 13-20-02 Infectious Disease Control (Amended 2/14/17)
- NTC 13-22-01 Informed Consent (Amended 9/28/15)
- NTC 13-26-01 Public Advocacy Access to Psychological and Psychiatric Reports (Amended 12/13/05)
- NTC 14-01-01 Legal Services Program (Amended 7/15/19[24447])
- NTC 14-02-01 Inmate Grievance Procedure (Amended 9/28/15)
- NTC 14-03-02 Board of Claims (Amended 9/13/11)
- NTC 15-02-01 Due Process and Disciplinary Procedures (Amended 9/28/15)
- NTC 15-02-02 Extra Duty Assignments (Amended 7/15/19[8/28/15])
- NTC 15-03-01 Rules for Inmates Assigned to Outside Detail (Amended 7/15/19[8/28/15])
- NTC 15-03-02 Rules for General Population Dormitories (Amended 7/15/19[44447])
- NTC 15-04-01 Inmate Identification (Amended 2/14/17)

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- NTC 15-05-01 Drug Abuse and Intoxicants Testing (Amended 2/14/17)
- NTC 16-01-01 Inmate Mail (Amended 7/15/19[2/14/17])
- NTC 16-02-01 Visiting (Amended 7/15/19[2/14/17])
- NTC 16-03-01 Inmate Furloughs (Amended 9/28/15)
- NTC 16-05-01 Telephone Use and Control (Amended 2/14/17)
- NTC 17-01-01 Personal Property Control (Amended 7/15/19[2/14/17])
- NTC 17-01-04 Disposition of Unauthorized Property (Amended 7/15/19[2/14/17])
- NTC 17-02-03 Mattress and Pillow Issue (Amended 4/11/17)
- NTC 17-03-01 Assessment and Orientation (Amended 7/15/19[2/14/17])
- ~~NTC 18-01-01 Prepare Progress Report (Amended 9/28/15)~~
- NTC 18-02-01 Classification (Amended 7/15/19[2/14/17])
- NTC 18-02-02 Classification - 48 Hour Notification (Amended 5/12/08)
- NTC 18-02-03 Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) (Amended 12/9/15)
- NTC 18-03-01 Conflict Notification (Amended 7/15/19[2/14/17])
- NTC 18-05-01 Transfer of Inmates (Amended 7/14/14)
- NTC 19-01-01 Inmate Work Programs (Amended 4/11/17)
- NTC 20-01-01 Educational Programs (Amended 7/15/19[2/14/17])
- NTC 20-02-02 Live Work Projects in Technical School Classes (Amended 7/15/19[2/14/17])
- NTC 20-02-03 Correspondence Courses (Added 9/28/15)
- NTC 21-01-01 Library Services (Amended 2/14/17)
- NTC 22-03-01 Conducting Inmate Organizational Meetings and Programs (Amended 7/15/19[2/14/17])
- NTC 23-01-01 Religious Services (Amended 2/14/17)
- NTC 23-03-01 Marriage of Inmates (Amended 4/11/17)
- NTC 24-04-01 Honor Housing (Amended 7/15/19[2/14/17])
- NTC 24-06-01 Veterans Honor Dormitory (Amended 7/15/19[2/14/17])
- NTC 25-01-01 Release Preparation Program (Amended 9/28/15)
- NTC 25-01-02 Temporary and Community Center Release
- NTC 25-02-01 Funeral Trips and Bedside Visits (Amended 7/14/14)
- NTC 25-03-01 Inmate Release Procedure (Amended 7/15/19[2/14/17])
- NTC 26-01-01 Citizen Involvement and Volunteer Services Program (Amended 2/14/17)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m.

KATHLEEN M. KENNEY, Commissioner  
 APPROVED BY AGENCY: July 11, 2019  
 FILED WITH LRC: July 15, 2019 at 9 a.m.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on August 21, 2019, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation incorporates by reference the policies and procedures governing the Northpoint Training Center including the rights and responsibilities of employees and the inmate population.

(b) The necessity of this administrative regulation: To conform to the requirements of KRS 196.035 and 197.020 and to meet American Correctional Association (ACA) accreditation requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation governs the operations of the Northpoint Training Center (NTC).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation and material incorporated by reference provide direction and information to NTC employees and the inmate population concerning employee duties, inmate responsibilities, and the procedures that govern operations of the institution.

(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 amendment brings the Northpoint Training Center Northpoint Training Center into compliance with ACA standards and updates current practices for the institution.

(b) The necessity of the amendment to this administrative regulation: To conform to the requirements of KRS 196.035 and 197.020.

(c) How the amendment conforms to the content of the authorizing statutes: It permits the Commissioner or his authorized representative to implement or amend practices or procedures to ensure the safe and efficient operation of the Northpoint Training Center.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides staff, inmates, and visitors information concerning the effective and orderly management of the institution.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects approximately 300 employees and 1270 inmates at the Northpoint Training Center and all volunteers and visitors to the institution.

(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: Staff, inmates, volunteers, and visitors will have to follow the changes made in the policies and procedures. They will have to change their actions to comply with the operational changes made by this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost is anticipated.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The operational changes will assist in the effective and orderly management of the institution.

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

(a) Initially: No additional cost is anticipated.

(b) On a continuing basis: No additional cost is anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Northpoint Training Center budgeted funds.

(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 anticipated.

(8) State whether or not this administrative regulation

**STATEMENT OF CONSIDERATION  
(not amended in response to comment)**

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FILED WITH LRC  
TIME: NOON  
SEP 10 2019  
*Emily B Caudill*  
REGULATIONS COMPILER

**STATEMENT OF CONSIDERATION  
Relating to 401 KAR 51:010  
Not Amended After Comments**

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

I. The public hearing on 401 KAR 51:010, scheduled for August 26, 2019, at 10:00 a.m. in Conference Room 214 at 300 Sower Boulevard, Frankfort, Kentucky, 40601 was cancelled; however, written comments were received during the public comment period.

II. The following person submitted written comments:

<u>Name and Title</u>	<u>Affiliation</u>
R. Todd Rinck, Acting Chief, Air Planning and Implementation Branch	United State Environmental Protection Agency (USEPA)

III. The following person from the promulgating administrative body responded to the written comments:

<u>Name and Title</u>	<u>Affiliation</u>
Paige Stephens, Environmental Scientist II	Division for Air Quality

**IV. Summary of Comments and Responses**

(1) **Subject Matter:** Section 9; 2010 SO<sub>2</sub> Standard

(a) **Comment:** R. Todd Rinck, Acting Chief, Air planning and Implementation Branch

"The EPA is not in receipt of a final redesignation request and maintenance plan for the Jefferson County 2010 1-hour sulfur dioxide (SO<sub>2</sub>) national ambient air quality standards (NAAQS) partial nonattainment area, and thus, the EPA has not yet finalized approval for any redesignation/maintenance plan. Therefore, the attainment status table in Section 9 for this area is not 'attainment' and would not be 'attainment' until a redesignation of the area is finalized. However, the EPA is aware that the Commonwealth and the Jefferson County Air Pollution Control District are in the process of working on a redesignation request and maintenance plan. Once submitted, and if the EPA approves this redesignation request and maintenance plan, Section 9 of the Commonwealths rule will then be consistent with 40 CFR part 81."

**(b) Response:**

The Cabinet acknowledges EPA's concern. The Cabinet intends to submit a final redesignation request and maintenance plan for the Jefferson County, Kentucky 2010 1-hour SO<sub>2</sub> partial nonattainment area, to EPA prior to approval of the final regulation into the Kentucky State Implementation Plan (SIP).

**V. Summary of Action Taken by Promulgating Administrative Body**

The public hearing on this administrative regulation was cancelled; however, one written comment was received. The Cabinet has responded to the comment and will not be amending the administrative regulation.