

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 63,  
7 42 U.S.C. 7401, 7412, 7414, 7416, 7601

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

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

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

1 (2) "Administrator" means the Secretary of the Energy and Environment Cabinet unless a  
2 specific provision of 40 C.F.R. Part 63 states that the United States Environmental Protection  
3 Agency retains authority.

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

6 (1) 40 C.F.R. 63.1 through[~~to~~] 63.16, Table 1 (Subpart A), General Provisions, as published  
7 July 1, 2020 and at 85 F.R. 39980, 85 F.R. 40386, 85 F.R. 40594, 85 F.R. 40740, 85 F.R. 41100,  
8 85 F.R. 41276, 85 F.R. 41411, 85 F.R. 41680, 85 F.R. 42074, 85 F.R. 44216, 85 F.R. 44960, 85  
9 F.R. 45476, 85 F.R. 49084, 85 F.R. 49434, 85 F.R. 49724 and 85 F.R. 63394[~~2016~~];

10 (2) 40 C.F.R. 63.40 through[~~to~~] 63.56, Tables 1 through[~~to~~] 2 (Subpart B), Requirements  
11 for Control Technology Determinations for Major Sources in Accordance With Clean Air Act  
12 Sections, Sections 112(g) and 112(j), as applicable, as published July 1, 2020[~~2016~~];

13 (3) 40 C.F.R. 63.70 through[~~to~~] 63.81 (Subpart D), Regulations Governing Compliance  
14 Extensions for Early Reductions of Hazardous Air Pollutants, as applicable, as published July 1,  
15 2020[~~2016~~];

16 (4)(a) 40 C.F.R. 63.100 through[~~to~~] 63.107, Tables 1 through[~~to~~] 4 (Subpart F), National  
17 Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical  
18 Manufacturing Industry, as published July 1, 2020[~~2016~~];

19 (b) 40 C.F.R. 63.110 through[~~to~~] 63.153, Tables 1 through[~~to~~] 37, and Figure 1 (Subpart  
20 G), National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic  
21 Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer  
22 Operations, and Wastewater, as published July 1, 2020[~~2016~~];

1 (c) 40 C.F.R. 63.160 ~~through~~ 63.183, Tables 1 ~~through~~ 4 (Subpart H), National  
2 Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks, as published July  
3 1, ~~2020~~;

4 (d) 40 C.F.R. 63.190 ~~through~~ 63.193 (Subpart I), National Emission Standards for  
5 Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for  
6 Equipment Leaks, as published July 1, ~~2020~~;

7 (e) 40 C.F.R. 63.210 ~~through~~ 63.217 (Subpart J), National Emission Standards for  
8 Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production, as published July 1,  
9 ~~2020~~;

10 (f) 40 C.F.R. 63.300 ~~through~~ 63.313, Appendix A (Subpart L), National Emission  
11 Standards for Coke Oven Batteries, as published July 1, ~~2020~~;

12 (g) 40 C.F.R. 63.320 ~~through~~ 63.326 (Subpart M), National Perchloroethylene Air  
13 Emission Standards for Dry Cleaning Facilities, as published July 1, ~~2020~~;

14 (h) 40 C.F.R. 63.340 ~~through~~ 63.348, Table 1 (Subpart N), National Emission Standards  
15 for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium  
16 Anodizing Tanks, as published July 1, ~~2020~~;

17 (i) 40 C.F.R. 63.360 ~~through~~ 63.368 (Subpart O), Ethylene Oxide Emissions Standards  
18 for Sterilization Facilities, as published July 1, ~~2020~~;

19 (j) 40 C.F.R. 63.400 ~~through~~ 63.407, Table 1 (Subpart Q), National Emission Standards  
20 for Hazardous Air Pollutants for Industrial Process Cooling Towers, as published July 1,  
21 ~~2020~~;

1 (k) 40 C.F.R. 63.420 ~~through~~ 63.429, Table 1 (Subpart R), National Emission Standards  
2 for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations), as  
3 published July 1, ~~2020~~;

4 (l) 40 C.F.R. 63.440 ~~through~~ 63.459, Table 1 (Subpart S), National Emission Standards  
5 for Hazardous Air Pollutants from the Pulp and Paper Industry, as published July 1, ~~2020~~;

6 (m) 40 C.F.R. 63.460 ~~through~~ 63.471, Appendices A ~~through~~ B (Subpart T),  
7 National Emission Standards for Halogenated Solvent Cleaning, as published July 1, ~~2020~~;

8 (n) 40 C.F.R. 63.480 ~~through~~ 63.507, Tables 1 ~~through~~ 9 (Subpart U), National  
9 Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins, as  
10 published July 1, ~~2020~~;

11 (o) 40 C.F.R. 63.520 ~~through~~ 63.529, Table 1 (Subpart W), National Emission  
12 Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides  
13 Production, as published July 1, ~~2020~~;

14 (p) 40 C.F.R. 63.541 ~~through~~ 63.552, Tables 1 ~~through~~ 3 (Subpart X), National  
15 Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting, as published  
16 July 1, ~~2020~~;

17 (q) 40 C.F.R. 63.560 ~~through~~ 63.568 (Subpart Y), National Emission Standards for  
18 Marine Tank Vessel Loading Operations, as published July 1, ~~2020~~;

19 (r) 40 C.F.R. 63.600 ~~through~~ 63.611, Tables 1 ~~through~~ ~~5~~, and Appendix A  
20 (Subpart AA), National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid  
21 Manufacturing Plants, as published July 1, ~~2020~~;

1 (s) 40 C.F.R. 63.620 through[~~to~~] 63.632, Tables 1 through[~~to~~] 5, and Appendix A (Subpart  
2 BB), National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers  
3 Production Plants, as published July 1, 2020[~~2016~~];

4 (t) 40 C.F.R. 63.640 through[~~to~~] 63.671, Appendix (Subpart CC), National Emission  
5 Standards for Hazardous Air Pollutants from Petroleum Refineries, as published July 1,  
6 2020[~~2016~~];

7 (u) 40 C.F.R. 63.680 through[~~to~~] 63.698, Tables 1 through[~~to~~] 5 (Subpart DD), National  
8 Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations,  
9 as published July 1, 2020[~~2016~~];

10 (v) 40 C.F.R. 63.701 through[~~to~~] 63.708, Table 1 (Subpart EE), National Emission  
11 Standards for Magnetic Tape Manufacturing Operations, as published July 1, 2020[~~2016~~];

12 (w) 40 C.F.R. 63.741 through[~~to~~] 63.759, Table 1, and Appendix A (Subpart GG), National  
13 Emission Standards for Aerospace Manufacturing and Rework Facilities, as published July 1,  
14 2020[~~2016~~];

15 (x) 40 C.F.R. 63.760 through[~~to~~] 63.777, Appendix (Subpart HH), National Emission  
16 Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities, as  
17 published July 1, 2020[~~2016~~];

18 (y) 40 C.F.R. 63.780 through[~~to~~] 63.789, Tables 1 through[~~to~~] 3, and Appendices A  
19 through[~~to~~] B (Subpart II), National Emission Standards for Shipbuilding and Ship Repair (Surface  
20 Coating), as published July 1, 2020[~~2016~~];

21 (z) 40 C.F.R. 63.800 through[~~to~~] 63.808, Tables 1 through[~~to~~] 6 (Subpart JJ), National  
22 Emission Standards for Wood Furniture Manufacturing Operations, as published July 1,  
23 2020[~~2016~~];

1 (aa) 40 C.F.R. 63.820 ~~through~~ 63.831, Table 1, and Appendix A (Subpart KK), National  
2 Emission Standards for the Printing and Publishing Industry, as published July 1, ~~2020~~[2016];

3 (bb) 40 C.F.R. 63.840 ~~through~~ 63.855, Tables 1 ~~through~~ 4, and Appendix A  
4 (Subpart LL), National Emission Standards for Hazardous Air Pollutants for Primary Aluminum  
5 Reduction Plants, as published July 1, ~~2020~~[2016];

6 (cc) 40 C.F.R. 63.860 ~~through~~ 63.868, Table 1 (Subpart MM), National Emission  
7 Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft,  
8 Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills, as published July 1, ~~2020~~[2016];

9 (dd) 40 C.F.R. 63.880 ~~through~~ 63.888, Table 1 (Subpart NN), National Emission  
10 Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources, as  
11 published ~~July 1, 2020~~[at 80 Fed. Reg. 45325, July 29, 2016];

12 (ee) 40 C.F.R. 63.900 ~~through~~ 63.908 (Subpart OO), National Emission Standards for  
13 Tanks - Level 1, as published July 1, ~~2020~~[2016];

14 (ff) 40 C.F.R. 63.920 ~~through~~ 63.929 (Subpart PP), National Emission Standards for  
15 Containers, as published July 1, ~~2020~~[2016];

16 (gg) 40 C.F.R. 63.940 ~~through~~ 63.949 (Subpart QQ), National Emission Standards for  
17 Surface Impoundments, as published July 1, ~~2020~~[2016];

18 (hh) 40 C.F.R. 63.960 ~~through~~ 63.967 (Subpart RR), National Emission Standards for  
19 Individual Drain Systems, as published July 1, ~~2020~~[2016];

20 (ii) 40 C.F.R. 63.980 ~~through~~ 63.999 (Subpart SS), National Emission Standards for  
21 Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a  
22 Process, as published at July 1, ~~2020~~ and at 85 F.R. 40386[2016];

1 (jj) 40 C.F.R. 63.1000 ~~through~~ 63.1018 (Subpart TT), National Emission Standards for  
2 Equipment Leaks - Control Level 1, as published July 1, ~~2020~~;

3 (kk) 40 C.F.R. 63.1019 ~~through~~ 63.1039, Table 1 (Subpart UU), National Emission  
4 Standards for Equipment Leaks - Control Level 2 Standards, as published July 1, ~~2020~~;

5 (ll) 40 C.F.R. 63.1040 ~~through~~ 63.1050 (Subpart VV), National Emission Standards for  
6 Oil-Water Separators and Organic-Water Separators, as published July 1, ~~2020~~;

7 (mm) 40 C.F.R. 63.1060 ~~through~~ 63.1067 (Subpart WW), National Emission Standards  
8 for Storage Vessels (Tanks) - Control Level 2, as published July 1, ~~2020~~;

9 (nn) 40 C.F.R. 63.1080 ~~through~~ 63.1097, Tables 1 ~~through~~ 2 (Subpart XX), National  
10 Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste  
11 Operations, as published July 1, ~~2020~~ and at 85 F.R. 40386~~2016~~;

12 (oo) 40 C.F.R. 63.1100 ~~through~~ 63.1114 (Subpart YY), National Emission Standards  
13 for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control  
14 Technology Standards, as published July 1, ~~2020~~ and at 85 F.R. 40386~~2016~~;

15 (pp) 40 C.F.R. 63.1155 ~~through~~ 63.1166, Table 1 (Subpart CCC), National Emission  
16 Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and  
17 Hydrochloric Acid Regeneration Plants, as published July 1, ~~2020~~;

18 (qq) 40 C.F.R. 63.1175 ~~through~~ 63.1197, Tables 1 ~~through~~ 2, and Appendix A  
19 (Subpart DDD), National Emission Standards for Hazardous Air Pollutants for Mineral Wool  
20 Production, as published July 1, ~~2020~~;

21 (rr) 40 C.F.R. 63.1200 ~~through~~ 63.1221, Table 1, and Appendix (Subpart EEE),  
22 National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, as  
23 published July 1, ~~2020~~;

1 (ss) 40 C.F.R. 63.1250 ~~through~~ 63.1261, Tables 1 ~~through~~ 9 (Subpart GGG),  
2 National Emission Standards for Pharmaceuticals Production, as published July 1, ~~2020~~;  
3 (tt) 40 C.F.R. 63.1270 ~~through~~ 63.1287, Tables 1 ~~through~~ 2 (Subpart HHH),  
4 National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and  
5 Storage Facilities, as published July 1, ~~2020~~;  
6 (uu) 40 C.F.R. 63.1290 ~~through~~ 63.1309, Appendix, and Tables 1 ~~through~~ 3  
7 (Subpart III), National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane  
8 Foam Production, as published July 1, ~~2020~~;  
9 (vv) 40 C.F.R. 63.1310 ~~through~~ 63.1336, Tables 1 ~~through~~ 9 (Subpart JJJ), National  
10 Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins, as  
11 published July 1, ~~2020~~;  
12 (ww) 40 C.F.R. 63.1340 ~~through~~ 63.1358, ~~Tables 1 through 2~~ (Subpart LLL),  
13 National Emission Standards for Hazardous Air Pollutants From the Portland Cement  
14 Manufacturing Industry, as published July 1, ~~2020 and at 85 F.R. 63394~~;  
15 (xx) 40 C.F.R. 63.1360 ~~through~~ 63.1369, Tables 1 ~~through~~ 4 (Subpart MMM),  
16 National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient  
17 Production, as published July 1, ~~2020~~;  
18 (yy) 40 C.F.R. 63.1380 ~~through~~ 63.1389, Tables 1 ~~through~~ 2, and Appendices A  
19 ~~through~~ C (Subpart NNN), National Emission Standards for Hazardous Air Pollutants for Wool  
20 Fiberglass Manufacturing, as published July 1, ~~2020~~;  
21 (zz) 40 C.F.R. 63.1400 ~~through~~ 63.1419, Tables 1 ~~through~~ 6 (Subpart OOO),  
22 National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of  
23 Amino/Phenolic Resins, as published July 1, ~~2020~~;



1 (aaa) 40 C.F.R. 63.1420 ~~through~~ 63.1439, Tables 1 ~~through~~ 8 (Subpart PPP),  
2 National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols  
3 Production, as published July 1, ~~2020~~;

4 (bbb) 40 C.F.R. 63.1440 ~~through~~ 63.1459, Table 1, and Figure 1 (Subpart QQQ),  
5 National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting, as  
6 published July 1, ~~2020~~;

7 (ccc) 40 C.F.R. 63.1500 ~~through~~ 63.1519, Tables 1 ~~through~~ 3, and Appendix A  
8 (Subpart RRR), National Emission Standards for Hazardous Air Pollutants for Secondary  
9 Aluminum Production, as published July 1, ~~2020~~;

10 (ddd) 40 C.F.R. 63.1541 ~~through~~ 63.1551, Table 1 (Subpart TTT), National Emission  
11 Standards for Hazardous Air Pollutants for Primary Lead Smelting, as published July 1,  
12 ~~2020~~;

13 (eee) 40 C.F.R. 63.1560 ~~through~~ 63.1579, Tables 1 ~~through~~ 44, and Appendix A  
14 (Subpart UUU), National Emission Standards for Hazardous Air Pollutants for Petroleum  
15 Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units, as  
16 published July 1, ~~2020~~;

17 (fff) 40 C.F.R. 63.1580 ~~through~~ 63.1595, ~~Tables 1 through 2~~ (Subpart VVV),  
18 National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works, as  
19 published July 1, ~~2020~~;

20 (ggg) 40 C.F.R. 63.1620 ~~through~~ 63.1661, Table 1 (Subpart XXX), National Emission  
21 Standards for Hazardous Air Pollutants for Ferrous Alloys Production: Ferromanganese and  
22 Silicomanganese, as published July 1, ~~2020~~;

1 (hhh) 40 C.F.R. 63.1930 ~~through~~ 63.1990, Table 1 (Subpart AAAA), National  
2 Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, as published  
3 July 1, 2020 and at 85 F.R. 64398~~[2016]~~;

4 (iii) 40 C.F.R. 63.2130 ~~through~~ 63.2192, Tables 1 ~~through 8~~ (Subpart CCCC),  
5 National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast,  
6 as published July 1, 2020~~[2016]~~;

7 (jjj) 40 C.F.R. 63.2230 ~~through~~ 63.2292, Tables 1A ~~through~~ 10, and Appendix A  
8 (Subpart DDDD), National Emission Standards for Hazardous Air Pollutants: Plywood and  
9 Composite Wood Products, as published July 1, 2020 and at 85 F.R. 49434 and 85 F.R.  
10 51668~~[2016]~~;

11 (kkk) 40 C.F.R. 63.2330 ~~through~~ 63.2406, Tables 1 ~~through~~ 12 (Subpart EEEE),  
12 National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-  
13 Gasoline), as published July 1, 2020 and at 85 F.R. 40740~~[2016]~~;

14 (lll) 40 C.F.R. 63.2430 ~~through~~ 63.2550, Tables 1 ~~through~~ 12 (Subpart FFFF),  
15 National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical  
16 Manufacturing, as published July 1, 2020 and at 85 F.R. 42074 and 85 F.R. 49084~~[2016]~~;

17 (mmm) 40 C.F.R. 63.2830 ~~through~~ 63.2872 (Subpart GGGG), National Emission  
18 Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production, as  
19 published July 1, 2020~~[2016]~~;

20 (nnn) 40 C.F.R. 63.2980 ~~through~~ 63.3004, Tables 1 ~~through~~ 2, and Appendices A  
21 ~~through~~ B (Subpart HHHH), National Emission Standards for Hazardous Air Pollutants for  
22 Wet-Formed Fiberglass Mat Production, as published July 1, 2020~~[2016]~~;

1 (ooo) 40 C.F.R. 63.3080 through[~~to~~] 63.3176, Tables 1 through 5[~~to~~4], and Appendix A  
2 (Subpart IIII), National Emission Standards for Hazardous Air Pollutants: Surface Coating of  
3 Automobiles and Light-Duty Trucks, as published July 1, 2020 and at 85 F.R. 41100[~~2016~~];

4 (ppp) 40 C.F.R. 63.3280 through[~~to~~] 63.3420, Tables 1 through[~~to~~] 2 (Subpart JJJJ),  
5 National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating, as  
6 published July 1, 2020 and at 85 F.R. 41276[~~2016~~];

7 (qqq) 40 C.F.R. 63.3480 through[~~to~~] 63.3561, Tables 1 through 8[~~to~~7] (Subpart KKKK),  
8 National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans, as  
9 published July 1, 2020[~~2016~~];

10 (rrr) 40 C.F.R. 63.3880 through[~~to~~] 63.3981, Tables 1 through 5[~~to~~4], and Appendix A  
11 (Subpart MMMM), National Emission Standards for Hazardous Air Pollutants for Surface Coating  
12 of Miscellaneous Metal Parts and Products, as published July 1, 2020 and at 85 F.R. 41100[~~2016~~];

13 (sss) 40 C.F.R. 63.4080 through[~~to~~] 63.4181, Tables 1 through 5[~~to~~4] (Subpart NNNN),  
14 National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances,  
15 as published July 1, 2020 and at 85 F.R. 41100[~~2016~~];

16 (ttt) 40 C.F.R. 63.4280 through[~~to~~] 63.4371, Tables 1 through 6[~~to~~5] (Subpart OOOO),  
17 National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of  
18 Fabrics and Other Textiles, as published July 1, 2020 and at 85 F.R. 41100[~~2016~~];

19 (uuu) 40 C.F.R. 63.4480 through[~~to~~] 63.4581, Tables 1 through 5[~~to~~4], and Appendix A  
20 (Subpart PPPP), National Emission Standards for Hazardous Air Pollutants for Surface Coating of  
21 Plastic Parts and Products, as published July 1, 2020 and at 85 F.R. 41100[~~2016~~];

1 (vvv) 40 C.F.R. 63.4680 through[~~to~~] 63.4781, Tables 1 through[~~to~~] 6 (Subpart QQQQ),  
2 National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building  
3 Products, as published July 1, 2020[~~2016~~];

4 (www) 40 C.F.R. 63.4880 through[~~to~~] 63.4981, Tables 1 through 5[~~to~~4] (Subpart RRRR),  
5 National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture, as  
6 published July 1, 2020 and at 85 F.R. 41100[~~2016~~];

7 (xxx) 40 C.F.R. 63.5080 through[~~to~~] 63.5200, Tables 1 through 3[~~to~~2] (Subpart SSSS),  
8 National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil, as  
9 published July 1, 2020[~~2016~~];

10 (yyy) 40 C.F.R. 63.5280 through[~~to~~] 63.5460, Figure 1, and Tables 1 through[~~to~~] 2  
11 (Subpart TTTT), National Emission Standards for Hazardous Air Pollutants for Leather Finishing  
12 Operations, as published July 1, 2020[~~2016~~];

13 (zzz) 40 C.F.R. 63.5480 through[~~to~~] 63.5610, Tables 1 through[~~to~~] 10 (Subpart UUUU),  
14 National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing,  
15 as published July 1, 2020 and at 85 F.R. 39980[~~2016~~];

16 (aaaa) 40 C.F.R. 63.5680 through[~~to~~] 63.5779, Tables 1 through[~~to~~] 8 (Subpart VVVV),  
17 National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing, as published  
18 July 1, 2020[~~2016~~];

19 (bbbb) 40 C.F.R. 63.5780 through[~~to~~] 63.5935, Tables 1 through[~~to~~] 15, and Appendix A  
20 (Subpart WWWW), National Emissions Standards for Hazardous Air Pollutants: Reinforced  
21 Plastic Composites Production, as published July 1, 2020[~~2016~~];

1 (cccc) 40 C.F.R. 63.5980 through[~~to~~] 63.6015, Tables 1 through[~~to~~] 17 (Subpart XXXX),  
2 National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing, as  
3 published July 1, 2020 and at 85 F.R. 44752[~~2016~~];

4 (dddd) 40 C.F.R. 63.6080 through[~~to~~] 63.6175, Tables 1 through[~~to~~] 7 (Subpart YYYY),  
5 National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines,  
6 as published July 1, 2020[~~2016~~];

7 (eeee) 40 C.F.R. 63.6580 through[~~to~~] 63.6675, Tables 1a through[~~to~~] 8, and Appendix A  
8 (Subpart ZZZZ), National Emission Standards for Hazardous Air Pollutants for Stationary  
9 Reciprocating Internal Combustion Engines, as published July 1, 2020[~~2016~~];

10 (ffff) 40 C.F.R. 63.7080 through[~~to~~] 63.7143, Tables 1 through 9[~~to~~8] (Subpart AAAAA),  
11 National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants, as  
12 published July 1, 2020 and at 85 F.R. 44960[~~2016~~];

13 (gggg) 40 C.F.R. 63.7180 through[~~to~~] 63.7195, Tables 1 through[~~to~~] 2 (Subpart BBBB),  
14 National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing, as  
15 published July 1, 2020[~~2016~~];

16 (hhhh) 40 C.F.R. 63.7280 through[~~to~~] 63.7352, Table 1 (Subpart CCCCC), National  
17 Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and  
18 Battery Stacks, as published July 1, 2020[~~2016~~];

19 (iiii) 40 C.F.R. 63.7480 through[~~to~~] 63.7575, Tables 1 through[~~to~~] 13 (Subpart DDDDD),  
20 National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial,  
21 Commercial, and Institutional Boilers and Process Heaters, as published July 1, 2020[~~2016~~];

1 (jjjj) 40 C.F.R. 63.7680 ~~through~~ 63.7765, Table 1 (Subpart EEEEE), National Emission  
2 Standards for Hazardous Air Pollutants for Iron and Steel Foundries, as published July 1, 2020 and  
3 at 85 F.R. 56080~~[2016]~~;

4 (kkkk) 40 C.F.R. 63.7780 ~~through~~ 63.7852, Tables 1 through 4~~[Table 1 to 4]~~ (Subpart  
5 FFFFF), National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel  
6 Manufacturing Facilities, as published July 1, 2020~~[2016]~~;

7 (llll) 40 C.F.R. 63.7880 ~~through~~ 63.7957, Tables 1 ~~through~~ 3 (Subpart GGGGG),  
8 National Emission Standards for Hazardous Air Pollutants: Site Remediation, as published July 1,  
9 2020 and at 85 F.R. 41680~~[2016]~~;

10 (mmmm) 40 C.F.R. 63.7980 ~~through~~ 63.8105, Tables 1 ~~through 11~~~~[to 10]~~ (Subpart  
11 HHHHH), National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating  
12 Manufacturing, as published July 1, 2020 and at 85 F.R. 49724~~[2016]~~;

13 (nnnn) 40 C.F.R. 63.8180 ~~through~~ 63.8266, Tables 1 ~~through~~ 10 (Subpart IIII),  
14 National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury  
15 Cell Chlor-Alkali Plants, as published July 1, 2020~~[2016]~~;

16 (oooo) 40 C.F.R. 63.8380 ~~through~~ 63.8515, Tables 1 ~~through~~ 10 (Subpart JJJJ),  
17 National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products  
18 Manufacturing, as published July 1, 2020~~[2016]~~;

19 (pppp) 40 C.F.R. 63.8530 ~~through~~ 63.8665, Tables 1 ~~through~~ 11 (Subpart  
20 KKKKK), National Emission Standards for Hazardous Air Pollutants for Clay Ceramics  
21 Manufacturing, as published July 1, 2020~~[2016]~~;

1 (qqqq) 40 C.F.R. 63.8680 through[~~to~~] 63.8698, Tables 1 through[~~to~~] 7 (Subpart LLLLLL),  
2 National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt  
3 Roofing Manufacturing, as published July 1, 2020[~~2016~~];

4 (rrrr) 40 C.F.R. 63.8780 through[~~to~~] 63.8830, Tables 1 through[~~to~~] 7 (Subpart MMMMMM),  
5 National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam  
6 Fabricating Operations, as published July 1, 2020[~~2016~~];

7 (ssss) 40 C.F.R. 63.8980 through[~~to~~] 63.9075, Tables 1 through[~~to~~] 7 (Subpart NNNNNN),  
8 National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production, as  
9 published July 1, 2020[~~2016~~];

10 (tttt) 40 C.F.R. 63.9280 through[~~to~~] 63.9375, Tables 1 through[~~to~~] 7 (Subpart PPPPP),  
11 National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands, as  
12 published July 1, 2020[~~2016~~];

13 (uuuu) 40 C.F.R. 63.9480 through[~~to~~] 63.9570, Table 1 (Subpart QQQQQ), National  
14 Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities,  
15 as published July 1, 2020[~~2016~~];

16 (vvvv) 40 C.F.R. 63.9580 through[~~to~~] 63.9652, Tables 1 through[~~to~~] 2 (Subpart RRRRR),  
17 National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing, as  
18 published July 1, 2020 and at 85 F.R. 45476[~~2016~~];

19 (wwww) 40 C.F.R. 63.9780 through[~~to~~] 63.9824, Tables 1 through[~~to~~] 11 (Subpart  
20 SSSSS), National Emission Standards for Hazardous Air Pollutants for Refractory Products  
21 Manufacturing, as published July 1, 2020[~~2016~~];

1 (xxxx) 40 C.F.R. 63.9880 through[tø] 63.9942, Tables 1 through[tø] 5 (Subpart TTTTT),  
2 National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining, as  
3 published July 1, 2020[2016];

4 (yyyy) 40 C.F.R. 63.9980 through[tø] 63.10042, Tables 1 through[tø] 9, and Appendices  
5 A through E[~~tø-B~~] (Subpart UUUUU), National Emission Standards for Hazardous Air Pollutants:  
6 Coal- and Oil-Fired Electric Utility Steam Generating Units, as published July 1, 2020 and at 85  
7 F.R. 55744[2016];

8 (zzzz) 40 C.F.R. 63.10382 through[tø] 63.10448, Table 1 (Subpart WWWW), National  
9 Emission Standards for Hospital Ethylene Oxide Sterilizers, as published July 1, 2020[2016];

10 (aaaa) 40 C.F.R. 63.10680 through[tø] 63.10692, Table 1 (Subpart YYYYY), National  
11 Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace  
12 Steelmaking Facilities, as published July 1, 2020[2016];

13 (bbbb) 40 C.F.R. 63.10880 through[tø] 63.10906, Tables 1 through[tø] 4 (Subpart  
14 ZZZZ), National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries  
15 Area Sources, as published July 1, 2020 and at 85 F.R. 56080[2016];

16 (cccc) 40 C.F.R. 63.11080 through[tø] 63.11100, Tables 1 through[tø] 3 (Subpart  
17 BBBB), National Emission Standards for Hazardous Air Pollutants for Source Category:  
18 Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, as published July 1,  
19 2020[2016];

20 (dddd) 40 C.F.R. 63.11110 through[tø] 63.11132, Tables 1 through[tø] 3 (Subpart  
21 CCCCC), National Emission Standards for Hazardous Air Pollutants for Source Category:  
22 Gasoline Dispensing Facilities, as published July 1, 2020[2016];



1 (eeee) 40 C.F.R. 63.11140 through[tø] 63.11145, Tables 1 through[tø] 2 (Subpart  
2 DDDDDD), National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and  
3 Copolymers Production Area Sources, as published July 1, 2020[2016];

4 (ffff) 40 C.F.R. 63.11146 through[tø] 63.11152, Table 1 (Subpart EEEEE), National  
5 Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources, as  
6 published July 1, 2020[2016];

7 (ggggg) 40 C.F.R. 63.11153 through[tø] 63.11159, Table 1 (Subpart FFFFFFF), National  
8 Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources,  
9 as published July 1, 2020[2016];

10 (hhhhh) 40 C.F.R. 63.11160 through[tø] 63.11168, Table 1 (Subpart GGGGGG), National  
11 Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources -  
12 Zinc, Cadmium, and Beryllium, as published July 1, 2020[2016];

13 (iiii) 40 C.F.R. 63.11169 through[tø] 63.11180, Table 1 (Subpart HHHHHH), National  
14 Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface  
15 Coating Operations at Area Sources, as published July 1, 2020[2016];

16 (jjjj) 40 C.F.R. 63.11193 through[tø] 63.11237, Tables 1 through[tø] 8 (Subpart JJJJJ),  
17 National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and  
18 Institutional Boilers Area Sources, as published July 1, 2020[2016];

19 (kkkkk) 40 C.F.R. 63.11393 through[tø] 63.11399, Table 1 (Subpart LLLLLL), National  
20 Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production  
21 Area Sources, as published July 1, 2020[2016];

1 (lllll) 40 C.F.R. 63.11400 through[tø] 63.11406 (Subpart MMMMMM), National Emission  
2 Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources, as published  
3 July 1, 2020[2016];

4 (mmmmm) 40 C.F.R. 63.11407 through[tø] 63.11413, Tables 1 through[tø] 2 (Subpart  
5 NNNNNN), National Emission Standards for Hazardous Air Pollutants for Chemical  
6 Manufacturing Area Sources: Chromium Compounds, as published July 1, 2020[2016];

7 (nnnnn) 40 C.F.R. 63.11414 through[tø] 63.11420, Table 1 (Subpart OOOOOO), National  
8 Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and  
9 Fabrication Area Sources, as published July 1, 2020[2016];

10 (ooooo) 40 C.F.R. 63.11421 through[tø] 63.11427, Table 1 (Subpart PPPPPP), National  
11 Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area  
12 Sources, as published July 1, 2020[2016];

13 (ppppp) 40 C.F.R. 63.11428 through[tø] 63.11434, Table 1 (Subpart QQQQQQ), National  
14 Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources, as published  
15 July 1, 2020[2016];

16 (qqqqq) 40 C.F.R. 63.11435 through[tø] 63.11445, Table 1 (Subpart RRRRRR), National  
17 Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources,  
18 as published July 1, 2020[2016];

19 (rrrrr) 40 C.F.R. 63.11448 through[tø] 63.11460, Tables 1 through[tø] 2 (Subpart SSSSSS),  
20 National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources,  
21 as published July 1, 2020[2016];

1 (sssss) 40 C.F.R. 63.11462 through[tø] 63.11473, Table 1 (Subpart TTTTTT), National  
2 Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing  
3 Area Sources, as published July 1, 2020[2016];

4 (ttttt) 40 C.F.R. 63.11494 through[tø] 63.11503, Tables 1 through[tø] 9 (Subpart  
5 VVVVVV), National Emission Standards for Hazardous Air Pollutants for Chemical  
6 Manufacturing Area Sources, as published July 1, 2020[2016];

7 (uuuuu) 40 C.F.R. 63.11504 through[tø] 63.11512, Table 1 (Subpart WWWWWW),  
8 National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and  
9 Polishing Operations, as published July 1, 2020[2016];

10 (vvvvv) 40 C.F.R. 63.11514 through[tø] 63.11523, Tables 1 through[tø] 2 (Subpart  
11 XXXXXX), National Emission Standards for Hazardous Air Pollutants Area Source Standards for  
12 Nine Metal Fabrication and Finishing Source Categories, as published July 1, 2020[2016];

13 (wwwww) 40 C.F.R. 63.11524 through[tø] 63.11532, Table 1 (Subpart YYYYYY),  
14 National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys  
15 Production Facilities, as published July 1, 2020[2016];

16 (xxxxx) 40 C.F.R. 63.11544 through[tø] 63.11557, Table 1 (Subpart ZZZZZZ), National  
17 Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper,  
18 and Other Nonferrous Foundries, as published July 1, 2020[2016];

19 (yyyyy) 40 C.F.R. 63.11559 through[tø] 63.11567, Tables 1 through[tø] 5 (Subpart  
20 AAAAAA), National Emission Standards for Hazardous Air Pollutants for Area Sources:  
21 Asphalt Processing and Asphalt Roofing Manufacturing, as published July 1, 2020[2016];

1 (zzzzz) 40 C.F.R. 63.11579 through[~~to~~] 63.11588, Tables 1 through[~~to~~] 6 (Subpart  
2 BBBBBBBB), National Emission Standards for Hazardous Air Pollutants for Area Sources:  
3 Chemical Preparations Industry, as published July 1, 2020[~~2016~~];

4 (aaaaaa) 40 C.F.R. 63.11599 through[~~to~~] 63.11607, Table 1 (Subpart CCCCCC),  
5 National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied  
6 Products Manufacturing, as published July 1, 2020[~~2016~~];

7 (bbbbbb) 40 C.F.R. 63.11619 through[~~to~~] 63.11627, Table 1 (Subpart DDDDDDD),  
8 National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds  
9 Manufacturing, as published July 1, 2020[~~2016~~];

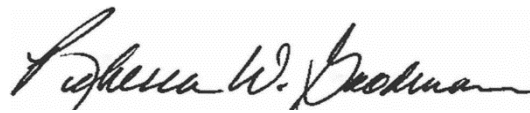
10 (ccccc) 40 C.F.R. 63.11640 through[~~to~~] 63.11652, Table 1 (Subpart EEEEEEE), National  
11 Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area  
12 Source Category, as published July 1, 2020[~~2016~~]; or

13 (dddddd) 40 C.F.R. 63.11860 through[~~to~~] 63.12005, Tables 1 through[~~to~~] 10 (Subpart  
14 HHHHHHH), National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl  
15 Chloride and Copolymers Production, as published July 1, 2020[~~2016~~]; and

16 (5) The applicable test methods, procedures, and other provisions codified in 40 C.F.R.  
17 Part 63, Appendices A through E, as published July 1, 2020 and at 85 F.R. 63394[~~2016~~].

18 Section 3. Reporting Requirements. All documentation required by this administrative  
19 regulation to be submitted to the U.S. EPA shall also be submitted to the Cabinet[~~A source shall~~  
20 ~~submit all documentation required by this administrative regulation to both the cabinet and U.S.~~  
21 ~~EPA~~].

401 KAR 63:002 approved for filing.

A handwritten signature in black ink, reading "Rebecca W. Goodman". The signature is written in a cursive style with a large initial 'R' and 'G'.

December 8, 2020

Date

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Rebecca W. Goodman, Secretary  
Energy and Environment Cabinet

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A virtual public hearing on this administrative regulation amendment will be held on February 24, 2021, at 10:00 a.m. (Eastern Time). The public hearing can be accessed at the following website address: <https://global.gotomeeting.com/join/212720813> or can be accessed by phone: +1 (224) 501-3412 using access code 212-720-813. Please note that registration is required to participate in this hearing. You must either email your name and mailing address to [Matthew.Dollar@ky.gov](mailto:Matthew.Dollar@ky.gov) or mail this information to Matthew Dollar, Division for Air Quality, 300 Sower Building, 2nd Floor, Frankfort, KY 40601. Please put “National Emission Standards for Hazardous Air Pollutants Public Hearing” as the subject line, and state in the body of the message if you plan to speak during the hearing. If no one registers to speak by February 16, 2021, then the hearing will be cancelled. 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 February 28, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation amendment to the contact person.

### CONTACT PERSON:

Matthew Dollar, Environmental Scientist  
Division for Air Quality  
300 Sower Boulevard, 2<sup>nd</sup> Floor  
Frankfort, KY 40601  
Phone: (502) 782-6468  
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E-mail: [matthew.dollar@ky.gov](mailto:matthew.dollar@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 401 KAR 63:002

Contact person: Matthew Dollar

Phone: (502) 782-6468

E-mail: [matthew.dollar@ky.gov](mailto:matthew.dollar@ky.gov)

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does: This administrative regulation establishes 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: The 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 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 the 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 NESHAPs, codified in 40 C.F.R. Part 63, that have been promulgated by U.S. EPA since the last amendment to this administrative regulation. These updates will be current through July 1, 2020.
  - (b) The necessity of the amendment to this administrative regulation: This amendment is necessary for the state emission standards for NESHAPs to be consistent with the federal 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 federal NESHAPs to provide for consistency between federal and state regulations for 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 Cabinet 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 are subject to the 40 C.F.R. 63 NESHAP requirements, this amendment does not require additional action.
  - (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, sources will not be subject to enforcement actions and HAPs will be controlled. Regulated entities will also have the benefit of working with the state instead of the U.S. EPA.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: The Cabinet will not incur any additional costs for the implementation of this administrative regulation initially.
  - (b) On a continuing basis: The Cabinet 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 Cabinet'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.

## FEDERAL MANDATE ANALYSIS COMPARISON

Administrative Regulation: 401 KAR 63:002

Contact person: Matthew Dollar

Phone: (502) 782-6468

E-mail: [matthew.dollar@ky.gov](mailto:matthew.dollar@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 (NESHAPs).

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 responsibilities or requirements are not imposed.

## FISCAL NOTE ON STATE AND LOCAL GOVERNMENT

Administrative Regulation: 401 KAR 63:002

Contact person: Matthew Dollar

Phone Number: (502) 782-6468

E-mail: [matthew.dollar@ky.gov](mailto:matthew.dollar@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 Cabinet 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, 40 C.F.R. Part 63, 42 U.S.C. 7401, 7412, 7414, 7416, 7601

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 Cabinet'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 Cabinet's operating budget will be used to administer the 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.