

**CHAPTER 98****( HJR 37 )**

A JOINT RESOLUTION directing the Energy and Environment Cabinet to adopt revisions to the state air quality implementation plan to remove the reformulated gas requirement for Jefferson County and applicable parts of Oldham and Bullitt Counties.

WHEREAS, pursuant to the federal Clean Air Act as amended, 42 U.S.C. sec. 7401 et seq., the Commonwealth of Kentucky is required to prepare and submit to the United States 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 Energy and Environment Cabinet (cabinet) is designated as the air pollution control agency of this Commonwealth for all purposes of the Clean Air Act; and

WHEREAS, pursuant to KRS Chapter 77, the Louisville Metro Air Pollution Control District (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, the 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; and

WHEREAS, in June, 2022, reformulated gas was estimated to be 45 cents more expensive than conventional gas; and

WHEREAS, the national average price of gasoline is currently at a historic level of \$3.47 per gallon, a figure essentially unchanged from last year that seemingly represents the new normal; and

WHEREAS, House Joint Resolution 8 adopted during the 2020 Regular Session directed the cabinet and the district to determine the environmental benefits, related costs, and potential alternatives to the federal reformulated gasoline requirements currently imposed in Jefferson County and parts of Oldham and Bullitt Counties; and

WHEREAS, the cabinet and the district have undertaken that analysis and are engaged in the development of revisions required by House Joint Resolution 8 to eliminate reliance on reformulated gasoline as a control measure for the state implementation plan for Jefferson County and partial areas of Bullitt and Oldham Counties, and to adopt the air pollution control strategies in the state implementation plan revision that are necessary to satisfy any applicable requirement concerning attainment of NAAQS and reasonable further progress, and any other applicable requirement of Section 110 of the Clean Air Act; and

WHEREAS, the cabinet and the district should be prepared to move forward to seek federal approval for that revision to the state implementation plan once the EPA has approved the pending requests from the cabinet and the district for redesignation of the Jefferson County and partial areas of Bullitt and Oldham Counties as being in attainment for ozone;

NOW, THEREFORE,

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

➔Section 1. The General Assembly calls on the EPA to expeditiously review and approve the pending requests from the cabinet and the district to redesignate Jefferson County and partial areas of Bullitt and Oldham Counties as being in attainment for ozone.

➔Section 2. No later than 60 days after the redesignation of Jefferson County and partial areas of Bullitt and Oldham Counties as being in attainment for ozone, the cabinet and the district shall propose revisions to the applicable state implementation plan to:

(1) Remove the reformulated gas requirement for Jefferson County and the parts of Oldham and Bullitt Counties to which the reformulated gas requirement applies;

(2) If necessary, implement air pollution control strategies other than mobile source gas formulations or additives to achieve equivalent, or greater, emission reductions than those achieved by reformulated gasoline requirements in those areas to which the reformulated gas requirements applied; and

(3) Make any other changes necessary to satisfy any applicable requirement concerning attainment of NAAQS and reasonable further progress, and any other applicable requirement of Section 110 of the Clean Air Act.

➔Section 3. Not later than October 31, 2023, the cabinet and the district shall report to the Interim Joint Committee on Natural Resources and Energy on the status of revisions to the state implementation plan identified under Section 2 of this Resolution.

➔Section 4. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to Secretary Rebecca Goodman, Energy and Environment Cabinet, 300 Sower Boulevard, Frankfort, Kentucky 40601.

**Signed by Governor March 24, 2023.**