

401 KAR 58:025. 40 C.F.R. Part 61 national emission standard for asbestos.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 224.99-010, 40 C.F.R. 61.140-61.157, 42 U.S.C. 7401, 7412, 7414, 7416, 7601

STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-100, 224.20-110, 224.20-120, 224.99-010, 42 U.S.C. 7401, 7412, 7414, 7416, 7601

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the Environmental and Public Protection Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation adopts the National Emission Standard for Asbestos, codified in 40 C.F.R. 61.140 through 61.157. Delegation of implementation and enforcement authority for the federal NESHAP Program from the United States Environmental Protection Agency to the Commonwealth of Kentucky is provided under 42 U.S.C. 7412(l).

Section 1. Definitions. (1) "Administrator" means the Secretary of the Environmental and Public Protection Cabinet unless a specific provision of the Part 61 NESHAP states that the United States Environmental Protection Agency retains enforcement authority.

(2) "Part 61 NESHAP" means the National Emission Standard for Asbestos, codified in 40 C.F.R. 61.140 through 61.157, Subpart M.

Section 2. Applicability. This administrative regulation shall apply to sources subject to 40 C.F.R. 61.140 through 61.157, Subpart M. Owners and contractors of these sources shall comply with the following:

(1) The applicable provisions codified in 40 C.F.R. 61.140 through 61.157, Subpart M, "National Emission Standard for Asbestos";

(2) The applicable provisions and requirements codified in "Appendix A to Subpart M of Part 61-Interpretive Rule Governing Roof Removal Operations"; and

(3) Completion and submittal of Form DEP 7036 to the Division for Air Quality prior to renovation or demolition.

Section 3. Incorporation by Reference. (1) Form DEP 7036, "Notification of Asbestos Abatement/Demolition/Renovation", May 1998, is incorporated by reference.

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

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

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

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

(d) Florence Regional Office, 8020 Veterans Memorial Drive, Suite 110, Florence, Kentucky 41042, (859) 525-4923;

(e) Frankfort Regional Office, 300 Sower Boulevard, Frankfort, Kentucky 40601, (502) 564-3999;

(f) Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701, (606) 435-6022;

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

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

(i) Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky 42003, (270) 898-8468.

(3) Form DEP 7036 is available electronically at <http://air.ky.gov>. (11 Ky.R. 885; eff. 1-7-1985;

13 Ky.R. 934; eff. 12-2-1986; Recodified from 401 KAR 57:011, 6-10-1997; 24 Ky.R. 1927; 2717; eff. 7-7-1998; 31 Ky.R. 401; eff. 1-4-2005; 33 Ky.R. 4229; 34 Ky.R. 596; 970; eff. 11-14-2007; TAm eff. 5-20-10; TAm eff. 9-16-2013; TAm eff. 7-8-2016; Crt eff. 7-30-2018.)