

**Louisville Metro Air Pollution Control District  
Preliminary  
Regulatory Impact Assessment**

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**Regulation 5.00  
*Definitions*  
Version 1/External**

**Purpose of the Draft Proposed Action:**

The purpose of the draft proposed action is to consolidate definitions unique to the Strategic Toxic Air Reduction (STAR) program, currently in Regulations 1.02, 5.01, and 5.21, into one new regulation, Regulation 5.00, *Definitions*. A table of cross-references is provided as an attachment to this PRIA. The proposed action also revises some of the definitions for clarity, removes redundant and outdated provisions, and makes other changes described below.

The definition of “exempt stationary source” currently in Regulation 5.01 section 1.7 includes: "A dry cleaner subject to Regulation 5.02, *Adoption of National Emission Standards for hazardous Air Pollutant* section 3.12 *National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities*." Dry cleaners in Louisville that use cleaning solvent other than perchloroethylene use solvents that are not hazardous air pollutants as defined in the Clean Air Act and not toxic air contaminants (TACs) as defined in section 1.13 of this proposed regulation (currently Regulation 1.02 section 1.75). Therefore, the qualifier to the definition is technically accurate, as only dry cleaners that use perchloroethylene would be subject to STAR, but for clarity the District proposes to delete it.

The definition of a “Group 2 stationary source” (currently in Regulation 5.01 section 1.9) is being revised to delete sources with actual emissions of 25 or more tons per year individually of sulfur dioxide, particulate matter, volatile organic compounds, or oxides of nitrogen. In the five years that the District has been implementing the STAR program, it has yet to encounter one source that meets that criteria that is not already subject to STAR for other reasons.

The definition of “new or modified process or process equipment” is being revised for clarification, consistent with the District’s interpretation of the term in its January 8, 2005 Response to Comments.

**Estimated Costs and Savings:**

There are no costs associated with the draft proposed action. To date, no source has been defined as a “Group 2 stationary source” solely on the basis of emissions of 25 or more tons per year of one of the criteria pollutants listed. Amendments to "exempt stationary source" and "new or modified process or process equipment" are intended as clarifications only.

**Feasibility of All Alternatives:**

The District evaluated leaving the definitions related to STAR in separate regulations, but determined that consolidating them in a single regulation would be more useful and make the STAR Program easier to read.

Other proposed changes:

"Exempt stationary source" -- see previous page under "Purpose of the Draft Proposed Action."

"Group 2 stationary source" -- Presently, a Group 2 stationary source is defined in Regulation 5.01 section 1.9 as one that either:

- 1.9.1 Is not a Group 1 or Exempt stationary source, and has applied for an operating permit pursuant to Regulation 2.17 *Federally Enforceable District Origin Operating Permits* (FEDOOP stationary source), or
- 1.9.2 Is not a Group 1, FEDOOP, or Exempt stationary source, and the actual emissions from the stationary source are 25 or more tons per year individually of sulfur dioxide, particulate matter, volatile organic compounds, or oxides of nitrogen.

The proposed revised definition is:

- 1.16 "Group 2 stationary source" means a stationary source that is not a Group 1 or Exempt stationary source, and has an operating permit issued pursuant to Regulation 2.17.

The District proposes this change for the following reasons:

- 5.01 section 1.9.1 -- The District has determined that it is not appropriate to include in the STAR program sources that have applied for a Federally Enforceable District-Origin Operating Permit (FEDOOP) but not received one. A source may apply for a FEDOOP without needing, or meeting the criteria for, obtaining such a permit. A source does not "need" a FEDOOP if its potential to emit is below major source thresholds, in which case it should be regulated as an area source. The change will have no effect on the applicability of STAR to permitted FEDOOP sources.
- 5.01 section 1.9.2 -- The District is proposing to delete the so-called 25-ton sources because no source has been identified as a Group 2 source solely on this basis in the five years since the STAR Program was adopted. Thus, this part of the definition appears to be unnecessary and may, in fact, confuse matters. If such a source is identified in the future, the District has the ability to address the source's TAC emissions through its general permitting and under the general duty clause of Regulation 5.01.

"New or modified process or process equipment" -- The proposed revision provides a needed clarification. During the development of the STAR Program, the District explained that in the definition of "new or modified process or process equipment" in Regulation 5.01, "[t]he definition of the term 'modification' in Regulation 1.02 would be used."<sup>1</sup> Response to Comment 1.02-13 (January 8, 2005). The definition of "modification" in Regulation 1.02 is "any physical change in, or change in the method of operation of, an affected facility that increases the amount of any air pollutant...or that results in the emission of any air pollutant not previously emitted[.]" The proposed amendment mirrors the definition of modification in Regulation 1.02 by limiting its applicability to changes that result in either 1) an increase in emissions of a TAC, or 2) emissions of a TAC not previously emitted. By revising the definition of "new or modified" in this manner, the District will eliminate the potential unintended consequence of penalizing the installation of pollution control equipment by deeming existing processes or process equipment, which are subject to a total combined risk of 7.5 in a million, to be new processes or process equipment, which are subject to a combined risk of 3.8 in a million, solely due to the installation of a control device *that does not increase the emissions of any TAC or result in the emission of any TAC not previously emitted*, such as a HEPA filter.

**Comparison with Any Minimum or Uniform Standards:**

There are no minimum or uniform standards governing the District's STAR program.

**Report on Public Outreach Efforts:**

This draft proposed Regulation 5.00 is part of a package of proposed amendments to the STAR regulations that was released for informal external review on March 17, 2010, and sent to: all members of the 2009 STAR Advisory Group; all persons who have requested to be informed of proposed changes to STAR regulations; all persons who have requested to be notified of proposed changes to any District regulations; EPA Region 4; and the Kentucky Division for Air Quality. The District received written informal comments on this draft proposal and is responding to those in a separate Comment/Response document. The public will have an opportunity to comment at a meeting of the appropriate committee of the Air Pollution Control Board, during the formal public comment period, and at a public hearing prior to consideration by the full Board.

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<sup>1</sup> The provision referenced as Regulation 5.01 Section 4 during the development of the STAR Program was moved to Regulation 5.21 Section 3 in the adopted version of the regulations.

**REGULATION 5.00 - DEFINITIONS**  
**PRELIMINARY REGULATORY IMPACT ASSESSMENT**  
**ATTACHMENT 1: TABLE OF CROSS REFERENCES**

<b>Regulation 5.00</b>	<b>Origin</b>
1.1 Acute noncancer effect	1.02 § 1.2
1.2 Benchmark ambient concentration (BAC)	5.01 § 1.1
1.3 Best available control technology for toxics (T-BAT)	5.21 § 1.1
1.4 Cancer	1.02 § 1.18
1.5 Carcinogen	1.02 § 1.19
1.6 Category 1 TAC	5.01 § 1.2
1.7 Category 2 TAC	5.01 § 1.3
1.8 Category 3 TAC	5.01 § 1.4
1.9 Category 4 TAC	5.01 § 1.5
1.10 Chronic noncancer effect	1.02 § 1.20
1.11 De minimis emission	5.01 § 1.6
1.12 Environmentally acceptable, environmental acceptability (EA)	5.21 § 1.2
1.13 Exempt stationary source	5.01 § 1.7
1.14 Existing Group 1 or 2 source	New
1.15 Existing process or process equipment	5.21 § 1.3
1.16 Group 1 stationary source	5.01 § 1.8
1.17 Group 2 stationary source	5.01 § 1.9
1.18 Hazard quotient (HQ)	5.21 § 1.4
1.19 Industrial property	5.21 § 1.5
1.20 New or modified process or process equipment	5.21 § 1.6
1.21 Peer review	5.01 § 1.10
1.22 Permitted stationary source	5.21 § 1.7
1.23 STAR	New
1.24 Toxic air contaminant (TAC)	1.02 § 1.75
1.25 Toxic air pollutant (TAP)	1.02 § 1.76
1.26 Target-organ-specific hazard index (TOSHI)	5.21 § 1.9
1.27 Toxics release inventory (TRI)	New