

Environmental Protection Agency

§ 52.932

entire interstate Louisville area for the purposes of transportation conformity are now 48.17 tons per summer day of VOC and 92.93 tons per summer day of NO_x for the year 2012.

[46 FR 58082, Nov. 30, 1981, as amended at 48 FR 13169, Mar. 30, 1983; 51 FR 10210, Mar. 25, 1986; 54 FR 10983, Mar. 16, 1989; 60 FR 32469, June 22, 1995; 60 FR 40101, Aug. 7, 1995; 61 FR 50720, Sept. 27, 1996; 62 FR 28637, May 27, 1997; 62 FR 40281, July 28, 1997; 62 FR 55176, Oct. 23, 1997; 62 FR 61246, Nov. 17, 1997; 63 FR 14625, Mar. 26, 1998; 65 FR 37898, June 19, 2000; 66 FR 53685, Oct. 23, 2001]

§ 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 The provisions of § 52.21 (b) through (w) are rescinded for permits issued after final approval of Kentucky's Regulation for Prevention of Significant Deterioration (PSD), Visibility Monitoring, and Visibility New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 Avenue, Louisville, Kentucky 40204, rather than to EPA's Region 4 office.

[54 FR 36311, Sept. 1, 1989, as amended at 74 FR 55143, Oct. 27, 2009]

§ 52.932 Rules and regulations.

(a) The last sentence of section 3(1) of Kentucky regulation 401 KAR 3:050, which specifies that a new fossil fuel fired steam electric generator's allowable SO₂ emissions may be calculated by averaging SO₂ emissions from existing units of this type and from new ones, is disapproved since it contravenes subpart D of 40 CFR part 60, New Source Performance Standards.

(b) Section 8(2)(a) of regulation 401 KAR 61:015 is disapproved in that it allows the Tennessee Valley Authority's Shawnee power plant until October 1, 1981, to achieve compliance with emissions limits which are not made more stringent by the 1979 Part D revisions,