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NOTE: The January meeting of the Administrative Regulation Review Subcommittee will be a TWO-DAY meeting because of the anticipated length of discussion of the proposed agenda. The meeting will start at 1:30 p.m. on Tuesday, January 6, 1981; and all regulations EXCEPT the following will be discussed: Hazardous Waste, Clean Air (Division of Air Pollution), Energy Regulatory Commission, and Department of Housing, Buildings and Construction. These regulations will be considered starting at 10 a.m. on Wednesday, January 7, 1981.

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 FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

A public hearing will be held at 10 a.m. EST February 9, 1981, in Room G1 of the Capital Plaza Tower, Frankfort, Kentucky on the following regulations:

- 401 KAR 50:010. Definitions and abbreviations. [7 Ky.R. 574]
401 KAR 51:010. Attainment status designations. [7 Ky.R. 577]

Amended Regulations Now In Effect

DEPARTMENT OF TRANSPORTATION Bureau of Vehicle Regulation As Amended

601 KAR 13:010. Medical Review Board; basis for examination, evaluation, tests.

RELATES TO: KRS 186.570(1)(c)

PURSUANT TO: KRS 13.082, 186.400

EFFECTIVE: December 3, 1980

NECESSITY AND FUNCTION: The Medical Review Board has existed by virtue of administrative regulations since June, 1964. Subjects who come to the bureau's attention because of physical or mental problems which may affect the driving ability are required to submit to physical examinations. The results of these exams are then reviewed by the physicians on the board. Based on their professional experience they recommend either total denial of a license or a limited one (e.g., daylight hours, left and right rear-view mirrors, another exam in three (3) months, etc.), or they determine that the disability suffered should not affect the driving and capriciousness which could exist in the great discretion granted the bureau by the legislature in KRS 186.570. Whenever the recommendation of the board is for suspension or an extremely limited license, the subject is entitled to a hearing on the matter (since the Supreme Court's *BELL v. BURSON* decision) and this regulation sets out the procedure for same.

The purpose of this amendment is to:

1. Correct semantical problems in the current regulation;
2. Remove the Commissioner of the Bureau for Health Services of the Department for Human Resources or his representative from the board;
3. Allow non-physicians, with expertise in evaluating handicapped individuals, to become members of the board;
4. Remove the requirement of notifying individuals of a license suspension by certified mail;
5. Delete two (2) conditions that cause initiation of a case, one of which is impractical in terms of cost versus results and the other which is ineffective because the category of drivers is already dealt with by the habitual violator statute;
6. Establish two (2) new conditions for initiating a case; and

7. Delete Section 5 relating to closed meetings of the board because this subject is dealt with in KRS 61.805 to 61.991.

Section 1. There is hereby created a Medical Review Board to determine whether any applicant for or any holder of a valid Kentucky operator's license has physical or mental infirmities which affect or limit the driving ability or make it unsafe for said person to operate a motor vehicle upon the public highways. The board consists of the Commissioner of the Bureau of Vehicle Regulation of the Department of Transportation or his representative, [the Commissioner of the Bureau for Health Services of the Department for Human Resources or his representative, and] not less than three (3) physicians licensed to practice medicine in the Commonwealth of Kentucky, and anyone else deemed necessary to properly review a case brought before the board. The physicians on the board shall be appointed by the Commissioner of the Bureau of Vehicle Regulation [for Health Services]. The Commissioner of the Bureau of Vehicle Regulation or his representative shall prescribe the time and place for the board to meet. Any proceeding conducted by the board shall be construed to be a meeting within the meaning of this section when three (3) physician members are present and participating. Members of the board who participate in a meeting shall be reimbursed for necessary expenses incurred in attending such meeting.

Section 2. (1) Whenever the Commissioner of the Bureau of Vehicle Regulation or his representative has reason to believe, within the meaning of Section 4 of this regulation, a person is afflicted with physical or mental infirmities rendering it unsafe for him to operate a motor vehicle upon the public highways, he shall refuse to issue an operator's license or he shall suspend the existing driving privilege of said person unless he shall submit to an examination by a qualified physician within forty-five (45) days of notification of the commissioner's intentions.

(2) If it is deemed necessary that an examination by a qualified physician is necessary, [T] the required medical examination shall be conducted at the subject's own expense by any [state-] licensed physician of his choice [or at no expense to the subject by the County Health Officer of the county in which the subject resides]. The examining physician shall report within forty-five (45) [thirty (30)]

days the results of his examination directly to the Medical Review Board on a form furnished him by the bureau.

(3) As soon as possible after receipt of the completed form, the Medical Review Board shall [meet to] evaluate it, to make recommendations thereon, such as total suspension of the driving privilege, further medical or psychiatric examinations, or *an investigative test which will assist the board in making its recommendation* [complete driver's test]. When the board recommends further examination or *investigative* [driver] testing, the Commissioner of the Bureau of Vehicle Regulation or *his representative* shall notify the subject how much time he has in which to comply to retain his driving privilege if he possesses a valid Kentucky operator's license.

Section 3. Whenever the Medical Review Board, pursuant to Section 2(3), recommends total suspension of a person's driving privilege or any limitations thereon, the Commissioner of the Bureau of Vehicle Regulation or *his representative* shall notify the person *at the last known address of said person* [by certified mail] that this action will be taken unless a written request for a hearing before the board is received within *twenty (20)* [fifteen (15)] days following delivery of the notice. The hearing shall be scheduled as early as *practicable* [practical] at a time and place designated by the commissioner or *his representative* and notice of same shall be mailed to the person involved no later than ten (10) days prior to the hearing date. The commissioner or his representative shall preside at the hearing before the Medical Review Board and at least three (3) physician members shall be present. The presiding officer may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers. The scope of the hearing will be limited to the presentation of the evidence upon which the Medical Review Board made their recommendation and any medical evidence the petitioner wishes to present in explanation or refutation of this evidence. Evidence may be presented in the form of depositions. All testimony at the hearing shall be recorded and together with any depositions or exhibits introduced at the hearing shall form the complete record. Within ten (10) *working* days after the hearing, the commissioner shall issue a decision and this shall be promptly forwarded to the petitioner.

Section 4. The Commissioner of the Bureau of Vehicle Regulation or *his representative* shall promptly notify the person involved to submit to the physical examination set out in Section 2 when one or more of the following conditions exist:

[(1) Driver has been involved in three (3) or more reportable motor vehicle accidents within a twenty-four (24) month period;]

[(2) Driver has received three (3) or more convictions for operating a motor vehicle while under the influence of intoxicants or drugs within the last five (5) years;]

(1) [(3)] Driver has indicated that he "blacked out", [or] lost consciousness or *suffered a seizure* prior to a reportable motor vehicle accident;

(2) [(4)] Driver has been named in an affidavit by at least two (2) citizens as being incapable of properly operating a motor vehicle due to physical or mental infirmities;

(3) [(5)] Driver has been reported by a physician as being incapable of driving safely due to physical or mental condition or due to medication prescribed for an extended time;

(4) [(6)] Driver has been reported by a law enforcement officer after being observed driving or behaving in an erratic or dangerous manner which indicates a possibility of physical or mental infirmity;

(5) [(7)] Applicant for operator's license or for renewal of same has obvious physical or mental impairment;

(6) [(8)] Driver's official record kept by the Bureau of Vehicle Regulation indicates a possibility of physical or mental impairment;

(7) *Driver has reported that he/she has suffered an epileptic seizure or any type of syncopal episode;*

(8) *Driver has been reported by a commonwealth attorney, county attorney, county clerk, circuit clerk, sheriff, or judge as being incapable of driving due to a physical or mental impairment.*

[Section 5. Meetings of the Medical Review Board shall be conducted in privacy because confidential medical records will be discussed and therefore exempt from KRS 61.805 to 61.991.]

JAMES F. RUNKE, Acting Commissioner

ADOPTED: July 23, 1980

APPROVED: FRANK R. METTS, Secretary

RECEIVED BY LRC: August 1, 1980 at 11:30 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 Air Pollution
Amended After Hearing

401 KAR 59:048. Leaks from new petroleum refinery equipment.

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 volatile organic compound emissions from leaks from new petroleum refinery equipment.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced on or after the classification date defined below which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any other county and is a part of a major source of volatile organic compounds.

(3) *The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.*

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

(1) "Affected facility" means each individual component within a petroleum refinery complex that could potentially leak volatile organic compounds to the atmosphere.

(2) "Component" means equipment or apparatus which includes, but is not limited to, pumps, compressors, seals, seal oil degassing vents, pipeline valves, flanges and other connections, pressure relief devices, process drains, and open-ended pipes that could potentially leak volatile organic compounds to the atmosphere.

(3) "A petroleum refinery complex" 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, rearrangement or reforming of unfinished petroleum derivatives.

(4) "Leak" means the presence of a volatile organic compound concentration exceeding 10,000 ppm when tested in the manner referenced in Section 5.

(5) "Gas service" means that the volatile organic compound is gaseous at conditions that prevail in the component during normal operations.

(6) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

(7) "Classification date" means the effective date of this regulation.

Section 3. Standard for Volatile Organic Compounds. The owner or operator of an affected facility shall:

(1) When any affected facility within the petroleum refinery complex is found to be leaking, repair the leak within fifteen (15) days. A component recheck shall be made after repair. If the leak is still present or a new leak is created by the repair, further maintenance shall be performed until the volatile organic compound emission drops below the screening value (10,000 ppm).

(2) Any time a valve is located at the end of a pipe or line containing volatile organic compounds, seal the end of the line with a second valve, a blind flange, a plug or a cap. This sealing device may be removed only when a sample is being taken. This requirement does not apply to safety pressure relief valves.

Section 4. Monitoring and Reporting Requirements. The owner or operator shall conduct such monitoring of affected facilities and submit records as specified below:

(1) The refinery operator shall perform component monitoring using the method referenced in Section 5 as follows:

(a) Monitor with a portable volatile organic compound detection device one (1) time per year (annually): pump seals, pipeline valves in liquid service, and process drains.

(b) Monitor with a portable volatile organic compound detection device four (4) times per year (quarterly): com-

pressor seals, pipeline valves in gas service, and pressure relief valves in gas service.

(c) Monitor visually fifty-two (52) times per year (weekly): pump seals.

(d) No individual monitoring is necessary for pressure relief valves in liquid service and pipeline flanges.

(2) Pipeline valves and pressure relief valves for gas service shall be marked or noted so that their location is readily obvious to both the refinery operator performing the monitoring and the department.

(3) Whenever liquids are observed dripping from a pump seal, the seal shall be checked immediately with a portable detector to determine if a leak of volatile organic compounds is present.

(4) Whenever a relief valve operates and venting to the atmosphere occurs, the operator shall monitor such valve immediately. Pressure relief devices which are tied in to either a flare header or vapor recovery device shall be exempted from the monitoring requirements.

(5) When a leak is located, a weatherproof and readily visible tag bearing an identification number and the date the leak is located shall be affixed to the leaking component. The location, tag number, date and stream composition of the leak shall also be noted on a survey log. When the leak is repaired, the date of repair and date and instrument reading of component recheck after maintenance shall be entered in the survey log and the tag discarded. The operator shall retain the survey log for two (2) years after the inspection is completed.

(6) After quarterly monitoring has been performed, the refinery operator shall submit a report to the department listing all leaks that were located but not repaired within the fifteen (15) day limit and a signed statement attesting to the fact that all monitoring has been performed as stipulated in the control plan. Leaks that cannot be repaired within fifteen (15) days shall be repaired during the next scheduled turnaround, or if unable to be brought into compliance, a variance shall be requested and obtained on an individual basis.

Section 5. Test Methods and Procedures. (1) Except as provided for in 401 KAR 50:045 the test methods as defined in Appendix B to "Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment" (OAQPS 1.2-111, U.S. EPA, Office of Air Quality Planning and Standards), filed by reference in 401 KAR 50:015, shall be used to determine compliance with the standard prescribed in Section 3 and monitoring requirements in Section 4.

(2) The owner or operator may elect to use alternate monitoring methods if it can be demonstrated to the department's satisfaction that the alternate methods will achieve equivalent control efficiency.

Section 6. Variances and Modifications. (1) If, after at least two (2) complete annual checks, the refinery operator determines that modifications of the monitoring requirements are in order, he may request in writing to the department that a revision be made. The submittal shall include data that have been developed to justify any modifications in the monitoring schedule.

(2) If the department finds an excessive number of leaks during an inspection, or if the refinery operator found an excessive number of leaks in any given area during scheduled monitoring, the department shall increase the required frequency of operator inspections for that part of the facility.

(3) Variation with the standards and limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

ADOPTED: December 15, 1980

RECEIVED BY LRC: December 15, 1980 at 4:15 p.m.

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

401 KAR 59:050. New storage vessels for petroleum liquids.

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 storage vessels for petroleum liquids.

Section 1. Applicability. (1) The provisions of this regulation shall apply to each affected facility with a storage capacity less than or equal to 151,400 liters (40,000 gallons) commenced on or after the classification date defined in Section 2(12) [below], which is located:

(a) [(1)] In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(b) [(2)] In any other county and is a part of a major source of volatile organic compounds.

(2) The provisions of this regulation shall apply to each affected facility with a storage capacity greater than 151,400 liters (40,000 gallons) commenced on or after the classification date defined in Section 2(12).

(3) The provisions of Sections 3(3) and (4), 4(3) and 6 shall apply only to each affected facility with a storage capacity greater than 151,400 liters (40,000 gallons) commenced on or after May 19, 1978.

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 a storage vessel for petroleum liquids which has a storage capacity of greater than 2,195 liters (580 gallons).

(2) "Storage vessel" means each [any] tank, reservoir, or container used for the storage of petroleum liquids, but does not include:

(a) Pressure vessels which are designed to operate in excess of 204.9 kPa (fifteen (15) pounds per square inch gauge) without emissions to the atmosphere except under emergency conditions;

(b) Subsurface caverns or porous rock reservoirs; or

(c) Underground tanks if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.

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

(4) "Petroleum refinery" means each [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.

(5) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal. ["Crude petroleum" means a naturally occurring mixture which consists of hydrocarbons and/or sulfur, nitrogen and/or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions.]

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

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

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

(9) "Vapor recovery system" means a vapor gathering system capable of collecting all hydrocarbon vapors and gases discharged from the storage vessel and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere.

(10) "Reid vapor pressure" is the absolute vapor pressure of volatile crude oil and volatile petroleum liquids, except liquefied petroleum gases, as determined by methods specified by the department.

(11) "Submerged fill pipe" means any fill pipe the discharge of which is entirely submerged when the liquid level is six (6) inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean every fill pipe the discharge opening of which is entirely submerged when the liquid level is two (2) times the fill pipe diameter above the bottom of the tank.

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

(13) "Volatile organic compounds (VOC)" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

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

(15) "External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with closure seals to close the space between the roof edge and tank shell.

(16) "Internal floating roof" means a cover or roof in a fixed roof tank which rests upon or is floated upon the

petroleum liquid being contained, and is equipped with closure seals to close the space between the roof edge and tank shell.

(17) "Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the liquid between the tank wall and the floating roof continuously around the circumference of the tank.

(18) "Vapor-mounted seal" means a foam-filled primary seal mounted continuously around the circumference of the tank so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

(19) "Metallic shoe seal" includes but is not limited to a metal sheet held vertically against the tank wall by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

(20) "kPa" means kilopascal.

Section 3. Standard for Volatile Organic Compounds [hydrocarbons]. (1) The owner or operator of any storage vessel commenced on or after April 9, 1972 and prior to May 19, 1978 to which this regulation applies shall store petroleum liquids as follows:

(a) [(1)] If the storage vessel has a storage capacity greater than 151,400 liters (40,000 gallons) and if the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than seventy-eight (78) mm Hg (1.5 psia) but not greater than 574 [0] mm Hg (11.1 psia) the storage vessel shall be equipped with a floating roof, a vapor recovery system, or their equivalents. If the vessel is equipped with an external floating roof the vessel shall be retrofitted and operated according to the provisions of 401 KAR 61:050, Sections 3(4), 4(3), 6(2) and 7 if the vessel is located:

1. In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

2. In any other county which is designated non-attainment or unclassified for ozone under 401 KAR 51:010 and is a part of a major source of volatile organic compounds.

3. The provisions of 401 KAR 61:050 Sections 3(4) and 4(3) shall not apply to vessels located in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.

(b) [(2)] If the storage vessel has a storage capacity greater than 151,400 liters (40,000 gallons) and if the true vapor pressure of the petroleum liquid as stored is greater than 574 [0] mm Hg (11.1 psia), the storage vessel shall be equipped with a vapor recovery system or its equivalent.

(2) [(3)] The owner or operator of each storage vessel commenced on or after April 9, 1972 to which this regulation applies shall store petroleum liquids as follows: If the storage vessel has a storage capacity greater than 2,195 liters (580 gallons), and if the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than 10.3 kPa (1.5 psia), as a minimum it shall be equipped with a permanent submerged fill pipe.

(3) The owner or operator of each storage vessel commenced on or after May 19, 1978 with storage capacity greater than 151,400 liters (40,000 gallons) which contains a petroleum liquid which, as stored, has a true vapor pressure equal to or greater than 10.3 kPa (1.5 psia) but

not greater than 76.6 kPa (11.1 psia) shall equip the storage vessel with one (1) of the following:

(a) An external floating roof, consisting of a pontoon-type or double-deck-type cover that rests on the surface of the liquid contents and is equipped with a closure device between the tank wall and the roof edge. Except as provided in subparagraph 3 of this paragraph, the closure device is to consist of two (2) seals, one (1) above the other. The lower seal is referred to as the primary seal and the upper seal is referred to as the secondary seal. Each seal is to meet the following requirements:

1. The primary seal is to be either a metallic shoe seal, a liquid-mounted seal, or a vapor-mounted seal.

2. The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in Section 4(3)(c).

3. The owner or operator is exempted from the requirements for secondary seals and the secondary seal gap criteria when performing gap measurements or inspections of the primary seal.

(b) A fixed roof with an internal floating type cover equipped with a continuous closure device between the tank wall and the cover edge.

(c) A vapor recovery system which collects all VOC vapors and gases discharged from the storage vessel, and a vapor return or disposal system which is designed to process such VOC vapors and gases so as to reduce their emission to the atmosphere by at least ninety-five (95) percent by weight.

(d) A system equivalent to those described in paragraphs (a) to (c) of this subsection as determined by the department.

(4) The owner or operator of each storage vessel commenced on or after May 19, 1978 with a storage capacity greater than 151,400 liters (40,000 gallons) which contains a petroleum liquid which, as stored, has a true vapor pressure greater than 76.6 kPa (11.1 psia), shall equip the storage vessel with a vapor recovery system which collects all VOC vapors and gases discharged from the storage vessel, and a vapor return or disposal system which is designed to process such VOC vapors and gases so as to reduce their emission to the atmosphere by at least ninety-five (95) percent by weight.

Section 4. Operating Requirements. (1) There shall be no visible holes, tears, or other opening in the seal, [or] any seal fabric, shoe, or seal envelope. [; and]

(2) All openings, except stub drains, automatic bleeder vents, rim space vents, and leg sleeves, shall be equipped with covers, lids, or seals such that:

(a) The cover, lid, or seal is in the closed position at all times (i.e., no visible gap) except when in actual use or as described in subsection (3)(f) of this section;

(b) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports; and

(c) Rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.

(3) External and internal floating roof tanks commenced on or after May 19, 1978 shall meet the additional requirements:

(a) The roof is to be floating on the liquid at all times (i.e., off the roof leg supports) except during initial fill and when the tank is completely emptied and subsequently refilled. The process of emptying and refilling when the

roof is resting on the leg supports shall be continuous and shall be accomplished in the minimum time necessary.

(b) For each primary seal associated with an external floating roof tank the accumulated area of gaps between the tank wall and the metallic shoe seal or the liquid-mounted seal shall not exceed 212 sq cm/m (10.0 sq in/ft) of tank diameter and the width of any portion of any gap shall not exceed 3.81 cm (1.5 in).

(c) For each primary and each secondary seal associated with an external floating roof tank the accumulated area of gaps between the tank wall and the vapor-mounted seal or between the tank wall and the secondary seal shall not exceed 21.2 sq cm/m (1.0 sq in/ft) of tank diameter and the width of any portion of any gap shall not exceed 1.27 cm (one-half (1/2) in).

(d) One (1) end of the metallic shoe associated with an external floating roof tank shall extend into the stored liquid and the other end shall extend a minimum vertical distance of sixty-one (61) cm (twenty-four (24) in) above the stored liquid surface.

(e) Each opening in the roof except for automatic bleeder vents and rim space vents is to provide a projection below the liquid surface.

(f) Each emergency roof drain associated with an external floating roof tank is to be provided with a slotted membrane fabric cover that covers at least ninety (90) percent of the area of the opening.

Section 5. Monitoring of Operations. (1) The owner or operator of any storage vessel with a capacity of greater than 151,400 liters (40,000 gallons) to which this regulation applies shall maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period. [for each such storage vessel, maintain a file of each type of petroleum liquid stored, of the typical Reid vapor pressure of each type of petroleum liquid stored, and of the dates of storage. Dates on which the storage vessel is empty shall be shown.]

(2) Available data on the typical Reid vapor pressure and the maximum expected storage temperatures of the stored product may be used to determine the maximum true vapor pressure as specified by the department, unless the department specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s). [The owner or operator of any storage vessel with a capacity of greater than 40,000 gallons to which this regulation applies shall, for each such storage vessel, determine and record the average monthly storage temperature and true vapor pressure of the petroleum liquid stored at such temperature if:]

[(a) The petroleum liquid has a true vapor pressure, as stored, greater than twenty-six (26) mm Hg (0.5 psia) but less than seventy-eight (78) mm Hg (1.5 psia) and is stored in a storage vessel other than one equipped with a floating roof, a vapor recovery system or their equivalents; or]

[(b) The petroleum liquid has a true vapor pressure, as stored, greater than 470 mm Hg (9.1 psia) and is stored in a storage vessel other than one equipped with a vapor recovery system or its equivalent.]

(3) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa (2.0 psia) or whose physical properties preclude determination by the recommended method is to be determined from available data and recorded if the estimated true vapor pressure is greater than 6.9 kPa (1.0 psia). [The average monthly

storage temperature is an arithmetic average calculated for each calendar month, or portion thereof if storage temperatures are determined at least once every seven (7) days.]

(4) The following are exempt from the requirements of this section: [The true vapor pressure shall be determined by the procedures specified by the department. This procedure is dependent upon determination of the storage temperature and the Reid vapor pressure, which requires sampling of the petroleum liquids in the storage vessels. Unless the department requires in specific cases that the stored petroleum liquid be sampled, the true vapor pressure may be determined by using the average monthly storage temperature and the typical Reid vapor pressure. For those liquids for which certified specifications limiting the Reid vapor pressure exist, the Reid vapor pressure may be used. For other liquids, supporting analytical data must be made available on request to the department when typical Reid vapor pressure is used.]

(a) Each owner or operator of each storage vessel storing a petroleum liquid with a Reid vapor pressure of less than 6.9 kPa (1.0 psia) provided the maximum true vapor pressure does not exceed 6.9 kPa (1.0 psia).

(b) Each owner or operator of each storage vessel equipped with a vapor recovery and return or disposal system in accordance with the requirements of Section 3(1)(a) and (b), (3)(c) and (4).

Section 6. Testing and Procedures. Compliance with the requirements prescribed in Sections 3(3) and (4), and 4(3) shall be determined as follows or in accordance with an equivalent procedure as approved by the department. The owner or operator of each storage vessel to which this section applies which has an external floating roof shall meet the following requirements:

(1) Determine the gap areas and maximum gap widths between the primary seal and tank wall, and the secondary seal and the tank wall according to the following frequency and furnish the department with a written report of the results within sixty (60) days of performance of gap measurements:

(a) For primary seals, gap measurements shall be performed within sixty (60) days of the initial fill with petroleum liquid and at least once every five (5) years thereafter. All primary seal inspections or gap measurements which require the removal or dislodging of the secondary seal shall be accomplished in the minimum time necessary and the secondary seal shall be replaced immediately.

(b) For secondary seals, gap measurements shall be performed within sixty (60) days of the initial fill with petroleum liquid and at least once every year thereafter.

(c) If any storage vessel is out of service for a period of one (1) year or more, subsequent refilling with petroleum liquid shall be considered initial fill for the purposes of paragraphs (a) and (b) of this subsection.

(2) Determine gap widths in the primary and secondary seals individually by the following procedures:

(a) Measure seal gaps, if any, at one (1) or more floating roof levels when the roof is floating off the roof leg supports.

(b) Measure seal gaps around the entire circumference of the tank in each place where a one-eighth (1/8) inch diameter uniform probe passes freely (without forcing or binding against seal) between the seal and tank wall and measure the circumferential distance of each such location.

(c) The total surface area of each gap described in

paragraph (b) of this subsection shall be determined by using probes of various widths to accurately measure the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

(3) Add the gap surface area of each gap location for the primary seal and the secondary seal individually. Divide the sum for each seal by the nominal diameter of the tank and compare each ratio to the appropriate ratio in the standard in Section 4(3)(b) and (c).

(4) Provide the department thirty (30) days prior notice of the gap measurement to afford the department the opportunity to have an observer present.

JACKIE SWIGART, Secretary

ADOPTED: December 15, 1980

RECEIVED BY LRC: December 15, 1980 at 4:15 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Protection
Division of Air Pollution
Amended After Hearing

401 KAR 59:212. New graphic arts facilities using rotogravure and flexography.

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 volatile organic compound emissions from new graphic arts facilities which use rotogravure and flexography.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced on or after the classification date defined below which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any other county and is a part of a major source of volatile organic compounds.

(3) The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.

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

(1) "Affected facility" means a printing line for packaging rotogravure, publication rotogravure, and flexographic printing.

(2) "Applicator" means the mechanism or device used to apply the ink.

(3) "Flashoff area" means the space between the applicator and the oven.

(4) "Printing line" means a series of equipment and/or operations used to apply, dry, or cure any inks containing volatile organic compounds. This shall include, but is not limited to:

- (a) Mixing operations;
- (b) Process storage;
- (c) Applicators;
- (d) Drying operations including, but not limited to, flashoff area evaporation, oven drying, baking, curing, and polymerization;
- (e) Clean up operations;
- (f) Leaks, spills and disposal of volatile organic compounds;
- (g) Processing and handling of recovered volatile organic compounds;
- (h) For the purposes of determining compliance with this regulation, if any equipment or operation could be considered to be a part of more than one (1) printing line, its volatile organic compound emissions shall be assigned to each printing line of which it is a part proportionally to the throughput of volatile organic compounds it receives from or distributes to each printing line;
- (i) If any portion of the series of equipment and/or operations qualify for an exemption according to Section 6, then that portion shall be considered to be a separate printing line;
- (j) All units in a machine which has both coating and printing units will be considered as performing a printing operation.
- (5) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.
- (6) "Process storage" means mixing tanks, holding tanks, and other tanks, drums, or other containers which contain inks, volatile organic compounds, or recovered volatile organic compounds; but does not mean storage tanks which are subject to 401 KAR 59:050 or 401 KAR 61:050.
- (7) "Printing" means the formation of words, designs and pictures, usually by a series of application rolls each with only partial coverage. It applies to flexographic and rotogravure processes as applied to publication and packaging printing.
- (8) "Coating" means the application of a uniform layer of material across the entire width of a web.
- (9) "Classification date" means the effective date of this regulation.
- (10) "Volatile organic compounds net input" means the total amount of volatile organic compounds input to the affected facility minus the amount of volatile organic compounds that are not emitted into the atmosphere. Volatile organic compounds that are prevented from being emitted to the atmosphere by the use of control devices shall not be subtracted from the total for the purposes of determining volatile organic compounds net input. When the nature of any operation or design of equipment is such as to permit more than one (1) interpretation of this definition, the interpretation that results in the minimum value for allowable emissions shall apply.
- (11) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.
- (12) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(13) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(14) "Rotogravure printing" means the application of words, designs, and pictures to a substrate by means of a roll printing technique which involves intaglio or recessed image areas in the form of cells.

(15) "Roll printing" means the application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

Section 3. Standard for Volatile Organic Compounds.

(1) No person shall cause, allow, or permit an affected facility for publication rotogravure printing to discharge into the atmosphere more than twenty-five (25) percent by weight of the volatile organic compounds net input into the affected facility.

(2) No person shall cause, allow, or permit an affected facility for packaging rotogravure printing to discharge into the atmosphere more than thirty-five (35) percent by weight of the volatile organic compounds net input into the affected facility.

(3) No person shall cause, allow, or permit an affected facility for flexographic printing to discharge into the atmosphere more than forty (40) percent by weight of the volatile organic compounds net input in the affected facility.

Section 4. Compliance. (1) In all cases the design of any control system is subject to approval by the department.

(2) Compliance with the standard in Section 3 shall be demonstrated by a material balance except in those cases where the department determines that a material balance is not possible. For those cases where a material balance is not possible, compliance will be determined based upon an engineering analysis by the department of: the control system design, control device efficiency, control system capture efficiency, and any other factors that could influence the performance of the system. If so requested by the department, performance tests as specified by the department shall be conducted in order to determine the efficiency of the control device.

(3) With the prior approval of the department, the owner or operator may elect to effect such changes in the affected facility as are necessary to qualify for an exemption under Section 5.

(4) Whenever deemed necessary by the department, the department shall obtain samples of the inks used at an affected facility to verify that the inks meet the requirements in Section 5. The following methods of analyses, filed by reference in 401 KAR 50:015, for inks shall be used as applicable except in those cases where the department determines that other methods would be more appropriate:

- (a) ASTM D 1644-75 Method A;
- (b) ASTM D 1475-60(74);
- (c) ASTM D 2369-73; or
- (d) Federal Standard 141 a, Method 4082.1.

Section 5. Exemptions. Any affected facility shall be exempt from the provisions of Section 3 if the printing systems:

(1) Utilize a water-borne ink whose volatile portion consists of seventy-five (75) volume percent water and twenty-five (25) volume percent organic solvent (or a lower volatile organic compound content) in all printing units;

(2) Achieve a seventy (70) volume percent overall reduction of solvent usage (compared to all solvent-borne ink usage); or

(3) Utilize inks which contain sixty (60) percent or more non-volatile material.

Section 6. Variances. Variation with the standards and limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

ADOPTED: December 15, 1980

RECEIVED BY LRC: December 15, 1980 at 4:15 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Protection

Division of Air Pollution

Amended After Hearing

401 KAR 59:214. New factory surface coating operations of flat wood paneling.

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 volatile organic compound emissions from new factory surface coating operations of flat wood paneling.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced on or after the classification date defined below which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any other county and is a part of a major source of volatile organic compounds.

(3) *The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.*

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

(1) "Affected facility" means a coating line for the factory surface coating of interior flat wood paneling.

(2) "Applicator" means the mechanism or device used to apply the coating including but not limited to: roll coaters, curtain coaters, sprays and brushes.

(3) "Flashoff area" means the space between the applicator and the oven.

(4) "Coating line" means a series of equipment and/or operations used to apply, dry, or cure any coatings containing volatile organic compounds. This shall include, but is not limited to:

- (a) Mixing operations;
- (b) Process storage;
- (c) Applicators;
- (d) Drying operations including, but not limited to, flashoff area evaporation, oven drying, baking, curing, and polymerization;
- (e) Clean up operations;
- (f) Leaks, spills and disposal of volatile organic compounds;
- (g) Processing and handling of recovered volatile organic compounds;
- (h) For the purposes of determining compliance with this regulation, if any equipment or operation could be considered to be a part of more than one (1) coating line, its volatile organic compound emissions shall be assigned to each coating line of which it is a part proportionally to the throughput of volatile organic compound it receives from or distributes to each coating line;
- (i) If any portion of the series of equipment and/or operations qualify for an exemption according to Section 5, then that portion shall be considered to be a separate coating line;
- (5) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.
- (6) "Process storage" means mixing tanks, holding tanks, and other tanks, drums, or other containers which contain surface coatings, volatile organic compounds, or recovered volatile organic compounds; but does not mean storage tanks which are subject to 401 KAR 59:050 or 401 KAR 61:050.
- (7) "Interior flat wood paneling" means printed interior wall panels made of hardwood plywood and thin particleboard, natural finish hardwood plywood panels, or hardboard paneling with Class II finishes.
- (8) "Printed panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.
- (9) "Hardwood plywood" means plywood whose surface layer is a veneer of hardwood.
- (10) "Particleboard" means a manufactured board made of individual wood particles which have been coated with a binder and formed into flat sheets by pressure. Thin particleboard has a thickness of one-fourth (1/4) inch or less.
- (11) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.
- (12) "Hardboard" means a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot-press.
- (13) "Class II hardboard paneling finishes" means finishes which meet the specifications of Voluntary Product Standard PS-59-73, filed by reference in 401 KAR 50:015, as approved by the American National Standards Institute.
- (14) "Classification date" means the effective date of this regulation.
- (15) "Volatile organic compounds net input" means the total amount of volatile organic compounds input to the affected facility minus the amount of volatile organic compounds that are not emitted into the atmosphere. Volatile organic compounds that are prevented from being emitted to the atmosphere by the use of control devices shall not be

subtracted from the total for the purposes of determining volatile organic compounds net input. When the nature of any operation or design of equipment is such as to permit more than one (1) interpretation of this definition, the interpretation that results in the minimum value for allowable emissions shall apply.

Section 3. Standard for Volatile Organic Compounds. No person shall cause, allow, or permit an affected facility to discharge into the atmosphere more than fifteen (15) percent by weight of the volatile organic compounds net input into the affected facility.

Section 4. Compliance. (1) In all cases the design of any control system is subject to approval by the department.

(2) Compliance with the standard in Section 3 shall be demonstrated by a material balance except in those cases where the department determines that a material balance is not possible. For those cases where a material balance is not possible, compliance will be determined based upon an engineering analysis by the department of: the control system design, control device efficiency, control system capture efficiency, and any other factors that could influence the performance of the system. If so requested by the department, performance tests as specified by the department shall be conducted in order to determine the efficiency of the control device.

(3) With the prior approval of the department, the owner or operator may elect to effect such changes in the affected facility as are necessary to qualify for an exemption under Section 5.

(4) Whenever deemed necessary by the department, the department shall obtain samples of the coatings used at an affected facility to verify that the coatings meet the requirements in Section 5. The following methods of analyses, filed by reference in 401 KAR 50:015, for coatings shall be used as applicable except in those cases where the department determines that other methods would be more appropriate:

- (a) ASTM D 1644-75 Method A;
- (b) ASTM D 1475-60(74);
- (c) ASTM D 2369-73; or
- (d) Federal Standard 141 a, Method 4082.1.

Section 5. Exemptions. Any affected facility shall be exempt from the provision of Section 3 if the total volatile organic compound content of all the coatings applied to a specific area of finished paneling product is:

- (1) Less than 2.9 kg of volatile organic compounds per 100 sq. m. of coated surface (6.0 lb/1,000 sq. ft.) for printed interior wall panels made of hardwood plywood and thin particleboard;
- (2) Less than 5.9 kg of volatile organic compounds per 100 sq. m. of coated surface (12.0 lb/1,000 sq. ft.) for natural finish hardwood plywood panels; or
- (3) Less than 4.9 kg of volatile organic compounds per 100 sq. m. of coated surface (10.0 lb/1,000 sq. ft.) for Class II finishes for hardboard paneling.

Section 6. Variances. Variation with the standards and limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

ADOPTED: December 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 59:225. New miscellaneous metal parts and products surface coating operations.

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 volatile organic compound emissions from new miscellaneous metal parts and products surface coating operations.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced on or after the classification date defined below which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any other county and is a part of a major source of volatile organic compounds.

(3) *The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.*

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

(1) "Affected facility" means a coating line located at job shops and original equipment manufacturing industries which apply coatings on metal substrates not elsewhere subject to regulation in this chapter.

(2) "Applicator" means the mechanism or device used to apply the coating, including but not limited to: dipping, spraying, or flowcoating.

(3) "Flashoff area" means the space between the applicator and the oven.

(4) "Single coat" means only one (1) film of coating is applied to the metal substrate.

(5) "Prime coat" means the first of two (2) or more films of coating applied in an operation.

(6) "Topcoat" means the final film or series of films of coating applied in a two (2) coat (or more) operation.

(7) "Coating line" means a series of equipment and/or operations used to apply, dry, or cure any prime, topcoat or single coatings containing volatile organic compounds. This shall include, but is not limited to:

(a) Mixing operations;

(b) Process storage;

(c) Applicators;

(d) Drying operations including, but not limited to, flashoff area evaporation, oven drying, baking, curing, and polymerization;

(e) Clean up operations;

(f) Leaks, spills and disposal of volatile organic compounds;

(g) Processing and handling of recovered volatile organic compounds;

(h) For the purposes of determining compliance with this regulation, if any equipment or operation could be considered to be a part of more than one (1) coating line, its volatile organic compound emissions shall be assigned to each coating line of which it is a part proportionally to the throughput of volatile organic compounds it receives from or distributes to each coating line;

(i) If any portion of the series of equipment and/or operations qualify for an exemption according to Section 6, then that portion shall be considered to be a separate coating line.

(8) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

(9) "Process storage" means mixing tanks, holding tanks, and other tanks, drums, or other containers which contain surface coatings, volatile organic compounds, or recovered volatile organic compounds; but does not mean storage tanks which are subject to 401 KAR 59:050 or 401 KAR 61:050.

(10) "Miscellaneous metal parts and products" means items including but not limited to:

(a) Large farm machinery (harvesting, fertilizing and planting machines, tractors, combines, etc.);

(b) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);

(c) Small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);

(d) Commercial machinery (computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);

(e) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(f) Fabricated metal products (metal covered doors, frames, etc.); and

(g) Any other industrial category not otherwise subject to regulation in this chapter which coats metal parts or products.

(11) "Heat sensitive material" means materials which cannot be exposed to temperatures greater than eighty-two (82) to ninety-three (93)°C (180°-200°F).

(12) "Air or forced air-dried items" means parts that are too large or too heavy for practical size ovens; parts that are sensitive to heat; parts to which heat sensitive materials are attached; or equipment assembled prior to top coating for specific performance or quality standards.

(13) "Outdoor or harsh exposure or extreme environmental conditions" means exposure to any of the following: year round weather conditions, temperatures consistently above ninety-five (95)° Celsius, detergents, scouring, solvents, corrosive atmospheres; and similar environmental conditions.

(14) "Classification date" means the effective date of this regulation.

(15) "Volatile organic compounds net input" means the total amount of volatile organic compounds input to the affected facility minus the amount of volatile organic compounds that are not emitted into the atmosphere. Volatile organic compounds that are prevented from being emitted to the atmosphere by the use of control devices shall not be subtracted from the total for the purposes of determining volatile organic compounds net input. When the nature of any operation or design of equipment is such as to permit more than one (1) interpretation of this definition, the interpretation that results in the minimum value for allowable emissions shall apply.

Section 3. Standard for Volatile Organic Compounds. No person shall cause, allow, or permit an affected facility to discharge into the atmosphere more than fifteen (15) percent by weight of the volatile organic compounds net input into the affected facility.

Section 4. Compliance. (1) In all cases the design of any control system is subject to approval by the department.

(2) Compliance with the standard in Section 3 shall be demonstrated by a material balance except in those cases where the department determines that a material balance is not possible. For those cases where a material balance is not possible, compliance will be determined based upon an engineering analysis by the department of: the control system design, control device efficiency, control system capture efficiency, and any other factors that could influence the performance of the system. If so requested by the department, performance tests as specified by the department shall be conducted in order to determine the efficiency of the control device.

(3) With the prior approval of the department, the owner or operator may elect to effect such changes in the affected facility as are necessary to qualify for an exemption under Section 5.

(4) Whenever deemed necessary by the department, the department shall obtain samples of the coatings used at an affected facility to verify that the coatings meet the requirements in Section 5. The following methods of analyses, filed by reference in 401 KAR 50:015, for coatings shall be used as applicable except in those cases where the department determines that other methods would be more appropriate:

- (a) ASTM D 1644-75 Method A;
- (b) ASTM D 1475-60(74);
- (c) ASTM D 2369-73; or
- (d) Federal Standard 141 a, Method 4082.1.

Section 5. Exemptions. (1) Any affected facility shall be exempt from the provisions of Section 3 if the volatile organic compound content of coating is:

- (a) Less than 0.52 kg/l of coating (4.3 lb/gal), excluding water, delivered to applicators associated with clear coat;
- (b) Less than 0.42 kg/l of coating (3.5 lb/gal), excluding water, delivered to applicators associated with air or forced air-dried items or items subject to outdoor or harsh exposure or extreme environmental conditions;
- (c) Less than 0.36 kg/l of coating (3.0 lb/gal), excluding water, delivered to applicators associated with color coat or first coat on untreated ferrous substrate; or
- (d) Less than 0.05 kg/l of powder coating (0.4 lb/gal) delivered to applicators associated with no or infrequent color change, or a small number of colors applied.

(2) The surface coating of the following metal parts and products are exempt from this regulation:

- (a) The exterior of airplanes and marine vessels, but not parts for the exterior of airplanes and marine vessels that are coated as a separate manufacturing or coating operation;
- (b) Automobile refinishing; and
- (c) Customized top coating of automobiles and trucks, if production is less than thirty-five (35) vehicles per day.

(3) Any affected facility shall be exempt from the provisions of Section 3 if the total volatile organic compound emissions from all affected facilities subject to this regulation are less than or equal to twenty (20) tons per year.

Section 6. Variances. Variation with the standards and

limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

ADOPTED: December 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 59:230. New synthesized pharmaceutical product manufacturing operations.

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 volatile organic compound emissions from new synthesized pharmaceutical product manufacturing operations.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced on or after the classification date defined below which is located:

- (1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or
- (2) In any other county and is a part of a major source of volatile organic compounds.

(3) *The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.*

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

(1) "Affected facility" means operations involved in the manufacture of pharmaceutical products by chemical synthesis, but does not include fermentation, extraction, or formulation and packaging.

(2) "Extraction" means the manufacture of botanical and biological products by the extraction of organic chemicals from vegetative materials or animal tissues.

(3) "Fermentation" means the production and separation of medicinal chemicals such as antibiotics and vitamins from microorganisms.

(4) "Formulation and packaging" means the formulation of bulk pharmaceuticals into various dosage forms such as tablets, capsules, injectable solutions, ointments, etc., that can be taken by the patient immediately and in accurate amount.

(5) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon

monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

(6) "Classification date" means the effective date of this regulation.

(7) "kPa" means kilopascals.

(8) "psi" means pounds per square inch.

Section 3. Standard for Volatile Organic Compounds. The owner or operator of an affected facility to which this regulation applies shall install, maintain and operate the control equipment and observe at all times the following operating requirements:

(1) (a) Each vent from reactors, distillation operations, crystallizers, centrifuges, and vacuum dryers that emit 6.8 kg/day (fifteen (15) lb/day) or more of volatile organic compounds shall be equipped with surface condensers or other methods of control which provide emission reductions equivalent to the use of surface condensers which meet the requirements in paragraph (b) of this subsection.

(b) If surface condensers are used, the condenser outlet gas temperatures shall not exceed the following temperatures (degrees Celsius) when condensing volatile organic compounds with the respective minimum vapor pressures (kilopascals). All vapor pressures are measured to twenty (20) degrees Celsius.

1. Negative twenty-five (-25)°C; forty (40) kPa (5.8 psi);

2. Negative fifteen (-15)°C; twenty (20) kPa (2.9 psi);

3. Zero (0)°C; ten (10) kPa (1.5 psi);

4. Ten (10)°C; seven (7) kPa (1.0 psi); and

5. Twenty-five (25)°C; 3.5 kPa (0.5 psi).

(2) (a) For air dryers and production equipment exhaust systems that emit 150 kg/day (330 lbs/day) or more of volatile organic compounds, emissions shall be reduced ninety (90) percent.

(b) For air dryers and production equipment exhaust systems that emit less than 150 kg/day (330 lbs/day), emissions shall be reduced to fifteen (15) kg/day (thirty-three (33) lbs/day).

(3) (a) For storage tanks storing volatile organic compounds with a vapor pressure greater than twenty-eight (28) kPa (4.1 psi) at twenty (20)°C, one (1) liter of displaced vapor shall be allowed to be released to the atmosphere for every ten (10) liters transferred (i.e., a ninety (90) percent effective vapor balance or equivalent) on truck/rail car delivery to all tanks greater than 7,500 liters (2,000 gal) capacity except where tanks are equipped with floating roofs, vapor recovery systems, or their equivalent. This requirement does not apply to transfer of volatile organic compounds from one (1) in-plant location to another.

(b) For tanks storing volatile organic compounds with a vapor pressure greater than ten (10) kPa (1.5 psi) at twenty (20)°C, pressure/vacuum conservation vents shall be set at plus or minus 0.2 kPa, except where more effective air pollution control is used.

(4) All centrifuges containing volatile organic compounds, rotary vacuum filters processing liquid containing volatile organic compounds and any other filters having an exposed liquid surface where the liquid contains volatile organic compounds shall be enclosed. This applies to liquids exerting a total volatile organic compounds vapor pressure of 3.5 kPa (0.5 psi) or more at twenty (20)°C.

(5) All in-process tanks containing volatile organic compound at any time shall have covers which shall be closed except for short periods when production, sampling,

maintenance, or inspection procedures require operator access.

(6) For liquids containing volatile organic compounds, all leaks in which liquid can be observed to be running or dripping from vessels and equipment (for example: pumps, valves, flanges) shall be repaired within fifteen (15) days. A visual recheck shall be made after repair. If the leak is still present or a new leak is created by the repair, further maintenance shall be performed until the volatile organic compound emission drops below the screening value (observed to be running or dripping). Leaks that cannot be repaired within fifteen (15) days shall be repaired during the next scheduled turnaround, or if unable to be brought into compliance, a variance shall be requested and obtained on an individual basis. Leak detection/maintenance and repair procedures shall include maintaining a log identifying when the leak occurred and reporting every ninety (90) days those leaks not repaired after fifteen (15) days. The operator shall retain the survey log for two (2) years after the inspection is completed.

Section 4. Compliance Procedures. Compliance will be determined based upon an engineering analysis by the department of: the control system design, control device efficiency, control system capture efficiency, and any other factors that could influence the performance of the system. If so requested by the department, performance tests as specified by the department shall be conducted in order to determine the efficiency of the control device.

Section 5. Monitoring Requirements. When adsorbers, condensers, incinerators or scrubbers are used to achieve compliance with Section 3, the following monitoring devices shall be an integral part of the control device:

(1) For carbon adsorbers, a monitoring device connected to an alarm device, which indicates carbon bed breakthrough;

(2) For condensers, a temperature securing device located in the exit gas stream;

(3) For incinerators, temperature securing devices located in the combustion chamber for thermal incinerators and in the catalyst pre-heat chamber for catalytic incinerators; and

(4) For scrubbers, flow meters for measuring flow rate of scrubbing medium or pressure drop measuring devices indicating back pressure and pressure drop across the scrubber.

Section 6. Variances. Variation with the standards and limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

ADOPTED: December 15, 1980

RECEIVED BY LRC: December 15, 1980 at 4:15 p.m.

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

401 KAR 59:235. New pneumatic rubber tire manufacturing 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 volatile organic compound emissions from new pneumatic rubber tire manufacturing plants.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced on or after the classification date defined below which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any other county and is a part of a major source of volatile organic compounds.

(3) *The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.*

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

(1) "Affected facility" means undertread cementers, tread end cementers, bead dip tanks, and green tire spray booths associated with the manufacture of pneumatic rubber tires.

(2) "Manufacture of pneumatic rubber tires" means the mass production of pneumatic rubber tires.

(3) "Pneumatic rubber tires" means agricultural, airplane, industrial, mobile home, light and medium duty truck, and passenger tires of bead diameter up to .51 m (twenty (20) in.) and cross-sectional dimension up to .33 m (12.8 in.).

(4) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

(5) "Classification date" means the effective date of this regulation.

(6) "Water based sprays" means release compounds, sprayed on the inside and outside of green tires, in which solids, water, and emulsifiers have been substituted for organic solvents.

Section 3. Standard for Volatile Organic Compounds. The owner or operator of an affected facility shall install, maintain and operate capture and control equipment to achieve the following:

(1) Emissions from undertread cementers, tread end cementers and bead dip tanks shall be reduced by at least seventy-six (76) percent; and

(2) Emissions from green tire spray booths shall be reduced by at least eighty-one (81) percent. This requirement is not applicable to green tire spray booths using water based sprays.

Section 4. Compliance. Compliance will be determined based upon an engineering analysis by the department of: the control system design, control device efficiency, control system capture efficiency, and any other factors that could influence the performance of the system. If so requested by the department, performance tests as specified by the department shall be conducted in order to determine the efficiency of the control device.

Section 5. Variances. Variation with the standards and limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

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DEPARTMENT FOR NATURAL RESOURCES
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Amended After Hearing

401 KAR 59:240. New perchloroethylene dry cleaning systems.

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 volatile organic compound emissions from new perchloroethylene dry cleaning systems.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced on or after the classification date defined below which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any other county and is a part of a major source of volatile organic compounds.

(3) *The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.*

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

(1) "Affected facility" means dry cleaning systems which use perchloroethylene.

(2) "Dry cleaning system" means a series of equipment and/or operations which includes, but is not limited to: washer, dryer, filter and purification systems, waste disposal systems, holding tanks, pumps, and attendant piping and valves used for the purpose of commercial cleaning of fabrics.

(3) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

(4) "Classification date" means the effective date of this regulation.

Section 3. Standard for Volatile Organic Compounds. The owner or operator of an affected facility shall install, maintain and operate the control equipment such that the following requirements are met:

(1) There shall be no liquid leakage of organic solvents from the system.

(2) The entire dryer exhaust shall be vented through a properly functioning carbon adsorber or equally effective control device.

(3) The maximum organic solvent concentration in the vent from the dryer control device shall not exceed 100 ppm before dilution.

(4) Filter and distillation wastes.

(a) The residue from any diatomaceous earth filter shall be cooked or treated so that wastes shall not contain more than twenty-five (25) kg of solvent per 100 kg of wet waste material.

(b) The residue from a solvent still shall not contain more than sixty (60) kg of solvent per 100 kg of wet waste material.

(c) Filtration cartridges shall be drained in the filter housing for at least twenty-four (24) hours before being discarded. The drained cartridges shall be dried in the dryer tumbler after draining.

(d) Any other filtration or distillation system can be used if equivalency to these requirements is demonstrated. Any system reducing waste losses below one (1) kg solvent per 100 kg clothes cleaned will be considered equivalent.

Section 4. Compliance. (1) Liquid leakage shall be determined by visual inspection of the following sources:

- (a) Hose connections, unions, couplings and valves;
- (b) Machine door gasket and seating;
- (c) Filter head gasket and seating;
- (d) Pumps;
- (e) Base tanks and storage containers;
- (f) Water separators;
- (g) Filter sludge recovery operations;
- (h) Distillation units;
- (i) Divertor valves;
- (j) Saturated line from lint basket; and
- (k) Cartridge filters.

(2) Dryer exhaust concentration shall be determined by the proper installation, operation, and maintenance of approved equipment as determined by the department or by performance tests specified by the department.

(3) The amount of solvent in filter and distillation wastes shall be determined by ASTM D 322-67 (77), and substituting collector C from ASTM E 123-78. ASTM Methods are filed by reference in 401 KAR 50:015.

Section 5. Exemptions. Perchloroethylene dry cleaning facilities which are coin-operated shall be exempt from this regulation.

Section 6. Variances. Variation with the standards and limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

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DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Protection
Division of Air Pollution
Amended After Hearing

401 KAR 61:050. Existing storage vessels for petroleum liquids.

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 storage vessels for petroleum liquids.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced before the applicable classification date defined below, which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any county which is designated non-attainment or unclassified for ozone under 401 KAR 51:010 and is a part of a major source of volatile organic compounds.

(3) This regulation shall not apply to storage vessels located on a farm and used exclusively for storing petroleum liquids used by the farm.

(4) The provisions of Sections 3(4) and 4(3) shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.

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 a storage vessel for petroleum liquids which has a storage capacity of greater than 2,195 liters (580 gallons).

(2) "Storage vessel" means any tank, reservoir, or container used for the storage of petroleum liquids, but does not include:

(a) Pressure vessels which are designed to operate in excess of fifteen (15) pounds per square inch gauge without

emissions to the atmosphere except under emergency conditions;

(b) Subsurface caverns or porous rock reservoirs; or

(c) Underground tanks if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.

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

(4) "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.

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

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

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

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

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

(10) "Vapor recovery system" means a vapor gathering system capable of collecting all hydrocarbon vapors and gases discharged from the storage vessel and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere.

(11) "Reid vapor pressure" is the absolute vapor pressure of volatile crude oil and volatile petroleum liquids, except liquefied petroleum gases, as determined by methods specified by the department.

(12) "Submerged fill pipe" means any fill pipe the discharge of which is entirely submerged when the liquid level is six (6) inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean every fill pipe the discharge opening of which is entirely submerged when the liquid level is two (2) times the fill pipe diameter above the bottom of the tank.

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

(14) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

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

(16) "External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or

pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with closure seals to close the space between the roof edge and tank shell.

(17) "Internal floating roof" means a cover or roof in a fixed roof tank which rests upon or is floated upon the petroleum liquid being contained, and is equipped with closure seals to close the space between the roof edge and tank shell.

(18) "Liquid-mounted" means a primary seal mounted so that the bottom of the seal covers the liquid surface between the tank shell and the floating roof.

(19) "Vapor-mounted" means a primary seal mounted so that there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank shell, the liquid surface, and the floating roof.

Section 3. Standard for Volatile Organic Compounds [Hydrocarbons]. The owner or operator of any storage vessel to which this regulation applies shall store petroleum liquids as follows:

(1) If the storage vessel has a storage capacity greater than 151,400 liters (40,000 gallons) and if the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than seventy-eight (78) mm Hg (1.5 psia) but not greater than 574 [0] mm Hg (11.1 psia) the storage vessel shall be equipped with a floating roof, a vapor recovery system, or their equivalents.

(2) If the storage vessel has a storage capacity greater than 151,400 liters (40,000 gallons) and if the true vapor pressure of the petroleum liquid as stored is greater than 574 [0] mm Hg (11.1 psia), the storage vessel shall be equipped with a vapor recovery system or its equivalent.

(3) If the storage vessel has a storage capacity greater than 2,195 liters (580 gallons), and if the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than 10.3 kilopascal (1.5 psia), as a minimum it shall be equipped with a permanent submerged fill pipe.

(4) If the storage vessel is an external floating roof tank with a storage capacity greater than 151,400 liters (40,000 gallons), it shall be retrofitted with a continuous secondary seal extending from the floating roof to the tank wall (a rim-mounted secondary) if:

(a) The tank is a welded tank, the true vapor pressure of the contained liquid is 27.6 kilopascal (4.0 psia) or greater, and the primary seal is one (1) of the following:

1. A metallic-type shoe seal, a liquid-mounted foam seal, or a liquid-mounted liquid-filled type seal; or

2. Any other closure device which can be demonstrated equivalent to the above primary seals.

(b) The tank is a riveted tank and the true vapor pressure of the contained liquid is 10.3 kilopascal (1.5 psia) or greater.

(c) The tank is a welded tank, the true vapor pressure of the contained liquid is 10.3 kilopascal (1.5 psia) or greater and the primary seal is vapor-mounted. If such primary seal closure device can be demonstrated equivalent to the primary seals described in paragraph (a) of this subsection, then the secondary seal is required when the vapor pressure is 27.6 kilopascal (4.0 psia) or greater.

Section 4. Operating Requirements. (1) There shall be no visible holes, tears, or other openings in the seal or any seal fabric. [; and]

(2) All openings, except stub drains, shall be equipped with covers, lids, or seals such that:

(a) The cover, lid, or seal is in the closed position at all times except when in actual use;

(b) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports; and

(c) Rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.

(3) External floating roof tanks subject to this regulation shall meet the additional requirements:

(a) The seals must be intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall.

(b) The gap area of gaps exceeding 0.32 cm (one-eighth (1/8) in) in width between the secondary seal installed pursuant to Section 3(4)(a) and the tank wall shall not exceed 6.5 sq. cm./0.3 m of tank diameter (1.0 sq. in./ft).

(c) All openings in the external floating roof, except for automatic bleeder vents, rims space vents, and leg sleeves, are to provide a projection below the liquid surface.

(d) Any emergency roof drain is to be provided with a slotted membrane fabric cover or equivalent that covers at least ninety (90) percent of the area of the opening.

Section 5. Monitoring of Operations. (1) When a liquid having a true vapor pressure greater than 7.0 kPa (1.0 psia) is stored in an external floating roof tank with a capacity of greater than 151,400 liters (40,000 gallons) not equipped with a secondary seal or approved alternative control technology, the owner or operator shall maintain a record of the average monthly storage temperature, the type of liquid, and the Reid vapor pressure of the liquid. The owner or operator shall retain the record for two (2) years after the date on which the record was made.

(2) The true vapor pressure shall be determined by using the average monthly storage temperature and typical Reid vapor pressure of the contained liquid or from typical available data on the contained liquid. Supporting analytical data shall be requested by the department if there is a question on the values reported.

Section 6. [5.] Compliance Timetable. (1) The following compliance schedule applies to those affected facilities subject to the standards and operating requirements in Sections 3(1) to (3) and 4(1) and (2).

(a) [(1)] An affected facility located in a Priority I Region for hydrocarbons shall be in compliance on or before June 29, 1979 [the effective date of this regulation].

(b) [(2)] Except as provided in paragraph (c) [subsection (3)] of this subsection [section], the owner or operator of an affected facility located in a Priority III region for hydrocarbons shall be required to complete the following:

1. [(a)] Submit a final control plan for achieving compliance with this regulation no later than September 1, 1979.

2. [(b)] Award the control device contract no later than January 1, 1980.

3. [(c)] Initiate on-site construction or installation of emissions control equipment no later than July 1, 1980.

4. [(d)] On-site construction or installation of emission control equipment shall be completed no later than February 1, 1981.

5. [(e)] Final compliance shall be achieved no later than May 1, 1981.

(c) [(3)] An owner or operator of a storage vessel with a storage capacity of greater than 2,195 liters (580 gallons) but less than or equal to 151,400 liters (40,000 gallons)

which is associated with a bulk gasoline plant regulated by 401 KAR 61:056 shall adhere to the compliance schedule provided therein.

(2) The following compliance schedule applies to those affected facilities subject to the standards and operating requirements in Sections 3(4) and 4(3). The owner or operator of an affected facility shall be required to complete the following:

(a) Submit a final control plan for achieving compliance with this regulation no later than April 15, 1981.

(b) Award the control device contract no later than June 15, 1981.

(c) Initiate on-site construction or installation of emissions control equipment no later than December 1, 1981.

(d) On-site construction or installation of emission control equipment shall be completed no later than December 1, 1982.

(e) Final compliance shall be achieved no later than December 31, 1982.

Section 7. Exemptions. Any of the following types of external floating roof tanks storing liquid petroleum shall be exempt from the provisions of Section 3(4) as follows:

(1) External floating roof tanks having capacities less than 1,600,000 liters (422,000 gallons) used to store produced crude oil in condensate prior to custody transfer.

(2) A metallic-type shoe seal in a welded tank which has a secondary seal from the top of the shoe seal to the tank wall (a shoe-mounted secondary).

(3) External floating roof tanks storing waxy, heavy pour crudes.

(4) External floating roof tanks with a closure or other devices which can be demonstrated to the satisfaction of the department to be equivalent to the seals required in Section 3(4)(a).

JACKIE SWIGART, Secretary

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DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Protection
Division of Air Pollution
Amended After Hearing

401 KAR 61:122. Existing graphic arts facilities using rotogravure and flexography.

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 volatile organic compound emissions from existing graphic arts facilities which use rotogravure and flexography.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced before the classification date defined below which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any county which is designated non-attainment or unclassified for ozone under 401 KAR 51:010 and is a part of a major source of volatile organic compounds.

(3) *The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.*

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

(1) "Affected facility" means a printing line for packaging rotogravure, publication rotogravure, and flexographic printing.

(2) "Applicator" means the mechanism or device used to apply the ink.

(3) "Flashoff area" means the space between the applicator and the oven.

(4) "Printing line" means a series of equipment and/or operations used to apply, dry, or cure any inks containing volatile organic compounds. This shall include, but is not limited to:

(a) Mixing operations;

(b) Process storage;

(c) Applicators;

(d) Drying operations including, but not limited to, flashoff area evaporation, oven drying, baking, curing, and polymerization;

(e) Clean up operations;

(f) Leaks, spills and disposal of volatile organic compounds;

(g) Processing and handling of recovered volatile organic compounds;

(h) For the purposes of determining compliance with this regulation, if any equipment or operation could be considered to be a part of more than one (1) printing line, its volatile organic compound emissions shall be assigned to each printing line of which it is a part proportionally to the throughput of volatile organic compounds it receives from or distributes to each printing line;

(i) If any portion of the series of equipment and/or operations qualify for an exemption according to Section 6, then that portion shall be considered to be a separate printing line;

(j) All units in a machine which has both coating and printing units will be considered as performing a printing operation.

(5) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

(6) "Process storage" means mixing tanks, holding tanks, and other tanks, drums, or other containers which contain inks, volatile organic compounds, or recovered volatile organic compounds; but does not mean storage tanks which are subject to 401 KAR 59:050 or 401 KAR 61:050.

(7) "Printing" means the formation of words, designs and pictures, usually by a series of application rolls each with only partial coverage. It applies to flexographic and rotogravure processes as applied to publication and packaging printing.

(8) "Coating" means the application of a uniform layer of material across the entire width of a web.

(9) "Classification date" means the effective date of this regulation.

(10) "Volatile organic compounds net input" means the total amount of volatile organic compounds input to the affected facility minus the amount of volatile organic compounds that are not emitted into the atmosphere. Volatile organic compounds that are prevented from being emitted to the atmosphere by the use of control devices shall not be subtracted from the total for the purposes of determining volatile organic compounds net input. When the nature of any operation or design of equipment is such as to permit more than one (1) interpretation of this definition, the interpretation that results in the minimum value for allowable emissions shall apply.

(11) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.

(12) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(13) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(14) "Rotogravure printing" means the application of words, designs, and pictures to a substrate by means of a roll printing technique which involves intaglio or recessed image areas in the form of cells.

(15) "Roll printing" means the application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

Section 3. Standard for Volatile Organic Compounds.

(1) No person shall cause, allow, or permit an affected facility for publication rotogravure printing to discharge into the atmosphere more than twenty-five (25) percent by weight of the volatile organic compounds net input into the affected facility.

(2) No person shall cause, allow, or permit an affected facility for packaging rotogravure printing to discharge into the atmosphere more than thirty-five (35) percent by weight of the volatile organic compounds net input into the affected facility.

(3) No person shall cause, allow, or permit an affected facility for flexographic printing to discharge into the atmosphere more than forty (40) percent by weight of the volatile organic compounds net input in the affected facility.

Section 4. Compliance. (1) In all cases the design of any control system is subject to approval by the department.

(2) Compliance with the standard in Section 3 shall be demonstrated by a material balance except in those cases where the department determines that a material balance is not possible. For those cases where a material balance is not possible, compliance will be determined based upon an engineering analysis by the department of: the control system design, control device efficiency, control system capture efficiency, and any other factors that could influence the performance of the system. If so requested by

the department, performance tests as specified by the department shall be conducted in order to determine the efficiency of the control device.

(3) With the prior approval of the department, the owner or operator may elect to effect such changes in the affected facility as are necessary to qualify for an exemption under Section 6.

(4) Whenever deemed necessary by the department, the department shall obtain samples of the inks used at an affected facility to verify that the inks meet the requirements in Section 6. The following methods of analyses, filed by reference in 401 KAR 50:015, for inks shall be used as applicable except in those cases where the department determines that other methods would be more appropriate:

- (a) ASTM D 1644-75 Method A;
- (b) ASTM D 1475-60(74);
- (c) ASTM D 2369-73; or
- (d) Federal Standard 141 a, Method 4082.1.

Section 5. Compliance Timetable. The owner or operator of an affected facility shall be required to complete the following:

(1) Submit a final control plan for achieving compliance with this regulation no later than April 15, 1981.

(2) Award the control system contract or the exempt inks and any other accompanying process change contracts no later than June 15, 1981.

(3) Initiate on-site construction or installation of emission control equipment or process changes for exempt inks no later than December 1, 1981.

(4) On-site construction or installation of emission control equipment or process changes for exempt inks shall be completed no later than December 1, 1982.

(5) Final compliance shall be achieved no later than December 31, 1982.

Section 6. Exemptions. Any affected facility shall be exempt from the provisions of Section 3 if the printing systems:

(1) Utilize a water-borne ink whose volatile portion consists of seventy-five (75) volume percent water and twenty-five (25) volume percent organic solvent (or a lower volatile organic compound content) in all printing units;

(2) Achieve a seventy (70) volume percent overall reduction of solvent usage (compared to all solvent-borne ink usage); or

(3) Utilize inks which contain sixty (60) percent or more non-volatile material.

Section 7. Variances. Variation with the standards and limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

ADOPTED: December 15, 1980

RECEIVED BY LRC: December 15, 1980 at 4:15 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Protection

Division of Air Pollution

Amended After Hearing

401 KAR 61:124. Existing factory surface coating operations of flat wood paneling.

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 volatile organic compound emissions from existing factory surface coating operations of flat wood paneling.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced before the classification date defined below which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any county which is designated non-attainment or unclassified for ozone under 401 KAR 51:010 and is a part of a major source of volatile organic compounds.

(3) *The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.*

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

(1) "Affected facility" means a coating line for the factory surface coating of interior flat wood paneling.

(2) "Applicator" means the mechanism or device used to apply the coating including but not limited to: roll coaters, curtain coaters, sprays and brushes.

(3) "Flashoff area" means the space between the applicator and the oven.

(4) "Coating line" means a series of equipment and/or operations used to apply, dry, or cure any coatings containing volatile organic compounds. This shall include, but is not limited to:

(a) Mixing operations;

(b) Process storage;

(c) Applicators;

(d) Drying operations including, but not limited to, flashoff area evaporation, oven drying, baking, curing, and polymerization;

(e) Clean up operations;

(f) Leaks, spills and disposal of volatile organic compounds;

(g) Processing and handling of recovered volatile organic compounds;

(h) For the purposes of determining compliance with this regulation, if any equipment or operation could be considered to be a part of more than one (1) coating line, its volatile organic compound emissions shall be assigned to each coating line of which it is a part proportionally to the throughput of volatile organic compounds it receives from or distributes to each coating line;

(i) If any portion of the series of equipment and/or operations qualify for an exemption according to Section

6, then that portion shall be considered to be a separate coating line;

(5) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

(6) "Process storage" means mixing tanks, holding tanks, and other tanks, drums, or other containers which contain surface coatings, volatile organic compounds, or recovered volatile organic compounds; but does not mean storage tanks which are subject to 401 KAR 59:050 or 401 KAR 61:050.

(7) "Interior flat wood paneling" means printed interior wall panels made of hardwood plywood and thin particleboard, natural finish hardwood plywood panels, or hardboard paneling with Class II finishes.

(8) "Printed panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

(9) "Hardwood plywood" means plywood whose surface layer is a veneer of hardwood.

(10) "Particleboard" means a manufactured board made of individual wood particles which have been coated with a binder and formed into flat sheets by pressure. Thin particleboard has a thickness of one-fourth (1/4) inch or less.

(11) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(12) "Hardboard" means a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot-press.

(13) "Class II hardboard paneling finishes" means finishes which meet the specifications of Voluntary Product Standard PS-59-73, filed by reference in 401 KAR 50:015, as approved by the American National Standards Institute.

(14) "Classification date" means the effective date of this regulation.

(15) "Volatile organic compounds net input" means the total amount of volatile organic compounds input to the affected facility minus the amount of volatile organic compounds that are not emitted into the atmosphere. Volatile organic compounds that are prevented from being emitted to the atmosphere by the use of control devices shall not be subtracted from the total for the purposes of determining volatile organic compounds net input. When the nature of any operation or design of equipment is such as to permit more than one (1) interpretation of this definition, the interpretation that results in the minimum value for allowable emissions shall apply.

Section 3. Standard for Volatile Organic Compounds. No person shall cause, allow, or permit an affected facility to discharge into the atmosphere more than fifteen (15) percent by weight of the volatile organic compounds net input into the affected facility.

Section 4. Compliance. (1) In all cases the design of any control system is subject to approval by the department.

(2) Compliance with the standard in Section 3 shall be demonstrated by a material balance except in those cases where the department determines that a material balance is not possible. For those cases where a material balance is

not possible, compliance will be determined based upon an engineering analysis by the department of: the control system design, control device efficiency, control system capture efficiency, and any other factors that could influence the performance of the system. If so requested by the department, performance tests as specified by the department shall be conducted in order to determine the efficiency of the control device.

(3) With the prior approval of the department, the owner or operator may elect to effect such changes in the affected facility as are necessary to qualify for an exemption under Section 6.

(4) Whenever deemed necessary by the department, the department shall obtain samples of the coatings used at an affected facility to verify that the coatings meet the requirements in Section 6. The following methods of analyses, filed by reference in 401 KAR 50:015, for coatings shall be used as applicable except in those cases where the department determines that other methods would be more appropriate:

- (a) ASTM D 1644-75 Method A;
- (b) ASTM D 1475-60(74);
- (c) ASTM D 2369-73; or
- (d) Federal Standard 141 a, Method 4082.1.

Section 5. Compliance Timetable. The owner or operator of an affected facility shall be required to complete the following:

(1) Submit a final control plan for achieving compliance with this regulation no later than April 15, 1981.

(2) Award the control system contract or the exempt coatings and any accompanying process change contracts no later than June 15, 1981.

(3) Initiate on-site construction or installation of emission control equipment or process changes for exempt coatings no later than December 1, 1981.

(4) On-site construction or installation of emission control equipment or process changes for exempt coatings shall be completed no later than December 1, 1982.

(5) Final compliance shall be achieved no later than December 31, 1982.

Section 6. Exemptions. Any affected facility shall be exempt from the provision of Section 3 if the total volatile organic compound content of all the coatings applied to a specific area of finished paneling product is:

(1) Less than 2.9 kg of volatile organic compounds per 100 sq. m. of coated surface (6.0 lb/1,000 sq. ft.) for printed interior wall panels made of hardwood plywood and thin particleboard;

(2) Less than 5.9 kg of volatile organic compounds per 100 sq. m. of coated surface (12.0 lb/1,000 sq. ft.) for natural finish hardwood plywood panels; or

(3) Less than 4.9 kg of volatile organic compounds per 100 sq. m. of coated surface (10.0 lb/1,000 sq. ft.) for Class II finishes for hardboard paneling.

Section 7. Variances. Variation with the standards and limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

ADOPTED: December 15, 1980

RECEIVED BY LRC: December 15, 1980 at 4:15 p.m.

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

401 KAR 61:132. Existing miscellaneous metal parts and products surface coating operations.

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 volatile organic compound emissions from existing miscellaneous metal parts and products surface coating operations.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced before the classification date defined below which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any county which is designated non-attainment or unclassified for ozone under 401 KAR 51:010 and is a part of a major source of volatile organic compounds.

(3) *The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.*

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

(1) "Affected facility" means a coating line located at job shops and original equipment manufacturing industries which apply coatings on metal substrates not elsewhere subject to regulation in this chapter.

(2) "Applicator" means the mechanism or device used to apply the coating, including but not limited to: dipping, spraying, or flowcoating.

(3) "Flashoff area" means the space between the applicator and the oven.

(4) "Single coat" means only one (1) film of coating is applied to the metal substrate.

(5) "Prime coat" means the first of two (2) or more films or coating applied in an operation.

(6) "Topcoat" means the final film or series of films of coating applied in a two (2) coat (or more) operation.

(7) "Coating line" means a series of equipment and/or operations used to apply, dry, or cure any prime, topcoat or single coatings containing volatile organic compounds. This shall include, but is not limited to:

(a) Mixing operations;

(b) Process storage;

(c) Applicators;

(d) Drying operations including, but not limited to, flashoff area evaporation, oven drying, baking, curing, and polymerization;

(e) Clean up operations;

(f) Leaks, spills and disposal of volatile organic compounds;

(g) Processing and handling of recovered volatile organic compounds;

(h) For the purposes of determining compliance with this regulation, if any equipment or operation could be considered to be a part of more than one (1) coating line, its volatile organic compound emissions shall be assigned to each coating line of which it is a part proportionally to the throughput of volatile organic compounds it receives from or distributes to each coating line;

(i) If any portion of the series of equipment and/or operations qualify for an exemption according to Section 6, then that portion shall be considered to be a separate coating line.

(8) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

(9) "Process storage" means mixing tanks, holding tanks, and other tanks, drums, or other containers which contain surface coatings, volatile organic compounds, or recovered volatile organic compounds; but does not mean storage tanks which are subject to 401 KAR 59:050 or 401 KAR 61:050.

(10) "Miscellaneous metal parts and products" means items including but not limited to:

(a) Large farm machinery (harvesting, fertilizing and planting machines, tractors, combines, etc.);

(b) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);

(c) Small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);

(d) Commercial machinery (computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);

(e) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(f) Fabricated metal products (metal covered doors, frames, etc.); and

(g) Any other industrial category not otherwise subject to regulation in this chapter which coats metal parts or products.

(11) "Heat sensitive material" means materials which cannot be exposed to temperatures greater than eighty-two (82) to ninety-three (93)°C (180°-200°F).

(12) "Air or forced air-dried items" means parts that are too large or too heavy for practical size ovens; parts that are sensitive to heat; parts to which heat sensitive materials are attached; or equipment assembled prior to top coating for specific performance or quality standards.

(13) "Outdoor or harsh exposure or extreme environmental conditions" means exposure to any of the following: year round weather conditions, temperatures consistently above ninety-five (95)° Celsius, detergents, scouring, solvents, corrosive atmospheres; and similar environmental conditions.

(14) "Classification date" means the effective date of this regulation.

(15) "Volatile organic compounds net input" means the total amount of volatile organic compounds input to the affected facility minus the amount of volatile organic compounds that are not emitted into the atmosphere. Volatile organic compounds that are prevented from being emitted to the atmosphere by the use of control devices shall not be subtracted from the total for the purposes of determining volatile organic compounds net input. When the nature of any operation or design of equipment is such as to permit more than one (1) interpretation of this definition, the in-

terpretation that results in the minimum value for allowable emissions shall apply.

Section 3. Standard for Volatile Organic Compounds. No person shall cause, allow, or permit an affected facility to discharge into the atmosphere more than fifteen (15) percent by weight of the volatile organic compounds net input into the affected facility.

Section 4. Compliance. (1) In all cases the design of any control system is subject to approval by the department.

(2) Compliance with the standard in Section 3 shall be demonstrated by a material balance except in those cases where the department determines that a material balance is not possible. For those cases where a material balance is not possible, compliance will be determined based upon an engineering analysis by the department of: the control system design, control device efficiency, control system capture efficiency, and any other factors that could influence the performance of the system. If so requested by the department, performance tests as specified by the department shall be conducted in order to determine the efficiency of the control device.

(3) With the prior approval of the department, the owner or operator may elect to effect such changes in the affected facility as are necessary to qualify for an exemption under Section 6.

(4) Whenever deemed necessary by the department, the department shall obtain samples of the coatings used at an affected facility to verify that the coatings meet the requirements in Section 6. The following methods of analyses, filed by reference in 401 KAR 50:015, for coatings shall be used as applicable except in those cases where the department determines that other methods would be more appropriate:

- (a) ASTM D 1644-75 Method A;
- (b) ASTM D 1475-60(74);
- (c) ASTM D 2369-73; or
- (d) Federal Standard 141 a, Method 4082.1.

Section 5. Compliance Timetable. The owner or operator of an affected facility shall be required to complete the following:

- (1) Submit a final control plan for achieving compliance with this regulation no later than April 15, 1981.
- (2) Award the control system contract or the exempt coatings and any other accompanying process change contracts no later than June 15, 1981.
- (3) Initiate on-site construction or installation of emission control equipment or process changes for exempt coatings no later than December 1, 1981.
- (4) On-site construction or installation of emission control equipment or process changes for exempt coatings shall be completed no later than December 1, 1982.
- (5) Final compliance shall be achieved no later than December 31, 1982.

Section 6. Exemptions. (1) Any affected facility shall be exempt from the provisions of Section 3 if the volatile organic compound content of coating is:

- (a) Less than 0.52 kg/l of coating (4.3 lb/gal), excluding water, delivered to applicators associated with clear coat;
- (b) Less than 0.42 kg/l of coating (3.5 lb/gal), excluding water, delivered to applicators associated with air or forced air-dried items or items subject to outdoor or harsh exposure or extreme environmental conditions;
- (c) Less than 0.36 kg/l of coating (3.0 lb/gal), excluding

water, delivered to applicators associated with color coat or first coat on untreated ferrous substrate; or

(d) Less than 0.05 kg/l of powder coating (0.4 lb/gal) delivered to applicators associated with no or infrequent color change, or a small number of colors applied.

(2) The surface coating of the following metal parts and products are exempt from this regulation:

(a) The exterior of airplanes and marine vessels, but not parts for the exterior of airplanes and marine vessels that are coated as a separate manufacturing or coating operation;

(b) Automobile refinishing; and

(c) Customized top coating of automobiles and trucks, if production is less than thirty-five (35) vehicles per day.

(3) Any affected facility shall be exempt from the provisions of Section 3 if the total volatile organic compound emissions from all affected facilities subject to this regulation are less than or equal to twenty (20) tons per year.

Section 7. Variances. Variation with the standards and limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

ADOPTED: December 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 61:137. Leaks from existing petroleum refinery equipment.

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 volatile organic compound emissions from leaks from existing petroleum refinery equipment.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced before the classification date defined below which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any county which is designated non-attainment or unclassified for ozone under 401 KAR 51:010 and is a part of a major source of volatile organic compounds.

(3) *The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.*

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

(1) "Affected facility" means each individual component within a petroleum refinery complex that could potentially leak volatile organic compounds to the atmosphere.

(2) "Component" means equipment or apparatus which includes, but is not limited to, pump seals, compressor seals, seal oil degassing vents, pipeline valves, flanges and other connections, pressure relief devices, process drains, and open-ended pipes that could potentially leak volatile organic compounds to the atmosphere.

(3) "A petroleum refinery complex" 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, rearrangement or reforming of unfinished petroleum derivatives.

(4) "Leak" means the presence of a volatile organic compound concentration exceeding 10,000 ppm when tested in the manner referenced in Section 5.

(5) "Gas service" means that the volatile organic compound is gaseous at conditions that prevail in the component during normal operations.

(6) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

(7) "Classification date" means the effective date of this regulation.

Section 3. Standard for Volatile Organic Compounds. The owner or operator of an affected facility shall:

(1) When any affected facility within the petroleum refinery complex is found to be leaking, repair the leak within fifteen (15) days. A component recheck shall be made after repair. If the leak is still present or a new leak is created by the repair, further maintenance shall be performed until the volatile organic compound emission drops below the screening value (10,000 ppm).

(2) Any time a valve is located at the end of a pipe or line containing volatile organic compounds, seal the end of the line with a second valve, a blind flange, a plug or a cap. This sealing device may be removed only when a sample is being taken. This requirement does not apply to safety pressure relief valves.

Section 4. Monitoring and Reporting Requirements. The owner or operator shall conduct such monitoring of affected facilities and submit records as specified below:

(1) The refinery operator shall perform component monitoring using the method referenced in Section 5 as follows:

(a) Monitor with a portable volatile organic compound detection device one (1) time per year (annually): pump seals, pipeline valves in liquid service, and process drains.

(b) Monitor with a portable volatile organic compound detection device four (4) times per year (quarterly): compressor seals, pipeline valves in gas service, and pressure relief valves in gas service.

(c) Monitor visually fifty-two (52) times per year (weekly): pump seals.

(d) No individual monitoring is necessary for pressure relief valves in liquid service and pipeline flanges.

(2) Pipeline valves and pressure relief valves for gas service shall be marked or noted so that their location is readily

obvious to both the refinery operator performing the monitoring and the department.

(3) Whenever liquids are observed dripping from a pump seal, the seal shall be checked immediately with a portable detector to determine if a leak of volatile organic compounds is present.

(4) Whenever a relief valve operates and venting to the atmosphere occurs, the operator shall monitor such valve immediately. Pressure relief devices which are tied in to either a flare header or vapor recovery device shall be exempted from the monitoring requirements.

(5) When a leak is located, a weatherproof and readily visible tag bearing an identification number and the date the leak is located shall be affixed to the leaking component. The location, tag number, date and stream composition of the leak shall also be noted on a survey log. When the leak is repaired, the date of repair and date and instrument reading of component recheck after maintenance shall be entered in the survey log and the tag discarded. The operator shall retain the survey log for two (2) years after the inspection is completed.

(6) After quarterly monitoring has been performed, the refinery operator shall submit a report to the department listing all leaks that were located but not repaired within the fifteen (15) day limit and a signed statement attesting to the fact that all monitoring has been performed as stipulated in the control plan. Leaks that cannot be repaired within fifteen (15) days shall be repaired during the next scheduled turnaround, or if unable to be brought into compliance, a variance shall be requested and obtained on an individual basis.

Section 5. Test Methods and Procedures. (1) Except as provided for in 401 KAR 50:045 the test methods as defined in Appendix B to "Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment" (OAQPS 1.2-111, U.S. EPA, Office of Air Quality Planning and Standards), filed by reference in 401 KAR 50:015, shall be used to determine compliance with the standard prescribed in Section 3 and monitoring requirements in Section 4.

(2) The owner or operator may elect to use alternate monitoring methods if it can be demonstrated to the department's satisfaction that the alternate methods will achieve equivalent control efficiency.

Section 6. Compliance Timetable. The owner or operator of an affected facility shall be required to complete the following:

(1) Submit a final control plan for achieving compliance with this regulation no later than April 15, 1981.

(2) Award the control system contract no later than May 15, 1981.

(3) Initiate on-site construction or installation of emission control equipment no later than July 15, 1981.

(4) On-site construction or installation of emission control equipment shall be completed no later than November 15, 1981.

(5) Final compliance shall be achieved no later than January 1, 1982.

Section 7. Variances and Modifications. (1) If, after at least two (2) complete annual checks, the refinery operator determines that modifications of the monitoring requirements are in order, he may request in writing to the department that a revision be made. The submittal shall include data that have been developed to justify any modifications in the monitoring schedule.

(2) If the department finds an excessive number of leaks during an inspection, or if the refinery operator found an excessive number of leaks in any given area during scheduled monitoring, the department shall increase the required frequency of operator inspections for that part of the facility.

(3) Variation with the standards and limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

ADOPTED: December 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 61:150. Existing synthesized pharmaceutical product manufacturing operations.

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 volatile organic compound emissions from existing synthesized pharmaceutical product manufacturing operations.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced on or after the classification date defined below which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any county which is designated non-attainment or unclassified for ozone under 401 KAR 51:010 and is a part of a major source of volatile organic compounds.

(3) *The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.*

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

(1) "Affected facility" means operations involved in the manufacture of pharmaceutical products by chemical synthesis, but does not include fermentation, extraction, or formulation and packaging.

(2) "Extraction" means the manufacture of botanical and biological products by the extraction of organic chemicals from vegetative materials or animal tissues.

(3) "Fermentation" means the production and separation of medicinal chemicals such as antibiotics and vitamins from microorganisms.

(4) "Formulation and packaging" means the formulation of bulk pharmaceuticals into various dosage forms such as tablets, capsules, injectable solutions, ointments, etc., that can be taken by the patient immediately and in accurate amount.

(5) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

(6) "Classification date" means the effective date of this regulation.

(7) "kPa" means kilopascals.

(8) "psi" means pounds per square inch.

Section 3. Standard for Volatile Organic Compounds. The owner or operator of an affected facility to which this regulation applies shall install, maintain and operate the control equipment and observe at all times the following operating requirements:

(1) (a) Each vent from reactors, distillation operations, crystallizers, centrifuges, and vacuum dryers that emit 6.8 kg/day (fifteen (15) lb/day) or more of volatile organic compounds shall be equipped with surface condensers or other methods of control which provide emission reductions equivalent to the use of surface condensers which meet the requirements in paragraph (b) of this subsection.

(b) If surface condensers are used, the condenser outlet gas temperature shall not exceed the following temperatures (degrees Celsius) when condensing volatile organic compounds with the respective minimum vapor pressures (kilopascals). All vapor pressures are measured to twenty (20) degrees Celsius.

1. Negative twenty-five (-25)°C; forty (40) kPa (5.8 psi);

2. Negative fifteen (-15)°C; twenty (20) kPa (2.9 psi);

3. Zero (0)°C; ten (10) kPa (1.5 psi);

4. Ten (10)°C; seven (7) kPa (1.0 psi); and

5. Twenty-five (25)°C; 3.5 kPa (0.5 psi).

(2) (a) For air dryers and production equipment exhaust systems that emit 150 kg/day (330 lbs/day) or more of volatile organic compounds, emissions shall be reduced ninety (90) percent.

(b) For air dryers and production equipment exhaust systems that emit less than 150 kg/day (330 lbs/day), emissions shall be reduced to fifteen (15) kg/day (thirty-three (33) lbs/day).

(3) (a) For storage tanks storing volatile organic compounds with a vapor pressure greater than twenty-eight (28) kPa (4.1 psi) at twenty (20)°C, one (1) liter of displaced vapor shall be allowed to be released to the atmosphere for every ten (10) liters transferred (i.e., a ninety (90) percent effective vapor balance or equivalent) on truck/rail car delivery to all tanks greater than 7,500 liters (2,000 gal) capacity except where tanks are equipped with floating roofs, vapor recovery systems, or their equivalent. This requirement does not apply to transfer of volatile organic compounds from one (1) in-plant location to another.

(b) For tanks storing volatile organic compounds with a vapor pressure greater than ten (10) kPa (1.5 psi) at twenty (20)°C, pressure/vacuum conservation vents shall be set at plus or minus 0.2 kPa, except where more effective air pollution control is used.

(4) All centrifuges containing volatile organic compounds, rotary vacuum filters processing liquid containing volatile organic compounds and any other filters having an

exposed liquid surface where the liquid contains volatile organic compounds shall be enclosed. This applies to liquids exerting a total volatile organic compounds vapor pressure of 3.5 kPa (0.5 psi) or more at twenty (20)°C.

(5) All in-process tanks containing volatile organic compound at any time shall have covers which shall be closed except for short periods when production, sampling, maintenance, or inspection procedures require operator access.

(6) For liquids containing volatile organic compounds, all leaks in which liquid can be observed to be running or dripping from vessels and equipment (for example: pumps, valves, flanges) shall be repaired within fifteen (15) days. A visual recheck shall be made after repair. If the leak is still present or a new leak is created by the repair, further maintenance shall be performed until the volatile organic compound emission drops below the screening value (observed to be running or dripping). Leaks that cannot be repaired within fifteen (15) days shall be repaired during the next scheduled turnaround, or if unable to be brought into compliance, a variance shall be requested and obtained on an individual basis. Leak detection/maintenance and repair procedures shall include maintaining a log identifying when the leak occurred and reporting every ninety (90) days those leaks not repaired after fifteen (15) days. The operator shall retain the survey log for two (2) years after the inspection is completed.

Section 4. Compliance Timetable. The owner or operator of an affected facility shall be required to complete the following:

(1) Submit a final control plan for achieving compliance with this regulation no later than April 15, 1981.

(2) Award the control system contract no later than June 15, 1981.

(3) Initiate on-site construction or installation of emission control equipment no later than December 1, 1981.

(4) On-site construction or installation of emission control equipment shall be completed no later than December 1, 1982.

(5) Final compliance shall be achieved no later than December 31, 1982.

Section 5. Compliance Procedures. Compliance will be determined based upon an engineering analysis by the department of: the control system design, control device efficiency, control system capture efficiency, and any other factors that could influence the performance of the system. If so requested by the department, performance tests as specified by the department shall be conducted in order to determine the efficiency of the control device.

Section 6. Monitoring Requirements. When adsorbers, condensers, incinerators or scrubbers are used to achieve compliance with Section 3, the following monitoring devices shall be an integral part of the control device:

(1) For carbon adsorbers, a monitoring device connected to an alarm device, which indicates carbon bed breakthrough;

(2) For condensers, a temperature sensing device located in the exit gas stream;

(3) For incinerators, temperature sensing devices located in the combustion chamber for thermal incinerators and in the catalyst pre-heat chamber for catalytic incinerators; and

(4) For scrubbers, flow meters for measuring flow rate of scrubbing medium or pressure drop measuring devices

indicating back pressure and pressure drop across the scrubber.

Section 7. Variances. Variation with the standards and limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

ADOPTED: December 15, 1980

RECEIVED BY LRC: December 15, 1980 at 4:15 p.m.

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

401 KAR 61:155. Existing pneumatic rubber tire manufacturing 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 volatile organic compound emissions from existing pneumatic rubber tire manufacturing plants.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced before the classification date defined below which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any county which is designated non-attainment or unclassified for ozone under 401 KAR 51:010 and is a part of a major source of volatile organic compounds.

(3) *The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.*

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

(1) "Affected facility" means undertread cementers, tread end cementers, bead dip tanks, and green tire spray booths associated with the manufacture of pneumatic tires.

(2) "Manufacture of pneumatic rubber tires" means the mass production of pneumatic rubber tires.

(3) "Pneumatic rubber tires" means agricultural, airplane, industrial, mobile home, light and medium duty truck, and passenger vehicle tires of bead diameter up to .51 m (twenty (20) in.) and cross-sectional dimension up to .33 m (12.8 in.).

(4) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon

monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

(5) "Classification date" means the effective date of this regulation.

(6) "Water based sprays" means release compounds, sprayed on the inside and outside of green tires, in which solids, water, and emulsifiers have been substituted for organic solvents.

Section 3. Standard for Volatile Organic Compounds. The owner or operator of an affected facility shall install, maintain and operate capture and control equipment to achieve the following:

(1) Emissions from undertread cementers, tread end cementers and bead dip tanks shall be reduced by at least seventy-six (76) percent; and

(2) Emissions from green tire spray booths shall be reduced by at least eighty-one (81) percent. This requirement is not applicable to green tire spray booths using water based sprays.

Section 4. Compliance. Compliance will be determined based upon an engineering analysis by the department of: the control system design, control device efficiency, control system capture efficiency, and any other factors that could influence the performance of the system. If so requested by the department, performance tests as specified by the department shall be conducted in order to determine the efficiency of the control device.

Section 5. Compliance Timetable. The owner or operator of an affected facility shall be required to complete the following:

(1) Submit a final control plan for achieving compliance with this regulation no later than April 15, 1981.

(2) Award the control system contract no later than June 15, 1981.

(3) Initiate on-site construction or installation of emission control equipment no later than December 1, 1981.

(4) On-site construction or installation of emission control equipment shall be completed no later than December 1, 1982.

(5) Final compliance shall be achieved no later than December 31, 1982.

Section 6. Variances. Variation with the standards and limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

ADOPTED: December 15, 1980

RECEIVED BY LRC: December 15, 1980 at 4:15 p.m.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Protection
Division of Air Pollution
Amended After Hearing

401 KAR 61:160. Existing perchloroethylene dry cleaning systems.

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 volatile organic compound emissions from existing perchloroethylene dry cleaning systems.

Section 1. Applicability. The provisions of this regulation shall apply to each affected facility commenced before the classification date defined below which is located:

(1) In an urban county designated non-attainment for ozone under 401 KAR 51:010; or

(2) In any county which is designated non-attainment or unclassified for ozone under 401 KAR 51:010 and is a part of a major source of volatile organic compounds.

(3) *The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non-attainment for ozone under 401 KAR 51:010.*

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

(1) "Affected facility" means dry cleaning systems which use perchloroethylene.

(2) "Dry cleaning system" means a series of equipment and/or operations which includes, but is not limited to: washer, dryer, filter and purification systems, waste disposal systems, holding tanks, pumps, and attendant piping and valves used for the purpose of commercial cleaning of fabrics.

(3) "Volatile organic compounds" means chemical compounds of carbon (excluding methane, ethane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, and ammonium carbonate) which have a vapor pressure greater than one-tenth (0.1) mm Hg at conditions of twenty (20) degrees Celsius and 760 mm Hg.

(4) "Classification date" means the effective date of this regulation.

Section 3. Standard for Volatile Organic Compounds. The owner or operator of an affected facility shall install, maintain and operate the control equipment such that the following requirements are met:

(1) There shall be no liquid leakage of organic solvents from the system.

(2) The entire dryer exhaust shall be vented through a properly functioning carbon adsorber or equally effective control device.

(3) The maximum organic solvent concentration in the vent from the dryer control device shall not exceed 100 ppm before dilution.

(4) Filter and distillation wastes.

(a) The residue from any diatomaceous earth filter shall be cooked or treated so that wastes shall not contain more than twenty-five (25) kg of solvent per 100 kg of wet waste material.

(b) The residue from a solvent still shall not contain more than sixty (60) kg of solvent per 100 kg of wet waste material.

(c) Filtration cartridges shall be drained in the filter housing for at least twenty-four (24) hours before being discarded. The drained cartridges shall be dried in the dryer tumbler after draining.

(d) Any other filtration or distillation system can be used if equivalency to these requirements is demonstrated. Any system reducing waste losses below one (1) kg solvent per 100 kg clothes cleaned will be considered equivalent.

Section 4. Compliance. (1) Liquid leakage shall be determined by visual inspection of the following sources:

- (a) Hose connections, unions, couplings and valves;
- (b) Machine door gasket and seating;
- (c) Filter head gasket and seating;
- (d) Pumps;
- (e) Base tanks and storage containers;
- (f) Water separators;
- (g) Filter sludge recovery operations;
- (h) Distillation units;
- (i) Divertor valves;
- (j) Saturated lint from lint basket; and
- (k) Cartridge filters.

(2) Dryer exhaust concentration shall be determined by the proper installation, operation, and maintenance of approved equipment as determined by the department or by performance tests specified by the department.

(3) The amount of solvent in filter and distillation wastes shall be determined by ASTM D 322-67 (77), and substituting collector C from ASTM E 123-78. ASTM Methods are filed by reference in 401 KAR 50:015.

Section 5. Compliance Timetable. The owner or operator of an affected facility shall be required to complete the following:

(1) Submit a final control plan for achieving compliance with this regulation no later than April 15, 1981.

(2) Award the control system contract no later than June 15, 1981.

(3) Initiate on-site construction or installation of emission control equipment no later than December 1, 1981.

(4) On-site construction or installation of emission control equipment shall be completed no later than December 1, 1982.

(5) Final compliance shall be achieved no later than December 31, 1982.

Section 6. Exemptions. Perchloroethylene dry cleaning facilities which are coin-operated shall be exempt from this regulation.

Section 7. Variances. Variation with the standards and limitations contained in this regulation, when supported by adequate technical information, will be considered by the department on a case-by-case basis to allow for technological or economic circumstances which are unique to a source.

JACKIE SWIGART, Secretary

ADOPTED: December 15, 1980

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
Amended After Hearing

707 KAR 1:052. Programs for children with communication disorders.

RELATES TO: KRS 157.200 to 157.285[305]

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for children with communication disorders. This regulation is necessary to assure uniformity in providing special education and related services to children with communication disorders and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for children of school attendance age with communication disorders pursuant to KRS 157.200 to 157.285[305], inclusive, and the criteria listed in this section.

Section 2. Programs for pupils with communication disorders of speech and language shall be operated according to the following provisions:

(1) Eligibility criteria:

(a) *An admissions and release committee shall determine that a child has a ["Children with] communication disorder[s]" shall be those children who] provided there is evidence of a disorder[s] in language and/or speech, (i.e., dysfluency, impaired articulation or a voice impairment) which adversely affects the [a] child's educational performance [placement]].*

(b) *A child who meets the above criteria shall be eligible for special education and related services.*

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of communication disordered children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4[.] and shall include procedures that are appropriate for the diagnosis of speech and language disorders. The assessment of the referred pupil for identification and placement purposes shall include, where appropriate [consist of]:

(a) The referring person's written assessment of the pupil's specific strengths and weaknesses in speech, language and/or hearing, when the child is referred by other than the speech/language pathologist;

[(b) A behavioral observation, to document behaviors exhibited in familiar surroundings, shall be written for pupils referred for the disorders of dysfluency, language or voice.]

[(c) Evaluations of each child with communication disorders shall include procedures that are appropriate for the diagnosis of speech and language disorders. As necessary, referrals shall be made for additional assessments required in order to make an appropriate placement decision. Evaluations shall include:]

(b) [1.] An evaluation of the receptive and expressive language skills;

(c) [2.] An appraisal of the structure and function of the speech mechanism;

(d) [3.] An evaluation of articulation proficiency;

(e) *Written behavioral observations. The observations shall describe behaviors exhibited in familiar surroundings and shall be written for pupils with suspected disorders of fluency, voice, and/or language;*

(f) [4.] An appraisal of voice quality and fluency; and

(g) [5.] An evaluation of auditory acuity and auditory processing.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of the individual education program.

(5) Placement. Placement in a program for communication disorders shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan. Classroom programs for communication disordered pupils shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom programs for communication disorders shall be established under the *resource* [itinerant] plan. [Membership and age range shall be consistent with provisions in "Standards for Programs for Exceptional Children."] Requests for approval of a *variation* [an alternative] plan shall be made to the Bureau of Education for Exceptional Children. Approval shall be based on the following:

(a) Rationale for the proposed plan;

(b) A detailed description of the proposed plan; and

(c) The method of annual evaluation to be used to determine the effectiveness of the proposed plan.

(7) *Membership. Membership in programs for communication disorders of speech and language shall be:*

Minimum

Maximum

35

75 per week

Membership of the caseload for a speech/language pathologist providing services to severely handicapped pupils may be reduced to 20-35 by the Bureau of Education for Exceptional Children upon submission of written request and justification for such a reduction by the local school district.

(8) [(7)] Planning time. One-half ($\frac{1}{2}$) day, or the equivalent of one-half ($\frac{1}{2}$) day, per week shall be allotted for planning and conferences.

(9) [(8)] Mobile van. Local school districts shall have the authority to use a mobile van for the instructional program providing a written request has been submitted and approved by the Department of Education. Approval shall be made by the Bureau of Education for Exceptional Children in collaboration with the Division of Transportation.

Section 3. Programs for pupils with communication disorders of impaired hearing shall operate according to the following provisions:

(1) Eligibility criteria:

(a) *An admissions and release committee shall determine that a child [A pupil whose primary handicap] is hearing impaired provided the following eligibility criteria are met:*

1. *The child has a hearing loss ranging from mild to*

profound [shall be eligible for enrollment in a program for the hearing impaired].

2. *The loss shall be to such a degree that he/she does not use, with or without amplification, normal communication skills effectively [and, which].*

3. *The loss shall be to such a degree that it adversely affects his/her educational performance.*

(b) *A child who meets the above criteria shall be eligible for special education and related services.*

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of hearing impaired children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate evaluation of each child shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The assessment of the referred pupil for identification and placement purposes shall consist of:

(a) A written behavioral observation of the referred pupil in familiar surroundings (i.e., classroom, playground, etc.); [.]

(b) The referring person's written assessment of the pupil's specific strengths and weaknesses in the basic skills area; [.]

(c) Formal and informal educational evaluation data composed of individual and/or group standardized academic achievement tests and individual assessment of basic skills areas such as reading, math and language; [.]

(d) A developmental and social history; [.]

(e) An audiological evaluation including pure tone, air and bone conduction, speech reception threshold, and speech discrimination; [.]

1. When fitted with hearing aids, the evaluation should include free field measurements by tones and speech for threshold, and speech discrimination; and

2. Examination of the earmold, cord receiver, harness and other components of the hearing aid.

(f) Receptive and expressive language evaluation and an evaluation of articulation proficiency; [.] and

(g) Additional reports, information and assessments deemed necessary by the admissions and release committee for the appropriate placement of each child.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of the individual education program.

(5) Placement. Placement in a program for hearing impaired shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan [and membership]. Classrooms for hearing impaired pupils shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom plans for hearing impaired pupils shall be established under the *resource* [room], special class, [itinerant] or variation plan. [Membership and age range shall be consistent with provisions in "Standards for Programs for Exceptional Children."]

(7) *Membership and age range:*

(a) *Classroom membership and age range in programs for [the] communication[s] disorders of [and hearing] impaired shall be:*

<i>Classroom Plan (Units)</i>	<i>Membership</i>	<i>Age Range</i>
<i>Special Class Plan</i>	3 to 6	4 years
<i>Resource Plan</i> <i>(Classroom Teacher)</i>	3 to 8	4 years
<i>Resource Plan</i> <i>(Itinerant Teacher)</i>	3 to 10	4 years

(b) No more than four (4) pupils may be in the resource room during any one (1) instructional period.

(c) Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

1. Age and grade level of the pupils;
2. Physical condition of the pupils; and
3. Support personnel. [Housing. Classes for hearing impaired pupils shall be housed in elementary and secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.]

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 10, 1980 at 3 p.m.

EDUCATION AND ARTS CABINET

Department of Education
Bureau of Education for Exceptional Children
Amended After Hearing

707 KAR 1:053. Programs for *physically handicapped* [crippled] and other health impaired children.

RELATES TO: KRS 157.200 to 157.285[305]

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for *physically handicapped* [crippled] and other health impaired children. This regulation is necessary to assure uniformity in providing special education and related services to *physically handicapped* [crippled] and other health impaired children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for *physically handicapped* [crippled] and other health impaired children of school attendance age pursuant to KRS 157.200 to 157.285[305], inclusive, and the criteria listed in this section.

Section 2. Eligibility Criteria. (1) *An admissions and release committee shall determine that a child is physically handicapped* [c[“C”]rippedl[”]] *provided the child has* [shall mean] a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of hand, arm, leg, etc.), impairments caused by disease (e.g., polio-myelitis, bone

tuberculosis, etc.) and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

(2) *An admissions and release committee shall determine a child is o* [“O]ther health impaired[”] *provided the following criteria are met:*

(a) *The child has* [shall mean] limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, sickle cell anemia, hemophilia, epilepsy, rheumatic fever, nephritis, asthma, lead poisoning, leukemia, or diabetes.[.]

(b) *The condition(s) of the child* [which] adversely affects the [a]child's educational performance. [A pupil shall be eligible for enrollment in a program for crippled and other health impaired who is unable to attend regular class.]

(3) *A child who meets the above criteria shall be eligible for special education and related services.*

Section 3. Admissions and Release Committee. As *required* [requested] and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of *physically handicapped* [crippled] and other health impaired children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. (1) Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. Evaluation for identification and placement shall include:

- (a) [(1)] An educationally relevant medical statement;
 - (b) [(2)] A developmental and social history;
 - (c) [(3)] An individual assessment of basic skills, (i.e., reading, math, language); and
 - (d) [(4)] A written behavioral observation.[.]
- (2) [(5)] Additional reports, such as physical therapy and occupational therapy as deemed necessary by the admissions and release committee for the appropriate placement of each child.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6. Placement. Placement in a program for *physically handicapped* [crippled] and other health impaired shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 7. Classroom Plan [and Membership]. Programs for *physically handicapped* [crippled] and other health impaired pupils shall be established under the special class, resource, [itinerant,] or variation plan as described in 707 KAR 1:051, Section 1. [Membership and age range shall be consistent with provisions in “Standards for Programs for Exceptional Children.”]

Section 8. *Membership and Age Range.* (1) *Classroom membership and age range in programs for the physically handicapped* [crippled] *and other health impaired shall be:*

<i>Classroom Plan (Units)</i>	<i>Membership</i>	<i>Age Range</i>
<i>Special Class Plan</i>	8 to 16	6 years
<i>Resource Plan</i>	8 to 20	6 years

(2) No more than eight (8) pupils may be in the resource room during any one (1) instructional period.

(3) Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

(a) Age and grade level of the pupils;

(b) Physical condition of the pupils; and

(c) Support personnel. [Housing. Classes for crippled and other health impaired pupils shall be housed in elementary or secondary schools commensurate with the age of the pupils or in approved special schools/facilities.]

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

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EDUCATION AND ARTS CABINET

Department of Education

Bureau of Education for Exceptional Children

Amended After Hearing

707 KAR 1:054. Programs for the emotionally disturbed; behavior disordered.

RELATES TO: KRS 157.200 to 157.285[305]

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for emotionally disturbed (behavior disordered) children. This regulation is necessary to assure uniformity in providing special education and related services to emotionally disturbed children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for the emotionally disturbed (behavior disordered) of school attendance age pursuant to KRS 157.200 to 157.285[305], inclusive, and the criteria listed in this section.

Section 2. Eligibility Criteria. (1) An admissions and release committee shall determine that a child is [Pupils shall be eligible for enrollment in a program for the] emotionally disturbed (behavior disordered) provided the following eligibility criteria are met:

(a) The child manifests symptoms characterized by diagnostic labels such as psychosis, schizophrenia and autism; and/or

(b) The child [who] demonstrates one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

1. [(1)] An inability to learn at a rate commensurate with intellectual, sensory-motor and/or physical

development [the measured functioning ability] because of emotional problems;

2. [(2)] An inability to build or maintain satisfactory interpersonal relationships with peers and adults;

3. [(3)] Behavior which is disruptive to the learning process of other students or himself [Inappropriate types of behavior under normal circumstances];

4. [(4)] A general pervasive mood of unhappiness or depression; and

5. [(5)] A tendency to develop physical symptoms or fears associated with personal or school problems;

(c) The criteria does not include those who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

[(6)] The term emotionally disturbed (behavior disordered) includes pupils who manifest symptoms characterized by diagnostic labels such as psychosis, schizophrenia and autism. The term does not include pupils who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.]

(2) A child who meets the above criteria shall be eligible for special education and related services.

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of emotionally disturbed (behavior disordered) pupils. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The assessment of the referred pupil for identification and placement purposes shall consist of:

(1) A health screening which would indicate there are no primary visual, auditory or physical handicapping conditions;

(2) A written account [compilation] of specific behavioral data collected over a period of time by the referral source describing the behavior(s) of concern;

(3) A written compilation of data from direct observations of the referred pupil in familiar surroundings by a person other than the referral source;

(4) An individual educational assessment of the referred pupil's specific strengths and weaknesses in basic skill areas;

(5) An individual psychological or psychiatric evaluation;

(6) A developmental and social history;

(7) A written record/evidence of previous educational and [/] behavioral intervention strategies that have been utilized.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6. Placement. Placement in a program for the emotionally disturbed (behavior disordered) pupils shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 7. Classroom Plan [and Membership]. Classroom plans for the emotionally disturbed (behavior disordered) [pupils] shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom plans for emotionally disturbed (behavior disordered) pupils shall be established under the resource [room,] special class or variation plan. [Membership and age range shall be consistent with provisions in "Standards for Programs for Exceptional Children."]

Section 8. *Membership and Age Range.* (1) Classroom membership and age range in programs for the emotionally disturbed (behavior disordered) shall be:

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	5 to 8	4 years
Resource Plan	6 to 15	4 years

(2) No more than eight (8) pupils may be in the resource room during any one (1) instructional period.

(3) Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age will include, but are not limited to, the following:

- (a) Age and grade level of the pupils;
- (b) Physical condition of the pupils; and
- (c) Support personnel. [Housing. Classes for emotionally disturbed (behavior disordered) pupils shall be housed in elementary and secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.]

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 10, 1980 at 3 p.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
Amended After Hearing

707 KAR 1:055. Programs for home instruction[, and/or hospital instruction]; and combined home and hospital instruction].

RELATES TO: KRS 157.200 to 157.285[305], 159.030
 PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for home instruction[, and/or hospital instruction[, and combined home and hospital instruction programs]. This regulation is necessary to assure uniformity in providing special education and related services in the home and/or hospital setting and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for home instruction[, and/or hospital instruction[, and combined home and

hospital instruction] for children of school attendance age pursuant to KRS 157.200 to 157.285[305], inclusive, and the criteria listed in this section. [Children with conditions such as fractures, surgical recuperation, kidney infection, pregnancy or other temporary conditions do not follow due process procedures outlined for exceptional children.]

Section 2. Eligibility Criteria. An admissions and release committee shall determine that an exceptional [A] child shall be eligible for instruction in the home, hospital, or sanatorium provided the following criteria are met:

(1) The child is identified as exceptional by meeting the eligibility criteria for one (1) of the categorical programs;

(2) The identified child needs special education and related services; and/or

(3) The condition of the identified child prevents or renders inadvisable attendance at school [or application to study].

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of exceptional children, as defined in KRS 157.200, in the home instruction[, and/or hospital instruction[, and combined home and hospital instruction] programs. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed. The admissions and release committee shall review the statement of the child's condition and any additional reports, information, and assessments that it deems necessary for the placement of each individual child in an appropriate educational program.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4 and the appropriate categorical regulation(s). Evaluations shall include:

(1) A developmental and social history;

(2) M [A m]edical statement(s) pursuant to KRS 159.030;

(3) An individual assessment of basic skills, (i.e., math, reading, language);

(4) Written behavioral observation; and/or

(5) Additional reports, information, and assessments deemed necessary by the admissions and release committee for the appropriate placement of each child.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each exceptional child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program. The IEP is required for each exceptional child placed in a program for home instruction[, and/or hospital instruction[, and combined home and hospital instruction].

Section 6. Placement. Placement in a home instruction[, and/or hospital instruction[, and combined home and hospital instruction] program shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6. The child shall be returned to a less restrictive and

more appropriate educational environment when improvement of the condition renders this advisable. Home instruction shall not be used as a substitute for a more appropriate educational placement for exceptional children. *A responsible adult shall be in the home during the time the home instruction teacher is present.*

Section 7. Classroom Plan [and Membership]. Programs for home instruction[, and/or hospital instruction[, and combined home and hospital instruction] shall be established pursuant to [under] the [itinerant] plan(s) as described in 707 KAR 1:051, Section 1. [Requests for approval of an alternative plan shall be made to the Bureau of Education for Exceptional Children.]

Section 8. Membership and Age Range. (1) Classroom membership and age range in programs for home instruction and/or hospital instruction shall be:

Classroom Plans (Units)	Membership	Age Range
Home Instruction Plan	5 to 10	unlimited
Hospital Based— Special Class Teacher	6 to 15	unlimited
Hospital Based— Itinerant Teacher	5 to 12	unlimited

(2) Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

- (a) Age and grade level of the pupils;
- (b) Physical condition of the pupils; and
- (c) Support personnel.

Section 9. Temporary Placement for Non-Exceptional Children. Local boards of education shall implement referral and placement procedures in accordance with local board policy for children with temporary conditions such as fractures, surgical recuperation, kidney infection, and pregnancy; and local boards do not need to follow the due process procedures outlined in 707 KAR 1:051.

RAYMOND BARBER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
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Amended After Hearing

707 KAR 1:056. Programs for children with specific learning disabilities.

RELATES TO: KRS 157.200 to 157.285[305]

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for learning disabled children. The regulation is

necessary to assure uniformity in providing special education and related services to children with specific learning disabilities and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for learning disabled children of school attendance age pursuant to KRS 157.200 to 157.285[305], inclusive, and the criteria listed in this section.

Section 2. Eligibility Criteria. [Pupils shall be eligible for enrollment in programs for children with specific learning disabilities pursuant to the following:] (1) An admissions and release committee shall determine that a child has a specific learning disability provided the following eligibility criteria are met: [if:]

(a) The child does not achieve commensurate with his or her age and ability levels when provided with learning experiences appropriate for the child's age and ability levels; (in one or more of the seven (7) areas listed below):

1. Oral expression;
2. Listening comprehension;
3. Written expression;
4. Basic reading skills;
5. Reading comprehension;
6. Mathematics calculation; and/or
7. Mathematics reasoning.

(b) The [admissions and release committee finds that a] child has a severe discrepancy between achievement and intellectual ability in one or more of the seven (7) areas listed above.

(2) The admissions and release committee shall not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of:

- (a) A visual, hearing or motor handicap;
- (b) Mental retardation;
- (c) Emotional disturbance; or
- (d) Environmental, cultural or economic disadvantage.

(3) A child who meets the above criteria shall be eligible for special education and related services.

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of learning disabled children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4.

(1) Team membership. In order to evaluate and identify children with specific learning disabilities, the team membership shall include, but not be limited to:

(a) Referred pupil's regular education teacher; or

1. If the child does not have a regular education teacher, then a teacher qualified to teach a child of his or her age.

2. For a child of less than school age, an individual qualified by the state education agency to teach a child of his or her age.

(b) At least one (1) person qualified to conduct in-

dividual diagnostic examinations *including administration of individual intelligence tests* [of children].

(c) Certified teacher of the learning disabled.

[(d) Individual qualified to administer individual intelligence tests.]

(d) [(e)] Other individuals as needed; such as:

1. Speech and language pathologist;
2. Guidance counselors;
3. Remedial reading teacher; and/or
4. Physician.

(2) Assessment for identification and placement. The assessment for identification and placement shall consist of:

(a) The referring person's written assessment of the pupil's specific strengths and weaknesses in the academic and behavioral areas.

(b) Written behavioral observations. *The behavior observations shall be a compilation of specific behavioral data collected over a period of time describing the behaviors of concern.*

1. An evaluation team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.

2. In the case of a child of less than school age or out of school a team member shall observe the child in an environment appropriate for a child of that age.

(c) *Formal and informal educational evaluation data composed of individual standardized and informal test(s) of basic skills and individual assessment in all areas of the students suspected disability as stated in Section 2 above.* [Individual standardized test(s) of basic skills to be administered by qualified personnel.]

(d) An individual measure of intelligence [to be administered by qualified personnel].

(e) *An assessment of adaptive behavior including a developmental history.*

(f) [(e)] In cases where vision, hearing, or serious emotional disturbance is suspected to be the primary handicapping condition, a referral for appropriate assessments by qualified professional(s) shall be made.

Section 5. [(3)] Written report. The evaluation team shall prepare a written report of the results of the evaluation.

(1) [(a)] The report shall include a statement of:

(a) [1.] Whether the child has a specific learning disability;

(b) [2.] The basis for making the determination;

(c) [3.] The relevant behavior noted during the observation of the child;

(d) [4.] The relationship of that behavior to the child's academic functioning;

(e) [5.] The educationally relevant medical findings, if any;

(f) [6.] Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and

(g) [7.] The determination of the evaluation team concerning the effects of environmental, cultural, or economic disadvantage on the child's performance.

(2) [(b)] Each evaluation team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the evaluation team member shall submit a separate statement presenting his or her conclusions.

Section 6. [5.] Individual Education Program (IEP). As

required and provided in 707 KAR 1:051, Section 5, for each child identified the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 7. [6.] Placement. Placement in a program for children with specific learning disabilities shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 8. [7.] Classroom Plan [and Membership]. Classroom programs for children with specific learning disabilities shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. The following types of classroom plans shall be utilized: [itinerant teacher,] resource [room] variation, and special class plan. *An itinerant teacher shall not serve more than two (2) schools and shall operate as a resource plan.* [Membership and age range in the above plans shall be consistent with provisions in "Standards for Programs for Exceptional Children."]

[Section 8. Housing. Classes for learning disabled pupils shall be housed in elementary and secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.]

Section 9. *Membership and Age Range. (1) Classroom membership and age range in programs for pupils with specific learning disabilities shall be:*

<i>Classroom Plan (Units)</i>	<i>Membership</i>	<i>Age Range</i>
<i>Resource Plan</i>		
<i>Primary through Intermediate</i>	<i>8 to 15</i>	<i>4 years</i>
<i>Junior through Senior High</i>	<i>8 to 20</i>	<i>4 years</i>
<i>Special Class Plan</i>		
<i>Primary through Intermediate</i>	<i>6 to 10</i>	<i>4 years</i>
<i>Junior through Senior High</i>	<i>6 to 15</i>	<i>4 years</i>

(2) *No more than eight (8) pupils may be in the resource room during any one (1) instructional period.*

(3) *Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:*

(a) *Age and grade level of the pupils;*

(b) *Physical condition of the pupils; and*

(c) *Support personnel.*

RAYMOND BARBER

Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
Amended After Hearing

707 KAR 1:057. Programs for mentally handicapped children.

RELATES TO: KRS 157.200 to 157.285[305]
 PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for mentally handicapped children. This regulation is necessary to assure uniformity in providing special education and related services to mentally handicapped children and to conform with Public Law 94-142

Section 1. General Provisions. Local school boards of education shall operate programs for mentally handicapped pupils of school attendance age pursuant to KRS 157.200 to 157.285[305], inclusive, and the criteria listed in this section.

Section 2. Programs for educable mentally handicapped pupils shall be operated according to the following provisions:

(1) Eligibility criteria:

(a) *An admissions and release committee shall determine that a child is educable mentally handicapped provided the following criteria are met:*

1. *The p[P]upil[s who] meets the definition pursuant to KRS 157.200;[(4)] and [who]*

2. *The pupil obtains an intelligence quotient score[s] between fifty (50) and seventy-five (75) on individual intelligence tests. [shall be eligible for enrollment in programs for the educable mentally handicapped.] Individual intelligence test scores shall not be the sole criterion for determination of placement, but shall be considered in conjunction with other evaluation information as set forth in subsection (3) of this section.*

(b) *Pupils who meet the above criteria shall be eligible for special education and related services.*

(c) *Pupils whose intelligence score is borderline may be eligible for special education and related services [placed in a program for the educable mentally handicapped] on a trial basis upon the recommendation of the appropriate admissions and release committee. "Borderline" shall be one (1) standard error of measurement above seventy-five (75) or below fifty (50) IQ points. ["Trial basis" shall be a period of time no longer than four (4) months, at which time the pupil's placement shall be reviewed by the appropriate admissions and release committee in consultation with the teacher in whose classroom the pupil was enrolled.]*

(2) **Admissions and release committee.** As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of educable mentally handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

(3) **Child evaluation.** Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation of pupils referred for identification and placement purposes shall consist of:

(a) The referring person's written account of the pupil's specific strengths and weaknesses in the academic and behavioral areas;

(b) A written account of a behavioral observation of the referred pupil in familiar surroundings (i.e., classroom, playground, etc.);

(c) Formal and informal educational evaluation data composed of individual and/or group standardized academic achievement tests and individual assessment of basic skills areas such as reading, math, and language;

(d) An assessment of adaptive behavior including a developmental history; and

(e) An individual *intellectual* [psychological] assessment utilizing a recognized standardized measure. [of individual intelligence;]

(f) In cases where a visual, auditory or physical handicap or serious emotional disturbance is suspected to be a handicapping condition, a referral for appropriate assessment of qualified professional(s) shall be made.

(4) **Individual education program (IEP).** As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

(5) **Placement.** Pupil placement in a program for the educable mentally handicapped shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) **Classroom plan [and membership].** Classroom plans shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Programs for educable mentally handicapped pupils may be established under one or more of the following classroom plans: special class, resource [room], [itinerant plan,] and variation plan. [Membership and age range in each plan shall be consistent with provisions in "Standards for Programs for Exceptional Children."]

(7) **Membership and age range:**

(a) *Classroom membership and age range in programs for educable mentally handicapped shall be:*

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	10 to 20	4 years
Resource Plan	10 to 20 [25]	4 years

(b) *No more than ten (10) pupils may be in the resource room during any one (1) instructional period.*

(c) *Variations of the above shall be approved upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:*

1. *Age and grade level of the pupils;*
2. *Physical condition of the pupils; and*
3. *Support personnel.*

Section 3. Programs for trainable mentally handicapped pupils shall be operated according to the following provisions:

(1) Eligibility criteria:

(a) *An admissions and release committee shall determine that a child is trainable mentally handicapped provided the following criteria are met:*

1. *The p [P]upil[s who] meets the definition pursuant to KRS 157.200;[(5)] and [who]*

2. *The pupil obtains an intelligence quotient score[s]*

between thirty-five (35) and [below] fifty (50) on individual intelligence tests [shall be eligible for enrollment in programs for the trainable mentally handicapped]. Individual intelligence test scores shall not be the sole criterion for determination of placement, but shall be considered in conjunction with other evaluation information as set forth in subsection (3) of this section.

(b) Pupils who meet the above criteria shall be eligible for special education and related services.

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of trainable mentally handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation of pupils referred for identification and placement purposes shall consist of:

(a) The referring person's written account of the pupil's specific strengths and weaknesses in the academic and behavioral areas;

(b) A written account of a behavioral observation of the referred pupil in familiar surroundings (e.g., classroom, playground, etc.);

[(c) A measure of social competence;]

(c) [(d)] An individual assessment of basic skills areas such as reading, math, [and] language, motor, social, and self-help skills;

(d) [(e)] An assessment of adaptive behavior including a developmental history; and

(e) [(f)] An individual intellectual [psychological] assessment utilizing a recognized standardized measure. [of individual intelligence;]

(f) [(g)] In cases where a visual, auditory or physical handicap or serious emotional disturbance is suspected to be a handicapping condition, a referral for appropriate assessments by qualified professional(s) shall be made.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

(5) Placement. Pupil placement in a program for the trainable mentally handicapped shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan [and membership]. Classroom plans shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Programs for trainable mentally handicapped pupils shall be established under the special class or variation plan. [Membership and age range in either plan shall be consistent with provisions in "Standards for Programs for Exceptional Children."]

(7) Membership and age range.

(a) Classroom membership and age range in programs for trainable mentally handicapped shall be:

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	5 to 12	6 years

(b) Variations of the above shall be approved upon submission of written request and justification to the Bureau

of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to the following:

1. Age and grade level of the pupils;

2. Physical condition of the pupils; and

3. Support personnel. [Housing. Classes for trainable mentally handicapped pupils shall be housed in elementary or secondary schools commensurate with the age range of the pupils or in approved special schools for handicapped pupils.]

Section 4. Programs for severely and profoundly handicapped pupils shall be operated according to the following provisions: (1) Eligibility criteria:

(a) An admissions and release committee shall determine that a child is severely and profoundly handicapped provided the following criteria are met:

1. There is evidence of primary disabilities that are cognitive (obtained intelligence quotient scores shall be below thirty-five (35)).

2. There may be evidence of behavioral, physical, and/or sensory handicaps.

(b) Pupil(s) who meet the above criteria shall be eligible for special education and related services.

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of severely and profoundly handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation of pupils referred for identification and placement purposes shall consist of:

(a) The referring person's written account of the pupil's specific strengths and weaknesses;

(b) A written account of a behavioral observation of the referred pupil in familiar surroundings (e.g., classroom, home, etc.);

(c) An individual assessment of basic skills areas including language, motor, social, self-help and cognitive skills;

(d) An assessment of adaptive behavior including a developmental history; and/or

(e) An individual intellectual assessment utilizing a recognized standardized measure.

(f) In cases where sensory or physical deficits or behavioral disorders are suspected to exist, a referral for appropriate assessments by qualified professional(s) shall be made.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

(5) Placement. Placement shall be in programs for the severely and profoundly handicapped, trainable mentally handicapped or multiple handicapped as determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan. Classroom plans shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Programs for severely and profoundly handicapped

pupils shall be established under the special class or variation plan.

(7) Membership and age range.

(a) Classroom membership and age range in programs for severely and profoundly handicapped shall be:

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	3 to 8	6 years

(b) Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

1. Age and functioning level of the pupils;
2. Physical condition of the pupils; and
3. Support personnel.

RAYMOND BARBER

Superintendent of Public Instruction

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707 KAR 1:058. Programs for multiple handicapped children.

RELATES TO: KRS 157.200 to 157.285[305]

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for multiple handicapped children. This regulation is necessary to assure uniformity in providing special education and related services to multiple handicapped children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for multiple handicapped children of school attendance age pursuant to KRS 157.200 to 157.285[305], inclusive, and the criteria listed in this section.

Section 2. Eligibility Criteria. (1) An admissions and release committee shall determine that a child is m["M]ultiple handicapped [children"] provided the following criteria are met: [shall be those children who have]

(a) The pupil has a combination of two (2) or more impairments (such as mentally handicapped-blind, mentally handicapped-orthopedically impaired, etc.); and

(b) T[t]he combination [of which] produces such severe learning, developmental or behavioral problems that appropriate services cannot be provided in special education programs designed solely for children with one (1) impairment.

(2) Pupils who meet the above criteria shall be [requirements of this definition are] eligible for special education and related services [enrollment in programs for the

multiple handicapped. The term shall not include deaf-blind children or severely/profoundly handicapped children].

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of multiple handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. Evaluations shall include: (1) A developmental and social history;

(2) A medical evaluation as appropriate;

(3) An individual intellectual assessment utilizing a recognized standardized measure [An individual psychological assessment of current intellectual functioning];

(4) An individual educational assessment of basic skills (i.e., math, reading, language);

(5) Written behavioral observation; and

(6) Additional reports, information and assessments deemed necessary by the admissions and release committee for the appropriate placement of each child.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6. Placement. Placement in a program for multiple handicapped children shall be determined by the appropriate admissions and release committee pursuant to procedures described in 707 KAR 1:051, Section 6.

Section 7. Classroom Plan [and Membership]. Programs for multiple handicapped pupils shall be established under the resource, special class or variation plan as described in 707 KAR 1:051, Section 1. [Membership and age range in either plan shall be consistent with provisions in "Standards for Programs for Exceptional Children."]

Section 8. Membership and Age Range. (1) Classroom membership and age range in programs for multiple handicapped shall be:

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	5 to 10	6 years
Resource Plan	5 to 10	6 years

(2) No more than seven (7) pupils may be in the resource room during any one (1) instructional period.

(3) Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

(a) Age and grade level of the pupils;

(b) *Physical condition of the pupils; and*
 (c) *Support personnel.* [Housing. Classrooms for multiple handicapped children shall be housed in elementary or secondary schools commensurate with the age range of the pupils or in approved special school/facilities.]

RAYMOND BARBER

Superintendent of Public Instruction

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707 KAR 1:059. Programs for visually handicapped children.

RELATES TO: KRS 157.200 to 157.285[305]

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: To promulgate State Board for Elementary and Secondary Education regulations for programs for visually handicapped children. This regulation is necessary to assure uniformity in providing special education and related services to visually handicapped children and to conform with Public Law 94-142.

Section 1. General Provisions. Local school boards of education shall operate programs for visually handicapped children of school attendance age pursuant to KRS 157.200 to 157.285[305], inclusive, and the criteria in this section.

Section 2. Eligibility Criteria. (1) *An admissions and release committee shall determine that a child is visually impaired provided the following criteria are met:* [A pupil shall be eligible for enrollment in a program for the visually handicapped if]

(a) *Th[e] child has a visual acuity of 20/70 or less in the better eye after correction;[.] and/or*

(b) *The child has a [Included are] visual handicap(s) which, even with correction, adversely affect the [a] child's educational performance. The term includes both partially seeing and blind children.*

(2) *A pupil who meets the above criteria shall be eligible for special education and related services.*

Section 3. Admissions and Release Committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of visually handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

Section 4. Child Evaluation. (1) Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation for identification and placement shall include:

(a) [(1)] An eye examination report, completed and signed by a [an] *licensed eye specialist*;

(b) [(2)] Developmental and social history;

(c) [(3)] An individual educational assessment of basic skills, (i.e., math, reading, language);

(d) [(4)] A written behavior observation; and

(e) [(5)] Any additional reports, information, and assessments that the admissions and release committee deems necessary for the placement of a child in an appropriate program.[;]

(2) [(6)] Cases in which retardation is suspected to be a handicapping condition, a referral for appropriate assessment by a qualified[ying] professional shall be made.

Section 5. Individual Education Program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6. Placement. Placement in a program for visually handicapped shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 7. Classroom Plan [and Membership]. Programs for visually handicapped pupils may be established under one or more of the following plans as described in 707 KAR 1:051, Section 1: special class, resource [room, itinerant plan], and variation plan. [Membership and age range in either plan shall be consistent with provisions in "Standards for Programs for Exceptional Children."]

Section 8. *Membership and Age Range.* (1) *Classroom membership and age range in programs for visually handicapped shall be:*

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	5 to 10	6 years
Resource Plan	5 to 10	6 years

(2) *No more than seven (7) pupils may be in the resource room during any one (1) instructional period.*

(3) *Variations of the above shall be considered for approval [approved] upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:*

(a) *Age and grade level of the pupils;*

(b) *Physical condition of the pupils; and*

(c) *Support personnel.* [Housing. Classes for visually handicapped pupils shall be housed in elementary or secondary schools commensurate with the age range of the pupils or in approved special schools/facilities.]

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 10, 1980 at 3 p.m.

**EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children
Amended After Hearing**

707 KAR 1:060. Identification, evaluation and placement policy and procedure.

RELATES TO: KRS 157.200 to 157.285[305]

PURSUANT TO: KRS 13.082, 156.070

NECESSITY AND FUNCTION: The Consent Agreement in Kentucky Association for Retarded Children, et.al., v. Kentucky State Department of Education, et.al., Civil Action No. 435, U.S. District Court, Eastern District of Kentucky, specifies that regulations and guidelines be established for the identification and placement of exceptional children in local school districts. 707 KAR 1:051, Section 9, and P.L. 94-142, Section 615, assure that each child, parents and the local school districts will be guaranteed procedural safeguards relative to the identification, evaluation and placement of exceptional children. This manual provides policies and procedures relative to the fulfillment of the Consent Agreement, 707 KAR 1:051, Section 9, and P.L. 94-142, Section 615.

Section 1. The "Due Process Policy and Procedure Manual, September, 1980" [May, 1980] [March, 1979], copy of which is attached hereto and filed by reference, is hereby approved. This manual fulfills requirements of the Consent Agreement, Civil Action No. 435, 707 KAR 1:051, Section 9, and P.L. 94-142, Section 615, and shall be referred to as the "Due Process Policy and Procedure Manual," for identification, evaluation and placement of exceptional children. Copies may be obtained from the Bureau of Education for Exceptional Children, State Department of Education, Frankfort, Kentucky 40601.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: December 2, 1980

RECEIVED BY LRC: December 10, 1980 at 3 p.m.

**DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
Amended After Hearing**

904 KAR 2:040. Procedures for determining initial and continuing eligibility.

RELATES TO: KRS 205.200(2)

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility under the provisions of KRS Chapter 205 to administer public assistance programs under Titles IV-A and XIX of the Social Security Act, namely Aid to Families with Dependent Children, hereinafter referred to as AFDC, and Medical Assistance, hereinafter referred to as MA. In addition the department is required by Title XVI as amended and by KRS 205.245 to provide supplementation to certain aged, blind and disabled individuals. This regulation sets forth the procedures utilized to determine initial and continuing eligibility for assistance under the above programs.

Section 1. Eligibility Determination Process: Each decision regarding eligibility or ineligibility for assistance shall be supported by facts recorded in the applicant's or recipient's case record. The applicant or recipient shall be the primary source of information and shall be required to furnish verification of income, resources, and technical eligibility if he can reasonably be expected to do so, and to give written consent to those contacts necessary to verify or clarify any factor pertinent to the decision of eligibility [of the applicant, and comply with procedural requirements considered necessary for completion of the determination process]. Failure of the applicant or recipient to appear for a scheduled interview, or present required information at the time requested, when informed in writing of the appointment or necessary information to be provided shall be considered a failure by the applicant or recipient to present adequate proof of eligibility.

Section 2. Continuing Eligibility. The recipient shall be responsible for reporting *within ten (10) days* any change in circumstances which may affect eligibility or the amount of payment. In addition, eligibility shall be reconsidered or redetermined:

(1) When a report is received or information is obtained about changes in circumstances; and

(2) At least every six (6) months for AFDC and every twelve (12) months for MA.

Section 3. Determination of Incapacity or Permanent and Total Disability: (1) A determination that a [the] parent with whom the needy child lives is incapacitated or that the individual requesting medical assistance due to disability is both permanently and totally disabled shall be made by a medical review team following review of both medical and social reports except as listed in subsection[s] (1) or] (2) of this section.

(2) A parent shall be considered incapacitated *without a determination for the medical review team* if the parent [he] declares *physical inability* [he is physically unable] to work, the worker observes some physical or mental limitation; and the parent:

(a) [He/she] Is receiving SSI.

(b) [He/she] Is age[d] sixty-five (65) or over.

(c) [He/she] Has been determined to meet the definition of blindness as contained in Titles II and XVI of the Social Security Act relating to RSDI [OASDI] and SSI by either the Social Security Administration or the state supervising ophthalmologist of the Bureau for Social Insurance.

(d) [He/she] Has been determined to meet the definition of permanent and total disability as contained in Titles II and XVI of the Social Security Act relating to RSDI [OASDI] and SSI by either the Social Security Administration or the Medical Review Team of the Bureau for Social Insurance.

(e) [He/she] Has previously been determined to be incapacitated or permanently and totally disabled by the medical review team, hearing officer, appeal board or court of proper jurisdiction with no re-examination requested and there is no visible improvement in condition.

(f) [He/she] Is receiving RSDI [OASDI], federal black lung benefits or railroad retirement benefits based on disability as evidenced by an award letter or benefit check.

(g) [He/she] Is currently hospitalized and a statement from the attending physician indicated that incapacity will continue for at least thirty (30) days. If application was made prior to admission, the physician is also requested to indicate if incapacity existed as of application date.

(3) *The determination that a parent is not incapacitated will not be made by the local office field staff.*

(4) [(3)] An individual shall be considered permanently and totally disabled if *the individual*:

(a) [He] Receives RSDI [OASDI], railroad retirement, or federal black lung benefits based on disability.

(b) [He] Previously received SSI based on disability and discontinuance was due to income or resources, not to improvement in physical condition.

Section 4. Reviews of Supplementation Cases: Aged, blind or disabled supplementation cases shall be periodically reviewed to determine that the special need for which supplementation is granted continues to exist.

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: November 26, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: December 3, 1980 at 1 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
Amended After Hearing

904 KAR 3:040. Issuance procedures.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a food stamp program as prescribed by the Food Stamp Act of 1977, as amended, and 7 CFR Part 270 through 280. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth coupon issuance procedures used by the department in the administration of the food stamp program.

Section 1. Basic Issuance Requirements. The department is responsible for the timely and accurate issuance of coupons to eligible households. In issuing coupons the department must insure that:

- (1) Only certified households receive benefits;
- (2) Coupons are accepted, stored, and protected after delivery to receiving points within the state;
- (3) Program benefits are distributed in the correct amounts; and
- (4) Coupon issuance and reconciliation activities are properly conducted in accordance with 7 CFR Parts 274.5 and 274.6 and accurately reported to the Food and Nutrition Service.

Section 2. Issuance System. The department shall arrange and choose [for the issuance of coupons to eligible households by utilizing] *one (1) of the following systems to issue food coupons to eligible households*: [an authorization to participate (ATP) system in which an authorizing document is distributed to the household and surrendered to the coupon issuer when coupons are obtained.]

(1) *An authorization to participate (ATP) system in which an authorizing document is distributed to the household and surrendered to the coupon issuer when coupons are obtained; or*

(2) *A direct coupon mail-out system.*

Section 3. ATP Issuance. [Production of an ATP Card. When the ATP system is utilized the department shall issue on a monthly basis an authorization to participate (ATP) card to all eligible households. The ATP card will] *ATP's issued by the department shall contain at a minimum: serial number, case name, address, case number, coupon allotment, expiration date, county for which the ATP is issued, and a signature space for the household member or the authorized representative.*

(1) *The department may stagger the issuance of ATP's to certified households through the 15th day of the month provided that each household receives its ATP on approximately the same day every month and that the household has an opportunity to obtain its coupons prior to the end of the month. [shall void all ATP's mutilated or otherwise rejected during the preparation process. The voided ATP's shall either be filed for audit purposes or destroyed, provided destruction is witnessed by at least two (2) persons and the department maintains a list of all destroyed ATP's.]*

(2) *The department shall mark each ATP with an expiration date. The ATP shall be valid for the entire month of issuance unless an ATP has been issued after the 25th day of the month. ATP's issued after the 25th day of the month are valid through the last day of the following month. [mail the ATP to the eligible household in such a manner as to prevent mail loss. Households which report two (2) consecutive mail losses must be provided with an alternate means of delivery.]*

(3) *The department shall void all ATP's mutilated or otherwise rejected during the preparation process. The voided ATP's shall either be filed for audit purposes or destroyed, provided destruction is witnessed by at least two (2) persons and the department maintains a list of all destroyed ATP's. [maintain security and controls for ATP's returned as undeliverable by the postal service in accordance with 7 CFR Part 274.2(e)(6)(ii).]*

(4) *The department shall mail ATP's to eligible households in such a manner as to prevent mail loss. Households which report two (2) consecutive mail losses must be provided with an alternate means of delivery. [produce and mail the ATP card within two (2) days of the date the application is filed, if circumstances indicate eligibility for expedited service as outlined in 7 CFR Part 273.2(i).]*

(5) *The department shall exercise the following security and controls for ATP's returned as undeliverable by the postal service: [issue an emergency replacement ATP only if the original ATP is reported lost or stolen in the period for which it is intended to cover.]*

(a) *Record the ATP serial number, household name, and case number in a control log.*

(b) *Keep the returned ATP's in secure storage with access limited to authorized departmental personnel while attempts are made to locate the household.*

(6) *The department shall produce and mail the household's ATP card no later than the close of business of the second working day following the date the application was filed for those households determined eligible for expedited services. [provide the household with the means to designate an emergency authorized representative to obtain the household's allotment with a particular ATP.]*

(7) *The department shall issue an emergency replacement ATP only if the original ATP is reported lost in the mail or stolen and the report is made during the period for which the ATP is valid. Prior to authorizing the replacement ATP, the department shall:*

(a) *Determine that the household is currently certified;*

(b) Determine that sufficient time has elapsed for delivery to have been completed. Sufficient time shall not exceed five (5) days from the mailing date;

(c) Determine that the lost or stolen ATP was valid for the current month, including any ATP's issued after the 25th of the previous month;

(d) Require the participant to sign an affidavit stating that the original ATP will be returned to the department if recovered by the household;

(e) Report all losses to the postal authorities.

(8) The department shall provide the household with the means to designate in writing an emergency representative to obtain the household's allotment with a particular ATP. However, the household shall not be required to travel to a food stamp office to execute the designation. A separate written designation is needed each time an emergency authorized representative is used.

(9) The department shall clearly differentiate between initial, supplemental, and replacement ATP issuances in its accountability system.

Section 4. Redemption of the Authorization to Participate Card. When the ATP system is utilized, the department shall provide each eligible household with the means to redeem his ATP card for coupons by over-the-counter issuance or by regular mail issuance.

(1) Prior to being issued coupons the eligible individual must present issuance personnel with proof of identity.

(2) Issuance personnel must examine the ATP card to verify its validity.

(3) The eligible individual and/or his/her authorized representative must sign the ATP card in the presence of the issuer unless the eligible individual and/or his/her authorized representative is participating in mail issuance. Persons utilizing mail issuance must sign their ATP card prior to mailing the card to the issuance site.

(4) Coupons are issued in accordance with a table for coupon issuance provided by Food and Nutrition Service.

(5) The department shall provide for the issuance of coupon replacements due to improper manufacture or mutilation.

(a) The department shall examine the improperly manufactured or mutilated coupons to determine the validity of the claim and the amount of coupons to be replaced.

(b) If the department can determine the value of the improperly manufactured or mutilated coupons, the unusable coupons shall be replaced on a dollar-for-dollar exchange. After the exchange, the department shall destroy the coupons provided that: [in accordance with 7 CFR Part 274.8(b).]

1. It has been determined that the value of coupons does not exceed \$200 per coupon issuer or bulk storage point for any month; and

2. The department has determined that the coupons were in fact improperly manufactured.

(c) The department shall destroy the coupons and coupon books by burning, shredding, tearing, or cutting so they are not negotiable. Two (2) state officials shall witness and certify the destruction and forward the necessary documentation to FNS. [If the department cannot determine the value of the improperly manufactured or mutilated coupons, the unusable coupons shall be cancelled by writing or stamping "cancelled" across the face of the coupons and forwarding the coupons to Food and Nutrition Service.]

(d) If the value of the coupons to be destroyed exceeds

\$200 per coupon issuer, the department shall request FNS approval prior to any destruction of the coupons.

(e) If either the coupon issuer, the bulk storage point, or the department cannot determine whether coupons or coupon books were in fact improperly manufactured or establish the value of the coupons involved, the department shall promptly forward a written statement of findings and the cancelled coupons(s) or coupon book(s) to FNS for a determination.

Section 5. Verification of ATP Issuance. When the ATP system is used the department shall verify the number of transmitted ATP's received from the coupon issuers and the total value of authorized issuances. [Coupon Inventory Management. The department shall establish a coupon inventory management system which insures that coupons are requisitioned and inventories are maintained in accordance with 7 CFR Parts 274.4(a)1 and 274.4(a)2.]

Section 6. Direct Coupon Issuance. When the direct mail system is used the department issues all or part of the coupon allotments through the mail. The department shall mail the coupons directly to the household without using an authorization document. [Coupon Controls. The department shall establish control and security procedures to safeguard coupons similar to those used to protect currency outlined in 7 CFR Part 274.4(b).]

Section 7. Direct Mail Issuance Controls and Records. When the direct mail system is used the department shall record the date and amount of coupons issued. [Coupon Requisitioning. The department shall arrange for the ordering of coupons and the prompt verification and written acceptance of each coupon shipment.]

(1) The department must provide for dual accountability during the stuffing and addressing operations and maintain a perpetual coupon inventory control and mail issuance log.

(2) The department shall consult with appropriate postal officials concerning the schedule for mailing coupons, the approximate volume and values of the mailings, the type of envelopes to be used and maintain liaison with postal officials to facilitate prompt, efficient and safe delivery of coupon mailings to households.

(3) The department shall use at least first class mail in mailing the coupons to households. The coupons shall be mailed in sturdy nonforwarding envelopes.

(4) To minimize mail theft exposure, direct mail issuances shall be staggered through the tenth (10th) day of the month and may be staggered through the fifteenth (15th) day provided that each household will likely receive its coupons on the same date every month. The department shall insure that coupons are not mailed to concentrations of households with the same zip code on the same day.

(5) The department shall insure that participants receive allotments on a timely basis and can receive expedited issuance [in accordance with 7 CFR parts 273.2(i) and 274.2(g)] no later than the close of business of the second working day following the date the application was filed.

(6) The department must mail [provide] timely replacement issuances, if the household reports non-receipt of its coupons. Timely is defined as not later than five (5) days from the date the coupons are mailed from the issuance point.

Section 8. Coupons Lost in the Mail. When the direct mail system is used and a household reports the non-receipt

of coupons issued through the mail, the department shall: [Receipt of Coupons. Coupon issuers and bulk storage points shall promptly verify and acknowledge, in writing, the contents of each coupon shipment or coupon transfer delivered to them and shall be responsible for the custody, care, control and storage of coupons.]

- (1) Determine if the coupons were actually mailed;
- (2) Determine that sufficient time has elapsed for the coupons to have been received by the participant which is not to exceed five (5) days from the mailing date;
- (3) Review the mail issuance log for the return of undelivered coupons;
- (4) Report all losses to the postal authorities;
- (5) Prepare and have the participant sign an affidavit attesting to non-receipt;
- (6) Mail the [Issue] replacement coupons to the local office for pickup within five (5) days after the report of non-delivery has been received;
- (7) Record the report of non-delivery and date of replacement on the mail issuance log;
- (8) After two (2) consecutive reports of non-delivery from the same household, the department shall mail the household's coupons to the county office for pickup for a period of four (4) months. [employ other issuance methods.]

Section 9. *Coupon Inventory Management.* Whether it uses the ATP system or the direct mail system, the department shall establish a coupon inventory management system which insures that coupons are requisitioned and inventories are maintained in accordance with 7 CFR parts 274.4(a)1 and 2. [Verification of ATP Issuance. The department shall verify the number of transmitted ATP's received from the coupon issuers and the total value of authorized issuances.]

Section 10. *Coupon Controls.* Whether it uses the ATP or direct mail system, the department shall establish control and security procedures to safeguard coupons similar to those used to protect currency outlined in 7 CFR part 274.4(b). [Availability of Issuance Records. The department shall maintain issuance records for a period of three (3) years from the month of origin.]

Section 11. *Coupon Requisitioning.* Whether it uses the ATP system or the direct mail system, the department shall arrange for the ordering of coupons and the prompt verification and written acceptance of each coupon shipment in accordance with 7 CFR part 274.4(c). [Control of Issuance Documents. The department shall control all issuance documents which establish household eligibility while the documents are transferred and processed within the state agency.]

Section 12. *Receipt of Coupons.* Whether the department uses the ATP system or direct mail system, coupon issuers and bulk storage points shall promptly verify and acknowledge, in writing, the contents of each coupon shipment or coupon transfer delivered to them and shall be responsible for the custody, care, control and storage of coupons pursuant to 7 CFR part 274.5. [Accountable Documents. The department shall provide security and control for all issuance accountability documents.]

Section 13. *Availability of Issuance Records.* Whether it uses the ATP system or direct mail system, the department shall maintain issuance records for a period of three (3) years from the month of origin as outlined in 7 CFR part 274.7.

Section 14. *Control of Issuance Documents.* Whether it uses the ATP system or direct mail system, the department shall control all issuance documents which establish household eligibility while the documents are transferred and processed within the state agency in accordance with 7 CFR part 274.7(b).

Section 15. *Accountable Documents.* Whether it uses the ATP system or direct mail system, the department shall provide security and control for all issuance accountability documents pursuant to 7 CFR part 274.7(c).

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: December 4, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: December 11, 1980 at 4 p.m.

Proposed Amendments

DEPARTMENT OF FINANCE Kentucky Real Estate Commission (Proposed Amendment)

201 KAR 11:140. Salesman operating as broker; when.

RELATES TO: KRS 324.110

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To inform and set certain standards for the licensees and to protect the public.

Section 1. In case of death of a broker who has a licensed salesman or salesmen in his employ at the time of his death, the commission reserves the right in its discretion,

based upon the merits of each case, to permit one (1) of said salesmen to complete and close the then existing business of the deceased broker for a temporary period not to exceed six (6) months [operate as a broker for a temporary period, not to exceed six (6) months, for the purpose of continuing the deceased broker's business].

Section 2. 201 KAR 11:060 is hereby repealed.

JOHN A. CELLETTI, Chairman

ADOPTED: November 25, 1980

RECEIVED BY LRC: December 12, 1980 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: General Counsel, Kentucky Real Estate Commission,
100 East Liberty Street, Suite 204, Louisville, Kentucky
40202.

DEPARTMENT OF FINANCE
Kentucky Real Estate Commission
(Proposed Amendment)

201 KAR 11:147. Procedure for license retention when salesman released by broker.

RELATES TO: KRS 324.310, 324.330

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: The function of this regulation is to expand KRS 324.310 and 324.330 to avoid misinterpretations of administrative procedures.

Section 1. Upon receipt, by regular mail, of a letter from the responsible broker releasing a salesperson, the commission shall notify the salesperson by regular mail at his last resident address on file at the commission office that, within thirty (30) days of the date of the release letter he shall reaffiliate with another broker[, or request by letter that his license be placed in escrow]. Failure to comply will result in cancellation of license and retaking the regular examination in order to become reinstated.

JOHN A. CELLETTI, Chairman

ADOPTED: November 25, 1980

RECEIVED BY LRC: December 12, 1980 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
 TO: General Counsel, Kentucky Real Estate Commission,
 100 East Liberty Street, Suite 204, Louisville, Kentucky
 40202.

CABINET FOR DEVELOPMENT
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 3:053. Spring gun and archery season for wild turkey.

RELATES TO: KRS 150.025, 150.175, 150.176, 150.305, 150.330, 150.360, 150.365, 150.390

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the spring gun and archery season and limits for wild turkey. The Commissioner with the concurrence of the Commission finds this regulation necessary for the continued protection and conservation of wild turkey populations and to insure a permanent and continued supply for present and future residents of the state. The function of this regulation is to provide for the prudent taking of wild turkeys within reasonable limits based upon an adequate supply.

Section 1. Seasons and Counties Open to Wild Turkey Hunting. (1) Seasons and Counties: Season opens the third Saturday in April for *thirteen (13)* [twelve (12)] consecutive days in Jackson; Owsley; Bath; Lee; Rowan; Pike; [except Breaks Interstate Park;] Letcher; Menifee; Harlan and Butler Counties. *The season in Christian and Crittenden Counties is April 18 and 19, and April 25 and 26.*

(2) All other counties and wildlife management areas are closed to wild turkey hunting unless specified below.

Section 2. Seasons on Wildlife Management Areas. (1) Fort Knox Wildlife Management Area located in Hardin,

Bullitt and Meade Counties. Season: any or all Saturdays and Sundays in April, depending upon military training priorities.

(2) Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. Season: opens *April 8 through April 17* [the second Wednesday in April through April 18]. The second *hunting period* [segment] *is* [opens] April 25 [26] through May 3 [4].

(3) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties. Season: opens the third Saturday in April for *thirteen (13)* [twelve (12)] consecutive days.

(4) Pine Mountain Wildlife Management Area located in Letcher County. Season: opens the third Saturday in April for *thirteen (13)* [twelve (12)] consecutive days.

(5) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties. Season: April 18 and 19, [19 and 20] and April 25 and 26 [26 and 27].

Section 3. Bag and Possession Limits for All Areas Open to Turkey Hunting. Only one (1) turkey gobbler with visible beard per hunter per calendar year shall be taken, *except that two (2) turkeys may be taken if one (1) is taken on Fort Knox, Fort Campbell or Land Between the Lakes. A second Kentucky wild turkey permit must be obtained before attempting to take a second turkey.*

Section 4. Requirements and Restrictions for Gun and Archery Turkey Hunting in All Designated Counties and Wildlife Management Areas. (1) The use of dogs in turkey hunting is prohibited.

(2) Any hunters taking or attempting to take wild turkey must have in their possession a valid wild turkey permit, unless exempted by KRS 150.170(3), (5) or (6) (the resident owner of farmlands, his wife or dependent children; resident tenants or their dependent children residing upon said farmlands; residents sixty-five (65) years or older; and resident servicemen on furlough of more than three (3) days in their county of legal residence). All persons except those exempted by KRS 150.170(3), (5) or (6), must have a valid annual Kentucky hunting license in addition to the wild turkey permit. All non-residents are required to possess an annual non-resident hunting license and a wild turkey permit.

(3) Residents of states that do not allow residents of Kentucky to hunt turkey during open seasons in those states are prohibited from hunting turkey in Kentucky.

(4) Turkey may be taken from one-half (1/2) hour before sunrise until 12 noon except at Land Between the Lakes, [and] Fort Campbell and Fort Knox Wildlife Management Areas, where hunting is allowed from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. All hours are prevailing time.

(5) Turkey may be taken with the aid of hand or mouth operated calls, or both. Electronic calls are prohibited.

(6) Permitted and Prohibited Weapons. (See exceptions under Wildlife Management Areas.)

(a) Guns. Turkey may be taken with breech-loading shotguns, muzzle-loading shotguns, and muzzle-loading rifles. Shotguns must be no larger than 10-gauge or no smaller than 20-gauge. Fully automatic firearms are prohibited. Handguns are prohibited for taking turkeys except for muzzle-loading handguns on Pioneer Weapons Wildlife Management Area. *Buckshot and slugs are prohibited.*

(b) Bows and arrows. Turkey may be taken with any longbows and compound bows which do not have devices to hold an arrow at full draw without human aid. Only

barbless arrows without chemical treatment or chemical attachments, with broadhead points at least seven-eighths (7/8) inch wide are permitted.

(c) Crossbows. Crossbows are permitted only on the Pioneer Weapons Wildlife Management Area. Crossbows must be of at least 100 pounds pull. Arrows must be barbless with broadhead points at least seven-eighths (7/8) inch wide.

(7) Mandatory turkey check stations. Any hunter harvesting a wild turkey must have it checked at the nearest check station or by the nearest available conservation officer no later than 5:00 [6:00] p.m. on the day the turkey is taken except as required on specified wildlife management areas. The hunter must complete the wild turkey permit and attach the *tag portion* [hard copy] to the turkey *immediately after taking*. Part of the permit [The original] will be retained by the check station operator or conservation officer.

(8) Turkeys may be taken with the aid of artificial turkey decoys. Live turkeys may not be used as decoys.

(9) *Turkeys may not be taken by the use of bait.*

Section 5. Wildlife Management Area Regulations. (1) Land Between the Lakes Wildlife Management Area. Wild turkey may be taken on the Kentucky portion of Land Between the Lakes only in designated areas. *An annual Land Between the Lakes hunting permit is* [Permits for the hunt are] required and may be obtained free of charge [after March 1] at the Golden Pond *Visitors Center* [Information Office] and at the North Information Station twenty-four (24) hours per day. [Firearms transported in vehicles during authorized hunts must be unloaded. Target practice is prohibited.] Turkey may be taken with shotguns, including muzzle-loaders, no larger than 10-gauge or no smaller than 20-gauge; only Number 2 shot or smaller is permitted. Permitted archery equipment is the same as that listed in Section 4, subsection (6)(b) of this regulation. Rifles, crossbows and handguns are prohibited. Hunters are not required to check in or out, but all turkey taken must be checked out and must be tagged with a valid state wild turkey tag [permit] and a Land Between the Lakes area tag provided free at the check station. Check stations will be located near the junction of The Trace and U.S. Highway 68, and on The Trace about one (1) mile south of Barkley Canal. *Turkeys may not be shot, stalked, or otherwise pursued in or near any area which has been baited by the placement of any grain or mixture of ingredients (normally used for domestic fowl food purposes) for the purpose of attracting turkeys. This does not include grains left in the field from normal Land Between the Lakes farming practices. Persons who wish to hunt wild turkey on Land Between the Lakes must submit a written request for hunting either the first or second portion of the season. Requests must be received at Land Between the Lakes no later than the close of business on Friday, February 27, 1981. Hunters may apply individually or in groups no larger than four (4). Requests must include the name and address of each individual in the group along with the group's preference for the first or second hunting period or whether either hunting period is acceptable. Incomplete or illegible requests will be discarded. Applicants will be notified by mail no later than March 31, 1981, as to hunt dates and designated hunting areas. Hunters must have their Land Between the Lakes turkey hunting reservations in their possession while hunting. In the event that wild turkeys from other locations are released on Land Between the Lakes by March 15, 1981, that portion of Land Bet-*

ween the Lakes north of U.S. Highway 68 will be closed to turkey hunting and only the Golden Pond check station will be in operation.

(2) Fort Knox Wildlife Management Area. Turkey hunting is restricted to military and civilian personnel assigned to or working on the post, except a limited number of off-post civilians will be permitted to hunt provided areas are available. Off-post civilian hunters must apply in person at the hunt control headquarters building, Building 1060 [1327], Ireland Avenue [Briggs Street], Fort Knox, beginning March 30, 1981 [April 4] at 8:00 [8:30] a.m. For more information call Area Code 502 624-7311 at Fort Knox. Turkey may be taken with shotguns no larger than 12-gauge or no smaller than 20-gauge and muzzle-loading rifles no smaller than .32 caliber firing a single projectile. Buckshot and slugs are prohibited. All turkeys harvested must be checked in at Building 7334 *on the day of the kill* [by 2:00 p.m.].

(3) Pioneer Weapons Wildlife Management Area. Turkey may be taken with all weapons listed under Section 4, subsection (6) except for breech-loading shotguns.

(4) Fort Campbell Wildlife Management Area. Turkey hunting is restricted to persons who purchase a post combination hunting-fishing permit. Hunting spaces are limited by training priorities and are assigned on a first-come first-served basis. Those wanting to turkey hunt must apply in person twenty-four (24) hours prior to day of hunt at building 6645. For more information call Area Code 502 798-2175, 2176 or 2177 at Fort Campbell. Turkey may be taken with breech-loading shotguns and muzzle-loading shotguns no larger than 10 gauge or no smaller than 20 gauge using No. 2 or smaller shot. Turkey may also be taken with longbows and compound bows.

CARL E. KAYS, Commissioner
JACK T. BROOKS, Chairman

ADOPTED: December 7, 1980

APPROVED: J. K. Navolio, Deputy Secretary

RECEIVED BY LRC: December 8, 1980 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

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

401 KAR 50:010. Definitions and abbreviations.

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 defining of terms to be used in Title 401, Chapters 50 to 65.

Section 1. Definitions. All terms not defined herein or in subsequent regulations, shall have the meaning given

them in KRS 224.005 or by commonly accepted usage. As used in the regulations of the Division of Air Pollution unless the content clearly indicates otherwise, the following words shall have the following meaning:

(1) "Affected facility" means an apparatus, building, operation, road, or other entity or series of entities which emits or may emit any air contaminant into the outdoor atmosphere.

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

(3) "Air pollution" means the presence in the outdoor atmosphere of one (1) or more air contaminants in sufficient quantities and of such characteristics and duration as is or threatens to be injurious to human, plant, or animal life, or to property, or which unreasonably interferes with the comfortable enjoyment of life or property.

(4) "Air pollution control equipment" means any mechanism, device or contrivance used to control or prevent air pollution, which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation.

(5) [(4)] "Alteration" means:

(a) The installation or replacement of air pollution control equipment at a source;

(b) Any physical change in, or change in the method of operation of any affected facility which increases the potential to emit of any pollutant (to which a standard applies) emitted by such facility or which results in the emission of any air pollutant (to which a standard applies) not previously emitted.

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

(7) [(6)] "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(8) [(7)] "Ambient air quality standard" means a numerical expression of a specified concentration level for a particular air contaminant and the time averaging interval over which that concentration level is measured and is a goal to be achieved in a stated time through the application of appropriate preventive and/or control measures.

(9) [(8)] "Commence" means that an owner or operator has undertaken a continuous program of construction, modification, or reconstruction of an affected facility, or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction, modification, or reconstruction of an affected facility.

(10) [(9)] "Compliance schedule" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with any limitation or standard.

(11) [(10)] "Construction" means fabrication, erection, installation or modification of an air contaminant source.

(12) [(11)] "Continuous monitoring system" means the total equipment, required under the applicable regulations used to sample, to condition (if applicable), to analyze and to provide a permanent record of emissions or process parameters.

(13) [(12)] "Department" means the Department for Natural Resources and Environmental Protection.

(14) [(13)] "Director" means Director of the Division of Air Pollution of the Department for Natural Resources and Environmental Protection.

(15) [(14)] "District" means an air pollution control district as provided for in KRS Chapter 77.

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

(17) [(16)] "Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated to the department's and the U. S. EPA's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

(18) [(17)] "Existing source" means any source which is not a new source.

(19) [(18)] "Fixed capital cost" means the capital needed to provide all the depreciable components.

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

(21) [(20)] "Hydrocarbon" means any organic compound consisting predominantly of carbon and hydrogen.

(22) [(21)] "Incineration" means the process of igniting and burning solid, semi-solid, liquid, or gaseous combustible wastes.

(23) [(22)] "Malfunction" means any failure of air pollution control equipment, or process equipment, or of a process to operate in a normal or usual manner.

(24) [(23)] "Major source" means any source of which the potential emission rate is equal to or greater than 100 tons per year of any of the following pollutants: particulate matter, sulfur oxides, nitrogen oxides, volatile organic compounds or carbon monoxide.

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

(a) Routine maintenance, repair, and replacement of component parts shall not be considered physical changes;

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

1. An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility, or the maximum operating capacity specified as a condition to a permit issued by the department;

2. An increase in hours of operation;

3. Use of an alternative fuel or raw material if, prior to the date any standard becomes applicable to such facility, the affected facility is designed to accommodate such alternative use.

(26) [(25)] "Monitoring device" means the total equipment, required in applicable regulations, used to measure and record (if applicable) process parameters.

(27) [(26)] "New source" means any source, the construction, reconstruction, or modification of which commenced on or after the classification date as defined in the applicable regulation. A source, upon reconstruction, becomes a new source, irrespective of any change in emission rate.

(28) [(27)] "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods specified by the department.

(29) [(28)] "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

(30) [(29)] "Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a source to which an affected facility is a part.

(31) [(30)] "Particulate matter" means any material, except uncombined water, which exists in a finely divided form as a liquid or a solid as measured by the appropriate approved test method.

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

(33) [(32)] "Potential to emit" means the [capability at] maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source [in the absence of air pollution control equipment. Air pollution control equipment includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operations. Annual potential shall be based on the maximum annual rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source].

(34) [(33)] "Reconstruction" means the replacement of components of an existing affected facility to such an extent that the fixed capital cost of the new components exceeds fifty (50) percent of the fixed capital cost that would be required to construct a comparable entirely new affected facility, and it is technologically and economically feasible to meet the applicable new source standards. Individual sections of these regulations may include specific provisions which refine and delimit the concept of reconstruction set forth in this subsection. The department's determination as to whether the proposed replacement constitutes reconstruction shall be based on:

(a) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility;

(b) The estimated life of the affected facility after the replacements compared to the life of a comparable entirely new affected facility;

(c) The extent to which the components being replaced cause or contribute to the emissions from the affected facility; and

(d) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.

(35) [(34)] "Reference method" means any method of sampling and analyzing for an air pollutant as prescribed by Appendices A through G to 40 CFR 50, Appendices A

and B to 40 CFR 60, and Appendix B to 40 CFR 61. This term may be more narrowly defined within a specific regulation or chapter.

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

(37) "Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as does the stationary source modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains coming to or from the new or modified stationary source; and

(b) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(38) [(36)] "Shutdown" means the cessation of an operation for any purpose.

(39) [(37)] "Source" means one (1) or more affected facilities contained within a given contiguous property line. The property shall be considered contiguous if separated only by a public thoroughfare, stream, or other right of way.

(40) [(38)] "Stack or chimney" means any flue, conduit, or duct arranged to conduct emissions to the atmosphere.

(41) [(39)] "Standard" means an emission standard, a standard of performance, or an ambient air quality standard as promulgated under the regulations of the Division of Air Pollution or the emission control requirements necessary to comply with the provisions of Title 401, Chapter 51, of the regulations of the Division of Air Pollution.

(42) [(40)] "Standard conditions:"

(a) For source measurements means twenty (20) degrees Celsius (sixty-eight (68) degrees Fahrenheit) and a pressure of 760 mm Hg (29.92 in. of Hg);

(b) For the purpose of air quality determinations means twenty-five (25) degrees Celsius and a reference pressure of 760 mm Hg.

(43) [(41)] "Startup" means the setting in operation of an affected facility for any purpose.

(44) [(42)] "Uncombined water" means water which can be separated from a compound by ordinary physical means and which is not bound to a compound by internal molecular forces.

(45) [(43)] "Urban county" means any county which is a part of an urbanized area with a population of greater than 200,000 based upon the 1970 census. If any portion of a county is a part of such an urbanized area, then the entire county shall be classified as urban with respect to the regulations of the Division of Air Pollution.

(46) [(44)] "Urbanized area" means any area defined as such by the U. S. Department of Commerce, Bureau of Census.

Section 2. Abbreviations. The abbreviations used in the regulations of Title 401, Chapters 50 to 65, shall have the following meanings:

AOAC—Association of Official Analytical Chemists
ANSI—American National Standards Institute
ASTM—American Society for Testing and Materials

BOD—Biochemical oxidant demand
 BTU—British Thermal Unit
 °C—Degree Celsius (centigrade)
 Cal—calorie
 cfm—Cubic feet per minute
 CFR—Code of Federal Regulations
 CH₄—methane
 CO—Carbon monoxide
 CO₂—Carbon dioxide
 COD—Chemical oxidant demand
 dscf—dry cubic feet at standard conditions
 dscm—dry cubic meter at standard conditions
 °F—Degree Fahrenheit
 ft—feet
 g—gram(s)
 gal—gallon(s)
 gr—grain(s)
 hr—hour(s)
 HCl—Hydrochloric acid
 Hg—mercury
 HF—Hydrogen fluoride
 H₂O—water
 H₂S—Hydrogen sulfide
 H₂SO₄—Sulfuric acid
 in—inch(es)
 J—joule
 KAR—Kentucky Administrative Regulations
 kg—kilogram(s)
 KRS—Kentucky Revised Statutes
 l—liter(s)
 lb—pound(s)
 m—meter(s)
 min—minute(s)
 mg—milligram(s)
 MJ—megajoules
 MM—million
 mm—millimeter(s)
 mo—month
 Ng—nanograms
 N₂—Nitrogen
 NO—Nitric oxide
 NO₂—Nitrogen dioxide
 NO_x—Nitrogen oxides
 oz—ounce
 O₂—oxygen
 O₃—ozone
 ppb—parts per billion
 ppm—parts per million
 ppm (w/w)—parts per million (weight by weight)
 ug—microgram
 psia—pounds per square inch absolute
 psig—pounds per square inch gage
 S—at standard conditions
 sec—second
 TAPPI—Technical Association of the Pulp and Paper Industry
 SO₂—Sulfur dioxide
 sq—square
 TSS—Total suspended solids
 U. S. EPA—United States Environmental Protection Agency
 yd—yard

JACKIE SWIGART, Secretary

ADOPTED: December 15, 1980

RECEIVED BY LRC: December 15, 1980 at 4:15 p.m.

PUBLIC HEARING: A public hearing will be held on this regulation on Wednesday, February 9, 1981 in Room G1 of the Capital Plaza Tower, Frankfort, Kentucky, at 10 a.m. EST. The close of the comment period for this regulation will be the close of the business day, February 9, 1981. Comments or questions may be addressed to Mr. Larry Wilson, Supervisor, Development and Evaluation Branch, Division of Air Pollution Control, 1050 U.S. 127 Bypass South, Frankfort, Kentucky 40601.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Protection
Division of Air Pollution
(Proposed Amendment)

401 KAR 51:010. Attainment status designations.

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 designates the status of all areas of the Commonwealth of Kentucky with regard to attainment of the ambient air quality standards.

Section 1. Attainment Status Designations. (1) The attainment status of areas of the Commonwealth of Kentucky with respect to the ambient air quality standards for particulates, sulfur dioxide, carbon monoxide, ozone and nitrogen oxides are as listed in Appendices A through E of this regulation.

(2) Within sixty (60) days of revision by the U.S. Environmental Protection Agency of a national ambient air quality standard, the department shall review applicable data and submit to the U.S. EPA a revision to the attainment—non-attainment list pursuant to Section 107(d)(1) of the Clean Air Act.

Section 2. Attainment Timetable. Primary and secondary ambient air quality standards shall be attained as expeditiously as practicable, however, primary ambient air quality standards shall be attained no later than December 31, 1982 in non-attainment areas with respect to the pollutants for which the area is non-attainment. The above date shall be extended to December 31, 1987 for ozone and carbon monoxide for those areas granted such an extension by the U. S. EPA.

APPENDIX A TO 401 KAR 51:010

ATTAINMENT STATUS DESIGNATIONS FOR
TOTAL SUSPENDED PARTICULATES

Designated Areas	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Better Than Standards
Bell County	X	X	
Boyd County	X	X	
That portion of Bullitt Co. in Shepherdsville	X	X	
That portion of Campbell Co. in Newport	X	X	
That portion of Daviess Co. in Owensboro	X	X	
That portion of Henderson Co. in Henderson	X	X	
Jefferson County	X	X	
That portion of Lawrence Co. in Louisa	X	X	
McCracken County	X	X	
Marshall County		X	
That portion of Madison Co. in Richmond	X	X	
Muhlenberg County	X	X	
That portion of Perry Co. in Hazard	X	X	
That portion of Pike Co. in Pikeville	X	X	
That portion of Whitley Co. in Corbin	X	X	
Rest of State			X

APPENDIX B TO 401 KAR 51:010

ATTAINMENT STATUS DESIGNATIONS
FOR SULFUR DIOXIDE

Designated Areas	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Better Than Standards
That portion of Boyd County south of the Northern UTM line 4251 Km	X	X	
That portion of Daviess Co. in Owensboro			X
Greenup County			X
That portion of Henderson Co. in Henderson			X
Jefferson County	X	X	
McCracken County	X		
Muhlenberg County	X	X	
Webster County	X	X	
Rest of State			X

APPENDIX C TO 401 KAR 51:010

ATTAINMENT STATUS DESIGNATIONS
FOR CARBON MONOXIDE

Designated Area	Does Not Meet Primary Standards	Cannot Be Classified or Better Than Standards
Jefferson County	X	
Rest of State		X

APPENDIX D TO 401 KAR 51:010

ATTAINMENT STATUS DESIGNATIONS
FOR OZONE

Designated Area	Does Not Meet Primary Standards	Better Than Standards	Cannot Be Classified
Anderson County		X	
Ballard County		X	
Boone County	X		
Boyd County	X		
Boyle County		X	
Campbell County	X		
Carlisle County		X	
Casey County		X	
Crittenden County		X	
Daviess County		X	
Fayette County	X		
Graves County		X	
Garrard County		X	
Hancock County		X	
Henderson County		X	
Hopkins County		X	
Jefferson County	X		
Jessamine County		X	
Kenton County	X		
Laurel County		X	
Lincoln County		X	
Livingston County		X	
Lyon County		X	
McCracken County		X	
McCreary County		X	
McLean County		X	
Madison County		X	
Marion County		X	
Marshall County		X	
Mercer County		X	
Muhlenberg County		X	
Ohio County		X	
Pulaski County		X	
Rockcastle County		X	
Russell County		X	
Union County		X	
Washington County		X	
Wayne County		X	
Webster County		X	
Whitley County		X	
Woodford County		X	
Rest of State			X

APPENDIX E TO 401 KAR 51:010

ATTAINMENT STATUS DESIGNATIONS
FOR NITROGEN OXIDES

Designated Area	Does Not Meet Primary Standards	Cannot Be Classified or Better Than Standards
Statewide		X

JACKIE SWIGART, Secretary

ADOPTED: December 15, 1980

RECEIVED BY LRC: December 15, 1980 at 4:15 p.m.

PUBLIC HEARING: A public hearing will be held on this regulation on Wednesday, February 9, 1981 in Room G1 of the Capital Plaza Tower, Frankfort, Kentucky, at 10 a.m. EST. The close of the comment period for this regulation will be the close of the business day, February 9, 1981. Comments or questions may be addressed to Mr. Larry Wilson, Supervisor, Development and Evaluation Branch, Division of Air Pollution Control, 1050 U.S. 127 Bypass South, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 1:020. Payments for drugs [pharmacy services].

RELATES TO: KRS 205.550[(4)], 205.560[(4)]

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.550[(4)] and 205.560[(4)] require that the secretary prescribe the methods for determining costs for vendor payments for medical services. This regulation sets forth the method for determining amounts payable by the department [professional dispensing fee] for drugs [pharmacy services].

Section 1. *Maximum allowable cost reimbursement limits:* [Payment to pharmacists participating in the medical assistance program for those drugs contained on the medical assistance program drug list and provided to eligible recipients shall be limited to the basic cost of the drug as determined by established formula plus a professional dispensing fee of two dollars and twenty-two cents (\$2.22) effective July 1, 1978 (which shall be increased to two dollars and thirty-five cents (\$2.35) effective July 1, 1979) per prescription or the charge to the general public for a like product and service, whichever is lesser.]

(1) *Reimbursement to pharmacists participating in the Medical Assistance Program for those drugs contained on the Kentucky Medical Assistance Program Outpatient Drug List and provided to eligible recipients is limited to the lowest of:*

(a) *The maximum allowable cost (MAC) of the drug, if any, plus a dispensing fee; or*

(b) *The estimated acquisition cost (EAC) of the drug plus a dispensing fee; or*

(c) *The provider's usual and customary charge to the public for a like product and service.*

(2) *Reimbursement to skilled nursing and intermediate care facilities for drugs provided to eligible recipients is allowable in accordance with the following:*

(a) *For drugs contained on the Kentucky Medical Assistance Program Outpatient Drug List, the limits specified in subsection (1) of this section are applicable;*

(b) *For drugs not on the drug list, the maximum allowable cost shall be the latest published price of the drug as shown in the appropriate issue of the Drug Topics Red Book, including supplements, or the price shown in the appropriate Prescription Pricing Guide if less, plus a dispensing fee;*

(c) *For drugs dispensed under a unit dose dispensing system, an additional fee of not more than six cents (\$.06) per dose may be added to the usual dispensing fee;*

(d) *There shall be no more than two (2) dispensing fees allowed per drug within a thirty (30) day period, except for Schedules II, III, and IV controlled substances and for non-solid dosage forms, including topical medication preparations, for which no more than four (4) dispensing fees per drug will be paid within a thirty (30) day period; and*

(e) *Whenever possible, unused drugs paid for by the department should be returned to the pharmacy with the credit accruing to the department.*

(3) *Reimbursement to hospitals for drugs provided to eligible recipients is on the basis of reasonable cost pursuant to 904 KAR 1:013.*

Section 2. *Physician Maximum Allowable Cost (MAC) Override.* The MAC price limitation shown in Section 1(1) (and referenced in Section 1(2)) will not apply in any case where a physician certifies in his own handwriting that in his medical judgment, a specific covered brand is medically necessary for a particular patient. In such instances, reimbursement is based on the lower of the EAC plus a professional dispensing fee or the provider's usual and customary charge to the public for the drug.

Section 3. *Dispensing Fees.* The dispensing fee shall be no more than two dollars and thirty-five cents (\$2.35) per prescription.

Section 4. [2.] Participating dispensing physicians who practice in counties where no pharmacies are located are reimbursed for the cost of the drug only.

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: December 15, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: December 15, 1980 at 4:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 1:060. Medical transportation.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

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 to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to the service of transportation for access to medical services for which payment will be made by the medical assistance program in behalf of both the categorically needy and the medically needy.

Section 1. Ambulance Service: Ambulance service shall be provided only when other means of transportation is contraindicated, and the following criteria are met:

(1) Emergency ambulance services to the nearest appropriate medical facility are provided without pre-authorization when the emergency treatment is indicated and rendered.

(2) Non-emergency ambulance services designed to facilitate the orderly admittance, transfer or placement of the patient are permitted without pre-authorization when the place of destination, point of departure, and purpose of transfer meet guidelines specified by the agency.

(3) Non-emergency ambulance services for round trips to a hospital or a clinic to secure outpatient treatment or therapy are provided when pre-authorized by the Division for Medical Assistance.

Section 2. Locally Authorized Medical Transportation: A petty cash system administered at the local level shall provide for pre-authorized [non-emergency,] non-ambulance transportation[,] *in accordance with the following terms and conditions:* [limited to the provision of such services when the client is traveling to or from a medical service covered under a state plan, exclusive of drugs, the service is determined to be medically necessary, and payment for transportation is necessary to assure that the medical service is secured. Locally authorized medical transportation as above shall be provided on an exceptional basis with the limitation that post-authorization must be justified by the client showing the need arose and was fulfilled outside normal working hours and that payment for the transportation has not been made.]

(1) Locally authorized medical transportation includes transportation provided by commercial transportation vendors, private automobile vendors, non-commercial group carriers, and specialty individual carriers, all of which are defined in the department's regulation on payments for medical transportation.

(2) The transportation services are considered covered services only when the client is traveling to or from a medical service covered under the state plan (regardless of whether the service is actually paid for in any particular instance), exclusive of drugs, the service is determined to be medically necessary, and payment for transportation is necessary to assure that the medical service is secured.

(3) The transportation service may be provided on the

basis of post-authorization, which shall be considered an exception from the usual requirement for pre-authorization, when the post-authorization is justified by the client showing the need arose and was fulfilled outside working hours and that payment for the transportation has not been made.

(4) Recipient cases containing one (1) recipient may be authorized no more than four (4) trips per month, and recipient cases containing two (2) or more recipients shall be authorized no more than six (6) trips per month. However, recipients who require continuing medical treatments as a life maintenance measure (which shall include but not be limited to renal dialysis, radiation therapy, and chemotherapy) shall have such additional trips authorized as are necessary to secure the life maintenance treatments. In such cases, the department may require medical documentation of the necessity for and frequency of such treatments.

(5) Recipients shall utilize the least costly means of transportation which is available and suitable to the needs and condition of the recipient, as determined by the department, and refusal by the recipient to utilize such transportation will result in a denial of coverage of a more expensive means of transportation. Recipients who receive regularly scheduled on-going treatment are required to notify staff in the local public assistance office at least one (1) day in advance of needed transportation so staff may determine in advance the least costly means of transportation suitable for that recipient.

(6) Recipients shall be required to utilize local bus transportation where available with exceptions based upon the client's medical condition. Recipients may be required to provide medical documentation to justify exceptions to this requirement.

(7) Transportation services shall not be made available to a recipient when the recipient or another family member owns a licensed, operable motor vehicle, except when the recipient (and any other available family member) provides medical verification that he/she is too incapacitated to operate the vehicle.

Section 3. Determination of Necessity: Any determination of medical necessity of transportation, and provision of pre-authorization and post-authorization, shall be made by the department or by an authorized representative. Only transportation within the medical service area is approved unless pre-authorized by the department (or post-authorized in certain instances), unless previously designated criteria for transportation not requiring authorization are met. The medical service area is the county of residence of the recipient or an adjoining area so long as the distance to be traveled does not exceed that which would have been traveled had an in-county provider been utilized.

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: December 15, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: December 15, 1980 at 4:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(Proposed Amendment)

904 KAR 1:061. Payments for medical transportation.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

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 medical transportation services.

Section 1. Ambulance Services: (1) The department shall reimburse participating ambulance services at the lesser of their usual and customary charges or the maximum rate established by the department.

(2) The maximum rate shall be arrived at by combining a base rate of twenty dollars (\$20), which includes the first ten (10) miles of transportation, with a mileage allowance of fifty (50) cents per mile for mileage above the first ten (10) miles.

(a) "Maximum rate" means the maximum the department will pay computed on the basis of a base rate plus mileage.

(b) "Base rate" means the maximum the department will pay for transportation within the first ten (10) miles.

Section 2. Commercial Transportation Vendors: (1) "Commercial transportation vendors" means those commercial carriers licensed in accordance with the laws of Kentucky, other states, or of the United States to transport members of the general public.

(2) The department shall reimburse commercial transportation vendors at the normal passenger rate charged to the general public, *except that the following maximum rates shall be applicable for franchised (licensed) taxi services in those areas of the state where taxi rates are not regulated by the appropriate local rate setting authority, and for franchised (licensed) taxi services in regulated areas when they go outside the medical service area.*

(a) *The upper limit shall be the usual and customary charge up to a maximum of three dollars (\$3) for trips of five (5) miles or less, one (1) way, loaded miles.*

(b) *The upper limit shall be the usual and customary charge up to a maximum of six dollars (\$6) for trips of six (6) to ten (10) miles, one (1) way, loaded miles.*

(c) *The upper limit shall be the usual and customary charge up to a maximum of ten dollars (\$10) for trips of eleven (11) to twenty-five (25) miles, one (1) way, loaded miles.*

(d) *The upper limit shall be the usual and customary charge up to a maximum of fifteen dollars (\$15) for trips of twenty-six (26) miles or over, one (1) way, loaded miles.*

Section 3. Private Automobile Vendors: (1) "Private automobile vendor" means a person owning or having access to a private vehicle not used for commercial transportation purposes and who uses that vehicle for the occasional medical transportation of eligible recipients. Included within this definition are ambulance type vendors who

are non-certified or who have not chosen or been approved to participate in the Title XIX program, if willing to accept private automobile vendor rates.

(2) (a) The department shall reimburse private automobile vendors at the basic rate of twelve (12) cents per mile plus a flat fee of two dollars (\$2) per eligible passenger if waiting time is required. For round trips of less than five (5) miles the rate shall be computed on the basis of a maximum allowable fee of three dollars (\$3) for the first passenger plus two dollars (\$2) each for waiting time for additional eligible passengers.

(b) For round trips of five (5) to twenty-five (25) miles the rate shall be computed on the basis of a maximum allowable fee of five dollars (\$5) for the first passenger plus two dollars (\$2) each for waiting time for additional eligible passengers. The maximum allowable fee rates shall not be utilized in situations where mileage is paid. Toll charges are reimbursable when incurred.

(3) "Maximum allowable fee" means that even though the rate when computed on the basis of twelve (12) cents per mile plus two dollars (\$2) for waiting time would not equal the three dollars (\$3) or five dollars (\$5) allowable amounts, that amount may be paid to encourage private automobile vendors to provide necessary medical transportation. Additionally, nothing in the above subsection (2) should be construed to require the department to pay the amounts specified therein in the event the private automobile vendor expresses a preference for reimbursement in a lesser amount; in that event, the lesser amount will be paid.

(4) "Waiting time" means that period of time following provision of transportation to a medical vendor during which the private automobile vendor is waiting for the recipient to receive medical treatment, in order to provide the return trip required by the recipient. In the instance of an eligible recipient being admitted to a medical institution for in-patient care, waiting time is considered to have occurred when the private automobile vendor waits a sufficient period of time to ensure the recipient's admittance to the facility. Waiting time is a reimbursable component of the private automobile vendor transportation fee only when waiting time occurs. When waiting time occurs due to admittance of the recipient into the medical institution, the private automobile vendor may be reimbursed for the return trip to the point of recipient pick-up as though the client were in the vehicle; that is, the total reimbursable amount is computed on the basis of the maximum allowable fee or mileage rate plus waiting time as shown in subsection (2) of this section.

Section 4. Non-Commercial Group Carriers: (1) "Non-commercial group carriers" means those vendors who provide bus or bus-type medical transportation to an identifiable segment of the eligible recipient group. Such segment may be identifiable by geographical boundary, type of medical service required, common medical destination (i.e., clinic, mental health center, primary care center, etc.), or other similar grouping method. Included within this definition are:

(a) Mental health centers providing bus or bus-type service for mental health center patients; and

(b) Community action agencies (or successor agencies) providing bus or bus-type service for a poverty or near-poverty area target population; and

(c) Other similar providers as identified by the department.

(2) Reimbursement shall be based on a rate negotiated

between the department and the non-commercial group carrier; however, such negotiated rate shall not exceed twelve (12) cents per recipient per mile transported.

Section 5. Specialty Individual Carriers: (1) "Specialty individual carrier" means a vendor who provides, through specially equipped vehicles, medical transportation for non-ambulatory recipients (those who are required to travel by wheelchair) or for ambulatory but disoriented recipients (those who are sufficiently disoriented as to time, place, persons or objects so as to be unable to travel to or from medical services unaccompanied or unsupervised), and who provides services not normally available from other transportation vendors. The equipment ordinarily required would be a van or similar type vehicle with a lift for wheelchairs; and the service would be the accompaniment of the recipient from point of origin to point of destination where the recipient is placed in the charge of the receiving individual, including physical assistance and/or guidance to the recipient when necessary. To be considered a specialty individual carrier for purposes of reimbursement from the department, the carrier must be recognized by the department as a specialty individual carrier with approval given by the department for reimbursement at specialty individual carrier rates. The department may require the submission of documentation designed to show that the vendor is capable of providing specialty individual carrier service in an adequate and safe manner.

(2) Specialty individual carriers shall be reimbursed at the lesser of the following rates:

- (a) The actual charge for the service; or
- (b) The usual and customary charge for that service by the carrier, as shown in the schedule of usual and customary charges submitted by the carrier to the department; or
- (c) The program maximum established for the service.

(3) Program maximums are:

(a) Non-ambulatory, wheelchair patients; for transportation within a distance of ten (10) miles or less, the upper limit is ten dollars (\$10) for the first patient plus five dollars (\$5) for each additional non-ambulatory patient transported on the same trip, for each time a patient is transported to or transported from the medical service site. To this base may be added thirty-five (35) cents per mile per patient for miles the patient(s) is transported above ten (10) (one way), and toll charges actually incurred.

(b) Ambulatory, disoriented patients; for transportation within a distance of ten (10) miles or less, the upper limit is four dollars (\$4) per patient for each time a patient(s) is transported to or transported from the medical service site. To this base rate may be added thirty-five (35) cents per mile per patient for miles the patient is transported above ten (10) (one way), and toll charges actually incurred.

(c) For both paragraphs (a) and (b), above, mileage must be computed by the most direct accessible route from point of pickup to point of delivery, and reimbursement for mileage is allowed only for those miles the recipient is actually transported in excess of ten (10). Empty vehicle miles are not included when computing allowable reimbursement for mileage.

(4) Reimbursement is made at specialty individual carrier rates for the following types of recipients only:

- (a) Non-ambulatory recipients who need to be transported by wheelchair, but not including recipients who need to be transported as a stretcher patient; and
- (b) Ambulatory but disoriented recipients, defined as persons confused, especially with respect to time, place and identity of persons and/or objects. The extent of disorien-

tation must be such as to preclude the recipient from safely utilizing, unaccompanied, alternate methods of transportation.

(5) *The specialty carrier must obtain a statement from the recipient's physician (or, if the recipient is in a skilled nursing or intermediate care facility, from the director of nursing, charge nurse, or medical director in lieu of physician) to verify that transportation by the specialty carrier is medically necessary due to the recipient's non-ambulatory or disoriented condition. Claims for payment which are submitted without the required statement of verification will not be paid.*

Section 6. Limitations. Any reimbursement for medical transportation is contingent upon the recipient receiving the appropriate pre- or post-authorization for medical transportation as required by the department.

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: December 15, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: December 15, 1980 at 4:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275
East Main Street, Frankfort, Kentucky 40621.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance (Proposed Amendment)

904 KAR 2:015. Supplemental programs for the aged, blind and disabled.

RELATES TO: KRS 205.245

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources is responsible under Title XVI of the Social Security Act as amended by Public Law 92-603 to administer a state funded program of supplementation to all December, 1973 recipients of aid to the aged, blind and disabled, hereinafter referred to as AABD, disadvantaged by the implementation of the Supplemental Security Income Program, hereinafter referred to as SSI. KRS 205.245 provides not only for the mandatory supplementation program but also for supplementation to other needy aged, blind and disabled persons. This regulation sets forth the provisions of the supplementation program.

Section 1. Mandatory State Supplementation: Mandatory state supplementation payments must be equal to the difference between the AABD payment for the month of December, 1973, plus any other income available to the recipient as of that month and the total of the SSI payment and other income. Also included are those former aged, blind or disabled recipients ineligible for SSI due to income but whose special needs entitled them to an AABD payment as of December, 1973. Mandatory payments must continue until such time as the needs of the recipient as recognized in December, 1973, have decreased or income has increased to the December level.

(1) The mandatory payment is increased only when income as recognized in December, 1973, decreases, the SSI

payment is reduced but the recipient's circumstances are unchanged, or the standard of need utilized by the bureau in determining optional supplementation payments for a class of recipients is increased.

(2) In cases of man and wife, living together, income changes after September, 1974, will result in increased mandatory payment only if total income of the couple is less than December, 1973, total income.

Section 2. Optional State Supplementation: Optional state supplementation is available to those persons meeting technical requirements and resource limitations of the aged, blind or disabled medically needy program as contained in 904 KAR 1:003 and 904 KAR 1:004 who require special living arrangements and who have insufficient income to meet their need for care. Special living arrangements include residence in a personal care home as defined in 902 KAR 20:030E or family care home as defined in 902 KAR 20:040E or situations in which a caretaker must be hired to provide care other than room and board. A supplemental payment is not made to or on behalf of an otherwise eligible individual when the caretaker service is provided by the spouse, parent (of an adult disabled child or a minor child), or adult child (of an aged or disabled parent) who is living with the otherwise eligible individual. When this circumstance exists and a person living outside the home is hired to provide caretaker services, the supplemental payment may be made. Application for SSI, if potential eligibility exists, is mandatory.

Section 3. Income Considerations: In determining the amount of optional supplementation payment, total net income of the applicant or recipient, or applicant or recipient and spouse, including payments made to a third party in behalf of an applicant or recipient, is deducted from the standard of need with the following exceptions:

(1) Income is conserved for an ineligible, non-SSI spouse and/or minor dependent children in the amount of the medical assistance program basic maintenance scale for family size adjusted by deduction of sixty-five dollars (\$65) from monthly earnings of spouse.

(2) If one (1) member of a couple is institutionalized and the SSI spouse maintains a home, income in the amount of the SSI standard for one (1) is conserved for the spouse.

Section 4. Standard of Need: (1) The standard, based on living arrangement, from which income as computed in Section 3 is deducted to determine the amount of optional payment is as follows:

(a) Personal care home: not less than \$379, effective 7/1/79; not less than \$409, effective 7/1/80;

(b) Family care home: not less than \$292, effective 7/1/79; not less than \$322, effective 7/1/80;

(c) Caretaker:

1. Single individual: not less than \$246, effective 7/1/79; not less than \$276, effective 7/1/80;

2. Married couple, one (1) requiring care: not less than \$350, effective 7/1/79; not less than \$395, effective 7/1/80;

3. Married couple, both requiring care: not less than \$388, effective 7/1/79; not less than \$433, effective 7/1/80.

(2) In couple cases, both requiring a caretaker, and both eligible, one-half (½) of the deficit is payable to each. If one (1) is ineligible (neither aged, blind nor disabled) the payment is computed on the basis of a married couple, one (1) requiring care [one-half (½) of the deficit is payable to the eligible member].

Section 5. Institutional Status: No aged, blind or disabled person shall be eligible for state supplementation while residing in a personal care home or family care home unless such home is licensed under the Health Licensure Act, KRS 216B.040 [216.425].

Section 6. Residency: (1) 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 applicants for or recipients of a state supplementary payment and institutionalized individuals.

(2) Supplemental payments may be made to Kentucky residents residing outside the state only when the individual has been placed in the other state by this state. In these situations, the other requirements for eligibility shown in other sections of this regulation shall be applicable, except that with regard to the requirement shown in Section 5, the licensure shall be in accordance with a similar licensure act of the other state. If there is no similar licensure act in the other state, the payment may be made only if this state determines that, except for being in another state, the facility meets standards for licensure under the provisions of KRS 216B.040, the Kentucky Health Licensure Act. To be eligible for a supplemental payment while placed out-of-state the individual must require the level of care provided in the out-of-state placement, there must be no suitable placement available in Kentucky, and the placement must be pre-authorized by staff of the Bureau for Social Insurance.

(3) When determining residency, ability of the individual to indicate intent (to become a Kentucky resident) must be considered if the individual is institutionalized. The individual is considered incapable of indicating intent if:

(a) His I.Q. is forty-nine (49) or less or he has a mental age of seven (7) or less, based on tests acceptable to the department; or

(b) He is judged legally incompetent; or

(c) Medical documentation, or other documentation acceptable to the state, supports a finding that he is incapable of indicating intent.

(4) An individual is institutionalized if he is residing in a facility providing some services other than room and board. Personal care facilities are considered to be institutions.

(5) For any non-institutionalized individual under age twenty-one (21) whose eligibility for a supplemental payment is based on blindness or disability, his state of residence is Kentucky if he is actually residing in the state.

(6) For any non-institutionalized individual age twenty-one (21) or over, his state of residence is Kentucky if he is residing in the state and has the intention to remain permanently or for an indefinite period (or, if incapable of indicating intent, is simply residing in the state).

(7) For any institutionalized individual living in Kentucky who is under age twenty-one (21) or who is age twenty-one (21) or older and became incapable of indicating intent before age twenty-one (21), the state of residence is Kentucky if:

(a) The state of residence of the individual's parents, or his legal guardian if one has been appointed, is Kentucky; or

(b) The state of residence of the parent applying for the supplemental payment on behalf of the individual is Kentucky, when the other parent lives in another state and there is no appointed legal guardian.

(8) For any institutionalized individual living in Kentucky who became incapable of indicating intent at or after age twenty-one (21), the state of residence is Kentucky if he was living in Kentucky when he became incapable of indicating intent. If this cannot be determined, the state of residence is Kentucky unless he was living in another state when he was first determined to be incapable of indicating intent.

(9) For individuals subject to determinations of residency pursuant to subsections (7) and (8) of this section, the state of residency is Kentucky when the individual is residing in Kentucky, and a determination of residency applying those criteria does not show the individual to be a resident of another state.

(10) For other institutionalized individuals (i.e., those individuals who are both age twenty-one (21) or over and capable of indicating intent), the state of residence is Kentucky if the individual is residing in Kentucky with the intention to remain permanently or for an indefinite period.

(11) Notwithstanding subsections (3) through (10), any individual placed by the department in an institution in another state may, with appropriate preauthorization, be considered a resident of Kentucky, and any individual placed in an institution in Kentucky by another state shall

not be considered a resident of Kentucky.

(12) An individual receiving a mandatory state supplemental payment from Kentucky shall be considered a resident of Kentucky so long as he continues to reside in Kentucky. An individual receiving a mandatory or optional supplemental payment from another state shall not be considered a resident of Kentucky.

(13) An individual eligible for and receiving a supplemental payment in October, 1979 shall be considered a Kentucky resident through October, 1981, even if he does not meet the residency requirements specified in this section, so long as such individual continues to reside in Kentucky and his receipt of supplementary payments has not since October, 1979 been interrupted by a period of ineligibility.

WILLIAM L. HUFFMAN, Commissioner

ADOPTED: December 10, 1980

APPROVED: W. GRADY STUMBO, Secretary

RECEIVED BY LRC: December 11, 1980 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary for Human Resources, DHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

Proposed Regulation

PUBLIC PROTECTION AND REGULATION CABINET Crime Victims' Compensation Board

107 KAR 1:030. Reciprocal agreement defined.

RELATES TO: KRS 346.190

PURSUANT TO: KRS 346.040(2)

NECESSITY AND FUNCTION: KRS 346.190 provides for reciprocal agreements between Kentucky and other states which have established and funded programs for compensating crime victims. This regulation defines the term "reciprocal agreement."

Section 1. The term "reciprocal agreement" means a written agreement entered into between Kentucky and

another state which has established and funded a program for compensating crime victims; or a binding declaration of such other state that the statutes of such state permit compensation of Kentucky residents who are crime victims to the same extent as though the Kentucky resident was a resident of such other state.

ADDIE D. STOKLEY, Executive Director

ADOPTED: November 25, 1980

APPROVED: H. FOSTER PETTIT, Secretary

RECEIVED BY LRC: December 2, 1980 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Addie D. Stokley, Executive Director, Crime Victims' Compensation Board, 113 E. Third Street, Frankfort, Kentucky 40601.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the December 3, 1980 Meeting

(Subject to subcommittee approval at its January 7, 1981 meeting.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, December 3, 1980, at 10 a.m., in Room A of the Capitol Annex. Present were:

Members: Representative William T. Brinkley, Chairman; Senators Helen Garrett, James P. Bunning and William Quinlan; Representatives James E. Bruce, Albert Robinson and Gregory D. Stumbo.

Guests: Ed Fossett, Paul E. Jones and Don Hunter, Department of Education; F. E. Hodges and Gary Brunner, Department of Transportation; Burnett Napier, Charles D. Weaver and Pat Ray Reese, Department of Corrections; Bruce McCutchen, Department of Revenue; Ked R. Fitzpatrick, Diane Simmons, David Adkinson, Chris C. Smith and Andy Naff, Department for Human Resources; Larry Wilson, Martha L. Hall, Kenneth M. Hines and Susan M. Schrage, Department for Natural Resources; J. H. Voige, Board of Pharmacy; Ellyn Elise Crutcher, Energy and Utility Regulatory Commissions; Keene Daingerfield, State Racing Commission; George Geoghegan and Christopher W. Johnson, Office of Attorney General; Bob Benson and Edward H. Flint, H. B. P. A.; William H. McCann and Charles Corolla, Jockeys' Guild, Inc.; Mack J. Morgan, Kentucky Retail Federation, Inc.; John M. Leinenbach, Blue Grass Chapter, AGC; Herman D. Regan, Kenvirons, Inc.; Charles F. Hagan, Jefferson County Commonwealth Attorney's Office; Tony Sholar, Kentucky Chamber of Commerce; W. W. Renfroe and Thomas K. Cole, Kentucky Railroad Association; Daryl Boggs, Letcher County Board of Education.

LRC Staff: Mabel D. Robertson, Deborah Herd, O. Joseph Hood, Garnett Evins, Bob Doris, Joyce Morse, Janie Jones and Scott Payton.

Press: Woolfolk Hoge Blakemore, Public Information.

Chairman Brinkley announced that all members were present and called the meeting to order. On motion of Representative Bruce, seconded by Senator Bunning, the minutes of the November meeting were approved.

The subcommittee returned the following regulation to the promulgating agency:

STATE RACING COMMISSION**Racing Rules**

810 KAR 1:009. Jockey fees. On motion of Senator Quinlan, seconded by Representative Bruce, this regulation was returned for non-conformance with legislative intent. Senator Quinlan stated that the 1980 General Assembly through HCR 94 directed the Legislative Research Commission to create a task force to study the thoroughbred racing industry and report its findings no later than September 1, 1981, and he felt that jockey fees would be addressed in the study. Representative Stumbo voted against returning the regulation to the State Racing Commission.

The following emergency regulations were reviewed by the subcommittee:

DEPARTMENT OF REVENUE**Severance Tax**

103 KAR 35:020E. DOT contracts. Senator Bunning made a motion, seconded by Representative Robinson, that the minutes reflect strenuous objection to the regulation. On roll call vote the motion failed.

Representative Robinson made a motion, seconded by Representative Stumbo, that the minutes reflect that the subcommittee did not disagree with the intent of the regulation; however, it was the feeling of the subcommittee that the regulation did not comply with statutory authority and that the Governor's staff review the subcommittee's objections that have been made upon the regulation accordingly. On roll call vote the motion carried.

DEPARTMENT OF FINANCE**Purchasing**

200 KAR 5:308E. Small purchase procedures. Senator Bunning requested that the minutes reflect his objection to the way the regulation by-passed the subcommittee; and the agency should have submitted the regulation through proper channels, the Administrative Regulation Review Subcommittee.

DEPARTMENT FOR HUMAN RESOURCES**Bureau for Health Services****Emergency Medical Services**

902 KAR 14:005E. Ambulance and equipment purchase assistance. (The subcommittee objected to this regulation.)

902 KAR 14:015E. Salary payment assistance. (The subcommittee took no action on this regulation.)

Bureau for Social Insurance**Medical Assistance**

902 KAR 1:091E. Emergency heat assistance program. (The subcommittee took no action on this regulation.)

The following regulations were withdrawn at the request of the promulgating agency:

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.

The following regulations were deferred until the January meeting, at the request of the promulgating agencies:

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 EDUCATION**Bureau of Administration and Finance****General Administration**

702 KAR 1:005. Textbook program plan.

KENTUCKY SCHOOL BUILDING AUTHORITY**School Building Construction**

723 KAR 1:005. Funding procedures.

The following regulations were accepted by the subcommittee and ordered filed:

LEGISLATIVE RESEARCH COMMISSION**Capital Construction and Equipment Purchase**

1 KAR 3:005. Capital Construction and Equipment Purchase Committee; procedure; records. (Senator Bunning voted "no.")

DEPARTMENT OF FINANCE**Occupations and Professions****Board of Pharmacy**

201 KAR 2:020. Examinations.

DEPARTMENT FOR NATURAL RESOURCES**AND ENVIRONMENTAL PROTECTION****Bureau of Environmental Protection****Air Pollution****General Administrative Procedures**

401 KAR 50:015. Documents incorporated by reference.

New Source Requirements; Non-attainment Areas

401 KAR 51:010. Attainment status designations.

New Source Standards

401 KAR 59:175. New Service stations.

Existing Source Standards

401 KAR 61:085. Existing service stations.

DEPARTMENT OF JUSTICE**Bureau of Corrections****Kentucky Parole Board**

501 KAR 1:011. Parole eligibility.

501 KAR 1:015. Final discharge from parole.

501 KAR 1:020. Parole revocation hearings.

DEPARTMENT OF TRANSPORTATION**Bureau of Vehicle Regulation****Driver Improvement**

601 KAR 13:010. Medical Review Board; basis for examination, evaluation, tests (as amended).

DEPARTMENT OF EDUCATION**Bureau of Administration and Finance****Pupil Transportation**

702 KAR 5:100. Handicapped, reimbursement for.

Bureau of Pupil Personnel**Guidance Services**

703 KAR 3:010. Guidance counseling services.

703 KAR 3:030. Counselor units.

Bureau of Instruction**Instructional Services**

704 KAR 3:005. Implementation plan.

704 KAR 3:304. Required program of studies.

Teacher Education

704 KAR 15:080. Paraprofessional employees and volunteer personnel.

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

904 KAR 1:003. Technical eligibility.

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

904 KAR 1:035. Payments for screening services.

On motion of Senator Bunning, seconded by Representative Stumbo, the meeting was adjourned at 3:50 p.m., to meet again on January 7, 1981, in Room A of the Capitol Annex Building.

Administrative Register ^{of} kentucky

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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
Expired		10-9-80	Expired		10-9-80	Expired		10-9-80
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			
Expired		10-9-80	Expired		10-9-80			
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	11 KAR 4:030		
Expired		10-9-80	Expired		10-9-80	Amended	680	8-6-80
405 KAR 10:020E	754	6-11-80	405 KAR 18:060E	801	6-11-80	11 KAR 5:035		
Expired		10-9-80	Expired		10-9-80	Amended	681	8-6-80
405 KAR 10:030E	755	6-11-80	405 KAR 18:070E	803	6-11-80	11 KAR 5:090		
Expired		10-9-80	Expired		10-9-80	Amended	681	8-6-80
405 KAR 10:040E	758	6-11-80	405 KAR 18:080E	804	6-11-80	102 KAR 1:020		
Expired		10-9-80	Expired		10-9-80	Repealed	697	8-6-80
405 KAR 10:050E	760	6-11-80	405 KAR 18:090E	806	6-11-80	102 KAR 1:021	697	8-6-80
Expired		10-9-80	Expired		10-9-80	102 KAR 1:035		
405 KAR 10:060E	761	6-11-80	405 KAR 18:100E	807	6-11-80	Amended	682	8-6-80
Expired		10-9-80	Expired		10-9-80	102 KAR 1:070		
405 KAR 12:010E	762	6-11-80	405 KAR 18:110E	808	6-11-80	Amended	682	8-6-80
Expired		10-9-80	Expired		10-9-80	102 KAR 1:110		
405 KAR 12:020E	763	6-11-80	405 KAR 18:120E	809	6-11-80	Amended	683	8-6-80
Expired		10-9-80	Expired		10-9-80	102 KAR 1:155		
405 KAR 12:030E	766	6-11-80	405 KAR 18:130E	811	6-11-80	Amended	683	8-6-80
Expired		10-9-80	Expired		10-9-80	105 KAR 1:010		
405 KAR 16:010E	767	6-11-80	405 KAR 18:140E	814	6-11-80	Amended	352	8-6-80
Expired		10-9-80	Expired		10-9-80	200 KAR 2:005	649	8-6-80
405 KAR 16:020E	768	6-11-80	405 KAR 18:150E	816	6-11-80	Withdrawn		9-12-80
Expired		10-9-80	Expired		10-9-80	201 KAR 11:037		
405 KAR 16:030E	769	6-11-80	405 KAR 18:160E	816	6-11-80	Amended	683	8-6-80
Expired		10-9-80	Expired		10-9-80	301 KAR 1:035		
405 KAR 16:040E	769	6-11-80	405 KAR 18:170E	817	6-11-80	Amended	684	8-6-80
Expired		10-9-80	Expired		10-9-80	301 KAR 1:140		
405 KAR 16:050E	770	6-11-80	405 KAR 18:180E	818	6-11-80	Amended	684	8-6-80
Expired		10-9-80	Expired		10-9-80	301 KAR 1:145		
405 KAR 16:060E	771	6-11-80	405 KAR 18:190E	818	6-11-80	Amended	685	8-6-80
Expired		10-9-80	Expired		10-9-80	502 KAR 25:190		
405 KAR 16:070E	773	6-11-80	405 KAR 18:200E	819	6-11-80	Amended	686	8-6-80
Expired		10-9-80	Expired		10-9-80	603 KAR 2:015		
405 KAR 16:080E	774	6-11-80	405 KAR 18:210E	822	6-11-80	Amended	686	8-6-80
Expired		10-9-80	Expired		10-9-80	702 KAR 4:040		
405 KAR 16:090E	776	6-11-80	405 KAR 18:220E	823	6-11-80	Amended	688	8-6-80
Expired		10-9-80	Expired		10-9-80	703 KAR 2:070		
405 KAR 16:100E	777	6-11-80	405 KAR 18:230E	824	6-11-80	Amended	688	8-6-80
Expired		10-9-80	Expired		10-9-80	704 KAR 3:175		
405 KAR 16:110E	778	6-11-80	405 KAR 18:260E	826	6-11-80	Amended	689	8-6-80
Expired		10-9-80	Expired		10-9-80	704 KAR 15:080		
405 KAR 16:120E	779	6-11-80	405 KAR 20:010E	827	6-11-80	Amended	689	8-6-80
Expired		10-9-80	Expired		10-9-80	803 KAR 2:020		
405 KAR 16:130E	782	6-11-80	405 KAR 20:020E	828	6-11-80	Amended	694	8-6-80
Expired		10-9-80	Expired		10-9-80	803 KAR 2:021		
405 KAR 16:140E	785	6-11-80	405 KAR 20:030E	829	6-11-80	Amended	701	8-6-80
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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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103 KAR 35:020E	394	10-6-80	101 KAR 1:120			Amended	402	10-1-80
200 KAR 2:006E	288	9-4-80	Amended	221	10-1-80	201 KAR 22:120		
200 KAR 4:005E	291	9-5-80	104 KAR 1:010			Repealed	361	11-6-80
200 KAR 5:308E	395	9-19-80	Amended	222	10-1-80	201 KAR 22:125		
301 KAR 2:029E	77	8-7-80	107 KAR 1:030	584		Amended	311	
Expires		12-15-80	115 KAR 3:005	519		Amended	446	11-6-80
302 KAR 20:040E	2	7-15-80	200 KAR 4:010			201 KAR 26:010		
Replaced	19	9-3-80	Repealed	291	9-5-80	Amended	208	8-6-80
302 KAR 20:070E	5	7-15-80	200 KAR 4:015			201 KAR 26:020		
Replaced	22	9-3-80	Repealed	291	9-5-80	Withdrawn		6-25-80
401 KAR 51:016E	293	9-11-80	201 KAR 2:020			201 KAR 26:030		
401 KAR 51:051E	293	9-11-80	Amended	403	12-3-80	Reprinted	211	8-6-80
603 KAR 5:077E	437	11-12-80	201 KAR 9:005	520		201 KAR 26:040		
902 KAR 14:005E	396	10-14-80	201 KAR 11:140			Rejected	285	8-6-80
902 KAR 14:015E	397	10-14-80	Amended	572		201 KAR 26:050		
902 KAR 20:007E	79	7-24-80	201 KAR 11:147			Amended	211	8-6-80
902 KAR 20:010E	80	8-8-80	Amended	573		201 KAR 26:060		
902 KAR 20:015E	93	8-8-80	201 KAR 12:020			Rejected	433	10-1-80
902 KAR 20:017E	95	8-8-80	Amended	481		201 KAR 26:070		
902 KAR 20:020E	98	7-24-80	201 KAR 12:050			Amended	211	8-6-80
902 KAR 20:025E	106	8-8-80	Amended	482		201 KAR 26:080		
902 KAR 20:030E	115	7-24-80	201 KAR 12:055			Amended	211	8-6-80
902 KAR 20:035E	118	7-24-80	Amended	482		201 KAR 26:090		
902 KAR 20:040E	125	7-24-80	201 KAR 12:065			Withdrawn		6-25-80
902 KAR 20:045E	127	7-24-80	Amended	483		201 KAR 26:100		
902 KAR 20:047E	136	7-24-80	201 KAR 12:082			Rejected	285	8-6-80
902 KAR 20:050E	138	7-24-80	Amended	483		201 KAR 26:110		
902 KAR 20:055E	147	7-24-80	201 KAR 12:083			Rejected	285	8-6-80
902 KAR 20:057E	154	8-8-80	Amended	486		301 KAR 2:085		
902 KAR 20:059E	157	8-8-80	201 KAR 12:085			Amended	311	11-6-80
902 KAR 20:065E	161	8-8-80	Amended	486		301 KAR 3:021		
902 KAR 20:070E	165	8-8-80	201 KAR 12:130			Amended	314	
902 KAR 20:075E	172	8-8-80	Amended	487		Amended	446	11-6-80
902 KAR 20:077E	172	8-8-80	201 KAR 12:161	521		301 KAR 3:053		
902 KAR 20:080E	176	7-24-80	201 KAR 20:055			Amended	573	
902 KAR 20:085E	179	8-8-80	Repealed	309	11-6-80	302 KAR 1:035	363	
902 KAR 20:090E	183	8-8-80	201 KAR 20:056			Amended	447	11-6-80
902 KAR 20:095E	185	8-8-80	Amended	309	11-6-80	302 KAR 20:040		
902 KAR 20:100E	193	8-8-80	201 KAR 20:200	399	10-1-80	Amended	19	9-3-80
902 KAR 20:105E	201	8-8-80	201 KAR 20:205	399	10-1-80	302 KAR 20:070		
902 KAR 20:110E	205	8-8-80	201 KAR 20:210	400	10-1-80	Amended	22	9-3-80
902 KAR 20:115E	206	8-8-80	201 KAR 20:215	400	10-1-80	401 KAR 2:070		
Replaced	69	9-3-80	201 KAR 20:220	401	10-1-80	Amended	315	
904 KAR 1:003E	438	10-31-80	201 KAR 20:225	402	10-1-80	Amended	450	
Replaced	407	12-3-80	201 KAR 22:010			Amended	364	
904 KAR 1:004E	8	7-1-80	Amended	310		Amended	455	
Expired		10-28-80	Amended	442	11-6-80	401 KAR 4:050	365	11-6-80
904 KAR 1:034E	440	10-22-80	201 KAR 22:020			401 KAR 50:010		
Replaced	409	12-3-80	Amended	310		Amended	574	
904 KAR 1:035E	441	10-22-80	Amended	442	11-6-80	401 KAR 50:015		
Replaced	410	12-3-80	201 KAR 22:030			Amended	224	12-3-80
904 KAR 1:038E	9	7-1-80	Repealed	442	11-6-80	401 KAR 50:036	271	
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904 KAR 1:091E	398	10-6-80	Amended	442	11-6-80	Amended	226	12-3-80
904 KAR 2:008E	10	7-1-80	201 KAR 22:035	360	11-6-80	Amended	577	
Expired		10-28-80	201 KAR 22:040			401 KAR 51:015		
904 KAR 2:010E	13	7-1-80	Amended	223		Repealed	293	9-11-80
Expired		10-28-80	Amended	402	10-1-80	401 KAR 51:016	273	
904 KAR 2:015E	15	7-1-80	201 KAR 22:051	360		Withdrawn		11-14-80
Expired		10-28-80	201 KAR 22:060			401 KAR 51:050		
904 KAR 2:081E	15	7-1-80	Repealed	361	11-6-80	Repealed	293	9-11-80
Expires		10-28-80	201 KAR 22:061	361	11-6-80	401 KAR 51:051	273	
Repealed	294	8-29-80	201 KAR 22:070			Withdrawn		11-14-80
904 KAR 2:082E	294	8-29-80	Amended	310		401 KAR 59:005		
			Amended	443	11-6-80	Amended	320	
			201 KAR 20:100			401 KAR 59:015		
			Repealed	444	11-6-80	Amended	227	
			201 KAR 22:101	361		Amended	456	
			Amended	444	11-6-80	401 KAR 59:016	273	
			201 KAR 22:105			Amended	461	
			Repealed	445	11-6-80	401 KAR 59:018	280	
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			Amended	445	11-6-80			
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Amended	234		Amended	405	12-3-80	807 KAR 50:066		
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Amended	534		Amended	405	12-3-80	Amended	249	10-1-80
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Amended	323		704 KAR 3:304			Amended	251	10-1-80
Amended	536		Amended	406	12-3-80	810 KAR 1:009		
401 KAR 59:125			704 KAR 4:020			Amended	58	
Amended	326		Amended	28	9-3-80	810 KAR 1:012		
401 KAR 59:175			704 KAR 5:050			Amended	254	10-1-80
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401 KAR 59:212			704 KAR 15:080			811 KAR 1:015		
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Amended	539		Amended	30	9-3-80	Amended	497	
401 KAR 59:225			707 KAR 1:051			811 KAR 1:035		
Amended	542		Amended	30		Amended	499	
401 KAR 59:230			707 KAR 1:052			811 KAR 1:090		
Amended	543		Amended	38		Amended	501	
401 KAR 59:235			Amended	558		811 KAR 1:110		
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401 KAR 59:240			Amended	40		811 KAR 1:125		
Amended	545		Amended	560		Amended	503	
401 KAR 61:005			707 KAR 1:054			811 KAR 1:180		
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401 KAR 61:050			Amended	561		815 KAR 7:040		
Amended	335		707 KAR 1:055			815 KAR 15:010		
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401 KAR 61:085			Amended	562		815 KAR 15:020		
Amended	239	12-3-80	707 KAR 1:056			Amended	350	11-6-80
401 KAR 61:095			Amended	43		815 KAR 15:050		
Amended	337		Amended	563		Repealed	386	11-6-80
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401 KAR 61:124			Amended	565		815 KAR 20:050		
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Amended	379		Amended	48		815 KAR 20:120		
401 KAR 61:145			Amended	568		Amended	513	
Amended	240		707 KAR 1:060			815 KAR 20:141		
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401 KAR 61:155			Amended	49		Amended	61	
Amended	556		723 KAR 1:015			Amended	300	9-3-80
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Amended	478		803 KAR 1:005			Rejected	391	9-3-80
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601 KAR 1:090			Amended	247	10-1-80	Amended	262	12-3-80
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601 KAR 9:070			Amended	491		902 KAR 20:006	428	
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601 KAR 9:071	72	9-3-80	Amended	522		Amended	69	9-3-80
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603 KAR 5:077	521		Amended	56	9-3-80	Amended	407	12-3-80
603 KAR 5:096			804 KAR 2:007			904 KAR 1:004		
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18.170	101 KAR 1:120	156.070	702 KAR 3:060	205.210	904 KAR 2:010
18.210	101 KAR 1:120		702 KAR 3:135	205.215	904 KAR 2:008
18.240	101 KAR 1:120		703 KAR 2:070	205.245	904 KAR 2:015
18.270	101 KAR 1:120		703 KAR 3:010	205.400	904 KAR 2:084
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45.700	1 KAR 2:010		704 KAR 6:010		904 KAR 1:060
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45.710	1 KAR 2:010	156.400-156.476	702 KAR 1:005	205.550	904 KAR 1:020
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