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

401 KAR 63:060. List of hazardous air pollutants, petitions process, lesser quantity designations, and source category list.

RELATES TO: KRS 224.10-100, 224.20-110, 40 C.F.R. Part 63, Part 70, 42 U.S.C. 7401-7671q

STATUTORY AUTHORITY: KRS 224.10-100, 224.20-110, 224.20-120

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. This administrative regulation provides the list of hazardous air pollutants pursuant to 42 U.S.C. 7412(b) as amended in 40 C.F.R. Part 63, Subpart C and the list of source categories and subcategories.

Section 1. Definitions. As used in this administrative regulation, terms not defined in this section shall have the meaning given to them in 40 C.F.R. 63.2.

(1) "Hazardous air pollutant" means a substance listed in Section 2 of this administrative regulation.

(2) "MACT" means maximum achievable control technology.

(3) "Major source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, ten (10) tons per year or more of a hazardous air pollutant or twenty-five (25) tons per year or more of any combination of hazardous air pollutants, or a lesser quantity which the cabinet may establish on the basis of the potency, persistence, potential for bioaccumulation, or other characteristics or relevant factors pertaining to the pollutant.

(4) "NESHAP" means national emission standards for hazardous air pollutant.

Section 2. List of Hazardous Air Pollutants. The following chemicals are hazardous air pollutants:

CAS number	Chemical name
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos

71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106945	1-Bromopropane (1-BP)
106990	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene

62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3'-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)

123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4'-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Arochlors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)

75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds[1]
0	Glycol ethers[2]
0	Lead Compounds
0	Manganese Compounds

0	Mercury Compounds
0	Fine mineral fibers[3]
0	Nickel Compounds
0	Polycyclic Organic Matter[4]
0	Radionuclides (including radon)[5]
0	Selenium Compounds

Footnotes: For all listings in the table that contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical as part of that chemical's infrastructure. [1] X'CN where X = H' or any other group where a formal dissociation may occur. [2] Glycol ethers include mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH_2CH_2)n-OR'. Where: n = 1, 2, or 3; R = alkyl C7 or less; or R = phenyl or alkyl substituted phenyl; R' = H or alkyl C7 or less; or OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate. [3] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter one (1) micrometer or less. [4] Includes organic compounds with more than one (1) benzene ring and that have a boiling point greater than or equal to 100°C. [5] A type of atom that spontaneously undergoes radioactive decay.

Section 3. List of Categories and Subcategories of Hazardous Air Pollutants. The following are major and area source categories and subcategories:

(1) Major sources:

(a) Aerospace industries;

(b) Asphalt processing and asphalt roofing manufacturing;

(c) Auto and light duty truck (surface coating);

(d) Boat manufacturing;

(e) Brick and structural clay products;

(f) Cellulose products manufacturing:

1. Cellulose ethers production:
   a. Methyl cellulose;
   b. Carboxymethylcellulose; or
   c. Cellulose ethers; or
2. Miscellaneous viscose processes:
   a. Cellulose food casing;
   b. Rayon;
   c. Cellulosic sponge; or
   d. Cellophane;

(g) Chemical recovery combustion sources at kraft, soda, sulfite and stand-alone semi[-]chemical pulp mills - MACT II;

(h) Chromium electroplating:

1. Chromic acid anodizing;
2. Decorative acid; or
3. Hard chromium electroplating;

(i) Clay ceramics ceramics manufacturing;

(j) Coke ovens: charging, top side and door leaks;

(k) Coke ovens: pushing, quenching and battery;
(l) Combustion turbines;
(m) Commercial sterilizers;
(n) Dry cleaning:
   1. Commercial dry cleaning dry-to-dry;
   2. Commercial dry cleaning transfer machines;
   3. Industrial dry cleaning dry-to-dry; or
   4. Industrial dry cleaning transfer machines;
(o) Engine test cells/stands;
(p) Fabric printing, coating, and dyeing;
(q) Ferroalloys production: silicomanganese and ferromanganese;
(r) Flexible polyurethane foam fabrication operations;
(s) Flexible polyurethane foam production;
(t) Friction materials manufacturing;
(u) Gasoline distribution (Stage 1);
(v) Generic MACT I:
   1. Acetal resins production;
   2. Acrylic fibers/modacrylic fibers production;
   3. Hydrogen fluoride production; or
   4. Polycarbonates production;
(w) Generic MACT II:
   1. Carbon black production;
   2. Spandex production;
   3. Cyanide chemicals manufacturing; or
   4. Ethylene processes;
(x) Hazardous waste combustors;
(y) Hydrochloric acid production;
(z) Industrial/commercial/institutional boilers and process heaters;
(aa) Industrial process cooling towers;
(bb) Integrated iron and steel manufacturing;
(cc) Iron and steel foundries;
(dd) Large appliance (surface coating);
(ee) Leather finishing operations;
(ff) Lime manufacturing;
(gg) Magnetic tapes (surface coating);
(hh) Manufacturing of nutritional yeast;
(ii) Marine vessel loading operations;
(jj) Metal can (surface coating);
(kk) Metal coil (surface coating);
(ll) Metal furniture (surface coating);
(mm) Mineral wool production;
(nn) Miscellaneous coatings manufacturing;
(oo) Miscellaneous metal parts and products (surface coating);
(pp) Miscellaneous organic chemical manufacturing:
   1. Alkyd resins;
   2. Ammonium sulfate production-caprolactum by-products;
   3. Benzyltrimethylammonium chloride;
   4. Carbonyl sulfide;
   5. Chelating agents;
   6. Chlorinated paraffins;
   7. Ethylidene norbornene;
   8. Explosives;

9. Hydrazine;
10. Maleic anhydride copolymers;
11. OBPA/1, 3–diisocyanate;
12. Photographic chemicals;
13. Phthalate plasticizers;
14. Polyester resins;
15. Polymerized vinylidene chloride;
16. Polymethyl methacrylate resins;
17. Polyvinyl acetate emulsions;
18. Polyvinyl alcohol;
19. Polyvinyl butyral;
20. Quaternary ammonium compounds;
21. Rubber chemicals; or
22. Symmetrical tetrachloropyridine;

(qq) Municipal solid waste landfills;
(rr) Off-site waste and recovery operations;
(ss) Oil and natural gas production;
(tt) Organic liquids distribution (non-gasoline);
(uu) Paper and other web (surface coating);
(vv) Pesticide active ingredient production:
1. 4-chloro-2-methyl acid production;
2. 2,3 salts and esters production;
3. 4,6-dinitro-o-cresol production;
4. Butadiene furfural cotrimer;
5. Captafol production;
6. Captan production;
7. Chloroneb production;
8. Chlorothalonil production;
9. Dacthal (tm) production;
10. Sodium pentachlorophenate production; or
11. Tordon (tm) acid production;

(ww) Petroleum refineries - catalytic cracking units, catalytic reforming units, and sulfur recovery units;
(xx) Petroleum refineries - other sources not distinctly listed;
(yy) Pharmaceuticals productions;
(zz) Phosphate fertilizers production and phosphoric acid manufacturing;
(aaa) Plastic parts and products (surface coating);
(bbb) Plywood and composite wood products;
(ccc) Polyether polyols production;
(ddd) Polymers and resins:
1. Butyl rubber;
2. Epichlorohydrin elastomers;
3. Ethylene-propylene rubber;
4. Hypalon (tm);
5. Neoprene;
6. Nitrile butadiene rubber;
7. Polybutadiene rubber;
8. Polysulfide rubber; or
9. Styrene-butadiene rubber and latex;

(eee) Polymers and resins II:
1. Epoxy resins; or
2. Non-nylon polyamides;

(fff) Polymers and resins III—Amino/phenolic resins;
(ggg) Polymers and resins IV:
1. Acrylonitrile-butadiene-styrene;
2. Methyl methacrylate-acrylonitrile-butadiene-styrene;
3. Methyl methacrylate-butadiene-styrene terpolymers;
4. Nitrile resins;
5. Polyethylene terephthalate;
6. Polystyrene; or
7. Styrene-acrylonitrile;
(hhh) Polyvinyl chloride and copolymers;
(iii) Portland cement manufacturing;
(jjj) Primary aluminum;
(kkk) Primary copper smelting;
(lll) Primary lead smelting;
(mmm) Primary magnesium refining;
(nnn) Printing and publishing (surface coating);
(ooo) Publicly owned treatment works;
(ppp) Pulp and paper production (MACT I and III);
(qqq) Reciprocating internal combustion engines;
(rrr) Refractory products manufacturing;
(sss) Reinforced plastic composites production;
(ttt) Rubber tire manufacturing;
(uuu) Secondary aluminum production;
(vvv) Secondary lead smelting;
(www) Semiconductor manufacturing;
(xxx) Shipbuilding and ship repair (surface coating);
(yyy) Site remediation;
(zzz) Solvent extraction for vegetable oil production;
(aaaa) Steel pickling - HCl process facilities and hydrochloric acid regeneration plants;
(bbbb) Synthetic organic chemical manufacturing - hazardous organic NESHAP – tetrahydrobenzaldehyde manufacture;
(cccc) Taconite iron ore processing;
(dddd) Wet-formed fiberglass mat production;
(eeee) Wood building products (surface coating);
(ffff) Wood furniture (surface coating); or
(gggg) Wool fiberglass manufacturing;

(2) Area sources:
(a) Acrylic fibers/modacrylic fibers production;
(b) Agricultural chemicals and pesticide manufacturing;
(c) Aluminum foundries;
(d) Asphalt processing and asphalt roofing manufacturing;
(e) Autobody refinishing paint shops;
(f) Carbon black production;
(g) Chemical manufacturing: Chromium compounds;
(h) Chemical preparations;
(i) Chromic acid anodizing;
(j) Clay products manufacturing (clay ceramics manufacturing);
(k) Commercial sterilization facilities;
(l) Copper foundries;
(m) Cyclic crude and intermediate production;
(n) Decorative chromium electroplating;
(o) Dry cleaning facilities;

(p) Electrical and electronic equipment – finishing operations;
(q) Fabricated metal products;
(r) Fabricated plate work;
(s) Fabricated structural metal manufacturing;
(t) Ferroalloys production: Ferromanganese and Silicomanganese;
(u) Flexible polyurethane foam fabrication operations;
(v) Flexible polyurethane foam production;
(w) Gas distribution stage 1;
(x) Halogenated solvent cleaners;
(y) Hard chromium electroplating;
(z) Hazardous waste incineration;
(aa) Heating equipment, except electric;
(bb) Hospital sterilizers;
(cc) Industrial boilers fired by coal, wood and oil;
(dd) Industrial inorganic chemical manufacturing;
(ee) Industrial machinery and equipment – finish operations;
(ff) Industrial organic chemical manufacturing;
(gg) Inorganic pigments manufacturing;
(hh) Institutional/commercial boilers fired by coal, wood and oil;
(ii) Iron and steel forging;
(jj) Iron foundries;
(kk) Lead acid battery manufacturing;
(ll) Medical waste incinerators;
(mm) Mercury cell chlor-alkali plants;
(nn) Miscellaneous organic NESHAP;
(oo) Municipal landfills;
(pp) Municipal waste combustors (MWC);
(qq) Nonferrous foundries;
(rr) Oil and natural gas production;
(ss) Paint strippers;
(tt) Paints and allied products manufacturing;
(uu) Pharmaceutical production;
(vv) Plastic materials and resins manufacturing;
(ww) Plastic parts and products (surface coating);
(xx) Plating and polishing;
(yy) Polyvinyl chloride and copolymers production;
(zz) Portland cement;
(aaa) Prepared feeds materials;
(bbb) Pressed and blown glass and glassware manufacturing;
(ccc) Primary copper (not subject to MACT);
(ddd) Primary metal products manufacturing;
(eee) Primary nonferrous metals (Zn, Cd and Be);
(fff) Public owned treatment works;
(ggg) Secondary copper smelting;
(hhh) Secondary lead smelting;
(iii) Secondary nonferrous metals;
(jjj) Sewage sludge incineration;
(kkk) Stainless and nonstainless steel manufacturing electric arc furnace;
(lll) Stationary internal combustion engines;
(mmm) Steel foundries;
(nnn) Synthetic rubber manufacturing;
(ooo) Valves and pipe fittings; or

(ppp) Wood preserving.

(20 Ky.R. 698; 1000; eff. 11-29-1993; Recodified from 401 KAR 57:061, 6-2-1997; 24 Ky.R. 1765; eff. 6-10-1998; TAm eff. 8-9-2007; 43 Ky.R. 1043; eff. 3-3-2017; Cert eff. 9-12-2018; 49 Ky.R. 1148; eff.5-2-2023.)

REBECCA W. GOODMAN, Secretary

APPROVED BY AGENCY: September 22, 2022

FILED WITH LRC: October 13, 2022 at 11:50 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A virtual public hearing on this administrative regulation amendment will be held on December 22, 2022, at 10:00 a.m. (Eastern Time). The public hearing can be accessed at the following Web site address: https://us02web.zoom.us/j/84744885330; meeting ID: 847 4488 5530 and can be accessed by phone: +1 (309)205-3325 using access code 84744885330#. Please note that registration is required to participate in this hearing. You must either email your name and mailing address to Lisa.C.Jones@ky.gov or mail this information to Lisa Jones, Division for Air Quality, 300 Sower Building, 2nd Floor, Frankfort, Kentucky 40601. Please put "List of hazardous air pollutants, petitions process, lesser quantity designations and source category list" as the subject line, and state in the body of the message if you plan to speak during the hearing. If no one registers to speak by December 15, 2022, then the hearing will be cancelled. 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 until December 31, 2022. 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: Lisa Jones, Environmental Scientist III, Division for Air Quality, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 782-1288, fax (502) 564-4245, email Lisa.C.Jones@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Lisa Jones

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This administrative regulation provides the list of hazardous air pollutants (HAPs) pursuant to 42 U.S.C. 7412(b) of the Clean Air Act (CAA) and as promulgated in the National Emission Standards for Hazardous Air Pollutants (NESHAP) for source categories in 40 C.F.R. Part 63 by the U.S. EPA.

(b) The necessity of this administrative regulation:
This administrative regulation is necessary to identify HAPs 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 63, 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 63.

(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 HAPs list to be consistent with the federal HAP list.

(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 control of emissions associated with requirements established in 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 existing administrative regulation to include an amendment to 42 U.S.C. 7412(b) which adds 1-Bromopropane as a new HAP.

(b) The necessity of the amendment to this administrative regulation:
This amendment is necessary for the state emission standards for NESHAPs to be consistent with the federal requirements established in 40 C.F.R. Part 63. This amendment is necessary for the Cabinet to retain delegation of authority to continue to implement and enforce the federal NESHAP program, and be no less stringent than the federal requirements.

(c) How the amendment conforms to the content of the authorizing statutes:
The amendment conforms to the content of the authorizing statute by adopting a listing of hazardous pollutants consistent with the list established in 40 C.F.R. Part 63.

(d) How the amendment will assist in the effective administration of the statutes:
The amendment adopts federally regulated HAPs to provide for consistency between federal and state regulations for source categories. The control of the new NESHAP

pollutant will be enforceable by the Cabinet.

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

There are no specifically identified individuals, businesses, organizations, or state and local governments affected by this administrative regulation. However, emissions of 1-BP will be included in a permit applicant's emissions calculations. This could potentially change the applicant's permitting classification. Sources will be impacted upon EPA promulgation of updated or new NESHAP regulations which set emissions standards for the newly listed HAP. The Cabinet will retain delegation of authority for implementation and enforcement of these requirements.

(4) Provide an analysis of how the entities identified in question (3) 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 (3) will have to take to comply with this administrative regulation or amendment:

Regulated entities will not be subject to any additional requirements due to this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There is no additional cost to the regulated entities to comply with this amendment as the amendment simply adds a HAP to the list of regulated HAPs. This amendment will allow the Cabinet to retain delegation of authority for implementation and enforcement of the NESHAPs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

There is no compliance with this administrative regulation.

(5) 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 continuing costs for the implementation of this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Cabinet's current operating budget will be used for the implementation and enforcement of the amendment to this administrative regulation.

(7) 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.

(8) 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.

(9) TIERING: Is tiering applied?

No. This administrative regulation lists HAPs consistent with the federal HAP list.

FEDERAL MANDATE ANALYSIS COMPARISON

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

U.S. EPA promulgated the federal regulations related to the HAP listings in 40 C.F.R. Part 63, pursuant to 42 U.S.C. 7412.

(2) State compliance standards.

This administrative regulation provides the list of HAPs pursuant to 42 U.S.C. 7412(b) as amended in 40 C.F.R. Part 63, Subpart C and the list of source categories and subcategories.

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

42 U.S.C. 7412 requires that the U.S. EPA promulgate NESHAPs for source categories.

(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 63.

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

Stricter standards or additional or different responsibilities or requirements are not imposed.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Cabinet will continue to permit sources in accordance with this administrative regulation.

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

KRS 224.10-100(5), 224.20-110, 40 C.F.R. Part 63, Part 70, 42 U.S.C. 7401-7671q.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

The proposed administrative regulation will not generate revenue in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

The proposed administrative regulation will not generate revenue in subsequent years.

(c) How much will it cost to administer this program for the first year?

The Cabinet's current operating budget will be used to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years?

The Cabinet's operating budget will be used to administer the program for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):There is no known effect on current revenues.

Expenditures (+/-):There is no known effect on current expenditures.

Other Explanation:

There is no other explanation.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

The proposed administrative regulation will not generate cost savings for any regulated entities in the first year.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

The proposed administrative regulation will not generate cost savings for any regulated entities in subsequent years.

(c) How much will it cost the regulated entities for the first year?
There is no known cost to the regulated entities in the first year.

(d) How much will it cost the regulated entities for subsequent years?
There is no known cost to the regulated entities in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):There is no known cost savings.

Expenditures (+/-):There is no known effect on current expenditures.

Other Explanation:
There is no other explanation.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.
"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars ($500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This proposed administrative regulation will not have a major economic impact.