§ 52.928 Control strategy: Sulfur oxides.

The revised SO$_2$ emission limit for large coal-fired boilers in Bell, Clark, and Woodford Counties, submitted on June 29, 1979, is disapproved since it does not provide for attainment and maintenance of all SO$_2$ NAAQS. The limit approved by EPA on May 10, 1976 (41 FR 19105), remains the limit applicable to these sources.

[49 FR 11091, Mar. 23, 1984]

§ 52.929 [Reserved]

§ 52.930 Control strategy: Ozone.

(a) The VOC bubble for Alcan Foil Products in Louisville submitted as a SIP revision on March 3, 1986, is disapproved. The source must continue to meet all the requirements of Jefferson County Regulation 6.29.

(b) Part D—disapproval—(1) Campbell and Kenton Counties nonattainment area. The 1979 SIP revisions for these two counties are disapproved because the Commonwealth failed to submit evidence of legal authority to implement a vehicle inspection and maintenance program as required under section 172(b)(11)(B) of the Clean Air Act. No major new or modified sources of volatile organic compounds can be built in these two counties by virtue of the provisions of section 110(a)(2)(I) of the Clean Air Act.

(2) Northern Kentucky (Boone, Campbell and Kenton Counties) ozone nonattainment area. The demonstration of attainment of the ozone standards by the end of 1982, submitted as part of Kentucky’s ozone SIP revision on March 3, 1986, is disapproved. As a result, the extension of the attainment deadline until December 31, 1987, remains in effect, along with the related requirement to submit a SIP revision addressing all requirements of Part D extension areas.

(c) The redesignation request submitted by the Commonwealth of Kentucky, on November 11, 1994, for the Kentucky portion of the Cincinnati-Northern Kentucky moderate interstate ozone nonattainment area from nonattainment to attainment was disapproved on September 27, 1996.

(d) Kentucky’s November 15, 1996, request for a 1-year attainment date extension for the Kentucky portion of the Cincinnati-Hamilton metropolitan moderate ozone nonattainment area which consists of Kenton, Boone, and Campbell Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1997.

(e) Kentucky’s November 15, 1996, request for a 1-year attainment date extension for the Kentucky portion of the Louisville moderate ozone nonattainment area which consists of Jefferson County and parts of Bullitt and Oldham Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1997.

(f) Kentucky’s January 7, 1998, request for a 1-year attainment date extension for the Kentucky portion of the Cincinnati-Hamilton metropolitan moderate ozone nonattainment area which consists of Kenton, Boone, and Campbell Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1998.

(g) The redesignation request submitted by the Commonwealth of Kentucky, on October 29, 1999, for the Kentucky portion of the Cincinnati-Hamilton moderate interstate ozone nonattainment area from nonattainment to attainment was approved on July 5, 2000. The mobile source budgets for the Kentucky portion of the area for the purposes of transportation conformity are now 5.83 tons per summer day of volatile organic compounds and 15.13 tons per summer day of nitrogen oxides for the year 2010.

(h) Determination—EPA is determining that as of July 5, 2000, the Kentucky portion of the Cincinnati-Hamilton ozone nonattainment area (which includes the Counties of Boone, Kenton, and Campbell) has attained the 1-hour ozone standard and that the attainment demonstration requirements of section 182(b)(1), 182(j), and 172(c)(1), along with the section 172(c)(9) contingency measure requirements, do not apply to the area.

(i) Approval—EPA is approving an exemption from the requirements contained in section 182(f) of the Clean Air Act. This approval exempts Boone, Kenton, and Campbell counties in Kentucky from the NO$_x$ related general
§ 52.931 Significant deterioration of air quality.

(a) Regulations for preventing significant deterioration of air quality. The provisions of §52.21 (b) through (w) are hereby incorporated and made a part of the applicable state plan for the State of Kentucky only as they apply to permits issued pursuant to §52.21 prior to final approval of Kentucky’s Regulation for Prevention of Significant Deterioration (PSD), Visibility Monitoring, and Visibility New Source Review in Attainment Areas. The provisions of §52.21 (b) through (w) are rescinded for permits issued after final approval of Kentucky’s Regulation for Prevention of Significant Deterioration (PSD), Visibility Monitoring, and Visibility New Source Review in Attainment Areas.

(b) The Commonwealth of Kentucky has committed to revising the state’s regulations accordingly when EPA amends the federal vessel emissions provisions contained in 40 CFR 51.166. In a letter dated October 17, 1986, Kentucky stated:

As requested, the Division of Air Pollution Control hereby commits to changing the definition of “building, structure, facility, or installation,” and any other applicable definitions, when the issue of vessel emissions is resolved at the federal level, and after the federal regulation, 40 CFR 51.24, is amended.

(c) In a letter dated May 3, 1988, EPA informed Kentucky that the following caveat must be included in all potentially affected permits due to a decision of the U.S. Court of Appeals for the District of Columbia Circuit (NRDC v. Thomas, 838 F.2d 1224):

In approving this permit, the Kentucky Division for Air Quality has determined that the application complies with the applicable provisions of the stack height regulations as revised by the EPA on July 8, 1985 (50 FR 27892). Portions of the regulations have been remanded by a panel of the U.S. Court of Appeals for the D.C. Circuit in NRDC v. Thomas, 838 F.2d 1224 (D.C. Cir. 1988). Consequently, this permit may be subject to modification if and when the EPA revises the regulation in response to the court decision. This may result in revised emission limitations or may affect other actions taken by the source owners or operators.

Kentucky responded with a letter dated May 11, 1988, stating in part:

This is in response to your letter dated May 3, 1988 * * *. As requested by your letter, the Kentucky Division for Air Quality agrees to include the condition set forth in your letter, in all potentially affected permits issued under regulation 401 KAR 51:017 or 401 KAR 51:052. Therefore, we request that you consider this letter as our commitment that the required caveat will be included in all potentially affected permits * * *.

(d) All applications and other information required pursuant to §52.21 of this part from sources located in the Commonwealth of Kentucky shall be submitted to the State agency, Commonwealth of Kentucky, Energy and Environment Cabinet, Department of Environmental Protection, Division for Air Quality, 200 Fair Oaks Lane, 1st Floor, Frankfort, Kentucky 40610–1403 or local agency, Louisville Metro Air Pollution Control District, 850 Barret