

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

401 KAR 60:005. 40 C.F.R. Part 60 standards of performance for new stationary sources.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. Part 60, 42 U.S.C. 7411

STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-120, 42 U.S.C. 7411

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. 7411(c)(1) authorizes each state to establish standards for the federal NSPS program for the U.S. EPA delegation of implementation and enforcement authority to the Commonwealth of Kentucky. This administrative regulation establishes the standards of performance for new stationary sources by referencing the Standards of Performance for New Stationary Sources (NSPS) codified in 40 C.F.R. Part 60.

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 60.
- (2) "Administrator" means the Secretary of the Energy and Environment Cabinet unless a specific provision of 40 C.F.R. Part 60 states that the U.S. Environmental Protection Agency retains authority.

Section 2. Applicability. This administrative regulation shall apply to sources subject to 40 C.F.R. Part 60. A source subject to this administrative regulation shall comply with:

- (1) 40 C.F.R. 60.1 through 60.19, Table 1 (Subpart A), General Provisions, as published July 1, ~~2025~~[2020] and at ~~85 F.R. 57739 and 85 F.R. 63394~~;
- (2)
 - (a) 40 C.F.R. 60.40 through 60.46 (Subpart D), Standards of Performance for Fossil-Fuel-Fired Steam Generators, as published July 1, ~~2025~~[2020];
 - (b) 40 C.F.R. 60.40Da through 60.52Da (Subpart Da), Standards of Performance for Electric Utility Steam Generating Units, as published July 1, ~~2025~~[2020];
 - (c) 40 C.F.R. 60.40b through 60.49b (Subpart Db), Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, as published July 1, ~~2025~~[2020];
 - (d) 40 C.F.R. 60.40c through 60.48c (Subpart Dc), Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, as published July 1, ~~2025~~[2020];
 - (e) 40 C.F.R. 60.50 through 60.54 (Subpart E), Standards of Performance for Incinerators, as published July 1, ~~2025~~[2020];
 - (f) 40 C.F.R. 60.50a through 60.59a (Subpart Ea), Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994, as published July 1, ~~2025~~[2020];
 - (g) 40 C.F.R. 60.50b through 60.59b (Subpart Eb), Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996, as published July 1, ~~2025~~[2020];

- (h) 40 C.F.R. 60.50c through 60.58c, Tables 1A through 3 (Subpart Ec), Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators, as published July 1, ~~2025~~[2020];
- (i) 40 C.F.R. 60.60 through 60.66 (Subpart F), Standards of Performance for Portland Cement Plants, as published July 1, ~~2025~~[2020];
- (j) 40 C.F.R. 60.70 through 60.74 (Subpart G), Standards of Performance for Nitric Acid Plants, as published July 1, ~~2025~~[2020];
- (k) 40 C.F.R. 60.70a through 60.77a (Subpart Ga), Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011, as published July 1, ~~2025~~[2020];
- (l) 40 C.F.R. 60.80 through 60.85 (Subpart H), Standards of Performance for Sulfuric Acid Plants, as published July 1, ~~2025~~[2020];
- (m) 40 C.F.R. 60.90 through 60.93 (Subpart I), Standards of Performance for Hot Mix Asphalt Facilities, as published July 1, ~~2025~~[2020];
- (n) 40 C.F.R. 60.100 through 60.109 (Subpart J), Standards of Performance for Petroleum Refineries, as published July 1, ~~2025~~[2020];
- (o) 40 C.F.R. 60.100a through 60.109a, Table 1 (Subpart Ja), Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007, as published July 1, ~~2025~~[2020];
- (p) 40 C.F.R. 60.110 through 60.113 (Subpart K), Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978, as published July 1, ~~2025~~[2020];
- (q) 40 C.F.R. 60.110a through 60.115a (Subpart Ka), Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984, as published July 1, ~~2025~~[2020];
- (r) 40 C.F.R. 60.110b through 60.117b (Subpart Kb), Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, and On or Before October 4, 2023 as published July 1, ~~2025~~[2020];
- (s) 40 C.F.R. 60.110c through 60.117c (Subpart Kc), Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After October 4, 2023 as published July 1, 2025.
- (t) ~~(s)~~ 40 C.F.R. 60.120 through ~~60.125~~[60.123] (Subpart L), Standards of Performance for Secondary Lead Smelters for which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and On or Before December 1, 2022, as published July 1, ~~2025~~[2020];
- (u) 40 C.F.R. 60.120a through 60.125a (Subpart La), Standards of Performance for Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After December 1, 2022, as published July 1, 2025.
- (v) ~~(t)~~ 40 C.F.R. 60.130 through 60.133 (Subpart M), Standards of Performance for Secondary Brass and Bronze Production Plants, as published July 1, ~~2025~~[2020];
- (w) ~~(v)~~ 40 C.F.R. 60.140 through 60.144 (Subpart N), Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973, as published July 1, ~~2025~~[2020];
- (x) ~~(w)~~ 40 C.F.R. 60.140a through 60.145a (Subpart Na), Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983, as published July 1, ~~2025~~[2020];
- (y) ~~(x)~~ 40 C.F.R. 60.150 through 60.156 (Subpart O), Standards of Performance for Sewage Treatment Plants, as published July 1, ~~2025~~[2020];

(z) ~~{(x)}~~ 40 C.F.R. 60.160 through 60.166 (Subpart P), Standards of Performance for Primary Copper Smelters, as published July 1, ~~2025~~~~{2020}~~;

(aa) ~~{(y)}~~ 40 C.F.R. 60.170 through 60.176 (Subpart Q), Standards of Performance for Primary Zinc Smelters, as published July 1, ~~2025~~~~{2020}~~;

(bb) ~~{(z)}~~ 40 C.F.R. 60.180 through 60.186 (Subpart R), Standards of Performance for Primary Lead Smelters, as published July 1, ~~2025~~~~{2020}~~;

(cc) ~~{(aa)}~~ 40 C.F.R. 60.190 through 60.195 (Subpart S), Standards of Performance for Primary Aluminum Reduction Plants, as published July 1, ~~2025~~~~{2020}~~;

(dd) ~~{(bb)}~~ 40 C.F.R. 60.200 through 60.205 (Subpart T), Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants, as published July 1, ~~2025~~~~{2020}~~;

(ee) ~~{(cc)}~~ 40 C.F.R. 60.210 through 60.215 (Subpart U), Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants, as published July 1, ~~2025~~~~{2020}~~;

(ff) ~~{(dd)}~~ 40 C.F.R. 60.220 through 60.225 (Subpart V), Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants, as published July 1, ~~2025~~~~{2020}~~;

(gg) ~~{(ee)}~~ 40 C.F.R. 60.230 through 60.235 (Subpart W), Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants, as published July 1, ~~2025~~~~{2020}~~;

(hh) ~~{(ff)}~~ 40 C.F.R. 60.240 through 60.245 (Subpart X), Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities, as published July 1, ~~2025~~~~{2020}~~;

(ii) ~~{(gg)}~~ 40 C.F.R. 60.250 through 60.258 (Subpart Y), Standards of Performance for Coal Preparation and Processing Plants, as published July 1, ~~2025~~~~{2020}~~;

(jj) ~~{(hh)}~~ 40 C.F.R. 60.260 through 60.266 (Subpart Z), Standards of Performance for Ferroalloy Production Facilities, as published July 1, ~~2025~~~~{2020}~~;

(kk) ~~{(ii)}~~ 40 C.F.R. 60.270 through 60.276 (Subpart AA), Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983, as published July 1, ~~2025~~~~{2020}~~;

(ll) ~~{(jj)}~~ 40 C.F.R. 60.270a through 60.276a (Subpart AAa), Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 and On or Before May 16, 2022, as published July 1, ~~2025~~~~{2020}~~;

(mm) 40 C.F.R. 60.270b through 60.276b (Subpart AAb), Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarbonization Vessels Constructed After May 16, 2022, as published July 1, 2025;

(nn) ~~{(kk)}~~ 40 C.F.R. 60.280 through 60.285 (Subpart BB), Standards of Performance for Kraft Pulp Mills, as published July 1, ~~2025~~~~{2020}~~;

(oo) ~~{(ll)}~~ 40 C.F.R. 60.280a through 60.288a (Subpart BBa), Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013, as published July 1, ~~2025~~~~{2020}~~;

(pp) ~~{(mm)}~~ 40 C.F.R. 60.290 through 60.296 (Subpart CC), Standards of Performance for Glass Manufacturing Plants, as published July 1, ~~2025~~~~{2020}~~;

(qq) ~~{(nn)}~~ 40 C.F.R. 60.300 through 60.304 (Subpart DD), Standards of Performance for Grain Elevators, as published July 1, ~~2025~~~~{2020}~~;

(rr) ~~{(oo)}~~ 40 C.F.R. 60.310 through 60.316 (Subpart EE), Standards of Performance for Surface Coating of Metal Furniture, as published July 1, ~~2025~~~~{2020}~~;

(ss) ~~{(pp)}~~ 40 C.F.R. 60.330 through 60.335 (Subpart GG), Standards of Performance for Stationary Gas Turbines, as published July 1, ~~2025~~~~{2020}~~;

(~~tt~~) (~~qq~~) 40 C.F.R. 60.340 through 60.344 (Subpart HH), Standards of Performance for Lime Manufacturing Plants, as published July 1, ~~2025~~[2020];

(~~uu~~) (~~rr~~) 40 C.F.R. 60.370 through 60.374 (Subpart KK), Standards of Performance for Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022, as published July 1, ~~2025~~[2020];

(~~vv~~) 40 C.F.R. 60.370a through 60.375a (Subpart KKa), Standards of Performance for Lead Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022, as published July 1, 2025;

(~~ww~~) (~~ss~~) 40 C.F.R. 60.380 through 60.386 (Subpart LL), Standards of Performance for Metallic Mineral Processing Plants, as published July 1, ~~2025~~[2020];

(~~xx~~) (~~tt~~) 40 C.F.R. 60.390 through 60.398 (Subpart MM), Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022, as published July 1, ~~2025~~[2020];

(~~yy~~) 40 C.F.R. 60.390a through 60.397a, Table 1, Appendix A, (Subpart MMA), Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022, as published July 1, 2025;

(~~zz~~) (~~uu~~) 40 C.F.R. 60.400 through 60.404 (Subpart NN), Standards of Performance for Phosphate Rock Plants, as published July 1, ~~2025~~[2020];

(~~aaa~~) (~~vv~~) 40 C.F.R. 60.420 through 60.424 (Subpart PP), Standards of Performance for Ammonium Sulfate Manufacture, as published July 1, ~~2025~~[2020];

(~~bbb~~) (~~ww~~) 40 C.F.R. 60.430 through 60.435 (Subpart QQ), Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing, as published July 1, ~~2025~~[2020];

(~~ccc~~) (~~xx~~) 40 C.F.R. 60.440 through 60.447 (Subpart RR), Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations, as published July 1, ~~2025~~[2020];

(~~ddd~~) (~~yy~~) 40 C.F.R. 60.450 through 60.456 (Subpart SS), Standards of Performance for Industrial Surface Coating: Large Appliances, as published July 1, ~~2025~~[2020];

(~~eee~~) (~~zz~~) 40 C.F.R. 60.460 through 60.466 (Subpart TT), Standards of Performance for Metal Coil Surface Coating, as published July 1, ~~2025~~[2020];

(~~fff~~) (~~aaa~~) 40 C.F.R. 60.470 through 60.474 (Subpart UU), Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture, as published July 1, ~~2025~~[2020];

(~~ggg~~) (~~bbb~~) 40 C.F.R. 60.480 through 60.489 (Subpart VV), Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006, as published July 1, ~~2025~~[2020];

(~~hhh~~) (~~eee~~) 40 C.F.R. 60.480a through 60.489a (Subpart VVa), Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, and on or Before April 25, 2023, as published July 1, ~~2025~~[2020];

(~~iii~~) 40 C.F.R. 60.480b through 60.489b (Subpart VVb), Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023, as published July 1, 2025;

(~~jjj~~) (~~ddd~~) 40 C.F.R. 60.490 through 60.496 (Subpart WW), Standards of Performance for the Beverage Can Surface Coating Industry, as published July 1,

~~2025~~~~[2020]~~;

~~(kkk)~~ ~~[(eee)]~~ 40 C.F.R. 60.500 through 60.506 (Subpart XX), Standards of Performance for Bulk Gasoline Terminals That Commenced Construction, Modification, or Reconstruction After December 17, 1980, and On or Before June 10, 2022, as published July 1, ~~2025~~~~[2020]~~;

~~(lll)~~ 40 C.F.R. 60.500a through 60.505a (Subpart XXa), Standards of Performance for Bulk Gasoline Terminals for Which Construction, Reconstruction, or Modification Commenced After June 10, 2022, as published July 1, 2025;

~~(mmm)~~ ~~[(fff)]~~ 40 C.F.R. 60.540 through 60.548 (Subpart BBB), Standards of Performance for the Rubber Tire Manufacturing Industry, as published July 1, ~~2025~~~~[2020]~~;

~~(nnn)~~ ~~[(ggg)]~~ 40 C.F.R. 60.560 through 60.566 (Subpart DDD), Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry, as published July 1, ~~2025~~~~[2020]~~;

~~(ooo)~~ ~~[(hhh)]~~ 40 C.F.R. 60.580 through 60.585 (Subpart FFF), Standards of Performance for Flexible Vinyl and Urethane Coating and Printing, as published July 1, ~~2025~~~~[2020]~~;

~~(ppp)~~ ~~[(iii)]~~ 40 C.F.R. 60.590 through 60.593 (Subpart GGG), Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and On or Before November 7, 2006, as published July 1, ~~2025~~~~[2020]~~;

~~(qqq)~~ ~~[(jjj)]~~ 40 C.F.R. 60.590a through 60.593a (Subpart GGGa), Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, as published July 1, ~~2025~~~~[2020]~~;

~~(rrr)~~ ~~[(kkk)]~~ 40 C.F.R. 60.600 through 60.604 (Subpart HHH), Standards of Performance for Synthetic Fiber Production Facilities, as published July 1, ~~2025~~~~[2020]~~;

~~(sss)~~ ~~[(lll)]~~ 40 C.F.R. 60.610 through 60.618 (Subpart III), Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes After October 21, 1983, and on or Before April 25, 2023, as published July 1, ~~2025~~~~[2020]~~;

~~(ttt)~~ 40 C.F.R. 60.610a through 60.618a, Tables 1 through 4 (Subpart IIIa), Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes For Which Construction, Reconstruction, or Modification Commenced After April 25 2023, as published July 1, 2025;

~~(uuu)~~ ~~[(mmm)]~~ 40 C.F.R. 60.620 through 60.625 (Subpart JJJ), Standards of Performance for Petroleum Dry Cleaners, as published July 1, ~~2025~~~~[2020]~~;

~~(vvv)~~ ~~[(nnn)]~~ 40 C.F.R. 60.630 through 60.636 (Subpart KKK), Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and On or Before August 23, 2011, as published July 1, ~~2025~~~~[2020]~~;

~~(www)~~ ~~[(ooo)]~~ 40 C.F.R. 60.640 through 60.648 (Subpart LLL), Standards of Performance for SO₂ Emissions from Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and On or Before August 23, 2011, as published July 1, ~~2025~~~~[2020]~~;

~~(xxx)~~ ~~[(ppp)]~~ 40 C.F.R. 60.660 through 60.668 (Subpart NNN), Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations After December 30, 1983, and on or Before April 25, 2023, as published July 1, ~~2025~~~~[2020]~~;

(yyy) 40 C.F.R. 60.660a through 60.670a, Tables 1 through 4 (Subpart NNNa), Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations For Which Construction, Reconstruction, or Modification Commenced After April 25, 2023, as published July 1, 2025;

(zzz) ~~{(qqq)}~~ 40 C.F.R. 60.670 through 60.676, Tables 1 through 3 (Subpart OOO), Standards of Performance for Nonmetallic Mineral Processing Plants, as published July 1, ~~2025~~~~{2020}~~;

(aaa) ~~{(rrr)}~~ 40 C.F.R. 60.680 through 60.685 (Subpart PPP), Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants, as published July 1, ~~2025~~~~{2020}~~;

(bbb) ~~{(sss)}~~ 40 C.F.R. 60.690 through 60.699 (Subpart QQQ), Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems, as published July 1, ~~2025~~~~{2020}~~;

(ccc) ~~{(ttt)}~~ 40 C.F.R. 60.700 through 60.708 (Subpart RRR), Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes After June 29, 1990, and on or Before April 25, 2023, as published July 1, 2025~~{2020}~~;

(ddd) 40 C.F.R. 60.700a through 60.710a, Tables 1 through 4 (Subpart RRRa), Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes For Which Construction, Reconstruction, or Modification Commenced After 25, 2023, as published July 1, 2025;

(eee) ~~{(uuu)}~~ 40 C.F.R. 60.710 through 60.718 (Subpart SSS), Standards of Performance for Magnetic Tape Coating Facilities, as published July 1, ~~2025~~~~{2020}~~;

(fff) ~~{(vvv)}~~ 40 C.F.R. 60.720 through 60.726 (Subpart TTT), Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines, as published July 1, ~~2025~~~~{2020}~~;

(ggg) 40 C.F.R. 60.720a through 60.726a (Subpart TTTa), Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022, as published July 1, 2025;

(hhh) ~~{(www)}~~ 40 C.F.R. 60.730 through 60.737 (Subpart UUU), Standards of Performance for Calciners and Dryers in Mineral Industries, as published July 1, ~~2025~~~~{2020}~~;

(iii) ~~{(xxx)}~~ 40 C.F.R. 60.740 through 60.748 (Subpart VVV), Standards of Performance for Polymeric Coating of Supporting Substrates Facilities, as published July 1, ~~2025~~~~{2020}~~;

(jjj) ~~{(yyy)}~~ 40 C.F.R. 60.750 through 60.759 (Subpart WWW), Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014, as published July 1, 2025~~{2020 and at 85 F.R. 64398}~~;

(kkk) ~~{(zzz)}~~ 40 C.F.R. 60.760 through 60.769 (Subpart XXX), Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014, as published July 1, ~~2025~~~~{2020 and at 85 F.R. 63394}~~;

(lll) ~~{(aaa)}~~ 40 C.F.R. 60.1000 through 60.1465, Tables 1 through 5 (Subpart AAAA), Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001, as published July 1, ~~2025~~~~{2020}~~;

(mmm) ~~{(bbb)}~~ 40 C.F.R. 60.2000 through 60.2265, Tables 1 through 8 (Subpart CCCC), Standards of Performance for Commercial and Industrial Solid Waste

Incineration Units, as published July 1, ~~2025~~[2020 and at 85 F.R. 63394];
(~~nnnn~~) [~~eeee~~] 40 C.F.R. 60.2880 through 60.2977, Tables 1 through 4 (Subpart EEEE), Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006, as published July 1, ~~2025~~[2020];

(~~oooo~~) [~~dddd~~] 40 C.F.R. 60.4200 through 60.4219, Tables 1 through 8 (Subpart IIII), Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, as published July 1, ~~2025~~[2020];

(~~pppp~~) [~~eeee~~] 40 C.F.R. 60.4230 through 60.4248, Tables 1 through 4 (Subpart JJJJ), Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, as published July 1, ~~2025~~[2020 and at 85 F.R. 63394];

(~~qqqq~~) [~~ffff~~] 40 C.F.R. 60.4300 through 60.4420, Table 1 (Subpart KKKK), Standards of Performance for Stationary Combustion Turbines, as published July 1, ~~2025~~[2020 and at 85 F.R. 63394];

(~~rrrr~~) [~~gggg~~] 40 C.F.R. 60.4760 through 60.4930, Tables 1 through 5 (Subpart LLLL), Standards of Performance for New Sewage Sludge Incineration Units, as published July 1, ~~2025~~[2020];

(~~ssss~~) [~~hhhh~~] 40 C.F.R. 60.5360 through 60.5430, Tables 1 through 3 (Subpart OOOO), Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced after August 23, 2011, and On or Before September 18, 2015, as published July 1, ~~2025~~[2020 and at 85 F.R. 57018];

(~~tttt~~) [~~iiii~~] 40 C.F.R. 60.5360a through ~~60.5439a~~[60.5432a], Tables 1 through 3 (Subpart OOOOa), Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015, and on or before December 6, 2022, as published July 1, ~~2025~~[2020 and at 85 F.R. 57018 and 85 F.R. 57398; or]

(~~uuuu~~) 40 C.F.R. 60.5360b through 60.5439b, Tables 1 through 5 (Subpart OOOOb), Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After December 6, 2022, as published July 1, 2025:

(~~vvvv~~) [~~jjjj~~] 40 C.F.R. 60.5508 through 60.5580, Tables 1 through 3 (Subpart TTTT), Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units, as published July 1, ~~2025~~; or [2020]

(~~wwww~~) 40 C.F.R. 60.5508a through 60.5580a, Tables 1 through 3 (Subpart TTTTa), Standards of Performance for Greenhouse Gas Emissions for Modified Coal-fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units, as published July 1, 2025; and

(3) The applicable methods, procedures, and reporting requirements codified in 40 C.F.R. Part 60, Appendices A-1 through F and ~~K,H~~, 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 60:005 approved for filing.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

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 shall be held on December 22, 2025, at 10 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 is 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 to the contact person. The hearing facility is accessible to person 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: Brittany Sortor, Environmental Scientist II, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 782-2789, email Brittany.Sortor@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Brittany Sortor, Environmental Scientist II

Subject Headings: Air Quality Standards; Stationary Sources; Clean Air Act

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes standards of performance for new stationary sources (NSPS) by referencing the NSPS, codified in 40 C.F.R. Part 60, pursuant to Section 111 of the Clean Air Act (CAA).

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to control the emissions of air pollution from stationary sources which have been reasonably determined to endanger public health or welfare. This administrative regulation is necessary to be consistent with the federal regulations codified at 40 C.F.R. Part 60, and for the Energy and Environment Cabinet (Cabinet) to retain delegation of authority for implementation and enforcement of the standards established under 40 C.F.R. Part 60.

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

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. 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 NSPS 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 NSPS requirements established in 40 C.F.R. Part 60, pursuant to Section 111 of the CAA. The standards established for stationary 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 include amendments to 40 C.F.R. Part 60 that have been promulgated by U.S. EPA since the last amendment of this administrative regulation. These updates are current through July 1, 2025.

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

This amendment is necessary for state standards of new stationary sources to be consistent with the federal standards established in 40 C.F.R. Part 60. This amendment is necessary for the Cabinet to retain delegation of authority to implement and enforce the federal NSPS program, and to be no less stringent than the federal standards in 40 C.F.R. Part 60.

(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 from new stationary sources 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 60.

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

The amendment adopts the federal NSPS to provide for consistency between state and federal regulations for new stationary sources. 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:

Individuals, businesses, organizations, or state and local governments that have a federal 40 C.F.R. Part 60 requirement will be affected by this administrative regulation; however, there are no additional requirements beyond those in 40 C.F.R. Part 60 NSPS, which are already being complied with at the federal level. The Cabinet will retain delegation of authority for the implementation and enforcement of these requirements.

(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:

Regulated entities are already subject to the 40 C.F.R. Part 60 NSPS requirements at the federal level and will not have to take any additional action to comply with this proposed amendment.

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

Regulated entities are already subject to 40 C.F.R. Part 60. This amendment will allow the Cabinet to retain delegation of authority for implementation and enforcement of these requirements. Regulated entities will work with the Cabinet to comply with these requirements instead of the U.S. EPA.

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

As a result of compliance, regulated entities will not be subject to enforcement actions. The standards established in 40 C.F.R. Part 60 limit the emissions of air pollutants, protecting public health and welfare.

(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 initially.

(b) On a continuing basis:

The Cabinet will not incur any additional continuing costs for the implementation of this administrative regulation on a continuing basis.

(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 for the implementation and enforcement of the amendment to 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:

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

(10) TIERING: Is tiering applied?

Yes, tiering is applied. Standards for new stationary sources differ based on source category and applicability thresholds. However, this administrative regulation adopts the same standards as the federal regulations codified in 40 C.F.R. Part 60.

FEDERAL MANDATE ANALYSIS COMPARISON

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

U.S. EPA promulgated the federal regulations in 40 C.F.R. Part 60, pursuant to 42 U.S.C. 7411 (Section 111 of the Clean Air Act).

(2) State compliance standards.

This administrative regulation establishes performance standards for new stationary sources.

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

42 U.S.C. 7411 establishes the requirements for the Administrator to develop performance standards for new stationary sources.

(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 60.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

This amended administrative regulation does not impose stricter standards, or additional or different responsibilities or requirements.

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), 224.20-120, 42 U.S.C. 7411, 40 C.F.R. Part 60.

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

The Division for Air Quality in the Energy and Environment Cabinet will retain delegation of implementation and enforcement of the standards in 40 C.F.R. Part 60 as part of this amendment. Any state agency that has a source with an applicable NSPS requirement established in 40 C.F.R. Part 60.

(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 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.

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

Any entity that has a source with an applicable NSPS requirement established in 40 C.F.R. Part 60.

(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 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.

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

Any regulated entity that has a source with an applicable NSPS requirement established in 40 C.F.R. Part 60.

(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 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 60 in order for the Division for Air Quality to maintain the delegation of implementation and enforcement authority from the EPA. Sources interact directly with the division.

(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 NSPS, 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 NSPS can be found in the associated federal rulemaking and docket documents on 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 NSPS. Since analysis for each individual NSPS 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 NSPS can be found in the EPA's promulgation documents for that standard, which is available publicly.