

**ENERGY AND ENVIRONMENT CABINET**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**(Amendment)**

**401 KAR 63:002. 40 C.F.R. Part 63 national emission standards for hazardous air pollutants.**

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. Part 63, 42 U.S.C. 7401, 7412, 7414, 7416, 7601

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

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. 42 U.S.C. 7412(l) authorizes each state to establish standards for the federal NESHAP program for the U.S. EPA delegation of implementation and enforcement authority to the Commonwealth of Kentucky. This administrative regulation establishes national emission standards for hazardous air pollutants by referencing the National Emission Standards for Hazardous Air Pollutants (NESHAP) codified in 40 C.F.R. 63.1 through 63.56, 63.70 through 63.81, and 63.100 through 63.12005.

Section 1. Definitions.

- (1) Except as established in subsection (2) of this section, terms used in this administrative regulation shall have the meaning given to them in 40 C.F.R. Part 63.
- (2) "Administrator" means the Secretary of the Energy and Environment Cabinet unless a specific provision of 40 C.F.R. Part 63 states that the United States Environmental Protection Agency retains authority.

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

- (1) 40 C.F.R. 63.1 through 63.16, Table 1 (Subpart A), General Provisions, as published July 1, ~~2025~~[2020] and at ~~85 F.R. 39980, 85 F.R. 40386, 85 F.R. 40594, 85 F.R. 40740, 85 F.R. 41100, 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 F.R. 45476, 85 F.R. 49084, 85 F.R. 49434, 85 F.R. 49724, and 85 F.R. 63394~~;
- (2) 40 C.F.R. 63.40 through 63.56, Tables 1 through 2 (Subpart B), Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j), as applicable, as published July 1, ~~2025~~[2020];
- (3) 40 C.F.R. 63.70 through 63.81 (Subpart D), Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants, as applicable, as published July 1, ~~2025~~[2020];
- (4)
  - (a) 40 C.F.R. 63.100 through ~~63.109~~[63.107], Tables 1 through 4 (Subpart F), National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry, as published July 1, ~~2025~~[2020];
  - (b) 40 C.F.R. 63.110 through 63.153, Tables 1 through ~~38~~[37], and Figure 1 (Subpart G), National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater, as published July 1, ~~2025~~[2020];
  - (c) 40 C.F.R. 63.160 through ~~63.184~~[63.183], Tables 1 through 4 (Subpart H), National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks and

Fenceline Monitoring for All Emission Sources, as published July 1, ~~2025~~~~2020~~;

(d) 40 C.F.R. 63.190 through 63.193 (Subpart I), National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks, as published July 1, ~~2025~~~~2020~~;

(e) 40 C.F.R. 63.210 through 63.217 (Subpart J), National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production, as published July 1, ~~2025~~~~2020~~;

(f) 40 C.F.R. 63.300 through ~~63.314~~~~63.313~~, Appendix A (Subpart L), National Emission Standards for Coke Oven Batteries, as published July 1, ~~2025~~~~2020~~;

(g) 40 C.F.R. 63.320 through 63.326 (Subpart M), National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, as published July 1, ~~2025~~~~2020~~;

(h) 40 C.F.R. 63.340 through 63.348, Table 1 (Subpart N), National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, as published July 1, ~~2025~~~~2020~~;

(i) 40 C.F.R. 63.360 through 63.368 (Subpart O), Ethylene Oxide Emissions Standards for Sterilization Facilities, as published July 1, ~~2025~~~~2020~~;

(j) 40 C.F.R. 63.400 through 63.407, Table 1 (Subpart Q), National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers, as published July 1, ~~2025~~~~2020~~;

(k) 40 C.F.R. 63.420 through 63.429, Table 1 (Subpart R), National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations), as published July 1, ~~2025~~~~2020~~;

(l) 40 C.F.R. 63.440 through 63.459, Table 1 (Subpart S), National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry, as published July 1, ~~2025~~~~2020~~;

(m) 40 C.F.R. 63.460 through 63.471, Appendices A through B (Subpart T), National Emission Standards for Halogenated Solvent Cleaning, as published July 1, ~~2025~~~~2020~~;

(n) 40 C.F.R. 63.480 through ~~63.510~~~~63.507~~, Tables 1 through ~~10~~~~9~~ (Subpart U), National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins, as published July 1, ~~2025~~~~2020~~;

(o) 40 C.F.R. 63.520 through 63.529, Tables 1 through 2~~Table 1~~ (Subpart W), National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production, as published July 1, ~~2025~~~~2020~~;

(p) 40 C.F.R. 63.541 through 63.552, Tables 1 through 3 (Subpart X), National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting, as published July 1, ~~2025~~~~2020~~;

(q) 40 C.F.R. 63.560 through 63.568 (Subpart Y), National Emission Standards for Marine Tank Vessel Loading Operations, as published July 1, ~~2025~~~~2020~~;

(r) 40 C.F.R. 63.600 through 63.611, Tables 1 through 5, and Appendix A (Subpart AA), National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants, as published July 1, ~~2025~~~~2020~~;

(s) 40 C.F.R. 63.620 through 63.632, Tables 1 through 5, and Appendix A (Subpart BB), National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants, as published July 1, ~~2025~~~~2020~~;

(t) 40 C.F.R. 63.640 through 63.671, Appendix (Subpart CC), National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries, as published July 1, ~~2025~~~~2020~~;

(u) 40 C.F.R. 63.680 through 63.698, Tables 1 through 5 (Subpart DD), National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations, as published July 1, ~~2025~~~~2020~~;

- (v) 40 C.F.R. 63.701 through 63.708, Table 1 (Subpart EE), National Emission Standards for Magnetic Tape Manufacturing Operations, as published July 1, ~~2025~~~~[2020]~~;
- (w) 40 C.F.R. 63.741 through 63.759, Table 1, and Appendix A (Subpart GG), National Emission Standards for Aerospace Manufacturing and Rework Facilities, as published July 1, ~~2025~~~~[2020]~~;
- (x) 40 C.F.R. 63.760 through 63.777, Appendix (Subpart HH), National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities, as published July 1, ~~2025~~~~[2020]~~;
- (y) 40 C.F.R. 63.780 through 63.789, Tables 1 through 3, and Appendices A through B (Subpart II), National Emission Standards for Shipbuilding and Ship Repair (Surface Coating), as published July 1, ~~2025~~~~[2020]~~;
- (z) 40 C.F.R. 63.800 through 63.808, Tables 1 through 6 (Subpart JJ), National Emission Standards for Wood Furniture Manufacturing Operations, as published July 1, ~~2025~~~~[2020]~~;
- (aa) 40 C.F.R. 63.820 through 63.831, Table 1, and Appendix A (Subpart KK), National Emission Standards for the Printing and Publishing Industry, as published July 1, ~~2025~~~~[2020]~~;
- (bb) 40 C.F.R. 63.840 through 63.855, Tables 1 through 4, and Appendix A (Subpart LL), National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants, as published July 1, ~~2025~~~~[2020]~~;
- (cc) 40 C.F.R. 63.860 through 63.868, Table 1 (Subpart MM), National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills, as published July 1, ~~2025~~~~[2020]~~;
- (dd) 40 C.F.R. 63.880 through 63.888, Table 1 (Subpart NN), National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources, as published July 1, ~~2025~~~~[2020]~~;
- (ee) 40 C.F.R. 63.900 through 63.908 (Subpart OO), National Emission Standards for Tanks - Level 1, as published July 1, ~~2025~~~~[2020]~~;
- (ff) 40 C.F.R. 63.920 through 63.929 (Subpart PP), National Emission Standards for Containers, as published July 1, ~~2025~~~~[2020]~~;
- (gg) 40 C.F.R. 63.940 through 63.949 (Subpart QQ), National Emission Standards for Surface Impoundments, as published July 1, ~~2025~~~~[2020]~~;
- (hh) 40 C.F.R. 63.960 through 63.967 (Subpart RR), National Emission Standards for Individual Drain Systems, as published July 1, ~~2025~~~~[2020]~~;
- (ii) 40 C.F.R. 63.980 through 63.999 (Subpart SS), National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process, as published at July 1, ~~2025~~~~[2020]~~ ~~and at 85 F.R. 40386~~;
- (jj) 40 C.F.R. 63.1000 through 63.1018 (Subpart TT), National Emission Standards for Equipment Leaks - Control Level 1, as published July 1, ~~2025~~~~[2020]~~;
- (kk) 40 C.F.R. 63.1019 through 63.1039, Table 1 (Subpart UU), National Emission Standards for Equipment Leaks - Control Level 2 Standards, as published July 1, ~~2025~~~~[2020]~~;
- (ll) 40 C.F.R. 63.1040 through 63.1050 (Subpart VV), National Emission Standards for Oil-Water Separators and Organic-Water Separators, as published July 1, ~~2025~~~~[2020]~~;
- (mm) 40 C.F.R. 63.1060 through 63.1067 (Subpart WW), National Emission Standards for Storage Vessels (Tanks) - Control Level 2, as published July 1, ~~2025~~~~[2020]~~;
- (nn) 40 C.F.R. 63.1080 through 63.1097, Tables 1 through 2 (Subpart XX), National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations, as published July 1, ~~2025~~~~[2020]~~ ~~and at 85 F.R. 40386~~;

(oo) 40 C.F.R. 63.1100 through 63.1114 (Subpart YY), National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards, as published July 1, ~~2025~~[2020 and at 85 F.R. 40386];

(pp) 40 C.F.R. 63.1155 through 63.1166, Table 1 (Subpart CCC), National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants, as published July 1, ~~2025~~[2020];

(qq) 40 C.F.R. 63.1175 through 63.1197, Tables 1 through 2, and Appendix A (Subpart DDD), National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production, as published July 1, ~~2025~~[2020];

(rr) 40 C.F.R. 63.1200 through 63.1221, Table 1, and Appendix A (Subpart EEE), National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, as published July 1, ~~2025~~[2020];

(ss) 40 C.F.R. 63.1250 through 63.1261, Tables 1 through 9 (Subpart GGG), National Emission Standards for Pharmaceuticals Production, as published July 1, ~~2025~~[2020];

(tt) 40 C.F.R. 63.1270 through 63.1287, Tables 1 through 2 (Subpart HHH), National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities, as published July 1, ~~2025~~[2020];

(uu) 40 C.F.R. 63.1290 through 63.1309, Appendix, and Tables 1 through 3 (Subpart III), National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production, as published July 1, ~~2025~~[2020];

(vv) 40 C.F.R. 63.1310 through 63.1336, Tables 1 through 9 (Subpart JJJ), National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins, as published July 1, ~~2025~~[2020];

(ww) 40 C.F.R. 63.1340 through 63.1358, Tables 1 through 2 (Subpart LLL), National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry, as published July 1, ~~2025~~[2020 and at 85 F.R. 63394];

(xx) 40 C.F.R. 63.1360 through 63.1369, Tables 1 through 4 (Subpart MMM), National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production, as published July 1, ~~2025~~[2020];

(yy) 40 C.F.R. 63.1380 through 63.1389, Tables 1 through 2, and Appendices A through C (Subpart NNN), National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing, as published July 1, ~~2025~~[2020];

(zz) 40 C.F.R. 63.1400 through 63.1419, Tables 1 through 6 (Subpart OOO), National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins, as published July 1, ~~2025~~[2020];

(aaa) 40 C.F.R. 63.1420 through 63.1439, Tables 1 through 8 (Subpart PPP), National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production, as published July 1, ~~2025~~[2020];

(bbb) 40 C.F.R. 63.1440 through 63.1459, Table 1, through 4, and Figure 1 (Subpart QQQ), National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting, as published July 1, ~~2025~~[2020];

(ccc) 40 C.F.R. 63.1500 through 63.1519, Tables 1 through 3, and Appendix A (Subpart RRR), National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production, as published July 1, ~~2025~~[2020];

(ddd) 40 C.F.R. 63.1541 through 63.1551, Table 1 (Subpart TTT), National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting, as published July 1, ~~2025~~[2020];

(eee) 40 C.F.R. 63.1560 through 63.1579, Tables 1 through 44, and Appendix A (Subpart UUU), National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units, as published July 1, ~~2025~~[2020];

(fff) 40 C.F.R. 63.1580 through 63.1595, Tables 1 through 2 (Subpart VVV), National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works, as published July 1, ~~2025~~[2020];

(ggg) 40 C.F.R. 63.1620 through 63.1661, Table 1 (Subpart XXX), National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese, as published July 1, ~~2025~~[2020];

(hhh) 40 C.F.R. 63.1930 through 63.1990, Table 1 (Subpart AAAA), National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, as published July 1, ~~2025~~[2020 and at 85 F.R. 64398];

(iii) 40 C.F.R. 63.2130 through 63.2192, Tables 1 through 8 (Subpart CCCC), National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast, as published July 1, ~~2025~~[2020];

(jjj) 40 C.F.R. 63.2230 through 63.2292, Tables 1A through 10, and Appendix A (Subpart DDDD), National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products, as published July 1, ~~2025~~[2020 and at 85 F.R. 49434 and 85 F.R. 51668];

(kkk) 40 C.F.R. 63.2330 through 63.2406, Tables 1 through 12 (Subpart EEEE), National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline), as published July 1, ~~2025~~[2020 and at 85 F.R. 40740];

(lll) 40 C.F.R. 63.2430 through 63.2550, Tables 1 through 12 (Subpart FFFF), National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing, as published July 1, ~~2025~~[2020 and at 85 F.R. 42074 and 85 F.R. 49084];

(mmm) 40 C.F.R. 63.2830 through 63.2872 (Subpart GGGG), National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production, as published July 1, ~~2025~~[2020];

(nnn) 40 C.F.R. 63.2980 through 63.3004, Tables 1 through 2, and Appendices A through B (Subpart HHHH), National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production, as published July 1, ~~2025~~[2020];

(ooo) 40 C.F.R. 63.3080 through 63.3176, Tables 1 through 5, and Appendix A (Subpart IIII), National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks, as published July 1, ~~2025~~[2020 and at 85 F.R. 41100];

(ppp) 40 C.F.R. 63.3280 through 63.3420, Tables 1 through 2 (Subpart JJJJ), National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating, as published July 1, ~~2025~~[2020 and at 85 F.R. 41276];

(qqq) 40 C.F.R. 63.3480 through 63.3561, Tables 1 through 8 (Subpart KKKK), National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans, as published July 1, ~~2025~~[2020];

(rrr) 40 C.F.R. 63.3880 through 63.3981, Tables 1 through 5, and Appendix A (Subpart MMMM), National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products, as published July 1, ~~2025~~[2020 and at 85 F.R. 41100];

(sss) 40 C.F.R. 63.4080 through 63.4181, Tables 1 through 5 (Subpart NNNN), National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances, as published July 1, ~~2025~~[2020 and at 85 F.R. 41100];

(ttt) 40 C.F.R. 63.4280 through 63.4371, Tables 1 through 6 (Subpart OOOO), National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles, as published July 1, ~~2025~~[2020 and at 85 F.R. 41100];

(uuu) 40 C.F.R. 63.4480 through 63.4581, Tables 1 through 5, and Appendix A (Subpart PPPP), National Emission Standards for Hazardous Air Pollutants for Surface

Coating of Plastic Parts and Products, as published July 1, ~~2025~~~~[2020]~~ and at ~~85 F.R. 41100~~];

(vvv) 40 C.F.R. 63.4680 through 63.4781, Tables 1 through ~~7~~~~[6]~~ (Subpart QQQQ), National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products, as published July 1, ~~2025~~~~[2020]~~];

(www) 40 C.F.R. 63.4880 through 63.4981, Tables 1 through 5 (Subpart RRRR), National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture, as published July 1, ~~2025~~~~[2020]~~ and at ~~85 F.R. 41100~~];

(xxx) 40 C.F.R. 63.5080 through 63.5200, Tables 1 through 3 (Subpart SSSS), National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil, as published July 1, ~~2025~~~~[2020]~~];

(yyy) 40 C.F.R. 63.5280 through 63.5460, Figure 1, and Tables 1 through 2 (Subpart TTTT), National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations, as published July 1, ~~2025~~~~[2020]~~];

(zzz) 40 C.F.R. 63.5480 through 63.5610, Tables 1 through 10 (Subpart UUUU), National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing, as published July 1, ~~2025~~~~[2020]~~ and at ~~85 F.R. 39980~~];

(aaaa) 40 C.F.R. 63.5680 through 63.5779, Tables 1 through 8 (Subpart VVVV), National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing, as published July 1, ~~2025~~~~[2020]~~];

(bbbb) 40 C.F.R. 63.5780 through 63.5935, Tables 1 through 15, and Appendix A (Subpart WWWW), National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production, as published July 1, ~~2025~~~~[2020]~~];

(cccc) 40 C.F.R. 63.5980 through ~~63.6022~~~~[63.6015]~~, Tables 1 through ~~22~~~~[17]~~ (Subpart XXXX), National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing, as published July 1, ~~2025~~~~[2020]~~ and at ~~85 F.R. 44752~~];

(dddd) 40 C.F.R. 63.6080 through 63.6175, Tables 1 through 7 (Subpart YYYYY), National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines, as published July 1, ~~2025~~~~[2020]~~];

(eeee) 40 C.F.R. 63.6580 through 63.6675, Tables 1a through 8, and Appendix A (Subpart ZZZZ), National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, as published July 1, ~~2025~~~~[2020]~~];

(ffff) 40 C.F.R. 63.7080 through 63.7143, Tables 1 through ~~11~~~~[9]~~ (Subpart AAAAA), National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants, as published July 1, ~~2025~~~~[2020]~~ and at ~~85 F.R. 44960~~];

(gggg) 40 C.F.R. 63.7180 through 63.7195, Tables 1 through 2 (Subpart BBBB), National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing, as published July 1, ~~2025~~~~[2020]~~];

(hhhh) 40 C.F.R. 63.7280 through 63.7352, Table 1 (Subpart CCCCC), National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, as published July 1, ~~2025~~~~[2020]~~];

(iiii) 40 C.F.R. 63.7480 through 63.7575, Tables 1 through ~~15~~~~[13]~~ (Subpart DDDDD), National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, as published July 1, ~~2025~~~~[2020]~~];

(jjjj) 40 C.F.R. 63.7680 through 63.7765, Table 1 (Subpart EEEEE), National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries, as published July 1, ~~2025~~~~[2020]~~ and at ~~85 F.R. 56080~~];

(kkkk) 40 C.F.R. 63.7780 through 63.7852, Tables 1 through ~~6~~~~[4]~~ (Subpart FFFFF), National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities, as published July 1, ~~2025~~~~[2020]~~];

(llll) 40 C.F.R. 63.7880 through 63.7957, Tables 1 through 3 (Subpart GGGGG), National Emission Standards for Hazardous Air Pollutants: Site Remediation, as published July 1, ~~2025~~[2020 and at 85 F.R. 41680];

(mmmm) 40 C.F.R. 63.7980 through 63.8105, Tables 1 through 11 (Subpart HHHHH), National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing, as published July 1, ~~2025~~[2020 and at 85 F.R. 49724];

(nnnn) 40 C.F.R. 63.8180 through 63.8266, Tables 1 through 10 (Subpart IIIII), National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants, as published July 1, ~~2025~~[2020];

(oooo) 40 C.F.R. 63.8380 through 63.8515, Tables 1 through 10 (Subpart JJJJJ), National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing, as published July 1, ~~2025~~[2020];

(pppp) 40 C.F.R. 63.8530 through 63.8665, Tables 1 through 11 (Subpart KKKKK), National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing, as published July 1, ~~2025~~[2020];

(qqqq) 40 C.F.R. 63.8680 through 63.8698, Tables 1 through 7 (Subpart LLLLL), National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing, as published July 1, ~~2025~~[2020];

(rrrr) 40 C.F.R. 63.8780 through 63.8830, Tables 1 through ~~8~~[7] (Subpart MMMMM), National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabricating Operations, as published July 1, ~~2025~~[2020];

(ssss) 40 C.F.R. 63.8980 through 63.9075, Tables 1 through 7 (Subpart NNNNN), National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production, as published July 1, ~~2025~~[2020];

(tttt) 40 C.F.R. 63.9280 through 63.9375, Tables 1 through 7 (Subpart PPPPP), National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands, as published July 1, ~~2025~~[2020];

(uuuu) 40 C.F.R. 63.9480 through 63.9570, Table 1 (Subpart QQQQQ), National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities, as published July 1, ~~2025~~[2020];

(vvvv) 40 C.F.R. 63.9580 through 63.9652, Tables 1 through ~~4~~[2] (Subpart RRRRR), National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing, as published July 1, ~~2025~~[2020 and at 85 F.R. 45476];

(wwww) 40 C.F.R. 63.9780 through 63.9824, Tables 1 through 11 (Subpart SSSSS), National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing, as published July 1, ~~2025~~[2020];

(xxxx) 40 C.F.R. 63.9880 through 63.9942, Tables 1 through 5 (Subpart TTTTT), National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining, as published July 1, ~~2025~~[2020];

(yyyy) 40 C.F.R. 63.9980 through 63.10042, Tables 1 through 9, and Appendices A through E (Subpart UUUUU), National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units, as published July 1, ~~2025~~[2020 and at 85 F.R. 55744];

(zzzz) 40 C.F.R. 63.10382 through 63.10448, Table 1 (Subpart WWWW), National Emission Standards for Hospital Ethylene Oxide Sterilizers, as published July 1, ~~2025~~[2020];

(aaaa) 40 C.F.R. 63.10680 through 63.10692, Table 1 (Subpart YYYYY), National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities, as published July 1, ~~2025~~[2020];

(bbbb) 40 C.F.R. 63.10880 through 63.10906, Tables 1 through 4 (Subpart ZZZZ), National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources, as published July 1, ~~2025~~[2020 and at 85 F.R. 56080];

(ccccc) 40 C.F.R. 63.11080 through 63.11100, Tables 1 through ~~4~~<sup>3</sup> (Subpart BBBB), National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, as published July 1, ~~2025~~<sup>2020</sup>;

(dddd) 40 C.F.R. 63.11110 through 63.11132, Tables 1 through 3 (Subpart CCCCC), National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities, as published July 1, ~~2025~~<sup>2020</sup>;

(eeee) 40 C.F.R. 63.11140 through 63.11145, Tables 1 through 2 (Subpart DDDDD), National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources, as published July 1, ~~2025~~<sup>2020</sup>;

(ffff) 40 C.F.R. 63.11146 through 63.11152, Table 1 (Subpart EEEEE), National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources, as published July 1, ~~2025~~<sup>2020</sup>;

(ggggg) 40 C.F.R. 63.11153 through 63.11159, Table 1 (Subpart FFFFF), National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources, as published July 1, ~~2025~~<sup>2020</sup>;

(hhhhh) 40 C.F.R. 63.11160 through 63.11168, Table 1 (Subpart GGGGG), National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium, as published July 1, ~~2025~~<sup>2020</sup>;

(iiii) 40 C.F.R. 63.11169 through 63.11180, Table 1 (Subpart HHHHH), National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources, as published July 1, ~~2025~~<sup>2020</sup>;

(jjjj) 40 C.F.R. 63.11193 through 63.11237, Tables 1 through 8 (Subpart JJJJJ), National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, as published July 1, ~~2025~~<sup>2020</sup>;

(kkkkk) 40 C.F.R. 63.11393 through 63.11399, Table 1 (Subpart LLLLL), National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources, as published July 1, ~~2025~~<sup>2020</sup>;

(llll) 40 C.F.R. 63.11400 through 63.11406 (Subpart MMMMM), National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources, as published July 1, ~~2025~~<sup>2020</sup>;

(mmmm) 40 C.F.R. 63.11407 through 63.11413, Tables 1 through 2 (Subpart NNNNN), National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds, as published July 1, ~~2025~~<sup>2020</sup>;

(nnnn) 40 C.F.R. 63.11414 through 63.11420~~, Table 1~~ (Subpart OOOOO), National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources, as published July 1, ~~2025~~<sup>2020</sup>;

(oooo) 40 C.F.R. 63.11421 through 63.11427, ~~Tables 1 through 3~~<sup>Table 1</sup> (Subpart PPPPP), National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources, as published July 1, ~~2025~~<sup>2020</sup>;

(pppp) 40 C.F.R. 63.11428 through 63.11434, Table 1 (Subpart QQQQQ), National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources, as published July 1, ~~2025~~<sup>2020</sup>;

(qqqq) 40 C.F.R. 63.11435 through 63.11445, Table 1 (Subpart RRRRR), National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources, as published July 1, ~~2025~~<sup>2020</sup>;

(rrrr) 40 C.F.R. 63.11448 through 63.11460, Tables 1 through 2 (Subpart SSSSS), National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources, as published July 1, ~~2025~~<sup>2020</sup>;

(ssss) 40 C.F.R. 63.11462 through 63.11473, Table 1 (Subpart TTTTT), National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals

Processing Area Sources, as published July 1, ~~2025~~[2020];  
(ttttt) 40 C.F.R. 63.11494 through 63.11503, Tables 1 through 9 (Subpart VVVVVV), National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources, as published July 1, ~~2025~~[2020];  
(uuuuu) 40 C.F.R. 63.11504 through 63.11512, Table 1 (Subpart WWWWWW), National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations, as published July 1, ~~2025~~[2020];  
(vvvvv) 40 C.F.R. 63.11514 through 63.11523, Tables 1 through 2 (Subpart XXXXXX), National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories, as published July 1, ~~2025~~[2020];  
(wwwww) 40 C.F.R. 63.11524 through 63.11532, Table 1 (Subpart YYYYYY), National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities, as published July 1, ~~2025~~[2020];  
(xxxxx) 40 C.F.R. 63.11544 through 63.11557, Table 1 (Subpart ZZZZZZ), National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries, as published July 1, ~~2025~~[2020];  
(yyyyy) 40 C.F.R. 63.11559 through 63.11567, Tables 1 through 5 (Subpart AAAAAA), National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing, as published July 1, ~~2025~~[2020];  
(zzzzz) 40 C.F.R. 63.11579 through 63.11588, Tables 1 through 6 (Subpart BBBBBB), National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry, as published July 1, ~~2025~~[2020];  
(aaaaa) 40 C.F.R. 63.11599 through 63.11607, Table 1 (Subpart CCCCCC), National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing, as published July 1, ~~2025~~[2020];  
(bbbbb) 40 C.F.R. 63.11619 through 63.11627, Table 1 (Subpart DDDDDD), National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing, as published July 1, ~~2025~~[2020];  
(ccccc) 40 C.F.R. 63.11640 through 63.11652, Table 1 (Subpart EEEEEEE), National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category, as published July 1, ~~2025~~[2020]; or  
(dddddd) 40 C.F.R. 63.11860 through 63.12005, Tables 1 through 10 (Subpart HHHHHH), National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production, as published July 1, ~~2025~~[2020]; and  
(5) The applicable test methods, procedures, and other provisions codified in 40 C.F.R. Part 63, Appendices A through E, as published July 1, ~~2025~~[2020] and at ~~85 F.R. 63394~~.

Section 3. Reporting Requirements. All documentation required by this administrative regulation to be submitted to the U.S. EPA shall also be submitted to the cabinet.401 KAR 63:002 approved for filing.

(401 KAR 063:002. 25 Ky.R. 2046; Am. 2591; 26 Ky.R. 53; eff. 7-14-1999; 28 Ky.R. 1183; 1894; 2023; eff. 3-18-2002; 29 Ky.R. 2979; 30 Ky.R. 591; eff. 9-10-2003; 31 Ky.R. 412; eff. 1-4-2005; 33 Ky.R. 4236; 34 Ky.R. 603; 974; eff. 11-14-2007; 43 Ky.R. 1037; eff. 3-3-2017; 47 Ky.R. 1449, 1950; eff. 6-3-2021; 52Ky.R. 873; eff. 5-5-2026.)

*REBECCA W. GOODMAN, Secretary*

APPROVED BY AGENCY: September 25, 2025  
FILED WITH LRC: October 2, 2025 at 1:45 p.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A virtual public hearing on this administrative regulation amendment will be held December 22, 2025, at 10:00 a.m. (Eastern time). Individuals interested in being heard at this hearing shall notify this agency in writing by December 15, 2025, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 through December 31, 2025. 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. 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:** Donovan McGauley, Environmental Scientist II, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 782-4158, email [Donovan.mcgauley@ky.gov](mailto:Donovan.mcgauley@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person: Donovan McGauley, Environmental Scientist II**

**Subject Headings: Air Quality Standards; Clean Air Act; Hazardous Air Pollutants**

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation adopts National Emission Standards for Hazardous Air Pollutants (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:**

This regulation is necessary to control the air emissions of Hazardous Air Pollutants (HAP) that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental health. The intent of the standards is to protect public health by requiring major and area sources to control emissions to the level achievable consistent with Section 112 of the CAA.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

KRS 224.10-100(5) requires the Energy and Environment Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. 42 U.S.C 7416 requires that state authorities may not adopt or enforce emission standards or limitations that are less stringent than 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 standards that are applicable under 40 C.F.R. Part 63 pursuant to Section 112 of the CAA.

**(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 regulation to include source compliance requirements according to federal regulations published as of July 1, 2025.

**(b) The necessity of the amendment to this administrative regulation:**

This amendment is necessary in order to incorporate updates of 40 C.F.R. Part 63 standards so state standards are aligned with federal standards. This will allow Kentucky to continue to implement and enforce the federal NESHAP program.

**(c) How the amendment conforms to the content of the authorizing statutes:**

The amendment conforms to the content of the authorizing statute by adopting NESHAPs that protect human health and welfare. The amendment also conforms to the authorizing statute by being no less stringent than the federal standards in 40 C.F.R. Part 63.

**(d) How the amendment will assist in the effective administration of the statutes:**

The amendment adopts the federal NESHAP to provide consistency with federal regulations. The new provisions will be enforceable by the Cabinet.

**(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.**

**(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

This administrative regulation will affect area and major sources that emit a hazardous air pollutant and are subject to 40 C.F.R. Part 63.

**(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment:**

Sources that are applicable to a standard under 40 C.F.R. Part 63 may be subject to the regulation and will be required to comply with the applicable subpart. However, there should be no additional requirements as sources are already required to comply at the federal level.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):**

Entities affected by the 40 C.F.R Part 63 standards should have no additional costs associated with this amendment as they are required to comply at the federal level.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):**

The sources will remain in compliance with state and federal regulations and hazardous air pollutants will be controlled.

**(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

The cabinet will not incur any additional costs for the implementation of this administrative regulation.

**(b) On a continuing basis:**

There are no continuing costs for the implementation of this administrative regulation.

**(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:**

The Cabinet's current operating budget will be used to implement this administrative regulation.

**(8) 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.

**(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

The administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.

**(10) TIERING: Is tiering applied?**

Yes. The administrative regulation defines the HAP thresholds to determine if a regulated source is considered a major or area emitter of HAPs. However, this administrative regulation adopts the same standards as the federal regulations codified in 40 C.F.R Part 63.

## FISCAL IMPACT STATEMENT

**(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 224.10-100(5), KRS 224.20-120, 42 U.S.C. 7401, 7412, 7414, 7416, 7601, and 40 C.F.R. Part 63.

**(2) Identify the promulgating agency and any other affected state units, parts, or divisions:**

The Energy and Environment Cabinet, Department for Environmental Protection, Division for Air Quality.

**(a) Estimate the following for the first year:**

**Expenditures:** There is no known effect on current expenditures for the Division for Air Quality.

**Revenues:** There is no known effect on current revenues for the Division for Air Quality.

**Cost Savings:** There is no known effect on cost savings for the Division for Air Quality.

**(b) How will expenditures, revenues, or cost savings differ in subsequent years?**

The expenditures, revenues, and cost savings will not change in subsequent years.

**(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

Any state agency has that has a source with an applicable NESHAP requirement in 40 C.F.R. Part 63.

**(a) Estimate the following for the first year:**

**Expenditures:** There is no known effect on current expenditures.

**Revenues:** There is no known effect on current revenues.

**Cost Savings:** There is no known effect on current cost savings.

**(b) How will expenditures, revenues, or cost savings differ in subsequent years?**

The expenditures, revenues, and cost savings will not change in subsequent years.

**(4) Identify additional regulated entities not listed in questions (2) or (3):**

Any entity that has a source with an applicable NESHAP requirement established in 40 C.F.R. Part 63.

**(a) Estimate the following for the first year:**

**Expenditures:** There will be no additional expenditures in the first year

**Revenues:** There is no known effect on current revenues.

**Cost Savings:** There is no known effect on cost savings.

**(b) How will expenditures, revenues, or cost savings differ in subsequent years?**

The expenditures, revenues, and cost savings will not change in subsequent years.

**(5) Provide a narrative to explain the:**

**(a) Fiscal impact of this administrative regulation:**

There is no impact. This administrative regulation adopts by reference 40 C.F.R Part 63 in order for the Division for Air Quality to maintain the delegation of

implementation and enforcement authority from the EPA.

**(b) Methodology and resources used to determine the fiscal impact:**

The method was done at the federal level. Each time EPA promulgates a new or updated NESHAP, that rulemaking is accompanied by a Regulatory Impact Analysis that includes financial burdens associated with the rulemaking for the regulated entities expected to be impacted. The Division for Air Quality does not do an additional review beyond what is done at the federal level, as the Division is no more stringent than the federal requirements. Information on specific RIAs for a promulgated NESHAP can be found in the associated federal rulemaking and docket documents on [federalregister.gov](http://federalregister.gov).

**(6) Explain:**

**(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)**

This administrative regulation will not have a major economic impact because all affected sources are already required to comply with the federal regulations at the federal level. The amendment to this administrative regulation adopts by reference federal requirements for which any regulated entity has already incurred any associated costs.

**(b) The methodology and resources used to reach this conclusion:**

This administrative regulation references requirements and standards that are developed by US EPA. US EPA has similar requirements for fiscal impacts and a regulatory impact analysis when promulgating new regulations related to NESHAP. Since analysis for each individual NESHAP occurred at the federal level, and the state is not adding any additional requirements, the Division has concluded that the adoption of the federal standards at the state level does not constitute a major economic impact. Any information on economic impact of individual NESHAP can be found in the EPA's promulgation documents for that standard, which is available publicly.

## FEDERAL MANDATE ANALYSIS COMPARISON

**(1) Federal statute or regulation constituting the federal mandate.**

The standards established pursuant to 42 U.S.C. 7412(d) are codified in 40 C.F.R. Part 63. The source category lists are established pursuant to 42 U.S.C. 7412(c) and (k).

**(2) State compliance standards.**

This administrative regulation establishes performance standards for hazardous air pollutants.

**(3) Minimum or uniform standards contained in the federal mandate.**

42 U.S.C. 7412 establishes the requirements for the Administrator to develop standards for hazardous air pollutants.

**(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 sets the same standards as the federal regulations 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 and requirements are not imposed.