

77.155 Prohibited emission of air contaminants -- Basis of compliance and enforcement.

- (1) A person shall not, nor shall an agent or employee of a person, nor shall a person as agent or employee of another, discharge into the atmosphere from any single source of emission whatsoever, any air contaminant in quantities and for a period or periods in excess of applicable emission standards established by regulation by the air pollution control board. Exceeding these standards shall constitute a rebuttable presumption of violation of this section.
- (2) A person shall not, nor shall an agent or employee of a person, nor shall a person as agent or employee of another, discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health, or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. The board shall have power, by regulation, to fix reasonable limits, by weight or otherwise, for particular air contaminants or other material which in the opinion of said board may cause or have tendency to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public. Exceeding such limits shall be a rebuttable presumption of violation of this section.
- (3) (a) For purposes of enforcing compliance with the applicable requirements of this chapter, the administrative regulations promulgated thereunder, or any requirement of the federal Clean Air Act, 42 U.S.C. sec. 7401 et seq., for which the air pollution control board has primary enforcement authority, an enforcement action alleging violations or noncompliance shall be based on:
 1. A data collection method, emissions test, or monitoring method that has been approved or promulgated by the United States Environmental Protection Agency; or
 2. A method or test that produces scientifically defensible and quality-assured data that is accepted by the United States Environmental Protection Agency for enforcement purposes.
- (b) Any data collected using a method that does not meet the requirements of paragraph (a) of this subsection shall not be admissible or considered in any enforcement proceeding initiated by the air pollution control board, an air pollution control officer, or a private citizen.

Effective: June 27, 2025

History: Amended 2025 Ky. Acts ch. 79, sec. 1, effective June 27, 2025. -- Amended 1994 Ky. Acts ch. 420, sec. 3, effective July 15, 1994. -- Amended 1954 Ky. Acts ch. 173, sec. 1. -- Created 1952 Ky. Acts ch. 53, secs. 35 and 36.