

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, House Joint Resolution 8 adopted during the 2020 Regular Session
27 directed the cabinet and the district to determine the environmental benefits, related costs,

1 and potential alternatives to the federal reformulated gasoline requirements currently
2 imposed in Jefferson County and parts of Oldham and Bullitt Counties; and

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

11 WHEREAS, Governor Beshear petitioned the EPA for a temporary waiver to allow
12 a pause on the reformulated gas requirement, and in June 2022 the EPA denied that
13 request; and

14 WHEREAS, House Joint Resolution 37 adopted during the 2023 Regular Session
15 called on the EPA to expeditiously review and approve the pending requests from the
16 Cabinet and the district to redesignate Jefferson County and parts of Oldham and Bullitt
17 Counties as being in attainment for ozone; and

18 WHEREAS, the EPA withdrew its proposed April 18, 2023, approval of the request
19 to redesignate Jefferson County and parts of Oldham and Bullitt Counties as being in
20 attainment for ozone, and the federal reformulated gasoline requirements remain in full
21 effect to this day;

22 NOW, THEREFORE,

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

24 ➔Section 1. The General Assembly requests the Governor petition the federal
25 EPA to opt-out of the federal reformulated gasoline requirements in Jefferson County and
26 partial areas of Bullitt and Oldham Counties, in accordance with 40 C.F.R. 80.72,
27 provided alternative air pollution control strategies, identified in the revision of the

1 applicable Kentucky state implementation plan, can achieve equivalent, or greater,
2 emission reductions that are most cost-effective than the existing reformulated gasoline
3 requirement and that the chosen strategies are able to attain and maintain the NAAQS and
4 protect human health.

5 ➔Section 2. No later than 60 days after Jefferson County and partial areas of
6 Bullitt and Oldham Counties are redesignated as being in attainment for ozone, the
7 cabinet and the district shall propose a revision of the applicable Kentucky state
8 implementation plan to:

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

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

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

18 ➔Section 3. No later than October 31, 2025, the cabinet and the district shall
19 report to the Interim Joint Committee on Natural Resources and Energy on the status of
20 revisions to the state implementation plan identified under Section 2 of this Resolution.

21 ➔Section 4. The Clerk of the Senate is directed to transmit a copy of this
22 Resolution to the Governor, 700 Capitol Avenue, Suite 100, Frankfort, Kentucky 40601,
23 and to Secretary Rebecca Goodman, Energy and Environment Cabinet, 300 Sower
24 Boulevard, Frankfort, Kentucky 40601.