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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 Chapter 13.

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.

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Title		Chapter	Regulation
806	KAR	50 :	155
Cabinet, Department, Board or		Bureau, Division or Major	Specific Area of Regulation
Agency		Function	_

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Public Hearings

401 KAR 1:010. Definitions. [2 Ky.R. 443]

401 KAR 1:015. License application; examination. [2 Ky.R. 448]

401 KAR 1:020. Installation permits. [2 Ky.R. 449]

401 KAR 1:040. Plumbing fixtures. [2 Ky.R. 450]

401 KAR 1:060. Soil, waste and vent systems. [2 Ky.R. 451]

401 KAR 1:070. Joints and connections. [2 Ky.R. 455]

401 KAR 1:080. Traps and cleanouts. [2 Ky.R. 456]

401 KAR 1:090. Water supply and distribution. [2 Ky.R. 457]

401 KAR 1:110. Inspection and tests. [2 Ky.R. 459]

The Department for Natural Resources and Environmental Protection, Division of Plumbing, has scheduled a public hearing on proposed amendments to these regulations at 10 a.m. April 6, 1976 in the Auditorium of Capital Plaza Tower, Frankfort Kentucky.

401 KAR 1:030. Quality and weight of materials. [2 Ky.R. 495]

401 KAR 1:100. House sewers and storm water piping; methods of installation. [2 KY.R. 497]

The Department for Natural Resources and Environmental Protection, Division of Plumbing, has scheduled public hearings on proposed amendments to these regulations at 10 a.m. May 11, 1976 in the Auditorium of Capital Plaza Tower, Frankfort, Kentucky.

Amended Regulations

SECRETARY OF THE CABINET Commission on Human Rights (Proposed Amendment)

104 KAR 1:050. Guidelines on discrimination.

RELATES TO: KRS Chapter 344 PURSUANT TO: KRS 13.082, 344.190

NECESSITY AND FUNCTION: Pursuant to KRS 344.020 which states the purpose of the Chapter to provide for execution within Kentucky of the various federal civil rights acts and Guidelines on Sex Discrimination, and the Guidelines on Employment Testing of the Equal Employment Opportunity Commission. This regulation is designed to give Kentucky employers and employees the benefit of consistent interpretations of law by the Kentucky Commission, EEOC, and the federal courts.

Section 1. The guidelines on religious discrimination promulgated by the United States Equal Employment Opportunity Commission as last amended on July 10, 1967, which appears in 29 C.F.R. 1605, are adopted and incorporated by reference.

Section 2. The guidelines on sex discrimination promulgated by the United States Equal Employment Opportunity Commission as last amended on April 4, 1972, which appears in 29 C.F.R. 1604.1 through 1604.10 excepting Section 1604.5 [1604.5] on Job Opportunities Advertising which subject is already covered by 104 KAR 1:040, are adopted and incorporated by reference.

Section 3. The guidelines on employment testing issued by the United States Equal Employment Opportunity Commission, as last amended on July 21, 1970, which appears in 29 C.F.R. 1607, are adopted and incorporated by reference.

PAUL OBERST, Chairman

ADOPTED: March 10, 1976 RECEIVED BY LRC: March 11, 1976 at 2 p.m. SUBMIT COMMENT OR REQUEST FOR HEARING TO: Galen Martin, Executive Director, Kentucky Commission on Human Rights, Capital Plaza Tower, Frankfort, Kentucky 40601.

> DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION **Bureau of Environmental Quality Division of Plumbing** (Proposed Amendment)

401 KAR 1:030. Quality and weight of materials.

RELATES TO: KRS Chapter 318 PURSUANT TO: KRS 13.082, 211.090, 318.130 and Executive Order 74-449

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 quality and weights of materials that will be used in the installation of plumbing systems.

Section 1. Materials, Quality of. All materials used in any drainage or plumbing system or part thereof, shall be free of defects.

Section 2. Label, Cast or Stamped. Each length of pipe, fitting, trap, fixture and device used in a plumbing or drainage system shall be stamped or indelibly marked with the weight or quality thereof, and, with the maker's mark or name.

Section 3. Vitrified Clay Pipe, Cement Asbestos Pipe, Concrete Pipe, Bituminous Fiber Pipe, Truss Pipe, Extra Heavy SDR 34 and 35 Sewer Piping and Corrugated Polyethylene Subsoil Drainage Tubing. (1) Vitrified clay pipe[, cement asbestos pipe, concrete pipe and bituminous fiber pipe shall be at least four (4) feet in length, and shall conform to A.S.T.M. Standard Specifications C-200.

(2) Cement asbestos pipe shall conform to A.S.T.M.

Standard Specifications C-428.

(3) Concrete pipe shall conform to A.S.T.M. Standard Specifications C-14.

(4) Bituminous fiber pipe shall conform to A.S.T.M. Standard Specifications D-1861.

(5) Truss pipe shall conform to A.S.T.M, Standard Specifications D-2680-74. (Solid wall shall conform to A.S.T.M. Standard Specifications D-1527-74.)

(6) Extra Heavy SDR 34 and 35 sewer piping shall conform to A.S.T.M. Standard Specifications D-3033-74

and D-3034-74.

- (7) [(2)] Corrugated polyethylene subsoil drainage tubing shall conform to A.S.T.M. Standard Specifications F-405-74 [CS 228-61] and shall have two (2) rows of three-fourths (34) inch holes within an arch of 120 degrees of circumference of the piping and shall be on four (4) inch centers. Such tubing shall be visibly marked with the name of the manufacturer and the commercial standard number at ten (10) feet intervals. [No such tubing or fittings shall be used unless the manufacturer of such material first submits to the department a sample of the tubing and fittings together with an analysis of the material from a private testing laboratory approved by the department. A subsequent report shall be submitted to the department on an annual basis thereafter on or about July 1 of each year.]
- Section 4. Cast-Iron Pipe. (Hub and Spigot and NO-HUB). (1) Extra Heavy. Extra heavy cast-iron pipe and fittings shall conform to CS 188-59 and A74-69.

(2) Service-weight. Service-weight cast-iron pipe and

fittings shall conform to A74-69, or 301-72.

- (3) Coating. Cast-iron pipe and fittings for underground use shall be coated with asphaltum or coal tar pitch.
- Section 5. Wrought-Iron Pipe. All wrought-iron pipe shall conform to the latest A.S.T.M. "standard specifications for welded wrought-iron pipe."
- Section 6. Mild-Steel Pipe. All steel pipe shall conform to the latest A.S.T.M. "standard specifications for welded and seamless steel pipe."
- Section 7. Brass Pipe; Copper Pipe; and Brass Tubing. Brass pipe, copper pipe and brass tubing shall conform respectively to the latest standard specifications of A.S.T.M. for "brass pipe, copper pipe, and brass tubing, standard sizes."
- Section 8. Borosilicate Pipe. (1) Borosilicate pipe shall conform to the latest A. S. T. M. standards.

- (2) Plastic Pipe. All plastic piping used in a drainage, waste and vent system shall be Schedule 40 or 80, Type 1, Grade 1, polyvinyl chloride compounds as defined and described in tentative specifications for rigid polyvinyl chloride (PVC) (ASTM Designation: D1784-60T,) or Schedule 40 or 80 acrylonitrile-butadiene-styrene compound as defined and described in standard specification for acrylonitrile-butadiene-styrene (ABS) (ASTM Designation: D1788-67). Pipe and fittings shall be produced and labeled in accordance with the provisions of Commercial Standard ASTM-D-2665-69, as amended, for PVC and ASTM-D-2661-69 for ABS, and both shall bear the NSF seal for approval. [No pipe or fittings shall be used unless the manufacturer of such material submits to the department a sample of the pipe and fittings that will be used along with an analysis of the material from an approved private testing laboratory approved by the department, and that such a report be submitted to the department on an annual basis as of July 1, of each year.] All pipe and fittings shall bear the ASTM designation together with the NSF seal, the manufacturer's identification and the size. The use of plastic pipe and fittings (PVC or ABS) as outlined herein shall be restricted for use in residential construction in buildings not to exceed two (2) stories in height of livable area provided that no house drain shall serve more than an eight (8) apartment building unit.
- (3) Stainless Steel Tubing. Stainless steel tubing for hot and cold water piping must be Grade H conforming to CS A268-68. Stainless steel tubing for the soil, waste and vent system must be either Grade G or H conforming to CS A268-68.
- (4) Polyethylene Pipe. Polyethylene pipe used in acid waste systems shall conform to D-1204-62T.
- (5) Polypropylene Pipe. Polypropylene pipe used in acid waste systems shall conform to A, S, T, M, D-2146-65T.

Section 9. Lead Pipe, Diameter, Weights. (1) Lead soil, waste and vent pipes shall be in accordance with the standards of the Lead Industries Association and Federal Specifications WW-P-325, which are identical in substance, and shall not be lighter than the following weights:

Size Inside Diameter In.	Commerc Designa "D" or	tion	Wall Thickness Inches	Weight Pounds	Per Foot Ounces
1 1/2 2 3 4	D D D	XL XL XL XL	0.138 0.142 0.125 0.125	3 4 6 8	8 12 0

(2) All lead bends and lead traps shall be of the weight known as Extra Heavy (X.H.) and shall have at least one-eighth (1/8) inch wall thickness. Weights for lead water service or supply pipes shall be according to the maximum working pressure in pounds per square inch as given in federal specification WW-P-325.

Section 10. Sheet Lead. Sheet lead for shower pans shall weigh not less than four (4) lbs. per sq. ft. and shall weigh not less than three (3) lbs. per sq. ft. for vent pipe flashings.

Section 11. Sheet Copper or Brass. Sheet copper or brass shall not be lighter than No. 18 B. & S. gauge, except that for local and interior ventilating pipe it shall not be lighter than No. 26 B. & S. gauge.

Section 12. Threaded Fittings. (1) Plain screwed fittings shall be either cast-iron, malleable iron, or brass of standard weight and dimensions.

(2) Drainage fittings shall be either cast-iron, malleable iron, or brass, with smooth interior waterway, with threads tapped out of solid metal.

(3) All cast-iron fittings used in a water supply distribution shall be galvanized.

(4) All malleable iron fittings shall be galvanized.

Section 13. Caulking Ferrules. Caulking ferrules shall be of red brass and shall be in accordance with the following table:

Pipe Sizes Inches	Inside Diameter Inches	Length Inches	Minimum Weight Each			
2	2 1/4	2 1/2	1 lb. 0 oz			
3	3 1/4	4 1/2	1 lb. 12 oz.			
4	4 1/4	4 1/2	2 lb. 8 oz.			

Section 14. Soldering Nipples. Soldering nipples shall be recessed red cast brass, iron pipe size. When cast, they shall be full bore and of a minimum weight.

Section 15. Floor Flanges for Water Closets and Service Sinks or Similar Fixtures. Floor flanges shall either be hard lead, brass, cast iron, galvanized malleable iron, ABS or PVC. Hard lead and brass flanges shall be not less than one-eighth (1/8) inch thick. Cast iron and galvanized malleable iron shall not be less than one-fourth (1/4) inch thick and shall have two (2) inch caulking depth.

Section 16. New Materials. Any material other than that specified in this code is prohibited unless such material is specifically approved by the State Plumbing Code Committee and the Department for Natural Resources and Environmental Protection as being equal to or better than the material specified herein. It shall be the responsibility of any person or company seeking the approval of a material not included in this code to prove to the satisfaction of such agencies that the material is equal to or better than the material for which it is intended to replace.

ROBERT D. BELL, Secretary

ADOPTED: March 15, 1976

RECEIVED BY LRC: March 15, 1976 at 3:50 p.m.

PUBLIC HEARING: A public hearing on this proposed regulation is scheduled for May 11, 1976 at 10 a.m. EDT in the Auditorium of the Capital Plaza Tower, Frankfort,

Kentucky 40601. For additional information or submission of comments, please contact Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Quality
Division of Plumbing
(Proposed Amendment)

401 KAR 1:100. House sewers and storm water piping; methods of installation.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 211.090, 318.130, and

Executive Order 74-449

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 outlining the materials that may be used in the construction of house sewers, storm water piping as well as the methods of installation.

Section 1. Independent System. The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from, and independent of, that of any other building except as provided below, and every building shall have an independent connection with either a public or private sewer or sewer system.

Section 2. Exception. Where a building stands in the rear of another building or on an interior lot, and a sewer connection cannot be made available to the rear building through an adjoining alley, court, yard or driveway, the sewer from the front building may be extended to the rear building and it will be considered as one (1) sewer. This exception does not apply to corner lots where a sewer connection is available from the street or alley nor to a new or existing building which abuts a street or alley.

Section 3. Connection with Private Sewage Disposal System. When a sewer is not available, the house drain from a building shall connect with an approved private sewage disposal system.

Section 4. Excavations. All excavations made for the installations of a house sewer shall be open trench work. All such trenches shall be kept open until the piping has been inspected and/or tested and approved.

Section 5. Depth of Sewer at the Property Line. (1) Where possible the sewer at the property line shall be at a sufficient depth to properly serve any plumbing connection that may be installed in the basement of any building unless restricted by anothers authority.

(2) House sewers shall be laid on a grade of not less than one-eighth (1/8) inch nor more than one-fourth (1/4) inch per foot. All sewers must have at least an eighteen

(18) inch cover. Sewer piping under a superimposed load condition shall have at least a three (3) feet cover unless constructed of cast iron piping. Sewers shall be backfilled by hand and tamped six (6) inches above the piping, or in lieu thereof may be filled with six (6) inches grillage above the piping. All joints in cast iron, bituminous fiber, vitrified clay pipe and cement asbestos pipe shall be made in a manner to conform to other sections of this code.

Section 6. New House Sewer Connections. House sewers installed where a private sewerage system has been discarded may connect to the house drain, provided in the opinion of the department the existing plumbing system meets this code or a previous one.

Section 7. Materials for House Sewers. House sewers or combined sewers, beginning two (2) feet outside the foundation wall of a building shall be made of either extra heavy cast iron pipe, service weight cast iron, vitrified clay, concrete, bituminous fiber, cement asbestos, PVC or ABS plastic pipe schedules 40 and 80, truss pipe and extra heavy SDR 34 and 35 PVC.

Section 8. Material for Storm Sewers Inside Buildings. Material for storm sewers inside of buildings to a point two (2) feet outside a building in sizes eight (8) inches and smaller shall be cast iron pipe. Storm sewers in sizes of ten (10) inches and larger may be either cast iron, vitrified clay or concrete conforming to appropriate commercial standards with approved joints.

Section 9. Change of Direction. Change in direction of a sewer shall be made with long curves, one-eighth (1/8) bends or Y's.

Section 10. Size of House Sewers and Horizontal Branches. The minimum size of a house sewer shall not be less than four (4) inches nor less than that of the house drain. House sewers receiving branches shall be sized in the same manner as house drains. (See 401 KAR 1:060.)

Section 11. Size of Storm Systems. The required sizes of storm sewers shall be determined on the basis of the total drained areas in horizontal projection in accordance with the following table. No storm sewer shall be laid parallel to or within two (2) feet of any bearing wall. The storm sewer shall be laid at a sufficient depth to protect it from freezing.

Diameter of pipe inches	roof	n drained area e feet*	Diameter of pipe inches	Maximum drained roof area square feet*		
	Stope, 1/8 in. fall to 1 ft.	Slope, 1/4 in, fall to 1 ft.		Slope, 1/8 in. fall to 1 ft.	Slope, 1/4 in. fall to 1 ft.	
3	865	1,230	. 8	11,115	15,745	
4	1,860	2,610	10	19,530	27,575	
5	3,325	4,715	12	31,200	44,115	
6	5,315	7,515	13	42,600	60,000	

The calculations in this table are based on a rate of rainfall of four (4) inches per hour.

Section 12. Combined Storm and Sanitary Sewer System. Whenever a combined sewer system is used, the required size of the house drain or house sewer shall be determined by multiplying the total number of fixture units carried by the drain or sewer by the conversion factor corresponding to the drained area and the total fixture units, adding the product to the drained area and applying the sum to the preceding table for storm-water sewers. No combined house drain or house sewer shall be less than five (5) inches in diameter, and no combined house drain or house sewer shall be smaller in size than that required for the same number of fixture units or for the same roof area in separate systems.

CONVERSION FACTORS FOR COMBINED STORM AND SANITARY SYSTEM

Number of fixture units on sanitary system

Drained roof area in square feet		7: to 18	19 to 36	to	to	97 to 44	145 to 216	217 to 324
							210	021
Up to 120	180	105	60	45	30	22	18	15
121 to 240	160	98	57	43	29	21	17.6	
241 to 480	120	75	50	39	27	20	16.9	
481 to 720	75	62	42	35	24	18	15.4	
721 to 1080	54	42	33	29	20	15	13.6	12.1
1081 to 1620	30	18	16	15	12	11.5	11.1	10.4
1621 to 2430	15	12	11	10.5	9.1	8.8	8.6	8.3
2431 to 3645	7.5	7.2	7.0	6.9	6.6	6.5	6.4	6.3
3646 to 5460	2.0	2.4	3.0	3.3	4.1	4.2	4.3	4.4
5461 to 8190	0	2.0	2.1	2.2	2.3	2.4	2.5	2.6
8191 to 12,285	0	0	2.0	2.1	2.1	2.2	2.3	2.3
12286 to 18,420	0	0	0	2.0	2.1	2.1	2.2	2.2
,18421 to 27,630	0	0	0	0	2.0	2.1	2.2	2.2
27631 to 40,945	0	0	0	0	0	2.0	2.1	2.2
40946 to 61,520	0	0	0	0	0	0	2.0	2.1
Over 61,520	0	0	0	0	0	O	0	2.0

Number of fixture units on sanitary system

Drained roof area in square feet	325 48 to to 486 73	o to	1099 to 1644	1645 to 2466	2467 to 3702	3703 to 5556	Over to
Up to 120 121 to 240 241 to 480 481 to 720 721 to 1080 1081 to 1620 1621 to 2430 2431 to 3645 3646 to 5460 5461 to 8190	12 11.8 11.5 10.8 10.1 9.8 8.0 6.2 4.5 2.8	9.9 9 9.7 8 9.2 8 8.7 8 8.4 8 7.9 7 6.3 6 4.7 5	1.2 8.4 1.1 8.3 1.6 8.1 1.3 8.6 1.1 7.5 1.4 6.4 1.0 5.1 1.7 4.6	3 8.1 2 8.0 1 7.9 0 7.8 9 7.7 7 7.6 4 6.8 1 6.1	8.0 8.0 7.9 7.9 7.8 7.7 7.5 7.0 6.4 5.6	7.9 7.9 7.8 7.8 7.7 7.6 7.4 7.1 6.9 6.2	7.8 7.8 7.7 7.7 7.6 7.5 7.4 7.2 6.9 6.4
8191 to 12,285 12286 to 18,420 18421 to 27,630 27631 to 40,945 40946 to 61,520 Over 61,520	2.4 2.3 2.2 2.2 2.1 2.0	2.5 2 2.3 2 2.3 2 2.2 2 2.1 2	.6 2.3 .4 2.4 .3 2.3 .2 2.3 .1 2.0	7 3.5 4 2.6 3 2.4 2 2.2 1 2.1	4.5 3.2 2.5 2.2 2.1 2.0	5.2 4.2 2.8 2.3 2.1 2.0	5.6 4.7 3.1 2.4 2.1 2.0

Section 13. House Sewer in Undisturbed or Made Ground. House sewers laid in undisturbed ground must be laid on at least four (4) inches of pea gravel, sand or other approved grillage. House sewers laid in made or filled ground shall be embedded to the lower quadrant with at

least a four (4) inch concrete pad below the invert, or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock. House sewers constructed of flexible thermoplastic sewer piping must be installed with at least six (6) inches of sand on the bottom, top and sides of the piping.

Section 14. Storm Sewers in Undisturbed or Made Ground. Storm sewers laid in undisturbed ground will not require grillage. Storm sewers laid in made or filled grounds shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock.

Section 15. Drainage Below Sewer Level. In buildings, in which the whole or part of the house drain and plumbing system thereof lies below the level or the main sewer, sewage and waste shall be lifted by an approved artificial means and discharged into the house sewer.

Section 16. Drainage Below Sewer Level (Residential). In homes where the house sewer level is above the basement floor, waste water shall be lifted by means of an approved sump pump. The sump pit shall be provided with a two (2) inch vent which may also act as a waste and vent for a laundry tray. The pump shall discharge into a two (2) inch cast iron pipe extended inside the building at least twelve (12) inches above the outside grade. The sump well shall be provided with a tight-fitting concrete cover. On the outside of the building this connection shall be provided with a four (4) inch by two (2) inch soil tee extended to the grade, with a vent cap and a four (4) inch trap properly connected to the house sewer.

Section 17. Sumps and Receiving Tanks. All subsoil drains shall discharge into an air tight sump or receiving tank so located as to receive the sewage by gravity. The sewage shall be lifted and discharged into the house sewer by a pump, ejector or any equally efficient method. Such sumps shall automatically discharge.

Section 18. Ejectors, Vented. All ejectors shall be vented with a three (3) inch vent. Fixtures or appliances connected thereto shall be vented in accordance with other sections of this code.

Section 19. Ejector Power: Motors, Compressors, Etc. All motors, air compressors and air tanks shall be located where they are open for inspection and repair at all times. The air tanks shall be proportioned so as to furnish sufficient air at suitable pressure to the ejector to completely empty the sump or storage tank with the compressor not operating. The end pressure in the tank shall be not less than two (2) pounds for each foot of height through which sewage is raised.

Section 20. Ejectors for Sub-Soil Drainage. When sub-soil catch basins are installed below the sewer level, automatic ejectors, of an approved type, may be used. Such ejectors or any device raising sub-soil water shall discharge into a properly trapped fixture or into a stormwater drain.

Section 21. Drainage of Yards, Areas and Roofs. All roofs, paved areas, courts, and courtyards shall be drained into a storm water system or a combined sewerage system, but not into sewers intended for sewage only. When drains are connected to a combined sewerage system, they shall be trapped. If roof leaders, conductors, or gutter openings are located more than ten (10) feet from a window, scuttle, or air shaft, a trap shall not be required. Traps shall be set below the frost line or on the inside of the building. Where there is no storm or combined sewer available, it may discharge into a drainage area unless otherwise prohibited by the proper authorities. When such drains are not connected to a combined sewer a trap is not required.

Section 22. Size of Rain Water Leader. No inside leader shall be less size than the following:

AREA OF ROOF (In Square Feet)	Leader, Diameter (Inches)
Up to 90	1 1/2
91 to 270	2
271 to 810	3
811 to 1,800	3 1/2
1,801 to 3,600	4
3,601 to 5,500	5
5,501 to 9,600	6

Section 23. Inside Conductors or Roof Leaders. When conductors and roof leaders are placed within the walls of any building, or in an interior court or ventilating pipe shaft they shall be constructed of cast iron pipe, galvanized wrought iron, galvanized steel, or copper pipe.

Section 24. Outside Conductors. When outside sheet metal conductors or downspouts are connected to a house drain, they shall be connected by means of a castiron pipe extending vertically at least one (1) foot above the grade line. Along public driveways, without sidewalks, they shall be placed in niches in the walls, protected by wheel guards, or enter the building through the wall at a forty-five (45) degree slope at least twelve (12) inches above the grade.

Section 25. Defective Conductor Pipes. When an existing sheet metal conductor pipe within the walls of any building becomes defective, such a conductor shall be replaced by one which conforms to this code.

Section 26. Vent Connections with Conductors Prohibited. A conductor pipe shall not be used as a soil, waste or vent pipe, nor shall any soil, waste, or vent pipe be used as a conductor.

Section 27. Overflow Pipes. Overflow pipes from cisterns, supply tanks, expansion tanks, or drip pans shall

connect only indirectly with any house sewer, house drain, soil or waste pipe.

Section 28. Subsoil Drains, Below Sewer Level. Subsoil drains shall discharge into a sump or receiving tank. It shall be automatically lifted and discharged into the storm drainage system or upon the ground outside the building that it serves.

ROBERT D. BELL, Secretary

ADOPTED: March 15, 1976

RECEIVED BY LRC: March 15, 1976 at 4:15 p.m.

PUBLIC HEARING: A public hearing on this proposed regulation is scheduled for May 11, 1976 at 10 a.m. EDT in the Auditorium of the Capital Plaza Tower, Frankfort, Kentucky 40601. For additional information or submission of comments, please contact Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

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 certain situations. The regulation requires that such treatment facilities receiving such wastes reapply to the department prior to January 1, 1977 [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 into waters of the Commonwealth 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 ef-

fluent 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 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 mean of the values for influent samples collected at approximately the same times during the same period.

(2) Suspended Solids.

- (a) The arithmetic mean 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 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 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 mean 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 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 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, 1977 [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

A compliance schedule shall contain a commitment from the applicant to achieve increments of prog-

ress to be completed on dates certain.

(c) At a minimum the increments shall include a date for submitting any additional plans and specifications reguired 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 incre-

ments.

(5) 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.

ROBERT D. BELL, Secretary

ADOPTED: March 12, 1976 RECEIVED BY LRC: March 12, 1976 at 4 p.m. SUBMIT COMMENT OR REQUEST FOR HEARING TO: William S. Forester, Acting Director, Division of Water Quality, Department for Natural Resources Environmental Protection, Century Plaza, US 127, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION **Bureau of Vehicle Regulation** (Proposed Amendment)

601 KAR 1:005. Safety regulations.

RELATES TO: KRS Chapter 281 PURSUANT TO: KRS 13.082, 281.600 NECESSITY AND FUNCTION: This regulation sets out safety procedures to be followed by motor carriers operating in the Commonwealth of Kentucky.

Section 1. (1) Motor Carrier Safety Regulations as of October 1, 1974 [July 1, 1974], and future amendments and revisions thereto, adopted and issued by the United States Department of Transportation relating to the following subjects: Part 392, Driving of Motor Vehicles; Part 393, Parts and accessories Necessary for Safe Operation [Operations]; Part 394, Notification, Reporting and Recording of Accidents; Part 396, Inspection and Maintenance; and Part 397, Transportation of Hazardous

Materials; Driving and Parking Rules [explosives and other dangerous articles by motor vehicles] are hereby adopted and filed herein by reference, insofar as they do not conflict with the laws of Kentucky, and all commercial motor vehicles operated for-hire or in private carriage shall comply therewith. These regulations are not applicable to motor vehicles primarily designed for carrying passengers and having provisions for not more than nine (9) passengers (including the driver), motorcycles, side car attachments and motor vehicles owned by the federal government, a state, a county, a city or a board of education.

(2) Subject to the following exemptions

exceptions:

(a) City buses, suburban buses, taxicabs, and motor vehicles (except those motor vehicles transporting hazardous materials [dangerous articles], Part 397) operated exclusively in a residential or business district of a city are not required to comply with the aforesaid safety regulations.

(b) Farm trucks, dump trucks, log trucks and trucks used exclusively to haul coal, gravel, asphalt or like materials when operated during daylight hours are not required to comply with the above safety regulations

relative to light fixture requirements.

(c) Driver logs and maintenance and repair reports are not required to be kept or maintained on a vehicle when

operated in intrastate commerce.

Section 2. No owner or operator of a commercial motor vehicle, whether operating as a for-hire carrier or as a private carrier, shall require or permit any driver or chauffeur to remain continuously on duty for a longer period then twelve (12) hours, and when any such driver or chauffeur has been continuously on duty for twelve (12) hours he shall have at least eight (8) consecutive hours off duty. No such owner or operator shall require or permit any such driver or chauffeur to remain on duty for a longer period than sixteen (16) hours in the aggregate in any twenty-four (24) hour period, and when a driver or chauffeur has been on duty sixteen (16) hours in the aggregate of any twenty-four (24) hour period he shall have at least ten (10) consecutive hours off duty. The period of release from duty required by this regulation shall be given at such places and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained. No period off duty shall be deemed to break the continuity of service unless it be for at least three (3) consecutive hours and is given at such a place and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained. In case of an unforeseen emergency not resulting from the negligence of the owner or operator or his agents, servants or employees, the driver or chauffeur may complete his run or tour of duty, if the run or tour of duty but for the delay caused by the emergency could resonable have been completed without a violation of this regulation. The department may require such reports as it deems necessary for the enforcement of this regulation.

Section 3. Buses. Buses must be maintained in a clean and sanitary condition so that the health of passengers will not be impaired. Seats must be comfortable in order that passengers will not be subjected to unreasonable discomfort which might be detrimental to their health and walfare. Employees in charge of buses shall be courteous and helpful to passengers, properly caring for baggage so that it will not be damaged, and should be acquainted with the routes traveled and schedules maintained, so that the passengers will not be subjected to unnecessary delays. All operators must take into consideration the health and welfare of their passengers and control their operations in the public interest. Express and freight, mail bags, newspapers and baggage must be so placed as not to interfere with the driver or with the safety and comfort of passengers. Such items must be protected from the weather but shall not be carried in the aisles or in such position as to block exits or doorways on the bus. No Aisle seat shall be permitted in any bus and the driver's seat must be separated from every other seat.

Section 4. Overcrowding of Passenger Vehicles. No bus operated by an authorized carrier, except city or suburban buses, shall transport passengers in excess of the load limit hereinafter set forth. The load limit shall be the rated seating capacity for which the vehicle is licensed plus twenty-five (25) of said rated seating capacity. This load limit is subject to the provision that in no event shall any authorized carrier, including city or suburban bus operators, permit standees to occupy that space forward of a plane drawn through the rear of the driver's seat perpendicular to the longitudinal axis of the bus. This forward space shall be plainly marked with a line, or otherwise equipped with identification, so as to indicate to standees that they are prohibited from occupying it. No passenger shall be permitted to occupy the rear door-well of any bus vehicle that is equipped with such a rear door-well. Taxicabs shall not carry a number of passengers greater than the rated seating capacity of the vehicle, and in no event more than six (6) passengers exclusive of the driver.

Section 5. Identification. All authorized carriers must at all times display on each side of every vehicle employed by them in their operations the name of the person conducting the said operation as it appears upon the certificate or permit authorizing the operation. An assumed or trade name may be used providing the appropriate statutes and regulations are complied with and the assumed or trade name also appears upon the certificate or permit. The letters shall be of sufficient size so as to be readily legible. The company number of the vehicle must be prominently displayed on each side of the vehicle and the cab card issued for the vehicle must at all times be prominently displayed on the inside thereof. The name of the driver operating a vehicle engaged in transportation of persons for hire shall be prominently displayed in the vehicle.

Section 6. Rest Stops. Every regular rest stop maintained by an authorized carrier of persons must possess sufficient restaurant and rest room facilities to accommodate the driver and the number and types of passengers which may reasonably be expected to use such facilities. Rest stop establishments must have a high standard of sanitation and possess sufficient equipment comparable to other restaurants or similar establishment in the area, and shall provide janitorial services necessary to assure the maximum cleanliness at all times. Adequate, efficient, economical and courteous service must be provided, together with the quality and quantity of goods and refreshments necessary to meet the reasonable requirements of the traveling public, conforming to the standard of practices and prices customarily charged in the area. Authorized carriers of persons in selecting regular rest stops must take these factors into consideration. Each authorized carrier of persons shall have on file with the department a list of all its regular rest stops.

Section 7. Flares and Warning Signals. (1) All motor trucks, as defined in KRS 189.010(3), when being operated outside of a business or residential district, shall carry flares and warning signals and shall display same so as to give notice to other vehicles being operated on the highway if the motor truck is disabled.

(2) Such flares and signals shall be the same as is required by, and shall be displayed, in accordance with the Revised Safety Regulations of the United States Department of Transportation and amendments as of October 1, 1974 [July 1, 1974].

Section 8. Out of Service Sticker. In the event a commercial vehicle is determined to be operating improperly registered or in violation of any safety regulation or requirement, employees of the Department of Transportation are authorized to affix thereto a notice indicating the nature of the violation, requiring its correction before the motor vehicle is further operated. Operation of such a vehicle in violation of the notice affixed thereto shall constitute a separate violation of these regulations.

O. B. ARNOLD, Commissioner ADOPTED: February 3, 1976
APPROVED: JOHN C. ROBERTS, Secretary RECEIVED BY LRC: February 24, 1976 at 9:40 a.m. SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Bureau of Vehicle Regulation, State Office Building, Frankfort, Kentucky 40601.

Proposed Regulations

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION **Real Estate Commission**

201 KAR 11:037. List of licensees; fee.

RELATES TO: KRS 324,290 PURSUANT TO: KRS 13.082 NECESSITY AND FUNCTION: To inform and set certain standards for the licensees and to protect the public.

Section 1. All persons desiring a list of the names and addresses of real estate licensees as prescribed by KRS 324.290, shall be able to obtain a copy of same at the Commission office, free of charge, or if requested by mail, a fee of one dollar (\$1) will be charged.

CHARLES R. BROWN, Chairman

ADOPTED: February 19, 1976
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: March 1, 1976 at 2 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: General Counselor, Kentucky Real Estate Commission, 100 East Liberty Street, Suite 204, Louisville, Kentucky 40202.

Minutes

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

March 10, 1976

(Subject to Subcommittee approval at its next meeting on April 14, 1976.)

The Administrative Regulation Review Subcommittee held its twenty-first meeting on Wednesday, March 10, 1976, in Room 9 of the Capitol. Present were:

Members: Senator Michael R. Moloney, Chairman, and

Representative William T. Brinkley.

Guests: Ked R. Fitzpatrick, Roy Butler, Donald G. Dixon, James C. Rogers, Anna Grace Day, Ann L. Hunsaker and W. O. Hubbard from the Department for Human Resources; Marie E. Anastasi, David E. Bell, Jr., Michael R. Doff and Robert Garlick from the Mountain Comprehensive Care Center, Prestonburg, Kentucky.

LRC Staff: Mabel D. Robertson, Paula D. Lay, William H. Raines and Garnett Evins.

Proposed regulation 904 KAR 1:044, Department for Human Resources, Bureau for Social Insurance, Medical Assistance, Mental health center services, was withdrawn at the request of the issuing agency.

The following regulations were approved and ordered

filed:

SECRETARY OF THE CABINET Teachers' Retirement System

Personnel Rules

102 KAR 1:110. Leave of absence. (Amended)

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

Division of Occupations and Professions

Real Estate Commission

201 KAR 11:060. Broker's name required on advertising. (Amended)

Board of Hairdressers and Cosmetologists

201 KAR 12:055. Instruction license for out-of-state applicant. (Amended)

DEPARTMENT OF JUSTICE

Law Enforcement Foundation Program Fund

500 KAR 5:015. Filing period for grant application. (Amended)

DEPARTMENT OF TRANSPORTATION **Bureau of Vehicle Regulation**

Motorcycle Safety

601 KAR 14:010. Headgear and eye-protective devices. Division of Aeronautics and Airport Zoning

602 KAR 50:010. Definitions. (Amended)

602 KAR 50:030. Jurisdiction of commission. (Amended)

602 KAR 50:070. Navigable airspace outside zoned airspace construction permit. (Amended)

Bureau of Highways

Traffic

603 KAR 5:095. Truckway classifications. (Amended) 603 KAR 5:110. Permits for moving mobile homes. (Amended)

EDUCATION AND ARTS CABINET Department of Education

Planning

701 KAR 1:010. State plan for career education.

Bureau of Finance and Administration

General Administration

702 KAR 1:040. Procedure for suspending certificate after breach of contract.

702 KAR 1:060. Waiver and suspension of regulations. 702 KAR 1:070. Authority to meet report requirements.

702 KAR 1:080. Transfer of annexed property; hearing. **Bureau of Instruction**

Teacher Certification

704 KAR 20:205. Special education teachers. (Amended)

Bureau of Vocational Education

Administration

705 KAR 1:010. State Plan. (Amended)

Facilities and Equipment

705 KAR 3:120. Equipment insurance. (Amended)

PUBLIC PROTECTION AND REGULATION Department of Insurance

Fire Marshal

806 KAR 50:081. Class I flammable liquids; self-service stations.

Quarter Horse and Appaloosa Commission

Racing Rules 812 KAR 1:010. Definitions.

812 KAR 1:015. Commission; administrative staff.

812 KAR 1:020. Licensing procedures.

812 KAR 1:025. Stewards.

812 KAR 1:030. Racing officials.

812 KAR 1:035. Associations.

812 KAR 1:040. Owners.

812 KAR 1:045. Trainers.

812 KAR 1:050. Jockeys and apprentices.

812 KAR 1:055. Authorized agents.

812 KAR 1:060. Pari-mutuel wagering.

812 KAR 1:065. Registration; racing requirements.

812 KAR 1:070. Entries, subscriptions and declarations.

812 KAR 1:075. Weight allowances.

812 KAR 1:080. Claiming of horses.

812 KAR 1:085. Running of the race.

812 KAR 1:090. Objections and complaints.

812 KAR 1:095. Medication of horses.

812 KAR 1:100. Disciplinary measures.

812 KAR 1:105. Hearings, reviews and appeals.

The meeting adjourned at 12:30 p.m. to meet again at 10 a.m. Wednesday, April 14, 1976 in room 327 of the Capitol.

Administrative Register kentucky

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