An Introduction to Air Quality and Air Quality Permitting

Derek Bozzell
Division of Compliance Assistance
What is air pollution?

Air contaminants include:

- smoke
- dust
- soot
- grime
- fumes
- carbon
- particulate matter
- radioactive matter
- noxious acids
- gases
- odor
- vapor

**Natural**

**Mobile**

**Stationary**
Why should we care?

- Breathing polluted air can have severe impacts on human health and the environment.
If left unchecked…

- Donora, PA, 1948  
  - 6,000 fell ill, 20 died
- London, 1952  
  - Killed 3,000
The Clean Air Act

Key Elements

- National Ambient Air Quality Standards
- Cars, Trucks, Buses, and “Nonroad” Equipment
- Interstate and International Air Pollution
- Acid Rain
- Toxic Air Pollutants
- Ozone Health
- Permits and Enforcement
State Regulations

• Kentucky Administrative Regulations (KAR)
  – Air Quality regulations are in Title 401
  – Chapters 50-63
State Regulations

• Commonly Applicable Regulations
  – 401 KAR 52:020 Title V
  – 401 KAR 52:030 Federally Enforceable Permits for Non-Major Sources
  – 401 KAR 52:040 State Origin Permits
  – 401 KAR 52:070 Registration of Designated Sources
State Regulations

• Commonly Applicable Regulations
  – 401 KAR 59:010 New Process Operations
  – 401 KAR 63:020 Potentially Hazardous Matter or Toxic Substances
Federal Regulations

• New Source Performance Standards (NSPS)

• National Emission Standards for Hazardous Air Pollutants (NESHAP)
  – Both authorized by Clean Air Act
  – Being subject to either can determine permitting requirements
• New Source Performance Standards (NSPS)
  – Source specific
    • Apply to new, modified and reconstructed affected facilities in specific source categories
    • Approximately 90 NSPS
  – Found in 40 CFR Part 60
    • Developed by EPA
    • Delegated to states
    • EPA can enforce
Federal Regulations

• National Emission Standards for Hazardous Air Pollutants (NESHAP)
  – Pollutant specific
  – A list of 187 compounds was provided by the Congress to be controlled by EPA as Hazardous Air Pollutants (HAPs)

Federal regulations:
40 CFR Part 61
40 CFR Part 63

State regulations:
401 KAR 63:002
401 KAR 63:060
Federal Regulations

• National Emission Standards for Hazardous Air Pollutants (NESHAP)
  – Required to demonstrate initial compliance and continuous compliance
  • Based on the available control technology
    – Best Available Control Technology
    – Maximum Achievable Control Technology
    – Generally Available Control Technology
Federal Regulations

- National Emission Standards for Hazardous Air Pollutants (NESHAP)
  - Common Rules
    - Subpart ZZZZZ: Stationary Reciprocating Internal Combustion Engines (RICE)
    - Subpart HHHHHHHH: Paint Stripping, Surface Coating, Auto body Refinishing
    - Subpart JJJJJJJJ: Industrial, Commercial, and Institutional Boilers
Federal Regulations

- National Emission Standards for Hazardous Air Pollutants (NESHAP)
  - Common Rules
    - Subpart XXXXXX: Metal Fabrication and Finishing
    - Subpart WWWWWW: Plating and Polishing
    - Subpart N: Chromic Acid Anodizing, Decorative and Hard Chromium Electroplating
Air Quality Permits

- Required by the Clean Air Act
- An air quality permit:
  - summarizes your regulatory requirements
    - Emission limits
    - Operating limits
    - Pollution Control
  - establishes how your will demonstrate compliance
    - Monitoring
    - Testing
    - Recordkeeping
    - Reporting
- A permit to pollute a given amount of pollution over a given time period
- Fees are based on a source’s actual emissions
Who needs permitted?

• Stationary Sources that emit or have the potential-to-emit (PTE) air contaminants at permitting thresholds

• Any stationary source that falls under any federal regulation.
What is Potential-to-Emit?

- “Potential to emit" or "PTE" means the **maximum capacity** of a stationary source to emit a pollutant under its physical and operational design.
  - Facility-wide summary of emissions
  - Assumes maximum potential operating hours
  - Includes hazardous air pollutants (HAPs) and regulated air pollutants (RAPs)
Why is PTE Important?

• Core component of an air permit application
• PTE serves as a communication tool
• Helps assess applicable requirements
• Helps assess compliance issues
• Allows for flexibility in production
Determining PTE – The Walkthrough

• Walk through your facility from the beginning to end.
• Don’t forget to walk around outside!
• Make note of anything stationary that burns fuel.
• Make notes of anything that generates dust or is a coating or welding operation.
Common Emission Points

- Welding
- Generators
- Engines
- Boilers
- Water heaters
- N.G. and diesel air compressors

*A boiler permit is not the same thing as an air quality permit*
Common Emission Points

- Aerosol paint cans
- Parts washers
- Adhesives
- Spray coating
- Clean-up solvents

*If it has an odor, it may contain VOCs. Check the MSDS!
Common Emission Points

- Abrasive blasting
- Storage silos and stockpiles
- Conveyors
- Truck loadouts
- Paved and unpaved roadways
- Crushers and screens

*Hint - Fugitive Dust and Particulate Matter*
Determining PTE – Gathering Info

• Number each emission point from beginning to end.
• Gather information about equipment specs (make and model).
• Write down actual usage rates and hours of operation.
• Look over your Safety Data Sheets (SDSs) and make note of anything that contains HAPS or VOCs.
• Determine emission factors.
Emission Factors

• Emission factors are a numerical representation of how much pollution is emitted per unit processed/manufactured/or utilized.

• Emission factors can also be expressed as a hourly rate of emissions

Example:
An emission factor for wood sawing may be expressed as 6 pounds of particulate matter emitted per every ton of wood processed
Sources of Emission Factors

- (M)SDS
- Stack Testing
- Mass Balance
- Modeling
- AP-42
- Factor Information Retrieval System (FIRE)
Determining PTE – Basic Formula

Emissions Emitted =

Maximum Hourly Rate \times \text{Potential Operating Hours} \times \text{Emission Factor (EF)}
Controlled vs Uncontrolled Emissions

Control Device is an add-on unit that limits the release of a pollutant into the ambient air.

• Particulate Matter
  – Examples:
    • Cyclones
    • Fabric Filters
    • Wet Collectors
  – NOT VOC or HAPS

• Gaseous Pollutants
  – Examples:
    • Condensers
    • Absorbers
    • Combustion
Applying PTE to Air Permitting

**Nothing** is required (no registration or permit) if a source’s PTE is:

- <2 tpy of a HAP,
- <5 tpy of combined HAPs,
- <10 tpy of a RAP and
- The source is not subject to an NSPS or NESHAP.

*tpy = tons per year

*It is recommended to still file for a registration*
Registration is required if a source’s PTE is:

- ≥ 2 but < 10 tpy of a HAP,
- ≥ 5 but < 25 of combined HAPs, and
- ≥ 10 but < 25 tpy of a RAP.

*Required if the source is subject to an NSPS or NESHAP*

*tpy = tons per year*
Applying PTE to Air Permitting

A state origin permit is required if a source’s PTE is:

- < 10 tpy of a HAP,
- < 25 tpy of combined HAPs and
- > 25 but < 100 tpy of a RAP.

*tpy = tons per year

Minor Source
Applying PTE to Air Permitting

A **Title V** permit is required if a source’s PTE is:

- $\geq 10$ tpy of a HAP,
- $\geq 25$ tpy of combined HAPs or
- $\geq 100$ tpy of a RAP

**Prevention of Significant Deterioration (PSD) permits** are major sources above Title V thresholds or certain industry categories with specific limits that are located in attainment areas.

Some sources may be eligible to accept limitations on their actual emissions to avoid major source status (**Federally Enforceable State Operating Permits**).

*tpy = tons per year*
Limiting Your Potential

- Federally Enforceable State Operating Permits (FESOP)
  - Conditional Major
  - Synthetic Minor

- These permits have restrictions on your emission to artificially limit your actual emissions to below major source thresholds
Determining Your Permit Type

Revisited

• STEP 1
  – Are you a Major or Minor (Area) Source?
    • Based on potential-to-emit (PTE) calculations
      – How much pollution are your emitting potentially
    • Automatically designated based on NESHAP and NSPS requirements
      – Area source standards
Determining Your Permit Type

Revisited

• STEP 2
  – What are your actual emissions?

• STEP 3
  – What is the status of your local air quality
    • Attainment status designation for NAAQS
      http://www.lrc.ky.gov/kar/401/051/010.htm
Permit Types

Minor Source

Registration → State Origin → Title V → Major Source

PSD
Prevention of Significant Deterioration

FESOP
Federally Enforceable State Operating Permit
Submitting an Application

Paperwork and Forms

Where to find all the DAQ permitting forms:

Go to: www.air.ky.gov

Then go to the forms Library:

http://dep.ky.gov/formslibrary/Pages/default.aspx

You’ll want “Division: Air Quality” then “Program: Permitting.”
Submitting an Application

• Be sure to include:
  – Cover letter
  – Registration form (DEP 7039A) or permitting forms (DEP 7007 series)
  – PTE calculations
  – SDSs, Equipment spec. sheets, references, etc.
  – Facility layout map
  – Flow diagram
  – Secretary of State form
  – Topographic map

Be sure to mail your application via registered mail
Cover Letter

It is recommended to submit a cover letters that includes:

1. **Process Description:** This is the part where you’ll describe the business and their product. This can include the origins and location of the company.

2. **Emission Calculations:** This is a description of how PTE was calculated, where the emission factors, hourly rates and any other pertinent information is from. Be sure to include information about control devices.

3. **Potentially applicable (non-applicable) regulations:** This is a listing of the regulations you believe will apply to your particular business and an explanation of why a regulation might not apply to your business.

4. **Recommendation:** This is where you state which type of permit you believe your company needs based on PTE.
# Environmental Compliance Assistance Program

**Forms**

MINOR SOURCE REGISTRATION FORM DEP 7039A

Commonwealth of Kentucky
Energy and Environment Cabinet
Department for Environmental Protection
Division for Air Quality
200 Fair Oaks Lane, 1st Floor
Frankfort, Kentucky 40601
(502) 564-3999
http://www.air.ky.gov

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<tr>
<td>1</td>
<td>Check this box if you are a new source submitting a registration pursuant to 401 KAR 52:070, Section 3(1).</td>
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<tr>
<td>2</td>
<td>Check this box if you are already registered and are making a change pursuant to 401 KAR 52:070, Section 3(2)(a).</td>
</tr>
<tr>
<td>3</td>
<td>Check this box if you do not have a permit or registration and have been instructed to submit a registration form by a representative of the cabinet, pursuant to 401 KAR 52:070, Section 4.</td>
</tr>
<tr>
<td>4</td>
<td>Check this box if you currently have a permit and are requesting the cabinet to rescind your permit pursuant to 401 KAR 52:070, Section 5.</td>
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*If you checked box #1, #3, or #4, complete all four Sections.*

*If you checked box #2, complete Sections 1 and 4, and provide only that information which relates to the change in Section 3.*

## SECTION 1. GENERAL INFORMATION

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<td>Company Street Address:</td>
<td>KeyEIS #:</td>
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<tr>
<td>City:</td>
<td>State:</td>
</tr>
<tr>
<td>County:</td>
<td># of employees:</td>
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<td>NAICS #:</td>
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<td>Plant Street Address:</td>
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<tr>
<td>City:</td>
<td>State:</td>
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### Forms

**Environmental Compliance Assistance Program**

**Simplifying Compliance**

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### Common Application Information

- **Name:**
- **Title:**
- **Mailing Address:**
- **Company:**
- **Cty:**
- **State:**
- **Zip Code:**
- **Phone:**
- **Email:**

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### PERMIT APPLICATION

The completion of this form is required under sections 418-KAR 1:330-1.00, and 10.00 pursuant to KRS 132. Applications are made public unless accompanied by copies of all plant specifications and/or displays requested herein. Failure to supply information required for notification in the dielectric will enable the applicant to refile the application for approval and any additional administrative and legal action. Applications shall be submitted to the Department of Energy and Environment Cabinet, Water Quality, Division for Air Quality, 200 Fair Oaks Lane, 3rd Floor, Frankfort, KY 40601.

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### Form Content

**DEP7007N**

**Division for Air Quality**

**Emissions, Stacks, and Control Information**

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Log #</th>
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### Emissions Unit and Emission Point Information

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<tr>
<th>KyEIS ID</th>
<th>Emissions Unit and Emission Point Descriptions</th>
<th>Maximum Operating Parameters</th>
<th>Permitted Operating Parameters</th>
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<tr>
<td></td>
<td></td>
<td>Hourly Operating Rate (SCC Unit/hr)</td>
<td>Annual Operating Hours (hr/y)</td>
</tr>
</tbody>
</table>

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**Emission Unit Name:**

**Emission Point Name:**

**Source ID:**

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**Fuels:**

- **Fuel Ash Content:**
- **Fuel Sulfur Content:**
- **Fuel Heat Content Ratio:**

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**Applicable Regulations:**

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**Note**:

The applicant must be the owner or operator. The owner or operator may be individual(s) or a corporation.

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**Person to contact for technical information relating to application:**

- **Name:**
- **Title:**
- **Phone:**
- **Email:**

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**Operator Information**

- **Name:**
- **Title:**
- **Mailing Address:**
- **Company:**
- **Cty:**
- **State:**
- **Zip Code:**
- **Phone:**
- **Email:**
Facility Layout and Flow Chart

• Create a facility layout demonstrating where each piece of equipment is located and any control devices and stacks/vents.
  – It is advisable to add any new equipment prior to installation or construction
• Make sure to number each emission point as well as any control devices and stacks.
• Prepare a facility flow diagram.
Secretary of State (SOS)

- All permit applications are required to have a Certificate of Authority from the KY Secretary of State (for corporations and LLC’s) or Certificate of Limited Partnership for Limited Partnerships.

- Certificate must show that company is in good standing with the KY SOS.

- To print a copy online, visit KY SOS Online Services
Topographic Map

All permit applications must have a topographic map showing the location of the facility. Topo maps can be purchased from the USGS or you can use Google Maps in “terrain” mode.
Resources

- **DEP Forms Library** (under Air Quality → Permitting)
- **DCA Helpful Resources Library**
- **DCA PTE Compliance Guide**
- **Reading & Understanding Your Air Permit - Learning Module**
- **EPA PTE Guide for Small Businesses**
- **AP-42**
- **DCA Typical Permits At a Glance**
- **DCA Common Permits and Timelines**
Common Terms

- Title V
  - Part 70 permit
- CAA: Clean Air Act
- CFR: Code of Federal Regulations
- DAQ: Division for Air Quality
- EPA: Environmental Protection Agency
- KAR: Kentucky Administrative Regulations
- PTE: Potential to Emit
- HAPs: Hazardous Air Pollutants
- Criteria Pollutant or Regulated Air Pollutant:
  - PM/PM10, Ozone (VOC), CO, CO2 (certain sources), NOx, SO2, Lead
More information

If you have specific questions, please contact DCA

Division of Compliance Assistance
(502) 564-0323
dca.ky.gov
envhelp@ky.gov
KY Department for Environmental Protection

Inspections and Enforcement

Mac Cann,
Environmental Control Supervisor
KY Department for Environmental Protection
Division for Air Quality
Owensboro Regional Office

December 2016
Introduction

• Objective- Description of the environmental inspection process from start to finish

• What will you learn?
  • What to expect during an inspection
  • Types of observations
  • Types of records reviewed
  • Inspection reports
  • Common problems/violations
  • Technical Assistance
I. Inspection Objectives
II. Legal Authority
III. Responsibility of Inspectors
Agenda

IV. Inspection Procedures
   a) Selection of Site
   b) Entry Procedures
   c) Opening Conference
   d) Facility Tour
   e) Documentation
   f) Closing Conference
Agenda

V. Inspection Report
VI. Inspection Types
VII. Enforcement
VIII. Common Violations
IX. Summary
I. Inspection Objectives

- Ensure compliance with regulatory requirements
- Ensure that human health is being protected.
- Ensure that the environment is not being adversely harmed
- Offer technical assistance, as the opportunity arises
- Hopefully, inspection will avoid or correct non-compliances
- Initiate appropriate enforcement actions, as necessary
- Meet EPA’s inspection requirements
II. Legal authority of inspectors

Established by KRS 224.10-100 Powers and duties of cabinet.

In addition to any other powers and duties vested in it by law, the cabinet shall have the authority, power, and duty to: …

(10) Enter and inspect any property or premises for the purpose of investigating either actual or suspected sources of pollution or contamination or for the purpose of ascertaining compliance or noncompliance with this chapter, or any regulation which may be promulgated thereunder;

(11) Conduct investigations and hold hearings and compel the attendance of witnesses and the production of accounts, books, and records by the issuance of subpoenas; …
III. Responsibility of inspector

• Present proper credentials-
  – EEC-DEP ID
  – KY Drivers License w/ Business Cards
• Should always be in uniform
• Wears appropriate safety equipment
• Properly handles Confidential Business Information (Title 400 KAR 1:060)
• Maintains professionalism/objectivity
IV. Inspection Procedures

A. Selecting a facility for inspection
   - Look to DEP database of target facilities (Permits, registrations, notifications, etc.)
   - EPA has a target inspection rate for air permit sources;
     * at least once every two years
   - Higher priority given to larger polluters, higher risk, or sites with history of violations
IV. Inspection Procedures

B. Entry Procedures

◦ Prior notification is rare
◦ Contact representatives upon arrival on facility property
◦ Presentation of credentials
◦ DEP employees must not sign:
  • any type of waivers of liability, confidentiality agreements, non-disclosure agreements, or the like
◦ Can sign a basic visitor log
IV. Inspection Procedures

c. Opening Conference

- Discuss objective(s) of inspection
- Review safety procedures
- Establish meeting schedules with key facility staff (if necessary)
IV. Inspection Procedures

C. Opening Conference (cont.)

◦ Identify what records will be reviewed
  • Permit(s) or registrations
  • Production records
  • Monitoring reports
    • Sample results, instrument readings, etc.
  • Inspection Logs
  • Manifests, invoices, maintenance records, etc.
  • and other records required by permit or rule
c. Opening Conference (cont.)

- Establish who will accompany inspector
  - Provide information to inspector about operation, monitoring, etc.
  - Identify safety/liability concerns to inspector
IV. Inspection Procedures

D. Facility Tour

- Take Photographs
- View pollution control device operation & recordings
- Observe specific emissions-discharges
- Sample collection
  - For DAQ, usually only during Compliance Demonstration (stack test)
- Full tour may not be done on all inspections
E. Inspection Documentation

- Includes, but not limited to:
  - Field notes
  - Documented visual observations
  - Photos, videotapes
  - Copies of records
  - Drawings, maps, sketches
  - Treatment of Confidential Information (Title 400 KAR 1:060)
IV. Inspection Procedures

F. Closing Conference

- Discussion of findings
- Clarification of issues or questions
- Request for additional documentation
- Determination of overall compliance rating?
  - Probably not during site visit
  - Final compliance determination listed in final inspection report sent at a later date
V. Inspection Report

• Report documents both compliance and non-compliance
• Composed of:
  ◦ Header information
  ◦ General Comments
  ◦ Agency Interest (AI) # - Facility ID number
  ◦ Subject Item (SI) # - Equipment, process, or AI to which regs./permit conditions apply
  ◦ Requirement, rule, or specific permit condition
  ◦ Compliance Status for each requirement (Compliance Rating)
  ◦ Comments/findings of inspector
V. Inspection Report

• Possible Compliance Ratings:
  • No violations observed
  • No violations observed-but impending trends
  • Out of compliance-violations documented
  • Out of Compliance-Letter of Warning (LOW)
  • Out of Compliance-Notice of Violation (NOV)

• Electronically signed
VI. Inspection Types – Division for Air Quality

- Full Compliance Evaluation (FCE)
  - Comprehensive inspection that looks at all criteria

- Partial Compliance Evaluation (PCE)
  - Targets specific criteria
    - E.g. Boilers, Tanks, Annual Cert (AC) Review, Other Records Review
  - Multiple PCEs may = FCE

- Complaint Investigations
VII. Enforcement

- The Department may apply “restricted” enforcement discretion
  - Some violations result in the automatic issuance of an NOV
  - High Priority Violations (HPV’s) are defined and tracked by EPA

- Goal is to make consistent decisions to obtain and maintain compliance

- Each inspection or enforcement case differs in some aspect
VII. Enforcement

- The inspection report and any resulting Notice of Violation is the first step in the enforcement process.
- Written documentation should be submitted in response to an NOV that lays out the facility’s position.
- Failure to resolve an NOV at the regional office level OR more serious violations will be referred to the Division of Enforcement for further action.
VII. Enforcement

- If an agreement can be reached it often results in the signing of an Agreed Order to document the resolution of the violation(s)
- If an agreement cannot be reached then the matter may be referred to the Cabinet’s Office of General Council for further action
- Ultimately an appeal to Franklin Circuit Court may be made if all administrative appeals are exhausted
VIII. Common violations

• Failure to read permits and be aware of all permit requirements result in a large number of violations for missed deadlines or omissions

• Failure to comply with all permit or regulatory conditions

• Failure to submit permit renewal applications in a timely manner
  ◦ For Air: Must be submitted at least six (6) months before expiration
  ◦ Failure to do so eliminates the permit shield & authority to operate
VIII. Common violations - Air

- Failure to submit Annual Compliance Certifications (ACC) in a timely manner
- Failure to submit **complete** ACCs
  - Must certify compliance with **all** conditions/terms of the permit
  - Must be signed by a “responsible official”
- Failure to submit Semi-annual monitoring reports or to submit complete reports
- Failure to submit notifications of:
  - Initiating construction; complete construction; & achieve maximum operation;
VIII. Common violations - Air

- Failure to provide proper notification of excess emission events, excursions, or emergency releases.
  - Self reporting per 401 KAR 50:055 (excess emissions may be due to startup, shutdowns, malfunctions)

- Other types of releases
  - KRS 224.01-400
  - Emergency release reporting
  - Call immediately
  - ERT Hotline 800-928-2380
  - NRC Hotline 800-424-8802
IX. Summary

• Remember
  ○ All responsible officials need to read and understand permit conditions.
  ○ Make sure to read and understand new conditions on draft permits and request needed changes before they become final.
  ○ Ask for technical assistance ASAP to avoid non-compliance problems.
IX. Summary

• What have you learned?:
  ◦ Legal basis of inspections
  ◦ Inspection process
  ◦ Inspection report
  ◦ Enforcement process
  ◦ Common violations
For more information concerning Air inspections and compliance, you may also contact your DAQ Regional Office

http://dep.ky.gov/Pages/RegionalOffices.aspx

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<th>Location</th>
<th>Name</th>
<th>Phone</th>
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<tr>
<td>Ashland</td>
<td>Karen Deskins</td>
<td>(606) 929-5285</td>
</tr>
<tr>
<td>Bowling Green</td>
<td>Troy Tabor</td>
<td>(270) 746-7475</td>
</tr>
<tr>
<td>Florence</td>
<td>Clay Redmond</td>
<td>(859) 525-4923</td>
</tr>
<tr>
<td>Frankfort</td>
<td>Natasha Parker</td>
<td>(502) 564-3358</td>
</tr>
<tr>
<td>Hazard</td>
<td>Steve Hall</td>
<td>(606) 435-6022</td>
</tr>
<tr>
<td>London</td>
<td>Pete Rayburn</td>
<td>(606) 878-0157</td>
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<tr>
<td>Owensboro</td>
<td>Mac Cann</td>
<td>(270) 687-7304</td>
</tr>
<tr>
<td>Paducah</td>
<td>Richard Reed</td>
<td>(270) 898-8468</td>
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Ky Division for Air Quality
Owensboro Regional Office
3032 Alvey Park Dr. West, Suite 700
Owensboro, KY 42303
Mac.cann@ky.gov