

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

4 WHEREAS, pursuant to the federal Clean Air Act as amended, 42 U.S.C. sec. 7401
5 et seq., the Commonwealth of Kentucky is required to prepare and submit to the United
6 States Environmental Protection Agency (EPA) a state implementation plan and revisions
7 to such plan as appropriate to attain and maintain the National Ambient Air Quality
8 Standards (NAAQS) and protect human health; and

9 WHEREAS, pursuant to KRS Chapter 224, the Energy and Environment Cabinet
10 (cabinet) is designated as the air pollution control agency of this Commonwealth for all
11 purposes of the Clean Air Act; and

12 WHEREAS, pursuant to KRS Chapter 77, the Louisville Metro Air Pollution
13 Control District (district) is authorized to control air pollution in Jefferson County; and

14 WHEREAS, the Kentucky Air Pollution Control Commission granted concurrent
15 jurisdiction to the district on January 26, 1971; and

16 WHEREAS, the intent of the cabinet and the district is to operate an effective air
17 pollution control program in Jefferson County as authorized under KRS Chapters 77 and
18 224 through joint implementation of necessary control strategies; and

19 WHEREAS, Governor Brereton Jones, through a letter dated September 29, 1993,
20 opted into the federal reformulated gasoline requirements effective January 1, 1995; and

21 WHEREAS, the EPA mandated improved quality in conventional gasoline
22 beginning in 2011; and

23 WHEREAS, consequently, the environmental benefits of reformulated gasoline
24 compared to conventional gasoline no longer provide as significant of an environmental
25 benefit as in the past; and

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

1 WHEREAS, the national average price of gasoline is currently at a historic level of
2 \$3.47 per gallon, a figure essentially unchanged from last year that seemingly represents
3 the new normal; and

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

8 WHEREAS, the cabinet and the district have undertaken that analysis and are
9 engaged in the development of revisions required by House Joint Resolution 8 to
10 eliminate reliance on reformulated gasoline as a control measure for the state
11 implementation plan for Jefferson County and partial areas of Bullitt and Oldham
12 Counties, and to adopt the air pollution control strategies in the state implementation plan
13 revision that are necessary to satisfy any applicable requirement concerning attainment of
14 NAAQS and reasonable further progress, and any other applicable requirement of Section
15 110 of the Clean Air Act; and

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

21 NOW, THEREFORE,

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

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

26 ➔Section 2. No later than 60 days after the redesignation of Jefferson County and
27 partial areas of Bullitt and Oldham Counties as being in attainment for ozone, the cabinet

1 and the district shall propose revisions to the applicable state implementation plan to:

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

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

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

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

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