

224.20-110 Air pollution in violation of standards and rules prohibited -- Basis of compliance and enforcement -- Cabinet to promulgate administrative regulations to implement federal statute relating to alternative emission limitations.

- (1) No person shall, directly or indirectly, emit into or discharge into the air under the jurisdiction of the Commonwealth, or cause, permit, or allow to be emitted or discharged into such air any contaminants as provided for in subsection (1) of KRS 224.1-010 that shall cause or contribute to the pollution of the air of the Commonwealth in contravention of the emission standards or the ambient air standards adopted by the cabinet, or in contravention of any of the rules, regulations, or orders of the cabinet, or in contravention of any of the provisions of this chapter.
- (2)
 - (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 cabinet 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 cabinet or a private citizen.
- (3) For the purpose of fostering willing compliance with the emission standards and the ambient air standards adopted by the cabinet, the cabinet shall promulgate and implement administrative regulations which give effect to 42 U.S.C. sec. 7412(i)(5), relating to alternative emission limitations allowed for early reduction of emissions. The program established by this subsection shall be conducted strictly in accordance with the federal law.

Effective: June 27, 2025

History: Amended 2025 Ky. Acts ch. 79, sec. 3, effective June 27, 2025. -- Amended 1992 Ky. Acts ch. 131, sec. 2, effective July 14, 1992. -- Amended 1972 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 9, effective January 1, 1974. -- Created 1966 Ky. Acts ch. 22, sec. 5, effective June 16, 1966.

Formerly codified as KRS 224.330.