

401 KAR 68:100. Regulated substances for accidental release prevention.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 68.100-68.130, 42 U.S.C. 7412(r), Pub.L. 106-40, August 5, 1999

STATUTORY AUTHORITY: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 68.100-68.130, 42 U.S.C. 7412(r), Pub.L. 106-40, August 5, 1999

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Environmental and Public Protection Cabinet to prescribe administrative regulations for the prevention, abatement, and control of air pollution. The federal regulation incorporated by reference in this administrative regulation provides the listing of substances under 42 U.S.C. 7412(r)(3), (4), and (5); the identification of threshold quantities for these substances; and the process for amending that list, pursuant to the federal program for chemical accident prevention and risk management.

Section 1.

- (1) For purposes of 40 C.F.R. 68.120, the administrator shall be the Secretary of the Environmental and Public Protection Cabinet.
- (2) For purposes of 40 C.F.R. 68.1 to 68.220, a retail facility for flammable fuels shall be a stationary source at which more than one-half (1/2) of the income is obtained from direct sales to end users or at which more than one-half (1/2) of the fuel sold, by volume, is sold through a cylinder exchange program.

Section 2. Additional Exemptions. The following exemptions shall be added at 40 C.F.R. 68.125:

- (1) Flammable fuels used as a fuel or held for sale as fuel at a retail facility shall be exempt from 40 C.F.R. 68.1 to 68.220 except as provided in 42 U.S.C. 7412(r), as amended by Pub.L. 106-40, Section 2, enacted August 5, 1999.
- (2) Propane shall be exempt from 40 C.F.R. 68.1 to 68.220 if:
 - (a) Used as a fuel or held for sale as a fuel; or
 - (b) Included in a process with less than or equal to a threshold amount of another regulated substance.

Section 3. Incorporation by Reference.

- (1) 40 C.F.R. 68.100 to 68.130, effective July 1, 1998, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained 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 41102-8942, (606) 929-5285;
 - (c) Bowling Green Regional Office, 2642 Russellville Road, Bowling Green, Kentucky 42101, (502) 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) 564-3358;
 - (f) Hazard Regional Office, 233 Birch Street, Suite 2, Hazard, Kentucky 41701, (606) 435-6022;
 - (g) London Regional Office, 85 State Police Road, London, Kentucky 40741, (606) 330-2080;
 - (h) Owensboro Regional Office, 3032 Alvey Park Drive, W., Suite 700, Owensboro, Kentucky 42303, (502) 687-7304; or

(i) Paducah Regional Office, 130 Eagle Nest Drive, Paducah, Kentucky 42003, (502) 898-8468.

(3) Copies of the Code of Federal Regulations (C.F.R.) are available for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(401 KAR 068:100. 25 Ky.R. 1754; 2407; 2859; 26 Ky.R. 999; eff. 10-13-1999; TAm eff. 8-9-2007; TAm eff. 5-20-2010; TAm eff. 9-16-2013; TAm eff. 7-8-2016; Crt eff. 9-12-2018; Crt eff. 9-9-2025.)