401 KAR 51:010. Attainment status designations.

RELATES TO: KRS 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 50, 51, 52, 53, 58, 75, 81.318, 42 U.S.C. 7401-7671q

STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-110, 42 U.S.C. 7407

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. This administrative regulation designates the status of all areas of the Commonwealth of Kentucky with regard to attainment of the ambient air quality standards.

Section 1. Definitions.

(1) "Rest of state" means the remainder of the state has been designated and identified on a county by county basis.

(2) "Road" means a Kentucky route, a county road, a lane, or a U.S. route, highway, or interstate.

(3) "Statewide" means the entire state has been designated on a county by county basis.

Section 2. Attainment Status Designations.

(1) The attainment status of areas of the Commonwealth of Kentucky with respect to the ambient air quality standards for carbon monoxide, lead, nitrogen oxides, ozone, particulate matter, and sulfur dioxide is listed in Sections 4 through 10 of this administrative regulation.

(2) Within sixty (60) days of revision by the U.S. Environmental Protection Agency (U.S. EPA) of a national ambient air quality standard, the cabinet shall review applicable data and submit to the U.S. EPA a revision to the attainment - nonattainment list pursuant to 42 U.S.C. 7407(d)(1).

(3) A road, junction, or intersection of two (2) or more roads as used in Section 7 of this administrative regulation that defines a nonattainment boundary for an area that is a portion of a county designated as nonattainment for ozone for any classification except marginal shall include as nonattainment an area extending 750 feet from the center of the road, junction, or intersection.

Section 3. Attainment Timetable. Primary and secondary ambient air quality standards shall be attained as expeditiously as practicable.

Section 4. Attainment Status Designations for Carbon Monoxide (CO). 1971 Standard:

|  |  |
| --- | --- |
| Designated Area | Designation Type |
| Statewide | Unclassifiable/Attainment |

Section 5. Attainment Status Designations for Lead (Pb). 2008 Standard:

|  |  |
| --- | --- |
| Designated Area | Designation Type |
| Statewide | Unclassifiable/Attainment |

Section 6. Attainment Status Designations for Nitrogen Oxides (NO2).

(1) 1971 Annual Standard:

(2) 2010 One (1) Hour Standard:

|  |  |
| --- | --- |
| Designated Area | Designation Type |
| Statewide | Unclassifiable/Attainment |

Section 7. Attainment Status Designations for Ozone (O3).

(1) The 1971 One (1) Hour Standard was revoked effective June 15, 2005, for all areas in the Commonwealth of Kentucky. The Cincinnati-Hamilton, Edmonson County, Huntington-Ashland, Lexington-Fayette, Louisville, Owensboro, and Paducah areas shall be considered maintenance areas for the one (1) hour national ambient air quality standards for the purposes of 40 C.F.R. Part 51, Subpart X.

(2) 1997 Eight (8) Hour Primary and Secondary Standard:

|  |  |
| --- | --- |
| Designated Area | Designation Type |
| Boone County | Attainment(1) |
| Boyd County | Attainment(1) |
| Bullitt County | Attainment(1) |
| Campbell County | Attainment(1) |
| Christian County | Attainment(1) |
| Jefferson County | Attainment(1) |
| Kenton County | Attainment(1) |
| Oldham County | Attainment(1) |
| Rest of state | Unclassifiable/Attainment |

Footnote: (1) Existing sources located in areas previously designated as nonattainment shall continue to comply with all applicable conditions pursuant to 401 KAR Chapters 59 and 61.

(3) 2008 Eight (8) Hour Primary and Secondary Standard:

|  |  |
| --- | --- |
| Designated Area | Designation Type |
| Boone County (part)2000 Census tracts: 701, 702, 703.01, 703.04, 703.05, 703.06, 703.07, 703.08, 703.09, 704.01, 704.02, 705.01, 705.02, 706.03 | Attainment(1) |
| Campbell County (part)2000 Census tracts: 501, 502, 503, 504, 505, 506, 511.01, 511.02, 512, 513, 519.01, 519.03, 519.04, 521, 522, 523.01, 523.02, 524, 525, 526, 528, 529, 530, 531 | Attainment(1) |
| Kenton County (part)2000 Census tracts: 603, 607, 609, 610, 611, 612, 613, 614, 616, 636.03, 636.04, 636.05, 636.06, 638, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655.01, 655.02, 656, 657, 658, 659, 668, 669, 670, 671 | Attainment(1) |
| Rest of state | Unclassifiable/Attainment |

Footnote: (1) Existing sources located in areas previously designated as nonattainment shall continue to comply with all applicable conditions pursuant to 401 KAR Chapters 59 and 61.

(4) 2015 Eight (8) Hour Primary and Secondary Standard:

|  |  |  |
| --- | --- | --- |
| Designated Area | Designation Type | Classification |
| Boone County (part)The entire county except for 2010 U.S. Census Tracts 706.01 and 706.04 | Nonattainment | Marginal |
| Bullitt County | Nonattainment | Marginal |
| Campbell County (part)The entire county except for 2010 U.S. Census Tracts 520.01 and 520.02 | Nonattainment | Marginal |
| Jefferson County | Nonattainment | Marginal |
| Kenton County (part)The entire county except for 2010 U.S. Census Tracts 637.01 and 637.02 | Nonattainment | Marginal |
| Oldham County | Nonattainment | Marginal |
| Rest of state | Attainment/Unclassifiable |   |

Section 8. Attainment Status Designations for PM2.5.

(1) 1997 Annual Primary and Secondary Standard:

(2) 2012 Annual Primary Standard:

|  |  |
| --- | --- |
| Designated Area  | Designation Type |
| Statewide | Unclassifiable/Attainment |

(3) 1997 Twenty-four (24) Hour Primary and Secondary Standard:

|  |  |
| --- | --- |
| Designated Area | Designation Type |
| Statewide | Unclassifiable/Attainment |

(4) 2006 Twenty-four (24) Hour Primary and Secondary Standard:

|  |  |
| --- | --- |
| Designated Area | Designation Type |
| Statewide | Unclassifiable/Attainment |

Section 9. Attainment Status Designations for Sulfur Dioxide (SO2).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Designated Area | Does Not Meet Primary Standards | Does Not Meet Secondary Standards | Cannot Be Classified | Better Than National Standards |
| Statewide |   |   |   | X |

(1) 1971 Primary and Secondary Standard:

(2) 2010 Primary Standard:

|  |  |
| --- | --- |
| Designated Area | Designated Type |
| Campbell County (part)That portion of Campbell County which lies south and west of the Ohio River described as follows: Beginning at geographic coordinates 38.9735 North Latitude, 84.3017 West Longitude on the edge of the Ohio River running southwesterly to Kentucky Highway 1566; thence continuing running southwesterly along Kentucky Highway 1566 to Kentucky Highway 9 (AA Highway); thence running northwesterly along Kentucky Highway 9 (AA Highway) from Hwy 1566 to Interstate 275; thence running northeasterly along Interstate 275 to Highway 2345 (John's Hill Road), Hwy 2345 to US-27, US-27 to I-275, I-275 to the Ohio River; thence running southeasterly along the Ohio River from I-275 to geographic coordinates 38.9735 North Latitude, 84.3017 West Longitude | Attainment(1) |
| Henderson County (part)Census Block Groups 211010207013, 211010207014, 211010207024, and 211010208004 | Attainment/Unclassifiable |
| Jefferson County (part)That portion of Jefferson County compassed by the polygon with the vertices using Universal Traverse Mercator (UTM) coordinates in UTM zone 16 with datum NAD83:Ethan Allen Way extended to the Ohio River at UTM Easting (m) 595738, UTM Northing 4214086 and Dixie Highway (US60 and US31W) at UTM Easting (m) 597515, UTM Northing 4212946; Along Dixie Highway from UTM Easting (m) 597515, UTM Northing 4212946 to UTM Easting (m) 595859, UTM Northing 4210678; Near the adjacent property lines of Louisville Gas and Electric-Mill Creek Electric Generating Station and Kosmos Cement where they join Dixie Highway at UTM Easting (m) 595859, UTM Northing 4210678 and the Ohio River at UTM Easting (m) 595326, UTM Northing 4211014; Along the Ohio River from UTM Easting (m) 595326, UTM Northing 4211014 to UTM Easting (m) 595738, UTM Northing 4214086 | Attainment(1) |
| Ohio County | Unclassifiable |
| Pulaski County | Unclassifiable |
| Rest of state(2) | Attainment/Unclassifiable |

Footnote: (1) Existing sources located in areas previously designated as nonattainment shall continue to comply with all applicable conditions pursuant to 401 KAR Chapters 59 and 61.