

224.20-130 Concurrent jurisdiction with local district -- Effect.

- (1) Each county which pursuant to the provisions of KRS Chapter 77 has established or will establish a local air pollution control program, shall submit a synopsis of said program together with such standards and procedures as are enacted by regulations to the cabinet for approval within a period of ninety (90) days from the enactment hereof, or a period of ninety (90) days of the establishment of said local program.
- (2) If, after review by the cabinet, and a public hearing held in the county activating a district, the cabinet determines that the air pollution control district has adopted standards and procedures and has the necessary staff to implement the program in a manner consistent with the objectives of this chapter, concurrent jurisdiction may be granted the air pollution control district for the administration and enforcement of the aforesaid statutes. Except for the limit on authority established by KRS 77.115(3), the air pollution control district shall adopt no regulation or standard less stringent than a regulation or standard adopted by the cabinet, and shall submit prepared regulations and standards to the cabinet for prior concurrence. Periodic reports shall be made to the cabinet and to the commission as shall be provided for by regulation. If the cabinet shall determine, after hearing with notice, that a district program is not being administered in accordance with the statutes and regulations of the cabinet or the district, the grant of authority may be suspended, revoked, or modified by order of the cabinet. The enactment or enforcement of a regulation by an air pollution control district that finds the need for and requires the implementation of a vehicle exhaust testing program, if the program is not limited to prohibiting the emissions of, regulating, or controlling only mobile sources of air pollutants regulated under the state program established in accordance with KRS 224.20-710 to 224.20-765, shall cause an automatic revocation of an existing grant of authority or an automatic denial of a requested grant of authority.
- (3) This provision shall in no way diminish the authority of the cabinet to administer and enforce the provisions of this chapter.
- (4) The cabinet shall be empowered to enforce any and all regulations or standards in any district when concurrent jurisdiction is granted.
- (5) When enforcement actions are taken by the district, the local Commonwealth's, county, and city prosecuting attorneys, instead of the Attorney General shall prosecute such actions.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 136, sec. 3, effective July 14, 2000. -- Amended 1972 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 49, effective January 1, 1973. -- Amended 1970 Ky. Acts ch. 153, sec. 1, effective June 18, 1970. -- Created 1966 Ky. Acts ch. 22, sec. 14, effective June 16, 1966.

Formerly codified as KRS 224.450.

Legislative Research Commission Note (7/14/2000). The reference to KRS 77.115(3) in subsection (2) of this statute appeared in 2000 Ky. Acts ch. 136, sec. 3, as "subsection (1) of Section 3 of this Act." The drafter's version had this reference as "Section 1(3) of this Act," but this was inadvertently transposed in the review process to "subsection (1) of Section 3 of this Act." It is manifestly clear from the text of Acts Chapter 136 that the reference intended was to "subsection (3) of Section 1" of the

Act, which the drafter's version confirms. For that reason, under KRS 7.136(1)(h), the reference has been codified as "KRS 77.115(3)" rather than as "subsection (3) of this section."