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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 52:050. Permit application, registration application, and compliance forms.

6 RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. Part 51,  
7 Part 70, 42 U.S.C. 7401-7671q

8 STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-100, 224.20-110, 224.20-120,  
9 ~~[40 C.F.R. Part 51, Part 70,]~~ 42 U.S.C. 7401-7671q

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5)  
11 authorizes~~[requires]~~ the ~~[Environmental and Public Protection]~~ cabinet to promulgate  
12 administrative regulations for the prevention, abatement, and control of air pollution. This  
13 administrative regulation incorporates by reference the application and compliance forms used to  
14 permit or register air contaminant sources in Kentucky.

15 Section 1. Applicability. An applicant shall use forms DEP7007 AI through HH,~~["Forms~~  
16 ~~DEP7007AI to DD, Permit Application to Construct or Operate an Air Contaminant Source", shall~~  
17 ~~be required]~~ to apply for a permit, permit revision, ~~[or] permit renewal,~~ or registration pursuant to  
18 401 KAR 52:020, Section 4(1); ~~[401]~~ 52:030, Section 4(1); ~~[or 401 KAR]~~ 52:040, Section 4(1);  
19 or 52:070, Section 7(1), as applicable. ~~["Forms DEP7007AI to DD, Permit Application to~~  
20 ~~Construct or Operate an Air Contaminant Source", is incorporated by reference in Section 2 of this~~  
21 ~~administrative regulation.]~~

1 Section 2. Incorporation by Reference. (1) The following material is incorporated by  
2 reference:

3 (a) Administrative Information, DEP7007AI, August 2018;

4 (b) Indirect Heat Exchangers and Turbines, DEP7007A, August 2018;

5 (c) Manufacturing or Processing Operations, DEP7007B, August 2018;

6 (d) Incinerators and Waste Burners, DEP7007C, August 2018;

7 (e) Episode Standby Plan, DEP7007F, August 2018;

8 (f) Volatile Liquid Storage, DEP7007J, August 2018;

9 (g) Surface Coating or Printing Operations, DEP7007K, August 2018;

10 (h) Mineral Processes, DEP7007L, August 2018;

11 (i) Metal Cleaning Degreasers, DEP7007M, August 2018;

12 (j) Source Emissions Profile, DEP7007N, August 2018;

13 (k) Perchloroethylene Dry Cleaning Systems, DEP7007P, August 2018;

14 (l) Emission Offset Credit, DEP7007R, August 2018;

15 (m) Service Stations, DEP7007S, August 2018;

16 (n) Metal Plating and Surface Treatment Operations, DEP7007T, August 2018;

17 (o) Applicable Requirements and Compliance Activities, DEP7007V, August 2018;

18 (p) Good Engineering Practice and Stack Height Determination, DEP7007Y, August 2018;

19 (q) Compliance Schedule for Noncomplying Emission Units, DEP7007AA, August 2018;

20 (r) Certified Progress Report, DEP7007BB, August 2018;

21 (s) Compliance Certification, DEP7007CC, August 2018;

22 (t) Insignificant Activities, DEP7007DD, August 2018;

23 (u) Internal Combustion Engines, DEP7007EE, August 2018;

1        (v) Secondary Aluminum Processing, DEP7007FF, August 2018;

2        (w) Control Equipment, DEP7007GG, August 2018; and

3        (x) Haul Roads, DEP7007HH, August 2018. [~~Forms DEP7007AI to DD, Permit~~  
4 ~~Application to Construct or Operate an Air Contaminant Source", June 2000, is incorporated by~~  
5 ~~reference.~~]

6        (2) This material may be inspected, copied, or obtained, subject to applicable copyright  
7 law, at the following offices of the Division for Air Quality, Monday through Friday, 8 a.m. to  
8 4:30 p.m.:

9        (a) The Division for Air Quality, 300 Sower Boulevard, Frankfort, Kentucky 40601, (502)  
10 564-3999;

11        (b) Ashland Regional Office, 1550 Wolohan Drive, Suite 1, Ashland, Kentucky 41102-  
12 8942, (606) 929-5285;

13        (c) Bowling Green Regional Office, 2642 Russellville Road, Bowling Green, Kentucky  
14 42101, (270) 746-7475;

15        (d) Florence Regional Office, 8020 Veterans Memorial Drive, Suite 110, Florence,  
16 Kentucky 41042, (859) 292-6411;

17        (e) Frankfort Regional Office, 300 Sower Boulevard, Frankfort, Kentucky 40601, (502)  
18 564-3358;

19        (f) Hazard Regional Office, 1332 South Kentucky Highway, Suite 100 [~~233 Birch Street,~~  
20 ~~Suite 2~~], Hazard, Kentucky 41701, (606) 435-6022;

21        (g) London Regional Office, 875 S. Main Street, London, Kentucky 40741, (606) 330-  
22 2080;

1 (h) Owensboro Regional Office, 3032 Alvey Park Drive, W., Suite 700, Owensboro,  
2 Kentucky 42303, (270) 687-7304; and

3 (i) Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky 42003, (270) 898-  
4 8468; or

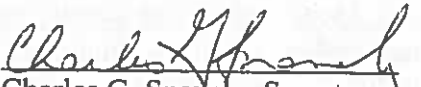
5 (3) This material is available:

6 (a) On request by contacting the Division for Air Quality, Permit Support Section, 300  
7 Sower Boulevard, Frankfort, Kentucky 40601, (502)564-3999; or

8 (b) On the Internet at: <http://air.ky.gov>.

401 KAR 52:050 approved for filing.

7/26/2018  
Date

  
Charles G. Snaveley, Secretary  
Energy and Environment Cabinet

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation will be held on September 27, 2018, at 10:00 AM (Eastern Time) in Conference Room 111 at 300 Sower Boulevard, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by September 20, 2018, 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 September 30, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

The hearing facility is accessible to persons with disabilities. Requests for reasonable accommodations, including auxiliary aids and services necessary to participate in the hearing may be made to the contact person at least five (5) workdays prior to the hearing.

### CONTACT PERSON:

Cassandra Jobe, Supervisor  
Division for Air Quality  
300 Sower Boulevard  
Frankfort, KY 40601  
Phone: (502) 782-6670  
Fax: (502) 564-4245  
E-mail: [cassandra.jobe@ky.gov](mailto:cassandra.jobe@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 401 KAR 52:050

Contact person: Cassandra Jobe

Phone: (502) 782-6670

E-mail: Cassandra.jobe@ky.gov

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does:

This administrative regulation incorporates by reference application and compliance forms used to permit or register air contaminant sources in Kentucky. Air contaminant sources shall be required to apply for a permit, permit revision, permit renewal, or registration pursuant to 401 KAR 52:050, Section 4(1); 52:030, Section 4(1); 52:040, Section 4(1); or 52:070, Section 7(1), as applicable.
  - (b) The necessity of this administrative regulation:

This administrative regulation is necessary to ensure that applications for permits and registrations contain information necessary to determine the applicability of federal and state regulations to new and existing air contaminant sources.
  - (c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 224.10-100(5) authorizes the Energy and Environment Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation establishes forms utilized for permitting and registering air contaminant sources in Kentucky. By permitting and registering air contaminant sources, the Cabinet can continue to enforce air quality regulations and air quality in Kentucky will continue to improve.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation assists in the effective administration of the statutes by requiring information about a source to determine applicability of federal and state air regulations.
- (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 proposed amendment updates the content and format of the permit application and registration forms to be consistent and uniform for owners and operators of air contaminant sources.
  - (b) The necessity of the amendment to this administrative regulation:

This proposed amendment is necessary to gather source information and to determine applicability of federal and state regulations.

- (c) How the amendment conforms to the content of the authorizing statutes:  
KRS 224.10-100(5) authorizes the Energy and Environment Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This amendment conforms to the content of the authorizing statutes by establishing permit and registration application forms for emissions from air contaminant sources.
  - (d) How the amendment will assist in the effective administration of statutes:  
The proposed amendment will assist in the effective administration of the statutes by requiring information about a source to determine applicability of federal and state regulations.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation.  
The proposed administrative regulation incorporates by reference the application forms, which air contaminant sources are required to use when applying for a permit, permit revision, permit renewal, or registration in the Commonwealth of Kentucky. All sources in Kentucky subject to 401 KAR 52:020, 52:030, 52:040, and 52:070 are required to use the forms in this administrative regulation.
- (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:  
Air contaminant sources will use the forms incorporated by reference in this administrative regulation when applying for a permit, permit revision, permit renewal, or registration for an air contaminant source in the Commonwealth of Kentucky.
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):  
There are no additional costs for complying with this administrative regulation because it updates and streamlines the permitting and registration forms that are incorporated by reference.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3):  
The streamlined forms will be easier to use, will provide clarity, uniformity, and ensure that regulated air pollutants are regulated properly. The forms can be filled out and filed electronically.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially:  
There will be no additional costs to implement the proposed administrative regulation initially.



- (b) On a continuing basis:  
There will be no additional costs to implement the proposed administrative regulation.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation?  
The Division for Air Quality's current operating budget will be used to implement the proposed 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 additional funding is necessary to implement the proposed amendments to 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 tiering was or was not used.)  
No. The proposed administrative regulation incorporates by reference the forms that are used by the cabinet for permitting and registering air contaminant sources. However, tiering is provided within the cabinet's permitting program in that sources whose emissions fall below certain levels are required to apply for registration, rather than a permit.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation: 401 KAR 52:050

Contact person: Cassandra Jobe

Phone: (502) 782-6670

E-mail: Cassandra.jobe@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?

Any unit, part, or division of local government that operates an air contaminant source required to apply for a permit or registration under 401 KAR 52:020, 52:030, 52:040, or 52:070 would use the forms incorporated by reference in this administrative regulation. The Division for Air Quality will use the forms incorporated by reference in this administrative regulation to permit and register air contaminant sources in Kentucky.

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), 224.20-100, 40 C.F.R. Part 70.

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 operating budget will be used to administer the permitting 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 the permitting 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 52:050

Contact person: Cassandra Jobe

Phone: (502) 782-6670

E-mail: Cassandra.jobe@ky.gov

1. Federal statute or regulation constituting the federal mandate.

The federal mandate for permit applications is contained in 40 C.F.R. 70.5(c).

2. State compliance standards.

This administrative regulation contains permit and registration forms used by sources subject to 401 KAR 52:020, 52:030, 52:040, and 52:070.

3. Minimum or uniform standards contained in the federal mandate.

40 C.F.R. 70.5(c) requires information to be submitted in a standard application form.

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

Yes. The requirement for air contaminant sources to use the same forms for permitting and registration is different than the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

The cabinet is requiring the use of the same forms for permitting and registration to insure consistency in protecting human health and the environment.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE  
401 KAR 52:050

The permit application forms are an updated version of the application forms currently incorporated by reference. These forms have been converted from word format into an excel format that can be filled out electronically. The incorporated by reference materials consists of 118 pages and covers the following topics:

1. This administrative regulation incorporates by reference DEP7007AI, "Administrative Information," August 2018. This form requires basic information from the applicant about the air contaminant source. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document consists of six (6) pages.
2. This administrative regulation incorporates by reference DEP7007A, "Indirect Heat Exchangers and Turbines," August 2018. This form is used by an applicant with an indirect heat exchanger or turbine. This document previously contained information for internal combustion engines. The information for internal combustion engines has been moved into a new form, DEP7007EE. The information required for indirect heat exchangers and turbines contained in this form is the same as that previously required for the same sources. This document consists of two (2) pages.
3. This administrative regulation incorporates by reference DEP7007B, "Manufacturing or Processing Operations," August 2018. This form is used by applicants to provide general information about manufacturing and processing operations. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document consists of two (2) pages.
4. This administrative regulation incorporates by reference DEP7007C, "Incinerators and Waste Burners," August 2018. This form is used by an applicant for any apparatus used to ignite and burn solid, liquid, or gaseous combustible waste. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document consists of two (2) pages.
5. This administrative regulation incorporates by reference DEP7007F, "Episode Standby Plan," August 2018. This form requires basic information from an applicant regarding major sources located in nonattainment areas only. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document consists of five (5) pages.
6. This administrative regulation incorporates by reference DEP7007J, "Volatile Liquid Storage," August 2018. This form is used by the applicant to provide information regarding volatile liquid storage. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document consists of nine (9) pages.

7. This administrative regulation incorporates by reference DEP7007K, "Surface Coating or Printing Operations," August 2018. This form is used by applicants that have surface coating or printing operations. This document has been formatted into an excel documents that is form fillable electronically and re-organized, but contains the same information as the previous word document. This document has eight (8) pages.

8. This administrative regulation incorporates by reference DEP7007L, "Mineral Processes," August 2018. This form is used by the applicant to provide information on different types of mineral processes. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document consists of nine (9) pages.

9. This administrative regulation incorporates by reference DEP7007M, "Metal Cleaning Degreasers," August 2018. This form is used by applicants to provide information on metal cleaning degreasing operations. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document consists of four (4) pages.

10. This administrative regulation incorporates by references DEP7007N, "Source Emissions Profile," August 2018. This form is used by the applicant to provide information on the emissions at the source. The previous word version of the form also contained information about control devices, which has been moved into a new form, DEP7007GG. This document has been formatted into an excel document that is form fillable electronically. This document has three (3) pages.

11. This administrative regulation incorporates by reference DEP7007P, "Perchloroethylene Dry Cleaning Systems," August 2018. This form is used by the applicant to provide information for dry cleaning systems. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document has two (2) pages.

12. This administrative regulation incorporates by reference DEP7007R, "Emission Offset Credit," August 2018. This form is used by applicants to acquire information for emissions offset credits. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document has two (2) pages.

13. This administrative regulation incorporates by reference DEP7007S, "Service Stations," August 2018. This form is used by an applicant to provide a description of all tanks, and annual throughput for each type of fuel at a service station. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document has two (2) pages.

14. This administrative regulation incorporates by reference DEP7007T, "Metal Plating and Surface Treatment Operations," August 2018. This form is used by applicants to provide process information for metal plating and surface treatment operations at facilities. This document has

been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document has four (4) pages.

15. This administrative regulation incorporates by reference DEP7007V, "Applicable Requirements and Compliance Activities," August 2018. This form is used by an applicant to provide information on emission and operation limitations, monitoring requirements, record keeping requirements, reporting requirements, and testing requirements for the affected facility. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document has five (5) pages.

16. This administrative regulation incorporates by reference DEP7007Y, "Good Engineering Practice and Stack Height Determination," August 2018. This form is used by applicants to provide dimension information and exhaust point information for stacks. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document has two (2) pages.

17. This administrative regulation incorporates by reference DEP7007AA, "Compliance Schedule for Noncomplying Emission Units," August 2018. This form is used by an applicant whose source emission unit is not in compliance with all applicable requirements at the time of application. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document has three (3) pages.

18. This administrative regulation incorporates by reference DEP7007BB, "Certified Progress Report," August 2018. This form is used by an applicant to provide information on current milestones and future milestones for units not in compliance. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document has three (3) pages.

19. This administrative regulation incorporates by reference DEP7007CC, "Compliance Certification," August 2018. This form is used by applicants to provide source information, and identification of emission units and compliance with each term or condition of the permit. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document has five (5) pages.

20. This administrative regulation incorporates by reference DEP7007DD, "Insignificant Activities," November 2016. This form is used by applicants to provide information on insignificant activities occurring at the source. This document has been formatted into an excel document that is form fillable electronically, but contains the same information as the previous word document. This document has two (2) pages.

21. This administrative regulation incorporates by reference DEP7007EE, "Internal Combustion Engines," August 2018. This form is used by applicants to acquire information on internal combustion engines. This is a new form, but the information in this form was contained in the previous word version of DEP7007A. This document consists of five (5) pages.

22. This administrative regulation incorporates by reference DEP7007FF, "Secondary Aluminum Processing," August 2018. This form is used by applicants to provide information for aluminum processing facilities. This is a new form. This document consists of seven (7) pages.

23. This administrative regulation incorporates by reference DEP7007GG, "Control Equipment," August 2018. This is a new form that will be used by an applicant to provide information about the types of control devices and equipment at the source. The information contained within this form was previously found in the word version of DEP7007N. The information is the same except that Section 10 was added for an applicant to provide information about selective catalytic reduction and selective non-catalytic reduction. This document consists of eleven (11) pages.

24. This administrative regulation incorporates by reference DEP7007HH, "Haul Roads," August 2018. This is a new form that applicants will use to provide information about emissions from haul roads and storage piles at the source. This document consists of two (2) pages.