Administrative Register of Kentucky

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Renewal Due For Register Subscriptions

This is the 12th and final issue of Volume 1 of the *Administrative Register.* Volume 2 will begin with next month's issue, dated August 1, 1975.

As soon as possible, the Legislative Research Commission will publish bound volumes of the 1975 KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE which will contain all regulations which have been published in Volume 1 of the *Register* and which are in effect as of July 2, 1975.

Regulations which have been published in Volume 1 and which are not effective on or before July 2 will be republished in Volume 2 when they become effective.

Please preserve your copies of the *Register,* Volume 1, numbers 1 through 12, until you receive the bound edition of the 1975 KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

Subscription price for Volume 2 of the *Register* is $24 for 12 issues, beginning in August and ending with the issue of July 1, 1976.

Price of the bound edition of the 1975 KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE IS $30 per set.

Both the bound volumes of the SERVICE and the next 12 monthly issues of the *Register* are available for the combination price of $50.

All prices include Kentucky sales tax, where applicable.

Orders should be mailed to: *Administrative Register,* Room 300, State Capitol, Frankfort, Kentucky 40601.

Review Subcommittee To Meet July 2

The Administrative Regulation Review Subcommittee will meet at 10 a.m. EDT July 2, 1975 in the House of Representatives chamber at the State Capitol. The meeting is open to the public.

DEADLINE FOR NEXT ISSUE

The deadline for submitting proposed regulations for publication in the August issue of the *Administrative Register* is Tuesday, July 15, 1975.

This is an official publication of the Commonwealth of Kentucky, Legislative Research Commission, giving public notice of all proposed regulations filed by administrative agencies of the Commonwealth pursuant to the authority of Kentucky Revised Statutes 13.082.

Persons having an interest in the subject matter of a proposed regulation published herein may request a public hearing or submit comments within 30 days of the date of this issue to the official designated at the end of each proposed regulation.

The **Administrative Register** is the monthly advance sheets service for the 1975 Edition of KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

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Subcommittee Approves 326 Regulations

The Administrative Regulation Review Subcommittee at its June 11, 1975 meeting approved for filing 326 regulations, all of which became effective on that date. Another five regulations were returned to the issuing agencies for further consideration.

The Subcommittee deferred consideration until its next meeting at 10 a.m. EDT July 2, 1975 of 20 proposed regulations of the Department for Natural Resources and Environmental Protection, pertaining to air pollution, water quality and mining reclamation.

Tentative minutes of the meeting, subject to Subcommittee approval at its July 2 meeting, follow:

Subcommittee Minutes

The Administrative Regulation Review Subcommittee held its twelfth meeting on Wednesday, June 11, 1975, at 10 a.m. EDT in the Senate Chamber of the Capitol. Present were:

Members: Senator Michael R. Moloney, Chairman; Representative James A. Davis and Representative Bobby H. Richardson.

Guests: From the Department for Natural Resources and Environmental Protection: Harold Snodgrass, Art Curtis, Samuel N. Johnson, Jr., William Forester, Herman D. Regan, Jr., Perry R. White, Jr., Eugene D. Addkisson, Hisham M. Saaid, John R. Roberts and Secretary John Stanley Hoffman; Marrs Allen May, John Jack Adkins and James W. Saunders, Coal Operators and Associates; D. T. Froedge, Sheila Isaac, Kentucky Department of Mines and Minerals; W. O. Hubbard, Department for Human Resources; J. W. Baker, Department of Justice; Gordon G. Park, Lewis E. Wallace and Lynn G. Morehous, Tennessee Valley Authority; Dan K. Stockton, Gary L. Dailey and Gene Sewell, Department of Transportation; George M. Wheeler, Russellville Electric Plant Board; J. Wiley Bowers, Tennessee Valley Public Power Association; W. L. Borgerding, Paducah Power System; John T. Butts, Franklin Electric Plant Board; Malcolm Y. Marshall, Kentucky Utilities Company; Mark B. Davis, Jr., W. E. Gill and F. K. Downing, East Kentucky Power Cooperative; E. Buchliett, Kentucky Association of Electric Cooperatives; Clifford E. Smith, Jr., Attorney; Robert E. Phillips, Barbara A. Bowen and Michael D. Maguire, American Red Cross; R. W. Hewson, Jr., Hewson and Associates; and John L. Todd, Winchester-Clark County Ambulance Service.

LRC Staff: Phillip E. Patton, E. Hugh Morris, Mabel Robertson, Garnett Evins and Deborah Herd.

Press: Herb Sparrow, United Press International; Livingston Taylor, Courier-Journal and Sy Ramsey, Associated Press.

The minutes of the meeting of May 14, 1975 were approved.

Senator Moloney informed Mr. Perry White, General Counsel for the Department for Natural Resources and Environmental Protection, that due to the late date of receipt of the respective statements of affirmative consideration it was impossible for the members to adequately

(Continued on Next Page)

Minutes

(Continued From Front Page)

review all of the proposed regulations pertaining to the Bureau of Environmental Quality, Divisions of Air Pollution and Water Quality and the Bureau of Land Resources, Division of Reclamation, in time for consideration at this meeting. KRS Chapter 13 provides that the subcommittee shall act on regulations within thirty days of their receipt. Therefore, the subcommittee delayed consideration until its July 2 meeting.

The following regulations were returned to the issuing agencies for these reasons:

12 KAR 1:105, Agricultural Experiment Station, Schedule of charges, returned because KRS 250.150 authorizes the director to fix the maximum number of seed samples which may be tested free of charge. This anticipates that a minimal number of free tests will be performed for citizens of Kentucky.

303 KAR 1:003, Kentucky State Fair Board, Vehicle operation, returned because a 1974 legislative act made all traffic laws contained in KRS Chapter 189 applicable to off-street parking facilities offered for public use.

303 KAR 1:025, Kentucky State Fair Board, Harassment, coercion and annoyance, returned because 1974 legislative action has made it unnecessary. The new Penal Code provides penalities for the conduct sought to be prohibited by the proposed regulation.

502 KAR 10:030, Department of Justice, Bureau of State Police, Instructor's license, returned because the establishment of additional requirements in excess of those set forth in KRS 332.030(3) exceeds the authority of the department and is contrary to legislative intent.

503 KAR 5:020, Department of Justice, Bureau of Training, Participation, returned because KRS 15.440(4) specifically establishes at least 240 hours as the required minimum basic training course for participation in the law enforcement foundation program. The requirement of 400 hours in the regulation exceeds the statutory authority of the department.

The following regulations from the Department of Justice, Kentucky Law Enforcement Council, which were returned at the May 14 meeting because the regulations were not properly promulgated, were returned with clarification and ordered filed:

503 KAR 1:010 Training courses; application, eligibility.
503 KAR 1:020 School's certification.
503 KAR 1:030 Instructor's certification.
503 KAR 1:040 Basic training certification.
503 KAR 1:050 In-service schools; certified graduates.

The following regulations were approved and ordered filed:

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Agricultural Experiment Station

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Administrative Register of kentucky

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The Subcommittee adjourned at 1:45 p.m. to meet again on July 2, 1975 at 10 a.m. in the House Chamber in the State Capitol.

Emergency Regulations

JULIAN M. CARROLL, GOVERNOR
Executive Order 75-477
May 21, 1975

EMERGENCY REGULATION
Kentucky Higher Education Assistance Authority:
Tuition Grant Program

WHEREAS, the 1972 General Assembly enacted KRS 164.780 and KRS 164.785 authorizing the Kentucky Higher Education Assistance Authority to establish a tuition or fees grant program for the benefit of eligible Kentucky residents who need such assistance in order to pursue a post-secondary program at an accredited college or university of their choice; and

WHEREAS, the Kentucky Higher Education Assistance Authority ahs determined that regulations implementing the grant program should become effective immediately to provide grants for students desiring to enroll for the 1975-76 academic year; and

WHEREAS, the Kentucky Higher Education Assistance Authority declares that an emergency does exist and that the attached regulations, pursuant to KRS 164.780 through KRS 164.785, should become effective immediately; and

WHEREAS, The Kentucky Higher Education Assistance Authority has simultaneously filed with the emergency regulations like regulations which will be processed through normal procedure before becoming effective; and

WHEREAS, by the enactment of these regulations on an emergency basis, the Kentucky Higher Education Assistance Authority would receive benefits from the experience gained in administering the regulations until such time as they may become effective on a permanent basis after a hearing could be held;

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me, do hereby order and direct that the Kentucky Higher Education Assistance Authority regulations attached hereto, regarding the Kentucky Tuition Grant Program, be made effective on this date.

JULIAN M. CARROLL, Governor
THELMA L. STOVALL, Secretary of State

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:010E. Authority, purpose; name of program.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
EFFECTIVE: May 21, 1975
EXPIRES: September 18, 1975
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students to attend Kentucky private colleges. This regulation sets forth the legislative authority, purpose and name of this grant program.

Section 1. Statutory Authority. The Kentucky Tuition Grant Program is authorized by KRS 164.780 to 164.785.

Section 2. Purpose. The purpose of this program is to offer to qualified Kentucky residents who bear the major cost of attending accredited independent colleges and universities within the Commonwealth a tuition or fees grant as supplementary aid to students where need exists.

Section 3. Name of Program. This grant program shall be referred to as the Kentucky Tuition Grant (KTG) Program.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:17 a.m.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:020E. Definitions.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
EFFECTIVE: May 21, 1975
EXPIRES: September 18, 1975
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance for students who attend Kentucky's private colleges. This regulation sets forth the definitions of acronyms, words and phrases used in the Kentucky tuition grant program regulations.

Section 1. Definitions. (1) "Academic year" is a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two (2) semesters, two (2) trimesters, or three (3) quarters of instruction.

(2) "Accredited" is interpreted by the authority to mean fully accredited by the Commission on Colleges of the Southern Association of Colleges and Schools. The authority does not recognize institutions classified as "correspondent" or "recognized candidate for accreditation" or institutions having "three letter accreditation" as accredited institutions.

(3) "Agreement" is the document titled "Agreement: Institutional Certifications and Declarations to Participate in the Kentucky Tuition Grant Program" executed by the chief administrative officers of the educational institution, and the "Authority Declaration of Institutional Eligibility to Participate in the Kentucky Tuition Grant Program" executed by the authority pursuant to KRS 164.780, 164.785.

(4) "Authority" is the Board of Directors of the Kentucky Higher Education Assistance Authority.

(5) "Basic Grant" is the Basic Educational Opportunity Grant operated by the United States Government under the provisions of PL 92-315.

(6) "Degree" means the earned academic title or designation, mark, appellation or series of letters or words which signify satisfactory completion of the requirements of an educational program of undergraduate study beyond the secondary school level and which leads to an associate or bachelor's degree.

(7) "Eligible course of study" is a program offered by an eligible institution which: (i) enrolls as regular students only those persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; (ii) is of at least two (2) academic years duration, and (iii) which leads to a degree, as defined in subsection (6), in a field other than theology, divinity, or religious education.

(8) "Eligible institution" is a private educational institution in Kentucky accredited pursuant to subsection (2), which offers programs which are not comprised solely of sectarian instruction, and which has entered into an agreement pursuant to subsection (3).

(9) "Full-time student" is a student who is carrying a full-time academic work load, other than by correspondence, measured in terms of (i) course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter hours per academic term for institutions utilizing trimesters, semesters or quarter hour systems, and (ii) the tuition and fees customary for full-time study at that institution.

(10) "Kentucky Tuition Grant Program Officer" or "KTGPO" is the full-time administrative official designated on the agreement by a participating institution to serve as the authority's on-campus agent to certify all institutional transactions and activities with respect to the Kentucky Tuition Grant Program.

(11) "Resident of Kentucky" is a person who, pursuant to KRS 164.785(1)(a), is classified as an in-state student in accordance with the Policy on Classification of Students for Fee Assessment Purposes at State-Supported Institutions of Higher Education as adopted and from time to time amended by the Council on Public Higher Education.

(12) "State Student Incentive Grant" is the grant program administered by the authority pursuant to KRS 164.740 to 164.764.

(13) "Student Eligibility Index" or "SEI" is the expected family contribution computed by the United States Office of Education, or the contractor from the data on the application for a basic grant.

(14) "Total Cost of Education" (TCE) is an amount determined for each applicant by the following formula: Normal tuition and fees for a full-time student at the institution chosen by the applicant plus maximum board contract plus minimum room contract plus $400 for personal and incidental and other expenses.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:18 a.m.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:030E. Eligibility requirements.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
EFFECTIVE: May 21, 1975
EXPIRES: September 18, 1975
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students to attend Kentucky private colleges. This regulation sets forth the eligibility requirements for the Kentucky tuition grant program.

Section 1. Eligibility of Students. In order to quality for a Kentucky tuition grant (KTG), a student shall:
(1) Be a resident of the Commonwealth of Kentucky;
(2) Be enrolled as a full-time student in an eligible course of study defined in 11 KAR 2:020E;
(3) Be enrolled in an eligible institution as defined in 11

KAR 2:020E;
(4) Be ranked in the group of students eligible pursuant to 11 KAR 2:070E;
(5) Not have received a State Student Incentive Grant for the same academic year; and
(6) Be enrolled after April 1, 1975 for the first time as a full-time student. A student who previously has been enrolled as a full-time student in any institution accredited by the college or university division of the Southern Association of Colleges and Schools, the Middle States Association of Schools and Colleges, the North Central Association of Colleges and Secondary Schools, the Northwest Association of Secondary and Higher Schools, or the Western Association of Schools and Colleges, is not eligible for a Kentucky tuition grant. Previous enrollment in schools not so accredited will not result in student ineligibility.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:18 a.m.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:040E. Forms to be used by eligible institutions.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
EFFECTIVE: May 21, 1975
EXPIRES: September 18, 1975
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance for students who attend Kentucky private colleges. This regulation sets forth the forms prescribed by the authority to be used by an institution to establish that it is an eligible institution.

Section 1. The authority will provide institutions which appear to be eligible and desire to participate in the Kentucky tuition grant program the agreement and declaration form herein filed by reference. These forms may be obtained from the Kentucky Higher Education Assistance Authority. The agreement must be completed by the proper authorities at the institution and returned to the authority in order for that institution to be considered for the Authority's Declaration of Institutional Eligibility to Participate in the Kentucky Tuition Grant Program.

Section 2. Upon receipt of the properly executed agreement, the authority will review the document and such other information as is available from the accrediting agency and from the authority's records to determine whether the institution does qualify as an eligible institution. In the absence of information to the contrary, the authority will declare the institution to be eligible. In the event that the authority declares that the institution is not eligible, the authority will advise the institution by registered mail of the information upon which the denial of eligibility is based and will set forth the place and manner in which the institution may request a hearing.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:18 a.m.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:050E. Students' application forms.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
EFFECTIVE: May 21, 1975
EXPIRES: September 18, 1975
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students to attend Kentucky's private colleges. This regulation prescribes the form to be used by students to apply for the Kentucky Tuition Grant Program and establishes the financial need determination procedures for the program.

Section 1. "Kentucky Tuition Grant Program Application" is herein filed by reference. These forms may be obtained from the Kentucky Higher Education Assistance Authority, Frankfort, Kentucky 40601.

Section 2. The responses in item 10 on "Kentucky Tuition Grant Program Application" (section 1), determine the dependency classification of an Applicant. If any question in item 10 is answered yes, the applicant will be classified as a dependent student. If all questions in item 10 are answered no, then the applicant will be classified as an independent student.

Section 3. Dependent students shall submit or cause to be submitted to the authority a "College Scholarship Service Parents' Confidential Statement" and a "Financial Need Analysis Report"; or an "American College Testing Program Family Financial Statement" and a "Comprehensive Financial Aid Report." These documents shall be for the academic year concurrent with the student's application (Section 1). These forms, herein filed by reference, may be obtained from the Kentucky Higher Education Assistance Authority, Frankfort, Kentucky 40601.

Section 4. Independent students shall submit or cause to be submitted to the authority a "College Scholarship Service Student Financial Statement" and a "Student Financial Need Analysis Report", or an "American College Testing Program Family Financial Statement" and a "Comprehensive Financial Aid Report". These documents shall be for the academic year concurrent with the student's application (Section 1). These forms, herein filed by reference, may be obtained from the Kentucky Higher Education Assistance Authority, Frankfort, Kentucky 40601.

Section 5. A Kentucky tuition grant program applicant attending an eligible institution which does not normally require students to complete or have completed a "Parent's Confidential Statement", "Student Financial Statement" or "Family Financial Statement" shall submit or cause to be submitted to the Kentucky tuition grant program officer the necessary data to enable that officer to provide to the authority an institutionally completed financial document in accordance with Sections 3 and 4. Financial data received pursuant to this section shall be reviewed by a panel designated by the authority.

Section 6. Each financial document submitted to the authority, other than directly from the College Scholarship Service or the American College Testing Program, shall have imprinted thereon the certification of true copy as follows:

CERTIFICATION OF TRUE COPY

I hereby certify this is a true and exact copy of the financial statement filed by the referenced applicant. The applicant and/or his parents have provided written authorization to release the financial statement to the Kentucky Higher Education Assistance Authority for the purposes of the Kentucky Tuition Grant Program.

Signature	Institution
Title	Date

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:19 a.m.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:070E. Award determination procedures.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
EFFECTIVE: May 21, 1975
EXPIRES: September 18, 1975
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students to attend Kentucky's private colleges. This regulation sets forth the award determination procedures for the Kentucky Tuition Grant Program.

Section 1. Total cost of education. Total cost of education (TCE) shall be computed for applicants as follows: tuition and fees (normal full-time charge) plus maximum board contract charge, plus minimum room contract charge, plus $400 for incidental and personal expenses equal TCE.

Section 2. Kentucky tuition grant need (KTG need). For each KTG applicant, the amount of KTG need will be computed according to the following formula: for dependent students, KTG need equals TCE minus the sum of expected parental contribution (EPC) and expected basic grant (EBG); for independent students, KTG need equals TCE minus the sum of expected student contribution (ECS) and EBG.

Section 3. Percentage of relative need (PRN). Upon receipt by the authority of the application credentials, pursuant to 11 KAR 2:050E, the authority will determine the PRN in the following manner for each applicant: PRN equals KTG need divided by TCE.

Section 4. Order of awards. The KTG award shall first be offered to eligible students having the highest PRN and shall proceed sequentially to those eligible students having the lowest PRN until funds are exhausted.

Section 5. Minimum award amount. Pursuant to KRS 164.785(3), the minimum KTG will be $200.

Section 6. Award amount determination. If an applicant's KTG need is an amount equal to or greater than $200, the KTG award shall be the lesser of the KTG need or the maximum grant permitted by KRS 164.785(3), provided that KTG awards will be offered only to the extent that funds are available. If the KTG need is less than $200, the applicant will be ineligible for a KTG.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:19 a.m.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:080E. Notification and acceptance of awards.

RELATES TO: KRS 164.785
PURSUANT TO: KRS 164.785(1)
EFFECTIVE: May 21, 1975
EXPIRES: September 18, 1975
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students attending private colleges or universities. This regulation sets forth procedures for the notification and acceptance of Kentucky Tuition Grant Program awards.

Section 1. Students determined eligible to receive a Kentucky tuition grant will, after the close of each application period, receive an original and two (2) copies of the Kentucky tuition grant award notification letter (ANL).

Section 2. The student will be instructed to sign and return the original and one (1) signed copy of the ANL to the authority within the time period specified on the ANL. Failure to do so may at the option of the authority result in cancellation of the award.

Section 3. Award Notification Letter form herein filed by reference. This form may be obtained from the Kentucky Higher Education Assistance Authority, Frankfort, Kentucky 40601.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:20 a.m.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:090E. Disbursement procedures.

RELATES TO: KRS 164.780 ,164.785
PURSUANT TO: KRS 13.082
EFFECTIVE: May 21, 1975
EXPIRES: September 18, 1975
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students attending Kentucky private colleges or universities. This regulation sets forth the disbursement procedures for the Kentucky Tuition Grant Program.

Section 1. (1) A KTGP certification roster will be forwarded to the KTGPO at each participating institution in which award recipients enroll.
(2) The Kentucky tuition grant program certification roster form is herein filed by reference. This form is available from the Kentucky Higher Education Assistance Authority, Frankfort, Kentucky 40601.

Section 2. Four (4) weeks after the first day of classes each semester, the KTGPO must certify that the recipients listed on the Kentucky tuition grant certification roster for that institution meet all of the eligibility requirements set forth in 11 KAR 2:030E. When the certification cannot be given the KTGPO must state the reason on the certification roster.

Section 3. The KTGP certification roster bearing the proper certification shall be returned to the authority not later than the date specified on the roster.

Section 4. (1) Upon receipt of the properly certified roster, the authority will issue to the KTGPO individual checks payable to award recipients. The checks will be accompanied by an original and one (1) copy of a Kentucky tuition grant check register. The copy is to be retained by the institution. The original is to be completed and returned to the authority in accordance with the instructions, attached thereto, which will specify:
(a) The conditions under which a check must be presented to the recipient;
(b) The conditions under which a check must be returned to the authority;
(c) The date when the register and any undisbursed checks must be returned to the authority; and,
(d) The method used to complete the register.
(2) The Kentucky tuition grant program check register form is herein filed by reference. This form is available from the Kentucky Higher Education Assistance Authority, Frankfort, Kentucky 40601.

Section 5. Power of Attorney Endorsement or Certification Prohibited. A power of attorney or other agency relationship to which the authority is not a party shall not qualify any individual to act in the grant recipient's behalf for the purpose of endorsing checks issued by the authority to the grant recipient.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:20 a.m.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:110E. Grant programs are mutually exclusive.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
EFFECTIVE: May 21, 1975
EXPIRES: September 18, 1975
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students attending Kentucky private colleges or universities. This regulation interprets KRS 164.780(4) and 164.785(3) as these statutes relate to other programs operated by the authority.

Section 1. The State Student Incentive Grant and the Kentucky Tuition Grant Program are mutually exclusive. A student shall be first considered for a grant from the program for which complete application credentials are first available to the authority. If on the basis of those credentials the student is denied assistance from the grant program, then the authority shall consider credentials for an award from the other grant program. If, however, the student does receive an award in any amount as a result of the first complete set of application credentials available to the authority, then that student shall not receive an award from the other grant program.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:21 a.m.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:120E. Grant shall not exceed need.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 164.785(5), 13.082
EFFECTIVE: May 21, 1975
EXPIRES: September 18, 1975
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students attending Kentucky private colleges or universities. This regulation prevents a Kentucky tuition grant award from exceeding the total cost of education of a recipient.

Section 1. The authority shall reduce the Kentucky tuition grant (KTG) award to a student upon receipt of written notification that non-repayable assistance from sources other than the authority in combination with the KTG award will exceed the total cost of education of the student. The Kentucky tuition grant program officer and the award recipient shall make every reasonable effort to provide to the authority information to prevent a recipient from receiving non-repayable financial assistance which exceeds the recipients total cost of education.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:21 a.m.

Amended Regulations

In order to show the effect of amendments, original regulations are reprinted with the new matter underscored and deleted material enclosed within brackets.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Office for Local Government
(Proposed Amendment)

200 KAR 10:010. District boards; directors, terms.

RELATES TO: KRS Chapter 147A
PURSUANT TO: KRS 147A.060
AMENDS: 200 KAR 10:010
NECESSITY AND FUNCTION: KRS 147A.060 requires that the composition of the Board of Directors and the terms of its members in each district shall be specified by administrative regulation issued by the Executive Department for Finance and Administration.

Section 1. Definitions: (1) "Area Development Districts" means the fifteen (15) Area Development Districts as set out in KRS 147A.050.
(2) "Board of Directors" means the Boards of Directors established in each Area Development District as set out in KRS 147A.060 to 147A.090.

Section 2. Composition: The Board of Directors of each Area Development District shall consist of the categories and memberships as hereinafter enumerated, and the composition characteristics hereinafter specified, including geography and interest groups. [It shall incorporate sufficient flexibility to conform to federal requirements.]

Section 3. Ex Officio Members: A simple majority of the Board of Directors of each Area Development District shall be composed of elected officials.
(1) The county judge of each county located within the Area Development District shall be a member of the Board of Directors.
(2) A mayor of at least one (1) incorporated city in each county located within the Area Development District shall be a member of the Board of Directors.
(a) The mayor of each city of the first, second or third class located in the Area Development District shall be a member of the Board of Directors.
(b) If more than one (1) incorporated city below the third class is located within a county of the Area Development District, the Board of Directors shall establish the procedure in which a mayor will be selected.
(3) The Board of Directors may make provision for ex officio membership of additional elected officials. In this regard, membership for State Legislators should be encouraged.
(4) Elected officials, as noted above, may authorize by written proxy alternates to represent their interests on the Board of Directors. A person so designated shall serve at the pleasure of the elected official who designated him or her, and any action taken or vote cast by a designated alternate shall be considered the action or vote of the designating elected official. Designated alternates who are not elected officials must meet the requirements of citizen members as set out hereinafter.

Section 4. Citizen Members: (1) A citizen member must reside within the Area Development District.
(2) The elected public officials serving on the Board of Directors shall elect citizen members in accordance with the procedure hereinafter set out:
(a) Each Board of Directors shall make provision for the inclusion of reasonable representation relative to population in the district of major minority groups. Provision should also be made for adequate representation of women on the Board.
(b) Each Board of Directors shall make provisions for representation of low-income groups.

Section 5. Advisory Committee Chairmen: The chairmen of functional advisory committees of the Board of Directors may serve as members of the Board of Directors.

Section 6. Elections; Tenure: (1) Elected public officials shall serve on the Board of Directors of each Area Development District during the tenure of their public office.
(2) Citizen members shall be individually elected to the Board of Directors for terms not to exceed three (3) years.
(3) The Board of Directors of each Area Development District shall provide for staggered terms to assure continuity of involvement by citizen members.
(4) Each Board of Directors shall provide for rotation of citizen members to insure broad participation of the citizens of the District.

Section 7. Termination of Membership: (1) Citizen Board membership shall terminate on expiration of a term, board acceptance of a resignation, or change of residence to locality outside the Area Development District.
(2) The Board of Directors may declare a membership vacant when a member has failed, without reason, to attend three successive regular or special meetings of the board.

Section 8. Officers: (1) The Board of Directors of each Area Development District shall elect the following officers: a Chairman, a Vice-Chairman, a Secretary, a Treasurer, and such other officers as the board may deem necessary. The office of Secretary and Treasurer may be combined. Each officer shall be elected for a term of one (1) year. No member shall be eligible to hold more than one office at a time, and no officer shall be eligible to serve more than two (2) full terms consecutively in the same office. Officers shall perform such duties as may be prescribed by the Board of Directors.
(2) Annual election of officers shall be held at a designated regular board meeting in each calendar year.

WILLIAM E. SCENT, Commissioner
ADOPTED: May 19, 1975
RECEIVED BY LRC: May 20, 1975 at 1:11 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Allan D. Spader, Executive Director, Office for Local Government, Capitol Annex, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Barbering
As Amended

201 KAR 14:015. Retaking of apprentice examination.

RELATES TO: KRS 317.420, 317.450
PURSUANT TO: KRS 317.440
SUPERSEDES: KBB:Appr. Exam-1
EFFECTIVE: June 11, 1975
NECESSITY AND FUNCTION: This regulation is to assure the examinee the opportunity of retaking the examination [the following month].

[Section 1. Any applicant for apprentice license to practice barbering who fails to satisfactorily pass the apprentice examination conducted by the board, before taking the examination the second time, shall complete a further course of study of not less than 120 hours in an accredited school of barbering. The school in which the further course of study is completed, shall certify the record of attendance to the board before the applicant receives the second examination by the board.]

Section 1. [2.] Any applicant failing the apprentice examinations [but requalifying pursuant to Section 1 of this regulation] and any applicant for a regular barbering teacher may retake the examination three (3) times within a twelve (12) month period without paying an additional examination fee.

MELVIN HIGGINS, Chairman
ADOPTED: May 28, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: June 6, 1975 at 4:24 p.m.

(The two regulations which follow are the result of compliance by the issuing agency with the complaint of the Administrative Regulation Review Subcommittee that the original proposal included two separate matters under a single heading. The issuing agency thereupon amended the proposal into two separate regulations.)

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Barbering
As Amended

201 KAR 14:065. Practice must be in licensed shop or school.

RELATES TO: KRS 317.440, 317.450
PURSUANT TO: KRS 317.410, 317.420, 317.440
SUPERSEDES: KBB:Lic. Pl. Bus-1
EFFECTIVE: June 11, 1975
NECESSITY AND FUNCTION: Licensed places of business, and to practice or teach in a licensed shop or school [outside entrance, lavatory].

Section 1. Every licensed apprentice, regular barber, and teacher of barbering regulated by this chapter, shall practice in a licensed barber shop, or barber school.

[Section 2. Any barber shop located in a residence shall have an outside entrance and use a lavatory not used for residential purposes.]

MELVIN HIGGINS, Chairman
ADOPTED: May 28, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: June 6, 1975 at 4:24 p.m.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Barbering

201 KAR 14:067. Shop in residence; requirements.

RELATES TO: KRS 317.440, 317.450
PURSUANT TO: KRS 317.410, 317.420, 317.440
SUPERSEDES: KBB:Lic. Pl. Bus-1
EFFECTIVE: June 11, 1975
NECESSITY AND FUNCTION: Outside entrance; lavatory.

Section 1. Any barber shop located in a residence shall have an outside entrance and use a lavatory not used for residential purposes.

MELVIN HIGGINS, Chairman
ADOPTED: May 28, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: June 6, 1975 at 4:24 p.m.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Barbering
As Amended

201 KAR 14:105. Student application; medical certificate.

RELATES TO: KRS 317.410, 317.440
PURSUANT TO: KRS 317.410, 317.440, [317.400]
SUPERSEDES: KBB:Sch:Appl-1-1
EFFECTIVE: June 11, 1975
NECESSITY AND FUNCTION: School student application and medical certificate.

Section 1. The principal or director of the school shall require all student applicants to fill out an enrollment application wherein the student must furnish a certificate from a principal of a school certifying that he or she has completed four (4) years of high school, or G.E.D. equivalency certificate. If the student has completed high school, his or her high school diploma may be presented in place of the certificate.

Section 2. Each student applicant must furnish a health certificate on the form prescribed by the board, made out and signed by a physician licensed to practice medicine or osteopathy in Kentucky certifying that as a result of his examination, the applicant has been found to be free of any infectious or communicable disease. An essential requirement of the medical certificate is a showing that a standard blood test for the detection of syphilis infection was made by a laboratory approved by the Commissioner, Bureau for Health Services, and that such tests have been performed as deemed necessary by the physician to certify that the individual is free of tuberculosis.

Section 3. The enrollment application, accompanied by the applicant's medical certificate is to be mailed to the board within ten (10) days after the student's enrollment at the school of barbering.

Section 4. No student will be given credit for more than ten (10) days time in a school previous to the receipt of his or her medical certificate by the board.

Section 5. A school shall be permitted to enroll a student for a post-graduate or brush-up course if such applicant furnishes proof that he has practiced barbering for a period of one (1) year and has never had his license revoked for any reason. The maximum time for such course to be 150 hours.

MELVIN HIGGINS, Chairman
ADOPTED: May 29, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: June 6, 1975 at 4:25 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
As Amended

401 KAR 1:015. License application; examination.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 211.090, and Executive Order 74-449
SUPERSEDES: PL-1
EFFECTIVE: June 11, 1975
NECESSITY AND FUNCTION: KRS 318.030, as amended, directs that no person shall engage in or work at the trade of plumbing unless he is the holder of a valid and effective master or journeyman plumber's license duly issued by the department. KRS 318.040 establishes the qualifications for respective license applicants and provides for an examination procedure relating to both master and journeyman applicants. KRS 318.050 establishes an application fee schedule for those seeking licensure under KRS Chapter 318. KRS 318.050 deals with license expiration, renewal, and revival fees, and directs the department to establish by regulation a reasonable annual license renewal fee for both master and journeyman plumber's licenses. This regulation is designed to set forth license application and examination procedures and to establish a reasonable annual license renewal fee in accord with the aforementioned statutory provisions.

Section 1. Applications for Master or Journeyman Plumber's Licenses. Applications for master or journeyman plumber's licenses shall be submitted to the Department for Natural Resources and Environmental Protection on forms furnished by the department. Each application shall be properly notarized and accompanied by a fee of twenty-five dollars ($25) if for a master plumber's license or ten dollars ($10) if for a journeyman plumber's license. A signed photograph of the applicant not less than two (2) inches square nor larger than four (4) inches square taken within two (2) years shall accompany each application. Application fees shall be submitted at least two (2) weeks prior to the date of examination and remitted by post office or express money order, bank draft or certified check payable to the Kentucky State Treasurer.

Section 2. Examinations for Master or Journeyman Plumber's Licenses. (1) Examination of applicants. Regular examination of applicants for master or journeyman plumber's licenses shall be conducted during the months of February, May, August and November of each year. Special examinations may be conducted at such times as the Department for Natural Resources and Environmental Protection may direct.

(2) Time and place of examination. Notice of the time and place of examination shall be given by the United States mail at least one (1) week prior to the date of examination to all persons having applications on file.

(3) Materials required for journeyman plumbers' examinations. Applicants for journeyman plumbers' licenses shall furnish the materials required for the practical examination.

Section 3. Renewals of Master and Journeyman Plumber's Licenses. (1) Renewal fees. The annual license renewal fee shall be fifteen dollars ($15) [$100] for master plumbers and five dollars ($5) [twenty-five dollars ($25)] for journeyman plumbers.

(2) Remittance of renewal fees. Renewal fees shall be remitted by post office or express money order, bank draft, or certified check payable to the Kentucky State Treasurer.

JOHN S. HOFFMAN, Secretary
ADOPTED: June 5, 1975
RECEIVED BY LRC: June 6, 1975 at 4:26 p.m.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(Proposed Amendment)

401 KAR 1:060. Soil, waste and vent systems.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090, and Executive Order 74-449
SUPERSEDES: PC-6-6
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to material and the design of the soil, waste and vent systems that will be used in all types of plumbing systems that are constructed throughout the Commonwealth.

Section 1. Grades and Supports of Horizontal Piping. All horizontal piping shall be run in practical alignment and at a uniform grade of not less than one-eighth (1/8) inch per foot, and shall be supported or anchored in accordance with the manufacturer's recommendations but in no instance to exceed ten (10) feet in length. All stacks shall be supported at their bases and all pipes shall be rigidly secured. No-hub pipe and fittings shall be supported at each joint of pipe and fittings. Polyvinyl chloride and acrylonitrile - butadiene - styrene schedule forty (40) horizontal piping shall be supported at intervals not to exceed five (5) feet and at the base of all vertical stacks and at all trap branches as close to the trap as possible. Polyethylene pipe and fittings must be continuously supported with a V channel. Stacks must be rigidly supported at their bases and at each floor level.

Section 2. Change in Direction. All changes in direction shall be made by the appropriate use of forty-five (45) degree wyes, half-wyes, quarter, sixth, eighth or sixteenth bends, except that a single sanitary tee may be used in a vertical stack, or a sanitary tee may be turned on its back or side at an angle of not more than forty-five (45) degrees.

Section 3. Prohibited Fittings. No double hub bend or double hub tee or inverted hubs shall be used on sewers, soil or waste line. The drilling and tapping of house sewers or house drains, soil, waste or vent pipes, and the use of saddle hubs and bands is prohibited. Double sanitary tees may be used on vertical soil, waste and vent lines. All pipes shall be installed without hubs or restrictions that would reduce the area or capacity of the pipe.

Section 4. Dead Ends. In the installation of any drainage system dead ends shall be avoided.

Section 5. Protection of Material. All pipes passing under or through walls shall be protected from breakage. All pipes passing through, or under cinder, concrete, or other corrosive material shall be protected against external corrosion.

Section 6. Materials. All main or branch soil, waste and vent pipes and fittings within or underneath a building shall be hub and spigot extra heavy or service weight cast iron, no-hub service weight cast iron, galvanized steel, galvanized wrought iron, lead, brass, types K, L, M, DWV copper, standard high frequency welded tubing conforming to ASTM B-586-73, Types R-K, R-L, R-DWV brass tubing, seamless stainless steel tubing, Grade G or H conforming to CS-263-68, polyvinyl chloride schedule 40 or 80 conforming to ASTM D-2665-69 and D-1784-65T, acrylonitrile-butadiene-styrene schedule 40 or 80 conforming to ASTM D-2661-69 and D-1788-67, silicon iron or borosilicate. All mains or branch soil waste and vent pipe and fittings underground shall either be hub and spigot extra heavy or service weight cast iron, Type K or L copper pipe, Type R-K, R-L brass tubing, lead, silicon iron or borosilicate.

Section 7. Size of Waste Pipe Per Fixture Unit on Any One Stack. The following table, based on the rate of discharge from a lavatory as a unit, shall be employed to determine fixture equivalents.

Pipe Size (In Inches)	Maximum Developed Length	Fixture Units
1 1/4	25 ft.	1
1 1/2	30 ft.	2
2	50 ft.	6
2 1/2	100 ft.	12
3	225 ft.	30
4		96
5		180
6		420
8		1200
10		2400
12		4200

Section 8. Size of Combined Soil and Waste Pipe Per Fixture Unit on Any One (1) Stack. The following table, based on the rate of discharge from a lavatory as the unit, shall be employed to determine fixture equivalents.

Pipe Size (In Inches)	(Maximum Developed Length of Combined Soil and Waste and Vent)	Fixture Units
*3	100 ft.	24
4		96
5		180
6		420
8		1200
10		2400
12		4200

*Not more than two (2) water closets or two (2) bathroom groups.

Section 9. Soil and Waste Branch Interval. The total number of fixture units installed on any soil or waste branch interval shall not exceed one-half (1/2) of the fixture units set forth in the table in Section 8, above.

Section 10. Soil and Waste Stacks. Every building in which plumbing fixtures are installed shall have a soil or waste stack, or stacks extending full size through the roof. Soil and waste stacks shall be as direct as possible and free from sharp bends or turns. The required size of the soil or waste stack shall be determined from the total of all fixture units connected to the stack in accordance with the above tables except that no more than two (2) water closets shall discharge into a three (3) inch stack.

Section 11. Future Openings. All openings left or installed in a plumbing system for future openings shall be complete with its soil and/or waste and vent piping and shall comply with all other sections of this code.

Section 12. House Drain. When a three (3) inch house drain enters a building it shall be provided with a three (3) inch stack. One (1) basement floor drain may be added to the house drain with a three (3) inch trap. Seven and one-half (7 1/2) fixture units may be added to the three (3) inch house drain if an additional two (2) inch stack is provided and the fixtures are vented in accordance with the other applicable sections of this code. The center of the last fixture must not exceed five (5) feet from the center line of the house drain.

Section 13. Soil and Waste Stacks, Fixture Connections. All soil and waste stacks and branches shall be provided with correctly faced inlets for fixture connections. Each fixture shall be independently connected to the soil and/or waste system. Fixture connections to water closets, floor-outlet pedestal sinks, pedestal urinals, or other similar plumbing fixtures shall be made by either cast iron, lead, brass, copper, or plastic closet bends. All three (3) inch closet bends shall have a four (4) inch by three (3) inch flange.

Section 14. Changing Soil and Vent Pipes. In an existing building where the soil, waste and vent piping is not extended undiminished through the roof or where there is a sheet metal soil or waste piping such piping shall be replaced with appropriate sizes and materials as prescribed for new work when a fixture or fixtures are changed or replaced.

Section 15. Prohibited Connections. No fixture connection shall be made to a lead bend or a branch of a water closet or a similar fixture. Vent pipes above the highest installed fixture on a branch or main shall not be used as a soil or waste pipe.

Section 16. Soil, Waste and Vent Pipe Protected. No soil, waste, or vent pipe shall be installed or permitted outside a building unless adequate provision is made to protect it from frost. The piping must be wrapped with one (1) layer of heavy hair felt and at least two (2) layers of two (2) ply tar paper, all properly bound with copper wire or in lieu thereof, the vent may be increased to full size, the size of the increaser if it were passing through the roof.

Section 17. Roof Extensions. All roof extensions of soil and waste stacks shall be run full size at least one (1) foot above the roof, and when the roof is used for other purposes than weather protection, such extensions shall not be less than five (5) feet above the roof. All stacks less than three (3) inches in diameter passing through a roof shall be increased. No stack shall be less than three (3) inches. When a change in diameter is made the fitting must be placed at least one (1) foot [inch] below the roof.

Section 18. Terminals. If a roof terminus of any stack or vent is within ten (10) feet of the top, bottom, face or side edge of any door, window, scuttle, or air shaft, and not screened from such an opening by a projecting roof or building wall, it shall be extended at least two (2) feet above the top edge of the window or opening.

Section 19. Terminals Adjoining High Buildings. No soil, waste or vent pipe extension of any new or existing building shall be run or placed on the outside of a wall, but shall be carried up in the inside of the building unless the piping is protected from freezing. In the event, the new building is built higher than the existing building, the owner of the new building shall not locate windows within ten (10) feet of any existing vent stack on the lower building.

Section 20. Traps; Protected; Vents. Every fixture trap shall be protected against siphonage and back-pressure. Air circulation shall be assured by means of an individual vent. Crown vents are not permitted.

Section 21. Distance of Trap from Vent. (1) The distance between the vent and the fixture trap shall be measured along the center line of the waste or soil pipe from the vertical inlet of the trap to the vent opening. The fixture trap vent, except for water closets and similar fixtures, shall not be below the dip of the trap, and all ninety (90) degree turns in the water line of the main waste, soil, or vent pipes shall be washed. Each fixture trap shall have a vent located with a developed length not greater than that set forth in the table below:

Size of Fixture Drain (In Inches)	Distance-Trap to Vent
1 1/4	2 ft. 6 in.
1 1/2	3 ft. 6 in.
2	5 ft.
3	6 ft.
4	10 ft.

(2) A fixture branch on a water closet shall not be more than three (3) feet.

Section 22. Main vents to Connect at Base. The main vent or the vent stack shall connect full size at their base to the main soil or waste pipe at or below the lowest fixture branch and shall extend undiminished in size through the roof or shall be re-connected with the main soil or vent stack at least six (6) inches above the rim of the highest fixture. This section shall not apply to one (1) and two (2) story residential installations. When it becomes necessary to increase a vertical vent stack it then becomes a main vent and must comply with other sections of this code.

Section 23. Vents; Required Sizes. (1) The required size of a vent or vent stacks shall be determined by the total number of fixture units it serves and the developed length of the vent, in accordance with the following table, interpolating, when necessary, between permissible length of vent given in the following table.

MAXIMUM PERMISSIBLE LENGTHS OF VENTS

Pipe Size (In Inches)	Maximum Length (In Feet)	Fixture Units
1 1/4	30	2
1 1/2	150	8
2	200	18
2 1/2	250	36
3	300	72
4	400	240
5	600	420
6	800	720

(2) If a fixture opening is installed more than twenty-five (25) feet of developed length from the point where it is connected to the main soil or waste systems, or, if more than ten (10) feet of vertical piping is used, the vent shall be continued full size through the roof or returned full size to the main vent.

Section 24. Branch and Individual Vents. In no instance shall a branch or individual vent be less than one and one-fourth (1 1/4) inches in diameter and shall not exceed the maximum length permitted for a main vent.

Section 25. Vent Pipes Grades and Connections. All vent and branch vent pipes shall be free from drops or sags and be so graded and connected as to drip back to the soil or waste pipe by gravity. Where vent pipes connect to a horizontal soil or waste pipe, the vent branch shall be taken off above the center line of the pipe, and the vent pipe must rise vertically at an angle of forty-five (45) degrees to the vertical, to a point six (6) inches above the fixture it is venting before offsetting horizontally or connecting to the branch, main, waste, soil or vent.

Section 26. Vents Not Required. Vents will not be required on a back-water trap, or a subsoil catch basin trap, or a basement floor drain provided that the basement floor drain is the first opening on the house drain and that the basement floor drain branches into the house drain so that measuring along the flow line from the center of the stack, the floor drain shall not be closer than five (5) feet to the stack, nor farther than twenty (20) feet. The floor drain line shall be four (4) inches above the house drain. All floor drains on a house drain in between stacks shall be vented. All floor drains shall be the caulk-on-type.

Section 27. When Common Vent Permissible. Where two (2) water closets, two (2) lavatories or two (2) of any fixtures of identical purpose are located on opposite sides of a wall or partition, or directly adjacent to each other within the prescribed distance as set forth in Section 21 of this regulation measured along the center line of the flow of water, the fixtures may have a common soil or waste pipe and a common vent. It shall be vented in accordance with the other sections of this code.

Section 28. Floor Drain Individual Vent Not Required. Manufacturers' floor drains do not require individual vents when they are placed on a waste line for floor drains only within the prescribed distance of ten (10) feet from the main waste line, or stack, provided the base of the stack is washed and the stack or stacks are undiminished through the roof, or connected to a main vent stack.

Section 29. A Basement Floor Drain Does Not Require an Individual Vent. A basement floor drain does not require an individual vent if it conforms to Section 26 of this regulation, or if it is the first floor drain on the main and is ahead of all sanitary openings and is not farther than five (5) feet from the main.

Section 30. House Drain Material. House drains shall be either extra heavy cast iron, service weight cast iron, brass Type (K) or (L) copper, lead, ABS or PVC plastic, or duriron.

Section 31. Indirect Waste Connections. Waste pipe from a refrigerator drain or any other receptacle where food is stored or waste water from a water cooled compressor, shall connect indirectly with the house drain, soil or waste pipe. The drain shall be vented to the outside air. Such waste pipes shall discharge into an open sink or another approved open receptacle that is properly supplied with water in accordance with other sections of this code. Such connections shall not be located in an inaccessible or unventilated area.

Section 32. Bar and Soda Fountain Wastes. Bar and soda fountain wastes, sinks and receptacles shall have a one and one-half (1 1/2) inch P trap and branches. The main shall not be less than two (2) inches. The fresh air pipe shall not be less than one and one-half (1 1/2) inches. The main waste line shall discharge into a properly vented and trapped open receptacle inside or outside a building. Food storage compartment drains shall be indirectly connected through a trapped receptacle whose upper edge is raised at least one (1) inch above the finished floor line.

Section 33. Open Receptacles. Soil or waste piping receiving the discharge from an open receptacle shall be at least six (6) inches above the surface of the ground when it discharges into a septic system.

Section 34. Refrigerator Wastes. Refrigerator waste pipes shall not be less than one and one-half (1 1/2) inches for one (1) to three (3) openings, and at least two (2) inches for four (4) to eight (8) openings. Each opening shall be trapped. Such waste piping shall be provided with sufficient cleanouts to allow for thorough cleaning.

Section 35. Overflow Pipes. Waste from a water supply tank or exhaust from a water lift shall not directly connect to a house drain, soil, or waste pipe. Such waste pipe shall discharge upon a roof or into a trapped open receptacle.

Section 36. Acid and Chemical Wastes. Except as provided herein, no corrosive liquids shall be permitted to discharge into the soil, waste or sewer system. Such waste shall be thoroughly diluted or neutralized by passing through a properly constructed and acceptable dilution or neutralizing pit before entering the house sewer.

Section 37. Laboratory Waste Piping. Laboratory waste piping shall be sized in accordance with the other sections of this code. Each fixture shall be individually trapped. A continuous waste and vent pipe system may be used, provided the waste discharges into a vented dilution pit outside the building with a vent equal to the size of the drain. The vent may be eliminated when a pit has a ventilated cover. If under certain conditions a dilution pit is not required and is not used, each fixture shall be individually vented. If construction conditions permit, the base of the stack of the continuous waste and vent system shall be washed by the last fixture opening, and continue full size independently through the roof. All fixture branches exceeding more than the distance specified in the table in Section 21 of this regulation from the main shall be revented. The distance shall be measured from the center of the main to the center of the vertical riser. Fixture connections shall rise vertically to a height so that the trap will not be lower than twelve (12) inches from the bottom of the sink. Two (2) or more sinks may be connected into a common waste before entering the riser of the continuous waste and vent system, provided the fixtures are not more than five (5) feet from the center of one (1) fixture to the center of the other.

Section 38. Acid Waste Piping. Underground piping for acid wastes shall be extra heavy salt glazed vitrified pipe, silicon iron, lead, polyethylene pipe and fittings conforming to PS 10-69, PS 11-69, and PS 12-69, polypropylene pipe conforming to ASTM D-2146-65T, or other materials approved by the department. Piping for acid wastes and vents above ground shall be of silicon iron, lead, borosilicate, or polyethylene pipe conforming to PS 10-69, PS 11-69, and PS 12-69.

Section 39. Special Vents. Flat or wet vents serving a plumbing fixture may be constructed only with special permission when a plumbing system is being remodeled or when additions are added to an original system.

JOHN STANLEY HOFFMAN, Secretary

ADOPTED: May 21, 1975
RECEIVED BY LRC: May 22, 1975 at 4:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
As Amended

401 KAR 1:130. Mobile home park waste systems and connections.

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74-449
SUPERSEDES: PC-13-1
EFFECTIVE: June 11, 1975
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation provides the standard for the sewer and waste connections in the construction of mobile home parks as well as the connections of mobile homes to the waste connection provided by the parks and certain standards for the installation of individual mobile homes. It provides the type of sewer system that would be required in the absence of a municipal sewer as well as the manner in which the mobile home would be connected to a sewerage system.

Section 1. Materials. All materials shall conform to other sections of this code.

Section 2. Sewers. The main and [A sewer serving] branch sewers for the connections of mobile homes shall be laid at a uniform grade and alignment and all [. All] joints shall be water tight. Clean-outs shall be provided at intervals not to exceed 100 feet for main and branch sewers in sizes six (6) inches and smaller. They shall be extended [extend] to the grade with cast iron soil pipe and shall be provided with a brass clean-out plug. A four (4) inch concrete pad, eighteen (18) inches square, shall be provided around each clean-out [at intervals not to exceed 400 feet]. All main and branch sewers eight (8) inches and larger will not require clean-outs but will require standard manholes at intervals not to exceed 400 feet as well as in all changes in direction. A four (4) inch cast iron or schedule forty (40) galvanized steel stack shall be provided at each 100 feet intervals on [of] the main or branch sewer lines [line] or part thereof, and at the end of each main or branch sewer line. In lieu thereof, a three (3) inch stack may be placed at each mobile home site. The base of the stack shall be washed. Vent stacks shall be of a minimum height of ten (10) feet but in no instance shall they be less than six (6) inches higher than the height of the mobile home that they serve. Each stack must be supported by

a concrete pier that extends at least six (6) inches in all directions from the vent stack. The pier shall be placed on a four (4) inch concrete pad twenty-four (24) inches square [by twenty-four (24) inches by four (4) inches] installed beneath the main or branch sewer. The pier must extend from this pad to a height of twenty-four (24) inches above the grade [pad]. The pier and the pad must be an integral unit. Each mobile home shall be provided with a four (4) inch sewer. A three (3) inch waste connection shall be provided and extended [to] one (1) inch above the grade [line] with cast iron pipe [through the concrete pad. A four (4) inch cast iron mobile home connection shall be provided] using a cast iron ferrule with a three (3) inch standard thread. A four (4) inch concrete pad twenty-four (24) inches square shall be provided around the waste opening. A three (3) inch screw plug shall be fastened by a chain to the concrete pad which must be used when the mobile home opening is not in use. The waste pipe connection between the mobile home and the sewer waste opening provided by the park shall be a water proof connection and of a material approved by the department.

Section 3. Individual Residential Mobile Home Waste System and Connection. An individual residential mobile home shall either be connected to a municipal sewer system or to an approved private sewage disposal system in accordance with other sections of this code. Each mobile home must be provided with at least a three (3) inch cast iron waste connection that will connect to the house sewer. This waste connection must be provided with at least a three (3) inch stack extending six (6) inches above the mobile home that it serves, constructed of either cast iron or schedule 40 galvanized steel pipe. All piping that does not have at least an eighteen (18) inch cover shall be cast iron pipe. Waste connections between the permanent cast iron piping and the mobile home waste connection must be a water proof connection and of a material approved by the department.

JOHN S. HOFFMAN, Secretary

ADOPTED: June 5, 1975
RECEIVED BY LRC: June 6, 1975 at 4:27 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Solid Waste
As Amended

401 KAR 2:010. Landfills; construction and operation requirements.

RELATES TO: KRS Chapter 224
PURSUANT TO: KRS 13.082, 224.033(17)
EFFECTIVE: June 11, 1975
SUPERSEDES: SW-1, 2, 3, and 4
NECESSITY AND FUNCTION: This regulation is needed to implement the responsibilities vested in this department which pertain to solid waste disposal. This regulation prescribes general and special requirements for construction and operation of landfills.

Section 1. Definitions. (1) "Applicant" means any person making application for a permit to operate a landfill.
(2) "Construction permit" means a permit for:
(a) A landfill not previously permitted;
(b) A permitted landfill which seeks, substantial modifications in the scope of its permitted activities; and
(c) A landfill whose permit has lapsed; and not renewed within sixty (60) days.
(3) "Department" means the Kentucky Department for Natural Resources and Environmental Protection.
(4) "Landfill" means a solid waste disposal site or facility.
(5) "Operator" means any person responsible for the construction and/or operation of a landfill.
(6) "Person" means any individual, public or private corporations, political subdivision, government agency, municipality, industry, partnership, association, firm, or other entity whatsoever.
(7) "Permit" means permission, in whatever form, by the department to construct and/or operate a landfill.
(8) "Putrescible" means organic solid waste subject to decomposition by bacteria, fungi and oxidation, except trees, brush and, the like not requiring daily cover.
(9) "Sanitary landfill" means a landfill at which putrescible and other solid wastes may be disposed.
(10) "Salvage" means reusable materials.
(11) "Solid waste" means all putrescible and nonputrescible refuse in solid form. Solid waste includes but is not limited to garbage, rubbish, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes, and special wastes including explosives, pathological wastes and radioactive materials.
(12) "Solid waste disposal site or facility" means any place at which solid waste is disposed of by incineration, landfilling or any other approved method.

Section 2. Sections 1 to 13 of this regulation apply to all landfills. Landfills having permits shall meet the changed requirements relating to design and construction within six (6) months of the effective date of this regulation. Within ninety (90) days of the effective date of this regulation, landfills with permits shall comply with changed requirements relating to the operation of the landfills.

Section 3. Application to construct and/or operate a landfill. (1) Where made. Applications shall be submitted to: Division of Solid Waste, Department for Natural Resources and Environmental Protection, Frankfort, Kentucky 40601.
(2) A preliminary site analysis may be submitted to the department for review and comment.
(3) Plan preparation and submittal:
(a) Plans for landfills and amendments to plans shall be designed by a registered professional engineer.
(b) Plans, specifications and other required information shall be submitted in triplicate. Additional copies shall be provided upon request. Amendments thereunto shall also be submitted in triplicate.
(4) Content. All applications shall contain the following information:
(a) The applicant's business name, address and phone number. If the applicant is a partnership, the name and address of each partner shall be included.
(b) The name and address of the person having title to the land on which the landfill will be located. If such person is other than the applicant, a copy of the applicant's lease shall be included. Each lease shall contain a right of re-entry for a period of two (2) years following the closing of a landfill. All renewed leases shall be subject to the same requirement. The department shall be provided with a copy of all renewed leases.
(c) A seven and one-half (7.5) minute United States Geological Survey Topographical Map with the location of the landfill shown thereon.
(d) Detailed plans which shall include a plot plan. The plot plan shall be drawn to scale with contour intervals sufficient to reveal the character of the site. Existing conditions and proposed features shall be shown on the plot plan or supplemental plans; e.g., existing and final contours, borrow and fill areas, surface water controls and special drainage devices, on-site roads, fencing, access gates, structures, cell placement and the like.
(e) A complete description of the sequence of the waste disposal operation.
(f) A description of soil conditions.
(g) Upon request, the following shall be provided:
1. Work date and analysis for soil stability; soil permeability; soil friability; representative soil borings; geological information; and ground water locations and elevation.
2. The types of wastes which will be disposed at the landfill; the sources which generate said wastes; a chemical description of particular wastes, and the anticipated volume of particular wastes.
3. Typical cross-sections shall be provided for operations relating to road building, earth moving, waste disposal operations, and the like.
4. Such additional information as the department deems necessary for a determination regarding the issuance of a permit.
(5) Financial Responsibility. (1) An applicant shall demonstrate financial responsibility by posting a fully prepaid bond or by depositing liquid or semi-liquid assets in escrow for the operating life of the landfill plus not less than two (2) additional years.
(a) The bond or escrow amount shall be $3,000 plus an additional $500 for each acre or fraction thereof upon which solid waste will be deposited.
(b) The bond or escrow amount shall be made payable to the Kentucky Treasurer upon receipt of written notice by the guarantor or trustee from the department that the landfill has not been properly closed. The bond or escrow amount shall only be released upon receipt of written notice from the department that the landfill has been properly closed.
(2) Cities of the first five (5) classes, county governments and KRS Chapter 109 Districts are deemed financially responsible and not required to post the above.

Section 4. Permit Issuance. (1) No construction permit shall be issued until the requirements of KRS 224.855 have been satisfied.
(2) Prior to any advertisement intended to satisfy the publication requirement of KRS 224.855, a written statement should be obtained from the department that it has received a complete application.

Section 5. Permit Conditions. (1) Permits may be conditioned upon special limitations not found in this regulation. Limitations shall be in writing and treated as part of the permit.
(2) No modification in the construction or manner of operation of a landfull shall be made unless prior written approval is obtained from the department.
(3) A permit is not transferable by the holder thereof to another person. Any person who acquires a landfill with the intent to operate it shall submit a new application to this department.

Section 6. Permit Becomes Effective. (1) If not conditioned upon construction or other improvements, a permit is effective upon issuance. If improvements are a condition of a permit's issuance, it shall be treated as a permit to construct.

(2) A permit to construct shall automatically become an operational permit when:

(a) The applicant notifies, in writing, the department that construction has been completed; and

(b) A departmental representative inspects the site and determines that the site has been developed according to plans and that necessary equipment is on the site. Said determination shall be in writing.

Section 7. Permit Termination and Renewal. (1) A permit shall automatically terminate at the end of one (1) year. A shorter period may be specified.

(2) A permit may be renewed provided all violations cited in any notice-of-noncompliance have been corrected or the department has received and approved a compliance schedule for bringing such landfull into compliance at the earliest possible date. Approval of a compliance schedule shall not constitute a waiver of the department's right to inititate enforcement action for a landfill's noncompliance with KRS Chapter 224 and this regulation.

(3) Renewal requests shall be made not less than six (6) weeks prior to the date any permit expires.

(4) The department may require persons requesting permit renewal to provide new or updated information necessary for re-evaluating a landfill's suitability for continued operation.

Section 8. Denial of a Permit. A permit may be denied for any of the following reasons:

(1) Failure to submit an adequate application.

(2) Failure to comply with local zoning requirements.

(3) Failure to comply with general or special design criteria.

(4) Failure to provide on-site requirements.

(5) Inability to guarantee adequate operating equipment.

(6) Insufficient provisions for cover material.

(7) To protect public health and welfare.

(8) To prevent a public nuisance.

(9) Failure to comply with any other requirement of KRS Chapter 224 and regulations promulgated thereunder.

Section 9. Landfill Location. (1) No landfill shall be exposed to a once in five (5) year flood. Landfills exposed to a once in 100 year flood, shall be protected. Where applicable, empiracal data shall be used to determine the frequency of flood exposure. Where published data is not available, the frequency of flood exposure shall be established by the unit hydrograph technique.

(2) Landfills subject to a high ground water table shall be restricted to sites which:

(a) Provide greater than two (2) feet of compacted earth between deposited solid waste and the maximum water table;

(b) Include measures to prevent contamination of ground water; and

(c) Provide monitoring facilities.

(3) Landfills shall provide not less than two (2) feet of compacted earth between deposited solid waste and bed rock.

(4) Landfill locations shall conform to applicable local zoning laws or ordinances.

Section 10. Design Criteria. (1) Landfills shall be designed to prevent pollution to ground and surface waters. If not directly connected to natural lakes, rivers or streams, water-filled areas may be filled with inert materials. Prior written approval shall be obtained from the department for all such materials.

(2) The sub-soil structure shall be such that solid waste will not contaminate ground waters or streams in the area, unless approved procedures to prevent contamination are utilized [approved].

(3) Surface contours shall minimize runoff onto or through the operational or completed fill area. Grading, diking, terracing, diversion ditches, etc. may be required by the department.

(4) Disposal of wastes presenting special problems shall be separately considered in design of the landfill.

(5) A buffer zone between the fill area and adjacent land, shall be provided.

(6) Adequate cover shall be available to cover solid wastes at intervals sufficient to prevent fire hazards, unsightly appearance, rodent harborage and for final cover.

(7) Where stacking of disposal cells is the proposed method of disposal, soil stability shall be considered.

Section 11. Operation of Landfills. (1) Landfills shall be operated in conformity with any special permit limitations and this regulation at all times.

(2) Landfill operations shall be performed in a manner which precludes the occurrence of applicable problems considered in Section 10.

(3) There shall be no burning of solid waste. Any burning shall be immediately extinguished. Wastes having a high temperature shall not be deposited in the fill. Such materials shall be deposited at a location safely removed from the normal fill area and shall be covered with earth to prevent ignition or burning.

(4) Liquids or hazardous substances shall not be discharged to or placed in a landfill unless written approval has been obtained from the department. Disposal of liquids may be permitted subject to special provisions which may vary from site to site.

(5) When necessary, interior fences may be used to prevent litter from blowing from the landfill. The permitted area shall be policed to collect all scattered material.

(6) The grounds in and about a landfill shall not be allowed to become a nuisance.

(7) No putrescible waste shall be deposited at other than a sanitary landfill.

(8) Salvage and recycling operations shall not be permitted in conjunction with a landfill except under the following conditions:

(a) Operations shall be conducted in a sanitary manner;

(b) Operations shall be confined to an area remote from the operating face of the fill;

(c) Operations shall not interfere with, or otherwise delay the fill operation;

(d) All materials shall be removed from the landfill site daily or handled in a manner that will not create a nuisance, rodent harborage, or unsightly appearance.

(9) Landfills accepting solid waste from the general public shall be adequately fenced with an entrance gate that may be locked. Days and time of operation shall be clearly posted.

(10) Those areas of a landfill that will receive no additional deposits of solid waste shall receive final cover pursuant to Section 13(2), not less than once annually. More frequent application of final cover may be required.

(11) Those areas of a landfill that have received the application of final cover shall be revegetated pursuant to Section 13(3), not less than once annually.

Section 12. Inspections. (1) Following inspections by the department, a written notice of any noncompliance shall be provided the person(s) responsible for operations.

(2) The operator shall immediately initiate corrective action to bring his operation into compliance with state law and regulations.

Section 13. Closing a Landfill. (1) Before earth moving equipment is removed from the site, an inspection of the entire site shall be made by the department to determine compliance with approved plans and specifications. This department must be notified thirty (30) days prior to the last intended use of a sanitary landfill.

(2) Final cover means a compacted layer of not less than two (2) feet of material in addition to any other cover required on a daily or interim basis. Final cover shall be graded as provided in the approved plan and to prevent ponding. For a period of two (2) years, the surface of final cover shall be maintained at the proper elevation.

(3) Revegation. After grading, final cover shall be fertilized, seeded, and/or planted with legumes and perennial grasses. In order to obtain soil stabilization, the permittee shall be required to repeat this process until vegetation is obtained.

(4) Other necessary corrective work shall be performed before the landfill project is accepted as closed.

Section 14. Sanitary Landfills; Special Requirements. This section applies special requirements to sanitary landfills additional to those found in Sections 1 to 13:

(1) The plans shall include grades for proper drainage of each lift and a typical cross-section of a lift.

(2) Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of purtrescible materials and large objects.

(3) The following improvements shall be made before a sanitary landfill site is placed in operation:

(a) All weather road(s) shall be provided within the site for vehicular movement. Separate areas within the site may be provided to allow for wet or dry weather operation and access. When necessary to prevent dust nuisance, roads within the site shall be surfaced or treated.

(b) A shelter shall be provided which is accessible to operating personnel. The shelter shall be screened and provided with heating facilities and adequate lighting. Safe drinking water, sanitary hand-washing and toilet facilities shall be available at or near the site.

(c) Arrangements shall be made for fire protection services. A fire protection district or other public fire protection service is acceptable. When such a service is not available, alternate arrangements shall be made.

(4) Sanitary landfill operations shall be in accordance with approved plans and the following additional requirements:

(a) A landfill operation shall be under the direction of a responsible individual on location during operating hours.

(b) Access to the site shall be permitted only when operating personnel are on the site.

(c) Dumping of solid waste on the site shall be confined to the smallest practical area.

(d) Unloading shall be supervised.

(e) Provision may be made for public deposit of solid waste in a container, at or near the entrance to the landfill, during the hours that the landfill is closed.

(f) Provision shall be made for routine operational maintenance of equipment at the landfill site and for prompt repair or replacement of landfill equipment.

(g) Insect and rodent control measures shall be required by the department.

(h) Non-combustible and nonputrescible waste such as boiler-house cinders, broken paving, or materials

resulting from construction or demolition operations may be disposed of at a landfill without daily cover.

(i) As rapidly as solid waste is admitted to the site, it shall be spread and compacted in shallow layers of approximately two (2) or three (3) feet in compacted depth depending upon the type of material and the compaction equipment. The completed cell shall consist of the solid waste admitted and compacted during one (1) working day, regardless of overall height and area covered. When not excluded from the site, large bulky items shall be deposited in a manner approved by the department.

(5) Cover material shall be applied daily to prevent fly and rodent attraction and breeding, blowing litter, release of odors, and fire hazards. Cover shall be applied as follows:

(a) Daily Cover. A compacted layer of at least six (6) inches of material shall be used to cover all exposed solid waste at the end of each working day. Surfaces that will not receive an additional depth of refuse or final cover within sixty (60) days shall receive an interim compacted layer of cover of at least one (1) foot.

(b) All daily and interim cover depths shall be maintained until the landfill is closed.

(6) The area of the landfill being actively worked as well as the entire site shall be graded as frequently as necessary to prevent erosion or washing of the fill, to drain rain water from the fill and to prevent standing water. No surface water shall drain to the fill area.

JOHN S. HOFFMAN, Secretary

ADOPTED: March 13, 1975
RECEIVED BY LRC: June 6, 1975 at 8:44 a.m.

(The seven regulations which follow, published originally in the March issue [1 Ky.R. 601-625], were amended by the issuing agency following a hearing. They will be considered by the Administrative Regulation Review Subcommittee at its meeting on July 2, 1975.)

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Air Pollution
(Proposed Amendment)

401 KAR 3:010. General provisions.

RELATES TO: KRS Chapter 224
PURSUANT TO: KRS 13.082, 224.033(17)
SUPERSEDES: AP-1
NECESSITY AND FUNCTION: KRS 224.033 requires the Department for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement and control of air pollution. This regulation is to provide for defining general provisions, permit and compliance schedule issuance, monitoring and reporting requirements.

Section 1. General Application of Regulations and Standards. Regulations of the department shall be construed and applied in light of the considerations set forth hereinafter which shall guide the department in the issuance, modification and revocation of permits.

(1) All other provisions to the contrary notwithstanding, all air contaminant sources shall as a minimum apply such control procedures as are reasonable, available and practical.

(2) Nothing in these regulations is intended to permit any practice which is in violation of any statute, ordinance, or regulation.

(3) These regulations shall be construed as complementary to each other, and to such other regulations as have been adopted or shall be adopted by the department. If any provision of these regulations or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations, and to this end each provision of these regulations, and the various applications thereof are declared to be severable.

Section 2. Definitions. All terms not defined herein shall have the meaning given them in KRS 224.005 or by commonly accepted usage. As used in these regulations, unless the content clearly indicates otherwise, the following words shall have the following meaning:

(1) "Affected facility" means an apparatus to which an emission standard is applicable;

(2) "Air contaminant or air pollutant" includes smoke, dust, soot, grime, carbon or any other particulate matter, radio-active matter, noxious acid, fumes, gases, odor, vapor or any combination thereof;

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or threatens to be injurious to human, plant, or animal life, or to property, or which unreasonably interfere with the comfortable enjoyment of life or property;

(4) "Ambient air quality standard" means a numerical expression of a goal to be achieved in a stated time through the application of appropriate preventive and/or control measures. It consists of two (2) parts; a specified concentration level for a particular air contaminant and the time averaging interval over which that concentration level is measured;

(5) "Commence" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification;

(6) "Compliance schedule" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with any limitation or standard;

(7) "Construction" means fabrication, erection or installation of an air contaminant source;

(8) "Department" means the Department for Natural Resources and Environmental Protection;

(9) "Director" means director of the Division of Air Pollution of the Department for Natural Resources and Environmental Protection;

(10) "District" means an air pollution control district as provided for in KRS Chapter 77;

(11) "Emission standard" means that numerical limit which fixes the amount of an air contaminant or air contaminants that may be vented into the atmosphere (open air) from any affected facility or from air pollution control equipment installed in any affected facility;

(12) "Existing source" except as otherwise specified under applicable regulations means any source which is in being or under construction on the effective date of these regulations;

(13) "Fuel" means natural gas, petroleum, coal, wood, and any form of solid, liquid, or gaseous fuel derived from such materials for the purpose of creating useful heat;

(14) "Incineration" means the process of igniting and burning solid, semi-solid, liquid or gaseous combustible wastes;

(15) "Malfunction" means any sudden unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation or any other preventable upset condition or equipment breakdown shall not be considered malfunctions;

(16) "Modification" means any physical change in, or change in the method of operation of an affected facility which increases the amount of any air pollutant (to which a standard applies) emitted by such facility or which results in the emission of any air pollutant (to which a standard applies) not previously emitted, except that:

(a) Routine maintenance, repair, and replacement shall not be considered physical changes, and

(b) The following shall not be considered a change in the method of operation:

1. An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;
2. An increase in hours of operation;
3. Use of an alternative fuel or raw material if, prior to the date any standard under this regulation becomes applicable to such facility, as provided by subsection (1) of this section, the affected facility is designed to accommodate such alternative use.

(17) "New source" means any source, the construction or modification of which is commenced on or after the effective date of these regulations, except that:

(a) Any source moved to another premises involving a change of address and is in compliance with current regulations shall be subject to applicable regulations at the new location. [shall be considered a new source. Any source commencing operation after a shutdown for one (1) year or more shall be considered a new source;]

(b) Any affected facility in compliance with current regulations commencing operation after a shutdown for more than five (5) years shall be considered a new source.

(c) Any affected facility not in compliance with current regulations commencing operation after a shutdown for more than eighteen (18) months shall be considered a new source.

(d) Any affected facility not in compliance with current regulations commencing operations after a shutdown for six (6) to eighteen (18) months shall be in compliance with applicable regulations upon startup.

(18) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background;

(19) "Particulate matter" means any material, except uncombined water which exists in a finely divided form as a liquid or a solid at normal operating conditions;

(20) "Person or persons" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, firm, trust, estate or other entity whatsoever;

(21) "Source" means one or more affected facilities, which emits or may emit any air contaminant, contained within a given contiguous property line. The property shall be considered contiguous if separated only by a public thoroughfare, stream, or other right of way.

(22) "Stack or chimney" means any flue, conduit, or duct arranged to conduct emissions to the atmosphere;

(23) "Standard conditions:"

(a) For source measurements 21.1 [20] degrees Celsius [Centigrade (68] (70 degrees Fahrenheit) and a pressure of 760 mm Hg (29.92 in. of Hg).

(b) For the purpose of air quality determinations means 25 degrees Celsius [Centigrade] and a reference pressure of 760 mm Hg.

Section 3. Abbreviations. The abbreviations used in these regulations have the following meanings:

ASTM – American Society for Testing and Materials
BTU – British Thermal Unit
° C – Degree Celsius (Centigrade)
Cal – calorie
cfm – cubic feet per minute
CH4 – methane
CO – Carbon Monoxide
CO2 – Carbon Dioxide
COH – Coefficient of haze
dscf – Dry cubic feet at standard conditions
dscm – Dry cubic meter at standard conditions
°F – Degree Fahrenheit
ft – feet
g – gram(s)
gal – gallon(s)
gr – grain(s)
hr – hour(s)
HCl – Hydrochloric acid
Hg – mercury
HF – Hydrogen Fluoride
H2O – water
H2S – Hydrogen sulfide
H2SO4 – Sulfuric acid
in – inch(es)
k – 1,000
kg – kilogram(s)
l – liter(s)
LF – linear feet
lb – pound(s)
m – meter(s)
min – minute(s)
mg – milligram(s)
MM – million
mm – millimeter(s)
mo – month
N2 – Nitrogen
NO – Nitric oxide
NO2 – Nitrogen dioxide
NOx – Nitrogen oxides
oz – ounce
O2 – oxygen
O3 – ozone
ppb – parts per billion
ppm – parts per million
ppm (W/W) – parts per million (weight by weight)
ug – microgram
psia – pounds per square inch absolute
S – at standard conditions
sec – second
SO2 – sulfur dioxide
sq – square
yd – yard

Section 4. Air Quality Control Regions. Air quality control regions designated by the Administrator of the United States Environmental Protection Agency pursuant to Section 107 of the Clean Air Act as amended are listed in this section. The air quality control regions consist of the territorial area encompassed by the boundaries of the designated jurisdictions herein geographically located within the outer-most boundaries of the area so delimited.

(1) Appalachian Intrastate Air Quality Control Region. In the Commonwealth of Kentucky the following counties: Bell, Breathitt, Clay, Floyd, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Magoffin, Martin, Owsley, Perry, Pike, Rockcastle, Whitley, Wolfe.

(2) Bluegrass Intrastate Air Quality Control Region. In the Commonwealth of Kentucky the following counties: Anderson, Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott, Woodford.

(3) Evansville (Indiana) – Owensboro – Henderson (Kentucky) Interstate Air Quality Control Region. In the Commonwealth of Kentucky the following counties: Daviess, Hancock, Henderson, McLean, Ohio, Union, Webster.

(4) Huntington (West Virginia) – Ashland (Kentucky) – Portsmouth – Ironton (Ohio) Interstate Air Quality Control Region. In the Commonwealth of Kentucky the following counties: Bath, Boyd, Bracken, Carter, Elliott, Fleming, Greenup, Lawrence, Lewis, Mason, Menifee, Montgomery, Morgan, Robertson, Rowan.

(5) Louisville Intrastate Air Quality Control Region. In the Commonwealth of Kentucky the following county: Jefferson.

(6) Metropolitan Cincinnati (Ohio) Interstate Air Quality Control Region. In the Commonwealth of Kentucky the following counties: Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Owen, Pendleton.

(7) North Central Kentucky Intrastate Air Quality Control Region. In the Commonwealth of Kentucky the following counties: Breckinridge, Bullitt, Grayson, Hardin, Henry, Larue, Marion, Meade, Nelson, Oldham, Shelby, Spencer, Trimble, Washington.

(8) Paducah (Kentucky) – Cairo (Illinois) Interstate Air Quality Control Region. In the Commonwealth of Kentucky the following counties: Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, Muhlenberg, Todd, Trigg.

(9) South Central Kentucky Intrastate Air Quality Control Region. In the Commonwealth of Kentucky the following counties: Adair, Allen, Barren, Butler, Casey, Clinton, Cumberland, Edmonson, Green, Hart, Logan, McCreary, Metcalfe, Monroe, Pulaski, Russell, Simpson, Taylor, Warren, Wayne.

Section 5. Classification of Air Quality Control Regions. (1) Classification Criteria:

(a) Classification of regions shall be based upon measured air quality where known or, where not known, estimated air quality in the area of maximum pollutant concentration. Each region shall be classified separately with respect to sulfur oxides, particulate matter, carbon monoxide, nitrogen oxides, photochemical oxidants and such other pollutants as may have standards and priority levels.

(b) For sulfur oxides and particulate matter, each region shall be classified into one (1) of three (3) categories, defined as Priority I, Priority II or Priority III.

(c) For carbon monoxide, nitrogen oxides and photochemical oxidants, each region shall be classified into one (1) of two (2) categories, defined as Priority I or Priority III.

(d) Classifications with respect to hydrocarbons shall be the same as the classifications with respect to photochemical oxidants.

(e) Ambient concentration limits which define the classification systems for the said pollutants are specified in Table 1.

(f) The more restrictive classification will be chosen where there is a difference between the described values e.g., if a region is Priority I with respect to an annual average and Priority II with respect to a twenty-four (24) hour maximum value, the classification will be Priority I.

TABLE 1. AMBIENT CONCENTRATIONS LIMITS EXPRESSED IN MICROGRAMS PER CUBIC METER (CARBON MONOXIDE LIMITS ARE EXPRESSED IN MILLIGRAMS PER CUBIC METER) AND PARTS PER MILLION (IN PARENTHESIS) WHICH DEFINE THE CLASSIFICATION SYSTEM.

Pollutant	Priority I	Priority II	Priority III
	Greater Than	From - To	Less Than
Sulfur Oxides			
Annual Arithmetic Mean	100(0.04)	60-100(0.02-0.04)	60(0.02)
24-hour maximum	455(0.17)	260-455(0.10-0.17)	260(0.10)
Particulate Matter			
Annual Geometric Mean	95	60-95	60
24-hour maximum	325	150-325	150
Carbon Monoxide			
8-hour maximum	14(12)*		14(12)
1-hour maximum	55(48)*		55(48)
Nitrogen Dioxide			
Annual mean	110(0.06)*		110(0.06)
Photochemical Oxidants			
1-hour maximum	195(0.10)*		195(0.10)

* Greater than or equal to

(2) Classification. The classification of air quality control regions under the provision of this regulation shall be as in Table 2.

TABLE 2. PRIORITY CLASSIFICATION OF AIR QUALITY CONTROL REGIONS WITH RESPECT TO PARTICULATES, SULFUR OXIDES, CARBON MONOXIDE, NITROGEN DIOXIDE AND PHOTOCHEMICAL OXIDANTS (AND HYDROCARBON).

REGION	PARTICULATE MATTER	SULFUR OXIDES	CARBON MONOXIDE	NITROGEN DIOXIDE	PHOTOCHEMICAL OXIDANTS (HYDROCARBON)
Louisville	I	I	III	III	I
Cincinnati	I	II	III	III	I
Paducah-Cairo	I	II	III	III	III
Huntington-Ashland	I	III	III	III	III
Evansville-Henderson	I	II	III	III	III
Bluegrass	II	III	III	III	III
Appalachian	II	III	III	III	III
North Central	II	III	III	III	III
South Central	III	III	III	III	III

Section 6. Registration of Air Contaminant Sources. (1) Persons engaged in the operation of air contaminant sources shall register such sources or discharges which may result from their operation in accordance with the provisions of this regulation.

(2) The department may require from such persons reports containing information relating to said sources and air contaminants emitted by each into the atmosphere.

(3) Registration and reporting of air contaminants sources and their related discharges shall be upon forms provided by the department.

(4) This section shall not apply to the following:
(a) Those air contaminant sources set forth in Section 15 of 401 KAR 3:060.
(b) Indirect heat exchangers with a capacity of one (1) million BTU per hour heat input or less which burn solid fuel or residual oil, and indirect heat exchangers using natural gas, liquid petroleum gas, or distillate fuel oil as a main fuel or combinations of these as main or standby fuel, with a capacity of less than fifty (50) million BTU per hour heat input.
(c) Internal combustion engines whether fixed or mobile, and vehicles used for transport of passenger or freight except as may be provided for in subsequent regulations.
(d) Direct fired sources used for heating and ventilating.

Section 7. Issuance of Permits and Compliance Schedules.
(1) (a) No person shall construct or modify a source unless a permit to construct, therefor, has been issued by the department.
(b) No person shall use, operate, or maintain source resulting in the presence of air contaminants in the atmosphere in contravention of any [all] standards and limitations unless an approved compliance schedule has been issued by the department and is currently in effect.
(c) No person shall use, operate, or maintain a source, which is in compliance with all emission limiting regulations unless a permit to operate[,] therefor, has been issued by the department and is currently in effect.
(2) (a) Applications for permits or compliance schedules required under subsection (1) of this section shall be made on forms prepared by the department for such purpose and shall contain such information as the department shall deem necessary to determine whether the permit or compliance schedule should be issued.
(b) Applications for permits or compliance schedules shall be signed by the corporate president or his authorized agent; or by an equivalently responsible officer in the case of organizations other than corporations; or, in other cases, by the source owner or operator; or, in the case of political subdivisions, by the highest elected official of such subdivision. Such signature shall constitute personal affirmation that the statements made in the application are true and complete.
(c) The information submitted [requested] in the application shall, when specifically requested by the department, include an analysis of the characteristics, properties and volume of the air contaminants based upon source or stack samples of the air contaminants taken under normal operating conditions. Failure to supply information required or deemed necessary by the department to enable it to act upon the permit or compliance schedule application shall result in denial of the permit or shall result in disapproval of the compliance schedule.
(d) An application for a permit or compliance schedule may include one or more affected facilities provided that all are contained within one (1) source. A person may apply for an amended permit to include new affected facilities provided that such new facilities are within the same source.
[(e) Each application shall bear the seal and signature of a registered professional engineer qualified by training and/or experience in the field of air pollution control. Such signature shall constitute personal affirmation as to the completeness and technical accuracy of the information contained therein.]

(3) (a) In considering permit or compliance schedule applications, the department shall determine if emission standards and ambient standards are met or will be met upon completion of the compliance schedule. In no case shall a permit be issued or compliance schedule approved where it can be shown either through diffusion calculations or actual ambient air quality monitoring, performed according to methods prescribed by the department, that the source will prevent or interfere with the attainment or maintenance of state or federal air quality standards. In cases where no emission standards have been prescribed by regulation, the department shall require the use of all available, practical and reasonable methods to prevent and control air pollution.
(b) In the event any person or persons alleges themselves under oath to be adversely affected by a proposed or existing source or other physical conditions, the department shall afford such persons a hearing to determine whether the permit to construct or to operate should be issued or denied.
(c) Compliance schedules herein shall be subject to approval of the department. If for any reason, the department and the source [facility] are unable to negotiate a mutually acceptable schedule, the department will propose a compliance schedule which will be subjected to a hearing pursuant to KRS 224.083. After considering the hearing report, the department shall issue an appropriate compliance schedule. Once approved and/or issued, compliance schedules, including all increments of progress, shall be legally enforceable.
(4) Permits and compliance schedules issued hereunder shall be subject to such terms and conditions set forth and embodied in the permit or compliance schedule as the department shall deem necessary to insure compliance with its standards. Such terms and conditions may include maintenance and availability of records relating to operations which may cause or contribute to air pollution including periodic source or stack sampling of the affected facilities.
(5) Permits issued hereunder shall be subject to revocation or modification by the department for the following causes:
(a) Failure to comply with the terms and conditions of the permit;
(b) Failure to comply with emission standards applicable to an affected facility;
(c) Failure to comply with the ambient air quality standards for the area in which the source is located.
(d) Failure to report process or equipment changes which result in an emission increase.
(6) This section shall not apply to those sources listed in subsection (4) of Section 6 of this regulation.
(7) Permits and compliance schedules issued under this regulation are not transferable.

Section 8. Monitoring Records and Reporting. The department may require the owner or operator of any affected facility to install, use, and maintain stack gas and ambient air monitoring equipment in accordance with such methods as the department shall prescribe, establish and maintain records of same and make periodic emission reports at intervals prescribed by the department. Requirements for specific affected facilities are contained in applicable regulations.

Section 9. Sampling and Testing Methods. (1) The department may require the owner or operator of any affected facility to sample emissions in accordance with such methods as the department shall prescribe. All tests shall be made under the direction of persons qualified by training and/or experience in the field of air pollution control.
(2) The department may conduct tests of emissions of air contaminants from any source. Upon request of the department the person responsible for the source to be tested shall provide necessary openings in stacks or ducts and such safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants.

Section 10. Emissions During Shutdown and Malfunction of Control Equipment. (1) Emissions which due to shutdown or malfunction of air pollution control equipment, temporarily exceed the standard set forth by the department shall be deemed in violation of such standards unless the requirements of this section are satisfied and the determinations specified in subsection (4) of this section are made.
(2) When emissions during any planned shutdown and ensuing startup of air pollution control equipment or part thereof exceed the standards, the owner or operator of the source shall notify the director no later than three (3) days before the planned shutdown. However, if the shutdown is necessitated by events which the owner or operator could not reasonably have foreseen three (3) days before the shutdown, then such notification shall be given immediately following the determination to shutdown. The notice shall be in writing and shall specify the name of the air contaminant source, its location, the address and telephone number of the person responsible for the source, the reasons for and duration of the proposed shutdown, the nature of the action to be taken during shutdown, the date and time for the action, the physical and chemical composition, rate and concentration of the emissions during such shutdown and ensuing startup, the basis for the determination that such shutdown is necessary, and the measures which will be taken to minimize the extent and duration of the emissions during such shutdown and ensuing startup.

(3) When emissions due to sudden and unforeseen malfunction (or to unforeseen shutdown associated with malfunction) of air pollution control equipment are or may be in excess of the standards, the owner or operator shall notify the director by telephone as promptly as possible, [and in no event later than twelve (12) hours following the start of such malfunction,] and shall cause written notice when requested by the director to be sent to the director [no later than twenty-four (24) hours following the start of such malfunction]. Such notice shall specify the name of the source, its location, the address and telephone number of the person responsible for the source, the nature and cause of the malfunction, the date and time when such malfunction was first observed, the expected duration, the nature of the action to be taken to correct the malfunction, and an estimate of the physical and chemical composition, rate and concentration of the emission.
(4) Nothing in this section shall relieve a source from compliance with the standards set forth by the department unless the director determines that:
(a) The occurrence in question did not result from the failure by the owner or operator of the source to operate and maintain properly the air pollution control equipment;
(b) All reasonable steps were taken to correct, as expeditiously as practicable, the conditions causing the emissions to exceed the standards, including the use of off-shift labor and overtime if necessary;
and

(c) All reasonable steps were taken to minimize the emissions resulting from the occurrence.

(5) The director shall notify the owner or operator of the source of the determination required by this section no later than sixty (60) days after the date that all information required by this section has been submitted. Failure of the director to give such notification within sixty (60) day period shall have the same effect as a determination that the occurrence is deemed not to be a violation of the standards.

(6) Nothing in this section shall be construed to restrict the secretary's discretion to take, at any time, appropriate enforcement action under KRS 224.071, if upon information supplied to him pursuant to this section, or otherwise available to him, he determines that such action is necessary to protect the public health or welfare.

Section 11. Prohibition of Air Pollution. No person shall permit or cause air pollution as defined in Section 2 of this regulation.

Section 12. Circumvention. No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate these regulations.

JOHN S. HOFFMAN, Secretary

ADOPTED: June 5, 1975
RECEIVED BY LRC: June 6, 1975 at 2:07 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Air Pollution
(Proposed Amendment)

401 KAR 3:020. Ambient air quality standards.

RELATES TO: KRS Chapter 224
PURSUANT TO: KRS 224.082, 224.033(17)
SUPERSEDES: AP-9
NECESSITY AND FUNCTION: KRS 224.033 requires the Department for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement and control of air pollution. This regulation is to fix ambient air quality standards necessary for the protection of the public health, the general welfare, and the property and people in the Commonwealth.

Section 1. Purpose of Standards and Expression of Non-Degradation Intention.

(1) (a) Primary ambient air quality standards mean those levels of air quality which the department judges are necessary, with an adequate margin of safety, to protect the public health.

(b) Secondary ambient air quality standards mean those levels of air quality which the department 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 department 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) No person shall violate, or interfere with the attainment or maintenance of, ambient air quality standards as specified in Section 4 of this regulation.

Section 2. Applicability. The primary and secondary ambient air quality standards stated in Section 4 shall apply at any single point location.

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

(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 the United States Environmental Protection Agency [department].

(3) "Equivalent method" means any method of sampling and analyzing of an air pollutant which can be demonstrated to the United States Environmental Protection Agency's [department's] satisfaction to have a consistent relationship to the reference method.

(4) "Ambient air quality standard" means the numerical expression of a goal to be achieved in a stated time through the application of appropriate preventive and/or control measures. It consists of two (2) parts:

(a) A specified concentration level for a particular air contaminant, and

(b) The time averaging interval over which that concentration level is measured.

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

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

(11) "Odor" means the property of an air contaminant that can be detected by [affects] the sense of smell.

(12) "Soiling Index" means a measure of the soiling property of suspended particles in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter for a measured period of time, expressed as OCH/1000 linear feet.

(13) "Standard condition" means a reference temperature of 25 degrees Celsius [Centigrade] and a reference pressure of 760 millimeters of mercury.

(14) "Year" means a calendar year.

(15) "Dilution" means the number of volumes of odorless air that must be added to a like volume of odor-bearing air to reduce the odor of the resulting mixture to just below the odor threshold level.

Section 4. Ambient Air Quality Standards. The primary and secondary ambient air quality standards for sulfur oxides, particulate matter, carbon monoxide, total nonmethane hydrocarbons, nitrogen dioxide, hydrogen sulfide, hydrogen fluoride, total fluorides and odors measured by reference methods specified by the department, or by equivalent methods, are:

(1) Sulfur Oxides (sulfur dioxide):

(a) Primary standards:

1. 80 micrograms per cubic meter (0.03 ppm) - annual arithmetic mean.
2. 365 micrograms per cubic meter (0.14 ppm) - maximum 24-hour average not to be exceeded more than once per year.

(b) Secondary standards: 1300 micrograms per cubic meter (0.50 ppm) - maximum 3-hour average not to be exceeded more than once per year.

(2) Particulate Matter:

(a) Primary standards:

1. 75 micrograms per cubic meter - annual geometric mean.
2. 260 micrograms per cubic meter - maximum 24-hour average not to be exceeded more than once per year.
3. 6.0 COH/1000 LF - maximum 24-hour average of soiling index not to be exceeded more than once per year.

(b) Secondary standards:

1. 60 micrograms per cubic meter - annual geometric mean, to be used as a guide in assessing implementation plans to achieve the 24-hour standard.
2. 150 micrograms per cubic meter - maximum 24-hour average not to be exceeded more than once per year.
3. 0.4 COH/1000 LF - annual arithmetic mean of soiling index.
4. 0.5 COH/1000 LF - maximum three-month average of soiling index not be exceeded
5. 0.3 COH/1000 LF - maximum 24-hour average not to be exceeded more than once per year.
6. [5.] 15 tons per square mile per month (5.25 g/sq.m/mo) - maximum three-month average of settleable particulates (total water solubles and insolubles) not to be exceeded more than once per year.

(3) Carbon Monoxide: Primary and secondard standards:

(a) 10 milligrams per cubic meter (9 ppm) - maximum 8-hour average not to be exceeded more than once per year.

(b) 40 milligrams per cubic meter (35 ppm) - maximum 1-hour average not to be exceeded more than once per year.

(4) Photochemical Oxidants: Measured as O3 [ozone] and corrected for interferences due to nitrogen oxides and sulfur dioxide. Primary and secondary standards: 160 micrograms per cubic meter (0.08 ppm) - maximum 1-hour average not to be exceeded more than once per year.

(5) Hydrocarbons: Measured as CH4 [methane] and corrected for methane, to be used as a guide in devising implementation plans to achieve photochemical oxidants standards. Primary and secondary standards: 160 micrograms per cubic meter (0.24 ppm) - maximum 3-hour average (6 to 9 a.m.) not to be exceeded more than once per year.

(6) Nitrogen Dioxide: Primary and secondary standards: 100 micrograms per cubic meter (0.5 ppm) - annual arithmetic mean.

(7) Hydrogen Sulfide: Secondary standards: 14 micrograms per cubic meter (0.01 ppm) - maximum 1-hour average not to be exceeded more than once per year.

(8) Gaseous [Hydrogen] Fluoride (expressed as HF): Primary standards:

(a) 0.82 micrograms per cubic meter (1 ppb) - maximum 1-month average not to be exceeded more than once per year.

(b) 1.64 micrograms per cubic meter (2 ppb) - maximum 1-week average not to be exceeded more than once per year.

(c) 2.86 micrograms per cubic meter (3.5 ppb) - maximum 24-hour average not to be exceeded more than once per year.

(d) 3.68 micrograms per cubic meter (4.5 ppb) - maximum 12-hour average not to be exceeded more than once per year.

(9) Total Fluorides: Dry weight basis (as fluoride ion) in and on forage for consumption by grazing ruminants. Primary standards:

(a) Not to exceed 40 ppm (w/w) – average concentration of monthly samples over growing season (not to exceed 6 consecutive months).
(b) Not to exceed 60 ppm (w/w) – 2-month average.
(c) Not to exceed 80 ppm (w/w) – 1-month average.

(10) Odors: Secondary standard: At any time not to equal or exceed 7 dilutions.

Section 5. Time Schedule for Achieving Air Quality Standards. [(1)] Primary and secondary air quality standards shall be achieved no later than April 9, 1975; except for sulfur dioxide which shall be achieved no later than July 1, 1977.

[(2) Secondary air quality standards shall be achieved within a reasonable period of time but in no case later than April 9, 1978; except for sulfur dioxide which shall be achieved no later than July 1, 1980.]

Section 6. Methods of Measurement. Air contaminants shall be measured by the reference [method (or methods) and frequency specified by the department] or [by an] equivalent methods and at such frequency as specified in United States Environmental Protection Agency regulations on National Primary and Secondary Ambient Air Quality Standards (40 CFR 50) and on Preparation of Implementation Plans (40 CFR 51).

JOHN S. HOFFMAN, Secretary

ADOPTED: June 5, 1975
RECEIVED BY LRC: June 6, 1975 at 2:08 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Air Pollution
(Proposed Correction)

401 KAR 3:030. Emergency episodes.

RELATES TO: KRS Chapter 224
PURSUANT TO: KRS 13.082, 224.033(17)
SUPERSEDES: AP-1 (Section 9)
NECESSITY AND FUNCTION: KRS 224.033 requires the Department for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement and control of air pollution. This regulation is to provide for the prevention of the excessive build up of air contaminants during air pollution episodes thereby preventing the occurrence of an emergency due to the effects of those contaminants on the public health.

Section 1. Purpose. Notwithstanding any other provision of the air pollution control regulations, this episode regulation is designed to prevent ambient pollutant concentrations at any location from reaching the following levels which could cause significant harm to the health of persons.

(1) SO2: 2,620 ug/cubic meter (1.0 ppm), 24-hour average.
(2) Particulate: 1,000 ug/cubic meter or 8 COHs/1000 linear feet, 24-hour average.
(3) SO2 and Particulate combined: product of SO2 ppm (24-hour average) and COHs/1000 linear feet (24-hour average) equal to 1.5; or product of SO2 ug/cubic meter (24-hour average) and particulate ug/cubic meter (24-hour average) equal to 490,000 [490 X 10 cubed].
(4) CO: 57.5 mg/cubic meter (50 ppm), 8-hour average. 86.3 mg/cubic meter (75 ppm), 4-hour average. 144 mg/cubic meter (125 ppm), 1-hour average.
(5) Photochemical Oxidants: 1,200 ug/cubic meter (0.6 ppm), 1-hour average.
(6) NO2: 3,750 ug/cubic meter (2.0 ppm), 1-hour average. 938 ug/cubic meter (0.5 ppm), 24-hour average.

Section 2. Episode Criteria. Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the department determines that the accumulation of air contaminants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, present a threat to the health of the public. In making this determination, the department shall be guided by the following criteria:

(1) Air pollution forecast: An internal watch by the department shall be actuated by a National Weather Service Advisory that an Atmospheric Stagnation Advisory is in effect.
(2) Alert: An alert level is that concentration of pollutants at which first stage control actions are to begin. An alert will be declared when any one of the following levels is reached at any monitoring site and meteorological conditions are such that the pollutant concentrations can be expected to remain at these levels for twelve (12) or more hours or increase, or in the case of oxidants the situation is likely to reoccur within the next twenty-four (24) hours, unless control actions are taken.
(a) SO2: 800 ug/cubic meter (0.3 ppm), 24-hour average.
(b) Particulate: 3.0 COHs/1000 linear feet or 375 ug/cubic meter, 24-hour average.
(c) SO2 and particulate combined: product of SO2 ppm, (24-hour average) and COHs/1000 linear feet (24-hour average) equal to 0.2; or product of SO2 ug/cubic meter (24-hour average) and particulate ug/cubic meter (24-hour average) equal to 65,000 [65 X 10 cubed].
(d) CO: 17 mg/cubic meter (15 ppm), 8-hour average.
(e) Oxidants (03): 200 ug/cubic meter (0.1 ppm), 1-hour average.
(f) NO2: 1130 ug/cubic meter (0.6 ppm), 1-hour average; 282 ug/cubic meter (0.15 ppm), 24-hour average.

(3) Warning: A warning level indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when any one of the following levels is reached at any monitoring site and meteorological conditions are such that pollutant concentrations can be expected to remain at these levels for twelve (12) or more hours or increase, or in the case of oxidants the situation is likely to reoccur within the next twenty-four (24) hours, unless control actions are taken.
(a) SO2: 1600 ug/cubic meter (0.6 ppm), 24-hour average.
(b) Particulate: 5.0 COHs/1000 linear feet or 625 ug/cubic meter, 24-hour average.
(c) SO2 and particulate combined – product of SO2 ppm, (24-hour average) and COHs/1000 linear feet (24-hour average) equal to 0.8; or product of SO2 ug/cubic meter (24-hour average) and particulate ug/cubic meter (24-hour average) equal to 261,000 [261 X 10 cubed].
(d) CO: 34 mg/cubic meter (30 ppm), 8-hour average.
(e) Oxidants (03): 800 ug/cubic meter (0.4 ppm), 1-hour average.
(f) NO2: 2,260 ug/cubic meter (1.2 ppm), 1-hour average; 565 ug/cubic meter (0.3 ppm), 24-hour average.

(4) Emergency: An emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours or increase, or in the case of oxidants the situation is likely to reoccur within the next twenty-four (24) hours, unless control actions are taken.
(a) SO2: 2,100 ug/cubic meter (0.8 ppm), 24-hour average.
(b) Particulate: 7.0 COHs/1000 linear feet or 875 ug/cubic meter, 24-hour average.
(c) SO2 and Particulates combined: product of SO2 ppm (24-hour average) and COHs/1000 linear feet (24-hour average) equal to 1.2; or product of SO2 ug/cubic meter (24-hour average) and particulate ug/cubic meter (24-hour average) equal to 393,000 [393 X 10 cubed].
(d) CO: 46 mg/cubic meter (40 ppm), 8-hour average.
(e) Oxidants (03): 1200 ug/cubic meter (0.6 ppm), 1-hour average.
(f) NO2: 3,000 ug/cubic meter (1.6 ppm), 1-hour average; 750 ug/cubic meter (0.4 ppm), 24-hour average.

(5) Termination: Any status declared by the application of these criteria will remain in effect until the criteria for that level are not longer met. At such time the next lower appropriate status will be assumed.
(6) An episode status based on the deterioration of air quality alone may be declared. An air stagnation advisory need not be in effect.
(7) An appropriate episode status shall be declared when any monitoring site records ambient air quality levels as designated in the episode criteria herein. The criteria shall be applied to individual monitoring sites and not to area wide air quality.

Section 3. Emission Reduction Plans. (1) 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 Section 5 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.
(2) Air Pollution Warning. When the director declares an air pollution warning, any person responsible for the operation of a source of air contaminants as set forth in Section 6 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.
(3) Air Pollution Emergency. When the director declares an air pollution emergency, any person responsible for the operation of a source of air contaminants described in Section 7 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.

Section 4. Preplanned Abatement Strategies. (1) Any person responsible for the operation of a source of air pollutants as set forth in Sections 5 to 7 shall prepare standby plans for reducing the emission of air pollutants during episode periods (air pollution alert, warning and emergency). Standby plans shall be designed to reduce or eliminate emission of air pollutants in accordance with the objectives set forth in Sections 5 to 7 of this regulation.
(2) Any person responsible for the operation of a source of air pollutants not set forth under subsection (1) of this section shall, when requested by the director in writing, prepare standby plans for reducing the emission of air pollutants during episode periods. Standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the objectives set forth in Sections 5 to 7.
(3) Standby plans as required under subsections (1) and (2) of this section shall be in writing and identify the sources of air pollutants, the approximate amount of reduction of pollutants, and a brief description of the manner in which the

reduction will be achieved during episode periods.

(4) During episode periods, standby plans required by this section shall be made available on the premises to any person authorized to enforce the provisions of the standby plan.

(5) Standby plans required by this section shall be submitted to the department upon request within thirty (30) days of the receipt of such request; such plans shall be subject to review and approval by the department. If in the opinion of the department, a plan does not effectively carry out the objectives as set forth in Sections 5 to 7, the department may disapprove it, state its reasons for disapproval and order the preparation of an amended plan within the time period specified in the order.

Section 5. Abatement Strategies Emission Reduction Plans: Alert Level. (1) General:

(a) There shall be no open burning by any person of tree waste, vegetation, refuse, or debris in any form.

(b) The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12 noon and 4 p.m., local time.

(c) Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m., local time.

(d) Persons operating motor vehicles should eliminate all unnecessary operations.

(2) Source curtailment. Any person responsible for the operation of a source of air contaminant listed below shall take all required control actions for this alert level.

(a) When the source of air contaminant is coal or oil fired electric power generating facilities:

1. Substantial reduction by utilization of fuels having low ash and sulfur content.
2. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
3. Substantial reduction by diverting electric power generation to facilities outside of alert area.

(b) When the source of air contaminant is coal and oil fired process steam generating facilities:

1. Substantial reduction by utilization of fuels having low ash and sulfur content.
2. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
3. Substantial reduction of steam load demands consistent with continuing plant operations.

(c) When the source of air contaminant is manufacturing industries of the following classifications: primary metals industry, petroleum refining operations, chemical industries, mineral processing industries, paper and allied products and grain industry:

1. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and all operations.
2. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors or malodorous substances.
3. Maximum reduction of heat load demands for processing.
4. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

Section 6. Emission Reduction Plans: Warning Level. (1) General.

(a) There shall be no open burning by any person of tree waste, vegetation, refuse or debris in any form.

(b) The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

(c) Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m. local time.

(d) Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and the elimination of unnecessary operation.

(2) Source curtailment. Any person responsible for the operation of a source of air contaminant listed below shall take all required control actions for this warning level.

(a) When the source of air contaminant is coal or oil fired electric power generating facilities:

1. Maximum reduction by utilization of fuels having lowest ash and sulfur content.
2. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
3. Maximum reduction by diverting electric power generation to facilities outside of warning area.

(b) When the source of air contaminant is coal and oil fired process steam generating facilities:

1. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.
2. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
3. Making ready for use a plan of action to be taken if an emergency develops.

(c) When the source of air contaminant is manufacturing industries which may require considerable lead time for shut-down including the following classifications: petroleum refining, chemical industries, primary metals industries, glass industries, paper and allied products:

1. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operation.
2. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances.
3. Maximum reduction of heat load demands for processing.
4. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

(d) When the source of air contaminant is manufacturing industries which may require relatively short lead times for shut-down including the following classifications: primary metals industries, chemical industries, mineral processing industries and grain industry:

1. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
2. Elimination of air contaminants from the trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.
3. Maximum reduction of heat load demands for processing.
4. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

Section 7. Emission Reduction Plans: Emergency Level. (1) General.

(a) There shall be no open burning by any person of tree waste, vegetation, refuse, or debris in any form.

(b) The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

(c) All places of employment described below shall immediately cease operations:

1. Mining and quarrying of nonmetallic minerals.
2. All construction work except that which must proceed to avoid emergent physical harm.
3. All manufacturing establishments except those required to have in force an air pollution emergency plan.
4. Wholesale trade establishments: i.e., places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies.
5. All offices of local, county, and state government including authorities, joint meetings and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or state government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.
6. All retail trade establishments except pharmacies and stores primarily engaged in the sale of food.
7. Banks; credit agencies other than banks; securities and commodities brokers, dealers, and exchanges and services; offices of insurance carriers, agents and brokers; real estate offices.
8. Wholesale and retail laundries, laundry services; photographic studios; beauty shops, barbershops; shoe repair shops.
9. Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing list and stenographic services; equipment rental services, commercial testing laboratories.
10. Automobile repair, automobile services, garages.
11. Establishments rendering amusement and recreation services including motion picture theaters.
12. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

(d) All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing, or postponing operations which emit air contaminants, to the extent possible without causing injury to persons or damage to equipment.

(e) The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

(2) Source curtailment. Any person responsible for the operation of a source of air contaminant listed below shall take all required control actions for this emergency level.

(a) When the source of air contaminant is coal or oil fired electric power generating facilities:

1. Maximum reduction by utilization of fuels having lowest ash and sulfur content.
2. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
3. Maximum reduction by diverting electric power gener-

ation to facilities outside of emergency area.
(b) When the source of air contaminant is coal and oil fired process steam generating facilities:
1. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
2. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
3. Taking the action called for in the emergency plan.
(c) When the source of air contaminant is manufacturing industries of the following classifications: primary metal industries, petroleum refining, chemical industries, mineral processing industries, grain industry, paper and allied products:
1. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
2. Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.
3. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

JOHN S. HOFFMAN, Secretary

ADOPTED: June 5, 1975
RECEIVED BY LRC: June 6, 1975 at 2:08 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Air Pollution
(Proposed Amendment)

401 KAR 3:040. Emission standards for hazardous air pollutants.

RELATES TO: KRS 224.033, 224.330
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: KRS 224.033 and 224.330 require the Department for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement and control of air pollution. This regulation is to provide for the control of emission of hazardous air pollutants to protect the public health.

Section 1. Applicability. The provisions of this regulation apply to the owner or operator of any stationary source for which a standard is prescribed under this regulation. New or modified sources must comply with all standards upon commencing operation. Existing sources shall comply within ninety (90) days after the effective date of this regulation.

Section 2. Definitions. As used in this regulation, all terms not defined herein shall have the meaning given them in 401 KAR 3:010.
(1) "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference method or an equivalent method but which has been demonstrated to the United States Environmental Protection Agency's [department's] satisfaction to produce, in specific cases, results adequate for its determination of compliance.
(2) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.
(3) "Construction" means fabrication, erection, or installation of a stationary source.
(4) "Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated to the United States Environmental Protection Agency's [department's] satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.
(5) "Existing source" means any stationary source which is not a new source.
(6) "Modification" means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any hazardous air pollutant emitted by such source or which results in the emission of any hazardous air pollutant not previously emitted, except that:
(a) Routine maintenance, repair, and replacement shall not be considered physical changes, and
(b) The following shall not be considered a change in the method of operation:
1. An increase in the production rate, if such increase does not exceed the operating design capacity of the stationary source;
2. An increase in hours of operation.
(7) "New source" means any stationary source, the construction or modification of which is commenced after the effective date of this regulation.
(8) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.
(9) "Reference method" means any method of sampling and analyzing for an air pollutant, as specified by the United States Environmental Protection Agency regulation on National Emission Standards for Hazardous Air Pollutants (40 CFR 61) [department].
(10) "Startup" means the setting in operation of a stationary source for any purpose.
(11) "Standard" means an emission standard for a hazardous air pollutant adopted under this regulation.
(12) "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant which has been designated as hazardous by the department.

Section 3. Potential Hazardous Emissions. Persons responsible for a source from which hazardous matter may be emitted including but not limited to, antimony, arsenic, asbestos, beryllium, bismuth, lead, mercury, silica, tin, and compounds of such materials, and other toxic materials shall give the utmost care and consideration to the potential harmful effects of the emissions resulting from such activities. Evaluation of such facilities as to adequacy, and emission potential will be made on an individual basis by the department.

Section 4. Emission Standard for Asbestos.
(1) Applicability. The provisions of this section are applicable to those sources specified in subsection (3) of this section.
(2) Definitions. Terms used in this section not defined herein shall have the meaning given to them in 401 KAR 3:010 and in Section 2 of this regulation:
(a) "Asbestos" means actinolite, amosite, anthophylite, chrysotile, crocidolite, tremolite.
(b) "Asbestos material" means asbestos or any material containing asbestos.
(c) "Particulate asbestos material" means finely divided particles of asbestos material.
(d) "Asbestos tailings" means any solid waste product of asbestos mining or milling operations which contains asbestos.
(e) "Outside air" means the air outside buildings and structures.
(f) "Visible emissions" means any emissions which are visually detectable without the aid of instruments and which contain particulate asbestos material.
(g) "Asbestos mill" means any facility engaged in the conversion or any intermediate step in the conversion of asbestos ore into commercial asbestos. Outside storage of asbestos materials is not considered a part of such facility.
(h) "Commercial asbestos" means any variety of asbestos which is produced by extracting asbestos from asbestos ore.
(i) "Manufacturing" means the combining of commercial asbestos, or in the case of woven friction products the combining of textiles containing commercial asbestos, with any other material(s), including commercial asbestos, and the processing of this combination into a product as specified in subsection (3)(c) of this section.
(j) "Demolition" means the wrecking or removal of any load-supporting structural member.
(3) Emission Standard:
(a) Asbestos mills: There shall be no visible emissions to the outside air from any asbestos mill except as provided in paragraph (f) of this subsection.
(b) Roadways: The surfacing of roadways with asbestos tailings is prohibited, except for temporary roadways on an area of asbestos ore deposits. The deposition of asbestos tailings on roadways covered with snow or ice is considered "surfacing."
(c) Manufacturing: There shall be no visible emissions to the outside air, except as provided in paragraph (f) of this subsection, from any building or structure in which the following operations are conducted outside of buildings or structures:
1. The manufacture of cloth, cord, wicks, tubing, tape, twine, rope, thread, yarn, roving, lap or other textile materials.
2. The manufacture of cement products.
3. The manufacture of fireproofing and insulating materials.
4. The manufacture of friction products.
5. The manufacture of paper, millboard, and felt.
6. The manufacture of floor tile.
7. The manufacture of paints, coatings, caulks, adhesives, sealants.
8. The manufacture of plastics and rubber materials.
9. The manufacture of chlorine.
(d) Demolition: Any owner or operator of a demolition operation who intends to demolish any institutional, commercial, or industrial building (including apartment buildings having more than four (4) dwelling units), structure, facility, installation, or portion thereof which contains any boiler, pipe, or load-supporting structural member that is insulated or fireproofed with friable asbestos material shall comply with the requirements set forth in this subsection.
1. Notice of intention to demolish shall be provided to the department by the owner or operator of the demoliton operation. Such notice shall be postmarked at least ten (10) days prior to commencement of demolition or anytime prior to commencement of demolition subject to paragraph (d)4. of this subsection.
2. Such notice shall include the following information:
a. Name of owner or operator.
b. Address of owner or operator.

c. Description of the building, structure, facility, or installation to be demolished.
d. Address or location of the building, structure, facility or installation.
e. Scheduled starting and completion dates of demolition.
f. Method of demolition to be employed.
g. Procedures to be employed to meet the requirements of this section.

3. The following procedures shall be used to prevent emissions of particulate asbestos material to outside air:

a. Friable asbestos materials, used to insulate or fireproof any boiler, pipe, or load-supporting structural member, shall be wetted and removed from any building, structure, facility, or installation subject to this subsection before wrecking of load-supporting structural members is commenced. Boilers, pipe, or load-supporting structural members that are insulated or fireproofed with friable asbestos materials may be removed as units or in sections without stripping or wetting, except that where the boiler, pipe or load-supporting structural member is cut or disjointed, the exposed friable asbestos materials shall be wetted. Friable asbestos debris shall be wetted adequately to insure that such debris remains wet during all stages of demolition and related handling operations.

b. No pipe or load-supporting structural member that is covered with friable asbestos insulating or fireproofing material shall be dropped or thrown to the ground from any building, structure, facility, or installation subject to this subsection, but shall be carefully lowered or taken to ground level.

c. No friable asbestos debris shall be dropped or thrown to the ground from any building, structure, facility, or installation subject to this paragraph or from any floor to any floor below. For buildings, structures, facilities, or installations, fifty (50) feet or greater in height, friable asbestos debris shall be transported to the ground via dust-tight chutes or containers.

4. Any owner or operator of a demolition operation who intends to demolish a building, structure, facility, or installation to which the provisions of this subsection would be applicable but which has been declared by proper state or local authority to be structurally unsound and which is in danger of imminent collapse is exempt from the requirements of this section other than the reporting requirements specified by paragraph (d) 1. of this subsection and the wetting of friable asbestos debris as specified by paragraph (d) 3.a. of this subsection.

(e) Spraying: There shall be no visible emissions to the outside air from the spray-on application of materials containing more than one (1) percent asbestos, on a dry weight basis, used to insulate or fireproof equipment and machinery, except as provided in paragraph (f) of this subsection. Spray-on materials used to insulate or fireproof buildings, structures, pipes, and conduits shall contain less than 1 percent asbestos on a dry weight basis. Any owner or operator who intends to spray asbestos materials to insulate or fireproof buildings, structures, pipes, conduits, equipment, and machinery shall report such intention to the department at least twenty (20) days prior to the commencement of the spraying operation. Such report shall include the following information:

1. Name of owner or operator.
2. Address of owner or operator.
3. Location of spraying operation.
4. Procedures to be followed to meet the requirements of this paragraph.

(f) Rather than meet the no-visible-emission requirements of paragraphs (a), (c) and (e) of this subsection an owner or operator may elect to use the methods specified by subsection (4) of this section to clean emissions containing particulate asbestos material before such emissions escape to, or are vented to, the outside air.

(g) Where the presence of uncombined water is the sole reason for failure to meet the no-visible-emission requirement of paragraphs (a), (c) or (e) of this subsection, such failure shall not be a violation of such emission requirements.

(4) Air Cleaning. If air-cleaning is elected, as provided by subsection (3) (f) of this section, the requirements of this subsection shall be met.

(a) Fabric filter collection devices shall be used, except as noted in paragraphs (b) and (c) of this subsection. Such devices shall be operated at a pressure drop of no more than 4 inches water gauge, as measured across the filter fabric. The airflow permeability, as determined by a method specified by the department, must not exceed 30 cubic feet/min/square foot for woven fabrics or 35 cubic feet/min/square foot for felted fabrics, except that 40 cubic feet/min/square foot for woven and 45 cubic feet/min/square foot for felted fabrics is allowed for filtering air from asbestos ore dryers. Each square yard of felted fabric shall weigh at least fourteen (14) ounces and be at least one-sixteenth (1/16) inch thick throughout. Synthetic fabrics shall not contain fill yarn other than that which is spun.

(b) If the use of fabric filters creates a fire or explosion hazard, the department may authorize the use of wet collectors designed to operate with a unit contacting energy of at least forty (40) inches water gauge pressure.

(c) The department may authorize the use of filtering equipment other than that described in paragraphs (a) and (b) of this subsection if the owner or operator demonstrates to the satisfaction of the department that the filtering of particulate asbestos material is equivalent to that of the described equipment.

(d) All air-cleaning equipment authorized by this subsection shall be properly installed, used, operated, and maintained. Bypass devices may be used only during upset or emergency conditions and then only for so long as it takes to shut down the operation generating the particulate asbestos material.

(5) Reporting. The owner or operator of any existing source to which this section is applicable shall, within ninety (90) days after the effective date of this regulation provide the following information to the Department:

(a) A description of the emission control equipment used for each process;

(b) If a fabric filter device is used to control emissions, the pressure drop across the fabric filter in inches water gauge.

1. If the fabric filter device utilizes a woven fabric, the airflow permeability in cubic feet/min/square foot; and, if the fabric is synthetic, indicate whether the fill yarn is apun or not spun.
2. If the fabric filter device utilizes a felted fabric, the density in ounces/square yard the minimum thickness in inches, and the airflow permeability in cubic feet/min/square foot.

Section 5. Emission Standard for Beryllium. (1) Applicability. The provisions of this section are applicable to the following stationary sources:

(a) Extraction plants, ceramic plants, foundries, incinerators, and propellant plants which process beryllium ore, beryllium, beryllium oxide, beryllium alloys, or beryllium-containing waste.

(b) Machine shops which process beryllium, beryllium oxides, or any alloy when such alloy contains more than five (5) percent beryllium by weight.

(2) Definitions. Terms used in this section not defined herein shall have the meaning given to them in 401 KAR 3:010 and in Section 2 of this regulation.

(a) "Beryllium" means the element beryllium. Where weights or concentrations are specified, such weights or concentrations apply to beryllium only, excluding the weight or concentration of any associated elements.

(b) "Extraction plant" means a facility chemically processing beryllium ore to beryllium metal alloy, or oxide, or performing any of the intermediate steps in these processes.

(c) "Beryllium ore" means any naturally occurring material mined or gathered for its beryllium content.

(d) "Machine shop" means a facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.

(e) "Ceramic plant" means a manuafacturing plant producing ceramic items.

(f) "Foundry" means a facility engaged in the melting or casting of beryllium metal or alloy.

(g) "Berryllium-containing waste" means material contaminated with beryllium and/or beryllium compounds used or generated during any process or operation performed by a source subject to this section.

(h) "Incinerator" means any furnace used in the process of burning waste for the eprimary purpose of reducing the volume of the waste by removing combustible matter.

(i) "Propellant" means a fuel and oxidizer physically or chemically combined which undergoes combustion to provide rocket propulsion.

(j) "Beryllium alloy" means any metal to which beryllium has been added in order to increase its beryllium content and which contains more than 0.1 percent beryllium by weight.

(k) "Propellant plant" means any facility engaged in the mixing, casting or machining of propellants.

(3) Emission standard:

(a) Emissions to the atmosphere from stationary sources subject to the provisions of this section shall not exceed ten (10) grams of beryllium over a twenty-four (24) hour period, except as provided in paragraph (b) of this subsection.

(b) Rather than meet the requirements of paragraph (a) of this subsection, an owner or operator may request approval from the department to meet an ambient concentration limit on beryllium in the vicinity of the stationary source of 0.01 ug/cubic meter averaged over a thirty (30) day period.

1. Approval of such requests may be granted by the department provided that:

a. At least three (3) years of data is available which in the judgment of the department demonstrates that the future ambient concentrations of beryllium in

the vicinity of the stationary source will not exceed 0.01 ug/cubic meter, averaged over a thirty (30) day period. Such three (3) year period shall be the three (3) years ending thirty (30) days before the effective date of this regulation.

b. The owner or operator requests such approval in writing within thirty (30) days after the effective date of this regulation.

c. The owner or operator submits a report to the department within forty-five (45) days after the effective date of this regulation which includes the following information:

(i) Description of sampling method including the method and frequency of calibration.

(ii) Method of sample analysis.

(iii) Averaging technique for determining thirty (30) day average concentrations.

(iv) Number, identity, and location (address, coordinates, or distance and heading from plant) of sampling sites.

(v) Ground elevations and height above ground of sampling inlets.

(vi) Plant and sampling area plots showing emission points and sampling sites. Topographic features significantly affecting dispersion including plant building heights and locations shall be included.

(vii) Information necessary for estimating dispersion including stack height, inside diameter, exit gas temperature, exit velocity or flow rate and beryllium concentrations.

(viii) A description of data and procedures (methods or models) used to design the air sampling network (i.e. number and location of sampling sites).

(ix) Air sampling data indicating beryllium concentrations in the vicinity of the stationary source for the three (3) year period specified in subsection (3)(b)1. of this section. This data shall be presented chronologically and include the beryllium concentration and location of each individual sample taken by the network and the corresponding thirty (30) day average beryllium concentrations.

2. Within sixty (60) days after receiving such report, the department shall notify the owner or operator in writing whether approval is granted or denied. Prior to denying approval to comply with the provisions of paragraph (b)1. of this subsection, the department will consult with representatives of the air contaminant source for which the demonstration report was submitted.

(c) The burning of beryllium and/or beryllium-containing waste, except propellants, is prohibited except in incinerators, emissions from which must comply with the standards specified in this section.

(4) Stack sampling:

(a) Each owner or operator required to comply with subsection (3)(a) of this section shall test emissions from his source as set forth in 40 CFR 61 as follows:

1. Within ninety (90) days of the effective date of this regulation in the case of an existing source or a new source which has initial startup date preceding the effective date of this regulation; or

2. Within ninety (90) days of startup in the case of a new source which does not have an initial startup date preceding the effective date of this regulation.

(b) The department shall be notified at least thirty (30) days prior to an emission test so that it may observe the tests.

(c) Samples shall be taken over such period or periods as are necessary to accurately determine the maximum emissions which will occur in any twenty-four (24) hour period. Where emissions depend upon the relative frequency of operation of different types of processes, operating hours, operating capacities, or other factors, the calculation of maximum twenty-four (24) hour period emissions will be based on that combination of factors which are likely to occur during the subject period and which result in the maximum emissions. No changes in the operation shall be made, which would potentially increase emissions above that determined by the most recent source test, until a new emission level has been estimated by calculation and the results reported to the department.

(d) All samples shall be analyzed and beryllium emissions shall be determined within thirty (30) days after the source test. All determinations shall be reported to the department.

(e) Records of emission test results and other data needed to determine total emissions shall be retained at the source and made available, for inspection by the department, for a minimum of two (2) years.

(5) Air sampling:

(a) Stationary sources subject to subsection (3)(b) of this section shall locate air sampling sites in accordance with a plan approved by the department. Such sites shall be located in such a manner calculated to detect maximum concentrations of beryllium in the ambient air.

(b) All monitoring sites shall be operated continuously except for a reasonable time allowance for instrument maintenance and calibration, for changing filters, or for replacement of equipment needing major repair.

(c) Filters shall be analyzed and concentrations calculated within thirty (30) days after filters are collected. Records of concentrations at all sampling sites and other data needed to determine such concentrations shall be retained at the source and made available, for inspection by the department, for a minimum of two (2) years.

(d) Concentrations measured at all sampling sites shall be reported to the department every thirty (30) days.

(e) The department may at any time require changes in, or expansion of, the sampling network.

Section 6. Emission Standard for Mercury. (1) Applicability. The provisions of this section are applicable to those stationary sources which process mercury ore to recover mercury, or use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide.

(2) Definitions. Terms used in this section not defined herein shall have the meaning given to them in 401 KAR 3:010 and in Section 2 of this regulation:

(a) "Mercury" means the element mercury, excluding any associated elements, and includes mercury in particulates, vapors, aerosols, and compounds.

(b) "Mercury ore" means a mineral mined specifically for its mercury content.

(c) "Mercury ore processing facility" means a facility processing mercury ore to obtain mercury.

(d) "Condenser stack gases" means the gaseous effluent evolved from the stack of processes utilizing heat to extract mercury metal from mercury ore.

(e) "Mercury chlor-alkali cell" means a device which is basically composed of an electrolyzer section and a denuder (decomposer) section and utilizes mercury to produce chlorine gas, hydrogen gas and alkali metal hydroxide.

(f) "Mercury chlor-alkali electrolyzer" means an electrolytic device which is part of a mercury chlor-alkali cell and utilizes a flowing mercury cathode to produce chlorine gas and alkali metal amalgam.

(g) "Denuder" means a [horizontal or vertical] container which is part of a mercury chlor-alkali cell and in which water and alkali metal amalgam are converted to alkali metal hydroxide, mercury, and hydrogen gas in a short-circuited, electrolytic reaction.

(h) "Hydrogen gas stream" means a hydrogen stream formed in the chlor-alkali cell denuder.

(i) "End box" means a container(s) located on one or both ends of a mercury chlor-alkali electrolyzer which serves as a connection between the electrolyzer and denuder for rich and stripped amalgam.

(j) "End box ventilation system" means a ventilation system which collects mercury emissions from the end-boxes, the mercury pump sumps, and their water collection systems.

(k) "Cell room" means a structure(s) housing one or more mercury electrolytic chlor-alkali cells.

(3) Emission standard. Emissions to the atmosphere from stationary sources subject to the provisions of this section shall not exceed 3,200 grams of mercury per twenty-four (24) hour period.

(4) Stack sampling:

(a) Mercury ore processing facility.

1. Each owner or operator processing mercury ore shall test emissions from his source as set forth in 40 CFR 61 as follows:

a. Within ninety (90) days of the effective date of this regulation in the case of an existing source or a new source which has an initial startup date preceding the effective date of this regulation; or

b. Within ninety (90) days of startup in the case of a new source which did not have an initial startup date preceding the effective date of this regulation.

2. The department shall be notified at least thirty (30) days prior to an emission test, so that it may observe the test.

3. Samples shall be taken over such period or periods as are necessary to accurately determine the maximum emissions which will occur in a twenty-four (24) hour period. No changes in the operation shall be made, which would potentially increase emissions above that determined by the most recent source test, until the new emission level has been estimated by calculation and the results reported to the department.

4. All samples shall be analyzed, and mercury emissions shall be determined within thirty (30) days after the source test. Each determination will be reported to the department.

5. Records of emission test results and other data needed to determine total emissions shall be retained at the source and made available, for inspection by the department for a minimum of two (2) years.

(b) Mercury chlor-alkali plants; hydrogen and end-box ventilation gas streams.

1. Each owner or operator employing mercury chlor-alkali cell(s) shall test emissions from his source as follows:

a. Within ninety (90) days of the effective date of this regulation in the case of an existing source or a new source which has an initial startup date preceding the effective date of this regulation; or
b. Within ninety (90) days of startup in the case of a new source which did not have an initial startup date preceding the effective date of this regulation.
2. The department shall be notified at least thirty (30) days prior to an emission test, so that it may at its option observe the test.
3. Samples shall be taken over such period or periods as are necessary to accurately determine the maximum emissions which will occur in a twenty-four (24) hour period. No changes in the operation shall be made, which would potentially increase emissions above that determined by the most recent source test, until the new emission has been estimated by calculation and the results reported to the department.
4. All samples shall be analyzed and mercury emissions shall be determined within thirty (30) days after the source test. All the determinations will be reported to the department.
5. Records of emission test results and other data needed to determine total emissions shall be retained at the source and made available, for inspection by the department, for a minimum of two (2) years.

(c) Mercury chlor-alkali plants; cell room ventilation system.
1. Stationary sources using mercury chlor-alkali cells may test cell room emissions in accordance with paragraph (c)2. of this subsection or demonstrate compliance with paragraph (c)4. of this subsection and assume ventilation emissions of 1,300 g/day of mercury.
2. Each owner or operator shall pass all cell room air in forced gas streams through stacks suitable for testing as set forth in 40 CFR 61 as follows:
a. Within ninety (90) days of the effective date of this regulation in the case of an existing source or a new source which has an initial startup date preceding the effective date of this regulation; or
b. Within ninety (90) days of startup in the case of a new source which did not have an initial startup date preceding the effective date of this regulation.
3. The department shall be notified at least thirty (30) days prior to an emission test, so that it may at its option observe the test.
4. An owner or operator may carry out approved design, maintenance and housekeeping practices.

Section 7. Emission Standard for Beryllium Rocket Motor Firing. (1) Applicability: The provisions of this section are applicable to rocket motor test sites.

(2) Definitions: Terms used in this section not defined herein shall have the meaning given to them in 401 KAR 3:010 and in Section 2 of this regulation.

(a) "Rocket motor test site" means any building, structure, facility, or installation where the static test firing of a beryllium rocket motor and/or the disposal of beryllium propellant is conducted.
(b) "Beryllium propellant" means any propellant incorporating beryllium.

(3) Emission Standard:
(a) Emissions to the atmosphere from rocket-motor test sites shall not cause time-weighted atmospheric concentrations of beryllium to exceed seventy-five (75) microgram minutes per cubic meter of air within the limits of ten (10) to sixty (60) minutes, accumulated during any two (2) consecutive weeks, in any area in which an effect adverse to public health could occur.
(b) If combustion products from the firing of beryllium propellant are collected in a closed tank, emissions from such tank shall not exceed two (2) grams per hour and a maximum of ten (10) grams per day.

(4) Emission testing; rocket firing or propellant disposal:
(a) Ambient air concentrations shall be measured during and after firing of a rocket motor or propellant disposal and in such a manner that the effect of these emissions can be compared with the standard. Such sampling techniques shall be approved by the department.
(b) All samples shall be analyzed and results shall be calculated within thirty (30) days after samples are taken and before any subsequent rocket motor firing or propellant disposal at the given site. All results shall be reported to the department by a registered letter dispatched before the close of the next business day following determination of such results.
(c) Records of air sampling test results and other data needed to determine integrated intermittent concentrations shall be retained at the source and made available, for inspection by the department, for a minimum of two (2) years.
(d) The department shall be notified at least thirty (30) days prior to an air sampling test, so that it may at its option observe the test.

(5) Stack sampling:
(a) Sources subject to subsection (3)(b) of this section shall be continuously sampled, during release of combustion products from the tank, in such a manner that compliance with the standards can be determined.
(b) All samples shall be analyzed and beryllium emissions shall be determined within thirty (30) days after samples are taken and before any subsequent rocket motor firing or propellant disposal at the given site. All determinations shall be reported to the department by a registered letter dispatched before the close of the next business day following such determinations.
(c) Records of emission test results and other data needed to determine total emissions shall be retained at the source and made available, for inspection by the department, for a minimum of two (2) years.
(d) The department shall be notified at least thirty (30) days prior to an emission test, so that it may at its option observe the test.

JOHN S. HOFFMAN, Secretary
ADOPTED: June 5, 1975
RECEIVED BY LRC: June 6, 1975 at 2:09 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Air Pollution
(Proposed Amendment)

401 KAR 3:050. Standards of performance for new sources.

RELATES TO: KRS Chapter 224
PURSUANT TO: KRS 13.082, 224.033(17)
SUPERSEDES: AP-3, AP-4, AP-5, AP-6 and AP-7
NECESSITY AND FUNCTION: KRS 224.033 requires the Department for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement and control of air pollution. This regulation is to provide standards of performance for new sources of air pollution.

Section 1. General Provisions. (1) Applicability. Unless specifically defined in subsequent sections, the provisions of this regulation shall apply to the owner or operator of any source which contains any new or modified affected facility the construction of which commenced after the effective date of this regulation.

(2) Definitions. As used in this regulation, all terms not defined herein shall have the meaning given them in 401 KAR 3:010.

(a) "Standard" means a standard of performance [proposed or] promulgated under this regulation.
(b) "Source" means one or more affected facilities, which emits or may emit any air contaminant, contained within a given contiguous property line. The property shall be considered contiguous if separated only by a public thoroughfare, stream, or other right of way.
(c) "Affected facility" means, with respect to a source, any apparatus to which a standard is applicable.
(d) "Owner or Operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a source of which an affected facility is a part.
(e) "Construction" means fabrication, erection, or installation of an affected facility.
(f) "Modification" means any physical change in, or change in the method of operation of an affected facility which increases the amount of any air pollutant (to which a standard applies) emitted by such facility or which results in the emission of any air pollutant (to which a standard applies) not previously emitted, except that:
1. Routine maintenance, repair, and replacement shall not be considered physical changes; and
2. The following shall not be considered a change in the method of operation:
a. An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;
b. An increase in hours of operation;
c. Use of an alternative fuel or raw material if, prior to the date any standard under this regulation becomes applicable to such facility, as provided by subsection (1) of this section, the affected facility is designed to accommodate such alternative use.
(g) "Commenced" means, that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete within a reasonable time, a continuous program of construction or modification.
(h) "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods specified by the department.
(i) "Startup" means the setting in operation of an affected facility for any purpose.
(j) "Reference method" means any method of sampling and analyzing for an air pollutant as prescribed in [specified by] the United States Environmental Protection Agency Regulation of Performance for New

Stationary Sources (40 CFR 60) [department].

(k) "Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated to the United States Environmental Protection Agency's [department's] satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

(l) "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the United States Environmental Protection Agency's [department's] satisfaction to, in specific cases, produce results adequate for its determination of compliance.

(m) "Particulate matter" means any finely divided solid or liquid material, other than uncombined water, as measured by the reference method or an equivalent or alternative method.

(n) "Run" means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

(3) Performance test:

(a) 1. Within sixty (60) days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the department the owner or operator of the affected facilities specified below shall conduct performance test(s) and furnish the department a written report of the results of such performance test(s).

a. Process operation with a process weight rate of 100 tons per hour or more.
b. Indirect heat exchanger of more than 250 million BTU per hour.
c. Incinerator with a charging rate of more than 45 metric tons per day (50 tons/day).
d. Portland cement plants.
e. Nitric acid plants.
f. Sulfuric acid plants.
g. Asphalt concrete plants.
h. Petroleum refineries.
i. Affected facilities specified in Sections 11(1), 12(1) and 13(1) of this regulation.
j. Sewage treatment plants.

2. The department may require the owner or operator of an affected facility not specified in paragraph (a) 1. of this subsection to conduct performance test and furnish a written report of the results of such performance test(s), as required by this subsection.

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable section unless the department:

1. Specifies or approves, the use of a reference method with minor changes in methodology,
2. Approves the use of an equivalent method,
3. Approves the use of an alternative method the results of which it has determined to be adequate for indicating whether a specific source is in compliance, or
4. Waives the requirement for performance tests because the owner or operator of a source has demonstrated to the department's satisfaction that the affected facility is in compliance with the standard. Nothing in this paragraph shall be construed to abrogate the department's authority to require testing under 401 KAR 3:010.

(c) The owner or operator shall permit the department to conduct performance tests at any reasonable time, shall cause the affected facility to be operated for purposes of such tests under such conditions as the department may specify based on representative performance of the affected facility, and shall make available to the department such records as may be necessary to determine such performance.

(d) The owner or operator of an affected facility shall provide the department ten (10) days prior notice of the performance test to afford the department the opportunity to have an observer present.

(e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to such facility.
2. Safe sampling platform(s).
3. Safe access to sampling platform(s).
4. Utilities for sampling and testing equipment.

(f) Each performance test shall consist of three (3) separate runs using the applicable test method. Each run shall be conducted for such time and under such conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic mean[s] of the results of the three (3) runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one (1) of the three (3) runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the department's approval, be determined using the arithmetic mean of the results of the two (2) other runs.

(4) Ambient air monitoring. Persons owning or operating any new affected facility for which a standard is prescribed in this regulation when required by the department shall install, use, and maintain ambient air monitoring equipment in accordance with [reference] methods prescribed in United States Environmental Protection Agency Regulation on National Primary and Secondary Ambient Air Quality Standards (40 CFR 50) [or alternate methods] and in such number and frequency prescribed by the department, and shall make periodic ambient air monitoring reports at intervals prescribed by the department.

(5) Compliance with standards and maintenance requirements:

(a) Compliance with standards in this regulation, other than opacity standards, shall be determined only by performance tests established by subsection (3) of this section.

(b) Compliance with opacity standards in this regulation shall be determined by conducting observations in accordance with the reference method as defined in subsection (2)(j) of this section [specified by the department]. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The results of continuance monitoring by transmissometers which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation), performance specification as required by the department, has been properly maintained and (at the time of the alleged violation) calibrated, and that the resulting data have not been tampered with in any way.

(c) The opacity standards set forth in this regulation shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

(d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(e) 1. An owner or operator of an affected facility may request the department to determine opacity of emissions from the affected facility during the initial performance tests required by subsection (3) of this section.

2. Upon receipt from such owner or operator of the written report of the results of the performance tests required by subsection (3) of this section, the department will make a finding concerning compliance with opacity and other applicable standards. If the department finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with subsection (3) of this section, but during the time such performance tests are being conducted fails to meet any applicable opacity standard, the department shall notify the owner or operator and advise it that it may petition the department within ten (10) days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.

3. The department will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the department; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.

4. The department will establish an opacity standard for the affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard.

(6) Circumvention. No owner or operator subject to the provisions of this regulation shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

Section 2. New Stationery Sources: Process Oper-

ations. (1) Applicability. The provisions of this section shall apply to each process operation commenced on or after the effective date of this regulation which shall be the affected facility [on or after April 9, 1972 to each new process operation not otherwise regulated by other sections of this regulation].

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in section 1(2) of this regulation.

(a) "Process operation" means any method, form, action, operation or treatment of manufacturing or processing, and shall include any storage or handling of materials or products, before, during, or after manufacturing or processing;

(b) "Process weight" means the total weight of all materials introduced into any affected facility which may cause any emission of particulate matter, but does not include liquid and gaseous fuels charged, combustion air, or uncombined water.

(c) "Process weight rate" means a rate established as follows:

1. For continuous or long-run steady state operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof;
2. For cyclical or batch unit operations, or unit processes, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.
3. Where the nature of any process operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation which results in the minimum value for allowable emission shall apply.

(d) "Affected facility" as related to process operations means the last operation preceding the emission of air contaminants which results:

1. In the separation of the air contaminant from the process materials, or
2. In the conversion of the process materials into air contaminants, but does not include an air pollution abatement operation.

(3) Standard for particulate matter:

[(a)] No person shall cause, suffer, allow or permit the emission into the open air of particulate matter from any affected facility, or from all air pollution control equipment installed on any affected facility which:

(a)[1.] Is equal to or greater than twenty (20) percent opacity; or,

(b)[2.] Is in excess of the quantity specified in Table 1 of this regulation.

[(b) An affected facility may elect to substitute the following standards in lieu of the value given in Table 1.]

[1. A maximum exit particulate emission concentration of 0.02 grains per standard cubic foot, and]

[2. Air pollution control equipment of at least ninety-seven (97) percent actual efficiency.]

[3. Addition of dilution air shall not constitute compliance.]

(4) Test methods and procedures. The reference methods as defined in subsection (2)(j) of Section 1 shall be used to determine compliance with the standards prescribed in this regulation.

TABLE 1
ALLOWABLE RATE OF PARTICULATE EMISSION
BASED ON PROCESS WEIGHT

Process Weight Rate		Maximum Allowable Emission Rate
Lb./Hr.	Tons/Hr.	Lb./Hr.
100 or less	0.05 or less	0.56
200	0.10	0.86
400	0.20	1.32
600	0.30	1.70
800	0.40	2.03
1000	0.50	2.34
1500	0.75	3.00
2000	1.00	3.59
2500	1.25	4.12
3000	1.50	4.62
3500	1.75	5.08
4000	2.00	5.52
5000	2.50	6.34
6000	3.00	7.09
7000	3.50	7.81
8000	4.00	8.48
9000	4.50	9.12
10000	5.00	9.74
12000	6.00	10.90
16000	8.00	13.03
18000	9.00	14.02
20000	10.00	14.97
30000	15.00	19.24
40000	20.00	23.00
50000	25.00	26.41
60000	30.00	29.57
70000	35.00	30.57
80000	40.00	31.23
90000	45.00	31.83
100000	50.00	32.37
120000	60.00	33.33
140000	70.00	34.16
160000	80.00	34.90
200000	100.00	36.17
1000000	500.00	46.79
2000000	1000.00	52.28
6000000	3000.00	62.32

Interpolation of the data for process weight rates up 60,000 lb./hr. shall be accomplished by use of the equation E = P(0.62) [P(0).(62)], and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb./hr. shall be accomplished by use of the equation E = 17.31 P(0.16) [P(0).(16)], where E = rate of emission in lb./hr. and P = process weight rate in tons/hr.

Section 3. Standards of Performance for Indirect Heat Exchangers. (1) Applicability. The provisions of this section shall apply [on or after April 9, 1972] to each indirect heat exchanger commenced on or after April 9, 1972, which is the affected facility. This section shall not apply to the following: Indirect heat exchangers with a capacity of one (1) million BTU per hour input or less [if solid fuel or residual oil is burned,] and indirect heat exchangers using natural gas, liquid petroleum gas, or distillate fuel oil as a main fuel or combination of these as main or standby fuel, with a capacity of less than fifty (50) million BTU per hour input. The combined total heat input capacity of all affected facilities shall be used to determine the total allowable emissions from a source.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(a) "Indirect heat exchanger" means any piece of equipment, apparatus or contrivance used for the combustion of fuel in which the energy produced is transferred to its point of usage through a medium that does not come in contact with or add to the products of combustion.

(b) "Fuel" means natural gas, petroleum, coal, wood, and any form of solid, liquid, or gaseous fuel derived from such materials for the purpose of creating useful heat.

(c) "Particulate matter" means any finely divided liquid or solid material, other than uncombined water, as measured by a method specified by the department.

(3) Standard for particulate matter. On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this section shall cause to be discharged into the atmosphere from any affected facility any gases which:

(a) Contain particulate matter in excess of the weights for each million BTU per hour heat input derived from fuel at any specified capacity rating (expressed in millions of BTU per hour heat input) as listed in the table below:

Mm. BTU/Hr. Heat Input	Maximum Particulate Emission Rate, Pounds Per Million BTU Input
10 or less	0.56
50	0.38
100	0.33
150	0.30
200	0.28
250 or more	0.10

Interpolation of allowable emissions for intermediate heat input values not specified in the table above any be accomplished by the use of the following equation.

$$Y = 0.9634\ X\ (-0.2356)$$

Where Y is the allowable particulate emission in pounds per million BTU heat input, and

X is the millions of BTU per hour heat input capacity rating.

(b) Exhibit greater than twenty (20) percent opacity except that a maximum of forty (40) percent opacity shall be permissible for not more than two (2) minutes in any hour. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.

(4) Standard for sulfur dioxide:

(a) On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed no owner or operator, subject to the provisions of this regulation shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of the weights for each million BTU per hour heat input derived from fuel at any

specified capacity rating (expressed in millions of BTU per hour heat input) as listed in table below:

Mm. BTU/Hr. Heat Input	Pounds SO(2) Per Million BTU Heat Input			
	Liquid Fuel		Solid Fuel	
10 or less	3.0	[2.50]	5.0	[4.0]
50	1.6	[1.41]	2.5	[2.19]
100	1.2	[1.11]	1.8	[1.69]
150	1.0	[0.96]	1.5	[1.45]
200	0.9	[0.87]	1.3	[1.30]
250 or more	0.8	[0.80]	1.2	[1.20]

Interpolation of allowable emissions for intermediate heat input values not specified in the table above may be accomplished by use of the equations below for appropriate fuel and heat input specified:

Liquid fuel: $Y = 5.6484\ X\ (-0.3540)$

Solid fuel: $Y = 9.4644\ X\ (-0.3740)$

Where Y = allowable sulfur dioxide emissions in pounds per million BTU per hour test input, and

X = millions of BTU per hour heat input capacity rating.

(b) When different fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration using the following formula: allowable sulfur dioxide emission in pounds per million BTU per hour heat input =

$$\frac{y(a)+z(b)}{y+z}$$

Where:

y is the percent of total heat input derived from liquid fuel,

z is the percent of total heat input derived from solid fuel,

a is the allowable sulfur dioxide emission in pounds per million BTU heat input derived from liquid fuel, and

b is the allowable sulfur dioxide emission in pounds per million BTU heat input derived from solid fuel.

(c) Compliance shall be based on the total heat input from all fuels burned, including gaseous fuels.

(5) Standard for nitrogen oxides:

(a) On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed no owner or operator of an indirect heat exchanger with an input heat capacity of 250 mm BTU per hour or more subject to the provisions of this section shall cause to be discharged into the atmosphere from any affected facility any gases which contain nitrogen oxides expressed as NO2 in excess of:

1. 0.20 lb. per million BTU heat input (0.36 g. per million cal.) derived from gaseous fuel.
2. 0.30 lb. per million BTU heat input (0.54 g. per million cal.) derived from liquid fuel.
3. 0.70 lb. per million BTU heat input (1.26 g. per million cal.) derived from solid fuel (except lignite).

(b) When different fuels are burned simultaneously in any combination the applicable standard shall be determined by proration. Compliance shall be determined by using the following formula: allowable nitrogen dioxide emission in pounds per million BTU/hour heat input =

$$\frac{x(0.20)+y(0.30)+z(0.70)}{x+y+z}$$

Where:

x is the percent of total heat input derived from gas-fuel and,

y is the percent of total heat input derived from liquid fuel and,

Z is the percent of total heat input derived from solid fuel (except lignite).

(6) Emission and fuel monitoring:

(a) There shall be installed, calibrated, maintained, and operated, in any indirect heat exchanger of more than 250 million BTU per hour heat input subject to the provisions of this section, emission monitoring instruments as follows:

1. A photoelectric or other type smoke detector and recorder, except where gaseous fuel is the only fuel burned.
2. An instrument for continuously monitoring and recording sulfur dioxide emissions, except where gaseous fuel is the only fuel burned, or where compliance is achieved through low sulfur fuels and representative sulfur analysis of fuels are conducted daily in accordance with paragraphs (c) or (d) of this subsection.
3. An instrument for continuously monitoring and recording emissions of nitrogen oxides.

(b) Instruments and sampling systems installed and used pursuant to this section shall be capable of monitoring emission levels within ±20 percent with a confidence level of ninety-five percent and shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such instruments; instruments shall be subjected to manufacturers recommended zero adjustment and calibration procedures at least once per twenty-four (24) hour operating period unless the manufacturer(s) specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. The applicable method specified by the department shall be the reference method.

(c) The sulfur content of solid fuels, as burned, shall be determined in accordance with the methods specified by the department.

(d) The sulfur content of liquid fuels, as burned, shall be determined in accordance with the methods specified by the department.

(e) The rate of fuel burned for each fuel shall be measured daily or at shorter intervals and recorded. The heating value and ash content of fuels shall be ascertained at least once per week and recorded. Where the indirect heat exchanger is used to generate electricity, the average electrical output and the minimum and maximum hourly generation rate shall be measured and recorded daily.

(f) The owner or operator of an indirect heat exchanger subject to the provisions of this section shall maintain a file of all measurements required by this regulation. Appropriate measurements shall be reduced to the units of the applicable standard daily, and summarized monthly. The record of any such measurement(s) and summary shall be retained for at least two (2) years following the date of such measurements and summaries.

(g) The department may require for any indirect heat exchanger unit of less then 250 million BTU per hour heat input any or all the emission and fuel monitoring required by this subsection.

(7) Test methods and procedures:

(a) The reference methods as defined in Section 1(2)(j) shall be used to determine compliance with the standards prescribed in this regulation [are specified by the department].

(b) For determining particulates the sampling time for each run shall be at least sixty (60) minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the department.

(c) For determining sulfur dioxide and nitrogen oxides, the sampling site shall be the same as that for determining volumetric flow rate. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft.).

(d) For determining sulfur dioxide, the minimum sampling time shall be twenty (20) minutes and the minimum sample volume shall be 0.02 dscm (0.71 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the department. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The arithmetic average of two (2) samples shall constitute one run. Samples shall be taken at approximately thirty (30) minute intervals.

(e) For determining nitrogen oxides, each run shall consist of at least four (4) grab samples taken at approximately fifteen (15) minute intervals. The arithmetic mean of the samples shall constitute the run values.

(f) Heat input, expressed in cal per hr (BTU/hr), shall be determined during each testing period by multiplying the heating value of the fuel by the rate of fuel burned. Heating value shall be determined in accordance with methods specified by the department. The rate of fuel burned during each testing period shall be determined by suitable methods and shall be confirmed by a material balance over the affected facility.

(g) For each run, emissions expressed in g/million cal shall be determined by dividing the emission rate in g/hr by the heat input. The emission rate shall be determined by the equation g/hr = Qs x C where Qs = volumetric flow rate of the total effluent in dscm/hr as determined for each run.

1. For particulate matter, C = particulate concentration in g/dscm.
2. For SO2, C = SO2 concentration in g/dscm.
3. For NOx, C = NOx concentration in g/dscm.

Section 4. Standards of performance for incinerators. (1) Applicability. The provisions of this section shall apply [on or after April 9, 1972] to each incinerator

commenced on or after April 9, 1972, which is the affected facility.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(a) "Incinerator" means any furnace used in the process of burning [solid] waste for the purpose of reducing the volume of the waste by removing combustible matter.

[(b) "Solid waste" means refuse, more than fifty (50) percent of which is municipal type waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustibles, and noncombustible materials such as glass and rock.]

(b)[(c)] "Day" means twenty-four (24) hours.

(c)[(d)] "Auxiliary fuel" means a substance burned in an incinerator to supply additional heat to attain temperature sufficiently high to dry and ignite waste material and to maintain ignition of the waste material but which is never in contact with the waste material.

(3) Standard for particulate matter:

(a) On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator of an incinerator of more than forty-five (45) metric tons per day charging rate (50 tons/day) shall cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.18 g/dscm (0.08 gr/dscf) corrected to twelve (12) percent CO2 excluding the contribution of carbon dioxide from auxiliary fuel.

(b) On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator of an incinerator of forty-five (45) metric tons per day charging rate (50 tons/day) or less shall cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.45 g/dscm (0.2 gr/dscf) corrected to twelve (12) percent CO2 excluding the contribution of carbon dioxide from auxiliary fuel.

(4) Monitoring of operations. The owner or operator of any incinerator of more than forty-five (45) metric tons per day charging rate (50 tons per day) subject to the provisions of this regulation shall record the daily charging rates and hours of operation.

(5) Nameplate. All new incinerators shall have a nameplate installed in a conspicuous place on the unit giving the manufacturer's name, model number, rated capacity, and the types of waste material for which he unit is designed.

(6) Test methods and procedures:

(a) The reference methods as defined in Section 1(2)(j) [specified by the department], except as provided for in Section 1(3)(b) of this regulation, shall be used to determine compliance with the standard prescribed in subsection (3) of this section.

(b) The sampling time for each run shall be at least sixty (60) minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the department.

(c) If a wet scrubber is used, the gas analysis sample shall reflect flue gas conditions after the scrubber, allowing for carbon dioxide absorption by sampling the gas on the scrubber inlet and outlet sides according to either the procedure under paragraphs (c)1. through (c)5. of this subsection or the procedure under paragraphs (c)1., (c)2. and (c)6. of this subsection as follows:

1. The outlet sampling site shall be the same as for the particulate matter measurement.
2. Randomly select nine (9) sampling points within the cross-section at both the inlet and outlet sampling sites. Use the first set of three (3) for the first run, the second set for the second run, and the third set for the third run.
3. Simultaneously with each particulate matter run, extract and analyze for CO2, and integrated gas sample traversing the three (3) sample points and sampling at each point for equal increments of time. Conduct the runs at both inlet and outlet sampling sites.
4. Measure the volumetric flow rate at the inlet during each particulate matter run using the full number of traverse points. For the inlet make two (2) full velocity traverses approximately one (1) hour apart during each run and average the results. The outlet volumetric flow rate may be determined from the particulate matter run.
5. Calculate the adjusted CO2 percentage using the following equation:

$$(\%\ CO_2)_{adj} = (\%\ CO_2)_{di}\ (Q_{di}/Q_{do})$$

Where:

$(\%\ CO_2)_{adj}$ is the adjusted CO2 percentage which removes the effect of CO2 absorption and dilution air.

$(\%\ CO_2)_{di}$ is the percentage of CO2 measured before the scrubber, dry basis.

Q_{di} is the volumetric flow rate before the scrubber, average of two (2) runs, dscf/min, and

Q_{do} is the volumetric flow rate after the scrubber, dscf/min.

(7) Alternatively, the following procedures may be substituted for the procedures under paragraphs (c)3. 4. and 5. of subsection (6):

(a) Simultaneously with each particulate matter run, extract and analyze for CO2, O2, and N2 and integrated gas sample traversing the three (3) sample points and sampling for equal increments of time at each point. Conduct the runs at both the inlet and outlet sampling sites.

(b) After completing the analysis of the gas sample, calcuate the percentage of excess air (% EA) for both the inlet and outlet sampling sites.

(c) Calculate the adjusted CO2 percentage using the following equation:

$$(\%\ CO_2)_{adj} = (\%\ CO_2)_{di}\ \frac{100 + (\%\ EA)_i}{100 + (\%\ EA)_o}$$

Where:

$(\%\ CO_2)_{adj}$ is the adjusted outlet CO2 percentage,

$(\%\ CO_2)_{di}$ is the percentage of CO2 measured before the scrubber, dry basis,

$(\%\ EA)_i$ is the percentage of excess air at the inlet, and

$(\%\ EA)_o$ is the percentage of excess air at the outlet.

(d) Particulate matter emissions, expressed in g/dscm, shall be corrected to twelve (12) percent CO2 by using the following formula:

$$c_{12} = \frac{12c}{\%\ CO_2}$$

Where:

c_{12} is the concentration of particulate matter corrected to twelve (12) percent CO2,

c is the concentration of particulate matter, and,

$\%\ CO_2$ is the percentage of measured CO2 or when applicable, the adjusted outlet CO2 percentage as determined by paragraph (c) of this subsection.

Section 5. Standards of Performance for Portland Cement Plants. (1) Applicability. The provisions of this section shall apply [on or after April 9, 1972] to the following affected facilities in portland cement plants commenced on or after April 9, 1972: kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation. "Portland Cement Plant" means any facility manufacturing portland cement by either the wet or dry process.

(3) Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this section shall cause to be discharged into the atmosphere from any kiln any gases which:

1. Contain particulate matter in excess of 0.15 kg per metric ton of feed (dry basis) to the kiln (0.30 lb. per ton).
2. Exhibit greater than twenty (20) percent opacity.

(b) On and after the date on which the performance test required to be conducted by Section 1(3) is completed, no owner or operator subject to the provisions of this section shall cause to be discharged into the atmosphere from any clinker cooler any gases which:

1. Contain particulate matter in excess of 0.050 kg per metric ton of feed (dry basis) to the kiln (0.10 lb. per ton).
2. Exhibit ten (10) percent opacity, or greater.

(c) On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this section shall cause to be discharged into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit ten (10) percent opacity, or greater.

(4) Monitoring of operations. The owner or operator of any portland cement plant subject to the provisions of this regulation shall record the daily production rates and kiln feed rates.

(5) Test methods and procedures:

(a) The reference methods as defined in Section 1(2)(j)

[specified by the department] except as provided for in Section 1(3)(b) of this regulation, shall be used to determine compliance with the standards prescribed in subsection (3) of this section.

(b) For determination of particulates, the minimum sampling time and minimum sample volume for each run, except when process variables or other factors justify otherwise to the satisfaction of the department shall be as follows:

1. Sixty (60) minutes and 0.85 dscm (30.0 dscf) for the kiln.
2. Sixty (60) minutes and 1.15 dscm (40.6 dscf) for the clinker cooler.

(c) Total kiln feed rate (except fuels), expressed in metric tons per hour on a dry basis, shall be determined during each testing period by suitable methods; and shall be confirmed by a material balance over the production system.

(d) For each run, particulate matter emissions, expressed in g/metric ton of kiln feed, shall be determined by dividing the emission rate in g/hr by the kiln feed rate. The emission rate shall be determined by the equation, g/hr = Qs X c, where Qs = volumetric flow rate of the total effluent in dscm/hr, and c = particulate concentration in g/dscm.

Section 6. Standards of Performance for Nitric Acid Plants. (1) Applicability. The provisions of this section shall apply [on or after April 9, 1972] to each nitric acid production unit commenced on or after April 9, 1972, which is the affected facility.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(a) "Nitric acid production unit" means any facility producing weak nitric acid by either the pressure or atmospheric pressure process.

(b) "Weak acid production unit" means acid which is thirty (30) to seventy (70) percent in strength.

(3) Standard for nitrogen oxides. On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this regulation shall cause to be discharged into the atmosphere from any affected facility any gases which:

(a) Contain nitrogen oxides, expressed as NO2, in excess of 1.5 kg per metric ton of acid produced (3.0 lb. per ton), the production being expressed as 100 percent nitric acid.

(b) Exhibit ten (10) percent opacity, or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.

(4) Emission monitoring:

(a) There shall be installed, calibrated, maintained, and operated, in any nitric acid production unit subject to the provisions of this section, an instrument for continuously monitoring and recording emissions of nitrogen oxides.

(b) The instrument and sampling system installed and used pursuant to this subsection shall be capable of monitoring emission levels within ±20 percent with a confidence level of ninety-five percent and shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such instrument, the instrument shall be subjected to manufacturers recommended zero adjustment and calibration procedures at least once per twenty-four (24) hour operating period unless the manufacturer(s) specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. The applicable method specified by the department shall be the reference method.

(c) Production rate and hours of operation shall be recorded daily.

(5) Test methods and procedures:

(a) The reference methods as defined in Section 1(2)(j) [specified by the department], except as provided for in Section 1(3)(b) of this regulation, shall be used to determine compliance with the standard prescribed in subsection (3) of this section.

(b) The sampling point shall be the centroid of the stack or duct or at a point no closer to the walls than 1 m (3.28 ft). Each run shall consist of at least four (4) grab samples taken at approximately fifteen (15) minute intervals. The arithmetic mean of the samples shall constitute the run value. A velocity traverse shall be performed once per run.

(c) Acid production rate, expressed in metric tons per hour of 100 percent nitric acid, shall be determined during each testing period by suitable methods and shall be confirmed by a material balance over the production system.

(d) For each run, nitrogen oxides, expressed in g/metric ton of 100 percent nitric acid, shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation,

g/hr = Qs X c

Where:

Qs = volumetric flow rate of the effluent in dscm/hr, and c = NOx concentration in g/dscm.

Section 7. Standards of Performance for Sulfuric Acid Plants. (1) Applicability. The provisions of this section shall apply [on or after April 9, 1972] to each sulfuric acid production unit commenced on or after April 9, 1972, which is the affected facility.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and Section 1(2) of this regulation.

(a) "Sulfuric acid production unit" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(b) "Acid mist" means sulfuric acid mist, as measured by test methods specified by this department or an equivalent or alternative method.

(3) Standard for sulfur dioxide. On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this section shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of 2 kg per metric ton of acid produced (4 [1/2] lbs per ton), the production being expressed at 100 percent H2SO4.

(4) Standard for acid mist. On and after the date on which the performance test required to be conducted by Section 1(3) is completed, no owner or operator subject to the provisions of this section shall cause to be discharged into the atmosphere from any affected facility any gases which:

(a) Contain acid mist, expressed as H2SO4, in excess of 0.075 kg per metric ton of acid produced (0.15 lb per ton), the production being expressed as 100 percent H2SO4.

(b) Exhibit ten (10) percent opacity, or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this subsection.

(5) Emission monitoring:

(a) There shall be installed, calibrated, maintained, and operated, in any sulfuric acid production unit subject to the provisions of this section, an instrument for continuously monitoring and recording emissions of sulfur dioxide.

(b) The instrument and sampling system installed and used pursuant to this subsection shall be capable of monitoring emission levels within ± 20 percent with a confidence level of 95 percent and shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such instrument, the instrument shall be subject to manufacturer recommended zero adjustment calibration procedures at least once per twenty-four (24) hour operating period unless the manufacturer(s) specified or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. The applicable method specified by the department shall be the reference method.

(c) Production rate and hours of operation shall be recorded daily.

(6) Test methods and procedures:

(a) The reference methods as defined in Section 1(2)(j) [specified by the department], except as provided for in Section 1(3)(b) of this regulation, shall be used to determine compliance with the standards prescribed in subsections (3) and (4) of this section.

(b) The moisture content can be considered to be zero. For determination of sulfur dioxide and acid mist the sampling time for each run shall be at least sixty (60) minutes and the minimum sample volume shall be 1.15 dscm (40.6 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the department.

(c) Acid production rate, expressed in metric tons per hour of 100 percent H2SO4, shall be determined during each testing period by suitable methods and shall be confirmed by a material balance over the production system.

(d) Acid mist and sulfur dioxide emissions, expressed in g/metric ton of 100 percent H2SO4 shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation, g/hr = Qs X c, where Qs = volumetric flow rate of the effluent in dscm/hr, and c = acid mist and SO2 concentrations in g/dscm.

Section 8. Standards of Performance for Asphalt Concrete Plants. (1) Applicability. The provisions of this section shall apply [on or after the effective date of this regulation] to each asphalt concrete plant commenced on or after the effective date of this regulation, which is the affected facility. For the purpose of this section, an asphalt concrete plant is comprised only of any combination of the following dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading,

transferring, and storing mineral filler; systems for mixing asphalt concrete; and the loading, transfer and storage systems associated with emission control systems.

(2) Definitions:

(a) As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(b) "Asphalt concrete plant" means any facility, as described in subsection (1) of this section used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cements.

(3) Standard for particulate matter. On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this section shall discharge or cause the discharge into the atmosphere from any affected facility any gases which:

(a) Contain particulate matter in excess of 90 mg/dscm (0.04 gr/dscf).

(b) Exhibit twenty (20) percent opacity, or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure shall not be a violation of this subsection.

(4) Test methods and procedures:

(a) The reference methods as defined in Section 1(2)(j) [specified by the department], except as provided for in Section 1(3)(b) of this regulation, shall be used to determine compliance with the standards prescribed in subsection (3) of this section as follows.

(b) For determination of concentration of particulate matter, the sampling time for each run shall be at least sixty (60) minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min) except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the department.

Section 9. Standards of Performance for Petroleum Refineries. (1) Applicability. The provisions of this section shall apply [on or after the effective date of this regulation] to the following affected facilities in petroleum refineries commenced on or after the effective date of this regulation: fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers, and fuel gas combustion devices.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(a) "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or reforming of unfinished petroleum derivatives.

(b) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

(c) "process gas" means any gas generated by a petroleum refinery process unit, except fuel gas and process upset gas as defined in this subsection.

(d) "Fuel gas" means any gas which is generated by a petroleum refinery process unit and which is combusted, including any gaseous mixture of natural gas and fuel gas which is combusted.

(e) "Process upset gas" means any gas generated by a petroleum refinery process unit as a result of start-up, shut-down, upset or malfunction.

(f) "Refinery process unit" means any segment of the petroleum refinery in which a specific processing operation is conducted.

(g) "Fuel gas combustion device" means any equipement, such as process heaters, boilers and flares used to combust fuel gas, but does not include fluid coking unit and fluid catalytic cracking unit incinerator-waste heat boilers or facilities in which gases are combusted to produce sulfur or sulfuric acid.

(h) "Coke burn-off" means the coke removed from the surface of the fluid catalytic cracking unit catalyst by combustion in the catalyst regenerator. The rate of coke burn-off is calculated by a formula specified by the department.

(3) Standard for particulate matter:

(a) On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this section shall discharge or cause the discharge into the atmosphere from any fluid catalytic cracking unit catalyst regenerator or from any fluid catalytic cracking unit incinerator-waste heat boiler:

1. Particulate matter in excess of 1.0 kg/1000 kg (1.0 lb/1000 lb) of coke burn-off in the catalyst regenerator.

2. Gases exhibiting thirty (30) percent opacity or greater, except for three (3) minutes in any one (1) hour. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure shall not be a violation of this subsection.

(b) In those instances in which auxiliary liquid or solid fossil fuels are burned in the fluid catalytic cracking unit incinerator-waste heat boiler, particulate matter in excess of that permitted by paragraph (a)1. of this subsection may be emitted to the atmosphere, except that the incremental rate of particulate emissions shall not exceed 0.18 g/million cal (0.10 lb/million BTU) of heat input attributable to such liquid or solid fuel.

(4) Standard for carbon monoxide. On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this section shall discharge or cause the discharge into the atmosphere from the fluid catalytic cracking unit catalyst regenerator any gases which contain carbon monoxide in excess of 0.050 percent by volume.

(5) Standard for sulfur dioxide:

(a) On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this section shall burn in any fuel gas combustion device any fuel gas which contains H2S in excess of 230 mg/dscm (0.10 gr/dscf), except as provided in paragraph (b) of this subsection. The combustion of process upset gas in a flare, or the combustion in a flare of process gas or fuel gas which is released to the flare as a result of relief valve leakage, is exempt from this paragraph.

(b) The owner or operator may elect to treat the gases resulting from the combustion of fuel gas in a manner which limits the release of SO2 to the atmosphere if it is shown to the satisfaction of the department that this prevents SO2 emissions as effectively as compliance with the requirements of paragraph (a) of this subsection.

(6) Emission monitoring:

(a) The owner or operator of any petroleum refinery subject to the provisions of this section shall install, calibrate, maintain, and operate monitoring instruments as follows:

1. A photoelectric or other type smoke detector and recorder to continuously monitor and record the opacity of gases discharged into the atmosphere from fluid catalytic cracking unit catalyst regenerator.

2. An instrument for continuously monitoring and recording the concentration of CO in gases discharged into the atmosphere from fluid catalytic cracking unit catalyst regenerators, except where the requirements of paragraph (a)3. of this subsection are met.

3. Instruments for continuously monitoring and recording firebox temperature and O2 concentration in the exhaust gases from any incinerator-waste heat boiler which combusts the exhaust gases from a fluid catalytic cracking unit catalyst regenerator except where the requirements of paragraph (a)2. of this subsection are met.

4. An instrument for continuously monitoring and recording concentrations of H2S in fuel gases burned in any fuel gas combustion device, except where the requirements of subsection (5)(b) of this section are met. Fuel gas combustion devices have a common source of fuel gas may be monitored at one location if sampling at this location produces results representative of the H2S concentration in the fuel gas burned.

5. An instrument for continuously monitoring and recording concentrations of SO2 in the gases discharged into the atmosphere from the combustion of fuel gases except where the requirements of subsection (5)(a) of this section are met.

(b) Instruments and sampling systems installed and used pursuant to this subsection shall meet specifications prescribed by the department and each instrument shall be calibrated in accordance with the method prescribed by the manufacturer of such instrument. The instruments shall be subjected to the manufacturer's recommended zero adjustment and calibration procedures at least once per twenty-four (24) hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specification or recommendations shall be followed.

(c) The average coke burn-off rate (thousands of kilogram/hr) and hours of operation for any fluid catalytic cracking unit catalyst regenerator subject to subsections (3) or (4) of this section shall be recorded daily.

(d) For any fluid catalytic cracking unit catalyst regenerator which is subject to subsection (3) of this section and which utilizes an incinerator-waste heat boiler to combust the exhaust gases from the catalyst regenerator, the owner or operator, shall record daily the rate of combustion of liquid or solid fossil fuels (liters/hr or kilograms/hr) and the hours of operation during which liquid or solid fossil fuels are combusted in the incinerator-waste heat boiler.

(e) For the purpose of reports pursuant to Section 8 of 401 KAR 3:010, periods of excess emissions that shall be reported are defined as follows:

1. Opacity. All hourly periods in which there are four (4) or more one (1) minute periods during which the average opacity of the gases discharged into the atmosphere from any fluid catalytic cracking unit catalyst regenerator subject to subsection (3) of

this section exceeds thirty (30) percent.

2. Carbon monoxide. All hourly periods during which the average carbon monoxide concentration in the gases discharged into the atmosphere from any fluid catalytic cracking unit catalyst regenerator subject to subsection (4) of this section exceeds 0.050 percent by volume; or any hourly period in which O2 concentration and firebox temperature measurements indicate that the average concentration of CO in the gases discharged into the atmosphere exceeds 0.050 percent by volume for sources which combust the exhaust gases from any fluid catalytic cracking unit catalyst regenerator subject to subsection (4) of this section in an incinerator-waste heat boiler and for which the owner or operator elects to monitor in accordance with subsection (6)(a)3. of this section.
3. Hydrogen sulfide. All hourly periods during which the average hydrogen sulfide content of any fuel gas combusted in any fuel gas combustion device subject to subsection (5) of this section exceeds 230 mg/dscm (0.10 gr/dscf) except where the requirements of subsection (5)(b) of this section are met.
4. Sulfur dioxide. All hourly periods during which the average sulfur dioxide emissions discharged into the atmosphere from any fuel gas combustion device subject to subsection (5) of this section exceed the level specified in subsection (5)(b) of this section, except where the requirements of subsection (5)(a) of this section are met.

(7)[(6)] Test methods and procedures:

(a) For the purpose of determining compliance with subsection (3)(a) of this section, the reference methods and calculation procedures prescribed by United States Environmental Protection Agency Regulations on Standards of Performance for New Stationary Sources (40 CFR 60) [specified by the department] shall be used.

(b) For determining concentration of particulate matter release to the atmosphere from the fluid catalytic cracking unit catalyst regenerator, the sampling time for each run shall be at least sixty (60) minutes and the sampling rate shall be at least 0.015 dscm/min (0.53 dscf/min), except that shorter sampling times may be approved by the department when process variables or other factors preclude sampling for at least sixty (60) minutes.

(c) For exhaust gases from the fluid catalytic cracking unit catalyst regenerator prior to the emission control system: the integrated sample techniques for gas analysis and moisture content determination, respretively;

(d) For each run, emissions expressed in kg/1000 kg (English units; lb/1000 lb) of coke burn-off in the catalyst regenerator shall be determined.

(e) In those instances in which auxiliary liquid or solid fuels are burned in an incinerator-waste heat boiler, the rate of particulate matter emissions permitted under subsection (3)(b) of this section must be determined. Auxiliary fuel heat input, expressed in millions of cal/hr (English units: Millions of BTU/hr) shall be calculated for each run by fuel flow rate measurement and analysis of the liquid or solid auxiliary fuels. For each run, the rate of particulate emissions permitted under subsection (3)(b) of this section shall be calculated from an equation prescribed in 40 CFR 60 [specified by the department].

(f) For the purpose of determining compliance with subsection (4) of this section, the integrated sample technique shall be used. The sample shall be extracted at a rate proportional to the gas velocity at a sampling point near the centroid of the duct. The sampling time shall not be less than sixty (60) minutes.

(g) For the purpose of determining compliance with subsection (5)(a) of this section, the reference methods [specified by the department] shall be used. When refinery fuel gas lines are operating as pressures substantially above atmospheric, the gases sampled must be introduced into the sampling train at approximately atmospheric pressure. This may be accomplished with a flow control valve. If the line pressure is high enough to operate the sampling train without a vacuum pump, the pump may be eliminated from the sampling train. The sample shall be drawn from a point near the centroid of the fuel gas line. The minimum sampling time shall be ten (10) minutes and the minimum sampling volume 0.01 dscm (0.35 dscf) for each sample. The arithmetic average of two (2) samples shall constitute one (1) run. Samples shall be taken at approximately one (1) hour intervals. For the most fuel gases, sample times exceeding twenty (20) minutes may result in depletion of the collecting solution, although fuel gases containing low concentrations of hydrogen sulfide may necessitate sampling for longer periods of time.

(h) The method prescribed in 40 CFR 60 [specified by the Department] shall be used for determining concentration of SO2 in determining compliance with subsection (5)(b) of this section, except that H2S concentration of the fuel gas may be determined instead. The sampling site for determining SO2 concentration shall be the same as for determining volumetric flow rate. The sampling point in the duct for determining SO2 concentration shall be at the centroid of the cross section if the cross sectional area is less than five (5) square meters [5 m(2)] (54 square feet) or at a point no closer to the walls than one (1) meter [1 m] (39 inches) if the cross sectional area is five (5) square meters or more and the centroid is more than one (1) meter from the wall. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The minimum sampling time shall be ten (10) minutes and the minimum sampling volume 0.01 dscm (0.35 dscf) for each sample. The arithmetic average of two (2) samples shall constitute one (1) run. Samples shall be taken at approximately one (1) hour intervals.

Section 10. Standards of Performance for Storage Vessels for Petroleum Liquids. (1) Applicability:

(a) The provisions of this section shall apply [on or after the effective date of this regulation] to each storage vessel for petroleum liquids commenced on or after the effective date of this regulation which has a storage capacity greater than 151,412 liters (40,000 gallons), except as provided in paragraph (b) of this subsection.

(b) This section does not apply to storage vessels for the crude petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer.

(c) Those storage vessels for petroleum liquids with a storage capacity greater than 500 gallons but less than 40,000 gallons shall be equipped with a permanent submerged fill pipe or vapor recovery system.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and Section 1(2) [2] of this regulation.

(a) "Storage vessel" means any tank, reservoir, or container used for the storage of petroleum liquids, but does not include:
1. Pressure vessels which are designed to operate in excess of fifteen (15) pounds per square inch gauge without emissions to the atmosphere except under emergency conditions.
2. Subsurface caverns or porous rock reservoirs, or
3. Underground tanks if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.

(b) "Petroleum liquids" means crude petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils, gas turbine fuel oil Number 26T through 4-GT, or diesel fuel oils Number 2-D and 4-D as specified by the department.

(c) "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, or reforming of unfinished petroleum derivatives.

(d) "Crude petroleum" means a naturally occurring mixture which consists of hydrocarbons and/or sulfur, nitrogen and/or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions.

(e) "Hydrocarbon" means any organic compound consisting predominantly of carbon and hydrogen.

(f) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.

(g) "Custody transfer" means the transfer of produced crude petroleum and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(h) "Drilling and production facility" means all drilling and servicing equipment, wells, flow lines, separators, equipment, gathering lines, and auxiliary non-transportation related equipment used in the production of crude petroleum but does not include natural gas plants.

(i) "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods specified by the department.

(j) "Floating roof" means a storage vessel cover consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(k) "Vapor recovery system" means a vapor gathering system capable of collecting all hydrocarbon vapors and gases discharged from the storage vessel and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere.

(l) "Reid vapor pressure" is the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by method specified by the department.

(m) "Submerged fill pipe" means any fill pipe the discharge of which is entirely submerged when the lig-

uid level is six (6) inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean every fill pipe the discharge opening of which is entirely submerged when the liquid level is two (2) times the fill pipe diameter above the bottom of the tank.

(3) Standard for hydrocarbons. The owner or operator of any storage vessel to which this section applies shall store petroleum liquids as follows:

(a) If the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than 78 mm Hg (1.5 psia) but not greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a floating roof, a vapor recovery system, or their equivalents.

(b) If the true vapor pressure of the petroleum liquid as stored is greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a vapor recovery system or its equivalent.

(4) Monitoring of operations:

(a) The owner or operator of any storage vessel to which this section applies shall, for each such storage vessel, maintain a file of each type of petroleum liquid stored, of the typical Reid vapor pressure of each type of petroleum liquid stored, and of the dates of storage. Dates on which the storage vessel is empty shall be shown.

(b) The owner or operator of any storage vessel to which this section applies shall, for each such storage vessel, determine and record the average monthly storage temperature and true vapor pressure of the petroleum liquid stored at such temperature if:

1. The petroleum liquid has a true vapor pressure, as stored, greater than 26 mm Hg (0.5 psia) but less than 78 mm Hg (1.5 psia) and is stored in a storage vessel other than one equipped with a floating roof, a vapor recovery system or their equivalents; or
2. The petroleum liquid has a true vapor pressure, as stored, greater than 470 mm Hg (9.1 psia) and is stored in a storage vessel other than one equipped with a vapor recovery system or its equivalent.

(c) The average monthly storage temperature is an arithmetic average calculated for each calendar month, or portion thereof if storage is for less than a month, from bulk liquid storage temperatures determined at least once every seven (7) days.

(d) The true vapor pressure shall be determined by the procedures specified by the department. This procedure is dependent upon determination of the storage temperature and the Reid vapor pressure, which requires sampling of the petroleum liquids in the storage vessels. Unless the department requires in specific cases that the stored petroleum liquid be sampled, the true vapor pressure may be determined by using the average monthly storage temperature and the typical Reid vapor pressure. For those liquids for which certified specifications limiting the Reid vapor pressure exist, the Reid vapor pressure may be used. For other liquids, supporting analytical data must be made available on request to the department when typical Reid vapor pressure is used.

Section 11. Standards of Performance for Secondary Lead Smelters. (1) Applicability. The provisions of this section shall apply [on or after the effective date of this regulation] to the following affected facilities in secondary lead smelters which commenced on or after the effective date of this regulation: pot furnaces or more than 250 kg (550 lb) charging capacity, blast (cupola) furnaces, and reverberatory furnaces.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(a) "Reverberatory furnace" includes the following types of reverberatory furnaces: stationary, rotating, rocking and tilting.

(b) "Secondary lead smelter" means any facility producing lead from a lead-bearing scrap material by smelting to the metallic form.

(c) "Lead" means elemental lead or alloys in which the predominant component is lead.

(3) Standard for particulate matter:

(a) On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this section shall discharge or cause the discharge into the atmosphere from a blast (cupola) or reverberatory furnace any gases which:

1. Contain particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).
2. Exhibit twenty (20) percent opacity or greater.

(b) On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this section shall discharge or cause the discharge into the atmosphere from any pot furnace any gases which exhibit ten (10) percent opacity or greater.

(c) Where the presence of uncombined water is the only reason for failure to meet the requirements of paragraphs (a)2. or (b) of this subsection, such failure shall not be a violation of this subsection.

(4) Test methods and procedures:

(a) The reference methods as defined in Section 1(2)(j) [specified by the department], except as provided for in Section 1(3)(b) of this regulation, shall be used to determine compliance with the standards prescribed in subsection (3) of this section.

(b) For determining of the concentration of particulate matter and associated moisture content, the sampling time for each run shall be at least sixty (60) minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min) except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the department. Particulate sampling shall be conducted during representative periods of furnace operation, including charging and tapping.

Section 12. Standards of Performance for Secondary Brass and Bronze Ingot Production Plants. (1) Applicability. The provisions of this section shall apply [on or after the effective date of this regulation] to the following affected facilities in secondary brass or bronze ingot production plants which commenced on or after the effective date of this regulation: reverberatory and electric furnaces of 1,000 kg (2,205 lb) or greater production capacity and blast (cupola) furnaces of 250 kg/hr (550 lb/hr) or greater production capacity.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and Section 1(2) of this regulation.

(a) "Brass or bronze" means any metal alloy containing copper as its predominant constituent, and lesser amounts of zinc, tin, lead, or other metals.

(b) "Reverberatory furnace" includes the following types pf reverberatory furnaces: stationary, rotating, rocking, and tilting.

(c) "Electric furnace" means any furnace which uses electricity to produce over fifty (50) percent of the heat required in the production of refined brass or bronze.

(d) "Blast furnace" means any furnace used to recover metal from slag.

(3) Standard for particulate matter:

(a) On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this section shall discharge or cause the discharge into the atmosphere from a reverberatory furnace any gases which:

1. Contain particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).
2. Exhibit twenty (20) percent opacity or greater.

(b) On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this section shall discharge or cause the discharge into the atmosphere from any blast (cupola) or electric furnace any gases which exhibit ten (10) percent opacity or greater.

(c) Where the presence of uncombined water is the only reason for failing to meet the requirements of paragraphs (a)2. or (b) of this subsection, such failure shall not be a violation of this subsection.

(4) Test methods and procedures:

(a) The reference methods as defined in Section 1(2)(j) [specified by the department], except as provided for in Section 1(3)(b) of this regulation, shall be used to determine compliance with the standards prescribed in subsection (3) of this section.

(b) For determining the concentration of particulate matter and the associated moisture content, the sampling time for each run shall be at least 120 minutes and the sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min) except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the department. Particulate matter sampling shall be conducted during representative periods of charging and refining, but not during pouring of the heat.

Section 13. Standards of Performance for Iron and Steel Plants. (1) Applicability. The provisions of this section shall apply [on or after the effective date of this regulation] to each basic oxygen process furnace commenced on or after the effective date of this regulation.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and Section 1(2) of this regulation.

(a) "Basic oxygen process furnace" (BOPF) means any furnace producing steel by charging scrap steel, hot metal, and flux materials into a vessel and introducing a high volume of oxygen-rich gas.

(b) "Steel production cycle" means the operations required to produce each batch of steel and includes the following major functions: scrap charging, preheating (when used); hot metal charging, primary oxygen blowing, additional oxygen blowing (when used), and tapping.

(3) Standard for particulate matter. On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this section shall discharge or cause the discharge into the atmosphere from any affected facility any gases which: Contain particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).

(4) Test methods and procedures:
(a) The reference methods as defined in Section 1(2)(j) [specified by the department], except as provided for in Section 1(3)(b) of this regulation, shall be used to determine compliance with the standards prescribed in subsection (3) of this section.
(b) For determining the concentration of particulate matter and the associated moisture content, the sampling for each run shall continue for an integral number of cycles with total duration of at least sixty (60) minutes. The sampling rate shall be at least 0.9 dscm/hr (0.53 dscf/min) except that shorter sampling times, when necessitated by process variables or other factors, may be approved by the department. A cycle shall start at the beginning of either the scrap preheat or the oxygen blow and shall terminate immediately prior to tapping.

Section 14. Standards of Performance for Sewage Treatment Plants. (1) Applicability. The provisions of this section shall apply [on or after the effective date of this regulation] to each incinerator commenced on or after the effective date of this regulation which burns the sludge produced by municipal sewage treatment facilities.
(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and Section 1(2) of this regulation.
(3) Standard for particulate matter. On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator of any sewage sludge incinerator subject to the provisions of this section shall discharge or cause the discharge into the atmosphere of:
(a) Particulate matter at a rate in excess of 0.65 g/kg dry sludge input (1.30 lb/ton dry sludge input).
(b) Any gases which exhibit twenty (20) percent opacity or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure shall not be a violation of this subsection.
(4) Monitoring of operations. The owner or operator of any sludge incinerator subject to the provisions of this section shall:
(a) Install, calibrate, maintain, and operate a flow measuring device which can be used to determine either the mass or volume of sludge charged to the incinerator. The flow measuring device shall have an accuracy of ±5 percent over its operating range.
(b) Provide access to the sludge charged so that a well-mixed representative grab sample of the sludge can be obtained.
(5) Test methods and procedures:
(a) The reference methods as defined in Section 1(2)(j) [specified by the department], except as provided for in Section 1(3)(b) of this regulation, shall be used to determine compliance with the standards prescribed in subsection (3) of this section.
(b) For determining the concentration of particulate matter and associated moisture content, the sampling time for each run shall be at least sixty (60) minutes and the sampling rate shall be at least 0.015 dscm/min (0.53 dscf/min), except that shorter sampling times, when necessitated by process variables or other factors may be approved by the department.
(c) Dry sludge charging rate shall be determined as follows:
1. Determine the mass (Sm) or volume (Sv) of sludge charged to the incinerator during each run using a flow measuring device meeting the requirements of subsection (4)(a)1. of this section. If total input during a run is measured by a flow measuring device, such readings shall be used. Otherwise, record the flow measuring device readings at five (5) minute intervals during a run. Determine the quantity charged during each interval by averaging the flow rates at the beginning and end of the interval and then multiplying the average for each interval by the time for each interval. Then add the quantity for each interval to determine the total quantity charged during the entire run, (Sm) or (Sv).
2. Collect samples of the sludge charged to the incinerator in non-porous collecting jars at the beginning of each run and at approximately one (1) hour intervals thereafter until the test ends, and determine for each sample the dry sludge content (total solids residue) in accordance with the method specified by the department.
3. Determine the quantity of dry sludge per unit sludge charged in terms of either average quantity of dry sludge per unit volume of sludge charged to the incinerator, or average ratio of quantity of dry sludge to quantity of sludge charged to the incinerator.
(d) Particulate emission rate shall be determined by a formula specified by the department.
(e) Compliance with subsection (3)(a) of this section shall be determined according to a formula specified by the department.

Section 15. Standards of Performance for Sources Using Organic Solvents. (1) Applicability:
(a) The provisions of this section shall apply to any affected facility using any organic solvents commenced [which were in being or under construction] on or after [before] April 9, 1972[, and which are located in a region classified Priority I with respect to photochemical oxidants (hydrocarbons)].
(b) The provisions of this section shall not apply to:
1. The manufacture of organic solvents or the transport, loading, or storage of organic solvents or materials containing organic solvents;
2. The spraying or other employment of insecticides, pesticides, or herbicides;
3. The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchlorethylene;
4. The use of any material, in any affected facility [operation] described in subsection (1)(a) above if the volatile content consists only of non-photochemically reactive solvent comprising not more than thirty (30) percent by volume of the material as applied;[:]
[a. The material contains no more than thirty (30) percent by volume of volatile organic materials; and]
[b. The volatile content is not photochemically reactive as defined in subsection (2)(d) of this section.]
5. The use of any material in any affected facility described in subsection (1)(a) above if the volatile content consists only of water and non-photochemically reactive solvent and the solvent comprises not more than twenty (20) percent of said volatile content by volume as applied;
6. The use of equipment for which other requirements are specified by Sections 10, 19, or 20 of this regulation or which are exempt from air pollution control requirements by said sections.
(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and Section 1(2) of this regulation.
(a) "Affected Facility" means any article, machine, equipment or other contrivance used for employing or applying:
1. Any organic solvent which is photochemically reactive or material containing such photochemically reactive solvent;
2. Any organic solvent, regardless of photochemical reactivity, which is baked, heat-cured, or heat polymerized in the presence of oxygen.
[apparatus that uses, processes, or otherwise employs an organic solvent.]
(b) "Organic materials" means chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate; ["Hydrocarbon" means a compound which consists predominantly of the elements carbon and hydrogen;]
(c) "Organic solvents" means organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, cleaning agents, diluents, or thinners, except that such meterials which exhibit a boiling point higher than 220 degrees Fahrenheit at 0.5 millimeters mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220 degrees Fahrenheit;
(d) "Photochemically reactive solvent" means any solvent with an aggregate of more than twenty (20) percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent;
1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having on olefinic or cyclo-olefinic type of unsaturation, five (5) percent;
2. A combination of aromatic compounds with eight (8) or more carbon atoms to the molecule except ethylbenzene; eight (8) percent;
3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene; twenty (20) percent;
4. When any organic solvent or any constituent of an organic solvent may be classified by its chemical structure into more than one (1) of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.
(3) Standard for organic materials [hydrocarbon]:
(a) No person shall discharge [cause, suffer, allow, or permit the emission of hydrocarbons] into the open air, from any affected facility using organic solvents more than[, in excess of] forty (40) pounds of organic materials in any one (1) day [per day] nor more than eight (8) pounds in any one (1) [per] hour unless said emissions have been reduced by at least eighty-five (85) percent by weight.
[(b) No person shall cause, suffer, allow or permit the emission of hydrocarbons into the open air, from any affected facility using non-photochemically reactive solvents that are not baked, heat cured, or heat polymerized in the presence of oxygen, in access of 3000 pounds per day or 450 pounds per hour unless said emissions have been reduced by at least eighty-five (85) percent by weight.]

(b)[(c)] Those portions of any series of affected facilities designed for processing a continuous web, strip or wire which emit organic materials [hydrocarbons] shall be taken collectively to determine compliance with this section. Emissions of organic materials [hydrocarbons] resulting from air or heated drying of products for the first twelve (12) hours after their removal from an affected facility shall be included in determining compliance with this section. Further, emissions of hydrocarbons from the cleanup of an operation with organic solvent shall be included in determining compliance with this section. Emissions of organic materials to the atmosphere from the clean-up with photochemically reactive solvent of any affected facility shall be included with other emissions of organic materials from that affected facility for determining compliance with this section.

(c) Emissions of organic materials into the atmosphere required to be controlled by subsection (3)(a) or (b) shall be reduced by:

1. Incineration, provided that ninety (90) percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide; or,
2. Adsorption; or,
3. Modifying processing procedures, equipment and/or materials in such a manner so as to achieve no less than the degree of control of photochemically reactive solvents required. The implementation of such modification in lieu of compliance with subsection (3)(a) and (b) should require the express prior approval of the department.

(d) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the permit to construct or the permit to operate, or as specified by the department, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(e) Any person using organic solvents or any material containing organic solvents shall supply the department, upon request and in the manner and form prescribed, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

Section 16. Standards of Performance for Kraft (Sulfate) Pulp Mills. (1) Applicability. The provisions of this section shall apply [on or after April 9, 1972,] to recovery furnaces, lime kilns, and dissolving smelt tanks, commenced on or after April 9, 1972, which are the affected facilities.

(2) Definitions:

(a) As used in this section, all terms not defined herein shall have the meaning given to them in 401 KAR 3:010 and Section 1(2) of this regulation.

(b) "Total reduced sulfur (TRS)" means all reduced sulfur compounds including but not limited to hydrogen sulfide (H2S), methyl mercaptan, dimethyl sulfide and dimethyl disulfide expressed in terms of hydrogen sulfide (H2S).

(3) Standard for particulate matter. No person shall cause, suffer, allow, or permit particulate emissions from any affected facility in excess of the following:

(a) Recovery furnace: 2.3 [3.5] pounds per ton of equivalent unbleached air dried pulp produced per hour.

(b) Lime kilns: 1.0 pounds per ton of equivalent unbleached air dried pulp produced per hour.

(c) Dissolving smelt tanks: 0.5 pounds per ton of equivalent unbleached air dried pulp produced per hour.

(4) Standard for total reduced sulfur (TRS):

(a) No person shall cause, suffer, allow, or permit total reduced sulfur emissions from the recovery furnace of any affected facility in excess of an exit stack gas concentration of 15 parts per million by volume as a daily arithmetic average.

(b) No person shall cause, allow, or permit total reduced sulfur emissions from the recovery furnace of any affected facility in excess of an exit stack gas concentration of forty (40) parts per million by volume for more than sixty (60) total minutes in any twenty-four (24) hour period.

(c) No person shall cause, suffer, allow, or permit the emission of various noncondensable gas streams from digester relief, blow tank relief evaporator hot wells, or multiple effect evaporators containing total reduced sulfur in any affected facility unless treated by thermal oxidation or an equivalent method.

(d) Control of other points of emission of total reduced sulfur, shall be considered on an individual basis as determined by the department.

Section 17. Standards of Performance for Sulfite Pulp Mills. (1) Applicability. The provisions of this section shall apply [on or after April 9, 1972,] to the total sulfite pulp mill commenced on or after April 9, 1972 which is the affected facility.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and Section 1(2) of this regulation.

(3) Standards for sulfur oxide emissions. No person shall cause or permit sulfur oxide emissions from blow pits, washer vents, storage tanks, digester relief, recovery system, etc., to exceed 9.0 lb. per air dried ton of pulp produced.

Section 18. Standards of Performance for Ethylene Producing Plants. (1) Applicability. The provisions of this section shall apply [on or after April 9, 1972,] to the waste gas streams of any ethylene producing plant commenced on or after April 9, 1972 which are the affected facilities [facility].

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(3) Standard for hydrocarbons. No person shall emit into the atmosphere a waste gas stream from any ethylene producing plant unless the waste gas stream is subjected to 1,300 degrees Fahrenheit for 0.3 seconds or greater in a direct-flame afterburner or equally effective catalytic vapor incinerator. Either device must be equipped with an indicating pyrometer which is positioned in the working area at the operators eye level.

Section 19. Standards of Performance for Oil-Effluent Water Separators. (1) Applicability. The provisions of this section shall apply [on or after April 9, 1972,] to any compartment of any vessel or device operated for the recovery of oil from effluent water which recovers 200 gallons a day or more of any petroleum products from any equipment which processes, refines, stores, or handles hydrocarbons with a Reid vapor pressure of 0.5 pounds or greater commenced on or after April 9, 1972 which is the affected facility. The provisions of this section shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil, if the water fraction of the oil-water effluent entering the separator contains less than five (5) parts per million hydrogen sulfide, organic sulfides, or a combination thereof.

(2) Definitions:

(a) As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(b) "Oil-effluent water separator" means any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

(3) Standard for hydrocarbons. The emissions of all hydrocarbon vapors and gases shall be reduced by at least ninety (90) percent by weight, except when gauging and sampling is taking place.

Section 20. Standards of Performance for Petroleum Liquids Loading Facilities. (1) Applicability. The provisions of this section shall apply to each loading facility which loads more than 20,000 gallons per day of petroleum liquids into tank trucks, trailers, or railroad tank cars, which have commenced on or after April 9, 1972.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(a) "Petroleum liquids" means crude petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils, gas turbine fuel oils, or diesel fuel oils.

(b) "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, or reforming of unfinished petroleum derivatives.

(3) Standard for Hydrocarbons.

(a) No owner or operator of any loading facility shall load petroleum liquids unless such facility is equipped with a device which reduces the emissions of all hydrocarbon vapors and gases by at least ninety (90) percent by weight, properly installed, in good working order and in operation.

(b) Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

JOHN S. HOFFMAN, Secretary

ADOPTED: June 5, 1975
RECEIVED BY LRC: June 6, 1975 at 2:10 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Air Pollution
(Proposed Amendment)

401 KAR 3:060. Standards of performance for existing sources.

RELATES TO: KRS Chapter 224
PURSUANT TO: KRS 13.082, 224.033(17)
SUPERSEDES: AP-2, AP-3, AP-4, AP-5, AP-6, and AP-7
NECESSITY AND FUNCTION: KRS 224.033 requires the Department for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement and control of air pollution. This regulation is to provide standards of performance for existing sources of air pollution.

Section 1. General Provisions. (1) Applicability. Unless specifically defined in subsequent sections, the provisions of this regulation shall apply to the owner or operator of any source which contains any affected facility which was in being or under construction on or before April 9, 1972.

(2) Definitions. As used in this regulation, all terms not defined herein shall have the meaning given them in 401 KAR 3:010.

(a) "Standard" means a standard of performance promulgated under this regulation.

(b) "Source" means one or more affected facilities, which emits or may emit any air contaminant, contained within a given contiguous property line. The property shall be considered contiguous if separated only by a public thoroughfare, stream, or other right of way,

(c) "Affected facility" means, with respect to a source, any apparatus to which a standard is applicable.

(d) "Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a source of which an affected facility is a part.

(e) "Construction" means fabrication, erection, or installation of an affected facility.

(f) "Hydrocarbon" means any organic compound consisting predominantly of carbon and hydrogen.

(g) "Reference method" means any method of sampling and analyzing for an air pollutant as prescribed by the United States Environmental Protection Agency regulation on Standards of Performance for New Stationary Sources (40 CFR 60) [specified by the department].

(h) "Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated to the United States Environmental Protection Agency's [department's] satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

(i) "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the United States Environmental Protection Agency's [department's] satisfaction to, in specific cases, produce results adequate for its determination of compliance.

(j) "Particulate matter" means any finely divided solid or liquid material, other than uncombined water, as measured by the reference method [specified by the department] or an equivalent or alternative method.

(k) "Run" means the net period of time during which an emission sample is collected. Unless otherwise specified a run may be either intermittent or continuous within the limits of good engineering practice.

(3) Performance test:

(a) 1. Within 120 days after completion a control plan at an affected facility and at such other times as may be required by the department, the owner or operator of the affected facilities specified below shall conduct performance test(s) and furnish the department a written report of the results of such performance test(s):

a. Process operation with a process weight rate of 100 tons per hour or more;

b. Indirect heat exchangers of more than 250 million BTU per hour heat input;

c. Incinerator with a charging rate of more than forty-five (45) metric tons per day (50 tons/day);

d. Portland cement plants;

e. Nitric acid plants;

f. Sulfuric acid plants;

g. Asphalt concrete plants;

h. Petroleum refineries.

2. The department may require the owner or operator of an affected facility not specified in paragraph (a)1. of this subsection to conduct performance test and furnish a written report of the results of such performance test(s), as required by this subsection.

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable section unless the department:

1. Specifies or approves, the use of a reference method with minor changes in methodology;

2. Approves the use of an equivalent method;

3. Approves the use of an alternative method the results of which it has determined to be adequate for indicating whether a specific source is in compliance; or,

4. Waives the requirement for performance tests because the owner or operator of a source has demonstrated to the department's satisfaction that the affected facility is in compliance with the standard. Nothing in this paragraph shall be construed to abrogate the department's authority to require testing under 401 KAR 3:010.

(c) The owner or operator shall permit the department to conduct performance tests at any reasonable time, shall cause the affected facility to be operated for purposes of such tests under such conditions as the department may specify based on representative performance of the affected facility, and shall make available to the department such records as may be necessary to determine such performance.

(d) The owner or operator of an affected facility shall provide the department ten (10) days prior notice of the performance test to afford the department the opportunity to have an observer present.

(e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to such facility;

2. Safe sampling platform(s);

3. Safe access to sampling platform(s);

4. Utilities for sampling and testing equipment.

(f) Each performance test shall consist of three (3) separate runs using the applicable test method. Each run shall be conducted for such time and under such conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic mean[s] of results of the three (3) runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one (1) of the three (3) runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the department's approval, be determined using the arithmetic mean of the results of the two (2) other runs.

(4) Ambient Air Monitoring. Persons owning or operating any affected facility for which a standard is prescribed in this regulation when required by the department shall install, use, and maintain ambient air monitoring equipment in accordance with methods prescribed in United States Environmental Protection Agency Regulations on National Primary and Secondary Ambient Air Quality Standards (40 CFR 50) and in such number and frequency prescribed by the department, and shall make periodic ambient air monitoring reports at intervals prescribed by the department.

(5) Compliance with standards and maintenance requirements.

(a) Compliance with standards in this regulation, other than opacity standards, shall be determined only by performance tests established by subsection (3) of this section.

(b) Compliance with opacity standards in this regulation shall be determined by conducting observations in accordance with the reference method as defined in Section 1(2)(g). Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation), performance specification as required by the department, has been properly maintained and (at the time of the alleged violation) calibrated, and that the resulting data have not been tampered with in any way.

(c) The opacity standards set forth in this regulation shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

(d) At all times, including periods of startup, shutdown, and malfunction, owners and operations shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(e)1. An owner or operator of an affected facility may request the department to determine opacity of emissions from the affected facility during the initial performance tests required by subsection (3) of this section.

2. Upon receipt from such owner or operator of the written report of the results of the performance tests required by subsection (3) of this section,

the department will make a finding concerning compliance with opacity and other applicable standards. If the department finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with subsection (3) of this section, but during the time such performance tests are being conducted fails to meet any applicable opacity standard, the department shall notify the owner or operator and advise it that it may petition the department within ten (10) days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.

3. The department will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the department; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.

(6) Circumvention. No owner or operator subject to the provisions of the regulation shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

Section 2. Standards of Performance for Incinerators. (1) Applicability. The provisions of this section are applicable to each incinerator with a capacity of 2.5 cubic feet or greater, which is the affected facility, and which was in being or under construction [on or] before April 9, 1972.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(a) "Incinerator" means any furnace and appurtenances thereto used in the process of burning [solid] waste for the primary purpose of removing the combustible matter from the waste;

(b) "Teepee burner" means a truncated, conical shaped metal structure designed to burn efficiently wood dust, shavings, chips and/or bark to an incombustible residue at a specified rate;

(c) "Classification of wastes" means the numerical type designation given to waste depending on its composition as follows:

1. Type 0: trash, a mixture of highly combustible waste such as paper, cardboard, cartons, wood boxes, and combustible floor sweepings, from commercial and industrial activities. The mixtures contains up to ten (10) percent by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags and plastic or rubber scraps. This type of waste contain ten(10) percent moisture, five (5) percent incombustible solids and has a heating value of 8500 BTU per pound as fired.
2. Type 1: rubbish, a mixture of combustible waste such as paper, cardboard cartons, wood scrap, foliage and combustible floor sweepings, from domestic, commercial and industrial activities. The mixture contains up to twenty (20) percent by weight of restaurant or cafeteria waste, but contains little or no treated papers, plastic or rubber wastes. This type of waste contains twenty-five (25) percent moisture, ten (10) percent incombustible solids and has a heating value of 6500 BTU per pound as fired.
3. Type 2: refuse consisting of an approximately even mixture of rubbish and garbage by weight. This type of waste is common to apartment and residential occupancy, consisting of up to fifty (50) percent moisture, seven (7) percent incombustible solids and has a heating value of 4300 BTU per pound as fired.
4. Type 3: garbage, consisting of animal and vegetable wastes from restaurants, cafeterias, hotels, hospitals, laboratories, markets and like installations. This type of waste contains up to seventy (70) percent moisture, up to five (5) percent incombustible solids, and has a heating value of 2500 BTU per pound as fired.
5. Type 4: human and animal remains, consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds, and similar sources, consisting of up to eighty-five (85) percent moisture, five (5) percent incombustible solids, and having a heating value of 1000 BTU per pound as fired.
6. Type 5: by-product waste, gaseous liquid or semi-liquid, such as tar, paints, solvents, sludge, fumes, etc., from industrial operations. BTU values must be determined by the individual materials to be destroyed.
7. Type 6: solid by-product waste, such as rubber, plastics, wood waste, etc., from industrial operations. BTU values must be determined by the individual materials to be destroyed.

(d) "Auxiliary fuel" means a substance burned in an incinerator to supply additional heat to attain temperature sufficiently high to dry and ignite waste [material] and to maintain ignition of the waste [material] but which is never in contact with the waste [material].

(3) Standard for particulate matter:

(a) No person shall cause, suffer, allow, or permit the emission produced by the incineration of any substance other than sawdust, wood chips, or bark which:

1. Is greater than twenty (20) percent opacity; or,
2. Exceeds 0.20 grains of particulate matter per standard cubic foot of dry flue gas corrected to twelve (12) percent carbon dioxide excluding the contribution of carbon dioxide from auxiliary fuel.

(b) No person shall cause, suffer, allow or permit the emission produced by the incineration of sawdust, wood chips, or bark which:

1. Is equal to or greater than forty (40) percent opacity, except that an emission equal to or greater than forty (40) percent opacity shall be permissible for not more than one (1) hour in any eight (8) hour period; or,
2. Exceeds 0.21 grains of particulate matter per standards cubic foot of dry flue gas corrected to twelve (12) percent carbon dioxide excluding the contribution of carbon dioxide from auxiliary fuel.

(4)[(3)] Monitoring of operations. The owner or operator of any incinerator of more than forty-five (45) metric tons per day charging rate (50 tons per day) subject to the provisions of this regulation shall record the daily charging rates and hours of operation.

Section 3. Standards of Performance for Indirect Heat Exchangers. (1) Applicability. The provisions of this section are applicable to each indirect heat exchanger of more than one (1) million BTU per hour heat input if solid fuel or residual fuel oil is burned or of more than fifty (50) million BTU per hour heat input if natural gas, liquid petroleum gas, distillate fuel oil or combination of these as a main or standby fuel, is burned. The standard for particulate matter is applicable to each affected facility which was in being or under construction before April 9, 1972. The standard for sulfur dioxide is applicable to each affected facility which was in being or under construction before the effective date of this regulation [which was in being or under construction on or before April 9, 1972]. The combined total heat input capacity of all affected facilities shall be used to determine the total allowable emissions from a source.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(a) "Fuel" means natural gas, petroleum, coal, wood, and any form of solid, liquid or gaseous fuel derived from such materials for the purpose of creating heat.

(b) "Indirect heat exchanger" means any piece of equipment, apparatus or contrivance used for the combustion of fuel in which the energy produced is transferred to its point of usage through a medium that does not come in contact with or add to the products of combustion.

(3) Standard for particulate matter:

(a) No person shall cause, suffer, allow or permit the emission into the open air of particulate matter from any indirect heat exchanger in a region classified as Priority I with respect to particulate matter which is greater than twenty (20) percent opacity.

(b) No person shall cause, suffer, allow or permit the emission into the open air of particulate matter from any indirect heat exchanger in a region classified as Priority II or Priority III with respect to particulate matter which is greater than forty (40) percent opacity.

(c) The provisions of subsections (1) and (2) shall not apply to:

1. Emissions into the open air of particulate matter from any indirect heat exchanger during building a new fire, cleaning the fire box, or blowing soot, for a period or periods aggregating not more than:
   a. Two (2) minutes in any sixty (60) minutes which is less than or equal to forty (40) percent opacity for indirect heat exchangers described in paragraph (a);
   b. Six (6) minutes in any sixty (60) minutes which is less than or equal to sixty (60) percent opacity for indirect heat exchangers described in paragraph (b).
2. During emergency conditions caused by an unavoidable breakdown[, for a period of time, as determined by the staff,] provided the department is notified promptly.
3. Emissions from each waterwall indirect heat exchanger during startup operations.

(d) No person shall cause, suffer, allow or permit the emission of particulate matter from indirect heat exchangers if the particulate matter emitted exceeds[ed] the quantity specified in Table 1 which is incorporated as part of this regulation.

(e) Exceptions. The emission limitations contained in other subsections of this section shall not apply to those indirect heat exchangers which were in compliance prior to April 9, 1972 with or have valid permits to operate within the provisions of the previous Kentucky Air Pollution Control Commission Regulation No. 7 entitled "Prevention and Control of

Emissions of Particulate Matter from Combustion of Fuel in Indirect Heat Exchangers." These sources shall comply with the emission limitations contained in that regulation.

TABLE 1

MAXIMUM PARTICULATE EMISSION RATES - POUNDS PER MILLION BTU INPUT

MM BTU/HOUR Heat Input	AIR QUALITY CONTROL REGION Priority I	Priority II	Priority III
10 or less	0.56	0.75	0.80
50	0.38	0.52	0.57
100	0.33	0.44	0.49
250	0.26	0.35	0.40
500	0.22	0.30	0.34
1000	0.19	0.26	0.30
2500	0.15	0.21	0.24
5000	0.13	0.18	0.21
7500	0.12	0.16	0.19
10000 or more	0.11	0.15	0.18

Interpolation of allowable emissions for intermediate heat input values not specified in the table above may be accomplished by use of the equations shown below for the appropriate fuel and heat input range specified. In all equations X = millions of BUT per hour heat input and Y = allowable particulate emissions in pounds per million BTU heat input.

FACILITY & PARTICULATE CLASSIFICATION	RANGE (MM BTU/Hour)	ALLOWABLE (Pounds/MM BTU)
Priority I	10 to 10,000	$Y = 0.9634\ X^{-0.2356}$
Priority II	10 to 10,000	$Y = 1.2825\ X^{-0.2330}$
Priority III	10 to 10,000	$Y = 1.3152\ X^{-0.2159}$

(4) Standard for sulfur dioxide:

(a) The maximum allowable emission of sulfur dioxide from indirect heat exchangers shall be in accordance with a system of priorities as specified in paragraph (b) of this subsection. The classifications shall be delineated on a county basis. The maximum allowable emission for the various classes is specified in paragraph (d) [(e)] of this subsection.

(b) The class into which a given county falls has been determined by mathematical atmospheric diffusion models and other methods which evaluate those factors which necessitate limits on sulfur dioxide emissions. These factors include but were not limited to:

1. Total sulfur dioxide emissions;
2. Spatial distribution of sulfur dioxide sources;
3. Effects of single large sources;
4. Existing measured air quality;
5. Topographical features of the county;
6. Contribution to background levels.

[(c) The assigned classification will be reviewed periodically at intervals not to exceed three (3) years, and changes will be made as required after a public hearing. When a county is assigned to a more restrictive class, individual compliance schedules will be established in such a way that reasonable time will be allowed for the sources to make necessary changes in equipment and/or fuel contracts.]

(c) [(d)] The following classifications will be effective upon the effective date of this regulation[, and will remain in effect until changed by the procedure described herein]:

1. Class I: [Bell County, Clark County,] Jefferson County, McCracken County[, Pulaski County, Woodford County];
2. Class II: Bell County, Clark County, Woodford County [Henderson County, Muhlenberg County];
3. Class III: Pulaski County; [All other counties.]
4. Class IV: Muhlenberg County, Webster County, Hancock County;
5. Class V: All other counties.

(d) [(e)] No person shall cause, suffer, allow or permit the emission of sulfur dioxide into the open air from any existing indirect heat exchanger, in various counties if the sulfur dioxide emitted exceeds the quantity specified in Table 2 [3] which is incorporated as part of this regulation.

TABLE 2 [3]

ALLOWABLE SULFUR DIOXIDE EMISSIONS BASED ON HEAT INPUT CAPACITY

MM BTU/HOUR HEAT INPUT (Fuel:)	ALLOWABLE EMISSION POUND/MM BTU COUNTIES CLASS I LIQUID	SOLID	COUNTIES CLASS II LIQUID	SOLID
10 or less	3.0 [2.5]	5 [4.0]	4.0 [3.7]	6.0 [5.5]
50	1.5 [1.4]	2.4 [2.2]	2.2	3.3 [4.2]
100	1.2 [1.1]	1.8 [1.7]	1.7 [2.5]	2.5 [3.7]
150	1.0	1.5	1.5 [2.3]	2.2 [3.5]
200	0.9	1.3	1.3 [2.2]	2.0 [3.3]
250 or greater	0.8	1.2	1.2 [2.1]	1.8 [3.2]

MM BTU/HOUR HEAT INPUT (Fuel:)	ALLOWABLE EMISSION POUND/MM BTU COUNTIES CLASS III LIQUID	SOLID	COUNTIES CLASS IV LIQUID	SOLID	COUNTIES CLASS V LIQUID	SOLID
10 or less	4.6 [4.4]	7.0 [6.5]	5.4	8.0	6.0	9.0
50	3.1 [3.8]	4.7 [5.6]	4.3	6.4	4.9	7.3
100	2.6 [3.5]	4.0 [5.2]	4.0	5.9	4.5	6.7
150	2.4 [3.4]	3.6 [5.0]	3.7	5.6	4.3	6.4
200	2.2 [3.3]	3.4 [4.9]	3.6	5.4	4.1	6.2
250 or greater	2.1 [3.2]	3.2 [4.8]	3.5	5.2	4.0	6.0

Interpolation of allowable emissions for rated capacity values between 10 and 250 million BTU heat input may be accomplished by use of the equations shown below for the appropriate fuel specified. In all equations Y = allowable sulfur dioxide emission in pounds per million BTU heat input and X = millions of BTU per hour heat input capacity rating.

COUNTY CLASS	FUEL	ALLOWABLE (Pounds/MM BTU)
I	Liquid	$Y = 7.7223\ X^{-0.4106}$ [$Y = 5.648\ X^{-0.354}$]
	Solid	$Y = 13.8781\ X^{-0.4434}$ [$Y = 9.4644\ X^{-0.374}$]
II	Liquid	$Y = 9.4644\ X^{-0.3740}$ [$Y = 5.5483\ X^{-0.176}$]
	Solid	$Y = 14.1967\ X^{-0.3740}$ [$Y = 8.1025\ X^{-0.1683}$]
III	Liquid	$Y = 8.060\ X^{-0.2436}$ [$Y = 5.5257\ X^{-0.0989}$]
	Solid	$Y = 12.2539\ X^{-0.2432}$ [$Y = 8.0743\ X^{-0.0942}$]
IV	Liquid	$Y = 7.3639\ X^{-0.1347}$
	Solid	$Y = 10.8873\ X^{-0.1338}$
V	Liquid	$Y = 8.0189\ X^{-0.1260}$
	Solid	$Y = 12.0284\ X^{-0.1260}$

(e) [(f)] When different fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration using the following formula:

$$\text{Allowable SO2 emission, lb/MM BTU} = \frac{y(a) + z(b)}{y + z} \quad \left[\frac{y(a) + x(b)}{[y + z]}\right]$$

Where:

y is the percent of total heat input derived from liquid fuel,

z is the percent of total heat input derived from solid fuel,

a is the allowable sulfur dioxide emission in pounds per million BTU heat input derived from liquid fuel, and

b is the allowable sulfur dioxide emission in pounds per million BTU heat input derived from solid fuel.

(f) [(g)] Compliance shall be based on the total heat input from all fuels burned, including gaseous fuels.

(g) Each affected facility not presently in compliance with this section shall submit a control plan and compliance schedule no later than January 1, 1976 with a final compliance date no later than July 1, 1977.

(4) Emission and fuel monitoring:

(a) There shall be installed, calibrated, maintained, and operated, in any indirect heat exchanger of more

than 250 million BTU per hour heat input subject to the provisions of this section, emission monitoring instruments as follows:

1. A photoelectric or other type smoke detector and recorder, except where gaseous fuel is the only fuel burned.
2. An instrument for continuously monitoring and recording sulfur dioxide emissions, except where gaseous fuel is the only fuel burned, or where compliance is achieved through low sulfur fuels and representative sulfur analysis of fuels are conducted daily in accordance with paragraphs (c) or (d) of this subsection.

[3. An instrument for continously monitoring and recording emissions of nitrogen oxides.]

(b) Instruments and sampling systems installed and used pursuant to this section shall be capable of monitoring emission levels within ± 20 percent with a confidence level of 95 percent and shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such instruments; instruments shall be subjected to manufacturers recommended zero adjustment and calibration procedures at least once per twenty-four (24) hour operating period unless the manufacturer(s) specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. The applicable method specified by the department shall be the reference method.

(c) The sulfur content of solid fuels, as burned, shall be determined in accordance with the methods specified by the department.

(d) The sulfur content of liquid fuels, as burned, shall be determined in accordance with the methods specified by the department.

(e) The rate of fuel burned for each fuel shall be measured daily or at shorter intervals and recorded. The heating value and ash content of fuels shall be ascertained at least once per week and recorded. Where the steam generating unit is used to generate electricity, the average electrical output and the minimum and maximum hourly generation rate shall be measured and recorded daily.

(f) The owner or operator of any indirect heat exchanger of more than 250 million BTU per hour heat input subject to the provisions of this section shall maintain a file of all measurements required by this regulation. Appropriate measurements shall be reduced to the units of the applicable standard daily, and summarized monthly. The record of any such measurement(s) and summary shall be retained for at least two (2) years following the date of such measurements and summaries.

(g) The department may require for any indirect heat exchanger of less than 250 million BTU per hour heat input any or all the emission and fuel monitoring required by this subsection.

(h) A source may elect, with approval from the department, to perform periodic source sampling in lieu of installing continuous emission monitoring instruments. In no case shall the frequency of sampling be less than once per calendar quarter.

Section 4. Standards of Performance for Process Operations. (1) Applicability. The provisions of this section shall apply to each process operation not otherwise regulated by other sections of this regulation and which was in being or under construction [on or] before the effective date of this regulation [April 9, 1972].

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(a) "Process operation" means any method, form, action, operation or treatment of manufacturing or processing, and shall include any storage or handling of materials or products, before, during, or after manufacturing or processing;

(b) "Process weight" means the total weight of all materials introduced into any affected facility which may cause any emission of particulate matter, but does not include liquid and gaseous fuels charged, combustion air, or uncombined water.

(c) "Process weight rate" means a rate established as follows:

1. For continuous or long-run steady state operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof;
2. For cyclical or batch unit operations, or unit processes, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.
3. Where the nature of any process operation or the design of any equipment is such as to permit more than one (1) interpretation of this definiton, the interpretation which results in the minimum value for allowable emission shall apply.

(d) "Affected facility" as related to process operations means the last operation preceding the emission of air contaminants which results:

1. In the separations of the air contaminant from the process materials or;
2. In the conversion of the process materials into air contaminants, but does not include an air pollution abatement operation.

(3) Standard for particulate matter:

(a) No person shall cause, suffer, allow or permit the emission into the open air of particulate matter from affected facility, or from all air pollution control equipment installed on any affected facility which:

1. Is equal to or greater than forty (40) [twenty (20)] percent opacity; or,
2. Is in excess of the quantity specified in Table 3 [4] of this regulation.

(b) An affected facility may elect to substitute the following standards in lieu of the value given in Table 3 [4].

1. A maximum exit particulate emission concentration of 0.02 grains per standard cubic foot, and
2. Air pollution control equipment of at least ninety-seven (97) percent actual efficiency.
3. Addition of dilution air shall not constitute compliance.

TABLE 3 [4]

ALLOWABLE RATE OF PARTICULATE EMISSION
BASED ON PROCESS WEIGHT

Process Weight Rate		Maximum Allowable Emission Rate
Lb./Hr.	Tons/Hr.	Lb./Hr.
100 or less	0.05 or less	0.551
200	0.10	0.877
400	0.20	1.40
600	0.30	1.83
800	0.40	2.22
1000	0.50	2.58
1500	0.75	3.38
2000	1.00	4.10
2500	1.25	4.76
3000	1.50	5.38
3500	1.75	5.96
4000	2.00	6.52
5000	2.50	7.58
6000	3.00	8.56
7000	3.50	9.49
8000	4.00	10.4
9000	4.50	11.2
10000	5.00	12.0
12000	6.00	13.6
16000	8.00	16.5
18000	9.00	17.9
20000	10.00	19.2
30000	15.00	25.2
40000	20.00	30.5
50000	25.00	35.4
60000	30.00	40.0
70000	35.00	41.3
80000	40.00	42.5
90000	45.00	43.6
100000	50.00	44.6
120000	60.00	46.3
140000	70.00	47.8
160000	80.00	49.1
200000	100.00	51.3
1000000	500.00	69.0
2000000	1000.00	77.6
6000000	3000.00	92.7

Interpolation of the date for process weight rates up to 60,000 lb./hr. shall be accomplished by use of the equation E = 4.10 P(0.67), and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb./hr. shall be accomplished by use of the equation E = 55.0 P(0.11) – 40, where E = rate of emission in lb./hr. and P = process weight rate in tons/hr.

Section 5. Standards of Performance for Kraft (Sulfate) Pulp Mills. (1) Applicability. The provisions of this section shall apply to recovery furnances, lime kilns, and dissolving smelt tanks which were in being or under construction [on or] before April 9, 1972.

(2) Definitions:

(a) As used in this section, all terms not defined herein shall have the meaning given to them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(b) "Total reduced sulfur (TRS)" means all reduced sulfur compounds including but not limited to hydrogen sulfide (H2S), methyl mercaptan, dimethyl sulfide and dimethyl disulfide expressed in terms of hydrogen sulfide (H2S).

(3) Standard for particulate matter. No person shall cause, suffer, allow, or permit particulate emissions from existing equipment of any kraft pulp mill in excess of the following:

(a) Recovery Furnace: 3.5 pounds per ton of equivalent unbleached air dried pulp produced per hour;

(b) Lime Kilns: 1.0 pounds per ton of equivalent unbleached air dried pulp produced per hour;

(c) Dissolving smelt tanks: 0.5 pounds per ton of

equivalent unbleached air dried pulp produced per hour.

(4) Standard for total reduced sulfur (TRS):

(a) No person shall cause, suffer, allow, or permit total reduced sulfur emissions from the recovery furnance of any kraft pulp mill in excess of an exit stack gas concentration of fifteen (15) parts per million by volume as a daily arithmethic average.

(b) No person shall cause, allow, or permit total reduced sulfur emissions from the recovery furnace of any kraft pulp mill in excess of an exit stack gas concentration of forty (40) parts per million by volume for more than sixty (60) total minutes in any twenty-four (24) hour period.

(c) No person shall cause, suffer, allow, or permit the emission of various noncondensable gas streams from digester relief, blow tank relief evaporator hot wells, or multiple effect evaporators containing total reduced sulfur in a kraft pulp mill unless treated by thermal oxidation or an equivalent method with ninety-eight (98) percent efficiency.

(d) Control of other points of emission of total reduced sulfur, shall be considered on an individual basis as determined by the department.

Section 6. Standards of Performance for Sulfite Pulp Mills. (1) Applicability. The provisions of this section shall apply to the total sulfite pulp mill which was in being or under construction [on or] before April 9, 1972.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(3) Standard for sulfur oxide emissions. No person shall cause or permit sulfur oxide emissions from blow pits, washer vents, storage tanks, digester relief, recovery system, etc., to exceed 9.0 lb. per air dried ton of pulp produced.

Section 7. Standards of Performance for Sulfuric Acid Plants. (1) Applicability. The provisions of this section shall apply to existing installations of [dry gas operation] sulfuric acid plants which were in being or under construction [on or] before April 9, 1972.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(3) Standard for particulate matter. No person shall cause, suffer, allow, or permit the following emission into the open air:

(a) Sulfuric acid mist in the effluent in excess of 0.90 pound per ton of acid (100%) produced;

(b) A visible emission which is greater than twenty (20) percent opacity.

(4) Standard for sulfur dioxide. No person shall cause, suffer, allow or permit the following emission into the open air: sulfur dioxide in the effluent in excess of 27.6 [twenty-seven (27)] pounds per ton of acid (100%) produced.

(5) Emission monitoring:

(a) There shall be installed, calibrated, maintained, and operated, in any sulfuric acid production unit subject to the provisions of this section, an instrument for continuously monitoring and recording emissions of sulfur dioxide.

(b) The instrument and sampling system installed and used pursuant to this subsection shall be demonstrated to be capable of monitoring emission levels within ± 20 percent with a confidence level of 95 percent through comparison with an appropriate wet test method and shall be calibrated in accordance with the method(s) perscribed by the manufacturer(s) of such instrument, the instrument shall be subject to manufacturers recommended zero adjustment calibration procedures at least once per twenty-four (24) hour operating period unless the manufacturer(s) specified or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. The applicable method specified by the department shall be the reference method.

(c) Production rate and hours of operation shall be recorded daily.

(d) The owner or operator of a sulfuric acid plant subject to the provisions of this section shall maintain a file of all measurements required by this regulation. Appropriate measurements shall be reduced to the units of the applicable standard daily, and summarized monthly. The record of any such measurement(s) and summary shall be retained for at least two (2) years following the date of such measurements and summaries.

Section 8. Standards of Performance for Process Gas Streams. (1) Applicability. The provisions of this section shall apply to petroleum refineries, by-product coke plants, and any other process, located in a region classified as Priority I with respect to sulfur dioxide and which were in being or under construction [on or] before April 9, 1972.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaing given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(3) Standard for hydrogen sulfide. No person shall cause, suffer, allow or permit the emission of H_2S in a process gas stream to exceed ten (10) grains per 100 cubic feet of gas.

(4) Standard for sulfur dioxide. No person shall cause, suffer, allow, or permit the emission of sulfur dioxide in a process gas stream to exceed 2,000 parts per million by volume.

Section 9. Standards of Performance for Ethylene Producing Plants. (1) Applicability. The provisions of this section shall apply to the waste gas streams of ethylene producing plants which were in being or under construction [on or] before April 9, 1972, and which are located in a region classified as Priority I with respect to photochemical oxidants (and hydrocarbons).

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(3) Standard for Hydrocarbons. No person shall emit into the atmosphere a waste gas stream from any ethylene producing plant unless the waste gas stream is subjected to 1,300 degrees Fahrenheit for 0.3 seconds or greater in a direct flame afterburner or equally effective catalytic vapor incinerator. Either device must be equipped with an indicating pyrometer which is positioned in the working area at the operators eye level.

Section 10. Standards of Performance for Oil-Effluent Water Separators. (1) Applicability. The provisions of this section shall apply to any compartment of any vessel or device operated for the recovery of oil from effluent water which recovers 200 gallons a day or more of any petroleum products from any equipment which processes, refines, stores, or handles hydrocarbons with a Reid vapor pressure of 0.5 pounds or greater which is located in a region classified as Priority I with respect to photochemical oxidants (and hydrocarbons) and which was in being or under construction [on or] before April 9, 1972. The provisions of this section shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil, if the water fraction of the oil-water effluent entering the separator contains less than five (5) parts per million hydrogen sulfide, organic sulfides, or a combination thereof.

(2) Definitions:

(a) As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(b) "Oil-effluent water separator" means any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

(3) Standard for hydrocarbons. The emissions of all hydrocarbon vapors and gases shall be reduced by at least ninety (90) percent by weight, except when gauging and sampling is taking place.

Section 11. Standards of Performance for Storage Vessels for Petroleum Liquids. (1) Applicability:

(a) Except as provided in paragraph (b) of this subsection, the affected facility to which this section applies is each storage vessel for petroleum liquids which has a storage capacity greater than 40,000 gallons located in a region classified Priority I with respect to photochemical oxidants (hydrocarbons) and which was in being or under construction [on or] before the effective date of this regulation [April 9, 1972].

(b) This section does not apply to storage vessels for the crude petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer.

(c) Those storage vessels for petroleum liquids with a storage capacity greater than 500 gallons but less than 40,000 gallons shall be equipped with a permanent submerged fill pipe or vapor recovery system.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(a) "Storage vessel" means any tank, reservoir, or container used for the storage of petroleum liquids, but does not include:

1. Pressure vessels which are designed to operate in excess of fifteen (15) pounds per square inch gauge without emissions to the atmosphere except under emergency conditons.
2. Subsurface caverns or porous rock reservoirs, or
3. Underground tanks if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.

(b) "Petroleum liquids" means crude petroleum, condensate, and any finished or intermediate product manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils, gas turbine fuel oils, or diesel fuel oils.

(c) "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, or reforming of unfinished petroleum derivatives.

(d) "Crude petroleum" means a naturally occurring mixture which consists of hydrocarbons and/or sulfur, nitrogen and/or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions.

(e) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the

temperature and/or pressure and remains liquid at standard conditions.

(f) "Custody Transfer" means the transfer of produced crude petroleum and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(g) "Drilling and production facility" means all drilling and servicing equipment, wells, flow lines, separators, equipment, gathering lines, and auxiliary non-transportation-related equipment used in the production of crude petroleum but does not include natural gas plants.

(h) "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described by the department.

(i) "Floating roof" means a storage vessel cover consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(j) "Vapor recovery system" means a vapor gathering system capable of collecting all hydrocarbon vapors and gases discharged from the storage vessel and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere.

(k) "Reid vapor pressure" is the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by methods specified by the department.

(l) "Submerged fill pipe" means any fill pipe the discharge of which is entirely submerged when the liquid level is six (6) inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean any fill pipe the discharge opening of which is entirely submerged when the liquid level is two (2) times the fill pipe diameter above the bottom of the tank.

(3) Standard for hydrocarbons. The owner or operator of any storage vessel to which this section applies shall store petroleum liquids as follows:

(a) If the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than 78 mm (1.5 psia) but not greater than 570 mm (11.1 psia), the storage vessel shall be equipped with a floating roof, a vapor recovery system, or their equivalents.

(b) If the true vapor pressure of the petroleum liquid as stored is greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a vapor recovery system or its equivalent.

Section 12. Standards of Performance for Petroleum Liquids Loading Facilities. (1) Applicability. The provisions of this section shall apply to loading facilities which load more than 20,000 gallons per day of petroleum liquids into tank trucks, trailers, or railroad tank cars and are located in a region classified as Priority I with respect to photochemical oxidants (hydrocarbons) and which were in being or under construction [on or] before April 9, 1972.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and in Section 1(2) of this regulation.

(a) "Petroleum liquids" means crude petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils, gas turbine fuel oils, or diesel fuel oils.

(b) "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, or reforming of unfinished petroleum derivatives.

(3) Standard for hydrocarbons:

(a) No owner or operator of any loading facility shall load petroleum liquids unless such facility is equipped with a device which reduces the emissions of all hydrocarbon vapors and gases by at least ninety (90) percent by weight, properly installed, in good working order and in operation.

(b) Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

Section 13. Standards of Performance for Sources Using Organic Solvents. (1) Applicability:

(a) The provisions of this section shall apply to any affected facility using any organic solvents which was [were] in being or under construction [on or] before April 9, 1972, and which is [are] located in a region classified Priority I with respect to photochemical oxidants (hydrocarbons).

(b) The provisions of this section shall not apply to:

1. The manufacture of organic solvents or the transport, loading, or storage of organic solvents or materials containing organic solvents;

2. The spraying or other employment of insecticides, pesticides, or herbicides;

3. The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchlorethylene;

4. The use of any material, in any affected facility [operation] described in subsection (1)(a) above if the volatile content consists of non-photochemically reactive solvent comprising not more than thirty (30) percent by volume of the material as applied.[:]

[a. The material contains no more than thirty (30) percent by volume of volatile organic materials; and]

[b. The volatile content is not photochemically reactive as defined in subsection (2)(d) of this section.]

5. The use of any material in any affected facility described in subsection (1)(a) above if the volatile content consists only of water and non-photochemically reactive solvent and the solvent comprises not more than twenty (20) percent of said volatile content by volume as applie[d]. [The use of non-photochemically reactive solvents that are not baked, heat cured, or heat polymerized in the presence of oxygen.]

6. The use of equipment for which other requirements are specified by Sections 10, 11, or 12 of this regulation or which are exempt from air pollution control requirements by said sections.

(2) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and Section 1(2) of this regulation.

(a) "Affected facility" means any article, machine, equipment, or other contrivance used for employing or applying: [apparatus that uses, processes, or otherwise employs an organic solvent.]

1. Any organic solvent which is photochemically reactive or material containing such photochemically reactive solvent; or,

2. Any organic solvent, regardless of photochemical reactivity, which is baked, heat-cured, or heat polymerized in the presence of oxygen;

(b) "Organic Materials" means chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate;

(c)[(b)] "Organic solvents" means organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, cleaning agents, diluents, or thinners, except that such materials which exhibit a boiling point higher than 220 degrees Fahrenheit at 0.5 millimeters mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220 degrees Fahrenheit;

(d)[(c)] "Photochemically reactive solvent" means any solvent with an aggregate of more than twenty (20) percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation; five (5) percent;

2. A combination of aromatic compounds with eight (8) or more carbon atoms to the molecule except; ethylbenzene; eight (8) percent

3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene; twenty (20) percent;

When any organic solvent or any constituent of an organic solvent may be classifed by its chemical structure into more than one of the above groups of organic compounds it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(3) Standard for organic materials [hydrocarbons]:

(a) No person shall discharge [cause, suffer, allow, or permit the emission of hydrocarbons] into the open air, from any affected facility using organic solvents more than[, in excess of] forty (40) pounds organic material in any one (1) day, [per day] nor eight (8) pounds in any one (1) [per] hour unless said emissions have been reduced by at least eighty-five (85) percent by weight.

(b) Those portions of any series of affected facilities designed for processing a continuous web, strip or wire which emit organic materials [hydrocarbons] shall be taken collectively to determine compliance with this section. Emissions of organic materials [hydrocarbons] resulting from air or heated drying of products for the first twelve (12) hours after their removal from an affected facility shall be included in determining compliance with this section. Further, emissions of organic material to the atmosphere [hydrocarbons] from the clean-up with photochemically reactive solvent of any affected facility [of an operation with organic solvent]

shall be included with other emissions of organic materials from that affected facility for [in] determining compliance with this section.

(c) Emissions of organic materials into the atmosphere required to be controlled by subsections (3)(a) or (b) shall be reduced by:

1. Incineration, provided that ninety (90) percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide; or,
2. Adsorption; or,
3. Modifying processing procedures, equipment and/or materials in such manner so as to achieve no less than the degree of control of photochemically reactive solvents required. The implementation of such modifications in lieu of compliance with subsections (3)(a) and (b) shall require the express prior approval of the department.

(d)[(c)] A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the permit to construct or the permit to operate, or as specified by the department, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(e)[(d)] Any person using organic solvents or any material containing organic solvents shall supply the department, upon request and in the manner and form prescribed, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

Section 14. Control of Fugitive Emissions [Dust]: (1) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and Section 1(2) of this regulation.

(a) "Fugitive particulate matter" means any particulate matter which is emitted into the open air from points other than a stack outlet.

(b) "Open air" means the air outside buildings, structures, and equipment.

(2) Standard for particulate matter:

(a) On and after the effective date of this regulation, no person shall cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building, its appurtenances[, or a road] to be [used,] constructed, altered, repaired or demolished or a road to be used without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, where applicable, but not be limited to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
2. Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces which can create airborne dusts;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne;
5. Conduct of agricultural practices such as tilling of land, application of fertilizers, etc., in such manner as to not create a nuisance to others residing in the area;
6. The maintenance of paved roadways in a clean condition;
7. The prompt removal of earth or other material from a paved street which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water.

(b) No person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

(c) When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any regulation, the secretary may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

Section 15. Control of Open Burning. (1) Definitions. As used in this section, all terms not defined herein shall have the meaning given them in 401 KAR 3:010 and Section 1(2) of this regulation.

(a) "Open burning" means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through a stack or chimney;

(b) "Garbage" means putrescible animal and vegetable matter accumulated by a family in residence in the course of ordinary day to day living;

(c) "Household rubbish" means waste material and trash, not to include garbage, normally accumulated by a family in a residence in the course of ordinary day to day living.

(2) Prohibition of open burning:

(a) On and after the effective date of this regulation, no person shall cause, suffer, allow or maintain any open fire except as follows:

1. Fires for the cooking of food for human consumption on other than commercial premises;
2. Fires for recreational or ceremonial purposes;
3. Small fires set by construction and other workers for comfort heating purposes providing objectionable smoke is not created;
4. Fires set for the purpose of weed abatement, disease, and pest prevention;
5. Fires set for prevention of a fire hazard, including the disposal of dangerous materials where no safe alternate is available;
6. Fires set for the purpose of bona fide instruction and training of public and industrial employees in the methods of fighting fires;
7. Fires set for recognized agricultural, silvicultural, range, and wildlife management practices;
8. Fires set by individual home owners for burning of leaves except in cities greater than 8,000 population located in a Priority I Region;
9. Fires for disposal of household rubbish, not to include garbage, originating at dwelling of five family units or less, which fires are maintained by an occupant of the dwelling at the dwelling, except in cities greater than 8,000 population located in a Priority I Region;
10. Flare stacks for the combustion of waste gases provided that [where used in petroleum refineries] such stacks be equipped with smokeless tips;
11. Fires set for the purpose of disposing of accidental spills or leaks of crude oil, petroleum products or other organic materials, and disposal of absorbent material used in their removal, where no other economically feasible means of disposal is available and practical and provided permission is obtained from the department prior to burning;
12. Fires set for disposal of natural growth for land clearing and trees and tree limbs felled by storms, provided that no extraneous material such as tires or heavy oil which tend to produce dense smoke are used to cause ignition or aid combustion and that burning is done on sunny days with mild winds. In regions, classified Priority I with respect to particulate matter, the emissions from such fires shall not be equal to or greater than forty percent (40%) opacity.

(b) The open burning specified in paragraph (a) of this subsection is permitted only if it does not conflict with local ordinance. Where necessary, permission shall be obtained from the fire departments and fire district having jurisdiction at the place of burning.

(3) Standard for Nitrogen Oxides. On and after the date on which the performance test required to be conducted by Section 1(3) of this regulation is completed, no owner or operator subject to the provisions of this regulation shall cause to be discharged into the atmosphere from any affected facility any gases which:

(a) Contain nitrogen oxides, expressed as NO2, in excess of 2.9 kg per metric ton of acid produced (5.8 lb. per ton), the production being expressed as 100 percent nitric acid.

(b) Exhibit ten (10) percent opacity, or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.

(4) Emission monitoring:

(a) There shall be installed, calibrated, maintained, and operated, in any nitric acid production unit subject to the provisions of this section, an instrument for continuously monitoring and recording emissions of nitrogen oxides.

(b) The instrument and sampling system installed and used pursuant to this subsection shall be capable of monitoring emission levels with + or -20 percent with a confidence level of ninety-five (95) percent and shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such instrument, the instrument shall be subjected to manufacturers recommended zero adjustment and calibration procedures at least once per twenty-four (24) hour operating period unless the manufacturer(s) specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. The applicable method specified by the department shall be the reference method.

(c) Production rate and hours of operation shall be recorded daily.

(5) Test methods and procedures:

(a) The reference methods specified by the department,

except as provided for in Section 1(3)(b) of this regulation, shall be used to determine compliance with the standard prescribed in subsection (3) of this section.

(b) The sampling point shall be the centroid of the stack or duct or at a point no closer to the walls than 1 m (3.28 ft.). Each run shall consist of at least four (4) grab samples taken at approximately fifteen (15) minute intervals. The arithmetic mean of the samples shall constitute the run value. A velocity traverse shall be performed once per run.

(c) Acid production rate, expressed in metric tons per hour of 100 percent nitric acid, shall be determined during each testing period by suitable methods and shall be confirmed by a material balance over the production system.

(d) For each run, nitrogen oxides, expressed in g/metric ton of 100 percent nitric acid, shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation,

$$g/hr = Qs \times c$$

Where:

Qs = volumetric flow rate of the effluent in dscm/hr, and
c = NOx concentration in g/dscm.

JOHN S. HOFFMAN, Secretary

ADOPTED: June 5, 1975
RECEIVED BY LRC: June 6, 1975 at 2:12 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Air Pollution
(Proposed Amendment)

401 KAR 3:070. Indirect sources.

RELATES TO: KRS Chapter 224
PURSUANT TO: KRS 13.082, 224.033(17)
SUPERSEDES: AP-11
NECESSITY AND FUNCTION: KRS 224.033 requires the Department for Natural Resources and Environmental Protection to prescribe regulations for the prevention, abatement, and control of air pollution. This regulation is to provide for the review of new or modified indirect sources of air pollution.

Section 1. Definitions. All terms used in this regulation but not specifically defined below shall have the meaning given them in 401 KAR 3:010:

(1) "Indirect source" means a facility, road building structure, or installation, or combination thereof, which causes or may cause mobile source activity that results in emissions of a pollutant for which there is a state ambient air quality standard.

(2) "Modification" means any physical change to an indirect source other than maintenance which increases or may increase the mobile source activity associated with such indirect source.

(3) "Commence" means that an owner or operator has engaged in [undertaken] continuous program of on-site construction or modification including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for fabrication, erection, or installation of the building components of the indirect source or that actual acquisition of right-of-way has begun. For the purpose of this subsection, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous [or that a binding general construction contract has been entered into which obligates one party to such contract to perform the physical work involved in such program of construction or modification or that actual acquisition of right-of-way has begun].

(4) "Vehicle Trip" means a single movement by a motor vehicle which originates or terminates at an indirect source.

(5) "Operation" means a landing or takeoff of an aircraft.

Section 2. Applicability. The requirements of this regulation are applicable to the following indirect sources, the construction or modification of which is commenced after January 11, 1974.

(1) Any new indirect source which:
  (a) Is a new unenclosed parking lot with a parking capacity of 1,500 or more motor vehicles, or has a new associated unenclosed single level parking area with a capacity of 1,500 or more motor vehicles; or
  (b) Is a new partially or completely enclosed parking area with a parking capacity of 750 or more motor vehicles, or has a new associated partially or completely enclosed parking area with a capacity of 750 or more motor vehicles; or
  (c) Induces an additional 2,000 or more vehicle trips per hour in an existing roadway.

(2) Any modified indirect source which:
  (a) Increases existing parking capacity in an unenclosed single level parking area from less than 1,500 motor vehicles to 1,500 or more motor vehicles, or has an associated unenclosed parking area being modified to increase parking capacity by more than 1,500 motor vehicles, or
  (b) Increases existing parking capacity in a partially or completely enclosed parking area from less than 750 motor vehicles to 750 or more motor vehicles, or has an associated partially or completely enclosed parking area being modified to increase parking capacity by more than 750 motor vehicles.
  (c) Is an existing unenclosed single level parking area which is in excess of 1,500 motor vehicles being modified to increase parking capacity by more than twenty-five (25) percent, or by 1,500 or more motor vehicles, whichever is less, or, has an existing associated unenclosed single level parking area which is in excess of 1,500 motor vehicles being modified to increase parking capacity by more than twenty-five (25) percent, or by 1,500 or more motor vehicles, whichever is less, or
  (d) Is an existing partially or completely enclosed parking area which is in excess of 750 motor vehicles being modified to increase parking capacity by more than twenty-five (25) percent, or by 750 or more motor vehicles, whichever is less, or, has an existing associated partially or completely enclosed parking area which is in excess of 750 motor vehicles being modified to increase parking capacity by more than twenty-five (25) percent, or by 750 or more motor vehicles, whichever is less, or
  (e) Induces an additional 2,000 or more vehicle trips per hour in an existing roadway.

(3) Any airport, the construction or general modification program of which is expected to result in the following activity within ten (10) years of construction or modification.
  (a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.
  (b) Modified airport: Increase to 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase to 1,600,000 or more passengers per year.

(4) New or modified roads in standard metropolitan statistical areas as defined by Bureau of Census, U.S. Department of Commerce or in counties containing a city with a population of 20,000 or more, with a forecasted peak [design] hourly volume within ten (10) years of completion of:
  (a) 2,000 or more motor vehicles per hour for a new road, or
  (b) Existing road with traffic volume of less than 2,000 motor vehicles being modified to increase traffic volume to 2,000 or more motor vehicles, or
  (c) Existing road with traffic volume of more than 2,000 motor vehicles being modified to increase traffic by twenty-five (25) percent, or by 2,000 or more motor vehicles, whichever is less.

(5) Where an indirect source is constructed or modified in increments which individually are not subject to review under this section, all such increments occurring since the effective date of this regulation shall be added together for determining the applicability of this section.

(6) The department may request that an owner or operator of an indirect source commencing construction or modification not applicable to subsections (1), (2), (3), (4) or (5) of this section which is located in an area where measured ambient air quality is above or approaching the ambient standards as set in 401 KAR 3:020 Section 4(3) to submit an application for construction or modification as provided in Section 3 of this regulation.

Section 3. No owner or operator of an indirect source subject to this regulation shall commence construction or modification of such source after the effective date of this regulation without first obtaining approval from the department. (1) Application for approval to construct or modify shall be made on forms furnished by the department and shall include as a minimum the following information:
  (a) The name and address of owner and/or operator.
  (b) The description of the location and design of such source, including its relation to surrounding roadways.
  (c) The total motor vehicle parking capacity before and after the construction or modification of the indirect source.
  (d) The normal hours of operation of the facility and the enterprises and activities which it serves.
  (e) The number of people using or engaging in any enterprises or activities which the facility will serve.
  (f) The estimated average and maximum number of vehicle trips generated by the indirect source for one (1) hour and eight (8) hour time period.
  (g) Estimates of the effect of the construction or modification of the indirect source on traffic patterns and flow in the vicinity.
  (h) Measured ambient air quality data at the site of the indirect source prior to construction or modification. Estimated ambient air quality data may be accepted by the department where the applicant can show that such estimates were made in accordance with techniques established by the department.
  (i) An estimate of the effect of the construction or modification of the indirect source on total vehicle mile of travel and additional residential, commercial and industrial development which may occur as a result of such construction or modification.

(2) A separate application is required for each indirect source.

(3) Each application shall be signed by the owner or operator, which signature shall constitute an agreement that the applicant will assume responsibility for the construction, modification or operation of the source in accordance with applicable rules and regulations, and the design submitted in the application.

(4) Any additional information, plans, specifications, evidence or documentation that the department may require shall be furnished upon request.

[(5) Each application shall bear the seal and signature of a registered professional engineer qualified by training and/or experience in the field of air pollution control. Such signature shall constitute personal affirmation as to the completeness and technical accuracy of the information contained therein.]

Section 4. No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the department that: (1) The source will be operated without causing a violation of the control strategy which is part of the applicable plan, and

(2) The emissions resulting from the mobile source activity associated with the facility will not prevent or interfere with the attainment or maintenance of the ambient air quality standards.

Section 5. The department shall notify the applicant and the public by prominent advertisement in the region affected of the opportunity for public comment on the information submitted by the owner or operator.

(1) Such information, including the department's analysis of the effect of the indirect source on air quality as related to expected ambient concentrations of carbon monoxide, photochemical oxidants, and nitrogen oxides following construction or modification, and the department's proposed approval or disapproval, will be available in at least one (1) location in the region affected.

(2) Public comments submitted within thirty (30) days of the date such information is made available will be considered by the department in making a final decision on the application.

(3) The department will take final action on an application within thirty (30) days after the close of the public comment period. The department will notify the applicant in writing of its approval, or denial of the application, and will set forth its reasons for denial.

Section 6. The department may impose any reasonable conditions on an approval, including conditions requiring the source owner or operator to conduct ambient air quality monitoring in the vicinity of the source for a reasonable period prior to commencement of construction or modification, and/or for any specified period after the facility has commenced operation.

Section 7. Approval to construct or modify any source, shall not relieve any owner or operator of the responsibility to comply with the control strategy and all [local,] state, and federal regulations which are part of the applicable Kentucky Implementation Plan.

JOHN S. HOFFMAN, Secretary

ADOPTED: June 5, 1975
RECEIVED BY LRC: June 6, 1975 at 2:13 p.m.

(The four regulations which follow, published initially in the April issue [1 Ky.R. 760–763] were amended by the issuing agency following a hearing. They will be considered by the Administrative Regulation Review Subcommittee at its meeting July 2, 1975).

DEPARTMENT FOR NATURAL RESOURCES
Bureau of Environmental Quality
Division of Water Quality
(Proposed Amendment)

401 KAR 5:005. Permits to discharge sewage; industrial and other wastes; definitions.

RELATES TO: KRS Chapter 224
PURSUANT TO: KRS Chapters 13.082, 224.033(17)
SUPERSEDES: WP–1
NECESSITY AND FUNCTION: This regulation embodies requirements needed to effectuate KRS Chapter 224, permit authority for sewage systems. The regulation requires a permit prior to construction and operation of a sewage system and sets forth requirements for receiving a permit to construct and operate such a system.

Section 1. Definitions. (1) "Department," means the Department for Natural Resources and Environmental Protection.

(2) "Division," means the Division of Water Quality.

(3) "Establishment," means any industrial plant, mill, factory, tannery, paper or pulp mill, mine or mineral processing or producing facility, quarry, oil refinery, boat, vessel or other type of commercial, manufacturing or industrial works or facility in the operation of which sewage, industrial wastes or other wastes are produced, or stored.

(4) "Facility," means a sewage system as defined in KRS 224.005(15).

(5) "Industrial wastes," means any liquid, or other waste resulting from any process of industry, manufacture, trade or business, or from the depletion of any natural resource.

(6) "Other wastes," means sawdust, bark or other wood debris, garbage, refuse, ashes, offal, tar, oil, chemicals, acid drainage, wastes from agricultural enterprises, and all other foreign substances not included within the above definitions of industrial wastes and sewage which may cause or contribute to the pollution of any waters of the Commonwealth.

(7) "Permit," means permission in whatever form by the department to construct and operate a facility.

(8) "Professional engineer" or "engineer," means a person registered to practice engineering pursuant to KRS Chapter 322.

(9) "Sewage," means the water–carried human or animal wastes from residences, buildings, industrial establishments or other places together with such industrial wastes, underground, surface, storm or other water, as may be present.

Section 2. Prohibition. No person shall construct, modify or operate a facility without having received a permit from the department.

Section 3. The Permit. (1) A permit to construct a facility shall be effective upon issuance unless otherwise conditioned. If construction is not commenced within the twelve (12) months following a permit's issuance, a new permit shall be obtained prior any construction.

(2) A permit to construct a facility shall automatically become an operational permit when:

(a) The applicant notifies the department that the facility has been properly constructed; and,

(b) A departmental representative inspects the site and determines that the facility is properly operating.

(3) The applicant shall notify the department in writing within thirty (30) days of completed construction and commencement of trial operation.

(4) Permits may contain special conditions not found in this regulation. Such conditions shall be in writing and treated as a part of a permit.

(5) Issuance of a permit represents a judgment of the department that a proposed facility will protect water quality or achieve certain effluent reductions if constructed in accordance with approved plans and specifications. Construction shall be in accord with approved plans and specifications.

Section 4. Permit Application. An application for a permit shall be submitted not less than thirty days prior to the date a permit is desired.

Section 5. The Application; Preliminary Considerations. (1) Where a river basin plan, an areawide waste management plan and/or a regional or facility plan has been developed, the applicant shall provide the department with a statement, from the agency developing any such plan, that the applicant's proposed facility is compatible with any applicable plan.

(2) Any proposed facility with a projected capacity of 50,000 gallons per day, or more, shall submit a preliminary or facilities plan to the department. Said plan shall include:

(a) A seven and one–half (7 1/2) minute, United States Geological Survey topographic map with the projected service area outlined and the discharge point identified thereon.

(b) A schematic of the facility layout and detailed explanation of the proposed facility and its method of operation;

(c) All wastes shall be identified in regard to the processes giving rise to the waste, the character and quantity of the waste, its treatability; and

(d) A statement regarding the expected degree of reduction in pollution load to be accomplished by the facility.

(3) Where the discharge point of a proposed facility fails to coincide with a well defined wet weather stream, the applicant shall demonstrate that he has a legal right to discharge his effluent across any servient estate which comes between the point of discharge and a well defined wet weather stream. The department may require the applicant to provide it with an opinion of counsel to that effect.

Section 6. Plans and Specifications. (1) Not less than three (3) sets of detailed plans and specifications shall be submitted to the department. Said submittal shall be accompanied by a completed permit application form provided by the department.

(2) The department may request such additional information as it needs to evaluate the facility.

(3) Once departmental approval is obtained, no changes shall be made to the plans and specifications which would alter or affect the location, type of process or quality of effluent without prior written approval from the department.

(4) Where a proposed or existing facility is part of or may become a part of a comprehensive sewer system and has a projected capacity of 50,000 gallons per day or more, the plans and specifications shall be prepared by a professional engineer. The plans shall be accompanied by such engineering calculations as are necessary for the understanding of the basis and design of the facility. [Such plans shall be accompanied by hydraulic and sanitary engineering design calculations.]

Section 7. Design Considerations. (1) Specific design criteria for any facility shall be controlled by current engineering practice. Some references to current engineering practice can be found in the following: "Guidelines for Design, Operation and Maintenance of Waste Water Treatment," by the United States Environmental Protection Agency, and by the latest edition of "Recommended Standards for Sewage Works of the Great Lake-Upper Mississippi River Board of Sanitary Engineers;" and the Water Pollution Control Federation's "Manual of Practice No. 8 and 9."

(2) Consideration should be given to the treatment requirements of the United States Environmental Protection Agency for specific types of facilities and processes.

(3) The applicant shall demonstrate to the department that the effluent from a proposed facility will:

(a) Protect those minimum conditions applicable to all waters of the Commonwealth found in Section 2 of 401 KAR 5:025;

(b) Not cause those waters classified by 401 KAR 5:035 to be of lesser quality than the numeric criteria applicable to those waters in Sections 3 to 9 of 401 KAR 5:025; and

(c) Accord with any general or particular facility requirement mandated by other regulations. An example of a general facility requirement is the "best practicable control technology" found in 401 KAR 5:035.

(4) A recording flow measuring device shall be installed at any facility with a design flow of 50,000 gallons per day, or more. Plants with less capacity may estimate flow from a measuring device at the plant.

(5) Infiltration/Exfiltration:

(a) The access of ground water or loss of waste from a sewer system will be limited to 250 gallons per inch diameter per mile per day with a maximum of 6,000 gallons per mile per day regardless of the pipe diameter. This limitation is inclusive of manholes, sewers, and appurtenances.

(b) The integrity of a new system shall be verified by means of either smoke testing or low pressure air testing or both testing methods. The use of smoke testing shall depend on prevailing ground water conditions at the time of testing. Sewers over eighteen (18) inches in diameter shall be tested by the exfiltration method and/or smoke testing if ground water conditions permit.

(6) Inflow: No new combined, extension or replacement of combined sewers shall be permitted. All points of access of inflow to a separate sanitary system will be identified and eliminated.

Section 8. Application; Other Supporting Documents. (1) The applicant shall demonstrate that provision has been made for continuous inspection of a facility under construction to assure its conformity with approved plans and specifications. Those facilities designed by an engineer shall be inspected by an engineer.

(2) The applicant shall demonstrate that laboratory services shall be provided for self-monitoring to assure facility operation in accord with any permit conditions and to substantiate protection of the receiving waters.

(3) Where a proposed facility will serve multiple users, the applicant shall demonstrate the financial ability to guarantee continuous operation and maintenance to the department's satisfaction. Such guarantee may take the form of a supporting promise by another person to operate the facility if the applicant fails to properly do so, or by posting a bond payable or depositing money in escrow to be available for making necessary repairs only upon the department's determination that the facilities' operation and maintenance is not achieving permit conditions. The above requirement can be demonstrated by a certification from the Public Service Commission.

Section 9. Operation. (1) The department's permit may specify the type of analysis required for a facility and the frequency that such analysis shall be performed and reported to the department.

(2) The department may provide forms for self-monitoring reports.

(3) Facilities having a design capacity of 50,000 gallons per day or more shall submit an annual report which shall include:

(a) A summary of the quantity and quality of waste influent and effluent for each month, for each parameter, with average, minimum and maximum values shown;

(b) A report of the number of times the facility bypassed; and

(c) A report of what percent of the time the minimum treatment conditions were not met.

JOHN S. HOFFMAN, Secretary

ADOPTED: June 6, 1975

RECEIVED BY LRC: June 6, 1975 at 4:33 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Water Quality
(Proposed Amendment)

401 KAR 5:015. Spills and bypasses to be reported to division.

RELATES TO: KRS Chapter 224
PURSUANT TO: KRS 13.082, 224.033(17)
SUPERSEDES: WP-3
NECESSITY AND FUNCTION: This regulation requires that spills and bypasses from sewage systems as defined in KRS 224.005(15) [waste treatment facilities] be reported to the division [department]. Such reports enable the division [department] to determine what action it need initiate to protect public safety and mitigate or reduce the effect of such spill or bypass.

Section 1. Any person having knowledge in advance of the necessity to bypass a sewage system shall notify the Division of Water before such bypass is commenced. Notification shall be given as far in advance as possible.

Section 2. Whenever by reason of emergency or accident a spill or discharge occurs from a sewage system or from a container or pipeline used to transport or store substances which would result in or contribute to the pollution of the waters, the person in charge of [responsible for] such activity shall immediately notify the Division of Water by the most rapid means available.

Section 3. Any person notifying the department pursuant to Sections 1 and 2, shall report the point of discharge, the nature of the material discharged, the quantity of the material discharged and an assessment of probable environmental impact.

Section 4. Notification required under Section 1 may be made by any mode of communication. Notification required by Section 2 shall be made by the most rapid means of communication available. If notification is not initially made in writing, it shall be confirmed by written notification within ten (10) days if requested by the division director or his appointed representative.

Section 5. Persons failing to report as required in Sections 1, 2, [and] 3 and 4 are subject to the penalties provided by KRS 224.994.

JOHN STANLEY HOFFMAN, Secretary

ADOPTED: June 6, 1975
RECEIVED BY LRC: June 6, 1975 at 4:32 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Water Quality
(Proposed Amendment)

401 KAR 5:025. Water quality standards.

RELATES TO: KRS Chapter 224
PURSUANT TO: KRS 13.082, 224.033(17)
SUPERSEDES: WP-4-1
NECESSITY AND FUNCTION: This regulation is to implement KRS 224.020. The regulation provides narrative water quality standards for all waters and sets forth a use classification scheme with numeric criteria for applicable waters.

Section 1. Prohibitions. No person or group of persons as defined in KRS Chapter 224 shall cause to be violated any one (1) of the minimum standards in Section 2 or any one (1) of the standards established in Sections 3 to 9 of this regulation.

Section 2. The following are minimum conditions applicable to all waters of the Commonwealth of Kentucky. All waters of the Commonwealth shall be:

(1) Substantially free from substances attributable to municipal, industrial or other discharges or agricultural practices that will settle to form putrescent sludge deposits;

(2) Free from floating debris, oil, scum and other floating materials attibutable to municipal, industrial or other discharges or agricultural practices in amounts sufficient to be unsightly or deleterious;

(3) Free from materials attributable to municipal, industrial or other discharges or agricultural practices producing color, odor or other conditions in such degree as to create a nuisance; and

(4) Free from substances attributable to municipal, industrial or other discharges or agricultural practices in concentrations or combinations which are toxic or harmful to human, animal, plant or aquatic life.

(5) In the standards established by subsections (1) to (4), every person as defined in KRS Chapter 224 shall remove from their discharges those substances described in subsections (1) through (4) to the lowest practicable level attainable under current technology.

Section 3. Stream use classification. In addition to the minimum conditions set forth in Section 2, the use classification found in Sections 4 to 9 shall govern where applicable.

Section 4. Public water supply and food processing industries. The following criteria are applicable to surface water at the point at which water is withdrawn for use for a public water supply or by a food processing industry:

(1) Bacteria: Coliform group shall not exceed 5,000 per 100 ml as a monthly arithmetical average value as determined by either MPN or MF count nor exceed this number in more than

twenty (20) percent of the samples examined during any month; nor exceed 20,000 per 100 ml in more than five (5) percent of such samples.

(2) Threshold-odor number after normal treatment shall [not] be less than three (3).

(3) Dissolved solids shall not exceed 500 mg/l as a monthly average value, nor exceed 750 mg/l at any time. Values of specific conductance of 800 and 1,200 micromhos/cm, at 25 degrees Centigrade, may be considered equivalent to dissolved solids concentrations of 500 and 750 mg/l.

(4) Radioactive substances: Gross beta activity shall not exceed 1,000 picocuries per liter, pCi/l, nor shall activity from dissolved Strontium 90 exceed 10 pCi/l, nor shall activity from dissolved alpha emitters exceed 3 pCi/l.

(5) Chemical constituents shall not exceed the following specified concentrations at any time:

Constituents	Concentrations, mg/l
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium (Hexavalent)	0.05
Cyanide	0.025
Fluoride	1.0
Lead	0.05
Selenium	0.01
Silver	0.05

Section 5. Industrial water supply. The following criteria are applicable to water at the point at which water is withdrawn for use, either with or without treatment, for industrial cooling and processing, other than food processing, and shall be applicable only within a mixing zone:

(1) pH shall not be less than 5.0 nor greater than 9.0 at any time.

(2) Temperature shall not exceed 95 degrees Fahrenheit at any time.

(3) Dissolved Solids shall not exceed 750 mg/l as a monthly average value, nor exceed 1,000 mg/l at any time. Values of specific conductance of 1,200 and 1,600 micromhos/cm, at 25 degrees Centigrade, may be considered equivalent to dissolved solids concentrations of 750 and 1,000 mg/l.

Section 6. Aquatic life. The following criteria are for evaluation of conditions for the maintenance of well balanced, indigenous fish population. The aquatic use standards shall not apply to areas immediately adjacent to outfalls. Areas immediately adjacent to outfalls shall be as small as possible, be provided for mixing only, and shall not prevent the free passage of fish and drift organisms.

(1) Dissolved oxygen. Concentrations shall average at least 5.0 mg/l per calendar day and shall not be less than 4.0 mg/l at any time or any place outside the mixing zone.

(2) pH values shall not be less than 6.0 nor more than 9.0.

(3) Temperature shall not exceed 89 degrees Fahrenheit.

(a) There shall be no abnormal temperature changes that may effect aquatic life unless caused by natural conditions.

(b) The normal daily and seasonal temperature fluctuations that existed before the addition of heat due to other than natural causes shall be maintained.

(c) The maximum temperature rise at any time or place above natural temperatures shall not exceed 5 degrees Fahrenheit in streams. In addition, the water temperature for all streams shall not exceed the maximum limits indicated in the following table:

Stream maximum temperature for each month in °F.

January	50
February	50
March	60
April	70
May	80
June	87
July	89
August	89
September	87
October	78
November	70
December	57

(d) The allowable temperature increase in public water impoundments shall be limited to 3 degrees Fahrenheit in the epilimnion if thermal stratification exists. Public water impoundments include all impounded water of the Commonwealth which are open to the public and used by the public.

(4) Toxic substances shall not exceed one-tenth of the 96-hour median tolerance limit of fish. Where there are substances that are toxic because of their cumulative characteristics, other limiting concentrations may be used in specific cases as presently approved by the Federal Environmental Protection Agency, or as later adopted by the Division of Water Quality.

Section 7. Put-and-take trout streams: The following criteria are applicable to those waters designated by the division as put-and-take trout streams:

(1) Dissolved oxygen concentrations shall not be less than 6.0 mg/l at any time or any place. Spawning areas, during the spawning season, shall be protected by a minimum DO concentration of 7.0 mg/l.

(2) Temperature: Stream temperatures shall not be increased artificially above the natural temperature at any time in cold water trout streams.

Section 8. Recreation: Unless caused by natural conditions, the following criterion shall apply in waters to be used for recreational purposes, including but not limited to such water-contact activities as swimming and water skiing. Bacteria: The total coliform level shall not exceed an average 1,000 per 100 ml. Total coliform shall not exceed this number in twenty (20) percent of the samples in a month, nor exceed 2400/100 ml on any day. If the level of total coliform is exceeded, then a fecal coliform standard shall be used. There shall be a reduction of fecal coliform to such degree that during the months of May through October fecal coliform density in the discharge does not exceed 200 per 100 ml as a monthly geometric mean, based on not less than ten (10) samples per month, nor exceed 400 per 100 ml in more than ten (10) percent of the samples examined during a month, and during the months of November through April, the density does not exceed 1,000 per 100 ml as a monthly geometric mean, based on not less than ten (10) samples per month, nor exceed 2,000 per 100 ml in more than ten (10) percent of the samples examined during a month.

Section 9. Agricultural: No criteria in addition to the minimum conditions enumerated in Section 2 are proposed for the evaluation of stream quality at the point at which water is withdrawn for agricultural and stock watering use.

Section 10. Multiple uses. One or more uses established in Sections 4 to 9 may apply to the same waters. The use criteria shall apply to those waters suitable for use or uses provided in Section 3. In the event there is a conflict between or among the applicable uses, the more stringent use criteria shall apply.

JOHN STANLEY HOFFMAN, Secretary

ADOPTED: June 6, 1975
RECEIVED BY LRC: June 6, 1975 at 4:31 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Water Quality
(Proposed Amendment)

401 KAR 5:045. Biochemically degradable wastes; treatment.

RELATES TO: KRS Chapter 224
PURSUANT TO: KRS 13.082, 224.033(17)
NECESSITY AND FUNCTION: This regulation is necessary to implement KRS 224.020. It requires a minimum of secondary treatment for publicly owned facilities and those facilities which are regulated under KRS 278.010 which receive biodegradable wastes, a minimum of best practicable control technology or best available technology economically achievable for other facilities which receive biodegradable waste, and additional treatment [in excess of "secondary"] in certain situations. The regulation requires that such treatment [existing] facilities receiving such wastes reapply to the department prior to January 1, 1976 for a permit to continue operating.

Section 1. Definitions. The definitions found in Section 1 of 401 KAR 5:005 shall apply to this regulation.

Section 2. Applicability. (1) All publicly owned facilities discharging [persons who discharge] into waters of the Commonwealth [through facilities] which receive an influent which is biochemically degradable, shall provide a minimum of secondary treatment to that influent prior to its discharge. If other constituents are present, additional treatment may be required.

(2) All other facilities discharging into waters of the Commonwealth which receive an influent which is biodegradable shall provide that degree of treatment prescribed in 401 KAR 5:035, Section 2, to that influent prior to its discharge. If other constituents are present, additional treatment may be required.

Section 3. "Secondary treatment" is that level of effluent quality attainable in terms of the parameters; biochemical oxygen demand, BOD, suspended solids, fecal coliform bacteria and pH.

(1) Biochemical oxygen demand, five (5) days.

(a) The arithmetic mean of the values for BOD in effluent samples collected during a period of thirty (30) consecutive days shall not exceed thirty (30) milligrams per liter.

(b) The arithmetic mean[s] of the values for BOD in effluent samples collected during a period of seven (7) consecutive days shall not exceed forty-five (45) milligrams per liter.

(c) The arithmetic mean of values for BOD in effluent samples collected during a period of thirty (30) consecutive days shall not exceed fifteen (15) percent of the arithmetic means of the values for influent samples collected at approximately the same times during the same period.

(2) Suspended Solids.

(a) The arithmetic mean[s] of the values for suspended

solids in effluent samples collected during a period of thirty (30) consecutive days shall not exceed thirty (30) milligrams per liter.

(b) The arithmetic mean[s] of the values for suspended solids in effluent samples collected during a period of seven (7) consecutive days shall not exceed forty-five (45) milligrams per liter.

(c) The arithmetic mean[s] of the values for suspended solids in effluent samples collected during a period of thirty (30) consecutive days shall not exceed fifteen (15) percent of the arithmetic means of the values for influent samples collected at approximately the same times during the same period.

(3) Fecal coliform bacteria.

(a) The geometric mean of the value for fecal coliform in effluent samples collected during a period of thirty (30) consecutive days shall not exceed 200 per 100 milliliters.

(b) The geometric mean[s] of the values for fecal coliform in effluent samples collected during a period of seven (7) consecutive days shall not exceed 400 per 100 milliliters.

(4) pH. The effluent values for pH shall not be less than a pH of 6.0 nor greater than 9.0.

Section 4. Treatment in excess of that required under Section 2 ["secondary treatment"] for influents which are biochemically degradable shall be required for a continuous facility discharge where:

(1) The department determines that the receiving waters will not satisfy applicable water quality standards as a result of a facility discharge.

(2) The department determines that a facility lacks the sophistication of process to consistently produce the required effluent quality.

(3) The department determines that the receiving waters will exceed four (4) milligrams per liter of ammonia nitrogen as a result of the facility's discharge.

Section 5. (1) Any person responsible for an existing facility as described in Section 2 which receives biochemically degradable influent, shall, prior to January 1, 1976, make application to the department for a permit to continue to discharge to the waters of the Commonwealth.

(2) If the division determines, from available information or information requested from the applicant, that an existing facility does not or may not produce an effluent equal to or less than that specified in Sections 3 and 4, it shall require the applicant to submit plans and specifications or other data showing how the facility shall be brought into compliance.

(3) If the facility's effluent is equal to or less than that required in Sections 3 and 4, an operating permit shall be issued to the applicant.

(4) If the facility's effluent does not satisfy the requirements of Sections 3 and 4, the department may issue the applicant a permit to upgrade the facility.

(a) No such permit shall be issued unless the department has received and approved a compliance schedule to bring a facility into compliance at the earliest possible date.

(b) A compliance schedule shall contain a commitment from the applicant to achieve increments of progress to be completed on dates certain.

(c) At a minimum the increments shall include a date for submitting any additional plans and specifications required for construction; a date for commencement of construction; and a date for completion of construction.

(d) Upon request from the department, the applicant shall provide the department with periodic reports regarding progress towards compliance schedule increments.

(5)[(3)] Failure to meet the dates set forth in a compliance schedule shall constitute a violation of KRS 224.060 unless an alternate date has been negotiated by the person responsible for a facility and has been approved in writing by the division.

JOHN S. HOFFMAN, Secretary

ADOPTED: June 6, 1975
RECEIVED BY LRC: June 6, 1975 at 4:28 p.m.

(The six regulations which follow, published originally in the April issue [1 Ky.R. 773-778] were amended by the issuing agency following a hearing. They will be considered by the Administrative Regulation Review Subcommittee at its July 2, 1975 meeting.)

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Land Resources
Division of Reclamation
(Proposed Amendment)

402 KAR 1:025. Access roads.

RELATES TO: KRS Chapter 350
PURSUANT TO: KRS 350.028(1), 350.090, 224.033(17), 224.045(6)(b), 13.082
SUPERSEDES: SMR-Rg-5
NECESSITY AND FUNCTION: KRS 350.028(1) requires the Department for Natural Resources and Environmental Protection to adopt rules and regulations pertaining to strip mining to accomplish the purposes of that chapter. This regulation is to provide standards for the construction and maintenance of access roads to coal surface mines.

Section 1. (1) An access road shall be that road either constructed or used by an individual, company and/or corporation for the purpose of ingress and egress to the mining operation. Paths or trails between pits, for the temporary movement of equipment, shall not be considered as access roads but shall be part of the area affected.

(2) Haul or access roads shall comply with the following standards:

(a) No haul or access road shall be constructed in a stream nor shall any stream or stream bed be used as a haul or access road. [No haul or access road shall be constructed in a stream or so close to such stream that material will toe out below the high water mark.] Any channel changes shall be approved by the Division of Water Resources or its successors as required by KRS 151.250. When a stream crossing is proposed and the drainage area above the proposed structure is considered by the Division of Reclamation to be large enough that the proposed structure could create hazard to either life or property, then a permit from the Division of Water Resources or its successors shall be required.

(b) The center line of the proposed road must be flagged or marked with an acceptable substitute at the time the reclamation plan is submitted to the division.

(c) The grading of an access or haul road shall be such that the maximum pitch grade shall not exceed twenty (20) percent and grades above ten (10) percent shall not exceed a length of 300 feet and shall revert to a ten (10) percent grade or less for a minimum distance of 300 feet between the beginning and ending of each such incline.

(d) The grade on switch back curves must be reduced to less than the approach grade and shall not be greater than five (5) percent.

(e) Ditch relief cross drains shall be spaced according to grade. All natural drains shall be accommodated with an appropriate sized relief structure at the point where the natural drain intersects the roadway. Appropriate skews shall be introduced to reduce turbulence and other resistance factors. Outlet and inlet ends of structures shall be constructed on original ground when possible. Fill sections shall not be subjected to discharge flows of structures or open channels.

(f) Ditch relief culverts will be installed according to the following table of spacings in terms of percent of road grade:

ROAD GRADE IN PERCENT	SPACING OF CULVERTS IN FEET
2-5	300-500
6-10	200-300
11-15	100-200
16-20	100

(g) Culvert pipe sizes shall be determined by a hydraulic study of the area drained and approved by the division. [Culvert pipe openings shall not be less than one and one-half (1 1/2) times the channel end required to flow through the structure.]

(h) Where drainage structures are required for areas greater than 100 acres [and if the structure is to remain in place during the rainy season] they shall be large enough to carry [convey] a twenty-five (25) year storm without creating a head elevation that might inundate adjacent property which has not heretofore been inundated. [Consideration will be given to the time of year the crossing is to be constructed, and the length of time it is to be used, but in no event, and under no condition will the normal flow of the stream be affected or the sediment load of the stream be materially increased.] When [If] the drainage area above the structure is greater than 300 acres or when a potential hazard exists to either life or property [large enough to be deemed by the Division of Reclamation engineering staff to be hazardous to either life or property, then] a permit from the Division of Water Resources or its successors shall be required [as set forth in paragraph (a) above].

(i) Cut slopes shall not be steeper than 1:1 (45 degrees) in soils and may be vertical in rock.

(j) All fill and cut slopes shall be seeded in accordance with 402 KAR 1:040 [during the first planting and/or seeding season after the construction of the road].

(k) If a berm is produced in skimming the road, it shall not be left on the ditch side.

(l) Roads shall not be surfaced with any acid producing material which will produce a runoff of acid, the surface being that part of the road which is normally used by vehicles in motion to and from the defined terminals.

(m) Bridges, culverts, stream crossings, etc., which the operator might elect to use on another project, may not be removed from their existing function prior to bond release without the consent of the Division of Reclamation.

[illegible] of Administrative Regulation Review Subcommittee [illegible]

(n) Before an access or haul road is abandoned by an operator, surface drainage to minimize erosion and adequate vegetative cover shall be provided as required by the division before the bond on the road may be released. When a road is to be turned over to another party for his use, adequate surface drainage shall be provided as required by the division before the bond on the road may be released. [When an access road is to be abandoned and shall no longer be used as a road by the operator, the landowners, or the state or national forest services, surface drainage to minimize erosion and vegetative cover shall be provided. Regardless of the future use of the road, adequate surface drainage shall be provided. Abandoned means that the operator has ceased to use the road and has provided adequate surface drainage and proper vegetative cover as required by the Division of Reclamation regulations. When the road has been abandoned, the bond required by KRS 350.060 may be released providing all other reclamation requirements are met. If the road is turned over to another party for their use and adequate surface drainage has been provided, the bond on the road may be released.]

(o) All grades referred to in this regulation shall be subject to a tolerance of two (2) percent except a maximum pitch grade. All measurements referred to in this regulation shall be subject to a tolerance of five (5) percent of measurement. All angles referred to in this regulation shall be measured from the horizontal and shall be subject to a tolerance of five degrees (5°).

(p) Haul or access road surfaces shall be elevated at a ratio not to exceed one-fourth (1/4) inch per foot of road width. Except in places where safety conditions are overriding, all road surfaces shall drain to the cutside of the roadway. In places where road construction requires a cut on both sides of the road, surface drainage shall be on the side of the deepest cut. Where the road is constructed entirely on fill, drainage will be on the side having the shortest fill slope. [All road surfaces shall drain to the cutside of the roadway. Where construction through a point or some other topographic condition results in a through cut, then surface drainage shall be to the side of the deepest cut.]

(q) All road surfaces, ditch lines, cross drains, back slopes and fill slopes shall be maintained as required by the division as long as the bond is in force. Loose material produced in skimming a road shall not be pushed into the ditch. [Low speed being a consideration in the design of haul or access roads, all surfaces shall be elevated at a ratio not to exceed one-fourth (1/4) inch per foot of road width.]

(r) Traffic on any haul or access road in violation of this regulation may be halted by the Secretary of the Department until proper corrective measures are taken. [A berm of earth with a minimum height of three (3) feet and/or standard steel berm type guard rail shall be constructed the entire length of all side cuts or fill sections where the terrain incline below the shoulder of the road is greater than ten (10) degrees.]

[(s) If construction across a hollow should produce an entire fill section, then the side depicting the shortest fill slope will be treated as a cut section in carrying out the requirements of any of the above section.]

[(t) Maintenance of all surfaces, ditchlines, cross drains, back slopes, and fill slopes shall be carried out to insure adequate drainage of the road during its use to and from the mining area.]

[(u) Access road surfaces shall be completely clear of all snow, ice, and mud while minerals are being transported from the mining area.]

[(v) At anytime the Division of Reclamation personnel should deem an access road or its use to be in violation of the articles of this regulation, or if the transporting of minerals from the mine should be causing hazards to travelers on public roads, due to tracking of mud and/or other debris onto the surface of said public road then all hauling from the mining area shall be stopped until proper corrective measures as approved by the division are carried out.]

ADOPTED: June 9, 1975 JOHN S. HOFFMAN, Secretary
RECEIVED BY LRC: June 9, 1975 at 11:29 a.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Land Resources
Division of Reclamation
(Proposed Amendment)

402 KAR 1:030. Backfilling, grading and method of operation.

RELATES TO: KRS Chapter 350
PURSUANT TO: KRS 350.040, 350.028(1), 350.093, 350.100, 244.033(17), 224.045(6)(b), 13.082
SUPERSEDES: SMR-Rg-6
NECESSITY AND FUNCTION: KRS 350.028 requires the Department for Natural Resources and Environmental Protection to adopt rules and regulations pertaining to strip mining to accomplish the purpose of that chapter. This regulation provides criteria and evaluation standards for the grading practices and operating methods on strip mining.

Section 1. Definitions. All terms not defined herein shall have the meaning given them in KRS 350.010 or by commonly accepted usage. As used in this regulation, the following words shall have the following meaning:

(1) "Fill bench" means that portion of the bench created beyond the point of intersection of the original slope and the level of coal seam projected.

(2) "Solid bench" means that distance measured from the highwall to a point fifteen (15) feet short of the intersection of the original slope at the level of coal seam projected.

(3) "Highwall" means that distance from the point of intersection of the vertical cut and the original slope to the bottom elevation of the coal seam.

(4) "Degree of slope" means a measurement taken from the outcrop of the coal seam, to be mined, down the slope on which the overburden will be placed.

(5) "Total bench width" means that distance measured perpendicularly to the highwall which extends from the highwall to the lip of the fill bench [overburden].

Section 2. Backfilling and grading as required by KRS 350.093 shall be performed as follows:

(1) On lands where the method of operation does not produce a bench (area strip mining):

(a) Complete backfilling shall be required, beginning at or beyond the top of the highwall and sloped to the toe of the spoil bank at a maximum angle not to exceed the approximate original contour of the land with no depressions to accumulate water, and all highwalls and spoil peaks shall be eliminated.

(b) Water diversion ditches or terraces shall be constructed in the final grading to control water runoff and erosion on long uninterrupted slopes and to remove surface water runoff to a safe outlet. For the purpose of this regulation, a diversion ditch shall be a channel constructed on a continuous grade of one (1) to two (2) percent across the slope with a supporting ridge on the lower side and the entire ditch seeded to an adaptable grass or grass-legume mixture. The depth and width of the diversion ditch may vary depending on the length and degree of slope.

(c) Lands shall be deemed to have been completely backfilled and graded to their approximate original contour when:

1. The contour of the land conforms approximately to the contour of the original ground, but the final surface of the restored area need not necessarily have the exact elevations of the original ground surface. However, where a flat surface or a surface with less slope than the original ground surface is desired, such surface shall be deemed to comply with backfilling and grading to the approximate original contour.

2. Spoil abutting onto unstripped lands has been graded so as to blend into the adjoining unstripped lands. In order to prevent excessive disturbance of the adjoining unstripped lands through the placing of spoil onto already vegetated areas, spoil will be considered as blending into the unstripped lands if the angle between the spoil and the unstripped land is twelve (12) degrees or less.

(d) Strip mining in areas where the average "degree of slope" [slope] of the original ground can be defined as having an angle of inclination of more than twelve (12) degrees from the horizontal shall be deemed to produce a bench and such areas may be restored according to the requirements of terrace backfilling.

(2) On lands where the method of operation produces a bench (contour strip mining, auger mining, and highwall mining):

(a) Terrace backfilling shall be required according to the provisions of KRS 350.093(2).

(b) 1. The maximum solid bench width of the first cut shall not exceed those limits shown in Table No. 1 of this regulation, unless complete end-hauling or similar methods are employed which do not create a fill bench.

TABLE NO. 1

Natural Slope In Degrees	Maximum Solid Bench Width In Feet	Scalping Distance In Feet	Total Bench Width In Feet
12 — 14	132	70	173
15 — 18	102	70	151
20	90	70	122
21	85	60	114
22	80	60	105
23	75	60	96
24	65	50	85
25	60	50	79
26	55	50	73
27	50	50	67
Auger Only			
28 — 33	25	25	40
Above 33	No Fill Bench		

2. Additional cuts in contour strip mining may be taken, provided all overburden from the additional cuts are either stacked on the solid portion of the bench formed by the first cut, and/or all overburden is hauled to a hollow fill or ridge storage point approved by the Division of Reclamation. The operator shall show on the map, filed with the application for a permit, the degree of slope within each 200 feet interval along the contour of the operation, the first measurement to be taken at the starting point of the operation. Red paint shall be used to mark a tree on the coal crop line where the slope reading was taken, this marking shall be on the elevation (level) of the observer's eye. A tree will be similarly marked at a point down the slope fifteen (15) feet below the point where the scalping area ends. The entire area from the top of the proposed highwall to the toe of the spoil, shall be thoroughly scalped of all timber, brush, etc. and placed in a uniform windrow at the proposed toe of the spoil. Slopes which can accept overburden shall be measured from the top of the outcrop of the seam to be mined, using slope measurements and the scalping of organic materials from that point down slope shall not exceed fifty (50) feet on slopes of twenty-four (24) degrees through twenty-seven (27) degrees, sixty (60) feet on slopes of twenty (20) degrees through twenty-three (23) degrees, and seventy (70) feet on slopes of twelve (12) degrees through nineteen (19) degrees. Areas which are not covered by timber shall have the crop line and scalping lines defined by artificial monuments to aid reclamation personnel in determining if the area can feasibly be worked under these regulations, and these monuments shall remain in place during the life of the permit. Spoil shall not be placed on windrows.

(c) Natural drainways shall not be disturbed unless prior approval is obtained from the division for a distance of fifty (50) feet on either side, except for the purpose of a haul road, materials excavated across a drainway area shall be completely removed by the end haul method. Overburden in the area of fifty (50) feet on either side of a natural drain shall not be placed over the outslope. If, in the operation, it is necessary to cross a natural drainway, proper drainage structures shall be provided. Sufficient water retarding structures and silt dams constructed to the approval of the division shall be placed in all natural drainways on every operation before the work begins. The proposed location of such dams and structures shall be indicated on the map submitted as part of the permit application.

(d) Overburden shall be graded by the reverse grading method, whereas, all drainage shall be from the highwall toward the outslope, all grading shall be done uniformly so to induce sheet runoff rather than concentrated flows, slopes resulting from the backgrading method shall not exceed those of the natural terrain above and/or below the highwall, during the reverse grading operation, no overburden shall come to rest on the fill bench section of the initial first cut.

(e) When a road is left after final grading, it shall be on the contour of the fifteen (15) feet barrier remaining along the outcrop of the coal seam, the width shall not exceed twenty (20) feet.

(f) All highwalls from auger mining must be reduced to a slope of forty-five (45) degrees or less. In strip mining and highwall mining operations all highwalls must be reduced or backfilled, except where the highwall will be composed of solid rock. In such case, the division may modify the highwall reduction requirements. What constitutes solid rock will be determined by the division, however, highwalls composed mainly of shale shall be reduced. Where the division determines that the highwall requirements may be modified so that the solid rock highwall need not be reduced to a slope of forty-five (45) degrees or less either because there is not sufficient soil available to provide a suitable vegetation cover on the reduced highwall, or the reduction or backfilling of the highwall will result in excessive damage to undisturbed vegetated lands above the highwall, the highwall shall be backfilled as much as possible with materials retained on the bench from the first cut. But in all instances, the backfilling shall provide more than four (4) feet cover above the seam of coal being worked, and the slope shall drain from the highwall.

(g) Within each 2,000 feet of distance along the bench, where the solid rock highwall is not required to be reduced or backfilled or where there is no natural access to lands above the highwall, at least one (1) suitable access shall be provided for each surface owner. Any water accumulating on a bench shall be pumped or siphoned into a natural or constructed drainway. The moving of [or] overburden to release such water shall be prohibited.

Section 3. (1) Where a water impoundment is desired under the provisions of KRS 350.093(3), such impoundment shall be submitted for approval to the Division of Reclamation and provide the following minimum standards:

(a) No leakage into and/or from old underground works.

(b) The surface area when filled shall not be smaller than one-half (1/2) acre.

(c) Seventy-five (75) percent of the proposed impoundment shall be at least six (6) feet deep.

(d) The ratio of the proposed impoundment surface area to the watershed drainage area shall not be less than 1:5 [10:1].

(e) If the watershed drainage area supplying the proposed impoundment is composed of fifty (50) percent spoil area, then the impoundment surface area ratio to the watershed drainage shall increase from 1:5 [10:1] to 1:10 [20:1].

(f) No highwall shall exceed twenty-five (25) feet measured from the permanent pool elevation. All shale and/or earth above the solid rock line shall be reduced to a slope not to exceed twenty-five (25) [twelve (12)] degrees.

(g) Pool widths at normal pool elevation when measured at ninety (90) degrees to the highwall face shall in all cases be equal to and/or greater than two (2) [four (4)] times the combined heights of the highwalls at that given point.

(h) All grading done on highwalls above the twenty-five (25) feet maximum height set out in Section 6 of this regulation shall result in no slopes greater than twenty-five (25) [twelve (12)] degrees.

(i) The grading of spoil areas surrounding the proposed impoundment, shall be to a maximum slope of twelve (12) degrees. This slope shall continue into the proposed impoundment area to a point where the slope blends into the bottom of the pit, and/or the depth of the water becomes six (6) [ten (10)] feet, whichever comes first.

(j) In areas where the approved highwall is closer than 200 feet to a property line, shops, rental properties, public roads, or any other areas where the public might be endangered, then a suitable fence shall be constructed along the top of the highwall.

(k) When the natural relief system has been obstructed by an artificial embankment in order to aid in the creation of an impoundment, the embankment section shall be approved by the Division of Water Resources and a construction permit issued (in accordance with KRS 151.250) before reclamation approval will be considered.

(l) In areas where highwalls are reduced and the act of reduction causes a separation in the excavated pit resulting in more than one (1) impoundment, then these reduced highwalls and their resulting outslopes may be reduced to a maximum twenty (20) degrees.

(m) Requests for all proposed impoundments shall be presented in writing to the Division of Reclamation prior to the beginning of the last cut.

(n) The written request shall be accompanied by maps compiled by company engineers showing drainage area in acres, percentage of the drainage area classified as reclaimed spoil, points of minimum and maximum width, surface area of proposed impoundment, acre feet storage, and arguments for the feasibility of requested impoundment.

(o) All impoundments (if approved) shall be on a tentative basis of not less than one (1) year nor more than two (2) years. If at the end of the tentative approval period the impoundment should fail to measure up to the laws, rules and regulations to the Division of Reclamation, then the entire area involved shall be totally completely graded in accordance with the laws, rules and regulations of the Division of Reclamation [within forty-five (45) days after the date of disapproval notice]. The operator shall have forty-five (45) days to submit a complete, detailed plan, indicating a completion date for all grading of the entire area.

(2) All spoil piles adjoining access roads to water impoundments shall be reduced to the approximate original contour of the surrounding area. Adequate drainage shall be provided and measures taken to prevent erosion of the slope, including but not limited to, terracing, vegetation, etc. The road bed must be adequately drained and culverts provided so as to prevent it from being eroded.

(3) The area above the highwall on any water impoundment shall be planted with trees in order to provide a protective barrier and screen. The trees to be planted are as follows:

(a) Three (3) rows of Locusts: 3' x 3' spacing, adjacent to the highwall.

(b) Three (3) rows of Conifers: 4' x 4' spacing, in front of the Locusts.

(c) The above trees are to be planted in such a way that they will not be carried over the highwall by erosion but not so far back that they will not provide a protective barrier and screen for the top of the highwall. All such planting will be subject to the approval of the area supervisor.

Section 4. When an abandoned underground mine or acid mine drainage is encountered in the operation, it shall be reported to the division and handled in accordance with 402 KAR 1:055 [one (1) or all of the following measures to reduce acid pollution shall be taken as determined by the division].

[(1) Sealing;]

[(2) Impoundment;]
[(3) Chemical treatment to neutralize acidity.]

Section 5. All acid-producing or toxic materials (including by way of illustration, but not limited to, rider, rooster, blossom, honey, culm or other sulphur-bearing or aluminum bearing substances) disturbed shall be buried under at least four (4) feet of clean overburden.

Section 6. In order to be considered current, grading and backfilling shall meet the following requirements:

(1) On lands where the method of operation does not produce a bench (area strip mining), the grading and backfilling shall not be more than two (2) spoil ridges behind the pit being worked, the spoil from this pit being considered the first ridge. All backfilling and grading shall be completed within ninety (90) days after the completion or suspension of an operation. Modifications to these requirements may be made by the division in connection with the backfilling of the final pit.

(2) On lands where the method of operation produces a bench (contour strip mining, auger mining and highwall mining), all coal must be picked up within thirty (30) days following removal of the overburden and the following requirements must be met.

(a) If the operation includes only stripping (no augering or highwall mining), the grading and backfilling shall follow the coal removal by not more than fifteen (15) days, but in no instance shall an area be left upgraded more than 1,000 feet behind the removal of the coal.

(b) If the operation includes stripping and augering, the augering shall follow the stripping by not more than thirty (30) days and the grading and backfilling shall follow the augering by not more than fifteen (15) days, but in no instance shall an area be left ungraded more than 1,000 feet behind the augering.

(c) If the operation includes stripping and highwall mining, the highwall mining shall follow the stripping within sixty (60) days, and the grading and backfilling shall follow the highwall mining by not more than fifteen (15) days, but in no instance shall an area be left ungraded more than 1,000 feet behind the highwall mining.

(d) If the operation includes only augering or highwall mining, the grading and backfilling shall follow the augering or highwall mining by not more than fifteen (15) days, but in no instance shall an area be left ungraded more than 1,000 feet behind the augering and highwall mining.

(e) Modifications to these requirements may be made by the division.

(3) If heavy rains or wet conditions make grading impracticable, the period of time required to be current shall equal the number of production days lost due to these heavy rains and wet conditions.

Section 7. (1) On lands where the method of operation produces a bench (contour strip mining, auger mining and highwall mining), all methods of operation shall be subject to the approval of the division and be in accord with the following requirements:

(a) The method of operation must comply with all of the specifications in Table No. 1, Section 2(1)(b), which relates to the first cut.

(b) On slopes of more than thirty-three (33) degrees, no fill bench shall be produced. Roads for the moving of equipment may be allowed across deleted areas, provided such roads do not exceed twenty (20) feet in width, and all material excavated in the construction of these roads is hauled beyond the deleted area to an approved site.

(c) On slopes of twenty-eight (28) degrees or above, only the auger method of mining will be approved, unless end hauling with nothing over the outslopes is employed.

(d) On benches where the solid cut will be more than forty (40) feet, an uncut or undisturbed section of the surface, measuring a minimum of fifteen (15) feet back toward the highwall from a point at the intersection of a line projected along the top of the coal seam with a projection of the original groundslope, must be left by the operation creating a box-cut effect in order to maintain a more solid bench on width to deposition to spoil from the first cut.

Section 8. Determination of solid bench widths shall be subject to a tolerance of five (5) percent on slopes twenty-four (24) degrees and greater, two (2) percent on slopes twenty (20) degrees to twenty-three (23) degrees, and one (1) percent on slopes less than twenty (20) degrees. No tolerance shall be considered on the fill portion of the bench.

JOHN S. HOFFMAN, Secretary

ADOPTED: June 9, 1975
RECEIVED BY LRC: June 9, 1975 at 11:30 a.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Land Resources
Division of Reclamation
(Proposed Amendment)

402 KAR 1:035. Permits.

RELATES TO: KRS Chapter 350
PURSUANT TO: KRS 350.028(1), 350.060, 350.090, 224.033(17), 224.045(6)(b), 13.082
SUPERSEDES: SMR-Rg-7
NECESSITY AND FUNCTION: KRS 350.028(1) requires the Department for Natural Resources and Environmental Protection to adopt rules and regulations pertaining to strip mining to accomplish the purposes of that chapter. This regulation is to provide standards for the modification of surface mining permit applications.

Section 1. Permits shall be issued pursuant to KRS 350.060 only on the condition that the reclamation plan approved pursuant to KRS 350.090 can be carried out. When conditions develop in the operation which show that an approved reclamation plan cannot be carried out as originally proposed or that additional measures must be taken to eliminate damage to the public and adjacent property owners from soil erosion, water pollution and hazards dangerous to life and property, the Division of Reclamation shall order in writing such action or inaction as will cause the operation to be in compliance with the requirements of KRS Chapter 350 and the regulations of the department. The order shall set forth the reasons for which the original plan cannot be carried out and shall be served on the operator by registered mail.

Section 2. If the operator does not agree to the division's order he may, by filing written notice within twenty (20) days after the date of the order of the division, request a hearing in accordance with the provisions of KRS 350.090 and 224.083. The hearing shall be held within twenty (20) days after the request in Frankfort or at such other place as the division orders, upon reasonable written notice to the operator. The final order of the division shall be issued within twenty (20) days subsequent to the hearing.

Section 3. The hearing provided for in Section 2 of this regulation shall not suspend the order of the division under Section 1 unless so ordered by the division.

JOHN S. HOFFMAN, Secretary

ADOPTED: June 9, 1975
RECEIVED BY LRC: June 9, 1975 at 11:31 a.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Land Resources
Division of Reclamation
(Proposed Amendment)

402 KAR 1:040. Vegetative cover; evaluation.

RELATES TO: KRS Chapter 350
PURSUANT TO: KRS 350.028(1), 350.095, 350.113, 224.033(17), 224.045(6)(b), 13.082
SUPERSEDES: SMR-Rg-8
NECESSITY AND FUNCTION: KRS 350.028(1) requires the Department for Natural Resources and Environmental Protection to adopt rules and regulations pertaining to strip mining to accomplish the purposes of that chapter. This regulation provides criteria and evaluation standards for vegetation required on surface mined lands.

Section 1. The operator shall submit with the application for a permit a proposed revegetation plan compatible with these regulations. A chemical analysis to determine potential acidity of the potential overburdens may be required if deemed necessary by the Division of Reclamation. No portion of the bond shall be released [Release of the grading bond shall not be made] until the requirements of subsections (1) to (8) of this section have been met and a detailed planting report submitted to the division.

(1) Revegetation shall include seeding and establishment of permanent grasses and legumes as approved by the Division of Reclamation and at seeding rates as recommended by the division. Temporary or quick cover species may be required in combination with the permanent species on some areas to control erosion. The seeding rates of these temporary species should [shall] not exceed the rates approved by the division.

(a) In the Eastern Kentucky coal field seeding shall be done on all spoil or other disturbed areas including access roads within fifteen (15) days after grading and shall be kept within 500 feet of first cut coal removal on the outslope. Where circumstances prevent the seeding to be accomplished within fifteen (15) days, or where adequate justification is provided, an extension for seeding not to exceed thirty (30) days may be approved by the division. This requirement is suspended for the period of October 15th through February 15th. The operator may be required to seed a cover crop, use a mulch, use a chemical stabilizer or use some other suitable method for erosion control during the suspended seeding period. Areas disturbed during this period shall be seeded during the first forty-five (45) days of the spring seeding period.

(b) In the West Kentucky coal field seeding shall be done on all spoil or other disturbed areas, including access roads within forty-five (45) days after grading is finished. [during the periods from February 15th to May 1st and August 1st to October 15th.] This requirement is suspended for the periods from October 15th through February 15th and from May 15th through August 1st. Some methods of erosion control may be required when an area is ready to seed between seeding periods. Areas disturbed following these seeding periods shall be seeded during the first forty-five (45) days of the next seeding period. Warm season grasses may be seeded from April 15th [20th] to June 15th [10th].

(2) A chemical analysis of the spoil material shall be made to determine the lime and fertilizer requirements. A chemical analysis of a minimum of one (1) composite spoil sample per ten (10) acres of disturbed surface shall be required. A composite sample shall consist of at least ten (10) throughly mixed sub-samples from the area. More samples may be required depending on the variability of the spoil and the size of the permit. The operator will be held responsible for meeting the above requirements. The chemical analysis must be done by laboratories operated under the supervision of the Kentucky Agricultural Experiment Station or other laboratories approved by the Division of Reclamation. Sufficient agricultural limestone or an approved substitute shall be applied and incorporated into spoils to raise the water pH to a minimum of 5.5 or 6.4 on those areas approved for grasses and legumes only. All limestone used shall be purchased from agricultural limestone dealers licensed by the Department of Agriculture. The SMP buffer pH method shall be used to determine the lime requirement if the water pH is below 6.0. The potential acidity tests or total sulfur analysis shall be required on areas where acid problems are suspected to more accurately determine the lime requirement. Where lime is required, it shall be incorporated into the spoil to a depth of six (6) inches. No portion of the bond shall be released until a stable water pH of at least 5.5 or 6.0 for grasses and legumes has been attained on at least eighty (80) percent of the area. [Spoil analysis shall be made to determine the pH of the spoil. Sufficient agricultural limestone shall be applied and incorporated into spoils as determined by the above tests to maintain a minimum pH of 5.5. On areas approved for grasses and legumes only, the pH shall be maintained at a minimum of 6.4. All limestone used on surface mined areas shall be purchased from agricultural limestone dealers licensed by the State Department of Agriculture. The limestone used shall meet these specifications: At least eighty (80) percent CaCo3 equivalent and at least ninety (90) percent must pass through a ten (10) mesh screen and at least thirty-five (35) percent must pass through a fifty (50) mesh screen. The buffer pH method shall be used to determine lime requirement if the water pH is below 6.0. Additional tests may be required on extremely acid areas to more accurately determine the lime requirement. When lime is required, it shall be incorporated into the spoil to a depth of at least six (6) inches on all areas. At least one and one-half (1 1/2) times the lime needed for six (6) inches of incorporation shall be applied to extremely acid spoils (buffer pH below 4.0) prior to incorporation. Incorporation to a depth of nine (9) to twelve (12) inches may be required on these areas. Normally an area shall be seeded to permanent vegetation as soon as possible, but if severe acid conditions existed prior to liming, a cover crop shall be seeded immediately after lime incorporation and the permanent vegetation shall be seeded three (3) to (6) months later. Additional lime may need to be applied prior to this seeding on extremely acid spoils. A chemical analysis of a minimum of one (1) composite spoil sample per ten (10) acres of disturbed surface shall be required. A composite sample shall consist of at least ten (10) throughly mixed sub-samples from the area. More samples may be required depending on the variability of the spoil and the size of the permit. The operator will be held responsible for meeting the above requirements. The chemical analysis must be done by laboratories operated under the supervision of the Kentucky Agricultural Experiment Station or other laboratories approved by the Division of Reclamation. Release of the grading bond shall not be made until a stable pH of at least 5.5 (or 6.4 in the case of areas approved for grasses or legumes only) has been attained on at least eighty (80) percent of the area.]

(3) Minimum fertilizer requirements for revegetation shall be 100 pounds of available P205 per acre and sixty (60) pounds of available nitrogen per acre. The nitrogen application may be split, with one-half (1/2) put on at time of seeding and one-half (1/2) during the first part of the next growing season. In those areas [of the Western Kentucky coal field] where only grasses and legumes are approved, the operator shall apply a minimum of 150 pounds of P205 and a minimum of sixty (60) pounds of K20 per acre in addition to the sixty (60) pounds of nitrogen. [In areas of the Eastern Kentucky coal field where grasses and legumes only are approved, the operator shall apply a minimum of 150 pounds of P205 in addition to the sixty (60) pounds of nitrogen.] The division may approve lesser amounts of fertilizer if approved spoil tests indicate lesser amounts are needed for satisfactory revegetation.

(4) Mulch shall be required on all disturbed areas where the slope exceeds fifteen (15) degrees, on [all] disturbed areas with a buffer pH below 5.0 prior to liming, on all areas where seedbed preparation [scarification] is impossible[, on dark colored spoils, on all spots that need reseeding,] and on all areas that are seeded to predominantly cool season species from June 1st [May 1st] to August 1st [15th]. Mulch may be required by the Division of Reclamation on other problem areas. A material to hold the mulch in place may be required. The acceptable mulching materials and minimum rates are listed below [as follows]:

Material	Rate/Acre
Straw or hay	1 1/2 tons
Wood Bark	45 cubic yards
Wood Fiber	1,500 pounds

(5) Trees shall be planted at no less than 800 seedlings per acre on all disturbed areas except benches formed by contour mining, level areas created by mountaintop removal, and areas in Western Kentucky that are approved for grasses and legumes only. The landowner must indicate his preference for grasses and legumes before an area will be considered for approval without the establishment of trees. Kentucky grown nursery tree seedlings are encouraged but seedlings acclimatized to Kentucky conditions may be used. Direct seeding of Black Locust trees at the rate of two (2) pounds per acre may be a satisfactory method of establishing trees. (See Section 5.)

(6) Shrubs for wildlife may be planted in lieu of tree seedlings and may be planted on any part of the mined area and may include border plantings, clump plantings, and intervening strips.

(7) All legume seed, except Black Locust, shall be innoculated with the proper strain of bacteria immediately prior to seeding. The innoculation rate shall be increased four (4) times if a hydroseeder is used.

(8) A seedbed shall be prepared by scarifying the spoil immediately prior to seeding except where the seeding is done on freshly graded material or on spoil loosened by frost action.

Section 2. At least twenty-four (24) hours prior to commencing any revegetation activity, the operator may be required to notify the area supervisor for the division and have invoices available for inspection as proof of purchase for seed, seedlings, lime, fertilizer, mulch and spoil test report(s).

Section 3. Roads shall be seeded to legumes and permanent grasses. This may be modified if, in the opinion of the division, the roadway will not contribute off-site damage to the public or adjacent property owners.

Section 4. When seeding or planting is completed, the operator shall file a detailed planting report with the exact amounts of lime, fertilizer, seed and mulch within two (2) weeks with the Division of Reclamation on a form furnished by the division.

Section 5. Standards for permanent vegetation. Prior to complete bond release there shall be established at least a seventy (70) percent ground cover per acre of permanent vegetation on all surface mined areas and at least eighty (80) [eighty-five (85)] percent ground cover per acre of permanent vegetation on those surface mined areas which were approved for grasses and legumes only. The permanent vegetation shall consist of both permanent grasses and legumes which are recommended by the Division of Reclamation.

(1) Standards for Woody Plants: Prior to complete bond release there shall be 600 or more living woody plants per acre, including volunteers, with distribution of stems fairly uniform on all areas except those mentioned in Section 1 (5) of this regulation.

(2) Inspection will be made by the division at the end of the first and second growing season for purposes of determining vegetation bond release. If the revegetation effort is unsatisfactory, a new plan shall be required to include rates of mulch, seed, fertilizer and lime based on new spoil tests. This revegetation plan shall be submitted to and carried out with the direction of the division. In order for vegetation to be considered current, it shall be satisfactory for bond release by the end of the second growing season. If vegetation is not current, the permitted area shall be subject to bond forfeiture and additional permits shall be denied the operator responsible for such areas until the operator has complied with the remedial measures set forth by the division.

Section 6. The Director of the Division of Reclamation may, with approval of the secretary of the department, after written request and justification therefor by the operator, provide for exceptions to this regulation consistent with the requirements of KRS Chapter 350.

JOHN STANLEY HOFFMAN, Secretary

ADOPTED: June 9, 1975
RECEIVED BY LRC: June 9, 1975 at 11:32 a.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Land Resources
Division of Reclamation
(Proposed Amendment)

402 KAR 1:050. Blasting.

RELATES TO: KRS Chapter 350
PURSUANT TO: KRS 350.028(1), 350.220, 224.033(17), 224.045(6)(b), 13.082
SUPERSEDES: SMR-Rg-10
NECESSITY AND FUNCTION: KRS 350.028 requires the Department for Natural Resources and Environmental Protection to adopt rules and regulations pertaining to strip mining to accomplish the purpose of that chapter. This regulation provides guidelines for the use of explosives on surface mine operations.

Section 1. No blasting shall be carried out in connection with strip mine operations in the neighborhood of any public highway, public stream or other body of water, dwelling house, public building, school, church, cemetery, commercial or institutional building, electric utility line or pipe line unless the person performing said blasting is licensed by the Department of Mines and Minerals pursuant to KRS 351.320. Said blasting shall not be done in such a manner and under such circumstances or conditions as to constitute a danger or to do harm or damage to persons or property described above and said operation complies with all provisions of KRS 351.330 and 351.340. This regulation is in no way intended to relieve the operator from any responsibility or liability under any other laws.

JOHN S. HOFFMAN, Secretary

ADOPTED: June 9, 1975
RECEIVED BY LRC: June 9, 1975 at 11:33 a.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Land Resources
Division of Reclamation
(Proposed Amendment)

402 KAR 1:060. Water impoundments.

RELATES TO: KRS Chapter 350
PURSUANT TO: KRS 350.028(1), 350.090, 224.033(17), 224.045(6)(b), 13.082
SUPERSEDES: SMR-Rg-12
NECESSITY AND FUNCTION: KRS 350.028 requires the Department for Natural Resources And Environmental Protection to adopt rules and regulations pertaining to strip mining to accomplish the purposes of that chapter. This regulation provides rules for the control of sedimentation from strip mining.

Section 1. (1) Prior to the issuance of a permit by the Division of Reclamation for [contour] surface mining all the following conditions must be met:
(a) A drainage, erosion, and sediment control plan for the area to be permitted must be prepared by a registered professional engineer or the local conservation district and submitted to the division for approval.
(b) Following approval by the division, the operator shall construct water retarding structures, sediment dams, or sediment ponds in those drainage areas to be immediately affected by the operation.
(c) Said construction must be certified by a registered professional engineer or the local conservation district.
(2) Construction and certification shall be kept current after the issuance of the surface mining permit until completion of the mining operation.
(3) No [contour] surface mine sediment dam shall exceed twenty (20) feet vertical distance between the lowest point of the valley floor and the crest of the emergency spillway.
(4) Following approval of the vegetative cover on the surface mining operation, the division may require removal, backfilling and grading of water retarding structures, sediment dams, and sediment ponds constructed by the operator under this regulation. Removal shall consist of complete draining, removal of collected silt and the constructed embankment, spreading the material in a location away from streams and seeding the area involved.
(5) All areas disturbed in the construction of sediment dams, basins or water retarding structures shall be revegetated.
(6) The director may, with approval of the secretary of the department, after written request by the operator and justification therefor, provide for exceptions to this regulation consistent with the requirements of KRS Chapter 350.

JOHN S. HOFFMAN, Secretary

ADOPTED: June 9, 1975
RECEIVED BY LRC: June 9, 1975 at 11:35 a.m.

DEPARTMENT OF TRANSPORTATION
Bureau of Highways
(Proposed Amendment)

603 KAR 5:095. Truckway classifications.

RELATES TO: KRS 189.222
PURSUANT TO: KRS 13.082, 174.050, and 189.222
NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable weight and dimension limits on all highways included in the State Primary Road System. This regulation is adopted to identify those portions of the highway system affected and indicate their classification.

Section 1. The classification for KY 56 are amended to read as follows:

KY 56	AAA	From:	Jct. KY 109 one mile east of the Rocks
		To:	Illinois State Line (Shawneetown Bridge
	and	From:	Pennyrile Parkway
		To:	Jct. US 41 at Sebree
	AA	From:	Jct. US 60 at Morganfield
		To:	KY 109 near Illinois State Line
	and	From:	Jct. Pennyrile Parkway
		To:	Beech Grove
	A	From:	Jct. US 60 in Morganfield
		To:	Jct. with US 41 at Sebree
	A	From:	Jct. KY 1554 (Old KY 54) at Sorgho
		To:	Jct. KY 81, west of Owensboro
	B		All other portions not herein classified.

Section 2. The classifications for KY 81 are amended to read as follows:

KY 81	AAA	From:	Jct. with Frederica St. (US 431), in Owensboro
		To:	Jct. with KY 554 near Moseleyville
	AA	From:	Jct. with KY 554
		To:	Jct. with US 431 at South Carrollton
		Except:	Green River Bridge at Calhoun (24 Ton Capacity - Posted)
	B		All other portions not herein classified.

Section 3. The classifications for KY 120 are amended to read as follows:

KY 120	AAA	From:	Jct. US 41A in Providence [at Slaughters]
		To:	Jct. KY 109 in [at] Providence
	B		All other portions not herein classified.

Section 4. The classifications for KY 212 are amended to read as follows:

KY 212	AAA	From:	Jct. KY 20 near north side of I-275 interchange
		To:	Jct. KY 236, south of I-275 Interchange (Boone County)
	B		All other portions not herein classi-

Section 5. The classifications for KY 236 are amended to read as follows:

KY 236	AAA	From:	Jct. KY 212, South of I-275 Interchange
		To:	Jct. I-75 in Boone County
	[AA	From:	Jct. US 25 in Erlanger
		To:	Jct. KY 1334 near Airport]
	AA	From:	Jct. I-75
		To:	Jct. US 25 in Erlanger
	B		All other portions not herein classified.

Section 6. The classifications for KY 281 are amended to read as follows:

KY 281	AAA	From:	Jct. with US 41A near the NCL of Madisonville
		To:	A point 2865 feet east of US 41 in Madisonville (Madisonville Bypass)
	[AAA	From:	Jct. with US 41A near NCL of Madisonville
		To:	KY 254]
	B		All other portions not herein classified.

Section 7. The classifications for KY 293 are amended to read as follows:

KY 293	AAA	From: Jct. with KY 93, south of Eddyville To: Jct. KY 70 at Fryer	
	[AAA	From: Jct. US 62 in Princeton To: Jct. with KY 93, south of Eddyville]	
		Except: I.C.R.R.Underpass in Princeton (12 feet, 8 inches)	
	B	All other portions not herein classified.	

Section 8. The classifications for KY 922 are amended to read as follows:

KY 922	AAA	From: Jct. US 421 (Main Street in Lexington) To: Jct. KY 1973 (Ironworks Pike)	
	[AAA	From: Jct. US 421 (Main Street in Lexington) To: Jct. I-75 north of Lexington]	
	B	All other portions not herein classified.	

Section 9. The classifications for KY 1334 are amended to read as follows:

[KY 1334	AA	From: Jct. with KY 20 at Constance To: Jct. with KY 236.]	
	[B	All other portions not herein classified.]	

Section 10. The classifications for KY 1642 are amended to read as follows:

KY 1642	AAA	From: US 27, 2.1 miles south of Somerset To: KY 1247 near Elihu	
	B	All other portions not herein classified.	

Section 11. The classifications for KY 1973 are amended to read as follows:

KY 1973	AAA	From: Jct. KY 922, north of Lexington To: West entrance to Kentucky State Horse Park	
	B	All other portions not herein classified.	

JOHN C. ROBERTS, Secretary

ADOPTED: May 12, 1975
RECEIVED BY LRC: June 11, 1975 at 4:18 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: W. L. Willis, General Counsel, Asst. Attorney General, Department of Transportation, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(Proposed Amendment)

704 KAR 20:005. Kentucky plan for preparation program approval.

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
AMENDS: 704 KAR 20:005
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes the standards and procedures which are to be used for the approval of the various teacher preparation programs offered by the colleges and universities.

Section 1. Pursuant to the statutory authority placed upon the Superintendent of Public Instruction, the State Board of Education, and the Kentucky Council on Teacher Education and Certification under KRS Chapter 161, there is hereby devised, created, and incorporated by reference a Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel which shall include the standards and procedures for the approval of college and university curricula for the preparation of professional school personnel for purposes of teacher certification as prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education. The Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel shall be published by the Superintendent of Public Instruction and copies furnished upon request directed to his office.

Section 2. The Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel is amended by the addition of standards for the preparation of secondary school teachers for health occupations education which are hereby incorporated by reference.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: May 13, 1975
RECEIVED BY LRC: May 20, 1975 at 1:12 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(Proposed Amendment)

704 KAR 20:135. Kindergarten teachers.

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
AMENDS: 704 KAR 20:135
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. An endorsement for teaching kindergarten shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who holds a certificate valid for classroom teaching at the elementary school level and who has completed the approved program of preparation for the kindergarten endorsement at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 2. (1) The provisional certificate for kindergarten teaching shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The provisional certificate for kindergarten teaching shall be issued initially for a duration period of ten (10) years and shall be renewed for another ten (10) year period only upon completion of the planned fifth year program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience at the kindergarten level on a regular certificate and upon completion of the planned fifth year program.

(3) The provisional certificate for kindergarten teaching shall be valid for teaching only at the kindergarten level.

(4) Teacher education institutions shall not admit new students to the program for preparation for the Provisional Certificate for Kindergarten Teaching during the 1976-77 academic year or thereafter. Teacher candidates currently enrolled in this program prior to the 1976-77 academic year shall have until September 1, 1980, to complete the requirements. All the provisions of Section 2 of this regulation shall expire on September 1, 1980.

Section 3. The certificates issued for a duration period beginning prior to September 1, 1971, and valid for classroom teaching at the elementary school level, shall continue to be valid for teaching kindergarten. Certificates issued for a duration period beginning after September 1, 1971, and valid for classroom teaching at the elementary school level, shall be valid for teaching kindergarten only upon completion of the endorsement program for kindergarten teaching.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: May 13, 1975
RECEIVED BY LRC: May 20, 1975 at 1:13 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

(The six regulations which follow, published initially in the April issue [1 Ky.R. 888–890], were amended by the issuing agency following a hearing. These amended regulations were approved by the Administrative Regulation Review Subcommittee at its June 11, 1975 meeting and became effective on that date.)

PUBLIC PROTECTION AND REGULATION CABINET
Department of Banking and Securities
As Amended

808 KAR 5:020. Restrictions.

RELATES TO: KRS 291.440, 291.520(5), 291.550
PURSUANT TO: KRS 291.530(2), 13.082
SUPERSEDES: LI:1
EFFECTIVE: June 11, 1975
NECESSITY AND FUNCTION: To promote and regulate proper conduct in the solicitation of business by an industrial loan company.

Section 1. No person who is an incorporator of an industrial loan company shall permit any borrower or [member of] his spouse [household], individually or together, to have in force with him, or any member of a partnership, association, or operation in which he is a business participant, a contract of loan made pursuant to provisions of KRS Chapter 288 at the same time that the borrower has in force with an industrial loan company of which the subject person is an incorporator, a contract of loan made pursuant to KRS 291.410 to 291.600.

HOWARD T. SALLEE, Commissioner
ADOPTED: February 28, 1975
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: June 4, 1975 at 10:45 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Banking and Securities
As Amended

808 KAR 5:040. Retention of records; examination.

RELATES TO: KRS Chapter 291
PURSUANT TO: KRS 291.530, 13.082
EFFECTIVE: June 11, 1975
NECESSITY AND FUNCTION: To promote the proper conduct of business by an industrial loan certificate holder and to further insure effective examination by the commissioner or his representatives.

Section 1. Every certificate holder shall keep and maintain the following books and account records:
(1) "Loan register" or its equivalent record, which shall be the book of original entry and permanent record and shall properly identify each account by number, date of loan and amount of loan.
(2) An individual account ledger or card with borrowers which shall show the name and address of the borrower, the loan number, the amount and date of the loan and of its maturity, rate of interest, terms of repayment, the nature of the security, if any, for the loan and the dates of receipt and payment of recording fees together with the amount.
(a) The account ledger or card shall provide separate columns for payments of principal [and interest,] and shall be kept in such manner as to show clearly the balance due on principal. All payments of principal [and interest] shall be credited promptly upon account ledger or card.
(b) Loan or payment cards for industrial loans and sales finance contracts [loans] shall be maintained in separate files at all times.
(c) If any error should be made on the individual account ledger or card, appropriate correction should be made without erasures.
(3) An appropriate filing system, which shall contain all the current evidence of indebtedness or security which have been signed by the borrower.
[(4) A cash book or its equivalent record which shall be a permanent record of all details of receipts and disbursements, necessary to determine interest to individual accounts of borrowers.]
(4)[(5)] An individual index record shall be maintained for every endorser, accommodation co-maker, or surety, except a spouse listed on the record of the borrower. The above office record shall be made available for examination upon request by the Commissioner of Banking and Securities or his representatives.

HOWARD T. SALLEE, Commissioner
ADOPTED: February 28, 1975
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: June 4, 1975 at 10:45 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Banking and Securities
As Amended

SUPERSEDES: SLI–1
EFFECTIVE: June 11, 1975
NECESSITY AND FUNCTION: To establish proper business relations between small loan licensees and industrial loan certificate holders combined within a dual lending business.

Section 1. Where both a small loan business and an industrial loan business are being conducted in the same office, room or place of business, there shall be only one (1) contract or loan in force between either or both businesses, [or any affiliates of either,] and any borrower or spouse [member of his household], individually or together], which contract shall constitute the total amount of indebtedness to both businesses irrespective of the initial amount of the loan and whether it was originally made under the provisions of KRS Chapter 288 or KRS 291.410 to 291.600].

Section 2. Bookkeeping and records of the small loan business and the industrial loan business shall be maintained separately and show separately at all times the condition of each business.

HOWARD T. SALLEE, Commissioner
ADOPTED: February 28, 1975
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: June 4, 1975 at 10:46 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Banking and Securities
As Amended

808 KAR 6:105. Records required.

RELATES TO: KRS Chapter 288
PURSUANT TO: KRS 288.610, 13.082
SUPERSEDES: SLL–21
EFFECTIVE: June 11, 1975
NECESSITY AND FUNCTION: To promote the proper conduct of business by a small loan licensee and to further insure effective examination by the commissioner or his representatives.

Section 1. Every licensee shall keep and maintain the following books and accounting records:
(1) "Loan register" or its equivalent record, which shall be the book of original entry and permanent record and shall properly identify each account by number, date of loan and amount of loan.
(2) An individual account ledger card with borrowers which shall show the name and address of the borrower, the loan number, the amount and date of the loan and of its maturity, rate of interest, terms of repayment, the nature of the security, if any, for the loan and the dates of receipt and payment of recording fees together with the amount.
(a) The account ledger or card shall provide separate columns for payments of principal [and interest], and shall be kept in such manner as to show clearly the balance due on principal. All payments [of principal and interest] shall be credited promptly upon the account ledger or card.
(b) Loan or payment cards for small loans and/or sales finance loans shall be maintained in separate files at all times.
(c) If any error should be made on the individual account ledger or card, appropriate correction should be made without erasures.
(3) An appropriate filing system, which shall contain all the current evidences of indebtedness or security which have been signed by the borrower.
[(4) A cash book or its equivalent record which shall be a permanent record of all details of receipts and disbursements, necessary to determine interest to individual accounts of borrowers.]
(4)[(5)] An individual index record shall be maintained for every endorser, accommodation co-maker, or surety, except a spouse listed on the record of the borrower. The above office record shall be made available for examination upon request by the Commissioner of Banking and Securities or his representatives.

HOWARD T. SALLEE, Commissioner
ADOPTED: February 28, 1975
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: June 4, 1975 at 10:47 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Banking and Securities
As Amended

808 KAR 6:115. Note reduced to judgment; records.

RELATES TO: KRS Chapter 288, 288.580
PURSUANT TO: KRS 288.610, 13.082
SUPERSEDES: SLL–22
EFFECTIVE: June 11, 1975
NECESSITY AND FUNCTION: To promote the proper conduct of

the small loan business and to insure uniformity for purposes of examination by the commissioner or his representatives.

Section 1. (1) When a note has been reduced to judgment, the face of the account ledger or card must show the following:

(a) Name of court.
(b) Date of judgment.
(c) Amount of judgment.
(d) Court costs.
(e) Defendant against whom judgment obtained.

(2) Thereafter, all payments received must be applied to the judgment and properly identified.

HOWARD T. SALLEE, Commissioner
ADOPTED: February 28, 1975
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: June 4, 1975 at 10:47 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Banking and Securities
As Amended

808 KAR 6:120. Sale of mortgaged property; records.

RELATES TO: KRS Chapter 288, 288.580
PURSUANT TO: KRS 288.610, 13.082
SUPERSEDES: SLL-23
EFFECTIVE: June 11, 1975
NECESSITY AND FUNCTION: To insure compliance by licensees with the provisions of KRS 288.590.

Section 1. In case of the sale of mortgaged property, the following regulation shall be observed:

(1) Account ledger or the face of the account card must give the following information:
(a) How possession of security was obtained, and when.
(b) When and how sold (public or private sale).

(2) When all the security is sold, the fact must be noted on the account card.

(3) All credits from proceeds of sale must be properly identified. (Whether by sale of security, etc.)

(4) The files of the licensee must contain:
[(a) An order for sale of household goods signed by one of the principals to the mortgage, unless the sale is made as otherwise provided for and in accordance with the statute. Such order must not be taken at the time of the execution of the loan.]
(a)[(b)] A copy of the notice of the sale.
[(c) Signed receipts from the purchaser, (or from the auctioneer if the sale is public) describing the chattels purchased, showing the amount paid for same and the name or account numbers of the borrower who executed the mortgage.]
(b)[(d)] A copy of the statement of final account, the original of which must have been sent to the borrower after the sale.
(c)[(e)] When the property is abandoned and the address of the borrower is uncertain or unknown, notice of sale and statement of final accounting shall be sent to the last known address by certified mail or registered mail, return receipt requested.

[(5) The licensee shall not make any charge for commission, storage, service, drayage, towing, repairs, fees of auctioneers, advertising, repossessions, or any other claim or charge whatsoever for any expense or outlay incurred by him in connection therewith; but where goods have been placed in storage or abandoned by borrower the licensee may pay any drayage, storage or other charge incurred by the borrower and for which the borrower is liable in order that any land may be released and possession of such goods obtained by the licensee and any such legitimate charge so paid by licensee may be charged to borrower and deducted from the proceeds of the sale of any such goods.]

HOWARD T. SALLEE, Commissioner
ADOPTED: February 28, 1975
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: June 4, 1975 at 10:48 a.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Services
(Proposed Amendment)

905 KAR 2:010. Standards for all facilities.

RELATES TO: KRS 199.892 to 199.896
PURSUANT TO: KRS 13.082, 194.050
SUPERSEDES: DCW-11
NECESSITY AND FUNCTION: KRS 199.896 grants authority to establish regulations and standards for day care of children. The function of this regulation is to set minimum standards for all child day care facilities.

Section 1. Definitions. The following definitions shall apply to all child day care regulations and standards:

(1) "Day care" means care of a child away from his own home and is designed to supplement, but not substitute for, the parent's responsibility for the child's protection, development and supervision, when it is necessary or desirable for the parent or child to be out of the home for all or part of the day or night. The term shall not include child care facilities operated by religious organizations while religious services are being conducted, or kindergarten or nursery schools which have as their primary function educational instruction. In those instances where there is a question as to whether the facility should be licensed by the Department of Education, the determination will be made by the two (2) state departments. Full-time boarding care shall not be permitted in a day care facility. Day care includes:
(a) "Type I day care facility" means (i) any facility other than a dwelling unit which regularly receives four (4) or more children for day care; (ii) any facility, including a dwelling unit, which regularly provides day care for thirteen (13) or more children. If pre-school children of any day care staff receive care in the facility, they shall be included in the number for which the facility is licensed.
(b) "Type II day care facility" means any home or dwelling unit which regularly provides care apart from parents for four (4), but not more than twelve (12) children. The director's own pre-school children shall be included in the number for which the home is licensed.

(2) "Department" means the Kentucky Department for Human Resources.

(3) "Secretary" means the Secretary for Human Resources.

(4) "Child" means a person under eighteen (18) years of age.

(5) "Director" means the person responsible for the day-to-day operation of a facility for the care of children.

(6) "Day care staff" means all persons, including volunteers, who work in a Type I or Type II day care facility.

(7) "Facility" shall include both Type I and Type II day care facilities.

(8) "Regularly" means the provision of day care services at a facility on more than one (1) day in any one (1) week.

[(9) "Related" means to the third degree of consanguinity.]

(9) [(10)] "Full-time boarding care" means twenty-four (24) hour foster care, which provides substitute family life for a planned period of time, for a child who, of necessity, must be separated from his natural or legal parents.

Section 2. Responsibilities of the Department. (1) Licensing Authority. The department has responsibility for the licensing and supervision of any agency, association, organization, group, or individual who regularly provides full or part-time care during any time of the day or night for four (4) or more children not related to the director[, within the third degree of consanguinity,] by blood, marriage or adoption. Authorized representatives of the Department for Human Resources shall at all times have the right to inspect premises, records required by this regulation, Section 11, and programs of day care facilities. The Office of the State Fire Marshal, or his designee, shall have the right to inspect premises, records, and programs insofar as such inspections related to fire safety requirements. [Authorized representatives of the department, the office of the State Fire Marshal, and the Bureau for Health Services shall at all times have the right to inspect premises, records required by this regulation (Section 11) and programs of the day care facilities.]

(2) Consultation and training. The department has the responsibility to provide consultation services to day care facilities through individual and group meetings with the staffs and boards, and to provide periodic scheduled workshops and training sessions.

Section 3. Licensing Issuance. (1) The license shall be issued for a specified physical location and for operation by a designated director and sponsor or owner, for specific hours of operation, and for a specified maximum number of children on the premises at any one time. The number for which the facility is licensed shall be determined by available space, adequacy of program, equipment, and staff.

(2) Types of licenses:
(a) A regular license shall be issued when the facility has met all requirements provided for by the regulations of the department under KRS 199.892 to 199.896.
(b) A provisional license shall be issued when the facility does not meet the requirements for a regular license but there is sufficient reason for belief that the facility will comply with minimum regulations within the time period designated by the licensing authority. A provisional license shall be issued for a period not to exceed one (1) year and shall not be renewable.

(3) A license is not transferable. A change in ownership of a facility requires a new application and fee. When circumstances covered by the license change (i.e., a number of children to be served, location, director, hours of operation, when the difference is over one (1) hour), notification shall be made to the department so that a revised license can be issued. This does not require an additional fee. In all cases except change of director, notification shall be made in advance.

(4) The license shall be posted in a conspicuous place.

Section 4. (1) Licensing fee shall be:
(a) $25 for all new facilities.
(b) $10 annual renewal fee for all facilities.

(2) A check or money order payable to the Kentucky State Treasurer shall be attached to the license application.

Section 5. Licensing Procedure. (1) To qualify for a license, a day care facility shall comply with regulations and standards established by the department.

(2) Prior to application, a prospective director contacts the department to obtain a copy of standards and regulations. A representative from the department will be assigned to work with the prospective operator. After conferring with the representative, applicant applies for license.

(a) Complete three (3) copies of the application provided by representative,

(b) Send application, fee, and two (2) completed applications to Department for Human Resources, Division of Licensing and Regulation, or its successor, Frankfort, Kentucky,

(c) Keep one (1) copy on file.

(3) Prior to opening, all day care personnel shall obtain a statement from a physician verifying satisfactory conditions of health and negative reports of VDRL and TB tests. All adults who reside on primises shall have a current report of negative TB test.

Section 6. Permission to Open. (1) No facility subject to licensing shall begin operation without permission to open from the department. In order to open, the facility shall have:

(a) Approval of Office of the State Fire Marshal or his designee. [fire officials having jurisdiction,]

(b) Approval of the Department, Bureau for Health Services, or its designee as to adequate health and sanitation standards. [health officials having jurisdiction,]

(c) Adequate equipment, supplies, and staff to serve initial enrollment of children.

(2) Once a facility is serving children, license evaluation study will be made by a representative of the department to determine if the facility qualifies for licensing, based on the regulations.

Section 7. License Renewal Procedure. (1) Facilities shall be relicensed annually from the date of issuance of the original license.

(2) The department shall notify the facility when a renewal application shall be filed.

(a) Renewal application shall be mailed to a facility at least six (6) weeks prior to expiration date.

(b) Health and safety inspections shall be requested by the department.

(c) A licensing representative shall visit and make recommendations for relicensing.

Section 8. Basis for Revocation or Denial. The secretary may deny, suspend, or revoke a license at any time the day care facility fails to meet the minimum standards as set out in the regulations.

Section 9. Right of Appeal. (1) When a license has been denied, suspended, or revoked, the director, owner, or president of the governing board, shall be notified in writing of the right to appeal to the secretary or his authorized representative for a hearing. The request for a hearing shall be made in writing within fifteen (15) days after receiving the notice of the action of the secretary.

(2) Upon receipt of the request for a hearing, the secretary or his representative shall notify the director, owner, or president of the governing board in writing within fifteen (15) days of the time and place of the hearing.

(3) A day care facility continuing to have children in attendance after the closing date established by the secretary, shall be subject to legal action by the department as provided by law. Likewise, a facility operating without having made license application shall be subject to legal action.

Section 10. Administrative Responsibilities. (1) General:

(a) The person, corporation, partnership, voluntary association, or other public or private organization ultimately responsible for the overall operation of a child day care facility must be sufficiently familiar with the provisions of the day care regulations to ensure continuing compliance.

(b) One (1) person designated as director shall have primary responsibility to the department for maintaining adequate standards of operation in accordance with the child day care regulations.

(c) Staff shall be instructed in the requirements for operation and a copy of the minimum standards must be available for their use.

(d) Sufficient funds shall be available and utilized to ensure adequate care of the children in accordance with these regulations. No child shall be exploited in fund raising or advertising campaigns. Liability insurance shall be carried by the facility.

(e) All information concerning children, their parents, relatives, or guardian shall be kept in strict confidence by the staff, except for sharing information with individuals who are personally or professionally responsible for the well-being of the child.

(2) Services. The services to be provided within the day care facility shall be clearly stated at the time of the application. The department shall be notified of any change in services. A written statement of services and policies shall be shared with parents.

(3) Staff-child ratios:

(a) Minimum staff-child ratios for all facilities shall be maintained throughout the times that a facility is in operation, as follows:

Age of Children	Ratio
Under one year	1 staff for 6 [5] children
1 to 2 years	1 staff for 6 children
2 to 3 years	1 staff for 8 children
3 to 4 years	1 staff for 10 children
4 to 5 years	1 staff for 12 children
5 to 7 years	1 staff for 15 children
8 and older	1 staff for 20 children

(b) When only one (1) staff member is present in the facility, the age of the youngest child determines the staff-child ratio. In no case may one (1) adult alone provide care for more than ten (10) pre-school children, or for more than fifteen (15) school-age children.

(c) Children under care shall never be left without competent adult supervision. Additional staff shall be employed during cooking and cleaning periods if necessary to insure adequate supervision of the children.

(d) [(c)] In facilities where more than one (1) staff member is present, the following apply: Mixed age groups including children under two (2) years, one (1) staff for six (6) [five (5)] children; Mixed age groups children, age two (2) to six (6), one (1) staff for ten (10) children; Mixed age groups children age six (6) and older, one (1) staff for fifteen (15) children.

Section 11. Records of the following shall be maintained at the facility: (1) Sufficient records to identify the individual children and to enable the person in charge to communicate with the parents or persons designated as being responsible for the child either at their home or place of employment, and in a medical emergency, with the family physician.

(2) Each child's medical history, along with authorization for emergency medical care, signed by the parent or guardian and left with the center director at the time of enrollment.

(3) Permission for children to be toilet trained, signed by the parent or guardian.

(4) Permission for trips off the premises, signed by the parent or guardian.

(5) Records of non-center sponsored activities attended by school-age children, signed by the parent.

(6) Daily attendance records of children.

(7) Health records of all staff.

(8) A written schedule of staff working hours.

(9) Records of staff training.

(10) A written plan for staff training.

(11) Records of monthly fire drills.

Section 12. Reports of the following shall be made to the department: (1) Any serious occurrences involving children including accident or injury requiring extensive medical care and/or hospitalization; or death; or any form of child abuse; or fire or other emergency situations; or any incident which results in legal action by or against the center which affects any child or children or personnel; within twenty-four (24) hours.

(2) Change of ownership, sponsorship or director; within one (1) week.

(3) Change of location; sufficiently in advance to allow for approval of the facility.

(4) Change of hours of operation (if change exceeds one (1) hour per day); in advance.

(5) Change of staff; within two (2) weeks.

JERRY B. HISSONG, Commissioner

ADOPTED: June 10, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: June 11, 1975 at 1:39 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Services
(Proposed Amendment)

905 KAR 2:020. Type I facility standards.

RELATES TO: KRS 199.892 to 199.896
PURSUANT TO: KRS 13.082, 194.050
SUPERSEDES: DCW-12
NECESSITY AND FUNCTION: KRS 199.896 grants authority to establish regulations and standards for day care of children. The function of this regulation is to set minimum standards for Type I day care facilities.

Section 1. Staff. (1) The director shall be a mature, literate adult who is responsible and who has knowledge and understanding of the needs of children.

(2) The director shall have the ability to relate effectively to parents and to assume responsibility for supervision and conduct of staff.

(3) The director shall have the ability and willingness to provide a child care program which meets the regulations set forth.

(4) The director shall cooperate with the licensing and

other appropriate agencies to improve the quality of care and competency of staff. This includes attendance by the director and staff at workshops and training sessions. Department-sponsored training is appropriate where accessible; courses or workshops sponsored by other groups may be substituted where appropriate.

(5) Staff members shall have a suitable personality for working with children. Personal qualities must include patience, flexibility, and imagination. Staff shall have interest in, respect for and acceptance of children.

(6) All members of the child care staff shall be mentally and physically able to provide good care, maintain responsible supervision, and stimulate normal development.

(7) Staff shall have practical knowledge of first aid.

(8) A certificate stating that each staff member is free from any illness which might conflict with the children's interest and including results of VDRL and a tuberculin test shall be a prerequisite to employment or volunteer service. Tuberculin test reports shall be obtained and maintained on file annually thereafter. Additional health examinations may be required where appropriate. All adult household members shall have an annual TB test.

(9) At all times one (1) adult shall be designated as being in charge. At no time shall children be left without adult supervision.

(10) A minimum of two (2) qualified substitutes with current health certificates shall be available in case of need.

(11) Additional staff shall be employed during cooking and cleaning periods if necessary to ensure adequate supervision of the children.

(12) The number of adult workers in a center shall be sufficient to ensure that minors and trainees are at all times under direct supervision. No staff person under the age of sixteen (16) shall be counted as part of the staff-child ratio.

(13) The total child care staff shall be sufficient to provide the services for which the facility is licensed considering the hours of care given, the program offered, the size of the facility, and the number and ages of children under care.

Section 2. Physical Facilities. (1) Building:

(a) The building shall be suitable for the purpose intended with a minimum of thirty-five (35) square feet of space per child used for play, exclusive of the kitchen, bathroom, and storage areas.

(b) If all or any portion of the building is used for purposes other than day care, necessary provisions shall be made to avoid interference with the day care program.

(c) The building shall be so constructed that it is dry, adequately heated, ventilated, lighted, that windows, doors, stoves, heaters, furnaces, pipes, and stairs are protected; that screening is provided on windows and doors which are left open; and that floors are free from splinters and easily cleaned.

(d) There shall be a minimum of one (1) toilet and wash basin for each twenty (20) children. Toilet facilities shall be cleaned and sanitized daily.

(e) The kitchen shall be clean and equipped for the proper preservation, storage, preparation, and serving of food, and shall not be used for any other activities of the center.

(f) The facility shall conform to health and <u>sanitation</u> [fire safety] standards <u>of the department and to fire safety standards as set out by the Office of the State Fire Marshal.</u> [as set out by agencies having jurisdiction.]

(g) The center shall be equipped with a telephone accessible to the rooms used by the children.

(h) Plans and specifications for new buildings and/or additions which are to be constructed for day care facilities shall be approved prior to construction by health and fire safety officials having jurisdiction.

(2) Grounds. There shall be an outdoor play area free from litter, glass, rubbish, and inflammable materials and adequate in size to accommodate the number of children using the area at a particular time. The outdoor area shall be suitably surfaced and drained. All facilities shall be fenced unless the department determines that fencing is not necessary for the protection of the children.

(3) Equipment:

(a) There shall be adequate and safe play equipment in good repair, both indoors and outdoors, to meet the physical and other developmental needs and interests of children of different age groups.

(b) Each center shall have enough toys and play apparatus to provide each child with a variety of activities during the day as specified in Section 3.

(c) Tables and chairs shall be of a suitable size for children.

(d) There shall be storage space in the form of low open shelves accessible to the children.

(e) Individual space for children's clothing shall be provided.

(f) An individual cot or crib shall be provided for each child with a sheet and cover which shall be laundered as needed and always upon change of occupancy. Cots and all other equipment and furnishings shall be properly spaced so as to allow free and safe movement by children and adults.

Section 3. Care of the Children. (1) Program. The day care center shall provide a planned program of well-balanced and constructive activities geared to the individual needs and developmental levels of the children served. These activities shall provide experiences which promote the individual child's physical, emotional, social, and intellectual growth and well-being. The daily program shall be under adult supervision and shall provide:

(a) A variety of creative activities including the following: art, music, dramatic play, stories and books, science, and block building.

(b) Indoor and outdoor play in which the children make use of both small and large muscles.

(c) A balance of active and quiet play, including group and individual activities, both indoors and outdoors.

(d) Opportunities for a child to have some free choice of activities and to play alone, if he desires, or with others.

(e) Opportunities to practice self-help procedures in respect to clothing, toileting, hand-washing, and feeding.

(f) Activity areas, equipment, and materials so arranged that the child's activities are visible to the supervising staff.

(g) Regularity of physical routines to afford the child the security of knowing what is coming next.

(h) Sufficient time for activities and routines so that children can progress at their own developmental rate.

(i) No long waiting periods between activities or prolonged periods during which children must stand or sit.

(2) Discipline. Disciplinary methods shall be designed and implemented through positive guidance to help the individual child develop self-control and assume responsibility for his acts. The center shall:

(a) Establish simple and consistent rules both for children and staff that set the limits of behavior.

(b) Not subject children to harsh or physical discipline, nor shall any method of discipline be used that is humiliating, threatening, shaming or frightening, loud, profane or abusive language shall not be used.

(c) Not associate discipline with rest, toileting, or food.

(3) Health:

(a) A current record of each child's medical history and immunization information shall be on file.

(b) Sufficient first aid supplies shall be available to provide prompt and proper first aid treatment. Provisions shall be made for obtaining emergency medical care.

(c) Each child shall be given a daily health inspection upon arrival. Any child showing signs of illness shall not be admitted. If a child becomes ill during the day, he shall be placed in a supervised area isolated from the rest of the children, until arrangements can be made for him to be taken home.

(d) No medication shall be given to a child except as prescribed by a duly licensed physician or on daily written request of the parent or guardian.

(e) Good personal hygiene shall be practiced by all persons in the center and children shall be helped with their personal care and cleanliness in all respects.

(f) The children in attendance shall have sufficient supervised rest for their ages and for the number of hours spent at the facility.

(g) The water supply shall be approved by the local health department. Drinking water shall be freely available and individual drinking cups provided.

(h) Toilet articles such as combs, brushes, toothbrushes, towels and washcloths used by children shall be individual and plainly marked.

(i) All children present at meal time shall be served a nutritious meal which includes a food from each of the four basic food groups. Adequate amounts of food shall be available. The center shall provide a nourishing mid-morning and mid-afternoon snack.

(j) Children shall be seated comfortably at eating time with sufficient room to manage food and implements.

(k) Individual eating utensils shall be of size and design that children can handle easily.

(l) Weekly menus shall be prepared, dated and posted in advance in a conspicuous place.

JERRY B. HISSONG, Commissioner

ADOPTED: April 25, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: June 11, 1975 at 1:39 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Services
(Proposed Amendment)

<u>905 KAR 2:060. Transportation standards.</u>

RELATES TO: KRS 199.892 to 199.896

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: KRS 199.896 grants authority to establish regulations and standards for day care of children. The function of this regulation is to establish minimum standards for transportation of children in day care.

Section 1. When transportation is provided or arranged by a day care facility, children [staff] shall be protected by adequate provision for staff supervision as specified in 905 KAR 2:010, Section 10(3), and safety precautions. There shall be conformance to state laws pertaining to vehicles, drivers, and insurance.

Section 2. The following requirements shall be met when a day care facility provides or arranges transportation:
(1) Any center providing transportation service shall have an individualized written plan and statement of transportation policies and procedures.
(2) Each child shall have a seat and remain seated while the vehicle is in motion.
(3) On any vehicle equipped with seat belts, these shall be used to secure individual children.
(4) No vehicle shall be used to transport more individuals than its rated capacity.
(5) A vehicle containing children shall never be left unattended.
(6) The maximum number of children under the age of six (6) a driver shall supervise is five (5), including a maximum of two (2) under age two (2).
(7) A child under age six (6) shall not be left unattended at the time of delivery.
(8) If the parent, or a person authorized by the parent to accept the child, is not present upon delivery of the child, a note shall be left explaining where the child can be picked up.
(9) If anyone other than an authorized person is to receive the child, such arrangements shall be made, in person, by the parent or guardian.
(10) Any vehicle other than those covered under Kentucky school bus regulations for Type I or Type II vehicles, shall not pick up and deliver children to a location which would require the child to cross the street or highway unless accompanied by a responsible person.

Section 3. The following regulations shall be met when transportation is provided by any means other than licensed public transportation.
(1) The vehicle shall be maintained in excellent condition at all times.
(2) The vehicle used for transportation shall be covered by passenger liability insurance.
(3) A thorough inspection of the vehicle shall be made and documented by a qualified mechanic at least every six months.
(4) The vehicle shall be checked, every day that it is used for transporting children, by the day care director or a delegated adult. Special attention shall be given to the steering mechanism, brakes, tires, and exhaust system, to assure that the vehicle is in good operating condition.
(5) Any defects in the vehicle shall be reported immediately to the day care director. The vehicle shall not be used for transporting children until all defects are corrected.
(6) Vehicles used to transport children, which require other traffic to stop while loading and unloading children at their various homes along public highways, shall meet the Kentucky school bus regulations for Type I and Type II vehicles.
(7) The driver of the vehicle transporting children shall meet the same general qualifications as those set forth for other members of the day care staff.
(8) The driver shall hold an appropriate license to transport children.
(9) The driver shall drive safely and defensively at all times.
(10) The motor shall be turned off, keys removed, and brake set anytime the driver is not in the driver's seat.

JERRY B. HISSONG, Commissioner
ADOPTED: April 25, 1975
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: June 11, 1975 at 1:39 p.m.

How To Cite

Cite all material in the Administrative Register of Kentucky by Volume number and page number. Example: Volume 1, Kentucky Register, page 318 (Short form: 1Ky.R. 318)

Cite portions of the 1975 KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE by Title, Chapter and Regulation number, as follows:

601 KAR 1:010

meaning Regulation 010 of Chapter 1 of Title 601. The 600-series of Titles indicates that the issuing authority is the Department of Transportation. Title 601 is the Bureau of Vehicle Regulation. Chapter 1 relates to Motor Carriers and Regulation 010 deals with the maximum length of such vehicles on specified highways.

Proposed Regulations

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:010. Authority, purpose; name of program.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students to attend Kentucky private colleges. This regulation sets forth the legislative authority, purpose and name of this grant program.

Section 1. Statutory Authority. The Kentucky Tuition Grant Program is authorized by KRS 164.780 to 164.785.

Section 2. Purpose. The purpose of this program is to offer to qualified Kentucky residents who bear the major cost of attending accredited independent colleges and universities within the Commonwealth a tuition or fees grant as supplementary aid to students where need exists.

Section 3. Name of Program. This grant program shall be referred to as the Kentucky Tuition Grant (KTG) Program.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:17 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:020. Definitions.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance for students who attend Kentucky's private colleges. This regulation sets forth the definitions of acronyms, words and phrases used in the Kentucky tuition grant program regulations.

Section 1. Definitions. (1) "Academic year" is a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two (2) semesters, two (2) trimesters, or three (3) quarters of instruction.
(2) "Accredited" is interpreted by the authority to mean fully accredited by the Commission on Colleges of the Southern Association of Colleges and Schools. The authority does not recognize institutions classified as "correspondent" or "recognized candidate for accreditation" or institutions having "three letter accreditation" as accredited institutions.
(3) "Agreement" is the document titled "Agreement: Institutional Certifications and Declarations to Participate in the Kentucky Tuition Grant Program" executed by the chief administrative officer of the educational institution, and the "Authority Declaration of Institutional Eligibility to Participate in the Kentucky Tuition Grant Program" executed by the authority pursuant to KRS 164.780, 164.785.
(4) "Authority" is the Board of Directors of the Kentucky Higher Education Assistance Authority.
(5) "Basic Grant" is the Basic Educational Opportunity Grant operated by the United States Government under the provisions of PL 92-315.
(6) "Degree" means the earned academic title or designation, mark, appellation or series of letters or words which signify satisfactory completion of the requirements of an educational program of undergraduate study beyond the secondary school level and which leads to an associate or bachelor's degree.
(7) "Eligible course of study" is a program offered by an eligible institution which: (i) enrolls as regular students only those persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; (ii) is of at least two (2) academic years duration, and (iii) which leads to a degree, as defined in subsection (6), in a field other than theology, divinity, or religious education.
(8) "Eligible institution" is a private educational institution in Kentucky accredited pursuant to subsection (2), which offers programs which are not comprised solely of sectarian instruction, and which has entered into an agreement pursuant to subsection (3).
(9) "Full-time student" is a student who is carrying a full-time academic work load, other than by correspondence, measured in terms of (i) course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter

hours per academic term for institutions utilizing trimesters, semesters or quarter hour systems, and (ii) the tuition and fees customary for full-time study at that institution.

(10) "Kentucky Tuition Grant Program Officer" or "KTGPO" is the full-time administrative official designated on the agreement by a participating institution to serve as the authority's on-campus agent to certify all institutional transactions and activities with respect to the Kentucky Tuition Grant Program.

(11) "Resident of Kentucky" is a person who, pursuant to KRS 164.785(1)(a), is classified as an in-state student in accordance with the Policy on Classification of Students for Fee Assessment Purposes at State-Supported Institutions of Higher Education as adopted and from time to time amended by the Council on Public Higher Education.

(12) "State Student Incentive Grant" is the grant program administered by the authority pursuant to KRS 164.740 to 164.764.

(13) "Student Eligibility Index" or "SEI" is the expected family contribution computed by the United States Office of Education, or the contractor from the data on the application for a basic grant.

(14) "Total Cost of Education" (TCE) is an amount determined for each applicant by the following formula: Normal tuition and fees for a full-time student at the institution chosen by the applicant plus maximum board contract plus minimum room contract plus $400 for personal and incidental and other expenses.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:18 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:030. Eligibility requirements.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students to attend Kentucky private colleges. This regulation sets forth the eligibility requirements for the Kentucky tuition grant program.

Section 1. Eligibility of Students. In order to quality for a Kentucky tuition grant (KTG), a student shall:

(1) Be a resident of the Commonwealth of Kentucky;

(2) Be enrolled as a full-time student in an eligible course of study defined in 11 KAR 2:020;

(3) Be enrolled in an eligible institution as defined in 11 KAR 2:020;

(4) Be ranked in the group of students eligible pursuant to 11 KAR 2:070;

(5) Not have received a State Student Incentive Grant for the same academic year; and

(6) Be enrolled after April 1, 1975 for the first time as a full-time student. A student who previously has been enrolled as a full-time student in any institution accredited by the college or university division of the Southern Association of Colleges and Schools, the Middle States Association of Schools and Colleges, the North Central Association of Colleges and Secondary Schools, the Northwest Association of Secondary and Higher Schools, or the Western Association of Schools and Colleges, is not eligible for a Kentucky tuition grant. Previous enrollment in schools not so accredited will not result in student ineligibility.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:18 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:040. Forms to be used by eligible institutions.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance for students who attend Kentucky private colleges. This regulation sets forth the forms prescribed by the authority to be used by an institution to establish that it is an eligible institution.

Section 1. The authority will provide institutions which appear to be eligible and desire to participate in the Kentucky tuition grant program the agreement and declaration form herein filed by reference. These forms may be obtained from the Kentucky Higher Education Assistance Authority. The agreement must be completed by the proper authorities at the institution and returned to the authority in order for that institution to be considered for the Authority's Declaration of Institutional Eligibility to Participate in the Kentucky Tuition Grant Program.

Section 2. Upon receipt of the properly executed agreement, the authority will review the document and such other information as is available from the accrediting agency and from the authority's records to determine whether the institution does qualify as an eligible institution. In the absence of information to the contrary, the authority will declare the institution to be eligible. In the event that the authority declares that the institution is not eligible, the authority will advise the institution by registered mail of the information upon which the denial of eligibility is based and will set forth the place and manner in which the institution may request a hearing.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:18 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:050. Students' application forms.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students to attend Kentucky's private colleges. This regulation prescribes the form to be used by students to apply for the Kentucky Tuition Grant Program and establishes the financial need determination procedures for the program.

Section 1. "Kentucky Tuition Grant Program Application" is herein filed by reference. These forms may be obtained from the Kentucky Higher Education Assistance Authority, Frankfort, Kentucky 40601.

Section 2. The responses in item 10 on "Kentucky Tuition Grant Program Application" (section 1), determine the dependency classification of an Applicant. If any question in item 10 is answered yes, the applicant will be classified as a dependent student. If all questions in item 10 are answered no, then the applicant will be classified as an independent student.

Section 3. Dependent students shall submit or cause to be submitted to the authority a "College Scholarship Service Parents' Confidential Statement" and a "Financial Need Analysis Report"; or an "American College Testing Program Family Financial Statement" and a "Comprehensive Financial Aid Report." These documents shall be for the academic year concurrent with the student's application (Section 1). These forms, herein filed by reference, may be obtained from the Kentucky Higher Education Assistance Authority, Frankfort, Kentucky 40601.

Section 4. Independent students shall submit or cause to be submitted to the authority a "College Scholarship Service Student Financial Statement" and a "Student Financial Need Analysis Report", or an "American College Testing Program Family Financial Statement" and a "Comprehensive Financial Aid Report". These documents shall be for the academic year concurrent with the student's application (Section 1). These forms, herein filed by reference, may be obtained from the Kentucky Higher Education Assistance Authority, Frankfort, Kentucky 40601.

Section 5. A Kentucky tuition grant program applicant attending an eligible institution which does not normally require students to complete or have completed a "Parent's Confidential Statement", "Student Financial Statement" or "Family Financial Statement" shall submit or cause to be submitted to the Kentucky tuition grant program officer the necessary data to enable that officer to provide to the authority an institutionally completed financial document in accordance with Sections 3 and 4. Financial data received pursuant to this section shall be reviewed by a panel designated by the authority.

Section 6. Each financial document submitted to the authority, other than directly from the College Scholarship Service or the American College Testing Program, shall have imprinted thereon the certification of true copy as follows:

CERTIFICATION OF TRUE COPY

I hereby certify this is a true and exact copy of the financial statement filed by the referenced applicant. The applicant and/or his parents have provided written authorization to release the financial statement to the Kentucky Higher Education Assistance Authority for the purposes of the Kentucky Tuition Grant Program.

_____ _____
Signature Institution

_____ _____
Title Date

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:19 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:070. Award determination procedures.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students to attend Kentucky's private colleges. This regulation sets forth the award determination procedures for the Kentucky Tuition Grant Program.

Section 1. Total cost of education. Total cost of education (TCE) shall be computed for applicants as follows: tuition and fees (normal full-time charge) plus maximum board contract charge, plus minimum room contract charge, plus $400 for incidental and personal expenses equal TCE.

Section 2. Kentucky tuition grant need (KTG need). For each KTG applicant, the amount of KTG need will be computed according to the following formula: for dependent students, KTG need equals TCE minus the sum of expected parental contribution (EPC) and expected basic grant (EBG); for independent students, KTG need equals TCE minus the sum of expected student contribution (ECS) and EBG.

Section 3. Percentage of relative need (PRN). Upon receipt by the authority of the application credentials, pursuant to 11 KAR 2:050, the authority will determine the PRN in the following manner for each applicant: PRN equals KTG need divided by TCE.

Section 4. Order of awards. The KTG award shall first be offered to eligible students having the highest PRN and shall proceed sequentially to those eligible students having the lowest PRN until funds are exhausted.

Section 5. Minimum award amount. Pursuant to KRS 164.785(3), the minimum KTG will be $200.

Section 6. Award amount determination. If an applicant's KTG need is an amount equal to or greater than $200, the KTG award shall be the lesser of the KTG need or the maximum grant permitted by KRS 164.785(3), provided that KTG awards will be offered only to the extent that funds are available. If the KTG need is less than $200, the applicant will be ineligible for a KTG.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:19 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:080. Notification and acceptance of awards.

RELATES TO: KRS 164.785
PURSUANT TO: KRS 164.785(1)
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students attending private colleges or universities. This regulation sets forth procedures for the notification and acceptance of Kentucky Tuition Grant Program awards.

Section 1. Students determined eligible to receive a Kentucky tuition grant will, after the close of each application period, receive an original and two (2) copies of the Kentucky tuition grant award notification letter (ANL).

Section 2. The student will be instructed to sign and return the original and one (1) signed copy of the ANL to the authority within the time period specified on the ANL. Failure to do so may at the option of the authority result in cancellation of the award.

Section 3. Award Notification Letter form herein filed by reference. This form may be obtained from the Kentucky Higher Education Assistance Authority, Frankfort, Kentucky 40601.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:090. Disbursement procedures.

RELATES TO: KRS 164.780 ,164.785
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students attending Kentucky private colleges or universities. This regulation sets forth the disbursement procedures for the Kentucky Tuition Grant Program.

Section 1. (1) A KTGP certification roster will be forwarded to the KTGPO at each participating institution in which award recipients enroll.

(2) The Kentucky tuition grant program certification roster form is herein filed by reference. This form is available from the Kentucky Higher Education Assistance Authority, Frankfort, Kentucky 40601.

Section 2. Four (4) weeks after the first day of classes each semester, the KTGPO must certify that the recipients listed on the Kentucky tuition grant certification roster for that institution meet all of the eligibility requirements set forth in 11 KAR 2:030. When the certification cannot be given the KTGPO must state the reason on the certification roster.

Section 3. The KTGP certification roster bearing the proper certification shall be returned to the authority not later than the date specified on the roster.

Section 4. (1) Upon receipt of the properly certified roster, the authority will issue to the KTGPO individual checks payable to award recipients. The checks will be accompanied by an original and one (1) copy of a Kentucky tuition grant check register. The copy is to be retained by the institution. The original is to be completed and returned to the authority in accordance with the instructions, attached thereto, which will specify:

(a) The conditions under which a check must be presented to the recipient;
(b) The conditions under which a check must be returned to the authority;
(c) The date when the register and any undisbursed checks must be returned to the authority; and,
(d) The method used to complete the register.

(2) The Kentucky tuition grant program check register form is herein filed by reference. This form is available from the Kentucky Higher Education Assistance Authority, Frankfort, Kentucky 40601.

Section 5. Power of Attorney Endorsement or Certification Prohibited. A power of attorney or other agency relationship to which the authority is not a party shall not qualify any individual to act in the grant recipient's behalf for the purpose of endorsing checks issued by the authority to the grant recipient.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:110. Grant programs are mutually exclusive.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students attending Kentucky private colleges or universities. This regulation interprets KRS 164.780(4) and 164.785(3) as these statutes relate to other programs operated by the authority.

Section 1. The State Student Incentive Grant and the Kentucky Tuition Grant Program are mutually exclusive. A student shall be first considered for a grant from the program for which complete application credentials are first available to the authority. If on the basis of those credentials the student is denied assistance from the grant program, then the authority shall consider credentials for an award from the other grant program. If, however, the student does receive an award in any amount as a result of the first complete set of application credentials available to the authority, then that student shall not receive an award from the other grant program.

PAUL P. BORDEN, Executive Director
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:21 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 2:120. Grant shall not exceed need.

RELATES TO: KRS 164.780, 164.785
PURSUANT TO: KRS 164.785(5), 13.082
NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority is to administer a grant program to provide financial assistance to students attending Kentucky private colleges or universities. This regulation prevents a Kentucky tuition grant award from exceeding the total cost of education of a recipient.

Section 1. The authority shall reduce the Kentucky tuition grant (KTG) award to a student upon receipt of written notification that non-repayable assistance from sources other than the authority in combination with the KTG award will exceed the total cost of education of the student. The Kentucky tuition grant program officer and the award recipient shall make every reasonable effort to provide to the authority information to prevent a recipient from receiving non-repayable financial assistance which exceeds the recipients total cost of education.

PAUL P. BORDEN, Executive Director

ADOPTED: May 15, 1975
RECEIVED BY LRC: May 21, 1975 at 11:21 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

200 KAR 2:090. Travel expense voucher.

RELATES TO: KRS Chapters 42, 44 and 45
PURSUANT TO: KRS 45.180
SUPERSEDES: Fin-Tr-9-2
NECESSITY AND FUNCTION: In order to assure uniformity in the use and preparation of Travel Voucher forms (Form A-6), this regulation requires the use of the Travel Voucher form for reporting travel expenses for which reimbursement is claimed, sets forth the time period to be covered by a travel voucher, and gives the Commissioner of the Executive Department for Finance and Administration the authority to disallow, reduce or strike any excessive claim.

Section 1. Travel Voucher, Form AP-6, shall be used for reporting all travel expenses for which reimbursement is authorized and claimed.

Section 2. One travel voucher shall cover a period not less than one (1) month. However, if expenses for a given month total less than ten dollars ($10), the voucher may be withheld and submitted to cover a period not to exceed three (3) months within the same fiscal year.

Section 3. If approved annual leave or qualified sick leave has interrupted a period of official travel status, the inclusive dates of such leave shall be given on the travel voucher.

Section 4. The travel voucher, Form AP-6, may be either typed or prepared in ink. All entries shall be completed as appropriate, and receipts stapled on the back at the upper left-hand corner. Expenses other than those enumerated on the face of the voucher shall be listed on the back by date, and a total for each day carried to the front in the "other" column. Where continuation sheets are used, post column totals from each sheet on separate lines of voucher, and enter sheet number in "from" column.

Section 5. Travel vouchers shall be signed and dated by the employe submitting the claim, and approved by the employe's authorized supervisor. Agency heads shall sign as approved all vouchers including claims for entertainment expenses as provided in 200 KAR 2:060, lodging expenses in excess of limits or exceptions requested pursuant to 200 KAR 2:010, Section 2; however, no employe may approve his or her own travel voucher. Vouchers for agency heads shall be approved by the Commissioner of the Executive Department for Finance and Administration.

Section 6. The Commissioner of the Executive Department for Finance and Administration may disallow, reduce, or strike from the voucher any claim exceeding the allowances provided for in these regulations, and may require written justification for any claim from the head of the agency whose employe made the claim.

WILLIAM E. SCENT, Commissioner

ADOPTED: May 23, 1975
RECEIVED BY LRC: May 23, 1975 at 4:16 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Executive Department for Finance and Administration, 301 Capitol Annex, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Hairdressers and Cosmetologists

201 KAR 12:025. Additional study after failing examination.

RELATES TO: KRS 317A.050
PURSUANT TO: KRS 317A.050
SUPERSEDES: KBHC: Appr: Exam-1-1
NECESSITY AND FUNCTION: Applicants failing the state board examination may require additional study in those areas failed.

Section 1. An applicant for apprentice cosmetologists license who does not pass the apprentice examination conducted by the board may complete a further course of study in a licensed school of cosmetology on the subject or subjects failed. A re-enrollment application must be filed in the office of the board and a certification of additional hours completed must accompany application for re-enrollment.

Section 2. An applicant for instructors license who does not pass the instructors examination conducted by the board may complete a further course of study in a licensed school of cosmetology on the subject or subjects failed. A re-enrollment application must be filed in the office of the board and a certification of additional hours completed must accompany application for re-enrollment.

Section 3. An applicant failing the apprentice cosmetologist, regular cosmetologist, instructor, or manicurist examination, may retake the examination three (3) times within a twelve (12) month period without paying an additional fee. The appropriate statutory fee will be required for every three (3) failures.

CARROLL ROBERTS, Administrator

ADOPTED: May 7, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: June 3, 1975 at 11:55 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Hairdressers and Cosmetologists

201 KAR 12:035. Certification fee.

RELATES TO: KRS 317A.050
PURSUANT TO: KRS 317A.050
NECESSITY AND FUNCTION: All state boards require out-of-state applicants to show proof of hours obtained or licensing through certification by the original state board.

Section 1. A fee of five dollars ($5) shall be charged for each certification prepared.

CARROLL ROBERTS, Administrator

ADOPTED: May 7, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: June 3, 1975 at 11:54 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Hairdressers and Cosmetologists

201 KAR 12:045. Apprentice, manicurist and instructor's licensing.

RELATES TO: KRS 317A.050
PURSUANT TO: KRS 317A.050
SUPERSEDES: KBHC: Bd-Exam-1-1 and KBHC: Appr. Exam 4-1
NECESSITY AND FUNCTION: Applicants for apprentice, manicurist and instructor examination must complete a statutory number of hours prior to examination and purchase license on successful completion of examination.

Section 1. All applications for apprentice, manicurist, and instructor examinations must be accompanied by a notarized certification of hours from the school the student attended.

Section 2. An apprentice must apply for his regular license no sooner than six (6) months and no longer than eighteen (18) months after passing the apprentice examination. Any extension of this period of time to be granted at the discretion of the board.

Section 3. An apprentice instructor must apply for his instructor license no sooner than six (6) months and no longer than twenty-four (24) months after receiving apprentice

instructor license. Any extension of this period of time to be granted at the discretion of the board.

CARROLL ROBERTS, Administrator

ADOPTED: May 7, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: June 3, 1975 at 11:55 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Hairdressers and Cosmetologists

201 KAR 12:055. Instructor's license for out-of-state applicant.

RELATES TO: KRS 317A.050
PURSUANT TO: KRS 317A.050
SUPERSEDES: KBHC: Rec-3
NECESSITY AND FUNCTION: Out-of-state applicants for instructors licenses must meet the same or similar requirements of resident instructors.

Section 1. Any applicant from out-of-state who holds a current instructor of cosmetology license and who can show proof of two (2) years current experience as a licensed instructor and proof of the statutory educational requirements can come before the state board for examination (science and practical) by paying the statutory non-resident instructor fee. After passing the prescribed examination for instructors, applicant must pay the examination fee of twenty dollars ($20) for regular cosmetologists and first cosmetology license fee of ten dollars ($10) before the first instructor license may be issued at the fifteen dollars ($15) fee.

CARROLL ROBERTS, Administrator

ADOPTED: May 7, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: June 3, 1975 at 11:55 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Hairdressers and Cosmetologists

201 KAR 12:065. Inspection of new, relocated and change of owner salons.

RELATES TO: KRS 317A.050, 317A.060
PURSUANT TO: KRS 317A.060
SUPERSEDES: KBHC: Inspect-2-2
NECESSITY AND FUNCTION: Any business seeking licensing by this board must meet various city, county and state zoning laws, building and plumbing codes, as well as inspection by board personnel. This board does not issue a dual license for barber shops and beauty salons.

Section 1. All new beauty salons and all beauty salons moving to a new location must complete an application furnished by the board.

Section 2. All new beauty salons, all beauty salons moving to a new location, and all beauty salons changing owners shall notify the board five (5) days before opening for business of the new location; date on which the salon is to be opened for business and name of the owner and/or manager of the salon.

Section 3. All new beauty salons and all beauty salons moving to a new location shall be inspected by an inspector employed by the board before issuance of license. No salon shall open for business prior to issuance of salon license.

Section 4. All new beauty salons and all beauty salons moving to a new location must comply with all city, county, and state zoning, building and plumbing laws, regulations and codes.

Section 5. All beauty salons shall be separated from all barber shops by a sound proof partition extending to the ceiling and each facility shall have its own individual entrance.

Section 6. Any salon located in a residence shall have an outside entrance and a lavatory not used for family or residential purposes.

CARROLL ROBERTS, Administrator

ADOPTED: March 3, 1975
APPROVED: WILLIAM E. SCENT, Secretary
APPROVED: C. LESLIE DAWSON, Secretary
Department for Human Resources
RECEIVED BY LRC: June 10, 1975 at 12:01 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Hairdressers and Cosmetologists

201 KAR 12:085. School advertising.

RELATES TO: KRS 317A.050
PURSUANT TO: KRS 317A.050
SUPERSEDES: KBHC: Sch: Adver-1-1
NECESSITY AND FUNCTION: Schools advertise for student enrollments and services rendered.

Section 1. Schools shall not advertise or use deceptive statements and false promises which act as inducements in an effort to get students to enroll in said schools.

Section 2. No prices for services rendered to patrons shall be advertised in any newspapers or any other form outside the school.

Section 3. A school of cosmetology must display in the reception room, clinic room, or any other area in which the public receives services, a sign to read: "School of Cosmetology-Work Done By Students Only." The sign must be large enough to be read the length of the room in which sign is posted.

Section 4. No school is permitted to advertise professional work or guarantee students' work.

Section 5. All school advertisements must include the following statement: "A Cosmetology School Operating for Teaching Purposes Only."

Section 6. Schools are forbidden to advertise positions or guarantee future employment to students.

CARROLL ROBERTS, Administrator

ADOPTED: May 7, 1975.
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: June 3, 1975 at 11:54 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Hairdressers and Cosmetologists

201 KAR 12:100. Sanitation standards.

RELATES TO: KRS 317A.060
PURSUANT TO: KRS 317A.030
SUPERSEDES: KBHC: San-1
NECESSITY AND FUNCTION: KRS 317A.030 prohibits licensees suffering from communicable diseases from working on the public. KRS 317A.060 authorizes the Kentucky State Board of Hairdressers and Cosmetologists to regulate the practice of cosmetology in Kentucky and establish uniform standards for sanitation.

Section 1. (1) Any licensee, student, or employee of an establishment licensed by this board shall not be allowed to practice if being known to have any communicable or infectious diseases.

(2) No person having communicable or infectious diseases shall be rendered service by any licensee or student of cosmetology.

Section 2. All establishments, including furniture, equipment, utensils, floors, walls, ceilings, restrooms and lavatories shall be kept in a clean and sanitary condition. Individual soap and clean towels shall be provided for use of the patrons. The use in common of towels of any type is prohibited.

Section 3. Each student, apprentice cosmetologist, and cosmetologist shall have a sufficient number of combs and brushes at their disposal. Said combs and brushes must be sterilized after each use. No comb or brush shall be used in common on any patron. Any article dropped on the floor shall be disinfected before being used again.

Section 4. All water supply and waste connections shall be constructed in conformity with the city, county, and state plumbing statutes, regulations, and code.

Section 5. A sufficient number of covered waste receptacles shall be provided in every establishment for disposal of trash and other waste.

Section 6. No towel shall be used on more than one person without laundering. Drying of towels or linens on lines or radiators in licensed establishments is prohibited.

Section 7. A protective covering must be placed around the patrons neck so the cape does not come into contact with the nude skin. The protective covering must be discarded after each use.

Section 8. All tweezers, combs, brushes, and perm wave rods must be washed with hot water and soap and disinfected and

placed in a dry sterilizer. Only such methods of disinfection as are bacteriologically effective shall be permitted. The Department for Human Resources, Bureau for Health Services, has approved the following methods of disinfection:

(1) Dry disinfection: Formaldehyde gas has a place in disinfecting valuable articles, but it has no penetrating power and is limited in its action to the surface. Further, it requires a temperature of sixty-five (65) degrees Fahrenheit or over and a humidity of at least sixty (60) degrees Fahrenheit to be effective. Exposure of at least six (6) to twelve (12) hours in a small type cabinet to strong concentration of the gas is necessary to achieve surface disinfection. Formaldehyde gas cannot be depended upon to accomplish more than surface disinfection under optimistic conditions.

(2) Liquid disinfection:

(a) Bichloride of mercury (corrosive sublimate) is a very effective germicide, but poisonous to humans and corrodes metals. It is usually used in a 1-1000 solution and made by mixing and dissolving one (1) dram of bichloride of mercury in one (1) gallon of water or a gram of chlorine in one (1) liter (quart) of water. Direct exposure to this solution for one-half (1/2) hour is usually sufficient to destroy all harmful bacteria.

(b) Carbolic acid and phenol are useful disinfectants in five (5) percent solutions (seven (7) ounces to one (1) gallon of water) with exposure for one-half (1/2) hour. They are effective against all ordinary harmful bacteria.

(c) Sodium Hypochlorite solutions made up from effective preparations and containing 200 p.p.m. of chlorine are effective for the surface disinfection of equipment which has been thoroughly cleaned. Contact with the solution should not be for less than two (2) minutes.

(d) A ten (10) percent solution of Formalin is satisfactory for disinfection of all equipment. Formalin does not attack copper, nickel, zinc, or other metal substances.

(e) Instruments are to be disinfected by boiling water and should be boiled at least fifteen (15) minutes. (One (1) percent alkaline substance, such as carbonate of soda will prevent rusting, or injury to the cutting edge of bright steel instruments.)

(f) A seventy (70) percent solution of alcohol is an effective disinfectant for cleaning equipment.

(g) Steam sterilization at fifteen (15) pounds pressure at 248 degrees Fahrenheit for thirty (30) minutes is an effective means of sterilization. Steaming steam has the disinfecting power as boiling water and exposure for one-half (1/2) hours to steaming steam is sufficient for most purposes.

Section 9. Use of brush rollers of any type are prohibited in any establishment licensed by this board.

Section 10. (1) The following grading shall be used for the inspection of any salon or school of cosmetology: 100%-90% = A; 89%-80% = B; 79%-70% = C.

(2) Any standard of less than an "A" rating will indicate failure to comply with the statutes and regulations of the board.

CARROLL ROBERTS, Administrator

ADOPTED: March 3, 1975
APPROVED: WILLIAM E. SCENT, Secretary
APPROVED: C. LESLIE DAWSON, Secretary
Department for Human Resources
RECEIVED BY LRC: June 10, 1975 at 12:02 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

CABINET FOR DEVELOPMENT
Department of Fish and Wildlife Resources

301 KAR 2:105. Deer gun and archery season; restrictions.

RELATES TO: KRS 150.025, 150.170, 150.176, 150.330, 150.340, 150.360, 150.370, 150.400
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-G-116
NECESSITY AND FUNCTION: This regulation pertains to the statewide deer gun season, the deer gun and archery season on specified wildlife management areas and refuges and the turkey archery season on Land Between the Lakes. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of deer and turkey within reasonable limits based upon an adequate supply.

Section 1. Statewise Deer Gun Season, Limits and Hunting Hours. (1) Season. Opens on the first Saturday in December and continues through December 10, 1975.

(2) Limits. Bucks only with at least one (1) forked antler, whitetail, fallow or European red, except in Barren, Hart and Edmonson Counties where either sex deer may be taken. One (1) per season per hunter, either by gun or archery except as noted herein on the Fort Campbell Wildlife Management Area.

(3) Hunting Hours. Daylight hours only for gun or archery.

Section 2. Counties and Wildlife Areas Closed to Gun and Archery Deer Hunting. (1) The following counties are closed to both gun and archery deer hunting: Jackson, Owsley, Clay, Powell, Harlan, Leslie, Wolfe and Clark. All other counties are open to archery and gun deer hunting.

(2) The following wildlife management areas are closed to all hunting: Grayson Wildlife Management Area in Carter and Elliott Counties, Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties, Pine Mountain Wildlife Management Area in Letcher County, Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties and Redbird Wildlife Management Area, including all private inholdings, in Leslie and Clay Counties.

Section 3. License Requirements for Gun and Archery Deer Hunting. Each hunter taking or attempting to take deer must have in his or her possession a valid deer hunting permit, unless exempted by KRS 150.170(3), (5) or (6) (the resident owner of farmlands, his wife or dependent children; resident tenants or their dependent children residing upon said farmlands; residents sixty-five (65) years or older; and resident servicemen on furlough of more than three (3) days in their county of legal residence). All persons except those exempted by KRS 150.170(3), (5) or (6), must have a valid Kentucky hunting license in addition to the deer hunting permit. All non-residents are required to possess an annual non-resident hunting license or combination license as well as a deer permit.

Section 4. General Requirements for Gun and Archery Hunting. (1) Deer hunting is prohibited within the exterior boundaries of Mammoth Cave National Park.

(2) Each hunter who kills a deer must immediately attach to the deer the locking metal tag provided with the deer permit. The tag may be attached to any portion of the deer, provided that it cannot be removed without mutilating the deer carcass or damaging or destroying the locking tag. The tag must remain attached to the deer until the carcass is processed and packaged by locker plant, butcher or hunter. The card portion of the deer permit must be separated from the metal tag when tagging the deer and retained in possession of licensee. All persons eligible to hunt without a hunting license or deer hunting permit as exempted by KRS 150.170(3), (5) or (6), must attach to the deer a free identification tag obtained from a conservation officer or deer check station before removing said deer from their land or other lands.

(3) The deer hide tag attached to the deer permit must be attached to the raw hide immediately after removal from the carcass. Deer hides legally taken and tagged may be possessed and processed, but cannot be bought or sold.

(4) Hunters killing a deer must leave the head attached to the body until the carcass is removed from the field and processed by a locker plant, butcher or hunter.

(5) All eligible hunters hunting in accordance with KRS 150.170(3), (5) or (6), shall notify the department in writing as to deer killed.

(6) Non-residents whose state does not grant residents of Kentucky the same hunting privilege as provided by KRS 150.176, may not hunt deer in Kentucky.

(7) Deer may not be taken with the aid of dogs.

(8) Deer may not be taken with the use of boats, any type of land vehicle or any domestic animal.

(9) Deer may not be taken at any time or place while the deer is in the act of swimming or in any stream or body of water where the deer's body is submerged except for neck and head.

Section 5. Gun Season Requirements. (1) Permitted weapons:

(a) Shotgun ten (10) gauge maximum and twenty (20) gauge minimum with shells carrying a single slug.

(b) Center fire rifles .240 caliber or larger.

(c) Muzzle-loading rifles of .38 caliber or larger fired from the shoulder.

(d) Semi-automatic rifles (trigger has to be pulled each time the rifle fires).

(e) Any type of muzzle-loading weapon may be used on Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties. If muzzle-loading shotgun is used, the shot must be No. 2 buckshot or larger. Muzzle-loading shotguns and rifles using ball ammunition only on Land Between the Lakes Wildlife Management Area during the gun season only. Muzzle-loading rifles of not less than .40 caliber or more than .58 caliber on Fort Campbell Wildlife Management Area during the deer gun season only. Muzzle-loading rifles of .38 caliber or larger on Higginson-Henry Wildlife Management Area during the deer gun season only.

(2) Prohibited weapons and conditions:

(a) Persons under eighteen (18) years of age may not hunt deer unless accompanied by an adult.

(b) No one may hunt deer with a gun (archers exempted) unless wearing a vest, or coat, or coveralls, or cap or hat of hunter orange color. The entire vest, coat, coveralls, cap or hat must be of the hunter orange color. Any one of these items may be worn to comply with this regulation.

(c) Buckshot or any type of shot shells are prohibited

except on the Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties.

(d) Fully automatic rifles (when holding down the trigger will fire all remaining shells in the rifle).

(e) Full jacketed (military type) ammunition.

(f) Tracer bullet ammunition.

(g) Any Army issue M-1 .30 caliber carbine or its equivalent commercially sold counterpart. Any .256 caliber rifle.

(h) Muzzle-loading shotgun, except on Pioneer Weapons Wildlife Management Area and a portion of the Land Between the Lakes Wildlife Management Area.

(i) Revolvers, pistols or any type of handgun may be carried during the deer gun season, but cannot be used in any way to take deer (except for muzzle-loading handguns on Pioneer Weapons Wildlife Management Area).

(j) Crossbows and longbows.

Section 6. Archery Season Requirements. (1) Permitted weapons:

(a) Longbows and compound bows.

(b) Barbless arrows with broad head points at least seven-eighths (7/8) inch wide.

(c) Crossbows on Pioneer Weapons Wildlife Management Area only in Bath and Menifee Counties. Crossbows must be of not less than eighty (80) points pull with barbless arrows with broad head points at least seven-eighths (7/8) inch wide.

(2) Prohibited weapons and conditions:

(a) Any type of firearms.

(b) Crossbows, except as stated under permitted weapons.

(c) Chemically treated arrows, or attachments containing chemicals.

Section 7. Exceptions to Statewide Deer Hunting Regulations on the following Wildlife Management Areas and Refuges. Except as stated, all other hunting regulations, bag and possession limits apply on the areas listed:

(1) West Kentucky Wildlife Management Area located in McCracken County:

(a) Deer Archery (either sex): October 15 through October 31 on Tracts 1, 2, 3, 4, 5, and 6. December 17 through December 31, 1975, on Tract 6 only.

(b) Deer Gun (either sex): November 4 and 5, December 13 and 14 on Tracts 1, 2, 3, 4, 5 and 6.

(c) Checking in and out: All hunters must check in and out at the designated check station.

(d) Legal and prohibited guns: No rifles and sidearms permitted. Only shotguns twenty (20) gauge to ten (10) gauge with slug ammunition may be used for taking deer.

(e) Legal and prohibited archery weapons: Refer to Section 6(1) and (2) of this regulation.

(f) Closed Areas: All tracts designated by a number followed by the letter "A" are closed to hunting.

(2) Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties:

(a) Deer Archery (either sex): October 11 through November 5. December 13 through December 31, 1975.

(b) Deer Gun: Bucks with at least one (1) forked antler. Some areas either sex or antlerless or species as specified on permit. November 8, 11, 14, 17, 24, 1975.

(c) Turkey Archery. Gobblers only with visible beards. One (1) per hunter. October 11 through November 5. December 13 through December 31, 1975.

(d) Area Open to Hunting. State line to Barkley Canal except developed public use areas, safety zones, and posted areas.

(e) Deer Gun Hunt Applications and Drawing. A drawing by computer will select hunters for each of the hunts. Application forms must be submitted to Kentucky Deer Hunt, Land Between the Lakes, Golden Pond, Kentucky 42231, not later than 12 noon September 1, 1975.

(f) Checking In and Out. All hunters, including those camping in Land Between the Lakes, must check in, but will not be required to check out unless a deer or turkey is killed. Hunters may check in between noon and 5:00 p.m. the day before the hunt, or after 4:00 a.m. on hunt days. Check Stations will be open from 4:00 a.m. to 6:30 p.m. (CST) on hunt days.

(g) Tagging Deer. All deer taken during the gun hunt must be tagged with a Land Between the Lakes deer hunt tag in addition to the state metal locking tag.

(h) Turkey Archery Hunting Restriction. Turkey hunting will not be allowed after a hunter has killed a deer.

(i) Prohibited Weapons. Pirearms and crossbows are prohibited during the bow hunt.

(j) For Land Between the Lakes general hunting rules refer to 301 KAR 2:050.

(3) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties:

(a) Deer Archery (either sex): October 1 through November 16. December 17 through December 31, 1975.

(b) Deer Gun: Bucks with at least one (1) forked antler. December 6 through December 13, 1975.

(c) Legal Archery Weapons: Longbows, compound bows and crossbows. Crossbows must not be less than eighty (80) pounds pull with barbless arrows with broad head points at least seven-eighths (7/8) inch wide.

(d) Legal Guns: Only pioneer weapons are permitted. These include muzzle-loading rifles, muzzle-loading shotguns and muzzle-loading pistols.

(4) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties:

(a) Deer Archery (either sex): October 16 through October 20. October 21 through November 26 on selected areas. December 3 through December 16, 1975, on selected areas.

(b) Deer Gun (either sex): October 21 through November 26. December 3 through December 16, 1975, on selected areas.

(c) Shooting Hours: Daylight hours only for gun or archery deer hunting.

(d) Bag Limit and Permits: Two (2) deer of either sex may be taken by either gun or bow. If a deer is taken on Fort Campbell with a valid statewide permit, the permit card shall be so stamped and dated by Fort Campbell authorities and a statewide metal tag attached to the deer before removal from the Post. Fort Campbell authorities will record the name, address and permit or tag numbers of all persons taking deer. A permit card so stamped and dated shall be valid evidence that the bearer is eligible to receive a free Fort Campbell tag. Authorities shall enter the date of issuance of this free tag on the card itself. No further tags may be issued to a person carrying two (2) dates on said card. Any hunter found in the field hunting outside the Fort Campbell Reservation with a Fort Campbell Kentucky deer tag, or with the card portion of the permit which bears the Fort Campbell stamp and date, either in his possession or attached to the deer, will be in violation of this regulation. Any person having taken a deer elsewhere in Kentucky legally, may obtain a second deer tag free at Fort Campbell upon the presentation of the permit card for stamping and dating. Persons having taken one (1) deer at Fort Campbell are not eligible to hunt deer any where else in the state during the season.

(e) Legal Guns: Muzzle-loading rifles of not less than .40 caliber or more than .58 caliber will be allowed during the deer gun season. Shotguns of twenty (20), fifteen (15) and twelve (12) gauge only using slugs are also allowed.

(f) Legal and Prohibited Archery Weapons: Bows for deer hunting must have a minimum pull of thirty-five (35) pounds. Big game hunting arrows must be not less than twenty-four (24) inches in length, equipped with broad head barbless blades not less than seven-eighths (7/8) inch nor more than one and one-half (1 1/2) inches wide for single two-edged blades, or not more than three (3) inches in circumference for three (3) or more blades. The minimum weight for all broad heads will be 100 grains. Chemically treated arrows or explosive heads are prohibited. Crossbows are prohibited.

(5) Fort Knox Wildlife Management Area located in Hardin, Bullitt and Meade Counties:

(a) Deer Archery (either sex): October 1 through October 31, 1975.

(b) Deer Gun: Bucks only with at least one (1) forked antler. November 29 and 30, 1975. Either sex. December 6 and 7, 1975.

(c) Legal and Prohibited Archery Weapons. Refer to Section 6(1) and (2) of this regulation.

(d) Legal Guns. Shotguns of sixteen (16), twenty (20) and twelve (12) gauge with slug ammunition only.

(e) Applications for Deer Archery and Gun Hunting Permits: Permission must be obtained for each hunt. Applications for permits should be made by letter with enclosed fee of ten dollars ($10) by certified check or money order to the Fort Knox Conservation and Beautification Committee, P.O. Box 1052, Fort Knox, Kentucky 40121. Deadlines for accepting applications for bow hunting permits are September 1 and for gun hunting, October 1, 1975. The fees of those applicants not selected will be returned.

(6) Higginson-Henry Wildlife Management Area located in Union County:

(a) Deer Archery (either sex): October 1 through November 15. December 17 through December 31, 1975.

(b) Deer Gun (either sex): November 18 and 19, 1975.

(c) Legal and Prohibited Archery Weapons. Refer to Section 6(1) and (2) of this regulation.

(d) Legal Guns: Shotguns of ten (10) gauge maximum and twenty (20) gauge minimum with slug ammunition only and muzzle-loading rifles of .38 caliber or larger.

(e) Checking In and Out: All hunters must check in and out daily at a designated check station.

(f) Applications for Deer Gun Hunting Permits: Deer gun hunters will be limited to 300 persons chosen by a drawing. Requests for deer gun hunting applications should be made to: Manager, Higginson-Henry Wildlife Management Area, Route #5, Morganfield, Kentucky 42437. Applications for a deer gun permit will be accepted only during the period August 15 through noon September 5, 1975. Requests for applications received before or after these dates will be discarded. The drawing of 300 names will take place shortly thereafter in a Union County official's office. Permits will be mailed by September 22 to the persons drawn. Persons unsuccessful in the drawing will not be notified.

(7) Blue Grass Army Depot Wildlife Management Area located

in Madison County:

(a) Deer Archery: Bucks with visible antlers only. October 4 and 5, 18 and 19, 1975.

(b) Applications for Deer Archery Permits: Requests for deer hunting permits should be mailed on a postcard to the Chairman, Wildlife Management Subcommittee, Building S—14, Lexington Blue Grass Army Depot, Lexington, Kentucky 40507. To be eligible for a hunting permit, the card must contain the following information: name of hunter (one person only), address, age and telephone number. All cards must be postmarked no earlier than August 15 or no later than September 15. More than one (1) card from an individual will disqualify the applicant. A ten dollar ($10) fee will be charged by the Army Depot, payable only after the hunter is notified of his selection and specific hunting date.

(c) Legal Archery Weapons: Refer to Section 6(1) and (2) of this regulation.

(8) Ballard County Wildlife Management Area located in Ballard County. Regular statewide deer gun and archery seasons and regulations apply only to the wooded area south of Terrell Landing Road and designated by signs reading "Wildlife Management Area for Public Hunting."

ARNOLD L. MITCHELL, Commissioner

ADOPTED: March 10, 1975
APPROVED: DEE ASHLEY AKERS, Secretary
RECEIVED BY LRC: June 10, 1975 at 9:21 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education

705 KAR 2:110. Add—on weights for classes.

RELATES TO: KRS 156.070, 163.030, 157A.060
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: KRS 157A.060(4) provides for the State Board of Education to approve new vocational classes for add—on weights under the weighted pupil unit calculation. This is to adjust class title changes and to include new vocational programs to be offered as included in the Kentucky Program of Studies.

Section 1. The add—on weights for vocational education programs as identified in KRS 157A.060(3) shall be as indicated below:

Category	Add—on Weight	Present Title	New Title
(1) Program Area: Business and Office:			
I	.30	Record Keeping	Business Recordkeeping
II	.55	Office Machines	Business Machines
III	.80	Unit Data Processing	Introduction to Data Processing
V	1.30	Co—op Coordination	Co—op Office Education
		Elec. Data Processing	Advanced Data Processing
VI	1.55	None	Model Office
(2) Program Area: Health and Personal Services:			
VI	1.55	Health Occupations	Health Careers
			Medical Records Technician (Assistant)
			Medical Assistant
			Dental Assisting
(3) Program Area: Home Economics:			
I	.30	Intro. to Consumer Education	Consumer Education
		Clothing — Wage Earning	Clothing Services — Wage Earning
II	.55	Becoming Employable	None
		H. Ec. for Boys	Bachelor Living
		Consumer Education	Management/Consumer Education — Special Interest
III	.80	Food Management	Food and Nutrition — Special Interest
		Clothing Management Special Interest	Clothing and Textiles Special Interest
		Comprehensive H. Ec. III	None
		Food — Wage Earning	Food Services — Wage Earning
		Home Management — Special Interest	None
IV	1.05	H. Ec. — Special Needs	None
(4) Program Area: Industrial Education:			
II	.55	Plumbing & Pipe Trades	Plumbing
		Dressmaking & Tailoring	Industrial Sewing
			Tailoring
IV	1.05	Trowel Trades	Masonry
		Drafting & Commercial Art	Drafting
			Commercial Art
V	1.30	Sheet Metal & Air Cond. Trades	Air Conditioning & Heating
			Appliance Repair
			Sheet Metal
V	1.30	Woodworking & Building Trades	Carpentry
			Building Maintenance
			Cabinet Making
			Interior Finishing
			Upholstery
		Electrical Trades	Industrial Electricity
			Office Machine Repair
			Radio & TV Repair
			Electronics
VI	1.55	Automotive Trades	Auto Body Repair
			Auto Mechanics
			Diesel Mechanics
			Service Station Attendant
			Small Engine Repair
			Truck Mechanics
		Mech. & Metal Trades	Mine Equipment Maintenance Welding and Machine Shop
		Printing Trades	Graphic Arts
(5) Program Area: Marketing and Distributive Education:			
II	.55	Economics of Distribution	D.E. I — Economics of Distribution
		Merchandising	D.E. II — Merchandisin(
IV	1.05	Co—op Supervision	D.E. IIIa — Marketing (Co—op Work Experience
		Marketing Simulated Work Exp.	D.E. IIIb — Marketing (Simulated Work Experience
(6) Program Area: Practical Arts:			
I	.30	None	Exploration I
		None	Exploration II
		None	Exploration III
(7) Program Area: Public Service:			
IV	1.05	None	Law Enforcement
		None	Fire Service Technology
(8) Program Area: Special Vocational Programs:			
IV	1.05	Special Voc. Ed. Class	Orientation to the World of Work
			Exploration in the World of Work
			Specialization in One Occupational Cluster
			Special Interest: Vocational Career Choice
			Interlocking Cooperative Vocational Education
			Vocational Orientation for Seniors

Section 2. Practical arts units shall be funded on this basis only for school year 1975—76.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: May 14, 1975
RECEIVED BY LRC: May 20, 1975 at 1:12 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor

803 KAR 1:063. Trading time.

RELATES TO: KRS 337.275, 337.285
PURSUANT TO: KRS 13.082, 337.295
NECESSITY AND FUNCTION: KRS 337.295 authorizes the commissioner to issue regulations for special items usual in a particular employer—employe relationship. The function of this regulation is to define the criteria to be met by public employes who wish to permit employes engaged in fire protection activities to use the practice of "trading time."

Section 1. A common practice of agreement among employes engaged in fire protection activities is that of substituting

for one another on regularly scheduled tours of duty (or for some part thereof) in order to permit an employe to absent himself or herself from work to attend to purely personal pursuits. This practice is commonly referred to as "trading time." Although the usual rules for determining hours of work would require that the additional hours worked by the substituting employe be counted in computing his or her total hours of work, the commissioner in substituting his judgment for the legislature feels that the legislature made it clear in KRS 337.295 to recognize these particular situations and to promulgate regulations to continue the use of trading time without the employer being subject to additional compensation by virtue of the voluntary trading of time by employes.

Section 2. The practice of "trading time" will be deemed to have no effect on hours of work if the following criteria are met: (1) The trading of time is done voluntarily by the employes participating in the program and not at the behest of the employer;

(2) The reason for trading time is due, not to the employer's business operations, but to the employe's desire or need to attend to personal matters;

(3) A record is maintained by the employer of all time traded by his employes; and

(4) The period during which time is traded and paid back does not exceed twelve (12) months.

GEORGE R. WAGONER, Acting Commissioner
ADOPTED: June 4, 1975
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: June 6, 1975 at 3:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Director, Kentucky Department of Labor, Division of Labor Standards, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Kentucky Oil and Gas Conservation Commission

805 KAR 1:100. Commission's rules of procedure; spacing of deep well drilling; wildcat wells and pooling of interests.

RELATES TO: KRS 353.651, 353.652
PURSUANT TO: KRS 13.082, 353.565
NECESSITY AND FUNCTION: KRS 353.565 requires the Kentucky Oil and Gas Conservation Commission to administer and enforce the provisions of KRS 353.651 and 353.652 by regulating the spacing of deep well drilling, drilling units and pooling of interest.

Section 1. Definitions and Construction. Unless the context otherwise requires, the following words and terms shall have the following meanings when used in these regulations:

(1) "Department" means the Department of Mines and Minerals as defined in KRS 353.010;

(2) "Commissioner" means the Commissioner of the Department of Mines and Minerals as defined in KRS 351.010;

(3) "Director" means the Director of Oil and Gas Conservation as provided in KRS 353.530;

(4) "Commission" means the Kentucky Oil and Gas Conservation Commission as provided in KRS 353.565;

(5) "Person" means any natural person, corporation, association, partnership, receiver, governmental agency subject to KRS 353.500 to 353.720, trustee, so-called common-law or statutory trust, guardian, executor, administrator or fiduciary of any kind;

(6) "Correlative rights" means the reasonable opportunity of each person entitled thereto to recover and receive without waste the oil and gas in and under his tract or tracts, or the equivalent thereof;

(7) "Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoir;

(8) "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined above as oil;

(9) "Pool" means an underground reservoir containing a common accumulation of oil or gas or both. Each productive zone of a general structure which is completely separated from any other zone in the structure, or which for the purpose of KRS 353.500 to 353.720 may be so declared by the department, is covered by the word "pool" as used herein;

(10) "Field" means the general area which is underlaid or appears to be underlaid by at least one (1) pool; and "field" includes the underground reservoir containing oil or gas or both. The words "field" and "pool" mean the same thing when only one (1) underground reservoir is involved; however, "field" unlike "pool," may relate to two (2) or more pools;

(11) "Just and equitable share of production" means, as to each person, an amount of oil or gas or both substantially equal to the amount of recoverable oil or gas in that part of a pool underlying his tract or tracts;

(12) "Well" means a borehole drilled, or proposed to be drilled, for the purpose of producing natural gas or petroleum, or one through which natural gas or petroleum is being produced, or a borehole drilled or proposed to be drilled for the purpose of injecting any water, gas or other fluid therein or one into which any water, gas or other fluid is being injected;

(13) "Deep well" means any well drilled and completed below the depth of 4,000 feet or, in the case of a well located east of longitude line 84 degrees 30 minutes, a well drilled and completed at a depth below 4,000 feet or below the base of the lowest member of the Devonian Brown Shale, whichever is deeper;

(14) "Operator" means any owner of the right to develop, operate and produce oil and gas from a pool and to appropriate the oil and gas produced therefrom, either for himself or for himself and others; in the event that there is no oil and gas lease in existence with respect to the tract in question, the owner of the oil and gas rights therein shall be considered as "operator" to the extent of seven-eighths (7/8) of the oil and gas in that portion of the pool underlying the tract owned by such owner, and as "royalty owner" as to one-eighth (1/8) interest in such oil and gas; and in the event the oil is owned separately from the gas, the owner of the right to develop, operate and produce the substance being produced or sought to be produced from the pool shall be considered as "operator" as to such pool;

(15) "Royalty owner" means any owner of oil and gas in place, or oil and gas rights, to the extent that such owner is not an operator as defined in subsection (14) of this section;

(16) "Drilling unit" generally means the maximum area in a pool which may be drained efficiently by one well so as to produce the reasonable maximum recoverable oil or gas in such area. Where the regulatory authority has provided rules for the establishment of a drilling unit and an operator, proceeding within the framework of the rules so prescribed, has taken the action necessary to have a specified area established for production from a well, such area shall be a drilling unit.

(17) The singular shall include the plural, and the masculine gender shall include the feminine and neuter.

Section 2. Rules of Procedure. (1) Rules, regulations, and orders of the commission of general, or statewide, effect shall be submitted, published, and reviewed in accordance with KRS Chapter 13. Hearings on such rules, regulations, or orders shall be held, in accordance with KRS Chapter 13.

(2) Rules, regulations, or orders other than those of general, or statewide, effect, including but not limited to orders establishing drilling units, pool or field-wide units, or special field rules, shall be adopted only after notice and hearing in accordance with these rules and consistently with provisions of KRS 353.500 to 353.720.

(3) All hearings before the commission shall be open to the public. Hearings shall be called by the commission for the purpose of taking an action in respect to any matter within its jurisdiction upon its own motion or upon the request or application of any interested party. Applications or requests for hearings (except as otherwise provided herein) shall be written and may be in the form of a letter, shall be brief and concise, shall state in general terms the matter upon which action of the commission is desired, the interest of the applicant or person making the request, the action sought, and the reasons therefor.

(4) The director shall maintain a docket book, and all applications or requests for hearings and all hearings called on motion of the commission shall be docketed and given a docket number, and a file carrying such number shall be opened by the director. All applications for hearing, a copy of the notice of hearing, together with proof of its publication, the originals of all instruments, documents, plats, and other data filed in connection with the hearing or the subject matter thereof, a transcript of all evidence taken at the hearing, the originals or copies of all correspondence with the commission concerning such hearing or the subject matter thereof shall be stamped with the docket number of the hearing and placed and kept in the file carrying such number. The docket book and all files pertaining to hearings shall be open to the public at all reasonable times but shall not be removed from the custody of the commission or its employees. Copies of all such instruments, documents, plats, other data, and correspondence shall be furnished to any interested party upon payment of the cost of making such copies. All notices of hearing shall refer to the docket number thereof. Copies of applications for hearing shall be furnished by the director to any person upon request.

(5) All hearings shall be held in Lexington, Kentucky, unless otherwise ordered.

(6) Upon receipt of a proper request or application for hearing, the commission shall call a hearing within thirty (30) days, and after such hearing and with all convenient speed, and in any event within thirty (30) days after the conclusion of the hearing, shall take action with regard to the subject matter thereof.

(7) Notice of all hearings shall be given by publication, as authorized by KRS 353.680, in accordance with KRS Chapter 424. When required by KRS 353.651 or 353.652 to give personal notice to all persons reasonably known to own an interest in the oil and gas in an area to be unitized or for which special field rules are proposed, the commission shall give such notice by registered mail unless a person has given a mailing address as provided in subsection (8).

(8) The director shall maintain a general mailing list and shall place thereon the names and addresses of all persons, firms, or corporations who make request in writing to be included on such list. Each person, firm, and corporation on such mailing list shall be mailed by first class mail at the address listed a copy of all notices and orders issued by the commission. The director shall maintain a mailing list for each field in the state containing deep wells and shall place on each such list the names and addresses of all persons, firms, or corporations who make request in writing to be

included thereon. Each person included on the mailing list of any field shall be mailed by first class mail at the address listed a copy of all notices and orders issued by the commission as to such field. The failure to mail a copy of a notice to any such person, firm, or corporation shall not affect the validity of any hearing held pursuant to the notice published in accordance with subsection (7) or any rule, regulation, or order issued pursuant to such hearing, unless such person is one reasonably known to own an interest in the oil and gas in an area to be unitized or for which special field rules are proposed and is thus entitled to personal notice by KRS 353.651 or 353.652. When a person entitled to personal notice of a hearing has requested to be placed on either the general or a field mailing list, a notice mailed by first class mail to the address given shall constitute compliance with KRS 353.651 or 353.652, as the case may be.

(9) Notices of all hearings shall state the time and place of the hearing, the name of the party requesting the hearing, the nature thereof, the action sought, and the docket number.

(10) No notice by personal service shall be necessary except as required by KRS 343.651 or 353.652 or by special order of the commission entered on its minutes.

(11) After notice of a hearing is once given, the hearing may be continued to another day and from day to day by order of the commission entered on the day fixed for the hearing.

(12) The commission may adopt an emergency rule, regulation, or order of general, or statewide, effect without notice and hearing upon a finding of necessity to prevent waste, prevent irreparable injury, or other cause and issuance by the Governor of an executive order providing that it shall become effective upon submission to the Legislative Research Commission in accordance with KRS 13.085(2). Such a rule, regulation, or order shall provide that it will remain in force no longer than 120 days from the date of filing. If the commission desires to make such a rule, regulation, or order permanent, it shall proceed as required by KRS Chapter 13.

(13) The commission may adopt emergency rules, regulations, or orders other than those of general, or statewide, effect without notice and hearing upon a finding of necessity to prevent waste, irreparable injury, or other cause. Any such rule, regulation, or order shall provide that it will remain in force no longer than forty-five (45) days from its effective date. Immediately upon entering such a rule, regulation, or order, the commission shall call a hearing on the subject matter thereof, and such hearing shall be held prior to the expiration of the rule, regulation, or order.

(14) All interested parties shall have the right to be heard at all hearings and to present witnesses and other evidence whether or not represented by legal counsel or technical assistance. The commission may require any protest made to be reduced to writing and filed.

(15) In any proceeding before the commission subpoenas may be issued requiring the attendance of witnesses and the production of books, records, maps, charts, diagrams, and other pertinent documents material to the matters lawfully before the commission at the designated place of hearing.

(16) Hearings shall be opened with the reading of the notice or notices. The request for hearing, the notice or notices thereof, and proof of the due publication of the notice or notices of the hearing shall be made a part of the record of the hearing.

(17) All witnesses shall be required to testify under oath, administered by a member of the commission, to tell the truth, the whole truth, and nothing but the truth, and all witnesses shall be subject to direct and cross-examination by any member of the commission or by any interested party or by his representative.

(18) In all non-contested matters or in contested matters where those parties who appear in person at the hearing agree thereto, sworn affidavits may be received in evidence. The commission reserves the right to reject any and all such affidavits and to require the affiant to appear in person.

(19) The materiality, relevancy, and competency of any testimony or other evidence shall be subject to challenge by any party to the hearing or by any member of the commission. When so interposed, such objections shall be acted upon by the chairman or by the acting chairman, his ruling thereon being subject to change by a majority vote of the commission members then sitting.

(20) All persons presenting exhibits shall file a total of eight (8) copies with the reporter. All suggested forms of orders shall be presented in quintuplicate. These requirements may be waived by the commission.

(21) The commission shall from time to time by order entered on its minutes appoint a competent shorthand reporter. All hearings shall be recorded by a reporter appointed by the commission and sworn faithfully to discharge his duties in accordance with law and the direction of the commission. The reporter shall transcribe hearings only upon order of the commission. When such an order has been entered, transcripts shall be available for inspection at the office of the commission in Lexington, Kentucky, and transcripts shall be available for purchase by interested parties from the reporter at rates prescribed for transcripts of evidence in circuit court proceedings in Kentucky, whether ordered transcribed by the commission or not.

(22) Regular monthly meetings shall be held by the commission on the first Friday of each month. Where circumstances permit, the commission, after sounding the docket, shall first call up and dispose of all non-contested matters and motions for continuance.

Section 3. Permitting and Spacing of Wildcat Wells. (1) "Wildcat well" means either a deep well drilled with the intent of discovering and producing hydrocarbons from a formation or formations not previously productive of oil or gas from a well within 25,000 feet of its location, or a well drilled under such proven geological conditions that, even though located less than 25,000 feet from the nearest deep well previously productive of oil or gas, will not, if completed successfully, produce from a previously productive pool. Proof supporting permitting of a well located less than 25,000 feet from the nearest deep well previously productive of oil or gas should be submitted to the director with the permit application; the director may, however, require additional proof. If a deep well encounters a formation or pool as to which it is not a wildcat well, it may not be produced unless it is otherwise in compliance with the permit requirements and spacing regulations for other wells in that formation or pool. The director may, in his discretion, grant permission to test previously producing formations encountered in the drilling of a wildcat well and may fix such conditions as, in his judgment, will protect the formation or formations tested and the rights of the operator of any well or wells producing therefrom. If the director grants permission for such testing, he shall inform the other members of the commission in writing of his action.

(2) Within ninety (90) days following the completion of testing by surface production test of a well shown to be capable of production of oil or gas, or within ninety (90) days of completion as a producible well, whichever occurs first, the operator thereof shall file with the commission a plat showing a proposed unit for the well conforming to the rules provided in Section 4(1).

(3) No additional permits will be issued for the pool until a proposed unit plat is filed, and when the plat is filed for a wildcat well or any subsequent wells, no permits shall be issued which will violate the integrity of the proposed unit or the spacing regulations established by Section 4(2) to (4).

Section 4. Spacing of Deep Oil and Gas Wells. (1) If a permit is requested for a deep gas well other than a wildcat well or a well drilled on a unit previously formed by the commission, the application shall include a plat showing a proposed unit comprising a square with sides of 3,500 feet if the well is to be drilled to a depth less than 7,000 feet and with sides of 5,000 feet if the well is to be drilled to a depth of 7,000 feet or more. If the permit is for a deep oil well, the proposed unit plat shall comprise a square with sides of 1,750 feet if the well is to be drilled to a depth of less than 7,000 feet and 2,500 feet if the well is to be drilled to a depth of 7,000 feet or more. The first proposed unit for a pool shall be delineated so that the line forming one (1) side of the square is a base line running from south to north parallel to the Kentucky Coordinate System. All other north-south lines for that proposed unit and any additional units for the same pool shall be drawn parallel to the base line.

(2) Except as provided in subsections (4) and (5) of this section no deep gas well drilled to a depth less than 7,000 feet shall be located within 1,072 feet of the boundary of the proposed unit, and no deep gas well drilled to a depth of 7,000 feet or more shall be drilled within 1,532 feet of the boundary of the proposed unit.

(3) Except as provided in subsections (4) and (5) of this section no deep oil well drilled to a depth less than 7,000 feet shall be located within 536 feet of the boundary of the proposed unit, and no deep oil well drilled to a depth of 7,000 feet or more shall be drilled within 766 feet of the boundary of the proposed unit.

(4) (a) Upon receiving evidence showing a necessity therefor, the director may in his discretion grant permits with the following limitation on well location:

1. A deep oil well at a depth less than 7,000 feet may be located no closer than 438 feet to the boundary of the proposed unit.
2. A deep oil well at a depth of 7,000 feet or more may be located no closer than 625 feet to the boundary of the proposed unit.
3. A deep gas well at a depth of less than 7,000 feet may be located no closer than 875 feet to the boundary of the proposed unit.
4. A deep gas well at a depth of 7,000 feet or more may be located no closer than 1,250 feet to the boundary of the proposed unit.

(b) The director shall not grant a permit under the provisions of subsection (4)(a) of this section except in the presence of evidence which reasonably substantiates that the proposed location is justified by either topographical or geological conditions. Upon granting such a permit, the director shall inform the other members of the commission of his action in writing.

(c) Prior to the time a certificate of compliance is granted and a well is produced other than for the purpose of testing, the director shall determine whether a hearing is necessary for the purpose of taking any special action that may be required to offset any advantage resulting from the location of the well according to the permit and thus protecting correlative rights of others with interests in the pool. If it is determined that special action is necessary, the director shall call a hearing.

(5) (a) Exception locations varying from the limitations provided in subsections (2) to (4) of this section may be granted if the commission determines, after notice and hearing, and the facts clearly support the determination, that a proposed unit or a previ-

ously formed unit is partly outside the pool, or, for some other reason, a well located in accordance with the statewide rules could not reasonably be expected to be productive or topographical conditions are such as to make the drilling at such a location unduly burdensome. An application for an exception location shall be accompanied by a plat drawn to the scale of not smaller than 1:12,000 accurately showing to scale the proposed location of the well according to the Carter Coordinate System and all other deep wells within two (2) locations of the proposed location. The application shall be verified by some person acquainted with the facts.

(b) When an exception location is sought on the ground of topographical conditions, it must be shown that the commission can effectively offset any advantage to the applicant accruing from such variation.

(c) Whenever an exception is granted, the commission shall take such concurrent action as may be required to offset any advantage to the applicant and thus to protect the correlative rights of others with interests in the pool. If the proposed unit or already formed unit is of less acreage than that prescribed by the applicable spacing rule for a regular unit, whether proposed or formed according to special field orders for the pool in question, such special unit shall be allowed to produce only in the proportion that the acreage content of such special unit bears to the acreage content of a regular unit.

(6) No portion of a proposed unit or unit formed by order of the commission upon which a well is located shall be attributed, in whole or in part, to any other drilling or producible well in the same pool.

(7) (a) Unless authorization to intentionally deviate and directionally drill is granted by the commission, every well shall be drilled in such a manner that at any measured depth the actual or apparent location of the well bore shall be within a circle whose center is the surface location and whose radius is equal to the measured depth multiplied by a factor 0.087156. The actual or apparent resultant deviation of the well bore from the vertical shall not be in excess of five (5) degrees at any measured depth. In the event a survey indicates that the well bore is outside the above circle at any measured depth, the deviation must be corrected so that drilling will be restored to the specified limit. Upon completion of a survey showing or in the presence of knowledge giving rise to a reasonable belief that a well may be deviated beyond the above prescribed tolerance, the operator shall inform the director. After an operator has commenced drilling a well and desires to change the bottomhole location by directionally controlling and intentionally deflecting the well from the vertical, whether more or less than five (5) degrees, unless done to straighten the hole or to sidetrack junk in the hole or because of other mechanical difficulties, he shall first make application for an amended location showing by attached plat the amended projected bottomhole objective and secure an amended permit to drill before commencing such operations. The amended bottomhole location or objective shall comply with all minimum distances from unit lines as prescribed by all statewide orders or applicable field orders.

(b) In the event a well is to be drilled at a distance from a unit line where such distance is less than the apparent resultant lateral deviation, as determined by multiplying the proposed total depth of the well by the factor 0.087156, a permit to drill will be issued with the understanding that the operator will be required to furnish the commission with inclination or directional survey data as proof that the well will be completed in compliance with the provisions of this order before a certificate of compliance is issued. An inclination survey shall be made on all wells drilled with the first shot point at a depth not greater than that of the surface casing seat and succeeding shot points not more than 1,000 feet apart. Inclination surveys conforming to these requirements may be made either during the normal course of drilling or after the well has reached total depth. Such survey data shall be certified by the operator's representative or drilling contractor and shall indicate the resultant lateral deviation as the sum of the calculated lateral displacement determined between each inclination survey point, assuming that all such displacement occurs in the direction of the nearest unit line. If a directional survey determining the bottom of the hole is filed with the commission upon completion of the well, it shall not be necessary to furnish the inclination survey data.

(c) The commission may, at its discretion, require an operator to conduct inclination or directional surveys under conditions other than those above specified.

Section 5. Certificate of Compliance. (1) Prior to production from a deep well, other than test production for a period not in excess of fifteen (15) days, the operator thereof shall apply for and obtain a certificate of compliance from the director. The application, which must be verified, shall disclose information adequate to satisfy the director that:

(a) All working interests in the drilling unit or proposed unit are identically owned, or have been pooled by voluntary agreement or order of the commission, or that the well may be produced without violating the correlative rights of any owner in the unit; and

(b) The operator in the location, drilling, and completion of the well has complied with the conservation laws of the Commonwealth and the rules and regulations established by the Director of the Division of Oil and Gas and the commission applicable thereto.

(2) A certificate of compliance for a well for which a unit has not been established may be conditioned by the director by limiting its duration to a period of not more than 180 days unless a unit has been established and separately owned tracts have been pooled voluntarily or by order of the commission.

Section 6. Application for Special Field Orders. (1) When a new pool is penetrated and a well is proven by surface production test to be capable of producing oil or gas in paying quantities, the operator thereof shall, within 120 days after the test is completed or after the well is completed as a producible well, whichever occurs first, or within sixty (60) days of the completion of a confirmation well in the pool, whether drilled by him or another operator, apply for a hearing to issue special field orders governing the spacing of wells and establishment of units in the pool.

(2) An application for special field orders shall contain a plat showing all wells in the pool affected and the unit or units proposed for the pool.

(3) If upon testing a discovery well an operator believes that the confirmation well should not or cannot reasonably be located in accordance with the statewide spacing rules, he shall proceed by applying for a hearing to obtain an exception location.

Section 7. Pooling of Interests in Units Established by Order of the Commission. (1) An applicant for a hearing to issue special field orders for a new pool or otherwise to establish a drilling unit, or any interested party, may request that the commission pool the interests of the owners and royalty owners in any unit or units established as a result of the hearing. A request to pool separately owned tracts concurrently with the establishment of a unit or units must be submitted with the application for the hearing, or sufficiently in advance to include notice of the request in the notices of hearing. When in its judgment it is necessary, the commission may on its own motion include the pooling of separately owned tracts in the notice of a hearing to establish a unit or units.

(2) If separately owned tracts are not pooled as a result of the hearing to establish a unit or units, any interested party may request pooling at any subsequent time; provided, however, that if the owners and royalty owners have not agreed to pool their interests within 120 days of the issuance of a certificate of compliance, the operator of the well shall apply for a hearing to issue a pooling order.

Section 8. Reformation of Drilling Units. (1) Drilling units formed by the commission may be reformed upon notice and hearing as required by KRS 353.651, to exclude previously included acreage or to include new acreage, or both.

(2) A request for a hearing to reform drilling units must specify that there is new geological or geophysical data which will form a basis for the requested reformation and generally describe the source and nature of the data. Units will not be reformed in the absence of such data. Generally, "new data" must be data not in existence at the time of the hearing resulting in the formation of the units proposed for reformation. Re-interpretation of data existing at the time of the prior hearing will not serve as a basis for reformation.

HENRY M. MORGAN, Chairman

ADOPTED: April 4, 1975
APPROVED: H. N. KIRKPATRICK, Commissioner
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: June 2, 1975 at 1:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Chairman, Kentucky Oil and Gas Conservation Commission, Department of Mines and Minerals, P. O. Box 680, Lexington, Kentucky 40501. Telephone: 606-254-0367 or 606-254-0368.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services

902 KAR 8:010. Membership; executive committee.

RELATES TO: KRS Chapter 212
PURSUANT TO: KRS 13.082, 194.050, 211.090
SUPERSEDES: LHD - 1

NECESSITY AND FUNCTION: The Department for Human Resources is authorized by KRS 212.810 to 212.930 to approve of the establishment of district health departments. The Department for Human Resources is also authorized by KRS 211.025 and 211.090 to supervise, assist and appoint members of local boards of health as provided by law. The purpose of this regulation is to clarify the membership of a district board of health where a district health department has

been established and to insure representation from each county of the district on an executive committee if such a committee is created.

Section 1. Membership of District Boards of Health. District Boards of Health shall be composed of the members of the respective county boards of health of the counties that have joined together to create the district health department.

Section 2. Membership of Executive Committee of District Boards of Health. In those instances where a district board of health chooses to form an executive committee the membership of such committee shall have at least two (2) persons from each of the counties comprising the district, one of whom shall be the county judge or his designee.

WILLIAM P. McELWAIN, M.D., Commissioner
C. LESLIE DAWSON, Secretary

ADOPTED: May 19, 1975
RECEIVED BY LRC: June 13, 1975 at 3:34 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board

902 KAR 20:057. Health maintenance organizations.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)
PURSUANT TO: KRS 13.082, 216.425
SUPERSEDES: HFHS 20
NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Health Maintenance Organizations, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Scope: This regulation relates to the organization and operation of Health Maintenance Organizations.

Section 2. Definition: Health Maintenance Organizations; General:

(1) "Health Maintenance Organization" means any person who undertakes to provide either directly or through agreements with others, health care services to individuals who have voluntarily enrolled with the organization. Charges for these services are prepaid at a fixed rate on a per capita basis.

(2) "Enrollee" means a person who has been enrolled in a health maintenance organization. The term "subscriber" has the same meaning as "enrollee."

(3) "Health care services" includes all services essential to furnishing primary outpatient or inpatient care as well as all services and goods necessary for preventing, alleviating, curing, or healing illnesses, disabilities, or injuries.

(4) "Person" includes, but is not limited to, any individual, partnership, association, trust, or corporation.

(5) A "consumer" is an enrollee of the health maintenance organization who does not stand to profit from the nature of his association with the organization. He must not be an employee of the health maintenance organization; nor may he have a financial interest therein.

(6) "Provider" means a licensed individual physician or group of physicians, licensed health facilities or services, and other licensed health professionals who have entered into an agreement with a health maintenance organization for the purpose of providing health services to enrollees.

(7) "Medical group" means a partnership, association, corporation or other entity organized for the delivery of health care.

(8) "Individual practice association" means an individual or group of physicians who have as their primary objective the delivery or arrangements for the delivery of health services and who have entered into a written agreement with a health maintenance organization. Such written service agreements shall provide that the individual practice association shall provide their professional services in accordance to the agreement with the health maintenance organization.

(9) "Evidence of coverage" means any certificate, agreement, or contract issued to an enrollee stating the health care services to which he is entitled.

(10) "In-area" means the geographical area authorized by the Certificate of Need and Licensure Board for the health maintenance organization as its service area in which it provides health services to its members directly through its own resources or through agreements with other providers.

(11) "Out-of-area" means that area outside of the geographical area authorized by the Certificate of Need and Licensure Board for the health maintenance organization as its service area.

(12) "Health manpower" means physicians, dentists, nurses, podiatrists, optometrists, mid-level practitioners, clinical psychologists, social workers, pharmacists, nutritionists, occupational therapists, physical therapists and other professionals engaged in the delivery of health services who are licensed, practice under an institutional license, are certified, or practice under authority of the health maintenance organization, a medical group, individual practice association or other authority consistent with the Kentucky state laws.

(13) "Board" means the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board.

(14) "Department" means the Kentucky Department for Human Resources.

(15) "Commissioner" means the Commissioner of the Kentucky Department of Insurance.

(16) "Primary health care" means services that provide the entry point into the health care delivery system for ambulant persons of all ages. Primary health care emphasizes a preventive health care program and consists of diagnostic and therapeutic services of sufficiently broad scope to accommodate the basic health needs of the enrollee. These services are administered by appropriately licensed members of the health professions in a manner that assures continuity of care.

Section 3. Characteristics of a Health Maintenance Organization: The characteristics of a health maintenance organization include the following: (1) An organized health care delivery system which emphasizes primary health care and includes health manpower and facilities capable of providing or arranging for the health services the health maintenance organization provides.

(2) A managing organization which assures legal, fiscal, public accountability, and a system for assuring quality medical care.

(3) A mechanism for direct advisory input by consumers to the governing authority of the health maintenance organization.

(4) A mechanism for prepayment of health services.

Section 4. Administrative Organization. (1) Governing authority. There shall be a governing authority which assumes full responsibility for the management and operation of the health maintenance organization.

(a) The identity of the person or persons, natural or corporate, in which the ultimate responsibility and authority for the conduct of health maintenance organization is vested, shall be fully disclosed to the board.

(b) The governing authority shall be responsbile for compliance with the applicable laws and regulations of legally authorized agencies.

(c) The governing authority shall have in effect bylaws, articles of incorporation, policies or similar documents that regulate the conduct of the affairs of the organization.

(d) The governing authority shall appoint a full-time administrator.

(2) Consumer input shall be available to the governing authority through one (1) of the following means:

(a) One third (1/3) of the governing authority's membership shall be consumers of the health maintenance organization.

(b) An advisory council consisting of at least nine (9) consumers of the health maintenance organization will make direct comments to the governing authority concerning those affairs of the organizations that affect the enrollees.

(3) Service delivery and resource requirements. The following shall be demonstrated to the satisfaction of the board:

(a) That the ability of the organization to assure that health services offered are available and accessible to all its members promptly and appropriately and in a manner which assures continuity.

(b) That the health maintenance organization show evidence that coverage and rate schedules have received necessary approvals from the Department of Insurance. This approval will be evidence by the organization receiving a certificate of authority from the commissioner. This approval is required after receiving a certificate of need and prior to the licensing or relicensing of the organization by the board.

(c) That the health maintenance organization be organized in such a manner that provides procedures for hearing and resolving grievances between the organization (including the staff of the health maintenance organization, medical group, or groups, and the individual practice association) and the enrollees of the organization. Such procedures will assure that grievances and complaints will be transmitted in a timely manner to appropriate decision making levels within the organization which has authority to take corrective action.

(d) That the health maintenance organization have organizational agreements to carry out an ongoing quality review program based on written policies and procedures for its health services with reference to the quality, appropriateness, and effectiveness of such services.

(e) That the health maintenance organization provide, or make written agreements for continuing education for its health manpower staff.

(f) That in support of the provision of health services, the health maintenance organization shall offer its enrollees health education services and education in the appropriate use of health services and the contribution each enrollee can make to the maintenance of his own health.

(g) Physician services. Physicians must possess an unlimited license to practice in Kentucky or in the state of their medical practice.

Section 5. Scope of Services: Basic Health Services. (1) A health maintenance organization may offer a comprehensive range of health services, but as a minimum, the following basic services shall be included in the covered benefits plan:

(a) Outpatient services including physician services and primary health care.
(b) Inpatient services.
(c) Instructions to its enrollees on procedures to be followed to secure medically necessary emergency health services to individuals within and outside of the area in question.
(d) Diagnostic laboratory and radiology services in support of basic health services.
(e) Health education services and education in the appropriate use of health services and in the contribution each member can make to the maintenance of his own health.

(2) The following supplemental health services may be provided but are not required in the basic covered benefit plan:

(a) Corrective appliances and artificial aids;
(b) Mental health services;
(c) Cosmetic surgery;
(d) Prescribed drugs and medicines incidental to outpatient care;
(e) Ambulance services;
(f) Treatment for chronic alcoholism and drug addiction;
(g) Care for military service connected disabilities for which the enrollee is legally entitled to services and for which the facilities are reasonably available to this enrollee;
(h) Dental services;
(i) Vision care;
(j) Skilled, intermediate or personal care;
(k) Experimental medical, surgical, or other experimental health care procedures;
(l) Personal or comfort items and private rooms, unless medically necessary during inpatient hospitalization;
(m) Whole blood and blood plasma; and
(n) Home health services.

Section 6. Providers of Service. (1) Basic health services shall be provided or arranged through health manpower who are members of the staff of the health maintenance organization or through medical groups or individual practice associations with which the health maintenance organization has entered into written service agreements. To the extent that basic health services are not covered by such agreements, the health maintenance organization may arrange for their provision by other health manpower as members of its staff who are either directly employed or appointed to its staff through a written agreement for services. Basic health services shall be so provided unless:

(a) The services are unusual or infrequently used services which do not warrant provision through staff of the health maintenance organization, a medical group, or an individual practice association as demonstrated by the health maintenance organization to the satisfaction of the board. The provision of such services not provided through the staff of a health maintenance organization or through individual practice association shall be contracted or arranged for by the health maintenance organization with other providers in the area; or
(b) The services are required for a medically necessary emergency and not for reasons of convenience and are provided to an enrollee other than through the health maintenance organization because the enrollee's condition would be jeopardized before he could obtain such services through the health maintenance organization; or
(c) The services are provided as part of inpatient hospital services by employees or staff of a hospital.

(2) Each health maintenance organization shall pay the provider, or reimburse its members for the payment of, reasonable charges for basic health services for which its members have contracted, which are medically necessary emergency services obtained within area or out-of-area other than through the health maintenance organization. Each health maintenance organization shall adopt procedures to review promptly all claims from members for reimbursement for the provision of medically necessary health services, which procedures shall include the determination of the medical necessity for obtaining such services.

(3) Supplemental health services may be provided or arranged for by the health maintenance organization through a medical group, an individual practice association, or other entity.

Section 7. Payment for Basic Health Services. Each health maintenance organization shall provide or arrange for basic health services, and for basic health services payments. All such payments shall conform to the applicable regulations of the commissioner.

Section 8. General Conditions. (1) All services rendered by health maintenance organizations shall be in accordance with applicable laws and regulations relating thereto. When facilities and services are subject to separate licensure, these regulations shall not be construed as obviating the need for such licensure. Any service which the health maintenance organization provides by written agreement shall be with duly licensed institutions or practitioners or services where such licensure is required by law.

(2) Within the area served by the health maintenance organization, basic health services and the supplemental health services for which enrollees have contracted shall:

(a) Be provided or arranged for by the health maintenance organization;
(b) Be available and accesssible to each of the health maintenance organization's enrollees promptly as appropriate with respect to its geographic location, hours of operation, and provisions for after-hours services (medically necessary emergency services must be available and accessible twenty-four (24) hours a day, seven (7) days a week) including some provision for evening hours. "Accessible" shall mean that no special type of transportation is required other than public or personal transportation. The location of all services must be accessible from a public road.
(c) Be provided in a manner which assures continuity.

(3) A medical record system which provides current information and assures continuity of patient care including pertinent medical record information from referral sources will be provided.

(a) Medical records exclusive of those records maintained by physicians in their private office shall be made available, when requested, for inspection by duly authorized representatives of the board.
(b) Confidentiality of all enrollee records shall be maintained at all times.

(4) The health maintenance organization shall provide an effective referral system to assure the continuity of care to enrollees.

(5) Reports:

(a) Each health maintenance organization shall furnish to the board and to the commissioner on forms provided by the commissioner and within ninety (90) days from the end of the organization's fiscal year, a statement under oath covering the preceding year and shall include:
1. A financial statement of the organization including a balance sheet, receipts and disbursements for the preceding year;
2. The number of persons enrolled during the year, the number of enrollees as of the end of the year, the number of enrollments terminated during the year, and such other information relating to the operation of the health maintenance organization as may be prescribed by the commissioner and/or by the board to enable them to evaluate the performance of the health maintenance organization.
(b) Each health maintenance organization shall make the following information available to its enrollees at its principal office and place of business on an annual basis:
1. Its most recent balance sheet and summary of receipts and disbursement; and
2. A current description of its organization structure and operation.

Section 9. Enrollee Bill of Rights. (1) The health maintenance organization shall adopt written policies regarding the rights and responsibilities of enrollees. The enrollee bill of rights shall assure that each enrollee:

(a) Is fully informed of these rights and of all rules and regulations governing enrollee conduct and responsibilities, including a procedure for handling enrollee grievances.
(b) Is fully informed of services made available by the health maintenance organization and of the payments applicable for basic and supplemental services.
(c) Is fully informed of his medical condition unless medically contraindicated (as documented in his medical record) and is afforded the right to be fully informed of his medical treatment and other alternatives if available and to refuse to participate in experimental research.
(d) Is encouraged and assisted to understand and exercise his enrollee rights and to this end may voice grievances and recommend changes in policies and services. The grievances and recommendations will be conveyed, within a reasonable time, to an appropriate decision making level within the organization which has authority to take corrective action.
(e) Is assured confidential treatment of his records and disclosures, and is afforded the opportunity to approve or refuse their release to any individual not involved in his care except as required by law or third-party payment contract.
(f) Is treated with consideration, respect, and with full recognition of his dignity and individuality, including privacy in treatment and in care for his personal needs.

Section 10. Revocation of License. The board may revoke the license and/or take other appropriate action if a health maintenance organization has its certificate of authority revoked or suspended by the commissioner.

Section 11. Certificate of Need and Licensure Board. Except in those sections of this regulation which indicate otherwise, the health maintenance organization shall abide by the decisions of the board.

Section 12. Separability. If any clause, sentence, paragraph, section or part of these regulations shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which the judgment was rendered.

HOWARD L. BOST, Chairman

ADOPTED: May 19, 1975
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: June 13, 1975 at 3:33 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Howard Bost, Ph.D., Chairman, Certificate or Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40601.

KAR References to Kentucky Revised Statutes

KRS Section	Regulation No.
2.110	703 KAR 2:020
2.190	703 KAR 2:020
6.690–6.700	2 KAR 1:010
12.080	103 KAR 8:050
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12.140	103 KAR 8:050
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15.020	40 KAR 1:010
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15.330	503 KAR 1:010
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15.360	503 KAR 1:030
15.410–15.510	503 KAR 5:060
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15.470	503 KAR 5:050
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15A.160	503 KAR 1:010
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103 KAR 17:020	225	Effective January 8, 1975.
103 KAR 17:030	226	Effective January 8, 1975.
103 KAR 17:040	226	Effective January 8, 1975.
103 KAR 17:050	226	Effective January 8, 1975.
103 KAR 17:060	329	Effective February 5, 1975.
103 KAR 17:070	226	Effective January 8, 1975.
103 KAR 17:080	227	Effective January 8, 1975.

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103 KAR 18:010	329	Effective February 5, 1975.
103 KAR 18:020	227	Effective January 8, 1975.
103 KAR 18:030	228	Effective January 8, 1975.
103 KAR 18:040	329	Effective February 5, 1975.
103 KAR 18:050	329	
Amended	585	Effective February 5, 1975.
103 KAR 18:060	330	Effective February 5, 1975.
103 KAR 18:070	330	Effective February 5, 1975.
103 KAR 18:080	330	Effective February 5, 1975.
103 KAR 18:090	330	Effective February 5, 1975.
103 KAR 18:100	331	Effective February 5, 1975.
103 KAR 18:110	331	Effective February 5, 1975.
103 KAR 18:120	331	Effective February 5, 1975.
103 KAR 19:010	332	Effective February 5, 1975.
103 KAR 19:030	332	Effective February 5, 1975.
103 KAR 25:010	701	Effective May 14, 1975.
103 KAR 25:020	702	Effective May 14, 1975.
103 KAR 25:030	702	Effective May 14, 1975.
103 KAR 25:040	464	Effective March 12, 1975.
103 KAR 25:050	144	Effective December 11, 1974.
103 KAR 25:060	228	Effective January 8, 1975.
103 KAR 25:070	228	Effective January 8, 1975.
103 KAR 25:080	702	Effective May 14, 1975.
103 KAR 25:090	702	Effective May 14, 1975.
103 KAR 25:100	228	Effective January 8, 1975.
103 KAR 25:110	465	Effective March 12, 1975.
103 KAR 26:010	144	Effective December 11, 1974.
103 KAR 26:020	144	Effective December 11, 1974.
103 KAR 26:030	144	Effective December 11, 1974.
103 KAR 26:040	465	Effective March 12, 1975.
103 KAR 26:050	229	Effective January 8, 1975.
103 KAR 26:060	229	Effective January 8, 1975.
103 KAR 26:070	703	Effective May 14, 1975.
103 KAR 26:080	229	Effective January 8, 1975.
103 KAR 26:090	229	Effective January 8, 1975.
103 KAR 26:100	229	Effective January 8, 1975.
103 KAR 27:010	465	Effective March 12, 1975.
103 KAR 27:020	230	Effective January 8, 1975.
103 KAR 27:030	144	Effective December 11, 1974.
103 KAR 27:040	230	Effective January 8, 1975.
103 KAR 27:050	145	Effective December 11, 1974.
103 KAR 27:080	466	Effective March 12, 1975.
103 KAR 27:090	230	Effective January 8, 1975.
103 KAR 27:100	466	Effective March 12, 1975.
103 KAR 27:120	230	Effective January 8, 1975.
103 KAR 27:130	704	Effective May 14, 1975.
103 KAR 27:140	145	Effective December 11, 1974.
103 KAR 27:150	466	Effective March 12, 1975.
103 KAR 27:170	145	Effective December 11, 1974.
103 KAR 27:180	466	Effective March 12, 1975.
103 KAR 28:010	467	Effective March 12, 1975.
103 KAR 28:020	230	Effective January 8, 1975.
103 KAR 28:030	704	Effective May 14, 1975.
103 KAR 28:040	230	Effective January 8, 1975.
103 KAR 28:050	467	Effective March 12, 1975.
103 KAR 28:060	231	Effective January 8, 1975.
103 KAR 28:070	231	Effective January 8, 1975.
103 KAR 28:080	704	
103 KAR 28:090	468	Effective March 12, 1975.
103 KAR 28:100	468	Effective March 12, 1975.
103 KAR 28:110	705	Effective May 14, 1975.
103 KAR 28:120	468	Effective March 12, 1975.
103 KAR 28:130	231	Effective January 8, 1975.
103 KAR 30:010	705	Effective May 14, 1975.
103 KAR 30:020	145	Effective December 11, 1974.
103 KAR 30:030	468	Effective March 12, 1975.
103 KAR 30:040	469	Effective March 12, 1975.
103 KAR 30:050	231	Effective January 8, 1975.
103 KAR 30:060	146	
Amended	324	Effective December 11, 1974.
103 KAR 30:070	231	Effective January 8, 1975.
103 KAR 30:080	232	Effective January 8, 1975.
103 KAR 30:090	705	Effective May 14, 1975.
103 KAR 30:100	232	
Amended	971	Effective May 14, 1975.
103 KAR 30:120	469	Effective March 12, 1975.
103 KAR 30:130	469	Effective March 12, 1975.
103 KAR 30:140	706	Effective May 14, 1975.
103 KAR 30:150	232	Withdrawn May 30, 1975.
103 KAR 30:160	232	Effective January 8, 1975.
103 KAR 30:170	706	Effective May 14, 1975.
103 KAR 30:180	707	Effective May 14, 1975.
103 KAR 30:190	707	Effective May 14, 1975.
103 KAR 30:200	708	Effective May 14, 1975.
103 KAR 30:220E	583	Effective January 30, 1975; Expired May 15, 1975.
103 KAR 30:220	590	Rejected April 9, 1975.
103 KAR 30:225E	1222	Effective May 15, 1975. Expires September 12, 1975.
103 KAR 30:225	1236	
103 KAR 31:010	708	Effective May 14, 1975.
103 KAR 31:020	232	Effective January 8, 1975.
103 KAR 31:030	470	Effective March 12, 1975.
103 KAR 31:040	233	Effective January 8, 1975.
103 KAR 31:050	233	Effective January 8, 1975.
103 KAR 31:060	233	Effective January 8, 1975.
103 KAR 31:070	233	Withdrawn May 30, 1975.
103 KAR 31:080	470	Effective March 12, 1975.
103 KAR 31:090	233	Effective January 8, 1975.
103 KAR 31:100	234	Effective January 8, 1975.
103 KAR 31:110	146	Effective December 11, 1974.
103 KAR 31:120	234	Effective January 8, 1975.
103 KAR 31:140	708	Effective May 14, 1975.
103 KAR 31:150	234	Effective January 8, 1975.
103 KAR 35:010	709	Effective May 14, 1975.
103 KAR 40:010	709	Effective May 14, 1975.
103 KAR 40:030	332	Effective February 5, 1975.
103 KAR 40:050	709	Effective May 14, 1975.
103 KAR 40:090	332	Effective February 5, 1975.
103 KAR 40:100	709	Effective May 14, 1975.
103 KAR 41:020	710	Effective May 14, 1975.
103 KAR 41:030	333	Effective February 5, 1975.
103 KAR 41:040	710	Effective May 14, 1975.
103 KAR 41:050	710	Effective May 14, 1975.
103 KAR 41:060	710	Effective May 14, 1975.
103 KAR 41:090	711	Effective May 14, 1975.
103 KAR 41:100	333	Effective February 5, 1975.
103 KAR 41:110	333	Effective February 5, 1975.
103 KAR 41:120	333	Effective February 5, 1975.
103 KAR 41:130	333	Effective February 5, 1975.
103 KAR 43:010	711	Effective May 14, 1975.
103 KAR 43:020	711	Effective May 14, 1975.
103 KAR 43:030	711	Effective May 14, 1975.
103 KAR 43:050	712	Effective May 14, 1975.
103 KAR 43:060	712	Effective May 14, 1975.
103 KAR 43:070	712	Effective May 14, 1975.
103 KAR 43:080	334	Effective February 5, 1975.
103 KAR 43:090	334	Effective February 5, 1975.
103 KAR 43:100	712	Effective May 14, 1975.
103 KAR 43:110	712	Effective May 14, 1975.
103 KAR 43:120	713	Effective May 14, 1975.
103 KAR 43:130	713	Effective May 14, 1975.
103 KAR 43:140	713	Effective May 14, 1975.
103 KAR 43:150	713	Effective May 14, 1975.
103 KAR 43:160	714	Effective May 14, 1975.
103 KAR 43:170	714	Effective May 14, 1975.
103 KAR 43:200	334	Effective February 5, 1975.
103 KAR 43:210	334	Effective February 5, 1975.
103 KAR 43:230	714	Effective May 14, 1975.
103 KAR 44:010	715	Effective May 14, 1975.
103 KAR 44:020	715	Effective May 14, 1975.
104 KAR 1:010	234	Effective January 8, 1975.
104 KAR 1:020	235	Effective January 8, 1975.
104 KAR 1:030	237	Effective January 8, 1975.
104 KAR 1:040	238	Effective January 8, 1975.
104 KAR 1:050	239	Effective January 8, 1975.
104 KAR 1:060	239	
Amended	447	Effective January 10, 1975.
105 KAR 1:010	716	Effective May 14, 1975.
105 KAR 1:020	717	Effective May 14, 1975.
200 KAR 1:010E	24	Effective August 26, 1974; Expired December 24, 1974.
200 KAR 1:010	31	Effective October 2, 1974.
200 KAR 2:010	1236	
200 KAR 2:020	1236	
200 KAR 2:030E	58	Effective September 11, 1974 Expired January 9, 1975.
200 KAR 2:030	60	Effective November 13, 1974.
200 KAR 2:040	1237	
200 KAR 2:050	1237	
200 KAR 2:060E	58	Effective September 11, 1974 Expired January 9, 1975.
200 KAR 2:060	60	Effective November 13, 1974.
200 KAR 2:070	1237	
200 KAR 2:090	1398	
200 KAR 2:100	1238	
200 KAR 3:010E	584	Effective January 24, 1975; Expired May 24, 1975.
200 KAR 3:010	591	Effective April 9, 1975.
200 KAR 4:010	1238	
200 KAR 10:010	591	Effective April 9, 1975.
Amended	1347	
200 KAR 10:030	592	Effective April 9, 1975.
201 KAR 1:005	1009	Effective June 11, 1975.
201 KAR 1:010	1009	Effective June 11, 1975.
201 KAR 1:015	1009	Effective June 11, 1975.
201 KAR 1:020	1009	Effective June 11, 1975.
201 KAR 1:025	1009	Effective June 11, 1975.
201 KAR 1:030	1009	Effective June 11, 1975.
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201 KAR 1:040	1010	Effective June 11, 1975.
201 KAR 1:045	1010	Effective June 11, 1975.
201 KAR 1:050	1010	Effective June 11, 1975.
201 KAR 1:055	1011	Effective June 11, 1975.
201 KAR 1:060	1011	Effective June 11, 1975.
201 KAR 1:065	1011	Effective June 11, 1975.
201 KAR 1:070	1012	Effective June 11, 1975.
201 KAR 1:075	1012	Effective June 11, 1975.
201 KAR 1:080	1012	Effective June 11, 1975.
201 KAR 1:085	1012	Effective June 11, 1975.
201 KAR 1:090	1012	Effective June 11, 1975.
201 KAR 1:095	1013	Effective June 11, 1975.
201 KAR 1:120	8	Withdrawn April 15, 1975.
201 KAR 2:010	9	Effective September 11, 1974
201 KAR 2:020	9	Effective September 11, 1974
201 KAR 2:030	147	Effective December 11, 1974.
201 KAR 2:040	9	Effective September 11, 1974
201 KAR 2:050	10	Effective September 11, 1974
201 KAR 2:055	147	Effective December 11, 1974.
201 KAR 2:060	10	Effective September 11, 1974
201 KAR 2:070	10	Effective September 11, 1974
201 KAR 2:080	147	Effective December 11, 1974.
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201 KAR 4:020	240	Effective January 8, 1975.
201 KAR 4:030	240	
201 KAR 4:040	240	Effective January 8, 1975.
201 KAR 4:050	1239	
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201 KAR 4:060	240	Effective January 8, 1975.
201 KAR 4:065	1240	
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201 KAR 7:052	241	
201 KAR 7:122	241	Withdrawn January 31, 1975.
201 KAR 7:125	241	Withdrawn January 31, 1975.
201 KAR 8:010	334	
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201 KAR 8:060	335	
201 KAR 8:070	336	Effective February 5, 1975.
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201 KAR 8:100	336	
201 KAR 8:110	336	
201 KAR 8:120	336	Effective February 5, 1975.
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201 KAR 8:140E	447	Effective January 1, 1975; Expired May 1, 1975.
201 KAR 8:140	338	Effective February 5, 1975.
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201 KAR 8:160	339	Effective February 5, 1975.
201 KAR 8:170	339	Effective February 5, 1975.
201 KAR 8:180	339	Effective February 5, 1975.
201 KAR 8:185	592	Effective April 9, 1975.
201 KAR 8:190	339	Effective February 5, 1975.
201 KAR 8:200	340	Effective February 5, 1975.
201 KAR 8:210	340	Effective February 5, 1975.
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201 KAR 8:240	340	Effective February 5, 1975.
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201 KAR 8:270	342	Effective February 5, 1975.
201 KAR 8:277	592	Effective April 9, 1975.
201 KAR 8:280	342	Effective February 5, 1975.
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201 KAR 9:010	470	Effective March 12, 1975.
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201 KAR 10:040	594	Effective April 9, 1975.
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201 KAR 11:050	596	Effective April 9, 1975.
201 KAR 11:055	596	Effective April 9, 1975.
201 KAR 11:060	596	
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201 KAR 11:070	597	Effective April 9, 1975.
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201 KAR 11:095	597	Effective April 9, 1975.
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201 KAR 11:155	599	Effective April 9, 1975.
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201 KAR 12:010	720	Effective May 14, 1975.
201 KAR 12:020	720	Effective May 14, 1975.
201 KAR 12:025	1398	
201 KAR 12:030	720	Effective May 14, 1975.
201 KAR 12:035	1398	
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201 KAR 12:050	599	Effective April 9, 1975.
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201 KAR 12:060	721	Effective May 14, 1975.
201 KAR 12:065	1399	
201 KAR 12:080	721	Effective May 14, 1975.
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201 KAR 13:040	722	
201 KAR 13:050	722	Effective May 14, 1975.
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201 KAR 14:035	724	Effective May 14, 1975.
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201 KAR 14:090	726	Effective May 14, 1975.
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Amended	1348	Effective June 11, 1975.
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201 KAR 14:125	730	Effective May 14, 1975.
201 KAR 14:130	730	Effective May 14, 1975.
201 KAR 14:135	730	Effective May 14, 1975.
201 KAR 14:140	730	Effective May 14, 1975.
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201 KAR 15:030	1013	Effective June 11, 1975.
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201 KAR 15:050	1014	Effective June 11, 1975.
201 KAR 15:060	1014	Effective June 11, 1975.
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201 KAR 16:010	1014	Effective June 11, 1975.
201 KAR 16:020	1015	Effective June 11, 1975.
201 KAR 16:030	1016	Effective June 11, 1975.
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201 KAR 18:020	1018	Effective June 11, 1975.
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201 KAR 18:040	1019	Effective June 11, 1975.
201 KAR 18:050	1019	Effective June 11, 1975.
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201 KAR 18:070	1019	Effective June 11, 1975.
201 KAR 18:080	1020	Effective June 11, 1975.
201 KAR 18:090	1020	Effective June 11, 1975.
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301 KAR 1:016	345	Effective February 5, 1975.
301 KAR 1:020	33	Effective October 2, 1974.
301 KAR 1:030	33	Effective October 2, 1974.
301 KAR 1:031	346	Effective February 5, 1975.
301 KAR 1:035	149	Effective December 11, 1974.
301 KAR 1:040	33	Effective October 2, 1974.
Amended	119	Effective December 11, 1974.
301 KAR 1:050	62	Effective November 13, 1974.
301 KAR 1:055	149	Effective December 11, 1974.
301 KAR 1:057	346	Effective February 5, 1975.
301 KAR 1:060	63	Effective November 13, 1974.
301 KAR 1:070	63	Effective November 13, 1974.
301 KAR 1:075	149	Effective December 11, 1974.
301 KAR 1:080	63	Effective November 13, 1974.
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301 KAR 1:085	241	Effective January 8, 1975.
301 KAR 1:090	63	Effective November 13, 1974.
301 KAR 1:100	63	Effective November 13, 1974.
301 KAR 1:110	64	Effective November 13, 1974.
301 KAR 1:115	241	Effective January 8, 1975.
301 KAR 1:120	150	Effective December 11, 1974.
301 KAR 1:122	346	Effective February 5, 1975.
301 KAR 1:125	346	Effective February 5, 1975.
301 KAR 1:130	242	Effective January 8, 1975.
301 KAR 1:132	347	Effective February 5, 1975.
301 KAR 1:145	474	Effective March 12, 1975.
Amended	971	Effective June 11, 1975.
Amended	1224	
301 KAR 1:150	242	Effective January 8, 1975.
Amended	972	Effective June 11, 1975.
301 KAR 1:155	243	Effective January 8, 1975.
301 KAR 2:010	33	Effective October 2, 1974.
301 KAR 2:020	33	Effective October 2, 1974.
301 KAR 2:021E	24	Effective August 21, 1974; Expired December 19, 1974.
301 KAR 2:022E	121	Effective September 23, 1974; Expired January 21, 1975.
301 KAR 2:025	347	Effective February 5, 1975.
301 KAR 2:030	64	Effective November 13, 1974.
301 KAR 2:040	64	Effective November 13, 1974.
301 KAR 2:045	1255	
301 KAR 2:047	1256	

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301 KAR 2:050	65	Effective November 13, 1974.
301 KAR 2:055	600	Effective April 9, 1975.
301 KAR 2:060	347	Effective February 5, 1975.
301 KAR 2:070	475	Effective March 12, 1975.
301 KAR 2:080	732	Effective May 14, 1975.
301 KAR 2:090	732	Effective May 14, 1975.
301 KAR 2:100	1257	
301 KAR 2:105	1400	
301 KAR 2:110	1258	
301 KAR 3:010	34	Effective October 2, 1974.
301 KAR 3:020	34	Effective October 2, 1974.
Amended	1225	
301 KAR 3:030	600	Effective April 9, 1975.
301 KAR 3:050	475	Effective March 12, 1975; Expired May 5, 1975.
301 KAR 3:060	476	Effective March 12, 1975.
301 KAR 4:010	35	Effective October 2, 1974.
301 KAR 4:020	65	Effective November 13, 1974.
302 KAR 1:010	150	Effective December 11, 1974.
302 KAR 5:010	733	Effective May 14, 1975.
302 KAR 5:020	733	Effective May 14, 1975.
302 KAR 5:030	734	Effective May 14, 1975.
302 KAR 5:040	734	Effective May 14, 1975.
302 KAR 5:050	734	Effective May 14, 1975.
302 KAR 5:060	734	Effective May 14, 1975.
302 KAR 5:070	734	Effective May 14, 1975.
302 KAR 10:010	734	Effective May 14, 1975.
302 KAR 10:020	735	Effective May 14, 1975.
302 KAR 10:030	735	Effective May 14, 1975.
302 KAR 10:040	735	Effective May 14, 1975.
302 KAR 10:050	735	Effective May 14, 1975.
302 KAR 10:060	736	Effective May 14, 1975.
302 KAR 10:070	736	Effective May 14, 1975.
302 KAR 10:080	736	Effective May 14, 1975.
302 KAR 10:090	737	Effective May 14, 1975.
302 KAR 15:010	1022	Effective June 11, 1975.
302 KAR 15:020	1023	Effective June 11, 1975.
302 KAR 15:030	1024	Effective June 11, 1975.
302 KAR 20:010	737	Effective May 14, 1975.
302 KAR 20:020	738	Effective May 14, 1975.
302 KAR 20:030	738	Effective May 14, 1975.
302 KAR 20:040	739	Effective May 14, 1975.
302 KAR 20:050	740	Effective May 14, 1975.
302 KAR 20:060	741	Effective May 14, 1975.
302 KAR 20:070	742	Effective May 14, 1975.
302 KAR 20:080	743	Effective May 14, 1975.
302 KAR 20:090	744	Effective May 14, 1975.
302 KAR 20:100	744	Effective May 14, 1975.
302 KAR 25:005	1025	Effective June 11, 1975.
302 KAR 25:015	1026	Effective June 11, 1975.
302 KAR 25:025	1026	Effective June 11, 1975.
302 KAR 25:035	1026	Effective June 11, 1975.
302 KAR 25:045	1027	Effective June 11, 1975.
302 KAR 25:055	1027	Effective June 11, 1975.
302 KAR 25:065	1027	Effective June 11, 1975.
302 KAR 25:075	1027	Effective June 11, 1975.
302 KAR 25:085	1028	Effective June 11, 1975.
302 KAR 25:095	1028	Effective June 11, 1975.
302 KAR 30:010	1258	
302 KAR 35:010	1028	Effective June 11, 1975.
302 KAR 35:020	1029	Effective June 11, 1975.
302 KAR 35:030	1029	Effective June 11, 1975.
302 KAR 35:040	1029	Effective June 11, 1975.
302 KAR 35:050	1029	Effective June 11, 1975.
302 KAR 75:010	744	Effective May 14, 1975.
302 KAR 75:020	745	Effective May 14, 1975.
302 KAR 75:030	745	Effective May 14, 1975.
302 KAR 75:050	745	Effective May 14, 1975.
302 KAR 75:060	745	Effective May 14, 1975.
302 KAR 75:070	747	Effective May 14, 1975.
302 KAR 75:080	747	Effective May 14, 1975.
302 KAR 75:100	748	Effective May 14, 1975.
302 KAR 75:110	749	Effective May 14, 1975.
302 KAR 75:120	751	Effective May 14, 1975.
302 KAR 76:005	751	Effective May 14, 1975.
302 KAR 76:015	752	Effective May 14, 1975.
302 KAR 76:025	752	Effective May 14, 1975.
302 KAR 76:035	752	Effective May 14, 1975.
302 KAR 76:045	753	Effective May 14, 1975.
302 KAR 76:055	753	Effective May 14, 1975.
302 KAR 76:065	753	Effective May 14, 1975.
302 KAR 76:075	753	Effective May 14, 1975.
302 KAR 76:085	754	Effective May 14, 1975.
302 KAR 77:010	754	Effective May 14, 1975.
302 KAR 77:020	754	Effective May 14, 1975.
303 KAR 1:003	1029	
303 KAR 1:005	754	Effective May 14, 1975.
303 KAR 1:010	754	Effective May 14, 1975.
303 KAR 1:015	754	Effective May 14, 1975.
303 KAR 1:025	1030	
303 KAR 1:030	755	Effective May 14, 1975.
303 KAR 1:040	755	
303 KAR 1:050	755	Effective May 14, 1975.
303 KAR 1:060	755	Effective May 14, 1975.
303 KAR 1:070	755	Effective May 14, 1975.
303 KAR 1:080	1030	Effective June 11, 1975.
303 KAR 1:090	1030	Effective June 11, 1975.
304 KAR 1:010	755	Effective May 14, 1975.
304 KAR 1:020	756	Effective May 14, 1975.
304 KAR 1:030	756	Effective May 14, 1975.
304 KAR 1:040	756	Effective May 14, 1975.
401 KAR 1:010	476	Effective March 12, 1975.

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401 KAR 1:015	756	
Amended	1348	Effective June 11, 1975.
401 KAR 1:020	10	Effective September 11, 1974
401 KAR 1:030	479	Effective March 12, 1975.
401 KAR 1:040	480	Effective March 12, 1975.
401 KAR 1:050	481	Effective March 12, 1975.
401 KAR 1:060	481	Effective March 12, 1975.
Amended	1348	
401 KAR 1:070	483	Effective March 12, 1975.
401 KAR 1:080	484	Effective March 12, 1975.
401 KAR 1:090	485	Effective March 12, 1975.
401 KAR 1:100	485	Effective March 12, 1975.
401 KAR 1:110	487	Effective March 12, 1975.
401 KAR 1:120	488	Effective March 12, 1975.
401 KAR 1:130	488	
Amended	1350	Effective June 11, 1975.
401 KAR 1:140	488	Effective March 12, 1975.
401 KAR 1:150	489	Effective March 12, 1975.
401 KAR 2:010	757	
Amended	1351	Effective June 11, 1975.
401 KAR 3:010	601	
Amended	1353	
401 KAR 3:020	604	
Amended	1356	
401 KAR 3:030	605	
Amended	1357	
401 KAR 3:040	607	
Amended	1359	
401 KAR 3:050	610	
Amended	1362	
401 KAR 3:060	619	
Amended	1373	
401 KAR 3:070	625	
Amended	1380	
401 KAR 4:010	11	
Amended	448	Effective February 5, 1975.
401 KAR 4:030	759	Effective June 11, 1975.
401 KAR 4:040	759	Effective June 11, 1975.
401 KAR 5:005	760	
Amended	1381	
401 KAR 5:015	761	
Amended	1382	
401 KAR 5:025	761	
Amended	1382	
401 KAR 5:035	762	
401 KAR 5:045	763	
Amended	1383	
401 KAR 6:010	763	Effective May 14, 1975.
401 KAR 6:020	766	Effective May 14, 1975.
401 KAR 6:030	766	Effective May 14, 1975.
401 KAR 6:040	771	
402 KAR 1:010	11	
Amended	211, 448	
402 KAR 1:015	1261	
402 KAR 1:020	1261	
402 KAR 1:025	773	
Amended	1384	
402 KAR 1:030	774	
Amended	1385	
402 KAR 1:035	776	
Amended	1387	
402 KAR 1:040	776	
Amended	1387	
402 KAR 1:045	777	
402 KAR 1:050	778	
Amended	1389	
402 KAR 1:055	778	
402 KAR 1:060	778	
Amended	1389	
402 KAR 2:010	13	
Amended	694	Effective April 9, 1975.
402 KAR 2:020	14	
Amended	694	Effective April 9, 1975.
500 KAR 5:005	1031	Effective June 11, 1975.
500 KAR 5:015	1031	Effective June 11, 1975.
501 KAR 1:010	348	Effective April 9, 1975.
502 KAR 5:010E	584	Effective January 31, 1975; Expired May 31, 1975.
502 KAR 5:010	626	
Amended	1226	Effective May 14, 1975.
502 KAR 10:010	1031	Effective June 11, 1975.
502 KAR 10:020	1032	Effective June 11, 1975.
502 KAR 10:030	1032	
502 KAR 10:040	1032	Effective June 11, 1975.
502 KAR 10:050	1033	Effective June 11, 1975.
502 KAR 10:060	1033	Effective June 11, 1975.
502 KAR 10:070	1034	Effective June 11, 1975.
502 KAR 10:080	1034	Effective June 11, 1975.
502 KAR 15:010	1034	Effective June 11, 1975.
503 KAR 1:010	779	Effective June 11, 1975.
503 KAR 1:020	779	Effective June 11, 1975.
503 KAR 1:030	780	Effective June 11, 1975.
503 KAR 1:040	781	Effective June 11, 1975.
503 KAR 1:050	781	Effective June 11, 1975.
503 KAR 1:059	781	
503 KAR 5:010	1034	Effective June 11, 1975.
503 KAR 5:020	1035	
503 KAR 5:030	1035	Effective June 11, 1975.
503 KAR 5:040	1036	Effective June 11, 1975.
503 KAR 5:050	1036	Effective June 11, 1975.
503 KAR 5:060	1037	Effective June 11, 1975.
503 KAR 5:070	1037	Effective June 11, 1975.
504 KAR 1:010	1263	
504 KAR 1:020	1264	
504 KAR 1:030	1264	
504 KAR 1:040	1264	
504 KAR 1:050	1264	
504 KAR 1:060	1264	
504 KAR 1:070	1265	
601 KAR 1:005	1037	Effective June 11, 1975.
601 KAR 1:010	14	Effective September 11, 1974
601 KAR 1:020E	2	Effective July 23, 1974; Expired November 20, 1974.
601 KAR 1:020	14	Effective September 11, 1974
601 KAR 1:030	782	Effective May 14, 1975.
601 KAR 1:035	783	Effective May 14, 1975.
601 KAR 1:040	784	Effective May 14, 1975.
601 KAR 1:045	785	Effective May 14, 1975.
601 KAR 1:050	785	Effective May 14, 1975.
601 KAR 1:060	786	Effective May 14, 1975.
601 KAR 1:065	787	Effective May 14, 1975.
601 KAR 1:070	787	Effective May 14, 1975.
601 KAR 1:075	788	Effective May 14, 1975.
601 KAR 1:080	789	Effective May 14, 1975.
601 KAR 1:085	790	Effective May 14, 1975.
601 KAR 1:090	791	Effective May 14, 1975.
601 KAR 1:095	791	Effective May 14, 1975.
601 KAR 1:100	791	Effective May 14, 1975.
601 KAR 1:105	792	Effective May 14, 1975.
601 KAR 1:110	793	Effective May 14, 1975.
601 KAR 1:115	793	Effective May 14, 1975.
601 KAR 1:120	794	Effective May 14, 1975.
601 KAR 2:010	794	Effective May 14, 1975.
601 KAR 9:010	795	Effective May 14, 1975.
601 KAR 9:015	795	Effective May 14, 1975.
601 KAR 9:020	795	Effective May 14, 1975.
601 KAR 9:025	795	Effective May 14, 1975.
601 KAR 9:030	796	Effective May 14, 1975.
601 KAR 9:035	796	Effective May 14, 1975.
601 KAR 9:040	796	Effective May 14, 1975.
601 KAR 9:045	797	Effective May 14, 1975.
601 KAR 9:050	798	Effective May 14, 1975.
601 KAR 9:055	798	Effective May 14, 1975.
601 KAR 9:060	798	Effective May 14, 1975.
601 KAR 9:065	799	Effective May 14, 1975.
601 KAR 9:070	799	Effective May 14, 1975.
601 KAR 9:075	800	Effective May 14, 1975.
601 KAR 10:010	243	Effective January 8, 1975.
601 KAR 10:020	243	Effective January 8, 1975.
601 KAR 10:030	244	Effective January 8, 1975.
601 KAR 10:040	244	Effective January 8, 1975.
601 KAR 10:050	244	Effective January 8, 1975.
601 KAR 10:060	244	Effective January 8, 1975.
601 KAR 10:070	244	Effective January 8, 1975.
601 KAR 10:080	245	Effective January 8, 1975.
601 KAR 12:010	151	Withdrawn December 10, 1974.
601 KAR 12:020	1038	Effective June 11, 1975.
601 KAR 12:030	1038	Effective June 11, 1975.
601 KAR 13:010	35	Effective October 2, 1974.
601 KAR 13:020	1039	Effective June 11, 1975.
601 KAR 13:030	1039	Effective June 11, 1975.
601 KAR 20:010	245	Effective January 8, 1975.
601 KAR 20:030	245	Effective January 8, 1975.
601 KAR 20:040	245	Effective January 8, 1975.
601 KAR 20:050	246	Effective January 8, 1975.
601 KAR 20:070	246	Effective January 8, 1975.
601 KAR 20:080	246	Effective January 8, 1975.
601 KAR 20:090	246	Effective January 8, 1975.
601 KAR 20:110	246	Effective January 8, 1975.
601 KAR 20:130	247	Effective January 8, 1975.
601 KAR 25:010	800	Effective May 14, 1975.
601 KAR 25:020	801	Effective May 14, 1975.
601 KAR 25:030	801	Effective May 14, 1975.
601 KAR 25:040	801	Effective May 14, 1975.
601 KAR 25:050	801	Effective May 14, 1975.
601 KAR 25:060	802	Effective May 14, 1975.
601 KAR 25:070	802	Effective May 14, 1975.
601 KAR 25:080	802	Effective May 14, 1975.
601 KAR 25:090	803	Effective May 14, 1975.
601 KAR 25:100	803	Effective May 14, 1975.
601 KAR 25:110	803	Effective May 14, 1975.
601 KAR 25:120	803	Effective May 14, 1975.
601 KAR 25:130	804	Effective May 14, 1975.
601 KAR 25:140	804	Effective May 14, 1975.
601 KAR 25:150	804	Effective May 14, 1975.
601 KAR 25:160	805	Effective May 14, 1975.
601 KAR 25:170	805	Effective May 14, 1975.
601 KAR 25:180	805	Effective May 14, 1975.
601 KAR 25:190	806	Effective May 14, 1975.
602 KAR 1:010	15	Effective September 11, 1974
602 KAR 1:015	1040	Effective June 11, 1975.
602 KAR 1:020	15	Effective September 11, 1974
Amended	972	Effective June 11, 1975.
602 KAR 1:025	627	Effective April 9, 1975.
602 KAR 1:030	36	
Amended	213	Effective November 20, 1974.
602 KAR 1:040	36	Effective October 2, 1974.
602 KAR 1:050	627	Effective April 9, 1975.
602 KAR 1:060	628	Effective April 9, 1975.
602 KAR 1:070	630	Effective April 9, 1975.
602 KAR 1:080	630	Effective April 9, 1975.
602 KAR 10:010	631	Effective April 9, 1975.
602 KAR 20:010	1040	Effective June 11, 1975.
602 KAR 20:020	1041	Effective June 11, 1975.

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602 KAR 20:030	1041	Effective June 11, 1975.
602 KAR 20:040	1041	Effective June 11, 1975.
602 KAR 20:050	1041	Effective June 11, 1975.
602 KAR 20:060	1042	Effective June 11, 19975.
602 KAR 20:070	1042	Effective June 11, 1975.
602 KAR 20:080	1042	Effective June 11, 1975.
602 KAR 20:090	1042	Effective June 11, 1975.
602 KAR 50:010	806	Effective May 14, 1975.
602 KAR 50:020	1043	Effective June 11, 1975.
602 KAR 50:030	807	Effective May 14, 1975.
602 KAR 50:040	1043	Effective June 11, 1975.
602 KAR 50:050	1043	Effective June 11, 1975.
602 KAR 50:060	807	Effective May 14, 1975.
602 KAR 50:070	807	Effective May 14, 1975.
602 KAR 50:080	1044	Effective June 11, 1975.
602 KAR 50:090	1044	Effective June 11, 1975.
602 KAR 50:100	807	Effective May 14, 1975.
602 KAR 50:110	808	Effective May 14, 1975.
602 KAR 50:120	808	Effective May 14, 1975.
603 KAR 1:010	808	Effective May 14, 1975.
603 KAR 1:020	809	Effective May 14, 1975.
603 KAR 1:030	809	Effective May 14, 1975.
603 KAR 2:015	809	Effective May 14, 1975.
603 KAR 3:010	810	Effective May 14, 1975.
603 KAR 3:020	812	Effective May 14, 1975.
603 KAR 3:030	814	Effective May 14, 1975.
603 KAR 3:040	814	Effective May 14, 1975.
603 KAR 3:050	815	Effective May 14, 1975.
603 KAR 4:015	815	Effective May 14, 1975.
603 KAR 5:010	37	Effective October 2, 1974.
603 KAR 5:020	37	Effective October 2, 1974.
603 KAR 5:025	152	Effective December 11, 1974.
603 KAR 5:030	66	Effective November 13, 1974.
603 KAR 5:040	152	Effective December 11, 1974.
603 KAR 5:050	815	Effective May 14, 1975.
603 KAR 5:060	815	Effective May 14, 1975.
603 KAR 5:065	816	Effective May 14, 1975.
603 KAR 5:070	817	Effective May 14, 1975.
603 KAR 5:075	817	Effective May 14, 1975.
603 KAR 5:080	817	Effective May 14, 1975.
603 KAR 5:090	817	Effective May 14, 1975.
603 KAR 5:095	818	Effective May 14, 1975.
Amended	973	Effective June 11, 1975.
Amended	1389	
603 KAR 5:100	831	Effective May 14, 1975.
603 KAR 5:110	831	Effective May 14, 1975.
603 KAR 6:010	66	Effective November 13, 1974.
603 KAR 6:011	66	Effective November 13, 1974.
Amended	214	Effective January 8, 1975.
603 KAR 6:012	66	Effective November 13, 1974.
603 KAR 6:013	66	Effective November 13, 1974.
603 KAR 6:014	67	Effective November 13, 1974.
603 KAR 6:015	67	Effective November 13, 1974.
603 KAR 6:016	67	Effective November 13, 1974.
603 KAR 6:017	67	Effective November 13, 1974.
603 KAR 6:018	67	Effective November 13, 1974.
603 KAR 6:019	67	Effective November 13, 1974.
603 KAR 6:020	67	Effective November 13, 1974.
603 KAR 6:021	68	Effective November 13, 1974.
603 KAR 6:022	153	Effective December 11, 1974.
603 KAR 6:023	153	Effective December 11, 1974.
603 KAR 6:024	247	Effective January 8, 1975.
603 KAR 6:025	247	Effective January 8, 1975.
603 KAR 6:026	247	Effective January 8, 1975.
603 KAR 6:027	632	Effective April 9, 1975.
603 KAR 6:028	248	Effective January 8, 1975.
603 KAR 6:029	248	Effective January 8, 1975.
603 KAR 6:030	248	Effective January 8, 1975.
702 KAR 1:010	37	
702 KAR 1:020	68	Effective November 13, 1974.
Amended	451	Effective March 12, 1975.
702 KAR 1:030	68	Effective November 13, 1974.
702 KAR 2:010	38	Effective October 2, 1974.
702 KAR 2:020	38	Effective October 2, 1974.
702 KAR 2:030	39	Effective October 2, 1974.
702 KAR 2:040	39	Effective October 2, 1974.
702 KAR 2:050	40	Effective October 2, 1974.
702 KAR 2:060	40	Effective October 2, 1974.
702 KAR 2:070	40	Effective October 2, 1974.
702 KAR 2:080	40	Effective October 2, 1974.
702 KAR 2:090	41	Effective October 2, 1974.
702 KAR 2:100	42	
Amended	119	Effective October 2, 1974.
702 KAR 3:010	68	Effective November 13, 1974.
702 KAR 3:020	69	Effective November 13, 1974.
702 KAR 3:030	69	Effective November 13, 1974.
702 KAR 3:040	69	Effective November 13, 1974.
702 KAR 3:045	69	
Amended	695	Effective March 12, 1975.
702 KAR 3:050	69	
Amended	695	Effective March 12, 1975.
702 KAR 3:060	70	Effective November 13, 1974.
702 KAR 3:070	70	Effective March 12, 1975.
702 KAR 3:075	70	Effective November 13, 1974.
702 KAR 3:080	70	Effective November 13, 1974.
702 KAR 3:090	71	Effective November 13, 1974.
702 KAR 3:100	71	Effective March 12, 1975.
702 KAR 3:110	71	Effective November 13, 1974.
702 KAR 3:120	71	Effective November 13, 1974.
702 KAR 3:130	71	Effective November 13, 1974.

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702 KAR 3:140	72	
Amended	695	Effective March 12, 1975.
702 KAR 3:150	72	Effective November 13, 1974.
702 KAR 3:160	72	Effective November 13, 1974.
702 KAR 3:170	1045	Effective June 11, 1975.
702 KAR 4:005	1045	Effective June 11, 1975.
702 KAR 4:010	1045	Effective June 11, 1975.
702 KAR 4:020	1045	
702 KAR 4:030	1046	
702 KAR 4:040	1046	
702 KAR 4:050	1046	
702 KAR 4:060	1047	Effective June 11, 1975.
702 KAR 4:070	1047	Effective June 11, 1975.
702 KAR 4:080	1048	Effective June 11, 1975.
702 KAR 4:090	1049	Effective June 11, 1975.
702 KAR 5:010	1049	Effective June 11, 1975.
702 KAR 5:020	1049	
702 KAR 5:030	1051	Effective June 11, 1975.
702 KAR 5:040	1051	Effective June 11, 1975.
702 KAR 5:050	1051	Effective June 11, 1975.
702 KAR 5:060	1052	Effective June 11, 1975.
702 KAR 5:070	1052	Effective June 11, 1975.
702 KAR 5:080	1052	Effective June 11, 1975.
702 KAR 5:090	1053	Effective June 11, 1975.
702 KAR 5:100	1053	Effective June 11, 1975.
702 KAR 5:110	1054	Effective June 11, 1975.
703 KAR 1:010	42	Effective October 2, 1974.
703 KAR 1:020	42	
Amended	695	Effective March 12, 1975.
703 KAR 1:030	42	
Amended	696	Effective March 12, 1975.
703 KAR 1:040	43	
Amended	696	Effective March 12, 1975.
703 KAR 1:050	43	Effective October 2, 1974.
703 KAR 1:060	43	
Amended	696	Effective March 12, 1975.
703 KAR 1:070	43	
Amended	696	Effective March 12, 1975.
703 KAR 1:080	44	
Amended	697	Effective March 12, 1975.
703 KAR 2:010	44	Effective March 12, 1975.
703 KAR 2:020	44	
Amended	697	Effective February 24, 1975.
703 KAR 2:030	45	
Amended	697	Effective February 24, 1975.
703 KAR 2:040	45	
Amended	698	Effective February 24, 1975.
703 KAR 2:050	832	Effective May 14, 1975.
703 KAR 3:010	45	Effective October 2, 1974.
703 KAR 3:020	45	Effective October 2, 1974.
703 KAR 3:030	45	Effective October 2, 1974.
703 KAR 3:040	46	Effective October 2, 1974.
704 KAR 1:010	46	Effective October 2, 1974.
704 KAR 1:020	72	Effective November 13, 1974.
704 KAR 1:030	73	Withdrawn April 2, 1975.
704 KAR 1:040	1054	
704 KAR 1:050	1055	
704 KAR 2:010	46	Effective October 2, 1974.
704 KAR 2:020	1057	Effective June 11, 1975.
704 KAR 3:010	73	Effective November 13, 1974.
704 KAR 3:020	73	Withdrawn November 13, 1974.
704 KAR 3:030	74	Effective November 13, 1974.
704 KAR 3:040	74	Effective November 13, 1974.
704 KAR 3:050	74	Effective November 13, 1974.
704 KAR 3:060	75	Effective November 13, 1974.
704 KAR 3:070	75	Effective November 13, 1974.
704 KAR 3:080	75	Effective November 13, 1974.
704 KAR 3:090	76	
Amended	698	Effective March 12, 1975.
704 KAR 3:100	76	Effective November 13, 1974.
704 KAR 3:110	76	Effective November 13, 1974.
704 KAR 3:120	77	Effective November 13, 1974.
704 KAR 3:130	77	Effective November 13, 1974.
704 KAR 3:140	77	Effective November 13, 1974.
704 KAR 3:150	77	Effective April 9, 1975.
704 KAR 3:160	78	Effective November 13, 1974.
704 KAR 3:170	78	Effective November 13, 1974.
704 KAR 3:180	78	
Amended	974	Effective April 9, 1975.
704 KAR 3:190	79	Effective November 13, 1974.
704 KAR 3:200	79	Effective November 13, 1974.
704 KAR 3:210	79	
Amended	975	Effective April 9, 1975.
704 KAR 3:220	80	Effective November 13, 1974.
704 KAR 3:230	80	
Amended	975	Effective April 9, 1975.
704 KAR 3:240	80	Effective November 13, 1974.
704 KAR 3:250	80	
Amended	698	Effective March 12, 1975.
704 KAR 3:260	81	Effective November 13, 1974.
704 KAR 3:270	81	Effective November 13, 1974.
704 KAR 4:010	81	Effective November 13, 1974.
704 KAR 4:020	81	Effective November 13, 1974.
704 KAR 5:010	82	Effective November 13, 1974.
704 KAR 5:050	83	
Amended	699	Effective March 12, 1975.
704 KAR 10:010	491	Effective March 12, 1975.
704 KAR 10:050	1057	Effective June 11, 1975.
704 KAR 15:010	491	Effective March 12, 1975.
704 KAR 15:020	491	Effective March 12, 1975.
704 KAR 15:030	491	Effective March 12, 1975.

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704 KAR 15:040	492	Effective March 12, 1975.
704 KAR 15:050	492	Effective March 12, 1975.
704 KAR 15:080	492	Effective March 12, 1975.
704 KAR 20:005	492	Effective March 12, 1975.
Amended	1390	
704 KAR 20:010	493	Effective March 12, 1975.
704 KAR 20:015	493	Effective March 12, 1975.
704 KAR 20:020	493	Effective March 12, 1975.
704 KAR 20:025	493	Effective March 12, 1975.
704 KAR 20:030	494	Effective March 12, 1975.
704 KAR 20:035	494	Effective March 12, 1975.
704 KAR 20:040	494	Effective March 12, 1975.
704 KAR 20:045	494	Effective March 12, 1975.
704 KAR 20:050	494	Effective March 12, 1975.
704 KAR 20:055	495	Effective March 12, 1975.
704 KAR 20:060	495	Effective March 12, 1975.
704 KAR 20:065	495	Effective March 12, 1975.
704 KAR 20:070	496	Effective March 12, 1975.
704 KAR 20:075	496	Effective March 12, 1975.
704 KAR 20:080	496	Effective March 12, 1975.
704 KAR 20:085	496	Effective March 12, 1975.
704 KAR 20:090	497	Effective March 12, 1975.
704 KAR 20:095	497	Effective March 12, 1975.
704 KAR 20:100	497	Effective March 12, 1975.
704 KAR 20:105	497	Effective March 12, 1975.
704 KAR 20:110	498	Effective March 12, 1975.
704 KAR 20:115	498	Effective March 12, 1975.
704 KAR 20:120	498	Effective March 12, 1975.
704 KAR 20:125	499	Effective March 12, 1975.
704 KAR 20:130	499	Effective March 12, 1975.
704 KAR 20:135	499	Effective March 12, 1975.
Amended	1390	
704 KAR 20:140	500	Effective March 12, 1975.
704 KAR 20:145	500	Effective March 12, 1975.
704 KAR 20:150	500	Effective March 12, 1975.
704 KAR 20:155	501	Effective March 12, 1975.
704 KAR 20:160	501	
Corrected	699	Effective March 12, 1975.
704 KAR 20:165	501	Effective March 12, 1975.
704 KAR 20:170	501	Effective March 12, 1975.
704 KAR 20:175	501	Effective March 12, 1975.
704 KAR 20:180	502	Effective March 12, 1975.
704 KAR 20:185	502	Effective March 12, 1975.
704 KAR 20:190	502	Effective March 12, 1975.
704 KAR 20:195	503	Effective March 12, 1975.
704 KAR 20:200	503	Effective March 12, 1975.
704 KAR 20:205	503	Effective March 12, 1975.
704 KAR 20:210	504	Effective March 12, 1975.
704 KAR 20:215	504	Effective March 12, 1975.
704 KAR 20:220	504	Effective March 12, 1975.
705 KAR 1:010	47	Effective October 2, 1974.
705 KAR 2:020	1058	Effective June 11, 1975.
705 KAR 2:030	1058	
705 KAR 2:090	505	Effective March 12, 1975.
705 KAR 2:110	1402	
705 KAR 3:010	505	Effective March 12, 1975.
705 KAR 3:020	506	Effective March 12, 1975.
705 KAR 3:030	507	Effective March 12, 1975.
705 KAR 3:040	507	Effective March 12, 1975.
705 KAR 3:050	507	Effective March 12, 1975.
705 KAR 3:060	507	Effective March 12, 1975.
705 KAR 3:070	1059	Effective June 11, 1975.
705 KAR 3:075	1059	Effective June 11, 1975.
705 KAR 3:080	506	Effective March 12, 1975.
705 KAR 3:090	1059	Effective June 11, 1975.
705 KAR 3:100	1060	Effective June 11, 1975.
705 KAR 3:110	1060	Effective June 11, 1975.
705 KAR 3:120	1060	Effective June 11, 1975.
705 KAR 3:130	1060	Effective June 11, 1975.
705 KAR 4:010	1060	
705 KAR 4:020	1061	
705 KAR 4:030	1061	Effective June 11, 1975.
705 KAR 4:040	1061	Effective June 11, 1975.
705 KAR 4:050	1062	Effective June 11, 1975.
705 KAR 4:060	1062	
705 KAR 4:070	1063	
705 KAR 4:080	1063	Effective June 11, 1975.
705 KAR 4:090	1064	
705 KAR 4:100	1064	
705 KAR 4:110	1065	
705 KAR 4:120	1065	
705 KAR 4:130	1066	
705 KAR 4:140	1066	
705 KAR 4:150	1067	Effective June 11, 1975.
705 KAR 4:160	1067	
705 KAR 4:170	1067	
705 KAR 4:180	1068	Effective June 11, 1975.
705 KAR 4:190	1068	Effective June 11, 1975.
705 KAR 5:010	84	Effective March 12, 1975.
705 KAR 5:020	508	Effective March 12, 1975.
705 KAR 5:030	84	Effective March 12, 1975.
705 KAR 5:040	509	Effective March 12, 1975.
705 KAR 5:060	84	Effective November 13, 1974.
705 KAR 5:070	1068	Effective June 11, 1975.
705 KAR 5:080	1068	Effective June 11, 1975.
705 KAR 6:010	1069	Effective June 11, 1975.
705 KAR 7:010	85	Effective November 13, 1974.
705 KAR 7:020	509	Effective March 12, 1975.
705 KAR 7:030	509	Effective March 12, 1975.
705 KAR 7:040	85	Effective November 13, 1974.
705 KAR 8:010	510	Effective May 14, 1975.

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705 KAR 10:010	85	Effective November 13, 1974.
705 KAR 10:020	510	Effective March 12, 1975.
705 KAR 10:030	1069	Effective June 11, 1975.
705 KAR 10:040	85	Effective November 13, 1974.
705 KAR 10:050	86	Effective November 13, 1974.
705 KAR 10:060	86	Effective November 13, 1974.
705 KAR 10:070	86	Effective November 13, 1974.
705 KAR 10:080	87	Effective November 13, 1974.
705 KAR 10:090	87	Effective November 13, 1974.
705 KAR 10:100	87	Effective November 13, 1974.
705 KAR 10:120	87	Effective November 13, 1974.
705 KAR 11:010	87	Effective November 13, 1974.
705 KAR 11:020	88	Effective November 13, 1974.
705 KAR 11:030	88	Effective November 13, 1974.
705 KAR 11:040	88	Effective November 13, 1974.
705 KAR 11:050	88	Effective November 13, 1974.
706 KAR 1:010	833	Effective May 14, 1975.
801 KAR 1:005	248	Effective January 8, 1975.
801 KAR 1:010E	3,4	Effective July 25, 1974; Expired November 22, 1974.
801 KAR 1:010	4,16	
801 KAR 1:020E	3,5	Effective July 25, 1974; Expired November 22, 1974.
801 KAR 1:020	5,16	
801 KAR 1:030E	3,6	Effective July 25, 1974; Expired November 22, 1974.
801 KAR 1:030	6,16	
801 KAR 1:040E	3,7	Effective July 25, 1974; Expired November 22, 1974.
801 KAR 1:040	7,16	Effective September 11, 1974.
802 KAR 1:010	47	Effective October 2, 1974.
803 KAR 1:005	249	Effective January 8, 1975.
803 KAR 1:010	47	Effective October 2, 1974.
803 KAR 1:020	48	Effective October 2, 1974.
803 KAR 1:030	49	
Amended	119	Effective November 13, 1974.
803 KAR 1:040	49	
Amended	120	Effective November 13, 1974.
803 KAR 1:045	833	Effective May 14, 1975.
803 KAR 1:050	50	Effective October 2, 1074.
803 KAR 1:060	251	
Amended	451	Effective January 8, 1975.
803 KAR 1:063	1402	
803 KAR 1:065	253	Effective January 8, 1975.
803 KAR 1:066	510	Effective March 12, 1975.
803 KAR 1:070	255	
Amended	586	Effective February 5, 1975.
803 KAR 1:075	256	Effective January 8, 1975.
803 KAR 1:080	153	Effective December 11, 1974.
803 KAR 1:085	155	Effective December 11, 1974.
803 KAR 1:090	156	
Amended	324, 455	Effective January 8, 1975.
803 KAR 1:100	157	Effective December 11, 1974.
803 KAR 2:010	833	Effective May 14, 1975.
803 KAR 2:020E	691	Effective March 13, 1975; Expires July 11, 1975.
803 KAR 2:020	88	Effective November 13, 1974.
Amended	699	Effective May 14, 1975.
803 KAR 2:030E	692	Effective March 13, 1975; Expires July 11, 1975.
803 KAR 2:030	89	Effective November 13, 1974.
Amended	214	Effective January 8, 1975.
Amended	700	Effective May 14, 1975.
803 KAR 2:040	158	Effective December 11, 1974.
803 KAR 2:050	158	Effective December 11, 1974.
803 KAR 2:060	158	Effective December 11, 1974.
803 KAR 2:070	159	Effective December 11, 1974.
803 KAR 2:080	159	Effective December 11, 1974.
803 KAR 2:090	160	Effective December 11, 1974.
803 KAR 2:095	160	Effective December 11, 1974.
803 KAR 2:100	160	Effective December 11, 1974.
803 KAR 2:110	161	Effective December 11, 1974.
803 KAR 2:115	161	Effective December 11, 1974.
803 KAR 2:120	161	Effective December 11, 1974.
803 KAR 2:125	162	Effective December 11, 1974.
803 KAR 2:130	162	Effective December 11, 1974.
803 KAR 2:140	162	Effective December 11, 1974.
803 KAR 2:150	162	Effective December 11, 1974.
803 KAR 2:160	163	Effective December 11, 1974.
803 KAR 2:170	163	Effective December 11, 1974.
803 KAR 2:180	835	Effective May 14, 1975.
803 KAR 4:010	50	Effective October 2, 1974.
803 KAR 25:010	836	
803 KAR 25:020	838	
803 KAR 25:030	839	
803 KAR 25:040	840	
803 KAR 25:050	840	
803 KAR 26:010	1265	
803 KAR 50:010	349	Effective February 5, 1975.
804 KAR 1:010	50	Effective October 2, 1974.
804 KAR 1:020	50	Effective October 2, 1974.
804 KAR 1:030	51	Effective October 2, 1974.
804 KAR 1:040	51	Effective October 2, 1974.
804 KAR 1:050	51	Effective October 2, 1974.
804 KAR 1:060	52	Effective October 2, 1974.
804 KAR 1:070	840	Effective May 14, 1975.
804 KAR 1:080	840	
804 KAR 2:005	632	Effective April 9, 1975.
804 KAR 2:015	632	Effective April 9, 1975.
804 KAR 2:025	633	Effective April 9, 1975.
804 KAR 3:010	52	Effective October 2, 1974.

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804 KAR 3:020	52	Effective October 2, 1974.
Amended	325	Effective February 5, 1975.
804 KAR 3:030	167	Effective December 11, 1974.
804 KAR 3:040	167	Effective December 11, 1974.
804 KAR 3:050	167	Effective December 11, 1974.
804 KAR 3:060	167	Effective December 11, 1974.
804 KAR 3:070	167	Effective December 11, 1974.
804 KAR 3:080	168	Effective December 11, 1974.
804 KAR 3:090	840	Effective May 14, 1975.
804 KAR 3:100	841	Effective May 14, 1975.
804 KAR 4:010	353	Effective February 5, 1975.
804 KAR 4:020	354	Effective February 5, 1975.
804 KAR 4:030	354	Effective February 5, 1975.
804 KAR 4:040	354	Effective February 5, 1975.
804 KAR 4:050	355	Effective February 5, 1975.
804 KAR 4:060	355	Effective February 5, 1975.
804 KAR 4:070	355	Effective February 5, 1975.
804 KAR 4:080	355	Effective February 5, 1975.
804 KAR 4:090	355	Effective February 5, 1975.
804 KAR 4:100	356	Effective February 5, 1975.
804 KAR 4:110	356	Effective February 5, 1975.
804 KAR 4:120	356	Effective February 5, 1975.
804 KAR 4:130	357	Effective February 5, 1975.
804 KAR 4:140	357	Effective February 5, 1975.
804 KAR 4:150	357	Effective February 5, 1975.
804 KAR 4:160	357	Effective February 5, 1975.
804 KAR 4:170	358	Effective February 5, 1975.
804 KAR 4:180	358	Effective February 5, 1975.
804 KAR 4:190	358	Effective February 5, 1975.
804 KAR 4:200	358	Effective February 5, 1975.
804 KAR 5:010	841	Effective May 14, 1975.
804 KAR 5:020	841	Effective May 14, 1975.
804 KAR 5:030	841	Effective May 14, 1975.
804 KAR 5:040	842	Effective May 14, 1975.
804 KAR 5:050	842	Effective May 14, 1975.
804 KAR 5:060	842	Effective May 14, 1975.
804 KAR 6:010	842	Effective May 14, 1975.
804 KAR 7:010	843	Effective May 14, 1975.
804 KAR 7:020	844	Effective May 14, 1975.
804 KAR 7:030	844	Effective May 14, 1975.
804 KAR 7:040	844	Effective May 14, 1975.
804 KAR 7:050	844	Effective May 14, 1975.
804 KAR 8:010	844	Effective May 14, 1975.
804 KAR 8:020	845	Effective May 14, 1975.
804 KAR 8:030	845	Effective May 14, 1975.
804 KAR 8:040	845	Effective May 14, 1975.
804 KAR 8:050	845	Effective May 14, 1975.
804 KAR 8:060	846	Effective May 14, 1975.
804 KAR 9:010	846	Effective May 14, 1975.
804 KAR 9:020	846	Effective May 14, 1975.
804 KAR 9:030	846	Effective May 14, 1975.
804 KAR 10:010	846	Effective May 14, 1975.
804 KAR 10:020	847	Effective May 14, 1975.
804 KAR 11:010	847	Effective May 14, 1975.
804 KAR 11:020	847	Effective May 14, 1975.
804 KAR 12:010	847	Effective May 14, 1975.
804 KAR 12:020	1266	
805 KAR 1:030	89	Effective November 13, 1974.
805 KAR 1:040	633	Effective April 9, 1975.
805 KAR 1:050	633	Effective April 9, 1975.
805 KAR 1:060	1069	Effective June 11, 1975.
805 KAR 1:070	1070	Effective June 11, 1975.
805 KAR 1:080	1071	Effective June 11, 1975.
805 KAR 1:100	1403	
805 KAR 2:010	168	Effective December 11, 1974
805 KAR 3:010	847	Effective May 14, 1975.
805 KAR 3:020	848	Effective May 14, 1975.
805 KAR 3:030	848	Effective May 14, 1975.
805 KAR 3:040	849	Effective May 14, 1975.
805 KAR 3:050	849	Effective May 14, 1975.
805 KAR 3:060	851	Effective May 14, 1975.
805 KAR 3:070	851	Effective May 14, 1975.
805 KAR 3:080	852	Effective May 14, 1975.
805 KAR 3:090	852	Effective May 14, 1975.
805 KAR 3:100	853	Effective May 14, 1975.
805 KAR 3:110	853	Effective May 14, 1975.
805 KAR 3:120	854	Effective May 14, 1975.
805 KAR 4:010	1072	Effective June 11, 1975.
805 KAR 4:020	1072	
805 KAR 4:030	1073	
805 KAR 4:040	1073	Effective June 11, 1975.
805 KAR 4:050	1073	Effective June 11, 1975.
805 KAR 4:060	1074	Effective June 11, 1975.
806 KAR 2:010	854	Effective May 14, 1975.
806 KAR 2:020	854	Effective May 14, 1975.
806 KAR 2:030	854	Effective May 14, 1975.
806 KAR 2:040	854	Effective May 14, 1975.
806 KAR 2:050	855	Effective May 14, 1975.
806 KAR 2:070	855	Effective May 14, 1975.
806 KAR 2:080	855	Effective May 14, 1975.
806 KAR 3:020	856	
Amended	1226	Effective May 14, 1975.
806 KAR 3:040	856	Effective May 14, 1975.
806 KAR 3:050	856	Effective May 14, 1975.
806 KAR 3:060	856	Effective May 14, 1975.
806 KAR 3:070	856	Effective May 14, 1975.
806 KAR 3:090	856	Effective May 14, 1975.
806 KAR 3:100	857	Effective May 14, 1975.
806 KAR 3:110	857	Effective May 14, 1975.
806 KAR 3:120	857	Effective May 14, 1975.
806 KAR 5:010	857	Effective May 14, 1975.
806 KAR 5:020	1074	
806 KAR 5:030	857	Effective May 14, 1975.
806 KAR 5:040	1074	
806 KAR 6:010	858	Effective May 14, 1975.
806 KAR 6:020	858	Effective May 14, 1975.
806 KAR 6:030	859	Effective May 14, 1975.
806 KAR 6:040	859	Effective May 14, 1975.
806 KAR 6:050	859	Effective May 14, 1975.
806 KAR 7:010	1075	
806 KAR 7:020	859	Effective May 14, 1975.
806 KAR 7:030	859	Effective May 14, 1975.
806 KAR 7:050	859	Effective May 14, 1975.
806 KAR 7:060	1075	
806 KAR 7:070	860	Effective May 14, 1975.
806 KAR 7:080	1075	
806 KAR 8:010	1076	
806 KAR 9:005	1076	
806 KAR 9:010	860	Effective May 14, 1975.
806 KAR 9:020	860	Effective May 14, 1975.
806 KAR 9:030	860	Effective May 14, 1975.
806 KAR 9:040	861	Effective May 14, 1975.
806 KAR 9:050	861	Effective May 14, 1975.
806 KAR 9:060	861	Effective May 14, 1975.
806 KAR 9:070	861	Effective May 14, 1975.
806 KAR 9:080	861	Effective May 14, 1975.
806 KAR 9:090	861	Effective May 14, 1975.
806 KAR 9:100	862	Effective May 14, 1975.
806 KAR 9:110	862	Effective May 14, 1975.
806 KAR 9:120	862	Effective May 14, 1975.
806 KAR 9:130	862	Effective May 14, 1975.
806 KAR 9:140	862	Effective May 14, 1975.
806 KAR 9:150	862	Effective May 14, 1975.
806 KAR 9:160	1076	
806 KAR 10:010	863	Effective May 14, 1975.
806 KAR 10:020	1076	
806 KAR 12:010	863	Effective May 14, 1975.
806 KAR 12:020	1077	
806 KAR 12:030	1078	
806 KAR 12:040	1079	
806 KAR 12:050	1079	
806 KAR 13:005	1080	
806 KAR 13:010	864	Effective May 14, 1975.
806 KAR 13:015	1081	
806 KAR 13:020	864	Effective May 14, 1975.
806 KAR 13:030	865	Effective May 14, 1975.
806 KAR 13:040	865	Effective May 14, 1975.
806 KAR 13:050	865	Effective May 14, 1975.
806 KAR 13:060	865	Effective May 14, 1975.
806 KAR 13:070	865	Effective May 14, 1975.
806 KAR 13:080	866	Effective May 14, 1975.
806 KAR 13:090	1081	
806 KAR 14:005	1081	
806 KAR 14:010	866	Effective May 14, 1975.
806 KAR 14:020	866	Effective May 14, 1975.
806 KAR 14:030	866	Effective May 14, 1975.
806 KAR 14:040	866	Effective May 14, 1975.
806 KAR 14:050	867	Effective May 14, 1975.
806 KAR 14:060	867	Effective May 14, 1975.
806 KAR 14:070	1081	
806 KAR 14:080	1082	
806 KAR 14:090	1082	
806 KAR 14:100	1082	
806 KAR 14:110	1082	
806 KAR 15:010	867	Effective May 14, 1975.
806 KAR 15:020	869	Effective May 14, 1975.
806 KAR 17:010	1083	
806 KAR 17:020	1083	
806 KAR 17:030	1083	
806 KAR 19:010	1083	
806 KAR 19:020	869	Effective May 14, 1975.
806 KAR 19:030	870	Effective May 14, 1975.
806 KAR 19:040	1084	
806 KAR 19:050	1084	
806 KAR 19:060	1084	
806 KAR 24:010	1084	
806 KAR 24:020	1085	
806 KAR 26:010	870	Effective May 14, 1975.
806 KAR 26:020	874	Effective May 14, 1975.
806 KAR 30:010	1086	
806 KAR 30:020	1086	
806 KAR 30:030	1086	
806 KAR 30:040	1086	
806 KAR 30:050	1087	
806 KAR 30:060	1087	
806 KAR 30:070	1087	
806 KAR 34:005	1088	
806 KAR 34:010	878	Effective May 14, 1975.
806 KAR 34:020	878	Effective May 14, 1975.
806 KAR 34:030	878	Effective May 14, 1975.
806 KAR 34:040	878	Effective May 14, 1975.
806 KAR 34:050	1088	
806 KAR 34:055	1088	
806 KAR 34:060	1089	
806 KAR 34:065	1089	
806 KAR 34:070	1089	
806 KAR 38:010	1089	
806 KAR 38:020	1090	
806 KAR 38:030	1090	
806 KAR 38:040	1090	
806 KAR 38:050	1091	
806 KAR 39:010	879	Effective May 14, 1975.

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806 KAR 39:030	879	Effective May 14, 1975.
806 KAR 39:040	879	Effective May 14, 1975.
806 KAR 39:050	880	Effective May 14, 1975.
806 KAR 50:010	90	
Amended	215	Effective November 20, 1974.
806 KAR 50:020	94	
Amended	222	Effective November 13, 1974.
806 KAR 50:050	95	Withdrawn November 7, 1974.
806 KAR 50:060	96	Effective November 13, 1974.
806 KAR 50:070	96	Effective November 13, 1974.
806 KAR 50:080	96	Effective November 13, 1974.
806 KAR 50:100	97	Effective November 13, 1974.
806 KAR 50:150	170	Withdrawn November 15, 1974.
806 KAR 50:151	359	Effective February 5, 1975.
806 KAR 50:155	360	Effective February 5, 1975.
806 KAR 50:160	362	Effective February 5, 1975.
806 KAR 50:165	363	Effective February 5, 1975.
806 KAR 50:170	366	Effective February 5, 1975.
806 KAR 50:175	368	Effective February 5, 1975.
806 KAR 50:200	97	
Amended	456	Effective March 12, 1975.
807 KAR 1:010	179	Effective December 11, 1974.
807 KAR 2:010	183	
Amended	975	Effective May 14, 1975.
807 KAR 2:020	257	Effective April 9, 1975.
807 KAR 2:025	260	
Amended	979	Effective May 14, 1975.
807 KAR 2:030	266	Effective April 9, 1975.
807 KAR 2:035	1266	
807 KAR 2:040	267	Effective April 9, 1975.
807 KAR 2:050	880	
807 KAR 2:060	1091	Effective June 11, 1975.
807 KAR 3:010	271	Effective April 9, 1975.
808 KAR 1:010	885	Effective May 14, 1975.
808 KAR 1:020	885	Effective May 14, 1975.
808 KAR 1:030	885	Effective May 14, 1975.
808 KAR 1:040	885	Effective May 14, 1975.
808 KAR 1:050	886	Effective May 14, 1975.
808 KAR 2:015	886	Effective May 14, 1975.
808 KAR 2:025	886	Effective May 14, 1975.
808 KAR 3:010	886	Effective May 14, 1975.
808 KAR 3:020	1269	
808 KAR 3:020	1270	
808 KAR 4:015	887	Effective May 14, 1975.
808 KAR 5:010	888	Effective June 11, 1975.
808 KAR 5:020	688	
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KAR Codification

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010 Form of administrative regulations; Administrative Register; Codification

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010 Practice and procedure

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TITLE 11
KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

Chapter 1 State Student Incentive Grants
010 Criteria for selection; amounts
010E (Same, filed on emergency basis)
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010 Authority, purpose; name of program
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020 Definitions
020E (Same, filed on emergency basis)
030 Eligibility requirements
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040 Forms to be used by eligible institutions
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070 Award determination procedures
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090 Disbursement procedures
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110 Grant programs are mutually exclusive
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120 Grant shall not exceed need
120E (Same, filed on emergency basis)

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AGRICULTURAL EXPERIMENT STATION

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005 Definitions
010 Sampling, analyzing and testing; tolerances
015 Testing and labeling terms
020 Noxious-weed seed
025 Maximum weed seed content permitted
030 Minimum germination
035 Germination test date
040 Hermetically sealed containers
045 Hard and dormant seed
050 Current germination test; relabeling
055 Identification of seed not for sale
060 Labeling of seed distributed to wholesalers
065 Lawn, turn mixtures; labeling
070 Treated seed label
075 Types of labeling; tag label form
080 Use of own tags; permit, report
085 Illegal labeling and sales
090 Stop sale orders
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100 Records
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006 Definitions
011 Label format
016 Brand and product names
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031 Directions; precautionary statements
036 Non-protein nitrogen
041 Additives
046 Poisonous or deleterious substances
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Chapter 3 Pet Food
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012 Uniform labeling format
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010 When charged with or indicted for a crime

TITLE 40
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TITLE 101
DEPARTMENT OF PERSONNEL

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070 Registers
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120 Separations and disciplinary actions
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035 Substitute teaching by retired teachers
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037 Administrative staff membership
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090 Marginal accounts reports
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020 Physicians and surgeons
030 Optometrists, Oculists and Opticians
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KENTUCKY REVISED STATUTES

Chapter 13

ADMINISTRATIVE REGULATIONS

13.075 Definition of Commission. — As used in this chapter unless the context requires otherwise: "Commission" means the Legislative Research Commission. (Enact. Acts 1956, ch. 97, sec. 1, eff. May 18, 1956.)

13.080 Definitions and construction. — As used in KRS 13.080 to 13.125,

(1) "Administrative Body" means each state board, bureau, commission, department, division, authority, officer, or other entity, except the legislature and the courts, authorized by law to make regulations.

(2) "Subcommittee" means Administrative Regulation Review Subcommittee.

(3) "Regulation" means each statement of general applicability issued by an administrative body that implements, interprets, or prescribes law or policy, or describes the organization procedure, or practice requirements of any administrative body. The term includes the amendment or repeal of a prior regulation, but does not include

(a) statements concerning only the internal management of an administrative body and not affecting private rights or procedures available to the public, or

(b) declatory rulings, or

(c) intradepartmental memoranda.

(4) "Affirmative consideration" means that an administrative body must either adopt suggestions or recommendations regarding a regulation or issue a concise statement setting forth the reasons for not adopting suggestions or recommendations regarding a regulation.

(5) Compliance with the provisions of KRS 13.080 to 13.125 does not dispense with the requirements of any other law necessary to make the regulation effective. (Enact. Acts 1952, ch. 63, sec. 1; 1972, ch. 180, sec 1; 1974, ch. 73, sec. 1, eff. July 1, 1974.)

13.082 Uniformity of power to adopt regulations — Repeal of conflicting provisions. — (1) The power vested in every administrative body to adopt regulations shall be uniform and shall be confined to the direct implementation of the functions and duties assigned to an administrative body by the General Assembly, or by executive order.

(2) All grants of authority to adopt regulations inconsistent with this provision are hereby repealed and the Legislative Research Commission is hereby directed to identify and to draft legislation for introduction in the 1976 General Assembly repealing all provisions of the Kentucky Revised Statutes in conflict with this section. (Enact. Acts 1974, ch. 73, sec. 5, eff. July 1, 1974)

13.084 Refiling of regulations — Rescinding of regulations not refiled. — (1) Each administrative body shall file within one (1) year of July 1, 1974, in accordance with the provisions of KRS Chapter 13, all regulations which were adopted by such administrative body prior to July 1, 1974, and which are still effective and all regulations which were adopted by such administrative body prior to July 1, 1974 and which do not become effective until after July 1, 1974.

(2) All regulations filed prior to July 1, 1974, whether or not they shall have become effective, are rescinded effective one (1) year after July 1, 1974. (Enact. Acts 1974, ch. 73, sec. 6, eff. July 1, 1974.)

13.085 Publication, hearing, and review of proposed administrative regulation — Requisites of proposal — Public hearing. — (1) Except as provided in subsection (2) of this section no regulation made by any administrative body after July 1, 1974, shall become effective until after an original and five (5) duplicate copies of the regulation are forwarded to the office of the Legislative Research Commission, and:

(a) the proposed regulation has been published in the Administrative Register as required by KRS 13.096; and

(b) a public hearing is held, if requested, by a person having an interest in the subject matter, within thirty (30) days following publication of proposed regulation, as provided by subsection (4) of this section; Provided, however, that if no public hearing is requested within thirty (30) days of publication the regulation shall be submitted to the Administrative Regulation Review Subcommittee;

(c) the proposed regulation has been reviewed by the Administrative Regulation Review Subcommittee as required by KRS 13.087; and

(d) the proposed regulation is reviewed by the appropriate interim or standing committees of the General Assembly, if required by KRS 13.087.

(2) The requirements of subsection (1) of this section shall not apply when the administrative body finds that an emergency exists, and the Governor issues an executive order that the regulation become effective immediately upon being filed in the office of the Legislative Research Commission. A regulation so filed shall expire at the end of 120 days, during which time the proposed regulation may be processed in accordance with this section if the administrative body desires it to become permanent. The General Assembly hereby declares that it is the state policy that emergencies are held to a minimum.

(3) Each proposed regulation submitted to the Legislative Research Commission shall include a citation of the authority pursuant to which it, or any part of it, was adopted, a brief statement which sets forth the necessity for issuing the regulation, a summary of the functions sought to be implemented by the regulation, and the place and manner in which interested persons may present their views.

(4) If within thirty (30) days following publication of the text of a proposed regulation a request is received by the administrative body from a person having an interest in the subject matter of the regulation to offer comment upon the proposed regulation, the administrative body shall fix a date, time and place for a hearing, open to the public, on the proposed regulation. Every hearing shall be conducted in such a manner so as to guarantee each person who wishes to offer comment a fair and reasonable opportunity to do so; Provided, However, every hearing shall be conducted so as to be completed within sixty (60) days from the date the proposed regulation was first published in the Administrative Register. No transcript need be taken of the hearing unless a written request for a transcript is made in which case the person requesting the transcript shall have the responsibility of paying for same. Following the hearing the administrative body shall give affirmative consideration to all written and oral statements submitted regarding the proposed regulation. The administrative body shall then forward to the Legislative Research Commission a copy of the regulation as originally published in the Register accompanied by a statement indicating whether any changes have been made in the original wording and by a statement summarizing the comments submitted to the administrative body at the hearing.

(5) The Legislative Research Commission shall cause to be endorsed on the original and duplicate copies of each regulation submitted the time and date of the filing thereof and shall maintain a file of such regulations for public inspection, with suitable indexes. (Enact. Acts 1952, ch. 63, sec. 2; 1972, ch. 180, sec. 3; 1974, ch. 73, sec. 2, eff. July 1, 1974.)

13.087 Administrative Regulation Review Subcommittee—Procedure upon objection to regulations.—(1) There is hereby created a permanent subcommittee of the Legislative Research Commission to be known as the Administrative Regulation Review Subcommittee. The subcommittee shall be composed of three (3) members, no more than two (2) of whom shall be members of the same political party. The Legislative Research Commission shall appoint from the membership of the General Assembly, the members of the subcommittee for terms of two (2) years, and the members so appointed shall elect one (1) of their number to serve as chairman. Any vacancy which may occur in the membership of the subcommittee shall be filled by the Legislative Research Commission at its next regularly scheduled meeting after the occurrence of the vacancy.

(2) The subcommittee shall meet monthly at such time and place as the chairman may determine. The members of the subcommittee shall be compensated for attending meetings, as provided in KRS 7.090(2).

(3) Any professional, clerical or other employes required by the subcommittee shall be provided in accordance with the provisions of KRS 7.090(4) and (5).

(4) Prior to filing, all regulations shall be submitted to the Administrative Regulation Review Subcommittee to determine if the regulation conforms to the statutory authority under which it was promulgated and if it carries out the legislative intent of the statutory authority under which it was promulgated. The subcommittee's finding that a regulation does not conform to the statutory authority or carry out the legislative intent shall be reported to the promulgating administrative body and to the Director of the Legislative Research Commission. In the event the subcommittee determines that a regulation, other than an emergency filing approved by the Governor, does not conform to the statutory authority, or does not coincide with the legislative intent, the subcommittee shall attach to the regulation a written notation of its objection, including a statement of the reasons therefor, and shall return the regulation to the promulgating administrative body. Notice of such objection shall be given by the subcommittee to the Director of the Legislative Research Commission. The subcommittee shall act on a regulation submitted to the Legislative Research Commission within thirty (30) days of the submission of the regulation.

(5) The promulgating administrative body may revise a regulation to comply with the subcommittee's objections, and may return the revised regulation to the subcommittee, or it may return the regulation, with the subcommittee's notation attached, without change. The Legislative Research Commission shall immediately accept a regulation as filed if it is not objected to by the subcommittee.

(6) In the event an administrative body returns a regulation, objected to by the subcommittee, to the Legislative Research Commission, without change, the regulation shall be referred by the Director to the standing committee of the House of Representatives and Senate or to the Interim Committee with appropriate jurisdiction as determined by the Rules of the House and Senate then in effect or in effect during the most recent session of the General Assembly. The standing committees of the House and Senate or the interim committee to which a regulation is referred under this section shall review the regulation in the same manner as did the Administrative Regulation Review Subcommittee and shall not expand their review beyond determining whether the regulation conforms to the statutory authority under which it was promulgated and whether the regulation carries out the legislative intent of the statute it seeks to implement. In the event the standing committee of the House

and Senate or the Interim Committee determines that a regulation does not conform to the statutory authority under which it was promulgated, or does not coincide with the legislative intent of the statute it seeks to implement the standing committees or the interim committee shall attach to the regulation a written notation of its objection, including a statement of the reasons therefor, and the Director shall return the regulation to the promulgating administrative body. Notice of such objection shall be given by the standing committees or by the interim committee to the Director of the Legislative Research Commission. The standing committees or interim committee shall act on a regulation submitted in accordance with this section within thirty (30) days of the date the administrative body returns the regulation.

(7) The promulgating administrative body may revise a regulation to comply with the subcommittee's interim or standing committee's objections, and may return the revised regulation to said subcommittee or committee, or may return the regulation with the subcommittee's interim or standing committee's notation attached, without change. The Legislative Research Commission shall immediately accept the regulation as filed.

(8) The subcommittee shall report monthly to the Legislative Research Commission all action taken on administrative bodies' regulations. The Director of the Legislative Research Commission shall report to the Commission all action taken by the standing committee or by the interim committee.

(9) All regulations objected to by the subcommittee and by the standing committees or interim committee and not revised by the promulgating administrative body together with the notations of the subcommittee's and the standing committee's or interim committee's objection shall be transmitted by the Director to the clerk of the Senate and the clerk of the House of Representatives on or before the first day of each regular session of the General Assembly. The clerk of the Senate and the clerk of the House of Representatives shall lay all regulations so transmitted before the Senate and the House of Representatives, respectively, for such action as the respective legislative bodies may determine to be appropriate. (Enact. Acts 1972, ch. 180, sec. 4; 1974, ch. 73, sec. 3, eff. July 1, 1974.)

13.090 Functions of Legislative Research Commission.—(1) The commission shall prescribe rules governing the manner and form in which regulations shall be prepared, to the end that all regulations shall be prepared in a uniform manner. The commission may refuse to accept for filing any regulation that does not conform to the rules.

(2) The Legislative Research Commission shall furnish advice and assistance to all administrative bodies in the preparation of their regulations, and in revising, codifying and editing existing or new regulations. (Enact. Acts 1952, ch. 63, sec. 3; 1972, ch. 180, sec. 5.)

13.096 Kentucky Administrative Regulations Service—Administrative Register.—(1) The Legislative Research Commission shall compile, publish and distribute the regulations filed by administrative bodies in a manner which will accommodate changes in regulations and allow distribution of any topical or organizational part of the regulations as well as all of them. This compilation shall be known as the Kentucky Administrative Regulations Service and shall constitute the official state publication of administrative regulations.

(2) There is hereby created a publication known as "The Administrative Register" to be printed and published on a monthly basis by the Legislative Research Commission for the purpose of giving notice of proposed regulations filed in accordance with KRS 13.085. Every regulation forwarded to the Legislative Research Commission shall have its complete text printed in the Administrative Register along with the accompanying statements required by KRS 13.085.

(3) The Commission shall prescribe reasonable fees for subscription to the Kentucky Administrative Regulations Service and the Administrative Register. All fees paid to the Commission for these publications shall be placed in the State Treasury to the credit of a revolving, trust or agency fund account, for use by the Legislative Research Commission in carrying out the provisions of this section. (Enact. Acts 1956 (1st Ex. Sess.) ch. 6, sec. 1; 1972, ch. 180, sec. 6; 1974, ch. 73, sec. 4, eff. July 1, 1974.)

13.097 Regulations Compiler—Certificate—Filing of publication with Secretary of State.—The Kentucky Administrative Regulations Service shall be prepared under the direct supervision of an employe appointed by the director of the Legislative Research Commission and designated the Regulations Compiler. The Director shall cause to be prepared a certificate to the effect that the text of the regulations as printed in this service is correct. One (1) copy of the Kentucky Administrative Regulations Service with the original certificate therein shall be maintained in the office of the Secretary of State. All other copies shall contain a printed copy of the certificate and shall constitute prima facie evidence of the law in all courts and proceedings. (Enact. Acts 1956 (1st Ex. Sess.) ch. 6, sec. 2; 1974, ch. 370, sec. 2.)

13.100 Effect of Commission's file stamp on regulation or publication of regulation.—The Legislative Research Commission's authenticated file stamp on a rule or regulation, or publication of a rule or regulation in the Kentucky Administrative Regulations Service shall raise a rebuttable presumption that the rule or regulation was adopted and filed in compliance with all requirements necessary to make it effective. (Enact. Acts 1952, ch. 63, sec. 5; 1956 (1st Ex. Sess.), ch. 6, sec. 3.)

13.102 Administrative body's publication of informational copies.—No administrative body other than the Legislative Research Commission shall publish administrative rules or regulations unless the rules or regulations are inclosed in a booklet or binder on which the words "Informational Copy" are clearly stamped or printed. (Enact. Acts 1958, ch. 47, sec. 1; repealed and reen. Acts 1966, ch. 255, sec. 5; 1972, ch. 180, sec. 7.)

13.105 Judicial notice.—The courts shall take judicial notice of any regulation duly filed under the provisions of KRS Chapter 13, after the regulation has become effective. (Enact. Acts 1952, ch. 63, sec. 6; 1972, ch. 180, sec. 8.)

13.115 File of ineffective regulations to be kept.—When any regulation filed with the Legislative Research Commission expires by its own terms, or is superseded or revoked, the commission shall cause the same to be placed in a "dead" file. (Enact. Acts 1952, ch. 63, sec. 8.)

13.125 Notice and hearings on proposed regulations.—Where practicable to do so, state agencies are encouraged to give notice, to interested persons, of proposed regulations, and conduct hearings upon the proposed regulations prior to adoption thereof. (Enact. Acts 1952, ch. 63, sec. 10, eff. June 19, 1952.)

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