

401 KAR 63:020. Potentially hazardous matter or toxic substances.

RELATES TO: KRS Chapter 224

STATUTORY AUTHORITY: KRS 224.10-100

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Natural Resources and Environmental Protection Cabinet to prescribe administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation provides for the control of emissions of potentially hazardous matter and toxic substances.

Section 1. Applicability. The provisions of this administrative regulation are applicable to each affected facility which emits or may emit potentially hazardous matter or toxic substances as defined in Section 2 of this administrative regulation, provided such emissions are not elsewhere subject to the provisions of the administrative regulations of the Division for Air Quality.

Section 2. Definitions. Terms used in this administrative regulation not defined herein shall have the meaning given to them in 401 KAR 50:010.

(1) "Classification date" means April 9, 1972.

(2) "Potentially hazardous matter or toxic substances" means matter which may be harmful to the health and welfare of humans, animals, and plants, including, but not limited to, antimony, arsenic, bismuth, lead, silica, tin, and compounds of such materials.

Section 3. Control of Potentially Hazardous Matter and Toxic Substances. Persons responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities. No owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the cabinet.

(401 KAR 063:020. 5 Ky.R. 512; eff. 6-6-1979; Crt eff. 9-12-2018; Crt eff. 8-28-2025.)