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FRANKFORT, KENTUCKY

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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 Agency	Bureau, Division or Major Function	Specific Area of Regulation

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# Public Hearings Scheduled

## DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

A public hearing will be held at 10 a.m. EST December 8, 1980, in the Conference Room of the Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky on the following regulation:

**815 KAR 2:071. Storage and installation of schedule 40, ABS and PVC plastic pipe and fittings. [7 Ky.R. 525]**

## DEPARTMENT FOR HUMAN RESOURCES

A public hearing will be held at 9 a.m. EST December 11, 1980, in the Bureau for Health Services Auditorium, First Floor, Health Building, 275 East Main, Frankfort, Kentucky on the following regulations:

**902 KAR 20:006. Certificate of need process. [7 Ky.R. 428]**

**902 KAR 20:127. Certificate of need hearings. [7 Ky.R. 431]**

# Emergency Regulations Now In Effect

**JOHN Y. BROWN, JR., GOVERNOR**  
Executive Order 80-958  
November 11, 1980

## EMERGENCY REGULATION Department of Transportation Bureau of Highways Truck Traffic Restriction

WHEREAS, KRS 189.231 authorizes the Secretary of Transportation to restrict or regulate traffic upon state-maintained highways in such manner as is reasonably necessary to promote the safety and convenience of the traveling public; and

WHEREAS, the Secretary of the Department of Transportation has determined that unrestricted use by truck traffic of the eastbound lanes of the Louisville Road Hill (US 60) constitutes a safety hazard due to the long steep grade, the road configuration, and the presence of an elementary school playground at the bottom of the hill; and

WHEREAS, a restriction against the use of the eastbound lanes of Louisville Road Hill by trucks constituting a safety hazard is now feasible inasmuch as an alternate eastbound route into the City of Frankfort has been provided since the completion of the construction of the East-West Connector (KY 676); and

WHEREAS, the time delay necessary in complying with the procedural requirements of KRS Chapter 13 would prevent the proposed restriction of truck traffic on Louisville Road Hill from becoming effective prior to the winter season and such delay would also prolong the ever present danger of run-away trucks; and

WHEREAS, the Secretary of the Department of Transportation has determined that an emergency exists

and recommended that the Governor declare the attached regulation to be effective immediately upon being filed with the Legislative Research Commission;

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, pursuant to the authority vested in me by KRS 13.085(2), do hereby acknowledge the finding of the Secretary of the Department of Transportation that an emergency exists and direct that the attached regulation shall become effective immediately upon being filed in the Office of the Legislative Research Commission.

**JOHN Y. BROWN, JR., Governor**  
**FRANCES JONES MILLS, Secretary of State**

## DEPARTMENT OF TRANSPORTATION Bureau of Highways

**603 KAR 5:077E. Trucks prohibited on Louisville Hill, Frankfort.**

**RELATES TO: KRS 189.231**

**PURSUANT TO: KRS 13.082, 189.231**

**EFFECTIVE: November 12, 1980**

**EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.**

**NECESSITY AND FUNCTION: KRS 189.231 authorizes the Secretary of Transportation to restrict or regulate traffic on state-maintained highways in such manner as is reasonably necessary to promote the safety and**

convenience of the traveling public. The purpose of this regulation is to promote the public safety by restricting and regulating the use of a portion of a state-maintained highway by certain types of trucks and by trucks hauling hazardous materials.

Section 1. Definitions. As used in this regulation, the hereinafter set forth terms shall have the following meaning:

(1) "Flammable material" means liquid or gaseous petroleum products.

(2) "Hazardous material" means a substance or material defined as hazardous material by KRS Chapter 174 and regulations issued pursuant thereto.

Section 2. All trucks having more than two (2) axles and also all trucks transporting flammable material or hazardous material are prohibited from operating on the east-bound lane or lanes of that portion of Highway US 60 in the City of Frankfort between Tanglewood Drive and the junction of Highway KY 1211 (Taylor Avenue).

FRANK R. METTS, Secretary

ADOPTED: October 27, 1980

RECEIVED BY LRC: November 12, 1980 at 2 p.m.

JOHN Y. BROWN, JR., GOVERNOR

Executive Order 80-926

October 30, 1980

**EMERGENCY REGULATION**  
Department for Human Resources  
Bureau for Social Insurance

WHEREAS, the Secretary of the Department for Human Resources is responsible for promulgating, by regulation, the policies of the Department with respect to the Medical Assistance Program; and

WHEREAS, the Secretary has found the current budgetary crisis of the Department requires the amending of the criteria for eligibility for Medical Assistance, for the special classification of children who are eligible based on the state's definition of unemployment, to require that both parents be unemployed; and

WHEREAS, the Secretary has promulgated a regulation amending the state's definition of unemployment for that classification of children to require that both parents be unemployed; and

WHEREAS, the Secretary has found that an emergency exists, with respect to said proposed regulation, and that, therefore, such regulation should, pursuant to the provision of law, be effective immediately upon filing with the Legislative Research Commission:

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.085(2), do hereby acknowledge the finding of emergency by the Secretary of the Department for Human Resources and direct that said regulation shall be effective upon filing with the Legislative Research Commission as provided in Chapter 13 of Kentucky Revised Statutes.

JOHN Y. BROWN, JR., Governor

FRANCES JONES MILLS, Secretary of State

**DEPARTMENT FOR HUMAN RESOURCES**  
Bureau for Social Insurance

904 KAR 1:003E. Technical eligibility.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: October 31, 1980

EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department by regulation to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of Medical Assistance, hereinafter referred to as MA, to Kentucky's indigent citizenry. This regulation sets forth the technical eligibility requirements of the MA Program.

Section 1. The Categorically Needy: All individuals receiving Aid to Families with Dependent Children, Supplemental Security Income or Optional or Mandatory State Supplementation are eligible for MA as categorically needy individuals. In addition, the following classifications of needy persons are included in the program as categorically needy and thus eligible for MA participation.

(1) Children in foster family care or private non-profit child caring institutions dependent in whole or in part on a governmental or private agency;

(2) Children in psychiatric hospitals or medical institutions for the mentally retarded;

(3) Unborn children deprived of parental support due to death, absence, incapacity or unemployment of the father;

(4) Children of unemployed parents;

(5) Children in subsidized adoptions dependent in whole or in part on a governmental agency;

(6) Families terminated from the Aid to Families with Dependent Children (AFDC) program because of increased earnings or hours of employment.

Section 2. The Medically Needy: Other individuals, meeting technical requirements comparable to the categorically needy group, but with sufficient income to meet their basic maintenance needs may apply for MA with need determined in accordance with income and resource standards prescribed by regulation of the Department for Human Resources.

Section 3. Technical Eligibility Requirements: Technical eligibility factors of families and individuals included as categorically needy under subsections (1) through (6) of Section 1, or as medically needy under Section 2 are:

(1) Children in foster care, private institutions, psychiatric hospitals or mental retardation institutions must be under twenty-one (21) years of age, except that a child eligible for and receiving inpatient psychiatric services on his twenty-first birthday may be eligible until he reaches his twenty-second birthday or the inpatient treatment ends, whichever comes first;

(2) Unborn children are eligible only upon medical proof of pregnancy;

(3) Unemployment relating to eligibility of both parents and children is defined as:



(a) Employment of less than 100 hours per month, except that the hours may exceed that standard for a particular month if the work is intermittent and the excess is of a temporary nature as evidenced by the fact that the individual was under the 100 hour standard for the prior two (2) months and is expected to be under the standard during the next month;

(b) Prior labor market attachment consisting of earned income of at least fifty dollars (\$50) during six (6) or more calendar quarters ending on March 31, June 30, September 30, or December 31, within any thirteen (13) calendar quarter period ending within one (1) year of application, or the individual within twelve (12) months prior to application received unemployment compensation;

(c) Is currently receiving or has been found ineligible for unemployment compensation;

(d) Currently registered for employment at the state employment office, and available for full-time employment;

(e) The unemployed parent must not have refused suitable employment without good cause as determined in accordance with 45 CFR section 233.100(a)(3)(ii).

(4) Children, but not parents, may be eligible if both parents meet a more liberal definition of unemployment defined as:

(a) Employment of less than thirty (30) hours per week; or

(b) Regular attendance, at public expense, in a formalized full-time training course, below the college level. A public work project in which a real wage is paid, that is, subject to standard payroll deductions, is not considered a training course; or

(c) Receipt of unemployment compensation; and

(d) Requirements of subsection (3)(d) are met in that at least one (1) parent is registered for employment unless both parents are unemployed pursuant to paragraph (b) of this subsection; and the requirements of subsection (3)(e) are met for both parents.

(5) Under the definitions contained in subsections (3) and (4) of this section, a parent shall not be considered as unemployed if he is:

(a) Temporarily unemployed due to weather conditions or lack of work when it is anticipated he can return to work within thirty (30) days; or

(b) On strike, or unemployed as a result of involvement in a labor dispute when such involvement would disqualify the individual from eligibility for unemployment insurance in accordance with KRS 341.360; or

(c) Unemployed because he voluntarily quit his most recent work for the purpose of attending school; or

(d) A farm owner or tenant farmer, unless he has previously habitually required and secured outside employment and currently is unable to secure outside employment; or

(e) Self-employed and not available for full-time employment.

(6) An aged individual must be at least sixty-five (65) years of age.

(7) A blind individual must meet the definition of blindness as contained in Title II and XVI of the Social Security Act relating to RSDI and SSI.

(8) A disabled individual must meet the definition of permanent and total disability as contained in Title II and XVI of the Social Security Act relating to RSDI and SSI.

(9) For families losing AFDC eligibility solely because of increased earnings or hours of employment, medical assistance shall continue for four (4) months to all such

family members as were included in the family grant (and children born during the four (4) month period) if the family received AFDC in any three (3) or more months during the six (6) month period immediately preceding the month in which it became ineligible for AFDC. The four (4) month period begins on the date AFDC is terminated. If AFDC benefits are paid erroneously for one (1) or more months in such a situation, the four (4) month period begins with the first month in which AFDC was erroneously paid, i.e., the month in which the AFDC should have been terminated.

(10) Parents may be included for assistance in the cases of families with children (except as shown in subsection (4) of this section) including adoptive parents and alleged fathers where circumstances indicate the alleged father has admitted the relationship prior to application for assistance. Other relatives who may be included in the case (one (1) only) are caretaker relatives to the same extent they may be eligible in the aid to families with dependent children program.

(11) An applicant who is deceased may have eligibility determined in the same manner as if he was alive, in order to pay medical bills during the terminal illness.

(12) Children of the same parent, i.e., a "common" parent, residing in the same household shall be included in the same case unless this acts to preclude eligibility of an otherwise eligible household member.

(13) To be eligible, an applicant or recipient must be a citizen of the United States, or an alien legally admitted to this country or an alien who is residing in this country under color of law. The applicant or recipient must also be a resident of Kentucky. Generally, this means the individual must be residing in the state for other than a temporary purpose; however, there are exceptions with regard to recipients of a state supplementary payment and institutionalized individuals. The conditions for determining state residency are specified in federal regulations at 42 CFR 435.403, which are hereby incorporated by reference.

(14) An individual may be determined eligible for medical assistance for up to three (3) months prior to the month of application if all conditions of eligibility are met. The effective date of medical assistance is generally the first day of the month of eligibility. For individuals eligible on the basis of unemployment, eligibility may not exist for the thirty (30) day period following the starting date of the unemployment. In these cases, the effective date of eligibility may be as early as the first day following the end of the thirty (30) day period if all other conditions of eligibility are met. For individuals eligible on the basis of desertion, a period of desertion must have existed for thirty (30) days, and the effective date of eligibility may not precede the first day of the month in which the thirty (30) day period ends. For individuals eligible on the basis of utilizing their excess income for incurred medical expenses, the effective date of eligibility is the day the spend-down liability is met.

(15) "Child" means a needy dependent child under the age of twenty-one (21), including the unborn child, who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States, and who is a recipient of or applicant for public assistance. Included within this definition is an individual(s) under the age of twenty-one (21), previously emancipated, who has returned to the home of his parents, or to the home of another relative, so long as such individual is not thereby residing with his spouse.

Section 4. Institutional Status: No individual shall be eligible for MA if a resident or inmate of a non-medical public institution. No individual shall be eligible for MA while a patient in a state tuberculosis hospital unless he has reached age sixty-five (65). No individual shall be eligible for MA while in a state institution for mental illness unless he is under age twenty-one (21) (except as provided for in Section 3(1)) or is sixty-five (65) years of age or over.

Section 5. Application for Other Benefits: As a condition of eligibility for medical assistance, applicants and recipients must apply for all annuities, pensions, retirement and disability benefits to which they are entitled, unless they can show good cause for not doing so. Good cause is considered to exist when such benefits have previously been denied with no change of circumstances, or the individual does not meet all eligibility conditions. Annuities, pensions, retirement and disability benefits include, but are not limited to, veterans' compensations and pensions, retirement and survivors disability insurance benefits, railroad retirement benefits, and unemployment compensation. Notwithstanding the preceding, no applicant or recipient shall be required to apply for federal benefits when the federal law providing for such benefits shows the benefit to be optional and that the potential applicant or recipient for such benefit need not apply for such benefit when to do so would, in his opinion, act to his disadvantage.

WILLIAM L HUFFMAN, Commissioner  
ADOPTED: October 17, 1980  
APPROVED: W. GRADY STUMBO, Secretary  
RECEIVED BY LRC: October 31, 1980 at 3:30 p.m.

JOHN Y. BROWN, JR., GOVERNOR  
Executive Order 80-889  
October 16, 1980

EMERGENCY REGULATIONS  
Department for Human Resources  
Bureau for Social Insurance

WHEREAS, the Secretary of the Department for Human Resources is responsible for promulgating, by regulation, the policies of the Department with regard to early and periodic screening, diagnosis and treatment; and

WHEREAS, the Secretary has found the scope of services for early and periodic screening, diagnosis and treatment should be revised to reflect the required services shown in federal regulations, and the payment system for such services should be revised to pay for partial screenings and completion of partial screenings; and

WHEREAS, the Secretary has promulgated regulations reflecting the scope of services as shown in federal regulations, and providing for payment for partial screenings and completion of partial screenings; and

WHEREAS, the Secretary has found that an emergency exists, with respect to the said proposed regulations, and that, therefore, such regulations should, pursuant to the provision of law, be effective immediately upon filing with the Legislative Research Commission:

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.085(2), do hereby

acknowledge the finding of emergency by the Secretary of the Department for Human Resources with respect to the filing of said regulations (Early and Periodic Screening, Diagnosis and Treatment, and Payments for Screening Services) of the Department for Human Resources and direct that said regulations shall be effective upon filing with the Legislative Research Commission as provided in Chapter 13 of Kentucky Revised Statutes.

JOHN Y. BROWN, JR., Governor  
FRANCES JONES MILLS, Secretary of State

DEPARTMENT FOR HUMAN RESOURCES  
Bureau for Social Insurance

904 KAR 1:034E. Early and periodic screening, diagnosis and treatment.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: October 22, 1980

EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to the early and periodic screening, diagnosis and treatment service for which payment shall be made by the medical assistance program in behalf of both categorically needy and medically needy children under age twenty-one (21).

Section 1. Participation Requirements. Any health care provider meeting the requirements set forth below may be eligible to participate in the Kentucky Medical Assistance (Medicaid) Program as a screening provider:

(1) A physician must be duly-licensed in the State of Kentucky;

(2) Any early and periodic screening clinic or other organization qualified to provide screening services, including local health departments, shall be under the direction of a duly-licensed physician or registered professional nurse currently licensed by the State of Kentucky who shall be responsible for assuring that the requirements of participation are met and that the procedures established by the Medicaid Program are carried out;

(3) Screening clinics conducted under the direction of a registered professional nurse must have a duly-licensed physician acting as medical consultant; and

(4) Screening examinations and tests performed by licensed professional staff, or supportive staff under the direct supervision of such licensed professional, shall be in accordance with the professional practices act.

Section 2. Screening. Services directed toward the early detection of diseases and abnormalities shall be appropriate for the age and health history of the child. These services include, but are not necessarily limited to, the following:

- (1) Health and development history;
- (2) Unclothed physical examination;
- (3) Effective January 1, 1981, development assessment;
- (4) Immunizations which are appropriate for age and health history;
- (5) Assessment of nutritional status;
- (6) Vision testing;
- (7) Hearing testing;
- (8) Laboratory procedures appropriate for age and population groups;
- (9) For children three (3) years of age and over, dental services furnished by direct referral to a dentist for diagnosis and treatment.

Section 3. Immunizations: Effective November 1, 1978 each screening clinic provider shall be required to make available, at the time of screening, immunizations appropriate for age and health history of the recipient being screened.

Section 4. Diagnosis and Treatment: If, as a result of screening, referral for additional service is indicated, further diagnosis and medical treatment shall be provided for any service which is considered a covered service under the Medical Assistance Program.

Section 5. Periodicity: The following is the policy of the department with regard to periodicity:

(1) Definition: Periodicity means the frequency with which an individual may be screened or re-screened.

(2) Periodicity limitations: Each eligible recipient may be screened or re-screened within the time frames shown on the periodicity schedule, with additional medical and dental assessments permitted when medically indicated.

#### Periodicity Schedule

Age:	Medical	Dental
	2-4 weeks	
	2-3 months	
	5-6 months	
	9-10 months	
	12-15 months	
	16-19 months	
	23-25 months	
	3	3
	4	
	5	
	6	6
	7-8	7-8
	9-10	9-10
	11-12	11-12
	13-14	13-14
	15-16	15-16
	17-20	17-20

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: October 15, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: October 22, 1980 at 3:30 p.m.

#### DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

#### 904 KAR 1:035E. Payments for screening services.

RELATES TO: KRS 205.520

PURSUANT TO: 13.082, 194.050

EFFECTIVE: October 22, 1980

EXPIRES: Sine Die adjournment of 1982 regular session of the General Assembly, or upon being replaced through regular procedure.

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for screening services.

Section 1. Physicians and primary care centers will be reimbursed for screening services in accordance with the payment provisions set forth by regulations 904 KAR 1:010 and 904 KAR 1:055 for those service providers.

Section 2. Reimbursement of Screening Clinics: The department shall reimburse participating screening clinics or agencies on the basis of a pre-established fee which shall be related to the cost of service. The amounts payable shall be in accordance with the following:

(1) For a complete screening which includes all items or procedures appropriate to age and health history of the child, the fee shall be twenty dollars (\$20) per individual screened;

(2) For a partial screening, with some items or procedures appropriate to age and health history of the child not completed, but at no fault of the screening clinic or agency, the fee shall be twelve dollars (\$12) per individual screened when preauthorized by the department; and

(3) For completion of a partial screening with some items or procedures appropriate to age and health history of the child provided as a followup to a partial screening (whether the partial screening is provided by a physician, primary care center, or screening clinic or agency), the fee shall be eight dollars (\$8) per individual screened.

(4) In no instance may the fee paid in accordance with subsections (1) to (3) of this section exceed the usual and customary fee of the provider for the service.

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: October 15, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: October 22, 1980 at 3:30 p.m.

# Amended Regulations Now In Effect

## DEPARTMENT OF FINANCE Board of Physical Therapy As Amended

201 KAR 22:010. *Objectives of physical therapy* [Definitions].

RELATES TO: KRS 327.010

PURSUANT TO: KRS 327.040

EFFECTIVE: November 6, 1980

NECESSITY AND FUNCTION: The practice of physical therapy is rapidly evolving and changing in purpose and scope. The purpose of this regulation is to clearly define the desired goals of physical therapy and the permissible means of achieving these goals. In this manner, standards of physical therapy practice are clearly established and may be used to evaluate particular treatments which have been used or which may later evolve.

Section 1. Goals of the patient-physical therapy unit include maintaining health, preserving functional capacity, and in the presence of impairment, developing or re-establishing function through carefully planned and implemented programs. In order to reach these objectives, the physical therapist evaluates patients, identifies problems, plans programs, and provides direct treatment.

Section 2. Patient Management. Adequate, effective, and efficient patient care is the ultimate goal of physical therapy. The physical therapist evaluates each patient, and determines those ways in which he can contribute to total health management. With consent from referring physician, *osteopath*, *podiatrist* or dentist he then plans and implements a treatment program, re-evaluating and making modifications as necessary.

MICKEY BARON, Chairman  
RECEIVED BY LRC: August 26, at 1 p.m.

## DEPARTMENT OF FINANCE Board of Physical Therapy As Amended

201 KAR 22:020. *Method of applying* [Application] for licensure.

RELATES TO: KRS 327.050

PURSUANT TO: KRS 327.040

EFFECTIVE: November 6, 1980

NECESSITY AND FUNCTION: Describes the criteria for eligibility, methods, and procedures of applying for a license to practice physical therapy in Kentucky.

Section 1. To be eligible for licensure by examination, the applicant must have successfully completed the academic and clinical requirements of the *program* [curriculum] and have been granted certification of comple-

tion. All physical therapy *programs* [schools and colleges] approved by the American Physical Therapy Association or [and] the Council on *Allied Health Education and Accreditation* [Medical Education] of the American Medical Association are periodically reviewed and updated for approval by the Kentucky State Board of Physical Therapy.

Section 2. A person desiring to practice as a physical therapist in Kentucky must apply to the Kentucky State Board of Physical Therapy. An application form will be sent to the applicant by the *executive* secretary of the board. When the [applicant shall return the completed form accompanied by] *completed application, certification of completion of academic and clinical portions of an approved physical therapy program and a money order, cashier's or certified check for seventy-five dollars (\$75) made payable to the Kentucky State Treasurer, have been received, the applicant* [he] becomes an official candidate for licensure. At the request of the applicant, the board shall determine the necessity of conducting a hearing regarding licensure qualifications of said applicant.

Section 3. *Three (3)* [Four (4)] types of candidates will be accepted for licensure:

- (1) Examination,
- [(2) Reciprocity,]
- (2) [(3)] Endorsement, and
- (3) [(4)] Reinstatement.

MICKEY BARON, Chairman  
RECEIVED BY LRC: August 26, 1980 at 1 p.m.

## DEPARTMENT OF FINANCE Board of Physical Therapy As Amended

201 KAR 22:031. *Therapist's licensing procedure.*

RELATES TO: KRS 327.050, 327.060, 327.080

PURSUANT TO: KRS 327.040

EFFECTIVE: November 6, 1980

NECESSITY AND FUNCTION: The purpose of this regulation is to clearly define the procedure for issuing licenses. This regulation standardizes the administrative procedures involved in granting a physical therapy license through the various means of qualifying.

Section 1. Upon approval as a candidate by the board, the candidate for examination will be notified of the date, place and time of the examination by the board. Examination will be held at a time and location set by the board. The board will administer the Professional Examination Service of the American Public Health Association examination and/or other examinations as determined by the board to those qualified candidates permitted to sit for the examination.

Section 2. If an applicant becomes a candidate for licensure by examination after the fifth (5th) day of the month preceding the month that the next examination is to be held and credentials of the applicant are in order and fees submitted, then a temporary license shall be issued to be in force until sixty (60) days after the examination held six (6) months later, or until the results of that examination are received and processed, whichever comes first. *A temporary license requires that the physical therapist applicant shall work only under the supervision of a physical therapist fully licensed in Kentucky. Supervision means that the responsible therapist be available and accessible by telecommunication to the temporarily licensed therapist at all times during the working hours of the temporarily licensed therapist and be responsible for the direction of the actions of the person supervised when services are performed by the temporarily licensed physical therapist.* The board shall issue a temporary license only to:

(1) Graduates who have applied for licensure by examination, have met all requirements and are sitting for the next examination.

(2) Applicants for licensure by endorsement who have met all requirements but must take one (1) or more parts of the examination again.

(3) Foreign-trained physical therapists who have met all requirements for licensure and paid all fees provided for in KRS 327.060(2), except that the applicant has not taken the PES examination and has not yet begun a one (1) year board approved, [directly supervised] employment as a physical therapist.

Section 3. The applicant shall have three (3) attempts to pass the examination. The original application fee covers the first attempt. The cost of the examination *to the board* plus an administrative fee of fifteen dollars (\$15) must be assumed by the applicant for the second and third attempts. The temporary license will be issued after request for re-examination on the second *and third* attempts and payment of required fee at the discretion of the board. [If the applicant fails on the second attempt and requests re-examination and pays the required fee, at the discretion of the board, a temporary license shall be issued to allow the applicant to practice; but only with direct, on-site supervision of a licensed physical therapist.] If the applicant fails on the third attempt, the temporary license is revoked and the applicant may no longer be employed in Kentucky as a physical therapist. The applicant may reapply after one (1) year but must submit a new application fee and no temporary license will be issued.

Section 4. Candidates examined by boards of other states and territories shall have registered their PES scores with the Interstate Reporting Service of the Professional Examination Service. *The applicants' scores, calculated by the PES to meet Kentucky board requirements, shall be submitted to this board for consideration of licensure* [to have their scores submitted to this board for consideration of licensure].

Section 5. The candidate for licensure by endorsement shall use the regular license application form and submit a fee to cover the cost of issuing the license, *which shall be seventy-five dollars (\$75)* [the same fee as an applicant by examination]. The board will process the mechanics of endorsement. The Kentucky State Board of Physical Therapy will endorse a candidate who has been examined by the Professional Examination Service, meets the board's requirements of national average raw score minus 1.5 stan-

dard deviation set equal to a converted score of seventy-five (75) on each part of the examination, and whose physical therapy license has never been revoked or suspended, and is currently not on probation in another state.

Section 6. The candidate for licensure through reinstatement may receive renewal of his license without further examination upon requesting renewal, furnishing his complete current home and work addresses and telephone numbers, payment of the renewal fee of thirty dollars (\$30) and reinstatement fee of fifteen dollars (\$15) by money order, cashier's or certified check made payable to the Kentucky State Treasurer, and mailing these to the executive secretary of the board. Therapists who have not been licensed for three (3) years may, in addition, be required to appear before the board and/or show evidence of professional competency. Reinstatement of the candidate will be at the board's discretion after evaluation of said evidence.

Section 7. A license, which shall be in effect until the next January 31st shall be issued by the board as soon as it receives notice from the Professional Examination Service that the candidate by examination has received a passing grade which shall be set based on the national raw average score minus 1.5 standard deviation set equal to a converted score of seventy-five (75) on each part of the examination, and when candidates by endorsement and reinstatement have met all requirements.

Section 8. The executive secretary of the board may function administratively to review, process, and interpret all applications received by the board and correspond with the applicants accordingly.

Section 9. 201 KAR 22:030 is hereby repealed.

MICKEY BARON, Chairman  
RECEIVED BY LRC: August 26, 1980 at 1 p.m.

DEPARTMENT OF FINANCE  
Board of Physical Therapy  
As Amended

201 KAR 22:070. Requirements for foreign-trained physical therapists.

RELATES TO: KRS 327.060

PURSUANT TO: KRS 327.040

EFFECTIVE: November 6, 1980

NECESSITY AND FUNCTION: This regulation establishes the requirements of a foreign-trained physical therapist to permit *the therapist* [him] to become licensed in the State of Kentucky. Because of variances in curriculums of foreign countries, specific requirements are needed to assure that the applicant possesses adequate educational and clinical preparation.

Section 1. The following [are] requirements for a foreign-trained physical therapist to *become licensed must be fulfilled* [sit for the license examination]:

(1) [To] Furnish the [state] board a report of an appropriate credentialing agency for educational status. The

board, may have these reports reviewed [documentation of educational requirements and certificate of good health].

(2) [To] Present oneself for an interview by the state board and demonstrate during the interview proficiency with the use of the English language.

(3) [To] Furnish the board evidence of *permission for employment [legal]* [immigrant or citizenship] [status] in this country.

[(4) Board to be furnished with evidence of completion of highest level of secondary education offered in the country of that education, or the equivalence of it.]

[(5) Graduation since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located, and in which there is a member organization of the World Confederation for Physical Therapy.]

[(6) Eligibility for or membership in a World Confederation for Physical Therapy member organization.]

(4) [(8)] *Successful* [Satisfactory] completion of one (1) year of [direct] supervised practice under a physical therapist licensed under this chapter [clinic experience under the supervision of a Kentucky licensed physical therapist]. *This requirement may be satisfied by one (1) year of practice as a licensed physical therapist in a state with license requirements comparable to or more stringent than those of Kentucky. If the clinical experience is in Kentucky, evidence in writing of successful completion and performance is required* [or licensee of a state or territory with substantially the same requirements with prior sanction of the Kentucky State Board of Physical Therapy, or under the supervision of the APTA foreign trained program].

(5) [(9)] *Successful* [Satisfactory] completion of the [a qualifying] examination as specified in KRS 327.050 [prescribed]. *The examination, when offered by the board for other candidates, may be taken at any time the candidate desires* [by the Kentucky State Board of Physical Therapy].

Section 2. All documents submitted to the board must be in the native script accompanied by a certified complete translation.

Section 3. Following completion of Section 1(1) to (4), the applicant by examination will be issued a temporary license to practice under the direct supervision of a Kentucky licensed therapist.

MICKEY BARON, Chairman

RECEIVED BY LRC: August 26, 1980 at 1 p.m.

DEPARTMENT OF FINANCE  
Board of Physical Therapy  
As Amended

201 KAR 22:101. Eligibility and method of applying for assistant's certification.

RELATES TO: KRS 327.040

PURSUANT TO: KRS 327.040

EFFECTIVE: November 6, 1980

NECESSITY AND FUNCTION: In order to offer a high level of assistance to the physical therapist in delivery of his service, the role of physical therapist's assistant was developed. The assistant's work is carried out only under

the supervision and direction of the physical therapist to whom the employee is responsible. This regulation identifies the requirements and mechanisms by which one may become certified as a physical therapist's assistant and defines supervision of practice and delegation of duties.

Section 1. (1) The physical therapist's assistant is a skilled technical worker who performs physical therapy and related duties as assigned by the physical therapist. This work is carried out only under the supervision and direction of the therapist to whom the employee is responsible. Supervision means that the responsible therapist be available and accessible by telecommunications to the assistant at all times during the working hours of the assistant and be responsible for the direction of the actions of the person supervised when services are performed by the assistant. The therapist shall not designate to a less qualified person any service which requires the skill, knowledge and judgment of the therapist and shall perform personally the following activities, regardless of the setting in which service is given:

(a) Interpretation of physician referrals.

(b) Initial evaluation of the referred patient.

(c) Development of the treatment plan and program, including long and short term goals.

(d) Selection of the appropriate portions of the program to be delegated.

(e) Instruction of the assistant in the delegated functions to be carried out: precautions, special problems, contraindications, goals and anticipated progress, and plans for re-evaluation.

(f) Supervision of the assistant.

(g) Re-evaluation of the patient and adjustment of the treatment plan with the assistant present.

(h) Arrangement for reports (written and oral) from the assistant through the therapist to the physician or another physical therapy service.

(2) Only individuals certified as a physical therapist's assistant under this chapter may hold himself out as a physical therapist's assistant, and may use the initials PTA or CPTA, in designating his/her title. From the effective date of this regulation, no person shall act, nor hold himself out to be able to act as an assistant in this state unless he/she is certified in accordance with the provisions of the board's regulations.

Section 2. (1) To be eligible for board certification the assistant applicant must have:

(a) Successfully completed the academic and clinical requirements of an approved physical therapist's assistant program; [and must have]

(b) Been granted certification upon completion by the educational institution; [.] and

(c) Have successfully completed an examination required by the Kentucky State Board of Physical Therapy.

(2) All physical therapist's assistant programs accredited by the American Physical Therapy Association are periodically reviewed and updated for approval by the Kentucky State Board of Physical Therapy.

Section 3. A person desiring to practice as a physical therapist's assistant in Kentucky must apply to the Kentucky State Board of Physical Therapy. An application form will be sent to the applicant by the executive secretary of the board. When the completed application, certification of completion of all academic and clinical portions of an approved program, and a money order, cashier's or certified check for fifty dollars (\$50) made payable to the Ken-



tucky State Treasurer have been received, the applicant becomes an official candidate for certification.

Section 4. Four (4) types of candidates will be accepted for certification:

- (1) Examination;
- (2) Endorsement;
- (3) Reinstatement; and
- (4) Special.

Section 5. 201 KAR 22:100 is hereby repealed.

MICKEY BARON, Chairman

RECEIVED BY LRC: August 26, 1980 at 1 p.m.

**DEPARTMENT OF FINANCE**  
**Board of Physical Therapy**  
**As Amended**

**201 KAR 22:106. Assistant's certification procedure.**

RELATES TO: KRS 327.040

PURSUANT TO: KRS 327.040

EFFECTIVE: November 6, 1980

NECESSITY AND FUNCTION: Because certification may be achieved in several ways, this regulation defines the types of candidates, the fee and procedure for making application to the State Board of Physical Therapy as a candidate for certification as a physical therapist's assistant.

Section 1. Upon approval as a candidate by the board, the candidate for examination will be notified of the date, place and time of the examination. Examination will be held at a time and location set by the board. The board will administer the Professional Examination Service of the American Public Health Association examination and/or other examinations as determined by the board to those qualified candidates permitted to sit for the examination.

Section 2. If an applicant becomes a candidate for certification by examination after the fifth (5th) day of the month preceding the month that the next examination is to be held and the credentials of the applicant are in order and correct fee submitted, then a temporary certificate shall be issued to be in force until sixty (60) days after the next examination is held or until the results of that examination are received and processed, whichever comes first. *A temporary certificate requires that the physical therapist's assistant work only with on-site supervision of a physical therapist licensed in Kentucky.* The board shall issue a temporary certificate to:

- (1) Graduates who have applied for certification and have met all requirements and are sitting for the next examination.
- (2) Applicants for certification by endorsement who have met all requirements but must take the examination again.

Section 3. The applicant shall have three (3) attempts to pass the examination. The original fee of fifty dollars (\$50) covers the first attempt. The cost of the examination to the board plus an administrative fee of fifteen dollars (\$15) must be assumed by the applicant for the second and third

attempts. If the applicant fails on the first and second attempts and requests re-examination and pays the required fee, at the discretion of the board, a temporary certificate shall be issued to allow the applicant to practice [but only with direct, on-site supervision of a licensed physical therapist]. If the applicant fails on the third attempt, the temporary certificate is revoked and the applicant may no longer be employed in Kentucky as a physical therapist's assistant. The applicant who has failed the qualifying examination three (3) times may reapply after one (1) year but must submit a new application fee and no temporary certificate will be issued.

Section 4. Candidates examined by boards of other states or territories shall have registered their PES scores with the Interstate Reporting Service of the Professional Examination Service. *The applicant's scores, calculated by the PES to meet Kentucky board requirements, shall be submitted to this board for consideration of certification.* [to have those scores submitted to this board for consideration of certification by endorsement.]

Section 5. The candidate for certification by endorsement shall use the regular application form. The board will process the mechanics of endorsement. The Kentucky State Board of Physical Therapy will [may] endorse a candidate who has paid a fee to cover the cost of issuing the certificate which shall be fifty dollars (\$50), been examined by the Professional Examination Service, meets the Kentucky board's requirements of the national raw average score minus 1.5 standard deviation set equal to a converted score of seventy-five (75), and has never had a physical therapist's assistant certificate revoked or suspended or whose certificate is currently not on probation.

Section 6. The candidate for reinstatement may receive a renewal of his/her certificate without further examination upon requesting renewal payment of the renewal fee of twenty dollars (\$20), *reinstatement fee for fifteen dollars (\$15)* by money order, cashier's or certified check made payable to the Kentucky State Treasurer, furnishing current complete home and business addresses and telephone numbers and mailing these to the executive secretary of the board. Assistants who have not been certified for three (3) or more years may, in addition, be required to *work with on-site supervision for a maximum period of time of up to six (6) months; or possibly, after evaluation of each instance and at the board's discretion, may be required to be re-examined.* [show evidence of technical competency. Reinstatement of the candidate will be at the board's discretion after evaluation of said evidence and may require re-examination of the candidate.]

Section 7. Physical therapist candidates who fail to pass the physical therapists' licensure examination on three (3) attempts may become special candidates for certification as a physical therapist's assistant by application to the board. The board will only consider those candidates who have *achieved at least a converted fifty (50) on each part of their physical therapist examination with a passing set equal to the national average raw score minus 1.5 standard deviation set equal to a converted seventy-five (75) on each part of the physical therapist examination.* [scores at least equal to the national average raw score minus 1.5 standard deviation set equal to a converted score of fifty (50) on each part of the physical therapist's licensure examination.]

Section 8. Certification, which shall be in effect until the next January thirty-first, shall be issued by the board when candidates for certification by endorsement, reinstatement and special means have met all requirements and the board has received notice from the Professional Examination Service that the candidate by examination has received a passing grade of at least the national raw average score minus 1.5 standard deviation set equal to a converted score of seventy-five (75).

Section 9. 201 KAR 22:105 is hereby repealed.

MICKEY BARON, Chairman  
RECEIVED BY LRC: August 26, 1980 at 1 p.m.

**DEPARTMENT OF FINANCE**  
**Board of Physical Therapy**  
**As Amended**

**201 KAR 22:125. Board representative for assistants.**

RELATES TO: KRS 327.040  
PURSUANT TO: KRS 327.040  
EFFECTIVE: November 6, 1980

NECESSITY AND FUNCTION: Since the State Board of Physical Therapy administers the regulations for the physical therapist's assistant, it may be advisable to request the Governor to appoint an assistant to serve as the fifth member of the board. [an assistant to serve as a consultant to the board on assistant certification and processing of candidate applications.] This regulation permits the assistant population [a] board representation [representative whenever needed].

Section 1. *An assistant may be appointed by the Governor from a list of five (5) physical therapist's assistants submitted by the Kentucky Chapter of the American Physical Therapy Association; all of whom shall be residents of Kentucky and shall have been employed as physical therapist's assistants for at least two (2) years. [Two (2) assistants may be appointed by the board on adoption of this [these] regulation[s]. Subsequent appointments by the board will be made from a list of at least three (3) qualified assistants recommended by the Kentucky Chapter of the American Physical Therapy Association. Assistants will serve as consultants to the board on matters concerning certification and administration of [these] regulations. The consulting assistants attending board meetings shall be entitled to a per diem of thirty dollars (\$30) [fifteen dollars (\$15)] and reasonable expenses according to state policy.]*

MICKEY BARON, Chairman  
RECEIVED BY LRC: August 26, 1980 at 1 p.m.

**CABINET FOR DEVELOPMENT**  
**Department of Fish and Wildlife Resources**  
**As Amended**

**301 KAR 3:021. Hunting and fishing license fees.**

RELATES TO: KRS 150.025, 150.175, 150.225, 150.237, 150.240, 150.280, 150.290, 150.525, 150.660

PURSUANT TO: KRS 13.082

EFFECTIVE: November 6, 1980

NECESSITY AND FUNCTION: The Commissioner, with the concurrence of the Fish and Wildlife Resources Commission, finds it necessary to establish the hunting and fishing license fees schedule in this regulation to generate the necessary funds to finance programs to protect, manage, and conserve the fish and wildlife resources of the state so a permanent and continued supply will be maintained for the benefit of present and future generations.

Section 1. License fees for hunting and fishing are as follows:

- (1) Sport fishing license:  
Statewide fishing license (resident): \$7.50 [6.50]  
Statewide fishing license (nonresident): \$16.00 [14.00]  
Ohio River fishing license (resident Ohio, Indiana and Illinois only): \$7.50 [6.50]  
15-day fishing license (nonresident only): \$6.50 [5.50]  
3-day fishing license (nonresident only): \$5.00 [4.00]  
Trout stamp \$3.50 [3.00]
- (2) Commercial fishing license:  
Commercial fishing license (resident) plus 10 commercial gear tags: \$72.00 [62.50]  
Commercial fishing license (nonresident) plus 10 nonresident commercial gear tags: \$500.00 [125.50]  
Ohio River commercial fishing license (resident Ohio, Indiana and Illinois only) plus 10 Ohio River commercial gear tags: \$72.00 [62.50]
- (3) Commercial fishing gear tag (not to be sold singly):  
Commercial fishing gear tag (resident) blocks of 10 tags: \$6.50 [5.50]  
Commercial fishing gear tag (nonresident) blocks of 10 tags: \$58.00 [50.50]  
Ohio River commercial fishing gear tag (resident Ohio, Indiana and Illinois only) block of 10 tags: \$21.50 [18.50]
- (4) Special experimental commercial fishing permit: \$500.00
- (5) Live fish and bait dealers license:  
Live fish and bait dealers license (resident) Separate license required for each place of business: \$25.50 [22.50]  
Live fish and bait dealers license (nonresident): \$42.50 [37.50]
- (6) Mussel license:  
Musseling license (resident): \$25.50 [22.50]  
Musseling license (nonresident): \$300.00 [300.50]  
Mussel buyer's license (resident): \$100.00 [125.50]  
Mussel buyer's license (nonresident): \$300.00 [350.50]
- (7) Hunting license:  
Statewide hunting license (resident): \$7.50 [6.50]  
Statewide hunting license (nonresident): \$40.00 [35.00]  
Statewide hunting license, small game only (3-day nonresident): \$14.50 [12.50]  
Statewide junior hunting license (resident only): \$4.00 [3.50]
- (8) Hunting and fishing license (combination resident): \$14.00 [12.00]
- (9) Trapping license:  
Trapping license (statewide resident): \$11.50 [10.00]



- Trapping license (resident landowner/tenant): \$6.00 [5.00]  
 Trapping license (nonresident): \$115.00 [100.00]  
 Trap tags: \$.20 [.15]  
 (10) Big Game license:  
 Big Game permit, deer (resident or nonresident): \$11.50 [10.50]  
 Big Game permit, turkey (resident or nonresident): \$6.50 [5.50]  
 (11) Taxidermist license: \$11.50 [10.00]  
 (12) Commercial guide license:  
 Commercial guide license (resident): \$14.50 [12.50]  
 Commercial guide license (nonresident): \$42.50 [37.50]  
 (13) Fur dealer's license:  
 Fur processor's license (resident): \$150.00 [125.00]  
 Fur buyer's license (resident): \$30.00 [25.00]  
 Fur buyer's license (nonresident): \$230.00 [200.00]  
 (14) Special nonresident hunting preserve license valid only for preserve issued (not required if hunter has valid hunting license): \$7.50 [6.50]  
 (15) Kentucky regulated shooting preserve permit: \$35.00 [30.00]  
 (16) Pet and propagation permit for game and fish: \$5.00 [5.00]  
*Pet and propagation permit for game and fish, noncommercial: \$6.00*  
*Pet and propagation permit for game and fish, commercial: \$30.00*  
 (17) Scientific fish and wildlife collecting permit[, educational]: \$2.00 [2.00]  
*Scientific fish and wildlife collecting permit, educational: \$3.00*  
*Scientific fish and wildlife collecting permit, scientific [commercial]: \$115.00*  
 (18) Food permit:  
 Food permit for selling bobwhite quail from propagation farms only: \$150.00 [125.00]  
 Retail food permit for propagated quail: \$2.50 [2.00]  
 (19) Commercial waterfowl shooting permit (operator's license): \$40.00 [35.00]  
 (20) Falconry permit (birds of prey): \$12.00 [10.00]  
 (21) Pay lake license (Minimum \$50 [55 [50]] for first two (2) acres or less; \$10 per additional acre or part thereof, up to maximum of \$100 [115 [100]])  
 (22) Shoot to retrieve field trial permit (per day): \$30.00  
 (23) Bird dog training device: \$2.50

Section 2. The kind of license or tags authorized by this regulation shall not be changed, altered, or defaced in any manner, except trout stamp, which must carry the licensee's signature in ink across the face of stamp and be attached to the back of the proper fishing license. All licenses, permits, tags, and stamps are nontransferrable.

Section 3. This regulation as amended shall become effective on January 1, 1982 [1979].

CARL E. KAYS, Commissioner  
 RECEIVED BY LRC: September 10, 1980 at 9 a.m.

DEVELOPMENT CABINET  
 Department of Agriculture  
 As Amended

302 KAR 1:035. Eggs.

RELATES TO: KRS 247.850 to 247.865, 260.540 to 260.650

PURSUANT TO: KRS 13.082, 247.853

EFFECTIVE: November 6, 1980

NECESSITY AND FUNCTION: KRS 247.853 authorizes the Commissioner to establish and determine the rules and regulations to conduct a referendum among handlers of eggs for the purpose of promoting and stimulating by research, market development and education, the increased production, use and sale, domestic and foreign, of eggs.

Section 1. Definitions: As used in this regulation, unless the context otherwise requires:

- (1) "Board" means the State Board of Agriculture;
- (2) "Commissioner" means the Commissioner of Agriculture;
- (3) "Dealer" means a person, organization, or cooperative engaged in the business of buying eggs from producers, either on his own account or as an agent, and selling or transferring eggs by the case to a wholesaler, processor, retailer, or other person;
- (4) "Department" means the Department of Agriculture;
- (5) "Handler" means a dealer, processor, or wholesaler[, or retailer];
- (6) "KPF" means the Kentucky Poultry Federation, Inc.;
- (7) "Person" means any individual, firm, partnership, corporation, company, or association, and shall include any trustee, receiver, or similar representative;
- (8) "Referendum Agent" means an employee of the State Department of Agriculture under the direct control of the Commissioner of Agriculture.

Section 2. Counties in Which Referendum Will Be Conducted. The egg referendum will be conducted in all counties where egg handlers' principal places of business are located.

Section 3. List of Eligible Voters. The commissioner shall prepare a list of all known persons eligible to vote in said referendum. The list shall be composed from the egg marketing law and the Kentucky Poultry Federation, Inc. One (1) official ballot will be mailed to each egg handler eligible to vote.

Section 4. Who May Vote. All egg handlers located in the Commonwealth of Kentucky who pay or who are subject to pay inspection fees on eggs bought or sold in accordance with KRS 260.600(3); and who are duly licensed under the provisions of KRS 260.550. Each licensee shall be eligible to cast one (1) vote and have their ballot counted in the referendum.

Section 5. Voting. Voting will be by mail-out ballot with the voters returning the signed and marked ballot to the Kentucky Department of Agriculture as determined in Section 6.

Section 6. Referendum Voting Period. Official ballots will be mailed to all egg handlers eligible to vote. The

ballots must be signed, marked, and returned to the Kentucky Department of Agriculture postmarked no later than twenty (20) days after mailing. These dates will be published by the commissioner through the medium of the public press in the Commonwealth of Kentucky at least thirty (30) days before the holding of such referendum, and direct written notice thereof shall likewise be given to each county or area agent in any county covered by such referendum.

Section 7. Supervision of the Referendum and Duties of the Referendum Agent. The commissioner shall provide the referendum agent with a copy of this regulation to conduct said referendum. The referendum agent shall see that the official mail ballots are mailed out and received back from the egg handlers on schedule as set forth in Section 6. The referendum agent shall determine by the signature and marking of the ballot if said ballot shall be counted in the referendum.

Section 8. Approved Ballot Forms. The commissioner shall furnish the referendum agent with the approved official ballot forms. The ballot shall contain a certification statement to be signed by the egg handler. The ballot shall show the amount of the assessment the egg handler is voting on.

Section 9. Custody of Ballots. The referendum agent shall have custody of the ballots that are returned to the Kentucky Department of Agriculture and keep the ballots in a secure place until such ballots may be counted.

Section 10. Confidential Information. All ballots cast, the identity of any person who voted, or the manner in which any person voted, and all information furnished to, compiled by, or in the possession of the commissioner and the referendum agent shall be regarded as confidential. The commissioner shall retain the records, the ballots, the results of the referendum, and all other information furnished to or compiled by the commissioner in regard to the referendum for a period of six (6) months.

Section 11. Counting the Ballots. The counting of the ballots shall be in an area designated within the Kentucky Department of Agriculture by the commissioner. The vote count shall be conducted by employees of the Kentucky Department of Agriculture, but the KPF and any organization actively engaged in the handling of eggs in Kentucky may each have one (1) representative present during the counting of the ballots. Such organization must establish to the satisfaction of the commissioner that its desire to observe the counting of the ballots is for a legitimate purpose.

Section 12. Announcement of the Referendum Results. Announcement of the results of the referendum will be made only by the commissioner. The referendum agent or others who assist in the referendum shall not disclose any information in regard to the referendum. The commissioner will announce the results within ten (10) days after the referendum.

ALBEN W. BARKLEY, II, Commissioner  
RECEIVED BY LRC: September 15, 1980 at 3:15 p.m.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Department of Housing, Buildings and Construction**  
**As Amended**

**815 KAR 45:035. Education incentive.**

RELATES TO: KRS Chapter 95A

PURSUANT TO: KRS 95A.240

EFFECTIVE: November 6, 1980

NECESSITY AND FUNCTION: KRS 95A.240(1) authorizes the Commission on Fire Protection Personnel Standards and Education to issue such regulations as are necessary to properly administer the Professional Firefighters Foundation Program Fund. This regulation establishes the procedures and criteria which shall be utilized to determine the eligibility of local governments and individual firefighters to share in the fund.

Section 1. Definitions. As employed in the Kentucky Professional Firefighters Program Fund administrative regulations, the following words and phrases have the following meanings:

(1) "Annual salary" means base pay for forty (40) hours and any required scheduled overtime.

(2) "Certified training" means firefighter training given by a certified inspector and approved and recorded by the commission.

(3) "Commission" means the Commission on Fire Protection Personnel Standards and Education established pursuant to KRS 95A.020.

(4) "Department" means the Department of Housing, Buildings and Construction.

(5) "Fiscal year" means the period July 1 through June 30 of each twelve month period.

(6) "Full-time firefighters" means individuals who work a minimum of 2,080 hours per year as a member of a fire department or fire protection district.

(7) "Fund" means Professional Firefighters Foundation Program Fund.

(8) "Incentive pay" means monies from the fund used to supplement compensation paid to full-time paid firefighters.

(9) "Local government" means any city or county, or any combination thereof, or urban county government of the Commonwealth.

(10) "Professional firefighter" means any sworn member of a paid municipal fire department organized under KRS Chapter 95 or a fire protection district organized under KRS Chapter 75, or a county fire department created pursuant to Chapter 67.

(11) "Scheduled overtime" means those working hours required beyond forty (40) hours a week in order to meet the requirements of KRS Chapter 95 concerning firefighters working hours.

(12) "Total annual compensation" means the base pay, including longevity, plus scheduled overtime.

Section 2. Eligibility. Each local government which meets the following requirements shall be eligible to participate and share in the distribution of funds when it has made application on forms prescribed by the commission and the commission has determined that the local government has met the eligibility criteria. Those criteria are:

(1) Employs one or more firefighters.

(2) Pays a minimum annual salary of \$8,000.

(3) Maintains as a minimum educational requirement, for anyone newly employed as a firefighter after August 1, 1980, high school graduation or its equivalent.

(4) Requires all firefighters to successfully complete within one (1) year of the date of employment a basic training course of a minimum of 200 hours at a school or by a method certified or recognized by the commission.

(5) Local units which have not previously participated in the fund shall require all firefighters who have been employed for at least one (1) year by the local unit on the date of initial participation to have completed a basic training course certified or recognized by the commission of at least 200 hours duration. All firefighters employed less than one (1) year prior to or hired after the date of initial participation shall complete the basic training within one (1) year of the date of employment as required for participating local units.

(6) Requires all firefighters to successfully complete in each calendar year an in-service training program appropriate to the firefighter's rank and responsibilities of at least 100 hours duration at a school or through a method certified or recognized by the commission.

(7) The commission shall review the qualifications of firefighters employed by local units after the effective date of this regulation, to determine the basic training, if any, which the firefighter may be required to successfully complete prior to being eligible to participate in the fund.

(8) Requires compliance with all rules and regulations issued by the commission to facilitate the administration of the fund and further the provisions of KRS Chapter 95A.

(9) Requires compliance with all provisions of law applicable to local firefighters.

(10) Any firefighter who does not possess a high school degree or its equivalent and who has been deemed eligible to participate in the fund pursuant to KRS Chapter 95A who terminates firefighter service forfeits such eligibility and must meet the minimum educational requirement to reparticipate in the fund.

(11) Any firefighter who possesses sufficient training to meet the basic training requirements established by the commission and who terminates firefighter service for a period exceeding one (1) year (365 days) forfeits such eligibility and must meet the minimum training requirements to reparticipate in the fund. If his separation does not exceed one (1) year, he shall be considered eligible for participation in the fund.

(12) A copy of the high school diploma or GED certificate for each firefighter where required must be maintained by the local unit and must be available for review by appropriate commission personnel.

(13) If, after having successfully completed a certified basic training course, a firefighter transfers from one (1) participating local unit to another, he shall be eligible to receive payments from the fund providing he continues to meet the requirements of the fund as set down by the commission.

(14) If a firefighter transfers from one (1) fire department to another, paid or volunteer, all certified training received by him/her shall be recognized by the fire department to which he/she transferred and shall be considered toward his/her eligibility for participation in the fund.

**Section 3. Participation Requirements.** (1) An eligible local government shall be entitled to receive up to an amount equal to fifteen percent (15%) of each firefighter's annual compensation from the fund to be paid to each firefighter in addition to his annual compensation.

(2) Participation in the Professional Firefighter's Incentive Pay Program during the first fiscal year of the program's existence (January 1-June 30, 1981) shall require

that application be made to the commission within the dates of August 1, 1980 through October 20, 1980. Thereafter, application must be made annually by local governments for new or continued participation. Applications shall be accepted from February 1 through April 30 of each year. Local governments failing to make application within the specified dates shall not be considered for participation until the next application filing period.

(3) The commission shall determine which local governments are eligible to share in the fund and may withhold or terminate payments to any local government that does not comply with the requirements of KRS Chapter 95A or the rules and regulations issued by the commission thereunder.

**Section 4. Local Use of Funds.** Funds made available to local governments shall be received, held and expended in accordance with the provisions of this act, any rules and regulations issued by the commission, and the following specific restrictions: (1) Funds provided shall be used only as a direct monetary supplement to firefighters' compensation.

(2) Funds provided shall be used only to compensate firefighters who have complied with subsection (3), (4), and (6) of Section 2.

(3) Each firefighter shall be entitled to receive the state supplement which his qualifications brought to the local government.

(4) Funds shall not be used to supplant existing salaries or as a substitute for normal salary increases periodically due to a firefighter.

(5) No firefighter shall receive monies from this fund for employment with more than one (1) employer and in no instance shall receive dual payment.

[(6) Incentive pay shall be paid on that portion of the salary up to \$25,000.]

**Section 5. Certification of Funds.** The Department of Finance, on the certification of the commission, shall draw warrants as specified on the State Treasury for the amount of the fund due each eligible local government. Checks shall be issued by the State Treasurer and transmitted to the commission for distribution to the proper officials or participating local governments which have complied with the provisions of KRS Chapter 95A and this regulation. Beginning January 1, 1981, and on the first day of each month thereafter, the share of each eligible local unit shall be distributed from the fund.

**Section 6. Available Funds.** (1) If funds appropriated by the General Assembly and otherwise made available to the fund are insufficient to provide the amount of money required by Section 3(1), the commission shall make a uniform percentage reduction in the allotment of funds available.

(2) Funds appropriated by the General Assembly and unexpended by the commission at the close of the fiscal year for which the funds were appropriated shall not lapse but shall be carried forward into the following fiscal year.

**Section 7. Transmittal of Funds.** (1) Request for funds by the local unit shall be submitted to the department not later than thirty (30) days prior to the beginning of the month in which the funds are to be expended.

(2) The department shall mail fund checks by the first day of each month to all local units which have filed timely requests for funds.

(3) The local unit shall acknowledge receipt of funds to the department on forms provided for that purpose.

Section 8. Local Unit Distribution of Funds. (1) The local unit shall include the incentive compensation paid to each firefighter from the fund as a part of the firefighter's salary in determining all payroll deductions.

(2) The local unit shall provide each firefighter with a check stub or separate receipt upon which the gross amount of incentive funds paid to the firefighter is identified.

(3) The local unit shall disburse incentive funds during the month for which the funds are requested.

(4) The local unit shall maintain a separate account for all incentive funds which it receives pursuant to KRS Chapter 95A and this regulation.

(5) The local unit shall maintain records to document that each firefighter devotes sufficient hours performing firefighter's duties and training to qualify him for incentive funds consistent with his annual salary.

Section 9. Quarterly Reports. (1) Each participating local unit shall submit quarterly reports to the department within fifteen (15) days of the close of the quarter falling on March 31, June 30, September 30 and December 31 of each year.

(2) The quarterly report shall include the name, rank, social security number, date of employment, annual compensation and the amount of incentive funds received for each firefighter and any other information specifically requested on the respective quarterly report form.

Section 10. Local Audits. (1) The local unit may be audited by the department pursuant to established procedures.

(2) For audit purposes, the local unit shall maintain accurate financial records. Such records shall include, but are not limited to, books of original entry, source documents supporting accounting transactions, the general ledger,

subsidiary ledgers, personnel and payroll records, cancelled checks and any related document and record.

(3) These records shall be retained by the local unit until destruction is authorized by the commission.

Section 11. False or Fraudulent Statements. (1) Any person who knowingly or willfully makes any false or fraudulent statement or representation in any record or report to the commission under KRS Chapter 95A or this regulation shall cause the unit of government which he represents to become ineligible for further funds and that unit of government may be responsible for the return to the State Treasury of those funds which were received through these false or fraudulent statements or representations. Eligibility can be reestablished by submitting a new application as outlined in Section 2 after settlement has been completed to the satisfaction of the commission.

(2) Any person who knowingly or willfully makes a false or fraudulent statement or representation in any record or report to the commission under this act shall be fined not less than \$100 or imprisoned for not less than thirty (30) days nor more than one (1) year or both.

Section 12. Appeals. (1) No decision of the commission which negatively affects the eligibility of a firefighter to be a recipient of the fund shall be final until said firefighter shall have been afforded an opportunity to be heard on the matters.

(2) An appeal may be taken from a final decision of the commission to withhold or terminate payment from the fund to any local government. Said appeal shall be to the circuit court of the circuit where the controversy originated.

JOHN R. GROVES, JR., Commissioner

ADOPTED: September 24, 1980

APPROVED:

H. FOSTER PETITT, Secretary

RECEIVED BY LRC: October 2, 1980 at 9:30 a.m.

## Amended After Hearing

(Republished prior to Subcommittee consideration as required by KRS 13.085(4).)

DEPARTMENT FOR NATURAL RESOURCES  
AND ENVIRONMENTAL PROTECTION  
Bureau of Environmental Protection  
Division of Hazardous Material and Waste Management  
Amended After Hearing

401 KAR 2:070. Record keeping, operating standards, and reporting procedures.

RELATES TO: KRS 224.071, 224.255, 224.866

PURSUANT TO: KRS 13.082, 224.017, 224.033, 224.866

NECESSITY AND FUNCTION: KRS 224.866 requires the Department for Natural Resources and Environmental Protection to promulgate regulations to establish reporting

procedures, record keeping procedures and operating standards, for the generation, storage, treatment, recycling and disposal of hazardous wastes.

Section 1. Manifest. (1) A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a manifest before transporting the waste off-site.

(2) A generator must designate on the manifest one (1) facility which is permitted to handle the waste described on the manifest.

(3) A generator may also designate on the manifest one (1) alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

(4) The manifest must contain all of the following information:

- (a) A manifest document number;
- (b) The generator's name, mailing address, telephone number, and identification number;
- (c) The name and identification number of each transporter;
- (d) The name, address, and identification number of the designated facility and an alternate facility, if any;
- (e) The description of the waste(s) (e.g., proper shipping name, etc.) required by regulations of the U. S. Department of Transportation in 49 CFR 172.101, 172.202, and 172.203, filed herein by reference;
- (f) The total quantity of each hazardous waste by units of weight or volume, and the type and number of containers as loaded into or onto the transport vehicle.

(5) The following certification must appear on the manifest: "This is to certify that the above named materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the U. S. Department of Transportation, the U. S. Environmental Protection Agency, and the Kentucky Department for Natural Resources and Environmental Protection."

(6) The manifest consists of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one (1) copy each for their records and another copy to be returned to the generator.

(7) The use of the manifest shall be required *on the effective date of this regulation* [upon public notice by the department].

(8) The department's manifest form, or a generator's manifest form which meets the requirements of this section, shall be used for intra-state shipments of hazardous waste and for shipments originating outside the state but destined for treatment, storage or disposal within Kentucky. For shipments of hazardous waste originating within Kentucky but bound for treatment, storage or disposal outside the state, the receiving state's manifest may be used providing that it meets the U.S. Environmental Protection Agency requirements [of this section].

Section 2. Manifest and Other Procedures for Generators. (1) The generator must:

- (a) Sign the manifest certification by hand; and
  - (b) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and
  - (c) Retain one (1) copy.
- (2) The generator must give the transporter the remaining copies of the manifest.

(3) For shipment of hazardous waste within the United States solely by railroad or solely by water (bulk shipments only), the generator must send three (3) copies of the manifest dated and signed in accordance with this section to the owner or operator of the designated facility. Copies of the manifest are not required for each transporter.

(4) Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must package the waste in accordance with the applicable U. S. Department of Transportation regulations on packaging under 49 CFR Parts 173, 178, and 179, filed herein by reference.

(5) Before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable U. S. Department

of Transportation regulations on hazardous materials, under 49 CFR 172, filed herein by reference.

(6) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable U. S. Department of Transportation regulations on hazardous materials under 49 CFR 172; filed herein by reference.

(7) Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 110 gallons or less used in such transportation in accordance with the requirements of 49 CFR 172.304, filed herein by reference. The following words and information shall be displayed: "Hazardous Waste—Federal [Kentucky] Law Prohibits Improper Disposal. If found, contact the nearest police, [or] public safety, or state environmental protection authority or the U.S. Environmental Protection Agency [Division of Hazardous Material and Waste Management, Frankfort, Kentucky]."

Generator's Name and Address \_\_\_\_\_

Manifest Document Number \_\_\_\_\_  
*As an alternative, the appropriate label as required by 40 CFR 262.31, filed herein by reference may be used.*

(8) Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must offer the initial transporter the appropriate placards according to U. S. Department of Transportation regulations for hazardous materials under 49 CFR Part 172, Subpart F, filed herein by reference.

(9) A generator may accumulate hazardous waste on-site without a permit for ninety (90) days or less, provided that:

- (a) All such waste is shipped off-site in ninety (90) days or less;
- (b) The waste is placed in containers which meet the standards of this section;

(c) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(d) Each container is properly labeled and marked according to this section; [.]

(e) *The generator complies with the requirements specified in 40 CFR 265.16 and Subpart C and D of 40 CFR 265, filed herein by reference.*

(10) A generator who accumulates hazardous waste for more than ninety (90) days is an operator of a storage facility and is subject to the requirements of this regulation.

Section 3. Manifest Procedures for Owner/Operator of Treatment, Storage, Recycling, or Disposal Facility. (1) The owner/operator of an off-site hazardous waste facility shall ensure that hazardous waste delivered to the receiving facility has essentially the same general properties and quantities as identified by the generator on the manifest, except in the case of an on-site facility operated solely for and by a generator.

(2) The owner/operator of an off-site [a] hazardous waste facility shall require that the generator and transporter sections of the manifest be completed before the hazardous waste shall be accepted.

(3) The off-site hazardous waste facility owner/operator shall complete the applicable section of the manifest, retain a copy, and send the completed original to generator of the hazardous waste.

(4) The owner/operator of an off-site hazardous waste facility shall send legible copies of all completed hazardous waste manifests or other reports to the department on a

current weekly basis, or on such other schedule as approved by the department, including manifests for shipments received from out of state.

(5) *The owner/operator of an off-site hazardous waste facility shall handle manifest discrepancies as required by 40 CFR 265.72, filed herein by reference.*

(6) *The owner/operator of an off-site hazardous waste facility shall handle unmanifested shipments as required by 40 CFR 265.76, filed herein by reference.*

**Section 4. Personnel Requirements for Facility Operation.** (1) The owner/operator of a hazardous waste facility shall maintain such personnel at the facility as are necessary to provide effective and timely action with regard to facility operations, maintenance, environmental controls, records, emergencies, and health or safety.

(2) The owner/operator shall provide at the off-site facility at least one (1) qualified person who is capable of conducting field tests of wastes for, at a minimum, pH and flammability at the time hazardous waste is accepted.

(3) The owner/operator of a hazardous waste facility shall provide adequate supervision to ensure that the operation of the facility and other activities carried out on the premises are in compliance with all applicable laws, regulations, permit conditions and other requirements. The owner/operator shall keep the department, local fire officials, and State Fire Marshal currently advised of the names, addresses, and telephone numbers, including emergency telephone numbers, of the owner/operator, manager, and supervisor.

**Section 5. Equipment Requirements for Owner/Operator.** (1) Hazardous waste facilities shall be designed, equipped and operated to prevent discharge of hazardous wastes outside of areas designated in the operational plan, and to prevent hazards to public health and the environment.

(2) Equipment used to handle, treat, store or dispose of hazardous waste shall be designed to avoid an uncontrolled reaction, fire, explosion, or discharge of hazardous waste.

(3) If an on-site water supply is used for controlling dust and fires, cleaning equipment or other purposes, and does not meet all health standards for drinking water, all faucets or taps shall be clearly labeled: "Polluted—Not Safe For Human Use."

(4) If a public water supply is used at the facility, the service connection shall be protected from contamination as specified by the department in 401 KAR 6:015, pertaining to public water supply requirements.

(5) The owner/operator shall provide or otherwise require special equipment such as lifts, ramps, and lines to remove containerized hazardous waste from vehicles and containers, if necessary to prevent hazards to public health and the environment.

(6) Hazardous waste facilities shall not be open to public except by permission of the department. Access roads leading to areas where hazardous wastes are handled, treated, recycled, stored, or disposed shall be clearly marked with notices that are legible from a distance of at least twenty-five (25) feet, and warn of the presence of hazardous wastes. Signs or traffic controllers shall be strategically located to prevent the public from being exposed to hazardous wastes.

**Section 6. General Operating Standards for Facilities.**

(1) The owner/operator of a hazardous waste facility shall operate the facility in accordance with the requirements of KRS Chapter 224, and the regulations promulgated pursuant thereto, the conditions of the hazardous waste facility permit issued by the department, and the operational plan filed with the department. *All existing hazardous waste facilities as of November 19, 1980 which are operating under a permit by rule in accordance with 401 KAR 2:060, Section 2(6), shall be subject to conditions and standards specified in the "Federal Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities," 40 CFR 265, as amended, filed herein by reference.*

(2) Hazardous waste shall be handled, treated, recycled, stored, or disposed of only within the hazardous waste area designated in the operational plan filed with the department unless otherwise specified.

(3) The owner/operator shall ensure that methods used to handle, treat, store, recycle or dispose of hazardous waste at the hazardous waste facility are designed to avoid:

(a) Discharge of hazardous waste outside the designated hazardous waste area;

(b) Movement of hazardous waste to an area outside the hazardous waste area;

(c) Exposure or contamination of a person by hazardous waste; and

(d) Creating a hazard to public health or the environment.

(4) To prevent hazardous waste from being blown by wind, hazardous waste in the form of powder, dust, or a fine solid should be handled, treated, stored and disposed of in covered containers or, if the waste is not water reactive, shall be wetted sufficiently to eliminate airborne dispersal in conformance with other permit requirements.

(5) Hazardous wastes that are capable of releasing hazardous gases, mists or vapors in excess of existing air quality standards or where the emitted hazardous wastes could result in a hazard to public health or the environment shall not be deposited in open pits, ponds, lagoons, storage or disposal areas or containers.

(6) Containers holding hazardous wastes shall not be opened, handled, emptied or disposed of in a manner which may rupture the containers or cause them to leak, unless the precautions taken preclude fires, contamination of persons by hazardous waste, discharge of hazardous waste outside the hazardous waste area or movement of hazardous waste to an area outside the hazardous waste area.

(7) *Containers or inner liners removed from containers that have been contaminated with a hazardous material or materials listed as "Acute Hazardous Wastes" in 40 CFR 261.33(e), filed herein by reference, shall be stored, handled, processed, and disposed as hazardous wastes in compliance with hazardous waste regulations, unless:*

(a) *They have been triple rinsed using a solvent capable of removing the hazardous material or materials;*

(b) *They have been cleaned by another method approved by the department; or*

(c) *In the case of a container with a liner, the inner liner that prevented contact of the listed material or materials with the container, has been removed. [Unless decontaminated in a manner approved by the department, empty containers contaminated with hazardous materials shall be stored, handled, processed and disposed as hazardous wastes in compliance with hazardous waste regulations.]*

(8) The owner/operator of a hazardous waste facility shall expedite collection of hazardous waste that is accidentally discharged from designated storage, processing or disposal areas. The owner/operator shall also collect soil contaminated by such discharge. The owner/operator shall handle and dispose of such waste and soil as hazardous



wastes in compliance with these regulations and the approved operational plan.

(9) The hazardous waste facility shall be operated in such a manner as to minimize the chance of fire and explosions and with adequate provisions for prompt fire control.

(10) The owner/operator shall make provisions to prevent personnel from wearing clothing that is contaminated with hazardous waste and provide adequate decontamination facilities.

(11) Equipment used at hazardous waste facilities, including but not limited to storage containers, processing equipment, trucks, loaders, dozers, and scrapers, that are contaminated with hazardous waste shall be decontaminated prior to being serviced or used in an area not used for hazardous waste. Contaminated wash water, waste solutions or residues generated from washing or decontaminating the equipment shall be collected and disposed of as hazardous wastes in compliance with these regulations.

(12) Salvaging of hazardous waste shall be permitted only as described in the operational plan, provided that salvaging does not create nuisances or hazards to public health or safety or the environment.

Section 7. Additional Standards for Storage Facilities of Hazardous Waste. (1) No person or state or federal agency shall store a hazardous waste without *complying with permit requirements specified in 401 KAR 2:060, Sections 1 and 2.* [written permission from the department.]

(2) Any generator [person] who stores a hazardous waste longer than ninety (90) days shall have obtained a permit or temporary variance for storage from the department.

(3) The department may require that hazardous waste stored by a generator for longer than ninety (90) days be removed and disposed of in a manner acceptable to the department.

(4) Hazardous waste in storage by a generator for less than ninety (90) days shall be removed and disposed of in a manner acceptable to the department if so ordered by the secretary pursuant to KRS 224.071.

(5) Storage of water-reactive or water-soluble hazardous wastes as identified by the department shall be in a rain-tight and waterproof container or area.

(6) Containers used for storing hazardous waste shall be such that containers can be transported, handled, or moved safely, and without spillage.

(7) Storage of hazardous waste by an owner/operator of a hazardous waste storage facility shall be in a secure enclosure, including but not limited to, a building, room or fenced area, which shall prevent unauthorized persons from gaining access to the waste and in such a manner that will minimize the possibility of spills and escape from the area of storage. A caution sign shall be posted and shall be visible from any direction of access or view of hazardous waste stored in such enclosure. Wording of caution signs shall be: "Caution—Hazardous Waste Storage Area—Unauthorized Persons Keep Out."

(8) A label shall be maintained on all containers and storage tanks in which hazardous wastes are stored at a hazardous waste storage facility. Labels shall include the following information:

- (a) EPA Identification number;
- (b) Composition and physical state of the waste;
- (c) Special safety recommendations and precautions for handling the waste;
- (d) Statements which call attention to the particular hazardous properties of the waste;

(e) Name and address of the person generating the waste; and

(f) Date of acceptance at the storage facility.

(9) Records shall be maintained on all containers and storage tanks during the term of storage. The records shall include the following information:

(a) An identification number which appears on the label;

(b) Composition and physical state of the waste;

(c) Amount of waste;

(d) Name and address of the person producing the waste; and

(e) Date of acceptance at the storage facility.

Section 8. Operation Requirements for Owner/Operator of a Disposal Site. (1) Flammable wastes, water-reactive wastes and strong oxidizers shall not be applied directly to the working face of a landfill. Such wastes shall be deposited behind the working face in trenches or wells at landfill sites pursuant to the conditions of the hazardous waste permit.

(2) The department may require the owner/operator to remove from the disposal site and properly dispose of any hazardous waste if the disposal of the waste is not consistent with the requirements of this regulation and conditions specified by the department in the hazardous waste permit.

(3) Hazardous waste that has been deposited in a hazardous waste disposal area shall not be excavated, removed or recovered without written approval of the department. All subsequent handling, treatment, storage, recycling, or disposal of such hazardous waste shall be in conformance with this regulation. A complete manifest shall accompany the wastes if transported to an off-site hazardous waste facility, and applicable permits shall be required pursuant to 401 KAR 2:060.

(4) Burning wastes shall not be disposed of within a hazardous waste disposal site.

(5) Forbidden or Class A explosive wastes as defined in Title 49, Code of Federal Regulations, Sections 173.51 and 173.53, or identified by the department, shall not be disposed of on land. Such wastes shall be destroyed or used so as not to present a hazard to public health or the environment.

(6) Any person or state or federal agency who generates, treats, stores, recycles or disposes of hazardous wastes shall not create a situation where incompatible wastes, as defined in 401 KAR 2:050, can come in contact with each other.

(7) Storage and transportation containers holding wastes which might be incompatible shall be separated from each other or protected from each other, in order to prevent the wastes from mixing should the containers break or leak prior to disposal according to the operating plant.

(8) The owner/operator of a hazardous waste facility shall not accept hazardous wastes from generators and transporters when such wastes are not offered in compliance with applicable state and federal laws and regulations.

Section 9. Records. (1) Hazardous waste facility owner/operators shall maintain at their facility, for a period of not less than three (3) years, the following information:

(a) The names, addresses, and telephone numbers of the waste generator, transporter, processor and disposal site owner/operator of each shipment of hazardous waste transported, received, or stored;

(b) The source, identity, chemical composition, volume,

physical state, container type and hazardous properties of each shipment of waste received, transported, or stored at the site;

(c) The method used to process or dispose of each waste; and

(d) The date that each hazardous waste was received for storage or disposal.

(2) Copies of completed manifests may serve the purpose in subsection (1)(a) through (d).

(3) The owner/operator of a hazardous waste disposal facility shall record on a grid or other suitable map the general disposal locations of hazardous wastes. The hazardous waste types shall be identified on the grid or map by types of waste, including but not limited to, acid solution, alkaline solution, pesticides, paint sludge, solvent, tetraethyl lead sludge, tank bottom sediment, contaminated oil and sand and plating waste. The record shall be permanently maintained.

(4) The owner/operator of a hazardous waste disposal facility shall maintain such other permanent summary and special records as required by the department.

(5) *The retention period for all records required under this section is automatically extended during the course of an unresolved enforcement action regarding the facility or as requested by the secretary.*

**Section 10. Reports by Owner/Operator of Hazardous Waste Disposal Facility.** The owner/operator of a hazardous waste disposal facility shall submit a report to the department showing the identity, source, chemical composition, weight or volume, physical state, container type, hazardous properties and method used to dispose of each waste. The reports should not be required more frequently than once per quarter.

**Section 11. Accident Reports.** Owner/operators of hazardous waste facilities shall report to the department any incident or accident within two (2) hours of the time of occurrence, which results in or could result in the discharge of hazardous waste. The department may require that a written report of the incident or accident be provided within ten (10) days.

**Section 12. Generator Recordkeeping and Reporting.**

(1) A generator must keep a copy of each manifest signed in accordance with Section 2(1) for three (3) years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three (3) years from the date the waste was accepted by the initial transporter.

(2) A generator must keep a copy of each annual report and exception report for a period of at least three (3) years.

(3) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with 401 KAR 2:075 for at least three (3) years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

(4) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the secretary.

(5) A generator who ships his hazardous waste off-site must submit annual reports:

(a) On a form approved by the department according to the instructions on the form;

(b) To the department;

(c) No later than March 1 for the preceding calendar year.

(6) Any generator who treats, stores, or disposes of hazardous waste on-site must submit an annual report covering those wastes.

(7) A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within thirty-five (35) days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

(8) A generator must submit an exception report to the department if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within forty-five (45) days of the date the waste was accepted by the initial transporter. The exception report must include:

(a) A legible copy of the manifest for which the generator does not have confirmation of delivery;

(b) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(9) The secretary may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 401 KAR 2:075.

**Section 13. International Shipments.** (1) Any person who exports hazardous waste to a foreign country or imports hazardous waste from a foreign country into the United States must comply with the requirements of this section.

(2) When shipping hazardous waste outside the United States the generator must:

(a) Notify the department and the U. S. Environmental Protection Agency in writing four (4) weeks before the initial shipment of hazardous waste to each country in each calendar year. The waste must be identified by its hazardous waste identification number and its U. S. Department of Transportation shipping description;

(b) Require the foreign consignee confirm the delivery of the waste in the foreign country. A copy of the manifest signed by the foreign consignee may be used for this purpose;

(c) Meet the requirements under Section 1 for the manifest, except that:

1. In place of the name, address, and identification number of the designated facility, the name and address of the foreign consignee must be used;

2. The generator must identify the point of departure from the United States through which the waste must travel before entering a foreign country.

(3) A generator must file an exception report, if:

(a) He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within forty-five (45) days from the date it was accepted by the initial transporter; or

(b) Within ninety (90) days from the date the waste was accepted by the initial transporter, the generator has not received written confirmation from the foreign consignee that the hazardous waste was received.

(4) When importing hazardous waste, a person must meet all requirements of Section 1 for the manifest except that:

(a) In place of the generator's name, address and identification number, the name and address of the foreign generator and the importer's name, address and identification number must be used.

(b) In place of the generator's signature on the certification statement, the U. S. importer or his agent must sign



and date the certification and obtain the signature of the initial transporter.

Section 14. Farmers. A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this regulation or other standards in 401 KAR 2:060 for those wastes provided he triple rinses each emptied pesticide container and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.

JACKIE SWIGART, Secretary

ADOPTED: November 15, 1980

RECEIVED BY LRC: November 14, 1980 at 4:50 p.m.

**DEPARTMENT FOR NATURAL RESOURCES  
AND ENVIRONMENTAL PROTECTION**  
Bureau of Environmental Protection  
Division of Hazardous Material and Waste Management  
Amended After Hearing

**401 KAR 2:085. Hazardous waste transportation.**

RELATES TO: KRS 224.071, 224.255, 224.873

PURSUANT TO: KRS 13.082, 224.017, 224.033, 224.873

NECESSITY AND FUNCTION: KRS 224.873 requires the Department for Natural Resources and Environmental Protection to promulgate regulations establishing standards applicable to transporters of hazardous waste regarding record-keeping and compliance with the manifest system.

Section 1. Scope. (1) This regulation establishes standards which apply to persons transporting hazardous waste within the Commonwealth of Kentucky if the transportation requires a manifest under 401 KAR 2:070.

(2) This regulation do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

(3) A transporter of hazardous waste must also comply with 401 KAR 2:070 if he:

(a) Transports hazardous waste into Kentucky from a foreign country; or

(b) Mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container.

Section 2. EPA Identification Number. (1) A transporter must not transport hazardous wastes without having received an EPA identification number from the Administrator of the U.S. Environmental Protection Agency (EPA).

(2) A transporter who has not received an EPA identification number may obtain one (1) by applying to the administrator using EPA Form 8700-12.

(3) A transporter who transports or intends to transport hazardous waste within the Commonwealth of Kentucky must register with the department. The application for registration shall include but not be limited to:

(a) The name, legal structure and permanent address of the organization;

(b) The EPA identification number.

Section 3. Compliance with the Manifest System. (1) A transporter may not accept hazardous waste from a generator unless it is accompanied by a manifest, signed by the generator in accordance with the provisions of 401 KAR 2:070.

(2) Before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter must return a signed copy to the generator before leaving the generator's property.

(3) The transporter must insure that the manifest accompanies the hazardous waste.

(4) A transporter who delivers a hazardous waste to another transporter or to the designated facility must:

(a) Obtain the date of delivery and the handwritten signature of that transporter or of the owner/operator of the designated facility on the manifest; and

(b) Retain one (1) copy of the manifest in accordance with Section 4; and

(c) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(5) The requirements of subsections (3) and (4) of this section do not apply to rail or water (bulk shipment) transporters if:

(a) The hazardous waste is delivered by rail or water (bulk shipment) to the designated facility; and

(b) A shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) accompanies the hazardous waste; and

(c) The delivering transporter obtains the date of delivery and handwritten signature of the owner/operator of the designated facility on either the manifest or the shipping paper; and

(d) The person delivering the hazardous waste to the initial rail or water (bulk shipment) transporter obtains the date of delivery and signature of the rail or water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(e) A copy of the shipping paper or manifest is retained by each rail or water (bulk shipment) transporter in accordance with Section 4.

(6) Transporters who transport hazardous waste out of the United States must:

(a) Indicate on the manifest the date the hazardous waste left the United States; and

(b) Sign the manifest and retain one (1) copy in accordance with Section 4(3); and

(c) Return a signed copy of the manifest to the generator.

(7) The transporter must deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:

(a) The designated facility listed on the manifest; or

(b) The alternate designated facility; or [if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or]

(c) The next designated transporter; or

(d) The place outside the United States designated by the generator.

(8) If the hazardous waste cannot be delivered in accordance with subsection (7) of this section, the transporter must contact the generator for further directions and must revise the manifest and transport the waste according to the generator's lawful instructions.

Section 4. Recordkeeping. (1) A transporter of hazardous waste must keep a copy of the manifest signed by the

generator, himself, and the next designated transporter or the owner/operator of the designated facility for a period of three (3) years from the date the hazardous waste was accepted by the initial transporter.

(2) For shipments delivered to the designated facility by rail or water (bulk shipment), each rail or water (bulk shipment) transporter must retain a copy of a shipping paper containing all the information required in Section 3(5)(b) for a period of three (3) years from the date the hazardous waste was accepted by the initial transporter.

(3) A transporter who transports hazardous waste out of the United States must keep a copy of the manifest indicating that the hazardous waste left the United States, for a period of three (3) years from the date the hazardous waste was accepted by the initial transporter.

(4) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the EPA Administrator or the Secretary of the Department for Natural Resources and Environmental Protection.

**Section 5. Hazardous Waste Discharges.** (1) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(2) If a discharge of hazardous waste occurs during transportation and an official (state or local government or a federal agency) acting within the scope of his official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have EPA identification numbers and without the preparation of a manifest.

(3) An air, rail, highway, or water transporter who has discharged hazardous waste must:

(a) Give notice, if required by 49 CFR 171.15, to the National Response Center (800-424-8802 or 202-426-2675); and

(b) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.

(c) Report to the Kentucky Department for Natural Resources and Environmental Protection any incident or accident within two (2) hours of the time of occurrence which results in or could result in the discharge of hazardous waste; and provide the department, if required, with a written report of the incident or accident within ten (10) days.

(4) A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

(5) A transporter must clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by federal, state or local officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment.

JACKIE SWIGART, Secretary

ADOPTED: November 15, 1980

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## DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Protection  
Division of Air Pollution  
Amended After Hearing

401 KAR 59:015. New indirect heat exchangers.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.033

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 provides for the control of emissions from new indirect heat exchangers.

**Section 1. Applicability.** The provisions of this regulation shall apply to each affected facility commenced on or after the applicable classification date defined below. *Any affected facility subject to 401 KAR 59:016 is not subject to this regulation.*

**Section 2. Definitions.** As used in this regulation, all terms not defined herein shall have the meaning given them in 401 KAR 50:010 and 401 KAR 50:025.

(1) "Affected facility" means an indirect heat exchanger having a heat input capacity of more than one (1) million BTU per hour.

(2) "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) "Classification date" means:

(a) August 17, 1971 for affected facilities with a capacity of more than 250 million BTU per hour heat input with respect to particulate emissions, sulfur dioxide emissions and (if fuels other than lignite are burned) nitrogen oxide emissions;

(b) April 9, 1972 for affected facilities with a capacity of 250 million BTU per hour heat input or less with respect to particulate emissions and sulfur dioxide emissions;

(c) December 22, 1976 for affected facilities with a capacity of more than 250 million BTU per hour heat input with respect to nitrogen oxides if lignite is the fuel burned.

**Section 3. Method for Determining Allowable Emission Rates.** (1) Except as provided in subsection (3) of this section, the total rated heat input capacity of all affected facilities within a source, including those for which an application to construct, modify or reconstruct has been submitted to the department, shall be used as specified in Sections 4 and 5 to determine the allowable emission in terms of pounds of effluent per million BTU input.

(2) At such time as any affected facility is assigned an allowable emission rate by the department, at no time thereafter shall that rate be changed due to inclusion or shutdown of any affected facility at the source.

(3) (a) A source may petition the department to establish an allowable emission rate which may be apportioned without regard to individual heat input provided that the conditions specified in paragraphs (b), (c), (d), and (e) of this subsection are met. Such allowable emission rate shall be determined according to the following equation:

$$F = (AB + DE)/C$$

Where:

A = the allowable emission rate (in pounds per million BTU input) as determined according to subsection (1) of this section;

B = the total rated heat input (in millions of BTU per hour) of all affected facilities commenced on or after the applicable classification date within a source, including those for which an application to construct, modify, or reconstruct has been submitted to the department;

C = the total rated heat input (in millions of BTU per hour) of all affected facilities within a source, including those for which an application to construct, modify, or reconstruct has been submitted to the department;

D = the allowable emission rate (in pounds per million BTU input) as determined according to 401 KAR 61:015 [005], Section 3(1);

E = the total rated heat input (in millions of BTU per hour) of all affected facilities commenced before the applicable classification date;

F = the alternate allowable emission rate (in pounds per actual million BTU input).

(b) At no time shall the owner or operator of the source allow the total emissions (in pounds per hour) from all affected facilities within the source divided by the total actual heat input (in millions of BTU per hour) of all affected facilities within the source to exceed the alternate allowable emission rate as determined by paragraph (a) of this subsection.

(c) At no time shall the owner or operator of any source subject to federal new source performance standards allow the emissions from any affected facility commenced on or after the applicable classification date to exceed the allowable emission rate determined by use of that affected facility's rated heat input (instead of the heat input as determined by subsection (1) of this section) as specified in Sections 4 and 5.

(d) The owner or operator of the source must demonstrate compliance with this subsection by conducting a performance test according to 401 KAR 50:045 on each affected facility under such conditions as may be specified by the department.

(e) Upon petition, the department will establish an alternate emission rate in accordance with this subsection if the owner or operator demonstrates to the department's satisfaction that the source will maintain compliance with this subsection on a continual basis.

**Section 4. Standard for Particulate Matter.** Except as provided in Section 3(3), no owner or operator of an affected facility subject to the provisions of this regulation shall cause to be discharged into the atmosphere from that affected facility, particulate matter in excess of that specified below:

(1) For sources having a total heat input capacity, as determined by Section 3(1), which is:

(a) Ten (10) million BTU per hour or less, the standard is 0.56 pounds per million BTU actual heat input;

(b) 250 million BTU per hour or more, the standard is 0.10 pounds per million BTU actual heat input;

(c) For heat input values between those specified in paragraphs (a) and (b) of this subsection, the standard in pounds per million BTU actual heat input, is equal to: 0.9634 times that quantity obtained by raising the total heat input capacity (in millions of BTU per hour) to the -0.2356 power;

(2) Emissions which exhibit greater than twenty (20) percent opacity except:

(a) That, for indirect heat exchangers with heat input capacity of 250 million BTU per hour or more, a maximum of twenty-seven (27) percent opacity shall be permissible for not more than one (1) six (6) minute period in any sixty (60) consecutive minutes.

(b) That, for indirect heat exchangers with heat input capacity of less than 250 million BTU per hour, a maximum of forty (40) percent opacity shall be permissible for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning the fire box or blowing soot.

(c) For emissions from an indirect heat exchanger during building a new fire for the period required to bring the boiler up to operating conditions provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations.

**Section 5. Standard for Sulfur Dioxide.** Except as provided in Section 3(3), no owner or operator of an affected facility subject to the provisions of this regulation shall cause to be discharged into the atmosphere from that affected facility, any gases which contain sulfur dioxide in excess of that specified below:

(1) For sources which have a total heat input capacity, as determined by Section 3(1), which is:

(a) Ten (10) million BTU per hour or less, the standard is three (3.0) pounds per million BTU actual heat input for combustion of liquid and gaseous fuels and five (5.0) pounds per million BTU actual heat input for combustion of solid fuels;

(b) 250 million BTU per hour or more, the standard is 0.8 pounds per million BTU actual heat input for combustion of liquid and gaseous fuels and 1.2 pounds per million BTU actual heat input for combustion of solid fuels;

(c) For heat input values between those specified in paragraphs (a) and (b) of this subsection, the standard in pounds per million BTU actual heat input, is equal to:

1. For combustion of liquid and gaseous fuels, 7.7223 times that quantity obtained by raising the total heat input capacity (in millions of BTU per hour) to the -0.4106 power;

2. For combustion of solid fuels, 13.8781 times that quantity obtained by raising the total heat input capacity (in millions of BTU per hour) to the -0.4434 power.

(2) When different fuels are burned simultaneously in any combination the applicable standard shall be determined by proration using the equation given in Appendix A of this regulation.

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

**Section 6. Standard for Nitrogen Oxides.** (1) No owner or operator of an affected facility with a heat input capacity of 250 million BTU per hour or more subject to the provisions of this regulation shall cause to be discharged into the atmosphere any gases which contain nitrogen oxides expressed as nitrogen dioxide in excess of:

(a) 0.20 lb. per million BTU heat input (0.36 g. per million cal) derived from gaseous fuel;

(b) 0.30 lb. per million BTU heat input (0.54 g. per million cal) derived from liquid fuel;

(c) 0.70 lb. per million BTU heat input (1.26 g. per million cal) derived from solid fuel (except lignite);

(d) 0.60 lb. per million BTU heat input (1.08 g. per million cal) derived from lignite or lignite and wood residue except as provided under paragraph (e) of this subsection;

(e) 0.80 lb. per million BTU derived from lignite which

is mined in North Dakota, South Dakota, or Montana and which is burned in a cyclone-fired unit.

(2) Except as provided in subsections (3) and (4) of this section, when different fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration using the equation given in Appendix B to this regulation.

(3) When a fossil fuel containing at least twenty-five (25) percent by weight, of coal refuse is burned in combination with gaseous, liquid, or other solid fossil fuel or wood residue, the standard for nitrogen oxides does not apply.

(4) Cyclone-fired units which burn fuel containing at least twenty-five (25) percent of lignite that is mined in North Dakota, South Dakota, or Montana remain subject to subsection (1)(e) of this section regardless of the types of fuel combusted in combination with that lignite.

Section 7. Emission and Fuel Monitoring. The provisions of this section shall apply to any affected facility of more than 250 million BTU per hour rated heat input capacity.

(1) Each owner or operator shall install, calibrate, maintain, and operate continuous monitoring systems for measuring the opacity of emissions, sulfur dioxide emissions, nitrogen oxides emissions and either oxygen or carbon dioxide except as provided in subsection (2) of this section.

(2) Certain of the continuous monitoring system requirements under subsection (1) of this section do not apply to owners or operators under the following conditions:

(a) For an indirect heat exchanger that burns only gaseous fuel, continuous monitoring systems for measuring the opacity of emissions are not required;

(b) For an indirect heat exchanger that burns only natural gas, wood, wood residue, or any combination thereof, continuous monitoring systems for measuring sulfur dioxide emissions are not required;

(c) Notwithstanding 401 KAR 59:005, Section 4(2), installation of a continuous monitoring system for nitrogen oxides may be delayed until after the initial performance tests under 401 KAR 59:005, Section 2, have been conducted. If the owner or operator demonstrates during the performance test that emissions of nitrogen oxides are less than seventy (70) percent of the applicable standards in Section 6, a continuous monitoring system for measuring nitrogen oxides emissions is not required. If the initial performance test results show that nitrogen oxide emissions are greater than seventy (70) percent of the applicable standard, the owner or operator shall install a continuous monitoring system for nitrogen oxides within one (1) year after the date of the initial performance tests under 401 KAR 59:005, Section 2, and comply with all other applicable monitoring requirements under this chapter;

(d) If an owner or operator does not install any continuous monitoring systems for sulfur oxides and nitrogen oxides, as provided under paragraphs (a) and (c) or paragraphs (b) and (c) of this subsection, a continuous monitoring system for measuring either oxygen or carbon dioxide is not required.

(e) For an indirect heat exchanger that does not use a flue gas desulfurization device, a continuous monitoring system for measuring sulfur dioxide emissions is not required if the owner or operator monitors sulfur dioxide emissions by fuel sampling and analysis under subsection (6) of this section.

(3) For performance evaluations under 401 KAR 59:005, Section 4(3), and calibration checks under 401 KAR

59:005, Section 4(4), the following procedures shall be used:

(a) Reference Methods 6 or 7, filed by reference in 401 KAR 50:015, as applicable, shall be used for conducting performance evaluations of sulfur dioxide and nitrogen oxides continuous monitoring systems;

(b) Sulfur dioxide or nitric oxide, as applicable, shall be used for preparing calibration gas mixtures under Performance Specification 2 of Appendix B to 40 CFR 60, filed by reference in 401 KAR 50:015;

(c) For affected facilities burning fossil fuel(s), the span value for a continuous monitoring system measuring the opacity of emissions shall be eighty (80), ninety (90), or 100 percent and for a continuous monitoring system measuring sulfur oxides or nitrogen oxides the span value shall be determined as shown in Appendix C of this regulation;

(d) All span values computed under paragraph (c) of this subsection for burning combinations of fuels shall be rounded to the nearest 500 ppm;

(e) For an indirect heat exchanger that simultaneously burns fossil fuel and nonfossil fuel, the span value of all continuous monitoring systems shall be subject to the department's approval.

(4) A continuous monitoring system for measuring either oxygen or carbon dioxide in the flue gases, shall be installed, calibrated, maintained and operated by the owner or operator.

(5) For any continuous monitoring system installed under subsection (1) of this section, the following conversion procedures shall be used to convert the continuous monitoring data into units of the applicable standards (ng/J, lb/million BTU):

(a) When a continuous monitoring system for measuring oxygen is selected, the measurement of the pollutant concentration and oxygen concentration shall each be on a consistent basis (wet or dry). Alternative procedures approved by the department and the U. S. EPA shall be used when measurements are on a wet basis. When measurements are on a dry basis, the following conversion procedure shall be used:

$$E = (20.9CF)/(20.9 - \% \text{ oxygen})$$

where:

E, C, F, and % oxygen are determined under subsection (6) of this section.

(b) When a continuous monitoring system for measuring carbon dioxide is selected, the measurement of a pollutant concentration and carbon dioxide concentration shall each be on a consistent basis (wet or dry) and the following conversion procedure shall be used:

$$E = (100 Fc)/(\% \text{ carbon dioxide})$$

where:

E, C, Fc and % carbon dioxide are determined under subsection (6) of this section.

(6) The values used in the equations under subsection (5)(a) and (b) of this section are derived as follows:

(a) E = Pollutant emission, g/million cal (lb/million BTU).

(b) C = Pollutant concentration, g/dscm (lb/dscf), determined by multiplying the average concentration (ppm) for each one (1) hour period by .0000415 M g/dscm per ppm (2.59 times ten (10) raised to the negative nine (9) power times M lb/dscf per ppm) where M = pollutant

molecular weight, g/g-mole (lb/lb-mole).  $M = 64.07$  for sulfur dioxide and  $46.01$  for nitrogen oxides.

(c)  $F$ ,  $F_c$  = a factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted ( $F$ ), and a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted ( $F_c$ ), respectively, as follows (ASTM designations are filed by reference in 401 KAR 50:015.):

1. For anthracite coal as classified according to ASTM D388-66(72),  $F = 10,140$  dscf/million BTU and  $F_c = 1980$  scf CO<sub>2</sub>/million BTU.

2. For sub-bituminous and bituminous coal as classified according to ASTM D388-66(72),  $F = 9820$  dscf/million BTU and  $F_c = 1810$  scf CO<sub>2</sub>/million BTU.

3. For liquid fossil fuels including crude, residual, and distillate oils,  $F = 9220$  dscf/million BTU and  $F_c = 1430$  scf CO<sub>2</sub>/million BTU.

4. For gaseous fossil fuels,  $F = 8740$  dscf/million BTU. For natural gas, propane and butane fuels,  $F_c = 1040$  scf CO<sub>2</sub>/million BTU for natural gas,  $1200$  scf CO<sub>2</sub>/million BTU for propane, and  $1260$  scf CO<sub>2</sub>/million BTU for butane.

5. For bark,  $F = 9575$  dscf/million BTU and  $F_c = 1927$  scf CO<sub>2</sub>/million BTU. For wood residue other than bark,  $F = 9233$  dscf/million BTU and  $F_c = 1842$  scf CO<sub>2</sub>/million BTU.

6. For lignite coal as classified according to ASTM D388-66(72),  $F = 9900$  dscf/million BTU and  $F_c = 1920$  scf CO<sub>2</sub>/million BTU.

(d) The owner or operator may use the equation given in Appendix D of this regulation to determine an  $F$  factor (dscm/million cal, or dscf/million BTU) on a dry basis (if it is desired to calculate  $F$  on a wet basis, consult with the department) or  $F_c$  factor (scm CO<sub>2</sub>/million cal, or scf CO<sub>2</sub>/million BTU) on either basis in lieu of the  $F$  or  $F_c$  factors specified in paragraph (c) of this subsection.

1.  $H$ ,  $C$ ,  $S$ ,  $N$ , and  $O$  are content by weight of hydrogen, carbon, sulfur, nitrogen, and oxygen (expressed as percent), respectively, as determined on the same basis as GCV by ultimate analysis of the fuel fired using ASTM method D3178-73 or D3176-74 (solid fuels) or computed from results using ASTM methods D1137-53(75), D1945-64(73), or D1946-67(72) (gaseous fuels) as applicable.

2. GCV is the gross calorific value (cal/g, BTU/lb) of the fuel combusted determined by ASTM test methods D2015-66(72) for solid fuels and D1826-64(70) for gaseous fuels as applicable.

(e) For affected facilities firing combinations of fuels, the  $F$  or  $F_c$  factors determined by paragraphs (c) and (d) of this subsection shall be prorated in accordance with the applicable formula as given in Appendix E of this regulation.

(7) For the purpose of reports required under 401 KAR 59:005, Section 3(3), periods of excess emissions that shall be reported are defined as follows:

(a) Excess emissions are defined as any six (6) minute period during which the average opacity of emissions exceeds twenty (20) percent opacity, except that one six (6) minute average per hour of up to twenty-seven (27) percent opacity need not be reported.

(b) Sulfur dioxide. Excess emissions for affected facilities are defined as: Any three (3) hour period during which the average emissions (arithmetic average of three (3) contiguous one (1) hour periods) of sulfur dioxide as measured by a continuous monitoring system exceed the applicable standard under Section 5.

(c) Nitrogen oxides. Excess emissions for affected facilities using a continuous monitoring system for measuring nitrogen oxides are defined as any three (3) hour period

during which the average emissions (arithmetic average of three (3) contiguous one (1) hour periods) exceed the applicable standards under Section 6.

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

Section 8. Test Methods and Procedures. (1) The reference methods in Appendix A of 40 CFR 60 except as provided in 401 KAR 50:045 shall be used to determine compliance with the standards as prescribed in Sections 4, 5, and 6 as follows:

(a) Reference Method 1 for the selection of sampling site and sample traverses;

(b) Reference Method 3 for gas analysis to be used when applying Reference Methods 5, 6, and 7;

(c) Reference Method 5 for concentration of particulate matter and the associated moisture content;

(d) Reference Method 6 for the concentration of sulfur dioxide; and

(e) Reference Method 7 for the concentration of nitrogen oxides.

(f) *Reference Method 9 for visible emissions.*

(2) For Reference Method 5, Reference Method 1 shall be used to select the sampling site and the number of traverse sampling points. The sampling time for each run shall be at least sixty (60) minutes and the minimum sampling volume shall be  $0.85$  dscm ( $30$  dscf) except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the department. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature no greater than  $160^{\circ}\text{C}$  ( $320^{\circ}\text{F}$ ).

(3) For Reference Methods 6 and 7, the sampling site shall be the same as that selected for Reference Method 5. 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 one (1) m ( $3.28$  ft). For Reference Method 6, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(4) For Reference Method 6, the minimum sampling time shall be twenty (20) minutes and the minimum sampling volume shall be  $0.02$  dscm ( $0.71$  dscf) for each sample. The arithmetic mean of two (2) samples shall constitute one (1) run. Samples shall be taken at approximately thirty (30) minute intervals.

(5) For Reference Method 7, 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.

(6) For each run using the methods specified by subsection (1)(a), (b) and (c) of this section, the emissions expressed in g/million cal (lb/million BTU) shall be determined by the following procedure:

$$E = (20.9 CF) / (20.9 - \% \text{ oxygen})$$

where:

(a)  $E$  = pollutant emission, g/million cal (lb/million BTU).

(b)  $C$  = pollutant concentration, g/dscm (lb/dscf), determined by Reference Methods 5, 6 or 7.

(c) % oxygen = oxygen content by volume (expressed as percent), dry basis. Percent oxygen shall be determined by using the integrated or grab sampling and analysis procedures of Reference Method 3 as applicable. The sample shall be obtained as follows:

1. For determination of sulfur dioxide and nitrogen oxides emissions, the oxygen sample shall be obtained simultaneously at the same point in the duct as used to obtain the samples for Reference Methods 6 and 7 determinations, respectively. For Reference Method 7, the oxygen sample shall be obtained using the grab sampling and analysis procedures of Reference Method 3.

2. For determination of particulate emissions, the oxygen sample shall be obtained simultaneously by traversing the duct at the same sampling location used for each run of Reference Method 5 under subsection (2) of this section. Reference Method 1 shall be used for selection of the number of traverse points except that no more than twelve (12) sample points are required.

(d) F = a factor as determined in Section 7(6)(c), (d), or (e).

(7) When combination of fossil fuels are fired, the heat input, expressed in cal/hr (BTU/hr), shall be determined during each testing period by multiplying the gross calorific value of each fuel fired by the rate of each fuel burned. Gross calorific value shall be determined in accordance with ASTM methods D2015-66(72) (solid fuels), D240-76 (liquid fuels), or D1826-64(70) (gaseous fuels) as applicable. The rate of fuels burned during each testing period shall be determined by suitable methods and shall be confirmed by a material balance over the steam generation system.

#### APPENDIX A TO 401 KAR 59:015 DETERMINATION OF ALLOWABLE SULFUR DIOXIDE EMISSION

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 or gaseous 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 or gaseous fuel, and

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

#### APPENDIX B TO 401 KAR 59:015 DETERMINATION OF ALLOWABLE NITROGEN DIOXIDE EMISSION

Allowable nitrogen dioxide emission in pounds per million BTU/hour heat input =

$$\frac{x(0.20) + y(0.30) + z(0.70) + w(0.60)}{x + y + z + w}$$

Where:

x is the percent of total heat input derived from gaseous fuel,

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

z is the percent of total heat input derived from solid fuel (except lignite), and

w is the percent of total heat input derived from lignite.

#### APPENDIX C TO 401 KAR 59:015 DETERMINATION OF SPAN VALUE (in parts per million)

Fossil Fuel	Span Value for Sulfur Dioxide	Span Value for Nitrogen Oxides
Gas	*	500
Liquid	1,000	500
Solid	1,500	500
Combinations	1,000y + 1,500z	500(x + y) + 1,000z

\* Not applicable

Where:

x = the fraction of total heat input derived from gaseous fossil fuel,

y = the fraction of total heat input derived from liquid fossil fuel, and

z = the fraction of total heat input derived from solid fossil fuel.

#### APPENDIX D TO 401 KAR 59:015 DETERMINATION OF F OR Fc FACTOR

$$F = \frac{227.2(\%H) + 95.5(\%C) + 35.6(\%S) + 8.7(\%N) - 28.7(\%O)}{\text{GCV (metric units)}}$$

$$F = \frac{10^6 [3.64(\%H) + 1.53(\%C) + 0.57(\%S) + 0.14(\%N) - 0.46(\%O)]}{\text{GCV (English units)}}$$

$$F_c = \frac{2.0 \times 10^{-5} (\%C)}{\text{GCV}} \quad (\text{metric units})$$

$$F_c = \frac{321 \times 10^3 (\%C)}{\text{GCV}} \quad (\text{English units})$$

Where:

H, C, S, N, and O are content by weight of hydrogen, carbon, sulfur, nitrogen, and oxygen (expressed as percent) respectively, as determined on the same basis as GCV by ultimate analysis of the fuel fired, using ASTM method D3178-73 or D3176-74 (solid fuels) or computed from results using ASTM methods D1137-53(75), D1945-64(73), or D1946-67(72) (gaseous fuels) as applicable.

GCV is the gross calorific value (cal/g, BTU/lb) of the fuel combusted, determined by ASTM test methods D2015-66(72) for solid fuels and D1826-64(70) for gaseous fuels as applicable.

#### APPENDIX E TO 401 KAR 59:015 DETERMINATION OF F OR Fc FACTOR FOR FIRING COMBINATIONS

$$F = xF_1 + yF_2 + zF_3$$

Where:

x, y, z = the fraction of total heat input derived from gaseous, liquid, and solid fuel, respectively.

F<sub>1</sub>, F<sub>2</sub>, F<sub>3</sub> = the value of F for gaseous, liquid, and solid fuels respectively under Section 7(6)(c) and (d).



$$F_c = \sum_{i=1}^n X_i (F_c)_i$$

Where:

$X_i$  = the fraction of total heat input derived from each type fuel (e.g., natural gas, butane, crude oil, bituminous coal, etc.)

$(F_c)_i$  = the applicable  $F_c$  factor for each fuel type determined in accordance with Section 7(6)(c) and (d).

JACKIE SWIGART, Secretary

ADOPTED: November 14, 1980

RECEIVED BY LRC: November 14, 1980 at 2:30 p.m.

DEPARTMENT FOR NATURAL RESOURCES  
AND ENVIRONMENTAL PROTECTION  
Bureau of Environmental Protection  
Division of Air Pollution  
Amended After Hearing

401 KAR 59:016. New electric utility steam generating units.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.033

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 provides for the control of emissions from new electric utility steam generating units.

Section 1. Applicability. (1) The provisions of this regulation shall apply to each affected facility commenced on or after the applicable classification date defined below.

(2) Any change to an existing fossil fuel-fired steam generating unit to accommodate the use of combustible materials other than fossil fuels shall not bring that unit under the applicability of this regulation.

(3) Any change to an existing steam generating unit originally designed to fire gaseous or liquid fossil fuels to accommodate the use of any other fuel (fossil or non-fossil), shall not bring that unit under the applicability 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 50:010.

(1) "Affected facility" means each electric utility steam generating unit that is capable of combusting more than 250 MM BTU/hr heat input of fossil fuel. For an electric utility combined cycle gas turbine the affected facility is that part of the system that is the steam generating unit. The gas turbine is subject to 401 KAR 59:018.

(2) "Classification date" means September 19, 1978.

(3) "Steam generating unit" means any furnace, boiler, or other device used for combusting fuel for the purpose of producing steam (including fossil-fuel-fired steam

generators associated with combined cycle gas turbines; nuclear steam generators are not included).

(4) "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third ( $\frac{1}{3}$ ) of its potential electric output capacity and more than twenty-five (25) megawatts (MW) electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

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

(6) "Subbituminous coal" means coal that is classified as subbituminous A, B, or C according to ASTM D 388-66, filed by reference in 401 KAR 50:015.

(7) "Lignite" means coal that is classified as lignite A or B according to ASTM D 388-66.

(8) "Coal refuse" means waste products of coal mining, physical coal cleaning, and coal preparation operations (e.g., culm, gob, etc.) containing coal, matrix material, clay and other organic and inorganic material.

(9) "Potential combustion concentration" means the theoretical emissions (lb/MM BTU heat input) that would result from combustion of a fuel in an uncleaned state (without emission control systems) and;

(a) For particulate matter is:

1. 7.0 lb/MM BTU heat input for solid fuel; and

2. 0.17 lb/MM BTU heat input for liquid fuels.

(b) For sulfur dioxide is determined as in Section 8(2).

(c) For nitrogen oxides is:

1. 0.67 lb/MM BTU heat input for gaseous fuels;

2. 0.72 lb/MM BTU heat input for liquid fuels; and

3. 2.30 lb/MM BTU heat input for solid fuels.

(10) "Combined cycle gas turbine" means a stationary turbine combustion system where heat from the turbine exhaust gases is recovered by a steam generating unit.

(11) "Interconnected" means that two (2) or more electric generating units are electrically tied together by a network of power transmission lines, and other power transmission equipment.

(12) "Electric utility company" means the largest interconnected organization, business or governmental entity that generates electric power for sale (e.g., a holding company with operating subsidiary companies).

(13) "Principal company" means the electric utility company or companies which own the affected facility.

(14) "Neighboring company" means any one (1) of those electric utility companies with one (1) or more electric power interconnections to the principal company and which have geographically adjoining service areas.

(15) "Net system capacity" means the sum of the net electric generating capability (not necessarily equal to rated capacity) of all electric generating equipment owned by an electric utility company (including steam generating units, internal combustion engines, gas turbines, nuclear units, hydroelectric units and all other electric generating equipment) plus firm contractual purchases that are interconnected to the affected facility that has the malfunctioning flue gas desulfurization (FGD) system. The electric generating capability of equipment under multiple ownership is prorated based on ownership unless the proportional entitlement to electric output is otherwise established by contractual arrangement.

(16) "System load" means the entire electric demand of an electric utility company's service area interconnected

with the affected facility that has the malfunctioning flue gas desulfurization (FGD) system plus firm contractual sales to other electric utility companies. Sales to other electric utility companies (e.g., emergency power) not on a firm contractual basis may also be included in the system load when no available system capacity exists in the electric utility company to which the power is supplied for sale.

(17) "System emergency reserves" means an amount of electric generating capacity equivalent to the rated capacity of the single largest electric generating unit in the electric utility company (including steam generating units, internal combustion engines, gas turbines, nuclear units, hydroelectric units, and all other electric generating equipment) which is interconnected with the affected facility that has the malfunctioning flue gas desulfurization (FGD) system. The electric generating capability of equipment under multiple ownership is prorated based on ownership unless the proportional entitlement to electric output is otherwise established by contractual arrangement.

(18) "Available system capacity" means the capacity determined by subtracting the system load and the system emergency reserves from the net system capacity.

(19) "Spinning reserve" means the sum of the unutilized net generating capability of all units of the electric utility company that are synchronized to the power distribution system and that are capable of immediately accepting additional load. The electric generating capability of equipment under multiple ownership is prorated based on ownership unless the proportional entitlement to electric output is otherwise established by contractual arrangement.

(20) "Available purchase power" means the lesser of the following:

(a) The sum of available system capacity in all neighboring companies;

(b) The sum of the rated capacities of the power interconnection devices between the principal company and all neighboring companies, minus the sum of the electric power load on these interconnections; or

(c) The rated capacity of the power transmission lines between the power interconnection devices and the electric generating units (the unit in the principal company that has the malfunctioning flue gas desulfurization (FGD) system and the unit in the neighboring company supplying replacement electrical power) minus the electric power load on these transmission lines.

(21) "Spare flue gas desulfurization (FGD) system module" means a separate system of sulfur dioxide emission control equipment capable of treating an amount of flue gas equal to the total amount of flue gas generated by an affected facility when operated at maximum capacity divided by the total number of nonspare flue gas desulfurization (FGD) modules in the system.

(22) "Emergency condition" means that period of time when:

(a) The electric generation output of an affected facility with a malfunctioning flue gas desulfurization (FGD) system cannot be reduced or electrical output must be increased because:

1. All available system capacity in the principal company interconnected with the affected facility is being operated; and

2. All available purchase power interconnected with the affected facility is being obtained.

(b) The electric generation demand is being shifted as quickly as possible from an affected facility with a malfunctioning flue gas desulfurization (FGD) system to one (1) or more electrical generating units held in reserve by the principal company or by a neighboring company; or

(c) An affected facility with a malfunctioning flue gas desulfurization (FGD) system becomes the only available unit to maintain a part or all of the principal company's system emergency reserves and the unit is operated in spinning reserve at the lowest practical electric generation load consistent with not causing significant physical damage to the unit. If the unit is operated at a higher load to meet load demand, an emergency condition would not exist unless the conditions under paragraph (a) of this subsection apply.

(23) "Electric utility combined cycle gas turbine" means any combined cycle gas turbine used for electric generation that is constructed for the purpose of supplying more than one-third ( $\frac{1}{3}$ ) of its potential electric output capacity and more than twenty-five (25) megawatts (MW) electrical output to any utility power distribution system for sale. Any steam distribution system that is constructed for the purpose of providing steam to a steam electric generator that would produce electrical power for sale is also considered in determining the electrical energy output capacity of the affected facility.

(24) "Potential electrical output capacity" means thirty-three (33) percent of the maximum design heat input capacity of the steam generating unit (e.g., a steam generating unit with a 100 MW or 340 MM BTU/hr fossil-fuel heat input capacity would have a thirty-three (33) MW potential electrical output capacity). For electric utility combined cycle gas turbines the potential electrical output capacity is determined on the basis of the fossil-fuel firing capacity of the steam generator exclusive of the heat input and electrical power contribution by the gas turbine.

(25) "Anthracite" means coal that is classified as anthracite according to ASTM D 388-66.

(26) "Solid-derived fuel" means any solid, liquid or gaseous fuel derived from solid fuel for the purpose of creating useful heat and includes, but is not limited to, solvent refined coal, liquified coal and gasified coal.

(27) "Twenty-four (24) hour period" means the period of time between 12:01 a.m. and 12:00 midnight.

(28) "Resource recovery unit" means a facility that combusts more than seventy-five (75) percent non-fossil fuel on a quarterly (calendar) heat input basis.

(29) "Boiler operating day" means a twenty-four (24) hour period during which fossil fuel is combusted in a steam generating unit for the entire twenty-four (24) hours.

(30) "MW" means megawatts.

(31) "FGD" means flue gas desulfurization.

Section 3. Standard for Particulate Matter. (1) On and after the date on which the performance test required to be conducted by 401 KAR 50:045 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 particulate matter in excess of:

(a) 0.03 lb/MM BTU heat input derived from the combustion of solid, liquid or gaseous fuel;

(b) One (1) percent of the potential combustion concentration (ninety-nine (99) percent reduction) when combusting solid fuel; and

(c) Thirty (30) percent of potential combustion concentration (seventy (70) percent reduction) when combusting liquid fuel.

(2) On and after the date the particulate matter performance test required to be conducted by 401 KAR 50:045 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 ex-



hibit greater than twenty (20) percent opacity (six (6) minute average), except for one (1) six (6) minute period per hour of not more than twenty-seven (27) percent opacity.

Section 4. Standard for Sulfur Dioxide. (1) On and after the date on which the initial performance test required to be conducted by 401 KAR 50:045 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 which combusts solid fuel or solid-derived fuel, except as provided in subsections (3), (4), (5) or (7) of this section, any gases which contain sulfur dioxide in excess of:

(a) 1.20 lb/MM BTU heat input and ten (10) percent of the potential combustion concentration (ninety (90) percent reduction); or

(b) Thirty (30) percent of the potential combustion concentration (seventy (70) percent reduction), when emissions are less than 0.60 lb/MM BTU heat input.

(2) On and after the date on which the initial performance test required to be conducted by 401 KAR 50:045 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 which combusts liquid or gaseous fuels (except for liquid or gaseous fuels derived from solid fuels and as provided under subsection (7) of this section), any gases which contain sulfur dioxide in excess of:

(a) 0.80 lb/MM BTU heat input and ten (10) percent of the potential combustion concentration (ninety (90) percent reduction); or

(b) 100 percent of the potential combustion concentration (zero percent reduction) when emissions are less than 0.20 lb/MM BTU heat input.

(3) On and after the date on which the initial performance test required to be conducted by 401 KAR 50:045 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 which combusts solid solvent refined coal (SRC-I) any gases which contain sulfur dioxide in excess of 1.20 lb/MM BTU heat input and fifteen (15) percent of the potential combustion concentration (eighty-five (85) percent reduction) except as provided by subsection (5) of this section. Compliance with the emission limitation is determined on a thirty (30) day rolling average basis and compliance with the percent reduction requirement is determined on a twenty-four (24) hour basis.

(4) Sulfur dioxide emissions are limited to 1.20 lb/MM BTU heat input from any affected facility which combusts 100 percent anthracite or is classified as a resource recovery facility.

(5) The emission reduction requirements under this section do not apply to any affected facility that is operated under an SO<sub>2</sub> commercial demonstration permit issued by the U.S. EPA.

(6) Compliance with the emission limitation and percent reduction requirements under this section are both determined on a thirty (30) day rolling average basis except as provided under subsection (3) of this section.

(7) When different fuels are combusted simultaneously, the applicable standard is determined by proration using the appropriate formula given in Appendix A of this regulation.

Section 5. Standard for Nitrogen Oxides. (1) On and after the date on which the initial performance test re-

quired to be conducted by 401 KAR 50:045 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, except as provided under subsection (3) of this section, any gases which contain nitrogen oxides in excess of the following emission limits, based on a thirty (30) day rolling average.

(a) For coal-derived gaseous fuels: 0.5 lb/MM BTU heat input; for all other gaseous fuels: 0.2 lb/MM BTU heat input.

(b) For coal-derived liquid fuels: 0.5 lb/MM BTU heat input; for shale oil: 0.5 lb/MM BTU heat input; for all other liquid fuels: 0.3 lb/MM BTU heat input.

(c) For coal-derived solid fuels and for subbituminous coal: 0.5 lb/MM BTU heat input; for lignite not subject to the 0.8 lb/MM BTU heat input emission limit, for bituminous coal, for anthracite coal and for all other solid fuels: 0.6 lb/MM BTU heat input. Any fuel containing more than twenty-five (25) percent by weight coal refuse is exempt from NO<sub>x</sub> standards and from NO<sub>x</sub> monitoring requirements.

(d) For any fuel containing more than twenty-five (25) percent by weight lignite, if the lignite is mined in North Dakota, South Dakota or Montana, and is combusted in a slag tap furnace: 0.8 lb/MM BTU heat input.

(2) The NO<sub>x</sub> reduction requirements are as follows:

(a) For gaseous fuels: twenty-five (25) percent reduction of potential combustion concentration.

(b) For liquid fuels: thirty (30) percent reduction of potential combustion concentration.

(c) For solid fuels: sixty-five (65) percent reduction of potential combustion concentration.

(3) The emission limitations under subsection (1) of this section do not apply to any affected facility which is combusting coal-derived liquid fuel and is operating under a commercial demonstration permit issued by the U.S. EPA.

(4) When two (2) or more fuels are combusted simultaneously, the applicable standard is determined by proration using the formula in Appendix B of this regulation.

Section 6. Compliance Provisions. (1) Compliance with the particulate matter emission limitation under Section 3(1)(a) constitutes compliance with the percent reduction requirements for particulate matter under Section 3(1)(b) and (c).

(2) Compliance with the nitrogen oxides emission limitation under Section 5(1) constitutes compliance with the percent reduction requirements under Section 5(2).

(3) The particulate matter emission standards under Section 3 and the nitrogen oxides emission standards under Section 5 apply at all times except during periods of startup, shutdown, or malfunction. The sulfur dioxide emission standards under Section 4 apply at all times except during periods of startup, shutdown, or when both emergency conditions exist and the procedures under subsection (4) of this section are implemented.

(4) During emergency conditions in the principal company, an affected facility with a malfunctioning FGD system may be operated if sulfur dioxide emissions are minimized by:

(a) Operating all operable FGD system modules, and bringing back into operation any malfunctioned module as soon as repairs are completed;

(b) Bypassing flue gases around only those FGD system modules that have been taken out of operation because they were incapable of any sulfur dioxide emission reduc-

tions or which would have suffered significant physical damage if they had remained in operation; and

(c) Designing, constructing, and operating a spare FGD system module for an affected facility larger than 365 MW (1,250 MM BTU/hr) heat input (approximately 125 MW electrical output capacity). The department may require the owner or operator within sixty (60) days of notification to demonstrate spare module capability. To demonstrate this capability, the owner or operator must demonstrate compliance with the appropriate requirements of Section 4(1), (2) and (4), for any period of operation lasting from twenty-four (24) hours to thirty (30) days when:

1. Any one (1) FGD module is not operated;
2. The affected facility is operating at the maximum heat input rate;
3. The fuel fired during the twenty-four (24) hour to thirty (30) day period is representative of the type and average sulfur content of fuel used over the typical thirty (30) day period; and

4. The owner or operator has given the department at least thirty (30) days notice of the date and period of time over which the demonstration will be performed.

(5) After the initial performance test required by 401 KAR 50:045, compliance with the sulfur dioxide emission limitations and percentage reduction requirements under Section 4 and the nitrogen oxides emission limitations under Section 5 is based on the average emission rate for thirty (30) successive boiler operating days. A separate performance test is completed at the end of each boiler operating day after the initial performance test, and a new thirty (30) day average emission rate for both sulfur dioxide and nitrogen oxides and a new percent reduction for sulfur dioxide are calculated to show compliance with the standards.

(6) For the initial performance test required by 401 KAR 50:045 compliance with the sulfur dioxide emission limitations and percent reduction requirements under Section 4 and the nitrogen oxides emission limitation under Section 5 is based on the average emission rates for sulfur dioxide, nitrogen oxides, and percent reduction for sulfur dioxide for the first thirty (30) successive boiler operating days. The initial performance test is the only test in which at least thirty (30) days prior notice is required unless otherwise specified by the department. The initial performance test is to be scheduled so that the first boiler operating day of the thirty (30) successive boiler operating days is completed 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 the facility.

(7) Compliance is determined by calculating the arithmetic average of all hourly emission rates for SO<sub>2</sub> and NO<sub>x</sub> for the thirty (30) successive boiler operating days, except for data obtained during startup, shutdown, malfunction (NO<sub>x</sub> only), or emergency conditions (SO<sub>2</sub> only). Compliance with the percentage reduction requirement for SO<sub>2</sub> is determined based on the average inlet and average outlet SO<sub>2</sub> emission rates for the thirty (30) successive boiler operating days.

(8) If an owner or operator has not obtained the minimum quantity of emission data as required under Section 7, compliance of the affected facility with the emission requirements under Sections 4 and 5 for the day on which the thirty (30) day period ends may be determined by the department by following the applicable procedures in Sections 6.0 and 7.0 of Reference Method 19, filed by reference in 401 KAR 50:015.

Section 7. Emission Monitoring. (1) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system for measuring the opacity of emissions discharged to the atmosphere, except where gaseous fuel is the only fuel combusted. If opacity interference due to water droplets exists in the stack (for example, from the use of a FGD system), the opacity is monitored upstream of the interference (at the inlet to the FGD system). If opacity interference is experienced at all locations (both at the inlet and outlet of the sulfur dioxide control system), alternate parameters indicative of the particulate matter control system's performance shall be monitored, subject to the approval of the department.

(2) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system for measuring sulfur dioxide emissions, except where natural gas is the only fuel combusted as follows:

(a) Sulfur dioxide emissions are monitored at both the inlet and outlet of the sulfur dioxide control device.

(b) For a facility which qualifies under the provisions of Section 4(4), sulfur dioxide emissions are only monitored as discharged to the atmosphere.

(c) An "as fired" fuel monitoring system (upstream of coal pulverizers) meeting the requirements of Reference Method 19 may be used to determine potential sulfur dioxide emissions in place of a continuous sulfur dioxide emission monitor at the inlet to the sulfur dioxide control device as required under paragraph (a) of this subsection.

(3) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system for measuring nitrogen oxides emissions discharged to the atmosphere.

(4) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system for measuring the oxygen or carbon dioxide content of the flue gases at each location where sulfur dioxide or nitrogen oxides emissions are monitored.

(5) The continuous monitoring systems under subsections (2) to (4) of this section shall be operated and data shall be recorded during all periods of operation of the affected facility including periods of startup, shutdown, malfunction or emergency conditions, except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments.

(6) When emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks and zero span adjustments, emission data will be obtained by using other monitoring systems as approved by the department or the reference methods as described in subsection (8) of this section to provide emission data for a minimum of eighteen (18) hours in at least twenty-two (22) out of thirty (30) successive boiler operating days.

(7) The one (1) hour averages required by 401 KAR 59:005, Section 4 are expressed in lbs/MM BTU heat input and are used to calculate the average emission rates under Section 6. The one (1) hour averages are calculated using the data points required by 401 KAR 59:005, Section 4. At least two (2) data points must be used to calculate the one (1) hour averages.

(8) Reference methods filed by reference in 401 KAR 50:015 used to supplement continuous monitoring system data to meet the minimum data requirements in subsection (6) of this section will be used as specified below or otherwise approved by the department.

(a) Reference Methods 3, 6, and 7 shall be used as applicable. The sampling location is the same as that used for the continuous monitoring system.

(b) For Method 6 the minimum sampling time is twenty (20) minutes and the minimum sampling volume is 0.02 dscm (0.71 dscf) for each sample. Samples are taken at approximately sixty (60) minute intervals. Each sample represents a one (1) hour average.

(c) For Method 7, samples are taken at approximately thirty (30) minute intervals. The arithmetic average of these two (2) consecutive samples represent a one (1) hour average.

(d) For Method 3, the oxygen or carbon dioxide sample is to be taken for each hour when continuous SO<sub>2</sub> and NO<sub>x</sub> data are taken or when Methods 6 and 7 are required. Each sample shall be taken for a minimum of thirty (30) minutes in each hour using the integrated bag method specified in Method 3. Each sample represents a one (1) hour average.

(e) For each one (1) hour average, the emissions expressed in lb/MM BTU heat input are determined and used as needed to achieve the minimum data requirements of subsection (6) of this section.

(9) The following procedures are used to conduct monitoring system performance evaluations and calibration checks required by 401 KAR 59:005, Section 4.

(a) Reference Method 6 or 7, as applicable, is used for conducting performance evaluations of sulfur dioxide and nitrogen oxides continuous monitoring systems.

(b) Sulfur dioxide or nitrogen oxides, as applicable, is used for preparing calibration gas mixtures under Performance Specification 2 of Appendix B to 40 CFR 60.

(c) For affected facilities burning only fossil fuel, the span value for a continuous monitoring system for measuring opacity is between sixty (60) and eighty (80) percent and for a continuous monitoring system measuring nitrogen oxides is determined using the formula given in Appendix C of this regulation.

(d) All span values computed under subsection (2)(c) of this section for burning combinations of fossil fuels are rounded to the nearest 500 ppm.

(e) For affected facilities burning fossil fuel, alone or in combination with non-fossil fuel, the span value of the sulfur dioxide continuous monitoring system at the inlet to the sulfur dioxide control device is 125 percent of the maximum estimated hourly potential emissions of the fuel fired, and the outlet of the sulfur dioxide control device is fifty (50) percent of maximum estimated hourly potential emissions of the fuel fired.

Section 8. Compliance Determination Procedures and Methods. (1) The following procedures and reference methods are used to determine compliance with the standards for particulate matter under Section 3.

(a) Method 3 is used for gas analysis when applying Method 5 or Method 17.

(b) Method 5 is used for determining particulate matter emissions and associated moisture content. Method 17 may be used for stack gas temperatures less than 160°C (320°F). *Method 9 shall be used for visible emissions.*

(c) For Methods 5 or 17. Method 1 is used to select the sampling site and the number of traverse sampling points. The sampling time for each run is at least 120 minutes and the minimum sampling volume is 1.7 dscm (sixty (60) dscf) except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the department.

(d) For Method 5, the probe and filter holder heating

system in the sampling train is set to provide a gas temperature no greater than 160°C (320°F).

(e) For determination of particulate emissions, the oxygen or carbon dioxide sample is obtained simultaneously with each run of Methods 5 or 17 by traversing the duct at the same sampling location. Method 1 is used for selection of the number of traverse points except that no more than twelve (12) sample points are required.

(f) For each run using Methods 5 or 17, the emission rate expressed in ng/J heat input is determined using the oxygen or carbon dioxide measurements and particulate matter measurements obtained under this section, the dry basis F<sub>c</sub> factor and the dry basis emission rate calculation procedure contained in Method 19.

(g) Prior to the department's issuance of a particulate matter reference method that does not experience sulfuric acid mist interference problems, particulate matter emissions may be sampled prior to a wet FGD system.

(2) The following procedures and methods are used to determine compliance with the sulfur dioxide standards under Section 4.

(a) Determine the percent of potential combustion concentration (percent PCC) emitted to the atmosphere as follows:

1. Fuel pretreatment (%R<sub>f</sub>): Determine the percent reduction achieved by any fuel pretreatment using the procedures in Method 19. Calculate the average percent reduction for fuel pretreatment on a quarterly basis using fuel analysis data. The determination of %R<sub>f</sub> to calculate the percent of potential combustion concentration emitted to the atmosphere is optional. For purposes of determining compliance with any percent reduction requirements under Section 4, any reduction in potential SO<sub>2</sub> emissions resulting from the following processes may be credited: fuel pretreatment (physical coal cleaning, hydrosulfurization of fuel oil, etc), coal pulverization, and bottom and flyash interactions.

2. Sulfur dioxide control system (%R<sub>s</sub>). Determine the percent sulfur dioxide reduction achieved by any sulfur dioxide control system using emission rates measured before and after the control system following the procedures in Method 19; or, a combination of an "as fired" fuel monitor and emission rates measured after the control system following the procedures in Method 19. When the "as fired" fuel monitor is used, the percent reduction is calculated using the average emission rate from the sulfur dioxide control device and the average SO<sub>2</sub> input rate from the "as fired" fuel analysis for thirty (30) successive boiler operating days.

3. Overall percent reduction (%R<sub>o</sub>): Determine the overall percent reduction using the results obtained in subparagraph 1. and 2. of this paragraph following the procedures in Method 19. Results are calculated for each thirty (30) day period using the quarterly average percent sulfur reduction determined for fuel pretreatment from the previous quarter and the sulfur dioxide reduction achieved by a sulfur dioxide control system for each thirty (30) day period in the current quarter.

4. Percent emitted (% PCC): Calculate the percent of potential combustion concentration emitted to the atmosphere using the following equation: Percent PCC = 100 - Percent R<sub>o</sub>.

(b) Determine the sulfur dioxide emission rates following the procedures in Method 19.

(3) The procedures and methods outlined in Method 19 are used in conjunction with the thirty (30) day nitrogen oxides emission data collected under Section 7 to determine

compliance with the applicable nitrogen oxides standard under Section 5.

(4) Electric utility combined cycle gas turbines shall be performance tested for particulate matter, sulfur dioxide, and nitrogen oxides using the procedures of Method 19. The sulfur dioxide and nitrogen oxides emission rates from the gas turbine used in Method 19 calculations are determined when the gas turbine is performance tested under 401 KAR 59:018. The potential uncontrolled particulate matter emission rate from a gas turbine is defined as 0.04 lb/MM BTU heat input.

Section 9. Reporting Requirements. (1) For sulfur dioxide, nitrogen oxides, and particulate matter emissions, the performance test data from the initial performance test and from the performance evaluation of the continuous monitors, including the transmissometer, are submitted to the department.

(2) For sulfur dioxide and nitrogen oxides the following information shall be reported to the department for each twenty-four (24) hour period.

(a) Calendar date.

(b) The average sulfur dioxide and nitrogen oxide emission rates, (lb/MM BTU) for each thirty (30) successive boiler operating days, ending with the last thirty (30) day period in the quarter; reasons for non-compliance with the emission standards; and description of corrective actions taken.

(c) Percent reduction of the potential combustion concentration of sulfur dioxide for each thirty (30) successive boiler operating days, ending with the last thirty (30) day period in the quarter; reasons for non-compliance with the standard; and description of corrective actions taken.

(d) Identification of the boiler operating days for which pollutant or diluent data have not been obtained by an approved method for at least eighteen (18) hours of operation of the facility; justification for not obtaining sufficient data; and description of corrective actions taken.

(e) Identification of the times when emissions data have been excluded from the calculation of average emission rates because of startup, shutdown, malfunction (NO<sub>x</sub> only), emergency conditions (SO<sub>2</sub> only), or other reasons, and justification for excluding data for reasons other than startup, shutdown, malfunction, or emergency conditions.

(f) Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.

(g) Identification of times when hourly averages have been obtained based on manual sampling methods.

(h) Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.

(i) Description of any modifications to the continuous monitoring system which could affect the ability of the continuous monitoring system to comply with Performance Specifications 2 or 3.

(3) If the minimum quantity of emission data as required by Section 7 is not obtained for any thirty (30) successive boiler operating days, the following information obtained under the requirements of Section 6(8) is reported to the department for that thirty (30) day period:

(a) The number of hourly averages available for outlet emission rates and inlet emission rates as applicable.

(b) The standard deviation of hourly averages for outlet emission rates and inlet emission rates as applicable.

(c) The lower confidence limit for the mean outlet emission rate and the upper confidence limit for the mean inlet emission rate as applicable.

(d) The applicable potential combustion concentration.

(e) The ratio of the upper confidence limit for the mean outlet emission rate and the allowable emission rate as applicable.

(4) If any standards under Section 4 are exceeded during emergency conditions because of control system malfunction, the owner or operator of the affected facility shall submit a signed statement:

(a) Indicating that emergency conditions existed and requirements under Section 6(4) were met during each period, and

(b) Listing the following information:

1. Time periods the emergency condition existed;

2. Electrical output and demand on the owner or operator's electric utility system and the affected facility;

3. Amount of power purchased from interconnected neighboring utility companies during the emergency period;

4. Percent reduction in emissions achieved;

5. Atmospheric emission rate (lb/MM BTU) of the pollutant discharged; and

6. Actions taken to correct control system malfunction.

(5) If fuel pretreatment credit toward the sulfur dioxide emission standard under Section 4 is claimed, the owner or operator of the affected facility shall submit a signed statement:

(a) Indicating what percentage cleaning credit was taken for the calendar quarter, and whether the credit was determined in accordance with the provisions of Section 8 and Method 19; and

(b) Listing the quantity, heat content, and date each pretreated fuel shipment was received during the previous quarter, the name and location of the fuel pretreatment facility, and the total quantity and total heat content of all fuels received at the affected facility during the previous quarter.

(6) For any periods for which opacity, sulfur dioxide or nitrogen oxides emissions data are not available, the owner or operator of the affected facility shall submit a signed statement indicating if any changes were made in operation of the emission control system during the period of data unavailability. Operations of the control system and affected facility during periods of data unavailability are to be compared with operation of the control system and affected facility before and following the period of data unavailability.

(7) The owner or operator of the affected facility shall submit a signed statement indicating whether:

(a) The required continuous monitoring system calibration, span, and drift checks or other periodic audits have or have not been performed as specified.

(b) The data used to show compliance were or were not obtained in accordance with approved methods and procedures of this part and are representative of plant performance.

(c) The minimum data requirements have or have not been met; or, the minimum data requirements have not been met for errors that were unavoidable.

(d) Compliance with the standards has or has not been achieved during the reporting period.

(8) For the purposes of the reports required under 401 KAR 59:005, Section 4, periods of excess emissions are defined as all six (6) minute periods during which the average opacity exceeds the applicable opacity standards under Section 3(2). Opacity levels in excess of the applicable opacity standard and the date of such excesses are to be submitted to the department each calendar quarter.

(9) The owner or operator of an affected facility shall submit the written reports required under this section and

401 KAR 59:005 to the department for every calendar quarter. All quarterly reports shall be postmarked by the thirtieth (30th) day following the end of each calendar quarter.

#### APPENDIX A TO 401 KAR 59:016

##### DETERMINATION OF ALLOWABLE SULFUR DIOXIDE EMISSIONS

If emissions of sulfur dioxide to the atmosphere are greater than 0.60 lb/MM BTU heat input:

$$E_{SO_2} = (.80x + 1.2y)/100$$

and

$$P_{SO_2} = 10 \text{ percent}$$

If emissions of sulfur dioxide to the atmosphere are less than or equal to 0.60 lb/MM BTU heat input:

$$E_{SO_2} = (.80x + 1.2y)/100$$

and

$$P_{SO_2} = (90x + 70y)/100$$

Where:

$E_{SO_2}$  is the prorated sulfur dioxide emission limit lb/MM BTU heat input;

$P_{SO_2}$  is the percentage of potential sulfur dioxide emission allowed (percent reduction required =  $100 - P_{SO_2}$ );

x is the percentage of total heat input derived from the combustion of liquid or gaseous fuels (excluding solid-derived fuels);

y is the percentage of total heat input derived from the combustion of solid fuel (including solid-derived fuels).

#### APPENDIX B TO 401 KAR 59:016

##### DETERMINATION OF ALLOWABLE NITROGEN OXIDES EMISSIONS

$$E_{NO_2} = (.20w + .30x + .50y + .60z)/100$$

Where:

$E_{NO_2}$  is the applicable standard for nitrogen oxides when multiple fuels are combusted simultaneously (lb/MM BTU heat input);

w is the percentage of total heat input derived from the combustion of fuels subject to .20 lb/MM BTU heat input standard;

x is the percentage of total heat input derived from the combustion of fuels subject to the .30 lb/MM BTU heat input standard;

y is the percentage of total heat input derived from the combustion of fuels subject to the .50 lb/MM BTU input standard; and

z is the percentage of total heat input derived from the combustion of fuels subject to the .60 lb/MM BTU heat input standard.

#### APPENDIX C TO 401 KAR 59:016

##### DETERMINATION OF SPAN VALUE FOR NITROGEN OXIDES (in parts per million)

Fossil Fuel	Span Value for Nitrogen Oxides
Gas	500
Liquid	500
Solid	1,000
Combination	$500(x + y) + 1,000(z)$

Where:

x = the fraction of total heat input derived from gaseous fossil fuel;

y = the fraction of total heat input derived from liquid fossil fuel; and

z = the fraction of total heat input derived from solid fossil fuel.

JACKIE SWIGART, Secretary

ADOPTED: November 14, 1980

RECEIVED BY LRC: November 14, 1980 at 2:30 p.m.

#### DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION Bureau of Environmental Protection Division of Air Pollution Amended After Hearing

##### 401 KAR 59:018. New stationary gas turbines.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.033

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 provides for the control of emissions from new stationary gas turbines.

Section 1. Applicability. The provisions of this regulation are applicable to the following affected facilities: all stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour, (ten (10) million BTU/hr) based on the lower heating value of the fuel fired, which commenced on or after the classification date defined below.

Section 2. Definitions. As used in this regulation, all terms not defined herein shall have the meaning given them in 401 KAR 50:010.

(1) "Stationary gas turbine" means any simple cycle gas turbine, regenerative cycle gas turbine or any gas turbine portion of a combined cycle steam/electric generating system that is not self propelled. It may, however, be mounted on a vehicle for portability.

(2) "Simple cycle gas turbine" means any stationary gas turbine which does not recover heat from the gas turbine exhaust gases to preheat the inlet combustion air to the gas turbine, or which does not recover heat from the gas turbine exhaust gases to heat water or generate steam.

(3) "Regenerative cycle gas turbine" means any stationary gas turbine which recovers heat from the gas turbine exhaust gases to preheat the inlet combustion air to the gas turbine.

(4) "Combined cycle gas turbine" means any stationary gas turbine which recovers heat from the gas turbine exhaust gases to heat water or generate steam.

(5) "Emergency gas turbine" means any stationary gas turbine which operates as a mechanical or electrical power source only when the primary power source for a facility has been rendered inoperable by an emergency situation.

(6) "Ice fog" means an atmospheric suspension of highly reflective ice crystals.

(7) "ISO standard day conditions" means 288 degrees Kelvin, sixty (60) percent relative humidity and 101.3 kilopascals pressure.

(8) "Efficiency" means the gas turbine manufacturer's rated heat rate at peak load in terms of heat input per unit of power output based on the lower heating value of the fuel.

(9) "Peak load" means 100 percent of the manufacturer's design capacity of the gas turbine at ISO standard day conditions.

(10) "Base load" means the load level at which a gas turbine is normally operated.

(11) "Fire-fighting turbine" means any stationary gas turbine that is used solely to pump water for extinguishing fires.

(12) "Turbines employed in oil/gas production or oil/gas transportation" means any stationary gas turbine used to provide power to extract crude oil/natural gas from the earth or to move crude oil/natural gas, or products refined from these substances through pipelines.

(13) "Metropolitan statistical area" (MSA) means any area defined as such by the U.S. Department of Commerce.

(14) "Offshore platform gas turbines" means any stationary gas turbine located on a platform in an ocean.

(15) "Garrison facility" means any permanent military installation.

(16) "Gas turbine model" means a group of gas turbines having the same nominal air flow, combustor inlet pressure, combustor inlet temperature, firing temperature, turbine inlet temperature and turbine inlet pressure.

Section 3. Standard for Nitrogen Oxides. (1) On and after the date on which the performance test required to be conducted by 401 KAR 50:045 is completed, every owner or operator subject to the provisions of this regulation shall comply with one (1) of the following as specified in subsections (2) to (4) of this section, except as provided in subsections (5) to (9) of this section.

(a) No owner or operator subject to the provisions of this regulation shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of the standard set forth in the formula in Appendix A of this regulation.

(b) No owner or operator subject to the provisions of

this regulation shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of the standard set forth in Appendix B of this regulation.

(c) F shall be defined according to the nitrogen content of the fuel as set forth in the table in Appendix C of this regulation, or manufacturers may develop custom fuel-bound nitrogen allowances for each gas turbine model they manufacture. These fuel-bound nitrogen allowances shall be substantiated with data and must be approved for use by the department before the initial performance test required by 401 KAR 50:045.

(2) Stationary gas turbines with a heat input at peak load greater than 107.2 gigajoules per hour (100 million BTU/hr) based on the lower heating value of the fuel fired except as provided in subsection (4) of this section shall comply with the provisions of subsection (1)(a) of this section.

(3) Stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (ten (10) million BTU/hr) but less than or equal to 107.2 gigajoules per hour (100 million BTU/hr) based on the lower heating value of the fuel fired, shall comply with the provisions of subsection (1)(b) of this section.

(4) Stationary gas turbines employed in oil/gas production or oil/gas transportation and not located in MSAs, and offshore platform turbines shall comply with the provisions of subsection (1)(b) of this section.

(5) Stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (ten (10) million BTU/hr) but less than or equal to 107.2 gigajoules per hour (100 million BTU/hr) based on the lower heating value of the fuel fired and that have commenced construction prior to October 3, 1982 are exempt from subsection (1) of this section.

(6) Stationary gas turbines using water or steam injection for control of NO<sub>x</sub> emissions are exempt from subsection (1) of this section when ice fog is deemed a traffic hazard by the owner or operator of the gas turbine.

(7) Emergency gas turbines, military gas turbines for use in other than a garrison facility, military gas turbines installed for use as military training facilities, and fire fighting gas turbines are exempt from subsection (1) of this section.

(8) Stationary gas turbines engaged by manufacturers in research and development of equipment for both gas turbine emission control techniques and gas turbine efficiency improvements are exempt from subsection (1) of this section on a case-by-case basis as determined by the department.

(9) Exemptions from the requirements of subsection (1) of this section will be granted on a case-by-case basis as determined by the department in specific geographical areas where mandatory water restrictions are required by governmental agencies because of drought conditions. These exemptions will be allowed only while the mandatory water restrictions are in effect.

Section 4. Standard for Sulfur Dioxide. On and after the date on which the performance test required to be conducted by 401 KAR 50:045 is completed, every owner or operator subject to the provisions of this regulation shall comply with one (1) of the following conditions:

(1) No owner or operator subject to the provisions of this regulation shall cause to be discharged into the atmosphere from any stationary gas turbine any gases which contain sulfur dioxide in excess of 0.015 percent by volume at fifteen (15) percent oxygen and on a dry basis; or



(2) No owner or operator subject to the provisions of this regulation shall burn in any stationary gas turbine any fuel which contains sulfur in excess of 0.8 percent by weight.

Section 5. Monitoring of Operations. (1) The owner or operator of any stationary gas turbine subject to the provisions of this regulation and using water injection to control NO<sub>x</sub> emissions shall install and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water to fuel being fired in the turbine. This system shall be accurate to within plus or minus five (5) percent and shall be approved by the department.

(2) The owner or operator of any stationary gas turbine subject to the provisions of this regulation shall monitor sulfur content and nitrogen content of the fuel being fired in the turbine. The frequency of determination of these values shall be as follows:

(a) If the turbine is supplied its fuel from a bulk storage tank, the values shall be determined on each occasion that fuel is transferred to the storage tank from any other source.

(b) If the turbine is supplied its fuel without intermediate bulk storage the values shall be determined and recorded daily. Owners, operators or fuel vendors may develop custom schedules for determination of the values based on the design and operation of the affected facility and the characteristics of the fuel supply. These custom schedules shall be substantiated with data and must be approved by the department before they can be used to comply with this subsection.

(3) For the purpose of reports required under 401 KAR 59:005, Section 3, periods of excess emissions that shall be reported are defined as follows:

(a) Nitrogen oxides. Any one (1) hour period during which the average water-to-fuel ratio, as measured by the continuous monitoring system, falls below the water-to-fuel ratio determined to demonstrate compliance with Section 3 by the performance test required in 401 KAR 50:045 or any period during which the fuel-bound nitrogen of the fuel is greater than the maximum nitrogen content allowed by the fuel-bound nitrogen allowance used during the performance test required in 401 KAR 50:045. Each report shall include the average water-to-fuel ratio, average fuel consumption, ambient conditions, gas turbine load, and nitrogen content of the fuel during the period of excess emissions, and the graphs or figures developed under Section 6(1).

(b) Sulfur dioxide. Any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 percent.

(c) Ice fog. Each period during which an exemption provided in Section 3(7) is in effect shall be reported in writing to the department quarterly. For each period the ambient conditions existing during the period, the date and time the air pollution control system was deactivated, and the date and time the air pollution control system was reactivated shall be reported. All quarterly reports shall be postmarked by the thirtieth (30th) day following the end of each calendar quarter.

Section 6. Test Methods and Procedures. (1) The reference methods in Appendix A of 40 CFR 60, filed by reference in 401 KAR 50:015, except as provided for in 401 KAR 50:045, shall be used to determine compliance with the standards prescribed in Section 3 as follows:

(a) Reference Method 20 for the concentration of

nitrogen oxides and oxygen. For affected facilities in this regulation, the span value shall be 300 parts per million of nitrogen oxides.

1. The nitrogen oxide emission level measured by Reference Method 20 shall be adjusted to ISO standard day conditions by the ambient condition correction factor in Appendix D of this regulation. The adjusted NO<sub>x</sub> emission level shall be used to determine compliance with Section 3.

2. Manufacturers may develop custom ambient condition correction factors for each gas turbine model they manufacture in terms of combustor inlet pressure, ambient air pressure, ambient air humidity and ambient air temperature to adjust the nitrogen oxides emission level measured by the performance test as provided for in 401 KAR 50:045 to ISO standard day conditions. These ambient condition correction factors shall be substantiated with data and must be approved for use by the department before the initial performance test required by 401 KAR 50:045.

3. The water-to-fuel ratio necessary to comply with Section 3 will be determined during the initial performance test by measuring NO<sub>x</sub> emissions using Reference Method 20 and the water-to-fuel ratio necessary to comply with Section 3 at thirty (30), fifty (50), seventy-five (75) and 100 percent of peak load or at four (4) points in the normal operating range of the gas turbine, including the minimum point in the range and peak load. All loads shall be corrected to ISO conditions using the appropriate equations supplied by the manufacturer.

(b) The analytical methods and procedures employed to determine the nitrogen content of the fuel being fired shall be approved by the department and shall be accurate to within plus or minus five (5) percent.

(2) The method for determining compliance with Section 4, except as provided in 401 KAR 50:045, shall be as follows:

(a) Reference Method 20 for the concentration of sulfur dioxide and oxygen; and

(b) ASTM D 2880-78 for the sulfur content of liquid fuels and ASTM D 1072-56 (75) for the sulfur content of gaseous fuels. These methods shall also be used to comply with Section 5(2). ASTM designations are filed by reference in 401 KAR 50:015.

(3) Analysis for the purpose of determining the sulfur content and the nitrogen content of the fuel as required by Section 5(2) may be performed by the owner/operator, a service contractor retained by the owner/operator, the fuel vendor, or any other qualified agency provided that the analytical methods employed by these agencies comply with the applicable subsections of this section.

#### APPENDIX A TO 401 KAR 59:018

Formula for NO<sub>x</sub> Standard  
Using a 75 ppm Emission Limitation

$$\text{STD} = 0.0075 (14.4/Y) + F$$

Where:

STD = allowable NO<sub>x</sub> emissions (percent by volume at fifteen (15) percent oxygen and on a dry basis).

Y = manufacturer's rated heat rate at manufacturer's rated load (kilojoules per watt hour) or, actual measured heat rate based on lower heating value of fuel as measured

at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour. *Y shall be determined on a dry basis, at ISO conditions.*

F = NO<sub>x</sub> emission allowance for fuel-bound nitrogen as defined in Appendix C of this regulation.

#### APPENDIX B TO 401 KAR 59:018

Formula for NO<sub>x</sub> Standard Using  
a 150 ppm Emission Limitation

$$STD = 0.0150 (14.4/Y) + F$$

Where:

STD = allowable NO<sub>x</sub> emission (percent by volume at fifteen (15) percent oxygen and on a dry basis).

Y = manufacturer's rated heat rate at manufacturer's rated peak load (kilojoules per watt hour), or actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour. *Y shall be determined on a dry basis, at ISO conditions.*

F = NO<sub>x</sub> emission allowance for fuel-bound nitrogen as defined in Appendix C of this regulation.

#### APPENDIX C TO 401 KAR 59:018

Table of Fuel-Bound Nitrogen Levels versus  
the Value of F as Used in Appendices A and B

Fuel-Bound Nitrogen (percent by weight)	F (NO <sub>x</sub> percent by volume)
	0
	0.04 (N)
	0.004 + 0.0067 (N-0.1)
	0.005

Where:

N = the nitrogen content of the fuel (percent by weight).

#### APPENDIX D TO 401 KAR 59:018

Ambient Condition Correction Factor

$$NO_x = (NO_{x_{obs}})(P_{ref}/P_{obs})^{0.5} e^{19(H_{obs}-0.00633)(288^\circ K / T_{AMB}) 1.53}$$

$$[NO_x = (NO_{x_{obs}})(P_{ref}/P_{obs})^{0.5} e^{19(H_{obs}-0.00633)(T_{AMB} / 288^\circ K) 1.53}]$$

Where:

NO<sub>x</sub> = emissions of NO<sub>x</sub> at fifteen (15) percent oxygen and ISO standard ambient conditions.

NO<sub>x\_{obs}}</sub> = measured NO<sub>x</sub> emissions at fifteen (15) percent oxygen ppmv.

P<sub>ref</sub> = reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure at 59°F.

P<sub>obs</sub> = measured combustor inlet absolute pressure at test ambient pressure.

H<sub>obs</sub> = specific humidity of ambient air at test.

e = transcendental constant (2.718).

T<sub>AMB</sub> = temperature of ambient air at test.

JACKIE SWIGART, Secretary

ADOPTED: November 14, 1980

RECEIVED BY LRC: November 14, 1980 at 2:30 p.m.

#### DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION Bureau of Environmental Protection Division of Air Pollution Amended After Hearing

#### 401 KAR 59:020. New incinerators.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.033

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 incinerators.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility which means each incinerator commenced on or after the applicable classification date defined below.

Section 2. Definitions. As used in this regulation, all terms not defined herein shall have the meaning given them in 401 KAR 50:010.

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

(2) "Day" means twenty-four (24) hours.

(3) "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.

(4) "Classification date" means:

(a) August 17, 1971 for incinerators with a charging rate of more than fifty (50) tons/day; [,]

(b) April 9, 1972 for incinerators with a charging rate of fifty (50) tons/day or less, subject to Section 3(2)(b); and

(c) June 6, 1979 for incinerators with a charging rate of fifty (50) tons/day or less subject to Section 3(2)(a).

Section 3. Standards for Particulate Matter. (1) No owner or operator of any affected facility shall cause, suffer, allow, or permit the emission produced by the incineration of any substance to have greater than twenty (20) percent opacity.



(2) (a) No owner or operator of an affected facility of 500 lb/hr up to and including forty-five (45) metric tons per day charging rate (fifty (50) tons/day) commenced on or after June 6, 1979 shall cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.23 g/dscm (0.1 gr/dscf) corrected to twelve (12) percent carbon dioxide excluding the contribution of carbon dioxide from auxiliary fuel.

(b) No owner or operator of an affected facility of 500 lb/hr up to and including forty-five (45) metric tons per day charging rate (fifty (50) tons/day) commenced on or after April 9, 1972 but before June 6, 1979 shall cause to be discharged into the atmosphere from any affected facility any gases with contain particulate matter in excess of 0.45 g/dscm (0.2 gr/dscf) corrected to twelve (12) percent carbon dioxide excluding the contribution of carbon dioxide from auxiliary fuel.

(3) On and after the date on which the performance test required to be conducted by 401 KAR 59:005 is completed, no owner or operator of an affected facility of more than forty-five (45) metric tons per day charging rate (fifty (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 carbon dioxide excluding the contribution of carbon dioxide from auxiliary fuel.

Section 4. Monitoring of Operations. The owner or operator of an affected facility of more than forty-five (45) metric tons per day charging rate (fifty (50) tons per day) shall record the daily charging rates and hours of operation.

Section 5. Nameplate. All affected facilities 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 the unit is designed.

Section 6. Test Methods and Procedures. (1) The reference methods as defined in Appendix A of 40 CFR 60, filed by reference in 401 KAR 50:015, except as provided for in 401 KAR 50:045, shall be used to determine compliance with the standards prescribed in Section 3 as follows:

(a) Reference Method 5 for the concentration of particulate matter and the associated moisture content;

(b) Reference Method 1 for sample and velocity traverses;

(c) Reference Method 2 for velocity and volumetric flow rate; and

(d) Reference Method 3 for gas analysis and calculation of excess air, using the integrated sample technique; and [.]

(e) Reference Method 9 for visible emissions.

(2) 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.

(3) 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 (a) through (f) of this subsection or the procedure under Section 7.

(a) The inlet site shall be selected according to Reference Method 1 or as specified by the department.

(b) The outlet sampling site shall be the same as for the particulate matter measurement.

(c) 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.

(d) Simultaneously with each particulate matter run, extract and analyze for carbon dioxide an 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.

(e) 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.

(f) Calculate the adjusted carbon dioxide percentage using the equation in Appendix A of this regulation.

Section 7. Alternatively, the following procedures may be substituted for the procedures under Section 6(3)(d), (e) and (f).

(1) Simultaneously with each particulate matter run, extract and analyze for carbon dioxide, oxygen, and nitrogen an 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.

(2) After completing the analysis of the gas sample, calculate the percentage of excess air for both the inlet and outlet sampling sites.

(3) Calculate the adjusted carbon dioxide percentage using the equation in Appendix B of this regulation.

(4) Particulate matter emissions, expressed in g/dscm, shall be corrected to twelve (12) percent carbon dioxide by using the formula in Appendix C of this regulation.

#### APPENDIX A TO 401 KAR 59:020 CALCULATION FOR ADJUSTED CARBON DIOXIDE PERCENTAGE FOR INCINERATORS

$$\% \text{CO}_2\text{A} = \% \text{CO}_2\text{D} (Q_i/Q_o)$$

where:

$\% \text{CO}_2\text{A}$  is the adjusted carbon dioxide percentage which removes the effect of carbon dioxide absorption and dilution air.

$\% \text{CO}_2\text{D}$  is the percentage of carbon dioxide measured before the scrubber, dry basis.

$Q_i$  is the volumetric flow rate before the scrubber average of two (2) runs, dscf/min, and

$Q_o$  is the volumetric flow rate after the scrubber, dscf/min.

#### APPENDIX B TO 401 KAR 59:020 CALCULATION FOR ADJUSTED CARBON DIOXIDE PERCENTAGE INCINERATOR, ALTERNATE PROCEDURE

$$\% \text{CO}_2\text{A} = \% \text{CO}_2\text{D} \frac{100 + \% \text{EA}_i}{100 + \% \text{EA}_o}$$

where:

$\% \text{CO}_2\text{A}$  is the adjusted outlet carbon dioxide percentage,

%CO<sub>2</sub>D is the percentage of carbon dioxide measured before the scrubber, dry basis,

%EA<sub>i</sub> is the percentage of excess air at the inlet, and

%EA<sub>o</sub> is the percentage of excess air at the outlet.

APPENDIX C TO 401 KAR 59:020  
PARTICULATE EMISSIONS CORRECTION  
CALCULATION FOR INCINERATORS,  
ALTERNATE PROCEDURE

$$C_{12} = \frac{12C_p}{\%CO_2}$$

where:

C<sub>12</sub> is the concentration of particulate matter corrected to twelve (12) percent carbon dioxide,

C<sub>p</sub> is the concentration of particulate matter and,

%CO<sub>2</sub> is the percentage of measured carbon dioxide or when applicable, the adjusted outlet carbon dioxide percentage as determined by Appendix B to this regulation.

JACKIE SWIGART, Secretary

ADOPTED: November 14, 1980

RECEIVED BY LRC: November 14, 1980 at 2:30 p.m.

DEPARTMENT FOR NATURAL RESOURCES  
AND ENVIRONMENTAL PROTECTION  
Bureau of Environmental Protection  
Division of Air Pollution  
Amended After Hearing

401 KAR 59:045. New petroleum refineries.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.033

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 petroleum refineries.

Section 1. Applicability. (1) The provisions of this regulation are applicable to the following affected facilities in petroleum refineries: fluid catalytic cracking unit catalyst regenerators, fuel gas combustion devices, and all Claus sulfur recovery plants except Claus plants of twenty (20) long tons per day (LTD) or less [associated with a small petroleum refinery]. The Claus sulfur recovery plant need not be physically located within the boundaries of a petroleum refinery to be an affected facility, provided it processes gases produced within a petroleum refinery.

(2) Any fluid catalytic cracking unit catalyst regenerator or fuel gas combustion device under subsection (1) of this section which commences on or after the classification date defined in Section 2(13) [(14)] or any Claus sulfur recovery plant under subsection (1) of this section which commences on or after the classification date defined in Section 2(13) [(14)] is subject to the requirements 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 50:010.

(1) "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.

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

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

(4) "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.

(5) "Process upset gas" means any gas generated by a petroleum refinery process unit as a result of startup, shutdown, upset or malfunction.

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

(7) "Fuel gas combustion device" means any equipment, 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, facilities combusting coke oven gas in a by-product coke manufacturing plant, or facilities in which gases are combusted to produce sulfur or sulfuric acid.

(8) "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 the formula specified in Appendix A of this regulation.

(9) "Claus sulfur recovery plant" means a process unit which recovers sulfur from hydrogen sulfide by a vapor-phase catalytic reaction of sulfur dioxide and hydrogen sulfide.

(10) "Oxidation control system" means an emission control system which reduces emissions from sulfur recovery plants by converting these emissions to sulfur dioxide.

(11) "Reduction control system" means an emission control system which reduces emissions from sulfur recovery plants by converting these emissions to hydrogen sulfide.

(12) "Reduced sulfur compounds" means hydrogen sulfide, carbonyl sulfide and carbon disulfide.

[(13) "Small petroleum refinery" means a petroleum refinery which has a crude oil processing capacity of 50,000 barrels per stream day or less, and which is owned or controlled by a refinery with a total combined crude oil processing capacity of 137,500 barrels per stream day or less.]

(13) [(14)] "Classification date" means June 11, 1973 for any fluid catalytic cracking unit catalyst regenerator or fuel gas combustion device and October 4, 1976 for any Claus recovery plant.

Section 3. Standard for Particulate Matter. (1) On and after the date on which the performance test required to be conducted by 401 KAR 59:005, Section 2, is completed, no owner or operator subject to the provisions of this regulation shall discharge or cause the discharge into the atmosphere from any fluid catalytic cracking unit catalyst regenerator:

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

(b) Gases exhibiting greater than thirty (30) percent opacity, except for one (1) six (6) minute average opacity reading in any one (1) hour period.

(2) Where the gases discharged by the fluid catalytic cracking unit catalyst regenerator pass through an incinerator or waste heat boiler in which auxiliary or supplemental liquid or solid fossil fuel is burned, particulate matter in excess of that permitted by subsection (1)(a) of this section may be emitted to the atmosphere, except that the incremental rate of particulate matter emissions shall not exceed 43.0 g/MJ (0.10 lb/million BTU) of heat input attributable to such liquid or solid fossil fuel.

Section 4. Standard for Carbon Monoxide. On and after the date on which the performance test required to be conducted by 401 KAR 59:005, Section 2, is completed, no owner or operator subject to the provisions of this regulation 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.

Section 5. Standard for Sulfur Dioxide. On and after the date on which the performance test required to be conducted by 401 KAR 59:005, Section 2, is completed, no owner or operator subject to the provisions of this regulation shall:

(1) Burn in any fuel gas combustion device any fuel gas which contains hydrogen sulfide in excess of 230 mg/dscm (0.10 gr/dscf), except that the gases resulting from the combustion of fuel gas may be treated to control sulfur dioxide emissions provided the owner or operator demonstrates to the satisfaction of the department that this is as effective in preventing sulfur dioxide emissions to the atmosphere as restricting the hydrogen sulfide concentration in the fuel gas to 230 mg/dscm or less. The combustion in a flare of process upset gas, or fuel gas which is released to the flare as a result of relief valve leakage, is exempt from this subsection.

(2) Discharge or cause the discharge of any gases into the atmosphere from any Claus sulfur recovery plant containing in excess of:

(a) 0.025 percent by volume of sulfur dioxide at zero percent oxygen on a dry basis if emissions are controlled by an oxidation control system, or a reduction control system followed by incineration; or

(b) 0.030 percent by volume of reduced sulfur compounds and 0.0010 percent by volume of hydrogen sulfide calculated as sulfur dioxide at zero percent oxygen on a dry basis if emissions are controlled by a reduction control system not followed by incineration.

Section 6. Emission Monitoring. (1) Continuous monitoring systems shall be installed, calibrated, maintained, and operated by the owner or operator as follows:

(a) A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the fluid catalytic cracking unit catalyst regenerators. The continuous monitoring system shall be spanned at sixty (60), seventy (70) or eighty (80) percent opacity.

(b) An instrument for continuously monitoring and recording the concentration of carbon monoxide in gases discharged into the atmosphere from fluid catalytic cracking unit catalyst regenerators. The span of this continuous monitoring system shall be 1,000 ppm.

(c) A continuous monitoring system for the measurement of sulfur dioxide in the gases discharged into the atmosphere from the combustion of fuel gases (except where a continuous monitoring system for the measurement of hydrogen sulfide is installed under paragraph (d) of this subsection). The pollutant gas used to prepare calibration gas mixtures under Paragraph 2.1 of Performance Specification 2 of 40 CFR 60, filed by reference in 401 KAR 50:015, and for calibration checks under 401 KAR 59:005, Section 4(4), shall be sulfur dioxide. The span shall be set at 100 ppm. For conducting monitoring system performance evaluations under 401 KAR 59:005, Section 4(3), Reference Method 6 shall be used.

(d) An instrument for continuously monitoring and recording concentrations of hydrogen sulfide in fuel gases burned in any fuel gas combustion device, if compliance with Section 5(1) is achieved by removing hydrogen sulfide from the fuel gas before it is burned; fuel gas combustion devices having a common source of fuel gas may be monitored at one (1) location, if monitoring at this location accurately represents the concentration of hydrogen sulfide in the fuel gas burned. The span of this continuous monitoring system shall be 300 ppm.

(e) An instrument for continuously monitoring and recording concentrations of sulfur dioxide in the gases discharged into the atmosphere from any Claus sulfur recovery plant if compliance with Section 5(2) is achieved through the use of an oxidation control system or a reduction control system followed by incineration. The span of this continuous monitoring system shall be set at 500 ppm.

(f) An instrument(s) for continuously monitoring and recording the concentration of hydrogen sulfide and reduced sulfur compounds in the gases discharged into the atmosphere from any Claus sulfur recovery plant if compliance with Section 5(2) is achieved through the use of a reduction control system not followed by incineration. The span(s) of this continuous monitoring system(s) shall be set at twenty (20) ppm for monitoring and recording the concentration of hydrogen sulfide and 600 ppm for monitoring and recording the concentration of reduced sulfur compounds.

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

(3) For any fluid catalytic cracking unit catalyst regenerator which is subject to Section 3 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.

(4) For the purpose of reports under 401 KAR 59:005, Section 3, periods of excess emissions that shall be reported are defined as follows:

(a) Opacity. All one (1) hour periods which contain two (2) or more six (6) minute periods during which the average opacity as measured by the continuous monitoring system exceeds thirty (30) percent.

(b) 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 Section 4 exceeds 0.050 percent by volume.

(c) Sulfur dioxide:

1. Any three (3) hour period during which the average concentration of hydrogen sulfide in any fuel gas com-

busted in any fuel gas combustion device subject to Section 5(1) exceeds 230 mg/dscm (0.10 gr/dscf), if compliance is achieved by removing hydrogen sulfide from the fuel gas before it is burned; or any three (3) hour period during which the average concentration of sulfur dioxide in the gases discharged into the atmosphere from any fuel gas combustion device subject to Section 5(1) exceeds the level specified in Section 5(1) if compliance is achieved by removing sulfur dioxide from the combusted fuel gases.

2. Any twelve (12) hour period during which the average concentration of sulfur dioxide in the gases discharged into the atmosphere from any Claus sulfur recovery plant subject to Section 5(2) exceeds 250 ppm at zero (0) percent oxygen on a dry basis if compliance with Section 5(2)(b) is achieved through the use of an oxidation control system or a reduction control system followed by incineration; or any twelve (12) hour period during which the average concentration of hydrogen sulfide or reduced sulfur compounds in the gases discharged into the atmosphere of any Claus sulfur plant subject to Section 5(2) exceeds ten (10) ppm or 300 ppm, respectively, at zero (0) percent oxygen and on a dry basis if compliance is achieved through the use of a reduction control system not followed by incineration.

(d) Any six (6) hour period during which the average emissions (arithmetic average of six (6) contiguous one (1) hour periods) of sulfur dioxide as measured by a continuous monitoring system exceed the standard under Section 5.

Section 7. Test Methods and Procedures. (1) The reference methods in Appendix A of 40 CFR 60, except as provided for in 401 KAR 50:045, shall be used to determine compliance with the provisions in Sections 3, 4 and 5 as follows:

(a) For gases released to the atmosphere from the fluid catalytic cracking unit catalyst regenerator:

1. Method 5 for the concentration of particulate matter and moisture content;
2. Method 1 for sample and velocity traverses; and
3. Method 2 for velocity and volumetric flow rate; and

[.] 4. Method 9 for visible emissions.

(b) For Method 5, 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 of Method 3 and Method 4 for gas analysis and moisture content, respectively; Method 1 for velocity traverses; and Method 2 for velocity and volumetric flow rate.

(d) Coke burn-off rate shall be determined by the formula in Appendix A of this regulation.

(e) Particulate emissions shall be determined by the equation in Appendix B of this regulation.

(f) For each run emissions expressed in kg/1000 kg (lb/1000 lb) of coke burn-off in the catalyst regenerator shall be determined by the equation in Appendix C of this regulation.

(g) In those instances in which auxiliary liquid or solid fossil fuels are burned in an incinerator-waste heat boiler, the rate of particulate matter emissions permitted under Section 3(2) must be determined. Auxiliary fuel heat input, expressed in millions of cal/hr (MM BTU/hr) shall be

calculated for each run by fuel flow rate measurement and analysis of the liquid or solid auxiliary fossil fuels. For each run, the rate of particulate emissions permitted under Section 3(2) shall be calculated from the equation in Appendix D of this regulation.

(2) For the purpose of determining compliance with Section 4, the integrated sample technique of Method 10 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.

(3) For the purpose of determining compliance with Section 5(1), Method 11 shall be used to determine the concentration of hydrogen sulfide and Method 6 shall be used to determine the concentration of sulfur dioxide.

(a) If Method 11 is used, the gases sampled shall be introduced into the sampling train at approximately atmospheric pressure. Where refinery fuel gas lines are operating at pressures substantially above atmosphere, 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 of equal sampling time shall constitute one (1) run. Samples shall be taken at approximately one (1) hour intervals. For 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.

(b) If Method 6 is used, Method 1 shall be used for velocity traverses and Method 2 for determining velocity and volumetric flow rate. The sampling site for determining sulfur dioxide concentration by Method 6 shall be the same as for determining volumetric flow rate by Method 2. The sampling point in the duct for determining sulfur dioxide concentration by Method 6 shall be at the centroid of the cross section if the cross-sectional area is less than five (5) square meters (fifty-four (54) ft. squared) or at a point no closer to the walls than one (1) meter (thirty-nine (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 of equal sampling time shall constitute one (1) run. Samples shall be taken at approximately one (1) hour intervals.

(4) For the purpose of determining compliance with Section 5(2), Method 6 shall be used to determine the concentration of sulfur dioxide and Method 15 shall be used to determine the concentration of sulfur dioxide and reduced sulfur compounds.

(a) If Method 6 is used, the procedure outlined in subsection (3)(b) of this section shall be followed except that each run shall span a minimum of four (4) consecutive hours of continuous sampling. A number of separate samples may be taken for each run, provided the total sampling time of these samples adds up to a minimum of four (4) consecutive hours. Where more than one (1) sample is used, the average sulfur dioxide concentration for the run shall be calculated as the time weighted average of the sulfur dioxide concentration for each sample according to the formula in Appendix E of this regulation.

(b) If Method 15 is used, each run shall consist of sixteen (16) samples taken over a minimum of three (3) hours. The sampling point shall be at the centroid of the cross section of the duct if the cross-sectional area is less than five (5) square meters (fifty-four (54) ft. squared) or at a point no closer to the walls than one (1) meter (thirty-nine (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. To insure minimum residence time for the sample inside the sample lines, the sampling rate shall be at least three (3) liters/minute (0.1 cfm). The sulfur dioxide equivalent for each run shall be calculated as the arithmetic average of the sulfur dioxide equivalent of each sample during the run. Reference Method 4 shall be used to determine the moisture content of the gases. The sampling point for Method 4 shall be adjacent to the sampling point for Method 15. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. Each run shall span a minimum of four (4) consecutive hours of continuous sampling. A number of separate samples may be taken for each run provided the total sampling time of these samples adds up to a minimum of four (4) consecutive hours. Where more than one (1) sample is used, the average moisture content for the run shall be calculated as the time weighted average of the moisture content of each sample according to the formula in Appendix F of this regulation.

(5) An owner or operator of an affected facility may request the department to determine opacity of emissions from the affected facility during any performance test covered under 401 KAR 59:005, Section 2. In such event the provisions of 401 KAR 50:055, Section 2(6) shall apply.

#### APPENDIX A TO 401 KAR 59:045 Formula for Coke Burn-off Rate

$$R_c = 0.2982Q_{RE}(\% CO_2 + \% CO) + 2.088Q_{RA} - 0.0994Q_{RE}(\% CO/2 + \% CO_2 + \% O_2)$$

(metric units)

or

$$R_c = 0.0186Q_{RE}(\% CO_2 + \% CO) + 0.1303Q_{RA} - 0.0062Q_{RE}(\% CO/2 + \% CO_2 + \% O_2)$$

(English units)

Where:

$R_c$  = coke burn-off rate, kg/hr (lb/hr).

0.2982 = metric units material balance factor divided by 100, kg-min/hr-m<sup>3</sup>.

0.0186 = English units material balance factor divided by 100, lb-min/hr-ft<sup>3</sup>.

$Q_{RE}$  = fluid catalytic cracking unit catalyst regenerator exhaust gas flow rate before entering the emission control system, as determined by Method 2, dscm/min (dscf/min).

%CO<sub>2</sub> = percent carbon dioxide by volume, dry basis, as determined by Method 3.

%CO = percent carbon monoxide by volume, dry basis, as determined by Method 3.

%O<sub>2</sub> = percent oxygen by volume, dry basis, as determined by Method 3.

2.088 = metric units material balance factor divided by 100, kg-min/hr-m<sup>3</sup>.

0.1303 = English units material balance factor divided by 100, lb-min/hr-ft<sup>3</sup>.

$Q_{RA}$  = air rate to fluid catalytic cracking unit catalyst regenerator, as determined from fluid catalytic cracking unit control room instrumentation, dscm/min (dscf/min).

0.0994 = metric units material balance factor divided by 100, kg-min/hr-m<sup>3</sup>.

0.0062 = English units material balance factor divided by 100, lb-min/hr-ft<sup>3</sup>.

#### APPENDIX B TO 401 KAR 59:045 Equation to Determine Particulate Emissions

$$RE = (60 \times 10^{-6}) Q_{RV} C_s \text{ (metric units)}$$

or

$$RE = (8.57 \times 10^{-3}) Q_{RV} C_s \text{ (English units)}$$

or

$$RE = \text{particulate emission rate, kg/hr (lb/hr)}$$

Where:

$60 \times 10^{-6}$  = metric units conversion factor, min-kg/hr-mg.

$8.57 \times 10^{-3}$  = English units conversion factor, min-lb/hr-gr.

$Q_{RV}$  = volumetric flow rate of gases discharged into the atmosphere from the fluid catalytic cracking unit catalyst regenerator following the emission control system, as determined by Method 2, dscm/min (dscf/min).

$C_s$  = particulate emission concentration discharged into the atmosphere, as determined by Method 5, mg/dscm (gr/dscf).

#### APPENDIX C TO 401 KAR 59:045 Equation to Determine Emissions (expressed in kg/1000 kg of coke burn-off) in the catalyst regenerator.

$$R_s = 1000 R_e / R_c \text{ (metric or English units)}$$

Where:

$R_s$  = particulate emission rate, kg/1000 kg (lb/1000 lb) of coke burn-off in the fluid catalytic cracking unit catalyst regenerator.

1000 = conversion factor, kg to 1000 kg (lb to 1000 lb).

$R_e$  = particulate emission rate, kg/hr (lb/hr).

$R_c$  = coke burn-off rate, kg/hr (lb/hr).

## APPENDIX D TO 401 KAR 59:045

Equation for particulate emissions of auxiliary heat input expressed in millions of cal/hr  
(English units: millions of BTU/hr)

$$R_s = 1.0 + \frac{0.18 H}{R_c} \quad (\text{metric units})$$

or

$$R_s = 1.0 + \frac{0.10 H}{R_c} \quad (\text{English units})$$

Where:

$R_s$  = allowable particulate emission rate, kg/1000 kg (lb/1000 lb) of coke burn-off in the fluid catalytic cracking unit catalyst regenerator.

1.0 = emission standard, 1.0 kg/1000 kg (1.0 lb/1000 lb) of coke burn-off in the fluid catalytic cracking unit catalyst regenerator.

0.18 = metric units maximum allowable incremental rate of particulate emissions, g/million cal.

0.10 = English units maximum allowable incremental rate of particulate emissions, lb/million BTU.

H = heat input from solid or liquid fossil fuel, million cal/hr (million BTU/hr).

$R_c$  = coke burn-off rate, kg/hr (lb/hr).

## APPENDIX E TO 401 KAR 59:045

Equation for time weighted average of  $SO_2$  concentration

$$C_R = \sum_{i=1}^N C_{Si} \frac{t_{Si}}{T}$$

Where:

$C_R$  =  $SO_2$  concentration for the run.

N = Number of samples.

$C_{Si}$  =  $SO_2$  Concentration for sample i.

$t_{Si}$  = Continuous sampling time of sample i.

T = Total continuous sampling time of all N samples.

## APPENDIX F TO 401 KAR 59:045

Equation for the time weighted average of the moisture content.

$$B_{wo} = \sum_{i=1}^N B_{Si} \frac{t_{Si}}{T}$$

Where:

$B_{wo}$  = Proportion by volume of water vapor in the gas stream for the run.

N = Number of samples.

$B_{Si}$  = Proportion by volume of water vapor in the gas stream for the sample i.

$t_{Si}$  = Continuous sampling time for sample i.

T = Total continuous sampling time of all N samples.

JACKIE SWIGART, Secretary

ADOPTED: November 14, 1980

RECEIVED BY LRC: November 14, 1980 at 2:30 p.m.

DEPARTMENT FOR NATURAL RESOURCES  
AND ENVIRONMENTAL PROTECTION  
Bureau of Environmental Protection  
Division of Air Pollution  
Amended After Hearing

401 KAR 61:145. Existing petroleum refineries.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.033

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 provides for the control of emissions from existing petroleum refineries.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced before the classification date defined below.

Section 2. Definitions. As used in this regulation, all terms not defined herein shall have the meaning given them in 401 KAR 50:010 [and 401 KAR 61:005].

(1) "Affected facility" means sulfur recovery units, fluid catalytic cracking unit regenerators, fluid catalytic cracking unit incinerator-waste heat boilers and fuel gas combustion devices at a petroleum refinery in any county classified VA with respect to sulfur dioxide.

(2) "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.

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

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

(5) "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.

(6) "Process upset gas" means any gas generated by a petroleum refinery process unit as a result of startup, shutdown, upset or malfunction.

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

(8) "Fuel gas combustion device" means any equipment, 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, facilities combusting coke oven gas in a by-product coke manufacturing plant, or facilities in which gases are combusted to produce sulfur or sulfuric acid.

(9) "Classification date" means June 11, 1973 for any fluid catalytic cracking unit catalyst regenerator or fuel gas combustion device; October 4, 1976 for any sulfur recovery unit; and June 6, 1979 for fluid catalytic cracking unit incinerator-waste heat boilers [the effective date of this regulation].

Section 3. Standard for Sulfur Dioxide. (1) No owner or operator subject to the provisions of this regulation shall burn in any fuel gas combustion device any fuel gas which contains hydrogen sulfide in excess of 230 mg/dscm (0.10 gr/dscf), except as provided in subsection (2) of this section. 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 section.

(2) 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 sulfur dioxide to the atmosphere if it is shown to the satisfaction of the department that this prevents sulfur dioxide emissions as effectively as compliance with the requirements of subsection (1) of this section.

(3) No owner or operator subject to the provisions of this regulation shall discharge or cause the discharge into the atmosphere from any Claus sulfur recovery plant any gases containing in excess of:

(a) 0.025 percent by volume of sulfur dioxide at zero (0) percent oxygen on a dry basis if emissions are controlled by an oxidation control system, or a reduction control system followed by incineration; or

(b) 0.030 percent by volume of reduced sulfur compounds and 0.0010 percent by volume of hydrogen sulfide calculated as sulfur dioxide at zero (0) percent oxygen on a dry basis if emissions are controlled by a reduction control system not followed by incineration.

Section 4. Monitoring and Reporting. (1) For any fluid catalytic cracking unit catalyst regenerator which utilizes an incinerator-waste heat boiler to combust the exhaust gases from the catalyst regenerator, the owner or operator shall record daily the conversion factors used to convert monitored data (ppm) into units of the standard (lb/hr), the data used to calculate the conversion factor and the hourly emission rate in pounds per hour of sulfur dioxide.

(2) For the purpose of reports under 401 KAR 61:005 periods of excess emissions that shall be reported for sulfur dioxide are defined as follows:

(a) Any three (3) hour period during which the average concentration of hydrogen sulfide in any fuel gas combusted in any fuel gas combustion device subject to Section 3(1) exceeds 230 mg/dscm (0.10 gr/dscf), if compliance is achieved by removing hydrogen sulfide from the fuel gas before it is burned; or any three (3) hour period during which the average concentration of sulfur dioxide in the gases discharged into the atmosphere from any fuel gas combustion device subject to Section 3(2) exceeds the level specified in Section 3(2) if compliance is achieved by removing sulfur dioxide from the combusted fuel gases.

(b) Any twelve (12) hour period during which the average concentration of sulfur dioxide in the gases discharged into the atmosphere from any Claus sulfur recovery plant subject to Section 3(3) exceeds 250 ppm at zero (0) percent oxygen on a dry basis if compliance with Section 3(3) is achieved through the use of an oxidation control system or a reduction control system followed by incineration; or any twelve (12) hour period during which the average concentration of hydrogen sulfide or reduced sulfur compounds in the gases discharged into the atmosphere of any Claus sulfur plant subject to Section 3(3) exceeds ten (10) ppm or 300 ppm, respectively, at zero (0) percent oxygen and on a dry basis if compliance is achieved through the use of a reduction control system not followed by incineration.

(c) Any six (6) hour period during which the average emissions (arithmetic average of six (6) contiguous one (1) hour periods) of sulfur dioxide as measured by a continuous monitoring system for a fluid catalyst cracking unit exceed 640.0 pounds per hour.

Section 5. Test Methods and Procedures (filed by reference in 401 KAR 50:015). (1) For the purpose of deter-

mining compliance with Section 3(1) and (2), Reference Method 11 shall be used to determine the concentration of hydrogen sulfide and Reference Method 6 shall be used to determine the concentration of sulfur dioxide.

(a) If Reference Method 11 is used, the gases sampled shall be introduced into the sampling train at approximately atmospheric pressure. Where refinery fuel gas lines are operating at pressures substantially above atmosphere, 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 of equal sampling time shall constitute one (1) run. Samples shall be taken at approximately one (1) hour intervals. For 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.

(b) If Reference Method 6 is used, Reference Method 1 shall be used for velocity traverses and Reference Method 2 for determining velocity and volumetric flow rate. The sampling site for determining sulfur dioxide concentration by Reference Method 6 shall be the same as for determining volumetric flow rate by Reference Method 2. The sampling point in the duct for determining sulfur dioxide concentration by Reference Method 6 shall be at the centroid of the cross section if the cross-sectional area is less than five (5) square meters (fifty-four (54) square feet) or at a point no closer to the walls than one (1) meter (thirty-nine (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 of equal sampling time shall constitute one (1) run. Samples shall be taken at approximately one (1) hour intervals.

(2) For the purpose of determining compliance with Section 3(3), Reference Method 6 shall be used to determine the concentration of sulfur dioxide and Reference Method 15 shall be used to determine the concentration of sulfur dioxide and reduced sulfur compounds.

(a) If Reference Method 6 is used, the procedure outlined in subsection (1)(b) of this section shall be followed except that each run shall span a minimum of four (4) consecutive hours of continuous sampling. A number of separate samples may be taken for each run, provided the total sampling time of these samples adds up to a minimum of four (4) consecutive hours. Where more than one (1) sample is used, the average sulfur dioxide concentration for the run shall be calculated as the time weighted average of the sulfur dioxide concentration for each sample according to the formula in Appendix A of this regulation.

(b) If Reference Method 15 is used, each run shall consist of sixteen (16) samples taken over a minimum of three (3) hours. The sampling point shall be at the centroid of the cross section of the duct if the cross-sectional area is less than five (5) square meters (fifty-four (54) square feet) or at a point no closer to the walls than one (1) meter (thirty-nine (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. To insure minimum residence time for the sample inside the sample lines, the sampling rate shall be at

least three (3) liters/minute (0.1 cfm). The sulfur dioxide equivalent for each run shall be calculated as the arithmetic average of the sulfur dioxide equivalent of each sample during the run. Reference Method 4 shall be used to determine the moisture content of the gases. The sampling point for Reference Method 4 shall be adjacent to the sampling point for Reference Method 15. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. Each run shall span a minimum of four (4) consecutive hours of continuous sampling. A number of separate samples may be taken for each run provided the total sampling time of these samples adds up to a minimum of four (4) consecutive hours. Where more than one (1) sample is used, the average moisture content for the run shall be calculated as the time weighted average of the moisture content of each sample according to the formula in Appendix B of this regulation.

Section 6. Compliance Timetable. (1) The owner or operator of a sulfur recovery plant shall be required to complete the following:

(a) Submit a final control plan for achieving compliance with Section 3(3) no later than September 1, 1979.

(b) Award the control system contract no later than December 1, 1979.

(c) Initiate on-site construction or installation of emission control equipment by October 1, 1980.

(d) On-site construction or installation of emission control equipment shall be completed no later than May 1, 1981.

(e) Final compliance shall be achieved no later than July 1, 1981.

(2) The owner or operator of a fuel gas combustion device shall be required to complete the following:

(a) Submit a final control plan for achieving compliance with Section 3(1) no later than August 1, 1980.

(b) Purchase control equipment no later than September 1, 1980.

(c) Initiate on-site construction or installation of emission control equipment by October 1, 1980.

(d) On-site construction or installation of emission control equipment shall be completed no later than August 1, 1981.

(e) Final compliance shall be achieved no later than October 1, 1981.

(3) [(2)] The owner or operator shall be required to demonstrate compliance with all other provisions of this regulation no later than June 6, 1979 [the effective date of this regulation].

#### APPENDIX A TO 401 KAR 61:145

Time weighted average of  
SO<sub>2</sub> concentration

$$C_R = \sum_{i=1}^N C_{Si} \frac{t_{Si}}{T}$$

Where:

C<sub>R</sub> = SO<sub>2</sub> concentration for the run.

N = Number of samples.

C<sub>Si</sub> = SO<sub>2</sub> Concentration for sample i.

t<sub>Si</sub> = Continuous sampling time of sample i.

T = Total continuous sampling time of all N samples.

#### APPENDIX B TO 401 KAR 61:145

Equation for the time weighted  
average of the moisture content.

$$B_{wo} = \sum_{i=1}^N B_{Si} \frac{t_{Si}}{T}$$

Where:

B<sub>wo</sub> = Proportion by volume of water vapor in the gas stream for the run.

N = Number of samples.

B<sub>Si</sub> = Proportion by volume of water vapor in the gas stream for the sample i.

t<sub>Si</sub> = Continuous sampling time for sample i.

T = Total continuous sampling time of all N samples.

JACKIE SWIGART, Secretary

ADOPTED: November 14, 1980

RECEIVED BY LRC: November 14, 1980 at 2:30 p.m.

#### DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Protection  
Division of Air Pollution  
Amended After Hearing

401 KAR 61:165. Existing primary aluminum reduction plants.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.033

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 provides for the control of emissions from existing primary aluminum reduction plants.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility which means each potroom group within a primary aluminum reduction plant commenced before the classification date defined below.

Section 2. Definitions. As used in this regulation, all terms not defined herein shall have the meaning given them in 401 KAR 50:010.

(1) "Primary aluminum reduction plant" means any source manufacturing aluminum by electrolytic reduction.

(2) "Potroom" means a building unit which houses a group of electrolytic cells in which aluminum is produced.

(3) "Potroom group" means an uncontrolled potroom, a potroom which is controlled individually, or a group of potrooms or potroom segments ducted to a common control system.

(4) "Roof monitor" means that portion of the roof of a potroom where gases not captured at the cell exit from the potroom.

(5) "Total fluorides" and "gaseous fluorides" means elemental fluorine and all fluoride compounds, as measured and distinguished by reference methods specified in Section 7 or equivalent or alternative methods.

(6) "Primary control system" means an air pollution control system designed to remove gaseous and particulate fluorides from exhaust gases which are captured at the cell.

(7) "Classification date" means October 23, 1974.

(8) "Dry scrubbing plant" means each primary aluminum reduction plant with a primary control system which operates in a manner whereby potroom group gases flow through a reaction bed consisting of alumina prior to being treated by dry removal methods for particulate emissions control. The resulting reaction bed products are then used as feed to the potroom group electrolytic reduction cells.

(9) "Wet scrubbing plant" means each primary aluminum reduction plant with a primary control system which acts in series to remove particulate emissions by dry removal methods, followed by wet scrubbing to remove gaseous fluoride emissions.

(10) "Startup cell" means an electrolytic reduction cell which is initially devoid of any materials other than carbon cathodes and anodes. Such a cell undergoes a prebake period by passing electrical current through anodes resting on the cathode floor, then has the necessary electrolyte and aluminum added, such that it will produce aluminum.

(11) "Sick cell" means an electrolytic reduction cell which has lost its proper heat balance, cannot maintain a solid crust, and must be removed from the primary control system to receive corrective attention.

(12) "Normal potroom operations" means any potroom activity and includes uncaptured cell gases resulting from *startup cells*, cell tapping, anode changing, ore additions, or any other potroom operation but does not include operations due to [startup cells or] sick cells.

Section 3. Standard for Visible Emissions. On and after the date on which the performance test required to be conducted by 401 KAR 61:005 is completed, no owner or operator subject to the provisions of this regulation shall cause to be discharged into the atmosphere:

(1) From any potroom roof monitor any gases which exhibit ten (10) percent opacity or greater during normal potroom operation *except startup cells*;

(2) From any potroom roof monitor section directly above sick cells or startup cells any gases which exhibit forty (40) percent opacity or greater;

(3) From any dry scrubbing plant primary control system any gases which exhibit ten (10) percent opacity or greater; or

(4) From any wet scrubbing plant primary control system any gases which exhibit twenty-five (25) percent opacity or greater.

Section 4. Standard for Fluorides. (1) On and after the date on which the performance test required to be conducted by 401 KAR 61:005 is completed, the owner or operator subject to the provisions of this regulation shall:

(a) For a dry scrubbing plant cause to be captured and ducted to a primary removal system at least ninety-five (95) percent of the total fluoride emissions generated at each electrolytic reduction cell.

(b) For a wet scrubbing plant cause to be discharged into the atmosphere through each potroom roof monitor no gases which contain gaseous fluorides in excess of 3.25 lb/hr.

(c) For a dry scrubbing plant cause to be removed at

least 98.5% of the total fluoride emissions ducted to the primary control system.

(d) For a wet scrubbing plant cause to be discharged into the atmosphere from any primary control system no gases which contain gaseous fluorides in excess of 1.0 lbs/ton of aluminum produced.

(2) In the event of a recorded violation of the fluoride standard prescribed in 401 KAR 53:010, the department shall require that remedial measures be initiated from the source(s) responsible for causing said violation.

Section 5. Standard for Particulate Emissions. On and after the date on which the performance test required to be conducted by 401 KAR 61:005 is completed, no owner or operator subject to the provisions of this regulation shall cause to be discharged into the atmosphere from any wet scrubbing plant primary control system any gases which contain particulate emissions in excess of 0.010 gr/scf. Addition of dilution air shall not constitute compliance.

Section 6. Monitoring of Operations. (1) The owner or operator of any wet scrubbing plant subject to the provisions of this regulation shall install, calibrate, maintain, and operate monitoring devices which can be used to determine daily the weight of the aluminum produced. The weighing devices shall have an accuracy of plus or minus five (5) percent over their operating range.

(2) The owner or operator of any wet scrubbing plant shall maintain a record of daily production rates of aluminum, raw material feed rates, and cell or potline voltages.

(3) The owner or operator of any affected facility shall install, use, and maintain 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.

Section 7. Test Methods and Procedures. (1) Reference methods as defined in Appendix A of 40 CFR 60 or as otherwise specified, filed by reference in 401 KAR 50:015, except as provided for in 401 KAR 50:045, shall be used to determine compliance with the standards prescribed in Sections 3, 4 and 5 as follows:

(a) For sampling emissions from stacks:

1. Reference Method 13A or 13B for the concentration of total fluoride and the associated moisture content;

2. Reference Method 1 for sample and velocity traverses;

3. Reference Method 2 for velocity and volumetric flow rate;

4. Reference Method 3 for gas analysis; and

5. Reference Method 5 for particulate emissions.

(b) For sampling emissions from roof monitors not employing stacks or pollutant collection systems:

1. Reference Method 14 and Kentucky Method 130 for the concentration of gaseous fluorides and associated moisture content;

2. Reference Method 1 for sample and velocity traverses;

3. Reference Method 2 and Reference Method 14 for velocity and volumetric flow rate; and

4. Reference Method 3 for gas analysis.

(c) For opacity determination: Reference Method 9.

(2) For Reference Method 13A or 13B, 14, and Kentucky Method 130, the sampling time for each run shall be at least eight (8) hours for any potroom sample, and the minimum sample volume shall be 6.8 dscm (240 dscf) for

any potroom sample except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the department.

(3) The air pollution control system for each affected facility shall be constructed so that volumetric flow rates and total fluoride emissions can be accurately determined using applicable methods specified under subsection (1) of this section.

(4) The rate of aluminum production is determined by dividing 720 hours into the weight of aluminum tapped from the affected facility during a period of thirty (30) days prior to and including the final run of a performance test.

(5) For each run, potroom group emissions expressed in kg/metric ton of aluminum produced shall be determined using the equation in Appendix A of this regulation.

(6) For any sampling harness which does not comply with Reference Method 14 in Appendix A to 40 CFR 60, as amended on June 30, 1980, the department shall prescribe such sampling procedures as it deems appropriate.

**Section 8. Compliance Timetable.** (1) The owner or operator of an affected facility shall be required with respect to startup cell and sick cell emissions to achieve compliance with this regulation no later than February 1, 1982, *except as provided for under Section 9.*

(2) The owner or operator of an affected facility shall be required with respect to the primary removal system to achieve final compliance no later than February 1, 1981.

**Section 9. Variance.** *To allow for technological and economic circumstances unique to a source, variation from the visible emission standard for sick or startup cells specified in Section 3(2) shall be granted by the department when supported by adequate technical and economic documentation reasonably acceptable to the department.*

#### APPENDIX A TO 401 KAR 61:165 EQUATION FOR POTROOM GROUP EMISSIONS

$$E_p = \frac{(CQ)_1 10^{-6}}{M}$$

Where:

$E_p$  = Primary control system emissions of total fluorides in kg/metric ton of aluminum produced.

$C$  = Concentration of total fluorides in mg/dscm as determined by Reference Method 13A or 13B.

$Q$  = Volumetric flow rate of the effluent gas stream in dscm/hour as determined by Reference Method 2 and/or Reference Method 14, as applicable.

$10^{-6}$  = Conversion factor for mg to kg.

$M$  = Rate of aluminum production in metric ton/hour as determined by Section 6(4).

$(CQ)_1$  = Product of  $C$  and  $Q$  for measurements of primary control system effluent gas streams.

JACKIE SWIGART, Secretary

ADOPTED: November 14, 1980

RECEIVED BY LRC: November 14, 1980 at 2:30 p.m.

#### PUBLIC PROTECTION AND REGULATION CABINET Energy Regulatory Commission Amended After Hearing

807 KAR 50:067. Electric consumer information.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.040, 278.280(2)

NECESSITY AND FUNCTION: KRS 278.280(2) provides that the Commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation requires electric utilities to provide certain information to their consumers pursuant to the federal standard established by Section 113(b)(3) of the Public Utility Regulatory Policies Act of 1978.

**Section 1. General.** The purpose of this regulation is to require *retail* electric utilities to provide their consumers with information concerning [rate schedules,] changes in rate schedules [and their energy consumption].

**[Section 2. Definitions.** For purposes of this regulation: (1) "Consumption" means the total electric energy used by a customer, expressed in kilo-watt hours (KWH).]

[(2) "Standard usage" means an amount of electric energy consumption for a given period that excludes usage for space heating or cooling. This is to be determined as the usage during a month when the space heating or cooling is a minimum. The month or comparable time period used to determine the standard usage shall be the month from the previous year containing the lowest number of degree days.]

[(3) "Mean daily temperature" means the average of hourly temperature readings taken within a twenty-four (24) hour period.]

[(4) "Temperature norm" for measuring electric consumption means sixty-five degrees Fahrenheit (65°F).]

[(5) "Degree day" means the unit representing each degree Fahrenheit (F) difference between the mean daily temperature and the temperature norm in one (1) day.]

[(6) "Adjusted consumption" means the electric energy consumption of a customer for heating and cooling expressed in kilowatt hours calculated by subtracting the standard usage from the total consumption.]

[(7) "Degree-day adjusted consumption" means the ratio of the adjusted consumption for a given billing period to the sum of the degree-days corresponding to the same billing period.]

**[Section 3. Energy Consumption Information.** Upon request, each electric utility shall furnish any consumer with a clear and concise statement of the actual consumption and degree-day adjusted consumption of electric energy by such consumer in their service region for each billing period during the prior year.]

[(1) In rendering the reporting information required in this regulation, the utility will make appropriate adjustments to reflect differences in the number of days metered for the respective billing periods.]

[(2) If a utility offers time-of-day rates, the information required to be furnished to a customer qualified to receive such rates must reflect that customer's peak and off-peak usage in a manner which will enable the customer to evaluate and utilize such rates.]

[(3) In special cases, where an electric utility cannot reasonably ascertain such consumption data, such utility may apply for and be permitted a deviation from this section.]

Section 2. [4.] Rate Schedule Information. [(1)] Each electric utility shall transmit to each of its consumers a clear and concise explanation of [both the current rate schedule and] any proposed change in *the* [such] rate schedule applicable to the consumer.

[(a)] The statement explaining the current rate schedule shall be mailed to each consumer within sixty (60) days after the date service to the consumer begins or ninety (90) days after this regulation becomes effective, whichever last occurs.]

(1) [(b)] When an electric utility proposes a change in a rate schedule, the statement explaining it shall be transmitted to each consumer to which the change applies within thirty (30) days after the utility applies for that change or within sixty (60) days in the case of an electric utility which uses a bi-monthly billing system.

[(2)] Each electric utility shall transmit annually to each of its consumers a clear and concise summary of the current rate schedules applicable to each of the classes of its consumers for which there is a separate rate and shall identify any class whose rate is not so summarized.]

[(a)] Each utility shall annually inform each of its consumers of their right to receive the consumption information specified in Section 3.]

(2) [(b)] [Information and notices to be furnished by the utilities under this regulation] *The statement explaining a proposed rate change* may be included with the regular bill.

PERRY R. WHITE, Chairman

ADOPTED: November 3, 1980

APPROVED:

H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 12, 1980 at 10 a.m.

## Proposed Amendments

### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

#### 11 KAR 4:010. Board meetings.

RELATES TO: KRS 164.746(5)

PURSUANT TO: KRS 13.082, 164.746(6)

NECESSITY AND FUNCTION: To provide for the holding of regular quarterly meetings and special meetings of the Authority Board. *It is necessary to amend this regulation in order to afford flexibility to the Board, essential to the scheduling of its meetings and the transaction of Authority business.*

Section 1. Regular Quarterly Meetings. The board shall hold regular quarterly meetings *in* [the second Thursday of] January, April, July and October. The time and location of each meeting shall be transmitted, with the approval of the chairman, by the executive director to each board member and to other individuals, agencies and organizations in accordance with the provisions of KRS Chapter 61 at least ten (10) days in advance of the meeting date.

Section 2. Special Meetings. The chairman may call special meetings for the transaction of any business of the board. The date, time and place of any special meeting shall be transmitted by the executive director to each board member and to other individuals, agencies and organizations in accordance with KRS Chapter 61 at least ten (10) days in advance of the meeting date. A special meeting, if held within sixty (60) days immediately preceding the next scheduled regular quarterly meeting, may, unless objected to by one or more board members, be substituted for the next scheduled regular quarterly board meeting.

PAUL P. BORDEN, Executive Director

ADOPTED: October 2, 1980

RECEIVED BY LRC: October 29, 1980 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Executive Director, Kentucky Higher Education Assistance Authority, 691 Teton Trail, Frankfort, Kentucky 40601.

### DEPARTMENT OF FINANCE Board of Hairdressers and Cosmetologists (Proposed Amendment)

#### 201 KAR 12:020. Examination.

RELATES TO: KRS 317A.010, 317A.020, 317A.050, 317A.100

PURSUANT TO: KRS 317A.050

NECESSITY AND FUNCTION: KRS 317A.050 requires all students of cosmetology to register with the board when enrolling in a school of cosmetology *and submit to examination in order to receive a license.*

Section 1. No graduate of any school of cosmetology licensed by this board will be accepted for apprentice examination who has not registered with the board at least ten (10) months and two (2) weeks prior to said examination. No graduate manicurist will be accepted for examination who has not registered with the board at least thirty-seven and one-half (37½) days prior to examination.

Section 2. Out-of-state graduates must submit a certification of hours from the state board where the hours were obtained.

Section 3. No student or apprentice cosmetologist will be permitted to take the board's examination whose application completed in full has not reached the office of the board at least ten (10) working days prior to the beginning date of examination.

Section 4. The board's examination will be given only to students who have been notified to appear for the examination and who are wearing a clean, washable uniform and who have with them a pencil for their written examination and instruments to be used by them in the giving of practical examination.

Section 5. The examination shall consist of both a written test and practical demonstration in all subjects relating to cosmetology. The practical demonstration shall be performed on a live female model.

Section 6. (1) An average grade of seventy (70) percent in theory and practical will be required as a passing grade on the board's apprentice examination. No license will be issued to an applicant, not including instructors, with a grade below seventy (70) percent in any one (1) subject and applicant must submit to re-examination on subjects not successfully completed.

(2) Instructors license will not be issued to any applicant receiving a grade below *eighty (80)* [eighty-five (85)] percent on written and *eighty-five (85) percent on practical* [in any one (1) subject]. Applicant must submit to re-examination on subjects not successfully completed.

Section 7. A student who works in a beauty salon prior to the apprentice examination given by the board will be considered ineligible to take the examination.

Section 8. A bulletin board must be provided by a school and the examination schedule must be conspicuously displayed thereon at all times.

Section 9. Applicants successfully completing the state board examinations must buy their licenses within thirty (30) days following their examination. Failure to purchase said license will require the paying of the appropriate restoration as required by KRS 317A.050.

Section 10. The fee accompanying an application will not be refunded unless the application is rejected by the board.

Section 11. Any applicant who fails the state board examinations may be rescheduled for examination during any examination period provided all qualifications are met.

Section 12. Any applicant who fails any phase of the state board examination and waits over ninety (90) days to retake the examination must file another application.

CARROLL ROBERTS, Administrator

ADOPTED: October 6, 1980

RECEIVED BY LRC: October 23, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carroll Roberts, Administrator, Board of Hairdressers and Cosmetologists, 304 West Liberty Street, Suite 300, Louisville, Kentucky 40202.

**DEPARTMENT OF FINANCE**  
**Board of Hairdressers and Cosmetologists**  
**(Proposed Amendment)**

**201 KAR 12:050. Reciprocity for valid licensee.**

RELATES TO: KRS 317A.100

PURSUANT TO: KRS 13.082, 317A.060

NECESSITY AND FUNCTION: KRS Chapter 317A authorizes the Kentucky State Board of Hairdressers and Cosmetologists to prescribe rules and regulations governing health and safety of the public; governing the training and supervision of cosmetologists; and governing the examinations for applicants for licenses. This regulation is to allow applicants from other states with less than 1,800

hours to qualify for examination in order to obtain licenses.

Section 1. Any applicant from out-of-state, who holds a valid license and who can show proof of two (2) years current experience, can come before the state board for examination (practical only) by paying *the [a] fee as set forth in KRS 317A.050* [of fifty dollars (\$50)] plus *the fee set forth in KRS 317A.050* [ten dollars (\$10)] for first license.

Section 2. Applicants must provide a certification from state board granting original license and proof of *four (4)* [two (2)] years high school education or its equivalent.

CARROLL ROBERTS, Administrator

ADOPTED: October 6, 1980

RECEIVED BY LRC: October 23, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carroll Roberts, Administrator, Board of Hairdressers and Cosmetologists, 304 West Liberty Street, Suite 300, Louisville, Kentucky 40202.

**DEPARTMENT OF FINANCE**  
**Board of Hairdressers and Cosmetologists**  
**(Proposed Amendment)**

**201 KAR 12:055. Instructor's license for out-of-state applicant.**

RELATES TO: KRS 317A.050, 317A.100

PURSUANT TO: KRS 317A.050, 317A.100

NECESSITY AND FUNCTION: Out-of-state applicants for instructor's 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* [of] examination (science and practical) by paying the statutory non-resident instructor fee. After passing the prescribed examination for instructors, applicants must pay the examination fee *as set forth in KRS 317A.050* [of twenty dollars (\$20)] for regular cosmetologists and first cosmetology license fee *as set forth in KRS 317A.050* [ten dollars (\$10)] before the first instructor license may be issued at the *fee set forth in KRS 317A.050* [fifteen dollar (\$15) fee].

CARROLL ROBERTS, Administrator

ADOPTED: October 6, 1980

RECEIVED BY LRC: October 23, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carroll Roberts, Administrator, Board of Hairdressers and Cosmetologists, 304 West Liberty Street, Suite 300, Louisville, Kentucky 40202.



DEPARTMENT OF FINANCE  
Board of Hairdressers and Cosmetologists  
(Proposed Amendment)

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

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 a 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 soundproof 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.

Section 7. Any salon owner restoring a salon license within sixty (60) days from date of expiration shall not be required to complete a salon application.

CARROLL ROBERTS, Administrator

ADOPTED: October 6, 1980

RECEIVED BY LRC: October 23, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carroll Roberts, Administrator, Board of Hairdressers and Cosmetologists, 304 West Liberty Street, Suite 300, Louisville, Kentucky 40202.

DEPARTMENT OF FINANCE  
Board of Hairdressers and Cosmetologists  
(Proposed Amendment)

201 KAR 12:082. School's course of instruction.

RELATES TO: KRS 317A.090

PURSUANT TO: KRS 317A.050

NECESSITY AND FUNCTION: Schools must provide a course of instruction of 1,800 hours of student training. The curriculum prepares the individual for examination for the appropriate license.

Section 1. The regular course of instruction for cosmetology students shall contain the following:

(1) Professional practices:

(a) The cosmetology profession:

1. Cosmetology vocabulary.

2. Brief history; how it began, and changes.

3. Ethics; ethics in a beauty salon; and salon conduct.

(b) Salon procedures:

1. Hygiene and good grooming; personal and public; personal characteristics; and responsibilities of the cosmetologists.

2. Professional attitudes and salesmanship; personality development; salesmanship and business management; customer relationship; and telephone personality.

3. Public relations and psychology; behavior; and proper image.

(c) Speciality services:

1. Facial treatments and makeup: facial treatment, makeup preparation; implements and supplies; procedure in giving a plain facial; purpose and effect of massage movements; facial cosmetics; special problems; eyebrow arching; and lash and brow dye.

2. Manicuring: purpose and effect; preparation; equipment; and procedures, including the following: plain manicure, oil manicure, removal of stains, repair work, hand and arm massage, buffing, application of lacquer, and application of artificial nails.

(2) Life sciences (general anatomy):

(a) Osteology: definition; and functions.

(b) Myology: definition; functions; and types.

(c) Neurology: definition; functions; types (motor and sensory) and principal nerves of the head, face and neck.

(d) Angiology: definition; composition of blood, and function of blood.

(e) Dermatology: structure of skin; functions of skin; appendages of skin; conditions of the skin, and lesions of the skin.

(f) Trichology: structure of hair, composition; blood and nerve supply; growth and regeneration; color, texture elasticity, porosity; and conditions to be recognized.

(g) Nails: structure and composition; growth and regeneration; and irregularities.

(3) Physical sciences (chemistry and treatment):

(a) Chemistry:

1. Elements, compounds, and mixtures; properties of; acid and alkali; and chemistry of water.

2. Composition and uses of cosmetics: for the body; for the skin and face; and for the scalp and hair.

3. Chemistry of hair lightening.

4. Chemistry of hair coloring.

5. Chemical hair relaxing.

6. Chemistry of makeup.

7. Chemistry of facial treatments.

8. Chemistry of rinses; soaps and shampoos; and detergents.

## 9. Chemistry of cold waving.

(b) Scalp and hair treatments: purpose and effects; preparation and procedure; use of cap; electricity and therapeutic ray; and safety rules.

(c) Shampoos and rinses: importance of good shampoo; purpose of effects; required materials and implements; brushing and drying; types of shampoos; rinses (not colored); and composition.

(d) Hair coloring: principal reasons for coloring; advantages of coloring; classifications of hair coloring; variation of products; procedures; and safety measures.

(e) Hair lightening: types of lighteners; implements and supplies; procedure; special problems in hair lightening; fillers and toners; removal of aniline derivative tints; and tint back to natural coloring.

(f) Cold waving: basic requirements; scalp and hair analysis; hair porosity; hair texture; hair elasticity; hair density; curling rods and chemicals; variation of permanent wave products; procedures; problems and safety measures.

(g) Sterilization and sanitation: definitions; importance; sterilization rules; and methods of sterilization.

## (4) Hair designing or sculpturing:

(a) Hair shaping: fundamentals of hair shaping; correct use of tools; designing and planning the hair cut; sectioning and thinning; razor and shear shaping; wig shaping; and safety precautions.

(b) Hair styling: finger waving; pin curls; hair partings; artistry hair styling; dressing of the coiffure; special consideration in hair styling; chemical hair relaxing and styling; facial types; and hair pressing and types of hot-iron curling.

(c) Care and styling of wigs: purpose; quality; types of wigs; ordering wigs; cleaning; shaping; tinting and color rinsing; setting and safety precautions.

Section 2. Schools must teach the students of the various supplies and equipment used in the usual salon practices.

Section 3. Schools must have the following charts available for students' use:

(1) Charts showing anatomy of muscles of face and neck with special reference to the direction of muscle fibers and function of muscle or groups of muscles;

(2) Charts showing anatomy of nails.

Section 4. All students shall receive not less than 1,800 hours in clinical class work and scientific lectures with 450 minimum lecture hours for science and theory and 1,305 minimum clinic and practice hours; and forty-five (45) hours of Kentucky statutes and regulations.

Section 5. One (1) hour per week should be devoted to the teaching and explanation of the Kentucky law as set forth in KRS Chapter 317A and the rules and regulations of the board.

Section 6. When permission of this board is given a student to enroll in a school for a special brushup course in any of the following subjects, said student will be required to have a course of training of the following number of hours in the course or courses he or she desires to take:

(1) Permanent waving, and all chemical control, 150 hours. [croquignole and spiral combination, and all wet curls, 100 hours.]

(2) Manicuring, hand and arm massage, [and bleach] 100 hours.

(3) [Marcelling and] All iron curls, 100 hours.

(4) Facials, 125 hours.

(5) Hair coloring and bleaching, 150 hours.

(6) Scalp massage, 25 hours [125 hours].

(7) Hair shaping, trimming, and thinning, 125 hours.

(8) Science, 100 hours.

(9) Hair dressing and styling, 150 hours.

Section 7. No school of cosmetology shall be granted a license to operate a school of cosmetology or annual renewal of license unless the following curriculum is maintained and taught.

(1) Curriculum for freshmen students:

(a) Theory and related theory class, 100 hours:

1. General theory, including Kentucky Cosmetology Law and rules and regulations adopted thereunder.

2. Clinical theory.

3. Lecturing theory.

(b) Clinical and related theory class (freshman practice class on students or mannequins), 200 hours:

1. Cold waves.

2. Facials and makeup.

3. Complete "S" formations or complete fingerwaves.

4. Pincurl technique.

5. Hairshaping.

6. Hairstyling techniques.

7. Lash and brow tint.

8. Eyebrow arches.

9. Manicuring.

10. Scalp treatments.

11. Shampooing.

12. Hair coloring, bleaching, and rinsing (mixing and formulas).

13. Heat permanent.

14. Safety measures.

(2) Curriculum for junior and senior students:

(a) Theory and related theory class, 500 hours.

(b) Professional practices, life sciences (general anatomy), physical sciences (chemistry and treatment), hair designing [or sculpturing], safety measures, Kentucky Cosmetology Laws and rules and regulations adopted thereunder.

(c) Clinical class, 1,000 hours:

1. Hair conditioning treatments.

2. Scalp treatments.

3. Hair shaping.

4. Shampoos.

5. Cold waves.

6. Chemical hair relaxing (permanent wave).

7. Complete "S" formation and complete fingerwaves.

8. Pincurl techniques.

9. Hairstyles.

10. Iron curling.

11. Hair coloring and toning.

12. Bleaches and frostings.

13. Facials and makeup.

14. Manicuring.

15. Lash and brow tints.

16. Eyebrow arches.

17. Color rinses (certified color).

18. Wiggery.

19. Professional ethics and good grooming.

20. Salesmanship.

21. Reception desk and telephone answering.

22. Record keeping.

[23. Federal and state tax records.]

[24. Sales tax records.]

23. [25.] Dispensary (procedures for ordering supplies and retail merchandise).

24. [26.] Personality development.

25. [27.] Salon management.

26. [28.] Public relations.

Section 8. *In addition to the regular course of instruction, cosmetology schools are permitted to have one (1) related lecture and demonstration per month.* [Schools are permitted to have one (1) lecture per month by a reputable manufacturer, or an authorized manufacturer's representative, to demonstrate their particular product.]

Section 9. Any time not utilized in theory or clinic work must be used for study periods or library work.

Section 10. Each school shall furnish reference books for student's use. Any recognized textbook relevant to the art of science of cosmetology and educational to the student is acceptable to the board.

Section 11. Students of cosmetology shall not be permitted to work on the public until they have completed 300 hours of instruction.

Section 12. Students of cosmetology will be allowed eight (8) hours per day for two (2) out-of-school activities per 1800 hours pertaining to the profession of cosmetology if reported to the board office on a standard form supplied by the board.

Section 13. Students of cosmetology will be permitted to attend two (2) educational programs within their 1,800-hour course for eight (8) hours credit per day, [exclusive of Sundays] if reported to the board office on a standard form supplied by the board.

Section 14. *Copies of the Kentucky State Board of Hairdressers and Cosmetologists' statutes and regulations shall be made available to all students.*

[Section 14. Recommended textbooks:]

[(1) "Standard Textbook of Cosmetology", 1938, revised edition, 1967, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10476.]

[(2) "Physics of Hair", Wallat, 1960, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10467.]

[(3) "The Van Dean Manual", 1940, revised edition, 1962, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10467.]

[(4) "Sullivan Beauty Manual", 1963, E. M. Sullivan, revised edition, 1967, E. M. Sullivan, Publisher, P. O. Box 823, Orange, California 92669.]

[(5) "Chemistry for Cosmetology Students", 1969, Intron, Inc., P. O. Box 477, Downey, California 90241.]

[(6) "The Principles and Practices of Beauty Culture", Florence Wall, 1941, revised edition, 1961, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10467.]

[(7) "Hair Structure and Chemistry", 1967, Milady Publishing Corp., 3837-3839 White Plains Road, Bronx, New York 10467.]

[(8) "Cosmetology, the Keystone Guide to Beauty Culture", 1970 edition, Keystone Publications, 1657 Broadway, New York, New York 10019.]

[(9) At least one (1) copy of a standard dictionary of the English language.]

[(10) At least one (1) copy of a standard medical dictionary.]

[(11) At least one (1) copy per student of the Kentucky State Board of Hairdressers and Cosmetologists statutes and regulations.]

[(12) At least five (5) copies of the rules of the school.]

[(13) "The Prentice-Hall Textbook of Cosmetology", 1976 by Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 07632. The most recent printing of each textbook is preferred.]

[(14) "The Professional Cosmetologist", 1976, John W. Dalton, West Publishing Company.]

Section 15. Manicurist curriculum shall include the following:

(1) Science and theory; 100 hours:

(a) Equipment, sterilization, sanitation, public and personal hygiene safety measures, Kentucky Cosmetology Law and all rules and regulations adopted thereunder.

(b) Nail condition and manicure techniques.

(c) Hand and arm massage.

(d) Science pertaining to areas of hands and arms.

(e) Personality, grooming, salon management, professional ethics, and cosmetic theory laws.

(2) Clinical; 200 hours:

(a) Oil and plain manicure.

(b) Nail polish changes, moons, half-moons, and tips.

(c) Hand and arm massage.

(d) Safety measures.

(e) Care of equipment.

(f) Removal of stains.

(g) Repair work.

(h) Buffing.

(i) Application of lacquer.

(j) Application of artificial nails.

Section 16. The course of study and curriculum for an apprentice instructor shall include as minimums, with a total of 1,000 hours the following:

(1) Orientation, fifteen (15) hours.

(2) Psychology of student training, fifty (50) hours.

(3) Introduction to teaching, thirty (30) hours.

(4) Good grooming and personality development, fifty (50) hours.

(5) Course outlining and development, forty (40) hours.

(6) Lesson planning, forty-five (45) hours.

(7) Teaching techniques (methods), eighty (80) hours.

(8) Teaching aids, audio-visual techniques, eighty (80) hours.

(9) Demonstration techniques, fifty-five (55) hours.

(10) Examinations and analysis, sixty (60) hours.

(11) Classroom management, forty-five (45) hours.

(12) Record keeping, twenty-five (25) hours.

(13) Teaching observation, sixty-five (65) hours.

(14) Teacher assistant, ninety (90) hours.

(15) Pupil teaching (practice teaching), 270 hours.

[Section 17. Recommended Textbooks: (1) "Psychology in Teaching," H. P. Smith.]

[(2) "Milady Course of Study for Student Teachers."]

[(3) "325 Teaching Hints."]

Section 17. [18.] All student instructors must be under the immediate supervision and instruction of a licensed instructor at all times during the school day. No student instructor shall ever assume any of the duties and responsibilities of a licensed supervising instructor.

Section 18. [19.] All records of apprentice instructors' hours earned shall be recorded on a standard form supplied by the board office on or before the tenth (10th) day of each month.

CARROLL ROBERTS, Administrator

ADOPTED: October 6, 1980

RECEIVED BY LRC: October 23, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carroll Roberts, Administrator, Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

**DEPARTMENT OF FINANCE**  
**Board of Hairdressers and Cosmetologists**  
**(Proposed Amendment)**

**201 KAR 12:083. Educational requirements.**

RELATES TO: KRS 317A.050, 317A.060, 317A.140  
PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: Students enrolling in a school of cosmetology must show proof of educational requirements. *Applicants for cosmetologist's license and manicurist's license must show proof of four (4) years high school or its equivalent.*

Section 1. Any person enrolling in a school of cosmetology must complete an application for [of] enrollment provided by the board. The applicant must furnish proof that he or she has completed two (2) years of high school or its equivalent. The required proof shall be any of the following:

- (1) A transcript of subjects and grades showing the applicant has completed grades nine (9) and ten (10);
- (2) G.E.D. test indicating a minimum grade of thirty-nine (39);
- (3) A notarized statement from the high school principal, counselor, or superintendent, stating that in their opinion the applicant has an educational equivalency of completing tenth (10th) grade. Said statement must be on school stationery;
- (4) If the student has graduated from high school or completed the G.E.D. test for four (4) years high school, his or her diploma may be presented.

Section 2. The student enrollment application accompanied by the applicant's proof of education, must be received by the board no later than ten (10) working days after the student date of enrollment. No student will receive credit hours beyond the ten (10) day period.

Section 3. No person shall be permitted to enroll in a school of cosmetology for a [post-graduate or] brush-up course unless the applicant holds an unexpired and unrevoked license issued by this board. Said applicant must complete an application for enrollment and provide the necessary educational requirements [of Section 1.].

Section 4. Any person previously licensed by this board having an expired license shall be permitted to enroll in a school of cosmetology for a brush-up or refresher course

upon obtaining special permission of the board. Said applicant must complete an application and provide the necessary educational requirements [of Section 1.].

*Section 5. All schools of cosmetology must advise individuals enrolling in a school of cosmetology of the educational requirements of a tenth (10th) grade education or its equivalent to obtain an apprentice cosmetologist's license and the requirement of four (4) years high school or its equivalent to obtain a cosmetologist's license or a manicurist's license.*

*Section 6. The required proof of four (4) years high school shall be any of the following:*

- (1) A transcript of subjects and grades showing the applicant has completed twelfth (12th) grade;
- (2) The results of a G.E.D. test or G.E.D. certificate;
- (3) High school diploma.

CARROLL ROBERTS, Administrator

ADOPTED: October 6, 1980

RECEIVED BY LRC: October 23, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carroll Roberts, Administrator, Board of Hairdressers and Cosmetologists, 304 West Liberty Street, Suite 300, Louisville, Kentucky 40202.

**DEPARTMENT OF FINANCE**  
**Board of Hairdressers and Cosmetologists**  
**(Proposed Amendment)**

**201 KAR 12:085. School advertising.**

RELATES TO: KRS 317A.050  
PURSUANT TO: KRS 317A.050

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 2. [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 3. [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 4. [6.] Schools are forbidden to [advertise positions or] guarantee future employment to students.

CARROLL ROBERTS, Administrator

ADOPTED: October 6, 1980

RECEIVED BY LRC: October 23, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carroll Roberts, Administrator, Board of Hairdressers and Cosmetologists, 304 West Liberty Street, Suite 300, Louisville, Kentucky 40202.

**DEPARTMENT OF FINANCE**  
Board of Hairdressers and Cosmetologists  
(Proposed Amendment)

201 KAR 12:130. School fees for services.

RELATES TO: KRS 317A.060

PURSUANT TO: KRS 317A.050

NECESSITY AND FUNCTION: Schools are considered establishments of teaching and learning and should not operate as a beauty salon or charge the public or students enrolled additional fees.

Section 1. Each school of cosmetology must submit a price list for services rendered and subsequent revisions of price changes to the office of the board. Said price list will remain on file in the office of the board. [for approval. The prices indicated shall be the maximum price that shall be charged for the services indicated. Any price increase must be submitted to the board for approval.]

[Section 2. The board reserves the right to disapprove a price list submitted by a school if said price list is proven excessive.]

Section 2. [3.] A copy of such prices must be posted on a card in each room of the school where work is done on the public. Price list must be printed in type large enough to be read at a distance of ten (10) feet.

Section 3. [4.] Schools shall not be permitted to charge students additional fees for demonstrations, nor shall any supply house or manufacturer be permitted to charge students fees for such demonstrations.

CARROLL ROBERTS, Administrators

ADOPTED: October 6, 1980

RECEIVED BY LRC: October 23, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carroll Roberts, Administrator, Board of Hairdressers and Cosmetologists, 304 West Liberty Street, Suite 300, Louisville, Kentucky 40202.

**EDUCATION AND ARTS CABINETS**  
Department of Library and Archives  
(Proposed Amendment)

725 KAR 2:050. Textbooks for non-public schools.

RELATES TO: KRS 171.215

PURSUANT TO: KRS 13.082, 171.215

NECESSITY AND FUNCTION: This regulation is necessary for the Department of Library and Archives to exercise its duties. The Department is designated by KRS Chapter 171 as the agency to administer funds granted for the purpose of providing textbooks to pupils in approved nonpublic schools in Kentucky. This program includes selection, purchase, distribution, and accountability of the textbooks.

Section 1. Hereinafter, the expression "eligible non-public school" refers to those nonpublic schools, grades one (1) through twelve (12) which are approved by the Kentucky Department of Education as provided for in 704 KAR 6:010, Section 3; the initials "D.L.A." refer to the Department of Library and Archives, and the term "textbooks" refers to textbooks approved by the State Textbook Commission and which conform to the State Board of Education distribution schedule.

Section 2. (1) Textbook Selection, Acquisition, and Distribution. [During the first year of implementation (1978-79) the selection of the subject and grade level will be determined by a committee appointed by the State Librarian within the DLA in consultation with the Kentucky Department of Education.] Beginning with the 1979-80 school year an advisory committee shall be appointed by the State Librarian to advise the DLA regarding implementation of KRS 171.215 [selections]. Membership on this committee shall not exceed five (5) in number and shall be composed of the chief executive or administrative officer of eligible schools and shall, as far as possible, represent the various types of eligible schools. The quantity of textbooks purchased shall be determined annually based on the amount of available funds.

(2) Any eligible nonpublic school in Kentucky shall be qualified to receive free textbooks for use by pupils. The principal or head teacher of each eligible school shall make annual application for use of textbooks, on a form provided by DLA for that purpose. DLA shall notify each eligible school of the availability of funds for the purchase of textbooks. Apportionment of funds will be according to an equal per-pupil amount, based on the number of pupils enrolled in participating nonpublic schools and the total amount of the appropriation of each fiscal year. The principal or head teacher of each school will be responsible for the administration of the free textbook program within that school, which includes assignment of textbooks to pupils and end of year reporting as required. [The Technical Services Division of the DLA shall order and process the textbooks. The textbooks shall be received, counted, and stamped with the DLA property stamp, and held for distribution as eligible applications are filled or processed in the order in which they are received. Should the supply of textbooks prove inadequate to meet the demand within the specified application period, applicants shall be mailed written notification of the status of their request, i.e., availability of a partial supply of requested number or unable to provide due to exhausted supply.]

(3) Selections will be made from the State Multiple List of Adoptions, to conform to the subject area schedule in

use by the Kentucky Department of Education for distribution of textbooks to public schools. Each school will forward its list of selections to DLA, on a form provided by DLA for that purpose. DLA will submit orders to publishers; books will be shipped directly from publishers to schools.

(4) Books will be labeled as property of DLA. An inventory of textbooks provided will be submitted by the administrator of each school at the end of each school year, on a form provided for that purpose by DLA.

Section 3. (1) [(2)] A deadline for application and reporting shall be established annually. [Application. (1) Any approved nonpublic school in Kentucky shall be eligible to make annual application for the available textbooks. Applications shall be made according to the following procedure. The DLA shall officially notify all eligible schools of the availability of the textbooks, specifying that applications will be considered on a first-come, first-served basis. This notice shall include a brief application form requesting basic data:]

[(a) Name of school;]

[(b) Address;]

[(c) Chief executive or administrative officer;]

[(d) Total school enrollment;]

[(e) Total enrollment in specified grade level and subject; and]

[(f) Additional information as deemed necessary on a year to year basis.]

(2) When use of the textbooks is discontinued, the administrator of each school shall notify DLA, which will direct the school as to proper disposition of the textbooks.

[Section 4. (1) The textbooks shall be distributed to the qualified applicants for use by pupils in the specified subject and grade level with the stipulation that the textbooks remain the property of the DLA and that an annual inventory report will be required. The annual report shall consist of an accounting at the end of each school year, indicating:]

[(a) The number of textbooks allotted to the school;]

[(b) The number of textbooks distributed to pupils during the current school year;]

[(c) The number of textbooks collected and held at the end of the school year for redistribution within that school the following year; and]

[(d) The condition and location of the textbooks.]

[(2) When use of the textbooks is discontinued, the schools shall notify the DLA which will direct the school as to the proper disposition of these books.]

[(3) The chief executive or administrative officer of recipient schools shall be responsible for the care of the textbooks allotted to their respective institutions and for the accountability of same to the DLA.]

JAMES A. NELSON, State Librarian  
RAYMOND BARBER, Secretary

ADOPTED: November 14, 1980

RECEIVED BY LRC: November 14, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: James A. Nelson, State Librarian, Kentucky Department of Library and Archives, P.O. Box 537, Frankfort, Kentucky 40602.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Labor  
(Proposed Amendment)

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-employee relationship. The function of this regulation is to define the criteria to be met by public employers who wish to permit employees engaged in fire protection activities to use the practice of "trading time."

Section 1. A common practice or agreement among employees 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 employee to absent himself or herself from work to attend to purely personal pursuits. This practice is commonly referred to as "trading time."

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 employees 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 employee's desire or need to attend to personal matters; and

(3) A record is maintained by the employer of all time traded by his employees. [; and]

[(4) The period during which time is traded and paid back does not exceed twelve (12) months.]

EUGENE F. LAND, Commissioner

ADOPTED: October 8, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: October 17, 1980 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Charles E. McCoy, Director, Division of Employment Standards and Mediation, Kentucky Department of Labor, U.S. 127 South Building, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Labor  
Occupational Safety and Health  
(Proposed Amendment)

803 KAR 2:020. Adoption of 29 CFR Part 1910.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also



given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1910, the Occupational Safety and Health Standards for General Industry, published by the Commerce Clearing House, Inc., Chicago, Illinois 60646, in the March 1979 Edition, Copyright Date 1979, These standards are hereby adopted by reference with the following additions, exceptions, and deletions.

(1) 29 CFR Part 1910.1 shall read as follows:

"The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR Part 1910.2 shall read as follows: As used in this part, unless the context clearly requires otherwise:

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Commissioner of Labor, Commonwealth of Kentucky.

(c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.

(d) "Employee" means any person employed except those employees excluded in KRS 338.021.

(e) "Standard" means a standard which requires conditions or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."

(f) "National consensus standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.

(g) "Established federal standard" means any operative occupational safety and health standard established by any agency of the United States Government.

(h) An employer, required under these standards to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Department of Labor, U.S. 127 South, Frankfort, Kentucky 40601.

(3) 29 CFR 1910.20 "Access to employee exposure and medical records" and Appendices A and B as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, is adopted by reference with the following amendments:

(a) 29 CFR 1910.20(e)(1)(i) is amended to read "Whenever an employee or designated representative requests access to an exposure or medical record, the employer shall assure that access is provided in a reasonable time, place, and manner, but not later than fifteen (15) days after the request for access is made unless sufficient reason is given why such a time is unreasonable or impractical."

(b) 29 CFR 1910.20(e)(1)(ii) is amended to read "Whenever an employee or designated representative requests a copy of a record, the employer shall, except as specified in (v) of this section, within the period of time previously specified assure that either:"

(c) 29 CFR 1910.20(e)(1)(v) is added and shall read "Original x-ray film will be made available to the employee

and/or designated representative for inspection, review, and duplication under the supervision of the employer or his representative. The employer is not required to bear the cost of duplication of x-ray film."

(d) 29 CFR 1910.20(e)(3)(ii) shall read "Whenever OSHA seeks access to personally identifiable employee medical information by presenting to the employer a written access order pursuant to 29 CFR 1913.10(d), the employer shall prominently post a copy of the written access order and its accompanying cover letter for at least fifteen (15) working days. OSHA will have access to employee medical records maintained by an employee's personal physician fifteen (15) days after written consent is given to OSHA by the affected employee. The consent must contain a general description of the medical information that is authorized to be released."

(e) 29 CFR 1910.20(g)(1) is amended to read "Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform each employee exposed to toxic substances or harmful physical agents of the following:"

(f) 29 CFR 1910.20(g)(2) is amended to read "Each employer shall make readily available to employees a copy of this standard and its appendices, and shall make readily available to employees any informational materials concerning this standard which are provided to the employer by the Assistant Secretary of Labor for Occupational Safety and Health."

[(3) Amend 29 CFR 1910 by adding the following addition and revision:]

[1910.20(b) "Qualified Professional" means any person trained in the field of industrial hygiene, toxicology, epidemiology, nursing, medicine or health physics.]

[1910.20(d) Availability of records. Delete the word designee and insert "A designated qualified professional."]

(4) Subparagraph 29 CFR 1910.23(a)(7) shall be amended to read as follows: "Every temporary or permanent floor opening shall have standard railings, or shall be constantly attended by someone."

(5) Revision to 29 CFR 1910.35 "Definitions" as printed in the Federal Register, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference.

(6) Revision to 29 CFR 1910.37 "Means of egress general," as printed in the Federal Register, Volume 45, Number 179, Friday, September 13, 1980, is adopted by reference.

(7) 29 CFR 1910.38 "Employee emergency plans and fire prevention plans," and the appendix to Subpart E as printed in the Federal Register, Volume 45, Number 179, Friday, September 12, 1980, are adopted by reference.

(8) [(5)] 29 CFR 1910.101(b) shall be amended by revocation of referenced pamphlet P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(9) [(6)] 29 CFR 1910.106(a)(3) shall read as follows:

"The term automotive service station, or service station, shall mean that portion of property where flammable or combustible liquids used as motor fuel are stored and dispensed from fixed equipment and into the fuel tanks of motor vehicles and shall include any facilities available for the sale and servicing of tires, batteries, accessories and for minor automotive maintenance work and shall also include private stations not accessible or open to the public such as those used by commercial, industrial or governmental establishments. This section shall not apply to agriculture."

(10) Revision to 29 CFR 1910.107 "Spray finishing using flammable and combustible materials," as printed in

the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference.

(11) Revision to 29 CFR 1910.108 "Dip tanks containing flammable or combustible liquids," as printed in the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference.

(12) Revision to 29 CFR 1910.109 "Explosives and blasting agents," as printed in the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference.

(13) [(7)] 29 CFR 1910.141(c)(2)(i) shall read as follows:

"(i) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy."

(14) [(8)] 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

"(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health."

"(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first-aid supplies approved by a consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties, are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees."

"(c) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid. First-aid supplies approved by the consulting physician shall be readily available."

"(d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use."

(15) 29 CFR 1910.155 "Scope, application and definitions applicable to this subpart," as printed in the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference.

(16) Revision to 29 CFR 1910.156 "Fire brigades" as printed in the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference, except:

"1910.156(a)(2) "Application" is amended to read "The requirements of this section apply to fire brigades; industrial fire departments; private fire departments; and municipal public fire departments and fire protection districts. Personal protective equipment requirements apply only to members of fire brigades and fire departments performing interior structural fire fighting. The requirements of this section do not apply to airport crash rescue, forest fire fighting operations, or volunteer fire fighters."

(17) Revision to 29 CFR 1910.157 "Portable fire extinguishers" as printed in the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference.

(18) Revision to 29 CFR 1910.158 "Standpipe and hose systems" as printed in the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference.

(19) Revision to 29 CFR 1910.159 "Automatic sprinkler systems," as printed in the *Federal Register*, Volume 45,

Number 179, Friday, September 12, 1980, is adopted by reference.

(20) Revision to 29 CFR 1910.160 "Fixed extinguishing systems, general" as printed in the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference.

(21) Revision to 29 CFR 1910.161 "Fixed extinguishing systems, dry chemical" as printed in the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference.

(22) 29 CFR 1910.162 "Fixed extinguishing systems, gaseous agent" as printed in the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference.

(23) 29 CFR 1910.163 "Fixed extinguishing systems, water spray and foam" as printed in the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference.

(24) 29 CFR 1910.164 "Fire detection systems" as printed in the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference.

(25) Revision to 29 CFR 1910.165 "Employee alarm systems" as printed in the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, is adopted by reference.

(26) Appendices A, B, C, D, and E to 29 CFR 1910 Subpart L as printed in the *Federal Register*, Volume 45, Number 179, Friday, September 12, 1980, are adopted by reference.

(27) [(9)] 29 CFR 1910.177 "Servicing Multi-Piece Rim Wheels" as printed in the *Federal Register*, Volume 45, Number 20, January 20, 1980, a copy of which is attached hereto, is adopted by reference.

(28) [(10)] Amend 29 CFR 1910.217 Mechanical Power Press Standards to read:

(a) 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following:

"This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the 'inch' position."

(b) "1910.217(b)(8)(iv) All a.c. control circuits and solenoid coils shall be powered by not more than a nominal 120-volt a.c. supply obtained from a transformer with an isolated secondary."

(c) 1910.217(d)(3), (d)(5), (d)(9)(i) The references to paragraph (b) shall be changed to paragraph (c).

(29) [(11)] Subparagraph 29 CFR 1910.252(a)(6)(iv), (d)(2) shall be corrected to read as follows:

"Wiring and electrical equipment in compressor or booster pump rooms or enclosures shall conform to the provisions of section 1910.309(a) for Class I, Division 2 locations."

(30) [(12)] 29 CFR 1910.423 Commercial Diving Operations; Corrections, *Federal Register*, Volume 45, Number 121, June 20, 1980, is adopted by reference.

(31) Revisions to 29 CFR 1910.440 "Commercial diving operations recordkeeping requirements" as printed in the *Federal Register*, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(32) Revisions to 29 CFR 1910.1001 "Asbestos" as printed in the *Federal Register*, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(33) Revisions to 29 CFR 1910.1003 "4-Nitrobiphenyl" as printed in the *Federal Register*, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(34) Revisions to 29 CFR 1910.1004 "alpha-Naphthylamine" as printed in the *Federal Register*,

Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(35) [(13)] 29 CFR 1910.1005 4,4'-methylene bis (2-chloroaniline) and 29 CFR 1910.1003 through .1016 paragraphs (c)(6), Laboratory Activities, printed in the Federal Register, Volume 39, Number 125, June 27, 1974, are in effect.

(36) [(14)] Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows:

"Premixed Solutions: Where 4,4'-methylene bis (2-chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials."

(37) Revisions to 29 CFR 1910.1006 "Methyl Chloromethyl ether" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(38) Revisions to 29 CFR 1910.1007 "3-3'-Dichlorobenzidine (and its salts)" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(39) Revisions to 29 CFR 1910.1008 "bis-Chloromethyl ether" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(40) Revisions to 29 CFR 1910.1009 "beta-Naphthylamine" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(41) Revisions to 29 CFR 1910.1010 "Benzidine" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(42) Revisions to 29 CFR 1910.1011 "4-Aminodiphenyl" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(43) Revisions to 29 CFR 1910.1012 "Ethyleneimine" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(44) Revisions to 29 CFR 1910.1013 "beta-Propiolactone" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(45) Revisions to 29 CFR 1910.1014 "2-Acetylaminofluorene" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(46) Revisions to 29 CFR 1910.1015 "4-Dimethylaminoazobenzene" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(47) Revisions to 29 CFR 1910.1016 "N-Nitrosodimethylamine" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(48) Revisions to 29 CFR 1910.1017 "Vinyl chloride" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(49) Revisions to 29 CFR 1910.1018 "Inorganic arsenic" and "Appendix A-Inorganic Arsenic Information Sheet" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(50) [(15)] 29 CFR 1910.1025 "Occupational Exposure to Lead" shall be amended as follows:

(a) Add Appendices A, B, and C which appeared in the

Federal Register Volume 44, Number 206, October 23, 1979, hereby adopted by reference, copy attached hereto.

(b) Corrections to the Appendices which have been adopted by the U.S. Department of Labor, printed in the Federal Register, Volume 44, Number 232, November 30, 1979, a copy of which is attached hereto, is adopted by reference.

(c) Paragraph (a)(2) shall read: "This section does not apply to the Construction Industry or to Agricultural operations covered by 29 CFR 1928."

(d) Revisions as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(51) [(16)] 29 CFR 1910.1028 "Occupational Exposure to Benzene," and footnote 1, Table Z-2 are deleted in their entirety.

(52) Revisions to 29 CFR 1910.1029 "Coke oven emissions" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(53) [(17)] Amendments to 29 CFR 1910.1043 "Occupational Exposure to Cotton Dust":

(a) Relating to new start-up dates, printed in the Federal Register, Volume 45, Number 39, February 26, 1980, a copy of which is attached hereto, is adopted by reference.

(b) Revisions to 29 CFR 1910.1043 printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(54) Revisions to 29 CFR 1910.1044 "1,2-Dibromo-3-Chloropropane" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(55) Revisions to 29 CFR 1910.1045 "Acrylonitrile" and "Appendix A—Substance Safety Data Sheet for Acrylonitrile" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

(56) Revisions to 29 CFR 1910.1046 "Exposure to cotton dust in cotton gins" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.

EUGENE F. LAND, Commissioner

ADOPTED: October 30, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 14, 1980 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Executive Director, Kentucky Department of Labor,  
Occupational Safety and Health Program, U.S. 127 South,  
Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Labor  
Occupational Safety and Health Program  
(Proposed Amendment)

803 KAR 2:021. Identification, classification and regulation of potential occupational carcinogens.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupa-

tional safety and health rules, regulations and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board.

Section 1. (1) The Occupational Safety and Health Standards Board adopts 29 CFR 1910, the general policy for "Identification, Classification, and Regulation of Potential Occupational Carcinogens," printed in the Federal Register, Volume 45, Number 15, and 29 CFR 1910 Correction, printed in the Federal Register, Volume 45, Number 126, which set forth a general policy for the identification and regulation of physical and chemical substances that pose a potential occupational carcinogenic risk to humans.

(2) These standards are hereby adopted by reference.

(3) *Revisions to 29 CFR 1910.151 "Model Standard" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.*

(4) *Revisions to 29 CFR 1910.152 "Model Emergency Standard" as printed in the Federal Register, Volume 45, Number 102, Friday, May 23, 1980, are adopted by reference.*

EUGENE F. LAND, Commissioner

ADOPTED: October 30, 1980

APPROVED: H. FOSTER PETTIT, Secretary  
RECEIVED BY LRC: November 14, 1980 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Executive Director, Kentucky Department of Labor,  
Occupational Safety and Health Program, U.S. 127 South,  
Frankfort, Kentucky 40601.

#### PUBLIC PROTECTION AND REGULATION CABINET Energy Regulatory Commission (Proposed Amendment)

807 KAR 50:020. Advertising.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.040, 278.190(3)

NECESSITY AND FUNCTION: KRS 278.190(3) provides that at any hearing involving a rate or charge of a utility for which an increase is sought, the burden of proof shall be on the utility to show that the increased charge or rate is just and reasonable. This regulation specifies what advertising expenses of a utility will be allowable as a cost to the utility for ratemaking purposes.

Section 1. General. The purpose of this regulation is to insure that no direct or indirect expenditures may be includable in a utility's cost of service for ratemaking purposes which are for promotional advertising, political advertising, or institutional advertising. "Advertising" means the commercial use of any media, including newspaper, printed matter, radio and television, in order to transmit a message to a substantial number of members of the public or to utility consumers.

Section 2. Applicability. This regulation shall apply to any utility subject to the jurisdiction of the Energy Regulatory Commission.

Section 3. Advertising Allowed. (1) No advertising expenditure of a utility shall be taken into consideration by the commission for the purpose of establishing rates unless such advertising will produce a material benefit for the ratepayers.

(2) As used in this regulation, advertising expenditures shall include costs of advertising directly incurred by the public utility and those costs of advertising incurred by contribution to third parties, including parent and affiliated companies.

Section 4. Material Benefit. Advertising expenditures which produce a "material benefit" include, but are not limited to the following:

(1) Advertising limited exclusively to demonstration of means for ratepayers to reduce their bills or conserve energy;

(2) Advertising conveying safety information in the direct use of utility equipment;

(3) Advertising which furnishes factual and objective data programs to educational institutions on the subject of energy technology;

(4) Advertising providing information to the public regarding potential safety hazards associated with construction or a utility's maintenance program;

(5) Legal advertising notices to ratepayers required by statute, rule or order of the commission.

(6) *Advertising which explains a utility's proposed or existing rate structures, its energy-related problems and its public programs and activities, provided such reference includes a description of how a consumer benefits from or is affected by same.*

Section 5. Advertising Disallowed. (1) For the purposes of this regulation, political, promotional, and institutional advertising shall not be considered as producing a material benefit to the ratepayers and, as such, those expenditures are expressly disallowed for ratemaking purposes.

(2) "Political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(3) "Promotional advertising" means any advertising for the purpose of encouraging any person to select or use the service or additional service of an energy utility, or the selection or installation of any appliance or equipment designed to use such utility's service.

(4) "Institutional advertising" means advertising which has as its sole [primary] objective the enhancement or preservation of the corporate image of the utility and to present it in a favorable light to the general public, investors, and potential employees.

(5) The terms "political advertising," "promotional advertising," and "institutional advertising" do not include:

(a) Advertising which informs utility customers how they can conserve energy;

(b) Advertising required by law or regulation;

(c) Advertising regarding service interruption, safety measures, or emergency conditions;

(d) Advertising concerning current employment opportunities;

(e) Advertising which promotes the use of energy efficient appliances, equipment, or services.

Section 6. Burden of Proof. The utility shall have the burden of proving that any advertising cost or expenditures

proposed for inclusion in its operating expenses for ratemaking purposes within a given test year fall within the categories enumerated in Section 4 or that such advertising is otherwise of material benefit to its ratepayers.

PERRY WHITE, Chairman

ADOPTED: November 13, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 14, 1980 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary, Energy Regulatory Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Harness Racing Commission**  
**(Proposed Amendment)**

**811 KAR 1:015. Race officials.**

RELATES TO: KRS 230.630(1),(3), 230.640(2), 230.660, 230.700, 230.720

PURSUANT TO: KRS 13.082, 230.630(3),(4),(7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to set out the required officials, their functions and duties.

Section 1. Officials Required. In every race, there shall be a presiding judge, two (2) associate judges and not less than two (2) patrol judges, a racing secretary, starter, clerk of the course and three (3) timers, or one (1) timer and an approved electric timing device. In the event a patrol car is used, one (1) associate judge may ride in the car, in which case the patrol judges may be eliminated.

Section 2. All officials must be licensed and approved by the commission.

Section 3. Any track permitting an unlicensed person to officiate when a license is required shall be fined not exceeding \$250 for each day such unlicensed person officiates. Any person officiating without being licensed shall be fined not exceeding \$250 for each day he acts as such an official.

Section 4. Officials at Extended Meetings. No presiding judge, associate judge, starter, race secretary, barrier judge, patrol judge, clerk of the course or paddock judge shall be qualified to serve as such at an extended pari-mutuel meeting without a valid commission license. Holders of pari-mutuel licenses are authorized to officiate at all meetings. No official acting as judge at a pari-mutuel meeting shall serve as race secretary or clerk of the course at such meeting. No licensed official shall be qualified to act as such at any pari-mutuel meeting where he is the owner or otherwise interested in the ownership of any horse participating at such meeting. Any refusal to grant a license to a person may be reviewed by the Kentucky Harness Racing Commission.

Section 5. Disqualification to Act as Official. A person under suspension, expulsion or other disqualification, or

who has any interest in or any bet on a race or has an interest in any of the horses engaged therein, is disqualified from acting in any official capacity in that race. In the event of such disqualification the management shall be notified by the disqualified person and shall appoint a substitute. Any person who violates this restriction shall be fined, suspended or expelled.

Section 6. Suspension or Revocation of Official's License. An official may be fined, suspended or removed at any time for incompetence, failure to follow or enforce rules, or any conduct detrimental to the sport including drinking within four (4) hours prior to the time he starts work as an official.

Section 7. Ban on Owning or Dealing in Horses. No employee of any track whose duties include the classification of horses shall directly or indirectly be the owner of any horse racing at such meeting, nor shall he participate financially directly or indirectly in the purchase or sale of any horse racing at such meeting. Any person violating this rule shall be suspended.

Section 8. Location of Judge's Stand. The judge's stand shall be so located and constructed as to afford to the officials an unobstructed view of the entire track and no obstruction shall be permitted upon the track, or the centerfield which shall obscure the officials' vision of any portion of the track during the race. Any violation of this section shall subject the track to a fine not exceeding \$500 and immediate suspension.

Section 9. Judges' Stand Occupants. None but the judges, the clerk of the course, the secretary, starter and timers, official announcer, runner that posts the photo finish, and officials of the commission, shall be allowed in the judges' stand from fifteen (15) minutes before the first race until fifteen (15) minutes after the last race unless authorized by the commission. Any track violating this rule shall be fined not to exceed \$300.

Section 10. Improper Acts by an Official. If any person acting as judge or an official shall be guilty of using insulting language to an owner, driver, or other person, or be guilty of other improper conduct, he shall be fined not exceeding \$500, or be suspended or expelled.

Section 11. Presiding Judge. The presiding judge shall:

- (1) Have supervision to see that the rules of this commission are followed over the following officials:

- (a) Associate Judges,
- (b) Patrol Judges,
- (c) Starters,
- (d) Paddock Judges,
- (e) Finish Wire Judge,
- (f) Clerk of the Course,
- (g) Timers,
- (h) Charters,
- (i) Racing Secretary,
- (j) Official Announcer, and

- (k) Any other licensed personnel directly responsible for conducting the racing program.

- (2) Notify owners, trainers, drivers and grooms of penalties imposed.

- (3) Report in writing to the commission, violations of the rules by a track, its officers or race officials, giving detailed information thereof.

(4) Make such other reports as required by the commission.

(5) Sign each sheet of the judges' book, verifying the correctness of the record.

(6) Be responsible for the maintenance of the records of the meeting and the forwarding thereof to the commission.

(7) Failure of the presiding judge to see that the rules of the commission are complied with may be grounds for suspension and may be grounds for denial of a license for the subsequent year.

Section 12. Authority and Procedure of Judges. The judges shall have the authority while presiding to: (1) Inflict fines and penalties, as prescribed by these rules.

(2) Determine all questions of fact relating to the race.

(3) Decide any differences between parties to the race, or any contingent matter which shall arise, such as are not otherwise provided for in these rules.

(4) Declare pools and bets "off" in case of fraud, no appeal to be allowed from their decision in that respect. All pools and bets follow the decision of the judges. Such a decision in respect to pools and bets shall be made at the conclusion of the race upon the observation of the judges and upon the facts as an immediate investigation shall develop. A reversal or change of decision after the official placing at the conclusion of the heat or dash shall not affect the distribution of betting pools made upon such official placing. When pools and bets are declared off for fraud, the guilty parties shall be fined, suspended or expelled.

(5) Control the horses, drivers, and assistants and punish by a fine not exceeding \$100 or by suspension or expulsion, any such person who shall fail to obey their orders or the rules. In no case shall there be any compromise or change on the part of the judges or members of punishment prescribed in the rules, but the same shall be strictly enforced. Tracks shall not remove or modify any fine imposed by the judges of a race, review any order of suspension, expulsion, or interfere with the judges performing their duties.

(6) Examine under oath all parties connected with a race as to any wrong or complaint. The judges may compel by written notice, the appearance of any person whose testimony is necessary to the proper conduct of a hearing. Failure to attend shall be a violation of these rules and shall be penalized as provided above in subsection (5).

(7) Consider complaints of foul from the patrols, owners, trainers or drivers in the race and no other.

(8) Make such decision in the public interest required by extraordinary circumstances not covered by rules and regulations of the commission.

Section 13. Judges' Duties. It shall be the duty of the judges to: (1) Exclude from the race any horse that in their opinion is improperly equipped, dangerous or unfit to race, which shall include sick, weak and extremely lame horses. No horse shall race with a tube in its throat. No horse shall race unless it has unimpaired vision in at least one (1) eye and no horse infected with Equine Infectious Anemia or a carrier thereof, shall race. [Horses that are bleeders may race under recognized medication for said bleeding condition provided that said condition and the type of medication is certified to the commission by the commission veterinarian or a veterinarian licensed by the commission prior to the race and said horse is approved for racing by the presiding judge. In the event the horse bleeds while being raced under medication, said horse shall not

again race with or without medication until it is cured and approved for racing by the commission.]

(2) Investigate any apparent or possible interference, or other violation of 811 KAR 1:075, Section 1, whether or not complaint has been made by the driver.

(3) Investigate any act of cruelty seen by them or reported to them by any member towards a race horse during a meeting at which they officiate. If the judges find that such an act has been committed, they shall suspend or fine the offending member not to exceed \$500 and submit a written report within ten (10) days of their findings and action to the commission. The chairman of the commission or the designated representative of the commission shall have all the authority conferred upon the judges by this section, and in addition may order an investigation and a hearing and impose a penalty for any act of cruelty or neglect of a horse committed by any member whether on or off the premises of any race track.

(4) Immediately thereafter or on the day of the race conduct an investigation of any accidents to determine the cause thereof, and the judges shall make all accidents a matter of record in the judges' book and completely fill out an accident report. At the time of the accident, the inquiry sign shall be posted and the race shall not be declared official until the presiding judge has conferred with the patrol judge.

(5) Observe closely performance of the drivers and the horses to ascertain if there are any violations of 811 KAR 1:075, particularly interference, helping, or inconsistent racing and exhaust all means possible to safeguard the contestants and the public.

(6) Grant a hearing at a designated time before a penalty may be imposed upon any party. All three (3) judges should be present if possible, and at least the presiding judge and one (1) associate judge must be present at all judges' hearings. The judges may inflict the penalties prescribed by rules and regulations of the commission.

(a) All penalty notices will carry the exact reason why the penalty has been imposed together with a summary of the rule or regulation violated. All penalties imposed on any driver may be recorded on the reverse side of his driver's license by the presiding judge.

(b) In the event the judges believe that a person has committed a rule or regulation violation and has left the grounds and they are unable to contact him, and hold a hearing thereon, they may make an investigation and send a detailed written report to the commission. The commission may impose a penalty not to exceed ten (10) days without a hearing based upon the report of the judges. No penalty in excess of ten (10) days shall be imposed before a hearing is granted.

(c) It shall be the duty of the judges to submit in writing a complete list of all witnesses questioned by them at any hearing, which list of witnesses, along with the testimony of such witnesses, shall be forwarded to the commission.

(d) The testimony of all witnesses questioned by the judges shall be recorded by one (1) of the following methods: written, signed statements, tape recorders or court reporters' transcript.

(e) No decision shall be made by the judges in such cases until all of the witnesses called by the judges and the person so required to appear before the judges have given their testimony. Any person charged with a rule or regulation violation shall be given at least until 12 noon of the following day to prepare his defense if he so requests.

(7) It shall be the duty of the judges to declare a dash or heat of a race no contest in the event the track is thrown into darkness during the progress of a race by failure of electricity.



Section 14. Judges' Procedure. It shall be the procedure of the judges to: (1) Be in the stand fifteen (15) minutes before the first race and remain in the stand for ten (10) minutes after the last race, and at all times when the horses are upon the track.

(2) Observe the preliminary warming up of horses and scoring, noting behavior of horses, lameness, equipment, conduct of the drivers, changes in odds at pari-mutuel meetings and any unusual incidents pertaining to horses or drivers participating in races.

(3) Have the bell rung or give other notice at least ten (10) minutes before the race or heat. Any driver failing to obey this summons may be punished by a fine not exceeding \$100 and his horse may be ruled out by the judges and considered drawn.

(4) Designate one (1) of their members to lock the pari-mutuel machines immediately upon the horses reaching the official starting point. The presiding judge shall designate the post time for each race and the horses shall be called at such time as to preclude excessive delay after the completion of two (2) scores.

(5) Be in communication with the patrol judges, by use of patrol phones, from the time the starter picks up the horses until the finish of the race. Any violation or near violation of the rules or regulations shall be reported by the patrol judge witnessing the incident and a written record made of same. At least one (1) judge shall observe the drivers throughout the stretch specifically noting changing course, interference, improper use of whips, breaks, and failure to contest the race to the finish.

(6) Post the objection sign, or inquiry sign, on the odds board in the case of a complaint or possible rule or regulation violation, and immediately notify the announcer of the objection and the horse or horses involved. As soon as the judges have made a decision, the objection sign shall be removed, the correct placing displayed, and the "official" sign flashed. In all instances the judges shall post the order of finish and the "official" sign as soon as they have made their decision.

(7) Display the photo sign if the order of finish among the contending horses is less than half-length or a contending horse is on a break at the finish. After the photo has been examined and a decision made, a copy or copies shall be made, checked by the presiding judge, and posted for public inspection.

(8) Should a horse fall, run loose and uncontrolled, during warm-up, prior to the race or going to the post, the horse shall be examined by the state veterinarian to determine whether the horse is fit to race. If the veterinarian determines that the horse is unfit the presiding judge shall order the horse scratched.

Section 15. Patrol Judges. At the discretion of the judges, patrol may be appointed by the track but such patrols shall be approved by the presiding judge and work under his direction. At extended pari-mutuel meetings and at other meetings conducting one (1) or more races with a purse value of \$5,000 or over, at least two (2) patrol judges shall be employed. It shall be their duty to phone or repair to the judge's stand and report all fouls and improper conduct. The result of a heat or dash shall not be announced until sufficient time has elapsed to receive the reports of the patrols. Where there is a patrol car, only one (1) patrol judge shall be required.

Section 16. Incapacitated Official. If any licensed official is absent or incapacitated the track management, subject to commission approval, must appoint a substitute

at such meeting. Notice of such temporary appointment shall be given immediately to the office of this commission. If such official acts for more than three (3) days, he shall apply for a commission license in that capacity. This power may only be used in cases of unavoidable emergencies.

Section 17. Starter Appointment. Starter shall be designated by the track, subject to the approval of this commission. Such officials must be licensed as starters by this commission.

Section 18. Starter; Authority. The starter shall be in the stand or starting gate fifteen (15) minutes before the first race. He shall have control over the horses and authority to assess fines and/or suspend drivers for any violation of the rules and regulations from the formation of the parade until the word "go" is given. He may assist in placing the horses when requested by the judges to do so. He shall notify the judges and the drivers of penalties imposed by him. His services shall be paid for by the track employing him. An assistant starter must be available at all times.

Section 19. Clerk-Duties; Clerk of the Course. The clerk of the course shall:

- (1) At request of judges assist in drawing positions.
- (2) Keep the judges' book and record therein:
  - (a) All horses entered and their eligibility certificate numbers.
  - (b) Names of owners and drivers and drivers' license numbers.
  - (c) The charter lines at pari-mutuel meetings. At all race meetings, the money won by the horse at that track.
  - (d) Note drawn or ruled out horses.
  - (e) Record time in minutes, seconds, and fifths of seconds.
  - (f) Check eligibility certificates before the race, and after the race shall enter all information provided for thereon, including the horse's position in the race if it was charted.
  - (g) Verifying the correctness of the judges' book including race time, placing and money winnings, reasons for disqualification, if any, and see that the book is properly signed.
  - (h) Forward the judges' book charts and marked programs to this commission from all extended pari-mutuel meetings the day following each racing day.
  - (i) Notify owners and drivers of penalties assessed by the officials.
- (3) Upon request may assist judges in placing horses.
- (4) After the race, return the eligibility certificate to owner of the horse or his representative when requested.
- (5) Failure to comply with any part of this rule and make the above listed entries legible, clear and accurate, may subject either the clerk or the track, or both, to a fine of not to exceed \$100 for each violation.

Section 20. Timers. (1) At each race there shall be three (3) timers in the judges' or timers' stand except when an electric timing device approved by the commission is used, in which event there shall be one (1) timer. The chief timer shall sign the judges' book for each race verifying the correctness of the record. All time shall be announced and recorded in fifths of seconds. All tracks licensed by the commission shall use an approved electronic or electric timing device.

(2) The timers shall be in the stand fifteen (15) minutes before the first heat or dash is to be contested. They shall

start their watches when the first horse leaves the point from which the distance of the race is measured. The time of the leading horse at the quarter, half, three-quarters, and the finish shall be taken. If odd distances are raced, the fractions shall be noted accordingly.

**Section 21. Paddock Judge.** Under the direction and supervision of the presiding judge, the paddock judge will have complete charge of all paddock activities as outlined in 811 KAR 1:010, Section 10. The paddock judge shall be subject to the approval of this commission. The paddock judge is responsible for:

- (1) Getting the fields on the track for post parades in accordance with the schedule given to him by the presiding judge.
- (2) Inspection of horses for changes in equipment, broken or faulty equipment, head numbers or saddle pads.
- (3) Supervision of paddock gate men.
- (4) Proper check in and check out of horses and drivers. Check the identification of all horses coming into the paddock including the tattoo number.
- (5) Director of the activities of the paddock farrier.
- (6) The paddock judge will immediately notify the presiding judge of anything that could in any way change, delay or otherwise affect the racing program. The paddock judge will report any cruelty to any horse that he observes to the presiding judge.
- (7) The paddock judge will see that only properly authorized persons are permitted in the paddock and any violation of this rule may result in a fine, suspension or expulsion.
- (8) Notify the presiding judge of any change of racing equipment or shoes before the race.
- (9) Inspect and supervise the maintenance of emergency equipment kept in the paddock.
- (10) Notify judges of all trainers and grooms who leave the paddock in an emergency.

**Section 22. Identifier.** At all extended pari-mutuel meetings the association shall employ an identifier licensed by the commission, whose duty it shall be to check the identification of all horses coming into the paddock, to include the tattoo number, color, and any markings. The identifier shall be under the immediate supervision of the paddock judge and the general supervision of the presiding judge. Any discrepancy detected in the tattoo number, color, or markings of a horse shall be reported immediately to the paddock judge, who shall in turn report same forthwith to the presiding judge.

**Section 23. Program Director.** Each extended pari-mutuel track shall designate a program director. Such program director shall be subject to the approval of this commission.

- (1) It shall be the responsibility of the program director to furnish complete and accurate past performance information.
- (2) No person shall be permitted to act as a program director unless he is capable of furnishing accurate and complete past performance information to the general public.

**Section 24. Duties of Patrol Judges.** (1) The patrol judges shall observe all activity on the race track in their area at all times during the racing program. They shall immediately report to the presiding judge:

- (a) Any action on the track which could improperly affect the result of a race.

- (b) Every violation of the racing rules and regulations.
- (c) Every violation of the rules of decorum.
- (d) The lameness or unfitness of any horse.
- (e) Any lack of proper racing equipment.

(2) The patrol judges shall, furthermore:

(a) Be in constant communication with the judges during the course of every race and shall immediately advise the judges of every rule violation; improper act or unusual happening which occurs at their station.

(b) Submit individual daily reports of their observations of the racing to the presiding judge.

(c) When directed by the presiding judge shall attend hearings or inquiries on violations and testify thereat under oath.

**Section 25. Licensed Charter.** (1) At all extended pari-mutuel meetings and grand circuit meetings, the charting of races is mandatory and the track shall employ a licensed charter to fulfill the requirements of this section.

(2) The charter shall be subject to the approval of this commission.

**Section 26.** All equipment changes shall be cleared through the paddock judge who will call the judges for the necessary permission.

**Section 27. Duties of the Race Secretary.** The race secretary of each association must be licensed and approved by the commission and it shall be his duty:

- (1) To receive and keep safe the eligibility certificates of all horses competing at the race track or stabled on grounds owned or cared for by any association and to return same to the owner of a horse or his representative upon their departure from the grounds.
- (2) To be familiar with the age, class, and competitive ability of all horses racing at the track.

(3) To classify and reclassify horses in accordance with the rules.

(4) To list horses in the categories for which they qualify and to cause such lists to be kept current and to be properly displayed in the room in which the declaration box is located for examination by horsemen and others.

(5) To provide for the listing of horses in the daily program; to examine all entry blanks and declarations to verify all information set forth therein; to select the horses to start and the also eligible horses from the declarations in accordance with the rules governing these functions.

(6) To examine nominations and declarations in early closing events, late closing and stake events, to verify the eligibility of all declarations and nominations and to compile lists thereof for publication.

**Section 28. Commission Supervisors of Pari-Mutuel Betting.** (1) The commission shall employ supervisors with accounting experience who shall be responsible for ascertaining whether the proper amounts have been paid from pari-mutuel pools to the betting public, to the association, and to the Commonwealth, by checking, auditing and filing with the commission verified reports accounting for daily pari-mutuel handle distribution and attendance for each preceding racing day and a final report at the conclusion of each race meeting in the Commonwealth.

(2) Such daily reports shall show:

(a) For each race: number of horses started, number of betting interests, total money wagered in each betting pool, and refunds, if any, for each day. The sum of all betting pools, and total refunds also, total pari-mutuel handle for the comparable racing day for the preceding year, and

cumulative total and daily average pari-mutuel handle for the race meeting.

(b) Amount of state pari-mutuel tax due; taxable admissions, tax exempt admissions, total admissions; temperature, weather and track conditions, post time of first race; program purses, distance and conditions of each race; any minus pools resulting with explanation.

(3) The commission supervisors of pari-mutuel betting shall submit to the commission on or before thirty (30) days after the close of each race meeting a final verified report giving in summary form a recapitulation of the daily reports for each race meeting and such other information as the commission may require.

(4) The commission supervisors of pari-mutuel betting or their representative shall have access to all association books, records, and pari-mutuel equipment for checking accuracy of same.

JAY SPURRIER, Chairman

ADOPTED: October 20, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 13, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Carl Larsen, Deputy Commissioner, Kentucky Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

# **PUBLIC PROTECTION AND REGULATION CABINET** **Harness Racing Commission** **(Proposed Amendment)**

## **811 KAR 1:030. Eligibility and classification.**

RELATES TO: KRS 230.630(1), (3)

PURSUANT TO: KRS 13.082, 230.630(3),(4),(7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to set out the eligibility and classification of horses for races and medical tests required.

Section 1. Eligibility Certificate. (1) There shall be an automatic fine of ten dollars (\$10) on the owner if a horse is declared in without first possessing a current U.S.T.A. or validated C.T.A. eligibility certificate at the gait the horse is declared to race. The track shall automatically be fined five dollars (\$5) for accepting a declaration without an eligibility certificate for the proper gait and a track may refuse to accept any declaration without the eligibility certificate for the proper gait first being presented. Telegraphic or telephone declarations may be sent and accepted without penalty, provided the declarer furnished adequate program information but the eligibility certificate must be presented when the horse arrives at the track before he races, or the above fines will be imposed.

(2) The race secretary shall check each certificate and certify to the judges as to the eligibility of all the horses.

Section 2. Leased Horses. Any horse under lease must race in the name of the lessee and a copy of such lease must be filed with the Kentucky Harness Racing Commission. No horse shall race under lease without an eligibility certificate issued by the United States Trotting Association in

the name of the lessee and unless both lessor and lessee are current members of the commission in good standing. Persons violating this rule may be fined, suspended or expelled.

Section 3. Sale or Lease During Current Year. When a horse is sold or leased after an eligibility certificate is issued for the current year, the seller or his authorized agent shall endorse the eligibility certificate to the new owner or lessee who may use it providing he immediately sends the registration certificate to the United States Trotting Association for a transfer or sends the United States Trotting Association a copy of the lease, the eligibility certificate following the horse. If the eligibility certificate is not endorsed to him, the new owner or lessee must apply to the United States Trotting Association for an eligibility certificate.

Section 4. Information Required From Horses Racing at Canadian Tracks. Prior to the declaration, owners of horses having Canadian eligibility certificates shall furnish the racing secretary with a Canadian eligibility certificate completely filled out for the current year, which has a certificate of validation attached thereto.

Section 5. Tampering With Eligibility Certificates. Persons tampering with eligibility certificates may be fined, suspended or expelled and winnings after such tampering may be ordered forfeited.

Section 6. Denial of Eligibility Certificate. An eligibility certificate may be denied to any person refusing to permit his horse to be tattooed.

Section 7. No eligibility certificate will be issued on a horse coming from a country other than Canada unless the following information certified by the trotting association or governing body of that country from which the horse comes, is furnished:

(1) The number of starts during the preceding year, together with the number of firsts, seconds and thirds for each horse, and the total amount of money won during this period.

(2) The number of races in which the horse has started during the current year, together with the number of firsts, seconds and thirds for each horse and the money won during this period.

(3) A detailed list of the last six (6) starts giving the date, place, track condition, post position or handicap, if it was a handicap race, distance of the race, his position at the finish, the time of the race, the driver's name and the first three (3) horses in the race.

Section 8. Registration of Standard and Non-Standard Bred Horses. All foals of 1937 and thereafter shall be registered in current ownership either as standard or non-standard with the United States Trotting Association. If registration is properly applied for and all fees paid, an eligibility certificate for one (1) year may be issued and marked "registration applied for."

Section 9. Racing Season. For purposes of eligibility, a racing season or racing year shall be the calendar year. In recording winnings, gross winnings will be used and odd cents will be dropped and disregarded.

Section 10. Time Bars. No time records or bars shall be used as an element of eligibility.

Section 11. Date When Eligibility is Determined. (1) Horses must be eligible when entries close but winnings on closing date of eligibility shall not be considered.

(2) In mixed races, trotting and pacing, a horse must be eligible to the class at the gait at which it is stated in the entry the horse will perform.

Section 12. Conflicting Conditions. In the event there are conflicting published conditions and neither is withdrawn by the track, the more favorable to the nominator shall govern.

Section 13. (1) Standards for Overnight Events. The race secretary should prescribe standards to determine whether a horse is qualified to race in overnight events at a meeting. The standards shall be posted at a place in which declarations are made and printed on all condition and qualifying sheets.

(2) Where time standards are established at a meeting for both trotters and pacers, trotters shall be given a minimum of two (2) seconds allowance in relation to pacers.

Section 14. Posting of Overnight Conditions. (1) Conditions for overnight events must be posted at least eighteen (18) hours before entries close at meetings other than extended pari-mutuel meetings.

(2) At extended pari-mutuel meetings, condition books will be prepared and races may be divided or substituted races may be used only where regularly scheduled races fail to fill, except where they race less than five (5) days a week. Such books containing at least three (3) days racing programs will be available to horsemen at least twenty-four (24) hours prior to closing declarations on any race program contained therein. When published the conditions must be clearly stated and not printed as TBA—To Be Announced.

(3) The race secretary shall forward copies of each condition book and overnight sheet to the commission office as soon as they are available to the horsemen.

Section 15. Types of Races to be Offered. (1) In presenting a program of racing, the racing secretary shall use exclusively the following types of races:

- (a) Stakes and futurities.
- (b) Early closing and late closing events.
- (c) Conditioned races.
- (d) Claiming races.

(e) Preferred races limited to the fastest horses at the meeting. These may be free-for-all races, JFA, or invitationals. Horses to be used in such races shall be posted in the race secretary's office and listed with the presiding judge. Horses so listed shall not be eligible for conditioned overnight races unless the conditions specifically include horses on the preferred list. Twelve (12) such races may be conducted during a six (6) day period of racing at tracks distributing more than \$100,000 in overnight purses during such period and not more than ten (10) such races shall be conducted at other tracks during a six (6) day period of racing, provided that at least two (2) of these races are for three (3) year olds, four (4) year olds, or combined three (3) and four (4) year olds. At tracks which race less than five (5) days per week, not more than ten (10) such races may be conducted during a six (6) day period. Purses offered for such races shall be at least fifteen (15) percent higher than the highest purse offered for a conditioned race programmed the same racing week.

(2) No two (2) year old or three (3) year old will be eligible to be placed on the preferred or invitational list to race against older horses until it has won seven (7) races unless requested by the owner or authorized agent. The owner or authorized agent may withdraw such request at his discretion.

(3) Where a meeting is in progress in December and continues in January of the subsequent year, races and earnings won at that meeting may be computed in determining whether a horse may be placed on the preferred list.

Section 16. Limitation on Conditions. Conditions shall not be written in such a way that any horse is deprived of an opportunity to race in normal preference cycles. Where the word "preferred" is used in a condition it shall not supersede date preference. Not more than two (2) also eligible conditions shall be used in writing the conditions for any overnight event, nor may any multiple conditions be used.

Section 17. Dashes and Heats. Any dash or heat shall be considered as a separate race for the purposes of conditioned racing.

Section 18. Named Races. Named races are not permitted except for preferred races for the fastest horses at a meeting as set forth in Section 15(1)(e) above and invitational two (2), three (3) or four (4) year old races with a purse at least fifteen (15) percent higher than the highest purse offered for a conditioned race programmed the same racing week.

Section 19. Selection or Drawing of Horses. For all overnight events, starters and also eligibles shall be drawn by lot from those properly declared in, except that a race secretary must establish a preference system for races as provided for in 811 KAR 1:055, Section 5. However, where necessary to fill a card, not more than one (1) race per day may be divided into not more than two (2) divisions after preference has been applied and the divisions may be selected by the racing secretary. For all other overnight races that are divided the division must be by lot unless the conditions provide for a division based on performance, earnings or sex.

Section 20. Posting Requirements. (1) Names of all horses at the track ready to race shall be posted by gait in the declaration room, together with all the pertinent information concerning such horse which may be required to determine eligibility of such horse to condition races offered at the track. There shall be a separate posting of two (2), three (3) and four (4) year olds.

(2) Supplemental purse payments made by a track after the termination of a meeting will be charged and credited to the winnings of any horse at the end of the racing year in which they are distributed, and will appear on the eligibility certificate issued for the subsequent year. Such distribution shall not affect the current eligibility until placed on the next eligibility certificate.

Section 21. Rejection of Declaration. (1) The racing secretary may reject the declaration on any horse whose eligibility certificate was not in his possession on the date the condition book is published.

(2) The racing secretary may reject the declaration on any horse whose past performance indicates that he would be below the competitive level of other horses declared,

provided the rejection does not result in a race being cancelled.

Section 22. Substitute and Divided Races. (1) Substitute races may be provided for each day's program and shall be so designated. Entries in races not filling shall be posted. A substitute race or a race divided into two (2) divisions shall be used only if regularly scheduled races fail to fill.

(2) If a regular race fills it shall be raced on the day it was offered.

(3) Overnight events and substitutes shall not be carried to the next racing day.

Section 23. Opportunities to Race. A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from those available and qualified to race. Claiming races may be carded to the proportion of each week's racing program as the number of claiming authorizations on file with the racing secretary bears to the total number of horses on the grounds which are qualified and available for racing.

Section 24. Qualifying Races. A horse qualifying in a qualifying race for which no purse is offered shall not be deprived by reason of such performance of his right to start in any conditioned race.

Section 25. Definition of "Start." The definition of the word "start" in any type of condition unless specifically so stated will include only those performances in a purse race. Qualifying and matinee races are excluded.

Section 26. Sandwiching Races. Not more than five (5) races may be sandwiched.

Section 27. Equine Infectious Anemia. (1) When it is determined that a horse is infected with, and/or is a carrier of Equine Infectious Anemia by means of the "Gel Immuno-Diffusion" method developed by Dr. Leroy Coggins, hereinafter known as the "Coggins Test" and conducted by an approved laboratory, such horse shall, thereafter, be prohibited from racing and/or being stabled at a licensed track.

(2) A negative "Coggins Test Certificate" properly identifying the horse by tattoo number issued by an approved laboratory, certifying that within the prior *twelve (12)* [six (6)] months the horse has been tested negative shall be presented to a track representative before any horse will be allowed entrance to, or allowed to remain upon, the grounds of a track conducting meetings.

(3) Declarations shall not be accepted for any horse to any race unless the declarer has furnished the race secretary with a negative "Coggins Test" written certificate for that horse, as required by subsection (2) above.

(4) No eligibility or validation certificate shall be issued for a horse from which a positive "Coggins Test" has been reported. If an eligibility or validation certificate is issued and it is determined thereafter that the horse for which the certificate has been issued has Equine Infectious Anemia and/or is a carrier thereof, the certificate must be returned

immediately by the holder to the United States Trotting Association.

JAY SPURRIER, Chairman

ADOPTED: October 20, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 13, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carl Larsen, Deputy Commissioner, Kentucky  
Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

### PUBLIC PROTECTION AND REGULATION CABINET Harness Racing Commission (Proposed Amendment)

811 KAR 1:035. Claiming races.

RELATES TO: KRS 230.630(1),(3), 230.640

PURSUANT TO: KRS 13.082, 230.630(3),(4),(7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate claiming races.

Section 1. Who May Claim. A horse entered in a claiming race may be claimed for its entered price by a licensed horse owner who has a horse programmed to start in a pari-mutuel race at that meeting, or by a licensed horse owner who has received a claim certificate from the commission, or by any person who has qualified for a license as a horse owner and who has received a claim certificate from the commission. An authorized agent may claim for a qualified owner. To qualify for a license as an owner, the applicant must have a current United States Trotting Association membership as an owner or membership as an associate-member. Any person seeking to effect a false claim by inducing another to claim a horse for him will be subject to the penalties provided by Section 9 herein.

Section 2. Prohibitions. (1) No person shall claim his own horse nor shall he claim a horse trained or driven by him.

(2) No person shall claim more than one (1) horse in a race.

(3) No qualified owner or his agent shall claim a horse for another person.

(4) No owner shall cause his horse to be claimed directly or indirectly for his own account.

(5) No person shall offer, or enter into an agreement, to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race.

(6) No person shall enter a horse against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder thereof shall be filed with the clerk of the course of the track conducting such claiming race.

Section 3. Claiming Procedure. (1) Owner's credit. The owner must have to his credit with the track giving the race an amount equivalent to the specified claiming price plus the existing Kentucky sales tax and requisite fees for transfer of registration. By accepting the claim, the

racetrack assumes responsibility for payment to the owner of the horse claimed. The money due for a claimed horse is to be paid to the owner losing said horse within forty-eight (48) hours (Sundays excepted) by the track, provided that said horse has a current test complying with subsection (14) of this section.

(2) Owner's consent. No declaration may be accepted unless written permission of the owner is filed with the race secretary at the time of declaration.

(3) Program. The claiming price shall be printed on the program and all claims shall be for the amount so designated and any horse entered in a claiming race may be claimed for the designated amount.

(4) Claim box. All claims shall be in writing, sealed and deposited at least fifteen (15) minutes before the time originally scheduled for the race to begin in a locked box provided for this purpose by the association.

(5) Opening of claim box. No official shall open said box or give any information on claims filed until after the horses leave the paddock for the post parade [race]. Immediately after the race, the claim box shall be opened and the claim, if any, examined by the judges.

(6) Multiple claims on same horses. Should more than one (1) claim be filed for the same horse, the owner shall be determined by lot by the judges.

(7) Delivery of claimed horse. A horse claimed shall be delivered immediately by the original owner or his trainer to the successful claimant upon authorization of the presiding judge. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation of this rule. The hoppel measurements of a claimed horse must be made available to the successful claimant by the paddock judge.

(8) Refusal to deliver claimed horse. Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended together with the horse until delivery is made.

(9) Vesting of title to claimed horse. Every horse claimed shall race in all heats or dashes of the event in the interest and for the account of the owner who declared it in the event, but title to the claimed horse shall be vested in the successful claimant from the time the word "go" is given in the first heat or dash, and said successful claimant shall become the owner of the horse whether it be alive or dead or sound or unsound, or injured during the race or after it; provided, however, that the final vesting of title to a claimed horse is subject to the conditions and provisions of subsection (14) of this section.

(10) Affidavit by claimant. The judges may require any person making a claim for a horse to make affidavit that he is claiming said horse for his own account or as authorized agent and not for any other person. Any person making such affidavit willfully and falsely shall be subject to punishment as hereinafter provided.

(11) Penalty for thirty (30) days. For a period of thirty (30) days after the claim, a claimed horse shall not start in a race in which the claiming price is less than the price at which it was claimed. The day claimed shall not count, but the following calendar day shall be the first day and the horse may be entered whenever necessary so that the horse may start on the 31st calendar day following the claim for any claiming price. If a horse is claimed no right, title or interest therein shall be sold or transferred except in a claiming race for a period of thirty (30) days following the date of claiming. Further, such horse shall be required to continue to race at the track where claimed for a period of thirty (30) days or the balance of the current racing meeting whichever comes first.

(12) Return of claimed horse to owner or stable. No horse claimed out of a claiming race shall be eligible to start in any race in the name or interest of the original owner for thirty (30) days, nor shall such horse remain in the same stable, or under the care or management of the first owner or trainer, or anyone connected therewith unless reclaimed out of another claiming race.

(13) Scratched horse. A horse scratched from a claiming race is not eligible to be claimed. *The owner or trainer of a horse entered in a subsequent claiming race may request the judge to scratch the horse from that race.*

(14) Blood sample where horse is claimed. No blood sample shall be taken of a horse which has been claimed, if said horse has a valid veterinarian certificate within *twelve* (12) [six (6)] months of said claim, which certificate includes the horse's lip tattoo number and which is negative for Equine Infectious Anemia. In the event that said horse does not have said certificate, then a blood sample shall be taken immediately after the race in the paddock by a licensed veterinarian, and the sample identified as being from a claimed horse shall be forwarded within twenty-four (24) hours to an approved laboratory to be tested for Equine Infectious Anemia. Pending the receipt of a negative test for Equine Infectious Anemia the monies paid for the claimed horse shall be held by the track. In the event of a positive test for Equine Infectious Anemia the ownership of the claimed horse shall revert to the owner from whom the horse was claimed and the claiming monies shall be returned to the person or persons who claimed the horse. The cost of the test is to be borne by said owner and the test may be waived by the claimant at his discretion by so indicating on the claiming slip.

Section 4. Subject to the conditions of Section 3(14), the track shall pay the claiming price to the owner at the time the registration certificate is delivered for presentation to the successful claimant and shall withhold and pay the Kentucky sales tax to the Commonwealth as required by law.

Section 5. Claiming Conditions. Whenever possible claiming races shall be written to separate horses five (5) years old and up from young horses and to separate males from females. If sexes are mixed, mares shall be given a ten (10) percent minimum price allowance, provided, however, that there shall be no price allowance given to a spayed mare racing in a claiming race. No allowance for age shall be given. Claiming races for two (2) year-olds may be conditioned. Claiming races for three (3) year-olds may be conditioned. The lowest claiming class written at a specific meeting may be conditioned.

Section 6. Minimum Price. No claiming race shall be offered permitting claims for less than the minimum purse offered at that time during the same racing week.

Section 7. Determination of Claiming Price. Except as provided in Section 3(11), and except as provided in 811 KAR 1:030, Section 21, no horse owner shall be prohibited from determining the price for which his horse shall be entered.

Section 8. The current registration certificate of all horses entered in claiming races must be on file with the racing secretary together with a separate claiming authorization form signed by the registered owner or owners and indicating the minimum amount for which the horse may be entered to be claimed. To facilitate transfer



of claimed horses the presiding judge may sign the transfer provided that he then send the registration certificate and claiming authorization to the registrar for transfer.

Section 9. Any person violating any of the provisions of this regulation shall be fined, suspended or expelled.

Section 10. Fraudulent Claim. (1) If the judges determine that the declaration of any horse to a claiming race is fraudulent on the part of the declarer they may void the claim and at the option of the claimant order the horse returned to the person declaring it in.

(2) If the judges determine that any claim of a horse is fraudulent on the part of the person making the claim, they may void the claim and may, at the option of the person declaring it in, return the horse to the person declaring it in.

Section 11. (1) Should any stable be eliminated by sale or removal from the grounds, the right to claim is void. However, when a stable has been eliminated by claiming, the owner so affected shall have the right to claim a horse during the next thirty (30) racing days at any recognized meeting in this state even though all or a portion of the next thirty (30) racing days take place in the following calendar year. The owner or trainer of a stable eliminated by claiming shall get a written statement from the deputy commissioner or his assistant stating the date and place that the said stable was eliminated by claiming. Should such stable acquire a horse before availing itself of the privilege, then the privilege shall be void.

(2) Should any stable be eliminated by fire or other hazards, such stable shall have claiming privilege under the conditions indicated for the stable eliminated by claiming, at the discretion of the deputy commissioner or his assistant.

JAY SPURRIER, Chairman

ADOPTED: October 20, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 13, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carl Larsen, Deputy Commissioner, Kentucky  
Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

#### PUBLIC PROTECTION AND REGULATION CABINET Harness Racing Commission (Proposed Amendment)

##### 811 KAR 1:090. Stimulants and drugs.

RELATES TO: KRS 230.630(1), (3), 230.640, 230.700

PURSUANT TO: KRS 13.082, 230.630(3), (4), (7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to provide for the testing of horses for stimulants and drugs and the regulation of stimulants and drugs.

Section 1. (1) At every meeting except as stated herein where pari-mutuel wagering is permitted, the winning horse in every heat and/or race and the winning horse and second place horse in every perfecta or *quinella* race may [shall] be sub-

jected to a urine test and/or a blood test for the purpose of determining thereby the presence of any drug, stimulant, sedative, depressant, or medicine. *The winning horse and/or the second and third horses in a trifecta may be tested the same as in the rule above.* [In addition, the judges at any meeting may order any other horse in any heat or race to be subjected to the urine test or any other test for the purpose of determining thereby the presence of any drug, stimulant, sedative, depressant or medicine.] Also, the judges may order any horse in a race to be subjected to a urine, blood and/or saliva test. [At all extended pari-mutuel meetings at least fifty (50) percent of the horses subjected to a urine test shall be given a blood test. Such horses to be selected by the presiding judge by lot.] Such tests shall be made only by qualified veterinarians and by laboratories designated by the commission. In addition to the above, the winning horse and second horse in every heat or dash of a race at any track with a total purse in excess of \$5,000 may [shall] be subjected to both blood and a urine test. [However, such blood test shall be counted in determining the fifty (50) percent required above.]

(2) The commission may, in its discretion, or at the request of a member, authorize or direct a saliva, blood, urine or other test of any horse racing at any meeting.

Section 2. (1) During the taking of the blood and/or urine sample by the veterinarian, the owner, trainer or authorized agent may be present at all times. Samples so taken shall be placed in two (2) containers and shall immediately be sealed and the evidence of such sealing indicated thereon by the signature of the representative of the owner or trainer. One (1) part of the sample is to be placed in a depository under the supervision of the presiding judge and/or any other agency the commission may designate to be safeguarded until such time as the report on the chemical analysis of the other portion of the split sample is received.

(2) Should a positive report be received, an owner or trainer shall have the right to have the other portion of the split sample inserted in with a subsequent group being sent for testing or may demand that it be sent to another chemist for analysis, the cost of which will be paid by the party requesting the test.

Section 3. (1) Whenever there is a positive test finding the presence of any drug, stimulant, sedative or depressant present, in the post-race test, the laboratory shall immediately notify the presiding judge who shall immediately report such findings to the commission.

(2) When a positive report is received from the laboratory by the presiding judge, the persons held responsible shall be notified and a thorough investigation shall be conducted by or on behalf of the judges. A time shall be set by the judges for a hearing to dispose of the matter. The time set for the hearing shall not exceed four (4) racing days after the responsible persons were notified. The hearing may be continued, if in the opinion of the judges, circumstances justify such action.

(3) Should the chemical analysis of saliva, blood, urine or other sample of the post-race test taken from a horse indicate the presence of a forbidden narcotic, stimulant, depressant, or local anesthetic, it shall be considered prima facie evidence that such has been administered to the horse.

(4) Upon receipt of written notification of a positive test finding, the judges shall cause the immediate suspension of the horse from further participation in racing pending the outcome of a hearing.

Section 4. Any person or persons who shall administer or influence or conspire with any other person or persons to administer to any horse any *substance foreign to the natural horse, by injection, oral administration, rectal infusion or*

*suppository, or by inhalation* [drug, medicament, stimulant, depressant, narcotic or hypnotic] to such horse within forty-eight (48) hours of his race, shall be subject to penalties provided in this rule.

Section 5. Whenever the post-race test or tests prescribed in Section 1 disclose the presence in any horse of any drug, stimulant, depressant or sedative, in any amount whatsoever, it shall be presumed that the same was administered by the person or persons having control and/or care and/or custody of such horse with the intent thereby to affect the speed or condition of such horse and the result of the race in which it participated.

Section 6. A trainer shall be responsible at all times for the condition of all horses trained by him. No trainer shall start a horse or permit a horse in his custody to be started if he knows, or if by the exercise of reasonable care he might have known or have cause to believe, that the horse has received any drug, stimulant, sedative, depressant, medicine or other substance that could result in a positive test. Every trainer must guard or cause to be guarded each horse trained by him in such manner and for such period of time prior to racing the horse so as to prevent any person not employed by or connected with the owner or trainer from administering any drug, stimulant, sedative, depressant, or other substance resulting in a post-race positive test.

Section 7. Any owner, trainer, driver or agent of the owner, having the care, custody and/or control of any horse who shall refuse to submit such horse to a saliva test or other tests as herein provided or ordered by the judges shall be guilty of a violation of this rule. Any horse that refuses to submit to a pre-race blood test shall be required to submit to a post-race saliva and urine test regardless of its finish.

Section 8. Any horse in which an offense was detected under any section of this rule shall be placed last in the order of finish and all winnings of such horse shall be forfeited and paid over to the commission for redistribution among the remaining horses in the race entitled to same. No such forfeiture and redistribution of winnings shall effect the distribution of the pari-mutuel pools at tracks where pari-mutuel wagering is conducted, when such distribution of pools is made upon the official placing at the conclusion of the heat or dash.

Section 9. Pre-Race Blood Test. Where there is a pre-race blood test which shows that there is an element present in the blood indicative of a stimulant, depressant or any unapproved medicament, the horse shall immediately be scratched from the race and an investigation conducted by the officials to determine if there was a violation of Section 4.

Section 10. Hypodermic Syringe Prohibited. No person except a licensed veterinarian approved by the commission shall have within the grounds of a licensed harness race track in or upon the premises which he occupies, or has a right to occupy, or in his personal property or effects any hypodermic syringe, hypodermic needle, or other devices which can be used for the injection or other infusion into a horse of a drug, stimulant or narcotic. Every licensed harness racing association upon the grounds of which horses are lodged or kept, is required to use all reasonable effort to prevent violation of this rule.

Section 11. (1) All veterinarians practicing on the grounds of an extended pari-mutuel meeting shall keep a log of their activities on a form provided by the commission and shall submit a copy of it to the commission office of the track each day of a race meeting. The log shall include:

- (a) Name of horse.
- (b) Nature of ailment.
- (c) Type of treatment.
- (d) Date and hour of treatment.

(2) It shall be the responsibility of the veterinarian to report to the presiding judge any internal medication given by him by injection or orally to any horse after he has been declared to start in any race.

Section 12. (1) Any veterinarian practicing veterinary medicine on a race track where a race meeting is in progress or any other person using a needle or syringe shall use only one-time disposable type needles and a disposable needle shall not be reused. The disposable needles shall be kept in his possession until disposed of by him off the track.

(2) No veterinarian, assistant veterinarian or employee of same shall leave a needle or syringe with anyone on a race track where a race meeting is in progress except upon written authorization from the commission.

Section 13. *The use of lasix is prohibited for racing purposes.* [(1) The commission veterinarian or a practicing veterinarian, licensed by the Kentucky Harness Racing Commission, may prescribe the use of lasix for a bleeder, providing the veterinarian actually sees said horse bleed.]

[(2) The aforementioned horse shall be treated and shall perform in a qualifying race and meet the standards of the meeting before being entered to race again.]

[(3) A lasix use form (blue) must be submitted to the commission office at the track for approval of the use of lasix.]

[(4) Each time the horse treated with lasix races, a form (yellow) must be submitted to the commission office at the track.]

[(5) If a trainer no longer wishes to use lasix, a form (white) must be submitted to the commission office at the track. Said horse may again race on lasix, but must race with lasix the balance of the meeting.]

[(6) Horses racing on lasix at one (1) meeting in Kentucky and racing at another meeting in Kentucky need not qualify, but will have to submit the necessary forms to the commission office.]

[(7) It is the responsibility of the trainer to submit all necessary forms.]

[(8) The horse may be treated with lasix orally or systemically.]

[(9) Lasix found in the chemical test of a horse not registered to race with lasix shall be judged a positive.]

Section 14. The penalty for violation of any sections of this rule, unless otherwise provided, shall be a fine of not to exceed \$5,000, suspension for a fixed or indeterminate time, or both; or expulsion.

CARL B. LARSEN, Deputy Commissioner

ADOPTED: October 20, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 13, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Betty Burton, Secretary, Kentucky Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

**PUBLIC PROTECTION AND REGULATION CABINET  
Harness Racing Commission  
(Proposed Amendment)**

**811 KAR 1:110. Timing and records.**

RELATES TO: KRS 230.630(1), (3); 230.640

PURSUANT TO: KRS 13.082, 230.630(3), (4), (7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate timing of races and records.

Section 1. Timing Races. In every race, the time of each heat shall be accurately taken by three (3) timers or an approved electric timing device, in which case there shall be one (1) timer, and placed in the record in minutes, seconds, and fifths of seconds, and upon the decision of each heat, the time thereof shall be publicly announced or posted. No unofficial timing shall be announced or admitted to the record, and when the timers fail to act no time shall be announced or recorded for that heat.

Section 2. Error in Reported Time. In any case of alleged error in the record, announcement or publication of the time made by a horse, the time so questioned shall not be changed to favor said horse or owner, except upon the sworn statement of the judges and timers who officiated in the race.

Section 3. Track Measurement Certificate. In order that the performance thereon may be recognized and/or published as official every track not having done so heretofore and since January 1st, 1939, shall forthwith cause to be filed with the commission the certificate of a duly licensed civil engineer or land surveyor that he has subsequently to January 1st, 1939, measured the said track from wire to wire three (3) feet out from the pole or inside hub rail thereof and certifying in linear feet the result of such measurement. Each track shall be measured and recertified in the event of any changes or relocation of the hub rail.

Section 4. Time for Lapped on Break. The leading horse shall be timed and his time only shall be announced. No horse shall obtain a win race record by reason of the disqualification of another horse unless a horse is declared a winner by reason of the disqualification of a breaking horse on which he was lapped.

Section 5. Time for Dead Heat. In case of a dead heat, the time shall constitute a record for the horses making a dead heat and both shall be considered winners.

Section 6. Timing Procedure. The time shall be taken from the first horse leaving the point from which the distance of the race is measured until the winner reaches the wire.

Section 7. Any person who shall be guilty of fraudulent misrepresentation of time or the alteration of the record thereof in any public race shall be fined, suspended or expelled, and the time declared not a record.

Section 8. Time Performances. Time performances are permitted subject to the following:

(1) Urine tests and/or blood tests are required for all horses with a winning [starting for a] time performance.

(2) An approved electric timer is required for all time performances. In the event of a failure of a timer during the progress of a time performance, no time trial performance record will be obtained.

(3) Time trial performances are permitted only during the course of a regular meeting with the regular officials in the judges' stand. Time trial performances may be permitted by the commission immediately prior to or following a regularly scheduled meeting provided a full complement of licensed officials are in the judges' stand and provided a separate application is filed with the commission, thirty (30) days in advance, listing the officials and the number of days requested.

(4) Time trial performances are limited for two (2) year-olds who go to equal or to beat 2:10, and the three (3) year-olds and over who go to equal or beat 2:05.

(5) In any race or performance against time, excessive use of the whip shall be considered a violation.

(6) Any consignor, agent or sales organization or other person may be fined or suspended for selling or advertising a horse with a time trial record without designating it as a time trial.

(7) Time trial performance records shall not be included in the performance lines in a race program.

(8) Time trial performances shall be designated by preceding the time with two (2) capital T's.

(9) When a horse performs against time it shall be proper to allow another horse or horses to accompany him in the performance but not to precede or to be harnessed with or in any way attached to him.

(10) A break during a time trial is a losing effort and a losing performance shall not constitute a record.

CARL B. LARSEN, Deputy Commissioner

ADOPTED: October 20, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 13, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Betty Burton, Secretary, Kentucky Harness Racing  
Commission, 369 Waller Avenue, Lexington, Kentucky  
40504.

**PUBLIC PROTECTION AND REGULATION CABINET  
Harness Racing Commission  
(Proposed Amendment)**

**811 KAR 1:125. Pari-mutuel rules.**

RELATES TO: KRS 230.630(1), (3), 230.640, 230.690, 230.710

PURSUANT TO: KRS 13.082, 230.630(3), (4), (7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to provide and regulate pari-mutuel wagering at race meetings.

Section 1. Equipment. (1) The commission considers it desirable for licensees to use vending machines for the sale of pari-mutuel tickets. All licensees will be required to employ the use of totalizator equipment or its equivalent of a type approved by the commission.

(2) The controls necessary to operate the odds board in the infield, relative to the way the horses finish, (if the finish is being contested, if there is a photo, dead heat,

time or race) are to be located in the judge's stand and controlled only by the presiding judge, or one associate judge designated to do so.

Section 2. Definitions for Pari-Mutuel Rules. (1) For the purpose of pari-mutuel betting, every heat or dash shall be a separate and distinct race.

(2) Where the term "race" is used throughout the following rules, it shall not be considered to apply as if the term "heat" had been used. Wagering shall be prohibited on more than ten (10) races, heats excluded, during the course of a single racing program, provided that the commission may extend the number of races authorized.

Section 3. Tax. Each day's tax imposed by KRS Chapter 138 shall be remitted to the Kentucky Department of Revenue by the licensee by check or bank draft within twenty-four (24) hours after the close of the racing program. Such remittance shall be accompanied by a tax return executed by the licensee on a form furnished by the Kentucky Department of Revenue. A copy of said form will be filed daily with the commission.

Section 4. Sale of Pari-Mutuel Tickets. (1) Only one (1) method of selling pari-mutuel tickets shall be used for the sale of tickets on individual races during any racing day.

(2) Unless prior commission approval has been obtained no pari-mutuel tickets shall be sold except through regular ticket windows properly designated by signs showing type of tickets sold at that particular window.

(3) *Without prior commission approval* no pari-mutuel tickets shall be sold on any race prior to the day of the race. [thirty (30) minutes before scheduled off-time of that race, except daily double, perfecta, double perfecta, quinella, double quinella and trifecta tickets may be sold one (1) hour before scheduled off-time except that on stake races whose purse value exceeds \$100,000, tickets may be sold up to sixty (60) hours prior to the scheduled off time with approval of the commission.]

(4) Book making or betting other than pari-mutuel betting is strictly prohibited.

(5) No minor shall be allowed to bet and no mutuel employee shall sell or pay a wager to a minor.

(6) All wagering shall stop as soon as the word "go" shall be given by record or by voice of the starter. Vending machines for the sale of pari-mutuel tickets shall be electrically locked by the presiding judge from the judge's stand.

(7) When the sale of pari-mutuel tickets has closed, it shall remain closed until after the race has finished and has been declared official, unless an objection imposes a delay in which case the sale of pari-mutuel tickets for the next succeeding race may be begun without waiting for the race to be declared official.

(8) Without approval of the commission, no pari-mutuel ticket shall be sold for less than two dollars (\$2). Without approval of the commission, no pari-mutuel ticket combining win and place, win and show, or place and show, shall be sold for less than four dollars (\$4). Without approval of the commission, no pari-mutuel ticket combining win, place, and show shall be sold for less than six dollars (\$6). Without approval of the commission, no pari-mutuel tickets for perfecta, double perfecta, quinella or double quinella combinations shall be sold for less than two dollars (\$2).

(9) The method of selling pari-mutuel tickets shall be approved by the commission.

(10) The manager of the pari-mutuel department shall be properly and timely advised by the presiding judge, prior to the beginning of wagering on each race, of the horses that will compete in the race.

(11) At meetings of more than ten (10) days, if less than six (6) interests qualify to start in a race, the manager of the pari-mutuel department, with the consent of the representative of the commission, shall be permitted to prohibit show wagering on that race.

(12) At meetings of more than ten (10) days, if less than five (5) interests qualify horses to start in a race, the said manager, with the consent of the representative of the Kentucky Harness Racing Commission shall be permitted to prohibit both place and show wagering on that race.

(13) At meetings of more than ten (10) days, if less than three (3) interests qualify horses to start in a race, the said manager, with the consent of the representative of the commission shall be permitted to prohibit wagering on that race.

(14) At meetings of more than ten (10) days, the said manager with the consent of the representative of the commission, may prohibit wagering on any particular horse or entry in any race. Such consent shall be sought by the manager of the pari-mutuel department from the representative of the commission. Such exclusions, if consented to by the representative of the commission, shall be clearly indicated on the program or score card or announced and horses excluded shall be numbered so as to in no way infer that they are coupled in "the field." Horses once excluded from the the betting shall remain excluded during the day or race in which they are scheduled to start.

(15) When more horses representing separate interests are started in a race than the number of post positions on the infield tote board, all horses in excess of a number of interests one (1) less than the total number of post positions on the infield tote board shall be grouped in the betting as the "field."

(16) A refund at cost value shall be made to all holders of a purchased ticket bearing the number of a horse in any race which has been scratched or withdrawn before said horse has become a starter in the race under the rules, unless such horse is part of an entry, and one (1) or more of said entry starts.

Section 5. Payments. (1) Payments due on all wagers shall be made in conformity with well established practice of the pari-mutuel system. The practice is to work in dollars and not in the number of tickets. Money wagered on winning tickets is returned in full plus the profits. In all cases of a winning mutuel pool each licensee must redistribute not less than one dollar and ten cents (\$1.10) on each one dollar (\$1) wagered. In the event of a minus pool the minimum payoff on each one dollar (\$1.00) wagered shall be one dollar and five cents (\$1.05).

(2) At the end of each race, the judges shall advise the manager of the pari-mutuel department by the use of the tote equipment or by telephone of the official placement of the horses, and no payoffs shall be made until the receipt of such notice.

(3) If a horse wins and there is no money wagered on him to win, the win pool shall be apportioned among the holders or the place tickets on that horse, if any, otherwise among holders of the show tickets.

(4) If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which was placed first or second.

(5) If no money has been wagered to show on a horse which has placed first, second or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second or third in that race.

(6) In the event that only two (2) horses finish in any one (1) race, the show pool shall be figured the same as the place pool and monies apportioned to the holders of show tickets on the two (2) finishing horses. In the event only one (1) horse finishes in any one (1) race all three (3) pools shall be figured separately as straight pools and all the monies shall be awarded to the ticket holders of the finishing horse. In the event no horse finishes the race, then the entire pool shall be refunded to all ticket holders.

(7) If two (2) horses finish in a dead heat for first place, the money in the win mutuel pool is divided between the two (2) dead-heaters according to their proportionate shares in the pool.

(8) If two (2) horses finish in a dead heat for second place, the division is made as follows: There shall be allotted to the pool of the winner of the race one-half ( $\frac{1}{2}$ ) of the place pool and the two (2) dead-heaters one-half ( $\frac{1}{2}$ ) each of the remaining half of the place pool.

(9) If two (2) horses coupled in the betting as an "entry" or "the field" finish first and second, first and third, or second and third, two-thirds ( $\frac{2}{3}$ ) of the net show pool shall be allotted to the pool of the entry and the balance one-third ( $\frac{1}{3}$ ) to the other horse.

(10) In the event that one (1) horse of the entry or the field finishes first or second and the other part of the entry or field finishes in a dead heat for third with another horse, the division of the net show pool shall be as follows: one-half ( $\frac{1}{2}$ ) of the net show pool shall be allotted to the pool of the entry, one-third ( $\frac{1}{3}$ ) to the non-entry horse not involved in the dead heat, and one-sixth ( $\frac{1}{6}$ ) to the non-entry horse finishing in the dead heat.

(11) If the entry or field horses should finish first, second and third, the entire money in each pool goes to the entry or field tickets, no other tickets participating.

(12) No mutilated pari-mutuel ticket that is not easily identifiable as being a valid ticket shall be accepted for payment.

(13) No claims for lost pari-mutuel tickets shall be considered.

(14) In the event an error is made in calculation resulting in a price being too high, the association shall lose such amount between the proper price and the one paid. If the error in calculation results in a price being too low, such amount between proper price and price paid shall be added to the net pool of the same position in the following race on the same day or if it is the last race of the day then it shall be added to the net pool of the same position in the same race on the following day. If such an error occurs causing underpayment on the last race of the entire racing meeting, the underpayment shall be paid to the Kentucky Department of Revenue.

Section 6. Daily Doubles. (1) Positively no exchange of daily double tickets after purchaser thereof has left the sales window.

(2) The daily double is not a parlay, and has no connection with or relation to the "tote" betting. All tickets on the daily double will be calculated in an entirely separate pool. Without prior commission approval, only one (1) daily double will be permitted during any single program.

(3) All tickets will be to win (straight) only. Entries and the field run as one (1) horse in the daily double. If two (2)

or more horses in a race are coupled on the same totalizator ticket, there shall be no refunds, unless all of the horses so coupled are excused before off time.

(4) Selections are to be made of one (1) horse for each of two (2) races in the daily double by "tote" program numbers.

(5) If no ticket is sold combining the two (2) winners of the daily double, the pool shall then be apportioned equally between those having tickets including the winner in the first race of the daily double and those having tickets including the winner in the second race of the daily double in the same manner in which a place pool is calculated and distributed.

(6) If no ticket is sold on the winner of the first race of the daily double on any combination, the entire pool is apportioned to the holders of tickets on the winner of the second race of the daily double. Likewise, if no ticket is sold on the winner of the second race of the daily double or any combination, the entire pool is apportioned to the holders of tickets on the winner of the first race of the daily double.

(7) If a dead heat to win should result in either the first or second race of the daily double, the total pool is calculated as a place pool. In case of a dead heat for the winner of the first race of the daily double, the posting of payoff prices will be made after winner of second race of the daily double is official.

(8) Should no ticket be sold containing the numbers of either winner on any combination, the pool shall be allotted to those having tickets on horses finishing next to the winners.

(9) In the event any horse or horses in the first half of the daily double should be excused by the judges after the horses shall have left the paddock for the post, or after the betting on the daily double has been closed, or should any horse or horses in the first half of the daily double be prevented from racing because of failure of the arm or arms of the starting gate to open, the money wagered on any horse or horses so excused or prevented from racing shall be deducted from the daily double pool and refunded to the purchaser or purchasers of tickets on the horse or horses so excused or prevented from racing.

(10) If a horse is scratched from the second half of the daily double before it becomes a starter in the second half, but after the first half of the daily double has been run, all daily double tickets combining the scratched horse in the second race of the daily double with the actual winner of the first race of the daily double shall be paid a price equivalent to that fraction of the net pool derived by dividing the net pool by the total purchase price of all tickets combining the winner of the first race of the daily double with all horses in the second race of the daily double. The total payoff on all tickets combining the winner of the first race of the daily double with the scratched horse in the second race of the daily double as determined by the method set forth in this rule shall be deducted from the net daily double pool.

(11) The possible payoff prices shall be posted or announced to the public before the start of the last race of the daily double, and as soon as possible after the horses in the race of the last half of the daily double have entered upon the track on the way to the post.

(12) If for any reason the second race of the daily double is cancelled or declared "no race" by the judges after the first daily double race is declared official, then the net daily double pool shall be distributed to wagering combinations which include the horse or betting interest which finished first in the first daily double race.

(13) If a daily double is scheduled to be held, subsections (1) to (12) of this section shall be printed in conspicuous places in the grandstand area and an abbreviated version shall be printed on the day's racing program, and notice printed on said program as follows: "Retain Your Tickets Until The Result Of the Daily Double Has Been Posted."

**Section 7. Perfecta Wagering.** (1) The "perfecta" (also known as exacta or correcta) is a contract by the purchaser of a ticket combining two (2) horses in a single race, selecting the two (2) horses that will subsequently finish first and second in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(2) The perfecta is not a "parlay" and has no connection with or relation to the win, place or show betting and will be calculated as an entirely separate pool.

(3) If no ticket is sold on the winning combination of a perfecta pool, the net pool shall be distributed equally between holders of tickets selecting the winning horse to finish first and/or holders of tickets selecting the second place horse to finish second.

(4) If no ticket is sold that would require distribution of a perfecta pool to winner as above defined, the association shall make a complete and full refund of perfecta pool.

(5) In case of a dead heat between two (2) horses for first place the net perfecta pool shall be calculated and distributed as a place pool to holders of tickets of the winning combination(s). In case of a dead heat between two (2) horses for second place, the perfecta pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two (2) horses finishing second participating in the payoff.

(6) In the event of a dead heat for second place, if no ticket is sold on one (1) of the two (2) winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat, the perfecta pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool.

(7) In the event two (2) or three (3) horses coupled in an entry or the mutuel field finish first and second or first, second and third, the winning combination shall be the coupled horses and the horse placed immediately behind such entry or field.

**Section 8. Quinella Wagering.** (1) The "quinella" is a form of a pari-mutuel wagering consisting of selecting the first two (2) horses to finish, irrespective of their place of finish.

(2) The quinella is not a "parlay" and has no connection with or relations to the win, place or show betting and will be calculated as an entirely separate pool.

(3) In case of a dead heat between two (2) horses for first place, the combination shall be the winner of the quinella pool. In case of a dead heat between two (2) horses for second place, the quinella pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two (2) horses finishing second participating in the payoff.

(4) In the event of a dead heat for second place, if no ticket is sold on one (1) of the winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat, the net pool

shall be calculated and distributed as a place pool to holders of tickets combining either of the place horses; however, if any tickets combine both horses in the dead heat for place, the net pool shall be calculated and distributed as a win pool to holders of such tickets.

(5) If no ticket is sold on the winning combination of a quinella pool, the net pool shall then be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(6) If no ticket is sold that would require distribution of a quinella pool to a winner as above defined, the association shall make a complete and full refund of the quinella pool.

(7) If a perfecta and/or quinella is scheduled to be held, each association shall print an abbreviated version of this rule on the day's racing program.

(8) In the event two (2) or three (3) horses coupled in an entry or the mutuel field finish first and second or first, second and third, the winning combination shall be the coupled horses and the horse placed immediately behind such entry or field.

**Section 9. Double Perfecta Wagering.** (1) the double perfecta is a form of pari-mutuel wagering in which the bettor selects the two (2) horses that will finish first and second in each of two (2) consecutive races in the exact order as officially posted.

(2) Double perfecta tickets shall be sold only at double perfecta windows and only from automatic double issue machines.

(3) Each bettor purchasing double perfecta tickets shall designate his two (2) selections as the first two (2) horses to finish in that order in the first of two (2) consecutive races.

(4) After the official declaration of the first two (2) horses to finish in the first race of the double perfecta, each bettor holding a ticket combining the first two (2) horses in the exact order of finish must, prior to the running of the second double perfecta race exchange ticket at the double perfecta window and at such time shall select the two (2) horses to finish in the second race of the double perfecta in the exact order as officially posted. No further money shall be required of the holder of the ticket in order to make the exchange.

(5) No double perfecta exchange ticket upon the second race shall be issued except upon the surrender of the double perfecta ticket from the first race as described in these rules. The double perfecta pool obtained from the sales of double perfecta tickets upon the first race shall be held, subject to these rules, and divided among the winning tickets of the double perfecta exchange tickets, subject to those rules to the contrary. Double perfecta windows shall be open for the purpose of making the exchange as described only after the first race has been declared official.

(6) If a winning double perfecta ticket from the first race is not presented for exchange within the time provided the bettor forfeits all rights to any distribution or refund except in the event the second half of the double perfecta is cancelled or declared "no race."

(7) If a horse is scratched in the first race of the double perfecta races, all double perfecta tickets on the scratched horse will be refunded.

(8) If a horse is scratched in the second race of the double perfecta, after the first race of the double perfecta has been declared official, all exchange tickets combining the scratched horse shall become consolation tickets and shall



be paid a price per dollar denomination calculated as follows: the net double perfecta pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winners of the first race of the double perfecta. The quotient thus obtained shall be the price to be paid to holders of exchange tickets combining the scratched horse in the second race of the double perfecta. The entire consolation pool (number of eligible tickets times the consolation price) shall be deducted from the net double perfecta pool.

(9) If no double perfecta ticket is sold as a winning combination in the first race of the double perfecta, the double perfecta pool shall be divided among those having tickets including the horse finishing first and those having tickets including the horse finishing second and such distributions shall be calculated and made as a place pool. In such an instance the double perfecta race shall end and the pool be closed for the day.

(10) If no double perfecta exchange ticket is sold on the winning combination the net pool shall then be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(11) If a double perfecta exchange ticket combines only one (1) of the two (2) winners and no double perfecta exchange ticket combines the other winner, the entire pool shall be distributed as a straight pool to the holders of those tickets.

(12) If no exchange ticket includes either the first or second horse of the second half of the double perfecta the entire net pool shall be distributed as a straight pool to all holders of exchange tickets.

(13) In the event of a dead heat for place in the first race of the double perfecta races, all double perfecta tickets combining the first horse and either of the place horses shall be eligible for exchange for double perfecta exchange tickets.

(14) In the event of a dead heat for place in the second race of the double perfecta, the double perfecta pool shall be divided, calculated and distributed as a place pool to the holders of double perfecta exchange tickets combining the first horse and either of the place horses. In the event of the dead heat to place and there are no tickets sold on one (1) combination, then the other combination having the winning horses shall be declared the winner. If no exchange tickets combining the winning horse with either of the place horses in the dead heat, the double perfecta pool shall be calculated and distributed as a win pool to holders of tickets representing any interest in the net pool.

(15) If for any reason the second of the double perfecta races is cancelled or declared "no race," the pool shall be calculated as a straight pool and shall be distributed among the holders of the tickets combining the first two (2) horses of the first race of the double perfecta otherwise eligible for double perfecta exchange tickets and also distributed to holders of the double perfecta exchange tickets.

(16) If there is a dead heat for the winning horse in either of the two (2) consecutive races for the double perfecta, such calculation of distribution of the double perfecta pool shall be made in the manner in which any ordinary perfecta pool would be made should there be a dead heat for the win despite the number of horses involved in the dead heat.

(17) The purchase of double perfecta tickets other than through pari-mutuel machines and the sale of double perfecta tickets from one (1) individual to another shall be deemed illegal and is prohibited.

Section 10. Big "Q" Rules (1) Each operator wishing to conduct Big "Q" wagering must first petition the commission for permission to do so.

(2) Each operator shall either print in the daily program or prominently post at all areas where Big Q wagering is conducted the complete rules for Big Q wagering as set forth in the following sections:

(a) The Big Q consists of selecting the quinella (the first two (2) horses to finish) of each of two (2) consecutive races. Pari-mutuel wagering tickets are to be sold upon the first race of the two (2) races only. The division of the pool shall be calculated as in a straight pool, subject to provisions of these rules to the contrary.

(b) No entries or field horses shall be allowed to start in any race comprising the Big Q.

(c) Tickets shall be sold only at Big Q windows and only from automatic double issuing machines.

(d) Each bettor purchasing tickets shall designate his two (2) selections as the first two (2) horses to finish in the first race of the two (2) races.

(e) After the official declaration of the first two (2) horses to finish the first of the Big Q races, each bettor holding a ticket combining the said two (2) horses to finish must, prior to the running of the second race, exchange such winning ticket for a Big Q exchange ticket at the Big Q windows and at such time the said holder shall select the first two (2) horses to finish in the second race of the Big Q. No further money shall be required of the holder of the ticket in order to make the exchange.

(f) No Big Q exchange ticket upon the second race shall be issued except upon the surrender of the Big Q ticket from the first race as described in these sections. The Big Q pool obtained from the sales of the Big Q tickets upon the first race shall be held subject to these sections, and divided among the winning tickets of the Big Q exchange tickets, subject to these sections to the contrary. Big Q windows shall be open for the purpose of making the exchange as described only after the first race has been declared official and such windows shall close at post time at the start of the second race of the Big Q races.

(g) If a winning Big Q ticket from the first race is not presented for exchange within the time provided, the bettor forfeits all rights to any distribution or refund except in the event the second half of the Big Q is cancelled or declared "no race" or if no exchange ticket includes either the first or second horse of the second half of the Big Q.

(h) If a horse is scratched in the first race, all Big Q tickets on the scratched horse will be refunded. If a horse is scratched in the second race, the holders of tickets on the scratched horse will be entitled to exchange their tickets for another selection. In the event of a late scratch, after the exchange windows have been closed, all exchange tickets combining the scratched horse shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: The net Big Q pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winnings of the first race of the Big Q. The quotient thus obtained shall be the price to be paid to holders of exchange tickets combining the scratched horse in the second race of the Big Q. The entire consolation pool (number of eligible tickets times the consolation price) plus the breakage shall be deducted from the net Big Q pool.

(i) If no ticket is sold as a winning combination in the first race of the Big Q, the Big Q pool shall be divided among those having tickets including the horse finishing first or second and such distributions shall be calculated

and made as a place pool. In such an instance, the Big Q race shall end and the pool be closed for the day.

(j) If no Big Q exchange ticket is sold on the winning combination, the net pool shall be apportioned equally between those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(k) If a Big Q exchange ticket combines only one (1) of the winners and no Big Q exchange ticket combines the other winner, the entire pool shall be distributed as a straight pool to the holders of those tickets.

(l) If no exchange ticket includes either the first or second horse of the second half of the Big Q, the entire net pool will be distributed as a straight pool to all holders of exchange tickets and winning combinations of the first half that have not been exchanged.

(m) In the event of a dead heat for place in the first race of the Big Q races all Big Q tickets combining the first horse and either of the place horses shall be eligible for exchange for Big Q exchange tickets.

(n) In the event of a dead heat for place in the second race of the Big Q races the pool will be divided, calculated and distributed as a place pool to the holders of Big Q exchange tickets combining the first horse and either of the place horses. In the event of the dead heat to place and there are no tickets sold on one (1) combination, then the other combination having winning horses shall be declared the winner.

(o) If no exchange tickets combine the winning horse with either of the place horses in the dead heat, the Big Q pool shall be calculated and distributed as a place pool to holders of tickets combining either of the place horses, however if any exchange tickets combine both horses in the dead heat for place, the Big Q pool shall be calculated and distributed as a place pool to holders of such tickets.

(p) If for any reason the first race of the Big Q races is cancelled or declared "no race" full and complete refund shall be made from the Big Q pool.

(q) If for any reason, the second of the Big Q races is cancelled or declared "no race" the pool shall be calculated as a straight pool and shall be distributed among the holders of tickets combining the first two (2) horses of the first race of the Big Q otherwise eligible for Big Q exchange tickets and also distributed to holders of the Big Q exchange tickets.

(r) If there is a dead heat for the winning horses in either of the two (2) consecutive races for the Big Q such calculation of distribution of the Big Q pool shall be made in the manner in which any ordinary quinella pool would be made should there be a dead heat for the win despite the number of horses involved in the dead heat.

(s) In the event that an incorrect exchange ticket is issued during the second half of the Big Q pool, such incorrect exchange ticket must be turned in to the State Auditor prior to the running of the second half. Said tickets shall be deducted from both exchange and individual combination totals. The ticket shall be voided and filed with the performance worksheets and a report including the seller's name and license number, shall be made to the commission of the complete incident.

Section 11. Trifecta Wagering. (1) The "Trifecta" is a contract by the purchaser of a ticket combining three (3) horses in a single race, selecting the three (3) horses that will subsequently finish first, second and third in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(2) The "Trifecta" is not a parlay and has no connection with or relation to the Win, Place and Show betting and will be calculated as an entirely separate pool.

(3) Trifecta tickets shall be sold in not less than two dollars (\$2) denominations.

(4) If no ticket is sold on the winning combination of a Trifecta Pool, the net pool shall be distributed to the holders of tickets selecting the win and place finishers in that order. If no ticket is sold combining the win and place finish, the net pool will be distributed to the holders of tickets selecting the winner.

(5) If no ticket is sold that would require distribution of the net Trifecta Pool to a winner as above defined, the association shall make a full refund of the Trifecta Pool.

(6) In the event of a dead heat or dead heats, all Trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position dead heated, shall be winning tickets. The payoff will be calculated as a place pool.

(7) In the event of a scratch in the Trifecta no exchanges will be made. All tickets which include the scratched horse are eliminated from further participation in the Trifecta Pool and will be refunded.

(8) No entries or field horses shall be allowed in any race that the Trifecta is being sold.

(9) Trifecta tickets shall be sold only by the licensee through pari-mutuel machines programmed to print all selections on one (1) ticket. Resale of such tickets from one (1) individual to another is prohibited and shall be grounds for ejection.

(10) Each association shall print in heavy type in a conspicuous place in its printed program all the provisions of this section and post printed copies of this section about the track in such places as it may deem advisable.

(11) For the purpose of trifecta wagering the trifecta race shall be drawn to consist of *nine* (9) [ten (10)] starters and two (2) also eligibles.

(12) *Should the number of starters be reduced to less than eight (8) within one (1) hour of post time of the first race, trifecta wagering shall be cancelled and a perfecta may be offered.*

(13) *Should the number of starters be reduced to less than eight (8) at the time the official sign is posted two (2) races prior to a trifecta, trifecta wagering shall be cancelled and a perfecta may be offered.*

Section 12. Types of Wagering Allowed. The following types of wagering shall be permitted at all tracks given racing dates by the commission:

(1) Normal win, place and show betting on each race.

(2) A daily double on the first and second races.

(3) Any other methods of betting approved in advance by the commission.

CARL B. LARSEN, Deputy Commissioner

ADOPTED: October 20, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 13, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Betty Burton, Secretary, Kentucky Harness Racing  
Commission, 369 Waller Avenue, Lexington, Kentucky  
40504.

**PUBLIC PROTECTION AND REGULATION CABINET  
Harness Racing Commission  
(Proposed Amendment)**

**811 KAR 1:180. Personnel to be licensed; fees.**

RELATES TO: KRS 230.630(1), (3), 230.640, 230.700, 230.710

PURSUANT TO: KRS 13.082, 230.630(3), (4), (7)

**NECESSITY AND FUNCTION:** To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to provide for the licensing of personnel and the fees to be charged for licensing.

Section 1. Every person holding a permit to conduct pari-mutuel wagering in this state and every person who is a member of an association holding such a permit and every person who is an officer of a corporation which holds such a permit, and every employe of the holder of such permit in any capacity connected to any extent with the pari-mutuel wagering business in this state, and all owners, trainers, drivers, grooms, managers, agents, blacksmiths, veterinarians, and like persons who actively participate in the racing activities of any such permit holders, shall furnish the commission, on demand, for its files, his fingerprints and photograph, which fingerprints and photograph shall be furnished at the time application is made for license from this commission.

Section 2. No one shall be permitted to enter in or about the grounds, stables or stable enclosures who does not have in his possession a license issued by the commission as owner, trainer, driver, apprentice, agent, stable foreman, groom, veterinarian, or proper credentials issued by the association, and a full record of these credentials shall be compiled and open to inspection at all times.

Section 3. At all pari-mutuel racing meetings all persons in the appended list shall procure a license from the commission. The annual fee for such licenses shall be paid at the time of the filing of the application and shall be as follows:

Stable License	\$25	Assistant Starting	
Owner-Driver	15	Judge/Gate Driver	\$10
Owner-Driver-Trainer	15	Charter	10
Driver	10	Clerk of Course	10
Driver-Trainer	10	Farrier	10
Owner	10	Mutuel Employees	10
Owner-Trainer	10	Program Director	10
Trainer	10	Timer	10
Judges-Associate	15	Veterinarian	15
Judges-Paddock	15	Miscellaneous	10
Judges-Patrol	15	Association Officials	10
Judges-Presiding	15	Vendors Employees	5
Judges-Starting	15	Association Employees	5
Race Secretary	15	Security Personnel	5
Announcer	10	Grooms	5 [4]
Assistant Race Secretary	10		

Section 4. Should a licensee lose a permit or should a permit in some manner be destroyed, such licensee may apply for a duplicate permit for a fee of five dollars (\$5), except a grooms license shall be duplicated for one dollar (\$1).

Section 5. If the commission, in its discretion, shall find that the experience, character and general fitness of the ap-

plicant are such that the participation of such person in harness horse race meets will not be consistent with the public interest, convenience and necessity and with the best interests of racing generally in conformity with the purposes of the harness racing act, it may thereupon deny a license.

Section 6. If a license has previously been issued by the United States Trotting Association, then upon payment of the license fee set out in Section 3, said license may be approved by an official stamp of the commission without the requirement on the part of said applicant to submit data required by Section 1.

CARL B. LARSEN, Deputy Commissioner

ADOPTED: October 20, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 13, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Betty Burton, Secretary, Kentucky Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

**PUBLIC PROTECTION AND REGULATION CABINET  
Department of Housing, Buildings and Construction  
(Proposed Amendment)**

**815 KAR 20:090. Soil, waste and vent systems.**

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130

**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 pipings 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, DWV brass tubing conforming to ASTM B-587-73, seamless stainless steel tubing, Grade G or H conforming to CS-268-68, polyvinyl chloride schedule 40 or 80 conforming to ASTM D-2665-76 and D-1784-75, acrylonitrile-butadiene-styrene schedule 40 or 80 conforming to ASTM D-2661-76 and D-1788-73, 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, *No-Hub service weight cast iron*, Type K or L copper pipe, Type R-K, R-L brass tubing, lead, silicon iron or borosilicate pipe and fittings or plastics DWV listed above.

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 ¼	25 ft.	1
1 ½	30 ft.	2
2	50 ft.	6
2 ½	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 (½) of the fixture units set forth in the table in Section 8, above.

Section 10. Soil, and Vent Stacks. Every building in which plumbing fixtures are installed shall have a soil, waste and/or vent stack, or stacks extending full size through the roof, except as otherwise provided for in Sections 7 or 8 of this regulation. Soil, waste and/or vent stacks shall be as direct as possible and free from sharp bends or turns. The required size of the soil, waste and/or vent stack shall be determined from the total of all fixture units connected to the stack in accordance with Section 7 or 8 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) floor drain may be added to the house drain with a three (3) inch trap provided that it conforms with the requirements of Sections 26 and 29 of this regulation, without counting toward the fixture units of the system. Eight and one-half (8½) fixture units may be added to the three (3) inch house drain if an additional two (2) inch stack is provided, the fixtures are vented in accordance with Section 23 of this code, the center of the last fixture opening does not exceed ten (10) feet (horizontal measures) from the center line of the house drain and these fixtures are installed on a lower level than the other fixtures in the system.

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 shall be increased to full size, the size of the increaser required as 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 shall be increased to a minimum of three (3) inches in diameter before passing through a roof. When a change in diameter is made the fitting must be placed at least one (1) foot 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 backpressure. 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 ¼	2 ft. 6 in.
1 ½	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. When a main vent or vent stack is used, it shall connect full size at the base of 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 reconnected 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 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 ¼	30	2
1 ½	150	8
2	200	18
2 ½	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 ¼) 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 (1½) 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 (1½) 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 (1½) 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 2581-73 [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, polypropylene pipe conforming to ASTM 2581-73, or reinforced thermosetting resin pipe conforming to ASTM D-2996 (green or poly thread).

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 R. GROVES, JR., Commissioner

ADOPTED: November 11, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 10, 1980 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Eugene F. Perkins, Director, Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601.



**PUBLIC PROTECTION AND REGULATION CABINET**  
**Department of Housing, Buildings and Construction**  
**(Proposed Amendment)**

**815 KAR 20:120. Water supply and distribution.**

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130

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 the types of piping, pipe sizes for a potable water supply system and the methods to be used to protect and control it.

Section 1. Quality. The bacteriological and chemical quality of the water supply shall comply with the regulations of the department.

Section 2. Distribution. The water supply shall be distributed through a piping system entirely independent of any other piping system.

Section 3. Water Service. The water service piping to any building shall be not less than three fourths ( $\frac{3}{4}$ ) inch but shall be of sufficient size to permit a continuous and ample flow of water to all fixtures on all floors at all times. The water service may be laid in the same trench with the house sewer provided the water piping is benched eighteen (18) inches above the sewer.

Section 4. Water Supply to Fixtures. Plumbing fixtures shall be provided with a sufficient supply of water for flushing to keep them in a sanitary condition. Every water closet or pedestal urinal shall be flushed by means of an approved tank or flush valve. The tank or valves shall furnish at least a four (4) gallon flushing capacity for a water closet and at least a two (2) gallon capacity for a urinal. When a water closet, urinal, or similar fixture is supplied directly from the water supply system through a flushometer or other valve, such valves shall be set above the fixture in a manner so as to prevent any possibility of polluting the potable water supply by back siphonage. All such fixtures shall have a vacuum breaker. Plumbing fixtures, devices or appurtenances shall be installed in a manner that will prevent any possibility of a cross connection between the potable water supply system, drainage system or other water system.

Section 5. Water Supply to Drinking Fountains. The orifice of a drinking fountain shall be provided with a protective cowl to prevent any contamination of the potable water supply system.

Section 6. Sizing of Water Supply Piping. (1) The minimum size water service from the property line to the water heater shall be three-fourths ( $\frac{3}{4}$ ) inch. The hot and cold water piping shall extend three-fourths ( $\frac{3}{4}$ ) inch in size to the first fixture branch regardless of the kind of material used. When galvanized iron pipe is used the distribution piping shall be arranged so that no two (2) one-half ( $\frac{1}{2}$ ) inch fixture branches are supplied from any one-half ( $\frac{1}{2}$ ) inch pipe.

(2) The following schedule shall be used for sizing the water supply piping to fixtures:

Fixture Branches	Size Minimum Inches
Sill Cocks	1/2
Hot water boilers	3/4
Laundry trays	1/2
Sinks	1/2
Lavatories	3/8
Bathtubs	1/2
Water closet tanks	3/8
Water closet flush valves	1

Section 7. Water Supply Pipes and Fittings, Materials. Water supply piping for a potable water system shall be of galvanized wrought iron, galvanized steel, brass, Types K, L, and M copper, cast iron, Types R-K, R-L, and R-M brass tubing, standard high frequency welded tubing conforming to ASTM B-586-73, fusion welded copper tubing conforming to ASTM B-447-72 and ASTM B-251, DWV welded brass tubing conforming to B-587-73, seamless stainless steel tubing, Grade H conforming to CS A-268-68, reinforced thermosetting resin pipe conforming to ASTM D-2996 (red thread for cold water use and silver and green thread for hot and cold). Polyethylene plastic pipe conforming to ASTM D-2239-69, PVC plastic pipe conforming to ASTM 1785, and CPVC plastic pipe conforming to CS D-2846-70, PVC SDR 21 and SDR 26 conforming to ASTM D-2241, *polybutylene pipe conforming to ASTM D-3309 with brass, copper or celcon fittings*, plastic pipe and fittings shall bear the NSF seal of approval. Polybutylene hot and cold water connectors to lavatories, sinks and water closets shall conform to ASTM 3309, and polybutylene plastic pipe conforming to ASTM 2662 for cold water applications only. Fittings shall be brass, copper or approved plastic or galvanized cast iron or galvanized malleable iron. Piping or fittings that have been used for other purposes shall not be used for the water distribution system. All joints in the water supply system shall be made of screw, solder, or plastic joints. Cast iron water pipe joints may be caulked, screwed, or machine drawn. When Type M Copper pipe, Type R-M brass tubing, standard high frequency welded tubing or stainless steel tubing is placed within a concrete floor or when it passes through a concrete floor it shall be wrapped with an approved material that will permit expansion or contraction. In no instance shall Polyethylene, PVC or CPVC be used below ground under any house or building.

Section 8. Temperature and Pressure Control Devices for Shower Installations. Temperature and pressure control devices shall be installed on all shower installations that will maintain an even temperature and pressure and will provide non-scald protection. Such devices shall be installed on all installations other than in homes or apartment complexes.

Section 9. Water Supply Control. A main supply valve shall be placed inside a foundation wall. Each fixture or each group of fixtures shall be valved and each lawn sprinkler opening shall be valved.

Section 10. Water Supply Protection. All concealed water pipes, storage tanks, cisterns, and all exposed pipes or tanks subject to freezing temperatures shall be protected against freezing. Water services shall be installed at least thirty (30) inches in depth.

Section 11. Temperature and Pressure Relief Devices for Water Heaters. Temperature and pressure relief devices

shall be installed on all water heaters on the hot water side not more than three (3) inches from the top of the heater. Temperature and pressure relief devices shall be of a type approved by the department. When a water heater is installed in a location that has a floor drain the discharge from the relief device shall be piped to within two (2) inches of the floor; when a water heater is installed in a location that does not have a floor drain, the discharge from the relief device shall be piped to the outside of the building with an ell turned down and piped to within four (4) inches of the surface of the ground. Relief devices shall be installed on a pneumatic water system.

Section 12. Protection of a Private Water Supply or Source. Private water supplies or sources shall be protected from pollution in a manner approved by the department. Such approval shall be obtained before an installation is made.

Section 13. Trap Primer Valves. Trap primer valves that conform to ASSE 1018 shall be installed on all traps connected to floor drains in all buildings except residential complexes with less than eight (8) units as well as traps that serve condensate drains for either heating or air-conditioning equipment.

Section 14. Water Distribution and Connections to Mobile Homes. (1) An adequate and safe water supply shall be provided to each mobile home conforming to the regulations of the department.

(2) All materials, including pipes and fittings used for connections shall conform with the other sections of this code.

(3) An individual water connection shall be provided at an appropriate location for each mobile home space. The connection shall consist of a riser terminating at least four (4) inches above the ground with two (2) three-fourths ( $\frac{3}{4}$ ) inch valve outlets with screw connection, one (1) for the mobile home water system and the other for lawn watering and fire control. The ground surface around the riser pipe shall be graded so as to divert surface drainage. The riser pipe shall be encased in an eight (8) inch vitrified clay pipe or equal with the intervening space filled with an insulating material to protect it from freezing. An insulated cover shall be provided which will encase both valve outlets but not prevent connection to the mobile home during freezing weather. A shut-off valve may be placed below the frost depth on the water service line, but in no instance shall this valve be a stop-and-waste cock.

JOHN R. GROVES, JR., Commissioner

ADOPTED: November 11, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 10, 1980 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Eugene F. Perkins, Director, Division of Plumbing,  
Department of Housing, Buildings and Construction, The  
127 Building, U.S. 127 South, Frankfort, Kentucky 40601.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Department of Housing, Buildings and Construction**  
**(Proposed Amendment)**

815 KAR 35:010. Electrical inspector's certification.

RELATES TO: KRS Chapter 227

PURSUANT TO: KRS 13.082, 227.489

NECESSITY AND FUNCTION: The Commissioner of Housing is required by KRS 227.489 to certify electrical inspectors based on standards of the National Electrical Code. This regulation is needed to establish the procedures for achieving and maintaining such certification.

Section 1. Responsibilities of the Commissioner of Housing, Buildings and Construction. (1) The Commissioner of Housing shall require inspectors to be certified. Examinations shall be based on the National Electrical Code as provided in the Uniform State Building Code and the standards of safety prescribed by the department.

(2) The commissioner shall establish qualification requirements for electrical inspectors, and schedule examinations at regular intervals.

(3) It shall be the duty of the commissioner to investigate alleged misconduct of any electrical inspector as certified under this regulation when, in the opinion of the commissioner, there is sufficient evidence to suggest that such misconduct exists. Any party may seek redress from the department when alleged misconduct of an electrical inspector is deemed to have worked an undue hardship on the party.

(4) The commissioner shall review the conduct of any electrical inspector who shall have attempted to supplant, overrule or otherwise invalidate the judgment of another electrical inspector without first obtaining express written consent from the original inspector.

(5) Upon a finding by the commissioner that such an action as stated in subsections (3) or (4) of this section has occurred, the commissioner may suspend the certificate of the offending inspector for a period not to exceed one (1) year from the date of the commissioner's ruling.

Section 2. Applicability. This regulation shall apply to all electrical inspectors in the Commonwealth of Kentucky, and to applicants for certification as electrical inspectors.

Section 3. Definitions. The following words and terms, when used in this regulation shall have the meanings indicated:

(1) "Applicant" means the person seeking to be certified as an electrical inspector.

(2) "Commissioner" means the Commissioner of Housing, Buildings and Construction.

(3) "Certified electrical inspector" means an applicant who has met the criteria established by the commissioner [for examination], has satisfactorily passed the [that] examination, where required by this regulation, and has received a certificate attesting thereto.

(4) "Employee" means one who is employed on a full-time, part-time, or contractual basis.

(5) "Electrical" pertains to the installation of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith.

(6) "Electrical industry" pertains to those engaged in the generation, transmission and distribution of electricity; the design, manufacture, construction, installation, altera-

tion or repair of electrical wiring facilities and apparatus for the utilization of electricity.

(7) "Authority having jurisdiction" as used in the National Electrical Code means the Department of Housing, Buildings and Construction.

(8) "Code" means the National Electrical Code and any amendments thereto which are adopted by the department.

(9) "Department" means the Department of Housing, Buildings and Construction.

Section 4. Qualifications for Residential Electrical Inspectors. Prior to being examined by the commissioner for certification as a residential inspector the applicant shall meet the following requirements:

(1) (a) Applicant shall have had not less than three (3) years of experience in the field of electrical inspection of all types of residential wiring systems, installed in accordance with the National Electrical Code; or

(b) Applicant shall have had not less than five (5) years of experience in the installation and/or design, of all types of residential wiring systems, installed in accordance with the National Electrical Code; or

(c) Applicant shall be a Registered Professional Electrical Engineer, and shall have been registered and engaged in the practice of his profession for not less than three (3) years.

(2) Applicant shall possess the ability to speak, read, and write the English language and possess a general educational level satisfactory to perform his duties.

(3) Inspectors shall not be engaged in any other activity in the electrical industry or have pecuniary or associational interests therein which constitutes a conflict of interest. Electrical contractors, or any person employed by an electrical contractor and electricians are expressly prohibited from being certified while actively engaged in these activities.

(4) Applicant shall submit a duly notarized application, which shall be supplied by the department upon request, wherein all pertinent personal information and experience shall be stated. Application must be received by the department at least thirty (30) days prior to the desired examination date.

(5) A fee of twenty-five (25) dollars shall accompany the application, consisting of a check or money order made payable to the Treasurer, Commonwealth of Kentucky.

(6) In order to receive residential certification, the applicant must pass the examination required by the department; except that, one who is a certified electrical inspector on the effective date of this regulation, shall not be required to be examined.

Section 5. Qualifications for Commercial Electrical Inspectors: (1) Prior to being examined by the commissioner for certification as a commercial inspector, the applicant shall meet the following requirements:

(a) Applicant shall have had not less than three (3) years of experience in the field of electrical inspection of all types of commercial, or residential and industrial, electrical light and power wiring systems, installed in accordance with the National Electrical Code; or

(b) The applicant shall have had not less than five (5) years experience in the installation and/or design of all types of commercial and industrial electrical light and power wiring systems, installed in accordance with the National Electrical Code; or

(c) Applicant shall be a Registered Professional Electrical Engineer, and shall have had been registered and

engaged in the practice of his profession for not less than three (3) years.

(2) Applicant shall possess the ability to speak, read, and write the English language and possess a general educational level satisfactory to perform his duties.

(3) Inspector shall not be engaged in any other activity in the electrical industry or have pecuniary or associational interests therein which constitutes a conflict of interest. Electrical contractors, or any person employed by an electrical contractor, and electricians are expressly prohibited from being certified while actively engaged in these activities.

(4) Applicant shall submit a duly notarized application, which shall be supplied by the department upon request, wherein all pertinent personal information and experience shall be stated. Application must be received by the department at least thirty (30) days prior to the desired examination date.

(5) A fee of twenty-five dollars (\$25) shall accompany the application, consisting of a check or money order made payable to the Treasurer, Commonwealth of Kentucky.

(6) Applicant shall successfully pass the departmental examination; except that, *any person registered as a professional engineer in Kentucky and designated as an electrical engineer by the Kentucky Society of Professional Engineers may, upon review and approval by the commissioner, be exempted from the examination* [one who is a certified electrical inspector on the effective date of this regulation shall be deemed qualified as a residential inspector and need not take the examination].

(7) Applicant who is a certified electrical inspector on the effective date of this regulation shall be certified as a commercial inspector, without examination, upon proper submission to the department of applicant's knowledge and experience of commercial light and power wiring systems.

Section 6. Examinations. (1) Examinations for qualified applicants shall be administered within sixty (60) days after receipt and approval of application unless otherwise scheduled by the department.

(2) Examinations will be administered at the department's offices, the 127 Building, U.S. 127 S., Frankfort, Kentucky, 40601, unless another location is specifically designated.

(3) Examinations will be based on the National Electrical Code and will be open book. The code book and all necessary supplies will be provided by the department.

(4) A grade of seventy (70) percent shall be considered passing. An applicant, otherwise qualified, who fails to make a passing score shall, upon request, be scheduled for re-examination at the next examination date without the paying of additional fees.

(5) Those persons who were previously certified as electrical inspectors and/or those persons who have been engaged in the inspection of electrical light and power wiring installations, based on the requirements of the National Electrical Code for three (3) or more years, may be certified without examination. An applicant shall so state on his application form if he claims entitlement to and desires to be certified without examination, and shall submit proof of prior certification or of meeting the experience requirements. This provision will be in effect for applications received until November 30, 1979. After this date all applicants will be required to take the examination prior to certification.

Section 7. Certification. (1) Certificates will be issued to individuals and not to corporations, partnerships, companies or any other entities.

(2) Certificates will be reissued upon request after re-examination or after a presentation of proof by the electrical inspector that he has successfully completed a continuing education course conducted or approved by the department prior to expiration. The fee for renewal shall be ten (10) dollars, payable to the Treasurer, Commonwealth of Kentucky.

(3) All electrical inspector certifications shall expire on November 30, every two (2) years, beginning November 30, 1979. The department shall mail to each certified inspector, prior to the date of expiration, a renewal application form and the inspector shall be recertified subject to the terms and conditions of this regulation.

Section 8. Revocation of Certificates. The commissioner may revoke, suspend or refuse to renew the certificate of an electrical inspector who is determined by the commissioner, after a departmental hearing, to have:

(1) Engaged in fraud, deceit or misrepresentation in obtaining certification.

(2) Been guilty of negligence, incompetency, or misconduct in the field of electrical inspection.

(3) Affixed or caused to be affixed to any electrical installation subject to his inspection a seal of approval, where he has not personally inspected such installation and found it to be satisfactory.

(4) Operated as an electrical inspector in localities or jurisdictions in conflict with state or local laws, ordinances, or regulations.

(5) Improperly overruled the findings of another electrical inspector.

Section 9. Complaints and Grievances. (1) Any person who believes that any act or omission of any electrical inspector certified by the commissioner has worked an undue hardship on him or who believes that an electrical inspector is guilty of misconduct in the performance of his duties, may seek redress from the commissioner.

(2) Any complaints or allegations of misconduct should be submitted in writing to the Commissioner, Department of Housing, Buildings and Construction and set forth the nature of the complaint or alleged misconduct and the action desired on the part of the commissioner to alleviate same.

(3) After any investigation the commissioner may, at his discretion, cause the matter to be set for public hearing or take any other appropriate action to resolve or correct the matter.

Section 10. Retention of Records. (1) Each electrical inspector shall make and retain for a minimum time of three (3) years a complete record of each inspection. Such record shall contain, as a minimum, sufficient information to identify the location of the structure inspected, the date of the inspection, the type of structure, whether residential, commercial, industrial or other, the designation of any required permits and the agency(s) granting same, the size and complexity of the structure, any deficiencies in meeting code requirements and action required to comply, and any other pertinent information considered necessary to allow for a review of the inspection.

(2) Such records shall be available for examination by any authorized representative of the commissioner upon request.

Section 11. Duties and Responsibilities of a Certified Electrical Inspector. (1) All inspections shall be made in compliance with the National Electrical Code and any amendments as adopted by the department.

(2) In addition to the National Electrical Code, the electrical inspector shall familiarize himself with the applicable building codes or fire safety codes governing buildings in the areas where he performs inspections, to the extent that it is necessary to determine the occupancy load of a facility.

(3) The electrical inspector shall make a minimum two (2) inspections.

(a) When an electrical inspector makes a rough inspection, he shall attach a sticker with his signature and certification number on the main service entrance equipment or other appropriate location.

(b) When an electrical inspector makes a final inspection he shall attach a sticker to the main service entrance equipment with his signature and certification number, stating that the system is in full compliance with the National Electrical Code. He shall also provide the owner of the installation or his authorized agent with a certificate of approval.

(4) In order to insure uniformity throughout the state, all stickers and certificates to be issued by the electrical inspector shall be approved or furnished by the department.

(5) Upon request by the owner of the inspected facility, the electrical inspector shall immediately furnish a copy of the certificate of compliance to the department. Copies of all other certificates issued by the inspector shall be sent to the department on a semi-annual basis.

Section 12. Electrical Inspections of State Properties. All buildings constructed by the state under the authority of the Department of Finance may be inspected by a certified commercial electrical inspector who is an employee of the State Fire Marshal's Office.

JOHN R. GROVES, JR., Commissioner

ADOPTED: November 11, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 10, 1980 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Judith G. Walden, Office of the General Counsel,  
Department of Housing, Buildings and Construction, The  
127 Building, U.S. 127 South, Frankfort, Kentucky 40601.

#### DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance (Proposed Amendment)

904 KAR 2:010. AFDC; standards for need and amount.

RELATES TO: KRS 205.200(2), 205.210(1)

PURSUANT TO: KRS 13.082, 205.200(2)

NECESSITY AND FUNCTION: The Department for Human Resources is required to administer the public assistance programs. KRS 205.200(2) and 205.210(1) require that the secretary establish the standards of need and amount of assistance for the Aid to Families with Dependent Children Program, hereinafter referred to as AFDC,

in accordance with federal regulations and Title IV-A of the Social Security Act. This regulation sets forth the standards by which the need for and the amount of an AFDC assistance payment is established.

Section 1. Resource Limitations: An applicant for or recipient of AFDC is permitted to retain:

(1) A homestead, household equipment, motor vehicles and farm equipment without limitation on value;

(2) Equity in non-homestead, income producing property, not to exceed \$5,000;

(3) Equity in non-income producing non-homestead property not to exceed \$1,000;

(4) Other assets are limited to:

(a) Savings, stocks or bonds: \$500 for child living with relative other than parent; \$1,000 for one (1) child and one (1) parent; \$1,500 for two (2) or more children and one (1) or two (2) parents or one (1) child and two (2) parents.

(b) Cash surrender value of life insurance not to exceed \$1,000 for each parent or \$500 for each child.

(5) Non-continuing income which, whenever added to other resources, does not exceed resource maximums.

Section 2. Countable Income: To determine if a specified relative may be included in the AFDC grant when a stepparent is also in the home, a test budget is completed. Gross income of the stepparent and any of his/her minor children in the home is adjusted by deducting work expenses, child care and fixed and measurable medical expenses. The adjusted income is compared to the income allowed for that family size (the stepparent and his/her children) in accordance with the medical assistance income scale contained in 904 KAR 1:004. Any excess is then applied to the needs of the specified relative. If the specified relative's needs are met, the specified relative may not be included in the AFDC grant and none of the stepparent's income is included in the budget unless it is actually made available to the children included in the grant. If the specified relative's needs are not met, the specified relative may be included in the AFDC grant and the excess income of the stepparent is counted in the grant determination. In determining initial eligibility for AFDC and the amount of the assistance payment, all continuing income of persons for whom application is made or assistance received is deducted from the assistance standard except those amounts or from those sources for which a disregard is required by 45 CFR 233.20 as follows:

(1) Standard work expense deductions in accordance with the following scale or verified actual work expenses if verification is provided by the client. This scale covers all work expenses except child care.

Work Expense Standard Deduction Scale  
(Excluded Work-Related Child Care)

Gross Monthly Earned Income	Standard Monthly Deduction
\$ 2.00- 49.99	\$ 6.00
50.00- 99.99	19.00
100.00-149.99	31.00
150.00-199.99	44.00
200.00-249.99	56.00
250.00-299.99	69.00
300.00-349.99	81.00
350.00-399.99	94.00
400.00-449.99	106.00
450.00-499.99	119.00
500.00-549.99	131.00
550.00-599.99	144.00
600.00-649.99	156.00
650.00-699.99	169.00
700.00-749.99	181.00
750.00 and over	194.00

(2) Earnings of a child under age fourteen (14).

(3) Work Incentive Program (WIN) and Comprehensive Employment and Training Act Program (CETA) incentive payments.

(4) Reimbursement for training-related expenses made by a manpower agency to applicants in institutional and work experience training.

(5) Value of food coupons.

(6) Emergency assistance program payments pursuant to 904 KAR 2:008.

(7) Non-emergency medical transportation payments.

(8) Principal of loans obtained to meet needs not included in the assistance plan, e.g., home repair, farm expansion.

(9) Educational grants, loans, scholarships, including payments for actual educational costs made under the GI Bill, obtained and used under conditions that preclude their use for current living costs and all education grants and loans administered by the United States Commissioner of Education.

(10) The amount of statutory benefits, paid to or for a minor child and with the condition that the child be in regular school attendance, which is used for tuition, registration fees, and other school-related expenses. Except that RSDI benefits based on school attendance are totally disregarded.

(11) Highway relocation assistance.

(12) Urban renewal assistance.

(13) Federal disaster assistance and state disaster grants.

(14) Home produce for household consumption.

(15) Proceeds from the sale of homestead property provided the family intends to reinvest in another homestead within six (6) months.

(16) Income/resources of a step-parent are considered only in relation to the eligibility of the parent as specified relative.

(17) Earnings received by a person employed by CETA under the Youth Incentive Entitlement Pilot Projects (YIEPP), the Youth Community Conversation and Improvement Project (YCCIP), and the Youth Employment and Training Program (YETP).

(18) Earnings received from participation in Job Corps.

(19) Experimental housing allowance program payment made under annual contributions contracts entered into



prior to January 1, 1975, under Section 23 of the U.S. Housing Act of 1937, as amended; and HUD Section 8 payments for existing housing under Title 24 part 882.

(20) Receipts distributed to members of certain Indian tribes which are referred to in Section 5 of Public Law 94-114 that became effective October 17, 1975.

(21) Compensation provided to volunteers under Vista/Action or other programs established under Title VI of the Older American's Act of 1965, as amended.

(22) Earned income credit provided under the Revenue Act of 1978.

(23) First thirty dollars (\$30) and one-third ( $\frac{1}{3}$ ) of the remainder of the total combined earned income of all the members of the assistance group if the family's needs were met in whole or in part by an AFDC payment for any one (1) of the four (4) months preceding month of application.

Section 3. Additional disregards: After initial eligibility is established, the following income is also disregarded:

(1) First thirty dollars (\$30) and one-third ( $\frac{1}{3}$ ) of the remainder of the total combined earned income of all the members of the assistance group.

(2) Earnings of a child in full-time school attendance or in half-time school attendance, if working full-time.

Section 4. Members of Assistance Group: (1) The assistance group is composed of one (1) or more children and may include as specified relative any person specified in 904 KAR 2:005, Section 3. The incapacitated natural or adoptive parent of the child(ren) who is living in the home and legally married to the specified relative may be included as second parent if the technical eligibility factors are met.

(2) The decision regarding application for or continued inclusion of an individual child rests with the parent or other specified relative.

Section 5. Assistance Standard. (1) The AFDC assistance standard including amounts for food, clothing, shelter, utilities and non-medical transportation from which countable income is deducted in determining eligibility for and the amount of the AFDC assistance payment is as follows:

Number of Eligible Persons	Monthly Standard
1 Child	\$133
2 Persons	\$162
3 Persons	\$188
4 Persons	\$235
5 Persons	\$275
6 Persons	\$310
7 or more Persons	\$345

(2) [(1)] The actual cost of child care shall be added to the standard if the relative with whom the child lives requests a child care payment and is in a training program for which no wage or allowance is received.

[(2) A special requirement shall be added to the standard of assistance for child care or to include special needs related to participation in the Community Work Experience Program (CWEP) under the following conditions:]

[(a) The specified relative, included in the grant is pursuing a course of training and the children require purchased care during the absence of the relative.]

[(b) The payee, other than the parent, is not included in the budget but must pay child care in order to retain employment.]

[(c) A specified relative or child is participating in CWEP.]

Section 6. Payment Rates for Foster Care. Payment rates are based on the Department for Human Resources per diem payment rates. The department's rates are based on the age and needs of the child.

(1) A child in foster family care who is eligible for aid to families with dependent children foster care payments receives payment in one (1) of the following monthly amounts according to the child's age and needs assessment (as determined by the Bureau for Social Services):

Age	Regular	Special	Extraordinary
0-5	\$144	\$167	\$228
6-12	160	183	228
13-over	175	198	228

(2) A child in a private child caring institution who is eligible for aid to families with dependent children foster care payments receives payment in one (1) of the following monthly amounts according to the child's age and needs assessment/as (determined by the Bureau for Social Services):

Age	Regular	Special
0-5	\$151	\$212
6-12	175	212
13-over	192	212

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: November 7, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: November 10, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.



# Proposed Regulations

## DEPARTMENT OF ENERGY Bureau of Energy Conservation and Distribution

### 115 KAR 3:005. Set-aside fuel reserves.

RELATES TO: KRS 152.110

PURSUANT TO: KRS 13.082, 152A.180

NECESSITY AND FUNCTION: KRS Chapter 152A and Sections 205, 210, 211, and 212 of Chapter 2, Title 10, Code of Federal Regulations provide the mechanism by which any state may apply to the United States Department of Energy to establish a state office of petroleum allocation. This regulation provides the means by which the Kentucky Department of Energy will operate the state allocation office in dispensing state set-aside petroleum products for relief of hardship or emergency situations.

Section 1. There is incorporated herein by reference and the Kentucky Department of Energy (hereinafter called the department) will function subject to the authority of the provisions, rules and regulations of the United States Department of Energy as provided by the Federal Energy Administration Act of 1974 (PL 93-275), and the Emergency Petroleum Allocation Act of 1973 (PL 93-159), as amended, and Chapter 2, Title 10, Code of Federal Regulations.

Section 2. The Department of Energy may provide, subject to available quantities under the state "set-aside" reserve, a temporary fuel supply for a hardship as determined by the department. Such an allocation will be considered only after the applicant has exhausted all potential sources of supply through normal and logical fuel suppliers. Because the state "set-aside" reserve may not be adequate to meet the total needs of all "hardship" applicants, the priorities as established in Sections 3 through 6 shall prevail.

Section 3. Application for hardship allocation may be made on the form(s) furnished by the Department of Energy, by other written communication, or, under emergency circumstances, by verbal request. The department may require that applicants submit a written application. Applications should not be filed sooner than thirty (30) days prior to the anticipated hardship. Applications may be reactivated during subsequent hardship periods at the request of the applicant, and with the submission of the proper updated data as required by the department.

Section 4. (1) First priority for allocations will be given to meeting 100 percent of hardship needs for each of the following categories of uses:

- (a) Residential dwellings;
- (b) Medical and nursing buildings;
- (c) Emergency services;
- (d) Sanitation services;
- (e) Agriculture production;
- (f) Transportation of perishable foods;
- (g) Telecommunication services during periods of substantial disruption of normal service;
- (h) Other emergency needs.

(2) After the needs in subsection (1) of this section are met from the available "set-aside" reserve, second priority shall be given to the following uses:

- (a) Energy production;
- (b) Public transportation;
- (c) Cargo, freight, and mail transportation;
- (d) Plant protection fuel;
- (e) Essential government services.

(3) The third priority shall be to meet hardships at commercial and industrial establishments in order to maintain employment. Consideration will be given, but not limited, to the following factors:

- (a) The number of jobs affected;
- (b) Employment and unemployment level of the community or county;
- (c) The importance of the firm's product to health and welfare;
- (d) The importance of the firm as a supplier of products essential to the operation of other Kentucky firms.

(4) Other needs not mentioned in subsection (1), (2), or (3) of this section.

(5) Quantities of state set-aside products may be allocated to wholesale purchaser-resellers upon certification from the prime supplier that a hardship exists. This certification must identify each wholesale purchaser-reseller and the nature of the hardship. Products released to the prime supplier will be on the basis of giving proportional volume consideration to both branded and non-branded resellers. The normal operating procedure, however, will be to respond to individual hardship applications on a case-by-case basis.

(6) (a) A hardship request from a retail outlet which does not fall within the categories in subsections (5), (6)(b), or (6)(c) of this section, will not be considered unless such retail outlet has not or will not receive fifty percent (50%) of its base period entitlement. In such cases, a release may be made bringing the retail outlet to fifty percent (50%) of its base period entitlement.

(b) A release of gasoline from the state set-aside may be made to a prime supplier directing supplies to retail outlets where product can be sold through that supplier's normal distribution system on a fair and equitable basis giving proportional volume consideration to branded and non-branded outlets where product can be sold.

(c) It is provided, however, that allocations of gasoline may be made as provided for in subsection (1)(h) of this section, to retail gasoline outlets when the health and welfare of an entire community or county is threatened.

Section 5. (1) An application shall be considered filed on the day it is received by the Department of Energy. If the application is verbal, it shall be considered to be filed on the date that it is verbally communicated to the state office. If the department fails to take action on an application, whether verbal or written, within ten (10) days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom.

(2) It is further provided, however, that the Department of Energy may temporarily suspend the running of the ten (10) day period if it finds:

- (a) That the application was improperly filed; or
- (b) That additional information is needed from the applicant or other sources; or

(c) That at the time the application is filed the Department of Energy cannot accurately determine anticipated needs and demands on state "set-aside" reserves by higher priority users during the remainder of the monthly period. The temporary suspension will remain in effect until the department contacts the applicant stating that the additional information has been received and accepted, or that the application has been properly filed as appropriate. However, all applicants submitting properly completed and filed applications in this category will be advised by the state allocation officer of the decision on their application no later than seven (7) calendar days from the end of the monthly allocation period. If the additional data required by the department is not submitted within fifteen (15) days, the application may be dismissed without prejudice.

(3) The Department of Energy may deny the application of any consumer who has exhausted all administrative means with the United States Department of Energy, hereinafter called the USDOE, of achieving a permanent solution to a supply situation or to deny the application of any applicant who willfully fails to make application to the USDOE for a permanent solution to a supply situation.

(4) The Department of Energy may deny the application of any applicant who, when department action has previously been initiated upon the basis of a verbal request, fails to file a satisfactory written hardship application with the department verifying the previous verbal application.

Section 6. (1) Any person aggrieved by a written order issued by the state allocation office may file an appeal in writing with the Commissioner, Bureau of Energy Conservation and Distribution, Kentucky Department of Energy, P.O. Box 11888, Lexington, Kentucky 40578. The appeal must be filed within fifteen (15) days after service of the order from which the appeal is taken.

(a) The appeal shall consist of a concise statement of the grounds upon which it is brought and a description of the relief sought.

(b) The appeal must include information that was not presented or was not known at the time of the initial application. All new information must be documented.

(c) The appellant must serve a copy of the appeal on individuals or firms which might be aggrieved by the action sought in the appeal; must inform the potentially aggrieved parties of their opportunity to comment on the appeal to the department within ten (10) days of the notice; and must provide the department with a list of all potentially aggrieved parties to whom notice was served.

(2) If requested by the appellant, a hearing may be held within ten (10) days from the filing of the appeal at which time the aggrieved party may personally appear. Otherwise, disposition of the appeal will be completed by the issuance of an order granting or denying the appeal.

WILLIAM B. STURGILL, Secretary

ADOPTED: October 31, 1980

RECEIVED BY LRC: October 31, 1980 at 8:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Damon W. Harrison, Commissioner, Bureau of Energy Conservation and Distribution, Kentucky Department of Energy, P.O. Box 11888, Lexington, Kentucky 40578.

## DEPARTMENT OF FINANCE Board of Medical Licensure

### 201 KAR 9:005. Ethical conduct.

RELATES TO: KRS 311.530 to 311.620, 311.990

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 311.565(2)(c) authorizes the State Board of Medical Licensure to promulgate a code of conduct governing the practice of medicine and osteopathy based upon generally recognized principles of professional and ethical conduct. This regulation incorporates the Principles of Medical Ethics of the American Medical Association adopted July 1, 1980.

Section 1. A physician shall be dedicated to providing competent medical service with compassion and respect for human dignity.

Section 2. A physician shall deal honestly with patients and colleagues, and strive to expose those physicians deficient in character or competence, or who engage in fraud or deception.

Section 3. A physician shall respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient.

Section 4. A physician shall respect the rights of patients, of colleagues, and of other health professionals, and shall safeguard patient confidences within the constraints of the law.

Section 5. A physician shall continue to study, apply and advance scientific knowledge, make relevant information available to patients, colleagues and the public, obtain consultation, and use the talents of other health professionals when indicated.

Section 6. A physician shall, in the provision of appropriate patient care, except in emergencies, be free to choose whom to serve, with whom to associate, and the environment in which to provide medical services.

Section 7. A physician shall recognize a responsibility to participate in activities contributing to an improved community.

Section 8. 201 KAR 9:010 is hereby repealed.

JOHN C. QUERTERMOUS, M.D., President

ADOPTED: September 25, 1980

RECEIVED BY LRC: October 27, 1980 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

**DEPARTMENT OF FINANCE**  
**Board of Hairdressers and Cosmetologists**

**201 KAR 12:161. Repeals.**

RELATES TO: KRS 317A.050(8)

PURSUANT TO: KRS 317A.050, 317A.060

NECESSITY AND FUNCTION: There are no statutory provisions for the licensing or establishment of post-graduate schools. Individuals requiring or requesting additional training may enroll for a brush-up course in a school of cosmetology.

Section 1. 201 KAR 12:155, 210 KAR 12:157 and 201 KAR 12:160 are hereby repealed.

CARROLL ROBERTS, Administrator

ADOPTED: October 6, 1980

RECEIVED BY LRC: October 23, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Carroll Roberts, Administrator, Board of Hairdressers and Cosmetologists, 304 West Liberty Street, Suite 300, Louisville, Kentucky 40202.

**DEPARTMENT OF TRANSPORTATION**  
**Bureau of Vehicle Regulation**  
**Division of Motor Carriers**

**601 KAR 1:025. Transporting hazardous materials; permit.**

RELATES TO: KRS 174.410(2), 174.430(1)

PURSUANT TO: KRS 13.082, 174.410(2), 174.430(1)

NECESSITY AND FUNCTION: KRS 174.410(2) provides that the Secretary of the Department of Transportation, in consultation with the Secretary of the Department for Natural Resources and Environmental Protection and the Secretary of the Department for Human Resources, shall adopt by reference or in its entirety, the federal hazardous materials transportation regulations, 49 CFR (1978), as amended, to effectively carry out the intent of this Act. KRS 174.430(1) provides that the Secretary of the Department of Transportation is authorized to fix a reasonable fee, by regulation, to be paid by applicants for a general permit to transport hazardous materials through the Commonwealth, and for the renewal of such permit. This regulation implements the statutory provisions set out above.

Section 1. The department hereby adopts in its entirety the federal hazardous materials transportation regulations, 49 CFR (1978), as amended, filed herein by reference, to effectively carry out the intent of KRS 174.460 to 174.990.

Section 2. Applicants for a general permit to transport hazardous materials through the Commonwealth, and for

the renewal of such permit, shall pay to the department a fee of twenty-five dollars (\$25).

JAMES F. RUNKE, Acting Commissioner

ADOPTED: October 10, 1980

APPROVED: FRANK R. METTS, Secretary

RECEIVED BY LRC: October 22, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Director, Motor Carriers, Bureau of Vehicle Regulation, Department of Transportation, State Office Building, Frankfort, Kentucky 40622.

**DEPARTMENT OF TRANSPORTATION**  
**Bureau of Highways**

**603 KAR 5:077. Trucks prohibited on Louisville Hill, Frankfort.**

RELATES TO: KRS 189.231

PURSUANT TO: KRS 13.082, 189.231

NECESSITY AND FUNCTION: KRS 189.231 authorizes the Secretary of Transportation to restrict or regulate traffic on state-maintained highways in such manner as is reasonably necessary to promote the safety and convenience of the traveling public. The purpose of this regulation is to promote the public safety by restricting and regulating the use of a portion of a state-maintained highway by certain types of trucks and by trucks hauling hazardous materials.

Section 1. Definitions. As used in this regulation, the hereinafter set forth terms shall have the following meaning:

(1) "Flammable material" means liquid or gaseous petroleum products.

(2) "Hazardous material" means a substance or material defined as hazardous material by KRS Chapter 174 and regulations issued pursuant thereto.

Section 2. All trucks having more than two (2) axles and also all trucks transporting flammable material or hazardous material are prohibited from operating on the east-bound lane or lanes of that portion of Highway US 60 in the City of Frankfort between Tanglewood Drive and the junction of Highway KY 1211 (Taylor Avenue).

FRANK R. METTS, Secretary

ADOPTED: October 27, 1980

RECEIVED BY LRC: November 12, 1980 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Stephen Reeder, Deputy Secretary for Legal Affairs, Department of Transportation, Frankfort, Kentucky 40622.



**PUBLIC PROTECTION AND REGULATION CABINET**  
**Department of Labor**  
**Occupational Safety and Health Program**

**803 KAR 2:022. Repeal of 803 KAR 2:017.**

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: Pursuant to the authority granted the Kentucky Occupational Safety and Health Standards Board by KRS 338.051 and 338.061, this regulation is repealed. The Kentucky Occupational Safety and Health Standards Board adopts by reference 29 CFR 1910.156 "Fire Brigades" as printed in the Federal Register, Volume 45, Number 179, Friday, September 12, 1980, which provides equivalent or better protection for structural fire fighters. "Fire Brigades," 29 CFR 1910.156, is adopted by reference in 803 KAR 2:020.

Section 1. 803 KAR 2:017 is hereby repealed.

EUGENE F. LAND, Commissioner

ADOPTED: October 30, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 14, 1980 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Department of Labor,  
 Occupational Safety and Health Program, U.S. 127 South,  
 Frankfort, Kentucky 40601.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Department of Insurance**

**806 KAR 12:031. Life insurance replacement.**

RELATES TO: KRS 304.12-030

PURSUANT TO: KRS 13.082, 304.2-110

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable rules and regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.12-030 establishes minimum standards of conduct to be observed in the replacement or proposed replacement of life insurance policies. This regulation sets forth the procedures to be followed in the replacement or proposed replacement of life insurance policies.

Section 1. Purpose. The purpose of this regulation is:  
 (1) To regulate the activities of insurers and agents with respect to the replacement of existing life insurance;

(2) To protect the interests of life insurance policy owners by establishing procedures to be employed in the replacement or proposed replacement of existing life insurance which:

(a) Assure that the policy owner receives the information necessary to make an informed decision; and

(b) Reduce the opportunity for misrepresentation and incomplete disclosures.

Section 2. Definitions. For the purposes of this regulation, the following terms shall have the meaning herein provided:

(1) "Replacement," "existing insurer," "existing life insurance," and "replacing insurer," are defined as in KRS 304.12-030.

(2) "Cash dividend" means the current illustrated dividend which can be applied toward payment of the gross premium.

(3) "Conservation" means any attempt by the existing insurer or its agent to continue existing life insurance in force after the existing insurer has received a comparative information form as required by Section 5(3)(d) from a replacing insurer. A conservation effort does not include such routine administrative procedures as late payment reminders, late payment offers or reinstatement offers.

(4) "Direct-response sales" means any sale of life insurance where the insurer does not utilize an agent in the sale or delivery of the policy.

(5) "Generic name" means a short title which is descriptive of the premium and benefit patterns of a policy or a rider.

(6) "Soliciting material" means written sales aids of all kinds, excluding comparative information forms and policy summaries, which are used by an insurer, agent or broker in comparing existing life insurance to proposed life insurance in order to recommend the replacement or conservation of existing life insurance. Sales aids of a generally descriptive nature, which are maintained in the insurer's advertising compliance file, shall not be considered soliciting material.

(7) "Policy summary" means a separate written statement describing the elements of the policy, including, but not limited to:

(a) The name and address of the insurance agent, or if no agent is involved, a statement of the procedure to be followed to receive responses to inquiries regarding the policy summary.

(b) The full name and home office or administrative office address of the company in which the life insurance policy is to be or has been written.

(c) The generic name of the basic policy and each rider.

(d) The following amounts, where applicable, for the first five (5) policy years, the tenth (10th) and twentieth (20th) policy years, and at least one (1) age from sixty (60) through sixty-five (65) or maturity, whichever is earlier:

1. The annual premium for the basic policy.

2. The annual premium for each optional rider.

3. Guaranteed amount payable upon death at the beginning of the policy year.

4. Total guaranteed cash surrender values at the end of the year with values shown separately for the basic policy and each rider.

5. Cash dividends payable to the end of the year with values shown separately for the basic policy and each rider. Dividends need not be displayed beyond the twentieth (20th) policy year.

6. Guaranteed endowment amounts payable under the policy.

(e) A statement, if the policy summary includes dividends, that dividends are based on the company's current dividend scale and are not guaranteed.

(f) The effective policy loan annual percentage interest rate, if the policy contains such a loan provision, specifying whether this rate is applied in advance or in arrears. If the policy loan interest rate is variable, the policy summary is to include the maximum annual percentage rate.

(g) The date on which the policy summary was prepared.

(h) A statement, unless the policy summary includes index figures which recognize the time value of money, that

the presentation does not recognize that, because of interest, a dollar in the future has less value than a dollar today. If index figures are included, the applicant must be given written notification when the policy summary is delivered that such figures should only be used for comparing the relative costs of similar policies.

**Section 3. Exemptions.** This regulation shall not be applicable as set forth in KRS 304.12-030(4).

**Section 4. Duties of Agents.** (1) Each agent shall submit to the replacing insurer with or as part of each application for life insurance:

(a) A statement signed by the applicant as to whether or not such insurance will replace existing life insurance; and

(b) A statement signed by the agent as to whether or not he knows replacement is or may be involved in the transaction.

(2) Where a replacement is involved, the agent shall:

(a) Present to the applicant, not later than at the time of taking the application, a "notice regarding replacement of life insurance" in the form as described in Forms A or B, whichever is applicable, or other substantially similar form approved by the commissioner. The notice must be signed by and a copy left with the applicant.

(b) Present to the applicant, not later than at the time of taking the application, a comparative information form as described in Form D. Substantially equivalent forms may be used with the prior approval of the commissioner. If more than one (1) existing life insurance policy is to be replaced, a separate comparative information form must be provided for each policy unless separate information for each policy, and a summary of all separate policy information, is included in the comparative information form. The agent must include all information required to be in the form except information concerning the existing life insurance policy that cannot be obtained from the policy. The comparative information form must be signed by the agent and the applicant and a copy left with the applicant.

(c) Leave with the applicant the original or a copy of all soliciting material used for presentation to the applicant.

(d) Submit to the replacing insurer with the application, a copy of the "notice regarding replacement of life insurance" signed by the applicant, a copy of the comparative information form signed by the agent and the applicant, and a copy of all soliciting material used for presentation to the applicant.

(3) Each agent who uses soliciting material when conserving existing life insurance shall:

(a) Leave with the applicant the original or a copy of all soliciting material used in the conservation effort; and

(b) Submit to the existing insurer a copy of all soliciting material used in the conservation effort.

**Section 5. Duties of Replacing Insurers.** Each replacing insurer shall: (1) Inform its field representatives of the requirements of this regulation and KRS 304.12-030.

(2) Require with or as part of each completed application for life insurance:

(a) A statement signed by the applicant as to whether or not such insurance will replace existing life insurance; and

(b) A statement signed by the agent as to whether or not he or she knows replacement is or may be involved in the transaction.

(3) Where a replacement is involved:

(a) Require from the agent with the application for life insurance a copy of the "notice regarding replacement of

life insurance" signed by the applicant, a copy of the comparative information form signed by the agent and the applicant, and a copy of all soliciting material shown or delivered to the applicant.

(b) Verify the substantial accuracy of information concerning the proposed policy furnished to the applicant in the comparative information form. If the information concerning that policy is not substantially accurate, the replacing insurer must obtain a comparative information form signed by the agent and the applicant which includes substantially accurate information before it can process the application.

(c) Furnish the applicant with a policy summary at or prior to the delivery of the policy. Information required to be disclosed in the policy summary must be set out in such a manner as to not minimize or render any portion thereof obscure. Any amounts which remain level for two (2) or more years of the policy may be represented by a single number if the amount for each policy year is clearly indicated. Amounts required to be listed by Section 2(7)(d) shall be listed in total, not on a per thousand or per unit basis. If more than one (1) insured is covered under one (1) policy or rider, guaranteed death benefits shall be displayed separately for each insured or for each class of insureds if death benefits do not differ within the class. Zero (0) amounts shall be displayed as zero (0) and not as a blank space.

(d) Send the existing insurer notice of the proposed replacement, together with a copy of all soliciting material shown or delivered to the applicant, a copy of the policy summary, and a verified comparative information form within three (3) working days of the date the application and a substantially accurate comparative information form are received at its home or regional office.

(e) Delay, if not also the existing insurer, the issuance of its policy for thirty (30) days after the items required by paragraphs (a) and (b) of this subsection are delivered to the existing insurer. Delivery shall be deemed to have been made three (3) days after posting by first class mail.

(f) If it is also the existing insurer and the items required by paragraphs (a) and (b) of this subsection have been given to the applicant, delay the issuance of its policy for thirty (30) days after the application and a substantially accurate comparative information form are received at its home or regional office.

(g) Maintain copies of the "notice regarding replacement of life insurance," the verified comparative information form, the policy summary, and all soliciting material used, and a replacement register, cross indexed, by replacing agent and existing insurer, for at least three (3) years or until the conclusion of the next succeeding regular examination by the insurance department of its state of domicile, whichever is later.

**Section 6. Duties of Insurers With Respect to Direct-Response Sales.** Each insurer shall: (1) Inform its responsible personnel of the requirements of this regulation.

(2) Require with or as part of each completed application for life insurance a statement signed by the applicant as to whether such insurance will replace existing life insurance.

(3) Where no replacement is proposed by an insurer in the solicitation of a direct-response sale and a replacement is involved: At the time the policy is mailed to the applicant, include a "notice regarding replacement of life insurance" in a form substantially as described in Form C.

(4) Where a replacement is proposed by an insurer in the

solicitation of a direct-response sale and a replacement is involved:

(a) Request from the applicant with or as part of the application a list of all existing life insurance to be replaced identified by name of insurer.

(b) If the applicant furnishes the names of the existing insurers, then the replacing insurer shall mail the applicant a "notice regarding replacement of life insurance" in a form substantially as described in Form C within three (3) working days after receipt of the application and shall comply with all of the provisions of Section 5(3)(c), (e), (f), and (g), except that it need not meet the requirements of this regulation concerning comparative information forms and need not cross-index the replacement register required by Section 5(3)(g) as to replacing agent.

(c) If the applicant does not furnish the names of the existing insurers, then the replacing insurer shall, at the time the policy is mailed to the applicant, include a "notice regarding replacement of life insurance" in a form substantially as described in Form C.

**Section 7. Duties of Existing Insurer and Its Agents.** (1) Each existing insurer shall inform its responsible personnel of the requirements of this regulation and KRS 304.12-030.

(2) Each existing insurer, or such insurer's agent that undertakes a conservation effort shall:

(a) Within twenty (20) days of its receipt, either furnish the policy owner with the comparative information form from the replacing insurer including all information concerning the existing life insurance that was not completed and correcting any inaccurate information, or furnish the policy owner with a policy summary for the existing life insurance. Such policy summary shall include all information required in Section 2(7), except that information relating to premiums, cash values, death benefits and dividends, shall be computed from the current policy year of the existing life insurance.

(b) Furnish the replacing insurer with a copy of the fully completed comparative information form or the policy summary for the existing life insurance within three (3) working days of the date that the fully completed comparative information form or the policy summary is sent by the existing insurer to either its agent or directly to the policy owner.

(c) Maintain a file containing:

1. Comparative information forms and policy summaries received from replacing insurers; and

2. Copies of fully completed comparative information forms or policy summaries prepared pursuant to subsection (2)(a) of this section, and all soliciting material used to conserve the existing life insurance.

**Section 8. Severability.** If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

**Section 9. Departmental Forms A, B and C, entitled "Notice Regarding Replacement of Life Insurance,"** whichever is applicable; and Form D, "comparative information form" are filed herein by reference. Copies may

be obtained from the Department of Insurance, 151 Elkhorn Court, P.O. Box 517, Frankfort, Kentucky 40602.

Section 10. 806 KAR 12:030 is hereby repealed.

DANIEL D. BRISCOE, Commissioner

ADOPTED: November 14, 1980

RECEIVED BY LRC: November 14, 1980 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Daniel D. Briscoe, Commissioner, Department of Insurance, P.O. Box 517, 151 Elkhorn Court, Frankfort, Kentucky 40602.

## **PUBLIC PROTECTION AND REGULATION CABINET Energy Regulatory Commission**

**807 KAR 50:066. Prohibition of master metering.**

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.010(4)(a), 278.040(3), 278.280(2)

**NECESSITY AND FUNCTION:** KRS 278.280(2) provides that the Commission shall prescribe rules for the performance of any service by any utility. This regulation requires electric utilities to meter new buildings individually pursuant to the federal standard established by Section 113(b)(1) of the Public Utility Regulatory Policies Act of 1978.

**Section 1. Definitions.** (1) "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence, or a sleeping place by one or more persons maintaining a common household.

(2) "Multi-dwelling unit building" means a structure with two (2) or more dwelling units.

(3) "High rise building" means a building with more than four (4) stories.

**Section 2. Individual Meters Required.** An individual electric meter to record the retail sales of electricity shall be installed for each newly constructed dwelling unit in a non-transient multi-dwelling unit residential building, a mobile home park, or a commercial building for which the building permit application is made after May 31, 1981.

**Section 3. Exclusions.** Individual unit metering will not be required for: (1) Transient multi-dwelling buildings including, but not limited to, hotels, motels, campgrounds, hospitals, nursing homes, convalescent homes, college dormitories, fraternities, sororities, boat docks, and mobile homes without a permanent foundation and which are not connected to sanitation facilities.

(2) Commercial unit spaces where the commercial unit space requirements are subject to alteration with a change in tenants as evidenced by temporary versus permanent type of wall construction.

(3) Electricity used in central heating, ventilating, and air conditioning systems.

(4) Electricity used in high rise buildings.

**Section 4. Complaints.** Applicants for electric service who desire master metering of electricity in a building for



which master metering is prohibited may make a formal complaint to the Commission as provided in 807 KAR 50:005, Section 11. The applicant shall have the burden of proving that the costs of purchasing and installing separate meters in the building are greater than the long-run benefits of individual metering to the consumers of the electricity at the building.

PERRY R. WHITE, Chairman

ADOPTED: November 3, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 12, 1980 at 10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary, Energy Regulatory Commission, 730  
Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602.

**PUBLIC PROTECTION AND REGULATION CABINET**  
Department of Housing, Buildings and Construction

815 KAR 20:071. Storage and installation of schedule 40, ABS and PVC plastic pipe and fittings.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130

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 the method needed for storage, handling and installation of schedule 40, ABS and PVC plastic pipe and fittings.

Section 1. Storage. (1) Pipe. Pipe shall remain in lifts until ready for use. Lifts shall not be stacked more than three (3) high and shall always be stacked wood-on-wood. Loose pipe shall be stored in racks with a minimum support space of three (3) feet. Pipe shall be shaded but not directly covered when stored outside in high ambient temperatures. This will provide for free circulation of air and reduce the heat build up due to direct sunlight exposure.

(2) Fittings. Fittings shall be stored in their original cartons to be kept free of dirt and to reduce the possibility of damage. When possible all fittings shall be stored indoors.

(3) Solvent cement and primers. Solvent cement and primers, because of flammability, must be stored in an area where they will not be exposed to ignition, sparks, open flames or heat. They shall not be used beyond their marked shelf life.

Section 2. Handling. Care must be exercised to avoid rough handling of pipe and fittings. They must not be dragged over sharp projections, dropped or have heavy objects dropped on them. Pipe ends must be inspected for cracks in the event of abuse prior to installation. (When transported by truck or trailer, piping must be continuously supported.)

Section 3. Installation. (1) Underneath concrete floors. All pipe and fittings shall be laid on stable earth conditions and have four (4) inches of grillage on its bottom, top and sides. If ground is unstable it must be removed and the excavation filled with grillage to the underneath side of the

piping. No part of a soil or waste pipe shall be placed in a concrete slab except those pipes that pass vertically through it.

(2) Above concrete floors. All horizontal piping shall be properly aligned and installed without strain. Piping shall not be bent or pulled in position either before or after solvent welds have been made. It shall be supported at intervals not to exceed four (4) feet and at the end of the branches and at the change of direction and shall be so installed as to permit freedom of movement. All vertical piping shall be supported at their bases and all upward movement shall not be restricted. Closet flanges shall be securely fastened to the floor through which it passes.

Section 4. Hangers. Hangers and straps must be at least one (1) inch wide and shall not compress, distort, cut or abrade the piping. They shall allow free movement at all times.

Section 5. Making Solvent Cement Joints.

(1) (a) Cement shall not be thinned. All cement that has thickened shall be discarded. No cement shall be used beyond its shelf life. It shall not be subject to temperatures below thirty (30) degrees Fahrenheit.

(b) Installers shall avoid prolonged breathing of vapors. Prolonged contact with skin is harmful. Install only with adequate ventilation. Avoid contact with eyes and skin. Solvents are also flammable.

(2) Socket fit. ABS and PVC fittings are manufactured to a close tolerance. All joints shall be an interference fit between pipe and fittings. Additional cement shall not be permitted for the correction of loosely fitted joints.

(3) Joining techniques. Piping shall be cut square with a saw or pipe cutter designed especially for plastic pipe. Pipe and fittings shall be protected from serrated holding devices or abrasions.

(a) Burrs shall be removed from both inside and outside of the pipe. Dust, dirt and moisture shall be removed from the surfaces that are to be cemented.

(b) Solvent chemical cleaner recommended by the company whose product is being installed shall be applied inside the fitting and on the outside of the piping that is to be joined.

(c) A paint brush shall be used to apply the solvent cement. Apply a moderate even coating of cement in the fitting socket as well as covering the pipe on the joining surfaces only.

(d) Joints shall be assembled as quickly as possible before the cement dries. Insert the piping into the fitting socket turning the pipe slightly to insure even distribution to the cement. Hold the piping in a firm position so it does not "back out" of the joint.

(e) Remove excess solvent cement from the exterior of the joint with a clean dry cloth. The joint shall not be handled for a two (2) minute period. A fifteen (15) minute period shall be allowed for the joint to develop handling strength.

(f) No cemented pipe joint shall be made in conditions of excessive moisture, humidity or when the temperature is below forty (40) degrees or above ninety (90) degrees Fahrenheit.

Section 7. Commingling of Plastic Pipe. Plastic pipe shall not be commingled except through the use of male and female adapters.

Section 8. Mixing of Plastic and Metal Piping. Plastic

and metal piping shall discharge into one another by the use of proper fittings and adapters.

Section 9. Thermal Expansion. Each plumbing installation must be engineered and designed giving due consideration to the expansion characteristics of the material. Below are expansion tables for both PVC and ABS schedule 40 plastic piping.

PVC-DWV TYPE 1  
THERMAL EXPANSION TABLE

Chart Shows Length Change in Inches  
vs. Degrees Temperature Change

	LENGTH (feet)				
	20	40	60	80	100
40°F	.278	.557	.835	1.134	1.392
50°F	.348	.696	1.044	1.392	1.740
60°F	.418	.835	1.253	1.670	2.088
70°F	.487	.974	1.462	1.949	2.436
80°F	.557	1.114	1.670	2.227	2.784
90°F	.626	1.235	1.879	2.506	3.132
100°F	.696	1.392	2.088	2.784	3.480

ABS-DWV TYPE 1  
THERMAL EXPANSION TABLE

Chart Shows Length Change in Inches  
vs. Degrees Temperature Change

	LENGTH (feet)				
	20	40	60	80	100
40°F	0.536	1.070	1.609	2.143	2.680
50°F	0.670	1.340	2.010	2.680	3.350
60°F	0.80	1.610	2.410	3.220	4.020
70°F	0.938	1.880	2.820	3.760	4.700
80°F	1.072	2.050	3.220	4.290	5.360
90°F	1.206	2.420	3.620	4.830	6.030
100°F	1.340	2.690	4.020	5.360	6.700

JOHN R. GROVES, JR., Commissioner

ADOPTED: November 11, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 10, 1980 at 4 p.m.

PUBLIC HEARING: A public hearing will be held on this regulation at 10 a.m. on December 8, 1980 in the Conference Room of the Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky. For additional information or submission of comments, contact: Judith Walden, Department of Housing, Buildings and Construction, The 127 Building, U. S. 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Housing, Buildings and Construction

815 KAR 20:191. Minimum fixture requirements.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130

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 incorporates many of the provisions which have been in effect for some time with regard to residential and public buildings. The department has revised the old regulation to make it easier to interpret. This regulation includes the requirements of the Department for Natural Resources and Environmental Protection as well as the Department for Human Resources and the Department of Justice. These inclusions simplify the plan process.

Section 1. In buildings accommodating males and females it shall be presumed that the occupants will be equally divided between males and females unless otherwise denoted.

Section 2. All types of buildings shall be provided with toilet rooms on each level or floor; however, where the department determines that facilities on each level or floor are unnecessary, toilet rooms on every other level or floor shall be sufficient.

Section 3. Toilet rooms for males and females shall be clearly marked.

Section 4. Toilet Floor Construction Requirements. Toilet room floors in all public buildings and places of employment shall be constructed of non-absorbent materials. When more than one (1) water closet and one (1) lavatory is installed, such a toilet room shall have at least one (1) floor drain and one (1) accessible hose bibb.

Section 5. Theatres, Assembly Halls, Libraries, Museums and Art Galleries. (1) A separate water closet and lavatory shall be provided for males and females in the stage area.

(2) A drinking fountain shall be provided in the stage and auditorium area and a drinking fountain shall be provided on each floor for each 200 persons or fraction thereof.

(3) Separate toilet rooms for males and females shall be provided as indicated in Section 2, as follows:

(a) One (1) water closet for each 100 males or females or fraction thereof; two (2) water closets for 101 to 200 males or females or fraction thereof; three (3) water closets for 201 to 400 males or females or fraction thereof; over 400 add one (1) water closet for each additional 500 males and one (1) for each additional 300 females.

(b) One (1) urinal for up to 200 males; two (2) urinals for 201 to 400; three (3) urinals for 401 to 600; add one (1) urinal for each additional 300 males or fraction thereof.

(c) One (1) lavatory for up to 100 males or females; two (2) lavatories for 101 to 200, three (3) lavatories for 201 to 400; four (4) lavatories for 401 to 750; add one (1) lavatory for each additional 500 or less over 750.

(d) One (1) service sink or slop sink on each floor.

(e) The number of fixtures shall be based upon the maximum seating capacity or fixed seats. If fixed seats are not

provided the basis for determining the capacity shall be one (1) person per each fifteen (15) square feet of area.

(4) In libraries, museums and art galleries separate toilet facilities for males and females shall be provided as indicated in Section 2, as follows:

(a) One (1) water closet and one (1) lavatory for each 100 females or fraction thereof.

(b) One (1) water closet and one (1) lavatory for each 200 males or fraction thereof.

(c) One (1) urinal for each 200 males or fraction thereof.

(d) One (1) service sink or slop sink on each floor.

(e) A drinking fountain shall be provided for each 100 persons.

(f) The above number of fixtures shall be based upon the actual number of persons that can be accommodated.

Section 6. School Buildings. (1) A drinking fountain shall be provided on each floor of a building and an additional drinking fountain shall be provided for each seventy-five (75) pupils or fraction thereof. The fountains shall be equipped with a protective cowl and the orifice shall be one (1) inch above the overflow rim of the fountain.

(2) Elementary through secondary level school buildings shall be provided with the following:

(a) Water closets for males shall be installed in the following proportions:

1. One (1) water closet for up to twenty-five (25) pupils.

2. Two (2) water closets for twenty-six (26) to 100 pupils.

3. One (1) water closet for each 100 pupils or fraction thereof in excess of 100.

(b) Urinals for males shall be installed in the following proportions:

1. One (1) urinal for up to twenty-five (25) pupils.

2. Two (2) urinals for twenty-six (26) to fifty (50) pupils.

3. Four (4) urinals for fifty-one (51) to 100 pupils.

4. Six (6) urinals for 101 to 200 pupils.

5. Eight (8) urinals for 201 to 300 pupils.

6. Ten (10) urinals for 301 to 400 pupils.

7. Twelve (12) urinals for 401 to 500 pupils.

8. One (1) urinal for each fifty (50) pupils or fraction thereof in excess of 500.

(c) Water closets for females shall be installed in the following proportions:

1. Two (2) water closets for up to twenty-five (25) pupils.

2. Three (3) water closets for twenty-six (26) to fifty (50) pupils.

3. Six (6) water closets for fifty-one (51) to 100 pupils.

4. Eight (8) water closets for 101 to 200 pupils.

5. Twelve (12) water closets for 201 to 300 pupils.

6. Fifteen (15) water closets for 301 to 400 pupils.

7. Eighteen (18) water closets for 401 to 500 pupils.

8. One (1) water closet for each forty (40) pupils or fraction thereof in excess of 500.

(d) Lavatories for male and female pupils shall be installed in the following proportions:

1. One (1) lavatory for each twenty-five (25) pupils or fraction thereof.

2. Two (2) lavatories for each fifty (50) pupils or fraction thereof.

3. One (1) lavatory for each fifty (50) pupils or fraction thereof over fifty (50).

4. Twenty-four (24) inches of sink or eighteen (18) inches of circular basin when provided with water outlet for

each space, shall be considered equivalent to one (1) lavatory.

(3) One (1) service sink or slop sink shall be installed on each floor of a building.

(4) When detached relocatable classrooms are used, sanitary facilities will not be required, provided it is within a distance not to exceed thirty-five (35) feet from the main structure and there are sufficient fixtures in the main structure to serve the entire capacity of the school.

Section 7. Schools of Higher Education and Similar Educational Facilities. In schools of higher education and similar institutions there shall be installed:

(1) One (1) water closet for each fifty (50) males or one (1) water closet for each twenty-five (25) females or fraction thereof.

(2) One (1) lavatory for each fifty (50) males or females or fraction thereof.

(3) One (1) drinking fountain for each seventy-five (75) persons or fraction thereof.

(4) Whenever urinals are provided, one (1) water closet less than the number specified may be provided for each urinal installed except that the number of water closets in such cases shall not be reduced to less than two-thirds ( $\frac{2}{3}$ ) of the minimum specified.

Section 8. Public Garages and Service Stations. Separate toilet rooms with at least a water closet and lavatory for females and a water closet, lavatory and urinal for males shall be provided.

Section 9. Churches. Sanitary facilities shall be provided in churches as follows:

(1) One (1) drinking fountain for each 400 persons or fraction thereof.

(2) One (1) water closet for each 150 females or fraction thereof.

(3) One (1) water closet for each 300 males or fraction thereof.

(4) One (1) urinal for each 150 males or fraction thereof.

(5) One (1) lavatory for each 150 persons or fraction thereof.

Section 10. Transient Facilities. (1) Hotels and motels with private rooms shall have one (1) water closet, one (1) lavatory and one (1) bathtub or shower per room.

(2) In the public and service areas there shall be:

(a) One (1) water closet for each twenty-five (25) males or fraction thereof.

(b) One (1) water closet for each fifteen (15) females or fraction thereof.

(c) One (1) lavatory for each twenty-five (25) males or females or fraction thereof.

(d) One (1) urinal for each twenty-five (25) up to 100 males then one (1) for each additional fifty (50) or fraction thereof.

(e) One (1) bathtub or shower, if needed, for each ten (10) males or females or fraction thereof.

(f) One (1) drinking fountain for each seventy-five (75) or fraction thereof on each floor.

(g) One (1) service sink or slop sink on each floor.

(3) In residential-type buildings there shall be one (1) water closet, one (1) lavatory and one (1) bathtub or shower for each ten (10) males and each ten (10) females or fraction thereof.

(4) In rooming houses with private baths, they shall have one (1) water closet, one (1) lavatory and one (1) bathtub or shower per room.

(5) In rooming houses without private baths, there shall be:

(a) One (1) water closet for one (1) to ten (10) males and one (1) for each additional twenty-five (25) or fraction thereof.

(b) One (1) water closet for one (1) to eight (8) females and one (1) for each additional twenty (20) or fraction thereof.

(c) One (1) urinal for each twenty-five (25) up to 100 males, then one (1) for each additional fifty (50) or fraction thereof.

(d) One (1) lavatory for each ten (10) males or females or fraction thereof.

(e) One (1) bathtub or shower for each ten (10) males or females or fraction thereof.

Section 11. Dormitories: School, Labor or Institutional. In dormitories there shall be installed:

(1) One (1) water closet for up to ten (10) males or one (1) water closet for up to eight (8) females; add one (1) water closet for each additional twenty-five (25) males or fraction thereof and one (1) water closet for each additional twenty (20) females or fraction thereof.

(2) (a) One (1) urinal for each twenty-five (25) males or fraction thereof. Over 150 males add one (1) fixture for each additional fifty (50) males or fraction thereof.

(b) Where urinals are provided for women, the same number shall be provided as for men.

(c) Where urinals are provided, they may be substituted for water closets, not to exceed one-third ( $\frac{1}{3}$ ) of the required total number of water closets.

(d) Trough urinals shall be figured on the basis of one (1) urinal for each twenty-four (24) inches of length.

(3) (a) One (1) lavatory for one (1) to twelve (12) persons. Add one (1) lavatory for each twenty (20) males and each fifteen (15) females.

(b) Separate dental lavatories should be provided in community toilet rooms. A ratio of one (1) dental lavatory to each fifty (50) persons.

(4) One (1) bathtub or shower for each eight (8) persons. Over 150 persons add one (1) fixture for each twenty (20) persons. For women's dormitories, there shall be installed additional bathtubs at the ratio of one (1) for each thirty (30) women.

(5) One (1) drinking fountain for each seventy-five (75) persons.

(6) One (1) laundry tray or clothes washer for each fifty (50) persons.

(7) One (1) service sink or slop sink for each 100 persons.

Section 12. Hospitals, Nursing Homes and Institutions. Sanitary facilities shall be provided on each floor level and shall conform to the following:

(1) Hospitals:

(a) Wards:

1. One (1) water closet for each ten (10) patients.

2. One (1) lavatory for each ten (10) patients.

3. One (1) tub/shower for each fifteen (15) patients.

4. One (1) drinking fountain for each 100 patients.

(b) Individual rooms: One (1) water closet, one (1) lavatory and one (1) tub/shower.

(c) Waiting rooms: One (1) water closet and one (1) lavatory.

(2) Nursing homes and institutions (other than penal).

(a) One (1) water closet for each twenty-five (25) males or fraction thereof.

(b) One (1) water closet for each twenty (20) females or fraction thereof.

(c) One (1) lavatory for each ten (10) persons or fraction thereof.

(d) One (1) urinal for each fifty (50) males.

(e) One (1) tub or shower for each fifteen (15) persons or fraction thereof.

(f) One (1) drinking fountain on each floor.

(g) One (1) service sink or slop sink on each floor.

(3) Institutions, penal:

(a) Cell:

1. One (1) prison type water closet.

2. One (1) prison type lavatory.

(b) Day rooms and dormitories:

1. One (1) water closet for each eight (8) inmates or fraction thereof.

2. One (1) lavatory for each eight (8) inmates or fraction thereof.

3. One (1) shower for each fifteen (15) inmates or fraction thereof.

4. One (1) urinal may be substituted for each water closet but in no instance shall the water closets be reduced to less than one-half ( $\frac{1}{2}$ ) the number required.

5. One (1) drinking fountain per floor.

6. One (1) service sink or slop sink per floor.

(d) Toilet facilities for employees shall be located in separate rooms from those in which fixtures for the use of inmates or patients are located.

(e) One (1) drinking fountain on each floor.

(f) One (1) service sink or slop sink per floor.

Section 13. Workshops, Factories, Mercantile and Office Buildings. Separate toilet facilities shall be provided for males and females unless otherwise denoted.

(1) Workshops and factories: Sanitary facilities shall be provided on each floor and shall conform to the following:

(a) One (1) water closet for each twenty-five (25) males or fraction thereof, up to 100.

(b) One (1) lavatory for each twenty-five (25) males or fraction thereof, up to 100.

(c) One (1) urinal for eleven (11) to fifty (50) employees.

(d) Two (2) urinals for fifty-one (51) to 100 employees.

(e) One (1) lavatory for each twenty-five (25) females or fraction thereof, up to 100.

(f) One (1) water closet for each fifteen (15) females or fraction thereof up to 100.

(g) When in excess of 100 there shall be an additional water closet for each thirty (30) males and each thirty (30) females or fraction thereof; one (1) lavatory for each additional fifty (50) males and females or fraction thereof; one (1) urinal for each 100 males or fraction thereof.

(h) One (1) shower for each fifteen (15) persons exposed to skin contamination from irritating, infectious or poisonous materials.

(i) One (1) drinking fountain on each floor for each fifty (50) employees. In excess of 100 employees there shall be an additional drinking fountain on each floor for each additional seventy-five (75) persons.

(j) One (1) service sink or slop sink per floor.

(k) Individual sinks or wash troughs may be used in lieu of lavatories. Twenty-four (24) inches of sink or trough, when provided with water or eighteen (18) inches of circular basin shall be deemed the equivalent of one (1) lavatory.

(2) Mercantile:

(a) When in excess of five (5) persons of different sex are employed, separate facilities must be provided for the employees.

(b) Sanitary facilities shall be provided for customers when the building contains 5,000 square feet or more. In

malls and/or shopping centers, the required facilities, based on one (1) person per fifty (50) square feet, may be installed in individual stores or in a central toilet room area or areas, if the distance from the main entrance of any store does not exceed 500 feet and no more than one (1) flight of stairs.

- (c) 1. One (1) water closet for one (1) to 100 persons.
2. Two (2) water closets for 101 to 200 persons.
3. Three (3) water closets for 201 to 400 persons.
4. One (1) water closet for each 500 males, or 300 females, in excess of 400.
5. One (1) urinal for one (1) to 200 males.
6. Two (2) urinals for 201 to 400 males.
7. Three (3) urinals for 401 to 600 males.
8. One (1) urinal for each 300 males, or fraction thereof, over 600.
9. One (1) lavatory for one (1) to 200 persons.
10. Two (2) lavatories for 201 to 400 persons.
11. Three (3) lavatories for 401 to 700 persons.
12. One (1) lavatory for each 500 persons, or fraction thereof, in excess of 700.

13. One (1) drinking fountain on each floor for each 500 persons or fraction thereof.

14. One (1) service sink or slop sink per floor.

(3) Office buildings:

(a) When in excess of five (5) persons of different sex are employed, separate facilities must be provided.

(b) Sanitary facilities shall be provided as indicated in Section 2 and shall conform as follows:

1. One (1) water closet for one (1) to fifteen (15) persons.
2. Two (2) water closets for sixteen (16) to thirty-five (35) persons.
3. Three (3) water closets for thirty-six (36) to fifty-five (55) persons.
4. Four (4) water closets for fifty-six (56) to eighty (80) persons.
5. Five (5) water closets for eighty-one (81) to 110 persons.
6. Six (6) water closets for 111 to 150 persons.
7. One (1) water closet for each forty (40) additional persons.
8. One (1) lavatory for one (1) to fifteen (15) persons.
9. Two (2) lavatories for sixteen (16) to thirty-five (35) persons.
10. Three (3) lavatories for thirty-six (36) to sixty (60) persons.
11. Four (4) lavatories for sixty-one (61) to ninety (90) persons.
12. Five (5) lavatories for ninety-one (91) to 125 persons.
13. One (1) lavatory for each forty-five (45) additional persons.
14. Whenever urinals are provided, one (1) water closet less than the number specified may be provided for each urinal installed except that the number of water closets in such cases shall not be reduced to less than seventy (70) percent of the minimum specified.
15. One (1) drinking fountain for each seventy-five (75) persons or fraction thereof.

Section 14. Swimming Pool Bathhouses. (1) Bathhouses for public swimming pools shall be divided into two (2) parts separated by a tight partition, each designated for "Males" or "Men" and the other "Females" or "Women."

(2) Sanitary facilities shall be provided in each bathhouse to serve the anticipated bather loading, as defin-

ed in 401 KAR 6:030, Section 7(5), and shall conform to the following:

(a) One (1) water closet for each seventy-five (75) males or fraction thereof.

(b) One (1) water closet for each fifty (50) females or fraction thereof.

(c) One (1) urinal for each seventy-five (75) males or fraction thereof.

(d) One (1) lavatory for each 100 persons or fraction thereof.

(e) One (1) shower per each fifty (50) persons or fraction thereof.

(f) One (1) drinking fountain per each 200 persons or fraction thereof.

(3) Fixture schedules shall be increased for pools at schools or similar locations where bather loads may reach peaks due to schedules of use. Pools used by groups or classes on regular time schedules of one (1) hour or less shall have one (1) shower for each six (6) swimmers, or one (1) shower for each ten (10) swimmers if the period is two (2) hours.

(4) Satisfactorily designed and located shower facilities, including warm water and soap, shall be provided for each sex. Showers shall be supplied with water at a temperature of no less than ninety (90) degrees Fahrenheit, and at a flow rate of at least three (3) gallons per minute. Thermostatic, tempering or mixing valves shall be installed to prevent scalding of the bathers.

(5) The requirement relating to bathhouse toilet room and shower facilities may be waived when such facilities are conveniently available to pool patrons within 150 feet from the pool.

Section 15. Park Service Buildings or Bathhouses. (1) Except for self-contained recreational vehicle parks, each park shall provide one (1) or more central service buildings containing the necessary toilet and other plumbing fixtures specified.

(2) Except for self-contained recreational vehicle parks, sanitary facilities shall be provided as follows:

- (a) One (1) to fifteen (15) vehicle spaces:
  1. Males: One (1) water closet, one (1) urinal, one (1) lavatory and one (1) shower.
  2. Females: One (1) water closet, one (1) lavatory and one (1) shower.
- (b) Sixteen (16) to thirty (30) vehicle spaces:
  1. Males: One (1) water closet, one (1) urinal, two (2) lavatories and two (2) showers.
  2. Females: Two (2) water closets, two (2) lavatories and two (2) showers.
- (c) Thirty-one (31) to forty-five (45) vehicle spaces:
  1. Males: Two (2) water closets, one (1) urinal, three (3) lavatories and three (3) showers.
  2. Females: Two (2) water closets, three (3) lavatories and three (3) showers.
- (d) Forty-six (46) to sixty (60) vehicle spaces:
  1. Males: Two (2) water closets, two (2) urinals, three (3) lavatories and three (3) showers.
  2. Females: Three (3) water closets, three (3) lavatories and three (3) showers.
- (e) Sixty-one (61) to eighty (80) vehicle spaces:
  1. Males: Three (3) water closets, two (2) urinals, four (4) lavatories and four (4) showers.
  2. Females: Four (4) water closets, four (4) lavatories and four (4) showers.
- (f) Eighty-one (81) to 100 vehicle spaces:
  1. Males: Four (4) water closets, two (2) urinals, five (5) lavatories and five (5) showers.

2. Females: Five (5) water closets, five (5) lavatories and five (5) showers.

(g) When over 100 vehicle spaces are provided there shall be one (1) additional water closet and one (1) additional lavatory for each sex per additional thirty (30) spaces or fraction thereof; one (1) additional shower for each sex per additional forty (40) vehicle spaces or fraction thereof; and one (1) additional urinal for males per additional 100 vehicle spaces.

Section 16. Residential and Day Camp Sites. (1) Each residential and day camp site shall be provided with sanitary facilities for each sex as specified.

(2) Sanitary facilities shall be provided as listed below, except, however, day camps shall not be required to provide shower facilities.

(a) One (1) to eighteen (18) persons served:

1. Males: One (1) water closet, one (1) urinal, one (1) lavatory and one (1) shower.

2. Females: Two (2) water closets, one (1) lavatory and one (1) shower.

(b) Nineteen (19) to thirty-three (33) persons served:

1. Males: Two (2) water closets, one (1) urinal, two (2) lavatories and two (2) showers.

2. Females: Two (2) water closets, two lavatories and two showers.

(c) Thirty-four (34) to forty-eight (48) persons served:

1. Males: Two (2) water closets, two (2) urinals, two (2) lavatories and three (3) showers.

2. Females: Three (3) water closets, two (2) lavatories and three (3) showers.

(d) Forty-nine (49) to sixty-three (63) persons served:

1. Males: Three (3) water closets, two (2) urinals, three (3) lavatories and four (4) showers.

2. Females: Four (4) water closets, three (3) lavatories and four (4) showers.

(e) Sixty-four (64) to seventy-nine (79) persons served:

1. Males: Three (3) water closets, three (3) urinals, three (3) lavatories and five (5) showers.

2. Females: Five (5) water closets, three (3) lavatories and five (5) showers.

(f) Eighty (80) to ninety-five (95) persons served:

1. Males: Four (4) water closets, three (3) urinals, four (4) lavatories and six (6) showers.

2. Females: Six (6) water closets, four (4) lavatories, and six (6) showers.

(g) When over ninety-five (95) persons are served, there shall be provided: One (1) additional water closet and one (1) additional lavatory for each twenty-five (25) persons or fraction thereof served; one (1) additional shower for each twenty (20) persons, or fraction thereof, served; one (1) urinal per fifty (50) additional males or fraction thereof.

(h) Water closets may be substituted for urinals when facilities may be used by both sexes.

Section 17. Retail Food Stores and Restaurants. (1) Food stores:

(a) When in excess of five (5) persons of different sex are employed, separate facilities must be provided for the employees.

(b) Sanitary facilities shall be provided for customers when the building contains 5,000 square feet or more. In malls and/or shopping centers, the required facilities, based on one (1) person per fifty (50) square feet, may be installed in individual stores or in a central toilet room area or areas, if the distance from the main entrance of any store does not exceed 500 feet and no more than one (1) flight of stairs.

(c) 1. One (1) water closet for one (1) to 100 persons.

2. Two (2) water closets for 101 to 200 persons.

3. Three (3) water closets for 201 to 400 persons.

4. One (1) water closet for each 500 males or 300 females in excess of 400.

5. One (1) urinal for one (1) to 200 males.

6. Two (2) urinals for 201 to 400 males.

7. Three (3) urinals for 401 to 600 males.

8. One (1) urinal for each 300 males or fraction thereof, over 600.

9. One (1) lavatory for one (1) to 200 persons.

10. Two (2) lavatories for 201 to 400 persons.

11. Three (3) lavatories for 401 to 700 persons.

12. One (1) lavatory for each 500 persons or fraction thereof in excess of 700.

13. One (1) drinking fountain on each floor for each 500 persons or fraction thereof.

14. One (1) service sink or slop sink per floor as required.

(2) Restaurants:

(a) When in excess of five (5) persons of different sex are employed, separate facilities must be provided for the employees.

(b) In new establishments or establishments that are extensively altered or changed from another type occupancy to a restaurant, toilet facilities for each sex shall be provided and readily accessible for the use of both patrons and employees; provided, that carry-out type food service operations shall be exempted from providing toilet facilities for the use of their patrons.

(c) One (1) to fifty (50) persons:

1. Males: One (1) water closet, one (1) urinal, and one (1) lavatory.

2. Females: One (1) water closet and one (1) lavatory.

3. One (1) drinking fountain.

(d) Fifty-one (51) to 100 persons:

1. Males: One (1) water closet, one (1) urinal, and one (1) lavatory.

2. Females: Two (2) water closets and two (2) lavatories.

3. One (1) drinking fountain.

(e) 101 to 200 persons:

1. Males: Two (2) water closets, two (2) urinals, and two (2) lavatories.

2. Females: Three (3) water closets and three (3) lavatories.

3. Two (2) drinking fountains.

(f) 201 to 500 persons:

1. Males: Three (3) water closets, two (2) urinals, and two (2) lavatories.

2. Females: Four (4) water closets and three (3) lavatories.

3. Two (2) drinking fountains.

(g) When food is consumed indoors on premises, water stations may be substituted for drinking fountains.

(h) One (1) service sink or slop sink on each floor as required.

Section 18. Temporary Facilities for Construction Projects. Separate sanitary fixtures shall be provided as scheduled below for both males and females:

(1) One (1) water closet per thirty (30) males or fraction thereof.

(2) One (1) urinal per thirty (30) males or fraction thereof.

(3) One (1) lavatory per thirty (30) males or fraction thereof.



(4) One (1) water closet per twenty (20) females or fraction thereof.

(5) One (1) lavatory per twenty (20) females or fraction thereof.

(6) One (1) drinking fountain per 100 persons or fraction thereof.

Section 19. The fixture requirements of this regulation are also compiled in table form which is available from the Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, Frankfort, Kentucky 40601.

Section 20. 815 KAR 20:190 is hereby repealed.

JOHN R. GROVES, JR., Commissioner

ADOPTED: November 11, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: November 10, 1980 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Eugene F. Perkins, Director, Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, Frankfort, Kentucky 40601.

## DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 2:084. Repeals 904 KAR 2:085.

RELATES TO: KRS 205.400

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Energy Cost Assistance Program authorized by KRS 205.400 was not funded by the 1980 General Assembly. Therefore, an implementing regulation is unnecessary. Repeal will prevent confusion by employees and clients regarding available benefits.

Section 1. 904 KAR 2:085 is hereby repealed.

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: October 27, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: October 28, 1980 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

## ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

### Minutes of the November 6, 1980 Meeting

(Subject to subcommittee approval at its December 3, 1980 meeting.)

The Administrative Regulation Review Subcommittee held its regular monthly meeting on Thursday, November 6, 1980, at 10 a.m., in Room A of the Capitol Annex. Present were:

Members: Representative William T. Brinkley, Chairman, Senator James P. Bunning and Representatives James E. Bruce, Albert Robinson and Gregory D. Stumbo.

Guests: Martha L. Hall, Thomas Grissom and A. Leon Smothers, Department for Natural Resources and Environmental Protection; Don McCormick, Joe Bruna and Harold Wallace, Department of Fish and Wildlife Resources; John W. Crimmims, Department of Alcoholic Beverage Control; Charles A. Brown, Department of Housing, Buildings and Construction; James E. Claycomb, Department of Agriculture; Sharon M. Weisenbeck and Alta Hounz, Board of Nursing Education and Nurse Registration; Ked R. Fitzpatrick, Anne R. Hager, Earl Ransom, Connie Hilton, Barbara Aldridge and Andy Naff, Department for Human Resources; Nancy Brinly and Richard V. McDougall, Board of Physical Therapy; Paul F. Davis, Kentucky Pharmacists; Richard Roeding, Pharmacist; Tony Sholar, Kentucky Chamber of Commerce; John M. Leinenbach, Blue Grass Chapter AGC; Paul K. Young, KMTA; Audrey Ward, KMAP; Mack J. Morgan, Kentucky Retail Federation; James H. Young, Creditthrift Financial Corp.; Fred Shainfeld, Zenith Laboratories; Ken Hart, "Kentucky Coal Journal."

LRC Staff: Mabel Robertson, Deborah Herd, Garnett Evins, Joe Hood, Steve Armbrust, Gene Swift and Mary Helen Wilson.

Press: Sy Ramsey, AP; Diana Peters, Public Information.

Chairman Brinkley announced that a quorum was present and called the meeting to order. On motion of Senator Bunning, seconded by Representative Stumbo, the minutes of the October meeting were approved.

At the request of the issuing agencies the following regulations were deferred until the December meeting:

### DEPARTMENT OF FINANCE Occupations and Professions

Board of Physical Therapy

201 KAR 22:051. Refusal, revocation, suspension or probation of license or certificate.

### DEPARTMENT OF TRANSPORTATION Bureau of Vehicle Regulation

Driver Improvement

601 KAR 13:010. Medical Review Board; basis for examination evaluation, tests.

After discussion, the following regulations were deferred until the December meeting:

### KENTUCKY SCHOOL BUILDING AUTHORITY School Building Construction

723 KAR 1:005. Funding procedures.

### DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services

Drug Formulary

902 KAR 1:080. Acetaminophen.

902 KAR 1:081. Acetaminophen with codeine.

902 KAR 1:330. Niacin.

902 KAR 1:333. Probenecid.

There was a lengthy discussion of the frequency of regulations being submitted on an emergency basis.

Particular emphasis was on 200 KAR 2:006E, Employees' reimbursement for travel, recently submitted by the Department of Finance. On motion of Representative Robinson, seconded by Representative Stumbo, the chairman directed that the Subcommittee's disapproval of emergency regulations which circumvented the regular procedure be voiced to the Governor.

The subcommittee reviewed but did not object to the following emergency regulations:

#### **DEPARTMENT OF FINANCE**

##### **Policy and Management**

200 KAR 4:005E. Local government economic assistance fund grants.

#### **DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION**

##### **Bureau of Environmental Protection Air Pollution**

##### **New Source Requirements; Non-attainment Areas**

401 KAR 51:016E. Prevention of significant deterioration.

401 KAR 51:051E. New source review for non-attainment purposes.

#### **DEPARTMENT FOR HUMAN RESOURCES**

##### **Bureau for Health Services**

##### **Public Assistance**

904 KAR 2:082E. Repeals 904 KAR 2:081 and 904 KAR 2:081E.

The following regulations were accepted by the subcommittee and ordered filed:

#### **DEPARTMENT OF FINANCE**

##### **Occupations and Professions**

##### **Board of Nursing Education and Nurse Registration**

201 KAR 20:056. Advanced registered nurse practitioner. (Amended after hearing.)

##### **Board of Physical Therapy**

201 KAR 20:010. Objectives of physical therapy. (As amended.)

201 KAR 20:020. Method of applying for licensure. (As amended.)

201 KAR 20:031. Therapist's licensing procedure. (As amended.)

201 KAR 20:035. Licensee's or certificand's change of name.

201 KAR 20:061. Endorsement.

201 KAR 22:070. Requirements for foreign-trained physical therapists. (As amended.)

201 KAR 22:101. Eligibility and method of applying for assistant's certification. (As amended.)

201 KAR 22:106. Assistant's certification procedure. (As amended.)

201 KAR 22:125. Board representative for assistants. (As amended.)

#### **DEPARTMENT OF FISH AND WILDLIFE RESOURCES**

##### **Game**

301 KAR 2:085. Seasons and limits for migratory birds.

##### **Hunting and Fishing**

301 KAR 3:021. Hunting and fishing license fees. (As amended.)

#### **DEPARTMENT OF AGRICULTURE**

##### **Referendums**

302 KAR 1:035. Eggs. (As amended.)

#### **DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION**

##### **Bureau of Environmental Protection**

##### **Division of Water Resources**

401 KAR 4:050. Construction exemptions.

#### **ALCOHOLIC BEVERAGE CONTROL BOARD**

##### **Advertising Malt Beverages**

804 KAR 2:007. Inside signs.

#### **DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION**

##### **Boilers and Pressure Vessels**

815 KAR 15:020. Administrative procedures; requirements.

815 KAR 15:051. Installations of steam, hot water and hot water supply boilers.

815 KAR 15:070. Installation and inspection of pressure vessels.

##### **Local Fire Departments**

815 KAR 45:035. Education incentive. (As amended.)

#### **DEPARTMENT FOR HUMAN RESOURCES**

##### **Medical Assistance**

904 KAR 1:004. Resource and income standard of medically needy.

904 KAR 1:019. Pharmacy services.

904 KAR 1:024. Intermediate care facility services.

On motion of Senator Bunning, seconded by Representative Stumbo, the meeting was adjourned at 2:45 p.m., to meet again on December 3, 1980 at 10 a.m., in Room A of the Capitol Annex.

# *Administrative Register* <sup>of</sup> *kentucky*

## Cumulative Supplement

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## Regulation Locator—Effective Dates

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405 KAR 7:020E	703	6-11-80	405 KAR 16:150E	786	6-11-80	405 KAR 20:040E	830	6-11-80
Expired		10-9-80	Expired		10-9-80	Expired		10-9-80
405 KAR 7:030E	710	6-11-80	405 KAR 16:160E	787	6-11-80	405 KAR 20:050E	831	6-11-80
Expired		10-9-80	Expired		10-9-80	Expired		10-9-80
405 KAR 7:040E	710	6-11-80	405 KAR 16:170E	787	6-11-80	405 KAR 20:060E	832	6-11-80
Expired		10-9-80	Expired		10-9-80	Expired		10-9-80
405 KAR 7:060E	713	6-11-80	405 KAR 16:180E	788	6-11-80	405 KAR 20:070E	833	6-11-80
Expired		10-9-80	Expired		10-9-80	Expired		10-9-80
405 KAR 7:080E	714	6-11-80	405 KAR 16:190E	789	6-11-80	405 KAR 20:080E	833	6-11-80
Expired		10-9-80	Expired		10-9-80	Expired		10-9-80
405 KAR 7:090E	716	6-11-80	405 KAR 16:200E	791	6-11-80	405 KAR 24:020E	834	6-11-80
Expired		10-9-80	Expired		10-9-80	Expired		10-9-80
405 KAR 7:100E	720	6-11-80	405 KAR 16:210E	793	6-11-80	405 KAR 24:030E	835	6-11-80
Expired		10-9-80	Expired		10-9-80	Expired		10-9-80
405 KAR 7:110E	721	6-11-80	405 KAR 16:220E	795	6-11-80	405 KAR 24:040E	837	6-11-80
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405 KAR 8:010E	721	6-11-80	405 KAR 16:250E	797	6-11-80			
Expired		10-9-80	Expired		10-9-80			
405 KAR 8:020E	730	6-11-80	405 KAR 18:010E	797	6-11-80			
Expired		10-9-80	Expired		10-9-80			
405 KAR 8:030E	732	6-11-80	405 KAR 18:020E	798	6-11-80			
Expired		10-9-80	Expired		10-9-80			
405 KAR 8:040E	740	6-11-80	405 KAR 18:030E	799	6-11-80			
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405 KAR 8:050E	749	6-11-80	405 KAR 18:040E	799	6-11-80			
Expired		10-9-80	Expired		10-9-80			
405 KAR 10:010E	753	6-11-80	405 KAR 18:050E	800	6-11-80	Regulation	6 Ky.R. Page No.	Effective Date
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405 KAR 10:020E	754	6-11-80	405 KAR 18:060E	801	6-11-80	Amended	680	8-6-80
Expired		10-9-80	Expired		10-9-80	11 KAR 5:035		
405 KAR 10:030E	755	6-11-80	405 KAR 18:070E	803	6-11-80	Amended	681	8-6-80
Expired		10-9-80	Expired		10-9-80	11 KAR 5:090		
405 KAR 10:040E	758	6-11-80	405 KAR 18:080E	804	6-11-80	Amended	681	8-6-80
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Expired		10-9-80	Expired		10-9-80	Amended	682	8-6-80
405 KAR 12:010E	762	6-11-80	405 KAR 18:110E	808	6-11-80	102 KAR 1:070		
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405 KAR 12:020E	763	6-11-80	405 KAR 18:120E	809	6-11-80	102 KAR 1:110		
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405 KAR 12:030E	766	6-11-80	405 KAR 18:130E	811	6-11-80	102 KAR 1:155		
Expired		10-9-80	Expired		10-9-80	Amended	683	8-6-80
405 KAR 16:010E	767	6-11-80	405 KAR 18:140E	814	6-11-80	105 KAR 1:010		
Expired		10-9-80	Expired		10-9-80	Amended	352	8-6-80
405 KAR 16:020E	768	6-11-80	405 KAR 18:150E	816	6-11-80	200 KAR 2:005	649	9-12-80
Expired		10-9-80	Expired		10-9-80	Withdrawn		
405 KAR 16:030E	769	6-11-80	405 KAR 18:160E	816	6-11-80	201 KAR 11:037		
Expired		10-9-80	Expired		10-9-80	Amended	683	8-6-80
405 KAR 16:040E	769	6-11-80	405 KAR 18:170E	817	6-11-80	301 KAR 1:035		
Expired		10-9-80	Expired		10-9-80	Amended	684	8-6-80
405 KAR 16:050E	770	6-11-80	405 KAR 18:180E	818	6-11-80	301 KAR 1:140		
Expired		10-9-80	Expired		10-9-80	Amended	684	8-6-80
405 KAR 16:060E	771	6-11-80	405 KAR 18:190E	818	6-11-80	301 KAR 1:145		
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405 KAR 16:070E	773	6-11-80	405 KAR 18:200E	819	6-11-80	502 KAR 25:190		
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405 KAR 16:080E	774	6-11-80	405 KAR 18:210E	822	6-11-80	603 KAR 2:015		
Expired		10-9-80	Expired		10-9-80	Amended	686	8-6-80
405 KAR 16:090E	776	6-11-80	405 KAR 18:220E	823	6-11-80	702 KAR 4:040		
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405 KAR 16:100E	777	6-11-80	405 KAR 18:230E	824	6-11-80	703 KAR 2:070		
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405 KAR 16:110E	778	6-11-80	405 KAR 18:260E	826	6-11-80	704 KAR 3:175		
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405 KAR 16:120E	779	6-11-80	405 KAR 20:010E	827	6-11-80	704 KAR 15:080		
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405 KAR 16:130E	782	6-11-80	405 KAR 20:020E	828	6-11-80	803 KAR 2:020		
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405 KAR 16:140E	785	6-11-80	405 KAR 20:030E	829	6-11-80	803 KAR 2:021		
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						902 KAR 1:102	702	8-6-80



## Volume 7

NOTE: Effective July 15, 1980, emergency regulations expire upon being repealed, replaced or sine die adjournment of the next regular session of the General Assembly.

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101 KAR 1:120E Expired	1	6-26-80	104 KAR 1:010 Amended	222	10-1-80	201 KAR 26:010 Amended	208	8-6-80
103 KAR 35:020E	394	10-6-80	115 KAR 3:005	519		201 KAR 26:020 Withdrawn		6-25-80
200 KAR 2:006E	288	9-4-80	200 KAR 4:010 Repealed	291	9-5-80	201 KAR 26:030 Reprinted	211	8-6-80
200 KAR 4:005E	291	9-5-80	200 KAR 4:015 Repealed	291	9-5-80	201 KAR 26:040 Rejected	285	8-6-80
200 KAR 5:308E	395	9-19-80	201 KAR 2:020 Amended	403		201 KAR 26:050 Amended	211	8-6-80
301 KAR 2:029E Expires	77	8-7-80	201 KAR 12:020 Amended	520		201 KAR 26:060 Rejected	433	10-1-80
302 KAR 20:040E Replaced	2	12-15-80	201 KAR 12:050 Amended	481		201 KAR 26:070 Amended	211	8-6-80
302 KAR 20:070E Replaced	19	7-15-80	201 KAR 12:055 Amended	482		201 KAR 26:080 Amended	211	8-6-80
401 KAR 51:016E	22	9-3-80	201 KAR 12:065 Amended	483		201 KAR 26:090 Withdrawn		6-25-80
401 KAR 51:051E	293	9-11-80	201 KAR 12:082 Amended	483		201 KAR 26:100 Rejected	285	8-6-80
603 KAR 5:077E	293	8-8-80	201 KAR 12:083 Amended	486		201 KAR 26:110 Rejected	285	8-6-80
902 KAR 14:005E	437	7-24-80	201 KAR 12:085 Amended	486		301 KAR 2:085 Amended	311	11-6-80
902 KAR 14:005E	396	7-24-80	201 KAR 12:130 Amended	487		301 KAR 3:021 Amended	314	
902 KAR 14:015E	397	7-24-80	201 KAR 12:161	521		302 KAR 1:035 Amended	446	11-6-80
902 KAR 20:007E	79	7-24-80	201 KAR 20:055 Repealed	309	11-6-80	302 KAR 20:040 Amended	447	11-6-80
902 KAR 20:010E	80	8-8-80	201 KAR 20:056 Amended	309	11-6-80	302 KAR 20:070 Amended	19	9-3-80
902 KAR 20:015E	93	8-8-80	201 KAR 20:200	399	10-1-80	401 KAR 2:070 Amended	22	9-3-80
902 KAR 20:017E	95	8-8-80	201 KAR 20:205	399	10-1-80	401 KAR 2:070 Amended	315	
902 KAR 20:020E	98	8-8-80	201 KAR 20:210	400	10-1-80	401 KAR 2:085 Amended	450	
902 KAR 20:025E	106	8-8-80	201 KAR 20:215	400	10-1-80	401 KAR 2:085 Amended	364	
902 KAR 20:030E	115	8-8-80	201 KAR 20:220	401	10-1-80	401 KAR 4:050 Amended	455	11-6-80
902 KAR 20:035E	118	8-8-80	201 KAR 20:225	402	10-1-80	401 KAR 50:015 Amended	365	
902 KAR 20:040E	125	8-8-80	201 KAR 22:010 Amended	310	11-6-80	401 KAR 50:036 Amended	224	
902 KAR 20:045E	127	8-8-80	201 KAR 22:020 Amended	442	11-6-80	401 KAR 51:010 Amended	271	
902 KAR 20:047E	136	8-8-80	201 KAR 22:030 Repealed	442	11-6-80	401 KAR 51:015 Repealed	226	
902 KAR 20:050E	138	8-8-80	201 KAR 22:031 Amended	442	11-6-80	401 KAR 51:016 Withdrawn	293	9-11-80
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