

401 KAR 53:005. General provisions.

RELATES TO: KRS 224.20-100, 224.20-110, 244.20-120

STATUTORY AUTHORITY: KRS 224.10-100

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Environmental and Public Protection Cabinet to prescribe administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation is to provide for the establishment of general provisions, definitions and time schedules as they pertain to this chapter.

Section 1. Purpose and Intention.

(1) The purpose of the primary ambient air quality standards is to define levels of air quality which the cabinet judges are necessary, with an adequate margin of safety, to protect the public health. Secondary ambient air quality standards define levels of air quality which the cabinet judges necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

(2) In the establishment of these standards, it is the intention of the cabinet to prohibit further significant and avoidable deterioration of air quality in areas where air quality presently exists which is numerically equal to or less than the standards expressed herein.

(3) Except as provided in 401 KAR 51:010, no person shall violate, or interfere with the attainment or maintenance of, ambient air quality standards as specified in 401 KAR 53:010.

Section 2. Applicability.

(1) The primary and secondary ambient air quality standards stated in 401 KAR 53:010 shall apply at any single point location.

(2) The secondary standard for odor shall be applicable only when the cabinet receives a complaint with respect to odors from a source.

Section 3. Definitions. As used in this chapter, all terms not defined herein shall have the meaning given them in 401 KAR 50:010.

(1) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(2) "Reference method" means a method of sampling and analyzing for an air pollutant as specified by Appendices A through K of 40 CFR 50, filed by reference in 401 KAR 50:015.

(3) "Equivalent method" means any method of sampling and analyzing of an air pollutant which can be demonstrated to the cabinet's and the U. S. EPA's satisfaction to have a consistent relationship to the reference method.

(4) "Ambient air quality standard" means a numerical expression of a specified concentration level for a particular air contaminant and the time averaging interval over which that concentration level is measured and is a goal to be achieved in a stated time through the application of appropriate preventive and/or control measures.

(5) "Annual mean" means an average determined on the basis of any consecutive twelve (12) month interval.

(6) "Three (3) hour average" means an average determined on the basis of any consecutive three (3) hour interval.

(7) "Eight (8) hour average" means an average determined on the basis of any consecutive eight (8) hour interval.

(8) "Twelve (12) hour average" means an average determined on the basis of any consecutive twelve (12) hour interval.

(9) "One (1) week average" means an average determined on the basis of any consecutive seven (7) day interval.

(10) "One (1) month average" means an average determined on the basis of any consecutive thirty (30) day interval.

(11) "Maximum" means an ambient air quality standard which shall not be exceeded more than once per year providing that the averages exceeding the standard do not contain any common hourly data points.

(12) "Odor" means the property of an air contaminant that can be detected by the sense of smell.

(13) "Standard condition" means a reference temperature of twenty-five (25) degrees Celsius and a reference pressure of 760 millimeters of mercury.

(14) "Year" means any consecutive twelve (12) month period.

(401 KAR 053:005. 5 Ky.R. 375; eff. 6-6-1979; 10 Ky.R. 431; eff. 3-1-1984; 14 Ky.R. 1619; eff. 4-14-1988; TAm eff. 8-9-2007; Crt eff. 9-12-2018; Crt eff. 8-28-2025.)