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REGULATIONS COMPILER

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division for Air Quality

4 (Amendment)

5 401 KAR 63:002. 40 C.F.R. Part 63 national emission standards for hazardous air pollutants.

6 RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. Part
7 63[~~63.1-63.56, 63.70-63.81, 63.100-63.11434~~], 42 U.S.C. 7401, 7412, 7414, 7416, 7601

8 STATUTORY AUTHORITY: KRS 224.10-100(5), [~~224.20-100, 224.20-110,~~]224.20-
9 120, 42 U.S.C. 7401, 7412, 7414, 7416, 7601

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the
11 [~~Environmental and Public Protection~~]cabinet to promulgate administrative regulations for the
12 prevention, abatement, and control of air pollution. This administrative regulation establishes
13 national emission standards for hazardous air pollutants by referencing[~~adopts~~] the National
14 Emission Standards for Hazardous Air Pollutants (NESHAP) codified in 40 C.F.R. 63.1 through
15 63.56, 63.70 through 63.81, and 63.100 through 63.12005[~~63.11434~~]. Delegation of
16 implementation and enforcement authority for the federal NESHAP program from the United
17 States Environmental Protection Agency (U.S. EPA) to the Commonwealth of Kentucky is
18 provided under 42 U.S.C. 7412(l).

19 Section 1. Definitions. (1) Except as provided in subsection (2) of this section, terms
20 used in this administrative regulation shall have the meaning given to them in 40 C.F.R. Part 63.

21 (2) "Administrator" means the Secretary of the Energy and Environment[~~Environmental~~

1 ~~and Public Protection]~~ Cabinet unless a specific provision of 40 C.F.R. Part 63~~[the Part 63~~
2 ~~NESHAP]~~ states that the United States Environmental Protection Agency retains ~~[enforcement]~~
3 authority.

4 ~~[(2) “Part 63 NESHAP” means the National Emission Standards for Hazardous Air~~
5 ~~Pollutants codified in 40 C.F.R. 63.1 through 63.56, 63.70 through 63.81, and 63.100 through~~
6 ~~63.11434, Subparts A, B, D, and F through QQQQQQ.]~~

7 Section 2. Applicability. This administrative regulation shall apply to sources subject to
8 40 C.F.R. Part 63. A source subject to this administrative regulation shall comply with:

9 (1) 40 C.F.R. 63.1 to 63.16, Table 1 (Subpart A), General Provisions, as published July 1,
10 2016;

11 (2) 40 C.F.R. 63.40 to 63.56, Tables 1 to 2 (Subpart B), Requirements for Control
12 Technology Determinations for Major Sources in Accordance With Clean Air Act Sections,
13 Sections 112(g) and 112(j), as applicable, as published July 1, 2016;

14 (3) 40 C.F.R. 63.70 to 63.81 (Subpart D), Regulations Governing Compliance Extensions
15 for Early Reductions of Hazardous Air Pollutants, as applicable, as published July 1, 2016;

16 (4)(a) 40 C.F.R. 63.100 to 63.107, Tables 1 to 4 (Subpart F), National Emission
17 Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical
18 Manufacturing Industry, as published July 1, 2016;

19 (b) 40 C.F.R. 63.110 to 63.153, Tables 1 to 37, and Figure 1 (Subpart G), National
20 Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical
21 Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and
22 Wastewater, as published July 1, 2016;

23 (c) 40 C.F.R. 63.160 to 63.183, Tables 1 to 4 (Subpart H), National Emission Standards

1 for Organic Hazardous Air Pollutants for Equipment Leaks, as published July 1, 2016;

2 (d) 40 C.F.R. 63.190 to 63.193 (Subpart I), National Emission Standards for Organic
3 Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for
4 Equipment Leaks, as published July 1, 2016;

5 (e) 40 C.F.R. 63.210 to 63.217 (Subpart J), National Emission Standards for Hazardous
6 Air Pollutants for Polyvinyl Chloride and Copolymers Production, as published July 1, 2016;

7 (f) 40 C.F.R. 63.300 to 63.313, Appendix A (Subpart L), National Emission Standards for
8 Coke Oven Batteries, as published July 1, 2016;

9 (g) 40 C.F.R. 63.320 to 63.326 (Subpart M), National Perchloroethylene Air Emission
10 Standards for Dry Cleaning Facilities, as published July 1, 2016;

11 (h) 40 C.F.R. 63.340 to 63.348, Table 1 (Subpart N), National Emission Standards for
12 Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium
13 Anodizing Tanks, as published July 1, 2016;

14 (i) 40 C.F.R. 63.360 to 63.368 (Subpart O), Ethylene Oxide Emissions Standards for
15 Sterilization Facilities, as published July 1, 2016;

16 (j) 40 C.F.R. 63.400 to 63.407, Table 1 (Subpart O), National Emission Standards for
17 Hazardous Air Pollutants for Industrial Process Cooling Towers, as published July 1, 2016;

18 (k) 40 C.F.R. 63.420 to 63.429, Table 1 (Subpart R), National Emission Standards for
19 Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) , as
20 published July 1, 2016;

21 (l) 40 C.F.R. 63.440 to 63.459, Table 1 (Subpart S), National Emission Standards for
22 Hazardous Air Pollutants from the Pulp and Paper Industry, as published July 1, 2016;

23 (m) 40 C.F.R. 63.460 to 63.471, Appendices A to B (Subpart T), National Emission

1 Standards for Halogenated Solvent Cleaning, as published July 1, 2016;
2 (n) 40 C.F.R. 63.480 to 63.507, Tables 1 to 9 (Subpart U), National Emission Standards
3 for Hazardous Air Pollutant Emissions: Group I Polymers and Resins, as published July 1, 2016;
4 (o) 40 C.F.R. 63.520 to 63.529, Table 1 (Subpart W), National Emission Standards for
5 Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production,
6 as published July 1, 2016;
7 (p) 40 C.F.R. 63.541 to 63.552, Tables 1 to 3 (Subpart X), National Emission Standards
8 for Hazardous Air Pollutants from Secondary Lead Smelting, as published July 1, 2016;
9 (q) 40 C.F.R. 63.560 to 63.568 (Subpart Y), National Emission Standards for Marine
10 Tank Vessel Loading Operations, as published July 1, 2016;
11 (r) 40 C.F.R. 63.600 to 63.611, Tables 1 to 4, and Appendix A (Subpart AA), National
12 Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants,
13 as published July 1, 2016;
14 (s) 40 C.F.R. 63.620 to 63.632, Tables 1 to 5, and Appendix A (Subpart BB), National
15 Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants,
16 as published July 1, 2016;
17 (t) 40 C.F.R. 63.640 to 63.671, Appendix (Subpart CC), National Emission Standards for
18 Hazardous Air Pollutants from Petroleum Refineries, as published July 1, 2016;
19 (u) 40 C.F.R. 63.680 to 63.698, Tables 1 to 5 (Subpart DD), National Emission Standards
20 for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations, as published July 1,
21 2016;
22 (v) 40 C.F.R. 63.701 to 63.708, Table 1 (Subpart EE), National Emission Standards for
23 Magnetic Tape Manufacturing Operations, as published July 1, 2016;

1 (w) 40 C.F.R. 63.741 to 63.759, Table 1, and Appendix A (Subpart GG), National
2 Emission Standards for Aerospace Manufacturing and Rework Facilities, as published July 1,
3 2016;

4 (x) 40 C.F.R. 63.760 to 63.777, Appendix (Subpart HH), National Emission Standards
5 for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities, as published July
6 1, 2016;

7 (y) 40 C.F.R. 63.780 to 63.789, Tables 1 to 3, and Appendices A to B (Subpart II),
8 National Emission Standards for Shipbuilding and Ship Repair (Surface Coating) , as published
9 July 1, 2016;

10 (z) 40 C.F.R. 63.800 to 63.808, Tables 1 to 6 (Subpart JJ), National Emission Standards
11 for Wood Furniture Manufacturing Operations, as published July 1, 2016;

12 (aa) 40 C.F.R. 63.820 to 63.831, Table 1, and Appendix A (Subpart KK), National
13 Emission Standards for the Printing and Publishing Industry, as published July 1, 2016;

14 (bb) 40 C.F.R. 63.840 to 63.855, Tables 1 to 4, and Appendix A (Subpart LL), National
15 Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants, as
16 published July 1, 2016;

17 (cc) 40 C.F.R. 63.860 to 63.868, Table 1 (Subpart MM), National Emission Standards for
18 Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite,
19 and Stand-Alone Semichemical Pulp Mills, as published July 1, 2016;

20 (dd) 40 C.F.R. 63.880 to 63.888, Table 1 (Subpart NN), National Emission Standards for
21 Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources, as published 80
22 Fed. Reg. 45325, July 29, 2016;

23 (ee) 40 C.F.R. 63.900 to 63.908 (Subpart OO), National Emission Standards for Tanks -

1 Level 1, as published July 1, 2016;
2 (ff) 40 C.F.R. 63.920 to 63.929 (Subpart PP), National Emission Standards for
3 Containers, as published July 1, 2016;
4 (gg) 40 C.F.R. 63.940 to 63.949 (Subpart QQ), National Emission Standards for Surface
5 Impoundments, as published July 1, 2016;
6 (hh) 40 C.F.R. 63.960 to 63.967 (Subpart RR), National Emission Standards for
7 Individual Drain Systems, as published July 1, 2016;
8 (ii) 40 C.F.R. 63.980 to 63.999 (Subpart SS), National Emission Standards for Closed
9 Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a
10 Process, as published July 1, 2016;
11 (jj) 40 C.F.R. 63.1000 to 63.1018 (Subpart TT), National Emission Standards for
12 Equipment Leaks - Control Level 1, as published July 1, 2016;
13 (kk) 40 C.F.R. 63.1019 to 63.1039, Table 1 (Subpart UU), National Emission Standards
14 for Equipment Leaks - Control Level 2 Standards, as published July 1, 2016;
15 (ll) 40 C.F.R. 63.1040 to 63.1050 (Subpart VV), National Emission Standards for Oil-
16 Water Separators and Organic-Water Separators, as published July 1, 2016;
17 (mm) 40 C.F.R. 63.1060 to 63.1067 (Subpart WW), National Emission Standards for
18 Storage Vessels (Tanks) - Control Level 2, as published July 1, 2016;
19 (nn) 40 C.F.R. 63.1080 to 63.1097, Tables 1 and 2 (Subpart XX), National Emission
20 Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste
21 Operations, as published July 1, 2016;
22 (oo) 40 C.F.R. 63.1100 to 63.1114 (Subpart YY), National Emission Standards for
23 Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control

1 Technology Standards, as published July 1, 2016;
2 (pp) 40 C.F.R. 63.1155 to 63.1166, Table 1 (Subpart CCC), National Emission Standards
3 for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid
4 Regeneration Plants, as published July 1, 2016;
5 (qq) 40 C.F.R. 63.1175 to 63.1197, Tables 1 to 2, and Appendix A (Subpart DDD),
6 National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production, as
7 published July 1, 2016;
8 (rr) 40 C.F.R. 63.1200 to 63.1221, Table 1, and Appendix (Subpart EEE), National
9 Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, as
10 published July 1, 2016;
11 (ss) 40 C.F.R. 63.1250 to 63.1261, Tables 1 to 9 (Subpart GGG), National Emission
12 Standards for Pharmaceuticals Production, as published July 1, 2016;
13 (tt) 40 C.F.R. 63.1270 to 63.1287, Tables 1 and 2 (Subpart HHH), National Emission
14 Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities,
15 as published July 1, 2016;
16 (uu) 40 C.F.R. 63.1290 to 63.1309, Appendix, and Tables 1 to 3 (Subpart III), National
17 Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production, as
18 published July 1, 2016;
19 (vv) 40 C.F.R. 63.1310 to 63.1336, Tables 1 to 9 (Subpart JJJ), National Emission
20 Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins, as published
21 July 1, 2016;
22 (ww) 40 C.F.R. 63.1340 to 63.1358, Table 1 (Subpart LLL), National Emission
23 Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry, as

1 published July 1, 2016;

2 (xx) 40 C.F.R. 63.1360 to 63.1369, Tables 1 to 4 (Subpart MMM), National Emission
3 Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production, as published
4 July 1, 2016;

5 (yy) 40 C.F.R. 63.1380 to 63.1389, Tables 1 to 2, and Appendices A to C (Subpart
6 NNN), National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass
7 Manufacturing, as published July 1, 2016;

8 (zz) 40 C.F.R. 63.1400 to 63.1419, Tables 1 to 6 (Subpart OOO), National Emission
9 Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins, as
10 published July 1, 2016;

11 (aaa) 40 C.F.R. 63.1420 to 63.1439, Tables 1 to 8 (Subpart PPP), National Emission
12 Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production, as published
13 July 1, 2016;

14 (bbb) 40 C.F.R. 63.1440 to 63.1459, Table 1, and Figure 1 (Subpart QOO), National
15 Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting, as published
16 July 1, 2016;

17 (ccc) 40 C.F.R. 63.1500 to 63.1519, Tables 1 to 3, and Appendix A (Subpart RRR),
18 National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production,
19 as published July 1, 2016;

20 (ddd) 40 C.F.R. 63.1541 to 63.1551, Table 1 (Subpart TTT), National Emission
21 Standards for Hazardous Air Pollutants for Primary Lead Smelting, as published July 1, 2016;

22 (eee) 40 C.F.R. 63.1560 to 63.1579, Tables 1 to 44, and Appendix A (Subpart UUU),
23 National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic

1 Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units, as published July 1,
2 2016;
3 (fff) 40 C.F.R. 63.1580 to 63.1595, Table 1 (Subpart VVV), National Emission Standards
4 for Hazardous Air Pollutants: Publicly Owned Treatment Works, as published July 1, 2016;
5 (ggg) 40 C.F.R. 63.1620 to 63.1661, Table 1 (Subpart XXX), National Emission
6 Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and
7 Silicomanganese, as published July 1, 2016;
8 (hhh) 40 C.F.R. 63.1930 to 63.1990, Table 1 (Subpart AAAA), National Emission
9 Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, as published July 1,
10 2016;
11 (iii) 40 C.F.R. 63.2130 to 63.2192, Tables 1 to 6 (Subpart CCCC), National Emission
12 Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast, as published July 1,
13 2016, as published July 1, 2016;
14 (jjj) 40 C.F.R. 63.2230 to 63.2292, Tables 1A to 10, and Appendix A (Subpart DDDD),
15 National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood
16 Products, as published July 1, 2016;
17 (kkk) 40 C.F.R. 63.2330 to 63.2406, Tables 1 to 12 (Subpart EEEE), National Emission
18 Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline), as
19 published July 1, 2016;
20 (lll) 40 C.F.R. 63.2430 to 63.2550, Tables 1 to 12 (Subpart FFFF), National Emission
21 Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing, as
22 published July 1, 2016;
23 (mmm) 40 C.F.R. 63.2830 to 63.2872 (Subpart GGGG), National Emission Standards for

1 Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production, as published July 1,
2 2016;
3 (nnn) 40 C.F.R. 63.2980 to 63.3004, Tables 1 to 2, and Appendices A to B (Subpart
4 HHHH), National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass
5 Mat Production, as published July 1, 2016;
6 (ooo) 40 C.F.R. 63.3080 to 63.3176, Tables 1 to 4, and Appendix A (Subpart IIII),
7 National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and
8 Light-Duty Trucks, as published July 1, 2016;
9 (ppp) 40 C.F.R. 63.3280 to 63.3420, Tables 1 to 2 (Subpart JJJJ), National Emission
10 Standards for Hazardous Air Pollutants: Paper and Other Web Coating, as published July 1,
11 2016;
12 (qqq) 40 C.F.R. 63.3480 to 63.3561, Tables 1 to 7 (Subpart KKKK), National Emission
13 Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans, as published July 1,
14 2016;
15 (rrr) 40 C.F.R. 63.3880 to 63.3981, Tables 1 to 4, and Appendix A (Subpart MMMM),
16 National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous
17 Metal Parts and Products, as published July 1, 2016;
18 (sss) 40 C.F.R. 63.4080 to 63.4181, Tables 1 to 4 (Subpart NNNN), National Emission
19 Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances, as published July
20 1, 2016;
21 (ttt) 40 C.F.R. 63.4280 to 63.4371, Tables 1 to 5 (Subpart OOOO), National Emission
22 Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other
23 Textiles, as published July 1, 2016;

1 (uuu) 40 C.F.R. 63.4480 to 63.4581, Tables 1 to 4, and Appendix A (Subpart PPPP),
2 National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts
3 and Products, as published July 1, 2016;
4 (vvv) 40 C.F.R. 63.4680 to 63.4781, Tables 1 to 6 (Subpart OOOO), National Emission
5 Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products, as
6 published July 1, 2016;
7 (www) 40 C.F.R. 63.4880 to 63.4981, Tables 1 to 4 (Subpart RRRR), National Emission
8 Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture, as published July 1,
9 2016;
10 (xxx) 40 C.F.R. 63.5080 to 63.5200, Tables 1 to 2 (Subpart SSSS), National Emission
11 Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil, as published July 1,
12 2016;
13 (yyy) 40 C.F.R. 63.5280 to 63.5460, Figure 1, and Tables 1 to 2 (Subpart TTTT),
14 National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations, as
15 published July 1, 2016;
16 (zzz) 40 C.F.R. 63.5480 to 63.5610, Tables 1 to 10 (Subpart UUUU), National Emission
17 Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing, as published July
18 1, 2016;
19 (aaaa) 40 C.F.R. 63.5680 to 63.5779, Tables 1 to 8 (Subpart VVVV), National Emission
20 Standards for Hazardous Air Pollutants for Boat Manufacturing, as published July 1, 2016;
21 (bbbb) 40 C.F.R. 63.5780 to 63.5935, Tables 1 to 15, and Appendix A (Subpart
22 WWWW), National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic
23 Composites Production, as published July 1, 2016;

1 (ccc) 40 C.F.R. 63.5980 to 63.6015, Tables 1 to 17 (Subpart XXXX), National Emission
2 Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing, as published July 1, 2016;
3 (ddd) 40 C.F.R. 63.6080 to 63.6175, Tables 1 to 7 (Subpart YYYY), National Emission
4 Standards for Hazardous Air Pollutants for Stationary Combustion Turbines, as published July 1,
5 2016;
6 (eee) 40 C.F.R. 63.6580 to 63.6675, Tables 1a to 8, and Appendix A (Subpart ZZZZ),
7 National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal
8 Combustion Engines, as published July 1, 2016;
9 (fff) 40 C.F.R. 63.7080 to 63.7143, Tables 1 to 8 (Subpart AAAAA), National Emission
10 Standards for Hazardous Air Pollutants for Lime Manufacturing Plants, as published July 1,
11 2016;
12 (ggg) 40 C.F.R. 63.7180 to 63.7195, Tables 1 to 2 (Subpart BBBB), National
13 Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing, as
14 published July 1, 2016;
15 (hhh) 40 C.F.R. 63.7280 to 63.7352, Table 1 (Subpart CCCC), National Emission
16 Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery
17 Stacks, as published July 1, 2016;
18 (iii) 40 C.F.R. 63.7480 to 63.7575, Tables 1 to 13 (Subpart DDDDD), National Emission
19 Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and
20 Institutional Boilers and Process Heaters, as published July 1, 2016;
21 (jii) 40 C.F.R. 63.7680 to 63.7765, Table 1 (Subpart EEEEE), National Emission
22 Standards for Hazardous Air Pollutants for Iron and Steel Foundries, as published July 1, 2016;
23 (kkk) 40 C.F.R. 63.7780 to 63.7852, Table 1 to 4 (Subpart FFFFF), National Emission

1 Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities, as
2 published July 1, 2016;

3 (llll) 40 C.F.R. 63.7880 to 63.7957, Tables 1 to 3 (Subpart GGGGG), National Emission
4 Standards for Hazardous Air Pollutants: Site Remediation, as published July 1, 2016;

5 (mmmm) 40 C.F.R. 63.7980 to 63.8105, Tables 1 to 10 (Subpart HHHHH), National
6 Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing, as
7 published July 1, 2016;

8 (nnnn) 40 C.F.R. 63.8180 to 63.8266, Tables 1 to 10 (Subpart IIIII), National Emission
9 Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali
10 Plants, as published July 1, 2016;

11 (oooo) 40 C.F.R. 63.8380 to 63.8515, Tables 1 to 10 (Subpart JJJJJ), National Emission
12 Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing, as
13 published July 1, 2016;

14 (pppp) 40 C.F.R. 63.8530 to 63.8665, Tables 1 to 11 (Subpart KKKKK), National
15 Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing, as published
16 July 1, 2016;

17 (qqqq) 40 C.F.R. 63.8680 to 63.8698, Tables 1 to 7 (Subpart LLLLL), National Emission
18 Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing,
19 as published July 1, 2016;

20 (rrrr) 40 C.F.R. 63.8780 to 63.8830, Tables 1 to 7 (Subpart MMMMM), National
21 Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabricating
22 Operations, as published July 1, 2016;

23 (ssss) 40 C.F.R. 63.8980 to 63.9075, Tables 1 to 7 (Subpart NNNNN), National Emission

1 Standards for Hazardous Air Pollutants: Hydrochloric Acid Production, as published July 1,
2 2016;
3 (tttt) 40 C.F.R. 63.9280 to 63.9375, Tables 1 to 7 (Subpart PTTTT), National Emission
4 Standards for Hazardous Air Pollutants for Engine Test Cells/Stand, as published July 1, 2016;
5 (uuuu) 40 C.F.R. 63.9480 to 63.9570, Table 1 (Subpart OOOOO), National Emission
6 Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities, as
7 published July 1, 2016;
8 (vvvv) 40 C.F.R. 63.9580 to 63.9652, Tables 1 to 2 (Subpart RRRRR), National
9 Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing, as published
10 July 1, 2016;
11 (www) 40 C.F.R. 63.9780 to 63.9824, Tables 1 to 11 (Subpart SSSSS), National
12 Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing, as
13 published July 1, 2016;
14 (xxxx) 40 C.F.R. 63.9880 to 63.9942, Tables 1 to 5 (Subpart TTTTT), National
15 Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining, as
16 published July 1, 2016;
17 (yyyy) 40 C.F.R. 63.9980 to 63.10042, Tables 1 to 9, and Appendices A to B (Subpart
18 UUUUU), National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired
19 Electric Utility Steam Generating Units, as published July 1, 2016;
20 (zzzz) 40 C.F.R. 63.10382 to 63.10448, Table 1 (Subpart WWWW) National Emission
21 Standards for Hospital Ethylene Oxide Sterilizers, as published July 1, 2016;
22 (aaaa) 40 C.F.R. 63.10680 to 63.10692, Table 1 (Subpart YYYYY) National Emission
23 Standard for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking

1 Facilities, as published July 1, 2016;

2 (bbbb) 40 C.F.R. 63.10880 to 63.10906, Tables 1 to 4 (Subpart ZZZZZ) National
3 Emission Standard for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources, as
4 published July 1, 2016;

5 (cccc) 40 C.F.R. 63.11080 to 63.11100, Tables 1 to 3 (Subpart BBBBBB) National
6 Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution
7 Bulk Terminals, Bulk Plants, and Pipeline Facilities, as published July 1, 2016;

8 (dddd) 40 C.F.R. 63.11110 to 63.11132, Tables 1 to 3 (Subpart CCCCCC) National
9 Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing
10 Facilities, as published July 1, 2016;

11 (eeee) 40 C.F.R. 63.11140 to 63.11145, Tables 1 to 2 (Subpart DDDDDD) National
12 Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers
13 Production Area Sources, as published July 1, 2016;

14 (ffff) 40 C.F.R. 63.11146 to 63.11152, Table 1 (Subpart EEEEE) National Emission
15 Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources, as published
16 July 1, 2016;

17 (gggg) 40 C.F.R. 63.11153 to 63.11159, Table 1 (Subpart FFFFFFF) National Emission
18 Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources, as
19 published July 1, 2016;

20 (hhhh) 40 C.F.R. 63.11160 to 63.11168, Table 1 (Subpart GGGGGG) National
21 Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources -
22 Zinc, Cadmium, and Beryllium, as published July 1, 2016;

23 (iiii) 40 C.F.R. 63.11169 to 63.11180, Table 1 (Subpart HHHHHH) National Emission

1 Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating
2 Operations at Area Sources, as published July 1, 2016;
3 (jjjjj) 40 C.F.R. 63.11193 to 63.11237, Tables 1 to 8 (Subpart JJJJJ) National Emission
4 Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers
5 Area Sources, as published July 1, 2016;
6 (kkkkk) 40 C.F.R. 63.11393 to 63.11399, Table 1 (Subpart LLLLLL) National Emission
7 Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area
8 Sources, as published July 1, 2016;
9 (lllll) 40 C.F.R. 63.11400 to 63.11406 (Subpart MMMMMM) National Emission
10 Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources, as published
11 July 1, 2016;
12 (mmmmm) 40 C.F.R. 63.11407 to 63.11413, Tables 1 to 2 (Subpart NNNNNN) National
13 Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources:
14 Chromium Compounds, as published July 1, 2016;
15 (nnnnn) 40 C.F.R. 63.11414 to 63.11420, Table 1 (Subpart OOOOOO) National
16 Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production
17 and Fabrication Area Sources, as published July 1, 2016;
18 (ooooo) 40 C.F.R. 63.11421 to 63.11427, Table 1 (Subpart PPPPPP) National Emission
19 Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources, as
20 published July 1, 2016;
21 (ppppp) 40 C.F.R. 63.11428 to 63.11434, Table 1 (Subpart QOOOOO) National
22 Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources, as
23 published July 1, 2016;

1 (qqqqq) 40 C.F.R. 63.11435 to 63.11445, Table 1 (Subpart RRRRRR) National Emission
2 Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources, as
3 published July 1, 2016;

4 (rrrrr) 40 C.F.R. 63.11448 to 63.11460, Tables 1 to 2 (Subpart SSSSSS) National
5 Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources, as
6 published July 1, 2016;

7 (sssss) 40 C.F.R. 63.11462 to 63.11473, Table 1 (Subpart TTTTTT) National Emission
8 Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area
9 Sources, as published July 1, 2016;

10 (ttttt) 40 C.F.R. 63.11494 to 63.11503, Tables 1 to 9 (Subpart VVVVVV) National
11 Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources, as
12 published July 1, 2016;

13 (uuuuu) 40 C.F.R. 63.11504 to 63.11512, Table 1 (Subpart WWWWWW) National
14 Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and
15 Polishing Operations, as published July 1, 2016;

16 (vvvvv) 40 C.F.R. 63.11514 to 63.11523, Tables 1 to 2 (Subpart XXXXXX) National
17 Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal
18 Fabrication and Finishing Source Categories, as published July 1, 2016;

19 (wwwww) 40 C.F.R. 63.11524 to 63.11532, Table 1 (Subpart YYYYYY) National
20 Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production
21 Facilities, as published July 1, 2016;

22 (xxxxx) 40 C.F.R. 63.11544 to 63.11557, Table 1 (Subpart ZZZZZZ) National Emission
23 Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and

1 Other Nonferrous Foundries, as published July 1, 2016;
2 (yyyyy) 40 C.F.R. 63.11559 to 63.11567, Tables 1 to 5 (Subpart AAAAAAA) National
3 Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and
4 Asphalt Roofing Manufacturing, as published July 1, 2016;
5 (zzzzz) 40 C.F.R. 63.11579 to 63.11588, Tables 1 to 6 (Subpart BBBBBBB) National
6 Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations
7 Industry, as published July 1, 2016;
8 (aaaaa) 40 C.F.R. 63.11599 to 63.11607, Table 1 (Subpart CCCCCC) National
9 Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products
10 Manufacturing, as published July 1, 2016;
11 (bbbbb) 40 C.F.R. 63.11619 to 63.11627, Table 1 (Subpart DDDDDDD) National
12 Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds
13 Manufacturing, as published July 1, 2016;
14 (ccccc) 40 C.F.R. 63.11640 to 63.11652, Table 1 (Subpart EEEEEEE) National
15 Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production
16 Area Source Category, as published July 1, 2016; or
17 (dddddd) 40 C.F.R. 63.11860 to 63.12005, Tables 1 to 10 (Subpart HHHHHHH)
18 National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and
19 Copolymers Production, as published July 1, 2016; and
20 (5) The applicable test methods, procedures, and other provisions codified in 40 C.F.R.
21 Part 63, Appendices A through E, as published July 1, 2016;
22 Section 4. Reporting Requirements. A source shall submit all documentation required
23 by this administrative regulation to both the Cabinet and U.S. EPA, [63.1 through 63.56, 63.70

1 ~~through 63.81, and 63.100 through 63.11434, Subparts A, B, D, and F through QQQQQQ.~~

2 ~~These sources shall comply with the following:~~

3 ~~(1) The applicable provisions codified in 40 C.F.R. 63.1 through 63.16, Subpart A,~~
4 ~~“General Provisions”;~~

5 ~~(2) For sources for which a maximum achievable control technology (MACT)~~
6 ~~determination has not been made, the applicable methods and procedures codified in 40 C.F.R.~~
7 ~~63.40 through 63.56, Subpart B, “Requirements for Control Technology Determinations for~~
8 ~~Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)”;~~

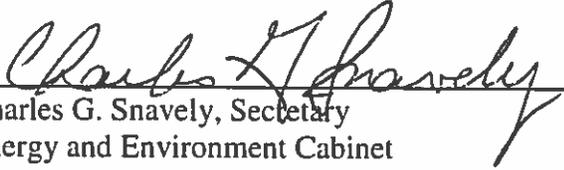
9 ~~(3) For sources that applied for early reduction credit and wish to extend the deadline for~~
10 ~~compliance demonstration, the applicable provisions codified in 40 C.F.R. 63.70 through 63.81,~~
11 ~~Subpart D, “Regulations Governing Compliance Extensions for Early Reductions of Hazardous~~
12 ~~Air Pollutants”;~~

13 ~~(4) The applicable test methods, procedures, and other provisions codified in 40 C.F.R.~~
14 ~~Part 63, Appendices A through E; and~~

15 ~~(5) The applicable Part 63 NESHAP.]~~

401 KAR 63:002 approved for filing.

11/8/2016
Date



Charles G. Snavely, Secretary
Energy and Environment Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation and the SIP Revision package for the amended administrative regulation will be held on December 22, 2016, at 10:00 a.m. (Eastern Time) in Conference Room 111 at 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by December 15, 2016, 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 December 31, 2016. 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 SIP revision package for the amended regulation will be submitted to US EPA once the proposed amendments to this administrative regulation become effective.

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:

Cassandra Jobe, Supervisor
Division for Air Quality
300 Sower Blvd.
Frankfort, KY 40601
Phone: (502) 782-6670
Fax: (502) 564-4245
E-mail: Cassandra.Jobc@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 401 KAR 63:002

Contact person: Cassandra Jobe

Phone: (502) 782-6670

E-mail: Cassandra.Job@ky.gov

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation establishes standards for national emission standards for hazardous air pollutants by referencing the National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP), codified in 40 C.F.R. Part 63, pursuant to Section 112 of the Clean Air Act (CAA).
 - (b) The necessity of this administrative regulation: This administrative regulation is necessary to control the air emissions of hazardous air pollutants (HAPs) that are known or suspected to cause cancer or other serious health effects. The standards protect public health by requiring major and area sources to control emissions to the level achievable by the maximum achievable control technology (MACT) consistent with Section 112(d) of the CAA. This administrative regulation is necessary for the Cabinet to retain delegation of authority for implementation and enforcement of the standards established under 40 C.F.R. Part 63.
 - (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. 42 U.S.C. 7416 requires that state authorities may not adopt or enforce emission standards or limitations that are less stringent than the federal standards. This administrative regulation updates the NESHAPs to be consistent with the federal standards.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will enable the Cabinet to continue to implement and enforce the NESHAPs consistent with the federal standards established in 40 C.F.R. Part 63, pursuant to Section 112 of the CAA. The standards established for major and area sources require emission reductions using control technologies and work practice standards, resulting in cleaner air and protection of human health and the environment.
- (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: This amendment updates the existing administrative regulation to adopt the National Emission Standards for Hazardous Air Pollutants, codified in 40 C.F.R. Part 63, that have been promulgated by U.S. EPA since the last amendment of this

administrative regulation. These updates are current through July 1, 2016.

- (b) The necessity of the amendment to this administrative regulation: This amendment is necessary for the state emission standards for hazardous air pollutants to be consistent with the federal emission standards established in 40 C.F.R. Part 63. This amendment is necessary for the Cabinet to retain delegation of authority to continue to implement and enforce the federal NESHAP program, and be no less stringent than the federal standards.
 - (c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statute by adopting standards for major and area sources that protect public health and welfare. The amendment also conforms to the content of the authorizing statute by adopting NESHAPs consistent with the federal requirements in 40 C.F.R. Part 63.
 - (d) How the amendment will assist in the effective administration of statutes: The amendment adopts the federal NESHAPs to provide for consistency between federal and state regulations for major and area source categories. The new NESHAPs will be enforceable by the Cabinet.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation.
There are no individuals, businesses, organizations, or state and local governments affected by this administrative regulation beyond those affected by the federal 40 C.F.R. Part 63 NESHAP requirements. The Division will retain delegation of authority for implementation and enforcement of these requirements.
- (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 that meet the applicability requirements of a standard under 40 C.F.R. Part 63 will be subject to the regulation and will be required to comply with the applicable subpart. However, these entities are already subject to these requirements at the federal level, so it should require no additional action from the regulated entities.
 - (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 additional cost to the regulated entities to comply with this amendment as regulated entities are already subject to the federal 40 C.F.R. Part 63 NESHAP requirements. This amendment will allow the Cabinet to retain delegation of authority for implementation and enforcement of the NESHAPs. Regulated entities will work with the Cabinet to comply with these requirements instead of U.S. EPA.

- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, the sources will not be subject to enforcement actions and hazardous air pollutants will be controlled. Regulated entities will also have the benefit of working with the state instead of U.S. EPA.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: The Division will not incur any additional costs for the implementation of this administrative regulation.
- (b) On a continuing basis: The Division will not incur any continuing costs for the implementation of this administrative regulation.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Division's current operating budget will be used for the implementation and enforcement of the 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 this administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees. This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.
- (9) TIERING: Is tiering applied? (Explain why or why not) Yes. The administrative regulation establishes the HAP thresholds to determine if a regulated source is considered a major or area emitter of HAPs.

FISCAL NOTE ON STATE AND LOCAL GOVERNMENT

Administrative Regulation: 401 KAR 63:002

Contact person: Cassandra Jobe

Phone Number: (502) 782-6670

E-mail: Cassandra.Job@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 permit sources in accordance with this administrative regulation.
2. Identify each state or federal statute or federal regulation that requires or authorizes action taken by the administrative regulation.
KRS 224.10-100(5), 224.20-120, 42 U.S.C. 7401, 7412, 7414, 7416, and 7601, 40 C.F.R. Part 63
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 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 administrative regulation will not generate revenue in 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 administrative regulation will not generate revenue in 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 impacts 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 63:002

Contact person: Cassandra Jobe

Phone: (502) 782-6670

E-mail: Cassandra.Job@ky.gov

1. Federal statute or regulation constituting the federal mandate.
U.S. EPA promulgated the federal regulations in 40 C.F.R. Part 63, pursuant to 42 U.S.C. 7412.
2. State compliance standards.
This administrative regulation establishes national emission standards for hazardous air pollutants.
3. Minimum or uniform standards contained in the federal mandate.
42 U.S.C. 7412 requires that the U.S. EPA promulgate NESHAPs for source categories.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?
No. This administrative regulation is being amended to adopt the same standards as the federal regulations codified in 40 C.F.R. Part 63.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.
Stricter standards or additional or different requirements are not imposed.