

CHAPTER 3**(HJR 8)**

A JOINT RESOLUTION directing the Energy and Environment Cabinet (Cabinet) and the Louisville Metro Air Pollution Control District (District) to determine the environmental benefits, related costs, and potential alternatives to the federal reformulated gasoline requirements currently imposed in Jefferson County and partial areas in Bullitt and Oldham Counties.

WHEREAS, pursuant to the federal Clean Air Act (Act) as amended, 42 U.S.C. secs. 7401 et seq., the Commonwealth of Kentucky is required to prepare and submit to the federal Environmental Protection Agency (EPA) a state implementation plan and revisions to such plan as appropriate to attain and maintain the National Ambient Air Quality Standards (NAAQS) and protect human health; and

WHEREAS, pursuant to KRS Chapter 224, the Cabinet is designated as the air pollution control agency of this Commonwealth for all purposes of the Act and within that organization is the Department for Environmental Protection Division for Air Quality; and

WHEREAS, pursuant to KRS Chapter 77, the District is authorized to control air pollution in Jefferson County; and

WHEREAS, the Kentucky Air Pollution Control Commission granted concurrent jurisdiction to the District on January 26, 1971; and

WHEREAS, the intent of the Cabinet and the District is to operate an effective air pollution control program in Jefferson County as authorized under KRS Chapters 77 and 224 through joint implementation of necessary control strategies; and

WHEREAS, Governor Brereton Jones, through a letter dated September 29, 1993, opted into the federal reformulated gasoline requirements effective January 1, 1995; and

WHEREAS, at that time, reformulated gasoline provided substantive environmental benefits over conventional gasoline when first imposed in the Louisville area; and

WHEREAS, the federal EPA mandated improved quality in conventional gasoline beginning in 2011; and

WHEREAS, consequently, the environmental benefits of reformulated gasoline compared to conventional gasoline no longer provide as significant of an environmental benefit as in the past;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. The Energy and Environment Cabinet and the Louisville Metro Air Pollution Control District shall coordinate together to conduct an analysis to:

- (1) Quantify the health and environmental benefits of the federal reformulated gasoline requirements; and
- (2) Estimate the related costs associated with the federal reformulated gasoline requirements to identify cost-effective compensating emission reductions from other potential air pollution control strategies that are equivalent to, or greater than, the emission reductions achieved by federal reformulated gasoline requirements, and document that those emission reductions are quantifiable, permanent, surplus, and enforceable.

➔Section 2. Pursuant to Section 110(l) of the Act, the Cabinet and District shall, upon a determination that equivalent, or greater, emission reductions from other sources are attainable and more cost-effective to offset the reformulated gasoline requirement, draft a revision to the applicable Kentucky state implementation plan to:

- (1) Remove the federal requirements for reformulated gasoline from Jefferson County and partial areas of Bullitt and Oldham Counties, effective 180 days from the date of the United States Environmental Protection Agency's approval of the revision to the state implementation plan;

- (2) Implement the air pollution control strategies necessary to achieve equivalent, or greater, emission reductions than those achieved by federal reformulated gasoline requirements that are more cost-effective than what is incurred as a result of reformulated gasoline;

- (3) Ensure that the air pollution control strategies do not unnecessarily impede or limit economic development of new facilities and economic growth at existing facilities; and
- (4) Provide for reasonable notice and a public hearing for such draft.

The state implementation plan revision shall not interfere with any applicable requirement concerning attainment of NAAQS and reasonable further progress, or any other applicable of Section 110 of the Act.

→Section 3. Once Sections 1. and 2. of this Resolution have occurred, the General Assembly requests the Governor to petition the federal EPA to opt-out of the federal reformulated gasoline requirements in Jefferson County and partial areas of Bullitt and Oldham Counties, in accordance with 40 CFR 80.72, provided alternative air pollution control strategies, identified in the revision of the applicable Kentucky state implementation plan, can achieve equivalent, or greater, emission reductions that are more cost-effective than the existing reformulated gasoline requirement and that the chosen strategies are able to attain and maintain the National Ambient Air Quality Standards and protect human health.

Became law without Governor's signature February 20, 2020.