

The Kentucky Fine Particulate Matter (PM_{2.5}) § 172(c)(1) Reasonably Available Control Measures (RACM) Determination for the Louisville/Jefferson & Bullitt County Areas

Background

In November 2008, the Commonwealth of Kentucky, through the Kentucky Energy and Environment Cabinet's Division of Air Quality (DAQ), submitted an attainment demonstration State Implementation Plan (SIP) revision for the Louisville, KY-IN, Cincinnati-Middletown, OH-KY-IN, and Huntington-Ashland, WV-KY-OH 1997 PM_{2.5} nonattainment areas addressing the nonattainment plan provisions applicable to these areas under Clean Air Act §172(c). This SIP revision included a Clean Air Act (CAA) §172(c)(1) RACM determination that there were no potential emissions control measures that, if considered collectively, would advance the attainment date by one year or more. On March 5, 2012, Kentucky submitted a request to redesignate the Kentucky portion for all of the the Louisville, KY-IN nonattainment area to attainment for the 1997 Annual PM_{2.5} national ambient air quality standards (NAAQS).

On March 9, 2011, EPA determined that the bi-state Louisville (Indiana and Kentucky) PM_{2.5} nonattainment area had attained the 1997 annual PM_{2.5} NAAQS based upon complete, quality-assured, and certified ambient air monitoring data for the 2007–2009 period, which showed that the area had monitored attainment of the annual PM_{2.5} NAAQS.¹ As a result of this determination and in accordance with 40 CFR 51.1004(c), the requirements for the area to submit an attainment demonstration and associated RACM, a reasonable further progress (RFP) plan, contingency measures, and other planning SIP revisions related to attainment of the standards are suspended for so long as the area continues to attain the 1997 annual PM_{2.5} NAAQS. Therefore, Kentucky withdrew the aforementioned PM_{2.5} attainment demonstration SIP revision except for the portion addressing emissions inventory requirements under CAA §172(c)(3).

On July 14, 2015, the U.S. 6th Circuit Court of Appeals vacated EPA's redesignation of the Indiana and Ohio portions of the Cincinnati nonattainment area for the 1997 PM_{2.5} NAAQS because EPA had not approved RACM for that area into the Indiana and Ohio SIPs pursuant to CAA §172(c)(1).² On February 3, 2016, the Louisville Metro Air Pollution Control District (LMAPCD) submitted quality-assured and certified ambient air monitoring data for the 2013–2015 period, which showed that the Louisville nonattainment area continued to maintain the 1997 annual PM_{2.5} NAAQS.

Through DAQ, LMAPCD now submits the following RACM determination for the Kentucky portion of the Louisville 1997 PM_{2.5} nonattainment area, in accordance with CAA §172(c)(1)

¹ Approval and Promulgation of Air Quality Implementation Plans; Indiana; Kentucky; Louisville Nonattainment Area; Determination of Attainment of the 1997 Annual Fine Particle Standard, 76 FR 12860 (March 9, 2011) Final Rule).

² *Sierra Club v. EPA*, 793 F.3d 656 (6th Cir. 2015) (“a State seeking redesignation ‘shall provide for the implementation of’ RACM/RACT, even if those measures are not strictly necessary to demonstrate attainment with the PM_{2.5} NAAQS”).

and the 6th Circuit decision in *Sierra Club*, for incorporation into the Jefferson County portion of the Kentucky SIP in support of the Commonwealth's redesignation request.

RACM Determination

40 CFR 51.1010 requires a state to submit a SIP revision for each PM_{2.5} nonattainment area demonstrating that the state has adopted all RACM, including reasonably available control technology for stationary sources, necessary to demonstrate attainment as expeditiously as practicable. This section of the PM_{2.5} implementation rule goes on to state that "potential measures that are reasonably available considering technical and economic feasibility must be adopted as RACM if, considered collectively, they would advance the attainment date by one year or more." Because the Louisville nonattainment area has attained, and continues to attain, the 1997 PM_{2.5} NAAQS, no emissions control measures would advance attainment. Therefore, no measures are necessary to satisfy CAA §172(c)(1) RACM pursuant to 40 CFR 51.1010.