

#### **401 KAR 55:015. Episode declaration.**

RELATES TO: KRS Chapter 224

STATUTORY AUTHORITY: KRS 224.10-100

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 requires the owner or operator of an air contaminant source to take action to reduce air contaminant emissions whenever an air pollution alert, air pollution warning, or air pollution emergency is declared.

##### **Section 1. General.**

(1) The intent of this administrative regulation is to provide for the curtailment or reduction of processes or operations which emit an air contaminant or an air contaminant precursor whose criteria has been reached and are located in the affected area for which an episode level has been declared.

(2) Any person responsible for the operation of an air contaminant source as set forth in 401 KAR 55:020 shall take all actions required by this administrative regulation irrespective of any economic hardship which may be incurred due to such actions.

(3) When the director determines that specified criteria are being approached and may be reached at one (1) or more monitoring sites solely because of emissions from a limited number of sources or processes, he may act to prevent the attainment of the episode level by notifying such source(s) that the abatement strategies as described in 401 KAR 55:020 or the standby plans are required insofar as it applies to such source(s), and shall be put into effect until a satisfactory reduction in the ambient pollution concentration has been achieved.

**Section 2. Air Pollution Alert.** When the director declares an air pollution alert, any person responsible for the operation of a source of air contaminants as set forth in 401 KAR 55:020, Section 2, shall take all air pollution alert actions required for such sources of air contaminants and shall put into effect the preplanned strategy for an air pollution alert.

**Section 3. Air Pollution Warning.** When the secretary declares an air pollution warning, any person responsible for the operation of a source of air contaminants as set forth in 401 KAR 55:020, Section 3, shall take all air pollution warning actions required for such sources of air contaminants and shall put into effect the preplanned strategy for an air pollution warning.

**Section 4. Air Pollution Emergency.** When the governor declares an air pollution emergency, any person responsible for the operation of a source of air contaminants described in 401 KAR 55:020, Section 4, shall take all air pollution emergency actions required for such sources of air contaminants and shall put into effect the preplanned strategy for an air pollution emergency.

(5 Ky.R. 379; eff. 6-6-1979; TAm eff. 8-9-2007; Crt eff. 9-12-2018.)