

**77.185 Public hearing to be held before enactment of orders, rules, or regulations --  
Adoption of procedural rules for the promulgation of regulations.**

- (1) The air pollution control board shall not enact any order, rule, or regulation until it first holds a public hearing thereon. It shall give notice of the public hearing by publication pursuant to KRS Chapter 424.
- (2) The air pollution control board shall, by regulation, adopt procedural rules for the promulgation of regulations. These rules shall provide the public with a fair and reasonable opportunity for review of and comment on all proposed actions on regulations and shall ensure that the board provides full consideration to all written and oral comments prior to promulgating final regulations. The rules shall, at a minimum, provide the public with:
  - (a) At least thirty (30) days' notice prior to a public hearing on proposed actions on regulations;
  - (b) Copies of the proposed actions at the time of the notice;
  - (c) A written response to all comments submitted on the proposed actions;
  - (d) A written statement explaining the basis for any substantive amendments made to a proposed action on regulations after its initial proposal; and
  - (e) An assessment of the regulatory impact on the regulated community and the public of each proposed action on regulations. The regulatory impact assessment shall include the estimated costs and savings associated with the action, the feasibility of all alternatives considered, and a comparison with any minimum or uniform standards under the Clean Air Act of 1963 as amended by the Clean Air Act Amendments of 1990 or any other federal requirement. The board may rely on reasonably available information in assessing the regulatory impact of its regulatory actions. The regulatory impact assessment required by this subsection need not be developed when the proposed regulatory action is substantively identical to federal standards or requirements.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 420, sec. 5, effective July 15, 1994. -- Amended 1966 Ky. Acts ch. 239, sec. 32. -- Created 1952 Ky. Acts ch. 53, sec. 45.