

**401 KAR 60:005. 40 C.F.R. Part 60 standards of performance for new stationary sources.**

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. Part 60, 42 U.S.C. 7411

STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-120, 42 U.S.C. 7411

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. 42 U.S.C. 7411(c)(1) authorizes each state to establish standards for the federal NSPS program for the U.S. EPA delegation of implementation and enforcement authority to the Commonwealth of Kentucky. This administrative regulation establishes the standards of performance for new stationary sources by referencing the Standards of Performance for New Stationary Sources (NSPS) codified in 40 C.F.R. Part 60.

**Section 1. Definitions.**

(1) Except as established in subsection (2) of this section, terms used in this administrative regulation shall have the meaning given to them in 40 C.F.R. Part 60.

(2) "Administrator" means the Secretary of the Energy and Environment Cabinet unless a specific provision of 40 C.F.R. Part 60 states that the U.S. Environmental Protection Agency retains authority.

**Section 2. Applicability.** This administrative regulation shall apply to sources subject to 40 C.F.R. Part 60. A source subject to this administrative regulation shall comply with:

(1) 40 C.F.R. 60.1 through 60.19, Table 1 (Subpart A), General Provisions, as published July 1, 2020 and at 85 F.R. 57739 and 85 F.R. 63394;

(2)

(a) 40 C.F.R. 60.40 through 60.46 (Subpart D), Standards of Performance for Fossil-Fuel-Fired Steam Generators, as published July 1, 2020;

(b) 40 C.F.R. 60.40Da through 60.52Da (Subpart Da), Standards of Performance for Electric Utility Steam Generating Units, as published July 1, 2020;

(c) 40 C.F.R. 60.40b through 60.49b (Subpart Db), Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, as published July 1, 2020;

(d) 40 C.F.R. 60.40c through 60.48c (Subpart Dc), Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, as published July 1, 2020;

(e) 40 C.F.R. 60.50 through 60.54 (Subpart E), Standards of Performance for Incinerators, as published July 1, 2020;

(f) 40 C.F.R. 60.50a through 60.59a (Subpart Ea), Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994, as published July 1, 2020;

(g) 40 C.F.R. 60.50b through 60.59b (Subpart Eb), Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996, as published July 1, 2020;

(h) 40 C.F.R. 60.50c through 60.58c, Tables 1A through 3 (Subpart Ec), Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators, as published July 1, 2020;

(i) 40 C.F.R. 60.60 through 60.66 (Subpart F), Standards of Performance for Portland Cement Plants, as published July 1, 2020;

(j) 40 C.F.R. 60.70 through 60.74 (Subpart G), Standards of Performance for Nitric Acid Plants, as published July 1, 2020;

(k) 40 C.F.R. 60.70a through 60.77a (Subpart Ga), Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011, as published July 1, 2020;

(l) 40 C.F.R. 60.80 through 60.85 (Subpart H), Standards of Performance for Sulfuric Acid Plants, as published July 1, 2020;

(m) 40 C.F.R. 60.90 through 60.93 (Subpart I), Standards of Performance for Hot Mix Asphalt Facilities, as published July 1, 2020;

(n) 40 C.F.R. 60.100 through 60.109 (Subpart J), Standards of Performance for Petroleum Refineries, as published July 1, 2020;

(o) 40 C.F.R. 60.100a through 60.109a, Table 1 (Subpart Ja), Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007, as published July 1, 2020;

(p) 40 C.F.R. 60.110 through 60.113 (Subpart K), Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978, as published July 1, 2020;

(q) 40 C.F.R. 60.110a through 60.115a (Subpart Ka), Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984, as published July 1, 2020;

(r) 40 C.F.R. 60.110b through 60.117b (Subpart Kb), Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, as published July 1, 2020;

(s) 40 C.F.R. 60.120 through 60.123 (Subpart L), Standards of Performance for Secondary Lead Smelters, as published July 1, 2020;

(t) 40 C.F.R. 60.130 through 60.133 (Subpart M), Standards of Performance for Secondary Brass and Bronze Production Plants, as published July 1, 2020;

(u) 40 C.F.R. 60.140 through 60.144 (Subpart N), Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973, as published July 1, 2020;

(v) 40 C.F.R. 60.140a through 60.145a (Subpart Na), Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983, as published July 1, 2020;

(w) 40 C.F.R. 60.150 through 60.156 (Subpart O), Standards of Performance for Sewage Treatment Plants, as published July 1, 2020;

(x) 40 C.F.R. 60.160 through 60.166 (Subpart P), Standards of Performance for Primary Copper Smelters, as published July 1, 2020;

(y) 40 C.F.R. 60.170 through 60.176 (Subpart Q), Standards of Performance for Primary Zinc Smelters, as published July 1, 2020;

(z) 40 C.F.R. 60.180 through 60.186 (Subpart R), Standards of Performance for Primary Lead Smelters, as published July 1, 2020;

(aa) 40 C.F.R. 60.190 through 60.195 (Subpart S), Standards of Performance for Primary Aluminum Reduction Plants, as published July 1, 2020;

(bb) 40 C.F.R. 60.200 through 60.205 (Subpart T), Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants, as published July 1, 2020;

(cc) 40 C.F.R. 60.210 through 60.215 (Subpart U), Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants, as published July 1, 2020;

(dd) 40 C.F.R. 60.220 through 60.225 (Subpart V), Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants, as published July 1, 2020;

(ee) 40 C.F.R. 60.230 through 60.235 (Subpart W), Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants, as published July 1, 2020;

(ff) 40 C.F.R. 60.240 through 60.245 (Subpart X), Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities, as published July 1, 2020;

(gg) 40 C.F.R. 60.250 through 60.258 (Subpart Y), Standards of Performance for Coal Preparation and Processing Plants, as published July 1, 2020;

(hh) 40 C.F.R. 60.260 through 60.266 (Subpart Z), Standards of Performance for Ferroalloy Production Facilities, as published July 1, 2020;

(ii) 40 C.F.R. 60.270 through 60.276 (Subpart AA), Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983, as published July 1, 2020;

(jj) 40 C.F.R. 60.270a through 60.276a (Subpart AAa), Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983, as published July 1, 2020;

(kk) 40 C.F.R. 60.280 through 60.285 (Subpart BB), Standards of Performance for Kraft Pulp Mills, as published July 1, 2020;

(ll) 40 C.F.R. 60.280a through 60.288a (Subpart BBa), Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013, as published July 1, 2020;

(mm) 40 C.F.R. 60.290 through 60.296 (Subpart CC), Standards of Performance for Glass Manufacturing Plants, as published July 1, 2020;

(nn) 40 C.F.R. 60.300 through 60.304 (Subpart DD), Standards of Performance for Grain Elevators, as published July 1, 2020;

(oo) 40 C.F.R. 60.310 through 60.316 (Subpart EE), Standards of Performance for Surface Coating of Metal Furniture, as published July 1, 2020;

(pp) 40 C.F.R. 60.330 through 60.335 (Subpart GG), Standards of Performance for Stationary Gas Turbines, as published July 1, 2020;

(qq) 40 C.F.R. 60.340 through 60.344 (Subpart HH), Standards of Performance for Lime Manufacturing Plants, as published July 1, 2020;

(rr) 40 C.F.R. 60.370 through 60.374 (Subpart KK), Standards of Performance for Lead-Acid Battery Manufacturing Plants, as published July 1, 2020;

(ss) 40 C.F.R. 60.380 through 60.386 (Subpart LL), Standards of Performance for Metallic Mineral Processing Plants, as published July 1, 2020;

(tt) 40 C.F.R. 60.390 through 60.398 (Subpart MM), Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations, as published July 1, 2020;

(uu) 40 C.F.R. 60.400 through 60.404 (Subpart NN), Standards of Performance for Phosphate Rock Plants, as published July 1, 2020;

(vv) 40 C.F.R. 60.420 through 60.424 (Subpart PP), Standards of Performance for Ammonium Sulfate Manufacture, as published July 1, 2020;

(ww) 40 C.F.R. 60.430 through 60.435 (Subpart QQ), Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing, as published July 1, 2020;

(xx) 40 C.F.R. 60.440 through 60.447 (Subpart RR), Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations, as published July 1, 2020;

(yy) 40 C.F.R. 60.450 through 60.456 (Subpart SS), Standards of Performance for Industrial Surface Coating: Large Appliances, as published July 1, 2020;

(zz) 40 C.F.R. 60.460 through 60.466 (Subpart TT), Standards of Performance for Metal Coil Surface Coating, as published July 1, 2020;

(aaa) 40 C.F.R. 60.470 through 60.474 (Subpart UU), Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture, as published July 1, 2020;

(bbb) 40 C.F.R. 60.480 through 60.489 (Subpart VV), Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006, as published July 1, 2020;

(ccc) 40 C.F.R. 60.480a through 60.489a (Subpart VVa), Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, as published July 1, 2020;

(ddd) 40 C.F.R. 60.490 through 60.496 (Subpart WW), Standards of Performance for the Beverage Can Surface Coating Industry, as published July 1, 2020;

(eee) 40 C.F.R. 60.500 through 60.506 (Subpart XX), Standards of Performance for Bulk Gasoline Terminals, as published July 1, 2020;

(fff) 40 C.F.R. 60.540 through 60.548 (Subpart BBB), Standards of Performance for the Rubber Tire Manufacturing Industry, as published July 1, 2020;

(ggg) 40 C.F.R. 60.560 through 60.566 (Subpart DDD), Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry, as published July 1, 2020;

(hhh) 40 C.F.R. 60.580 through 60.585 (Subpart FFF), Standards of Performance for Flexible Vinyl and Urethane Coating and Printing, as published July 1, 2020;

(iii) 40 C.F.R. 60.590 through 60.593 (Subpart GGG), Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and On or Before November 7, 2006, as published July 1, 2020;

(jjj) 40 C.F.R. 60.590a through 60.593a (Subpart GGGa), Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, as published July 1, 2020;

(kkk) 40 C.F.R. 60.600 through 60.604 (Subpart HHH), Standards of Performance for Synthetic Fiber Production Facilities, as published July 1, 2020;

(lll) 40 C.F.R. 60.610 through 60.618 (Subpart III), Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes, as published July 1, 2020;

(mmm) 40 C.F.R. 60.620 through 60.625 (Subpart JJJ), Standards of Performance for Petroleum Dry Cleaners, as published July 1, 2020;

(nnn) 40 C.F.R. 60.630 through 60.636 (Subpart KKK), Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and On or Before August 23, 2011, as published July 1, 2020;

(ooo) 40 C.F.R. 60.640 through 60.648 (Subpart LLL), Standards of Performance for SO<sub>2</sub> Emissions from Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and On or Before August 23, 2011, as published July 1, 2020;

(ppp) 40 C.F.R. 60.660 through 60.668 (Subpart NNN), Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations, as published July 1, 2020;

(qqq) 40 C.F.R. 60.670 through 60.676, Tables 1 through 3 (Subpart OOO), Standards of Performance for Nonmetallic Mineral Processing Plants, as published July 1, 2020;

(rrr) 40 C.F.R. 60.680 through 60.685 (Subpart PPP), Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants, as published July 1, 2020;

(sss) 40 C.F.R. 60.690 through 60.699 (Subpart QQQ), Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems, as published July 1, 2020;

(ttt) 40 C.F.R. 60.700 through 60.708 (Subpart RRR), Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes, as published July 1, 2020;

(uuu) 40 C.F.R. 60.710 through 60.718 (Subpart SSS), Standards of Performance for Magnetic Tape Coating Facilities, as published July 1, 2020;

(vvv) 40 C.F.R. 60.720 through 60.726 (Subpart TTT), Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines, as published July 1, 2020;

(www) 40 C.F.R. 60.730 through 60.737 (Subpart UUU), Standards of Performance for Calciners and Dryers in Mineral Industries, as published July 1, 2020;

(xxx) 40 C.F.R. 60.740 through 60.748 (Subpart VVV), Standards of Performance for Polymeric Coating of Supporting Substrates Facilities, as published July 1, 2020;

(yyy) 40 C.F.R. 60.750 through 60.759 (Subpart WWW), Standards of Performance for Municipal Solid Waste Landfills, as published July 1, 2020 and at 85 F.R. 64398;

(zzz) 40 C.F.R. 60.760 through 60.769 (Subpart XXX), Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014, as published July 1, 2020 and at 85 F.R. 63394;

(aaaa) 40 C.F.R. 60.1000 through 60.1465, Tables 1 through 5 (Subpart AAAA), Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001, as published July 1, 2020;

(bbbb) 40 C.F.R. 60.2000 through 60.2265, Tables 1 through 8 (Subpart CCCC), Standards of Performance for Commercial and Industrial Solid Waste Incineration Units, as published July 1, 2020 and at 85 F.R. 63394;

(cccc) 40 C.F.R. 60.2880 through 60.2977, Tables 1 through 4 (Subpart EEEE), Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006, as published July 1, 2020;

(dddd) 40 C.F.R. 60.4200 through 60.4219, Tables 1 through 8 (Subpart IIII), Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, as published July 1, 2020;

(eeee) 40 C.F.R. 60.4230 through 60.4248, Tables 1 through 4 (Subpart JJJJ), Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, as published July 1, 2020 and at 85 F.R. 63394;

(ffff) 40 C.F.R. 60.4300 through 60.4420, Table 1 (Subpart KKKK), Standards of Performance for Stationary Combustion Turbines, as published July 1, 2020 and at 85 F.R. 63394;

(gggg) 40 C.F.R. 60.4760 through 60.4930, Tables 1 through 5 (Subpart LLLL), Standards of Performance for New Sewage Sludge Incineration Units, as published July 1, 2020;

(hhhh) 40 C.F.R. 60.5360 through 60.5430, Tables 1 through 3 (Subpart OOOO), Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced after August 23, 2011, and On or Before September 18, 2015, as published July 1, 2020 and at 85 F.R. 57018;

(iiii) 40 C.F.R. 60.5360a through 60.5432a, Tables 1 through 3 (Subpart OOOOa), Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015, as published July 1, 2020 and at 85 F.R. 57018 and 85 F.R. 57398; or

(jjjj) 40 C.F.R. 60.5508 through 60.5580, Tables 1 through 3 (Subpart TTTT), Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units, as published July 1, 2020; and

(3) The applicable methods, procedures, and reporting requirements codified in 40 C.F.R. Part 60, Appendices A-1 through F and I, as published July 1, 2020 and at 85 F.R. 63394.

Section 3. Reporting Requirements. All documentation required by this administrative regulation to be submitted to the U.S. EPA shall also be submitted to the cabinet.

(25 Ky.R. 2042; 2587; 26 Ky.R. 50; eff. 7-14-1999; 28 Ky.R. 1180; 1891; 2020; eff. 3-18-2002; 29 Ky.R. 2975; eff. 30 Ky.R. 588; eff. 9-10-2003; 31 Ky.R. 407; eff. 1-4-2005; 33 Ky.R. 4231; 34 Ky.R. 598; 971; eff. 11-14-2007; 36 Ky.R. 459; 10-23-2009; 43 Ky.R. 1003, 1378; eff. 3-3-2017; 47 Ky.R. .1443, 1947; eff. 6-3-2021.)