

Proposed

STATE OF KANSAS

Department of Health and Environment

Notice of Public Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Environment, Bureau of Air, will conduct a public hearing at 10:00 a.m. Wednesday, November 4, 2020, to consider the adoption of proposed amended air quality regulation K.A.R. 28-19-720, and revocation of K.A.R. 28-19-719. KDHE will submit the final revocation of K.A.R. 28-19-719 to the U.S. Environmental Protection Agency (USEPA) for approval into the State Implementation Plan (SIP).

Due to recent concerns regarding COVID-19, only remote public participation is available. To participate in the hearing, call (866) 620-7326 and enter conference code 3147467296#. During the hearing, all interested individuals will be given a reasonable opportunity to present their views orally on the proposed regulations. If an individual wishes to give oral comment during the remote hearing, email or mail a written copy of the comment to the email or postal mailing address provided in this notice. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulations. All interested individuals are encouraged to submit written comments prior to 5:00 p.m. on the day of the hearing to Douglas Watson, Air Monitoring and Planning Section, Kansas Department of Health and Environment, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, by email to

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kdhe.boaregsipcomments@ks.gov, or by fax to (785) 296-7455.

A summary of the proposed regulations and the estimated economic impact follows:

Summary of Regulations:

K.A.R. 28-19-720. KDHE proposes to amend K.A.R. 28-19-720 to maintain agreement with the USEPA allowing Kansas to be the delegated authority to enforce New Source Performance Standards (NSPS) requirements in the State of Kansas. Adopting these amendments allows KDHE to gain primary enforcement authority over NSPS amendments adopted through June 2017. Without adopting these amendments, KDHE loses primary enforcement capability for these amendments, which will result in a split authority between KDHE and the USEPA for Kansas sources regarding NSPS requirements.

K.A.R. 28-19-719. KDHE proposes to revoke K.A.R. 28-19-719, the Kansas City summertime Reid Vapor Pressure (RVP) regulation. The Kansas City area is attaining the 2015 ozone standard based on 2015-2017, 2016-2018, and 2017-2019 monitoring data, and modeling shows that ozone forming compounds from transportation sources will continue to decrease even without the RVP regulation. The Bureau of Air concludes that a regulation change from summertime 7.0 psi RVP to summertime 9.0 psi RVP gasoline will not interfere with continued attainment of the 2015 ozone standard. The regulation is no longer necessary and is proposed for revocation.

Economic Impact:

The proposed regulations impose no additional costs to the implementing agency, other governmental agencies, units, or the general public.

Questions pertaining to the proposed regulations should be emailed to

kdhe.boaregsipcomments@ks.gov or directed to Douglas Watson at (785) 296-0190. Complete

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copies of the proposed regulations and the corresponding regulatory impact statements may be obtained from the KDHE Bureau of Air public notice website at

<https://www.kdheks.gov/bar/publicnotice.html> or by emailing a request to

kdhe.boaregsipcomments@ks.gov, by contacting Douglas Watson at (785) 296-0190, or by fax to (785) 296-7455.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the regulatory impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Douglas Watson at (785) 296-0190 or emailing kdhe.boaregsipcomments@ks.gov.

Any updated information on how to participate in the public hearing will be provided on the KDHE Bureau of Air public notice website specified in this notice of hearing.

Lee A. Norman, M.D.

Secretary

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28-19-719. (Authorized by K.S.A. 1999 Supp. 65-3005; implementing K.S.A. 65-3010;
effective April 27, 2001; revoked P-_____.)

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DIVISION OF THE BUDGET

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JUN 24 2020

DEPT. OF ADMINISTRATION

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JUL 24 2020

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28-19-720. New source performance standards. (a)(1) 40 C.F.R. part 60 and its appendices, as revised on July 1, 2010 2017 and as amended by ~~76 fed. reg. 10524 (2011)~~, ~~76 fed. reg. 37967-37977 (2011)~~, and ~~78 fed. reg. 6695-6700 (2013)~~, are hereby adopted by reference except for the following:

~~(A) Subpart CCCC;~~

~~(B) (1) Provisions that are not delegable by the USEPA to the state or for which only the USEPA administrator retains authority, including the subparts, sections, and paragraphs containing any of the following:~~

~~(i) (A) Alternative methods of compliance approvable only by the USEPA administrator;~~

~~(ii) (B) emission guidelines;~~

~~(iii) (C) delegation of authority;~~

~~(iv) (D) hearing and appeal procedures;~~

~~(v) (E) requirements regulating any stationary source located outside of Kansas; or~~

~~(vi) (F) requirements regulating any geographic area located outside of Kansas; and~~

~~(C) (2) provisions no longer in effect on the effective date of this regulation.~~

~~(2) Subpart CCCC in 40 C.F.R. part 60, as in effect on July 1, 2005, is adopted by reference, except for the following:~~

~~(A) Provisions that are not delegable by the USEPA to the state or for which only the USEPA administrator retains authority, including the sections and paragraphs containing alternative methods of compliance approvable only by the USEPA administrator; and~~

~~(B) provisions no longer in effect on the effective date of this regulation.~~

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(b) The definitions adopted by reference in subsection (a) shall apply only to this regulation. Unless the context clearly indicates otherwise, the following meanings shall be given to these terms as they appear in the portions of 40 C.F.R. part 60 adopted by reference in subsection (a):

(1) The term “administrator” shall mean the secretary or the secretary’s authorized representative.

(2) The term “United States environmental protection agency” and any term referring to the United States environmental protection agency shall mean the department.

(3) The term “state” shall mean the state of Kansas.

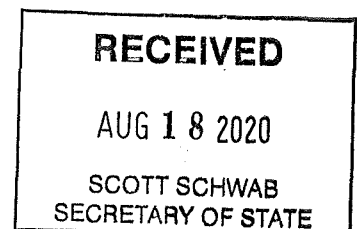
(c) The owner or operator of each source that is subject to this regulation shall submit to the department any required annual reports specified in 40 C.F.R. part 60 within 180 days of the last day of the year for which the report is required, unless the owner or operator is required in this article of the department’s regulations to submit annual reports on a different schedule.

(Authorized by K.S.A. 2014 ~~Supp.~~ 65-3005; implementing K.S.A. 2014 ~~Supp.~~ 65-3008 and K.S.A. 65-3010; effective Jan. 23, 1995; amended June 6, 1997; amended June 11, 1999; amended Dec. 3, 2004; amended June 15, 2007; amended Nov. 5, 2010; amended Nov. 14, 2014; amended P-_____.)

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Proposed

Kansas Department of Health and Environment
Agency

Susan Vogel
Agency Contact

296-1291
Contact Phone Number

K.A.R. 28-19-719
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

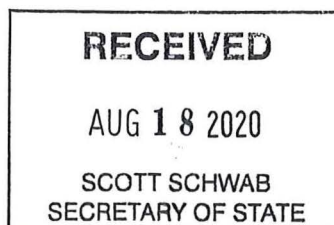
I. Brief description of the proposed rule(s) and regulation(s).

K.A.R. 28-19-719, Fuel Volatility (RVP rule), limits the volatility of motor vehicle gasoline during summertime (June 1 – September 15) in the former Kansas City (KC) ozone maintenance area, specifically Johnson and Wyandotte counties. The rule reduces ambient ozone levels by limiting the amount of gasoline that evaporates into the atmosphere and volatile organic compounds emissions. The KC area is no longer a maintenance area for ozone and is attaining the 2015 ozone standard based on 2015-2017, 2016-2018 and 2017-2019 monitoring data. A modeling analysis was conducted and demonstrates that removal of the RVP rule requirements will not interfere with continued attainment of the 2015 ozone standard and projected emissions will maintain below 2017 actual ozone emission levels. Therefore, the Kansas Department of Health and Environment (KDHE) is proposing to revoke K.A.R. 28-19-719.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)*

In January 2020, the Missouri Department of Natural Resources proposed a rescission of their parallel federally mandated RVP rule to be finalized and effective by September 30, 2020. This action prompted KDHE to evaluate the continued requirement of the RVP rule in Kansas. Before the State of Kansas can remove its current federally mandated RVP rule, the state must develop, and the United States Environmental Protection Agency (EPA) must approve, a revision of the Kansas State Implementation Plan (SIP). The SIP revision must demonstrate that the change in RVP rule requirements do not interfere with attainment or maintenance of the National Ambient Air Quality Standards (NAAQS). KDHE has prepared a Technical Support Document (TSD) demonstrating that the revocation of K.A.R. 28-19-719 will not interfere with attainment, maintenance, or reasonable further progress for any NAAQS or with any other applicable requirement of the Clean Air Act (CAA). Additionally, KDHE has collaborated with EPA Region 7 to ensure that the revocation of the rule is approvable, effectively removing the federal mandate.

III. Agency analysis specifically addressing following:



A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The revocation of K.A.R. 28-19-719 is not expected to enhance or restrict business activities and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The revocation of K.A.R. 28-19-719 is not expected to place implementation or compliance costs on any specific business, sectors, ratepayers, individuals, local governments or the state economy as a whole.

C. Businesses that would be directly affected by the proposed rule and regulation;

The RVP rule limits the volatility of motor vehicle gasoline in the Kansas City area and affects persons who sell, dispense, supply, offer for sale, offer for supply, transport, or exchange in trade for gasoline intended for final use in Johnson and Wyandotte counties. The proposed revocation of K.A.R. 28-19-719 is not expected to add any additional costs for private entities.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

This regulatory action is estimated to save consumers between 7.0 to 13.1 million dollars annually on gasoline costs.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

This regulatory action is not expected to add costs or to negatively impact business or economic development.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0.00

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0.00

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

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Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The Petroleum Marketers and Convenience Store Association (PMCA) of Kansas provided KDHE with an estimate for the low RVP fuels cost in the Kansas City Metro area. The required Kansas City area low RVP fuel is priced on average 8 to 15 cents higher per gallon than all other summertime gasoline in Kansas. According to Kansas Department of Transportation (KDOT) data¹, roads in Johnson and Wyandotte counties in 2017 received approximately 20.4 million daily vehicle miles of travel (VMT). The EPA² estimates that the 2017 average fuel economy for cars, light trucks, and SUVs was 24.9 miles per gallon. As such, it is estimated that 87.6 million gallons of gasoline were consumed in Johnson and Wyandotte counties in 2017 during the period from June 1 to September 15. KDHE estimates a cost savings ranging from approximately 7.0 to 13.1 million dollars annually for consumers in these counties with the revocation of the RVP rule.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

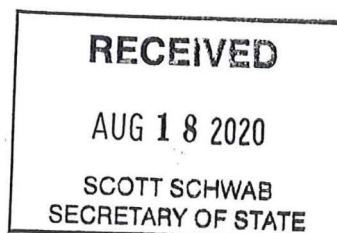
YES ☐ NO ☒

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed revocation is not expected to increase or decrease the revenues of cities, counties, or school districts or impose functions or responsibilities on these entities. However, when the notice of hearing for the revocation of K.A.R. 28-19-719 is published in the *Kansas Register*, standard agency procedure will be followed and the three organizations will be contacted electronically with attached copies of the proposed revocation, economic impact statement, environmental benefit statement and published notice of hearing.

¹ http://www.ksdot.org/Assets/wwwksdotorg/bureaus/burTransPlan/prodinfo/Mileage_Travel/CountyDVMT2017.pdf

² <https://www.epa.gov/automotive-trends/highlights-automotive-trends-report>



H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

KDHE held meetings to discuss the RVP rule revocation with the EPA Region 7, Mid-America Regional Council (MARC), Missouri Department of Natural Resources, as well as representatives from the ethanol industry. MARC was utilized to facilitate communication and community outreach when the RVP rule was implemented and, therefore, was consulted for the proposed revocation. The ethanol industry representatives were consulted to ensure that Johnson and Wyandotte counties will be provided conventional summertime gasoline during the summer months.

I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Failure to revoke the RVP rule will result in retaining the higher gasoline costs for consumers, a potential loss of tax dollars for the State of Kansas, and a decline in revenue for gas stations located in Wyandotte and Johnson counties. Consumers are estimated to pay approximately 7.0 to 13.1 million dollars more for low RVP gasoline than for conventional summertime gasoline. Gas stations on the Kansas side of the Kansas City Metro area will have less business as customers will be more inclined to purchase the less expensive gasoline on the Missouri side of the KC Metro area. Decreased demand for gasoline in Wyandotte and Johnson counties will translate into a loss of tax revenue for the State of Kansas. Gas stations may experience a loss of revenue not only on gasoline but also on other convenience store products.

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Kansas Department of Health and Environment
Agency

Susan Vogel
Agency Contact

785-296-1291
Contact Phone Number

28-19-720
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

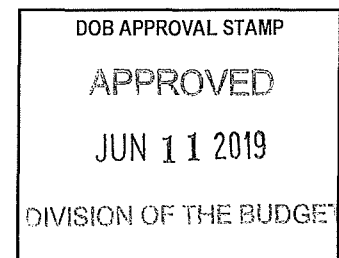
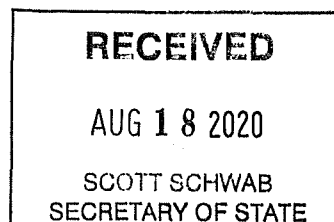
I. Brief description of the proposed rule(s) and regulation(s).

The Bureau of Air of the Kansas Department of Health and Environment (KDHE) is proposing to amend Kansas Administrative Regulation (K.A.R.) 28-19-720, "New Source Performance Standards" (NSPS). Operating under delegated authority from the Environmental Protection Agency (EPA), the state of Kansas has been designated the primary authority to implement and enforce federal standards that are adopted into state regulations. To retain primacy for these standards and maintain delegated authority from the EPA, KDHE is obligated to update these regulations periodically. The NSPS include emissions limitations, work practices, and other enforceable methods for accomplishing the goal of reducing air pollutant emissions from stationary sources in Kansas.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)*

KDHE is required to adopt current federal regulations before gaining enforcement authority to administer previously enacted federal provisions. To date, the state authority for NSPS exists only for federal rules promulgated through June 30, 2010. Facilities in Kansas are nonetheless subject to provision of federal EPA rules adopted after July 1, 2010, which the EPA has full authority to implement and enforce. The amendments being proposed are identical to the federal EPA standards, as federal standards are adopted verbatim by reference.

Colorado, Missouri, Nebraska and Oklahoma all adopt the federal NSPS requirements by reference. The Environmental Protection Agency (EPA) has established procedures by which Kansas is automatically delegated the authority to implement Federal standards when they adopt regulations which are identical to the Federal standards.



III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These amendments are already in force at the federal level. There are no additional business enhancements or restrictions anticipated by adopting these amendments.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The cost of compliance for Kansas businesses, public utility ratepayers, individuals and local governments is not increased, *per se*, by the proposed state rulemaking because these rules are already in force at the federal level.

C. Businesses that would be directly affected by the proposed rule and regulation;

The following table describes the source (industry) categories affected by these federal standards, as well as the number of facilities within those source categories located in Kansas. The direct affect would be the state primacy over compliance and enforcement of these standards once adopted by reference.

NSPS - Source Category	Affected Facilities
Ce - Hospital/Medical/Infectious Waste Incinerators.	2
Db - Industrial-Commercial-Institutional Steam Generating Units	16
Dc - Small Industrial-Commercial-Institutional Steam Generating Units	155
F - Portland Cement Plants	2
GG - Stationary Gas Turbines	26
III - Stationary Compression Ignition Internal Combustion Engines	229
J - Petroleum Refineries	4
JJJJ - Stationary Spark Ignition Internal Combustion Engines	641
KK - Lead-Acid Battery Manufacturing Plants	3
KKK - Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	8
KKKK - Stationary Combustion Turbines	9
LLL - Onshore Natural Gas Processing	4
NNN - Synthetic Organic Chemical Manufacturing Industry	4
O - Sewage Treatment Plants	1
OOOO - Crude Oil and Natural Gas Production, Transmission and Distribution	23
UU - Asphalt Processing and Asphalt Roofing Manufacture	4
D - Fossil-Fuel Fired Steam Generators	4
Ja - Petroleum Refineries	3
OOOOa - Crude Oil and Natural Gas Production, Transmission and Distribution	25
Da - Electric Utility Steam Generating Units	1
CCCC - Commercial and Industrial Solid Waste Incineration Units	24
Grand Total	1188

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D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

One major benefit of adopting the federal EPA standards is that the affected facilities get to work with the State, as opposed to the EPA, to achieve compliance. Currently, there exists a split authority to enforce these rules, with Kansas primacy for rules in effect up to July 1, 2010 and EPA for all new standards and amendments to existing promulgated after this date of adoption. This split or dual regulatory authority for implementation and enforcement of the standards subject to this rule-making could result in loss of consistency of application and possible confusion for the regulated community regarding the relative roles of the state and federal agencies.

Additionally, the State receives grant money from the federal government to implement and enforce EPA standards at the state level. These amendments are needed to maintain the States' authority under the existing delegation agreement with the EPA to ensure that the Kansas Air Quality Regulations are current and consistent with federal requirements. The cost of not adopting these regulations includes loss of ability to administer federal requirements to Kansas constituents, confusion for regulated community due to the split-authority status, as well as potential loss of grant money.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

These amendments are already in force at the federal level. No additional costs and/or impacts are anticipated by the adoption of these standards.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0.00

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$0.00

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES ☐ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The cost of compliance for Kansas citizens is not increased by the proposed state rulemaking because these rules are already in force at the federal level.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated

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costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

When the notice of hearing for these regulations is published in the Kansas Register, standard agency procedure will be followed, and the three organizations will be contacted electronically with attached copies of the regulations, economic impact statement, and published notice of hearing.

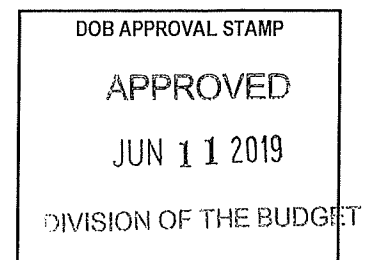
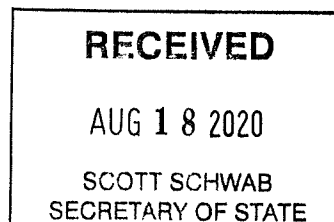
- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

These proposed rules are already in force at the federal level. EPA is compelled to solicit comments/information from all interested parties as part of the federal rulemaking process for every federal standard promulgated. When criticism is received, the EPA will evaluate the comments and decide whether to withdraw the rule or amend it considering the comment(s). Therefore, the proposed regulations have all been reviewed and critiqued thoroughly before adoption.

KDHE holds a meeting with the Clean Air Act Advisory Group annually and presents updates on future rulemakings for discussion. Once this administrative amendment is approved for adoption, KDHE will proceed with the required sixty-day public comment period and public hearing.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

The proposed amendments are necessary to maintain primacy for the standards incorporated by reference in the Kansas Administrative Regulations. KDHE is obligated to periodically update these adoptions to stay current and consistent with federal requirements. The cost of not adopting these regulations includes loss of ability to administer federal requirements to Kansas constituents, as well as potential loss of grant money. Additionally, the current split authority for implementation and enforcement of standards may result in confusion for the regulated community, as well as a loss of consistency in their application.





Division of Environment

Bureau of Air

ENVIRONMENTAL BENEFIT STATEMENT

AND

ADDITIONAL ECONOMIC IMPACTS FOR ENVIRONMENTAL REGULATIONS

Pursuant to K.S.A. 77-416(d) – (e)

PROPOSED REVOCATION OF EXISTING AIR QUALITY REGULATION:

K.A.R. 28-19-719

June 2020

I. Environmental Benefit Statement

1) Need for proposed amendments and environmental benefit likely to accrue.

a) Need

The purpose of this rulemaking is to revoke the summertime 7.0 pound per square inch (psi) Reid Vapor Pressure (RVP) rule in Kansas City. Kansas counties Johnson and Wyandotte currently use 7.0 psi RVP fuel from June 1 through September 15 to reduce ozone forming compounds during the summer months. The Kansas City area is attaining the 2015 ozone standard based on 2015-2017, 2016-2018, and 2017-2019 monitoring data, and modeling shows that ozone forming compounds from transportation sources will continue to decrease even without the RVP rule. The Bureau of Air concludes that a rule change from summertime 7.0 psi RVP to summertime 9.0 psi RVP gasoline will not interfere with continued attainment of the 2015 ozone standard. The rule is no longer necessary and is proposed for revocation.

b) Environmental benefit

The rule revocation provides no environmental benefit but does not cause environmental detriment. The RVP rule was originally promulgated as one of a suite of measures designed to reduce volatile organic compounds (VOCs), which are precursors to ozone formation, in the KC Metro Area. The Kansas City metropolitan area, once a nonattainment area for ozone, is now in attainment with the EPA's 2015 ozone standard, which is the most stringent to date.

In January of 2020, Missouri proposed a rescission of their parallel RVP rule to be finalized and effective by September 30, 2020. A divide in the gasoline market will be created if Missouri offers cheaper 9.0 psi RVP gasoline to consumers and Kansas continues to require the sale of more expensive 7.0 psi RVP fuel. The disparity in gas prices within the KC Metro Area will disadvantage Kansas businesses as well as consumers who purchase gasoline in Kansas.

Despite these economic pressures, KDHE's priority is to maintain the health and wellbeing of the citizens in Kansas; which includes ensuring that Kansas citizens have access to clean air. The accompanying Technical Support Document (TSD) demonstrates the revocation of the summertime 7.0 psi RVP requirement of K.A.R. 28-19-719 will not interfere with attainment, maintenance, or reasonable further progress for any National Ambient Air Quality Standard or with any other applicable requirement of the Clean Air Act (CAA). Further, the TSD includes a modeling analysis conducted by Sonoma Technology to determine the air quality impacts of this proposed regulatory action (See TSD, Appendix A). The modeling analysis found that RVP fuel currently provides very little VOC reduction for the Kansas City area. The revocation of the RVP rule will not cause the Kansas City area to exceed the EPA 2015 standard for ozone. Therefore, the RVP rule is being proposed for revocation.

2) When applicable, a summary of the research indicating the level of risk to the public health or the environment being removed or controlled by the proposed rules and regulations or amendment.

The accompanying TSD demonstrates that removal of the summertime 7.0 psi RVP requirement for gasoline offered for sale in Johnson and Wyandotte Counties in Kansas complies with Section 110(l) of the Clean Air Act (CAA) and includes a modeling analysis conducted by Sonoma Technology to determine the air quality

impacts of the RVP rule revocation (See TSD, Appendix A). Specifically, the analysis examined how NO_x and VOC emissions will change over time in Kansas counties Johnson and Wyandotte. Three scenarios were modeled using the EPA's Motor Vehicle Emissions Simulator (MOVES) 2014b model. The MOVES model is used to estimate pollution emissions from mobile (transportation, and non-road vehicles) sources. The inputs into these scenarios included the most recent 2017 National Emissions Inventory (NEI) data from the EPA as well as Vehicle Miles Traveled (VMT) data from Kansas Department of Transportation.

The first scenario was used to calculate baseline emissions from mobile sources using 2017 as a baseline year. The second scenario modeled emissions with the current RVP requirements and the third modeled emissions with the rescission of the RVP. The results of all three scenarios showed a trend of decreasing NO_x and VOC emissions. In the scenario where the RVP requirements have been removed, NO_x and VOC emissions are slightly higher than the scenario where the RVP requirements remain in place. However, it is important to note that both of these scenarios have lower NO_x and VOC emissions than the baseline year.

The reduction in transportation emissions is primarily being impacted by the (average) vehicle age. Newer vehicles have lower emissions standards and pollute less than older vehicles. The (average) vehicle age in Kansas is lower than the (average) vehicle age in the Missouri counties of Kansas City. Therefore, despite predictions for growth in Johnson and Wyandotte counties, it is predicted that NO_x and VOC emissions will continue to decrease as older vehicles are replaced by newer ones.

3) If specific contaminants are to be controlled by the proposed regulations or amendment, a description indicating the level at which the contaminants are considered harmful according to current available research.

Ozone (O₃) is a secondary pollutant that is created through a photochemical reaction between oxygen (O₂), nitrogen oxides (NO_x), and volatile organic compounds (VOC). NO_x refers to the combination of nitrogen oxide (NO) and nitrogen dioxide (NO₂). The following reactions show how NO_x, VOC, and O₂ react in the presence of sunlight (hv) to form O₃:

The amount of ozone formed depends on several factors. Meteorological conditions, such as wind direction and speed, temperature, mixing height, solar radiation, and other parameters, affect the rates at which ozone formation occurs. The types and the concentration of precursors present can affect net reactivity of precursor compounds found in a plume of emissions.

Precursor compounds, NO_x and VOC also exist under natural conditions. Ozone is created and destroyed on a natural cycle according to atmospheric conditions and chemical concentrations, even in the absence of additional anthropogenic precursor sources. This natural ozone formation is known as "natural background" ozone and is the starting point for measuring the contribution of ozone and precursors attributable to human activity. Within an urban area, not all ozone formation is necessarily caused by emissions produced locally because anthropogenic precursors, along with ozone formed by them, are often transported over long distances. Because the amount of ozone formed depends on so many other variables, it can be difficult to quantify the exact contribution from specific sources.

The United States Environmental Protection Agency (EPA) revised the eight-hour ozone National Ambient Air Quality Standard (NAAQS) to 0.070 parts per million (ppm) or 70 parts per billion (ppb) in 2015.

On November 16, 2017, the EPA designated all of Kansas as attainment/unclassifiable for the 2015 eight-hour ozone NAAQS ([82 FR 54232](#)). These designations were based on 2015-2017 monitoring and emissions data.

Design value trends can be used to determine if various areas in Kansas are maintaining or improving their good air quality and maintaining the NAAQS. Table 1 provides the 2015-2017, 2016-2018 and 2017-2019 ozone design values for each of the three ozone monitoring sites located on the Kansas side of the bi-state Kansas City area. The Kansas City area design values remain in attainment of the 2015 ozone NAAQS based on the latest 3-year design value (2017-2019). Therefore, for both counties, the 2017 level of emissions represents an acceptable level to ensure that emissions in these two counties will not interfere with attainment or maintenance of the 2015 ozone standard.

Table 1 – Kansas City Area (Kansas) Eight-hour Ozone Design Values*

Monitoring Site	Kansas County	2015 Ozone NAAQS (ppb)	2015-2017 Design Values (ppb)	2016-18 Design Value (ppb)	2017-19 Design Value (ppb)
Heritage Park	Johnson	70	59	61	59
Leavenworth**	Leavenworth	70	60	61	61
JFK	Wyandotte	70	62	64	62

* Quality assured data through December 31, 2019

** The Leavenworth monitor is in a county that is not subject to the summertime 7.0 psi RVP requirement but is adjacent to Kansas City area counties that are subject to the requirement.

II. Additional Economic Impacts for Environmental Regulations

In addition to the Economic Impact Statement prepared for the Kansas Division of the Budget, for all environmental rules and regulations the following descriptions of costs are included:

1) Capital and annual costs of compliance with the proposed amendments and the persons who will bear those costs.

This rule limits the volatility of motor vehicle gasoline in the Kansas City area and affects persons who sell, dispense, supply, offer for sale, offer for supply, transport, or exchange in trade for use gasoline intended for final use in Johnson and Wyandotte counties. This proposed revocation is not expected to add any additional costs for private entities.

2) Initial and annual costs of implementing and enforcing the proposed amendments, including the estimated amount of paperwork, and the state agencies, other governmental agencies or other persons or entities who will bear the costs.

Addressed in the Economic Impact Statement prepared for the Kansas Division of the Budget under Section III, Subsection F.

3) Costs which would likely accrue if the proposed regulations are not adopted, the persons who will bear the costs and those who will be affected by the failure to adopt the regulations.

Addressed in the Economic Impact Statement prepared for the Kansas Division of the Budget under Section III, Subsection I.

4) A detailed statement of the data and methodology used in estimating the costs used in the statement.

Addressed in the Economic Impact Statement prepared for the Kansas Division of the Budget under Section III, Subsection F.



Division of Environment
Bureau of Air

ENVIRONMENTAL AND ECONOMIC BENEFIT STATEMENT

Pursuant to K.S.A. 77-416

**PROPOSED AMENDMENT OF EXISTING AIR QUALITY REGULATION:
K.A.R. 28-19-720**

May 2019

Background of Proposed Amendments

The Bureau of Air of the Kansas Department of Health and Environment (KDHE) is proposing to amend certain Kansas Air Quality Regulations, specifically Kansas Administrative Regulation (K.A.R.) 28-19-720, “New Source Performance Standards” (NSPS). Operating under delegated authority from the Environmental Protection Agency (EPA), the state of Kansas has been designated the primary authority to implement and enforce federal standards that are adopted into the state regulations. An agreement signed in May of 1986 specifically granted the state the authority for the NSPS which are adopted in K.A.R. 28-19-720. This 1986 document spells out the procedures and conditions wherein the authority is automatically delegated to Kansas upon the incorporation of the standard into Kansas regulation.

To date, the state authority for NSPS exists only for the federal rules promulgated by the EPA through June 30, 2010, this is the date of the last adoption of Title 40 of the Code of Federal Regulations, part 60 (40 C.F.R. part 60) by Kansas. Facilities in Kansas are nonetheless subject to provisions of the federal rules adopted after July 1, 2010, which the EPA has full authority to implement and enforce. The state must adopt new and revised federal regulations to gain primacy for those federal provisions. Thus, the basic purpose of the proposed amendments are to update K.A.R. 28-19-720 to incorporate the federal changes made to the respective standards since the last update of the state regulations. K.A.R. 28-19-720 is specifically being updated to incorporate amendments to 40 C.F.R. part 60 up to July 1, 2017.

K.A.R. 28-19-720: New Source Performance Standards (NSPS)

K.A.R. 28-19-720 implements the federal NSPS provisions as state requirements under the Kansas Air Quality Act. The pollutants of concern under the NSPS are the criteria pollutants for which national ambient air quality standards (NAAQS) are established in 40 C.F.R. Part 50. These are: sulfur dioxide, nitrogen dioxide, ozone, particulate matter, lead, and carbon monoxide. Section 111 of the Clean Air Act (CAA) directs the EPA to develop regulations implementing emissions standards of the relevant pollutants for new stationary sources. The Federal NSPS provisions are codified at 40 C.F.R. part 60, and regulate new, modified or reconstructed facilities within each of several defined categories. They also establish performance standards for the operation of the facilities, which promotes the facility to reduce emissions of relevant air pollutants.

The NSPS include emissions limitations, work practices, and other enforceable methods for accomplishing the goal of reducing air pollutant emissions from these sources. The following table lists the relevant NSPS provisions that have been amended or promulgated from July 1, 2010 through June 30, 2017. Detailed summaries of amendments are provided in Appendix A of this document. The table below provides the following information in chronological order: the part or subpart of the rule being amended, the *Federal Register* publication citation and date, and a short description of the rule.

Part/Subpart	Federal Register Publication Citation/ Date	Description
60.17 Subpart A; 60.62-60.64, 60.66 Subpart F; Part 60 Appendices B and F	<u>75 FR 54970</u> September 9, 2010	Portland Cement Plants
60.4 Subpart A	<u>75 FR 55274</u> September 10, 2010	General Provisions - Address
60.8 Subpart A; Part 60 Appendices A-3 through A-8	<u>75 FR 55636</u> September 13, 2010	Performance tests
60.4 Subpart A	<u>75 FR 69348</u> November 12, 2010	General Provisions - Address
60.17 Subpart A	<u>76 FR 2832</u> January 18, 2011	General Provisions for Portland Cement Plants
60.42, 60.45 Subpart D; 60.48Da-60.49Da Subpart Da; 60.42Db, 60.48Db Subpart Db; 60.47c Subpart Dc	<u>76 FR 3517</u> January 20, 2011	Fossil-Fuel-Fired, Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial Institutional Steam Generating Units
Part 60 Table 1	<u>76 FR 10761</u> February 28, 2011	Delegation of Authority
60.17 Subpart A; 60.2005, 60.2015-60.2030, 60.2045, 60.2070, 60.2085, 60.2105-60.2155, 60.2170, 60.2175, 60.2210, 60.2220, 60.2230, 60.2235, 60.2242, 60.2250, 60.2260, 60.2265, Table 1, Tables 4 - 8 Subpart CCCC; 60.2500, 60.2505, 60.2525, 60.2535, 60.2540, 60.2541, 60.2542, 60.2545, 60.2550, 60.2555, 60.2558, 60.2635, 60.2650, 60.2670- 60.2720, 60.2730-60.2740, 60.2770, 60.2780, 60.2790, 60.2795, 60.2805, 60.2860, 60.2870, 60.2875, Table 1, Table 2, Tables 4 - 9 Subpart DDDD; 60.4760 - 60.4930, Tables 1- 5 Subpart LLLL; 60.5000 - 60.5250, Tables 1-6 Subpart MMMM	<u>76 FR 15704</u> March 21, 2011	Commercial and Industrial Solid Waste Incineration Units
60.32e, 60.39e, Table 1A Subpart Ce, 60.58c, Table 1A Subpart Ec, Table 1B Subpart Ec	<u>76 FR 18407</u> April 4, 2011	Hospital/Medical/Infectious Waste Incinerators
Part 60 – Actions on petitions	<u>76 FR 28318</u> May 17, 2011	Portland Cement Plants

Part/Subpart	Federal Register Publication Citation/ Date	Description
Part 60 Subparts CCCC and DDDD	<u>76 FR 28662</u> May 18, 2011	Industrial, Commercial, and Institutional Boilers and Process Heaters and Commercial and Industrial Solid Waste Incineration Units
60.4200-60.4217, 60.4219, Table 3 Subpart IIII; 60.4230-60.4231, 60.4233, 60.4236, 60.4241, 60.4243, 60.4248, Tables 1-2 Subpart JJJJ	<u>76 FR 37954</u> June 28, 2011	Stationary Compression Ignition and Spark Ignition Internal Combustion Engines
60.4 Subpart A	<u>76 FR 38024</u> June 29, 2011	CFR Correction
60.17 Subpart A; Part 60 Appendix A-7	<u>77 FR 2456</u> January 18, 2012	General Provisions- Incorporation by reference; Test Methods
Part 60 Appendix F	<u>77 FR 8160</u> February 14, 2012	Quality Assurance Procedures
60.17 Subpart A; 60.21, 60.24 Subpart B; 60.40, 60.41, 60.42, 60.45 Subpart D; 60.40Da-60.45Da, 60.47Da-60.52Da Subpart Da; 60.40b-60.41b, 60.43b-60.44b, 60.46b, 60.48b-60.49b Subpart Db; 60.40c-60.43c, 60.45c, 60.47c Subpart Dc	<u>77 FR 9304</u> February 16, 2012	Coal- and Oil-Fired Electric Utility Steam Generating Units
Part 60 – Appendix F	<u>77 FR 13977</u> March 8, 2012	Quality Assurance Procedures
Part 60	<u>77 FR 18709</u> March 28, 2012	Quality Assurance Procedures
60.41Da, 60.49Da Subpart Da	<u>77 FR 23399</u> April 19, 2012	CFR Correction
Part 60 – Actions on petitions	<u>77 FR 25087</u> April 27, 2012	Sewage Sludge Incineration Units
Part 60 Appendix A-6	<u>77 FR 44488</u> July 30, 2012	Test Methods
60.17, 60.70 Subpart A; 60.70a-60.77a Subpart Ga	<u>77 FR 48433</u> August 14, 2012	Nitric Acid Plants
60.17 Subpart A; 60.630 Subpart KKK; 60.640 Subpart LLL; 60.5360-60.5430, Tables 1-3 Subpart OOOO	<u>77 FR 49490</u> August 16, 2012	Oil and Natural Gas Sector
60.17 Subpart A; 60.100, 60.101, 60.106, Subpart J; 60.100a, 60.101a, 60.103a, 60.107a, 60.109a Subpart Ja	<u>77 FR 56422</u> September 12, 2012	Petroleum Refineries
60.17 Subpart A; 60.4207, 60.4211, 60.4214, 60.4219 Subpart IIII; 60.4231, 60.4243, 60.4245, 60.4248 Table 2, Subpart JJJJ	<u>78 FR 6674</u> January 30, 2013	Reciprocating Internal Combustion Engines
60.2005, 60.2015, 60.2020, 60.2030, 60.2045, 60.2105, 60.2110, 60.2115, 60.2120, 60.2140, 60.2145, 60.2165, 60.2170, 60.2175, 60.2210, 60.2235, 60.2265, Tables 1, 2, 5-8 Subpart CCCC; 60.2505, 60.2525, 60.2535, 60.2545, 60.2550, 60.2555, 60.2675, 60.2680, 60.2685, 60.2690, 60.2710, 60.2720, 60.2730, 60.2740, 60.2770, 60.2795, 60.2875, Tables 1, 2, 6-9 Subpart DDDD	<u>78 FR 9112</u> February 7, 2013	Solid Waste Incineration Units

Part/Subpart	Federal Register Publication Citation/ Date	Description
60.61, 60.62, 60.63, 60.64, 60.65, 60.66 Subpart F	<u>78 FR 10006</u> February 12, 2013	Portland Cement Plants
60.41Da, 60.42Da, 60.48Da, 60.49Da, 60.50Da Subpart Da	<u>78 FR 24073</u> April 24, 2013	Coal- and Oil-Fired Electric Utility Steam Generating Units
60.56c Subpart Ec	<u>78 FR 28052</u> May 13, 2013	Hospital/Medical/Infectious Waste Incinerators
60.4 Subpart A	<u>78 FR 37973</u> June 25, 2013	CFR Correction
60.5365, 60.5380, 60.5390, 60.5395, 60.5410-60.5413, 60.5415- 60.5417, 60.5420, 60.5430, Tables 1 and 2 Subpart OOOO	<u>78 FR 58416</u> September 23, 2013	Oil and Natural Gas Sector
Table I Part 60	<u>78 FR 71510</u> November 29, 2013	Delegation of Authority
60.101a Subpart Ja	<u>78 FR 76753</u> December 19, 2013	Petroleum Refineries
60.8, 60.13, 60.17, Subpart A; 60.46b, 60.47b Subpart Db; 60.51c Subpart Ec; 60.84 Subpart H; 60.154 Subpart O; 60.284 Subpart BB; 60.335 Subpart GG; 60.374 Subpart KK; 60.382, 60.386 Subpart LL; 60.472 Subpart UU; 60.660, 60.665 Subpart NNN; Table 7 Subpart IIII; Table 2 Subpart JJJJ; Appendices A-1 through A-8; Appendix B, Appendix F Part 60	<u>79 FR 11228</u> February 27, 2014	Test Methods
60.17, 60.280 Subpart A; 60.280a-260.288a Subpart BBA;	<u>79 FR 18952</u> April 4, 2014	Kraft Pulp Mills
60.75a Subpart Ga	<u>79 FR 25681</u> May 6, 2014	CFR Correction
Appendix F Part 60	<u>79 FR 28439</u> May 16, 2014	Quality Assurance Requirements
60.42Da Subpart Da	<u>79 FR 68777</u> November 19, 2014	Coal- and Oil-Fired Electric Utility Steam Generating Units
60.5365, 60.5375, 60.5385, 60.5390, 60.5395, 60.5401, 60.5410- 60.5416, 60.5420, 60.5430 Subpart OOOO	<u>79 FR 79018</u> December 31, 2014	Oil and Natural Gas Sector
Table 1 Part 60	<u>80 FR 10596</u> February 27, 2015	Delegation of authority
60.17 Subpart A; 60.530-60.539b Subpart AAA; 60.5472- 60.5483 Subpart QQQQ; Appendices A-8 and I Part 60	<u>80 FR 13672</u> March 16, 2015	New Residential Wood Heaters, New Hydronic Heaters and Forced-Air Heaters
Appendices B and F Part 60	<u>80 FR 38628</u> July 7, 2015	Performance Specifications

Part/Subpart	Federal Register Publication Citation/ Date	Description
60.61-60.64 Subpart F	<u>80 FR 44772</u> July 27, 2015	Portland Cement Plants
60.5365, 60.5430 Subpart OOOO	<u>80 FR 48262</u> August 12, 2015	Oil and Gas Sector
60.200, 60.201, 60.203, 60.205 Subpart T; 60.210, 60.211, 60.213, 60.215 Subpart U; 60.223-60.225 Subpart V; 60.230, 60.233, 60.235 Subpart W; 60.243, 60.245 Subpart X	<u>80 FR 50386</u> August 19, 2015	Phosphoric Acid Manufacturing and Phosphate Fertilizer Production
60.17 Subpart A; 60.5508-60.5580, Tables 1, 2, 3 Subpart TTTT; 60.5700-60.5880, Tables 1, 2, 3, 4 Subpart UUUU	<u>80 FR 64510</u> October 23, 2015	Electric Utility Generating Units
60.105 Subpart J; 60.100a-60.102a, 60.104a-60.107a Subpart Ja	<u>80 FR 75178</u> December 1, 2015	Petroleum Refineries
60.48Da Subpart Da	<u>81 FR 20172</u> April 6, 2016	CFR Correction
Appendices B and F Part 60	<u>81 FR 31515</u> May 19, 2016	Performance Specifications
60.17 Subpart A; 60.5360-60.5370, 60.5410-60.5413, 60.5415, 60.5416, 60.5420, 60.5430, Table 3 Subpart OOOO; 60.5360a-60.5390a, 60.5395a, 60.5397a, 60.5398a, 60.5400a-60.5402a 60.5405a-60.5408a, 60.5410a-60.5413a, 60.5415a-60.5417a, 60.5420a-60.5423a, 60.5425a, 60.5430a, 60.5432a, 60.5433a, Tables 1, 2, 3 Subpart OOOOa	<u>81 FR 35824</u> June 3, 2016	Oil and Natural Gas Sector
60.2000-60.2265 Subpart CCCC; 60.2500-60.2875 Subpart DDDD	<u>81 FR 40956</u> June 23, 2016	Commercial and Industrial Solid Waste Incineration Units
60.13, 60.332, 60.562, 60.543, 60.614, 60.643, 60.664, 60.5410, 60.5415, 60.332, Table 1 Subpart KKKK	<u>81 FR 42542</u> June 30, 2016	CFR Correction
Part 60	<u>81 FR 52346</u> August 8, 2016	Actions on petitions
Part 60	<u>81 FR 52778</u> August 10, 2016	Actions on Petitions
60.8, 60.17, 60.4245 Table 2 Subpart JJJJ; Appendices A-1, A-2, A-3, A-4, A-5, A-6, A-7. A-8 Part 60	<u>81 FR 59800</u> August 30, 2016	Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources
Appendix F Part 60	<u>81 FR 83160</u> November 21, 2016	Quality Assurance Requirements
Appendix F Part 60	<u>82 FR 10711</u> February 15, 2017	Quality Assurance Requirements
60.5393a, 60.5397a, 60.5410a, 60.5411a, 60.5415a, 60.5416a, 60.5420a Subpart OOOOa	<u>82 FR 25730</u> June 5, 2017	Oil and Natural Gas Sector
60.17 Subpart A	<u>82 FR 28561</u> June 23, 2017	CFR Correction

I. Environmental Benefit Statement

1) Need for proposed amendments and environmental benefit likely to accrue.

a) Need

These amendments are needed to maintain the state's authority under existing delegation agreements to administer the federal regulations and to ensure that the Kansas Air Quality Regulations are current and consistent with the federal requirements. The state is delegated primary authority for the NSPS standards adopted under the Kansas Air Quality Regulation proposed herein for amendment. However, with respect to federal changes (additions, revocations, or amendments) made to these standards since the last date of state adoption, and in accordance with the state-EPA delegation agreement, the state must adopt these new provisions and notify EPA of the updated state authority to implement and enforce such standards. Currently, the EPA is the implementing authority in the state for the standards promulgated after July 1, 2010. There exists a split in the authority to enforce these rules, with Kansas primacy for rules in effect on July 1, 2010 and EPA for those after. This split or dual regulatory authority for implementation and enforcement of the standards subject to this rule-making could result in loss of consistency of application and possible confusion for the regulated community regarding the relative roles of the state and federal agencies. This adoption of changes, followed by the notice to EPA of the updated delegation and authority, will resolve these potential problems.

b) Environmental benefit

The proposed revisions are not expected to result in specific environmental benefits beyond those already achieved by the federal promulgation. All affected facilities are currently subject to the standards. One of the major benefits of state promulgation is that affected facilities will be able to work with the state, rather than the EPA, to achieve compliance. Providing implementation at the state level will enhance the consistency in the application of the regulations.

2) When applicable, a summary of the research indicating the level of risk to the public health or the environment being removed or controlled by the proposed rules and regulations or amendment.

For the NSPS, which address criteria pollutants, Section 109 of the CAA directs the EPA Administrator to set the national primary ambient air quality standards (NAAQS) for each of the criteria pollutants at levels "the

attainment and maintenance of which ... are requisite to protect the public health.” (42 U.S.C. §7409(b)(1)). The EPA has conducted or utilized research on the health effects of the various pollutants that have guided their promulgation of the standards being adopted. This began with the establishment of the NAAQS, and continues with the creation and updating of emissions standards necessary to reduce emissions to attain and maintain the air quality within the NAAQS levels. Each standard has been subjected to peer review and often to litigation. General criteria pollutant information can be found at EPA’s NAAQS website, <https://www.epa.gov/naaqs>. EPA’s Air Research homepage provides links to additional tools and information; <https://www.epa.gov/air-research/>. EPA also provides a website for learning about studies used in EPA’s science assessments, which is available at <http://hero.epa.gov/index.cfm>. Supporting and related materials for individual NSPS standards and amendments are available in their corresponding docket at <http://www.regulations.gov>.

3) If specific contaminants are to be controlled by the proposed regulations or amendment, a description indicating the level at which the contaminants are considered harmful according to current available research.

As noted above, development of the NAAQS have been made at the federal level through extensive research; the state rules are no more stringent than the federal rules. EPA has promulgated NAAQS for each air pollutant for which air quality criteria have been published. To date, NAAQS have been promulgated for six criteria pollutants: ozone, particulate matter, sulfur oxides, nitrogen oxides, carbon monoxide, and lead (see table below). Units of measure for the standards are parts per million (ppm) by volume, parts per billion (ppb) by volume, and micrograms per cubic meter of air ($\mu\text{g}/\text{m}^3$).

National Ambient Air Quality Standards

Pollutant	Primary/ Secondary	Averaging Time	Level	Form
Carbon Monoxide	primary	8-hour	9 ppm	Not to be exceeded more than once per year
		1-hour	35 ppm	
Lead	primary and secondary	Rolling 3 month average	0.15 $\mu\text{g}/\text{m}^3$ ⁽¹⁾	Not to be exceeded
Nitrogen Dioxide	primary	1-hour	100 ppb	98th percentile, averaged over 3 years
	primary and secondary	Annual	53 ppb ⁽²⁾	Annual Mean
Ozone	primary and secondary	8-hour	0.070 ppm ⁽³⁾	Annual fourth-highest daily maximum 8-hr concentration, averaged over 3 years
Particle Pollution	PM _{2.5}	primary	Annual	annual mean, averaged over 3 years
		secondary	Annual	annual mean, averaged over 3 years
		primary and secondary	24-hour	98th percentile, averaged over 3 years
	PM ₁₀	primary and secondary	24-hour	Not to be exceeded more than once per year on average over 3 years
Sulfur Dioxide	primary	1-hour	75 ppb ⁽⁴⁾	99th percentile of 1-hour daily maximum concentrations, averaged over 3 years
	secondary	3-hour	0.5 ppm	Not to be exceeded more than once per year

(1) In areas designated nonattainment for the Pb standards prior to the promulgation of the current (2008) standards, and for which implementation plans to attain or maintain the current (2008) standards have not been submitted and approved, the previous standards (1.5 $\mu\text{g}/\text{m}^3$ as a calendar quarter average) also remain in effect.

(2) The level of the annual NO₂ standard is 0.053 ppm. It is shown here in terms of ppb for the purposes of clearer comparison to the 1-hour standard level.

(3) Final rule signed October 1, 2015, and effective December 28, 2015. The previous (2008) O₃ standards additionally remain in effect in some areas. Revocation of the previous (2008) O₃ standards and transitioning to the current (2015) standards will be addressed in the implementation rule for the current standards.

(4) The previous SO₂ standards (0.14 ppm 24-hour and 0.03 ppm annual) will additionally remain in effect in certain areas: (1) any area for which it is not yet 1 year since the effective date of designation under the current (2010) standards, and (2) any area for which an implementation plan providing for attainment of the current (2010) standard has not been submitted and approved and which is designated nonattainment under the previous SO₂ standards or is not meeting the requirements of a SIP call under the previous SO₂ standards (40 CFR 50.4(3)). A SIP call is an EPA action requiring a state to resubmit all or part of its State Implementation Plan to demonstrate attainment of the required NAAQS.