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UNLESS WRITTEN NOTIFICATION OF INTENT TO ATTEND A PUBLIC HEARING IS RECEIVED BY THE PROMULGATING AGENCY AT LEAST FIVE (5) DAYS BEFORE THE HEARING DATE, THE HEARING MAY BE CANCELLED.

MEETING NOTICE: The next meeting of the Administrative Regulation Review Subcommittee is **tentatively** scheduled on September 6 & 7, 1989. See **tentative** agenda on pages 319-320 in this Administrative Register.

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KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title		Chapter		Regulation
806	KAR	50	:	155
Cabinet, Department, Board or Agency		Office, Division, or Major Function		Specific Regulation

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ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA - September 6, 1989
(Rm. 107, Capitol Annex @ 1 p.m.)

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Board of Chiropractic Examiners
201 KAR 21:075. Peer review procedures and fees.

CORRECTIONS CABINET

Office of the Secretary
501 KAR 6:020. Corrections policies and procedures.
501 KAR 6:030. Kentucky State Reformatory.
501 KAR 6:050. Luther Luckett Correctional Complex.
501 KAR 6:060. Northpoint Training Center.
501 KAR 6:130. Western Kentucky Farm Center.

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502 KAR 45:010 & E. Definitions.
502 KAR 45:125 & E. Oath of office.

TRANSPORTATION CABINET

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600 KAR 3:020. Grave relocation.

Department of Vehicle Regulation

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601 KAR 1:045. Application for certificate filing.

Department of Highways

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603 KAR 5:110. Permits for moving mobile homes.

EDUCATION AND HUMANITIES CABINET
State Board for Elementary and Secondary Education
Department of Education

Office of Local Services: General Administration
702 KAR 1:115. Annual in-service training of district board members.
Pupil Transportation
702 KAR 5:010 & E. Responsibilities of division.
702 KAR 5:030 & E. Superintendents' responsibilities.
702 KAR 5:080 & E. Bus drivers' qualifications; responsibilities.
Office of Instruction: Instructional Services
704 KAR 3:291. Repeal of 704 KAR 3:290.
704 KAR 3:292. Chapter I, ESSIA migrant education requirements.
704 KAR 3:365. Chapter I complaint procedures.
Elementary and Secondary Education Act
704 KAR 10:022. Elementary, middle and secondary schools standards.
Teacher Certification
704 KAR 20:005. Kentucky standards for preparation-certification of professional school personnel program approval.
704 KAR 20:070. Provisional high school certificate.
704 KAR 20:080. Provisional middle grades certificate.
704 KAR 20:135. Kindergarten teachers.
704 KAR 20:290. Certification for early elementary level.
704 KAR 20:550. Professional school certificate for college faculty.
Office of Education for Exceptional Children: Exceptional and Handicapped Programs
707 KAR 1:051. Exceptional children's programs.
707 KAR 1:140. Qualifications for approved classroom assignment of teachers of exceptional children.

State Board for Adult, Vocational Education and Vocational Rehabilitation
Office of Vocational Education: Management of State-Operated Schools
705 KAR 5:130 & E. Attendance policies for long-term adults in state-operated vocational schools.
Office of Programs: Adult Education
709 KAR 1:051. Repeal of 709 KAR 1:050.
709 KAR 1:060 & E. Standard for academic progress for postsecondary and adult students.
709 KAR 1:080. Community education.
709 KAR 1:090. Approval of applications under Section 322 of Adult Education Act.
709 KAR 1:100. Approval of applications under Section 353 of Adult Education Act.
709 KAR 1:110. Approval of applications under English literacy program.
709 KAR 1:120. Approval of applications under workplace literacy program.
709 KAR 1:130. Approval of applications for migrant farmworker and immigrant education.
709 KAR 1:140. Reporting requirements for adult education programs.

OTHER BUSINESS:

TOURISM CABINET
Department of Fish and Wildlife Resources
301 KAR 1:200. Seasons and limits for angling. (Objection attached on November 1, 1988)

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
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(Rm. 107, Capitol Annex @ 10 a.m.)

LABOR CABINET
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Occupational Safety and Health
803 KAR 2:020. Adoption of 29 CFR Part 1910.

Department of Workers' Claims

Workers' Compensation Board
803 KAR 25:090. Workers' compensation medical fee schedule. (Amended After Hearing) (Deferred from July and August meetings)
803 KAR 25:100. Procedures for workers' compensation rehabilitation. (Amended After Hearing) (Deferred from July and August meetings)

PUBLIC PROTECTION AND REGULATION CABINET
Department of Financial Institutions
Division of Securities

Securities
808 KAR 10:210. Registration exemptions - Federal Regulation D. (Deferred from August meeting)

Department of Housing, Buildings and Construction

Boilers and Pressure Vessels
815 KAR 15:085. Change of boiler contractor license holders. (Deferred from August meeting)

CABINET FOR HUMAN RESOURCES
Department for Health Services

Maternal and Child Health
902 KAR 4:040. Special supplemental food program for women, infants and children (WIC). (Repeals 902 KAR 4:060).

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Department for Employment Services

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Department for Social Insurance

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904 KAR 2:035. Right to apply and reapply.
904 KAR 2:040. Procedures for determining initial and continuing eligibility.
904 KAR 2:046. Adverse action; conditions.
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904 KAR 3:080. Contingency plan.

Department for Social Services

Community Action Agencies
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905 KAR 6:040. Termination of funding and hearing procedures.
905 KAR 6:050. CSBG program state plan. (Repeals 905 KAR 6:020).
905 KAR 6:060. CSBG audit specifications. (Repeals 905 KAR 6:030).

Department for Medicaid Services

Medicaid Services
907 KAR 1:004 & E. Resource and income standard of medically needy.
907 KAR 1:012 & E. Inpatient hospital services.
907 KAR 1:013 & E. Payments for hospital inpatient services.
907 KAR 1:022 & E. Skilled nursing facility services.
907 KAR 1:026 & E. Dental services.
907 KAR 1:027 & E. Payments for dental services.
907 KAR 1:031 & E. Payments for home health services.
907 KAR 1:036 & E. Amounts payable for skilled nursing and intermediate care facility services.
907 KAR 1:045 & E. Payments for mental health center services.
907 KAR 1:055 & E. Payments for primary care center services.
907 KAR 1:402. Incorporation by reference of the physician services manual.
907 KAR 1:416. Incorporation by reference of the pharmacy services manual.
907 KAR 1:450 & E. Nurse aide training criteria and registry.
907 KAR 1:474. Incorporation by reference of the durable medical equipment manual.

REGULATION REVIEW PROCEDURE

Filing and Publication

Administrative bodies shall file with the Regulations Compiler all proposed administrative regulations, public hearing information, tiering statement, regulatory impact analysis, fiscal note, and the federal mandate comparison. Those regulations received by the deadline required in KRS 13A.050 shall be published in the Administrative Register.

Public Hearing

The administrative body shall schedule a public hearing on proposed administrative regulations to be held not less than twenty (20) nor more than thirty (30) days following publication. The time, date, and place of the hearing and the name and address of the agency contact person shall be included on the last page of the administrative regulation when filed with the Compiler's office.

Any person interested in attending the scheduled hearing must submit written notification of such to the administrative body at least five (5) days before the scheduled hearing. If no written notice is received at least five (5) days before the hearing, the administrative body may cancel the hearing.

If the hearing is cancelled, the administrative body shall notify the Compiler of the cancellation. If the hearing is held, the administrative body shall submit within fifteen (15) days following the hearing a statement of consideration summarizing the comments received at the hearing and the administrative body's responses to the comments.

No transcript of the hearing need be taken unless a written request for a transcript is made, and the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript.

Review Procedure

If a proposed administrative regulation is amended as a result of the public hearing, the amended version shall be published in the next Administrative Register; and following publication shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting. If a proposed administrative regulation is not amended as a result of the hearing or if the hearing is cancelled, the regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting. After review by the Subcommittee, the regulation shall be referred by the Legislative Research Commission to an appropriate jurisdictional committee for a second review. The administrative regulation shall be considered as adopted and in effect as of adjournment on the day the appropriate jurisdictional committee meets or thirty (30) days after being referred by LRC, whichever occurs first.

EMERGENCY REGULATIONS NOW IN EFFECT

(NOTE: Emergency regulations expire 90 days from publication or upon replacement or repeal.)

STATEMENT OF EMERGENCY
405 KAR 8:010E

This regulation establishes a procedure whereby certain minor revisions to surface coal mining operation permits may be reviewed and processed in the regional offices rather than in the central offices in Frankfort. These are termed minor field revisions. This regulation also modifies current procedure for minor permit revisions dealing with proposed changes to the engineering design of sedimentation ponds and diversions of overland flow by eliminating the completeness review, thus reducing the processing time. An informal, nonregulatory procedure has previously been implemented to process certain permit revisions in regional offices, however it has come to the attention of the cabinet that such a procedure may well be in conflict with KRS Chapter 13A. The cabinet has determined that an emergency exists that requires immediate action in order to ensure that permit revisions are being properly and legally processed. An ordinary regulation will not suffice because that would require the cabinet to cease the current procedure of processing certain revisions in the regional offices for a period of time until the regulation became effective. Such a cessation would be disruptive to the industry and the cabinet. The other change described above relating to engineering designs has been included in this regulation because there is an immediate need to shorten the processing time for these types of revisions. These modifications to sedimentation pond designs and diversion designs are generally related to enforcement actions taken against operators that have failed to construct these facilities in compliance with the regulations, and the faster the revisions can be legitimately processed the quicker the situation can be rectified. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on August 10, 1989.

WALLACE G. WILKINSON, Governor
CARL H. BRADLEY, Secretary

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Surface Mining Reclamation and Enforcement

405 KAR 8:010E. General provisions for permits.

RELATES TO: KRS 350.020, 350.055, 350.060, 350.070, 350.085, 350.090, 350.130, 350.135, 350.450, 350.465, 27 CFR 55.206, 55.218, 55.219, 55.220, 30 CFR 77.1301(c)

STATUTORY AUTHORITY: KRS Chapter 13A, 350.020, 350.028, 350.060, 350.135, 350.450, 350.465
EFFECTIVE: August 14, 1989
NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to permits for surface coal mining and reclamation operations. This regulation provides for permits to conduct these operations. The regulation specifies when permits are required, application deadlines, requirements for applications for permanent program permits, fees, verification of applications, public notice requirements, submission of comments on permit applications, the right to file objections, informal conferences, review of the permit applications, criteria for application approval or denial and relevant actions, term of the permits, conditions of permits, review of outstanding permits, revisions of permits and renewals, transfers, assignments, and sales of permit rights.

Section 1. Applicability. Excluding coal exploration operations, this regulation shall apply to all applications, all actions regarding permits, and all surface coal mining and reclamation operations.

Section 2. General Requirements. (1) Permanent program permits required. No person shall engage in surface coal mining and reclamation operations unless that person has first obtained a valid permanent program permit under this chapter for the area to be affected by the operations.
(2) General filing requirements for permanent program permit applications.
(a) Each person who intends to engage in surface coal mining and reclamation operations shall file a complete and accurate application for a permanent program permit which shall comply fully with all applicable requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24, and shall not begin the operations until the permit has been granted.
(b) Renewal of valid permanent program permits. An application for renewal of a permit under Section 21 of this regulation shall be filed with the cabinet at least 120 days before the expiration of the permit.
(c) Revision of permanent program permits. A permittee may, at any time, apply for a revision of a permit, but shall not vary from the requirements of the permit until the revision has been approved by the cabinet. The term of a permit shall remain unchanged by a revision.
(d) Succession to rights granted under prior permanent program permits. An application for the transfer, sale, or assignment of rights granted under a permit may be submitted at any time. The actual transfer, sale, or assignment of permit rights, however, may not take place until written permission has been granted by the cabinet.
(e) Amendment of permanent program permits. A permittee may, at any time, apply for an amendment to a permit under Section 23 of this regulation, but shall not begin surface coal mining and reclamation operations on the areas until the amendment has been approved by the cabinet. The term of a permit shall remain unchanged by an amendment.
(3) Compliance with permits. Any person engaging in surface coal mining and reclamation operations under a permit issued pursuant to KRS Chapter 350 shall comply with the terms and conditions of the permit, including the plans and other documents submitted as part of the application and approved by the cabinet, and the applicable requirements of KRS Chapter 350 and 405 KAR.

Section 3. Coordination of Review of Permit Applications. (1) For the purposes of avoiding duplication, the cabinet shall coordinate the review and issuance of permits for surface coal mining and reclamation operations with:
(a) Any other federal or Kentucky permit process applicable to the proposed operations, as required by Section 503 of SMCRA; and
(b) Applicable requirements of the Endangered Species Act of 1973, as amended (16 USC 1531 et seq.); the Fish and Wildlife Coordination Act, as amended (16 USC 661 et seq.); the Migratory Bird Treaty Act of 1918, as amended (16 USC 703 et seq.); the National Historic Preservation Act of 1966, as amended (16 USC 470 et seq.); and the Bald Eagle Protection Act, as amended (16 USC 668a), as required by 30 CFR 773.12.
(2) This coordination shall be accomplished by providing the appropriate agencies with an opportunity to comment on permit applications as set forth in Section 8(6) and (7) of this regulation and, if necessary, by any other measures the cabinet may deem appropriate.

Section 4. Preliminary Requirements. A person desiring a permit shall submit to the cabinet a preliminary application of the form and content prescribed by the cabinet. The preliminary application shall contain pertinent information, including a map at a scale of one (1) inch equals 400 or 500 feet, marked to show the proposed permit area and adjacent areas; and the areas of land to be affected, including, but not limited to, locations of the coal seam(s) to be mined, access roads, haul roads, spoil or coal waste disposal areas, and sedimentation ponds. Areas so delineated on the map shall be physically marked at the site in a manner prescribed by the cabinet. Personnel of the cabinet shall conduct, within fifteen (15) working days after filing, an on-site investigation of the area with the person or his or her representatives and representatives of appropriate local, state or federal agencies, after which the person may submit a permit application.

Section 5. General Format and Content of Applications. (1)(a) Applications for permits to conduct surface coal mining and reclamation operations shall be filed in the number, form and content required by the cabinet, including a copy to be filed for public inspection under Section 8(8) of this regulation.
(b) The application shall be on forms provided by the cabinet, and originals and copies of the application shall be prepared, assembled and submitted in the number, form and manner prescribed by the cabinet with attachments, plans, maps, certifications, drawings, calculations or other documentation or relevant information as the cabinet may require.
(c) The application shall be complete with respect to all information required by 405 KAR and include, at a minimum: for surface mining activities, all the applicable information required under 405 KAR 8:030; for underground

mining activities, all the information required under 405 KAR 8:040; and, for special types of surface coal mining and reclamation operations, all the information required under 405 KAR 8:050. No application shall be determined to be administratively complete unless all design plans for the permit area are in detailed form.

(2) Information set forth in the application shall be current, presented clearly and concisely, and supported by appropriate references to technical and other written material available to the cabinet.

(3) The collection and analysis of all technical data submitted in the application shall be planned by or conducted under the direction of a professional qualified in the subject to be analyzed and shall be accompanied by:

(a) Names of persons or organizations which collected and analyzed the data;

(b) Dates of the collection and analyses; and

(c) Descriptions of methodology used to collect and analyze the data.

(4) The application shall state the name, address and position of officials of each private or academic research organization or governmental agency who provided information which has been made a part of the application regarding land uses, soils, geology, vegetation, fish and wildlife, water quantity and quality, air quality, and archaeological, cultural, and historic features.

(5)(a) The applicant shall designate in the permit application either himself or some other person who will serve as agent for service of notices and orders. The designation shall identify the person by full name and complete mailing address, and if a natural person, the person's Social Security number. The person shall continue as agent for service of process until a written revision of the permit has been made to designate another person as agent.

(b) The applicant may designate persons authorized by the applicant to submit modifications to the application to the cabinet. If the designation has not been made in the application, or in separate correspondence, the cabinet shall accept modifications only from the applicant.

(6) General requirements for maps and plans.

(a) If any of the information marked on the preliminary map required under Section 4 of this regulation has changed, the application shall contain an updated USGS seven and one-half (7 1/2) minute topographic map marked as required in Section 4 of this regulation.

(b) Maps submitted with applications shall be presented in a consolidated format, to the extent possible, and shall include the types of information set forth on topographic maps of the U.S. Geological Survey of the 1:24,000 scale series. Maps of the permit area and adjacent areas shall be at a scale of 400 or 500 feet to the inch, inclusive; and the scale shall be clearly shown on the map. However, when the cabinet determines that a map scale larger than 400 feet to the inch is required to adequately show mine site details, a map of larger scale shall be provided by the applicant. The map required by 405 KAR 8:030, Section 23(1)(a) or 405 KAR 8:040, Section 23(1)(a), regarding additional areas on which permits will be sought, shall be a USGS seven and one-half (7 1/2) minute (1:24,000) topographic map.

(c) Where a map or drawing is required to be certified by a qualified registered professional engineer, the map or drawing shall bear the seal and signature of the engineer as required by KRS Chapter 322, and shall be certified in accordance with 405 KAR 7:040, Section 10.

(d) All engineering design plans submitted with applications shall be prepared by or under the direction of a qualified registered professional engineer and shall bear the engineer's seal, signature, and certification as required by KRS Chapter 322 and 405 KAR 7:040, Section 10.

(e) Maps and plans submitted with the application shall clearly identify all previously mined areas as defined at 405 KAR 16:190, Section 7(2)(c) or 405 KAR 18:190, Section 5(2)(c).

(7) Referenced materials. If used in the application, referenced materials shall either be provided to the cabinet by the applicant or be readily available to the cabinet. If provided, relevant portions of referenced published materials shall be presented briefly and concisely in the application by photocopying or abstracting and with explicit citations.

Section 6. Application and Acreage Fees. (1) Each application for a surface coal mining and reclamation permit shall be accompanied by a fee determined by the cabinet. The fee may be less than, but shall not exceed the actual or anticipated cost of reviewing, administering and enforcing the permit.

(2) The applicant shall submit an application fee of $375 for each application, plus an additional $75 for each acre or fraction thereof of the area of land to be affected by the operation. If the cabinet approves an incremental bonding plan submitted by the applicant, the acreage fees may be paid individually as the bond for each increment is submitted. However, no acreage fees shall be required for surface areas overlying underground or auger workings which will not be affected by surface operations and facilities.

(3) The fee shall accompany the application in the form of a cashier's check or money order payable to the Kentucky State Treasurer. No permit application shall be processed unless the application fee has been paid.

Section 7. Verification of Application. Applications for permits; revisions; amendments; renewals; or transfers, sales, or assignments of permit rights shall be verified under oath, before a notary public, by the applicant or his authorized representative, that the information contained in the application is true and correct to the best of the official's information and belief.

Section 8. Public Notice of Filing of Permit Applications. (1) An applicant for a permit, major revision, amendment, or renewal of a permit shall place an advertisement in the newspaper of largest bona fide circulation, according to the definition in KRS 424.110 to 424.120, in the county where the proposed surface coal mining and reclamation operations are to be located.

(2)(a) The first advertisement shall be published on or after the date the application is submitted to the cabinet. The applicant may elect to begin publication on or after the date the applicant receives the notification from the

cabinet under Section 13(2) of this regulation that the application has been deemed administratively complete and ready for technical review. The advertisement shall be published at least once each week for four (4) consecutive weeks, with the final consecutive weekly advertisement being published after the applicant's receipt of written notice from the cabinet that the application has been deemed administratively complete and ready for technical review.

(b) The final consecutive weekly advertisement shall clearly state that it is the final advertisement, and that written objections to the application may be submitted to the cabinet until thirty (30) days after the date of the final advertisement.

(3) Within fifteen (15) days of the final date of publication of the advertisement, the applicant shall submit to the cabinet proof of publication of the required final four (4) consecutive weekly notices, satisfactory to the cabinet, which may consist of an affidavit from the publishing newspaper certifying the dates, place and content of the advertisements.

(4) The advertisement shall be entitled "Notice of Intention to Mine" and shall be of a form specified by the cabinet.

(5) The advertisement shall contain, at a minimum, the following information:

(a) The name and business address of the applicant; and

(b) A map or description which shall:

1. Clearly show or describe towns, rivers, streams, and other bodies of water, local landmarks, and any other information, including routes, streets, or roads and accurate distance measurements, necessary to allow local residents to readily identify the proposed permit area;

2. Clearly show or describe the exact location and boundaries of the proposed permit area;

3. State the name of the U.S. Geological Survey seven and one-half (7 1/2) minute quadrangle map(s) which contains the area shown or described; and

4. If a map is used, show the north arrow and map scale.

(c) The location where a copy of the application is available for public inspection under subsection (8) of this section;

(d) The name and address of the cabinet to which written comments, objections, or requests for permit conferences on the application may be submitted under Sections 9, 10, and 11 of this regulation;

(e) If an applicant seeks a permit to mine within 100 feet of the outside right-of-way of a public road or to relocate or close a public road; except where public notice and hearing have been previously provided for this particular part of road in accordance with 405 KAR 24:040, Section 2(6)(a) and (b); a concise statement describing the public road, the particular part to be relocated or closed, and the approximate timing and duration of the relocation or closing;

(f) If the application includes a request for an experimental practice under 405 KAR 7:060, a statement indicating that an experimental practice is requested and identifying the regulatory requirement for which a variance is requested; and

(g) The application number.

(6) Within five (5) working days after the application for a permit, major revision, amendment, or renewal of a permit has been determined to be administratively complete, the cabinet shall issue written notification of:

(a) The applicant's intention to conduct surface coal mining and reclamation operations on a particularly described tract of land;

(b) The application number;

(c) Where a copy of the application may be inspected; and

(d) Where comments on the application may be submitted under Section 9 of this regulation.

(7) The written notifications required by subsection (6) of this section shall be sent to:

(a) Local government agencies with jurisdiction over or an interest in the area of the proposed operations, including, but not limited to, planning agencies and sewage and water treatment authorities and water companies, either providing sewage or water services to users in the area of the proposed operations or having water sources or collection, treatment, or distribution facilities located in these areas; and

(b) All federal and Kentucky governmental agencies which have the authority to issue permits and licenses applicable to the proposed surface coal mining and reclamation operation and which are a part of the permit coordination process required by Section 3 of this regulation; and

(c) Those agencies with an interest in the particular proposed operation including, but not limited to:

1. The USDA Soil Conservation Service State Conservationist;

2. The local U.S. Army Corps of Engineers district engineer;

3. The National Park Service;

4. Kentucky and federal fish and wildlife agencies; and

5. The state historic preservation officer.

(8) In accordance with Section 12 of this regulation, the cabinet shall, upon receipt of the application, make the application available for public inspection and copying during all normal working hours at the appropriate regional office of the cabinet where the mining has been proposed, and shall provide reasonable assistance to the public in the inspection and copying of the application.

Section 9. Submission of Comments or Objections by Public Agencies. (1) Written comments or objections on applications for permits, major revisions, amendments, and renewals of permits may be submitted to the cabinet by the public agencies to whom notification has been provided under Section 8(6) and (7) of this regulation with respect to the effects of the proposed mining operations on the environment within their area of responsibility.

(2) These comments or objections shall be submitted to the cabinet in the manner prescribed by the cabinet, and shall be submitted within thirty (30) calendar days after the date of the written notification by the cabinet pursuant to Section 8(6) and (7) of this regulation.

(3) The cabinet shall immediately file a copy of all comments or objections at the appropriate regional office of the cabinet for public inspection under Section 8(8) of this regulation. A copy shall also be transmitted to the applicant.

Section 10. Right to File Written Objections. (1) Any person whose interests are or may be adversely affected or an officer or head of any federal, state, or local government agency or authority to be notified under Section 8 of this regulation shall have the right to file written objections to an application for a permit, major revision, amendment, or renewal of a permit with the cabinet, within thirty (30) days after the last publication of the newspaper notice required by Section 8(1) of this regulation.

(2) The cabinet shall, immediately upon receipt of any written objections:

(a) Transmit a copy of the objections to the applicant; and

(b) File a copy at the appropriate regional office of the cabinet for public inspection under Section 8(8) of this regulation.

Section 11. Permit Conferences. (1) Procedure for requests. Any person whose interests are or may be adversely affected by the decision on the application, or the officer or head of any federal, state or local government agency or authority to be notified under Section 8 of this regulation may, in writing, request that the cabinet hold an informal conference on any application for a permit, major revision, amendment, or renewal of a permit. The request shall:

(a) Briefly summarize the issues to be raised by the requester at the conference;

(b) State whether the requester desires to have the conference conducted in the locality of the proposed mining operations; and

(c) Be filed with the cabinet not later than thirty (30) days after the last publication of the newspaper advertisement placed by the applicant under Section 8(1) of this regulation.

(2) Except as provided in subsection (3) of this section, if a permit conference has been requested in accordance with subsection (1) of this section, the cabinet shall hold a conference within twenty (20) working days after the last date to request a conference under subsection (1)(c) of this section. The conference shall be conducted according to the following:

(a) If requested under subsection (1)(b) of this section, the conference shall be held in the locality of the proposed mining.

(b) The date, time, and location of the conference shall be sent to the applicant and parties requesting the conference and advertised once by the cabinet in the newspaper of largest bona fide circulation, according to the definition in KRS 424.110 to 424.120, in the county where the proposed surface coal mining and reclamation operations are to be located, at least two (2) weeks prior to the scheduled conference.

(c) If requested, in writing, by a conference requester in a reasonable time prior to the conference, the cabinet may arrange with the applicant to grant parties to the conference access to the permit area and, to the extent that the applicant has the right to grant access, to the adjacent areas prior to the established date of the conference for the purpose of gathering information relevant to the conference.

(d) The requirements of 405 KAR 7:090 shall not apply to the conduct of the conference. The conference shall be conducted by a representative of the cabinet, who may accept oral or written statements and any other relevant information from any party to the conference. An electronic or stenographic record shall be made of the conference proceedings, unless waived by all the parties. The record shall be maintained and shall be accessible to the parties of the conference until final release of the applicant's performance bond or other equivalent guarantee pursuant to 405 KAR Chapter 10.

(3) If all parties requesting the conference stipulate agreement before the requested conference and withdraw their requests, the conference need not be held.

(4) Permit conferences held in accordance with this section may be used by the cabinet as the public hearing required under 405 KAR 24:040, Section 2(6) on proposed relocation and closure of public roads.

Section 12. Public Availability of Information in Permit Applications on File with the Cabinet. (1) General availability.

(a) The cabinet shall make an application for a permit, major or minor revision, amendment, or renewal of a permit available for the public to inspect and copy by placing a full copy of the application at the regional office for the area in which mining shall occur. The application will be made available by the cabinet for public inspection and copying, at reasonable times, in accordance with Kentucky open records statutes, KRS 61.870 to 61.884. This copy need not include confidential information exempt from disclosure under subsections (2) and (3) of this section.

(b) The application required by paragraph (a) of this subsection shall be placed at the appropriate regional office no later than the first date of newspaper advertisement of the application.

(c) The applicant shall be responsible for placing all changes in the copy of the application retained at the regional office when the changes are submitted to the Division of Permits.

(2) Information pertaining to coal seams, test borings, core samples, or soil samples in applications shall be made available for inspection and copying to any person with an interest which is or may be adversely affected.

(3) Confidentiality. The cabinet shall provide for procedures to ensure the confidentiality of qualified confidential information. Confidential information shall be clearly identified by the applicant and submitted separately from the remainder of the application. Where a dispute arises concerning the disclosure or nondisclosure of confidential information, the cabinet shall provide notice and convene a hearing in accordance with 405 KAR 7:090. Confidential information shall be limited to the following:

(a) Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of the coal which are potentially toxic in the environment;

(b) Information on the nature and location of archaeological resources on public land and Indian land as required under the Archaeological Resources Protection Act of 1979.

Section 13. Department Review of Applications for Permits, Revisions, Amendments, and Renewals. (1) General.

(a) The cabinet shall review the application for a permit, revision, amendment, or renewal; written comments and objections submitted; and records of any permit conference held on the application and make a written decision, within the time frames listed in Section 16(1) of this regulation, concerning approval of, requiring modification of, or concerning rejection of the application.

(b) An applicant for a permit, revision, or amendment shall have the burden of establishing that the application is in compliance with all requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24.

(2)(a) Administrative completeness determination. Within ten (10) working days of initial receipt of the application the cabinet shall provide written notification to the applicant as to the administrative completeness of the application. If the application is determined to be incomplete, the cabinet shall notify the applicant within ten (10) working days after initial receipt of the application by certified mail, return receipt requested, or by registered mail, of the deficiencies which render the application incomplete. The applicant may submit supplemental information to correct the identified deficiencies for a period of ten (10) working days after the applicant's receipt of the initial notice of incompleteness. If, after ten (10) working days, the cabinet determines that the application is still incomplete, the cabinet shall return the incomplete application to the applicant with written notification of the reasons for the determination.

(b) A determination by the cabinet that the application is administratively complete means that the application contains the major elements required by KRS Chapter 350 and 405 KAR Chapters 7 through 24 which are necessary to allow meaningful review of the application by the cabinet. An application shall not be deemed administratively complete if one (1) or more major elements are found to be absent from the application, which, by virtue of their absence, would require that the permit be denied. A determination that an application is administratively complete shall not mean that the application is complete in every detail, nor shall it mean that any aspect of the application is technically sufficient or approvable.

(3) Processing of the administratively complete application. Within the time periods set forth in Section 16 of this regulation, the cabinet shall either:

(a) Notify the applicant of the cabinet's decision to issue or deny the application; or

(b) Notify the applicant in writing, by certified mail, return receipt requested, or by registered mail, promptly upon discovery of deficiencies in the application and allow the application to be temporarily withdrawn for the purpose of correcting the deficiencies. Temporary withdrawal periods shall not be counted against the time available to the cabinet for consideration of the application.

(4) If the cabinet determines from either the lists submitted as part of the application under 405 KAR 8:030, Section 3(3) or 405 KAR 8:040, Section 3(3), or from other available information, that any surface coal mining operation owned or controlled by the applicant is currently in violation of any law, rule, or regulation of the United States or any state law, rule, or regulation enacted pursuant to federal law, rule, or regulation, pertaining to air or water environmental protection, or of SMCRA or KRS Chapter 350, and regulations promulgated pursuant thereto, the cabinet shall require the applicant, before the issuance of the permit, to either:

(a) Submit to the cabinet proof which is satisfactory to the cabinet and other agencies which have jurisdiction over the violation, that the violation has been or is in the process of being corrected; or

(b) Establish to the cabinet that the applicant has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of that violation. In this case, the permit shall contain a condition requiring that if the administrative or initial judicial hearing authority either denies a stay applied for in the appeal, or affirms the violation, then any surface coal mining operations being conducted under the permit shall be terminated unless and until the permittee complies with paragraph (a) of this subsection. For loss of appeal on violations of laws or regulations of the United States or states other than Kentucky, operations shall be terminated under this paragraph only when the cabinet has actual, verified notice of the loss of appeal and the subsequent failure of the permittee to correct or begin correcting the violation; and the termination shall be set aside by the cabinet only when the cabinet has actual, verified notice that the permittee has corrected the violation or is in the process of correcting the violation.

(5) No permit shall be issued if the cabinet determines that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violation of SMCRA, KRS Chapter 350, or 405 KAR Chapters 7 through 24 of such a nature and duration and with such resulting "irreparable damage to the environment" (as defined in 405 KAR 7:020) that indicates an intent not to comply with SMCRA, KRS Chapter 350, or 405 KAR Chapters 7 through 24. Before any final determination by the cabinet pursuant to this subsection the applicant or operator shall be afforded an opportunity for an adjudicatory hearing on the determination as provided for in 405 KAR 7:090.

Section 14. Criteria for Application Approval or Denial. No application for a permit, revision (as applicable), or amendment of a permit shall be approved unless the application affirmatively demonstrates and the cabinet finds, in writing, on the basis of information set forth in the application or from information otherwise available, which has been documented in the approval, that:

(1) The permit application is complete and accurate and in compliance with all requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24.

(2) The applicant has demonstrated that surface coal mining and reclamation operations, as required by KRS Chapter 350 and 405 KAR Chapters 7 through 24 can be feasibly accomplished under the mining and reclamation plan contained in the application.

(3) The assessment of the probable cumulative impacts of all anticipated coal mining in the cumulative impact area on the hydrologic balance

has been made by the cabinet and the operations proposed under the application have been designed to prevent material damage to the hydrologic balance outside the proposed permit area.

(4) The proposed permit area is:

(a) Not included within an area designated unsuitable for surface coal mining operations under 405 KAR 24:030;

(b) Not within an area under study for designation as unsuitable for surface coal mining operations in an administrative proceeding begun under 405 KAR 24:030, unless the applicant demonstrates that, before January 4, 1977, he or she made substantial legal and financial commitments in relation to the operation for which he or she is applying for a permit;

(c) Not on any lands subject to the prohibitions or limitations of 405 KAR 24:040, Section 2(1), (2) or (3);

(d) Not within 100 feet of the outside right-of-way line of any public road, except as provided for in 405 KAR 24:040, Section 2(6); and

(e) Not within 300 feet from any occupied dwelling, except as provided for in 405 KAR 24:040, Section 2(5).

(5)(a) The proposed operations will not adversely affect any publicly-owned parks or any places included on the National Register of Historic Places, except as provided for in 405 KAR 24:040, Section 2(4); and

(b) The cabinet has taken into account the effect of the proposed operations on properties listed and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the mining and reclamation plan to protect historic resources, or a documented decision that the cabinet has determined that no additional protection measures are necessary.

(6) For operations involving the surface mining of coal where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the cabinet the documentation required under 405 KAR 8:030, Section 4(2) or 405 KAR 8:040, Section 4(2).

(7) With regard to current violations, the applicant has either:

(a) Submitted the proof required by Section 13(4)(a) of this regulation; or

(b) Made the demonstration required by Section 13(4)(b) of this regulation.

(8) The applicant has paid all reclamation fees from previous and existing operations as required by 30 CFR 870, or has entered into a payment schedule approved by OSM.

(9) The applicant or the operator, if other than the applicant, does not control and has not controlled mining operations with a demonstrated pattern of willful violations of SMCRA or KRS Chapter 350 of such a nature and duration and with such resulting "irreparable damage to the environment" (as defined in 405 KAR 7:020) as to indicate an intent not to comply with SMCRA or KRS Chapter 350.

(10) The applicant has demonstrated that any existing structure will comply with 405 KAR 8:030, Section 25 and 405 KAR 8:040, Section 25, and the applicable performance standards of KAR 405 KAR Chapters 16 and 18.

(11) The applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural postmining land use.

(12) The applicant can reasonably be expected to submit the performance bond or other equivalent guarantee required under 405 KAR Chapter 10 prior to the issuance of the permit.

(13) The applicant has, with respect to prime farmland obtained either a negative determination or satisfied the requirements of 405 KAR 8:050, Section 3.

(14) The applicant has satisfied the applicable requirements of 405 KAR 8:050 regarding special categories of mining.

(15) The cabinet has made all specific approvals required under 405 KAR Chapters 16 through 20.

(16) The cabinet has found that the activities would not affect the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitats as determined under the Endangered Species Act of 1973 (16 USC 1531 et seq.).

(17) The applicant has not forfeited any bond under KRS Chapter 350. When the applicant has forfeited a bond, the permit may be issued if the land for which the bond was forfeited has been satisfactorily reclaimed without cost to the state or the operator or person has paid a sum that the cabinet finds is adequate to reclaim the land.

(18) The applicant has not had a permit revoked, suspended or terminated under KRS Chapter 350. If the applicant has had a permit revoked, suspended or terminated, another permit may be issued, or a suspended permit may be reinstated, only if the applicant has complied with all of the requirements of KRS Chapter 350 or submitted proof satisfactory to the cabinet that the violation has been corrected or is in the process of being corrected, in respect to all permits issued to him or her.

(19) The operation will not constitute a hazard to or do physical damage to a dwelling house, public building, school, church, cemetery, commercial or institutional building, public road, stream, lake, or other public property.

(20) The surface coal mining operation will not adversely affect a wild river established pursuant to KRS Chapter 146 or a state park unless adequate screening and other measures as approved by the cabinet have been incorporated into the permit application and the surface coal mining operation has been jointly approved by all affected agencies as set forth under 405 KAR 24:040.

(21) For a proposed remining operation where the applicant intends to reclaim in accordance with the requirements of 405 KAR 16:190, Section 7 or 405 KAR 18:190, Section 5, the applicant has demonstrated, to the satisfaction of the cabinet, that the site of the operation will be a previously mined area as defined in those sections.

Section 15. Criteria for Application Approval or Denial Regarding Existing Structures. No application for a permit, revision, or amendment which proposes to use an existing structure in connection with or to facilitate the proposed surface coal mining and reclamation operation shall be approved, unless the applicant demonstrates and the cabinet finds, in writing, on the basis of information set forth in the

complete and accurate application, that the provisions of 405 KAR 7:040, Section 4, have been met.

Section 16. Application Approval or Denial Actions. (1) The cabinet shall take action on applications within the following time periods as appropriate:

(a)1. Except as provided for in paragraph (b) of this subsection, for a complete and accurate application submitted under Section 2(2)(a), (b), (d), and (e) of this regulation, a decision shall be made by the cabinet to approve, require modification of, or deny the application within sixty-five (65) working days after the notice of administrative completeness under Section 13(2) of this regulation, except that periods of temporary withdrawal under Section 13(3)(b) of this regulation shall not be counted against the sixty-five (65) working-day period available to the cabinet.

2. Except as provided in paragraph (b) of this subsection, for a complete and accurate application submitted under Section 2(2)(c) of this regulation of a major revision as provided in Section 20 of this regulation, a decision shall be made by the cabinet to approve, require modification of, or deny the application within forty-five (45) working days after the notice of administrative completeness under Section 13(2) of this regulation, except that periods of temporary withdrawal under Section 13(3)(b) of this regulation shall not be counted against the forty-five (45) working-day period available to the cabinet.

3. For a complete and accurate application submitted under Section 2(2)(c) of this regulation for a minor revision as provided in Section 20 of this regulation, a decision shall be made by the cabinet to approve, require modification of, or deny the application within fifteen (15) working days after the notice of administrative completeness under Section 13(2) of this regulation, except that periods of temporary withdrawal under Section 13(3)(b) of this regulation shall not be counted against the fifteen (15) working-day period available to the cabinet.

(b) If the notice, hearing and conference procedures mandated by KRS Chapter 350 and 405 KAR prevent a decision from being made within the time periods specified in paragraph (a) of this subsection, the cabinet shall have additional time to issue its decision, but not to exceed twenty (20) days from the completion of the notice, hearing and conference procedures.

(2) The cabinet shall issue written notification of the decision to approve, modify, or deny the application, in whole or part, to the following persons and entities:

(a) The applicant;

(b) Each person who files comments or objections to the permit application;

(c) Each party to an informal permit conference, if held;

(d) The county judge-executive of the county, and the chief executive officer of any municipality, in which the permit area lies. This notice shall be sent within ten (10) days after the issuance of the permit and shall include a description of the location of the permit area; and

(e) The field office director of the Office of Surface Mining Reclamation and Enforcement.

(3) If the application has been denied, the notification required in subsection (2) of this section, for the applicant, any person filing objections to the permit and parties to an informal conference, shall include specific reasons for the denial.

(4) If the cabinet decides to approve the application, it shall require that the applicant file the performance bond before the permit is issued, in accordance with 405 KAR Chapter 10.

(5) The cabinet shall publish a summary of its decision in the newspaper of largest bona fide circulation, according to the definition in KRS 424.110 to 424.120, in the county where the proposed surface coal mining and reclamation operations are to be located.

Section 17. Term of Permit. (1) Each permit shall be issued for a fixed term not to exceed five (5) years. A longer fixed permit term may be granted at the discretion of the cabinet only if:

(a) The application is complete and accurate for the specified longer term; and

(b) The applicant shows that a specified longer term is reasonably needed to allow the applicant to obtain necessary financing for equipment and for the opening of the operation with the need confirmed, in writing, by the applicant's proposed source for the financing.

(2)(a) A permit shall terminate, if the permittee has not begun the surface coal mining and reclamation operation covered by the permit within three (3) years of the issuance of the permit.

(b) The cabinet may grant reasonable extensions of the time for commencement of these operations, upon receipt of a written statement showing that the extensions of time are necessary, if:

1. Litigation precludes the commencement or threatens substantial economic loss to the permittee; or

2. There are conditions beyond the control and without the fault or negligence of the permittee.

(c) With respect to coal to be mined for use in a synthetic fuel facility or specified major electric generating facility, the permittee shall be deemed to have commenced surface mining operations when construction of the synthetic fuel or generating facility is initiated.

(d) Extensions of time granted by the cabinet under this subsection shall be specifically set forth in the permit and notice of the extension shall be made to the public.

(3) Permits may be suspended, revoked, or modified by the cabinet, in accordance with Section 19 of this regulation; Section 3 of 405 KAR 7:060; Sections 4, 6, and 7 of 405 KAR 8:050; and 405 KAR Chapter 12.

Section 18. Conditions of Permits. Actions by an applicant, permittee, or operator to submit an application to the cabinet, to accept a permit issued by the cabinet, or to begin operations pursuant to a permit issued by the cabinet, shall be deemed to constitute knowledge and acceptance of the conditions set forth in this section, which shall be applicable to each permit issued by the cabinet pursuant to this chapter whether or not the conditions have been set forth in the permit.

(1) General.

(a) The permittee shall comply fully with all terms and conditions of the permit and all applicable performance standards of KRS Chapter

350 and 405 KAR Chapters 7 through 24; and

(b) Except to the extent that the cabinet otherwise directs in the permit that specific actions be taken, the permittee shall conduct all surface coal mining and reclamation operations as described in the approved application; and

(c) The permittee shall conduct surface coal mining and reclamation operations only on those lands specifically designated as the permit area on the maps submitted under 405 KAR 8:030 or 405 KAR 8:040 and authorized for the term of the permit; and which are subject to the performance bond in effect pursuant to 405 KAR Chapter 10.

(2) Right of entry.

(a) Without advance notice, unreasonable delay, or a search warrant, and upon presentation of appropriate credentials, the permittee shall allow authorized representatives of the Secretary of the Interior and the cabinet to:

1. Have the rights of entry provided for in 405 KAR 12:010, Section 3; and

2. Be accompanied by private persons for the purpose of conducting a federal inspection when the inspection is in response to an alleged violation reported to the cabinet by the private person.

(b) The permittee shall allow the authorized representatives of the cabinet to be accompanied by private persons for the purpose of conducting an inspection pursuant to 405 KAR 12:030.

(3) Environment, public health, and safety.

(a) The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from failure to comply with any term or condition of the permit, including, but not limited to:

1. Any accelerated or additional monitoring necessary to determine the nature and extent of failure to comply and the results of the failure to comply;

2. Immediate implementation of measures necessary to comply; and

3. Warning, as soon as possible after learning of the failure to comply, any person whose health and safety is in imminent danger due to the failure to comply.

(b) The permittee shall dispose of solids, sludge, filter backwash, or pollutants removed in the course of treatment or control of waters or emissions to the air in the manner required by 405 KAR Chapters 16 through 20, and which prevents violation of any other applicable Kentucky or federal law.

(c) The permittee shall conduct its operations:

1. In accordance with any measures specified in the permit as necessary to prevent significant, imminent environmental harm to the health or safety of the public; and

2. Utilizing any methods specified in the permit by the cabinet in approving alternative methods of compliance with the performance standards of KRS Chapter 350 and 405 KAR Chapters 16 through 20, in accordance with KRS Chapter 350 and 405 KAR Chapters 16 through 20.

(4) Reclamation fees. The permittee shall pay all reclamation fees required by 30 CFR 870 for coal produced under the permit for sale, transfer, or use, in the manner required by that subchapter.

Section 19. Review of Permits. (1)(a) The cabinet shall review each permit issued under this chapter during the term of the permit. This review shall occur not later than the middle of the permit term and as required by 405 KAR 7:060 and 405 KAR 8:050, Sections 4, 6, and 7. Issued permits shall be reevaluated in accordance with the terms of the permit and the requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24, including reevaluation of the bond.

(b) For permits of longer than five (5) year terms, a review of the permit shall be no less frequent than the permit midterm or every five (5) years, whichever is more frequent.

(2) After the review required by subsection (1) of this section, or at any time, the cabinet may, by order, require revision or modification of the permit provisions to ensure compliance with KRS Chapter 350 and 405 KAR Chapters 7 through 24.

(3) Copies of the decision of the cabinet shall be sent to the permittee.

(4) Any order of the cabinet requiring revision or modification of permits shall be based upon written findings and shall be subject to the provisions for administrative and judicial review of 405 KAR 7:090.

Section 20. Permit Revisions. (1) General. A revision to a permit shall be obtained:

(a) For changes in the surface coal mining and reclamation operations described in the existing application and approved under the current permit.

(b) When a revision is required by an order issued under Section 19 of this regulation.

(c) In order to continue operation after the cancellation or material reduction of the liability insurance policy, performance bond, or other equivalent guarantee upon which the original permit was issued; or

(d) As otherwise required under 405 KAR Chapters 7 through 24.

(2) Major revision.

(a) A revision is a major revision if the proposed change is of such scope and nature that the cabinet determines that public notice is necessary to allow participation in the cabinet's decision by persons who have an interest which may be adversely affected by the proposed change. Major revisions shall include, but shall not be limited to:

1. Changes in the postmining land use;

2. Enlargement or relocation of impoundments so as to increase the safety hazard classification of the impoundment;

3. Variances to approximate original contour requirements;

4. Construction or relocation of roads, where the construction or relocation could adversely affect the interests of persons other than the surface owner;

5. Changes which may adversely affect significant fish and wildlife habitats or endangered species;

6. Proposed experimental practices;

7. Changes which may cause major impacts on the hydrologic balance;

8. Incidental boundary revisions that affect new watersheds;

9. Incidental boundary revisions that include diversions of perennial streams;

10. Incidental boundary revisions that include new areas from which coal will be removed, except these revisions shall be limited to ten (10) percent of the permit area acreage or five (5) acres, whichever is less.

(b) Major revisions shall be subject to all of the requirements of Sections 5; 7 through 12; 13(1), (2), (3); 14(1) through (6), (8), (10) through (16), (19) through (21); 15; 16; 18; and 24 of this regulation; and shall be submitted on forms prescribed by the cabinet. In addition to the requirements of Section 8(5) of this regulation, the advertisement shall contain a statement that the applicant proposes to revise the existing permit and shall contain a description of the proposed change.

(3) Minor revisions.

(a) All revisions which are not determined by the cabinet to be major revisions are minor revisions. Minor revisions shall be subject to Sections 5; 7; 12; 13(1), (2), (3); 14(1) through (6), (10) through (16), (19) through (21); 15; 16(1) through (4); 18; and 24 of this regulation, except that minor field revisions described in paragraph (d) of this subsection shall not be subject to the administrative completeness determination of Section 13(2) of this regulation, and the time frame for review in Section 16(1)(a)3 of this regulation shall begin at the time of application submittal. Minor revisions [; and] shall be submitted on forms prescribed by the cabinet.

(b) If the cabinet determines that a proposed minor revision is actually a major revision during the administrative completeness determination under Section 13 of this regulation, the cabinet shall so inform the applicant and return the application.

(c) The cabinet shall notify, in writing, those persons, if any, that the cabinet determines could have an interest that may be adversely affected by the proposed change. Those persons shall have the right to file written objections to the revision within ten (10) days of the date of the notification.

(d) The following minor revisions shall be deemed minor field revisions which may be reviewed and processed in accordance with this section by the appropriate regional office of the department. However, if the number of persons that potentially could have an interest that may be adversely affected by the proposed change is large enough that public notice by newspaper advertisement rather than individual notice by letter from the cabinet is necessary, the regional administrator shall determine that the proposed revision is a major revision and it shall not be processed under this paragraph.

1. Proposals for minor relocation of underground mine entries where:

a. There are no structures or renewable resource lands overlying the area;

b. There is no proposed change to the permit boundary; and

c. The proposed new location is on the same face-up area and coal seam as originally permitted, is within the same drainage area as the original location, is controlled by the same sedimentation pond, and there will be no additional disturbed acreage within the drainage area of that sedimentation pond.

2. Proposals for retention of concrete platforms and small buildings where:

a. There is no proposed change to the previously approved postmining land use; and

b. The application contains a notarized letter from the surface owner requesting retention of the structure.

3. Proposals to leave roads as permanent, except proposals involving roads to impoundments, excess spoil fills, coal mine waste fills, or air shafts, and roads within 100 feet of an intermittent or perennial stream. The application shall contain a notarized letter from the surface owner including a request to retain the road and a statement accepting maintenance responsibilities for the road.

4. Proposals to increase the diameter of culverts used as road crossdrains, not including culverts used for stream crossings.

5. Proposals to install additional culverts used as road crossdrains (not including culverts used for stream crossings), provided that the diameter of the proposed additional culvert is equal to the diameter of the nearest downstream crossdrains.

6. Proposals for minor relocation of on-bench sediment control structures (dugouts only) in order to locate the structures at low spots on the same bench on which they were initially proposed, where:

a. The drainage area to the structure will remain the same as the original design;

b. The proposed location will not cause short-circuiting of the structure; and

c. There is no proposed change to the permit boundary.

7. Proposals to retain diversions of overland flow (not including stream diversions) as permanent facilities where:

a. The application contains a notarized letter from the surface owner including a request to retain the diversion and a statement accepting maintenance responsibilities for the diversions; and

b. The diversions have previously been designed to the standards for permanent diversions.

8. Proposals for relocation of topsoil storage areas where:

a. There is no proposed change to the permit boundary; and

b. The proposed new location was previously permitted as a disturbed area within the same drainage area as the original location, is controlled by the same sedimentation pond, and there will be no additional disturbed acreage within the drainage area of that sedimentation pond.

9. Proposals to substitute plant species where:

a. The proposed species is of the same vegetative type (grass, legume, tree, or shrub) as the original species;

b. The proposed species will serve the equivalent function of the original species with respect to the previously approved: revegetation plan, postmining land use plan, and the fish and wildlife protection and enhancement plan; and

c. The proposed species and its application or planting rate are compatible with the remainder of the previously approved species mixture to be planted.

10. Proposals to utilize hydroseeding for trees instead of planting trees or tree seedlings where:

a. Hydroseeding is an appropriate method for the tree species being established; and

b. No change in tree species is involved unless concurrently approved under subparagraph 9 of this paragraph.

11. Proposals to change the type of mulch to be utilized on the permit area, including a revised rate of application consistent with the different type of mulch proposed.

12. Proposals to retain small depressions in

the reclaimed area.

13. Proposals to increase frequency of air blast monitoring.

14. Proposals to increase frequency of air pollution monitoring.

15. Proposals to employ additional or more effective fugitive dust controls.

16. Proposals to add a portable coal crusher where:

a. The crusher and associated conveying equipment are a completely portable, trailer mounted unit;

b. The equipment will be utilized to crush coal only from the permit area on which it is proposed to be located;

c. The operation will not generate coal mine waste;

d. There is no proposed change to the permit boundary; and

e. The equipment will always be located in the mining pit or other location previously permitted as a disturbed area controlled by a previously approved sedimentation pond and there will be no additional disturbed acreage or delayed reclamation within the drainage area of any of the sedimentation ponds.

17. Proposals to change the time periods when explosives are to be detonated.

18. Proposals to relocate an explosive storage area within the existing permit area in accordance with 27 CFR 55.206, 55.218, 55.219, 55.220, and 30 CFR 77.1301(c).

19. Approval for minor relocation of facilities such as conveyors, hoppers, and stockpiles where:

a. There is no proposed change to the permit boundary; and

b. The proposed new location was previously permitted as a disturbed area within the same drainage area as the original location, is controlled by the same sedimentation pond, and there will be no additional disturbed acreage within the drainage area of that sedimentation pond.

20. Proposals for modifications of shared facilities where that modification has already been approved in a revision for one of the permittees by the Division of Permits and no additional performance bond was required for the initial revision.

21. Proposals to add a hopper to a permitted area where:

a. There is no proposed change to the permit boundary; and

b. The proposed location was previously permitted as a disturbed area controlled by a previously approved sedimentation pond and there will be no additional disturbed acreage or delayed reclamation within the drainage area of that sedimentation pond.

22. Proposals to change the brush disposal plan, not including any proposals to bury brush in the backfill area on steep slopes or in excess spoil fills or coal mine waste fills.

23. Proposals to cut berms, provided that the cuts will not cause short circuiting of on-bench structures or other sedimentation control structures.

24. Proposals to change the basis of judging revegetation from reference areas to the technical standards established in 405 KAR Chapters 7 through 24.

25. Proposals for incidental boundary revisions for minor off-permit disturbances where:

a. The total acreage of the minor off-permit disturbances is no more than one (1) acre combined per proposal;

b. The cumulative acreage limitation established in the definition of "incidental boundary revision" in 405 KAR 7:020 is not exceeded;

c. The area to be permitted does not include any wetlands, prime farmlands, stream buffer zones, federal lands, habitats of unusually high value for fish and wildlife, areas that may contain threatened or endangered species, or areas designated unsuitable for mining under 405 KAR Chapter 24;

d. The off-permit disturbance was not a coal extraction area nor shall any future coal extraction occur on the area;

e. There are no structures such as excess spoil disposal fills, coal mine waste disposal fills or impoundments, or water impoundments involved;

f. The surface owner of the area to be permitted is a surface owner of disturbed area under the existing permit; and

g. An additional performance bond in the amount of $5000 has been filed by the permittee.

h. If deemed necessary for any reason, the regional administrator may decline to review and process any proposal to permit an off-permit disturbance as a minor field revision and instead require that an application be submitted to the Division of Permits.

26. Except as provided below, proposals to remove sedimentation ponds previously approved as permanent impoundments where the application contains a notarized letter from the surface owner requesting the elimination of the impoundment, the application contains an acceptable plan for removal, and the criteria for sedimentation pond removal have been met. However, proposals to remove sedimentation ponds in the following situations shall not be processed as minor field revisions:

a. Where the structure has a hazard classification of B or C;

b. Where the impoundment is a developed water resource land use;

c. Where the removal or activities associated with the removal of the structure may adversely affect significant fish and wildlife habitats or threatened or endangered species;

d. Where the impoundment may be a necessary element in the achievement of the previously approved postmining land use (such as a stock pond for pastureland where no other nearby source of water is available to the livestock); or

e. Where the impoundment was originally planned to be left for the purpose, in whole or in part, of enhancing fish and wildlife and related environmental values.

27. Proposals to approve exemptions from the requirement to pass drainage through sedimentation ponds for disturbed areas that, due to unexpected field conditions, will not drain to an approved sedimentation pond where:

a. There has not been any acid drainage or drainage containing concentrations of total iron or manganese from this or nearby areas of the mine that could result in water quality violations if untreated and none is expected based on overburden analysis;

b. The application contains a justification that it is not feasible to control the drainage by a sedimentation pond;

c. The disturbed area is one (1) acre or less;

d. The application contains a plan to immediately implement alternate sedimentation control measures including, at a minimum, mulching, silt fences, straw bale dikes and establishment of a quick growing temporary vegetative cover;

e. The application contains sufficient plan views and cross sections certified by a registered professional engineer to clearly illustrate the feasibility of the proposal and the location of the alternate control methods (minimum scale one (1) inch equals 100 feet); and

f. The application contains a MRP map certified by a registered professional engineer showing the location of the disturbed area and the drainage area clearly.

(e) Proposed minor revisions which only seek to change the engineering design of impoundments and diversions of overland flow where no change in permit boundary is involved shall not be subject to the administrative completeness determination of Section 13(2) of this regulation; however, the application shall be logged in, and written notice of receipt of the application shall be provided to the applicant. The time frame for review in Section 16(1)(a)3 of this regulation shall begin at the time of notice of receipt.

(4) Any extensions to the area covered by a permit, except for incidental boundary revisions, shall be made by application for a new or amended permit and shall not be approved under this section.

(5) Fees. Applications for major and minor revisions shall include a basic fee of $375, except that minor field revisions shall have no basic fee. If the revision application proposes incidental boundary revisions which would increase the acreage in the permit, an additional acreage fee of seventy-five (75) dollars per acre, or fraction thereof, shall be included with the application, except that no acreage fee shall be required for surface areas overlying underground workings which will not be affected by surface operations and facilities.

Section 21. Permit Renewals. (1) General requirements for renewal. Any valid, existing permit issued pursuant to this chapter shall carry with it the right of successive renewal, within the approved boundaries of the existing permit, upon expiration of the term of the permit.

(2) Contents of renewal applications. Applications for renewal of permits shall be submitted within the time prescribed by Section 2(2)(b) of this regulation. Renewal applications shall be in a form and with content as required by the cabinet and in accordance with this section, and shall include at a minimum:

(a) The name and address of the permittee, the term of the renewal requested and the permit number;

(b) A copy of the proposed newspaper notice and proof of publication of same under Section 8 of this regulation;

(c) Evidence that liability insurance under 405 KAR 10:030, Section 4, will be provided by the applicant for the proposed period of renewal;

(d) A renewal fee of $375;

(e) Evidence that the performance bond will continue in effect for any renewal requested, as well as any additional bond required by the cabinet pursuant to 405 KAR 10:020; and

(f) Any additional revised or updated information which may be required by the cabinet.

(3) Applications for renewal shall be subject to the requirements of Sections 8 through 11, 13 and 16 of this regulation.

(4) An application for renewal shall not include any proposed revisions to the permit. Revisions shall be made by separate application and shall be subject to the requirements of Section 20 of this regulation.

(5) Term of renewal. Any permit renewal shall be for a term not to exceed the period of the original permit established under Section 17 of this regulation.

(6) Approval or denial of renewal applications.

(a) The cabinet shall approve a complete and accurate application for permit renewal, unless it finds, in writing, that:

1. The terms and conditions of the existing permit are not being satisfactorily met;

2. The present surface coal mining and reclamation operations are not in compliance with the environmental protection standards under KRS Chapter 350 and 405 KAR Chapters 7 through 24;

3. The requested renewal substantially jeopardizes the applicant's continuing responsibility to comply with KRS Chapter 350 and 405 KAR Chapters 7 through 24 on existing permit areas;

4. The applicant has not provided evidence that any performance bond required for the operations will continue in effect for the proposed period of renewal, as well as any additional bond the cabinet might require pursuant to 405 KAR Chapter 10;

5. Any additional revised or updated information required by the cabinet has not been provided by the applicant; or

6. The applicant has not provided evidence of having liability insurance in accordance with 405 KAR 10:030, Section 4.

(b) In determining whether to approve or deny a renewal, the burden shall be on the opponents of renewal.

(c) The cabinet shall send copies of its decision to the applicant, any persons who filed objections or comments to the renewal, to any persons who were parties to any informal conference held on the permit renewal and to the field office director of the Office of Surface Mining Reclamation and Enforcement.

(d) Any person having an interest which is or may be adversely affected by the decision of the cabinet shall have the right to administrative and judicial review set forth in Section 24 of this regulation.

Section 22. Transfer, Assignment, or Sale of Permit Rights. (1) General. No transfer, assignment, or sale of the rights granted under any permit issued pursuant to 405 KAR shall be made without the prior written approval of the cabinet, in accordance with this section.

(2) Application requirements. An applicant (successor) for approval of the transfer, assignment, or sale of permit rights shall:

(a) Provide a complete and accurate application, on forms provided by the cabinet, for the approval of the proposed transfer, assignment, or sale. The application shall be signed by both the existing holder of permit rights and the applicant for succession. Additionally, the following information shall be provided:

1. The name and address of the existing permittee and the permit number;
2. A brief description of the proposed action requiring approval;
3. The legal, financial, compliance, and related information required by 405 KAR 8:030, Sections 2 through 10 and 405 KAR 8:040, Sections 2 through 10;
4. Applicable waivers in accordance with 405 KAR 24:040, Section 2(5). Unless the waivers originally submitted with the permit application or subsequent revisions or amendments stipulate that they are transferable, new waivers shall be executed in favor of the proposed successor. If these waivers are not obtained, the successor may only conduct reclamation operations within the area previously exempted by waiver that were disturbed by the original permittee and may not extract coal within this area; and
5. A processing fee of $375.

(b) Advertise the filing of the application in the newspaper of largest bona fide circulation, according to the definition in KRS 424.110 to 424.120, in the county where the operations are located, indicating the name and address of the applicant, the original permittee, the permit number, the geographic location of the permit, and the address to which written comments may be sent under subsection (3) of this section.

(c) Obtain sufficient performance bond coverage which will ensure reclamation of all lands affected by the permit, including areas previously affected by the existing permittee on the permit being transferred.

(3) Public participation. Any person whose interests are or may be adversely affected by a decision on the transfer, assignment, or sale of permit rights, including an official of any federal, state, or local government agency, may submit written comments on the application to the cabinet within fifteen (15) days of the date of publication of the advertisement.

(4) Criteria for approval. The cabinet may allow a permittee to transfer, assign, or sell permit rights to a successor if it finds, in writing, that the successor:

(a) Is eligible to receive a permit in accordance with the criteria specified in Section 14 of this regulation;

(b) Has submitted a performance bond, in accordance with 405 KAR Chapter 10, which will ensure reclamation of all lands affected by the permit, including areas previously disturbed by the existing permittee on the permit being transferred, and which is at least equivalent to the bond of the existing permittee;

(c) Has submitted proof that liability insurance, as required by 405 KAR 10:030, Section 4, has been obtained; and

(d) Meets any other requirements specified by the cabinet in order to ensure compliance with KRS Chapter 350 or 405 KAR Chapters 7 through 24.

(5) Notice of decision. The cabinet shall notify the original permittee, the successor, any commenters or objectors, and the field office director of the Office of Surface Mining Reclamation and Enforcement of its final decision.

(6) Permit reissuance. After receiving the notice described in subsection (5) of this section, the successor shall immediately provide proof to the cabinet of the consummation of the transfer, assignment, or sale of permit rights. Upon submission of this proof, the cabinet shall reissue the original permit in the name of the successor.

(7) Rights of successor. All rights and liabilities under the original permit shall pass to the successor upon reissuance of the permit, except that the original permittee shall remain liable for any civil penalties resulting from violations occurring prior to the date of reissuance of the permit. The cabinet shall not approve transfer of a surface coal mining permit to any person who would be ineligible to receive a new permit under KRS 350.130(3).

(8) Requirements for new permits for persons succeeding to rights granted under a permit. A successor in interest who is able to obtain appropriate bond coverage may continue surface coal mining and reclamation operations according to the approved mining and reclamation plan and permit of the original permittee. However, any successor in interest seeking to change the conditions of mining or reclamation operations, or any of the terms or conditions of the original permit shall make application for a new permit, revision, or amendment, as appropriate.

(9) Release of bond liability. The cabinet may release the prior permittee from bond liability on the permit area if the successor in interest has filed a performance bond satisfactory to the cabinet, has received written approval of the cabinet for the transfer, sale or assignment of rights, has submitted proof of execution of the agreement, and has assumed all liability under 405 KAR for reclamation of the areas affected by all prior permittees.

Section 23. Amendments. Except for incidental boundary revisions, no extensions to an area covered by a permit shall be approved under Section 20 (permit revisions) or Section 21 (permit renewals) of this regulation. All such extensions shall be made by application for another permit. However, if the permittee desires to add the new area to his existing permit in order to have existing areas and new areas under one (1) permit, the cabinet may so amend the original permit provided that the application for the new area shall be subject to all procedures and requirements applicable to applications for original permits under 405 KAR.

Section 24. Administrative and Judicial Review. (1) Following the final decision of the cabinet concerning the application for a permit, revision or renewal thereof, application for transfer, sale, or assignment of rights or concerning an application for coal exploration, the applicant, permittee or any person with an interest which is or may be adversely affected may request a hearing on the reasons for the final decision in accordance with 405 KAR 7:090.

(2) Any applicant or any person with an interest which is or may be adversely affected and who has participated in the administrative proceedings as an objector shall:

(a) Have the right to judicial review as provided in KRS 224.085 if the applicant or person is aggrieved by the decision of the cabinet in an administrative hearing requested pursuant to subsection (1) of this section; or

(b) Have the right to an action in mandamus pursuant to KRS 350.250 if the cabinet fails to act within time limits specified in KRS Chapter 350 or 405 KAR Chapters 7 through 24.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary

APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 14, 1989 at 9 a.m.

STATEMENT OF EMERGENCY
702 KAR 5:010E

Governor Wallace Wilkinson has transferred $279,000 from his budget to the Department of Education for implementation of the nine (9) hour Defensive Driving Program for Kentucky school bus drivers. Changes in the above regulation are necessary for the implementation of this program. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation will be filed with the Regulation Compiler on July 15, 1989.

WALLACE G. WILKINSON, Governor
HENRY E. POGUE, Chairman

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Administration and Finance

702 KAR 5:010E. Responsibilities of division.

RELATES TO: KRS 156.160, 189.540
STATUTORY AUTHORITY: KRS 156.070, 156.160
EFFECTIVE: July 17, 1989
NECESSITY AND FUNCTION: KRS 156.160 and 189.540 require the State Board <u>for Elementary and Secondary</u> [of] Education to promulgate regulations relating to the safety of public school children, the transportation of such children to and from school, and the operation of school buses. This regulation establishes guidelines and procedures whereby the Division of Pupil Transportation will be enabled and empowered to offer direct assistance to the school districts in these areas: service to the pupils, school bus safety, and economy of operation.

Section 1. The Division of Pupil Transportation shall make the calculations for pupil transportation allotment purposes under the Minimum Foundation Program that are necessary to determine the calculated pupil transportation program cost for each district that provides transportation for its pupils.

Section 2. The Division of Pupil Transportation shall be responsible for the development of a standardized school bus driver training curriculum, meeting the standards of 702 KAR 5:080, Sections 8, 9, and 10, [for approval by the State Board of Education,] and shall keep the curriculum up-to-date by revision when experience indicates updating is necessary. The division shall be responsible for training and certifying instructors of the training curriculum.

Section 3. No person shall be certified to teach the school bus driver training curriculum until he or she has satisfactorily completed a minimum of <u>twenty-five (25)</u> [twenty (20)] hours classroom and driving instruction, conducted by the Division of Pupil Transportation and relevant to the approved driver training curriculum, and has been issued an instructor's certificate by the Superintendent of Public Instruction. Instructors shall be required to renew their certificates annually by completing six (6) appropriate hours of update training conducted by the division.

Section 4. The Division of Pupil Transportation personnel shall have the authority at any time to make a safety inspection of any and all school buses and special type vehicles either owned by the board or contracted to the board that are being used to transport pupils to and from school, held in reserve as substitutes for this purpose, or are being proposed for this purpose. If any of these school buses or special type vehicles are found to be in an unsafe condition, personnel of the Division of Pupil Transportation shall have the authority to prohibit their further use for the transportation of pupils until the conditions causing them to be unsafe shall have been corrected.

Section 5. The Division of Pupil Transportation personnel shall have the authority to prohibit the use of school buses [and/]or special type vehicles used for the transportation of pupils to and from school that have been purchased by boards of education or school bus contractors that were originally manufactured to the specifications of a state other than Kentucky until such school buses shall have been approved by said Division of Pupil Transportation personnel as meeting the minimum safety standards for Kentucky school buses of the same model year.

Section 6. The Division of Pupil Transportation shall have the authority to make a district pupil transportation system survey in any school district that provides transportation for its pupils, or that is planning to provide transportation for its pupils.

Section 7. The Division of Pupil Transportation shall have the authority to require the superintendent of a school district to prepare or cause to be prepared: pupil transportation maps, bus route descriptions, and reports necessary for calculating the district's entitlement under the minimum foundation program and for the purposes of the Division of Pupil Transportation in making a pupil transportation system survey for the district.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: July 12, 1989
FILED WITH LRC: July 17, 1989 at 3 p.m.

STATEMENT OF EMERGENCY
702 KAR 5:030E

Governor Wallace Wilkinson has transferred $279,000 from his budget to the Department of Education for implementation of the nine (9) hour Defensive Driving Program for Kentucky school bus drivers. Changes in the above regulation are necessary for the implementation of this program. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation will be filed with the Regulation Compiler on July 15, 1989.

WALLACE G. WILKINSON, Governor
HENRY E. POGUE, Chairman

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Administration and Finance

702 KAR 5:030E. Superintendents' responsibilities.

RELATES TO: KRS 156.160, 189.540
STATUTORY AUTHORITY: KRS 156.070, 156.160
EFFECTIVE: July 17, 1989
NECESSITY AND FUNCTION: KRS 156.160 and 189.540 require the State Board for Elementary and Secondary Education to promulgate regulations relating to the safety of public school children, the transportation of such children to and from school, and the operation of school buses. This regulation provides the district superintendent with the regulations necessary to assist him in administering the district's pupil transportation programs and to provide the maximum consistency throughout the state.

Section 1. Each school district superintendent shall be responsible for the general supervision of the district's pupil transportation program. The superintendent may designate another employee or other employees of the board to assist in carrying out this responsibility. For the purpose of these regulations, the word "superintendent" shall mean the superintendent or his designate.

Section 2. The superintendent shall require that a safety inspection be made on each school bus owned and operated by the board or contracted to the board at least once each month that the district's schools are in session. This inspection shall be made by a competent person. If, upon inspection, a school bus is found to be in unsafe operating condition, the superintendent shall withhold the bus from operation until the required repairs are made. The superintendent shall be responsible for keeping the records of the bus safety inspections on file, and shall be responsible for certifying to the Division of Pupil Transportation at least once each month that each school bus used during that month has received the proper safety inspection.

Section 3. The superintendent shall be responsible for preparing the school bus route maps, school bus inventories, and other reports required by the Division of Pupil Transportation for the purpose of making the pupil transportation cost calculation for the Minimum Foundation Program.

Section 4. The superintendent shall be responsible for making reports on a monthly basis to the Division of Pupil Transportation on all school bus accidents that happened to the district's buses during the month.

Section 5. The superintendent shall be responsible for providing the necessary and required school bus driver training before a school bus driver shall enter into the duties of transporting pupils to and from school or events related to such schools. This training shall at least include the school bus driver course prescribed by the State Board for Elementary and Secondary Education, in accordance with 702 KAR 5:080, Sections 8, [and] 9, and 10 and shall be conducted by a certified instructor. Evidence that the driver has received this training shall be submitted to the Division of Pupil Transportation and a copy shall be kept on file in the office of the superintendent.

Section 6. The superintendent shall be responsible for providing the required in-service school bus driver training which each school bus driver must complete annually for certification renewal, in accordance with 702 KAR 5:080, Section 10. The in-service training shall include at least eight (8) hours of required [appropriate] instruction conducted by a certified instructor. Evidence that each driver has received this training shall be submitted to the Division of Pupil Transportation and a copy shall be kept on file in the office of the superintendent.

[Section 7. The superintendent may issue a temporary school bus driver's permit provided the applicant meets the qualifications set forth in 702 KAR 5:080, Sections 1 through 7, and a certified instructor judges the applicant competent to safely drive a school bus and safeguard the welfare of students. The temporary school bus driver's permit shall be valid for a period of twenty (20) consecutive school days and shall be nonrenewable.]

Section 7. [8.] The superintendent shall perform a criminal records check of all currently employed school bus drivers and school bus driver applicants for criminal history; alcohol and illegal drug use; and driving infraction conviction(s) prior to recommendation for employment. Current school bus drivers with a positive records check in such areas shall be considered for appropriate disciplinary action.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: July 12, 1989
FILED WITH LRC: July 17, 1989 at 3 p.m.

STATEMENT OF EMERGENCY
702 KAR 5:080E

Governor Wallace Wilkinson has transferred $279,000 from his budget to the Department of Education for implementation of the nine (9) hour Defensive Driving Program for Kentucky school bus drivers. Changes in the above regulation are necessary for the implementation of this program. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation will be filed with the Regulation Compiler on July 15, 1989.

WALLACE G. WILKINSON, Governor
HENRY E. POGUE, Chairman

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Administration and Finance

702 KAR 5:080E. Bus drivers' qualifications; responsibilities.

RELATES TO: KRS 156.160, 189.540
STATUTORY AUTHORITY: KRS 156.070, 156.160, 189.540
EFFECTIVE: July 17, 1989

NECESSITY AND FUNCTION: KRS 156.160 requires the State Board for Elementary and Secondary Education to adopt regulations relating to the transportation of children to and from school and to medical inspections and other matters deemed relevant to the protection of the physical welfare and safety of public school children; and KRS 189.540 requires the State Board to adopt regulations to govern the design and operation of school buses. This regulation implements those duties relative to the qualifications and responsibilities of the school bus driver.

Section 1. All local boards of education shall require annual medical examination of each school bus driver and drivers of special vehicles used to transport school children to and from school and such events related to such schools. The medical examination shall include tests for hearing and vision disorders, emotional instability, and for serious medical conditions including diabetes, epilepsy, heart disease, and other chronic or communicable diseases if indicated in the opinion of the examining physician. The examination shall include tests for tuberculosis upon initial employment and positive reactors shall be required to have further evaluations. All medical examinations of the school bus drivers shall be reported on a form prescribed by the State Department of Education and submitted to the local superintendent.

Section 2. No person shall be employed as a school bus driver who has been convicted of driving any motor vehicle under the influence of alcohol or any illegal drug within the last five (5) years. No person shall drive a school bus unless he or she is physically or mentally able to operate a school bus safely and satisfactorily. If there is limitation of motion in joints, neck, back, arms, legs, or other bodily parts [etc.], due to injury or disease and that would limit the driver's ability to safely perform the task of safely driving a school bus, the driver shall be rejected. Any driver taking medication either by prescription or without prescription, shall not be permitted to drive if that medication would affect, in any way, the driver's ability to safely drive a school bus.

Section 3. (1) No person shall drive a school bus unless he or she has:

(a) Visual acuity of at least 20/40 (Snellan) in each eye either without glasses or by correction with glasses;

(b) Form field vision of not less than a total of 140 degrees; and

(c) The ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

(2) Drivers requiring correction by glasses shall wear properly prescribed glasses at all times while driving.

Section 4. No person shall drive a school bus whose hearing is less than 7/15 in the better ear, or hearing loss is greater than forty (40) decibels if audiogram is used, for conversational tones, with or without a hearing aid. Drivers requiring a hearing aid shall wear such properly operating aids at all times while driving.

Section 5. The board, at its discretion, may require a school bus driver to pass a routine physical examination or a special type physical examination more often than annually. The school bus driver shall have a current physical fitness certificate on file in the district superintendent's office.

Section 6. A driver shall not start driving a school bus until his 18th birthday.

Section 7. (1) The school bus driver shall have a current driver's license that is valid in Kentucky.

(2) A driver applicant, prior to acceptance into the driver training program, shall be required to demonstrate driving skills judged to be acceptable by a certified driver training instructor, with acceptable performance standards as outlined in the Division of Pupil Transportation curriculum and with the score sheet to become a part of each drivers record. Skill levels shall be demonstrated in:

(a) Vehicle knowledge;

(b) Driver ability to perform steering, shifting, maneuvering, braking, use of mirrors, and negotiate each of the following:

1. Ninety (90) degree left hand turns;
2. Ninety (90) degree right hand turns;
3. Straight ahead;
4. Irregular surface maneuverability at speeds;
5. Backing ability using mirrors only; and
6. Demonstration of spatial awareness.

Section 8. (1) During [Beginning with] the 1989-90 [1985-86] school year, no person shall begin driving a school bus until he or she has completed the beginning school bus driver training course prescribed by the State Board for Elementary and Secondary Education and has been issued a Kentucky school bus driver certificate by the Superintendent of Public Instruction, based upon evidence submitted by a certified instructor that all training requirements have been satisfied[; provided that a temporary school bus driver's permit may be issued under the provisions set forth in 702 KAR 5:030, Section 7]. The prescribed core training course for beginning drivers shall consist of the following instructional units and minimum instructional times:

(a) [(1)] Laws and regulations - one (1) hour;
(b) [(2)] Driving fundamentals - one (1) hour;
(c) [(3)] Care and maintenance - one (1) hour;
(d) [(4)] Critical situations - one (1) hour;
(e) [(5)] Accidents and emergency procedures - one (1) hour;
(f) [(6)] Pupil management - one (1) hour;
(g) [(7)] First aid - one (1) hour; [and]
(h) Special education transportation - five-tenths (.5) hour;
(i) Extracurricular trips - five-tenths (.5) hour; and
(j) [(8)] Vehicle operations - three (3) hours [one (1) hour].

(2) Drivers beginning between the start of school in 1989 through December 31, 1989, shall also be required to complete, prior to December 31, 1989, the prescribed training and evaluation course of the following instructional units and minimum instruction - evaluation times relative to the curriculum under the standards set forth in this regulation:

(a) Vehicle control at speed - one (1) hour;
(b) Bus route identification, driver review

and instruction - two (2) hours;
(c) Driver review I, evaluation and instruction - two (2) hours; and
(d) Driver review II, evaluation and instruction - two (2) hours.
(3) Drivers beginning after December 31, 1989, shall complete fourteen (14) hours as set forth in subsections (1)(a) through (j) and (2)(a) and (b) of this section and shall be required to complete the prescribed training and evaluation course set forth in subsection (2)(c) and (d) of this section within thirty (30) days after employment.

Section 9. (1) During the 1989-90 school year, all [Beginning with the 1986-87 school year, no] school bus drivers with less than one (1) year of experience and who drove during 1988-89 shall be required to have, by December 31, 1989, [driver shall continue to drive a school bus until he or she has completed] the initial school bus driver training course prescribed at the time the course was taken [by the State Board for Elementary and Secondary Education] and to have qualified for [holds] a Kentucky school bus driver certificate issued by the Superintendent of Public Instruction, based upon evidence submitted by a certified instructor that all training requirements were [have been] satisfied; and shall in addition have satisfactorily completed, prior to continuing driving, eight (8) hours of in-service driver safety training conducted by a certified instructor, relevant to the curriculum established under the standards set forth in Section 8 of this regulation. [The prescribed training course for initial certification of experienced drivers shall consist of the instructional units and minimum times outlined in Section 8 of this regulation, plus the following instructional units and minimum instructional times:]
(2) During the 1989-90 school year, all school bus drivers with one (1) year or more of experience who drove during 1988-89 shall be required to have completed the school bus driving training eight (8) hour in-service update relative to the curriculum set forth in Section 8(1)(a) through (j) and (2)(a) of this regulation and further including the areas and minimum hours of instruction set forth in Section 8(1)(h) and (i) of this regulation for those drivers who have not previously had such training.
[(1) Special education transportation - five-tenths (.5) hour; and]
[(2) Extra curricular trips - five-tenths (.5) hour.]

Section 10. Beginning with the 1990-91 [1987-88] school year, initial certificate issuance and annual renewal shall require satisfactory completion of the Kentucky Department of Education driver training curriculum prior to the beginning of employment as follows: [all school bus drivers shall be required to renew their certificates annually by satisfactorily completing eight (8) hours of in-service driver safety training conducted by a certified instructor and relevant to the curriculum established under the standards set forth in Sections 8 and 9 of this regulation.]
(1) Beginning drivers - fourteen (14) hours as set forth in Section 8(1)(a) through (j) and (2)(a) and (b) of this regulation, and shall additionally be required to complete the prescribed training and evaluation courses set forth in Section 8(2)(c) and (d) of this regulation within thirty (30) days following the beginning of school;
(2) Certified drivers must complete annually eight (8) hours in-service update; and
(3) Discontinuance of driver employment and subsequent reemployment shall require drivers to become requalified by a training update within a twelve (12) month period following his or her certification termination date. Drivers who are not updated and recertified within such twelve (12) month period shall be required to be retrained through the beginning training program. The requirements of this subsection shall also apply to the 1989-90 school year.

Section 11. Substitute school bus drivers shall meet the same requirements as regular school bus drivers.

Section 12. In case of an emergency that would make it necessary for the driver to leave the bus while pupils are on board, the driver shall stop the motor, shift the bus to low gear, set the parking brake, remove the ignition key, and place one (1) of the older responsible pupils in charge during the driver's absence.

Section 13. The driver shall operate the school bus at all times in a manner that provides the maximum amount of safety and comfort for the pupils under the circumstances.

Section 14. The driver shall supervise the seating of the pupils on the bus. The driver shall make certain the seating capability of the bus has been fully utilized before any pupil is permitted to stand in the bus aisle.

Section 15. The driver shall not, at any time, permit pupils to stand in the stepwell or landing area or where the pupil would likely fall out of the bus if the rear emergency door was opened, or where the driver's view directly in front of the bus or to either side of the front of the bus would be obscured.

Section 16. The driver shall report to the superintendent any overcrowded conditions on the bus.

Section 17. The driver shall transport only those pupils officially assigned to a particular bus trip unless an unassigned pupil presents the driver with a written permit to ride the bus trip that has been signed by the school principal or his designate. The driver shall not permit an assigned pupil to leave the bus at a stop other than where the pupil regularly leaves the bus unless a written permit signed by the school principal or his designate is presented to the driver.

Section 18. The driver shall not transport adult employees of the board or any person not employed by the board unless he receives written permission of the district superintendent to do so.

Section 19. The driver shall not knowingly permit any firearms or weapons, either operative or ceremonial, to be transported on the bus. The driver shall not knowingly permit any fireworks

of any type to be transported.

Section 20. The driver shall not knowingly permit any live animals, fowls, or reptiles to be transported on the bus. The driver shall not knowingly permit any preserved specimen to be transported that would likely frighten any pupil or cause a commotion on the bus.

Section 21. The driver shall not permit the transportation of any object that would likely block the bus aisle or exits in case of a collision.

Section 22. The driver shall not permit a pupil to operate the entrance door handle or any other bus control except in case of an emergency.

Section 23. The driver shall activate the flashing amber [stop warning] lights [and/or the stop signal arm] a sufficient distance from a bus stop so as to permit any prudent motorist to stop short of striking or passing the stopped bus and the flashing stop warning lights and the stop signal arm at the bus stop. [that would permit any prudent motorist to stop short of striking or passing the stopped bus.]

Section 24. For safety reasons, the driver shall not permit fueling of [gasoline to be put into] the bus [gasoline tank] while pupils are on board the bus.

Section 25. If a pupil's conduct on the bus is such that it endangers the lives and morals of the other people on the bus and makes it unsafe for the bus to continue on its route, and when requested by the driver to desist from such conduct and the pupil does not comply, it shall be the duty of the driver to order the pupil to leave the bus, and if this order is refused, to eject the pupil from the bus or send for assistance, whichever the circumstances dictate. Ejecting a pupil from the bus shall be done only in the most extreme circumstances. When ejection from the bus is required, the driver shall notify the principal of the school where the pupil attends, the district superintendent or some other school authority of the action taken as soon as it is possible to do so.

Section 26. In the interest of safety, the driver shall stop the bus at all places where the roadway crosses a railroad track or tracks at the grade level. The driver shall open the bus entrance door, listen, and look for the approach of a train from both directions. When the driver has ascertained that it is safe for the bus to cross the railroad tracks, he shall close the bus entrance door, shift the bus gears into the range that will provide adequate power and proceed immediately to cross the railroad tracks. In cases of severe weather or restricted visibility, the driver shall request assistance from the oldest pupils on the bus in determining whether or not it is safe for the bus to cross the railroad tracks. Under these circumstances, the stop signal arm and flashing warning lights shall be used only if these pupils get off the bus before it is driven across the tracks and board the bus after it has crossed the tracks.

Section 27. The driver shall have the authority to assign a pupil to a specific seat on the school bus.

Section 28. The driver shall make a pretrip inspection of the bus safety and operating equipment each time that the bus is taken out for the transportation of pupils.

Section 29. The school bus driver shall not operate the school bus at a speed in excess of the posted speed limit on the sections of highways over which the bus travels, nor at any time in excess of fifty-five (55) miles per hour. The driver shall not drive the school bus on any roadway at any time at a speed where the conditions of the roadway, weather conditions, or other extenuating circumstances would likely make it unsafe for the bus to travel at that speed.

Section 30. The driver shall wear the driver's seat belt at all times that the bus is operated.

Section 31. The stop signal arm and flashing warning lights shall be used only at stops where pupils are boarding or leaving the bus.

Section 32. The driver shall not use tobacco products while operating the school bus, nor knowingly permit pupils to use tobacco products when on the school bus.

Section 33. The driver shall signal pupils who must cross a roadway to board or leave the bus when the driver has determined that any visible approaching traffic creating a substantive risk of harm has come to a complete stop and is not attempting to start up or pass the bus.

Section 34. A driver shall not operate a school bus while under the influence of alcoholic beverages or any illegal drug or other drug as provided in Section 2 of this regulation. Drivers found under the influence of alcohol or any illegal drugs while on duty or with remaining driving responsibilities that same day shall be dismissed from employment.

Section 35. The driver of a school bus shall be on the bus at all times students are loading or unloading.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: July 12, 1989
FILED WITH LRC: July 17, 1989 at 3 p.m.

STATEMENT OF EMERGENCY
705 KAR 5:130E

There is an immediate need to make the attendance policy more explicit and yet more reasonable in the state-operated vocational schools for postsecondary students. Whereas, school begins on August 1, 1989, an emergency administrative regulation is necessary in order to provide clear and immediate direction to school administrators. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation will be filed with the Regulations Compiler at the same time.

WALLACE G. WILKINSON, Governor
C. RICHARD WARNER, Vice Chairman

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Vocational Education

705 KAR 5:130E. Attendance policies for long-term adults in state-operated vocational schools.

RELATES TO: KRS 163.030
STATUTORY AUTHORITY: KRS 156.070, 163.030
EFFECTIVE: August 9, 1989
NECESSITY AND FUNCTION: KRS 163.030 provides that the State Board for Adult, Vocational [of] Education and Vocational Rehabilitation has all necessary power and authority in administering vocational education. The State Board for Adult, Vocational [of] Education and Vocational Rehabilitation finds it necessary to establish attendance policies for adults sixteen (16) years of age and older who are enrolled in a vocational education program of 500 hours or more.

Section 1. Students shall be treated uniformly in terms of their attendance in all state-operated vocational schools. Each school shall maintain a uniform attendance accounting procedure.

Section 2. Regular attendance and punctuality are expected of all students as the student's school attendance record may have a positive or negative impact on initial employment opportunities. An accurate record of total hours absent and total hours in attendance for the program shall be reflected on the student's transcript. Students shall assume responsibility for regular attendance; completion of all assignments; completion of all examinations; and completion of required laboratory, internship, and clinical time. [The teacher or school principal shall determine when an absence from a scheduled class is excused or unexcused.]

Section 3. Work missed because of absence for any reason shall be made up satisfactorily to the teacher within a reasonable time after returning to school. Makeup work not turned in by the time designated by the instructor shall receive a grade of "0". It is the student's responsibility to contact the teacher on the day returning to school to arrange for makeup work. Makeup of examinations, clinical time, or other instructional activities may require extra hours as arranged by the teacher. [Excused absences are those due to personal illness, injury, or accident; serious illness of family members; death of spouse, brother or sister, children including stepchildren, foster children, parents or spouse's parents, or grandparents or spouse's grandparents; requirements to appear in court; military assignments; and other compelling circumstances making it unwise or inadvisable to attend class. In the event of illness, a student may be requested to present a medical statement.]

Section 4. The school recognizes that there are times when a student must be absent because of illness, death in the family, accident or other personal emergency. Students are expected to keep leave time to a minimum and may be asked for verification of illness or personal emergency if there is reasonable cause to suspect abuse of this leave policy. [Regardless of whether a student believes an absence(s) to be excused or unexcused,] The student shall notify the teacher or an appropriate administrator of the absence(s) and the reason therefor either prior to the absence(s) or as soon thereafter as practicable.

[Section 5. If an excused absence requires the student to be absent for more than ten (10) consecutive days, serious consideration will be given to interrupting the student's training and then enrolling him or her when the cause of the absence has been eliminated. Students who are enrolled in a clinical or cooperative education component and must miss more than five (5) consecutive days shall have training formally interrupted.]

Section 5. [6.] If a student has more than seventy (70) hours of total absence during the school year [one (1) unexcused absence in a calendar month], the student shall receive an official warning. The student [be placed on probation from the date of notification of probationary status for a period of ninety (90) days, and] shall be referred to a guidance counselor for guidance and counseling services. After receiving an attendance warning, a student shall notify the school principal or the principal's designee of reasons for any further absence. The principal or the principal's designee shall determine whether or not the absence is for an essential cause, including serious illness, injury, or accident; court appearance; military assignment; or other emergency situations. Only one (1) day or six (6) cumulative hours, whichever is greater, past the warning notification shall be allowed for any cause. If the student has any [one (1)] additional [unexcused] absence of one (1) hour or more [during the probationary period], the student shall, without compelling circumstances, be subject to suspension or expulsion as prescribed in 705 KAR 5:080.

Section 6. [7.] Absences shall be recorded for any time of more than a half hour missed from class or an assigned work station unless the student participates in an approved alternate school activity such as a vocational student organization conference. Arriving after the roll is checked but within the first half hour of the class period is recorded as tardy; i.e., arriving forty (40) minutes late equals one (1) hour of absence and twenty-five (25) minutes late is one (1) tardy. Leaving class within the last half hour of the program is considered the same as tardy. Three (3) tardies or three (3) times leaving early equals one (1) hour of absence. [Three (3) instances of tardiness or leaving early shall constitute either an excused or unexcused absence for reasons described in preceding sections of this regulation. Students who habitually arrive late or leave early shall be counseled; and if the problem continues, the student shall be placed on probation on the same basis as described in Section 6 of this regulation. If the terms of probation are violated, the student shall be subject to suspension or expulsion, as prescribed in 705 KAR 5:080.]

Section 7. [8.] Satisfactory progress for the purpose of financial aid is based on academic progress. An official warning for attendance problems shall not result in withholding

financial aid payments. [When school administrators feel expulsion is appropriate, a hearing shall be requested of the regional director. The hearing shall be in compliance with 705 KAR 5:080, and any reinstatement after expulsion shall be in accordance with said regulation.]

Section 8. [9.] A student scheduled for a support class (such as, related instruction, computer laboratory, economics, or study skills) who misses fifteen (15) percent or more of the total hours scheduled shall be required to repeat the support class prior to graduation. [This regulation shall be effective for the 1988-89 school year and thereafter until such time as it shall be formally amended.]

Section 9. Students subject to dismissal for attendance violations may request a hearing by filing a request for such with the regional administrator within three (3) days of notification of the recommendation for dismissal. Otherwise, no hearing shall be scheduled pursuant to 705 KAR 5:080, and expulsion shall be automatic.

Section 10. Students attending a program of less than eleven (11) total months duration or students attending a program on a part-time basis shall have the maximum of seventy (70) hours prior to attendance warning reduced proportionately.

Section 11. Students completing a program with five (5) or fewer total days' absence for the program shall be given a Certificate of Merit for Attendance. Students completing a program with less than one (1) day of absence during the program shall receive a Certificate of Excellence for Attendance.

C. RICHARD WARNER, Vice Chairman
APPROVED BY AGENCY: June 20, 1989
FILED WITH LRC: August 9, 1989 at 11 a.m.

STATEMENT OF EMERGENCY
709 KAR 1:060E

It is necessary to clarify the grading period within state operated vocational schools. Whereas, school begins on August 1, 1989, an emergency administrative regulation is necessary in order to provide clear and immediate direction to school administrators. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation will be filed with the Regulations Compiler at the same time.

WALLACE G. WILKINSON, Governor
C. RICHARD WARNER, Vice Chairman

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Federal Programs

709 KAR 1:060E. Standard for academic progress for postsecondary and adult students.

RELATES TO: KRS 163.030
STATUTORY AUTHORITY: KRS 156.032, 156.070, 163.030 [Chapter 13A]
EFFECTIVE: August 9, 1989
NECESSITY AND FUNCTION: KRS 163.030 gives the State Board for Adult, Vocational [of] Education and Vocational Rehabilitation all necessary power and authority in administering the state's vocational education program. This regulation is necessary in order to set a statewide standard for academic progress for postsecondary and adult students in the state's vocational technical schools and area vocational education centers to meet in order to remain in good academic standing in such schools.

Section 1. Any postsecondary or adult student enrolled in a state operated vocational school shall maintain satisfactory progress toward completion of the prescribed competencies based upon the student's skill development. The quality of the student's performance shall include the quality of any shop or laboratory work, technical knowledge, attitude, conduct, and completion of assigned tasks and learning activities.

Section 2. Postsecondary and adult students must maintain an overall "C" average, i.e., seventy (70) percent passage, in each requirement for completion of an occupational program. A student who falls below a "C" average in any of the requirements at the end of a specified grading period shall be placed on academic probation for not less than one (1) grading period. A grading period consists of an academic quarter (fifty-five (55) days). [of six (6) weeks or more and not more than two (2) grading periods.] Remedial assistance shall be offered the student in those instructional areas below the "C" in an effort to allow them to proceed in the program. If satisfactory academic progress is still not being made at the end of the probationary period, the student shall be academically expelled, without the right of formal hearing, by the principal.

Section 3. (1) Clear and specific notice of the academic progress policy set forth herein shall be included in each school's student handbook, which shall be disseminated to each student upon his entrance into a vocational program, and each teacher shall clearly explain to each student the grading criteria to be used at the outset of a student's participation in that teacher's course or program.

(2) Any student being placed on academic probation shall be clearly advised of such by the school, the duration of such probation, and the consequences of continued failure to make satisfactory academic progress.

Section 4. (1) A student expelled for academic reasons, shall, unless extenuating circumstances or the facts of individual cases warrant shorter expulsions, be readmitted to school on the basis of waiting list priorities at the time of expulsion or on the basis of two (2) academic quarters [a ninety (90) day expulsion (excluding the month of July)], whichever is longer.

(2) A school shall not be obligated to, but may, readmit a student after a second academic expulsion.

C. RICHARD WARNER, Vice Chairman
APPROVED BY AGENCY: June 20, 1989
FILED WITH LRC: August 9, 1989 at 11 a.m.

REGULATIONS AS AMENDED BY ADMINISTRATIVE BODY AND REVIEWING SUBCOMMITTEE

COMPILER'S NOTE: The following regulations were amended by the promulgating agency and the Administrative Regulation Review Subcommittee on August 3, 1989, and have not yet gone into effect.

FINANCE AND ADMINISTRATION CABINET
Kentucky Infrastructure Authority
(As Amended)

200 KAR 17:010. Guidelines for infrastructure revolving fund.

RELATES TO: KRS Chapter 224A
STATUTORY AUTHORITY: KRS Chapter 13A, 224A.070(1), 224A.113
NECESSITY AND FUNCTION: KRS 224A.070(1) and 224A.113 authorize the Kentucky Infrastructure Authority to promulgate regulations in accordance with KRS Chapter 13A, to govern the application for and provision of financial assistance to governmental agencies for the construction or acquisition of infrastructure projects from the infrastructure revolving fund.

Section 1. Definitions. For the purposes of this regulation the words and terms used shall have the same meaning as in KRS 224A.011, with the following additions:
(1) "Applicant" shall mean any governmental agency that has submitted an application for funds to the Kentucky Infrastructure Authority.
(2) "State clearinghouse" shall mean a review conducted within the Department of Local Government pursuant to federal or state law or regulations.
(3) "Authority staff" shall mean the Office for Investment and Debt Management.
(4) "Conditional commitment letter" shall mean a letter delivered to the borrowing governmental agency issuing the authority's commitment to provide a loan conditional on certain actions by the governmental agency on or before the closing date.
(5) "Department" shall mean the Department of Local Government.
(6) "Closing date" shall mean the date established by the authority for execution of the assistance agreement immediately preceding the award of construction contracts and satisfaction of conditions on the loan.
(7) "Index rate" shall mean the average of the Bond Buyer indexes - twenty (20) G.O. Bonds as published weekly in the Bond Buyer (a financial newspaper published in New York) calculated based on the weeks falling within each calendar quarter. This average shall be rounded to the nearest one-tenth (.1) of one (1) percent.

Section 2. Eligible Applicants. (1) Any governmental agency, as defined in KRS 224A.011, is eligible to apply to receive financial assistance for construction or acquisition of infrastructure projects.
(2) Each applicant **shall** [must] certify in writing that it is unable to finance the entire infrastructure project from its own resources. Documentation evidencing its inability **shall** [will] include the following:
(a) Letters from local lending institutions.
(b) An opinion of bond counsel, if applicable.
(c) If funds are for wastewater treatment facility, a statement from the Natural Resources and Environmental Protection Cabinet stating either:
1. The applicant will not qualify for funding during the current funding cycle;
2. The applicant has applied and fallen below the funding level in two (2) consecutive attempts; or
3. The applicant needs to supplement Natural Resources and Environmental Protection funds.
(d) If the applicant is in an area which qualifies for assistance through the Farmer's Home Administration ("FmHA"), a statement stating either:
1. The applicant would not qualify for funding;
2. Applicant has previously applied for FmHA funding and has failed to receive assistance in two (2) consecutive attempts; or
3. The applicant needs to supplement the FmHA funds with infrastructure revolving fund.
(e) Statements from any other sources or other certifications, which have a bearing on the application, **shall** [will] be considered.
(3) Each applicant **shall** [must] have or **shall** [will] attain the legal authority necessary for constructing, operating and maintaining the proposed infrastructure project. The applicant **shall** [must] also have the legal authority to obtain, give security for, and repay the proposed loan. The applicant shall be responsible for operating, maintaining and managing the infrastructure project and providing for its continued availability and use at rates and terms that **shall** [will] be adequate to meet its obligations as they become due including any loan. If the infrastructure project is to be operated, maintained or managed by a third party under contract, management agreement or written lease, the applicant shall nevertheless continue to be responsible for compliance with the requirements of this section.

Section 3. Eligible Infrastructure Projects. Monies in the infrastructure revolving fund shall be used for infrastructure projects which will enhance the health, safety and welfare, and encourage economic development opportunities in local communities as determined by the authority based upon each application. Eligible activities include **infrastructure projects as defined in KRS 224A.011(13).** [: construction or acquisition of treatment works, distribution and collection facilities, or water resources projects instituted by an applicant, as approved by the authority and as may be required by law, the Natural Resources and Environmental Protection Cabinet or other public agency of having regulatory jurisdiction over the project; solid waste management facilities; dams; storm water control and treatment systems; solid waste handling and disposal facility; gas or electric utility; or any other public utility or public service project which the applicant may be authorized by law to operate, and which the authority finds will enhance the health, safety and welfare and encourage economic opportunities within or among local communities.]

Section 4. Submission Requirements and Review Process. (1) The original and one (1) copy of

each application **shall** [must] be submitted to: Department of Local Government, Capital Plaza Tower, Second Floor, Frankfort, Kentucky 40601, Attention: Director, Division of Community Programs; and one (1) copy of each application **shall** [must] be simultaneously submitted to the Kentucky Infrastructure Authority, Room 318, Capitol Annex Building, Frankfort, Kentucky 40601, Attention: Executive Director.

(2) Application forms may be obtained from the Department of Local Government, and a complete set of application forms **shall** [must] be submitted before an application **shall** [will] be considered for assistance from the infrastructure revolving fund.

(3) Only one (1) application from an eligible applicant **shall** [will] be accepted at one (1) time. An application may be withdrawn at any time by an applicant, and any project previously disapproved for assistance from the infrastructure revolving fund may be resubmitted.

(4) The time frame for application review [generally] shall be: forty-five (45) days for Kentucky State Clearinghouse review; thirty (30) days for Department of Local Government review and priority assignment; and thirty (30) days for authority credit review; **except** [provided, however, that] the agencies responsible for each part of the review may extend the time for review beyond these guidelines as may be necessary for thorough review, or to obtain from the applicant, and to consider clarification of anything contained in the application. Applicants may supplement their applications during the review process to clarify or explain the project scope, funds pledged as repayment of the loan, or make adjustments in the application to enhance the programmatic or financial feasibility of the project.

Section 5. Criteria for Selecting Eligible Projects. (1) The Department of Local Government shall select and determine eligible projects for loans or grants. The department shall take into consideration the following:

(a) Unemployment data, which **shall** [will] be specific to the county or counties from which the application originates and **shall** [will] reflect the most recent figures available from each county.

(b) The applicant's relationship to the capital investment plan, which **shall** [will] determine how well the infrastructure project fits into the economic strategy of the community. An infrastructure project which directly relates to economic development is one that stimulates the creation of new job opportunities or prevents the loss of a significant number of jobs. An infrastructure project **shall** [will] be considered based on the degree to which it enhances economic development efforts through job creation or retention and the level of priority in the community's capital investment plan.

(c) The department **shall** [will] determine the extent of the need for the infrastructure project and the impact which the project will have on the local economic development efforts. A primary consideration **shall** [will] be whether jobs will be created or retained as a result of the infrastructure project.

(d) The department **shall** [will] determine if the proposed costs of completing the infrastructure project is reasonable given the geographic location of the infrastructure project, current pricing trends, required professional services, and any other factors that may have a bearing on the project. Cost figures submitted in the application **shall** [will] be reviewed to determine whether the proposed budget for the project is feasible.

(e) The department **shall** [will] determine the overall project effectiveness and determine if the most beneficial project has been designed for the use of the infrastructure revolving fund.

(2) The department **shall** [will] review applications and assign a priority ranking based on the selection criteria. Projects **shall** [will] be ranked as Priority I, Priority II, or Priority III.

(a) A Priority I ranking **shall** [will] be assigned when, having considered all criteria, the project will make a significant economic impact on the community through the creation or retention of jobs; is well designed; cost effective; and, generally, determined by the department to be the most suitable solution to the community's needs.

(b) Priority II **shall** [will] be assigned when one (1) or more factors exist which would limit the success or feasibility of the project.

(c) Priority III **shall** [will] be assigned when, having considered all the criteria, the department finds that the project is premature, is not feasible, or is inappropriate for assistance from the infrastructure revolving fund.

(d) The department **shall** [will] recommend Priority I rankings to the authority's staff for financial review.

(3) Financial review of the Priority I designated project applications **shall** [will] include:

(a) Analysis of:

1. The appropriateness of the type of revenues pledged for the repayment of the loan;
2. The validity of the assumptions used to project new revenues resulting from the project;
3. Security of monies other than the infrastructure loan pledged to fund the project cost;
4. Ability of the applicant to provide for maintenance and operations cost of the project and related public service system;
5. Ability of the applicant to service existing debt of the system related to the project;
6. Security of funds pledged by entities, other than the applicant, to repay the infrastructure loan; and
7. Ability of the authority to finance the applicant project using the financing programs permitted by Kentucky and federal law or regulation.

(b) At any time during the financial analysis, an applicant may be notified of a deficiency. If the problem cannot be resolved through negotiation, the authority may remove the application from consideration.

Section 6. Loan Process. (1) Upon completion of the credit review by the authority's staff, the application **shall** [will] be submitted to the authority for final action.

(2) If the authority approves the application, a conditional commitment letter shall be issued to the applicant. This letter shall set forth the conditions and documentations required by

the authority prior to execution of an assistance agreement. No funds shall [will] be provided until the assistance agreement is fully executed. The commitment shall [will] be made upon the authority's satisfaction that the project proposed is financially feasible, the applicant is credit worthy and the project shall [will] comply with all technical and program requirements set forth in state and federal law and regulations.

(3) The authority shall establish interest rates quarterly based on prevailing market conditions. The rate of interest on each loan shall be set forth in the conditional commitment letter. There shall be two (2) rates of interest offered, the above median income interest rate and the below median income interest rate. The above median income interest rate shall be the index rate less two (2) percent. The above median interest rate shall apply to borrowers whose jurisdiction lies within a county whose median family income level is above or equal to the statewide median household income level. The below median interest rate shall be the index rate less four (4) percent. The below median interest rate shall apply to borrowers whose jurisdiction lies within a county whose median family income is below the statewide average family income. The most recent statistics on family income as published by the Urban Studies Center, University of Louisville, shall apply. If a borrower's jurisdiction lies within more than one (1) county, the average of the median family income of all the counties covered by the borrowers jurisdiction shall determine the applicable interest rate. If the median family income level of an applicant's community differs significantly from that of the applicant's county, the authority may consider adjustment of the interest rate to the below median income rate. If the nature of a project financed by the authority's loan causes the authority bonds issued to fund the project to become taxable as interest, the authority may consider adjustments in the interest rate to reflect the additional costs of authority funds.

(4) Loan repayments shall not exceed thirty (30) years, and principal shall be payable annually, and interest semiannually, unless the authority establishes a more frequent payment schedule due to credit concerns. The loan repayment period may be less than thirty (30) years upon election of the authority. Loan repayments [ordinarily] shall commence within six (6) months after the start of construction, unless repayment is dependent on revenues generated from the specific infrastructure project. In such cases, loan repayment shall begin within six (6) months after the infrastructure project is operational, and interest to cover the authority's cost of money during the construction period may be added to the amount of the loan.

(5) The principal amount of each loan shall be equal to the amount approved by the authority. The final loan amount may be adjusted by up to ten (10) percent of the commitment without further action by the authority, subject to availability of funds to service the debt.

(6) Upon certification by the project engineer of construction of the infrastructure project as eighty (80) percent complete, and the submission by the applicant of evidence of the exact cost of the project, an inspection shall [will] be held by the authority staff to provide for any adjustments in the loan amount.

(7) To assure adequate funds for major maintenance and replacement of the projects funded by this program, the borrower shall be required to set aside annually from current revenues in excess of operations, maintenance and debt service requirements an amount equal to ten (10) percent of average annual debt service on the authority's loan. These amounts are to be deposited into a separate bank account until the balance is equal to five (5) percent of the original principal amount of the loan. Monies may be withdrawn from the account when major maintenance or replacements of equipment in excess of budgeted amounts are required. Such withdrawals shall be replaced from the successive year's revenue for the maintenance of the required five (5) percent balance. If the applicant is not the operator of the infrastructure project and the nature of the revenues pledged to repay the authority's loans are not generated by the project, this requirement may be waived.

(8) [(7)] The assistance agreement between the authority and application shall contain such terms and conditions as the authority deems necessary to maintain the financial integrity of the infrastructure revolving fund according to the circumstances of each project.

Section 7. Applicant Management Capacity. The department and the authority's staff shall require as a condition of any loan that the applicant perform any or all of the following:

(1) Document compliance with statutory mandates for financial accountability and personnel management.

(2) Demonstrate the ability to operate, as well as maintain, the project in a proper manner over the life of the loan.

(3) Document compliance with any other state or federal agencies.

Section 8. Loan Closing and Extensions. An applicant shall [must] meet all conditions for loan closing and take action to award contracts for the project within not more than eleven (11) calendar months after the date of the conditional commitment letter, otherwise, the loan commitment shall expire. (For example, if an application was approved on January 1, 1989, bids for the project shall [must] be accepted and the loan agreement signed by November 30, 1989.) One (1) extension period of up to six (6) months may be granted if needed. If the extension is denied, the loan offer may be rescinded. If a request for a time extension is granted, but all the conditions still cannot be met during the extension period, the loan commitment may be rescinded. The applicant may reapply for any project for which the loan commitment has been expired or been rescinded under this section.

Section 9. Authority to Administer the Program. The authority shall monitor the assistance agreements and require that financial reports be made available to the authority by the governmental agency at such intervals as shall be deemed necessary by the authority. The authority shall monitor the economic impact on the community, the cash flows of the project, and perform all actions that shall be required

to assure that the agreements continuously meet the program standards established by this regulation. **There shall be an annual administrative fee of two-tenths (.2) of one (1) percent charged on the unpaid balance of all loans. This fee shall be applied to the servicing costs of the loans and necessary operating expenses of the program.**

L. ROGERS WELLS, JR., Secretary
APPROVED BY AGENCY: June 9, 1989
FILED WITH LRC: June 12, 1989 at 11 a.m.

GENERAL GOVERNMENT CABINET
Board of Chiropractic Examiners
(As Amended)

201 KAR 21:041. Licensing; standards, fees.

RELATES TO: KRS 312.085, 312.095, 312.105, 312.115
STATUTORY AUTHORITY: KRS 312.019
NECESSITY AND FUNCTION: The statutory provisions governing applications for licenses, examination of prospective licensees and the renewal of licenses were amended by the 1988 [1976] session of the Kentucky General Assembly. The purpose of this regulation is to more definitively specify the procedures relating to these and other matters.

[Section 1. Application. All applications to the board for licenses shall be made through its executive secretary on fully completed forms provided by the board for that purpose. The application shall be made at least thirty (30) [twenty (20)] days prior to the meeting held for examinations by the board unless waived by the board. The application shall be made and signed by the applicant in his/her own handwriting and shall be in the form and contain the information and documents required [provided for] by KRS 312.085.]

[Section 2. Educational Requirements. For an applicant to be eligible to take the examination or to be licensed, he/she must meet the following minimum educational requirements:]
[(1) He[/she] must have satisfactorily completed not less than sixty (60) semester credit hours of study from a college or university accredited as provided by KRS 312.085; and [.]]
[(2) He[/she] must be a graduate of a chiropractic college accredited as provided by KRS 312.085. Standards for such institutions are set forth in 201 KAR 21:055.]

Section 1. [3.] Application Fee. **At the time the application is submitted, an application and examination fee in the amount of $150 shall be paid to the executive secretary.** [There shall be paid to the executive secretary at the time the application is submitted, an application fee and an examination fee in the amounts provided by the board but the total of both the application fee and the examination fee shall not exceed the amount provided by KRS 312.095.]

[Section 4. (1) In order for an applicant to successfully pass the examination and to be licensed, he/she must make a score of seventy-five (75) percent or better on each subject tested, including clinical competency.]
[(2) Any applicant failing to correctly answer the required percentage of questions in one (1) or more subjects may request a reexamination within two (2) years of the initial examination. An applicant being reexamined, who failed four (4) or more subjects on the first examination will be required to retake the entire examination. If the applicant being reexamined failed less than four (4) subjects on the first examination, he/she shall be required to take only the examinations for the subjects failed. If the applicant fails to correctly answer the required percentage of questions upon the reexamination, he/she may be reexamined upon all of the subjects by making a new application satisfying the provisions of KRS 312.085 and 312.095 and, in addition, furnishing proof of having received at least thirty-six (36) classroom hours of additional chiropractic training since the date of his[/her] last examination in a course or courses approved by the Council on Chiropractic Education or equivalent courses.]

Section 2. [4.] Licenses. [5.] Licenses issued by the board shall set forth the name of the issuing board, the name of the licensee, the number of the license, the date of its issuance, and must be signed by three (3) members of the board and have the seal of the board affixed. All members of the board shall be given the opportunity to sign each license.

Section 3. [5.] License Renewal. [6.] (1) Each licensee of the board, whether licensed to practice in this state or out of it and whether or not he[/she] is inactive or retired, shall annually renew his[/her] license on or before the first day of March. He[/she] shall submit his[/her] application for license renewal to the executive secretary on the forms provided by the board for such purpose. With the application, a [the] licensee shall pay the renewal fee **of sixty (60) dollars** [established by the board which shall not exceed the amount provided by KRS 312.175].
(2) [If the licensee is in active practice in this state or intends to engage in active practice in this state during the renewal period, he/she shall submit with his/her application for license renewal satisfactory evidence that he/she has attended an educational program in the year preceding such application for renewal unless an affidavit satisfying the requirements of KRS 312.175(1) and this regulation is submitted.] The educational program shall meet one (1) or more of the following minimum requirements:
(a) A post graduate course of study at or sponsored by a chiropractic college accredited by the [Association of Chiropractic Colleges or the] Council on Chiropractic Education or its [their] successors, [or equivalent colleges,] of at least twelve (12) hours of instruction over at least two (2) days; or
(b) An educational program approved by the board, or a committee designated by the board to act between sessions of the board, with a total of at least twelve (12) hours of instruction over at least two (2) days. To be considered, the educational program shall [must] be sponsored by a national or state chartered organization of chiropractors open to all

doctors of chiropractic in Kentucky who desire to attend. The instructors and speakers shall be [generally] recognized to have a national reputation in the field of chiropractic education or allied sciences or they shall be generally recognized as having a high degree of skill in the field in which he[/she] instructs or speaks. The programs to be presented must contain subjects that will be of significant benefit to licensees and on a postgraduate level of education.

(3) The sponsoring party of a proposed educational program for license renewal **shall** [must] apply for approval of the program prior to its presentation by providing the following information to the executive secretary:

(a) The name of the course;

(b) The name of the sponsoring organization;

(c) The objective of the program;

(d) The number of hours over which the educational program will be presented and the dates presented;

(e) The names of the instructors and speakers and the name and address of the institution with which they are associated, if applicable;

(f) The instructors' or speakers' educational background and other relevant qualifications;

(g) The name and address of the person authorized to certify attendance.

(4) The educational program may be monitored by an officer of the board, the field coordinator of the board, or a person designated by the president of the board for such purpose.

(5) Any proposed program **shall** [must] be submitted to the executive secretary of the board for approval at least sixty (60) days prior to the date of the presentation. The board, or a committee designated by the board to act between meetings of the board, shall give written notification of the **board's** approval or disapproval of the program to the sponsoring party not less than thirty (30) days after receiving the proposed educational program. Within thirty (30) days of completion of the program, the sponsoring party shall submit to the executive secretary a written certification of the licensees in attendance at the program, the sessions attended by each and the number of hours of each session attended.

[(6) Notwithstanding the preceding provisions of this regulation, licenses may be renewed by the board at its discretion where the applicant submits an affidavit to the board evidencing that he/she suffered a hardship which prevented the applicant from renewing the license or attending the educational program at the proper time. The term "hardship," as used in this regulation, shall mean anything which prevents the licensee from paying the renewal fee and/or attending the educational program which could not be reasonably foreseen and which does not negatively reflect upon his/her ability to practice chiropractic.]

(6) [(7)] If the licensee is in active practice but is not in active practice in this state and does not intend to practice in this state during the renewal period, he[/she] shall meet the educational requirements of the state or jurisdiction in which he[/she] is practicing; shall affirm that such requirements have been met; and shall furnish proof of compliance if requested by the board or by the executive secretary.

(7) [(8)] If the licensee is not in active practice, his[/her] license may be renewed, with such inactive status being noted, without satisfying the educational requirements but before such licensee may again be licensed to engage in the active practice of chiropractic, he[/she] shall meet the educational requirements prescribed by the board after a review of the licensee's verified resume of education and experience and shall satisfactorily pass such examination for clinical competency as may be prescribed by the board.

Section 4. [6.] Change of Address. [7.] Each licensee shall notify the executive secretary within thirty (30) days of each change of mailing address [and/]or place of business.

Section 5. [7.] Fees. [8.] **The fee for reexaminations is $100.** [The board may charge reasonable fees for reexaminations, providing certified copies of record, and for other such services providing that they are preestablished by the board at a duly convened meeting thereof and are uniformly applied. To the extent provided, fees established by KRS Chapter 312, shall control.]

Section 6. Application and renewal forms are incorporated by reference. Forms may be obtained at, or by written request mailed to, the office of the board, 211 South Green Street, Glasgow, Kentucky 42141. [8. Effective Date. This regulation shall be effective January 1, 1990.]

HAROLD BYERS, D.C., President
APPROVED BY AGENCY: December 1, 1988
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GENERAL GOVERNMENT CABINET
Board of Chiropractic Examiners
(As Amended)

201 KAR 21:075. Peer review procedures and fees.

RELATES TO: KRS 312.200
STATUTORY AUTHORITY: KRS Chapter 13A, 31.200, 312.015, 312.019
NECESSITY AND FUNCTION: KRS 312.010 empowers the Board of Examiners to adopt regulations. KRS 312.200 requires the board to appoint a peer review committee and establish procedures and fees for the review of submitted claims. The function of this regulation is to establish those fees and procedures.

Section 1. Definitions. (1) "Board" means the Kentucky State Board of Chiropractic Examiners.

(2) "Committee" means the peer review committee established by KRS 312.200.

(3) "Accepted standards" for the peer review committee means those standards of care, skill, and treatment which are recognized by a reasonably prudent chiropractor as being acceptable under similar conditions and circumstances.

(4) "Appropriate chiropractic treatment" means a determination made of treatment and other services performed, which by virtue of a substantiated and properly diagnosed condition appears to be a type consistent with that diagnosis as reviewed by the peer review committee.

(5) "Unconscionable fees" means charges or bills for treatment submitted for services performed that are unnecessary or unreasonable charges in the judgment of the peer review committee. In determining the unconscionability of costs, the committee may consider, among other appropriate factors, the usual and customary charges by chiropractors and by health care providers other than chiropractors for the same or similar services in the locality where the complaint originated.

(6) "Bill for treatment" means all services provided to a customer, regardless of the monetary consideration paid to the chiropractor.

(7) "Patient" means an individual who receives treatment from a chiropractor.

[(8) "Peer review" means an evaluation, based on accepted standards, by the peer review committee of the appropriateness, quality, utilization, and cost of health care and health services provided to a patient.]

(8) [(9)] "Properly utilized services" means appropriate treatment services rendered, including frequency and duration, which are substantiated as being necessary and reasonable by clinical records and reports of the provider or any other facts or evidence pertinent to the controversy as reviewed by the peer review committee

Section 2. Procedures. [(1) Peer review shall occur upon submission by a patient, the patient's representative, the treating chiropractor, the insurer or other third party payor seeking peer review regarding the appropriateness, quality or utilization of chiropractic services or bills for treatment.]

(1) [(2)] Before peer review can take place, the patient shall execute a release permitting photocopies of the applicable treatment or billing records prepared by the chiropractor in the regular course of business. No treatment records shall be released for peer review without the patient's authorization. The acceptance of, or the request for, payment by a chiropractor constitutes the consent of the chiropractor to the submission of all necessary records and other information concerning the treatment or its cost to the peer review committee. Six (6) copies of all records or other data shall be submitted to the committee.

(2) [(3)] Each claim shall be assigned to an individual member of the committee who shall review the submitted records and response from the charged party and report his findings to the full committee, which shall review the findings and either adopt those findings or modify them as deemed appropriate by majority vote. Copies of the findings shall be forwarded to the board, the patient, the chiropractor, insurer or other third party payor.

(3) [(4)] The peer review committee shall elect [from the membership] a chairman. The committee may recommend for the board's [, subject to] approval a [by the board, may] contract with or employment of [employ] third parties to perform administrative functions or to aid in obtaining records necessary for appropriate review of claims.

(4) [(5)] The peer review committee shall recommend to the board that [file] a complaint be filed against any chiropractor if it appears from the review of any claim that reasonable cause exists to believe that the chiropractor has violated any portion of KRS Chapter 312 or the regulations adopted pursuant thereto for which a chiropractor may be disciplined. The peer review committee shall transmit all complaint information it possesses to the board.

(5) [(6)] Any party requesting review shall submit with the request a service fee of fifty (50) dollars payable to "B.C.E. Peer Review." An additional fee shall be charged for claims requiring more than one (1) hour of review by the committee calculated at fifty (50) dollars per hour, which sum shall be due prior to the delivery of committee findings to all parties. All fees shall be paid by the party requesting the review.

Section 3. Annual Report. An annual summary of the findings of the peer review committee shall be prepared by the committee and submitted to the board. The report may be made available to interested persons upon request and upon payment of the cost [necessary administrative costs to defray the expenses] of reproduction. No report or summary submitted to the public by the board may disclose the name or identity of any patient without the patient's consent.

HAROLD BYERS, D.C., President
APPROVED BY AGENCY: December 1, 1988
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GENERAL GOVERNMENT CABINET
Board of Chiropractic Examiners
(As Amended)

201 KAR 21:085. Preceptorship program.

RELATES TO: KRS 312.010(9)(h), 312.085(2)
STATUTORY AUTHORITY: KRS Chapter 13A, 312.019(9), 312.085(2)
NECESSITY AND FUNCTION: KRS 312.019 authorizes the board to adopt administrative regulations. KRS 312.019(9)(h) and KRS 312.085(2) provide for regulations to be adopted establishing a preceptorship program where students at accredited colleges may work at the direction and under the supervision of a licensed doctor of chiropractic prior to taking the licensing examination. The function of this regulation is to establish that program.

Section 1. Definitions. (1) "Preceptor" is a licensed doctor of chiropractic, who, under approval of the board and an accredited chiropractic college, has working in his office an undergraduate intern.

(2) "Undergraduate intern" is an individual studying at an accredited chiropractic college and who is in the final academic year prior to receiving his degree in chiropractic.

(3) "Board" means the Kentucky State Board of Chiropractic Examiners.

(4) "Accredited chiropractic college" means a chiropractic college accredited by the Council on Chiropractic Education or its successor and which maintains a standard and reputability approved by the board. For the purposes of this regulation, the chiropractic college shall meet all educational standards for preceptorship programs as established by the Council on Chiropractic Education.

Section 2. Requirements of Preceptor. (1) Be approved by the Kentucky State Board of

Chiropractic Examiners for participation;
(2) Have a current Kentucky license;
(3) Have been in practice for five (5) years or more;
(4) Provide evidence of malpractice insurance for themselves and the intern;
(5) Be of good moral character;
(6) Not be addicted to alcohol or narcotics;
(7) Have not been found in violation of board rules for the preceding five (5) years and have no present investigations (including during term as preceptor) for possible board violations;
(8) Comply and be qualified where applicable. The board will encourage development of extension faculty designation for all preceptors approved by the colleges.

Section 3. Preceptor Relationship with College and Intern. (1) The preceptor **shall** [must] make a joint application to the board and the college.
(2) The preceptor shall arrange or confer with the college representative prior to the beginning date of each session to plan its duration, organization, and substance.
(3) When a preceptor is assigned, the preceptor shall maintain complete records and reports of each student's performance and provide an evaluation to the college on forms provided by the college. **As provided herein,** any incident reports related to the operation of the practicum education experience are to be maintained by the preceptor and are to be the sole property of the preceptor**.** [; however,] Upon receipt of written consent by the college, [or] board **or student** the preceptor **shall** [will] provide to the college, [or] board **or student** a copy of such report[, if in the preceptor's judgment the incident report does not need to remain confidential].
(4) The preceptor may request the college to withdraw any student whose performance is unsatisfactory[, whose personal characteristics prevent desirable relationships within the preceptor's office,] or whose health status **prevents** [is a detriment to] the student's successful completion of the practicum education assignment. A statement, in writing, of the reasons for such action **shall** [will] be provided by the preceptor to the college **or student** upon the college's **or student's** request.
(5) The preceptor shall not be liable for the payment of any wage, salary or compensation of any kind for services properly required of and performed by an intern.
(6) The preceptor shall provide the college with a written code of ethics which applies to his[/her] office. [He/she may submit the code of ethics of the state or national chiropractic association with an accompanying letter which affirms compliance with these codes.]
(7) The preceptor **shall** [will] insure that interns are allowed to perform only those duties which are lawful and ethical in the practice of chiropractic. However, the intern shall not make any final diagnosis or perform an adjustment.
(8) The preceptor shall assume the risk of any accident or injury to any intern while on preceptor's premises, which shall include working areas. The preceptor shall maintain premises liability insurance.

Section 4. Requirements of Intern. (1) The intern shall submit a fee of $100 to the board for each semester he or she is participating in the preceptorship program.
(2) The intern **shall** [must] remain in good standing academically and demonstrate an acceptable level of performance, both quantitatively and qualitatively, in the outpatient clinic.
(3) The intern shall complete, sign, and submit all application materials to the college clinic director for verification and approval.
(4) The intern shall serve in the preceptorship program for a term specified by the college for the purpose of augmenting his[/her] competence in all areas of chiropractic practice.
(5) The intern shall provide both the college and the preceptor with a current telephone number and address.
(6) The intern shall be responsible for following all policies and procedures of the preceptor's office.
(7) The intern is responsible for providing and wearing professional attire.
(8) The intern shall be responsible for his[/her] own transportation and living arrangements.
(9) The intern shall **report** [be responsible for reporting] to the preceptor on time.
(10) The intern shall not submit for publication any material relating to his[/her] preceptorship without prior written approval of the preceptor and the college.
(11) The intern shall insure that biweekly reports are submitted by the preceptor to the college on his[/her] activities **and** [/] progress.
(12) At the completion of the preceptorship, the intern shall present to the college clinic director and to the board a paper describing his[/her] experiences and summarizing the acquisition of knowledge during the preceptorship.
(13) The intern **shall** [must] include a copy of his[/her] auto liability policy as part of the application.

HAROLD BYERS, D.C., President
APPROVED BY AGENCY: December 1, 1988
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GENERAL GOVERNMENT CABINET
Board of Chiropractic Examiners
(As Amended)

201 KAR 21:090. [Recommended] Course work for two (2) year prechiropractic education.

RELATES TO: KRS 312.019, 312.085
STATUTORY AUTHORITY: KRS Chapter 13A, 312.019(9)(h), 312.085(2)
NECESSITY AND FUNCTION: KRS 312.019 and KRS 312.085 provide that the board may establish by regulation a [recommended] two (2) year prechiropractic course of instruction to be completed prior to entry into chiropractic college. The function of this regulation is to establish such course of instruction.

Section 1. Prechiropractic Education [Recommendations]. An applicant for examination and licensure shall have satisfactorily completed, prior to attending

chiropractic college and as a part of his required minimal sixty (60) semester credit hours of prechiropractic education, the following course of instruction:

(1) English or communicative skills, six (6) semester hours;

(2) Psychology, three (3) semester hours;

(3) Social sciences and humanities, three (3) semester hours;

(4) Biological science with related laboratories, six (6) semester hours;

(5) General or inorganic chemistry with related laboratories, six (6) semester hours;

(6) Organic chemistry with related laboratories, six (6) semester hours (three (3) hours with laboratory for matriculants prior to January, 1984); and

(7) Physics with related laboratories, six (6) semester hours (for matriculants after January, 1984).

HAROLD BYERS, D.C., President
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EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Administration and Finance
(As Amended)

702 KAR 4:110. Program space; space allocation.

RELATES TO: KRS 156.160, 157.620, 162.060
STATUTORY AUTHORITY: KRS 156.070, 156.160, 162.060
NECESSITY AND FUNCTION: KRS 156.160 requires the State Board for Elementary and Secondary Education to prescribe regulations relative to construction of public school buildings and the preparation of budgets by local school districts; KRS 157.620 requires the State Board for Elementary and Secondary Education to develop and certify to the School Facilities Construction Commission financial need as prescribed by local boards' facility plans; and KRS 162.060 requires plans and specifications approval for school construction by the Superintendent of Public Instruction. This regulation provides a means of determining program space and total space allocation for public schools as a basis for financial need and construction approval by the Superintendent of Public Instruction.

Section 1. For construction needs approved following the effective date of this regulation, the following shall apply: [Any provisions of 702 KAR 1:010 to the contrary notwithstanding:]

(1) In determining the maximum financial budget for proposed public school construction and assessing approval of such projects, the Superintendent of Public Instruction shall first compute the sum of all individual programmed spaces of an addition or new facility compared to the total square footage, such ratio to be referred to as the building efficiency. The remainder shall be referred to as the unassigned space percentage, with unassigned spaces being all circulation areas including lobbies, vestibules, corridors, passages, and stairways; mechanical rooms; custodial rooms; public toilets; maintenance and operation areas; general storage rooms (not listed as auxiliary space within a general assignable category); and exterior bearing walls, interior walls or partitions, and other areas occupied by the building's structural elements.

(2) The square foot allocation for priority projects shall be calculated with the following building efficiency and unassigned space percentages:

	Building Efficiency %	Unassigned Space %
Elementaries and Support Buildings	74	26
Middle and Junior High	71	29
High School	68	32

SQUARE FOOT ALLOCATION (SFA) EQUATION
FOR NEW CONSTRUCTION

$$SFA = \frac{\text{Sum of Programmed Spaces}}{\text{Building Efficiency}} \times 100$$

(Example: Middle School Addition of 10 Classrooms and 1 Art Room

$$SFA = \frac{10\ (625) + 1200}{71} \times 100$$

SFA = 10,493 Square Feet)

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: March 9, 1989
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EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Administration and Finance
(As Amended)

702 KAR 4:120. Square foot costs and maximum budget.

RELATES TO: KRS 156.160, 157.620, 162.060
STATUTORY AUTHORITY: KRS 156.070, 156.160, 162.060
NECESSITY AND FUNCTION: KRS 156.160 requires the State Board for Elementary and Secondary Education to prescribe regulations relative to construction of public school buildings and the preparation of budgets by local school districts; KRS 157.620 requires the State Board for Elementary and Secondary Education to develop and certify to the School Facilities Construction Commission financial need as prescribed by local boards' facility plans; and KRS 162.060 requires plans and specifications approval for school construction by the Superintendent of Public Instruction. This regulation provides the basis for financial need used in conjunction with the space allocation.

Section 1. For construction needs approved following the effective date of this regulation, the following shall apply: [Any provisions of 702 KAR 1:010 to the contrary notwithstanding,] in calculating the maximum budget for individual projects and total financial need, sixty-five (65) dollars per square foot, including fees and contingencies, shall be allowed for new construction approved

for a square foot allocation in accordance with 702 KAR 4:110:

MAXIMUM BUDGET (MB) EQUATION
FOR NEW CONSTRUCTION

MB = SFA X $65

(Example: MB = 10,493 X $65
MB = $682,045)

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: March 9, 1989
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EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Administration and Finance
(As Amended)

702 KAR 4:130. Increase in financial budget.

RELATES TO: KRS 156.160, 157.620, 162.060
STATUTORY AUTHORITY: KRS 156.070, 156.160, 162.060
NECESSITY AND FUNCTION: KRS 156.160 requires the State Board for Elementary and Secondary Education to prescribe regulations relative to construction of public school buildings and the preparation of budgets by local school districts; KRS 157.620 requires the State Board for Elementary and Secondary Education to develop and certify to the School Facilities Construction Commission financial need as prescribed by local boards' facility plans; and KRS 162.060 requires plans and specifications approval for school construction by the Superintendent of Public Instruction. This regulation provides for an increase of the maximum budget due to circumstances beyond the districts' control and allows funds currently available to the district from the School Facilities Construction Commission to be utilized to the extent funds are available on a revised maximum budget per priority project basis.

Section 1. **For construction needs approved following the effective date of this regulation, the following shall apply:** [Any provisions of 702 KAR 1:010 to the contrary notwithstanding:]
(1) The maximum financial budget to be expended on any project designated by priority in the district's most recent facility plan shall be established by the Department of Education, using the established space and financial allotments, and shall be rounded to the nearest $5,000. Included in such a budget are the following items: construction funds to meet the approved program, required fixed equipment, professional fees (including design, construction, administrative and supervisory, and financial), a five (5) percent contingency, and other, normal costs of selling revenue bonds. Site acquisition, site development, and utilities, and moveable equipment as approved by the department are included to the extent of the maximum budget plus investment income and any additional local funds committed by the board.
(2) Once the maximum financial budget has been exceeded, it is the sole responsibility of the local district to fund any amounts above the budget. If, however, a district designs the program spaces to the program space allotment and due to circumstances beyond the district's control because of excessive site acquisition or site development and utilities the total cost of those acceptable included items exceed the financial budget, it may apply to the Superintendent of Public Instruction for an increase of the project's maximum budget up to ten (10) percent, based upon actual costs of site acquisition and site development and utilities. Any request from a district which exceeds ten (10) percent additional maximum budget shall **require approval** [be approved] by the State Board for Elementary and Secondary Education. Site development shall include, but not necessarily be limited to, the preparation of the site for the facility and its required appurtenances including utilities (water, power, fuel, and sewage disposal), road access, earth removal, or installation and compaction or special footing requirements. In the event usable acreage is being provided, the district may request additional monies only to the extent of providing no more than a maximum size site for the type of school listed in the facility plan priority.
(3) The approval of an increase in the maximum budget shall allow monies from the current offer of assistance from the School Facilities Construction Commission to be applied to the extent of available funding. For a district to be eligible to apply for these additional budget monies, no spaces outside the programmed spaces or larger than designated shall be constructed. It is still the responsibility of the local district and its design professional to construct the project within the original financial budget, however, if it appears that the project will exceed that scope, the Department of Education shall provide expertise to make changes in the plans and specifications to reduce the projected cost. An approved increase in the maximum budget allows monies for the current offer of assistance to be utilized to the extent available.
(4) A local board of education shall request an increase of any prior approved priority's maximum budget under the provisions of the altered square foot cost allocation, redefinition of unassigned space, and high cost of site acquisition, site development and utilities where the priority has not been completed to meet the space criteria or has not been contracted for construction, regardless of its original funding date, where current funding is available. Any increase of the maximum budget of ten (10) percent or less may be approved by the Superintendent of Public Instruction, and requests that exceed ten (10) percent may be approved by the State Board for Elementary and Secondary Education. Alterations to the maximum budgets shall be forwarded to the School Facilities Construction Commission. No additional funds to local boards of education from the commission shall be made through the end of 1990 biennium budget offer of assistance.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: March 9, 1989
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COMPILER'S NOTE: This regulation was amended by the promulgating agency and the Interim Joint Committee, and became effective on August 3, 1989.

PUBLIC PROTECTION & REGULATION CABINET
Kentucky State Racing Commission
(As Amended)

810 KAR 1:013. Entries, subscriptions and declarations.

RELATES TO: KRS 230.210 to 230.360
STATUTORY AUTHORITY: KRS 230.260 [13A.350]
NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred racing shall be conducted in Kentucky. The function of this regulation is to outline requirements for entry, subscription and declaration of horses in order to race.

Section 1. Definitions. (1) "Declaration" means the withdrawal of a horse from a race, before closing, by the owner, trainer, or person deputized by either.

(2) "Scratch" means the withdrawal of a horse from a race, after closing, by the owner, trainer, or person deputized by either.

Section 2. [1.] Entering Required. A [No] horse shall not be qualified to start in any race unless it [such horse] has been and continues to be duly entered therein. Entries or subscriptions for any horse, or the transfer of same, may be refused or cancelled by the association without notice or reason given therefor.

Section 3. [2.] Procedure for Making Entries. (1) All entries, subscriptions, declarations, and scratches shall be filed [lodged] with the racing secretary and shall not be considered as having been made until received by the racing secretary. The racing secretary [who] shall maintain a record of the time of receipt of same for a period of one (1) year.

(2) An [Every] entry shall [must] be in the name of a [such] horse's licensed owner, as completely disclosed and registered with the racing secretary under these administrative regulations [rules], and made by the owner, or trainer, or a licensed authorized agent of the [such] owner or trainer.

(3) An [Every] entry shall [must] be in writing, except that an entry may be made by telephone to the racing secretary, but shall [must] be confirmed in writing if requested by [should] the stewards, the racing secretary, or an assistant to the racing secretary [so request].

(4) An [Every] entry shall clearly designate the horse [so] entered. When entered for the first time during a meeting, every horse shall be designated by name, age, color, sex, sire, and dam, as reflected by its [such horse's] registration certificate.

(a) A [No] horse shall not [may] race unless correctly identified to the satisfaction of the stewards as being a horse duly entered.

(b) Establishing identity of a horse shall be the responsibility of its owner, and of any other person seeking to identify it. [In establishing identity of a horse, responsibility shall be borne by any person attempting to identify such horse as well as the owner of such horse,] All such persons shall be [being] subject to appropriate disciplinary action for incorrect identification.

(c) An [Every] entry shall clearly state [any and] all medications, drug, or substances which the horse shall receive as prerace treatment. Medications, drugs, or substances shall be categorized into two (2) sections and shall be designated as follows: NSAID (nonsteroidal anti-inflammatory) shall be designated by (B); and [any and] all bleeder medications shall be designated by (L). Horses racing for the first time with either of the above categories shall be clearly designated with (1).

(5) No alteration, except an error corrected with the permission of the stewards, shall [may] be made in an entry after the closing of entries[, but an error may be corrected with permission of the stewards].

(6) A [No] horse shall not [may] be entered in two (2) races to be run on the same day.

(7) A [No] horse which has not started in the past ninety (90) days shall not be permitted to start unless it has at least one (1) published workout within twenty (20) days of entry at a distance satisfactory to the stewards of the meeting. If [In the event that] a horse has done the requisite workout, but through no fault of the trainer, such workout does not appear in the past performances, it [the horse] shall be permitted to start and the correct workout shall be publicly displayed on the bulletin boards where photo-finishes are shown at least fifteen (15) minutes prior to the first race and for the duration of the day's racing. [Additionally,] Such workouts shall be displayed on the television monitors and tote board for fifteen (15) minutes prior to the first race. A [No] horse which has never started shall not be entered until the trained has produced satisfactory evidence to indicate to the starter that it has been adequately schooled from the starting gate.

Section 4. [3.] Stabling Requirement. No entry shall be accepted for any horse not stabled on association grounds where such race is to be run, unless its stabling elsewhere has been approved by the commission in its approved off-track stable list.

Section 5. [4.] Limitation as to Spouses. An [No] entry in a [any] race shall not be accepted for a horse owned wholly or in part by, or trained by, a person whose husband or wife is under license suspension at time of such entry. [; except that,] If the license of a jockey has been suspended for a routine riding offense, [then] the stewards may waive this rule as to the duly licensed husband or wife or such suspended jockey.

Section 6. [5.] Mutuel Entries. (1) [All] Horses entered in the same race and trained by the same trainer shall be joined as a mutuel entry and single betting interest; except as provided in subsection (5) of this section.

(2) [All] Horses entered in the same race and owned wholly, or in part by the same owner or spouse thereof, shall be joined as a mutuel entry and single betting interest.

(3) [(2)] No more than two (2) horses having common ties through ownership or training [as] to be joined as a mutuel entry shall [may] be entered in a purse race. When making such double

entry of horses owned wholly, or in part by the same owner or spouse thereof, a preference for one (1) of the horses shall [must] be made.

(4) [(3) In no case may] Two (2) horses having common ties through ownership shall not start in a purse race to the exclusion of a single interest. In purse races where [in which] the number of starters is limited to ten (10) or less, [no] two (2) horses having common ties through training shall not [may] start to the exclusion of a single entry.

(5) In stakes races with added money of $100,000 or more, permission may be granted by the commission to uncouple mutuel entries of horses sharing common ties through training, which are owned by different owners. [In approved races, permission may be granted by the commission to uncouple mutuel entries of horses sharing common ties through training, which are owned by different owners.]

Section 7. [6.] Subscriptions. (1) Nominations to or entry of a horse in a stakes race is a subscription. Any subscriber to a stakes race may transfer or declare a [such] subscription prior to closing.

(2) Joint subscriptions and entries may be made by any one (1) of the joint owners of a horse. [, and] Each [such] owner shall be jointly and severally liable for all payments due thereon.

(3) Death of a horse, or a mistake in its entry when the [such] horse is eligible, shall [does] not release the subscriber or transferee from liability for all stakes fees due thereon. [No] Fees paid in connection with a subscription to a stakes race that is run shall not be refunded, "except as otherwise stated in the conditions of a stakes race."

(4) Death of a nominator or original subscriber to a stakes race shall not render void any subscription, entry, or right of entry thereunder. All rights, privileges, and obligations shall attach to the successor owner, including the legal representatives of the decedent.

(5) When a horse is sold privately, or sold at public auction, or claimed, stakes engagements for it [such horse] shall be transferred automatically with the [such] horse to its new owner. [; except that,] If the [such] horse is transferred to a person whose license is suspended or otherwise unqualified to race or enter it, the [such horse, then such] subscription shall be void as of the date of such transfer.

(6) All stakes fees paid toward a stakes race shall be allocated to the winner thereof unless otherwise provided by the condition for the [such] stakes race. If [In the event] a stakes race is not run for any reason, all [such] subscription fees paid shall be refunded.

Section 8. [7.] Closing. (1) Entries for purse races and subscriptions to stakes races shall close at the time designated by the association in previously published conditions for such races. If a race is not split, an [no] entry, subscription, or declaration shall not be accepted after [such] closing time. If a purse race fails to fill, or in case of an emergency, the racing secretary may extend the closing time, provided the approval of a steward has been obtained. [; except that in event of an emergency, or if a purse race fails to fill them the racing secretary may, with the approval of a steward, extend such closing time.]

(2) When [If] the hour of closing is not specified for stakes races, [then] subscriptions and declarations therefor may be accepted until midnight of the day of closing; provided, they are received in time for compliance with every other condition of such race.

(3) Entries which have closed shall be complied without delay by the racing secretary and along with declarations, shall be posted.

Section 9. [8.] Number of Starters in a Race. (1) The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and extensions thereof approved by the commission as can be positioned across the width of the track at the starting point for such race. The [; and such] maximum number of starters further shall be limited by the number of horses which, in the opinion of the stewards, considering the safety of the horses and riders, and the distance from the start to the first turn, can be afforded a fair and equal start.

(2) At tracks measuring less than a mile in circumference, no more then ten (10) horses shall [may] start in any race without consent of the stewards, and no more than twelve (12) horses shall [may] start without approval of the commission.

(3) A [Any] claiming race in the printed condition book for which eight (8) or more horses representing different betting interests are entered shall [must] be run. All other purse races in the printed condition book for which six (6) or more horses representing different betting interests are entered shall [must] be run.

(4) If a [any] purse race in the printed condition book fails to fill with the minimum number of entries required by subsection (3) of this section to be run, [then] the association may cancel or declare off such race. The names of all horses entered therein shall be publicly posted in the office of the racing secretary not later than 1 p.m. the same day.

Section 10. [9.] Split or Divided Races. (1) If [In the event] a race is cancelled or declared off, the association may split any race programmed for the same day and which may previously have been closed. Races printed in the condition book shall have preference over substitute and extra races.

(2) When a purse race is split, forming two (2) or more separate races, the racing secretary shall give notice thereof not less than fifteen (15) minutes before such races are closed in order [so as] to grant time for the making of additional entries to such split races.

(3) Division of entries upon the splitting of any race shall be made in accordance with the conditions under which entries and subscriptions therefor were made, and in the absence of specific prohibition of such conditions:

(a) Horses originally joined as a mutuel entry may be placed in different divisions of a split race unless the person making such multiple entry, at the time of such entry indicates such coupling of horses is not to be uncoupled when such race is split.

(b) Division of entries in any split stakes race may be made according to age, or sex, or both.

(c) Entries for any split race not divided by any method provided in this regulation [above by this rule], shall be divided by lot so as to provide a number of betting interests as nearly equal as possible for each division of such split race.

Section 11. [10.] Post Positions. Post positions for all races shall be determined by lot, drawn in the presence of those making the entries for the [such] race. Post positions in split races also shall be redetermined by lot in the presence of those making the entries for the [such] split race. The racing secretary shall assign pari-mutuel numbers for each starter to conform with the post position drawn, except when a race included two (2) or more horses joined as a single betting interest.

Section 12. [11.] Also-eligible List. (1) If the number of entries for a race exceeds [exceeded] the number of horses permitted to start, [in such race] as provided by Section 9 [8] of this regulation, [then] the names of no more than [as many as] eight (8) horses entered but not drawn into such race as starters shall be posted on the entry sheet as "also-eligible" to start.

(2) After a horse has [any horses have] been excused from a race at scratch time, a new drawing shall be taken as to horses on the also-eligible list. [, and] The starting and post position of [such] horses drawn from the also-eligible list shall be determined by the sequence drawn, unless otherwise stipulated in the published conditions of the race.

(3) An [Any] owner or trainer of a [any] horse on the also-eligible list who does not wish to start the [such] horse in a [such] race shall [so] notify the racing secretary prior to scratch time for the [such] race. The [and such] horse shall forfeit any preference to which it may have been entitled.

(4) When [Where] entries are closed two (2) racing days prior to the running of a race, a [any] horse on an also-eligible list that [, and which also] has been drawn into a race as a starter for the succeeding day, shall not permitted to run in the race for which it had been listed as also-eligible.

Section 13. [12.] Preferred List; Stars. (1) The racing secretary shall maintain a list of horses which were entered but denied an opportunity to race because they were eliminated from a race programmed in the printed condition book either by overfilling or failure to fill. The racing secretary shall submit for approval of the commission at least thirty (30) days prior to the opening date of a race meeting a detailed description of the manner in which preference will be allocated.

(2) No preference shall be given a horse otherwise entitled thereto for a race if it [such horse] also is entered for a race on the succeeding day.

Section 14. [13.] Arrears. Unless approved by the racing secretary, a horse shall not be entered or raced unless its owner has paid all stakes fees owed. [No horse may be entered or raced if the owner thereof is in arrears as to any stakes fees due by such owner; except with the approval of the racing secretary.]

Section 15. [14.] Declarations. Declarations [Withdrawal of a horse from a race before closing thereof by the owner or trainer or person deputized by either, such being known as a "declaration,"] shall be made in the same [manner as to] form, time, and procedure as required [provided] for the making of entries. Declarations [and scratches] are irrevocable. No declaration fee shall be required by any licensed association.

Section 16. [15.] Scratches. Scratches are irrevocable and [Withdrawal of a horse from a race after closing thereof by owner or trainer or person deputized by either, such being known as a "scratch,"] shall be permitted [only] under the following conditions:

(1)(a) Except as provided in paragraph (b) of this subsection, a horse may be scratched from a stakes race for any reason at any time up until fifteen (15) minutes prior to post time for the race preceding such stakes race by the filing in writing of such intention with the racing secretary. Upon receiving a scratch from a stakes race, the racing secretary shall promptly notify the stewards and pari-mutuel manager, and shall cause public announcement of same to be made. [, unless]

(b) If a list of also-eligibles has been drawn, [in which case] scratches shall [must] be filed at the regular scratch time as posted by the racing secretary. Thereafter, a horse shall not be excused [, and no horse will be excused thereafter] without a valid physical reason. [Upon receiving a scratch from a stakes race, the racing secretary shall promptly notify the stewards and pari-mutuel manager, and shall cause public announcement of same to be made.]

(2) A [No] horse shall not [may] be scratched from a purse race unless:

(a) The [without] approval of the stewards has been obtained; and

(b) [unless such] Intention to scratch has been filed in writing with the racing secretary, or his assistant, at or before the time conspicuously posted as "scratch time." A scratch of one (1) horse coupled in a mutuel entry in a purse race must be made at or before the posted scratch time, unless permission is granted by the stewards to allow both horses to remain in the race until a later appointed scratch time therefor.

(3) In purse races, horses that are physically disabled or sick shall be permitted to be scratched first. If:

(a) [Should] Horses representing more than ten (10) betting interests in either of the two (2) daily double races; or

(b) Horses representing mire than eight (8) betting interests in any other purse race, remain in after horses with physical excuses have been scratched, [then] owners or trainers may be permitted at scratch time to scratch horses without physical excuses. Scratches down to such respective minimum numbers for such races may be made. [,] This privilege shall [to] be determined by lot if an excessive number of owners or trainers wish to scratch their horses.

(4) Entry of a [any] horse which has been scratched, or excused from starting by the stewards, because of a physical disability or sickness shall not be accepted until the expiration of three (3) calendar days after it [such horse] was scratched or excused.

Section 17. Official Publication Statistics. [16.] In determining eligibility, allowances and penalties, the reports, records, and statistics as published in the Daily Racing Form and the monthly chart books, or corresponding official publications of any foreign county, shall be considered official, but may be corrected until forty-five (45) minutes prior to post time of the race.

LYLE G. ROBEY, Chairman
APPROVED BY AGENCY: March 30, 1989
FILED WITH LRC: April 12, 1989 at 9 a.m.

COMPILER'S NOTE: The following regulations were amended by the promulgating agency and the Administrative Regulation Review Subcommittee on August 3, 1989, and have not yet gone into effect.

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Office of State Fire Marshal
(As Amended)

815 KAR 15:020. Administrative procedures; requirements.

RELATES TO: KRS Chapter 236
STATUTORY AUTHORITY: KRS 236.030, 236.120
NECESSITY AND FUNCTION: KRS 236.030 and 236.120 requires the commissioner, upon advisement of the Board of Boiler Rules, to fix reasonable fees and standards for the safe construction, installation, inspection and repair of boilers and pressure piping. This regulation specifies administrative procedures, fees and requirements of the boiler inspection section. This amendment clarifies the regulation as it applies to welding procedures and clarifies the intent of the regulation to require fees for repairs and new installations based upon the total cost of the installation or repair.

Section 1. Definitions. "ASME" means the American Society of Mechanical Engineers.

Section 2. [1.] Administration. (1) Manufacturers data report to be filed:

(a) Manufacturers data report on all boilers of steel construction and all pressure vessels which are to be operated in this state, unless exempted by KRS 236.060, shall be filed with the national board.

(b) Details of boilers and pressure vessels of special design (not fully complying with ASME Boiler and Pressure Vessel Code) shall be submitted to the boiler section and approval secured before construction or field erection is started.

(2) When boilers or pressure vessels are designed and fabricated according to the requirements of the applicable sections of the ASME Boiler and Pressure Vessel Code, but are not stamped with the ASME Boiler and Pressure Vessel Code symbol stamp, individual handling is required for their installation. The prospective owner or user who desires jurisdiction authority acceptance must pursue the following procedure in each individual case:

(a) Prior to construction of the boiler or pressure vessel the proposed owner, user, or his authorized agent shall make written application for permission to install the boiler or pressure vessel in the State of Kentucky. The application may be by letter or application permit form of the jurisdiction and shall be directed to the Chief Boiler Inspector, Office of the State Fire Marshal, Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky 40601.

(b) He shall submit with the application letter or application permit the following data, material and information to establish ASME Boiler and Pressure Vessel Code equivalency:

1. Detailed shop drawings and welding details of the proposed construction. All materials shall be in the English language and United States units of measurements as used in the ASME Boiler and Pressure Vessel Codes.

2. Design calculation and supporting data which include pressure (psi), temperature (degrees Fahrenheit), use and other service conditions.

3. Specifications for all material to be used in construction. These should conform to the applicable ASME Boiler and Pressure Vessel Codes standards or their suitable equivalent. If reference is made to a standard or specification of a country other than the United States, please attach a copy and indicate how the material is considered equivalent.

4. Copies of: all welding procedures to be used, welding qualification test reports for each welding operator or welder to be used. The procedures and tests required in this paragraph shall be made in accordance with the ASME Boiler and Pressure Vessel Code, Section IX, "Welding Qualifications."

5. Where the design exceeds ASME Boiler and Pressure Vessel Code limitation, recognized engineering practices shall be used and identified in the submittal.

6. Design drawings and calculations shall be certified by a professional engineer holding a license acceptable to the boiler inspection section.

7. The manufacturer of the vessel shall identify the inspection agency whose personnel will make the shop inspections and sign the manufacturer's data reports for the proposed vessel.

8. The shop inspection agency shall furnish the qualifications and experience of the individual inspector or inspectors assigned to make the shop inspections and shall give his jurisdiction commission number.

(c) All details mentioned in paragraphs (a) and (b) of this subsection must be acceptable to the Boiler Inspection Section, Department of Housing, Buildings and Construction.

(d) When the boiler or pressure vessel is completed, a manufacturers' data report signed by the manufacturer and shop inspector shall be submitted to the jurisdictional authorities containing the equivalent type data required by the ASME Boiler and Pressure Vessel Code. (Do not use ASME Boiler and Pressure Vessel Code data report forms.)

(e) The vessel will be inspected by a qualified boiler and pressure vessel inspector in the employ of the department upon arrival in the State of Kentucky and before installation to make certain the above provisions have been complied with and that the vessel is properly marked and stamped for identification.

(3) Inspection of boilers.

(a) All power boilers shall be inspected

annually internally and externally while not under pressure and shall also be inspected annually externally while under pressure. Where the construction of the boiler permits, the internal inspection [One (1) of the above inspections] shall be a certificate inspection.

(b) All low pressure heating boilers shall be inspected biennially [biannually] both internally and externally where construction will permit. One (1) of the above inspections shall be a certificate inspection.

(c) A grace period of two (2) months beyond the periods specified in paragraphs (a) and (b) of this subsection may elapse between inspections.

(d) Power boilers, operated in such a manner that experience indicates internal corrosion or [of] deposits would not be anticipated, may have the internal inspection period extended by the boiler inspection section if requested in writing by the owner or user and if circumstances warrant.

(4) Installation inspection or first inspection and stamping of boilers and pressure vessels.

(a) Upon completion of installation or at the time of first inspection, a Commonwealth of Kentucky serial number will be assigned to the boiler or pressure vessel, applied as follows:

1. Steel boilers will be stamped with the letters, "KY" followed by the state serial number assigned. Pressure vessels will be stamped with the letters "KY" followed by the numeral "0" and the remainder of the state serial number assigned. Stamping will be applied in the immediate area of code stamping on the boiler or pressure vessel and will be in letters and figures not less than five-sixteenths (5/16) inch in height. A metal tag may additionally be used showing identical lettering and serial number as used in the stamping, this tag to be securely affixed in the area of manufacturer's name plate or data plate.

2. Cast iron boilers shall have securely attached to the boiler (preferably adjacent to the manufacturer's data plate or in the most conspicuous area) a metal tag not less than one (1) inch in height which shall have the letters "KY" and the state serial number stamped thereon.

3. Hot water supply boilers shall have securely attached to the heater (preferably adjacent to the manufacturer's data plate or in the most conspicuous area) a metal tag not less than one (1) inch in height which shall have the letters "KY" and the state serial number stamped thereon.

(b) New installations [completed subsequent to July 1, 1970,] are subject to inspection as set forth in KRS Chapter 236. Such installations will be inspected for conformance with applicable ASME Boiler and Pressure Vessel Codes and these rules and regulations and additionally will be subject to inspection of pressure piping carrying steam, vapor or water pressures emanating from the boiler, as follows:

1. Power boiler piping shall be inspected in all segments of the system carrying substantially the same pressures and temperatures encountered in the boiler itself. Inspection shall be to the extent necessary to assure compliance with engineering design, material specifications, fabrication, assembly and test requirements of the boiler and first (or second) stop valve and requirements of Section 1, ASME Boiler and Pressure Vessel Code, for that piping between the boiler and the first (or second) stop valve and requirements of The National Standard Code For Pressure Piping ANSI B31.1 (and subsequent revisions) for pressure piping beyond Section 1, Power Boiler ASME Code Limits. ANSI B31.1 also covers air and hydraulic system piping.

2. The installing contractor, where welded assembly has been used, must be able to present for the inspector's review, his welding procedures and proof of qualification of his welding operators. The contractor is responsible for the quality of the welding done by his organization.

3. Visual inspection of welding performed by qualified welders is normally deemed sufficient unless codes or engineering specifications state otherwise, or unless the inspector wishes to augment this visual inspection with other nondestructive tests including radiography. All tests or retests required by the inspector shall be at the owner's or contractor's expense.

4. The inspector may accept signed certification of the contractor regarding satisfactory hydrostatic tests performed on piping or he may witness such tests himself. He may also, if he deems it expedient, require such tests to be performed in his presence.

5. Heating boiler piping shall be inspected in all segments of the system carrying substantially the same pressure and temperature as the boiler itself. Inspection shall be to the extent necessary to assure good fit-up, assembly, tightness and support of the system. Welded joints shall be installed by qualified welders in accordance with ASME Section IX and shall be visually inspected for complete and full root penetration, soundness of the weld and freedom from undercutting, cracking and other surface imperfections, and in conformance with subparagraph 3 of this paragraph.

6. Hot water supply boiler installations shall be inspected for conformance with Section IV, ASME Boiler and Pressure Vessel Code.

(5) Notification of inspection. The owner or user shall prepare each boiler for internal inspection and shall prepare for and apply a hydrostatic pressure test whenever necessary, on the date specified by the inspector, which date shall not be less than seven (7) days after the date of notification.

(6) Examinations for commission.

(a) Examinations for commission as an inspector shall be given by the Department of Housing, Boiler Inspection Section four (4) times each year; namely, the first Wednesday of the months of March, June, September, and December. Special examinations will be held when considered necessary by the department. Qualifications shall be set forth in KRS 236.070, 236.090 and 815 KAR 15:010, Section 1(7).

(b) Application for employment as an inspector shall be in writing, upon a form to be furnished by the commissioner, stating the school education of the applicant, a list of his employers, his period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected. If the applicant's history and experience meet with the approval of the Board of Boiler Rules, he shall be given a written examination, prepared by the National Board of Boiler and Pressure Vessel Inspectors in accordance with their bylaws, Article IV,

dealing with the construction, installation, operation, maintenance, and repair of boilers and their appurtenances. The applicant shall have passed the examination before he is eligible [be accepted or rejected] for permanent status as a boiler inspector [on the merits of this examination].

(7) Examination fees. A fee of twenty (20) dollars will be charged to each applicant who sits for the National Board examination. This fee shall be payable directly to the Treasurer of the Commonwealth of Kentucky, and shall accompany the application.

(8) Commission.

(a) Upon the request of a boiler insurance company authorized to do business in this Commonwealth, a commission as a special boiler inspector and an identifying commission card shall be issued by the department to an inspector in the employ of such insurance company provided the inspector has successfully passed the written examination as set forth in subsection (6) of this section, or holds a commission as outlined in subsection (9) of this section.

(b) The commission and the identifying commission card shall be returned to the department when the inspector to whom the commission was issued is no longer in its employ, or at the request of the department.

(c) The commission issued to such boiler inspector may be suspended by the commissioner and may be revoked upon ten (10) days notice to the inspector and to the employer of such inspector for incompetency or untrustworthiness; for willful falsification of any matter or statement contained in his application, or in the report of an inspection; or for other sufficient reasons; but the holder of such commission shall be entitled to a hearing before the commissioner before the revocation of said commission.

(9) Reciprocal commissions.

(a) Upon the request of a boiler insurance company authorized to do business in this Commonwealth, a commission and identifying commission card as special boiler inspector shall be issued by the department to an inspector in the employ of such insurance company provided the inspector has the experience prescribed in subsection (6) of this section, and holds either:

1. A certificate of competency; or
2. A commission issued by a state which has adopted the ASME Boiler and Pressure Code; or
3. A commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

(b) Application for a reciprocal commission shall be made on a form to be furnished by the department and shall be accompanied by a photostatic copy of the applicant's state or national board commission or certificate of competency and a fee of twenty (20) dollars.

(c) The commission issued to such an inspector may be suspended or revoked upon ten (10) days notice to the inspector and to the employer of such inspector for incompetency or untrustworthiness; for willful falsification of his application or in the report of an inspection; but the holder of the commission shall be entitled to a hearing before any final action is taken.

(10) Inspectors to have no other interests. Inspectors shall not be engaged in the sale of any article or device that is related to boilers, pressure vessels or pressure piping and shall devote their full time to inspection work.

(11) Inspection reports. Inspectors shall submit to the Boiler Inspection Section an inspection report on each boiler or pressure vessel subject to inspection. Reinspection shall be reported on a form suggested by the National Board Inspection Code. Reports shall be submitted within thirty (30) days of the date of inspection. External inspections shall be reported on a form suggested by the National Board Inspection Code immediately when hazardous conditions affecting the safety of the boiler or pressure vessel are found to exist.

(12) Insurance companies shall [to] notify the Boiler Inspection Section of new, cancelled, or suspended risks. All insurance companies shall notify the Boiler Inspection Section within thirty (30) days of all boiler or pressure vessel risks written, cancelled, not renewed, or suspended because of unsafe conditions.

(13) Insurance companies to notify the Boiler Inspection Section of defective boilers or pressure vessels. If a special boiler inspector, upon the first inspection of a boiler or pressure vessel, finds that the boiler or pressure vessel or any of the appurtenances are in such condition that his company refuses insurance, the company shall immediately notify the Boiler Inspection Section and submit a report of the defects.

(14) Defective conditions disclosed at time of external inspections. If, upon an external inspection, there is evidence of a leak or crack, enough of the covering of the boiler or pressure vessel shall be removed to satisfy the inspector in order that he may determine its safety; or, if the covering cannot be removed at that time, he may order the operation stopped until such time as the covering can be removed and proper examination made.

(15) Owner, user or insurer to notify the Boiler Inspection Section in case of accident. When an accident or malfunction which affects the strength of the boiler, occurs [which serves to render a boiler or pressure vessel inoperative], the owner, user, or insurer shall immediately notify the Boiler Inspection Section, and submit a detailed report of the accident. In case of serious accident, such as explosion, notice shall be given immediately by telephone, telegraph, or messenger and neither the boiler, pressure vessel nor any of the parts thereof shall be removed or disturbed before an inspection has been made by an inspector, except for the purpose of saving a human life.

(16) Inspection certificate fees.

(a) If a boiler shall, upon inspection, be found to be suitable and to conform to these rules and regulations, the owner or user shall pay directly to the department a fee of five (5) dollars for each boiler required to be inspected under KRS Chapter 236 before an inspection certificate shall be issued.

(b) If the owner or user of each boiler or pressure vessel required to be inspected refuses to allow an inspection to be made or refuses to pay the above fee, the inspection certificate shall be suspended by the commissioner until the owner or user complies with the requirements.

(c) The owner or user who causes a boiler or pressure vessel to be operated without possessing a valid certificate of inspection shall be subject to the penalties provided for in KRS 236.990.

(d) Certificates shall be posted under glass in the room containing the boiler or pressure vessel inspected or, in the case of a portable boiler, shall be kept in a metal container, either fastened to the boiler or kept in a tool box accompanying the boiler.

(17) Validity of inspection certificates. An inspection certificate, issued in accordance with KRS 236.120, shall be valid until expiration unless some defect or condition affecting the safety of the boiler or pressure vessel is disclosed. A certificate issued for a boiler or pressure vessel inspected by a special boiler inspector shall be valid only if the boiler for which it was issued continues to be insured by a duly authorized insurance company.

(18) Suspension of certificate of operations. If, upon inspection, a boiler or pressure vessel is found to be in such condition that it is unsafe to operate, the inspection certificate shall be suspended by the commissioner. Any person, firm, partnership, or corporation causing such objects to be operated shall be subject to the penalties provided for in KRS 236.990.

(19) Condemned boilers.

(a) Any boiler or pressure vessel having been inspected and declared unsafe by the chief boiler inspector or boiler inspector shall be stamped with the letters "XX" and the letters "KY," as shown by the following facsimile which will designate a condemned boiler or pressure vessel: XX KY 12345 XX.

(b) Any person, firm, partnership, or corporation using or offering for sale a condemned boiler or pressure vessel for operation within this Commonwealth shall be subject to the penalties in KRS 236.990.

(20) Nonstandard boilers and pressure vessels.

(a) Shipment of nonstandard boilers or pressure vessels, or hot water supply boilers into this Commonwealth for use is prohibited, provided same are not exempted under KRS Chapter 236.

(b) A nonstandard boiler, pressure vessel, or hot water supply boiler now in use in this Commonwealth, if removed from the Commonwealth, may not be brought into and reinstalled.

(21) Secondhand boilers and pressure vessels. Before a secondhand boiler or pressure vessel can be shipped into this Commonwealth, an inspection shall be made by a boiler inspector, or a special boiler inspector holding a national board commission, and the data submitted by him shall be filed by the owner or user of the boiler or pressure vessel with the Boiler Inspection Section for approval.

(22) Reinstalled boilers or pressure vessels. In any case where a boiler or pressure vessel within the Commonwealth is moved and reinstalled, the fittings and appliances must comply with the ASME Boiler and Pressure Vessel Code and the regulations adopted in Title 815, Chapter 15 of the Kentucky Administrative Regulations.

(23) Factors of safety for existing installations. The inspector is authorized to increase factors of safety if the condition of the boiler warrants it. If the owner or user does not concur with the inspector's decision, he may appeal to the commissioner who may request a joint inspection by the chief inspector and the boiler inspector or special boiler inspector. Each inspector shall render his report to the commissioner, who shall render the final decision, based upon the data contained in all the inspector's reports.

(24) Major repairs. Where a major repair is necessary, an inspector shall be called for consultation and advice as to the best method of making such repair; after such repair is made, it shall be subject to the approval of the inspector. Repairs to all boilers, pressure vessels and their appurtenances, shall conform to the requirements of the National Board of Boiler and Pressure Vessel Inspectors Inspection Code.

(25) Repairs by welding. Welding repairs shall be performed in accordance with the rules recommended by the National Board of Boiler and Pressure Vessel Inspectors Inspection Code available from the 1979 Edition, (or most recent edition).

(26) Riveted patches. Riveted patches shall be designed and installed in accordance with the rules recommended by the National Board of Boiler and Pressure Vessel Inspectors Inspection Code.

(27) Removal of safety appliances. No person, except under the direction of an inspector, shall attempt to remove or shall do any work, upon any safety appliance, while a boiler is in operation. Should any of these appliances be repaired during an outage of a boiler or pressure vessel, they must be reinstalled and in proper working order before the object is again placed in service.

(28) Inspection fees. The installing contractor, owner or user of any boiler or pressure vessel or pressure piping not exempted under KRS Chapter 236 and required to be inspected by a boiler or pressure vessel inspector, shall pay to the department following inspection of the boiler, fees in accordance with this section. The fees for all new installations of boilers, pressure vessels or pressure piping and fees for repairs shall be in accordance with the fees listed in paragraph (d)2 of this subsection.

(a) Shop inspections made by boiler inspectors for purposes of inspecting the fabrication of the vessels themselves at the request of a boiler manufacturer, installer, engineering contractor, or owner shall be charged at the following rates:

1. $150 for one-half (1/2) day of four (4) hours or less.
2. $200 for one (1) day of over four (4) hours.
3. $240 for eight (8) hours or any part thereof on Saturdays, Sundays, or public holidays.
4. Thirty (30) dollars per hour for overtime in excess of eight (8) hours in any one (1) day. Plus itemized expenses to include mileage, lodging, meals and incidentals. These charges shall not void regular fees for inspection and certificate when the boilers or pressure vessels are completed.

(b) Charges for inspection of secondhand equipment shall be at the rates specified above plus charges for mileage, lodging, meals, and incidentals. These charges shall not void regular fees for inspection and certificate when the boilers or pressure vessels are installed.

(c) ASME and National Board inspections. Inspections of the manufacturing facility itself, at the request of the manufacturer, for the issuance of ASME or National Board certificates of authorization shall be charged as follows:

1. Initial inspection for ASME certificates - $1,000.
2. Reviews for renewal of ASME Certificates - $750.
3. Initial inspections and renewals for National Board R or VR certificate - $200.

(d) Inspection of new installations of pressure piping, boilers and pressure vessels:

1. Under normal circumstances, pressure piping inspection [this] will be a "once only" inspection as specified under KRS Chapter 236 and will be conducted generally as set forth under subsection (4)(b) of this section.

2. The fees chargeable for inspection of each boiler and pressure vessel and all pressure piping carrying substantially the same pressures and temperatures as encountered in the boiler shall be based upon the total dollar value [of the contract] covering the combined boiler/pressure vessel and piping installation, either actual or estimated. It is the obligation of the installing contractor to supply this value which shall include both labor and material costs. No exact figure need be quoted or divulged to the boiler inspector or department; only a designation that the true value lies within certain limits as set forth in the table below. The fees for all new installations of boiler, pressure vessels or pressure piping and fees for repairs are [boiler, pressure vessel and pressure piping inspection is] then found in the table's right hand column.

Amount In Dollars	Fee
$ 2,000 or less	$ 60
$ 2,001 to $10,000	$ 90
$ 10,001 to $25,000	$120
$ 25,001 to $50,000	$150
$ 50,001 to $75,000	$200
$ 75,001 to $100,000	$300
$100,001 to $150,000	$400
$150,001 to $200,000	$500
$200,001 to $250,000	$600
$250,001 to $300,000	$700
$300,001 to $400,000	$800
$400,001 to $500,000	$1,000
$500,001 and over	$1,200

3. The installing contractor, owner or user shall request inspection of [new] boilers and pressure piping at least seven (7) days in advance. If the inspection is not made within this time limit, the installation may proceed. Request for inspection shall be made by letter or phone call to the department.

(e) Inspection of nuclear installations: Nuclear installation inspections will be charged as set forth under paragraph (a) of this subsection or as determined by contracts between the installer and the department.

(f) Hydrostatic tests: When it is necessary to make a special trip to witness the application of a hydrostatic test, an additional fee based on the scale of fees set forth under paragraph (a) of this subsection shall be charged.

(g) Fees for reinspection of boilers and pressure vessels:

1. Fees for reinspection of power boilers shall be in accordance with the following tables:

INTERNAL INSPECTIONS OF POWER BOILERS

Height Surface (Square Feet)	Fee
100 or less	$20
101 to 1,000	$40
1,001 to 4,000	$70
4,001 to 10,000	$100
10,001 and over	$160

EXTERNAL INSPECTIONS OF POWER BOILERS

Height Surface (Square Feet)	Fee
100 or less	$16
101 and over	$20

2. Fees for reinspection of heating boilers shall be as follows:

HEATING BOILERS

Boilers with man way where internal inspection required	$40
Other heating boilers	$20
Hot water supply boilers	$10
Miniature boilers	$10

3. The initial installation inspection fee for pressure vessels shall be twenty (20) dollars.

(h) Plan review of boiler and unfired pressure vessel installations: Prior to the construction and installation of any boiler or unfired pressure vessel, the plans for the installation shall be submitted to the chief boiler inspector of this department for review and release for construction. Fees for this service shall be provided in accordance with the following table:

Heating Surface (Square Feet)	Fee
100 and under	$20
101 to 1,000	$30
1,001 to 4,000	$50
4,001 to 10,000	$70
10,001 and over	$100
Unfired Pressure Vessels	$20

CHARLES A. COTTON, Commissioner
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: June 9, 1989
FILED WITH LRC: June 15, 1989 at noon

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Office of State Fire Marshal
(As Amended)

815 KAR 25:010. Mobile homes.

RELATES TO: KRS 227.550 through 227.660, 227.990 [227.570]
STATUTORY AUTHORITY: KRS 227.570, 227.590
NECESSITY AND FUNCTION: KRS 227.590 requires the Mobile Home Certification and Licensure Board to establish rules and regulations governing the standards for manufacture, sale, and alteration of mobile homes. These regulations are intended to assure safety for owners and occupiers of mobile homes. [This amendment is needed to bring the regulation into compliance with the technical requirements of KRS Chapter 13A and to clarify the standards and methods of inspection applicable to used mobile

homes. This amendment shall take effect thirty (30) days after adoption, pursuant to KRS Chapter 13A, and shall be applicable to the possession and sale of mobile homes after that date.]

Section 1. Definitions. In addition to the definitions contained herein, the definitions of National Fire Protection Association Pamphlet Number 501(b) and the HUD Act shall apply:

(1) "Act" means the Mobile Home and Recreational Vehicle Act, KRS 227.550 to 227.660.

(2) "Alteration or conversion" means the replacement, addition, modification or removal of any equipment or installations which may affect the body and frame design and construction, plumbing, heat-producing or electrical systems or the functioning thereof of mobile homes subject to these regulations is an alteration or conversion unless excluded by these regulations. The above equipment must be installed in accordance with manufacturer's specifications.

(3) "Agency, testing" means an outside organization which is:

(a) Primarily interested in testing and evaluating equipment and installations;

(b) Qualified and equipped for, or to observe experimental testing to approved standards;

(c) Not under the jurisdiction or control of any manufacturer or supplier of any industry;

(d) Makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and

(e) Approved by the board.

(4) "Board" means the Mobile Home Certification and Licensure Board defined in KRS 227.550(1).

(5) "Certificate of acceptability" means the certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import or sell mobile homes within the state to licensed Kentucky dealers.

(6) "Certified Kentucky dealer" means a dealer who is approved by the State Fire Marshal to inspect used mobile homes which are brought into Kentucky, and repair them, if necessary, under NFPA 501(B) before placing a "B" seal upon them.

(7) "Class "A" seal" as defined by KRS 227.550(2) is for application on new mobile homes not covered by the HUD Act.

(8) "Class "B" seal" as defined by KRS 227.550(3) is for application on used mobile homes.

(9) "Dealer" as defined by KRS 227.550(4).

(10) "Established place of business" as defined by KRS 227.550(5).

(11) "Hard surfaced lot" means an area open to the public during business hours with a surface of concrete, asphalt/macadam, compacted gravel or stone, or other material of similar characteristics.

(12) "HUD Act" means Title VI of the "Housing and Community Development Act of 1974 - National Mobile Home Construction and Safety Standards."

(13) "Manufacturer" as defined by KRS 227.550(8).

(14) "Manufactured housing" as defined by KRS 227.550(7).

(15) "Mobile home or manufactured home" as defined by KRS 227.550(9).

(16) "Municipality" for purposes of this regulation means county.

(17) "NFPA" means National Fire Protection Association pamphlets published by and available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(18) "Person" means a person, partnership, corporation or other legal entity.

(19) "**Red** [Reg] tag" means a written notice which is applied to a mobile home by a representative of the State Fire Marshal's Office in accordance with Section 10 of this regulation signifying that the mobile home is not in compliance with applicable laws.

(20) "Registration" means the transfer of title or any other official recording of change of ownership.

(21) "Salvage unit" means any used mobile home which is identified by the State Fire Marshal and the dealer, or by title, to not be subject to "B" seal requirements because it is not to be sold or used for habitable purposes.

(22) "Suitable sign" means a sign with the dealership name and type of dealership in letters of a minimum height of six (6) inches and minimum width of one and one-half (1 1/2) inches.

(23) "Used mobile home" means any mobile home unit which is offered for sale after the original purchase. These units are not covered by the HUD Act.

Section 2. [1.] Authorization and Enforcement. (1) These rules are authorized by KRS 227.590 and established pursuant to the rule making procedures set forth in KRS Chapter 13A, in order to implement, interpret, and carry out the provisions of laws of 1974, as amended in 1976, KRS Chapter 227, relating to mobile homes. In the event that these regulations conflict with the codes promulgated by the National Fire Protection Association NFPA 501(B) and Title VI of the Federal Housing and Community Development Act of 1974 (Hud Act), the codes or the HUD Act subsequent to the effective enforcement date, shall govern in all cases.

(2) Subject to the provisions of applicable law, the Office of the State Fire Marshal shall administer and enforce all the provisions of the Mobile Home and Recreational Vehicle Act. Any officer, agent, or employee of the State Fire Marshal's office is authorized to enter any dealer's place of business in order to inspect any mobile home for which the office has issued a seal of approval, or to inspect such mobile home's equipment and its installations to insure compliance with the Act, the code and the HUD Act and these regulations. Upon complaint and request by the owner or occupant, a privately owned mobile home bearing a seal may be entered to determine compliance with these regulations. When it becomes necessary to determine compliance, he may require that a portion or portions of such mobile homes be removed or exposed in order that a compliance inspection can be made.

[(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the rules and regulations, the office shall mail to all manufacturers possessing valid certificates of acceptability and dealers possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the board will consider any objections to the proposed changes and additions. After giving the notice required by this section, the board shall afford

interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any manner.]

[(3) Every rule or regulation, or modification, amendment or repeal of a rule or regulation adopted by the board shall state the date it shall take effect.]

[Section 2. Enforcement. Subject to the provisions of applicable law, the Office of the State Fire Marshal shall administer and enforce all the provisions of the Mobile Home and Recreational Vehicle Act. Any officer, agent, or employee of the State Fire Marshal's office is authorized to enter any premises in order to inspect any mobile home for which the office has issued a seal of approval, or to inspect such mobile home's equipment and/or its installations to insure compliance with the Act, the code and/or the HUD Act and these regulations. Upon complaint and request by the owner or occupant, a privately owned mobile home bearing a seal may be entered to determine compliance with these regulations. When it becomes necessary to determine compliance, he may require that a portion or portions of such mobile homes be removed or exposed in order that a compliance inspection can be made.]

[Section 3. Definitions. In addition to the definitions contained herein, the definitions of NFPA 501(B) by the National Fire Protection Association and/or the HUD Act shall apply:]

[(1) Act. The Mobile Home and Recreational Vehicle Act, KRS 227.550 to 227.660.]

[(2) HUD Act. Title VI of the "Housing and Community Development Act of 1974 - National Mobile Home Construction and Safety Standards."]

[(3) Agency, testing. An outside organization which is:]

[(a) Primarily interested in testing and evaluating equipment and installations;]

[(b) Qualified and equipped for, or to observe experimental testing to approved standards;]

[(c) Not under the jurisdiction or control of any manufacturer or supplier of any industry;]

[(d) Makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and]

[(e) Approved by the board.]

[(4) Alteration or conversion. The replacement, addition, modification or removal of any equipment or installations which may affect the body and frame design and construction, plumbing, heat-producing or electrical systems or the functioning thereof of mobile homes subject to these rules is an alteration or conversion unless excluded by these rules. The above equipment must be installed in accordance with manufacturer's specifications.]

[(5) Board. Mobile Home Certification and Licensure Board.]

[(6) Certificate of acceptability. The certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import, or sell mobile homes within the state.]

[(7) Class "A" seal. A device or insignia issued by the office to indicate compliance with the standards, established by the office, or rules and regulations established by the board for new mobile homes not covered by the HUD Act and manufactured after the effective date of the Act.]

[(8) Class "B" seal. A device or insignia issued by the office to indicate compliance with the standards established by the office or rules and regulations established by the board for used mobile homes.]

[(9) Dealer. Any person, other than a manufacturer, as defined herein, who sells or offers for sale three (3) or more mobile homes in any consecutive twelve (12) month period.]

[(10) Established place of business. A fixed and permanent place of business in this state, including an office building and hard surface lot of suitable character and adequate facilities and qualified personnel, for the purpose of performing the functional business and duties of a mobile home dealer, which shall include the books, records, files and equipment necessary to properly conduct such business or a building having sufficient space therein to properly show and display the mobile homes being sold and in which the functional duties of a mobile home dealer may be performed. The place of business shall not consist of residence, tent, temporary stand or open lot. It shall display a suitable sign identifying the dealer and his business.]

[(11) Hard surfaced lot. An area open to the public during business hours with a surface of concrete, asphalt/macadam, compacted gravel and/or stone, or other material of similar characteristics.]

[(12) Manufacturer. Any person who manufactures mobile homes and sells to dealers.]

[(13) Manufactured housing. Mobile homes, recreational vehicles, mobile office or commercial units, add-a-rooms, or cabanas.]

[(14) Mobile home or manufactured home. Means a structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Title VI of the federal act. It may be used as a place of residence, business, profession, or trade by the owner, lessee, or their assigns and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure. It shall include house trailers which are regulated as to length, width and registration by KRS Chapter 186. "Add-a-room" units are not considered an integral part of a mobile home. A new mobile home used or intended to be used as a single family dwelling is covered by the HUD Act and is excluded from these regulations.]

[(15) NFPA 501 (A). That section of the National Fire Code adopted by the National Fire Protection Association that pertains to mobile home installation.]

[(16) NFPA 401 (B). That section of the National Fire Code adopted by the National Fire Protection Association that pertains to standards for mobile homes not covered by the HUD Act.]

[(17) Office. The Office of the State Fire Marshal.]

[(18) Person. This means a person, partnership, corporation or other legal entity.]

[(19) Secretary. The Secretary of the U.S. Department of Housing and Urban Development.]

[(20) Suitable sign. A sign with the dealership name and type of dealership in letters of a minimum height of six (6) inches and minimum width of one and one-half (1 1/2) inches.]

Section 3. [4.] Scope and Purpose of the Act and Regulations. (1) Except to the extent otherwise stated in the Act and these regulations and in other laws of the Commonwealth which are not inconsistent with or superseded by the Act and these regulations, these regulations govern the design, manufacture and sale of new and used mobile homes not covered by the HUD Act, which are manufactured, sold or leased for use within or outside of the Commonwealth by dealers and manufacturers. Any person, firm or corporation who sells or offers for sale in Kentucky three (3) or more mobile homes in any consecutive twelve (12) month period shall be considered a dealer subject to all requirements set forth in this regulation. These regulations apply to mobile homes manufactured in manufacturing facilities located within or outside the Commonwealth. Mobile homes brought into this state for exhibition use only, in accordance with Section 9(4) of this regulation, and which will not be sold in this state shall [may] be exempt [excluded] from the requirements [coverage] of this [Act and] regulation if inspections reveal no condition hazardous to health or safety.

(2) [The state legislature has enacted the mobile home and recreational vehicle Act to protect the health and safety of the owner, occupiers, and all other persons from malmanufactured mobile homes. The office has been given authority to carry out the purpose of the Act.] The Act sets out the minimum standards for design and manufacture. Dealers are encouraged to maintain ethical business standards beyond nonfraudulent minimums.

Section 4. [5.] Standards for Vehicles in Manufacturers' or Dealers' Possession. (1) The office shall enforce such standards and requirements for the installation of plumbing, heating, and electrical systems in mobile homes not covered by the HUD Act, as it determines are reasonably necessary to protect the health and safety of the occupants and the public.

(2) The office shall also enforce such standards and requirements for the body and frame design and construction of mobile homes as are reasonably necessary in order to protect the health and safety of the occupants and the public.

(3) All new mobile homes not covered by the HUD Act, manufactured for sale within the Commonwealth of Kentucky shall be constructed in accordance with NFPA 501(B), 1977 edition, herein adopted by reference.

(4) NFPA 501(B), which is adopted by reference in subsection (3) of this section shall be the [On all used mobile homes, said] standard for all used mobile homes, unless otherwise provided in this regulation, and it shall be used by [shall be that] the dealer upon inspection in accordance with subsection (7) of this section to determine and certify: [shall certify]

(a) [that] The safe and adequate working condition of the electric, heating, plumbing systems; [,]

(b) The door[s], window[s], and general structural integrity of the unit; [, smoke detection equipment] and

(c) The sealing of all exterior holes [have been sealed] to prevent the entrance of rodents, and repaired if necessary; [,] and

(d) The existence of adequate and operable smoke detection equipment; and

(e) The existence of storm windows. [found to be in safe working condition and thus be in conformity with the intent of the Act to protect the health and safety of the occupants and general public.]

(5) All mobile homes taken in trade by the dealer shall [must] be reinspected and certified that it is in compliance with requirements of subsection (4) of this section. The existing Class "A" or Class "B" seal may be removed or a new seal may be applied over the existing seal. When a new mobile home purchased under the provision of the HUD Act is resold, it becomes a used mobile home and subject to the provisions of this section. "A" and "B" [A] seals shall [will] not be required if the [such] dealer submits to the office an affidavit that the unit is a salvage unit. No salvage unit shall be sold until it has been authorized, in writing, by the office to be labeled "salvage only" and the label has been applied by the dealer. Upon prior approval of the office, one (1) licensed dealer may sell units to another licensed dealer without applying seals [will not be resold for use as such by the public].

(6) All new mobile homes shall be installed per manufacturers instructions or NFPA 501 (A), 1977 edition when manufacturers defer to local jurisdiction. All used mobile homes shall be installed in accordance with NFPA 501 (A), 1977 edition.

(7) All new mobile homes purchased outside the Commonwealth of Kentucky not bearing a Class "A" seal of approval or a HUD label and all used mobile homes purchased outside the Commonwealth of Kentucky, regardless of the type seal or label affixed, shall be inspected by a certified Kentucky dealer or the office and a Class "B" seal of approval affixed prior to registration of the home. This inspection shall consist of the following:

(a) Inspection of the plumbing and waste systems, to determine operability and absence of leaks.

(b) Inspection of the heating unit to determine adequacy of systems.

(c) Inspection of the electrical systems including the main circuit box and all outlets/switches to detect any damaged coverings, lost screws, or improper installations.

(d) Inspection for the existence of adequate and operable smoke detection equipment.

(e) Inspection for storm windows. EXCEPTION: This paragraph and paragraph (4)(e) of this subsection do not apply to mobile homes built prior to the HUD Act. Compliance with the NFPA 501(B) Edition in effect at the time the mobile

home was constructed shall be deemed to comply with this subsection.

(8) Any licensed Kentucky mobile home dealer that maintains the capability to perform minor maintenance of plumbing, heating and electrical systems of mobile homes shall be permitted to inspect and certify those mobile homes purchased in another state for use within the Commonwealth of Kentucky. Any dealer desiring to perform this service shall make application to the Office of the State Fire Marshal for appropriate certification. The office shall maintain a list of all certified mobile home dealers.

(9) Any unit found to be in noncompliance with the requirements of Section 4(5) or [5](7) of this regulation shall be corrected prior to the dealer certifying the unit or offering the unit for sale unless the unit has been issued a salvage label in accordance with this regulation. All units requiring repairs or correction prior to unit certification shall be reported to the office specifying the repairs required to correct the deficiencies. Appropriate reporting forms shall be made available to qualified dealers performing inspection.

(10) The fee for the inspection of mobile homes shall be twenty (20) dollars per hour plus mileage as required and a twenty-five (25) dollar seal fee.

Section 5. [6.] Applicability and Interpretation of Code and Regulation Provisions. Any questions regarding the applicability or interpretation of any provisions of [or] code or regulation adopted shall be submitted to the office, in writing, by any interested person [to the office for resolution]. It is the policy of the office that with respect to questions regarding NFPA 501(B), that the [any such] questions shall, whenever feasible, be submitted to the NFPA in accordance with the established procedures of the organization. The office shall answer these questions and make interpretations and the decision of the office shall be in writing.

Section 6. [7.] Certificate of Acceptability. (1) No manufacturer may manufacture, import, or sell any mobile home in this state [after the effective date of this Act,] unless he has procured a certificate of acceptability from the board. Compliance shall be enforced through KRS 227.992. Mobile homes not covered by the HUD Act, manufactured in this state and designed for delivery to and for sale in a state that has a code that is inconsistent with NFPA 501(B) need not comply with this provision.

(2) Requirements for issuance.

(a) The manufacturer must submit and the office must approve in-plant quality control systems.

(b) A $400 fee must accompany the application. The fee shall be paid by check or money order and shall be made payable to Kentucky State Treasurer.

(c) The manufacturer must furnish and maintain with the office proof of general liability insurance to include lot and completed operations insurance in the minimum amount of $300,000 bodily injury or death for each person, $400,000 bodily injury or death for each accident, and $100,000 property damage.

(3) Quality control measures shall be provided for all mobile units not covered by the HUD Act. To obtain in-plant quality control approval, a manufacturer shall submit a system for in-plant control pursuant to paragraph (b) of this subsection and submit to inspection by the office for field certification of satisfactory quality control. Applications for approval of in-plant quality control systems shall contain the following:

(a) A certified copy of the plans and specifications of a model or model-group for body and frame design, construction, electrical, heating, and plumbing systems. All plans shall be submitted on sheets, the minimum possible size of which is eight and one-half (8 1/2) inches by eleven (11) inches and the maximum possible size of which is twenty-four (24) inches by thirty (30) inches. The manufacturer shall certify that the aforementioned systems comply with NFPA 501(B).

(b) Also a copy of the procedure which will direct the manufacturer to construct mobile homes in accordance with the plans, specifying:

1. Scope and purpose.
2. Receiving and inspection procedure for basic materials.
3. Material storage and stock rotation procedure.
4. Types and frequency of product inspection
5. Sample of inspection control form used.
6. Responsibility for quality control programs, indicating personnel, their assignments, experience and qualifications.
7. Test equipment.
8. Control of drawings and material specifications.
9. Test procedures.

(4) A unit certification format certifying compliance with the Act and this regulation shall be submitted to the office no later than the end of the first week of each month for those units manufactured under the state code and not bearing a HUD [federal] label, i.e., mobile offices, add-a-rooms, duplex units, etc. The unit certification format shall contain the information in the format of Appendix A.

(5) No manufacturer to which a certificate of acceptability has been issued shall modify in any way its manufacturing specifications without prior written approval of the office.

(6) If the manufacturer is also a dealer, he must also comply with dealer licensing provisions.

(7) If [Should] the applicant does not conform with these regulations, the applicant shall be so notified in writing by the office within ten (10) working days of the date received. If [Should] the applicant fails to submit a corrected application in accordance with the information supplied on the application correction notice, the application shall [will] be deemed abandoned and twenty (20) percent of fees due shall [will] be forfeited to the office. Any additional submission shall be processed as new application.

(8) Manufacturers shall notify the office in writing within thirty (30) days of any of the following occurrences:

(a) The corporate name is changed;

(b) The main address of the company is changed;

(c) There is a change in twenty-five (25) percent or more of the ownership interest of the company within a twelve (12) month period;

(d) The location of any manufacturing facility is changed;

(e) A new manufacturing facility is

established; or

(f) There are changes in the principal officers of the firm.

(9) Any information relating to building systems or in-plant quality control systems which the manufacturer considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the office, and by the inspection, evaluation, and local enforcement agencies unless the board determines in each case that disclosure is necessary to carry out the purposes of the Act.

(10) The office may determine that the standards for mobile homes established by a state or a recognized body or agency of the federal government or other independent third party are at least equal to NFPA 501(B). If the office finds that such standards are actually enforced then it may issue a certificate of acceptability for such mobile homes.

[(11) A certificate of acceptability may be denied, suspended, or revoked on the following grounds:]

[(a) Evidence of insolvency;]

[(b) Material misstatement in application for certificate of acceptability;]

[(c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the board under the Act;]

[(d) Willfully defrauding any buyer;]

[(e) Willful failure to perform any written agreement with any buyer or dealer;]

[(f) Failure to furnish or maintain the required liability insurance;]

[(g) A fraudulent sale, transaction, or repossession;]

[(h) Violation of any law relating to the sale or financing of mobile homes.]

[(12) If a certificate holder is a firm or corporation, it shall be sufficient cause for denial, suspension or revocation of a certificate that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a certificate to such party as an individual. Each certificate holder shall be responsible for any or all of his salesmen while acting as his agent while the agent is acting within the scope of his authority.]

[(13) Procedure for denial, revocation or suspension.]

[(a) The office may deny the application for a certificate of acceptability by written notice to the applicant, stating the grounds for such denial.]

[(b) No certificate of acceptability shall be suspended or revoked by the office except after a hearing thereon. The office shall give the certificate holder at least thirty (30) days notice of the time and place of the hearing and of the charges to be heard.]

[(c) Any manufacturer who violates or fails to comply with this Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation and instructed to correct the violation within twenty (20) days. Should the manufacturer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any certificate of acceptability if it finds that:]

[1. The manufacturer has failed to pay the fees authorized by the Act; or that]

[2. The manufacturer, either knowingly or without the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of the Act.]

[3. The manufacturer has shipped or imported into this state a mobile home to any person other than to a duly licensed dealer.]

[(14) Any person aggrieved by any ruling of the office denying a certificate of acceptability within fifteen (15) days after any such ruling of the office may appeal such ruling to the board herein provided for. Such appeal shall be in writing. The board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the board shall determine and order that any applicant is not qualified to receive a certificate of acceptability, no certificate shall be granted. If the board shall determine that the certificate holder was willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his certificate may be suspended or revoked.]

[(15) Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.]

(11) [(16)] Under proceedings for the suspension of a certificate of acceptability for any of the violations enumerated in the Act, the holder of a certificate of acceptability may have the alternative subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty (50) dollars per day.

Section 7. [8.] Serial Numbers, Model Numbers, Date Manufactured. A clearly designated serial number, model number, and date manufactured shall be stamped into the mobile home tongue, or front cross member of the frame at the lower left hand side (while facing the unit), and if there is no such tongue or cross member, then a data plate with this information shall be affixed on the outside in a conspicuous place.

Section 8. [9.] Dealer License. (1) No dealer of mobile homes shall engage in business as such in this state without a license issued by the office upon application.

(2) Application must contain the following information:

(a) Name and address of the chief managing officer;

(b) Location of each and every established place of business;

(c) Social security number and date of birth of chief managing officer;

(d) Affidavit certifying compliance with the Act and regulations;

(e) Names of offices if dealership in corporate form;

(f) Names of partners if dealership in partnership form;

(g) A copy of a valid Kentucky sales tax certificate.

(h) Any other information the office deems commensurate with safeguarding of the public interest in the locality of the proposed business.

(3) All licenses shall be granted or refused

within thirty (30) days after application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted.

(4) The license fee shall be $100. The fee shall be paid by check or money order and shall be made payable to Kentucky State Treasurer.

(5) The license must be conspicuously displayed at the established place of business. In case such location be changed, the office shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

(6) The dealer must furnish and maintain with the office certification of liability insurance in the minimum amount of $200,000 bodily injury or death for each person, $300,000 bodily injury or death for each accident, and $100,000 property damage.

(7) Dealers shall maintain a record of all units sold, new and used, to include serial numbers, Kentucky seal numbers ("A" or "B"), date manufactured, make, and the name and address of the purchaser. This report shall be in the format depicted in Appendix B. The report shall be made available to the field inspector on a monthly basis.

(8) No dealer shall have the authority to make any alterations to any mobile home manufactured under the HUD Act or NFPA 501(B) [federal code] without the express permission of the manufacturer; except that in the case of used mobile homes, permission may be obtained from the State Fire Marshal's Office in accordance with this regulation. Any dealer altering a mobile home shall be guilty of a federal violation and shall be subject to the penalties provided in KRS 227.990. Alteration of a mobile home shall include but is not limited to: addition/deletion of windows, doors, or partitions; conversion of a heat producing appliance from one (1) fuel to another, i.e., electric to gas or gas to electric or oil; addition of an electrical circuit to accommodate a washer or dryer; addition of central air conditioning when the unit is not designed for that purpose; improper or improperly listed materials for the repair of a unit; installing an unlisted heat producing appliance, etc. The following does not constitute an alteration or conversion: replacement of equipment in kind, i.e., gas furnace with gas furnace; replacement or changing of furniture to accommodate the consumer and any other cosmetic repairs.

(9) Notification of a change in the application information must be made within thirty (30) days of any of the following occurrences:

(a) Dealership name is changed;

(b) Established place of business is changed (move to a different county requires a new license);

(c) There is a change in twenty-five (25) percent or more of the ownership interest of the dealership within a twelve (12) month period; or

(d) There are changes in the principal officers of the firm.

[(10) A license may be denied, suspended or revoked on the following grounds:]

[(a) A showing of insolvency in a court of competent jurisdiction;]

[(b) Material misstatement in application;]

[(c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the board under the Act;]

[(d) Willful failure to perform any written agreement with the buyer;]

[(e) Willfully defrauding any buyer;]

[(f) Failure to have or to maintain an established place of business;]

[(g) Failure to furnish or maintain the required liability insurance;]

[(h) Making a fraudulent sale, transaction or repossession;]

[(i) Employment of fraudulent devices, methods, or practices in connection with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;]

[(j) Failure of a dealer to put the title to a mobile home in his name after said dealer has acquired ownership of the mobile home by trade or otherwise;]

[(k) Violation of any law relating to the sale or financing of mobile homes.]

[(11) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a license to such party as an individual. Each licensee shall be responsible for any or all of his salesmen while acting as his agent while said agent is acting within the scope of his authority.]

[(12) Upon proceedings for the suspension of a license for any of the violations enumerated in the Act, the licensee may have the alternative, subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the usm of fifty (50) dollars per day.]

[(13) Procedure for denial, revocation, or suspension.]

[(a) The office may deny the application for a license within thirty (30) days after receipt thereof by written notice to the applicant, stating the grounds for such denial.]

[(b) No license shall be suspended or revoked by the office except after a hearing thereon. The office shall give the licensee at least thirty (30) days notice of the time and place of hearing and of the charges to be heard.]

[(c) Any dealer who violates or fails to comply with the Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation, and instructed to correct the violation within twenty (20) days. Should the dealer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any license if it finds that:]

[1. The dealer has failed to pay the fees authorized by the Act; or]

[2. The dealer either knowingly or without the exercise of due care to prevent the same, has violated any provision of the Act or any regulation or order lawfully made pursuant to and within the authority of the Act.]

[(14) Any person aggrieved by any ruling of the office denying, suspending or revoking a license, within fifteen (15) days after such ruling of the office may appeal such ruling to the board herein provided for. Such appeal shall be in writing. The board shall state in writing,

officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the board shall determine that the licensee has willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his license may be suspended or revoked.]

[(15) Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.]

Section 9. [10.] Temporary Licenses. (1) Any dealer other than one duly licensed in Kentucky, pursuant to KRS 227.620, wishing to show and offer mobile homes within the Commonwealth of Kentucky [for the express purpose of retailing said units] to the general public, shall be required to purchase from the Office of the State Fire Marshal a temporary license. Said license shall not exceed fifteen (15) days duration and the license fee shall be $100 [fifteen (15) dollars] for each authorized event. The applicant for the license shall notify the department at least thirty (30) days in advance of any event at which he plans to exhibit mobile homes for sale giving the name, location and time of the proposed event.

(2) Applicant shall meet the following requirements before a temporary license is granted:

(a) Be a duly licensed dealer in a state other than Kentucky;

(b) [Must] Certify to the office that the dealership has proper liability insurance in the minimum amount of $200,000 [$50,000] bodily injury or death for each person, $300,000 [$100,000] bodily injury or death for each accident, and $100,000 [$25,000] property damage;

(c) Provide satisfactory assurance to the office by way of a physical inspection by an authorized representative of this office, that each new unit not covered by the federal Act the dealer intends to display, show or offer for sale, bears a Kentucky Class "A" seal of approval. Used mobile homes are not permitted to be shown or offered for sale within the Commonwealth of Kentucky by nonresident dealers at any time; [and]

(d) Possess a valid Kentucky Sales Tax Certificate;

(e) [(d)] Provide all other information as may be required by the office; and [.]

(f) The state in which the applicant is licensed shall have reciprocal provisions for temporary licensing of Kentucky dealers.

(3) Temporary licenses shall be prominently displayed at the location where the applicant is transacting business.

(4) Temporary licenses shall not be required for those dealers attending a mobile home show within the Commonwealth of Kentucky provided they do not sell or offer for sale to the general public new or used mobile homes, and further provided that the dealer has notified the department, in writing, at least thirty (30) days in advance of any event at which he plans to exhibit mobile homes, giving the name, location and time of the proposed event.

Section 10. [11.] Seals. (1) No manufacturer who has received a certificate of acceptability from the office shall sell or offer for sale to Kentucky dealers in this state mobile homes not covered by the HUD Act, unless they bear a Class "A" seal of approval issued by and purchased from the office. This provision shall not apply to vehicles sold or offered for sale for shipment out of state.

(2) No dealer who has received a license from the office shall sell a mobile home unless it has either a HUD seal, "A" seal, "B" seal or salvage label, except as otherwise provided in this regulation [a seal]. Any dealer who has acquired a used mobile home without a seal shall apply to the office for a Class "B" seal by submitting an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, and if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable code.

(a) Acquisition of seal.

1. Any manufacturer, except one altering a new mobile home not covered by the HUD Act, bearing a seal, may qualify for acquisition of a Class "A" seal by obtaining a certificate of acceptability pursuant to KRS 227.580 and Section 6 [7] of this regulation.

2. Any dealer, except one altering a mobile home bearing a seal, may qualify for acquisition of a Class "B" seal by giving an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, if necessary, repaired, and is now in safe working condition or that the unit meets the applicable code.

(b) Application for seals.

1. Any person who has met the applicable requirements of Section 6 [7] or 8 [9] of this regulation shall apply for seals in the form prescribed by the office. The application shall be accompanied by the seal fee of twenty (20) dollars for each Class "A" seal or twenty (20) dollars for each Class "B" seal.

2. If the applicant has qualified to apply for seals pursuant to the in-plant quality control approval method, the seal application shall include the certificate of acceptability number.

(c) Alteration or conversion of a unit bearing a seal.

1. Any alteration of the construction, plumbing, heat-producing equipment, electrical equipment installations or fire safety in a mobile home not covered by the HUD Act, which bears a seal, shall void such approval and the seal shall be returned to the office.

2. The following shall not constitute an alteration or conversion for those mobile homes not covered by the HUD Act:

a. Repairs with approved component parts.

b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing.

c. Adjustment and maintenance of equipment.

d. Replacement of equipment in kind.

e. Any change that does not affect those areas covered by NFPA 501(B).

3. Any dealer proposing an alteration to a mobile home not covered by the HUD Act, bearing a seal shall make application to the office. Such application shall include:

a. Make and model of mobile home.

b. Serial number.

c. State seal number.

d. A complete description of the work to be performed together with plans and specifications when required.

e. Location of the mobile home where work is to be performed.

f. Name and address of the owner of the mobile home.

4. Upon completion of the alteration, the applicant shall request the office to make an inspection.

5. The applicant may purchase a replacement seal, based on inspection of the alteration for a fee of two (2) dollars.

(d) Denial and repossession of seals. If [Should] inspection reveals that a manufacturer is [not] constructing mobile homes not covered by the HUD Act (such as office units), according to NFPA 501(B); or, if inspection reveals that any dealer failed to repair a used mobile home under the standards and procedures set forth in this regulation or failed to comply with any other provision for placement of seals and labels; and the dealer or manufacturer, [and such manufacturer,] after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture, sell or offer for sale mobile homes in violation of these rules and the code, applications for new seals shall be denied and the seals previously issued and unused shall be confiscated and credit given. Upon satisfactory proof of compliance, the [such] manufacturer or dealer may resubmit an application for seal.

(e) Seal removal. In the event that any mobile home not covered by the HUD Act[, bearing the seal] is found to be in violation of these rules, the office shall attach to the vehicle a notice of noncompliance or a "red tag" and furnish the manufacturer or dealer a copy of same. The office, dealer or manufacturer shall not remove the noncompliance "red tag" until corrections have been made, and the owner or his agent has requested an inspection in writing to the office and [or] given an affidavit certifying compliance. Removal of any "red tag" shall result in repossession of all seals held by the dealer or manufacturer until such time as the facility is once again in full compliance with the Act and this regulation.

(f) Placement of seals.

1. Each seal shall be assigned and affixed to a specific mobile home not covered by the HUD Act. Assigned seals are not transferable and are void when not affixed as assigned, and all such seals shall be returned to or may be confiscated by the office. The seal shall remain the property of the office and may be seized by the office in the event of violation of the Act or regulations.

2. The seal shall be securely affixed by the door on the handle side at approximately handle height.

3. No other seal, stamp, cover, or other marking may be placed within two (2) inches of the seal.

(g) Lost or damaged seals.

1. When a seal becomes lost or damaged, the office shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the mobile home serial number, and when possible, the seal number.

2. All damaged seals shall be promptly returned. Damaged and lost seals shall be replaced by the office with a replacement seal on payment of the replacement seal fee of two (2) dollars.

Section 11. Sections 1 through 10 of this regulation shall take effect thirty (30) days after adoption, pursuant to KRS Chapter 13A, and shall be applicable to the possession and sale of mobile homes after that date.

APPENDIX A

UNIT CERTIFICATION FORMAT

_____
Name of Manufacturer

_____ _____
Mailing Address County

_____, _____ _____
City State Zip Code

I hereby certify that the mobile homes as described hereon have been constructed in compliance with NFPA 501 B.

No.	Serial #	KY Seal #	Date Mfg.	Model	Size	Dealer
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						

This form must be used in reporting units to the Office of the State Fire Marshal. The form should be completed in duplicate with the original to be sent to the Office of the State Fire Marshal, and the copy retained by the manufacturer. This form should be mailed to the State Fire Marshal when the last entry has been filled or not later than the first week of each month.

_____ BY _____
Date Person Authorized to Certify These Units

APPENDIX B

STATE FIRE MARSHAL
MANUFACTURED HOUSING
U.S. 127 SOUTH
FRANKFORT, KENTUCKY 40601

_____
Name of Dealer

_____ _____
Mailing Address County

_____, _____ _____
City State Zip Code

I hereby certify that the used units described

hereon have been inspected and are in compliance with the standards as required by KRS 227.550 through KRS 227.660 and regulations thereto and that the new mobile homes described hereon have the appropriate HUD label.

No.	Serial #	HUD LABEL #/ KY Seal #	Date Mfg.	Make	Purchaser & Address

This form must be used in reporting units to the field inspector.

Date _____ Signature _____

CHARLES A. COTTON, Commissioner
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: June 9, 1989
FILED WITH LRC: June 15, 1989 at noon

CABINET FOR HUMAN RESOURCES
Department for Social Services
(As Amended)

905 KAR 2:070. Standards for the certification of small family day care homes.

RELATES TO: 42 USC 602
STATUTORY AUTHORITY: KRS 194.050
NECESSITY AND FUNCTION: This regulation is promulgated pursuant to KRS 194.050. It establishes standards for the certification of persons who provide child care for fewer than four (4) children in their own home, and who are otherwise not required to be licensed as a Type II day care facility under 905 KAR 2:010. The standards are intended to protect the health, safety and welfare of children in the care of these providers, who will be called family child care providers [(s)] in this regulation.

Section 1. Definitions. The following definitions shall apply to this regulation:
(1) "Cabinet" means the Kentucky Cabinet for Human Resources.
(2) "Family day care" means the provision of regular care and supervision of no more than three (3) children for part of a twenty-four (24) hour period, in the caregiver's own home, as a supplement to regular parental care.
(3) "Regular" means the provision of child care services in the caregiver's home on more than one (1) day in any one (1) week or more than ten (10) hours per week.
(4) "Small family day care home (SFDCH)" shall be the caregiver's own home in which care is provided for no more than three (3) children, who are unrelated by blood, marriage or adoption to the family child care provider.
(5) "Family child care provider" means a person providing care for preschool or school-age children or both inside his[/her] own home for less than twenty-four (24) hours a day, and who is not required to be licensed under 905 KAR 2:010.
(6) "Child" means a person under eighteen (18) years of age.
(7) "School-age child" shall be considered as one attending kindergarten or above.
(8) "Infant or [/] toddler" shall be considered to be under two (2) years of age.
(9) "Nighttime care" is defined as family home child care in which child receives regular full, or part-time care during the night, and beginning at six (6) p.m.
(10) "Certification" for the purpose of this regulation, is defined as a voluntary process in order for small family day care homes to become certified by the Cabinet for Human Resources.
(11) "Certified small family day care home" means a small family day care home which meets the standards for certification set forth in this regulation.
(12) "Certified family child care provider" means an individual who has responsibility for the operation of the child care program in his[/her] own home and who meets the requirements for certification.
(13) "Certificate" shall be a certificate issued to a small family day care provider who meets the standards set forth in this regulation.

Section 2. Responsibilities of the Cabinet. The Cabinet for Human Resources shall be responsible for the registration and certification of any small family day care homes desiring to meet the standards outlined in Section 7 of this regulation. Authorized cabinet representatives shall at all times have the authority to inspect small family day care homes and records required by this regulation. Inspection shall be unannounced.

Section 3. Basis for Certification. In order to be certified, a child care provider, who is not required to be licensed under 905 KAR 2:010, shall register with the Cabinet for Human Resources. The provider shall comply with the appropriate standards to be met by the certified family child care provider.

Section 4. Certification Process. (1) A small family day care home provider may register with the Cabinet for Human Resources to become a certified small family day care provider.
(2) After the application has been reviewed and deemed acceptable by the cabinet, preliminary permission to operate as a certified home shall [will] be issued to the provider in the form of a letter.

(3) An inspection of the home **shall** [will] be made by a representative of the cabinet during the first three (3) months of operation. If all the requirements are met the home **shall** [will] be certified and a certificate **shall** [will] be issued for a two (2) year period. Small family day care homes wishing to apply for certification, in operation prior to the effective date of this regulation **shall** [will] be inspected within three (3) months of preliminary permission to operate as a certified home.

(4) If at the time of the first inspection all requirements have not been met, then the cabinet representative may allow up to six (6) months to comply with this regulation. If the provider does not wish to or cannot comply with the standards set forth, then the application **shall** [will] be denied.

(5) The certificate, if issued, **shall** [will] contain the name and address of the provider, limit of children to be served, and the identification number, effective date and expiration date. The certificate shall be displayed where parents can read it.

(6) The application process and inspection visit **shall** [will] be repeated every two (2) years.

(7) The certificate is valid only for the caregiver named and only for the address listed on the certificate. Any change of address or name change **shall** [must] be reported to the cabinet.

Section 5. Failure to Meet Requirements. The Cabinet for Human Resources shall review and may deny, suspend, revoke or refuse to renew certification if the family child care provider or adult[(s)] living in the family day care provider's home [such as]:

(1) Has been convicted of child abuse or neglect;

(2) Refuses to obtain a criminal records check;

(3) Is under the influence of alcohol or drugs while the children are in care;

(4) Fails to comply with any of the other certification standards set forth in this regulation.

Section 6. Appeal. If the Cabinet for Human Resources denies, suspends, revokes or refuses to renew a certification, the cabinet shall notify the provider in writing and give reasons for the action. If the provider feels any action of the department is unfair, without reason, or unwarranted, the provider may appeal the action to the Commissioner of the Department for Social Services, 6th Floor, 275 East Main Street, Frankfort, Kentucky 40621, within twenty (20) calendar days of the action. Upon receipt of the complaint, the commissioner, or commissioner's designee, **shall** [will] assign an impartial person to conduct a full administrative review of the complaint. The review shall be submitted to the commissioner within thirty (30) calendar days. Within ten (10) days of the receipt of the reviewer's report, the commissioner, or commissioner's designee, shall render a written decision to the provider.

Section 7. Standards for the Family Child Care Provider. (1) Qualifications of provider and staff:

(a) The provider shall be at least twenty-one (21) years of age **and have at least two (2) character references.** [;]

(b) The provider shall be considered physically capable of providing for a child's developmental needs. A physician's statement stating such shall be submitted with the application and renewal;

(c) The provider shall submit proof that he[/she], or other person[(s)] living in the provider's home are free of tuberculosis at the time of application and with each renewal;

(d) The provider shall obtain a minimum of six (6) hours of training prior to or during the first six (6) months of operation, which includes first aid, nutrition, and child development. **Beginning with the second year of operation, the provider shall participate in at least six (6) hours of training. This training shall be designed to improve the quality of child care.** This training **shall** [must] meet approval by the cabinet; and

[(e) The small family day care home shall be covered by liability insurance.]

(2) The home environment. The family child care provider's home and [outside] play areas used for child care shall **be** [have] safe **and have adequate** heat, light and ventilation.

(a) Each floor level used for child care shall have at least one (1) unblocked exit and at least one (1) smoke detector and fire extinguisher.

(b) The home shall be free of hazards and the following items shall be kept inaccessible to children:

1. Medications and drugs;
2. Cleaning supplies, poisons and insecticides;
3. Guns, knives, scissors and sharp objects;
4. Power tools, lawn mowers, tools, nails and other such equipment;
5. Matches, cigarettes, lighters and flammable liquids;
6. Plastic bags; and
7. Litter and rubbish.

(c) All electrical outlets not in use shall be covered.

(d) Any electric fans, [or] floor furnaces, **or free standing heaters or fireplaces, shall** [must] be out of the reach of children or have a safety guard on them to protect children from any injury.

(e) The home shall have at least one (1) telephone in working order with a list of emergency numbers posted by each telephone, including numbers for the police, fire station, emergency medical care, poison control center and rescue squad.

(f) Equipment and toys shall be developmentally appropriate for the ages of children in care and be kept in good repair.

(g) Stairs and steps used shall be solid, safe and railed. Indoor stairs with more than two (2) steps shall be guarded if any children in care are infants **or** [/] toddlers.

(h) The provider shall maintain first aid supplies, that are easily accessible for use in an emergency, and shall wash superficial wounds with soap and water before bandaging.

(i) Indoor [and outdoor] areas used for child care shall include **a minimum of thirty-five (35) square feet per child** [sufficient space] for play and for activities which meet the development needs of the children in care.

(j) Outdoor play areas shall be free of hazards and shall be fenced or the provider

shall take special measures to ensure the safety of the children.

(k) Outdoor stationary play equipment shall be securely anchored.

(l) [Any] Swimming or wading pool**s** [(s)] on the premises shall be maintained in a manner which will safeguard the lives and health of the children.

1. A swimming pool eighteen (18) inches or deeper shall be enclosed by a fence not less than five (5) feet high to prevent chance access by children.

2. A swimming or wading pool shall be kept separate from the play area.

(m) Practice fire, tornado drills shall be conducted with the children at least monthly.

(n) Sanitation for the child care environment shall require that the provider:

1. Have a home that is kept clean, uncluttered and free of insects and rodents.

2. **Have a public water or groundwater supply as approved by the Cabinet for Natural Resources and Environmental Protection (see 905 KAR 2:010, Standards for all child care facilities, Section 17(2)(i); 401 KAR 6:310, Water well construction practices and standards; and 401 KAR 5:029, General provisions for water quality).** [Have a well or water system that complies with the requirements of the local health department and the cabinet's Department of Health Services.]

3. Have **bathrooms, including toilets, sinks and potty chairs** [bathroom(s), including toilet(s), sink(s), and potty chair(s)] that are sanitary and in good working condition.

4. Assure that a covered, leak-proof container which is emptied and cleaned daily, is available for soiled diapers.

5. Wash his[/her] hands before and after diapering child.

6. Use acceptable sanitary procedures when preparing and serving food.

7. Refrigerate all perishable food and beverages. The refrigerator shall be in working order and maintain a temperature of forty-five (45) degrees or below.

8. Label all bottles for each individual child, except when there is only one bottle-fed child in care.

9. Serve only pasteurized milk and milk products.

10. Screen all windows and doors used for ventilation.

11. Have household pets vaccinated for rabies as required by law.

12. Assure that children shall not share cups, eating utensils, wash cloths or towels.

13. Store garbage in waterproof containers with tight-fitting covers.

14. Provide individual linen for rest-time for each child in care for more than four (4) hours. The linens shall be changed at least weekly or whenever they become soiled or wet.

(3) Program for children.

(a) A plan for daily activities and routines, in addition to free play shall be established.

(b) The provider or any other person in the home shall not use any form of physical punishment, including spanking. Disciplinary methods **shall** [should] not humiliate, shame or frighten the child. A provider, or any other person in the home shall not use harsh or demeaning language in the presence of the children.

1. No child shall be handled roughly in any way, including shaking, pushing, shoving, pinching, slapping, biting or kicking.

2. No child shall ever be placed in a locked room, closet, box or any other confined space.

3. No discipline shall ever be delegated to another child.

4. Discipline shall in no way be related to food, rest or toileting. No food shall be withheld or given, as a means of discipline; no child shall be disciplined for lapses in toilet training; no child shall be disciplined for not sleeping during rest period.

(c) The provider shall be physically present at the family day care home at all times. Children are not permitted off the premises without the caregiver. An exception is made for school-age children, as long as **their** [there] whereabouts are known, and the parent**s** [(s)] have given permission.

(d) Children shall be released from the family day care home only to the child's parent, the person designated in writing by the parent to receive the child, or to any person designated over the telephone by the parent.

(4) Child health care. To assure a healthy environment, the provider shall:

(a) Maintain proof that immunizations for each child are current.

(b) Have on file for each child who attends on a regular basis, a health and emergency information form completed and signed by the child's parent or guardian. The completed form **shall** [must] be on file on the first day the child attends. A recommended form is available from the Cabinet for Human Resources. However, the provider may use another form provided that form includes the following information:

1. The child's name, address, and date of birth;

2. The names of individuals to whom the child may be released;

3. The general status of the child's health;

4. Any allergies and[/or] restrictions on the child's participation in activities with specific instructions from the child's parent or physician;

5. The names and phone numbers of persons to be contacted in an emergency situation;

6. The name and phone number of the child's physician and preferred hospital;

7. Authorization for the provider to administer specified medication according to the parent's instructions, if the parent so desires;

8. Authorization **by the parent or guardian** for the provider to seek emergency medical care in the parent's absence.

(c) Serve nutritious meals and snacks appropriate in amount and type of foods served for the ages of the children in care.

(d) Provide frequent opportunities for outdoor play or fresh air.

(e) Provide adequate space to rest comfortably.

(f) Be able to recognize symptoms of childhood illnesses.

(g) Provide a quiet, separate area which can be easily supervised for children too sick to remain with other children.

(h) Visually supervise all children who are awake. The provider **shall** [must] be able to respond to the children immediately.

(i) Be able to provide basic first aid.

(5) Transportation. To assure the safety of children whenever they are transported, **the** provider shall:

(a) Have written permission from a parent or guardian to transport his[/her] child.

(b) Comply with all applicable state laws and regulations concerning transportation of passengers. No children under forty (40) inches tall shall be transported unless secured in a safety seat that conforms with the federal motor vehicle safety standards, pursuant to KRS 189.125(2). [All children in care when riding in a vehicle shall be restrained by individual seat belts or child restraint devices.]
(c) Have a valid driver's license issued by the Division of Motor Vehicles.
(d) Seat [Assure that] each child [is seated] in a manufacturer's designated area.
(e) Never leave children in a vehicle unattended by an adult.
(f) Never use [Assure that] the back of pick-up trucks [are not used] to transport children.
(g) Have emergency and identification information about each child in the vehicle whenever children are being transported.
(h) Conform to state laws pertaining to vehicles, drivers licenses and insurance.
(6) Child records.
(a) The provider shall have an individual record for each child enrolled (see subsection (4) of this section, child health care).
(b) The provider shall not disclose or knowingly permit the use of any information concerning the child or family directly or indirectly, except in the course of performance of official duties and to representatives of the Cabinet for Human Resources.
(7) Provider and parent communication. The program shall ensure ongoing communication with a child's parent by:
(a) Allowing parents to visit and observe the program at any time during the hours of operation.
(b) Communicating with each child's parent at least once a week about his[/her] child's development, activities, likes and dislikes.
(c) Developing written information about the service which specifies the charge for child care and the expected frequency of payment for the program.
(d) Make available a copy of the certification standards to each parent.
(e) Give each parent the name and address and telephone number of the cabinet, to register complaints when he[/she] believes the small family day care home provider is not meeting the standards.

LARRY MICHALCZYK, MSSW, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: May 12, 1989
FILED WITH LRC: May 24, 1989 at 10 a.m.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(As Amended)

907 KAR 1:054. Primary care center services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet 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 cabinet, 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. Primary care centers, as defined by the Health Certificate of Need and Licensure Board, represent an opportunity for the provision of comprehensive medical services to the indigent citizenry of Kentucky. This regulation, therefore, sets forth the provisions relating to primary care center services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and medically needy.

Section 1. Definitions. As used in this regulation, the following definitions apply:
(1) Basic services. Those services which shall [must] be provided by the facility for it to be considered a primary care center by the cabinet;
(2) Supplemental services. Those specified services which are in addition to the basic or required range of services, and for which the cabinet shall [will] make payment when appropriately provided by the primary care center;
(3) Element. A specific subprogram within the Medical Assistance Program; for example, primary Care Center Services is a subprogram or element of the Medical Assistance Program;
(4) Requirements for program participation. Those requirements of law or regulation generally applicable throughout the Medical Assistance Program and with which all medical services providers shall [must] comply in order to participate and receive reimbursement as a provider of services to eligible medical assistance recipients.

Section 2. Requirement for Participation. Each primary care center shall be required to meet the standards set for certification by the Commission on Health Economics Control in Kentucky, and shall not receive reimbursement for services as a primary care center provider until the cabinet determines that the [such] standards are met and that the provider complies with all requirements for program participation.

Section 3. Covered Services. Each primary care center shall provide directly to eligible program recipients on a regular, full-time basis the basic services, and may provide one or more of the supplemental services.
(1) Basic services.
(a) Medical diagnostic and treatment services for all age groups, as provided by a physician(s), nurse practitioner(s), or physician assistant(s) if licensed under state authority.
(b) Treatment of injuries and minor trauma;
(c) Prenatal and postnatal care;
(d) A program of preventive health services which shall [must] include well-baby care, well-child care, and immunization, and which may include other types of preventive care;
(e) Referral services designed to ensure the referral to and acceptance by an appropriate medical resource when services necessary to the health of the patient are not provided directly by the center;
(f) Health education services. These services shall [must] provide as a minimum appropriate personnel to present, on request, information on general health care to local school systems, civic organizations and other concerned local groups. Services are to include distribution of written material on pertinent health subjects.

(g) The primary care center shall provide directly at least two (2) of the following additional professional services [The services provided by the following professional practitioners must be provided directly]:

1. Dentist;

[2. Clinical pharmacist. A clinical pharmacist is a licensed pharmacist whose services include taking medication histories, monitoring drug use, contributing to drug therapy, drug selection, patient counseling, administering drug programs and surveillance for adverse reactions and drug interactions;]

2. [3.] Optometrist; [.]

[(h) Any of the following services may substitute on a one for one basis for the services shown in paragraph (g) of this subsection, when provided directly by the center in the context of an identifiable program by appropriately trained personnel:]

3. [1.] Family planning services. These services shall [must] be provided as a package which shall [must] include those services required under the family planning element of the Medical Assistance Program;

4. [2.] Home health services. These services shall [must] include the same services as provided under the home health element of the Medical Assistance Program;

5. [3.] Social services counseling. This shall [must] include, as a minimum, information and referral services. Intensive counseling is to be limited to crisis situations and health related problems. Individuals with other identified counseling needs are to be referred to appropriate social service agencies. These services shall [must] be performed by a licensed, graduate, or certified social worker;

6. [4.] Pharmacy services. These services shall [must] meet the standards of the pharmacy component of the Medical Assistance Program; [. Where clinical pharmacist is selected as a basic service in paragraph (g) of this subsection, pharmacy services may not be used as a substitute for one of the two (2) remaining required services in paragraph (g) of this subsection.]

7. [5.] Nutritional services. These services shall [must] include as a minimum individual counseling relating to nutritional problems or nutritional education. Group nutritional services may also be provided. These services shall [must] be performed by a professional nutritionist; and [.]

8. [6.] Nurse midwifery services. These services shall [must] be provided as a program which is to include prenatal services to expectant mothers, as well as delivery and postnatal services. These services shall [must] be performed by a certified nurse midwife.

(2) Supplemental services.

(a) Other services (excluding institutional care) within the scope of the Medical Assistance Program;

(b) Holding/observation accommodations;

(c) Any of the types of service in subsection (1)(g) [(h)] of this section, which are not provided as basic services;

(d) Outreach services. These services shall [must] be provided as a package structured to identify health care needs in the service area; and [.]

(e) Clinical pharmacist. A clinical pharmacist is a licensed pharmacist whose services include taking medication histories, monitoring drug use, contributing to drug therapy, drug selection, patient counseling, administering drug programs, and surveillance for adverse reactions and drug interactions.

Section 4. Drugs for Specified Immunizations. Effective with regard to services provided on or after October 1, 1988, primary care centers will be allowed to secure drugs for specified immunizations from the Department for Health Services free to provide immunizations for Medicaid recipients. The specified immunizations are:

(1) Diptheria and tetanus toxoids and pertussis vaccine (DPT);

(2) Measles, mumps, and rubella virus vaccine, live (MMR);

(3) Poliovirus vaccine, live, oral (any type(s)) (OPV); and

(4) Hemophilus B conjugate vaccine (HBCV).

Section 5. Limitations on Services. The following limitations are applicable to specified services:

(1) Pharmacy services are limited to those drugs covered through the pharmacy services element of the Medical Assistance Program;

(2) Other drugs and biologicals not covered under pharmacy services are limited to those necessary for the treatment of emergency cases;

(3) Laboratory services are limited to those procedures provided directly by the center, or if purchased, these services are limited to those covered under the independent laboratory element of the Medical Assistance Program;

(4) Dental services are limited to those procedures covered through the dental services element of the Medical Assistance Program, **except for orthodontia services which are not covered in a primary care center**;

(5) Vision care services are limited to those services covered through the vision care services element of the Medical Assistance Program;

(6) Audiology services are limited to those services covered through the hearing services element of the Medical Assistance Program;

(7) Abortion and[/or] sterilization services shall [must] be performed in accordance with guidelines specified by the cabinet;

(8) Durable medical goods and prosthetics are limited to those covered under the home health element of the Medical Assistance Program;

(9) Mental health services are limited to emergency services and appropriate referral;

(10) Holding/observation accommodations are covered for not more than twenty-four (24) hours when provided in accordance with the following:

(a) The patient's record shall document the appropriateness of such utilization;

(b) The physician shall make the decision that such utilization is necessary;

(c) A licensed nurse shall be on duty at the center during the time a patient is held in center accommodations beyond regular scheduled hours;

(d) A licensed physician shall be on call at all times when a patient is held beyond the regular scheduled hours of the center;

(e) A statement of conditions observed and treatment rendered during the [such] holding time shall [must] be entered in the patient's medical record;

(11) Radiology procedures shall [must] be performed by either a licensed practitioner of

the healing arts or an individual holding a valid certificate to operate sources of radiation.

Section 6. Noncovered Services. The following services are specifically excluded from coverage as primary care center services:

(1) All institutional services;

(2) Housekeeping, babysitting, and other homemaker services of like nature;

(3) Services which are not provided in accordance with restrictions imposed by law or regulation.

Section 7. The provisions of this regulation as amended shall be effective with regard to services provided on or after July 1, 1989.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: May 15, 1989
FILED WITH LRC: May 24, 1989 at 10 a.m.

PROPOSED AMENDMENTS RECEIVED THROUGH AUGUST 15, 1989

PERSONNEL BOARD
(Proposed Amendment)

101 KAR 1:325. Probationary periods.

RELATES TO: KRS 18A.075, 18A.0751, 18A.111
STATUTORY AUTHORITY: KRS Chapter 13A, 18A.0751
NECESSITY AND FUNCTION: KRS 18A.075 requires the Personnel Board to promulgate comprehensive administrative regulations consistent with the provisions of KRS 18A.005 to 18A.200. KRS 18A.0751 specifies that the Personnel Board promulgate comprehensive administrative regulations for the classified service governing probation. KRS 18A.111 relates specifically to probationary periods.

Section 1. Initial Probationary Period. (1) The initial probationary period shall be computed from the effective date of appointment to the corresponding date in the sixth or 12th month, depending upon the length of initial probationary period, except as provided in KRS 18A.111.

(2) The following job classifications shall require an initial probationary period in excess of six (6) months:

TITLE CODE	JOB CLASSIFICATION	LENGTH OF INITIAL PROBATIONARY PERIOD
2001	Fish and Wildlife Law Enforcement Officer Trainee	12 months
2112	DES Duty Officer	12 months
2113	DES Duty Officer Senior	12 months
2408	MVE Trainee	12 months
2410	MVE Officer Trainee	12 months
2435	MVE Inspector Trainee	12 months
2480	Water Patrol Officer Second Class	12 months
2481	Water Patrol Officer First Class	12 months
3416	Financial Institution Examiner Trainee	12 months
5105	Vocational Education Instructor	12 months
5108	Industrial and Trade Instructor	12 months
5110	MSHA Instructor	12 months
5126	Teacher of Blind and/or Visually Impaired Rank III	12 months
5127	Teacher of Blind and/or Visually Impaired Rank II	12 months
5128	Teacher of Blind and/or Visually Impaired Rank I	12 months
5131	Teacher of Deaf and/or Hearing Impaired Rank III	12 months
5132	Teacher of Deaf and/or Hearing Impaired Rank II	12 months
5133	Teacher of Deaf and/or Hearing Impaired Rank I	12 months
5141	Education Teacher Rank III	12 months
5142	Education Teacher Rank II	12 months
5143	Education Teacher Rank I	12 months
7203	Forest Guard	12 months
7205	Forest Ranger	12 months
7207	Forest Ranger Unit	12 months
7209	Forest Ranger District	12 months
7213	Forestry District Equipment Supervisor	12 months
7215	Nursery Foreman	12 months
7217	Nursery Superintendent	12 months
7221	Forester	12 months
7222	Forester Senior	12 months
7224	Forester Chief	12 months
7226	Forester District	12 months
7228	Forester Regional	12 months
7231	Rural Fire Suppression Technical Advisor	12 months
7232	Forestry Program Specialist	12 months
7233	Forestry Program Coordinator	12 months
7235	Forestry Program Manager	12 months

(3) If the length of the initial probationary period for a job classification is changed, an employee serving an initial probationary period on the effective date of the change shall serve the shorter of the initial probationary periods. When the employee is appointed, the employee's appointing authority shall advise the employee of the period of his initial probation.

Section 2. Promotional Probationary Period. (1) An employee who satisfactorily completes the promotional probationary period shall be granted status in the position to which he has been promoted. Unless an employee receives notice prior to the end of his promotional probationary period that he has failed to satisfactorily complete the promotional probationary period and that he is being reverted, the employee shall be deemed to have served satisfactorily and shall acquire status in the position to which he has been promoted.

(2) An employee who fails to satisfactorily complete a promotional probationary period shall be reverted to his former position or to a position in the same job classification as his former position. If an employee fails to satisfactorily complete a promotional probationary period, he shall be notified in writing at least ten (10) working days prior to the effective date of his reversion. The notification shall advise the employee of the effective date of reversion. When the employee is notified, copies of the notice of reversion shall be forwarded to the Commissioner of Personnel on the same date notice is delivered to the employee.

(3) The promotional probationary period shall be computed from the effective date of promotion to the corresponding date in the sixth month following promotion, except as provided in KRS 18A.111.

Section 3. Probationary Period Upon Reinstatement. An employee who is reinstated, except an employee ordered reinstated pursuant to KRS 18A.111(3), to a position in the classified service shall serve a promotional probationary period.

ARTHUR HATTERICK, JR., Secretary
APPROVED BY AGENCY: August 10, 1989
FILED WITH LRC: August 10, 1989 at 3 p.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on September 21, 1989 at 9:30 a.m., Room 360 Capitol Annex Building, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 16, 1989, five days prior to the hearing, of

their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kentucky Personnel Board, Room 372, Capitol Annex Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Arthur Hatterick, Jr.
(1) Type and number of entities affected: All state agencies with classified employees.
(a) Direct and indirect costs or savings to those affected: No appreciable change.
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs (note any effects upon competition): N/A
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: N/A
1. First year: N/A
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs: N/A
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: N/A
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: N/A
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. This regulation must apply equally to all classified employees and all state agencies with classified employees.

FINANCE AND ADMINISTRATION CABINET
(Proposed Amendment)

200 KAR 1:020. Access to public records.

RELATES TO: KRS Chapter 61
STATUTORY AUTHORITY: KRS 61.876(3)
NECESSITY AND FUNCTION: The Finance and Administration Cabinet is authorized by KRS 61.876(3) to promulgate uniform rules governing public access to public records maintained by administrative agencies of the state government. This regulation establishes the general rules to be followed by all state administrative agencies in affording public access to their records and by persons applying to inspect such records. This amendment adds the word diskettes to the definition of "public record" in accordance with Chapter 150, Section 2, 1986 Acts of the General Assembly, as requested by the Interim State Government Committee.

Section 1. General. Consistent with the provisions of KRS 61.870 to 61.884, the public records of all administrative agencies of the Kentucky State Government, except as provided in Section 4 of this regulation, shall be open for inspection by any person in accordance with the procedures established by this regulation.

Section 2. Definitions. The following terms shall have the meaning assigned herein:
(1) "State administrative agency" means every program cabinet, department and administrative body of the Kentucky State Government as defined by KRS 12.010, headed by, or whose membership is composed of, persons appointed by the Governor, and their component organizational subdivisions.
(2) "Public record" means all books, papers, maps, photographs, cards, tapes, discs, diskettes, records or other documentary materials prepared, owned, used, in the possession of or retained by a state administrative agency, but does not include any records owned by a private person or corporation in the possession of a state administrative agency or an officer or employee thereof, and not related to any function, activity, program or operation funded by the state.
(3) "Official custodian" means the chief administrative officer of a state administrative agency who by virtue of his position, is responsible for the maintenance, care and keeping of all the public records of his agency, or if so designated in writing by the chief administrative officer of a state administrative agency, the head of each office, bureau, division or other organizational subdivision within a state administrative agency, who is responsible for the maintenance, care and keeping of all the public records of his organizational unit.
(4) "Custodian" means any officer or employee of a state administrative agency having public records in his personal custody and control.

Section 3. (1) Any person may, on written application to the official custodian describing the records, inspect and make abstracts and memoranda of the contents of any of the public records, except those listed in Section 4 of this regulation, of all state administrative agencies. Copies of any written material shall be furnished, on request, to any person requesting them, on payment of fee of ten (10) cents a page for each record copies; copies of photographs, maps and other nonwritten material, and records stored in computer files or libraries, shall be furnished to any person requesting them on payment of a fee equal to the actual cost to the agency of producing the copies. Persons requesting copies of records shall be advised of the total actual cost of copies of written material, and the actual, if known, or approximate cost or producing copies of nonwritten material or of records stored in computer files or libraries before the copies are prepared. The fee shall be collected before the copies are handed or sent to the person requesting them. The fees established herein shall not be collected, for copies of records requested in the course of their employment by employees of state administrative agencies, and

shall be inapplicable in cases of documents printed for sale for which a fee is fixed by or pursuant to law or which are customarily distributed without charge.

(2) The inspection of public records of state administrative agencies shall in all cases be made in the presence of an employee of the agency, on premises occupied by the agency having custody of the records, during the usual office hours of the particular office or other organizational unit having physical possession of the records. The official custodian of the records of each state administrative agency, and of each administrative subdivision of the agency, shall be responsible for the assignment of agency employees, as a duty in addition to their usual duties, to assist persons applying to inspect the public records of the agency and to insure protection of the records against damage and disorganization.

Section 4. The public records enumerated in subsection (1) through (10) of this section shall, except as provided herein, be subject to inspection only upon an Order of the Court of this Commonwealth or of the United States. The exemptions under this section notwithstanding, nothing herein shall prohibit or limit the exchange of public records or the sharing of information between state administrative agencies and other public agencies when the exchange of such records or sharing of such information will serve legitimate governmental needs or is necessary in the performance of legitimate governmental functions, nor shall the enumeration of any material herein prohibit disclosure of statistical information not readily identifiable of any person. If any public record contains material subject to public inspection only by court order, and other material not so excluded from public inspection, the custodian of the record shall, on application by any person for inspection of such record, segregate or remove the excluded material from the record and the nonexcluded material shall then be available for inspection in accordance with the application for inspection. The official custodian of the records of each state administrative agency shall generally exclude from public inspection, except by an order of court as provided in this section.

(1) Public records containing information of a personal nature where public disclosure would constitute a clearly unwarranted invasion of personal privacy.

(2) Records confidentially disclosed to an agency and compiled and maintained for: scientific research; in conjunction with an application for a loan; the regulation of commercial enterprise, including mineral exploration records; unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential; or for the grant or review of a license to do business which if openly disclosed, would permit an unfair advantage to competitors of the subject enterprise, unless the disclosure or publication of such records is directed by law.

(3) Public records pertaining to the prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocated within, or expanding within the Commonwealth. (Provided, however, that this exemption shall not include applications filed with state administrative agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in subsection (2)).

(4) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for an agency relative to the acquisition of real property, until such time as all of the property has been acquired.

(5) Test questions, scoring keys and other examination data used to administer a licensing examination, or an examination for employment before the examination is given or if it is to be given again.

(6) Centralized criminal history records maintained by the Kentucky Justice Cabinet and intelligence and investigative reports maintained by state criminal justice agencies except as provided in KRS 17.150, and records of law enforcement or administrative agencies compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information contained in such records would harm the agency by revealing the identity of informants not otherwise known or by the premature release of information to be used in a prospective prosecution or suit or an administrative adjudication. Except as provided by KRS 17.150, public records exempted under this subsection shall be open for inspection after adjudicative action is completed or a decision has been made to take no action. The official custodian shall have the burden of justifying with specificity a refusal of a demand for inspection of any public records covered by the exemptions provided in this subsection except centralized criminal history records maintained by the Kentucky Justice Cabinet. Preliminary drafts, notes, correspondence between state administrative agencies and private individuals, other than correspondence intended to give notice of final action by an agency.

(8) Preliminary recommendations and memoranda in which opinions are expressed or policies formulated or recommended.

(9) All public records or information, the disclosure of which is prohibited by federal law or regulation.

(10) Public records or information, the disclosure of which is prohibited or restricted or otherwise made confidential by the statutes of this Commonwealth.

Section 5. Application for Inspection of Public Records. (1) Persons requesting to inspect public records of state administrative agencies shall file a written application describing the records requested to be inspected, on a form prescribed by the Finance and Administration Cabinet, with the official custodian of the records of the office of the agency having physical custody of the records. Agency employees shall assist, on request of the applicant, in completing the form; the applicant shall sign the application form. The application form shall include a receipt to be completed and signed by the custodian of the records for payment received for copies of records requested by applicants and one (1) copy of the receipt

shall be furnished to the applicant.

(2) Application forms for the inspection of public records of state administrative agencies will be stocked by and available from the Central Stores of the Finance and Administration Cabinet. Each state administrative agency shall be responsible for obtaining from Central Stores an adequate supply of the application forms for use by each of its administrative subdivisions so that at all times there will be sufficient number of forms on hand to comply with requests for inspection of the agency's records.

Section 6. Agency Responsibility. (1) Each state administrative agency shall display a copy of this regulation in a prominent location in each of its offices to which the general public has access. Copies of this regulation, suitable for posting, shall be printed and each agency shall be responsible for obtaining the number of copies of the printed regulation required to comply with this section from the Central Stores of the Finance and Administration Cabinet.

(2) The printed copies of this regulation shall bear the following caption which shall be appropriately completed by each agency and its subdivisions:

NOTICE

REGULATIONS GOVERNING INSPECTION OF THE PUBLIC RECORDS OF THE

_____
(Name of State Administrative Agency)

_____
(Office, Bureau, Division, Etc.)

Pursuant to KRS 61.870 to 61.884, the public is notified that, as provided herein, the public records of the above named Agency of the Commonwealth of Kentucky are open for inspection by any person on written application to _____, _____
(name) (title)
official custodian of the public records of the

_____
(state administrative agency)

whose address is _____
or to _____, _____
(name) (title)
official custodian of the public records of the

_____,
(office, bureau, division, etc.)

whose address is _____, from _____a.m. to _____p.m., Monday through Friday, each week, except holidays. Application forms for the inspection of the public records of this agency will be furnished on request to any person by an employee in this office. Assistance in completing the application form will be provided by an employee on request.

Applicants for the inspection of public records shall be advised of the availability of the records requested for inspection, and shall be notified in writing not later than three (3) working days after receipt of an application for inspection of any reason the records requested are not available for public inspection.

Copies of written material in the public records of this agency shall be furnished to any person requesting them on payment of a fee of ten (10) cents a page; copies of nonwritten records (photographs, maps, material stored in computer files or libraries, etc.) shall be furnished on request, on payment of a charge equal to the actual cost of producing copies of such records by the most economic process not likely to damage or alter the record.

This the _____ day of _____, 19___.

_____
(Agency Head or Designated Representative)

(3) The official custodian of records requested for public inspection shall promptly determine the availability of such records for inspection; if it is determined that the records are not available for inspection, the applicant, if present, will be orally advised, subject to written confirmation, or notified in writing, not later than three (3) working days after the date of receipt of the written application for inspection of the records of the reason or reasons why the records are not available for inspection. If the record sought is in active use, in storage or not otherwise available, the applicant will be advised of the reason for the delay in providing access to the record and of the earliest practicable date, time and place that the record will be available for inspection. If an application for inspection of a record is denied because it is of a kind, or contains material enumerated in Section 4 of this regulation, the official custodian shall advise the applicant in writing of the reason for denial, in whole or in part, and shall include a statement of the specific exception contained in Section 4 of this regulation, and in KRS 61.878, authorizing denial of the application and an explanation of how the exception applies to the record withheld. A copy, signed by the official custodian of the records, of the writing denying any application for the inspection of the public records of any state administrative agency, shall be sent to the Attorney General. If any person who has been denied the right to inspect any public records of a state administrative agency requests the Attorney General to review the denial of his application, the agency shall furnish such additional documentation concerning the circumstances of the denial of inspection of the records and a copy of the records, as the Attorney General may request. If any person denied the right to inspect the records of a state administrative agency elects to file suit against an agency to compel inspection of the records denied, the agency shall immediately advise the Attorney General of the action and forward to the Attorney General on the day served, a copy of the Summons in the action.

L. ROGERS WELLS, JR., Secretary
APPROVED BY AGENCY: August 11, 1989
FILED WITH LRC: August 15, 1989 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, September 26, 1989, at 11 a.m., at room 207, Capitol Annex, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 21, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a

written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Warren O. Nash, III, Attorney, Finance and Administration Cabinet, Room 314, Capitol Annex Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Warren O. Nash, III

(1) Type and number of entities affected: 200 KAR 1:020 applies to all state agencies within the executive branch of state government.

(a) Direct and indirect costs or savings to those affected: None

1. First year: Same as above.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No additional reporting or paperwork requirements will be required as a result of amending the definition of "public record" under 200 KAR 1:020, to include diskettes.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year: Same as above.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No additional reporting or paperwork requirements will be required as a result of amending the definition of "public record" under 200 KAR 1:020, to include diskettes.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: There were no alternative methods available for amending 200 KAR 1:020, to include in the definition of "public record", diskettes.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: See above.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: See above.

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes.

GENERAL GOVERNMENT CABINET
Kentucky Board of Dentistry
(Proposed Amendment)

201 KAR 8:015. Registration of dental laboratories and technicians with board.

RELATES TO: KRS 313.010(4)

STATUTORY AUTHORITY: KRS 313.220

NECESSITY AND FUNCTION: Establishes guidelines for registration of dental laboratories and dental laboratory technicians with the Board of Dentistry.

Section 1. Each dental laboratory owner, [commercial dental laboratory] and dental laboratory technician already currently engaged in dental laboratory technology on March 1, 1975, shall be granted a certificate of authority upon proper application and upon payment of the proper fee to the board as required by KRS Chapter 313, and these regulations.

Section 2. After March 1, 1976, the board shall not issue a certificate of authority to any new commercial dental laboratory unless the applying dental laboratory [employs, or] is operated under the direct and continual supervision of one (1) [or more] certified dental technician[s]. Although a dental laboratory may employ any number of certified dental technicians, each dental laboratory shall have only one (1) certified dental technician supervising that dental laboratory. No certified dental technician shall supervise more than one (1) dental laboratory. A certified dental technician is an individual recognized as such by the "National Board for Certification" (official name of certifying agency). The board may deny, revoke, suspend, probate, or refuse to renew a certificate of authority to perform as a dental laboratory or as a dental laboratory technician upon the board's determination that an applicant, registrant, or certificate holder has violated any provision of KRS Chapter 313 or these regulations. Prior to the initiation of any action pertaining to the suspension, revocation, probation, or refusal to renew the certificate of authority to perform as a dental laboratory or as a dental laboratory technician, the board shall issue an order to cease and desist said violation. Should the violation reoccur despite the issuance of such an order, the board shall take appropriate disciplinary action in accordance with KRS Chapter 313 and these regulations.

Section 3. Any individual having completed two (2) years of training or having acquired two (2) years of practical experience in dental laboratory technology by employment in either a licensed dentist's office or in a commercial dental laboratory, or an individual having a degree in dental laboratory technology from an accredited school upon the completion of a two (2) year course of study shall be classified as a dental laboratory technician and is required to obtain a certificate of authority from the board in order to practice dental laboratory technology. Nothing herein shall be construed to mean that any employee, other than a dental laboratory technician, is required to obtain a certificate of authority from the board.

Section 4. Each commercial dental laboratory shall pay a fee of fifty (50) dollars and each dental laboratory technician shall pay a fee of ten (10) dollars to the board before a certificate of authority shall be issued to the applicant.

Section 5. Upon the granting of a certificate of authority to perform as a dental laboratory, the board shall assign to that laboratory a registration number. The laboratory registration number shall appear on all invoices of said laboratory.

Section 6. A dentist may use only the services of a commercial dental laboratory which is duly registered with the board as required by KRS

Chapter 313, and these regulations. If the board determines that a dentist has violated this regulation, the board shall issue an order pursuant to KRS 313.220(5) requiring that such dentist cease and desist said violation. Should the violation reoccur despite the issuance of such an order, the board shall take appropriate disciplinary action in accordance with KRS Chapter 313, and these regulations.

Section 7. All commercial dental laboratories operating, doing business or intending to operate or do business within this state shall be required to register with the board and pay a fee as required by the board. A dental laboratory shall be considered as operating or doing business in this state if its work product is prepared pursuant to a written authorization originating within this state.

R. B. THOMPSON, D.M.D., Executive Director
APPROVED BY AGENCY: July 31, 1989
FILED WITH LRC: August 1, 1989 at 11 a.m.
PUBLIC HEARING: A public hearing on this proposed regulation will be held on September 21, 1989, at the hour of 11 a.m. at the office of the Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205. Any person interested in commenting on this regulation at that hearing should contact Ms. Deborah L. Cameron, Executive Secretary, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205 in writing by September 16, 1989.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Deborah L. Cameron
(1) Type and number of entities affected: 220 Dental laboratories and dental laboratory technicians.
(a) Direct and indirect costs or savings to those affected: Minimal
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Minimal
(2) Effects on the promulgating administrative body: Enforces the statute.
(a) Direct and indirect costs or savings: Minimal
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Minimal
(3) Assessment of anticipated effect on state and local revenues: Minimal
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable, this is merely a clarification of current statute and practice.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None

TIERING: Was tiering applied? No, because there is only one class of person to which the regulation applies.

TOURISM CABINET
Department for Fish & Wildlife Resources
(Proposed Amendment)

301 KAR 1:122. Importation, possession; live fish.

RELATES TO: KRS 150.025, 150.175, 150.180, 150.190
STATUTORY AUTHORITY: KRS 13A.350, 150.025
NECESSITY AND FUNCTION: This regulation sets forth conditions and provisions that prohibit the importation and possession of those fishes considered to be detrimental to Kentucky's resident fish population. It is necessary in order to protect Kentucky's fish population. This amendment is necessary to allow the culture of selected nonnative fishes [use of the grass carp for aquatic vegetation control purposes].

Section 1. No live fish, live minnow or live bait organisms (as defined in 301 KAR 1:130) or reproductive part thereof, not native or established in Kentucky waters shall [can] be bought, sold, possessed, imported, or in any way used or released into the waters of this Commonwealth, except as specified in Sections 2 and 4 of this regulation.

Section 2. Exceptions. (1) Aquarium species except those in Section 3 of this regulation may be imported, sold, or possessed in aquaria, but shall [may] not be released directly or indirectly into the waters of this Commonwealth.
(2) Triploid (sterile) grass carp (Ctenopharyngodon idella) may be imported, sold, or possessed provided the proper permit is obtained as provided in 301 KAR 1:170.
(3) Diploid (fertile) grass carp may be imported and possessed only by certified propagators for the exclusive purpose of producing triploid grass carp.
(4) Other nonnative fishes may be imported, possessed, and sold with the approval of the Division of Fisheries.

Section 3. The following living fish shall [may] not be imported, sold, or possessed in aquaria:
(1) Subfamily Serrasalmoniae - piranha, piraya, pirae, or tiger characins [caribe, or tiger fish].
(2) Astyanax ficiatus mexicanus - Mexican banded tetra, Mexican minnow or Mexican tetra.
(3) Petromyzon marinum - sea lamprey.
(4) Genus Clarias - walking catfish.
(5) Genus Ophicaphalus or Channa - snakeheads of Asia and Africa.

[Section 4. Certain hybrid fish which are not native or established in Kentucky waters may be bought, imported, sold, possessed and released into specified waters of this commonwealth provided the appropriate permits are obtained.]

DON R. McCORMICK, Commissioner
MARY RAY OAKEN, Secretary
DAVID GODBY, Chairman
APPROVED BY AGENCY: August 1, 1989
FILED WITH LRC: August 1, 1989 at 1 p.m.

PUBLIC HEARING: A public hearing on this regulation will be held on Thursday, September 21, 1989 at 10 a.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick
(1) Type and number of entities affected: Approximately 27 commercial fish propagators.
(a) Direct and indirect costs or savings to those affected: Permitting the culture of certain nonnative fishes will provide opportunities for expansion of the aquaculture industry.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No additional reporting required.
(2) Effects on the promulgating administrative body: Some additional time and effort will be required to determine if a particular nonnative species should be allowed to be brought into Kentucky.
(a) Direct and indirect costs or savings: Some additional costs associated with reviewing nonnative species requests.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Very little additional effort required.
(3) Assessment of anticipated effect on state and local revenues: Some possible positive effects on revenues as a result of the expanding aquaculture industry. No anticipated effect on budgets, funding, manpower levels or equipment needs.
(4) Assessment of alternative methods; reasons why alternatives were rejected: No acceptable alternative method exists that will achieve the same result.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulation or government policy which may be in conflict, overlapping or a duplication.
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? Yes

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes____ No__X__
2. State whether this administrative regulation will affect the local government or only a part or division of the local government. This regulation will not affect local government.
3. State the aspect or service of local government to which this administrative regulation relates. This regulation does not relate to any aspect or service of local government, nor is it mandated by federal statute. It is authorized by KRS Chapter 150.
4. How does this administrative regulation affect the local government or any service it provides? This regulation will not affect local government or any service it provides.

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Proposed Amendment)

401 KAR 31:010. General provisions for hazardous wastes.

RELATES TO: KRS 224.830 through 224.877, 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.864
NECESSITY AND FUNCTION: KRS 224.864(3) requires the Natural Resources and Environmental Protection Cabinet to identify the characteristics of and to list hazardous wastes. This chapter identifies and list hazardous waste. This regulation establishes the general provisions necessary for identification and listing of a hazardous waste.

Section 1. Purpose and Scope. (1) This chapter identifies those wastes which are subject to regulation as hazardous wastes under 401 KAR Chapters 32 through 40 and which are subject to the notification and permitting requirements of KRS 224.830 through 224.877. In this chapter:
(a) This regulation defines the terms "waste" and "hazardous waste," identifies those wastes which are excluded from regulation under 401 KAR Chapters 32 through 40 and establishes special management requirements for hazardous waste produced by limited quantity generators and hazardous waste which is recycled.
(b) 401 KAR 31:020 sets forth the criteria used by the cabinet to identify characteristics of hazardous waste and to list particular hazardous wastes.
(c) 401 KAR 31:030 identifies characteristics of hazardous waste.
(d) 401 KAR 31:040 lists particular hazardous wastes.
(2)(a) The definition of waste contained in this chapter applies only to wastes that are also hazardous for purposes of the regulations implementing those provisions of KRS Chapter 224 relating to hazardous waste management. This chapter identifies only some of the materials which are hazardous wastes under KRS 224.033(10), 224.071, and 224.877. For example, it does not apply to materials (such as nonhazardous scrap, paper, textiles, or rubber) that are not otherwise hazardous wastes and that are recycled.
(b) This chapter identifies only some of the materials which are wastes and hazardous wastes under KRS 224.033(10), 224.071, and 224.877. A material which is not defined as a waste in this chapter, or is not a hazardous waste identified or listed in this chapter is still a waste and a hazardous waste for purposes of this regulation

if:

1. In the case of KRS 224.033(10), the cabinet has reason to believe that the material may be a waste within the meaning of KRS 224.005 and a hazardous waste within the meaning of KRS 224.005 ; or

2. In the case of KRS 224.071, the statutory elements are established.

(3) For the purposes of Sections 2, 6, 8 and 9 of this regulation:

(a) A "spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing;

(b) "Sludge" has the same meaning used in Section 1 of 401 KAR 30:010;

(c) A "by-product" is a material that is not one (1) of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a coproduct that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

(d) A material is "reclaimed" if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.

(e) A material is "used or reused" if it is either:

1. Employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one (1) process used as feedstock in another process). However, a material shall [will] not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

2. Employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

(f) "Scrap metal" is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad boxcars), which when worn or superfluous can be recycled.

(g) A material is "recycled" if it is used, reused, or reclaimed.

(h) A material is "accumulated speculatively" if it is accumulated before being recycled.

1. A material is not accumulated speculatively, if the person accumulating it can show:

a. That the material is potentially recyclable and has a feasible means of being recycled; and

b. That - during the calendar year (commencing on January 1) - the amount of material that is recycled, or transferred to a different site for recycling, equals at least seventy-five (75) percent by weight or volume of the amount of that material accumulated at the beginning of the calendar year (including any material accumulated from previous years).

2. In calculating the percentage of turnover, the seventy-five (75) percent requirement is to be applied to each material of the same type that is recycled in the same way. Materials accumulating in units that would be exempt from regulation under Section 4(3) of this regulation are not to be included in making the calculation. (Materials that are already defined as wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling.

Section 2. Definition of a Waste. (1)(a) A "waste" is any discarded material that is not excluded by Section 4(1) of this regulation or that is not excluded by a variance granted under Section 1 or 2 of 401 KAR 30:080, or Section 8 or 9 of this regulation.

(b) A "discarded material" is any material which is:

1. "Abandoned," as explained in subsection (2) of this section; or

2. "Recycled," as explained in subsection (3) of this section; or

3. Listed in subsection (4) of this section.

(2) Materials are waste if they are "abandoned" by being:

(a) Disposed of; or

(b) Burned or incinerated; or

(c) Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

(3) The following materials are wastes if they are "recycled" - or accumulated, stored, or treated before recycling - as specified in paragraphs (a) through (d) of this subsection.

(a) "Used in a manner constituting disposal."

1. Materials noted with a "(waste)" in column (1) of Table 1 in paragraph (e) of this subsection are wastes when they are:

a. Applied to or placed on the land in a manner that constitutes disposal; or

b. Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which case the product itself remains a waste).

2. However, commercial chemical products listed in Section 4 of 401 KAR 31:040 are not wastes if they are applied to the land and that is their ordinary manner of use.

(b) The following materials are "burned for energy recovery:"

1. Materials noted with a "(waste)" in column (2) of Table 1 in paragraph (e) of this subsection are wastes when they are:

a. Burned to recover energy;

b. Used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself remains a solid waste).

2. However, commercial chemical products listed in Section 4 of 401 KAR 31:040 are not wastes if they are themselves fuels.

(c) The following materials are "reclaimed." Materials noted with a "(waste)" in column (3) of Table 1 in paragraph (e) of this subsection are wastes when reclaimed.

(d) The following materials are "accumulated speculatively." Materials noted with a "(waste)" in column (4) of Table 1 in paragraph (e) of this subsection are wastes when accumulated speculatively.

(e) The following Table 1 identifies materials which are wastes when "used in a manner constituting disposal," "burned for energy recovery," "reclaimed," or "accumulated speculatively." Materials noted with the word "(waste)" in Table 1 are considered to be wastes for the purposes of 401 KAR Chapters 32 through

40 and KRS Chapter 224. Materials noted with a dash "-" in Table 1 are not considered to be a waste for the purposes of 401 KAR Chapters 32 through 40 and KRS Chapter 224.

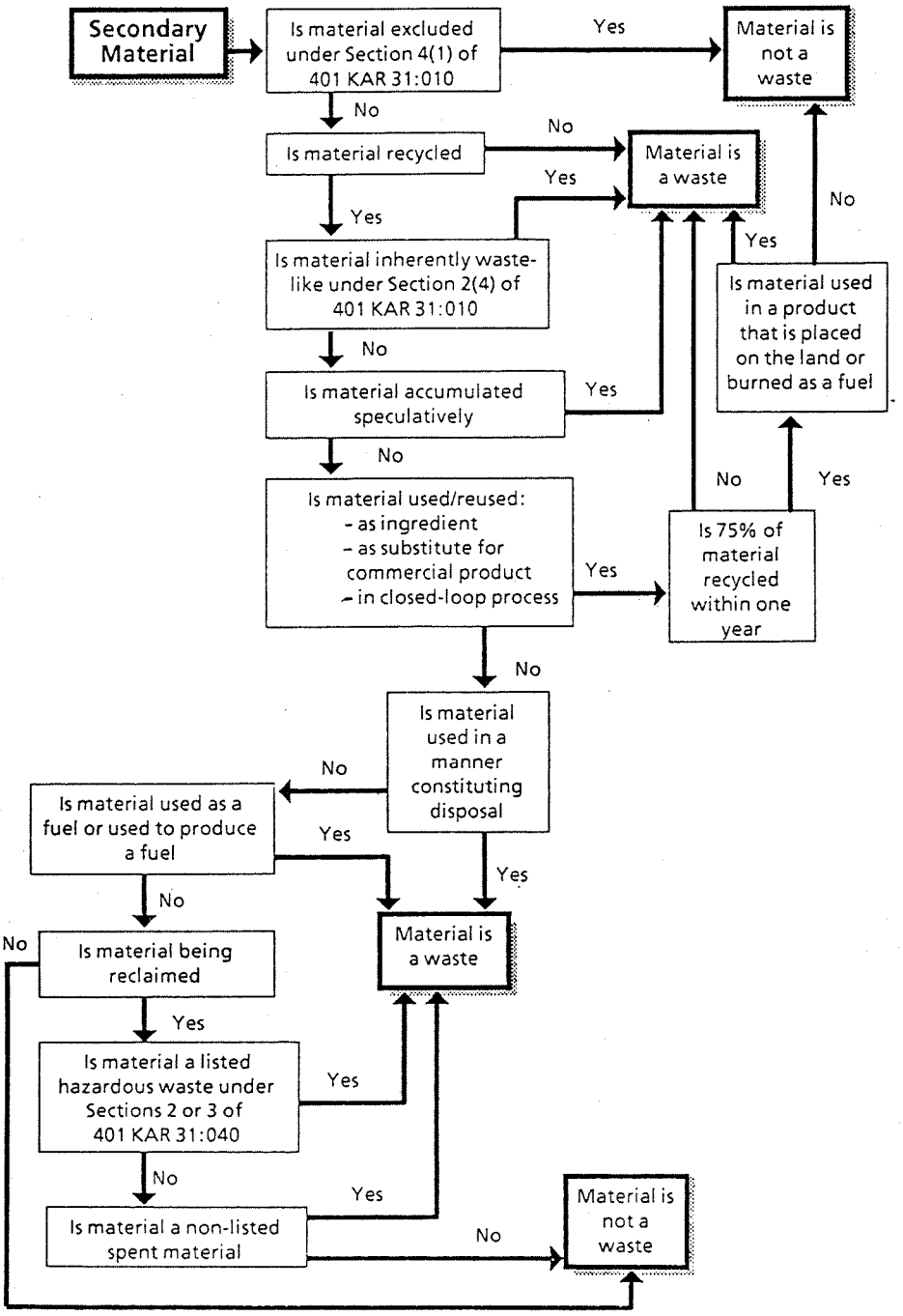
TABLE 1

	Use constituting disposal 401 KAR 31:010 Section 2(3)(a) (1)	Energy recovery/ fuel 401 KAR 31:010 Section 2(3)(b) (2)	Reclamation 401 KAR 31:010 Section 2(3)(c) (3)	Speculative accumulation 401 KAR 31:010 Section 2(3)(d) (4)
Spent materials	(waste)	(waste)	(waste)	(waste)
Sludges (listed in Sections 2 or 3 of 401 KAR 31:040)	(waste)	(waste)	(waste)	(waste)
Sludges exhibiting a characteristic of hazardous waste	(waste)	(waste)	-	(waste)
By-products (listed in Sections 2 or 3 of 401 KAR 31:040)	(waste)	(waste)	(waste)	(waste)
By-products exhibiting a characteristic of hazardous waste	(waste)	(waste)	-	(waste)
Commercial chemical products listed in Section 4 of 401 KAR 31:040	(waste)	(waste)	-	-
Scrap metal	(waste)	(waste)	(waste)	(waste)

NOTE - The terms "spent materials," "sludges," "by-products," and "scrap metal" are defined in Section 1 of this regulation.

(f) The following Table 2 is a decision tree for deciding which secondary materials are wastes when recycled.

TABLE 2. Decision Tree for Deciding Which Secondary Materials Are Wastes When Recycled



(4) The following materials are wastes when they are recycled in any manner:

(a) Hazardous Waste Numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028 (chlorinated dioxins, chlorinated dibenzofurans and chlorinated phenols).

(b) The cabinet shall [will] use the following criteria to add wastes to the list in paragraph (a) of this subsection:

1.a. The materials are ordinarily disposed of, burned, or incinerated; or

b. The materials contain toxic constituents listed in Section 1 of 401 KAR 31:170 and these constituents are not ordinarily found in raw materials or products for which the material substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and

2. The material may pose a substantial hazard to human health and the environment when recycled.

(5) "Materials that are not wastes when recycled."

(a) Materials are not wastes when they can be shown to be recycled by being:

1. Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or

2. Used or reused as effective substitutes for commercial products; or

3. Returned to the original process from which they are generated, without first being reclaimed. The material shall [must] be returned as a substitute for raw material feedstock, and the process shall [must] use raw materials as principal feedstocks.

(b) The following materials are wastes, even if the recycling involves use, reuse, or return to the original process (described in paragraph (a)1 through 3 of this subsection):

1. Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or

2. Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or

3. Materials accumulated speculatively; or

4. Materials listed in subsection (4)(a) of this section.

(6) "Documentation of claims that materials are not wastes or are conditionally exempt from regulation." Respondents in actions to enforce regulations implementing the provisions in KRS Chapter 224 relating to hazardous waste management who raise a claim that a certain material is not waste, or is conditionally exempt from regulation, shall [must] demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they shall [must] provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials shall [must] show that they have the necessary equipment to do so.

Section 3. Definition of a Hazardous Waste. (1) A waste, as defined in Section 2 of this regulation is a hazardous waste if:

(a) It is not excluded from regulation as a hazardous waste under Section 4(2) of this regulation; and

(b) It meets any of the following criteria:

1. It exhibits any of the characteristics of hazardous waste identified in 401 KAR 31:030.

2. It is listed in 401 KAR 31:040 and has not been excluded from the lists under 401 KAR 31:060 and 401 KAR 31:070.

3. It is a mixture of any waste and a hazardous waste that is listed in 401 KAR 31:040 solely because it exhibits one (1) or more of the characteristics of hazardous waste identified in 401 KAR 31:030, unless the resultant mixture no longer exhibits any characteristics of hazardous waste identified in 401 KAR 31:030.

4. It is a mixture of any waste and one (1) or more hazardous wastes listed in 401 KAR 31:040 and has not been excluded from this paragraph under Section 1(2) of 401 KAR 31:040, however, the following mixtures of wastes and hazardous wastes listed in 401 KAR 31:040 are not hazardous wastes (except by application of subparagraph 1 or 2 of this paragraph) if the generator can demonstrate that the mixture consists of wastewater the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater) and:

a. One (1) or more of the following spent solvents listed in Section 2 of 401 KAR 31:040, carbon tetrachloride, tetrachloroethylene, trichloroethylene provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed one (1) part per million; or

b. One (1) or more of the following spent solvents listed in Section 2 of 401 KAR 31:040, methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed twenty-five (25) parts per million; or

c. One (1) of the following wastes listed in Section 4 of 401 KAR 31:040, heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or

d. A discarded commercial chemical product, or chemical intermediate listed in Section 4 of 401 KAR 31:040, arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this paragraph, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief

device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or

e. Wastewater resulting from laboratory operations containing toxic (T) wastes listed in 401 KAR 31:040, provided that the annualized average flow of laboratory wastewater does not exceed one (1) percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system, or provided the wastes' combined annualized average concentration does not exceed one (1) part million in the headworks of the facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation.

(2) A waste which is not excluded from regulation under subsection (1), paragraph (a) of this section becomes a hazardous waste when any one (1) of the following events occur:

(a) In the case of a waste listed in 401 KAR 31:040 of this regulation when the waste first meets the listing description set forth in 401 KAR 31:040;

(b) In the case of a mixture of solid waste (including wastes subject to the Atomic Energy Act) and one (1) or more hazardous wastes when a hazardous waste listed in 401 KAR 31:040 is first added to the waste; or

(c) In the case of any other waste (including a waste mixture or wastes subject to the Atomic Energy Act) when the waste exhibits any of the characteristics identified in 401 KAR 31:030.

(3) Unless and until it meets the criteria of subsection (4) of this section:

(a) A hazardous waste <u>shall</u> [will] remain a hazardous waste.

(b)1. Except as otherwise provided in subparagraph 2 of this paragraph, any waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off) is a hazardous waste. (However, materials that are reclaimed from wastes and that are used beneficially are not wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

2. The following wastes are not hazardous even though they are generated from the treatment, storage, or disposal of hazardous waste, unless they exhibit one (1) or more of the characteristics of hazardous waste:

a. Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).

b. Waste from burning any of the materials exempted from regulation by Section 6(1)(c)5-9 of this regulation.

(4) Any waste described in subsection (3) of this section is not a hazardous waste if it meets the following criteria:

(a) In the case of any waste, it does not exhibit any of the characteristics of hazardous waste identified in 401 KAR 31:030.

(b) In the case of a waste which is a listed waste under 401 KAR 31:040, contains a waste listed under 401 KAR 31:040 or is derived from a waste listed in 401 KAR 31:040, it also has been excluded from Section 1(3) of 401 KAR 31:060 and 401 KAR 31:070.

Section 4. Exclusions. (1) The following materials are not wastes for the purpose of this chapter:

(a) Domestic sewage and any mixture of domestic sewage and other wastes that pass through a sewer system to a publicly-owned treatment works for treatment;

(b) Industrial wastewater discharges that are point source discharges subject to regulation under Section 402 of the Clean Water Act, as amended; however, this exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment;

(c) Irrigation return flows;

(d) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 USC 2011 et seq. except as provided in Section 3 of this regulation;

(e) Materials subjected to in situ mining techniques which are not removed from the ground as part of the extraction process;

(f) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless they are accumulated speculatively as defined in Section 1(3) of this regulation.

(g) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in Section 1(3) of this regulation.

(h) Mining overburden returned to the mine site; and

(i) Material from the extraction, beneficiation and processing of ores and minerals (including coal), including phosphate rock and overburden from the mining of uranium ore.

(j) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

1. Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

2. Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

3. The secondary materials are never accumulated in such tanks for over twelve (12) months without being reclaimed; and

4. The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal, as provided in 401 KAR Chapter 36.

(2) Any waste which meets the requirements of this subsection is not a hazardous waste.

(a) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recover facility managing municipal solid waste shall not be

deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under the waste management regulations, if such facility:

1. Receives and burns only:

a. Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); or

b. Waste from commercial or industrial sources that does not contain hazardous waste; and

2. Such facility does not accept hazardous wastes and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

(b) Agricultural wastes generated by any of the following and which are returned to the soils as fertilizers:

1. The growing and harvesting of agricultural crops.

2. The raising of animals, including animal manures.

(c) Mining overburden returned to the mine site.

(d) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.

(e) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.

(f)1. Wastes which fail the test for the characteristic of EP toxicity because chromium is present or are listed in 401 KAR 31:040 due to the presence of chromium, which do not fail the test for the characteristic of EP toxicity for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

a. The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

b. The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

c. The waste is typically and frequently managed in nonoxidizing environments.

2. Specific wastes which meet the standard in subparagraph 1a, b and c of this paragraph (so long as they do not fail the test for any other characteristic) are:

a. Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beam house; through-the-blue; and shearling.

b. Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beam house; through-the-blue; and shearling.

c. Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beam house; through-the-blue.

d. Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beam house; through-the-blue; and shearling.

e. Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beam house; through-the-blue; and shearling.

f. Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.

g. Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.

h. Wastewater treatment sludges from the production of TiO2 pigment using chromium-bearing ores by the chloride process.

(g) Waste from the extraction, beneficiation and processing of ores and minerals (including coal), including phosphate rock and overburden from the mining of uranium ore. For the purpose of this paragraph, waste from the processing of ores and minerals does not include:

1. Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production;

2. Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities;

3. Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production;

4. Spent potliners from primary aluminum reduction;

5. Emission control dust or sludge from ferrochromiumsilicon production;

6. Emission control dust or sludge from ferrochromium production.

(h) Cement kiln dust waste.

(i) Waste which consists of discarded wood or wood products which fails the test for the characteristic of EP toxicity and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.

(3) A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit, is not subject to regulation under 401 KAR Chapters 32, 33, 34, 35, 37, 38 and 39 until it exits the unit in which it was generated unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than ninety (90) days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.

(4) Samples.

(a) Except as provided in paragraph (b) of this subsection, a sample of waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter or 401 KAR Chapter 32, 33, 34, 35, 37, 38 and 39 or to the

notification requirements of 401 KAR Chapter 32 and 38 when:

1. The sample is being transported to a laboratory for the purpose of testing; or

2. The sample is being transported back to the sample collector after testing; or

3. The sample is being stored by the sample collector before transport to a laboratory for testing; or

4. The sample is being stored in a laboratory before testing; or

5. The sample is being stored in a laboratory after testing but before it is returned to the sample collector; or

6. The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

(b) In order to qualify for the exemption in paragraphs (a)1 and 2 of this subsection, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall [must]:

1. Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

2. Comply with the following requirements if the sample collector determines that DOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

a. Assure that the following information accompanies the sample:

(i) The sample collector's name, mailing address, and telephone number;

(ii) The laboratory's name, mailing address, and telephone number;

(iii) The quantity of the sample;

(iv) The date of shipment; and

(v) A description of the sample.

b. Package the sample so that it does not leak, spill, or vaporize from its packaging.

c. This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in paragraph (a) of this subsection.

Section 5. Special Requirements for Hazardous Waste Generated by Limited Quantity Generators. (1) A generator is a limited quantity generator in a calendar month if he generates less than 100 kilograms of hazardous waste in that month.

(2) Except for those wastes identified in subsections (5), (6), (7), and (10) of this section, a limited quantity generator's hazardous wastes are not subject to regulation under 401 KAR Chapters 32 through 39 and the notification requirements of KRS 224.864(3) provided the generator complies with the regulations of subsections (6), (7), and (10) of this section.

(3) Hazardous waste that is not subject to regulation or that is subject only to Sections 2 and 3 of 401 KAR 32:010 and Sections 1(3) and 2 of 401 KAR 32:040 is not included in the quantity determinations of this chapter and 401 KAR Chapters 32 through 40 and is not subject to any requirements of those regulations. Hazardous waste that is subject to the requirements of Sections 6(2) and (3) of this regulation and 401 KAR 36:030, 401 KAR 36:040, and 401 KAR 36:060 is included in the quantity determination of this chapter, and is subject to the requirements of 401 KAR Chapters 32 through 40.

(4) In determining the quantity of hazardous waste he generates, a generator need not include:

(a) His hazardous waste when it is removed from on-site storage; or

(b) Hazardous waste produced by on-site treatment of his hazardous waste, so long as the hazardous waste that is treated was counted once; or

(c) Spent materials that are generated, reclaimed, and subsequently reused on site, so long as spent materials have been counted once.

(5) If a [limited quantity] generator generates acutely hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acutely hazardous waste are subject to regulation under 401 KAR Chapters 32 through 39, and the notification and permitting requirements of KRS 224.855 and 224.864 through 224.877:

(a) A total of one (1) kilogram of acute hazardous wastes listed in Sections 2, 3, and 4(5) of 401 KAR 31:040.

(b) A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous wastes listed in Sections 2, 3 and 4(5) of 401 KAR 31:040.

(6) A limited quantity generator may accumulate hazardous waste on-site. If he accumulates at any time more than a total of 1000 kilograms of his hazardous waste, or his acutely hazardous wastes in quantities greater than set forth in subsection (5)(a) or (b) of this section, all of those accumulated wastes for which the accumulation limit was exceeded are subject to regulation under 401 KAR Chapters 32 through 39 and the notification and permitting requirements of KRS 224.830 through 224.877. The time period set out in 401 KAR 32:030, Section 5 for accumulation of wastes on-site begins for a limited quantity generator when the accumulated wastes exceed the applicable exclusion level.

(7) In order for [hazardous waste generated by] a limited quantity generator to be excluded from full regulations under this section, the generator shall [must]:

(a) Comply with the requirements of 401 KAR 32:010, Section 2;

(b) If he stores his hazardous waste on-site, stores it in compliance with the requirements of subsection (6) of this section; and

(c) Either treat or dispose of his hazardous waste in an on-site facility, or ensure delivery within ten (10) days to an off-site storage, treatment, or disposal facility. To ensure delivery of a waste, the manifested or unmanifested shipment shall be sent to a registered or permitted facility, either of which is:

1. Permitted under 401 KAR Chapter 38;

2. In interim status under 401 KAR Chapters 35 and 38;

3. Located outside of Kentucky and is permitted under 40 CFR Part 270 or in interim status under 40 CFR Parts 270 and 265;

4. Located outside of Kentucky and is authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR Part 271;

5. Permitted to manage municipal or industrial solid waste and is specifically approved for that waste; or

6. A facility which:

a. Beneficially uses or reuses, or legitimately recycles or reclaims his waste; or

b. Treats his waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

(8) Hazardous waste subject to the reduced requirements of this section may be mixed with nonhazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this section unless the mixture meets any of the characteristics of hazardous wastes identified in 401 KAR 31:030.

(9) If a limited quantity generator mixes a solid waste with a hazardous waste that exceeds the quantity exclusion level of this section, the mixture is subject to full regulation.

(10) If a limited quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to Sections 1 through 5 of 401 KAR 36:050 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

Section 6. Requirements for Recyclable Materials. (1)(a) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (2) and (3) of this section, except for the materials listed in paragraphs (b) and (c) of this subsection. Hazardous wastes that are recycled shall [will] be known as "recyclable materials."

(b) The following recyclable materials are not subject to the requirements of this section but are regulated under 401 KAR Chapter 36 and all applicable provisions of 401 KAR Chapters 38 and 39:

1. Recyclable materials used in a manner constituting disposal (see 401 KAR 36:030);

2. Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 401 KAR 34:240 or 401 KAR 35:240 (see 401 KAR 36:040);

3. Used oil that exhibits one (1) or more of the characteristics of hazardous waste and is burned for energy recovery in boilers and industrial furnaces that are not regulated under 401 KAR 34:240 and 35:240 (see 401 KAR 36:040);

4. Recyclable materials from which precious metals are reclaimed (see 401 KAR 36:060); and

5. Spent lead-acid batteries that are being reclaimed (see 401 KAR 36:070).

(c) The following recyclable materials are not subject to regulation under 401 KAR Chapters 32 through 38, and are not subject to the notification requirements of KRS 224.864(3):

1. Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 401 KAR 32:050:

a. A person initiating a shipment for reclamation in a foreign country and any intermediary arranging for the shipment, shall [must] comply with the requirements applicable to a primary exporter in Sections 4, 7(1)(a) through (d), (f), and (2) and Section 8 of 401 KAR 32:050, export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in 401 KAR 32:050, and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;

b. Transporters transporting a shipment for export may not accept a shipment if he knows the shipment does not conform to the EPA Acknowledgment of Consent, shall [must] ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and shall [must] ensure that it is delivered to the facility designated by the person initiating the shipment.

2. Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;

3. Used oil that exhibits one (1) or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery;

4. Scrap metal;

5. Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices;

6. Oil reclaimed from hazardous waste resulting from normal petroleum refining, production, and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;

7. Coke and coal tar from the iron and steel industry that contains EPA Hazardous Waste No. K087 (Decanter tank tar sludge from coking operations) from the iron and steel production process;

8.a. Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under Section 7(5) of 401 KAR 36:040 and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

b. Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under Section 7(5) of 401 KAR 36:040; and

c. Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under Section 7(5) of 401 KAR 36:040; and

9. Petroleum coke produced from petroleum refinery hazardous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exceeds one (1) or more of the characteristics of hazardous waste in 401 KAR 31:030.

(2) Generators and transporters of recyclable materials are subject to the applicable requirements of 401 KAR Chapters 32 and 33 and the notification requirements under KRS 224.864(3) and 224.873, except as provided in subsection (1) of this section.

(3)(a) Owners or operators of facilities that store recyclable materials before they are

recycled are regulated under all applicable provisions of 401 KAR 34:010 through 34:210; 401 KAR 35:010 through 35:210; 401 KAR Chapters 36 through 38 and the notification requirements under KRS 224.864(3) and 224.866, except as provided in subsection (1) of this section. (The recycling process itself is exempt from regulation.)

(b) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (1) of this section:

1. The owner or operator shall submit an annual notification to the cabinet. After the date of promulgation of this regulation, the owner or operator shall submit an initial notification on a schedule determined by the cabinet. Subsequent annual notifications shall be submitted to the cabinet at least thirty (30) days before the expiration date shown on the notification; and

2. Sections 2 and 3 of 401 KAR 35:050 (dealing with the use of the manifest and manifest discrepancies).

Section 7. Residues of Hazardous Waste in Empty Containers. (1)(a) Any hazardous waste remaining in either an empty container or an inner liner removed from an empty container, as defined in subsection (2) of this section, is not subject to regulation under 401 KAR Chapters 32, 33, 34, 35, 37, 38 and 39 but is subject to regulations under 401 KAR Chapter 47.

(b) Any hazardous waste in either a container that is not empty or an inner liner removed from a container that is not empty, as defined in subsection (2) of this section is subject to regulations under 401 KAR Chapters 32, 33, 34, 35, 37, 38 and 39, and 401 KAR 30:020 and 401 KAR 30:030.

(2)(a) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in Sections 2, 3, or 4(5) of 401 KAR 31:040, is empty if:

1. All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating; and

2. No more than 2.5 centimeters (one (1) inch) of residue remain on the bottom of the container or inner liner; or

3.a. No more than three (3) percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 110 gallons in size; or

b. No more than 0.3 (three tenths) percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 110 gallons in size.

(b) A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric.

(c) A container or an inner liner removed from a container that has held an acute hazardous waste listed in Sections 2, 3, or 4(5) of 401 KAR 31:040 is empty if:

1. The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

2. The container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by test conducted by the generator, to achieve equivalent removal; or

3. In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

Section 8. Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-case Basis. (1) The cabinet may decide on a case-by-case basis that persons accumulating or storing the recyclable materials described in Section 6(1)(b)3 of 401 KAR 31:010 shall [should] be regulated under Section 6(2) and (3) of this regulation. The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been adequately contained or because the materials being accumulated or stored together are incompatible. In making this decision, the cabinet shall [will] consider the following factors:

(a) The types of materials accumulated or stored and the amounts accumulated or stored;

(b) The method of accumulation or storage;

(c) The length of time the materials have been accumulated or stored before being reclaimed;

(d) Whether any contaminants are being released into the environment, or are likely to be so released; and

(e) Other relevant factors.

(2) The procedures for this decision are set forth in Section 9 of this regulation.

Section 9. Procedures for Case-by-case Regulation of Hazardous Waste Recycling Activities. The cabinet shall [will] use the following procedures when determining whether to regulate hazardous waste recycling activities described in Section 6(1)(b)3 of 401 KAR 31:010 under the provisions of Section 6(2) and (3) of 401 KAR 31:010 rather than under the provisions of 401 KAR 36:060 (spent lead-acid batteries being reclaimed).

(1) If a generator is accumulating the waste, the cabinet shall [will] issue a notice setting forth the factual basis for the decision and stating that the person shall [must] comply with the applicable requirements of 401 KAR 32:010, 32:030, 32:040, and 32:050. The notice shall [will] become final within thirty (30) days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the cabinet shall [will] hold a public hearing. The cabinet shall [will] provide notice of the hearing to the public and allow public participation at the hearing. The cabinet shall [will] issue a determination after the hearing stating whether or not compliance with 401 KAR Chapter 32 is required. The order becomes effective thirty (30) days after service of the determination unless the cabinet specifies a later date.

(2) If the person is accumulating the recyclable material as a storage facility, the notice shall [will] state that the person shall [must] obtain a permit in accordance with all applicable provisions of 401 KAR Chapter 38. The owner or operator of the facility shall [must] apply for a permit within no more than six (6) months of notice. If the owner or operator of the facility wishes to challenge the cabinet's

decision, he may do so in his permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit shall [will] specify the reasons for the cabinet's determination. The question of whether the cabinet's decision was proper shall [will] remain open for consideration during the public comment period discussed under Section 8 of 401 KAR 38:050 and in any subsequent hearing.

Section 10. Regulation of Mixed Radioactive Hazardous Wastes. Radioactive mixed wastes are wastes that contain both hazardous wastes subject to KRS Chapter 224 and radioactive wastes subject to the Atomic Energy Act (AEA). Radioactive mixed wastes are subject to all the requirements of the Kentucky hazardous waste management regulations and the Atomic Energy Act.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: August 14, 1989
FILED WITH LRC: August 15, 1989 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on September 28, 1989 at 1 p.m. local prevailing time in the ground floor auditorium of the Capital Plaza Tower in Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 23, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. Written comments may be submitted to the address below. Written comments will be accepted until the end of the comment period, which will be the close of business on September 28, 1989. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kay Harker, Supervisor, Program Development Branch, Division of Waste Management, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Donald F. Harker, Jr.
(1) Type and number of entities affected: This regulation applies to hazardous waste generators and owners and operators of treatment, storage, and disposal facilities. There are 371 hazardous waste generators, 826 small quantity generators, 519 limited quantity generators and 53 hazardous waste treatment, storage or disposal facilities in Kentucky.
(a) Direct and indirect costs or savings to those affected:
1. First year: None. The proposed amendments to this regulation will not result in any direct or indirect costs or savings to those affected.
2. Continuing costs or savings: There are no continuing costs or savings.
3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors increasing or decreasing costs.
(b) Reporting and paperwork requirements: The proposed amendments to this regulation do not impose any reporting or paperwork requirements on the regulated community.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: There are no direct or indirect costs or savings to the promulgating administrative body.
2. Continuing costs or savings: There are no continuing costs or savings.
3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.
(b) Reporting and paperwork requirements: The proposed amendments to this regulation do not impose any additional reporting or paperwork requirements.
(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state or local revenues from promulgation of this regulation.
(4) Assessment of alternative methods; reasons why alternatives were rejected: (a) The proposed amendments to this regulation concerning listing of certain wastes generated from metal smelting operations is identical to the federal regulations at 40 CFR 261.4(b)(7) as amended by the September 13, 1988 Federal Register (53 FR 35412-35421). The remaining amendments are technical corrections and do not reflect a change in policy. Wording changes have been made to comply with KRS 13A.222 which requires "shall" to replace such words as "will" and "should".
Alternative: 1. Less stringent: The cabinet could not be less stringent and maintain authorization to administer the hazardous waste program.
2. More stringent: This regulation is being amended to reflect identical federal regulations published in 53 FR 35412-35421 of September 13, 1988. The remaining amendments are technical corrections and do not reflect a change in policy.
3. Present proposal: The present proposal adopts verbatim federal regulations concerning wastes generated from metal smelting operations. The remaining amendments are technical corrections and do not reflect a change in policy.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, rules or government policies with which this proposed regulation conflicts, overlaps, or duplicates.
(a) Necessity of proposed regulation if in conflict: There are no conflicts.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There are no conflicts.
(6) Any additional information or comments: There is no additional information.
TIERING: Was tiering applied? Yes. This administrative regulation differentiate between the types of hazardous waste, generates or the types of treatment, storage or disposal facilities based upon the wastes produced.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The proposed amendment to

this regulation concerning the listing of certain wastes generated from metal smelting operations is identical to the federal regulations at 40 CFR 261.4(b)(7) as amended by the September 13, 1988 Federal Register (53 FR 35412 - 35421). The remaining amendments are technical corrections and do not reflect a change in policy. Wording changes have been made to comply with KRS 13A.222 which requires "shall" to replace such words as "will" and "should".

2. State compliance standards. This administrative regulation establishes the general provisions necessary for identification and listing of hazardous wastes.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations at 40 CFR 261.4 relist certain wastes generated from metal smelting operations. This proposed amendment adopts the federal listing identically.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The proposed amendments concerning the relisting of certain waste generated from metal smelting operations are identical to the regulations at 40 CFR 261.4(b)(7). The remaining amendments are technical corrections and are included for clarification purposes.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The proposed amendments concerning the listing of certain waste generated from metal smelting operations are identical to the regulations at 40 CFR 261.4(b)(7). The remaining amendments are technical corrections and do not reflect a change in policy.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Proposed Amendment)

401 KAR 31:040. Lists of hazardous wastes.

RELATES TO: KRS 224.830 through 224.877, 224.994

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.864(3), 224.867

NECESSITY AND FUNCTION: KRS 224.864(3) requires the cabinet to identify the characteristics of and to list hazardous wastes. This chapter identifies and lists hazardous waste. This regulation establishes the lists of hazardous wastes.

Section 1. General Applicability and Delisting Procedures. (1) A waste is a hazardous waste if it is listed in any section of this regulation unless it has been excluded from that list under 401 KAR 31:060 and 31:070.

(2) The cabinet shall [will] indicate the basis for listing the classes or types of wastes listed in this regulation by employing one (1) or more of the following Hazard Codes:

Hazard Code	Class or Type of Waste
(I)	Ignitable waste
(C)	Corrosive waste
(R)	Reactive waste
(E)	EP toxic waste
(H)	Acute hazardous waste
(T)	Toxic waste

401 KAR 31:160 identifies the constituent which caused the cabinet to list the waste as an EP toxic waste (E) or toxic waste (T) in Sections 2 and 3 of this regulation.

(3) Each hazardous waste listed in this regulation is assigned an EPA Hazardous Waste Number, which precedes the name of the waste. This number shall [must] be used in complying with the notification requirements of KRS 224.864 and certain recordkeeping and reporting requirements under 401 KAR Chapters 32 through 40.

(4) The following hazardous wastes listed in Section 2 or 3 of this regulation are subject to the exclusion limits for acutely hazardous wastes established in Section 5 of 401 KAR 31:010: EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027.

Section 2. Hazardous Wastes from Nonspecific Sources. Hazardous wastes from nonspecific sources are:

Industry and EPA Hazardous Waste No.	Hazardous Waste	Hazard Code
Generic:		
F001	The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten (10) percent or more (by volume) of one (1) or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F002	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane, and 1,1,2-trichloroethane; all spent solvent mixtures/blends containing, before use, a total of ten (10) percent or more (by volume) of one (1) or more of the above halogenated solvents or those solvents listed in F001, F004, and F005; and the still bottoms from the recovery of these spentsolvents and spent solvent mixtures.	(T)

F003	The following spent nonhalogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent nonhalogenated solvents; and all spent solvent mixtures/blends containing, before use, one (1) or more of the above nonhalogenated solvents, and, a total of ten (10) percent or more (by volume) of one (1) or more of those solvents listed in F001, F002, F004, and F005; and the still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(I)*
F004	The following spent nonhalogenated solvents: cresols and cresylic acid, and nitrobenzene; all spent solvent mixtures/blends containing, before use, a total of ten (10) percent or more (by volume) of one (1) or more of the above nonhalogenated solvents or those solvents listed in F001, F002, and F005; and the still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F005	The following spent nonhalogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten (10) percent or more (by volume) of one (1) or more of the above nonhalogenated solvents, or those solvents listed in F001, F002, and F004; and the still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(I,T)
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.	(T)
F007	Spent cyanide plating bath solutions from electroplating operations.	(R,T)
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.	(R,T)
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.	(R,T)
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.	(R,T)
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.	(R,T)
F012	Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.	(T)
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum.	(T)
F020	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)	(H)
F021	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.	(H)
F022	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.	(H)
F023	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)	(H)
F024	Wastes, including but not limited to distillation residues, heavy ends, tars, and reactor clean-out wastes from the production of chlorinated aliphatic hydrocarbons, having carbon content from one (1) to five (5), utilizing free radical catalyzed processes. (This listing does not include light ends, spent filters and filter aids, spent desiccants, wastewater, wastewater treatment sludges, spent catalysts, and wastes listed in Section 2 of this regulation.)	(T)

F026	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions.	(H)
F027	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing Hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)	(H)
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027.	(T)

* (I,T) shall [should] be used to specify mixtures containing ignitable and toxic constituents.

Section 3. Hazardous Wastes from Specific Sources. Hazardous wastes from specific sources are:

Industry and EPA Hazardous Waste No.	Hazardous Waste	Hazard Code
Wood Preservation:		
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote [and/]or pentachlorophenol.	(T)
Inorganic Pigments:		
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production chrome oxide green pigments.	(T)
Organic Chemicals:		
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(R,T)
K014	Bottoms from the acetoniltrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from orthoxylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methy ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)

K104	Combined wastewater streams generated from nitrobenzene/ aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K111	Product wash waters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)

Inorganic Chemicals:

K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)

Pesticides:

K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C,T)
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)

Explosives:

K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(T)

Petroleum Refining:

K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)

K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)

Iron and Steel:

K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).	(C,T)

Primary Copper:

K064	Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production.	(T)

Primary Lead:

K065	Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.	(T)

Primary Zinc:

K066	Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production.	(T)

Primary Aluminum:

K088	Spent potliners from primary aluminum reduction.	(T)

Ferroalloys:

K090	Emission control dust or sludge from ferrochromiumsilicon production.	(T)

Secondary Lead:

K069	Emission control dust/sludge from secondary lead smelting.	(T)
K100	Waste leaching solution from acid leaching of emission control dust/ sludge from secondary lead smelting.	(T)

Veterinary Pharmaceuticals:

K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organoarsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organoarsenic compounds.	(T)
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organoarsenic compounds.	(T)

Ink Formulation:

K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.	(T)

Coking:

K060	Ammonia still lime sludge from coking operations.	(T)
K087	Decanter tank tar sludge from coking operations.	(T)

Section 4. Discarded Commercial Chemical Products, Off-specification Species, Container Residues, and Spill Residues Thereof. The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded as described in Section 2(1)(b)1 of 401 KAR 31:010, when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to the land in lieu of their original intended use, or when in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

(1) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (5) or (6) of this section.

(2) Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (5) or (6) of this section.

(3) Any residue remaining in a container or in an inner liner removed from a container that has held [been used to hold] any commercial chemical product or manufacturing chemical intermediate having the generic names listed in subsection (5) of this section, unless the [or any] container is empty as defined in Section 7(2)(c) of 401 KAR 31:010. [or inner liner removed from a container that has been used to hold any off-specification chemical product and manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (5) of this section unless:]

[(a) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate; or]

[(b) The container or inner liner has been cleansed by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or]

[(c) In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.]

(4) Any residue or contaminated soil, water or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (5) or (6) of this section, or any residue or contaminated soil, water or other debris resulting from the cleanup of a spill into or on any land or water of any off-specification chemical intermediate which, if it met specification, would have the generic name listed in subsection (5) or (6) of this section.

(5) The commercial chemical products, manufacturing chemical intermediate or off-specification commercial chemical products

referred to in subsections (1) through (4) of this section, are identified as acute hazardous wastes (H) and are subject to the limited quantity generator exclusion defined in Section 5 of 401 KAR 31:010.

(NOTE: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound is only listed for acute toxicity.) These wastes and their corresponding EPA Hazardous Waste Numbers are:

Hazardous Waste No.	Substance	Chemical Abstracts No.
P023	Acetaldehyde, chloro-	107-20-0
P002	Acetamide, N-(Aminothioxo-methyl)-	591-08-2
P057	Acetamide, 2-fluoro-	640-19-7
P058	Acetic acid, fluoro-, sodium salt	62-74-8
[P066	Acetimidic acid, N-((methyl-carbamoyl)-oxy)thio-, methyl ester]	16752-77-5
P001	3-(alpha-acetonyl-benzyl)-4-hydroxycoumarin and salts, when present at concentrations greater than 0.3%	81-81-2
P002	1-acetyl-2-thiourea	591-08-2
P003	Acrolein	107-02-8
P070	Aldicarb	116-06-3
P004	Aldrin	309-00-2
P005	Allyl alcohol	107-18-6
P006	Aluminum phosphide (R,T)	20859-73-8
P007	5-(aminomethyl)-3-isoxazolol	2763-96-4
P008	4-[alpha-]Aminopyridine	504-24-5
P009	Ammonium picrate (R)	131-74-8
P119	Ammonium vanadate	7803-55-6
P099	Argentate (1-), bis(cyano-C)-, potassium	506-61-6
P010	Arsenic acid H_3AsO_4	7778-39-4
P012	Arsenic oxide As_2O_3	1327-53-3
P011	Arsenic oxide As_2O_5	1303-28-2
P011	Arsenic pentroxide	1303-28-2
P012	Arsenic trioxide	1327-53-3
P038	Arsine, diethyl	692-42-2
P036	Arsonous dichloride, phenyl-	696-28-6
P054	Aziridine	151-56-4
P067	Aziridine, 2-methyl-	75-55-8
P013	Barium cyanide	542-62-1
P024	Benzenamine, 4-chloro-	106-47-8
P077	Benzenamine, 4-nitro-	100-01-6
P028	Benzene, (chloromethyl)-	100-44-7
P042	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-	51-43-4
P046	Benzeneethanamine, alpha, alpha-dimethyl-	122-09-8
P014	Benzenethiol	108-98-5
P001	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, and salts when present at concentrations greater than 0.3%	'81-81-2
P028	Benzyl chloride	100-44-7
P015	Beryllium [dust]	7440-41-7
[P016	Bis(chloromethyl) ether	542-88-1]
P017	Bromoacetone	598-31-2
P018	Brucine	357-57-3
P045	2-Butanone, 3,3-dimethyl-1-(Methylthio)-,O-(methylamino) carbonyl) oxime	39196-18-4
P021	Calcium cyanide	592-01-8
P021	Calcium cyanide $Ca(CN)_2$	592-01-8
[P022	Carbon bisulfide	75-15-0]
P022	Carbon disulfide	75-15-0
P095	Carbonic dichloride	75-44-5
P023	Chloroacetaldehyde	107-20-0
P024	p-Chloroaniline	106-47-8
P026	1-(o-Chlorophenyl)thiourea	5344-82-1
P027	3-Chloropropionitrile	542-76-7
P029	Copper cyanide	544-92-3
P029	Copper cyanide Cu(CN)	544-92-3
P030	Cyanides (soluble cyanide salts), not otherwise specified	--------
P031	Cyanogen	460-19-5
P033	Cyanogen chloride	506-77-4
P033	Cyanogen chloride (CN)Cl	506-77-4
P034	2-Cyclohexyl-4,6-dinitrophenol	131-89-5
P016	Dichloromethyl ether	542-88-1
P036	Dichlorophenylarsine	696-28-6
P037	Dieldrin	60-57-1
P038	Diethylarsine	692-42-2
P041	Diethyl-p-nitrophenyl phosphate	311-45-5
P040	0,0-Diethyl O-pyrazinyl phosphorothioate	297-97-2
P043	Diisopropyl fluorophosphate (DFP)	55-91-4
P004	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a- hexahydro-, (1alpha, 4alpha, 4abeta, 5alpha, 8alpha, 8abeta)-	309-00-2
P060	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a- hexahydro-, (1alpha, 4alpha, 4abeta, 5beta, 8beta, 8abeta)-	465-73-6
P037	2,7:3,6-Dimethanonaphth(2,3-b) oxirene,3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-,(1aalpha, 2beta, 2aalpha, 3beta, 6beta, 6aalpha, 7beta, 7aalpha)-	60-57-1
P051	2,7:3,6-Dimethanonaphth(2,3-b),oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-,(1aalpha, 2beta, 2abeta,3alpha, 6alpha, 6abeta,7beta, 7aalpha)-, and metabolites	72-20-8
P044	Dimethoate	60-51-5
[P045	3,3-Dimethyl-1-(methylthio)-2-butanone, O-((methylamino)-carbonyl) oxime]	39196-18-4
P046	alpha, alpha-Dimethylphenethylamine	122-09-8
P047	4,6-Dinitro-o-cresol and salts	'534-52-1
P048	2,4-Dinitrophenol	51-28-5
P020	Dinoseb	88-85-7
P085	Diphosphoramide, octamethyl-	152-16-9
P111	Diphosphoric acid, tetraethyl ester	107-49-3
P039	Disulfoton	298-04-4
P049	[2,4-]Dithiobiuret	541-53-7
P050	Endosulfan	115-29-7
P088	Endothal	145-73-3
P051	Endrin	72-20-8
P051	Endrin, and metabolites	72-20-8
P042	Epinephrine	51-43-4
P031	Ethanedinitrile	460-19-5
P066	Ethanimidothioic acid, N-(((methylamino)car-bonyl) oxy)-,methyl ester	16752-77-5
P101	Ethyl cyanide	107-12-0
P054	Ethylenimine	151-56-4
P097	Famphur	52-85-7

P056	Fluorine	7782-41-4
P057	Fluoroacetamide	640-19-7
P058	Fluoroacetic acid, sodium salt	62-74-8
P065	Fulminic acid, mercury (2+) salt (R,T)	628-86-4
P059	Heptachlor	76-44-8
[P060	Hexachlorohexahydro-endo,endo-dimethanonaphthalene]	465-73-6
P062	Hexaethyl tetraphosphate	757-58-4
P116	Hydrazinecarbothioamide	79-19-6
P068	Hydrazine, methyl	60-34-4
P063	Hydrocyanic acid	74-90-8
P063	Hydrogen cyanide	74-90-8
P096	Hydrogen phosphide	7803-51-2
[P064	Isocyanic acid, methyl ester	624-83-9]
P060	Isodrin	465-73-6
P007	3(2H)-Isoxazolone,5-(aminomethyl)-	2763-96-4
P092	Mercury, (acetato-O) phenyl-	62-38-4
P065	Mercury fulminate (R,T)	628-86-4
P082	Methanamine,N-methyl-N-nitroso-	62-75-9
P064	Methane, isocyanato-	624-83-9
P016	Methane, oxybis (chloro-	542-88-1
P112	Methane, tetranitro-(R)	509-14-8
P118	Methanethiol, trichloro-	75-70-7
P050	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-,3-oxide	115-29-7
P059	4,7-Methano-1H-indene,1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76-44-8
P066	Methomyl	16752-77-5
[P067	2-Methylaziridine	75-55-8]
P068	Methyl hydrazine	60-34-4
P064	Methyl isocyanate	624-83-9
P069	2-Methyllactonitrile	75-86-5
P071	Methyl parathion	298-00-0
P072	alpha-Naphthylthiourea	86-88-4
P073	Nickel carbonyl	13463-39-3
P073	Nickel carbonyl $Ni(CO)_4$ (T-4)-	13463-39-3
P074	Nickel Cyanide	557-19-7
P074	Nickel cyanide $Ni(CN)_2$	557-19-7
P075	Nicotine and salts	'54-11-5
P076	Nitric oxide	10102-43-9
P077	p-Nitroaniline	100-01-6
P078	Nitrogen dioxide	10102-44-0
P076	Nitrogen oxide NO	10102-43-9
P078	Nitrogen oxide NO_2	10102-44-0
P081	Nitroglycerine (R)	55-63-0
P082	N-Nitrosodimethylamine	62-75-9
P084	N-Nitrosomethylvinylamine	4549-40-0
P074	Nickel cyanide	557-19-7
P085	Octamethylpyrophosphoramide	152-16-9
P087	Osmium oxide OsO_4, (T-4)-	20816-12-0
P087	Osmium tetroxide	20816-12-0
P088	7-Oxabicyclo (2.2.1)heptane-2,3-dicarboxylic acid	145-73-2
P089	Parathion	56-38-2
P034	Phenol, 2-cyclohexyl-4, 6-dinitro-	131-89-5
P048	Phenol, 2, 4-dinitro	51-28-5
P047	Phenol, 2-methyl-4,6-dinitro- and salts	534-52-1
P020	Phenol, 2-(1-methylpropyl)-4, 6-dinitro-	88-85-7
P009	Phenol, 2,4,6-trinitro-, ammonium salt (R)	131-74-8
P092	Phenylmercury acetate	62-38-4
P093	Phenylthiourea	103-85-5
P094	Phorate	298-02-2
P095	Phosgene	75-44-5
P096	Phosphine	7803-51-2
P041	Phosphoric acid, diethyl 4-nitrophenyl ester	311-45-5
P039	Phosphorodithioic acid, 0,0-diethyl S-(2-(ethylthio)ethyl) ester	298-04-4
P094	Phosphorodithioic acid, 0,0-diethyl S-((ethylthio)methyl) ester	298-02-2
P044	Phosphorodithioic acid, 0, 0-dimethyl S-(2(methylamino)-2-oxoethyl) ester	60-51-5
P043	Phosphorofluoric acid, bis (1-methylethyl) ester	55-91-4
P089	Phosphorothioic acid, 0, 0-diethyl 0-(4[p]-nitrophenyl) ester	56-38-2
P040	Phosphorothioic acid, 0, 0-diethyl 0-pyrazinyl ester	297-97-2
P097	Phosphorothioic acid, 0-(4-((dimethylamino) sulfonyl) phenyl) 0,0-dimethyl ester	52-85-7
P071	Phosphorothioic acid, 0,0-dimethyl 0-(4-nitrophenyl) ester	298-00-0
P110	Plumbane, tetraethyl-	78-00-2
P098	Potassium cyanide	151-50-8
P098	Potassium cyanide K(CN)	151-50-8
P099	Potassium silver cyanide	506-61-6
P070	Propanal, 2-methyl-2-(methylthio)-,0-((methylamino)carbonyl)oxime	116-06-3
P101	Propanenitrile	107-12-0
P027	Propanenitrile, 3-chloro-	542-76-7
P069	Propanenitrile, 2-hydroxy-2-methyl-	75-86-5
P081	1,2,3-Propanetriol, trinitrate-(R)	55-63-0
P017	2-Propanone, 1-bromo-	598-31-2
P102	Propargyl alcohol	107-19-7
P003	2-Propenal	107-02-8
P005	2-Propen-1-ol	107-18-6
P067	1,2-Propylenimine	75-55-8
P102	2-Propyn-1-ol	107-19-7 [591-08-2]
P008	4-Pyridinamine	504-24-5
P075	Pyridine, [(S)-]3-(1-methyl-2-pyrrolidinyl)-,(S)-, and salts	'54-11-5
[P111	Pyrophosphoric acid, tetraethyl ester]	107-49-3
P103	Selenourea	630-10-4
P104	Silver cyanide	506-64-9
P104	Silver cyanide Ag(CN)	506-64-9
P105	Sodium azide	26628-22-8
P106	Sodium cyanide	143-33-9
P106	Sodium cyanide Na(CN)	143-33-9
P107	Strontium sulfide	1314-96-1
P107	Strontium sulfide SrS	1314-96-1
P108	Strychnidin-10-one, and salts	'57-24-9
P018	Strychnidin-10-one, 2, 3-dimethoxy	357-57-3
P108	Strychnine and salts	'57-24-9
P115	Sulfuric acid, dithallium (1+[I])salt	7446-18-6 [10031-59-1]
P109	Tetraethyldithiopyrophosphate	3689-24-5
P110	Tetraethyl lead	78-00-2
P111	Tetraethylpyrophosphate	107-49-3
P112	Tetranitromethane (R)	509-14-8
P062	Tetraphosphoric acid, hexaethyl ester	757-58-4
P113	Thallic oxide	1314-32-5
P113	Thallium [(III)] oxide Tl_2O_3	1314-32-5
P114	Thallium (I) selenite	12039-52-0
P115	Thallium (I) sulfate	7446-18-6 [10031-59-1]

P109	Thiodiphosphoric acid, tetra-ethyl ester	3689-24-5
P045	Thiofanox	39196-18-4
P049	Thioimidodicarbonic diamide $((H_2N)c(S))_2NH$	541-53-7
P014	Thiophenol	108-98-5
P116	Thiosemicarbazide	79-19-6
P026	Thiourea, (2-chlorophenyl)-	5344-82-1
P072	Thiourea, 1-naphthalenyl-	86-88-4
P093	Thiourea, phenyl-	103-85-5
P123	Toxaphene	8001-35-2
P118	Trichloromethanethiol	75-70-7
P119	Vanadic acid, ammonium salt	7803-55-6
P120	Vanadium [(V)] oxide V_2O_5	1314-62-1
P120	Vanadium pentoxide	1314-62-1
P084	Vinylamine, N-methyl-N-nitroso-	4549-40-0
P001	Warfarin, and salts when present at concentrations greater than 0.3% [or in unknown concentrations]	'81-81-2
P121	Zinc cyanide	557-21-1
P121	Zinc cyanide $Zn(CN)_2$	557-21-1
P122	Zinc phosphide Zn_3P_2 [(R,T)], when present at concentrations greater than 10% (R,T) 'CAS number given for parent compound only [or in unknown concentrations]	1314-84-7

(6) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (1) through (4) of this section, are identified as toxic wastes (T), unless otherwise designated and are subject to the limited quantity generator exclusion defined in Section 5(1), (6), and (7) of 401 KAR 31:010.

(NOTE: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability) and C (Corrosivity). Absence of a letter indicates that the compound is only listed for toxicity.) These wastes and their corresponding EPA Hazardous Waste Numbers are:

Hazardous Waste No.	Substance	Chemical Abstracts No.
U001	Acetaldehyde (I)	75-07-0
U034	Acetaldehyde, trichloro-	75-87-6
U187	Acetamide, N-(4-ethoxyphenyl)-	62-44-2
U005	Acetamide, N-9H-fluoren-2-yl-	53-96-3
U240	Acetic acid, (2,4-dichloro-phenoxy)-, salts and esters	'94-75-7
U112	Acetic acid ethyl ester (I)	141-78-6
U144	Acetic acid, lead (2+) salt	301-04-2
U214	Acetic acid, thallium (1+) salt	563-68-8
See F027		
[U232]	Acetic acid, (2,4,5-trichloro-phenoxy)-	93-76-5
U002	Acetone (I)	67-64-1
U003	Acetonitrile (I,T)	75-05-8
U004	Acetophenone	98-86-2
U005	2-Acetylaminofluorene	53-96-3
U006	Acetyl chloride (C,R,T)	75-36-5
U007	Acrylamide	79-06-1
U008	Acrylic acid (I)	79-10-7
U009	Acrylonitrile	107-13-1
U011	Amitrole	61-82-5
U012	Aniline (I,T)	62-53-3
U136	Arsinic acid, dimethyl-	75-60-5
U014	Auramine	492-80-8
U015	Azaserine	115-02-6
U010	Azirino (2',3':3,4) pyrrolo (1,2-a) indole-4, 7-dione, 6-amino-8-(((aminocarbonyl) oxy) methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1aS- (1aalpha, 8beta, 8aalpha, 8balpha))-	50-07-7
U157	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	56[0]-49-5
U016	[3,4-]Benz(c)acridine	225-51-4
U017	Benzal chloride	98-87-3
U192	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	23950-58-5
U018	[1,2-]Benz(a)anthracene	56-55-3
U094	Benz(a)anthracene, 7,12-dimethyl-	57-97-6
U012	Benzenamine (I,T)	62-53-3
U014	Benzenamine, 4,4'-carbon-imidoylbis (N,N-dimethyl-	492-80-8
U049	Benzenamine, 4-chloro-2-methyl-, hydrochloride	3165-93-3
U093	Benzenamine, N, N-dimethyl-4-(phenylazo-)	60-11-7
U328	Benzenamine, 2-methyl-	95-53-4
U353	Benzenamine, 4-methyl-	106-49-0
U158	Benzenamine, 4,4'-methylenebis (2-chloro-	101-14-4
U222	Benzenamine, 2-methyl-, hydrochloride	636-21-5
U181	Benzenamine, 2-methyl-5-nitro	99-55-8
U019	Benzene (I,T)	71-43-2
U038	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy, ethyl ester	510-15-6
U030	Benzene, 1-bromo-4-phenoxy-	101-55-3
U035	Benzenebutanoic acid, 4-(bis (2-chloroethyl)amino)-	305-03-3
U037	Benzene, chloro-	108-90-7
U221	Benzenediamine, ar-methyl-	25376-45-8
U028	1,2-Benzenedicarboxylic acid, bis(2-ethylhexy) ester	117-81-7
U069	1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2
U088	1,2-Benzenedicarboxylic acid, diethyl ester	84-66-2
U102	1,2-Benzenedicarboxylic acid, dimethyl ester	131-11-3
U107	1,2-Benzenedicarboxylic acid, di[-n-]octyl ester	117-84-0
U070	Benzene, 1,2-dichloro-	95-50-1
U071	Benzene, 1,3-dichloro-	541-73-1
U072	Benzene, 1,4-dichloro-	106-46-7
U060	Benzene, 1,1'-(2,2-dichloro-ethylidene)bis(4-chloro-	72-54-8
U017	Benzene, (dichloromethyl)-	98-87-3
U223	Benzene, 1,3-diisocyanato-methyl- (R,T)	26471-62-5
U239	Benzene, dimethyl- (I,T)	1330-20-7
U201	1,3-Benzenediol	106-46-3
U127	Benzene, hexachloro-	118-74-1
U056	Benzene, hexahydro (I)-	110-82-7
U220	Benzene, methyl-	108-88-3
U105	Benzene, 1-methyl-2, 4-dinitro-	121-14-2
U106	Benzene, 2-methyl-1,3-dinitro-	606-20-2
U055	Benzene, (1-methylethyl),(I)	98-82-8
U169	Benzene, nitro- [(I,T)]	98-95-3
U183	Benzene, pentachloro-	608-93-5
U185	Benzene, pentachloronitro-	82-68-8
U020	Benzenesulfonic acid chloride (C,R)	98-09-9
U020	Benzenesulfonyl chloride (C,R)	98-09-9
U207	Benzene, 1,2,4,5-tetrachloro-	95-94-3

U061	Benzene),1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-	50-29-3
U247	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	72-43-5
U023	Benzene, (trichloromethyl)-[(C,R,T)]	98-07-7
U234	Benzene, 1,3,5-trinitro-[(R,T)]	99-35-4
U021	Benzidine	92-87-5
[U202	1,2-Benzisothiazilin-3-one,1,1-dioxide, and salts]	81-07-2
U202	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide and salts	81-07-02
U203	1,3-Benzodioxole, 5-(2-propenyl)-	94-59-7
U141	1,3-Benzodioxole, 5-(1-propenyl)-	120-58-1
U090	1,3-Benzodioxole, 5-propyl-	94-58-6
U064	Benzo(rst)pentaphene	189-55-9
U248	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenol-butyl)-, and salts, when present at concentrations of 0.3% or less	81-81-2
U022	Benzo(a)pyrene	50-32-8
U197	p-Benzoquinone	106-51-4
U023	Benzotrichloride (C,R,T)	98-07-7
U085	2,2'-Bioxirane [(I,T)]	1464-53-5
U021	(1,1-Biphenyl)-4,4'-diamine	92-87-5
U073	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	91-94-1
U091	(1,1'-Biphenyl)-4,4'-diamine, 3,3',dimethoxy-	119-90-4
U095	(1,1'-Biphenyl)-4,4'-diamine, 3,3',dimethyl-	119-93-7
[U027	Bis(2-chloroisopropyl) ether	39638-32-9
U024	Bis(2-chloromethoxy) ethane	111-91-1
U028	Bis(2-ethyhexyl) phthalate	117-81-7]
U225	Bromoform	75-25-2
U030	4-Bromophenyl phenyl ether	101-55-3
U128	1,3-Butadiene,1,1,2,3,4,4-hexachloro-	87-68-3
U172	1-Butanamine, N.-butyl-N-nitroso	924-16-3
[U035	Butanoic acid, 4-(Bis(2-chloroethyl)amino benzene-]	305-03-3
U031	1-Butanol (I)	71-36-3
U159	2-Butanone (I,T)	78-93-3
U160	2-Butanone peroxide (R,T)	1338-23-4
U053	2-Butenal	4170-30-3
U074	2-Butene,1,4-dichloro- (I,T)	764-41-0
U143	2-Butenoic acid, 2-methyl-,7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1alpha(Z),7(2S,3R),7aalpha))-	303-34-4
U031	n-Butyl alcohol (I)	71-36-3
U136	Cacodylic acid	75-60-5
U032	Calcium chromate	13765-19-0
U238	Carbamic acid, ethyl ester	51-79-6
U178	Carbamic acid, methylnitroso-, ethyl ester	615-53-2
U097	Carbamic chloride, dimethyl-	79-44-7
U114	Carbamodithioic acid, 1,2-ethanediylbis-, salts and esters	'111-54-6
U062	Carbamothioic acid, bis(1-methylethyl)-S-(2,3-dichloro-2-propenyl) ester	2303-16-4
U215	Carbonic acid, dithallium (1+) salt	6533-73-9
U033	Carbonic difluoride	353-50-4
U156	Carbonochloridic acid, methyl ester (I,T)	79-22-1
U033	Carbon oxyfluoride (R,T)	353-50-4
U211	Carbon tetrachloride	56-23-5
U034	Chloral	75-87-6
U035	Chlorambucil	305-03-3
U036	Chlordane, alpha and gamma isomers	57-74-9 [12789-03-6]
U026	Chlornaphazine	494-03-1
U037	Chlorobenzene	108-90-7
U038	Chlorobenzilate	510-15-6
U039	p-Chloro-m-cresol	59-50-7
[U041	1-Chloro-2,3-epoxypropane	106-89-8]
U042	2-Chlorethyl vinyl ether	110-75-8
U044	Chloroform	67-66-3
U046	Chloromethyl methyl ether	107-30-2
U047	beta-Chloronaphthalene	91-58-7
U048	o-Chlorophenol	95-57-8
U049	4-Chloro-o-toluidine, hydrochloride	3165-93-3
U032	Chromic acid H_2CrO_4, calcium salt	13765-19-0
U050	Chrysene	218-01-9
U051	Creosote	[8021-39-4]
U052	Cresols (Cresylic acid)	1319-77-3
U053	Crotonaldehyde	4170-30-3
U055	Cumene (I)	98-82-8
U246	Cyanogen bromide (CN) Br	506-68-3
U197	2,5-Cyclohexadiene-1,4-dione	106-51-4
U056	Cyclohexane (I)	110-82-7
U129	Cyclohexane 1,2,3,4,5,6,-hexachloro-(1alpha, 2alpha, 3beta, 4alpha, 5alpha, 6beta)-	58-89-9
U057	Cyclohexanone (I)	108-94-1
U130	1,3-Cyclopentadiene,1,2,3,4,5,5-hexachloro-	77-47-4
U058	Cyclophosphamide	50-18-0
U240	2,4-D, salts and esters	'94-75-7
U059	Daunomycin	20830-81-3
U060	DDD	72-54-8
U061	DDT	50-29-3
U062	Diallate	2303-16-4
U063	Dibenz(a,h) anthracene	53-70-3
U064	Dibenzo(a,i) pyrene	189-55-9
U066	1,2-Dibromo-3-chloropropane	96-12-8
U069	Dibutyl phthalate	84-74-2
U070	o-Dichlorobenzene	95-50-1
U071	m-Dichlorobenzene	541-73-1
U072	p-Dichlorobenzene	106-46-7
U073	3,3'-Dichlorobenzidine	91-94-1
U074	1,4-Dichloro-2-butene (I,T)	764-41-0
U075	Dichlorodifluoromethane	75-71-8
U078	1,1-Dichloroethylene	75-35-4
U079	1,2-Dichloroethylene	156-60-5
U025	Dichloroethyl ether	111-44-4
U027	Dichloroisoprophyl ether	108-60-1
U024	Dichloromethoxy ethane	111-91-1
U081	2,4-Dichlorophenol	120-83-2
U082	2,6-Dichlorophenol	87-65-0
[U240	2,4-Dichlorophenoxyacetic acid, salts and esters	94-75-7
U083	1,2-Dichloropropane	78-87-5]
U084	1,3-Dichloropropene	542-75-6
U085	1,2:3,4-Diepoxybutane (I,T)	1464-53-5
U108	1,4-Diethyleneoxide	123-91-1
U028	Diethylhexyl phthalate	117-81-7
U086	N, N-Diethylhydrazine	1615-80-1
U087	O, O-Diethyl-S-methyldithio-phosphate	3288-58-2
U088	Diethyl phthalate	84-66-2
U089	Diethylstilbesterol	56-53-1
U090	Dihydrosafrole	94-58-6
U091	3,3'-Dimethoxybenzidine	119-90-4
U092	Dimethylamine (I)	124-40-3
U093	p-Dimethylaminoazobenzene	60-11-7

U094	7,12-Dimethylbenz(a)anthracene	57-97-6
U095	3,3'-Dimethylbenzidine	119-93-7
U096	alpha, alpha-Dimethylbenzyl-hydroperoxide (R)	80-15-9
U097	Dimethylcarbamoyl chloride	79-44-7
U098	1,1-Dimethythydrazine	57-14-7
U099	1,2-Dimethylhydrazine	540-73-8
U101	2,4-Dimethylphenol	105-67-9
U102	Dimethyl phthalate	131-11-3
U103	Dimethyl sulfate	77-78-1
U105	2,4-Dinitrotoluene	121-14-2
U106	2,6-Dinitrotoluene	606-20-2
U107	Di-n-octyl phthalate	117-84-0
U108	1,4-Dioxane	123-91-1
U109	1,2-Diphenylhydrazine	122-66-7
U110	Dipropylamine (I)	142-84-7
U111	Di-n-propylnitrosamine	621-64-7
U041	Epichlorohydrin	106-89-8
U001	Ethanal (I)	75-07-0
U174	Ethanamine, N-ethyl-N-nitroso-	55-18-5
U155	1,2-Ethanediamine, N,N-di-methyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	91-80-5
U067	Ethane, 1,2-dibromo-	106-93-4
U076	Ethane, 1,1-dichloro-	75-34-3
U077	Ethane, 1,2-dichloro-	107-06-2
U131	Ethane, hexachloro-	67-72-1
U024	Ethane, 1,1'-(methylenebis (oxy))bis(2-chloro-)	111-91-1
U117	Ethane, 1,1'-oxybis- (I)	60-29-7
U025	Ethane, 1,1'-oxybis(2-chloro-)	111-44-4
U184	Ethane, pentachloro-	76-01-7
U208	Ethane, 1,1,1,2-tetrachloro-	630-20-6
U209	Ethane, 1,1,2,2-tetrachloro-	79-34-5
U218	Ethanethioamide	62-55-5
U226	Ethane, 1,1,1,-trichloro	71-55-6
U227	Ethane, 1,1,2-trichloro-	79-00-5
U359	Ethanol, 2-ethoxy-	110-80-5
U173	Ethanol, 2,2'-(nitrosoimino) bis-	1116-54-7
U004	Ethanone, 1-phenyl	98-86-2
U043	Ethene, chloro-	75-01-4
U042	Ethene, (2-chlorethoxy)-	110-75-8
U078	Ethene, 1,1-dichloro	75-35-4
U079	Ethene, 1,2-dichloro- (E)	156-60-5
U210	Ethene, tetrachloro	127-18-4
U228	Ethene, trichloro	79-01-6
U112	Ethyl acetate (I)	141-78-6
U113	Ethyl acrylate (I)	140-88-5
U238	Ethyl carbamate (urethane)	51-79-6
[U038	Ethyl 4,4'-dichlorobenzilate	510-15-6]
U114	Ethylenebis dithiocarbamic acid, salts and esters	'111-54-6
U067	Ethylene dibromide	106-93-4
U077	Ethylene dichloride	107-06-2
U359	Ethylene glycol monoethyl ether	110-80-5
U115	Ethylene oxide (I,T)	75-21-8
U116	Ethylene thiourea	96-45-7
U117	Ethyl ether (I)	60-29-7
U076	Ethylidene dichloride	75-34-3
U118	Ethylmethacrylate	97-63-2
U119	Ethyl methanesulfonate	62-50-0
U120	Fluoranthene	206-44-0
U122	Formaldehyde	50-00-0
U123	Formic acid (C,T)	64-18-6
U124	Furan (I)	110-00-9
U125	2-Furancarboxaldehyde (I)	98-01-1
U147	2,5-Furandione	108-31-6
U213	Furan, tetrahydro- (I)	109-99-9
U125	Furfural (I)	98-01-1
U124	Furfuran (I)	110-00-9
U206	D-Glucopyranose, 2-deoxy-2(3-methyl-3-nitrosoureido)-	18883-66-4
U206	D-Glucose, 2-deoxy-2-(((methylnitrosoamino) carbonyl(amino)-	18883-66-4
U126	Glycidylaldehyde	765-34-4
U163	Guanidine, N-nitroso-N-methyl-N'-nitro-	70-25-7
U127	Hexachlorobenzene	118-74-1
U128	Hexachlorobutadiene	87-68-3
[U129	Hexachlorocyclohexane (gamma isomer)]	58-88-9
U130	Hexachlorocyclopentadiene	77-47-4
U131	Hexachloroethane	67-72-1
U132	Hexachlorophene	70-30-4
U243	Hexachloropropene	1888-71-7
U133	Hydrazine (R,T)	302-01-2
U086	Hydrazine,1,2-diethyl	1615-80-1
U098	Hydrazine,1,1-dimethyl-	57-14-7
U099	Hydrazine,1,2-dimethyl	540-73-8
U109	Hydrazine,1,2-diphenyl	122-66-7
U134	Hydrofluoric acid (C,T)	7664-39-3
U134	Hydrogen fluoride (C,T)	7664-39-3
U135	Hydrogen sulfide	7783-06-4
U135	Hydrogen sulfide H_2S	7783-06-4
U096	Hydroperoxide, 1-methyl-1-phenylethyl (R)	80-15-9
[U136	Hydroxydimethylarsine oxide	75-60-5]
U116	2-Imidazolidinethione	96-45-7
U137	Indeno(1,2,3cd) pyrene	193-39-5
U139	Iron dextran	9004-66-4
U190	1,3-Isobenzofurandione	85-44-9
U140	Isobutyl alcohol (I,T)	78-83-1
U141	Isosafrole	120-58-1
U142	Kepone	143-50-0
U143	Lasiocarpine	303-34-4
U144	Lead acetate	301-04-2
U146	Lead, bis(acetato-O-)tetra-hydroxytri-	1335-32-6
U145	Lead phosphate	7446-27-7
U146	Lead subacetate	1335-32-6
U129	Lindane	58-89-9
U163	MNNG	70-25-7
U147	Maleic anhydride	108-31-6
U148	Maleic hydrazide	123-33-1
U149	Malononitrile	109-77-3
U150	Melphalan	148-82-3
U151	Mercury	7439-97-6
U152	Methacrylonitrile (I,T)	126-98-7
U092	Methanamine, N-methyl- (I)	124-40-3
U029	Methane, bromo-	74-83-9
U045	Methane, chloro- (I,T)	74-87-3
U046	Methane, chloromethoxy-	107-30-2
U068	Methane, dibromo-	74-95-3
U080	Methane, dichloro-	75-09-2
U075	Methane, dichlorodifluoro-	75-71-8
U138	Methane, iodo-	74-88-4
U119	Methanesulfonic acid, ethyl ester	62-50-0
U211	Methane, tetrachloro-	56-23-5
U153	Methanethiol (I,T)	74-93-1
U225	Methane, tribromo-	75-25-2
U044	Methane, trichloro-	67-66-3
U121	Methane, trichlorofluoro-	75-69-4
U036	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a,-hexahydro-	57-74-9
[U123	Methanoic acid (C,T)	64-18-6]
U154	Methanol (I)	67-56-1
U155	Methapyrilene	91-80-5
U142	1,3,4-Metheno-2H,cyclobuta (cd)pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachloro-octahydro-	143-50-0
U247	Methoxychlor	72-43-5
U154	Methyl alcohol (I)	67-56-1
U029	Methyl bromide	74-83-9

U186	1-Methylbutadiene (I)	504-60-9
U045	Methyl chloride (I,T)	74-87-3
U156	Methyl chlorocarbonate (I,T)	79-22-1
U226	Methylchloroform	71-55-6
U157	3-Methylcholanthrene	56-49-5
U158	4,4'-Methylenebis (2-chloro-aniline)	101-14-4
U068	Methylene bromide	74-95-3
U080	Methylene chloride	75-09-2
U159	Methyl ethyl ketone (MEK) (I,T)	78-93-3
U160	Methyl ethyl ketone peroxide (R,T)	1338-23-4
U138	Methyl iodide	74-88-4
U161	Methyl isobutyl ketone (I)	108-10-1
U162	Methyl methacrylate (I,T)	80-62-6
[U163	N-Methyl-N'-nitro-N-nitro-soguanidine]	70-25-7
U161	4-Methyl-2-pentanone (I)	108-10-1
U164	Methylthiouracil	56-04-2
U010	Mitomycin C	50-07-7
U059	5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-((3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl)oxyl)-7,8,9,10,tetrahydro-6,8,11-tri-hydroxy-1-methoxy-	20830-81-3
U167	1-Naphthalenamine	134-32-7
U168	2-Naphthalenamine	91-59-8
U026	Naphthalenamine,N,N'-bis (2-chloroethyl)-	494-03-1
U165	Naphthalene	91-20-3
U047	Naphthalene, 2-chloro-	91-58-7
U166	1,4-Naphthalenedione	130-15-4
U236	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'diyl)) bis(azo)bis(5)-amino-4-hydroxy),-tetrasodium salt	72-57-1
U166	1,4,Naphthoquinone	130-15-4
U167	alpha-Naphthylamine	134-32-7
U168	beta-Naphthylamine	91-59-8
[U026	2-Naphthylamine,N,N-bis(2-chloroethyl)-	494-03-1
U167	1-Naphthylenamine	134-32-7
U168	2-Naphthylenamine	91-59-8]
U217	Nitric acid, thallium(1+) salt	10102-45-1
U169	Nitrobenzene (I,T)	98-95-3
U170	p-Nitrobenzene	100-02-7
U171	2-Nitropropane (I,T)	79-46-9
U172	N-Nitrosodi-n-butylamine	924-16-3
U173	N-Nitrosodiethanolamine	1116-54-7
U174	N-Nitrosodiethylamine	55-18-5
[U111	N-Nitrosodi-n-propylamine	621-64-7]
U176	N-Nitroso-N-ethylurea	759-73-9
U177	N-Nitroso-N-methylurea	684-93-5
U178	N-Nitroso-N-methylurethane	615-53-2
U179	N-Nitrosopiperidine	100-75-4
U180	N-Nitrosopyrrolidine	930-55-2
U181	5-Nitro-o-toluidine	99-55-8
U193	1,2-Oxathiolane,2,2-dioxide	1120-71-4
U058	2H-1,3,2-Oxazaphosphorine-2-amine,N,N-bis(2-chloroethyl) tetrahydro-, 2-oxide	50-18-0
[U058	2H-1,3,2-Oxazaphosphorine,2-(bis(2-chloroethyl)amino)-tetrahydro-, 2-oxide]	50-18-0
U115	Oxirane (I,T)	75-21-8
U126	Oxiranecarboxyaldehyde	765-34-4
U041	Oxirane,(chloromethyl)-	106-89-8
U182	Paraldehyde	123-63-7
U183	Pentachlorobenzene	608-93-5
U184	Pentachloroethane	76-01-7
U185	Pentachloronitrobenzene	82-68-8
See F027		
[U242]	Pentachlorophenol	87-86-5
U161	Pentanol, 4-methyl-	108-10-1
U186	1,3-Pentadiene (I)	504-60-9
U187	Phenacetin	62-44-2
U188	Phenol	108-95-2
U048	Phenol,2-chloro-	95-57-8
U039	Phenol,4-chloro-3-methyl-	59-50-7
U081	Phenol,2,4-dichloro-	120-83-2
U082	Phenol,2,6-dichloro-	87-65-0
U089	Phenol,4,4'-(1,2-diethyl-1,2-ethenediyl)bis-,(E)-	56-53-1
U101	Phenol,2,4-dimethyl-	105-67-9
U052	Phenol, methyl-	1319-77-3
U132	Phenol,2,2'-methylenebis (3,4,6-trichloro-	70-30-4
U170	Phenol,4-nitro-	100-02-7
See F027		
[U242]	Phenol, pentachloro-	87-86-5
See F027		
[U212]	Phenol,2,3,4,6-tetrachloro-	58-90-2
See F027		
[U230]	Phenol,2,4,5-trichloro-	95-95[4]-4
See F027		
[U231]	Phenol,2,4,6-trichloro	88-06-2
U150	L-phenylalanine, 4-(bis(2-chloroethyl)amino)-	148-82-3
[U137	1,10-(1,2-phenylene) pyrene	193-39-5]
U145	Phosphoric acid, lead (2+) salt (2:3)	7446-27-7
U087	Phosphorodithioic acid,0,0-diethyl-,S-methylester	3288-58-2
U189	Phosphorus sulfide (R)	1314-80-3
U190	Phthalic anhydride	85-44-9
U191	2-Picoline	109-06-8
U179	Piperidine, 1-nitroso-	100-75-4
U192	Pronamide	23950-58-5
U194	1-Propanamine, (I,T)	107-10-8
U111	1-Propanamine, N-nitroso-N-propyl-	621-64-7
U110	1-Propanamine, N-propyl- (I)	142-84-7
U066	Propane, 1,2-dibromo-3-chloro-	96-12-8
U083	Propane, 1,2-dichloro-	78-87-5
U149	Propanedinitrile	109-77-3
U171	Propane, 2-nitro- (I,T)	79-46-9
U027	Propane,2,2'oxybis (2-chloro-)	108-60-1 [39638-32-9]
U193	1,3-Propane sultone	1120-71-4
See F027		
	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1
U235	1-Propanol,2,3-dibromo-, phosphate (3:1)	126-72-7
U140	1-Propanol, 2-methyl- (I,T)	78-83-1
U002	2-Propanone (I)	67-64-1
[U084	1-Propane, 1,3-dichloro-	542-75-6
U152	2-Propanenitrile, 2-methyl- (I,T)]	126-98-7
U007	2-Propenamide	79-06-1
U084	1-Propene, 1,3-dichloro-	542-75-6
U243	1-Propene, 1,1,2,3,3,3-hexachloro	1888-71-7
U009	2-Propenenitrile	107-13-1
U152	2-Propenenitrile, 2-methyl- (I,T)	126-98-7
U008	2-Propenoic acid (I)	79-10-7
U113	2-Propenoic acid, ethyl ester (I)	140-88-5
U118	2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2
U162	2-Propenoic acid, 2-methyl, methyl ester (I,T)	80-62-6[6-2]
[U233	Propionic acid, 2-(2,4,5,-trichlorophenoxy)-]	93-72-1
U194	n-Propylamine (I,T)	107-10-8

U083	Propylene dichloride	78-87-5
U148	3,6-Pyridazinedione,1,2-dihydro-	123-33-1
U196	Pyridine	110-86-1
[U155	Pyridine, 2-((2-dimethyl-amino)ethyl)-2-phenyl-amino-]	91-80-5
U191	Pyridine, 2-methyl	109-06-8
U237	2,4(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-	66-75-1
U164	4(1H)-Pyrimidinone,2,3-dihydro-6-methyl-2-thioxo-	56-04-2
U180	Pyrrolidine, 1-nitroso-	930-55-2
U200	Reserpine	50-55-5
U201	Resorcinol	108-46-3
U202	Saccharin and salts	'81-07-2
U203	Safrole	94-59-7
U204	Selenious acid	7783-00-8
U204	Selenium dioxide	7783-00-8
U205	Selenium sulfide	7488-56-4
U205	Selenium sulfide SeS_2 (R,T)	7488-56-4 [7446-34-6]
U015	L-Serine, diazoacetate (ester)	115-02-6
See F027		
[U223]	Silvex (2,4,5,-TP)	93-72-1
U206	Streptozotocin	18883-66-4
U103	Sulfuric acid, dimethyl ester	77-78-1
U189	Sulfur phosphide (R)	1314-80-3
See F027		
[U232]	2,4,5-T	93-76-5
U207	1,2,4,5,-Tetrachlorobenzene	95-94-3
U208	1,1,1,2-Tetrachloroethane	630-20-6
U209	1,1,2,2-Tetrachloroethane	79-34-5
U210	Tetrachloroethylene	127-18-4
See F027		
[U212]	2,3,4,6-Tetrachlorophenol	58-90-2
U213	Tetrahydrofuran (I)	109-99-9
U214	Thallium (I) acetate	15843-14-8
U215	Thallium (I) carbonate	6533-73-9
U216	Thallium (I) chloride	7791-12-0
U216	Thallium chloride Tlcl	7791-12-0
U217	Thallium (I) nitrate	10102-45-1
U218	Thioacetamide	62-55-5
U153	Thiomethanol (I,T)	74-93-1
U244	Thioperoxydicarbonic diamide $((H_2N)C(S))_2S_2$, tetramethyl-	137-26-8
U219	Thiourea	62-56-6
U244	Thiram	137-26-8
U220	Toluene	108-88-3
U221	Toluenediamine	25376-45-8
U223	Toluene diisocyantate (R,T)	26471-62-5
U328	o-Toluidine	95-53-4
U353	p-Toluidine	106-49-0
U222	o-Toluidine hydrochloride	636-21-5
U011	1H-1,2,4-Triazol-3-amine	61-82-5
[U232	2,4,5-Trichloroacetic acid, salts and esters	93-76-5
U226	1,1,1-Trichloroethane	71-55-6]
U227	1,1,2-Trichloroethane	79-00-5
U228	Trichloroethylene	79-01-6
U121	Trichloromonofluoromethane	75-69-4
See F027		
[U230]	2,4,5-Trichlorophenol	95-95-4
See F027		
[U231]	2,4,6-Trichlorophenol	88-06-2
[U232	2,4,5-Trichlorophenoxyacetic acid	
U233	2,4,5-Trichlorophenoxypropionic acid, salts and esters]	93-72-1
U234	1,3,5[sym]-Trinitrobenzene (R,T)	99-35-4
U182	1,3,5-Trioxane,2,4,6-trimethyl-	123-63-7
U235	Tris(2,3-dibromopropyl) phosphate	126-72-7
U236	Trypan blue	72-57-1
[U237	Uracil, 5-(bis(2-chloroethyl) amino)]	66-75-1
U237	Uracil mustard	66-75-1
U176	Urea, N-ethyl-N-nitroso-	759-73-9
U177	Urea, N-methyl-N-nitroso-	684-93-5
U043	Vinyl chloride	75-01-4
U248	Warfarin, and salts, when present at concentrations of 0.3% or less	'81-81-2
U239	Xylene (I)	1330-20-7
U200	Yohimban-16-carboxylic acid, 11, 17-dimethoxy-18((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3beta,16beta, 17alpha,18beta,20alpha)-	50-55-5
U249	Zinc phosphide Zn_3P_2, when present at concentrations of 10% or less	1314-84-7

'CAS number given for parent compound only.

Section 5. Nerve Agents. The following substances are listed as hazardous wastes:

Kentucky Waste Number	Substance	Chemical Abstracts Number
N001	GB (isopropyl methyl phosphonoflouridate)	107-44-8
N002	VX (O-ethyl-S-(2-diisopropyl-aminoethyl) -methyl phosphonothiolate)	50782-69-9
N003	H (bis(2-chloroethyl) sulfide) and related compounds	505-60-2

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: August 14, 1989
FILED WITH LRC: August 15, 1989 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on September 28, 1989 at 1 p.m. local prevailing time in the ground floor auditorium of the Capital Plaza Tower in Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 23, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. Written comments may be submitted to the address below. Written comments will be accepted until the end of the comment period, which will be the close of business on September 28, 1989. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kay Harker, Supervisor, Program Development Branch, Division of Waste Management, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Donald F. Harker, Jr.

(1) Type and number of entities affected: This regulation applies to hazardous waste generators and owners and operators of treatment, storage, and disposal facilities. There are 371 hazardous

waste generators, 826 small quantity generators, 519 limited quantity generators and 53 hazardous waste treatment, storage or disposal facilities in Kentucky.

(a) Direct and indirect costs or savings to those affected:

1. First year: There are no direct or indirect costs or savings to those affected. This regulation contains the lists of hazardous wastes; it serves an informational purpose and in doing so there are no associated costs or savings realized by the regulated community. Compliance with the additional hazardous waste regulations will impose costs. Facilities who handle waste from metal smelting operations will incur costs as outlined in Federal Register 53 FR 35412-35421 dated September 13, 1988. Since the proposed amendments are identical to the federal register, additional cost analysis were not performed. The federal register explaining cost analysis for metal smelting operations are attached. Facilities who handle the listed nerve agents will incur costs associated with permit application, preissuance demonstrations, and permit review.

2. Continuing costs or savings: There are no continuing costs or savings.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: The proposed amendments to this regulation do not impose any reporting or paperwork requirements on the regulated community. The amendments make technical corrections to the lists of hazardous wastes.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: There are no direct and indirect costs or savings to the promulgating administrative body. This regulation contains the lists of hazardous wastes; it does not contain any requirements. As an informational regulation, there are no costs or savings associated with the proposed amendments.

2. Continuing costs or savings: There are no continuing costs or savings.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs; however, compliance with the additional hazardous waste regulations will impose costs. Each facility that treats, stores, or disposes of newly listed wastes must obtain a permit. The cost to the agency for issuance of permits varies with the type of permit. Each generator must notify the cabinet and submit an annual hazardous waste report. The cabinet incurs costs to receive, review and maintain these records.

(b) Reporting and paperwork requirements: The proposed amendments to this regulation do not impose any reporting or paperwork requirements. The amendments make technical corrections to the lists of hazardous wastes.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state or local revenues from promulgation of this regulation.

(4) Assessment of alternative methods; reasons why alternatives were rejected: (a) The proposed amendments are identical to those made to 40 CFR 261.32 and 261.33 as published in the September 13, 1988 Federal Register (53 FR 35412-35421), July 10, 1987 Federal Register (52 FR 26012) and the April 22, 1988 Federal Register (53 FR 13382-13393). These amendments make technical corrections to the lists of hazardous wastes. Wording changes have been made to comply with KRS 13A.222 which requires "shall" to replace such words as "will" and "should".

Alternative: 1. Less stringent: The cabinet could not be less stringent and maintain authorization to administer the hazardous waste program.

2. More stringent: The proposed amendments make technical corrections to the lists of hazardous wastes. The nature of the amendments precludes a discussion of more stringent alternatives.

3. Present proposal: The present proposal adopts the federal regulations as they were amended in the September 13, 1988, July 10, 1987 and April 22, 1988 Federal Registers. The amendments make technical corrections to the lists of hazardous wastes and do not change any requirements of the regulation.

(b) The addition of Section 5 to this regulation was mandated by House Bill 638 (KRS 224.865) passed during the 1988 Kentucky General Assembly. House Bill 638 required the cabinet to list nerve agents as hazardous wastes.

Alternative: 1. Less stringent: The cabinet could not promulgate less stringent standards and remain in compliance with Kentucky law.

2. More stringent: The cabinet could have been more stringent by listing additional wastes as hazardous. However, the present proposal provides adequate protection to human health and the environment.

3. Present proposal: The present proposal lists nerve agents as hazardous wastes.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: KRS 224.865 mandates the cabinet to list nerve agents as hazardous wastes; however, KRS 224.864(3) mandates that Kentucky's list of hazardous waste be adopted identical to the federal list.

(a) Necessity of proposed regulation if in conflict: The proposed regulation reflects the position that the more specific law applies.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Since KRS 224.865 is the more specific statute and was enacted in 1988, the cabinet has complied with this provision. KRS 224.864(3) was last amended in 1986. The General Assembly clearly intended that nerve agents be listed as hazardous wastes in Kentucky.

(6) Any additional information or comments: There is no additional information.

TIERING: Was tiering applied? Yes. The lists of hazardous wastes contained in this regulation are used for informational purposes. Tiering was appropriate because the information in this regulation is used only by generators and owners and operators of treatment, storage and disposal facilities to determine whether their waste is hazardous.

References: There are no references.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The proposed amendments are identical to the federal regulations at 40 CFR

261.32 and 261.33 as amended by the September 13, 1988 Federal Register (53 FR 35412-35421), July 10, 1987 Federal Register (52 FR 26012), and the April 22, 1988 Federal Register (53 FR 13382-13393). Also, wording changes have been made to comply with KRS 13A.222 which requires "shall" to replace such words as "will" and "should".

2. State compliance standards. This administrative regulation establishes the lists of hazardous wastes which include hazardous wastes from specific and nonspecific sources, discarded commercial chemical products, off-specification species, container residues and spill residues thereof which are hazardous wastes under certain circumstances.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations at 40 CFR 261.30 through 261.33 establish the lists of hazardous wastes which include hazardous wastes from specific and nonspecific sources, discarded commercial chemical products, off-specification species, container residues and spill residues thereof which are hazardous wastes under certain circumstances.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The proposed amendments adopt verbatim the federal regulations at 40 CFR 261.32 and 261.33 as promulgated on September 13, 1988, July 10, 1987 and April 22, 1988. The proposed amendments also impose requirements not contained in the federal mandate. The listing of nerve agents as hazardous wastes in Section 5 was included in response to House Bill 638, which required the cabinet to list nerve agents as hazardous wastes.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The listing of nerve agents as hazardous wastes is a statutory requirement imposed by the passage of House Bill 638 during the 1988 session of the Kentucky General Assembly. House Bill 638 was codified at KRS 224.865.

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Proposed Amendment)

401 KAR 31:160. Appendix on basis for listing hazardous waste.

RELATES TO: KRS 224.830 through 224.877, 224.994

STATUTORY AUTHORITY: KRS 13A.210, 224.033, 224.864(3)

NECESSITY AND FUNCTION: KRS 224.864(3) requires the cabinet to identify the characteristics of and to list hazardous wastes. This chapter identifies and lists hazardous waste. This regulation contains the appendix to this chapter concerning the basis for listing a hazardous waste.

Section 1. Basis for Listing Hazardous Waste. The basis for listing hazardous waste are:

EPA Hazardous Waste No.	Hazardous Constituents for Which Listed
F001	Tetrachloroethylene, methylene chloride trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.
F002	Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2,-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane.
F003	Not Applicable (hereafter N.A.).
F004	Cresols and cresylic acid, nitrobenzene.
F005	Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane.
F006	Cadmium, hexavalent chromium, nickel, cyanide (complexed).
F007	Cyanide (salts).
F008	Cyanide (salts).
F009	Cyanide (salts).
F010	Cyanide (salts).
F011	Cyanide (salts).
F012	Cyanide (complexed).
F019	Hexavalent chromium, cyanide (complexed)
F020	Tetra- and pentachlorodibenzo-p-dioxins; tetra and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines, and other salts.
F021	Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives.
F022	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.
F023	Tetra-, and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
F024	Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1,1-dichloroethane, 1,2-dichloroethane, trans-1,2-dichloroethylene,1,1-dichloroethylene, 1,1,1-trichloroethane,1,1,2-trichloroethane, trichloroethylene, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, tetrachloroethylene,pentachloroethane, hexachloroethane, allylchloride (3-chloropropene), dichloro-propane, dichloropropene, 2-chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene, tetrachlorobenzene, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene.
F026	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.

F027	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
F028	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
K001	Pentachlorophenol, phenol,2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenyl, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, creosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)-pyrene, indenol(1,2,3-cd)pyrene, benz(a) anthracene, dibenz(a)anthracene, acenaphthalene.
K002	Hexavalent chromium, lead.
K003	Hexavalent chromium, lead.
K004	Hexavalent chromium.
K005	Hexavalent chromium, lead.
K006	Hexavalent chromium.
K007	Cyanide (complexed), hexavalent chromium.
K008	Hexavalent chromium.
K009	Chloroform, formaldehyde, methylene chloride, methyl chloride,paraldehyde, formic acid.
K010	Chloroform, formaldehyde, methylene chloride, methylchloride,paraldehyde, formic acid, chloroacetaldehyde.
K011	Acrylonitrile, acetonitrile, hydrocyanic acid.
K013	Hydrocyanic acid, acrylonitrile, acetonitrile.
K014	Acetonitrile, acrylamide.
K015	Benzyl chloride, chlorobenzene, toluene, benzotrichloride.
K016	Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride,hexachloroethane, perchloroethylene.
K017	Epichlorohydrin, chloroethers, (bis(chloromethyl) ether and bis(2-chloroethyl) ethers), trichloropropane, dichloropropanols.
K018	1,2-dichloroethane, trichloroethylene, hexachlorobutadiene,hexachlorobenzene.
K019	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K020	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K021	Antimony, carbon tetrachloride, chloroform.
K022	Phenol, tars (polycyclic aromatic hydrocarbons).
K023	Phthalic anhydride, maleic anhydride.
K024	Phthalic anhydride, 1,4-naphthoquinone.
K025	Meta-dinitrobenzene, 2,4-dinitrotoluene.
K026	Paraldehyde, pyridines, 2-picoline.
K027	Toluene diisocyanate, toluene-2,4-diamine.
K028	1,1,1-trichloroethane, vinyl chloride.
K029	1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.
K030	Hexachlorobenzene, hexachlorobutadiene, hexachloroethane,1,1,1,2-tetrachloro-ethane, 1,1,2,2-tetrachloroethane, ethylene dichloride.
K031	Arsenic.
K032	Hexachlorocyclopentadiene.
K033	Hexachlorocyclopentadiene.
K034	Hexachlorocyclopentadiene.
K035	Creosote, chrysene, naphthalene, fluoranthene benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,2-cd) pyrene, benzo(a)anthracene, dibenzo (a)anthracene, acenaphthalene.
K036	Toluene, phosphorothioic acid esters.
K037	Toluene, phosphorodithioic and phosphorothioic acid esters.
K038	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K039	Phosphorodithioic and phosphorothioic acid esters.
K040	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K041	Toxaphene.
K042	Hexachlorobenzene, orthodichlorobenzene
K043	2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.
K044	N.A.
K045	N.A.
K046	Lead
K047	N.A.
K048	Hexavalent chromium, lead.
K049	Hexavalent chromium, lead.
K050	Hexavalent chromium.
K051	Hexavalent chromium, lead.
K052	Lead.
K060	Cyanide, naphthalene, phenolic compounds, arsenic.
K061	Hexavalent chromium, lead, cadmium.
K062	Hexavalent chromium, lead.
K064	Lead, cadmium.
K065	Lead, cadmium.
K066	Lead, cadmium.
K069	Hexavalent chromium, lead, cadmium.
K071	Mercury.
K073	Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.
K083	Aniline, diphenylamine, nitrobenzene, phenylenediamine.
K084	Arsenic.
K085	Benzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, benzyl chloride.
K086	Lead, hexavalent chromium.
K087	Phenol, naphthalene.
K088	Cyanide (complexes).
K090	Chromium.
K091	Chromium.
K093	Phthalic anhydride, maleic anhydride.
K094	Phthalic anhydride.

K095	1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane.
K096	1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane.
K097	Chlordane, heptachlor.
K098	Toxaphene.
K099	2,4-dichlorophenol, 2,4,6-trichlorophenol.
K100	Hexavalent chromium, lead, cadmium.
K101	Arsenic.
K102	Arsenic.
K103	Aniline, nitrobenzene, phenylenediamine.
K104	Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine.
K105	Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichloro-phenol.
K106	Mercury.
K111	2,4-Dinitrotoluene.
K112	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K113	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K114	2,4-Toluenediamine, o-toluidine, p-toluidine.
K115	2,4-Toluenediamine.
K116	Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene.
K117	Ethylene dibromide
K118	Ethylene dibromide
K123	Ethylene thiourea
K124	Ethylene thiourea
K125	Ethylene thiourea
K126	Ethylene thiourea
K136	Ethylene dibromide

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: August 14, 1989
FILED WITH LRC: August 15, 1989 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on September 28, 1989 at 1 p.m. local prevailing time in the ground floor auditorium of the Capital Plaza Tower in Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 23, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. Written comments may be submitted to the address below. Written comments will be accepted until the end of the comment period, which will be the close of business on September 28, 1989. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kay Harker, Supervisor, Program Development Branch, Division of Waste Management, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Donald F. Harker, Jr.

(1) Type and number of entities affected: This regulation applies to hazardous waste generators and owners and operators of treatment, storage, and disposal facilities. There are 371 hazardous waste generators, 545 small quantity generators, 826 limited quantity generators and 53 hazardous waste treatment, storage or disposal facilities in Kentucky. The proposed amendments to this regulation will only affect those generators or treatment storage or disposal facilities that produce or handle waste from metal smelting operations. There are five known generators in the state and three possible facilities.

(a) Direct and indirect costs or savings to those affected: Amendment to this.

1. First year: None. The proposed amendments to this regulation will not result in any direct or indirect costs or savings to those affected.

2. Continuing costs or savings: There are no continuing costs or savings.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors increasing or decreasing costs. This regulation only reflects the basis for listing and does not in itself impose any requirements directly; however, compliance with the additional hazardous waste regulations will impose costs. The federal regulatory agency determined the assoicated costs for compliance with the entire set of regulations in the September 13, 1988, Federal Register at 53 FR 35412 - 35421. Since the proposed amendments are identical to the federal regulations, additional cost analyses were not performed. The federal register explaining the cost of compliance are attached.

(b) Reporting and paperwork requirements: The proposed amendments to this regulation do not impose any reporting or paperwork requirements on the regulated community.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: This regulation only reflects the basis for listing and does not in itself impose any requirment directly; however, each facility that treats, stores, or disposes of these wastes must obtain a permit. The cost to this agency for issuance of permits vary as to the type of permit. Each generator must notify the cabinet and submit an annual hazardous waste report. The cabinet incurs costs to receive, review and maintain these records.

2. Continuing costs or savings: There are no continuing costs or savings.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: There are no additional reporting or paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state or local revenues from promulgation of this regulation.

(4) Assessment of alternative methods; reasons why alternatives were rejected: (a) The proposed amendments are identical to the federal regulations at 40 CFR Part 261, Appendix VII which lists hazardous waste constituents.

Alternative: 1. Less stringent: The cabinet could not be less stringent and maintain authorization to administer the hazardous waste program.

2. More stringent: This regulation is being amended to reflect identical federal regulations at 40 CFR part 261 Appendix VII. Since the proposed amendment will protect human health and the environment, more stringent requirements

would be burdensome to the regulated entities.

3. Present proposal: The present proposal adopts verbatim the federal regulations at 40 CFR part 261, Appendix VII promulgated on September 13, 1988 53 FR 35412 - 35421 which lists as hazardous certain wastes generated from metal smelting. Six constituents are added to the appendix.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, rules or government policies with which this proposed regulation conflicts, overlaps, or duplicates.

(a) Necessity of proposed regulation if in conflict: There are no conflicts.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There are no conflicts.

(6) Any additional information or comments: There is no additional information.

TIERING: Was tiering applied? Yes. This administrative regulation applies only to those types of hazardous waste generators or the types of treatment, storage or disposal facilities which generates, treat, store or dispose of the wastes listed.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The proposed amendments are identical to the federal regulations at 40 CFR part 261, Appendix VII as amended by the September 13, 1988 Federal Register (53 FR 35412 - 35421).

2. State compliance standards. This administrative regulation contains the appendix which lists hazardous waste constituents.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations at 40 CFR part 261 Appendix VII contain the list of hazardous waste constituents.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. The proposed amendment adopts verbatim the federal regulations at 40 CFR part 261 Appendix VII as amended by the Federal Register (53 FR 35412 - 35421) dated September 13, 1988.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation will not impose additional or different responsibilities or requirements, therefore, a justification is not necessary.

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Proposed Amendment)

401 KAR 31:170. Appendix on hazardous waste constituents.

RELATES TO: KRS 224.830 through 224.877, 224.994

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.864(3)

NECESSITY AND FUNCTION: KRS 224.864(3) requires the cabinet to identify the characteristics of and to list hazardous wastes. This chapter identifies and lists hazardous wastes. This regulation contains the appendix to this chapter concerning the hazardous waste constituents.

Section 1. Hazardous Waste Constituents. The list of hazardous waste constituents for use in interpreting any requirement in this chapter or any other hazardous waste regulation is:

COMMON NAME	CHEMICAL ABSTRACTS NAME	CHEMICAL ABSTRACTS NO. (HAZARDOUS WASTE NO.)
Acetonitrile	Same	75-05-8 U003
Acetophenone	Ethanone, 1-phenyl	98-86-2 U004
2-Acetylaminefluarone	Acetamide, N-9H-fluoren-2-yl-	53-96-3 U005
Acetyl chloride	Same	75-36-5 U006
1-Acetyl-2-thiourea	Acetamide, N-(aminothioxomethyl)-	591-08-2 P002
Acrolein	2-Propenal	107-02-8 P003
Acrylamide	2-Propenamide	79-06-1 U007
Acrylonitrile	2-Propenenitrile	107-13-1 U009
Aflatoxins	Same [Aflatoxin]	1402-68-2 ====
Aldicarb	Propanal, 2-methy-2-(methylthio)-,0-((methylamino) carbonyl)oxime	116-06-3 P070
Aldrin	1,4,5,8-Dimethanonaphthalene,[(]1,2,3,4,10,10-10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1alpha, 4alpha, 4abeta, 5alpha, 8alpha, 8abeta)-	309-00-02 P004
Allyl alcohol	2-Propen-1-ol	107-18-6 P005

[Allyl chloride	1-Propane, 3-chloro-	107-05-1]
Aluminum phosphide	Same	20859-73-8
		P006
4-Aminobiphenyl	(1,1'-Biphenyl)-4-amine	92-67-1
		====
5-(Aminomethyl)-3-isoxazolol	3(2H)-Isoxazolone,5-(aminomethyl)-	2763-96-4
		P007
4-Aminopyridine	4-Pyridinamine	504-24-5
		P008
Amitrole	1H-1,2,4-Triazol-3-amine	61-82-5
		U011
Ammonium vanadate	vanadic acid, ammonium salt	7803-55-6
		P119
Aniline	Benzenamine	62-53-3
		U012
Antimony	Same	7440-36-0
		====
Antimony [and] compounds, N.O.S.*	---------- [Antimony]	====
		[7440-36-0]
		====
Aramite	Sulfurous acid, 2-chloroethyl 2-(4-(1,1-dimethylethyl)phenoxy)-1-methylethyl ester	140-57-8
		====
Arsenic	Same	7440-38-2
		====
Arsenic [and] compounds, N.O.S.*	---------- [Arsenic]	====
		[7440-38-2]
		====
Arsenic acid	Arsenic acid H_3AsO_4 [AsH_3O_4]	7778-39-4
		P010
Arsenic pentoxide	Arsenic oxide As_2O_5	1303-28-2
		P011
Arsenic trioxide	Arsenic oxide As_2O_3	1327-53-3
		P012
Auramine	Benzenamine, 4,4'-carbonimidoylbis(N,N-Dimethyl	492-80-8
		U014
Azaserine	L-Serine, diazoacetate (ester)	115-02-6
		U015
Barium	Same	7440-39-3
		====
Barium [and] compounds, N.O.S.*	---------- [Barium]	====
		[7440-39-3]
		====
Barium cyanide	Same	542-62-1
		P013
Benz(c)acridine	Same	225-51-4
		U016
Benz(a)anthracene	Same	56-55-3
		U018
Benzal chloride	Benzene, (dichloromethyl)-	98-87-3
		U017
Benzene	Same	71-43-2
		U019
Benzenearsonic acid	Arsonic acid, phenyl-	98-05-5
		====
Benzidine	(1,1'-Biphenyl)-4,4'diamine	92-87-5
		U021
Benzo(b)fluoranthene	Benz(e)acephenanthrylene	205-99-2
		====
Benzo(j)fluoranthene	Same	205-82-3
		====
Benzo(a)pyrene	Same	50-32-8
		U022
p-Benzoquinone	2,5-Cyclohexadiene-1,4-dione	106-51-4
		U197
Benzotrichloride	Benzene, (trichloromethyl)-	98-07-7
		U023
Benzyl chloride	Benzene, (chloromethyl)-	100-44-7
		P028
Beryllium	Same	7440-41-7
		P015
Beryllium [and] compounds, N.O.S.*	---------- [Beryllium]	====
		[7440-41-7]
		====
[Bis(2-chloromethoxy)ethane	Ethane,1,1'-(methylenebis(oxy))bis(2-chloro-)	111-91-1
Bis(2-chloroethyl) ether	Ethane,1,1'-oxybis(2-chloro-)	111-44-4

Bis(2-chloroisopropyl) ether	Propane,2,2'-oxybis(2-chloro-	39638-32-9
Bis(chloromethyl) ether	Methane, oxybis(chloro-)	542-88-1
Bis(2-ethylhexyl) phthalate	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117-81-7]
Bromoacetone	2-Propanone, 1-Bromo-	598-31-2 P017
Bromoform	Methane, tribromo	75-25-2 U225
4-Bromophenyl phenyl ether	Benzene, 1-bromo-4-phenoxy	101-55-3 U030
Brucine	Strychnidin-10-one,2,3-dimethoxy	357-57-3 P018
Butyl benzyl phthalate	1,2-Benzenedicarboxylic acid, butyl phenolmethyl ester	85-68-7 ====
Cacodylic acid	Arsinic acid, dimethyl-	75-60-5 U136
Cadmium	Same	7440-43-9 ====
Cadmium [and] compounds, N.O.S.*	========== [Cadmium]	==== [7440-43-9] ====
Calcium chromate	[(]Chromic acid H_2CrO_4, calcium salt[)]	13765-19-0 U032
Calcium cyanide	Calcium cyanide Ca (CN)2 [Same]	592-01-8 P021
Carbon disulfide	Same [Carbon bisulfide]	75-15-0 P022
Carbon oxyfluoride	Carbonic difluoride	353-50-4 U033
Carbon tetrachloride	Methane,tetrachloro-	56-23-5 U211
Chloral	Acetaldehyde, trichloro-	75-87-6 U034
Chlorambucil	Benzene butanoic acid, 4-(bis(2-chloroethyl) amino)-	305-03-3 U035
Chlordane [(alpha and gamma isomers)]	4,7-Methano-IH-indene,1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57-74-9 U036
Chlordane (alpha and gamma isomers)	==========	==== U036
Chlorinated benzenes, N.O.S.*	----------	---- ====
Chlorinated ethane, N.O.S.*	----------	---- ====
Chlorinated fluorocarbons, N.O.S.*	----------	---- ====
Chlorinated naphthalene, N.O.S.*	----------	---- ====
Chlorinated phenol, N.O.S.*	----------	---- ====
Chlornaphazin	[2]-Naphthalenamine,N,N'-bis(2-chloroethyl)-	494-03-1 U026
Chloroacetaldehyde	Acetaldehyde, chloro-	107-20-0 P023
Chloroalkyl ethers, N.O.S.*	----------	---- ====
p-Chloroaniline	Benzenamine 4-chloro-	106-47-8 P024
Chlorobenzene	Benzene, chloro-	108-90-7 U037
Chlorobenzilate	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-ethyl ester	510-15-6 U038
p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl	59-50-7 U039
[1-Chloro-2,3-epoxypropane	Oxirane,chloromethyl)-	106-89-8]
2-Chloroethyl vinyl ether	Ethene, (2-chloroethyoxy)-	110-75-8 U042
Chloroform	Methane, trichloro-	67-66-3 U044
Chloromethyl methyl ether	Methane, chloromethoxy-	107-30-2 U046
Beta-chloronaphthalene	Napthalene,2-chloro-	91-58-7 U047
o-Chlorophenol	Phenol, 2-chloro-	95-57-8 U048

1-(o-Chlorophenyl)thiourea	Thiourea, (2-chlorophenyl)-	5344-82-1 P026
Chloroprene	1,3-butadiene,2-Chloro-	126-99-8
3-Chloropropionitrile	Propanenitrile, 3-chloro-	542-76-7 P027
Chromium	Same	7440-47-3
Chromium [and] compounds, N.O.S.*	---------- [Chromium]	[7440-47-3]
Chrysene	Same	218-01-9 U050
Citrus red No. 2	2-Naphthalenol, 1-((2,5-dimethoxyphenyl)azo)-	6358-53-8
Coal tar creosote	Same	8007-45-2
[Coal tars	----------	8005-45-2]
Copper cyanide	Copper cyanide CuCN	544-92-3 P029
Creosote	Same	[8001-58-9] U051
Cresol (Cresylic acid)	Phenol, methyl-	1319-77-3 U052
Crotonaldehyde	2-Butenal	4170-30-3 U053
Cyanides (soluble salts and complexes), N.O.S.*	----------	P030
Cyanogen	Ethanedinitrile	460-19-5 P031
Cyanogen bromide	Cyanogen bromide (CN) Br [Same]	506-68-3 U246
Cyanogen chloride	Cyanogen chloride (CN) Cl [Same]	506-77-4 P033
Cycasin	beta-D-Glucopyranoside, (Methyl-ONN-azoxy)methyl	14901-08-7
2-Cyclohexyl-4,6-dinitrophenol	Phenol, 2-cyclohexyl-4,6-dinitro-	131-89-5 P034
Cyclophosphamide	2H-1,3,2,-Oxazaphosphorin-2-amine, N,N-bis[),] (2-chloroethyl)tetrahydro-,2-oxide	50-18-0 U058
2,4-D	Acetic acid, (2,4-dichlorophenoxy)-	94-75-7 U240
2,4-D, salts, [and] esters	---------- [Acetic acid, (2,4-dichloro-and phenoxy)-, salts, esters]	[94-75-7] U240
Daunomycin	5,12-Naphthacenedione, [(8s-cis)]-8-acetyl-10-((3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl) oxy)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-,(8S-cis)-	20830-81-3 U059
DDD	Benzene,1,1'-(2,2-dichloroethylidene)bis(4-chloro-	72-54-8 U060
DDE	Benzene,1,1'-(dichloroethenylindene)bis(4-chloro-	72-55-9
DDT	Benezene,1,1'-(2,2,2-trichloroethylidene)(bis(4-chloro-	50-29-3 U061
Diallate	Carbamothioic acid, bis(1-methylethyl)-,S-(2,3-dichloro-2-propenyl) ester	2303-16-4 U062
Dibenz(a,h)acridine	Same	226-36-8
Dibenz(a,j)acridine	Same	224-42-0
Dibenz(a,h)anthracene	Same	53-70-3 U063
7H-Dibenzo(c,g)carbazole	Same	194-59-2
Dibenzo(a,e)pyrene	Naphtho(1,2,3,4-def)chrysene	192-65-4
Dibenzo(a,h)pyrene	Dibenzo(b,def)chrysene	189-64-0
Dibenzo(a,i)pyrene	Benzo(rst)pentaphene	189-55-9 U064
1,2-Dibromo-3-chloropropane	Propane,1,2-dibromo-3-chloro-	96-12-8 U066
Dibutyl phthalate	1,2-Benzenedicarboxylic acid,dibutyl ester	84-74-2 U069

o-Dichlorobenzene	Benzene, 1,2-dichloro-	95-50-1 U070
m-Dichlorobenzene	Benzene, 1,3-dichloro-	541-73-1 U071
p-Dichlorobenzene	Benzene, 1,4-dichloro-	106-46-7 U072
Dichlorobenzene, N.O.S.*	Benzene, dichloro-	25321-22-6
3,3'-Dichlorobenzidine	(1,1'-Biphenyl)-4,4'-diamine,3,3'-dichloro-	91-94-1 U073
1,4-Dichloro-2-butene	2-Butene,1,4-dichloro-	764-41-0 U074
Dichlorodifluoromethane	Methane, dichlorodifluoro-	75-71-8 U075
Dichloroethylene, N.O.S.*	Dichloroethylene	25323-30-2
1,1-Dichloroethylene	Ethene, 1,1-dichloro-	75-35-4 U078
1,2,-Dichloroethylene	Ethene, 1,2-dichloro-,(E)-	156-60-5 U079
Dichloroethyl ether	Ethane, 1,1' oxybis (2-chloro-	111-44-4 U025
Dichloroisopropyl ether	Propane, 2,2'-oxybis (2-chloro-	108-60-1 U027
Dichloromethoxy ethane	Ethane, 1,1'-(methylenebis (oxy)) bis (2-chloro-	111-91-1 U024
Dichloromethyl ether	Methane, oxybis (chloro-	542-88-1 P016
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	120-83-2 U081
2,6-Dichlorophenol	Phenol, 2,6-dichloro-	87-65-0 U082
Dichlorophenylarsine	Arsonous dichloride, phenyl-	696-28-6 P036
Dichloropropane, N.O.S.*	Propane, dichloro-	26638-19-7
Dichloropropanol, N.O.S.*	Propanol dichloro-,	26545-73-3
Dichloropropene, N.O.S.*	1-Propene, dichloro-	26952-23-8
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	542-75-6 U084
Dieldrin	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9, 9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-,(1aalpha, 2beta, 2aalpha, 3beta, 6beta, 6aalpha, 7beta, 7aalpha)-)	60-57-1 P037
1,2:3,4-Diepoxybutane	2,2'-Bioxirane	1464-53-5 U085
Diethylarsine	Arsine, diethyl-	692-42-2 P038
1,4-Diethyleneoxide	1,4-Dioxane	123-91-1 U108
Diethylhexyl phthalate	1,2-Benzenedicarboxylic acid,bis(2-ethylhexyl)ester	117-81-7 U028
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl	1615-80-1 U086
0,0-Diethyl S-methyl dithiophosphate	Phosphorodithioic acid, 0,0-diethyl S-methyl ester	3288-58-2 U087
[0,0-Diethylphosphoric acid, 0-p-nitrophenyl ester]	Phosphoric acid, diethyl p-nitrophenyl ester	
Diethyl-p-nitro phenyl phosphate	Phosphoric acid, diethyl-4-nitrophenyl ester	311-45-5 P041
Diethylphthlate	1,2-Benzenedicarboxylic acid, diethyl ester	84-66-2 U088
0,0-Diethyl 0-pyrazinyl phosphorothioate	Phosphorothioic acid, 0,0-diethyl 0-pyrazinyl ester	297-97-2 P040
Diethylstilbesterol	Phenol,4, 4'-(1,2-diethyl-1,2-ethenediyl) bis-,(E)-	56-53-1 U089
Dihydrosafrole	1,3 Benzodioxole, 5-propyl-	94-58-6 U090
[3,4-Dihydroxy-alpha-(methyl-amino)methyl benzyl alcohol	(+-)-1,2-Benzenediol, 4-(1-hydroxy-2-(methyl-amino)ethyl)-]	329-65-7
Diisopropylfluorophosphate (DFP)	Phosphorofluoridic acid, bis(1-methylethyl) ester	55-91-4 P043

Dimethoate	Phosphorodithioic acid, 0,0-dimethyl S-(2-(methylamino)-2-oxoethyl)ester	60-51-5 P044
3,3'-Dimethoxybenzidine	(1,1'-Biphenyl)-4,4'diamine, 3,3'-dimethoxy-	119-90-4 U091
p-Dimethylaminoazobenzene	Benzenamine, N,N-dimethyl-4-(phenylazo)-	60-11-7 U093
7,12-Dimethylbenz(a)anthracene	Benz(a)anthracene, 7,12-dimethyl	57-97-6 U094
3,3'-Dimethylbenzidine	(1,1'-biphenyl)-4,4'-diamine, 3,3'-dimethyl-	119-93-7 U095
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	79-44-7 U097
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-	57-14-7 U098
1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-	540-73-8 U099
alpha, alpha-Dimethylphenethylamine	Benzeneethanamine, alpha, alpha-dimethyl-	122-09-8 P046
2,4-Dimethylphenol	Phenol,2,4-dimethyl-	105-67-9 U101
Dimethyl phthalate	1,2-Benzenedicarboxylic acid, dimethyl ester	131-11-3 U102
Dimethyl sulfate	Sulfuric acid, dimethyl ester	77-78-1 U103
Dinitrobenzene, N.O.S.*	Benzene, dinitro-	25154-54-5 ====
4,6-Dinitro-o-cresol [and salts]	Phenol, 2-methyl-4,6 -dinitro- [and salts]	534-52-1 P047
4,6-Dinitro-o-cresol salts	==========	==== P047
2,4-Dinitrophenol	Phenol, 2,4-dinitro-	51-28-5 P048
2,4-Dinitrotoluene	Benzene, 1-methyl-2,4-dinitro-	121-14-2 U105
2,6-Dinitrotoluene	Benzene, 2-methyl-1,3 -dinitro-	606-20-2 U106
Dinoseb	Phenol,2-(1-methylpropyl)-4,6-dinitro-	88-85-7 P020
Di-n-octylphthalate	1,2-Benzenedicarboxylic acid, dioctyl ester	117-84-0 U017
[1,4-Dioxane	1,4-Diethylene oxide]	
Diphenylamine	Benzenamine, N-phenyl-	122-39-4 ====
1,2-Diphenylhydrazine	Hydrazine, 1,2-diphenyl-	122-66-7 U109
Di-n-propylnitrosamine	1-Propanamine, N-Nitroso-N-propyl-	621-64-7 U111
Disulfoton	Phosphorodithioic acid, 0,0-diethyl S-(2-(ethylthio) ethyl)ester)	298-04-4 P039
Dithiobiuret	Thioimidodicarbonic diamide $((H_2N)C(S))_2NH$	541-53-7 P049
Endosulfan	6,9-Methano-2,4,3-benzodioxathiepen,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide	115-29-7 P050
Endothall	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid	145-73-3 P088
Endrin	2,7:3,6-Dimethanonaphth-(2,3-b)oxirene,3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-,(1aalpha, 2beta, 2abeta, 3alpha, 6alpha, 6abeta, 7beta, 7aalpha)-	72-20-8 P051
Endrin metabolites	==========	==== P051
Epichlorohydrin	Oxirane,(Chloromethyl)-	106-89-8 U041
Epinephrine	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-	51-43-4 P042
Ethyl carbamate (Urethane)	(Carbamic acid, ethyl ester)	51-79-6 U238
Ethyl cyanide	propanenitrile	107-12-0 P101
Ethylenebisdithiocarbamic acid[,] [salts and esters]	Carbamodithioic acid, 1,2-Ethanediylbis- salts and esters	111-54-6 U114
Ethylenebisdithiocarbamic acid, salts and esters	==========	==== U114
Ethylene dibromide	Ethane, 1,2-dibromo-	106-93-4 U067

Ethylene dichloride	Ethane, 1,2-dichloro-	107-06-2 U077
Ethylene glycol monethyl ether	Ethanol, 2-ethoxy	110-80-5 U359
Ethyleneimine	Aziridine	151-56-4 P054
Ethylene oxide	Oxirane	75-21-8 U115
Ethylenethiourea	2-Imidazolidinethione	96-45-7 U116
Ethylidene dichloride	Ethane, 1,1-dichloro-	75-34-3 U076
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2 U118
Ethylmethane sulfonate	Methanesulfonic acid, ethyl ester	62-50-0 U119
Famphur	Phosphorothioic acid,O-(4-((dimethylamino)) sulfonyl)phenyl)O,O-dimethyl ester	52-85-7 P097
Fluoranthene	Same	206-44-0 U120
Fluorine	Same	7782-41-4 P056
Fluoroacetamide	Acetamide, 2-fluoro-	640-19-7 P057
Fluoroacetic acid, sodium salt	Acetic acid, fluoro-, sodium salt	62-74-8 P058
Formaldehyde	Same	50-00-0 U122
Formic acid	Same	64-18-6 U123
Glycidylaldehyde	Oxiranecarboxyaldehyde	765-34-4 U126
Halomethanes, N.O.S.*	----------	---- ----
Heptachlor	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro -3a,4,7,7a-tetrahydro-	76-44-8 P059
Heptachlor epoxide	2,5-Methano-2H-indeno(1,2b) oxirene,2,3,4,5,6,7, 7-heptachloro-1a, 1b, 5, 5a, 6, 6a-hexahydro-, 1aalpha,1bbeta,2alpha,5alpha,5abeta,6beta,6aalpha)- [alpha, beta, and gamma isomers]	1024-57-3 ----
Heptachlor epoxide (alpha, beta, and gamma isomers	----------	---- ----
Hexachlorobenzene	Benzene, hexachloro-	118-74-1 U127
Hexachlorobutadiene	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	87-68-3 U128
[Hexachlorocyclohexane (all isomers)(Lindane and isomers)]		
Hexachlorocyclopentadiene	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	77-47-4 U130
Hexachlorodibenzo-p-dioxins	----------	---- ----
Hexachlorodibenzofurans	----------	---- ----
Hexachloroethane	Ethane, 1,1,1,2,2,2-hexachloro-	67-72-1 U131
[1,2,3,4,10,10-Hexachloro-1,4,4a, 5,8,8a-hexahydro-1,4:5,8-endo, endo-dimethanonaphthalene]	Hexachlorohexahydro-endo,endo-dimethanonaphthalene	
Hexachlorophene	Phenol,2,2'-Methylenebis(3,4,6-trichloro-	70-30-4 U132
Hexachloropropene	1-Propene, 1,1,2,3,3,3,-hexachloro-	1888-71-7 U243
Hexaethyltetraphosphate	Tetraphosphoric acid, hexaethyl ester	757-58-4 P062
Hydrazine	Same	302-01-2 U133
Hydrogen cyanide	Hydrocyanic acid	74-90-8 P063
Hydrogen fluoride	Hydrofluoric acid	7664-39-3 U134
Hydrogen sulfide	Hydrogen sulfide H_2S [Same]	7783-06-4 U135
[Hydroxydimethylarsine oxide	Cacodylic acid]	
Indeno(1,2,3-cd)pyrene	Same	193-39-5 U137

Iron dextran	Same	9004-66-4 U139
Isobutyl alcohol	1-Propanol, 2-methyl-	78-83-1 U140
Isodrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-,(1alpha,4alpha,4abeta,5beta,8beta,8abeta)-	465-73-6 P060
Isosafrole	1,3-Benzodioxole,5-(1-propenyl)-	120-58-1 U141
Kepone	1,3,4-Metheno-2H-cyclobuta-(cd)pentalen-2-one,1,1a,3,3a,4,5,5,5a,5b,6-decachloro-octahydro-	143-50-0 U142
Lasiocarpine	2-Butenoic acid, 2-methyl-,7-((2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl)-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, (1S-(1alpha(z),7(2s,3R),7aalpha))-	303-34-1[4] U143
Lead	Same	7439-92-1
Lead [and] compounds, N.O.S.*	----------	[7439-92-1]
Lead acetate	Acetic acid, lead (2+) salt	301-04-2 U144
Lead phosphate	Phosphoric acid, lead (2+) salt (2:3)	7446-27-7 U145
Lead subacetate	Lead, bis(acetato-O)tetrahydroxytri-	1335-32-6 U146
Lindane	Cyclohexane, 1, 2, 3, 4, 5, 6-Hexachloro-,(1alpha, 2alpha, 3beta, 4alpha, 5alpha, 6beta)	58-89-9 U129
Maleic anhydride	2,5-Furandione	108-31-6 U147
Maleic hydrazide	3,6-pyridazinedione-1,2-Dihydro-	123-33-1 U148
Malononitrile	Propanedinitrile	109-77-3 U149
Melphalan	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-	148-82-3 U150
Mercury	Same	7439-97-6 U151
Mercury [and] compounds, N.O.S.*	========== [Same]	[7439-97-6]
Mercury fulminate	Fulminic acid, mercury (2+) salt	628-86-4 P065
Methacrylonitrile	2-Propenenitrile, 2-methyl-	126-98-7 U152
Methapyrilene	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	91-80-5 U155
Methomyl	Ethanimidothioic acid, N-(((Methylamino)carbonyl)oxy)- [Acetimidic acid, N-((methylcarbamoyl)oxy)][thio-],methyl ester	16752-77-5 P066
Methoxychlor	Benzene, 1, 1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	72-43-5 U247
Methyl bromide	Methane, bromo-	74-83-9 U029
Methyl chloride	Methane, chloro-	74-87-3 U045
Methyl chlorocarbonate	Carbonochloridic acid, methyl ester	79-22-1 U156
Methyl chloroform	Ethane,1,1,1-trichloro-	71-55-6 U226
3-Methylcholanthrene	Benz(j)aceanthrylene,1,2-dihydro-3-methyl-	56-49-5 U157
4,4'-Methylenebis(2-chloroaniline)	Benzenamine, 4,4'-methylenebis(2-chloro-	101-14-4 U158
Methylene bromide	Methane,dibromo-	74-95-3 U068
Methylene chloride	Methane, dichloro-	75-09-2 U080
Methyl ethyl ketone (MEK)	2-Butanone	78-93-3 U159
Methyl ethyl ketone peroxide	2-Butanone, peroxide	1338-23-4 U160
Methyl hydrazine	Hydrazine, methyl-	60-34-4 P068

Methyl iodide	Methane, iodo-	74-88-4 U138
Methyl isocyanate	Methane, isocyanato-	624-83-9 P064
2-Methyllactonitrile	Propanenitrile, 2-hydroxy-2-methyl-	75-86-5 P069
Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester	80-62-6 U162
Methyl methanesulfonate	Methanesulfonic acid, methyl ester	66-27-3 ----
Methyl parathion	Phosphorothioic acid, 0,0-Dimethyl 0-(4-nitrophenyl)ester	298-00-0 P071
Methylthiouracil	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	56-04-2 U164
Mitomycin C	Azirino(2', 3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a, 8bhexahydro-8a-methoxy-5-methyl-(1aS[R]-(1aalpha, 8beta,8aalpha,8balpha))-	50-07-7 U010
MNNG	Guanidine,N-methyl-N'-nitro-N-nitroso-	70-25-7 U163
Mustard gas	Ethane,1,1'-thiobis(2-chloro-	505-60-2 ----
Naphthalene	Same	91-20-3 U165
1,4-Naphthoquinone	1,4-Naphthalenedione	130-15-4 U166
alpha-Naphthylamine	1-Naphthalenamine	134-32-7 U167
beta-Naphthylamine	2-Naphthalenamine	91-59-8 U168
[1-Naphthylamine 2-Naphthylamine	alpha-Naphthylamine beta-Naphthylamine]	
alpha-Naphthylthiourea	Thiourea,1-naphthalenyl-	86-88-4 P072
[1-Nanphthyl-2-thiourea	Thiourea, 1-naphthalenyl-]	
Nickel	Same	7440-02-0 ----
Nickel [and] compounds, N.O.S.*	---------- [Same]	---- [7440-02-0] ----
Nickel carbonyl	Nickel carbonyl Ni(CO)4,(T-4)-	13463-39-3 P073
Nickel cyanide	Nickel cyanide Ni(CN)2 [Same]	557-19-7 P074
Nicotine [and salts]	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, [and] [salts]	54-11-5 P075
Nicotine salts	----------	---- P075
Nitric oxide	Nitrogen oxide NO	10102-43-9 P076
p-Nitroaniline	Benzenamine, 4-nitro-	100-01-06 P077
Nitrobenzene	Benzene, nitro-	98-95-3 U169
[Nitrobenzine	Benzene, nitro-]	
Nitrogen dioxide	Nitrogen oxide NO_2	10102-44-0 P078
Nitrogen mustard [and hydro-] [chloride salt]	Ethanamine,2-chloro-N-(2-chloroethyl)-N-methyl- [, and hydrochloride salt]	51-75-2 ----
Nitrogen mustard, hydrochloride salt	----------	---- ----
Nitrogen mustard N-Oxide [and] [hydrochlororide salt]	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl- N-oxide[, and hydrochloride salt]	126-85-2 ----
Nitrogen mustard, n-oxide, hydrochloride salt	----------	---- ----
Nitroglycerine	1,2,3-Propanetriol, trinitrate	55-63-0 P081
p-Nitrophenol	Phenol, 4-nitro-	100-02-7 U170
2-Nitropropane	Propane, 2-nitro	79-46-9 U171
[4-Nitroquinoline-1-oxide	Quinoline, 4-nitro-1-oxide-	56-57-5]
Nitrosamines, N.O.S.*	----------	35576-91-1D ----

N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-N-nitroso-	924-16-3 U172
N-Nitrosodiethanolamine	Ethanol, 2,2'-(nitrosoimino)bis-	1116-54-7 U173
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso-	55-18-5 U174
N-Nitrosodimethylamine	Methanamine, N-methyl-N-nitroso-	62-75-9 P082
N-Nitroso-N-ethyl urea	Urea, N-ethyl-N-nitroso-	759-73-9 U176
N-Nitrosomethylethylamine	Ethanamine, N-methyl- N-nitroso-	10595-95-6 ----
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-	684-93-5 U177
N-Nitroso-N-methylurethane	Carbamic acid, methylnitroso-, ethyl ester	615-53-2 U178
N-Nitrosomethylvinylamine	Vinyl amine, N-methyl-N-nitroso-	4549-40-0 P084
N-Nitrosomorpholine	Morpholine, 4[N]-nitroso-	59-89-2 ----
N-Nitrosonornicotine	Pyridine, 3-(1-nitroso-2-pyrrolidinyl)-[(s)],(S)-	16543-55-8 ----
N-Nitrosopiperidine	Piperidine, 1-nitroso-	100-75-4 U179
N-Nitrosopyrrolidine	Pyrrolidine,1-nitroso-	930-55-2 U180
N-Nitrososarcosine	Glycine, N-methyl-N-nitroso-	13256-22-9 ----
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-	99-55-8 U181
Octamethylpyrophosphoramide	Diphosphoramide, octamethyl-	152-16-9 P085
Osmium tetroxide	Osmium oxide O_sO_4 (T-4)-	20816-12-0 P087
Paraldehyde	1,3,5--Trioxane, 2,4,6-trimethyl-	123-63-7 U182
Parathion	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	56-38-2 P089
Pentachlorobenzene	Benzene, pentachloro-	608-93-5 U183
Pentachlorodibenzo-p-dioxins	----------	---- ----
Pentachlorodibenzofurans	----------	---- ----
Pentachloroethane	Ethane, pentachloro-	76-01-7 U184
Pentachloronitrobenzene (PCNB)	Benzene, pentachloronitro-	82-68-8 U185
Pentachlorophenol	Phenol, pentachloro-	87-86-5 See F027
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-	62-44-2 U187
Phenol	Same	108-95-2 U188
Phenylenediamine	Benzenediamine	25265-76-3 ----
Phenylmercury acetate	Mercury, (acetato-o)phenyl-	62-38-4 P092
Phenylthiourea	Thiourea, phenyl-	103-85-5 P093
Phorate	Phosphorodithioic acid, O,O-diethyl S-((ethylthio) methyl)ester	298-02-2 P094
Phosgene	Carbonic dichloride	75-44-5 P095
Phosphine	Same	7803-51-2 P096
[Phosphorodithioic acid, O,O-dimethyl O-(p- ((dimethylamino) sulfonyl)phenyl) ester]	Famphur	
Phthalic acid esters, N.O.S.*	==========	---- ----
Phthalic anhydride	1,3-Isobenzofurandione	85-44-9 U190
2-Picoline	Pyridine,2-methyl-	109-06-8 U191

Polychlorinated biphenyls, N.O.S.*	----------	----
Potassium cyanide	Potassium cyanide K(CN) [Same]	151-50-8 P098
Potassium silver cyanide	Argentate(1-),bis(cyano-C)-,potassium	506-61-6 P099
Pronamide	benzamide,3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)	23950-58-5 U192
1,3-Propane sultone	1,2-Oxathiolane, 2,2-dioxide	1120-71-4 U193
Propargyl alcohol	2-Propyn-1-ol	107-19-7 P102
n-Propylamine	1-Propanamine	107-10-8 U194
Propylene dichloride	Propane,1,2-dichloro-	78-87-5 U083
1,2-Propylenimine	Aziridine, 2-methyl-	75-55-8 P067
Propylthiouracil	4(1H)-Pyrimidinone,2,3-dihydro-6-propyl-2-thioxo-	51-52-5
Pyridine	Same	110-86-1 U196
Reserpine	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3beta,16beta,17alpha,18beta,20alpha)-	50-55-5 U200
Resorcinol	1,3-Benzenediol	108-46-3 U201
Saccharin [and salts]	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide [and salts]	81-07-2 U202
Saccharin salts	----------	---- U202
Safrole	1,3-Benzodioxole,5-(2-propenyl)-	94-59-7 U203
[Selenious acid	Selenium dioxide]	
Selenium	Same	7782-49-2
Selenium [and] compounds, N.O.S.*	---------- [Selenium]	---- [7782-49-2]
Selenium dioxide	Selenious acid	7783-00-8 U204
Selenium sulfide	Selenium sulphide SeS_2 [Same]	7488-56-4 [7446-34-6] U205
Selenourea	Same	630-10-4 P103
Silver	Same	7440-22-4
Silver [and] compounds, N.O.S.*	---------- [Silver]	---- [7440-22-4]
Silver cyanide	Silver cyanide Ag (CN) [Same]	506-64-9 P104
Silvex (2,4,5-TP)	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1 See F027
Sodium cyanide	Sodium cyanide Na(CN) [Same]	143-33-9 P106
Streptozotocin	D-Gluco[pyrano]se, 2-deoxy-2-(((Methylnitrosoamino) carbonyl)amino[(3-methyl-3-nitrosoureido])-	18883-66-4 U206
Strontium sulfide	Strontium sulfide SrS [Same]	1314-96-1 P107
Strychnine	Strychnidin-10-one	57-24-9 P108
Strychnine [and] salts	---------- [Strychnidin-10-one and salts]	---- [57-24-9] P108
TCDD	Dibenzo(b,e)(1,4)dioxin,2,3,7,8-tetrachloro-	1746-01-6
1,2,4,5-Tetrachlorobenzene	Benzene, 1,2,4,5-tetrachloro-	95-94-3 U207
Tetrachlorodibenzo-p-dioxins	----------	----
Tetrachlorodibenzofurans	----------	----

Tetrachloroethane, N.O.S.*	Ethane, tetrachloro-, N.O.S.*	25322-20-7
1,1,1,2-Tetrachloroethane	Ethane, 1,1,1,2-tetrachloro-	630-20-6 U208
1,1,2,2-Tetrachloroethane	Ethane, 1,1,2,2-tetrachloro-	79-34-5 U209
Tetrachloroethylene	Ethene, tetrachloro-	127-18-4 U210
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetrachloro-	58-90-2 See F207
Tetraethyldithiopyrophosphate	Thiodiphosphoric acid, tetraethyl ester	3689-24-5 P109
Tetraethyl lead	Plumbane, tetraethyl-	78-00-2 P110
Tetraethylpyrophosphate	Diphosphoric acid, tetraethyl ester	107-49-3 P111
Tetranitromethane	Methane, tetranitro-	509-14-8 P112
Thallium	Same	7440-28-0
Thallium [and] compounds, N.O.S.*	---------- [Thallium]	[7440-28-0]
Thallic oxide	Thallium [(III)] oxide Tl_2O_3	1314-32-5 P113
Thallium (I) acetate	Acetic acid, thallium (1+) salt	563-68-8 U214
Thallium (I) carbonate	Carbonic acid, dithallium (1+) salt	6533-73-9 U215
Thallium (I) chloride	Thallium chloride TlCl	7791-12-0 U216
Thallium (I) nitrate	Nitric acid, thallium (1+) salt	10102-45-1 U217
Thallium selenite	Selenius acid, dithallium (1+) salt [Thallium] [selenide]	12039-52-0 P114
Thallium (I) sulfate	Sulfuric acid, dithallium (1+) salt	7446-18-6 [10031-59-1] P115
Thioacetamide	Ethanethioamide	62-55-5 U218
Thiofanox	2-Butanone,3,3-dimethyl-1-(methylthio)-,0-((methyl-amino) carbonyl)oxime	39196-18-4 P045
Thiomethanol	Methanethiol	74-93-1 U153
Thiophenol	Benzenethiol	108-98-5 P014
Thiosemicarbazide	Hydrazinecarbothioamide	79-19-6 P116
Thiourea	Same	62-56-6 U219
Thiram	Thioperoxydicarbonic diamide$((H_2N)C(S))_2S_2$, Tetramethyl-	137-26-8 U244
Toluene	Benzene, methyl-	108-88-3 U220
Toluenediamine	Benzenediamine,ar-methyl-	25376-45-8 U221
2,4-Toluenediamine	1,3-Benzenediamine,4-methyl-	95-80-7
2,6-Toluenediamine	1,3-Benzenediamine, 2-methyl-	823-40-5
3,4-Toluenediamine	1,2-Benzenediamine,4-methyl-	496-72-0
Toluene diisocyanate	Benzene,1,3 [2,4]-diisocyanato[-1-]methyl-	26471-62-5 [584-84-9] U223
o-Toluidine	Benzenamine, 2-methyl-	95-53-4 U328
p-Toluidine	Benzenamine,4-methyl-	106-49-0 U353
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5 U222
Toxaphene	Same	8001-35-2 P123
1,2,4-Trichlorobenzene	Benzene,1,2,4-trichloro-	120-82-1

1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5 U227
Trichloroethylene	Ethene, trichloro	79-01-6 U228
Trichloromethanethiol	Methanethiol, trichloro-	75-70-7 P118
Trichloromonofluoromethane	Methane, trichlorofluoro-	75-69-4 U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4 See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2 See F027
2,4,5-T	Acetic acid(,2,4,5-trichlorophenoxy)-	93-76-5 See F027
Trichloropropane, N.O.S.*	----------	25735-29-9 ----
1,2,3-Trichloropropane	Propane, 1,2,3-trichloro-	96-18-4 ----
0,0,0-Triethyl phosphorothioate	Phosphorothioic acid, 0,0,0-triethyl ester	126-68-1 ----
1,3,5[sym]-Trinitrobenzene	Benzene,1,3,5-trinitro	99-35-4 U234
Tris(1-aziridinyl)-phosphine sulfide	Aziridine,1,1',1"-phosphino-thioylidynetris-	52-24-4 ----
Tris(2,3-dibromopropyl) phosphate	1-Propanol, 2,3-dibromo-, phosphate (3:1)	126-72-7 U235
Trypan blue	2,7-Naphthalenedisulfonic acid, 3,3'-(3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(azo))bis (5-amino-4-hydroxy-, tetrasodium salt	72-57-1 U236
[Undecamethylenediamine, N,N'-bis-(2-chlorobenzyl)-,dihydro-chloride]	Same	2056-25-9
Uracil mustard	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-	66-75-1 U237
Vanadium pentoxide	Vanadium oxide V_2O_5	1314-62-1 P120
Vinyl chloride	Ethene, chloro-	75-01-4 U043
Warfarin	2H-1-Benzopyran-2-one,4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3%	81-81-2 U248
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3%	81-81-2 P001
Warfarin salts, when present at concentrations less than 0.3%	----------	---- U248
Warfarin salts, when present at concentrations greater than 0.3%	----------	---- P001
Zinc cyanide	Zinc cyanide $Zn(CN)_2$ [Same]	557-21-1 P121
Zinc phosphide	Zinc phosphide Zn_3P_2, when present at concentrations greater than 10%	1314-84-7 P122
Zinc phosphide	Zinc phosphide Zn_3P_2, when present at concentrations of 10% or less	1314-84-7 U249

*The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this appendix.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: August 14, 1989
FILED WITH LRC: August 15, 1989 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on September 28, 1989 at 1 p.m. local prevailing time in the ground floor auditorium of the Capital Plaza Tower in Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 23, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. Written comments may be submitted to the address below. Written comments will be accepted until the end of the comment period, which will be the close of business on September 28, 1989. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kay Harker, Supervisor, Program Development Branch, Division of Waste Management, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Donald F. Harker, Jr.

(1) Type and number of entities affected: The proposed amendments to this regulation will affect hazardous waste generators and treatment, storage, and disposal facilities. There are 371 hazardous waste generators, 545 small quantity generators, 826 limited quantity generators and 53 hazardous waste treatment, storage and disposal facilities in Kentucky. The effect of the amendments is realized through the increased clarity of the list of hazardous constituents. The amendments do not alter any regulatory requirements.

(a) Direct and indirect costs or savings to those affected:

1. First year: There are no direct or indirect costs or savings to the regulated community. The amendments to this regulation make technical corrections to the list of hazardous constitutents. The amendments improve the clarity of the list. The nature of these amendments is such that no costs or savings will be realized as a result of them.

2. Continuing costs or savings: There are no continuing costs or savings.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: There are no reporting or paperwork requirements as a result of the proposed amendments. The technical corrections made to this regulation will not impose any reporting or paperwork requirements on the regulated community.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: There are no direct or indirect costs or savings to the promulgating administrative body as a result of the amendments to this regulation. The amendments make technical corrections to the list of hazardous constitutents.

2. Continuing costs or savings: There are no continuing costs or savings.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: There are no reporting or paperwork requirements as a result of the proposed amendments. The technical corrections made to the list of hazardous constituents do not impose any reporting or paperwork requirements on the promulgating administrative body.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state or local revenues from promulgation of this regulation.

(4) Assessment of alternative methods; reasons why alternatives were rejected: (a) The proposed amendments adopt verbatim the federal regulation 40 CFR 261, Appendix VIII as amended in the April 22, 1988 Federal Register (53 FR 13382-13393).

Alternative: 1. Less stringent: The cabinet could have adopted less stringent provisions than those promulgated at the federal level. However, the cabinet may not adopt less stringent provisions and maintain authorization to administer its hazardous waste program.

2. More stringent: The cabinet could have established more stringent provisions than those of the federal regulations. To ensure consistency with the federal list of hazardous constituents, the federal amendments were adopted verbatim in the Kentucky regulations.

3. Present proposal: The present proposal adopts verbatim the amendments made to 40 CFR part 261, Appendix VIII in the April 22, 1988 Federal Register. The amendments make technical corrections to the list of hazardous constituents. Hazardous waste numbers from 40 CFR 261.33 are being added to this regulation as an identification aid.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation or government policy which conflicts, overlaps, or is in duplication.

(a) Necessity of proposed regulation if in conflict: The proposed regulation does not conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: The proposed regulation does not conflict.

(6) Any additional information or comments: There is no additional information.

TIERING: Was tiering applied? Yes. This administrative regulation applies to hazardous waste generators. This regulation does not apply standards for generators or storage treatment or disposal facilities, but only lists hazardous constituents. The standards are contained in other regulations.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The proposed amendments to this regulation are identical to those made to 40 CFR part 261, Appendix VIII in the April 22, 1988 Federal Register (53 FR 13382 - 13393).

2. State compliance standards. The state compliance standards are identical to the federal standards. This regulation contains the list of hazardous constituents. The proposed amendments make technical corrections to the list and add hazardous waste numbers from 40 CFR 261.33 to the list in this regulation.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate contains the list of hazardous constituents. The amendments to the federal regulation made in the April 22, 1988 Federal Register include technical corrections and the addition of hazardous waste numbers to the list.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will not impose stricter requirements or additional or different responsibilities than those required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation will not impose additional or different responsibilities or requirements, therefore, a justification is not necessary.

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Proposed Amendment)

401 KAR 38:190. Specific Part B requirements for incinerators.

RELATES TO: KRS 224.033, 224.036, 224.071, 224.087, 224.830 through 224.877, 224.994
STATUTORY AUTHORITY: KRS 13A.210, 224.033, 224.866
NECESSITY AND FUNCTION: KRS 224.842 and 224.866 require any person who treats, stores, recycles, or disposes of hazardous waste to first obtain a hazardous waste site or facility permit from the cabinet. This chapter establishes the permitting process for hazardous waste sites or facilities. An overview of the permit program is found in the Necessity and Function of 401 KAR 38:010. This regulation establishes specific Part B requirements for facilities that incinerate hazardous waste.

Section 1. Applicability. The requirements in this regulation apply to all owners and operators of hazardous waste sites or facilities that incinerate or will incinerate hazardous waste.

Section 2. Additional Part B Requirements for Incinerators. In addition to the information required by 401 KAR 38:080, 38:090 and 38:100, owners and operators of facilities that incinerate or will incinerate hazardous waste, except as Section 1 of 401 KAR 34:010 and Section 1 of 401 KAR 34:240, provide otherwise, must fulfill the requirements of subsection (1), (2) or (3) of this section.

(1) When seeking an exemption under Section 1(2) or (3) of 401 KAR 34:240 (ignitable, corrosive or reactive wastes only) submit:

(a) Documentation that the waste is listed as a hazardous waste in Chapter 31 solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or

(b) Documentation that the waste is listed as a hazardous waste in Chapter 31 solely because it is reactive (Hazard Code R) for characteristics other than those listed in Section 4(1)(d) and (e) of 401 KAR 31:030, and will not be burned when other hazardous wastes are present in the combustion zone; or

(c) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under 401 KAR 31:030; or

(d) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in Section 4(1)(a), (b), (c), (f), (g) or (h) of 401 KAR 31:030, and that it will not be burned when other hazardous wastes are present in the combustion zone; or

(2) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 3 of 401 KAR 38:060; or

(3) In lieu of a trial burn, the applicant may submit the following information:

(a) An analysis of each waste or mixture of wastes to be burned including:

1. Heat value of the waste in the form and composition in which it will be burned;
2. Viscosity (if applicable), or description of physical form of the waste;
3. An identification of any hazardous organic constituents listed in 401 KAR 31:170, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in 401 KAR 31:170 which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" incorporated by reference in 401 KAR 30:010, Section 3 or their equivalent;
4. An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference in Section 3 of 401 KAR 30:010);
5. A quantification of those hazardous constituents in the waste which may be designated as POHC's based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in Section 4 of 401 KAR 34:240.

(b) A detailed engineering description of the incinerator, including:

1. Manufacturer's name and model number of incinerator;
2. Type of incinerator;
3. Linear dimension of incinerator unit including cross-sectional area of combustion chamber;
4. Description of auxiliary fuel system (type/feed);
5. Capacity of prime mover;
6. Description of automatic waste feed cutoff system(s);
7. Stack gas monitoring and pollution control monitoring system;
8. Nozzle and burner design;
9. Construction materials;
10. Location and description of temperature, pressure, and flow indicating devices and control devices.

(c) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in subsection (3)(a) of this section. This analysis should specify the POHC's which the applicant has identified in the waste for which a permit is sought, and any differences from the POHC's in the waste for which burn data are provided.

(d) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available.

(e) A description of the results submitted from any previously conducted trial burn(s) including:

1. Sampling and analysis techniques used to calculate performance standards in Section 4 of 401 KAR 34:240;
2. Methods and results of monitoring temperatures, waste feed rates, carbon monoxide,

and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);

(f) The expected incinerator operation information to demonstrate compliance with Sections 4 and 6 of 401 KAR 34:240 including:

1. Expected carbon monoxide (CO) level in the stack exhaust gas;
2. Waste feed rate;
3. Combustion zone temperature;
4. Indication of combustion gas velocity;
5. Expected stack gas volume, flow rate, and temperature;
6. Computed residence time for waste in the combustion zone;
7. Expected hydrochloric acid removal efficiency;
8. Expected fugitive emissions and their control procedures; and
9. Proposed waste feed cutoff limits based on the identified significant operating parameters;

(g) Such supplemental information as the cabinet finds necessary to achieve the purposes of this subsection;

(h) Waste analysis data, including that submitted in subsection (3)(a) of this section, sufficient to allow the cabinet to specify as permit Principal Organic Hazardous Constituents (permit POHC's) those constituents for which destruction and removal efficiencies will be required.

(4) The cabinet shall approve a permit application without a trial burn if it finds that:

(a) The wastes are sufficiently similar; and

(b) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under Section 6 of 401 KAR 34:240) operating conditions that will ensure that the performance standards in Section 4 of 401 KAR 34:240 will be met by the incinerator.

(5) The cabinet shall require facilities that incinerate any of the hazardous waste listed in Section 5 of 401 KAR 31:040 to supply a minimum of five (5) years of monitoring information from a similar facility. The parameters monitored shall include those listed in Section 7 of 401 KAR 34:240 and products of complete combustion and products of incomplete combustion (PIC) from the stack and fugitive sources.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary

APPROVED BY AGENCY: August 14, 1989

FILED WITH LRC: August 15, 1989 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on September 28, 1989 at 1 p.m. local prevailing time in the ground floor auditorium of the Capital Plaza Tower in Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 23, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. Written comments may be submitted to the address below. Written comments will be accepted until the end of the comment period, which will be the close of business on September 28, 1989. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kay Harker, Supervisor, Program Development Branch, Division of Waste Management, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Donald F. Harker, Jr.

(1) Type and number of entities affected: This proposed regulation will affect facilities seeking a permit for the incineration of nerve gases listed in Section 5 of 401 KAR 31:040. Although there are no nerve gas incinerators presently in Kentucky, the Blue Grass Army Depot has proposed such a facility.

(a) Direct and indirect costs or savings to those affected:

1. First year: The applicant will experience costs in the preparation of the permit application.
2. Continuing costs or savings: There are no additional costs or savings.
3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: The proposed amendment to this regulation imposes a requirement that the proposed facility must submit five (5) years of monitoring data from a similar facility.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The cabinet's review of the permit application will require the expenditure of staff time and related resources. The permit review costs will be partially recovered by the permit fee which the applicant will submit to the cabinet.
2. Continuing costs or savings: There are no continuing costs or savings.
3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: The proposed amendments to this regulation imposes the paperwork requirement of a part B permit application for those affected by the listing of nerve agents as a hazardous waste.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state or local revenues from promulgation of this regulation.

(4) Assessment of alternative methods; reasons why alternatives were rejected: (a) The proposed regulation requires additional criteria for a permit for the incineration of nerve agents listed as hazardous wastes in Section 5 of 401 KAR 31:040. The proposed regulation establishes criteria which the cabinet must consider when making a determination to issue, deny or condition such a permit.

Alternative: 1. Less stringent: House Bill 638 codified as KRS 224.865 mandated that the cabinet list nerve agents as hazardous wastes and require a permit for treatment, storage and disposal of nerve agents. To have promulgated less stringent provisions would have resulted in the cabinet being in violation of Kentucky law.

2. More stringent: The cabinet could have

established additional criteria to consider when making decisions on permits for incineration of nerve agents. However, the present proposal adequately protects human health and the environment.

3. Present proposal: The present proposal establishes criteria for the issuance of permits for incinerators of the nerve agents listed as hazardous wastes in Section 5 of 401 KAR 31:040.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: KRS 224.865 directs the cabinet to list nerve agents as hazardous waste.

(a) Necessity of proposed regulation if in conflict: The proposed regulation does not conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: The proposed regulation does not conflict.

(6) Any additional information or comments: There are no additional comments.

TIERING: Was tiering applied? Yes. The proposed amendment applies only to facilities that incinerate nerve agents.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. This regulation is not based on federal mandate.

2. State compliance standards. A permit is required for treatment, storage, or disposal of the nerve agents listed in Section 5 of 401 KAR 31:040. This proposed amendment adds the necessary requirements for facilities that incinerate these listed nerve agents.

3. Minimum or uniform standards contained in the federal mandate. This regulation is not based on a federal mandate.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Since this regulation is not based on a federal mandate, it will impose additional responsibilities on individuals applying for a hazardous waste site or facility permit for incinerators which process nerve agents listed in Section 5 of 401 KAR 31:040.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The standards established in this regulation are mandated by Kentucky law. House Bill 638 codified as KRS 224.865, passed during the 1988 session of the Kentucky General Assembly, required the cabinet to list nerve agents as hazardous wastes. It also required a permit for treatment, storage, or disposal of nerve agents and set forth criteria the cabinet must consider in making a determination to issue, deny, or condition such a permit.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Surface Mining Reclamation and Enforcement
(Proposed Amendment)

405 KAR 8:010. General provisions for permits.

RELATES TO: KRS 350.020, 350.055, 350.060, 350.070, 350.085, 350.090, 350.130, 350.135, 350.450, 350.465, 27 CFR 55.206, 55.218, 55.219, 55.220, 30 CFR 77.1301(c)

STATUTORY AUTHORITY: KRS Chapter 13A, 350.020, 350.028, 350.060, 350.135, 350.450, 350.465

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to permits for surface coal mining and reclamation operations. This regulation provides for permits to conduct these operations. The regulation specifies when permits are required, application deadlines, requirements for applications for permanent program permits, fees, verification of applications, public notice requirements, submission of comments on permit applications, the right to file objections, informal conferences, review of the permit applications, criteria for application approval or denial and relevant actions, term of the permits, conditions of permits, review of outstanding permits, revisions of permits and renewals, transfers, assignments, and sales of permit rights.

Section 1. Applicability. Excluding coal exploration operations, this regulation shall apply to all applications, all actions regarding permits, and all surface coal mining and reclamation operations.

Section 2. General Requirements. (1) Permanent program permits required. No person shall engage in surface coal mining and reclamation operations unless that person has first obtained a valid permanent program permit under this chapter for the area to be affected by the operations.

(2) General filing requirements for permanent program permit applications.

(a) Each person who intends to engage in surface coal mining and reclamation operations shall file a complete and accurate application for a permanent program permit which shall comply fully with all applicable requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24, and shall not begin the operations until the permit has been granted.

(b) Renewal of valid permanent program permits. An application for renewal of a permit under Section 21 of this regulation shall be filed with the cabinet at least 120 days before the expiration of the permit.

(c) Revision of permanent program permits. A permittee may, at any time, apply for a revision of a permit, but shall not vary from the requirements of the permit until the revision has been approved by the cabinet. The term of a permit shall remain unchanged by a revision.

(d) Succession to rights granted under prior permanent program permits. An application for the transfer, sale, or assignment of rights granted under a permit may be submitted at any time. The actual transfer, sale, or assignment of permit rights, however, may not take place until written permission has been granted by the

cabinet.

(e) Amendment of permanent program permits. A permittee may, at any time, apply for an amendment to a permit under Section 23 of this regulation, but shall not begin surface coal mining and reclamation operations on the areas until the amendment has been approved by the cabinet. The term of a permit shall remain unchanged by an amendment.

(3) Compliance with permits. Any person engaging in surface coal mining and reclamation operations under a permit issued pursuant to KRS Chapter 350 shall comply with the terms and conditions of the permit, including the plans and other documents submitted as part of the application and approved by the cabinet, and the applicable requirements of KRS Chapter 350 and 405 KAR.

Section 3. Coordination of Review of Permit Applications. (1) For the purposes of avoiding duplication, the cabinet shall coordinate the review and issuance of permits for surface coal mining and reclamation operations with:

(a) Any other federal or Kentucky permit process applicable to the proposed operations, as required by Section 503 of SMCRA; and

(b) Applicable requirements of the Endangered Species Act of 1973, as amended (16 USC 1531 et seq.); the Fish and Wildlife Coordination Act, as amended (16 USC 661 et seq.); the Migratory Bird Treaty Act of 1918, as amended (16 USC 703 et seq.); the National Historic Preservation Act of 1966, as amended (16 USC 470 et seq.); and the Bald Eagle Protection Act, as amended (16 USC 668a), as required by 30 CFR 773.12.

(2) This coordination shall be accomplished by providing the appropriate agencies with an opportunity to comment on permit applications as set forth in Section 8(6) and (7) of this regulation and, if necessary, by any other measures the cabinet may deem appropriate.

Section 4. Preliminary Requirements. A person desiring a permit shall submit to the cabinet a preliminary application of the form and content prescribed by the cabinet. The preliminary application shall contain pertinent information, including a map at a scale of one (1) inch equals 400 or 500 feet, marked to show the proposed permit area and adjacent areas; and the areas of land to be affected, including, but not limited to, locations of the coal seam(s) to be mined, access roads, haul roads, spoil or coal waste disposal areas, and sedimentation ponds. Areas so delineated on the map shall be physically marked at the site in a manner prescribed by the cabinet. Personnel of the cabinet shall conduct, within fifteen (15) working days after filing, an on-site investigation of the area with the person or his or her representatives and representatives of appropriate local, state or federal agencies, after which the person may submit a permit application.

Section 5. General Format and Content of Applications. (1)(a) Applications for permits to conduct surface coal mining and reclamation operations shall be filed in the number, form and content required by the cabinet, including a copy to be filed for public inspection under Section 8(8) of this regulation.

(b) The application shall be on forms provided by the cabinet, and originals and copies of the application shall be prepared, assembled and submitted in the number, form and manner prescribed by the cabinet with attachments, plans, maps, certifications, drawings, calculations or other documentation or relevant information as the cabinet may require.

(c) The application shall be complete with respect to all information required by 405 KAR and include, at a minimum: for surface mining activities, all the applicable information required under 405 KAR 8:030; for underground mining activities, all the information required under 405 KAR 8:040; and, for special types of surface coal mining and reclamation operations, all the information required under 405 KAR 8:050. No application shall be determined to be administratively complete unless all design plans for the permit area are in detailed form.

(2) Information set forth in the application shall be current, presented clearly and concisely, and supported by appropriate references to technical and other written material available to the cabinet.

(3) The collection and analysis of all technical data submitted in the application shall be planned by or conducted under the direction of a professional qualified in the subject to be analyzed and shall be accompanied by:

(a) Names of persons or organizations which collected and analyzed the data;

(b) Dates of the collection and analyses; and

(c) Descriptions of methodology used to collect and analyze the data.

(4) The application shall state the name, address and position of officials of each private or academic research organization or governmental agency who provided information which has been made a part of the application regarding land uses, soils, geology, vegetation, fish and wildlife, water quantity and quality, air quality, and archaeological, cultural, and historic features.

(5)(a) The applicant shall designate in the permit application either himself or some other person who will serve as agent for service of notices and orders. The designation shall identify the person by full name and complete mailing address, and if a natural person, the person's Social Security number. The person shall continue as agent for service of process until a written revision of the permit has been made to designate another person as agent.

(b) The applicant may designate persons authorized by the applicant to submit modifications to the application to the cabinet. If the designation has not been made in the application, or in separate correspondence, the cabinet shall accept modifications only from the applicant.

(6) General requirements for maps and plans.

(a) If any of the information marked on the preliminary map required under Section 4 of this regulation has changed, the application shall contain an updated USGS seven and one-half (7 1/2) minute topographic map marked as required in Section 4 of this regulation.

(b) Maps submitted with applications shall be presented in a consolidated format, to the extent possible, and shall include the types of information set forth on topographic maps of the U.S. Geological Survey of the 1:24,000 scale series. Maps of the permit area and adjacent areas shall be at a scale of 400 or 500 feet to the inch, inclusive; and the scale shall be

clearly shown on the map. However, when the cabinet determines that a map scale larger than 400 feet to the inch is required to adequately show mine site details, a map of larger scale shall be provided by the applicant. The map required by 405 KAR 8:030, Section 23(1)(a) or 405 KAR 8:040, Section 23(1)(a), regarding additional areas on which permits will be sought, shall be a USGS seven and one-half (7 1/2) minute (1:24,000) topographic map.

(c) Where a map or drawing is required to be certified by a qualified registered professional engineer, the map or drawing shall bear the seal and signature of the engineer as required by KRS Chapter 322, and shall be certified in accordance with 405 KAR 7:040, Section 10.

(d) All engineering design plans submitted with applications shall be prepared by or under the direction of a qualified registered professional engineer and shall bear the engineer's seal, signature, and certification as required by KRS Chapter 322 and 405 KAR 7:040, Section 10.

(e) Maps and plans submitted with the application shall clearly identify all previously mined areas as defined at 405 KAR 16:190, Section 7(2)(c) or 405 KAR 18:190, Section 5(2)(c).

(7) Referenced materials. If used in the application, referenced materials shall either be provided to the cabinet by the applicant or be readily available to the cabinet. If provided, relevant portions of referenced published materials shall be presented briefly and concisely in the application by photocopying or abstracting and with explicit citations.

Section 6. Application and Acreage Fees. (1) Each application for a surface coal mining and reclamation permit shall be accompanied by a fee determined by the cabinet. The fee may be less than, but shall not exceed the actual or anticipated cost of reviewing, administering and enforcing the permit.

(2) The applicant shall submit an application fee of $375 for each application, plus an additional $75 for each acre or fraction thereof of the area of land to be affected by the operation. If the cabinet approves an incremental bonding plan submitted by the applicant, the acreage fees may be paid individually as the bond for each increment is submitted. However, no acreage fees shall be required for surface areas overlying underground or auger workings which will not be affected by surface operations and facilities.

(3) The fee shall accompany the application in the form of a cashier's check or money order payable to the Kentucky State Treasurer. No permit application shall be processed unless the application fee has been paid.

Section 7. Verification of Application. Applications for permits; revisions; amendments; renewals; or transfers, sales, or assignments of permit rights shall be verified under oath, before a notary public, by the applicant or his authorized representative, that the information contained in the application is true and correct to the best of the official's information and belief.

Section 8. Public Notice of Filing of Permit Applications. (1) An applicant for a permit, major revision, amendment, or renewal of a permit shall place an advertisement in the newspaper of largest bona fide circulation, according to the definition in KRS 424.110 to 424.120, in the county where the proposed surface coal mining and reclamation operations are to be located.

(2)(a) The first advertisement shall be published on or after the date the application is submitted to the cabinet. The applicant may elect to begin publication on or after the date the applicant receives the notification from the cabinet under Section 13(2) of this regulation that the application has been deemed administratively complete and ready for technical review. The advertisement shall be published at least once each week for four (4) consecutive weeks, with the final consecutive weekly advertisement being published after the applicant's receipt of written notice from the cabinet that the application has been deemed administratively complete and ready for technical review.

(b) The final consecutive weekly advertisement shall clearly state that it is the final advertisement, and that written objections to the application may be submitted to the cabinet until thirty (30) days after the date of the final advertisement.

(3) Within fifteen (15) days of the final date of publication of the advertisement, the applicant shall submit to the cabinet proof of publication of the required final four (4) consecutive weekly notices, satisfactory to the cabinet, which may consist of an affidavit from the publishing newspaper certifying the dates, place and content of the advertisements.

(4) The advertisement shall be entitled "Notice of Intention to Mine" and shall be of a form specified by the cabinet.

(5) The advertisement shall contain, at a minimum, the following information:

(a) The name and business address of the applicant; and

(b) A map or description which shall:

1. Clearly show or describe towns, rivers, streams, and other bodies of water, local landmarks, and any other information, including routes, streets, or roads and accurate distance measurements, necessary to allow local residents to readily identify the proposed permit area;

2. Clearly show or describe the exact location and boundaries of the proposed permit area;

3. State the name of the U.S. Geological Survey seven and one-half (7 1/2) minute quadrangle map(s) which contains the area shown or described; and

4. If a map is used, show the north arrow and map scale.

(c) The location where a copy of the application is available for public inspection under subsection (8) of this section;

(d) The name and address of the cabinet to which written comments, objections, or requests for permit conferences on the application may be submitted under Sections 9, 10, and 11 of this regulation;

(e) If an applicant seeks a permit to mine within 100 feet of the outside right-of-way of a public road or to relocate or close a public road; except where public notice and hearing have been previously provided for this particular part of road in accordance with 405 KAR 24:040, Section 2(6)(a) and (b); a concise statement describing the public road, the particular part to be relocated or closed, and

the approximate timing and duration of the relocation or closing;

(f) If the application includes a request for an experimental practice under 405 KAR 7:060, a statement indicating that an experimental practice is requested and identifying the regulatory requirement for which a variance is requested; and

(g) The application number.

(6) Within five (5) working days after the application for a permit, major revision, amendment, or renewal of a permit has been determined to be administratively complete, the cabinet shall issue written notification of:

(a) The applicant's intention to conduct surface coal mining and reclamation operations on a particularly described tract of land;

(b) The application number;

(c) Where a copy of the application may be inspected; and

(d) Where comments on the application may be submitted under Section 9 of this regulation.

(7) The written notifications required by subsection (6) of this section shall be sent to:

(a) Local government agencies with jurisdiction over or an interest in the area of the proposed operations, including, but not limited to, planning agencies and sewage and water treatment authorities and water companies, either providing sewage or water services to users in the area of the proposed operations or having water sources or collection, treatment, or distribution facilities located in these areas; and

(b) All federal and Kentucky governmental agencies which have the authority to issue permits and licenses applicable to the proposed surface coal mining and reclamation operation and which are a part of the permit coordination process required by Section 3 of this regulation; and

(c) Those agencies with an interest in the particular proposed operation including, but not limited to:

1. The USDA Soil Conservation Service State Conservationist;

2. The local U.S. Army Corps of Engineers district engineer;

3. The National Park Service;

4. Kentucky and federal fish and wildlife agencies; and

5. The state historic preservation officer.

(8) In accordance with Section 12 of this regulation, the cabinet shall, upon receipt of the application, make the application available for public inspection and copying during all normal working hours at the appropriate regional office of the cabinet where the mining has been proposed, and shall provide reasonable assistance to the public in the inspection and copying of the application.

Section 9. Submission of Comments or Objections by Public Agencies. (1) Written comments or objections on applications for permits, major revisions, amendments, and renewals of permits may be submitted to the cabinet by the public agencies to whom notification has been provided under Section 8(6) and (7) of this regulation with respect to the effects of the proposed mining operations on the environment within their area of responsibility.

(2) These comments or objections shall be submitted to the cabinet in the manner prescribed by the cabinet, and shall be submitted within thirty (30) calendar days after the date of the written notification by the cabinet pursuant to Section 8(6) and (7) of this regulation.

(3) The cabinet shall immediately file a copy of all comments or objections at the appropriate regional office of the cabinet for public inspection under Section 8(8) of this regulation. A copy shall also be transmitted to the applicant.

Section 10. Right to File Written Objections. (1) Any person whose interests are or may be adversely affected or an officer or head of any federal, state, or local government agency or authority to be notified under Section 8 of this regulation shall have the right to file written objections to an application for a permit, major revision, amendment, or renewal of a permit with the cabinet, within thirty (30) days after the last publication of the newspaper notice required by Section 8(1) of this regulation.

(2) The cabinet shall, immediately upon receipt of any written objections:

(a) Transmit a copy of the objections to the applicant; and

(b) File a copy at the appropriate regional office of the cabinet for public inspection under Section 8(8) of this regulation.

Section 11. Permit Conferences. (1) Procedure for requests. Any person whose interests are or may be adversely affected by the decision on the application, or the officer or head of any federal, state or local government agency or authority to be notified under Section 8 of this regulation may, in writing, request that the cabinet hold an informal conference on any application for a permit, major revision, amendment, or renewal of a permit. The request shall:

(a) Briefly summarize the issues to be raised by the requester at the conference;

(b) State whether the requester desires to have the conference conducted in the locality of the proposed mining operations; and

(c) Be filed with the cabinet not later than thirty (30) days after the last publication of the newspaper advertisement placed by the applicant under Section 8(1) of this regulation.

(2) Except as provided in subsection (3) of this section, if a permit conference has been requested in accordance with subsection (1) of this section, the cabinet shall hold a conference within twenty (20) working days after the last date to request a conference under subsection (1)(c) of this section. The conference shall be conducted according to the following:

(a) If requested under subsection (1)(b) of this section, the conference shall be held in the locality of the proposed mining.

(b) The date, time, and location of the conference shall be sent to the applicant and parties requesting the conference and advertised once by the cabinet in the newspaper of largest bona fide circulation, according to the definition in KRS 424.110 to 424.120, in the county where the proposed surface coal mining and reclamation operations are to be located, at least two (2) weeks prior to the scheduled conference.

(c) If requested, in writing, by a conference requester in a reasonable time prior to the

conference, the cabinet may arrange with the applicant to grant parties to the conference access to the permit area and, to the extent that the applicant has the right to grant access, to the adjacent areas prior to the established date of the conference for the purpose of gathering information relevant to the conference.

(d) The requirements of 405 KAR 7:090 shall not apply to the conduct of the conference. The conference shall be conducted by a representative of the cabinet, who may accept oral or written statements and any other relevant information from any party to the conference. An electronic or stenographic record shall be made of the conference proceedings, unless waived by all the parties. The record shall be maintained and shall be accessible to the parties of the conference until final release of the applicant's performance bond or other equivalent guarantee pursuant to 405 KAR Chapter 10.

(3) If all parties requesting the conference stipulate agreement before the requested conference and withdraw their requests, the conference need not be held.

(4) Permit conferences held in accordance with this section may be used by the cabinet as the public hearing required under 405 KAR 24:040, Section 2(6) on proposed relocation and closure of public roads.

Section 12. Public Availability of Information in Permit Applications on File with the Cabinet. (1) General availability.

(a) The cabinet shall make an application for a permit, major or minor revision, amendment, or renewal of a permit available for the public to inspect and copy by placing a full copy of the application at the regional office for the area in which mining shall occur. The application will be made available by the cabinet for public inspection and copying, at reasonable times, in accordance with Kentucky open records statutes, KRS 61.870 to 61.884. This copy need not include confidential information exempt from disclosure under subsections (2) and (3) of this section.

(b) The application required by paragraph (a) of this subsection shall be placed at the appropriate regional office no later than the first date of newspaper advertisement of the application.

(c) The applicant shall be responsible for placing all changes in the copy of the application retained at the regional office when the changes are submitted to the Division of Permits.

(2) Information pertaining to coal seams, test borings, core samples, or soil samples in applications shall be made available for inspection and copying to any person with an interest which is or may be adversely affected.

(3) Confidentiality. The cabinet shall provide for procedures to ensure the confidentiality of qualified confidential information. Confidential information shall be clearly identified by the applicant and submitted separately from the remainder of the application. Where a dispute arises concerning the disclosure or nondisclosure of confidential information, the cabinet shall provide notice and convene a hearing in accordance with 405 KAR 7:090. Confidential information shall be limited to the following:

(a) Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of the coal which are potentially toxic in the environment;

(b) Information on the nature and location of archaeological resources on public land and Indian land as required under the Archaeological Resources Protection Act of 1979.

Section 13. Department Review of Applications for Permits, Revisions, Amendments, and Renewals. (1) General.

(a) The cabinet shall review the application for a permit, revision, amendment, or renewal; written comments and objections submitted; and records of any permit conference held on the application and make a written decision, within the time frames listed in Section 16(1) of this regulation, concerning approval of, requiring modification of, or concerning rejection of the application.

(b) An applicant for a permit, revision, or amendment shall have the burden of establishing that the application is in compliance with all requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24.

(2)(a) Administrative completeness determination. Within ten (10) working days of initial receipt of the application the cabinet shall provide written notification to the applicant as to the administrative completeness of the application. If the application is determined to be incomplete, the cabinet shall notify the applicant within ten (10) working days after initial receipt of the application by certified mail, return receipt requested, or by registered mail, of the deficiencies which render the application incomplete. The applicant may submit supplemental information to correct the identified deficiencies for a period of ten (10) working days after the applicant's receipt of the initial notice of incompleteness. If, after ten (10) working days, the cabinet determines that the application is still incomplete, the cabinet shall return the incomplete application to the applicant with written notification of the reasons for the determination.

(b) A determination by the cabinet that the application is administratively complete means that the application contains the major elements required by KRS Chapter 350 and 405 KAR Chapters 7 through 24 which are necessary to allow meaningful review of the application by the cabinet. An application shall not be deemed administratively complete if one (1) or more major elements are found to be absent from the application, which, by virtue of their absence, would require that the permit be denied. A determination that an application is administratively complete shall not mean that the application is complete in every detail, nor shall it mean that any aspect of the application is technically sufficient or approvable.

(3) Processing of the administratively complete application. Within the time periods set forth in Section 16 of this regulation, the cabinet shall either:

(a) Notify the applicant of the cabinet's decision to issue or deny the application; or

(b) Notify the applicant in writing, by certified mail, return receipt requested, or by registered mail, promptly upon discovery of deficiencies in the application and allow the application to be temporarily withdrawn for the

purpose of correcting the deficiencies. Temporary withdrawal periods shall not be counted against the time available to the cabinet for consideration of the application.

(4) If the cabinet determines from either the lists submitted as part of the application under 405 KAR 8:030, Section 3(3) or 405 KAR 8:040, Section 3(3), or from other available information, that any surface coal mining operation owned or controlled by the applicant is currently in violation of any law, rule, or regulation of the United States or any state law, rule, or regulation enacted pursuant to federal law, rule, or regulation, pertaining to air or water environmental protection, or of SMCRA or KRS Chapter 350, and regulations promulgated pursuant thereto, the cabinet shall require the applicant, before the issuance of the permit, to either:

(a) Submit to the cabinet proof which is satisfactory to the cabinet and other agencies which have jurisdiction over the violation, that the violation has been or is in the process of being corrected; or

(b) Establish to the cabinet that the applicant has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of that violation. In this case, the permit shall contain a condition requiring that if the administrative or initial judicial hearing authority either denies a stay applied for in the appeal, or affirms the violation, then any surface coal mining operations being conducted under the permit shall be terminated unless and until the permittee complies with paragraph (a) of this subsection. For loss of appeal on violations of laws or regulations of the United States or states other than Kentucky, operations shall be terminated under this paragraph only when the cabinet has actual, verified notice of the loss of appeal and the subsequent failure of the permittee to correct or begin correcting the violation; and the termination shall be set aside by the cabinet only when the cabinet has actual, verified notice that the permittee has corrected the violation or is in the process of correcting the violation.

(5) No permit shall be issued if the cabinet determines that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violation of SMCRA, KRS Chapter 350, or 405 KAR Chapters 7 through 24 of such a nature and duration and with such resulting "irreparable damage to the environment" (as defined in 405 KAR 7:020) that indicates an intent not to comply with SMCRA, KRS Chapter 350, or 405 KAR Chapters 7 through 24. Before any final determination by the cabinet pursuant to this subsection the applicant or operator shall be afforded an opportunity for an adjudicatory hearing on the determination as provided for in 405 KAR 7:090.

Section 14. Criteria for Application Approval or Denial. No application for a permit, revision (as applicable), or amendment of a permit shall be approved unless the application affirmatively demonstrates and the cabinet finds, in writing, on the basis of information set forth in the application or from information otherwise available, which has been documented in the approval, that:

(1) The permit application is complete and accurate and in compliance with all requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24.

(2) The applicant has demonstrated that surface coal mining and reclamation operations, as required by KRS Chapter 350 and 405 KAR Chapters 7 through 24 can be feasibly accomplished under the mining and reclamation plan contained in the application.

(3) The assessment of the probable cumulative impacts of all anticipated coal mining in the cumulative impact area on the hydrologic balance has been made by the cabinet and the operations proposed under the application have been designed to prevent material damage to the hydrologic balance outside the proposed permit area.

(4) The proposed permit area is:

(a) Not included within an area designated unsuitable for surface coal mining operations under 405 KAR 24:030;

(b) Not within an area under study for designation as unsuitable for surface coal mining operations in an administrative proceeding begun under 405 KAR 24:030, unless the applicant demonstrates that, before January 4, 1977, he or she made substantial legal and financial commitments in relation to the operation for which he or she is applying for a permit;

(c) Not on any lands subject to the prohibitions or limitations of 405 KAR 24:040, Section 2(1), (2) or (3);

(d) Not within 100 feet of the outside right-of-way line of any public road, except as provided for in 405 KAR 24:040, Section 2(6); and

(e) Not within 300 feet from any occupied dwelling, except as provided for in 405 KAR 24:040, Section 2(5).

(5)(a) The proposed operations will not adversely affect any publicly-owned parks or any places included on the National Register of Historic Places, except as provided for in 405 KAR 24:040, Section 2(4); and

(b) The cabinet has taken into account the effect of the proposed operations on properties listed and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the mining and reclamation plan to protect historic resources, or a documented decision that the cabinet has determined that no additional protection measures are necessary.

(6) For operations involving the surface mining of coal where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the cabinet the documentation required under 405 KAR 8:030, Section 4(2) or 405 KAR 8:040, Section 4(2).

(7) With regard to current violations, the applicant has either:

(a) Submitted the proof required by Section 13(4)(a) of this regulation; or

(b) Made the demonstration required by Section 13(4)(b) of this regulation.

(8) The applicant has paid all reclamation fees from previous and existing operations as required by 30 CFR 870, or has entered into a payment schedule approved by OSM.

(9) The applicant or the operator, if other than the applicant, does not control and has not controlled mining operations with a demonstrated pattern of willful violations of SMCRA or KRS

Chapter 350 of such a nature and duration and with such resulting "irreparable damage to the environment" (as defined in 405 KAR 7:020) as to indicate an intent not to comply with SMCRA or KRS Chapter 350.

(10) The applicant has demonstrated that any existing structure will comply with 405 KAR 8:030, Section 25 and 405 KAR 8:040, Section 25, and the applicable performance standards of KAR 405 KAR Chapters 16 and 18.

(11) The applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural postmining land use.

(12) The applicant can reasonably be expected to submit the performance bond or other equivalent guarantee required under 405 KAR Chapter 10 prior to the issuance of the permit.

(13) The applicant has, with respect to prime farmland obtained either a negative determination or satisfied the requirements of 405 KAR 8:050, Section 3.

(14) The applicant has satisfied the applicable requirements of 405 KAR 8:050 regarding special categories of mining.

(15) The cabinet has made all specific approvals required under 405 KAR Chapters 16 through 20.

(16) The cabinet has found that the activities would not affect the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitats as determined under the Endangered Species Act of 1973 (16 USC 1531 et seq.).

(17) The applicant has not forfeited any bond under KRS Chapter 350. When the applicant has forfeited a bond, the permit may be issued if the land for which the bond was forfeited has been satisfactorily reclaimed without cost to the state or the operator or person has paid a sum that the cabinet finds is adequate to reclaim the land.

(18) The applicant has not had a permit revoked, suspended or terminated under KRS Chapter 350. If the applicant has had a permit revoked, suspended or terminated, another permit may be issued, or a suspended permit may be reinstated, only if the applicant has complied with all of the requirements of KRS Chapter 350 or submitted proof satisfactory to the cabinet that the violation has been corrected or is in the process of being corrected, in respect to all permits issued to him or her.

(19) The operation will not constitute a hazard to or do physical damage to a dwelling house, public building, school, church, cemetery, commercial or institutional building, public road, stream, lake, or other public property.

(20) The surface coal mining operation will not adversely affect a wild river established pursuant to KRS Chapter 146 or a state park unless adequate screening and other measures as approved by the cabinet have been incorporated into the permit application and the surface coal mining operation has been jointly approved by all affected agencies as set forth under 405 KAR 24:040.

(21) For a proposed remining operation where the applicant intends to reclaim in accordance with the requirements of 405 KAR 16:190, Section 7 or 405 KAR 18:190, Section 5, the applicant has demonstrated, to the satisfaction of the cabinet, that the site of the operation will be a previously mined area as defined in those sections.

Section 15. Criteria for Application Approval or Denial Regarding Existing Structures. No application for a permit, revision, or amendment which proposes to use an existing structure in connection with or to facilitate the proposed surface coal mining and reclamation operation shall be approved, unless the applicant demonstrates and the cabinet finds, in writing, on the basis of information set forth in the complete and accurate application, that the provisions of 405 KAR 7:040, Section 4, have been met.

Section 16. Application Approval or Denial Actions. (1) The cabinet shall take action on applications within the following time periods as appropriate:

(a)1. Except as provided for in paragraph (b) of this subsection, for a complete and accurate application submitted under Section 2(2)(a), (b), (d), and (e) of this regulation, a decision shall be made by the cabinet to approve, require modification of, or deny the application within sixty-five (65) working days after the notice of administrative completeness under Section 13(2) of this regulation, except that periods of temporary withdrawal under Section 13(3)(b) of this regulation shall not be counted against the sixty-five (65) working-day period available to the cabinet.

2. Except as provided in paragraph (b) of this subsection, for a complete and accurate application submitted under Section 2(2)(c) of this regulation of a major revision as provided in Section 20 of this regulation, a decision shall be made by the cabinet to approve, require modification of, or deny the application within forty-five (45) working days after the notice of administrative completeness under Section 13(2) of this regulation, except that periods of temporary withdrawal under Section 13(3)(b) of this regulation shall not be counted against the forty-five (45) working-day period available to the cabinet.

3. For a complete and accurate application submitted under Section 2(2)(c) of this regulation for a minor revision as provided in Section 20 of this regulation, a decision shall be made by the cabinet to approve, require modification of, or deny the application within fifteen (15) working days after the notice of administrative completeness under Section 13(2) of this regulation, except that periods of temporary withdrawal under Section 13(3)(b) of this regulation shall not be counted against the fifteen (15) working-day period available to the cabinet.

(b) If the notice, hearing and conference procedures mandated by KRS Chapter 350 and 405 KAR prevent a decision from being made within the time periods specified in paragraph (a) of this subsection, the cabinet shall have additional time to issue its decision, but not to exceed twenty (20) days from the completion of the notice, hearing and conference procedures.

(2) The cabinet shall issue written notification of the decision to approve, modify, or deny the application, in whole or part, to the following persons and entities:

(a) The applicant;

(b) Each person who files comments or objections to the permit application;

(c) Each party to an informal permit conference, if held;

(d) The county judge-executive of the county, and the chief executive officer of any municipality, in which the permit area lies. This notice shall be sent within ten (10) days after the issuance of the permit and shall include a description of the location of the permit area; and

(e) The field office director of the Office of Surface Mining Reclamation and Enforcement.

(3) If the application has been denied, the notification required in subsection (2) of this section, for the applicant, any person filing objections to the permit and parties to an informal conference, shall include specific reasons for the denial.

(4) If the cabinet decides to approve the application, it shall require that the applicant file the performance bond before the permit is issued, in accordance with 405 KAR Chapter 10.

(5) The cabinet shall publish a summary of its decision in the newspaper of largest bona fide circulation, according to the definition in KRS 424.110 to 424.120, in the county where the proposed surface coal mining and reclamation operations are to be located.

Section 17. Term of Permit. (1) Each permit shall be issued for a fixed term not to exceed five (5) years. A longer fixed permit term may be granted at the discretion of the cabinet only if:

(a) The application is complete and accurate for the specified longer term; and

(b) The applicant shows that a specified longer term is reasonably needed to allow the applicant to obtain necessary financing for equipment and for the opening of the operation with the need confirmed, in writing, by the applicant's proposed source for the financing.

(2)(a) A permit shall terminate, if the permittee has not begun the surface coal mining and reclamation operation covered by the permit within three (3) years of the issuance of the permit.

(b) The cabinet may grant reasonable extensions of the time for commencement of these operations, upon receipt of a written statement showing that the extensions of time are necessary, if:

1. Litigation precludes the commencement or threatens substantial economic loss to the permittee; or

2. There are conditions beyond the control and without the fault or negligence of the permittee.

(c) With respect to coal to be mined for use in a synthetic fuel facility or specified major electric generating facility, the permittee shall be deemed to have commenced surface mining operations when construction of the synthetic fuel or generating facility is initiated.

(d) Extensions of time granted by the cabinet under this subsection shall be specifically set forth in the permit and notice of the extension shall be made to the public.

(3) Permits may be suspended, revoked, or modified by the cabinet, in accordance with Section 19 of this regulation; Section 3 of 405 KAR 7:060; Sections 4, 6, and 7 of 405 KAR 8:050; and 405 KAR Chapter 12.

Section 18. Conditions of Permits. Actions by an applicant, permittee, or operator to submit an application to the cabinet, to accept a permit issued by the cabinet, or to begin operations pursuant to a permit issued by the cabinet, shall be deemed to constitute knowledge and acceptance of the conditions set forth in this section, which shall be applicable to each permit issued by the cabinet pursuant to this chapter whether or not the conditions have been set forth in the permit.

(1) General.

(a) The permittee shall comply fully with all terms and conditions of the permit and all applicable performance standards of KRS Chapter 350 and 405 KAR Chapters 7 through 24; and

(b) Except to the extent that the cabinet otherwise directs in the permit that specific actions be taken, the permittee shall conduct all surface coal mining and reclamation operations as described in the approved application; and

(c) The permittee shall conduct surface coal mining and reclamation operations only on those lands specifically designated as the permit area on the maps submitted under 405 KAR 8:030 or 405 KAR 8:040 and authorized for the term of the permit; and which are subject to the performance bond in effect pursuant to 405 KAR Chapter 10.

(2) Right of entry.

(a) Without advance notice, unreasonable delay, or a search warrant, and upon presentation of appropriate credentials, the permittee shall allow authorized representatives of the Secretary of the Interior and the cabinet to:

1. Have the rights of entry provided for in 405 KAR 12:010, Section 3; and

2. Be accompanied by private persons for the purpose of conducting a federal inspection when the inspection is in response to an alleged violation reported to the cabinet by the private person.

(b) The permittee shall allow the authorized representatives of the cabinet to be accompanied by private persons for the purpose of conducting an inspection pursuant to 405 KAR 12:030.

(3) Environment, public health, and safety.

(a) The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from failure to comply with any term or condition of the permit, including, but not limited to:

1. Any accelerated or additional monitoring necessary to determine the nature and extent of failure to comply and the results of the failure to comply;

2. Immediate implementation of measures necessary to comply; and

3. Warning, as soon as possible after learning of the failure to comply, any person whose health and safety is in imminent danger due to the failure to comply.

(b) The permittee shall dispose of solids, sludge, filter backwash, or pollutants removed in the course of treatment or control of waters or emissions to the air in the manner required by 405 KAR Chapters 16 through 20, and which prevents violation of any other applicable Kentucky or federal law.

(c) The permittee shall conduct its operations:

1. In accordance with any measures specified in the permit as necessary to prevent significant, imminent environmental harm to the health or safety of the public; and

2. Utilizing any methods specified in the permit by the cabinet in approving alternative

methods of compliance with the performance standards of KRS Chapter 350 and 405 KAR Chapters 16 through 20, in accordance with KRS Chapter 350 and 405 KAR Chapters 16 through 20.

(4) Reclamation fees. The permittee shall pay all reclamation fees required by 30 CFR 870 for coal produced under the permit for sale, transfer, or use, in the manner required by that subchapter.

Section 19. Review of Permits. (1)(a) The cabinet shall review each permit issued under this chapter during the term of the permit. This review shall occur not later than the middle of the permit term and as required by 405 KAR 7:060 and 405 KAR 8:050, Sections 4, 6, and 7. Issued permits shall be reevaluated in accordance with the terms of the permit and the requirements of KRS Chapter 350 and 405 KAR Chapters 7 through 24, including reevaluation of the bond.

(b) For permits of longer than five (5) year terms, a review of the permit shall be no less frequent than the permit midterm or every five (5) years, whichever is more frequent.

(2) After the review required by subsection (1) of this section, or at any time, the cabinet may, by order, require revision or modification of the permit provisions to ensure compliance with KRS Chapter 350 and 405 KAR Chapters 7 through 24.

(3) Copies of the decision of the cabinet shall be sent to the permittee.

(4) Any order of the cabinet requiring revision or modification of permits shall be based upon written findings and shall be subject to the provisions for administrative and judicial review of 405 KAR 7:090.

Section 20. Permit Revisions. (1) General. A revision to a permit shall be obtained:

(a) For changes in the surface coal mining and reclamation operations described in the existing application and approved under the current permit.

(b) When a revision is required by an order issued under Section 19 of this regulation.

(c) In order to continue operation after the cancellation or material reduction of the liability insurance policy, performance bond, or other equivalent guarantee upon which the original permit was issued; or

(d) As otherwise required under 405 KAR Chapters 7 through 24.

(2) Major revision.

(a) A revision is a major revision if the proposed change is of such scope and nature that the cabinet determines that public notice is necessary to allow participation in the cabinet's decision by persons who have an interest which may be adversely affected by the proposed change. Major revisions shall include, but shall not be limited to:

1. Changes in the postmining land use;

2. Enlargement or relocation of impoundments so as to increase the safety hazard classification of the impoundment;

3. Variances to approximate original contour requirements;

4. Construction or relocation of roads, where the construction or relocation could adversely affect the interests of persons other than the surface owner;

5. Changes which may adversely affect significant fish and wildlife habitats or endangered species;

6. Proposed experimental practices;

7. Changes which may cause major impacts on the hydrologic balance;

8. Incidental boundary revisions that affect new watersheds;

9. Incidental boundary revisions that include diversions of perennial streams;

10. Incidental boundary revisions that include new areas from which coal will be removed, except these revisions shall be limited to ten (10) percent of the permit area acreage or five (5) acres, whichever is less.

(b) Major revisions shall be subject to all of the requirements of Sections 5; 7 through 12; 13(1), (2), (3); 14(1) through (6), (8), (10) through (16), (19) through (21); 15; 16; 18; and 24 of this regulation; and shall be submitted on forms prescribed by the cabinet. In addition to the requirements of Section 8(5) of this regulation, the advertisement shall contain a statement that the applicant proposes to revise the existing permit and shall contain a description of the proposed change.

(3) Minor revisions.

(a) All revisions which are not determined by the cabinet to be major revisions are minor revisions. Minor revisions shall be subject to Sections 5; 7; 12; 13(1), (2), (3); 14(1) through (6), (10) through (16), (19) through (21); 15; 16(1) through (4); 18; and 24 of this regulation, except that minor field revisions described in paragraph (d) of this subsection shall not be subject to the administrative completeness determination of Section 13(2) of this regulation, and the time frame for review in Section 16(1)(a)3 of this regulation shall begin at the time of application submittal. Minor revisions [; and] shall be submitted on forms prescribed by the cabinet.

(b) If the cabinet determines that a proposed minor revision is actually a major revision during the administrative completeness determination under Section 13 of this regulation, the cabinet shall so inform the applicant and return the application.

(c) The cabinet shall notify, in writing, those persons, if any, that the cabinet determines could have an interest that may be adversely affected by the proposed change. Those persons shall have the right to file written objections to the revision within ten (10) days of the date of the notification.

(d) The following minor revisions shall be deemed minor field revisions which may be reviewed and processed in accordance with this section by the appropriate regional office of the department. However, if the number of persons that potentially could have an interest that may be adversely affected by the proposed change is large enough that public notice by newspaper advertisement rather than individual notice by letter from the cabinet is necessary, the regional administrator shall determine that the proposed revision is a major revision and it shall not be processed under this paragraph.

1. Proposals for minor relocation of underground mine entries where:

a. There are no structures or renewable resource lands overlying the area;

b. There is no proposed change to the permit boundary; and

c. The proposed new location is on the same face-up area and coal seam as originally permitted, is within the same drainage area as the original location, is controlled by the same

sedimentation pond, and there will be no additional disturbed acreage within the drainage area of that sedimentation pond.

2. Proposals for retention of concrete platforms and small buildings where:

a. There is no proposed change to the previously approved postmining land use; and

b. The application contains a notarized letter from the surface owner requesting retention of the structure.

3. Proposals to leave roads as permanent, except proposals involving roads to impoundments, excess spoil fills, coal mine waste fills, or air shafts, and roads within 100 feet of an intermittent or perennial stream. The application shall contain a notarized letter from the surface owner including a request to retain the road and a statement accepting maintenance responsibilities for the road.

4. Proposals to increase the diameter of culverts used as road crossdrains, not including culverts used for stream crossings.

5. Proposals to install additional culverts used as road crossdrains (not including culverts used for stream crossings), provided that the diameter of the proposed additional culvert is equal to the diameter of the nearest downstream crossdrains.

6. Proposals for minor relocation of on-bench sediment control structures (dugouts only) in order to locate the structures at low spots on the same bench on which they were initially proposed, where:

a. The drainage area to the structure will remain the same as the original design;

b. The proposed location will not cause short-circuiting of the structure; and

c. There is no proposed change to the permit boundary.

7. Proposals to retain diversions of overland flow (not including stream diversions) as permanent facilities where:

a. The application contains a notarized letter from the surface owner including a request to retain the diversion and a statement accepting maintenance responsibilities for the diversions; and

b. The diversions have previously been designed to the standards for permanent diversions.

8. Proposals for relocation of topsoil storage areas where:

a. There is no proposed change to the permit boundary; and

b. The proposed new location was previously permitted as a disturbed area within the same drainage area as the original location, is controlled by the same sedimentation pond, and there will be no additional disturbed acreage within the drainage area of that sedimentation pond.

9. Proposals to substitute plant species where:

a. The proposed species is of the same vegetative type (grass, legume, tree, or shrub) as the original species;

b. The proposed species will serve the equivalent function of the original species with respect to the previously approved: revegetation plan, postmining land use plan, and the fish and wildlife protection and enhancement plan; and

c. The proposed species and its application or planting rate are compatible with the remainder of the previously approved species mixture to be planted.

10. Proposals to utilize hydroseeding for trees instead of planting trees or tree seedlings where:

a. Hydroseeding is an appropriate method for the tree species being established; and

b. No change in tree species is involved unless concurrently approved under subparagraph 9 of this paragraph.

11. Proposals to change the type of mulch to be utilized on the permit area, including a revised rate of application consistent with the different type of mulch proposed.

12. Proposals to retain small depressions in the reclaimed area.

13. Proposals to increase frequency of air blast monitoring.

14. Proposals to increase frequency of air pollution monitoring.

15. Proposals to employ additional or more effective fugitive dust controls.

16. Proposals to add a portable coal crusher where:

a. The crusher and associated conveying equipment are a completely portable, trailer mounted unit;

b. The equipment will be utilized to crush coal only from the permit area on which it is proposed to be located;

c. The operation will not generate coal mine waste;

d. There is no proposed change to the permit boundary; and

e. The equipment will always be located in the mining pit or other location previously permitted as a disturbed area controlled by a previously approved sedimentation pond and there will be no additional disturbed acreage or delayed reclamation within the drainage area of any of the sedimentation ponds.

17. Proposals to change the time periods when explosives are to be detonated.

18. Proposals to relocate an explosive storage area within the existing permit area in accordance with 27 CFR 55.206, 55.218, 55.219, 55.220, and 30 CFR 77.1301(c).

19. Approval for minor relocation of facilities such as conveyors, hoppers, and stockpiles where:

a. There is no proposed change to the permit boundary; and

b. The proposed new location was previously permitted as a disturbed area within the same drainage area as the original location, is controlled by the same sedimentation pond, and there will be no additional disturbed acreage within the drainage area of that sedimentation pond.

20. Proposals for modifications of shared facilities where that modification has already been approved in a revision for one of the permittees by the Division of Permits and no additional performance bond was required for the initial revision.

21. Proposals to add a hopper to a permitted area where:

a. There is no proposed change to the permit boundary; and

b. The proposed location was previously permitted as a disturbed area controlled by a previously approved sedimentation pond and there will be no additional disturbed acreage or delayed reclamation within the drainage area of that sedimentation pond.

22. Proposals to change the brush disposal plan, not including any proposals to bury brush in the backfill area on steep slopes or in

excess spoil fills or coal mine waste fills.

23. Proposals to cut berms, provided that the cuts will not cause short circuiting of on-bench structures or other sedimentation control structures.

24. Proposals to change the basis of judging revegetation from reference areas to the technical standards established in 405 KAR Chapters 7 through 24.

25. Proposals for incidental boundary revisions for minor off-permit disturbances where:

a. The total acreage of the minor off-permit disturbances is no more than one (1) acre combined per proposal;

b. The cumulative acreage limitation established in the definition of "incidental boundary revision" in 405 KAR 7:020 is not exceeded;

c. The area to be permitted does not include any wetlands, prime farmlands, stream buffer zones, federal lands, habitats of unusually high value for fish and wildlife, areas that may contain threatened or endangered species, or areas designated unsuitable for mining under 405 KAR Chapter 24;

d. The off-permit disturbance was not a coal extraction area nor shall any future coal extraction occur on the area;

e. There are no structures such as excess spoil disposal fills, coal mine waste disposal fills or impoundments, or water impoundments involved;

f. The surface owner of the area to be permitted is a surface owner of disturbed area under the existing permit; and

g. An additional performance bond in the amount of $5000 has been filed by the permittee.

h. If deemed necessary for any reason, the regional administrator may decline to review and process any proposal to permit an off-permit disturbance as a minor field revision and instead require that an application be submitted to the Division of Permits.

26. Except as provided below, proposals to remove sedimentation ponds previously approved as permanent impoundments where the application contains a notarized letter from the surface owner requesting the elimination of the impoundment, the application contains an acceptable plan for removal, and the criteria for sedimentation pond removal have been met. However, proposals to remove sedimentation ponds in the following situations shall not be processed as minor field revisions:

a. Where the structure has a hazard classification of B or C;

b. Where the impoundment is a developed water resource land use;

c. Where the removal or activities associated with the removal of the structure may adversely affect significant fish and wildlife habitats or threatened or endangered species;

d. Where the impoundment may be a necessary element in the achievement of the previously approved postmining land use (such as a stock pond for pastureland where no other nearby source of water is available to the livestock); or

e. Where the impoundment was originally planned to be left for the purpose, in whole or in part, of enhancing fish and wildlife and related environmental values.

27. Proposals to approve exemptions from the requirement to pass drainage through sedimentation ponds for disturbed areas that, due to unexpected field conditions, will not drain to an approved sedimentation pond where:

a. There has not been any acid drainage or drainage containing concentrations of total iron or manganese from this or nearby areas of the mine that could result in water quality violations if untreated and none is expected based on overburden analysis;

b. The application contains a justification that it is not feasible to control the drainage by a sedimentation pond;

c. The disturbed area is one (1) acre or less;

d. The application contains a plan to immediately implement alternate sedimentation control measures including, at a minimum, mulching, silt fences, straw bale dikes and establishment of a quick growing temporary vegetative cover;

e. The application contains sufficient plan views and cross sections certified by a registered professional engineer to clearly illustrate the feasibility of the proposal and the location of the alternate control methods (minimum scale one (1) inch equals 100 feet); and

f. The application contains a MRP map certified by a registered professional engineer showing the location of the disturbed area and the drainage area clearly.

(e) Proposed minor revisions which only seek to change the engineering design of impoundments and diversions of overland flow where no change in permit boundary is involved shall not be subject to the administrative completeness determination of Section 13(2) of this regulation; however, the application shall be logged in, and written notice of receipt of the application shall be provided to the applicant. The time frame for review in Section 16(1)(a)3 of this regulation shall begin at the time of notice of receipt.

(4) Any extensions to the area covered by a permit, except for incidental boundary revisions, shall be made by application for a new or amended permit and shall not be approved under this section.

(5) Fees. Applications for major and minor revisions shall include a basic fee of $375, except that minor field revisions shall have no basic fee. If the revision application proposes incidental boundary revisions which would increase the acreage in the permit, an additional acreage fee of seventy-five (75) dollars per acre, or fraction thereof, shall be included with the application, except that no acreage fee shall be required for surface areas overlying underground workings which will not be affected by surface operations and facilities.

Section 21. Permit Renewals. (1) General requirements for renewal. Any valid, existing permit issued pursuant to this chapter shall carry with it the right of successive renewal, within the approved boundaries of the existing permit, upon expiration of the term of the permit.

(2) Contents of renewal applications. Applications for renewal of permits shall be submitted within the time prescribed by Section 2(2)(b) of this regulation. Renewal applications shall be in a form and with content as required by the cabinet and in accordance with this section, and shall include at a minimum:

(a) The name and address of the permittee, the term of the renewal requested and the permit

number;
(b) A copy of the proposed newspaper notice and proof of publication of same under Section 8 of this regulation;
(c) Evidence that liability insurance under 405 KAR 10:030, Section 4, will be provided by the applicant for the proposed period of renewal;
(d) A renewal fee of $375;
(e) Evidence that the performance bond will continue in effect for any renewal requested, as well as any additional bond required by the cabinet pursuant to 405 KAR 10:020; and
(f) Any additional revised or updated information which may be required by the cabinet.
(3) Applications for renewal shall be subject to the requirements of Sections 8 through 11, 13 and 16 of this regulation.
(4) An application for renewal shall not include any proposed revisions to the permit. Revisions shall be made by separate application and shall be subject to the requirements of Section 20 of this regulation.
(5) Term of renewal. Any permit renewal shall be for a term not to exceed the period of the original permit established under Section 17 of this regulation.
(6) Approval or denial of renewal applications.
(a) The cabinet shall approve a complete and accurate application for permit renewal, unless it finds, in writing, that:
1. The terms and conditions of the existing permit are not being satisfactorily met;
2. The present surface coal mining and reclamation operations are not in compliance with the environmental protection standards under KRS Chapter 350 and 405 KAR Chapters 7 through 24;
3. The requested renewal substantially jeopardizes the applicant's continuing responsibility to comply with KRS Chapter 350 and 405 KAR Chapters 7 through 24 on existing permit areas;
4. The applicant has not provided evidence that any performance bond required for the operations will continue in effect for the proposed period of renewal, as well as any additional bond the cabinet might require pursuant to 405 KAR Chapter 10;
5. Any additional revised or updated information required by the cabinet has not been provided by the applicant; or
6. The applicant has not provided evidence of having liability insurance in accordance with 405 KAR 10:030, Section 4.
(b) In determining whether to approve or deny a renewal, the burden shall be on the opponents of renewal.
(c) The cabinet shall send copies of its decision to the applicant, any persons who filed objections or comments to the renewal, to any persons who were parties to any informal conference held on the permit renewal and to the field office director of the Office of Surface Mining Reclamation and Enforcement.
(d) Any person having an interest which is or may be adversely affected by the decision of the cabinet shall have the right to administrative and judicial review set forth in Section 24 of this regulation.

Section 22. Transfer, Assignment, or Sale of Permit Rights. (1) General. No transfer, assignment, or sale of the rights granted under any permit issued pursuant to 405 KAR shall be made without the prior written approval of the cabinet, in accordance with this section.
(2) Application requirements. An applicant (successor) for approval of the transfer, assignment, or sale of permit rights shall:
(a) Provide a complete and accurate application, on forms provided by the cabinet, for the approval of the proposed transfer, assignment, or sale. The application shall be signed by both the existing holder of permit rights and the applicant for succession. Additionally, the following information shall be provided:
1. The name and address of the existing permittee and the permit number;
2. A brief description of the proposed action requiring approval;
3. The legal, financial, compliance, and related information required by 405 KAR 8:030, Sections 2 through 10 and 405 KAR 8:040, Sections 2 through 10;
4. Applicable waivers in accordance with 405 KAR 24:040, Section 2(5). Unless the waivers originally submitted with the permit application or subsequent revisions or amendments stipulate that they are transferable, new waivers shall be executed in favor of the proposed successor. If these waivers are not obtained, the successor may only conduct reclamation operations within the area previously exempted by waiver that were disturbed by the original permittee and may not extract coal within this area; and
5. A processing fee of $375.
(b) Advertise the filing of the application in the newspaper of largest bona fide circulation, according to the definition in KRS 424.110 to 424.120, in the county where the operations are located, indicating the name and address of the applicant, the original permittee, the permit number, the geographic location of the permit, and the address to which written comments may be sent under subsection (3) of this section.
(c) Obtain sufficient performance bond coverage which will ensure reclamation of all lands affected by the permit, including areas previously affected by the existing permittee on the permit being transferred.
(3) Public participation. Any person whose interests are or may be adversely affected by a decision on the transfer, assignment, or sale of permit rights, including an official of any federal, state, or local government agency, may submit written comments on the application to the cabinet within fifteen (15) days of the date of publication of the advertisement.
(4) Criteria for approval. The cabinet may allow a permittee to transfer, assign, or sell permit rights to a successor if it finds, in writing, that the successor:
(a) Is eligible to receive a permit in accordance with the criteria specified in Section 14 of this regulation;
(b) Has submitted a performance bond, in accordance with 405 KAR Chapter 10, which will ensure reclamation of all lands affected by the permit, including areas previously disturbed by the existing permittee on the permit being transferred, and which is at least equivalent to the bond of the existing permittee;
(c) Has submitted proof that liability insurance, as required by 405 KAR 10:030, Section 4, has been obtained; and
(d) Meets any other requirements specified by the cabinet in order to ensure compliance with KRS Chapter 350 or 405 KAR Chapters 7 through 24.
(5) Notice of decision. The cabinet shall

notify the original permittee, the successor, any commenters or objectors, and the field office director of the Office of Surface Mining Reclamation and Enforcement of its final decision.

(6) Permit reissuance. After receiving the notice described in subsection (5) of this section, the successor shall immediately provide proof to the cabinet of the consummation of the transfer, assignment, or sale of permit rights. Upon submission of this proof, the cabinet shall reissue the original permit in the name of the successor.

(7) Rights of successor. All rights and liabilities under the original permit shall pass to the successor upon reissuance of the permit, except that the original permittee shall remain liable for any civil penalties resulting from violations occurring prior to the date of reissuance of the permit. The cabinet shall not approve transfer of a surface coal mining permit to any person who would be ineligible to receive a new permit under KRS 350.130(3).

(8) Requirements for new permits for persons succeeding to rights granted under a permit. A successor in interest who is able to obtain appropriate bond coverage may continue surface coal mining and reclamation operations according to the approved mining and reclamation plan and permit of the original permittee. However, any successor in interest seeking to change the conditions of mining or reclamation operations, or any of the terms or conditions of the original permit shall make application for a new permit, revision, or amendment, as appropriate.

(9) Release of bond liability. The cabinet may release the prior permittee from bond liability on the permit area if the successor in interest has filed a performance bond satisfactory to the cabinet, has received written approval of the cabinet for the transfer, sale or assignment of rights, has submitted proof of execution of the agreement, and has assumed all liability under 405 KAR for reclamation of the areas affected by all prior permittees.

Section 23. Amendments. Except for incidental boundary revisions, no extensions to an area covered by a permit shall be approved under Section 20 (permit revisions) or Section 21 (permit renewals) of this regulation. All such extensions shall be made by application for another permit. However, if the permittee desires to add the new area to his existing permit in order to have existing areas and new areas under one (1) permit, the cabinet may so amend the original permit provided that the application for the new area shall be subject to all procedures and requirements applicable to applications for original permits under 405 KAR.

Section 24. Administrative and Judicial Review. (1) Following the final decision of the cabinet concerning the application for a permit, revision or renewal thereof, application for transfer, sale, or assignment of rights or concerning an application for coal exploration, the applicant, permittee or any person with an interest which is or may be adversely affected may request a hearing on the reasons for the final decision in accordance with 405 KAR 7:090.

(2) Any applicant or any person with an interest which is or may be adversely affected and who has participated in the administrative proceedings as an objector shall:

(a) Have the right to judicial review as provided in KRS 224.085 if the applicant or person is aggrieved by the decision of the cabinet in an administrative hearing requested pursuant to subsection (1) of this section; or

(b) Have the right to an action in mandamus pursuant to KRS 350.250 if the cabinet fails to act within time limits specified in KRS Chapter 350 or 405 KAR Chapters 7 through 24.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 10, 1989 at 4 p.m.

PUBLIC HEARING: A public hearing on this proposed amendment has been scheduled to take place on Thursday, September 21, 1989 at 9 a.m. (ET). The hearing has been scheduled for the Department for Surface Mining Reclamation and Enforcement's Training Room (Room D-16) in the Hudson Hollow Office Park, 2 Hudson Hollow Road, Frankfort, Kentucky. Persons interested in attending or testifying at this hearing should submit written notification of such by September 16, 1989. Such notification must be submitted to James Hale at the address noted below, and the notice must indicate if testimony is to be given. If, by September 16, Mr. Hale has not received any written notice of intent to testify, the hearing will be cancelled. To assure an accurate record, the cabinet requests that each person testifying at the hearing provide the cabinet with a written copy of his or her testimony. Written comments on the proposed amendment may be submitted at any time before 4:30 p.m. (ET) on September 21, 1989. Comments received after that time will not be considered. Written comments and written requests to attend or testify at the hearing must be submitted to: James Hale, Department for Surface Mining Reclamation and Enforcement, Hudson Hollow Office Park, 2 Hudson Hollow Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: George Risk

(1) Type and number of entities affected: This amendment provides for processing and issuance of some minor revisions to surface coal mining permits by the department's regional offices rather than by the central office in Frankfort. The types of minor revisions that are eligible for regional office review are specified in detail in the proposed language. The cabinet anticipates this will affect approximately 20 revisions per month. This amendment also shortens the review process for those revisions that only deal with revised engineering designs of sedimentation ponds and diversions of overland flow. The cabinet anticipates this will affect approximately 15 revisions per month. This amendment should not affect the public or landowners that could be impacted by mining operations because public participation in the permit review process is preserved. By definition, minor revisions, including the minor field revisions established by this amendment, affect few enough persons that individual letters are sent by the cabinet to potentially affected persons notifying them of the receipt of a proposed revision and of the comment period instead of requiring newspaper advertisements. Since some of the situations that are listed in this amendment as minor field revisions could in

some cases actually be major revisions because they could affect several persons, the amendment provides that the regional administrator shall make the determination that such proposals are major revisions and those shall not be processed as minor field revisions.

(a) Direct and indirect costs or savings to those affected:

1. First year: A direct savings of $375 will be realized by the industry for each minor field revision because the amendment specifies that no basic permit fee will be charged. Other savings may result in some cases due to the fact that the minor field revisions and the revisions of certain engineering designs will be processed somewhat faster, but these cannot be predicted. There will be no costs to the industry due to this amendment.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: This amendment will not affect reporting or paperwork requirements for the industry.

(2) Effects on the promulgating administrative body: There will be little net effect on the department as a whole because workload is being shifted from the Division of Permits to the regional offices. The money lost due to the waiving of the $375 permit fee will have a minor impact on the general fund ($90,000 annually), but will not affect the department's budget.

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: There will be a minor decrease in paperwork requirements due to the fact that minor field revisions will not be processed through the completeness review procedure. The minor revisions that pertain to engineering designs of sedimentation ponds and diversions of overland flow will still be logged in and the paperwork will be essentially the same for those, although the processing time will be less.

(3) Assessment of anticipated effect on state and local revenues: The funds generated by the permit fees for surface coal mining operations are allocated as follows: One-third of the fees go to the local county governments of the counties where the mines are located. The rest of the money is earmarked for annual debt service on the Mines and Minerals building in Lexington. If any money is left after satisfying those two demands, it goes to the general fund. As a matter of fact, all of the surface mining permit fees go into the Mines and Minerals building fund until that annual debt is satisfied. If there are not enough fees generated to cover the Mines and Minerals debt service or any part of the one-third portion that is to go to the local county governments, money from the general fund must be allocated to cover those obligations. By requiring no basic permit fee for minor field revisions under this amendment, where $375 would otherwise be charged, there will be a projected reduction in annual permit fees of $90,000 compared to a total of approximately $2.4 million collected in FY 88-89 (3.75% reduction). This means that approximately $30,000 less annually will be generated for the coal producing counties and approximately $60,000 less annually will be generated for debt service on the Mines and Minerals building. Since permit fees have not been sufficient to meet the annual debt service on the Mines and Minerals building, resulting in money having to be taken from the general fund to satisfy this debt as well as providing the funds to be returned to the coal producing counties, this situation will be somewhat worsened by this amendment.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternatives were considered with respect to the types of revisions that could be considered as minor field revisions. Various other proposals were considered, but rejected because the change would typically be a major revision subject to different procedural requirements under state and federal law or because the type of change would typically require engineering or other specialized technical review in the central office of the Division of Permits.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Under federal and state law governing the permitting of surface coal mining operations, all permit applications must be subject to the same notice, public participation, hearings, review criteria, and other procedures regardless of the size of the operation.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 30 CFR 774.13 addresses revisons which is the issue of concern in this amendment.

2. State compliance standards. The amendment sets forth procedural requirements for certain specified minor field revisions, including provisions for notice to persons that could have an interest that could be adversely affected, opportunity to comment, opportunity to request a formal hearing, mandatory criteria for approval of proposed revisions including requirements for written findings by the cabinet that criteria have been met, requirements for performance bond, etc. These requirements are essentially the same as previously required for all minor revisions, the major difference being that these minor field revisions will be processed in the regional offices rather than in the central office of the department. In addition, minor revisions dealing only with engineering designs of sedimentation ponds and diversions of overland flow no longer will be subject to the completeness review, resulting in a shorter processing time.

3. Minimum or uniform standards contained in the federal mandate. The federal regulation requires that any major revision be subject to all the same procedures applicable to an original permit, including a lengthy public notice and comment period with four (4) weekly newspaper advertisements. Each state may develop procedures for the processing of minor revisions.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No it will not. As discussed, above, the federal mandate allows the states to develop procedures for minor revisions. Kentucky has previously established procedures for minor revisions which substantially shorten the process as compared to major revisions and those procedures have been approved by OSM as a part of Kentucky's permanent program. This amendment retains that basic procedure, but provides that certain of those minor revisions may be processed in the regional offices rather than in the central office of the department and provides that certain other minor revisions be subject to a shorter process as discussed above.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. No applicable.

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes X No____

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. Since the only impact is related to funds, the impact affects the local governments as a whole.

3. State the aspect or service of local government to which this administrative regulation relates. This amendment has a minor impact on revenues of local county governments in the coal producing counties.

4. How does this administrative regulation affect the local government or any service it provides? This amendment eliminates the basic permit fee of $375 for certain minor field revisions to surface coal mining permits. Since it is projected that this will affect approximately 240 revisions per year, the total expected reduction in permit fees will be $90,000 out of a total of approximately $2.4 million collected annually (3.75% reduction), based on fiscal year 88-89. Since KRS Chapter 350 provides that one-third of the permit fees are to be returned to the fiscal court of the county where the coal mine is located, this amendment will result in $30,000 less being returned to the coal producing counties as a whole.

CORRECTIONS CABINET
(Proposed Amendment)

501 KAR 6:020. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on August 15 [July 14], 1989 and hereinafter should be referred to as Corrections Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

1.1 Legal Assistance for Corrections Staff
1.2 News Media
1.4 The operation of Contracted Adult Correctional Facilities (Amended 8/15/89)
1.6 Extraordinary Occurrence Reports
1.9 Institutional Duty Officer
1.11 Population Counts and Reporting Procedures
1.12 Operation of Motor Vehicles by Corrections Cabinet Employees
2.1 Inmate Canteen (Amended 8/15/89)
2.2 Warden's Fund [(Amended 7/14/89)]
2.10 Surplus Property
3.1 Code of Ethics
3.12 Institutional Staff Housing
4.2 Staff Training and Development
4.3 Firearms and Chemical Agents Training
6.1 Open Records Law
7.2 Asbestos Abatement
8.4 Emergency Preparedness
9.1 Use of Force
9.3 Transportation of Convicted Offenders
9.4 Transportation of Inmates to Funerals or Bedside Visits
9.6 Contraband
9.7 Storage, Issue and Use of Weapons Including Chemical Agents
9.8 Search Policy
9.9 Transportation of Inmates
9.10 Security Inspections
9.11 Tool Control
9.15 Institutional Entry and Exit Policy and Procedures
9.18 Informants
9.19 Found Lost or Abandoned Property
10.2 Special Management Inmates
10.3 Safekeepers
10.4 Special Needs Inmates
11.2 Nutritional Adequacy of the Diet for Inmates
11.3 Special Diet Procedures
13.1 Pharmacy Policy and Formulary
13.2 Health Maintenance Services
13.3 Medical Alert System
13.4 Health Program Audits
13.5 Acquired Immune Deficiency Syndrome
13.6 Sex Offender Treatment Program
14.2 Personal Hygiene Items
14.4 Legal Services Program (Amended 8/15/89) [(Amended 7/14/89)]
14.6 Inmate Grievance Procedures
15.1 Hair and Grooming Standards
15.2 Offenses and Penalties
15.3 Meritorious Good Time
15.5 Restoration of Forfeited Good Time
15.6 Adjustment Procedures and Programs [(Amended 7/14/89)]
16.1 General Inmate Visiting Procedure
16.2 Inmate Correspondence
16.3 Telephone Calls
16.4 Inmate Packages
17.1 Inmate Personal Property
17.2 Assessment Center Operations
17.3 Controlled Intake of Inmates
18.4 Classification of the Inmate
18.5 Custody/Security Guidelines
18.6 Classification Document

18.7 Transfers
18.8 Guidelines for Transfers Between Institutions
18.9 Out-of-state Transfers [(Amended 7/14/89)]
18.10 Preparole Progress Reports
18.11 Kentucky Correctional Psychiatric Center Transfer Procedures
18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
18.13 Population Categories
18.15 Protective Custody
19.1 Government Services Projects
19.2 Community Services Projects
[20.1 Study Release (Deleted 8/15/89)]
20.6 Vocational Study Release
22.1 Privilege Trips
25.1 Gratuities
25.2 Public Official Notification of Release of an Inmate [(Amended 7/14/89)]
25.3 Prerelease Program (Amended 8/15/89)
25.4 Inmate Furloughs
25.6 Community Center Program
25.7 Expedient Release
25.8 Extended Furloughs
27-01-01 Probation and Parole Procedures
27-02-01 Duties of Probation and Parole Officers
27-03-01 Workload Formula Supervisor/Staff Ratio
27-05-01 Testimony, Court Demeanor and Availability of Legal Services
27-06-01 Availability of Supervision Services
27-06-02 Equal Access to Services
27-07-01 Cooperation with Law Enforcement Agencies
27-08-01 Use of Force (Added 8/15/89)
27-09-01 Kentucky Community Resources Directory
27-10-01 Advanced Supervision
27-11-01 Intensive Supervision
27-12-01 Supervision: Case Classification (Amended 8/15/89)
27-12-02 Risk/Needs Assessment
27-12-03 Initial Interview (Amended 8/15/89) [(Amended 7/14/89)]
27-12-04 Conditions of Regular Supervision/Request for Modification
27-12-05 Releasee's Report
27-12-06 Grievance Procedures for Offenders
27-12-07 Employment, Education/Vocational Referral
27-12-08 Supervision Plan
27-12-09 Casebook
27-12-10 Guidelines for Monitoring Supervision Fee
27-12-11 Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority
27-12-12 Other Financial Obligations (Not Ordered by Releasing Authority)
27-12-13 Community Service Work
27-12-14 Client Travel Restrictions
27-13-02 Alcohol Detection
27-14-01 Interstate Compact Transfers
27-14-02 Interstate Compact Out-of-state Probation and Parole Violation
27-15-01 Supervision Report; Violations, Unusual Incidents (Amended 8/15/89)
27-16-01 Search; Seizure; Chain of Custody; Disposal of Evidence
27-17-01 Absconder Procedures (Amended 8/15/89)
27-18-01 Probation and Parole Issuance of Detainer/Warrant
27-19-01 Preliminary Revocation Hearing (Amended 8/15/89)
27-20-01 Division of Probation and Parole Controlled Intake Program
27-20-02 Prisoner Intake Notification
27-20-03 Prisoner Status Change (Amended 8/15/89)
27-21-01 Apprehension and Transportation of Probation and Parole Violators
27-22-01 Fugitive Unit - Apprehensions
27-22-02 Fugitive Unit - Transportation of Fugitives
27-23-01 In-state Transfer
27-24-01 Closing Supervision Report
27-24-02 Reinstatement of Clients to Active Supervision
27-25-01 Application for Final Discharge from Parole
27-26-01 Assistance to Former Clients and Dischargees
27-27-01 Restoration of Civil Rights
27-28-01 Firearms/Explosives: Application for Relief from Disability
27-29-01 Parole Review Dates Modification
28-01-01 Probation and Parole Investigation Reports (Introduction, Definitions, Confidentiality, Timing, and General Comments)
28-01-02 Probation and Parole Investigation Reports (Administrative Responsibilities)
28-01-03 Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure)
28-01-04 Probation and Parole Investigation Reports (Presentence/Postsentence Verification, Composition, Case Material and Submission Schedules)
28-01-05 Probation and Parole Investigation Reports (Computation of Jail Custody Credit)
28-01-06 Probation and Parole Investigation Reports (Misdemeanant Presentence Investigation Reports for the Circuit and District Courts) (Amended 8/15/89)
28-01-07 Probation and Parole Investigation Reports (Supplemental Postsentence Investigation Report, Case Material, and Submission Schedule)
28-01-08 Probation Parole Investigation Reports (Partial Investigation Reports and Submission Schedule)
28-01-09 Release of Information of Factual Content on Presentence/Postsentence Investigation Reports
28-02-01 Expedient Release Program
28-03-01 Parole Plans/Halfway Houses/Extended Furlough/Sponsorship/Gradual Release
28-04-01 Furlough Verifications
28-05-01 Out-of-state Investigations

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: August 15, 1989
FILED WITH LRC: August 15, 1989 at 9 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 25, 1989 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Barbara Jones, Office of General Counsel, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Barbara Jones
(1) Type and number of entities affected: 2458 employees of the Corrections Cabinet, 7688 inmates, 18,671 parolees and probationers, and all visitors to state correctional institutions.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.
2. Continuing costs or savings: Same as 2(a)1.
3. Additional factors increasing or decreasing costs: Same as 2(a)1.
(b) Reporting and paperwork requirements: Monthly submission of policy revisions.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

CORRECTIONS CABINET
(Proposed Amendment)

501 KAR 6:030. Kentucky State Reformatory.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on August 15 [July 14], 1989 and hereinafter should be referred to as Kentucky State Reformatory Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

KSR 01-00-09	Public Information and News Media Relations
KSR 01-00-10	Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
KSR 01-00-14	Extraordinary Occurrence Report
KSR 01-00-15	Cooperation and Coordination with Oldham County Court
KSR 01-00-19	Personal Service Contract Personnel
KSR 01-00-20	Consent Decree Notification to Inmates [(Amended 7/14/89)]
KSR 02-00-01	Inmate Canteen
KSR 02-00-03	Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11	Inmate Personal Accounts
KSR 02-00-12	Institutional Funds and Issuance of Checks
KSR 04-00-02	Staff Training and Development
KSR 05-00-01	Officers' Daily Housing Security and Safety Log
KSR 05-00-02	Research Activities
KSR 05-00-03	Management Information Systems
KSR 06-00-01	Inmate Master File
KSR 06-00-02	Records Audit
KSR 06-00-03	Kentucky Open Records Law and Release of Psychological/ Psychiatric Information
KSR 07-00-02	Institutional Tower Room Regulations
KSR 07-00-04	Handling of PCB Articles and Containers
KSR 07-00-05	Proper Removal of Transformers
KSR 07-00-06	Asbestos Abatement
KSR 08-00-07	Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family
KSR 08-00-08	Death of an Inmate/Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery
KSR 08-00-09	Emergency Preparedness Training
KSR 08-00-10	Hazardous Chemicals and Material Safety Data Sheet
KSR 09-00-04	Horizontal Gates/Box 1 Entry and Exit Procedure
KSR 09-00-05	Gate I Entrance and Exit Procedure
KSR 09-00-09	Contraband, Dangerous Contraband and Search Policy [(Amended 7/14/89)]
KSR 09-00-14	Use of Force
KSR 09-00-21	Crime Scene Camera
KSR 09-00-22	Collection, Preservation, and Identification of Physical Evidence
KSR 09-00-23	Drug Abuse Testing
KSR 09-00-25	Inmate Motor Vehicle Operator's License
KSR 09-00-26	Contraband Outside Institutional Perimeter
KSR 09-00-27	Construction Crew Entry/Exit
KSR 09-00-28	Restricted Areas
KSR 09-00-29	Transportation of Inmates [(Added 7/14/89)]
KSR 10-00-01	Unit D - Staffing Pattern, Staff Allocation, Position Description, Staff Selection, Training and Evaluation, Time and Attendance, and Unit Personnel Records
KSR 10-00-02	Unit D - General Operational Procedures
KSR 10-00-03	Unit D - Inmate Tracking System and Records System
KSR 10-00-04	Unit D - Administrative Segregation
KSR 10-00-05	Unit D - Disciplinary Segregation
KSR 10-00-06	Unit D - Protective Custody
KSR 10-00-07	Unit D - Geriatrics
KSR 10-00-08	Unit D - Safekeepers
KSR 10-00-09	Unit D - Hold Ticket Residents
KSR 10-00-10	Unit D - Inmate Legal Access
KSR 10-00-11	Unit D - Behavior Problem Control
KSR 10-00-12	Unit D - Designated Staff Visits

KSR 10-00-13 Unit D - Property Room Access
KSR 11-00-01 Meal Planning for the General Population
KSR 11-00-02 Special Diets
KSR 11-00-03 Food Service Inspections
KSR 11-00-04 Dining Room Dress Code for Inmates
KSR 11-00-06 Health Standards/Regulations for Food Service Employees
KSR 11-00-07 Early Chow Line Passes for Medically Designated Inmates
KSR 12-00-01 Inmate Summer Dress Regulations
KSR 12-00-02 Sanitation and General Living Conditions
KSR 12-00-03 State Items Issued to Inmates
KSR 12-00-07 Regulations for Inmate Barbershop
KSR 13-00-01 Identification of Mentally Retarded Inmates
KSR 13-00-02 Hospital Operations, Rules and Regulations
KSR 13-00-03 Medication for Inmates Leaving Institution Grounds
KSR 13-00-04 Medical and Dental Care
KSR 13-00-06 Infection Control (Amended 8/15/89)
KSR 13-00-07 Referral of Inmates Considered to Have Severe Emotional Disturbances
KSR 13-00-08 Institutional Laboratory Procedures
KSR 13-00-09 Institutional Pharmacy Procedures
KSR 13-00-10 Requirements for Medical Personnel
KSR 13-00-11 Preliminary Health Evaluation and Establishment of Inmate Medical Record
KSR 13-00-12 Vision Care/Optometry Services
KSR 13-00-14 Periodic Health Examinations for Inmates
KSR 13-00-15 Medical Alert System
KSR 13-00-16 Suicide Prevention and Intervention Program
KSR 14-00-01 Inmate Rights
KSR 14-00-02 A/C Center and Unit D Inmate Access to Legal Aide Services
KSR 14-00-04 Inmate Grievance Procedure
KSR 14-00-05 Inmate Marriages
KSR 14-00-06 Inmate Legal Aides
[KSR 15-00-01 Operational Procedures and Rules and Regulations for Unit A, B, and C (Deleted 8/15/89)]
KSR 15-00-02 Regulations Prohibiting Immate Control or Authority Over Other Inmate(s)
KSR 15-00-04 Restoration of Forfeited Good Time
KSR 15-00-05 Differential Status for SU (QUIT) Inmates
KSR 15-00-06 Inmate I.D. Cards
KSR 15-00-07 Inmate Rules and Discipline - Adjustment Committee Procedures
KSR 15-00-08 Firehouse Living Area
KSR 15-01-01 Operational Procedures and Rules and Regulations for Unit A, B & C: Functions of Assigned Personnel (Added 8/15/89)
KSR 15-01-02 Staff Operational Procedure (Added 8/15/89)
KSR 15-01-03 Inmate Rules and Regulations (Added 8/15/89)
KSR 15-01-04 Institutional Medical and Fire Safety Service: Unit Application (Added 8/15/89)
KSR 15-01-05 Institutional Inmate Services (Added 8/15/89)
KSR 15-01-06 Inmate Housing Criteria and Regulations, Honor Status and General Population (Added 8/15/89)
KSR 16-00-01 Visiting Regulations
KSR 16-00-02 Inmate Correspondence and Mailroom Operations
KSR 16-00-03 Inmate Access to Telephones
KSR 17-00-01 Housing Unit Assignment - Assessment/Classification Center
KSR 17-00-03 Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 17-00-04 Assessment/Classification Center Operations, Rules and Regulations
KSR 17-00-05 Dormitory 10 Operations
KSR 17-00-06 Identification Department Admission and Discharge Procedures
KSR 17-00-07 Inmate Personal Property
KSR 17-00-08 Repair of Inmate Owned Appliances by Outside Dealers
KSR 18-00-04 Returns from Other Institutions
KSR 18-00-05 Transfer of Residents to Kentucky Correctional Psychiatric Center, and Referral Procedure for Residents Adjudicated Guilty but Mentally Ill
KSR 18-00-06 Classification and Special Notice Form
KSR 19-00-01 Inmate Work Incentives
KSR 19-00-02 On-the-job Training Program
KSR 19-00-03 Safety Inspections of Inmate Work Assignment Locations
KSR 20-00-01 Vocational School Referral and Release Process
KSR 20-00-03 Academic School Programs
KSR 20-00-04 Criteria for Participation in Jefferson Community College Program
KSR 20-00-08 Integration of Vocational and Academic Education Programs
KSR 21-00-01 Legal Aide Office and Law Library Services and Supervision
KSR 21-00-02 Inmate Library Services
KSR 21-00-03 Library Services for Unit D
KSR 22-00-03 Inmate Organizations
KSR 22-00-07 Inmate News Magazine
KSR 23-00-02 Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 23-00-03 Religious Programming
KSR 25-00-01 Discharge of Residents to Hospital or Nursing Home
KSR 25-00-02 Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 25-00-03 Preparole Progress Report

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: August 15, 1989
FILED WITH LRC: August 15, 1989 at 9 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 25, 1989 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Barbara Jones, Office of General Counsel, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Barbara Jones
(1) Type and number of entities affected: 547 employees of the Kentucky State Reformatory, 1403 inmates, and all visitors to state correctional institutions.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.
2. Continuing costs or savings: Same as 2(a)1.
3. Additional factors increasing or decreasing costs: Same as 2(a)1.
(b) Reporting and paperwork requirements: Monthly submission of policy revisions.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

CORRECTIONS CABINET
(Proposed Amendment)

501 KAR 6:120. Blackburn Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorizes the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on August 15 [May 15], 1989 and hereinafter should be referred to as Blackburn Correctional Complex and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601.

BCC 01-05-01	Duty Officer and Acting Warden
BCC 01-07-01	Extraordinary Occurrence Reports
BCC 01-09-01	Legal Assistance for Staff
BCC 01-11-01	Roles of Consultants, Contract Employees, Volunteers and Employees of Other Agencies
BCC 01-13-01	Relationships with Public, Media, and Other Agencies
BCC 01-15-01	Internal Affairs Office
BCC 01-16-01	Tours of Blackburn Correctional Complex
BCC 01-19-01	Inmate Access to BCC Staff
BCC 02-01-01	Inmate Canteen
BCC 02-02-01	Fiscal Responsibility (Amended 8/15/89)
BCC 02-02-02	Fiscal Management: Accounting Procedures
BCC 02-02-03	Fiscal Management: Checks
BCC 02-02-04	Fiscal Management: Budget (Amended 8/15/89)
BCC 02-02-05	Fiscal Management: Insurance
BCC 02-02-06	Fiscal Management: Audits (Amended 8/15/89)
BCC 02-04-01	Billing Method for Health Services Staff Paid by Personal Service Contract
BCC 02-05-01	Property Inventory
BCC 02-06-01	Purchasing
BCC 02-07-01	Inmate Personal Accounts
BCC 04-02-01	Firearms Training
BCC 04-03-01	Educational Assistance Program
BCC 05-01-01	Inmate Participation in Authorized Research
BCC 06-01-01	Storage of Expunged Records [(Amended 5/15/89)]
BCC 06-02-01	Records - Release of Information
BCC 06-02-02	Offender Records (Amended 8/15/89)
BCC 06-03-01	Reporting Inmate Misconduct Following Favorable Recommendation by the Parole Board
BCC 08-02-01	Natural Disaster Plan (Tornado)
BCC 08-03-01	Emergency Preparedness Plan Manual [(Amended 5/15/89)]
BCC 08-04-01	Fire Safety Plan, Drills and Related Staff Duties [(Amended 5/15/89)]
BCC 08-04-02	Immediate Release of Inmates from Locked Areas
BCC 08-05-01	Duties of Fire Safety Officer (Added 8/15/89)
BCC 08-06-01	Storage Control and Accountability of Flammable, Toxic, Caustic and Other Hazardous Materials
BCC 08-07-01	Facility Furnishings: Exit and Emergency Lights and Noncombustible Containers [(Amended 5/15/89)]
BCC 09-01-01	Inclement Weather/Emergency Condition Operation
BCC 09-02-01	Restricted Areas [(Amended 5/15/89)]
BCC 09-02-02	Inmate Pass System to Restricted Areas
BCC 09-02-03	Regulation of Inmate Movement
BCC 09-02-04	Radio Escorted Yard Movement During Daylight Savings Time (November 1 - April 30) (Amended 8/15/89)
BCC 09-03-01	Inmate Identification
BCC 09-04-02	Complex Entry & Exit
BCC 09-05-01	Key Control
BCC 09-06-02	Transportation to Courts
BCC 09-07-01	Drug Abuse and Intoxicants Testing
BCC 09-08-02	Use of Restraints
BCC 09-09-01	Population Counts and Count Documentation
BCC 09-10-03	Development of Institutional Post Orders
BCC 09-10-04	Governmental Services, Study Release Officer Post Orders
BCC 09-10-05	Unit A-1 Post Orders
BCC 09-10-06	Recreation Post Orders: Observation
BCC 09-10-07	Entrance Gate Post Orders
BCC 09-10-08	Visiting Area Post Orders
BCC 09-10-09	Security Staff General Orders
BCC 09-10-10	Dining Room Officer Post Orders
BCC 09-12-01	Use of Physical Force; Prohibition of Personal Abuse and Corporal Punishment
BCC 09-13-01	Perimeter Patrol [(Amended 5/15/89)]

BCC 09-14-01	Prohibiting Inmate Authority Over Other Inmates
BCC 09-15-01	Search Policy/Disposition of Contraband
BCC 09-16-01	Security Activity Logs
BCC 09-17-01	Institutional Supervisor Inspections
BCC 09-18-01	Use of State Vehicles and Staff Owned Vehicles
BCC 09-19-01	Duties and Responsibilities of the Institutional Captain
BCC 09-19-02	Duties and Responsibilities of the Shift Supervisor
BCC 09-20-01	Inmate Death
BCC 09-21-01	Tool Control
BCC 09-22-01	Emergency Communication System
BCC 10-01-01	Special Management Inmates
BCC 11-01-01	Menu and Special Diets
BCC 11-02-01	Food Service: Inspection, Health Protection and Sanitation
BCC 11-03-01	Food Service: Meals
BCC 11-04-01	Dining Room Guidelines
BCC 11-05-01	Food Service Security: Knife & Other Sharp Instrument/Utensil Control
BCC 11-06-01	Purchasing, Storage and Farm Products
BCC 11-07-01	Food Service Operations Manual
BCC 12-02-01	Personal Hygiene Items (Amended 8/15/89)
BCC 12-02-02	Personal Hygiene for Inmates: Clothing, Linens and Shower Facilities
BCC 12-05-01	Barber Shop Services
BCC 12-06-01	BCC Housekeeping Plan
BCC 13-01-01	Sick Call and Pill Call (Amended 8/15/89)
BCC 13-02-01	Administration and Authority for Health Services (Amended 8/15/89)
BCC 13-03-01	Provisions of Health Care Delivery (Amended 8/15/89)
BCC 13-04-01	Licensure and Training Standards
BCC 13-05-01	Medical Alert System
BCC 13-06-01	Health Care Practices
BCC 13-07-01	Emergency Medical Care Plan [(Amended 5/15/89)]
BCC 13-07-02	Emergency and Specialized Health Services (Amended 8/15/89)
BCC 13-07-03	Immediate Medical Treatment for Person's Injured by Weapon or Chemical Agent
BCC 13-08-01	Inmate Health Screening and Evaluation [(Amended 5/15/89)]
BCC 13-09-01	Prohibition on Medical Experimentation
BCC 13-10-01	Dental Services (Amended 8/15/89)
BCC 13-11-01	Suicide Prevention and Intervention Program (Amended 8/15/89)
BCC 13-12-01	Use of Pharmaceutical Products (Amended 8/15/89)
BCC 13-12-02	Parenteral Administration of Medications and Use of Psychotropic Drugs
BCC 13-13-01	Inmate Health Education
BCC 13-14-01	Management of Serious and Infectious Diseases
BCC 13-15-01	Informed Consent
BCC 13-16-01	Health Records
BCC 13-17-01	Notification of Inmate Family in the Event of Serious Illness, Injury or Surgery
BCC 13-19-01	Physicians Referrals/Continuity of Care
BCC 13-20-01	Chronic and Convalescent Care
BCC 13-22-01	Psychiatric and Psychological Services, Handling of Mentally Retarded Inmates and Transfers
BCC 13-23-01	First Aid Kits
BCC 14-01-01	Office of Public Advocacy Attorney Visits
BCC 14-02-01	Law Library
BCC 14-03-01	Inmate Grievance Procedure (Amended 8/15/89)
BCC 14-04-01	Inmate Rights and Responsibilities
BCC 14-05-01	Inmate Claims
BCC 14-06-01	Legal and Support Services for Indigent Inmates
BCC 15-02-01	Meritorious Living Unit (B-1)
BCC 15-02-02	Room Assignment
BCC 15-03-01	Rules and Regulations for Dormitories
BCC 15-04-01	Restoration of Forfeited Good Time
BCC 15-05-01	Extra Duty Assignments
BCC 15-06-01	Due Process/Disciplinary Procedures
BCC 16-01-01	Inmate Furloughs
BCC 16-02-01	Visiting [(Amended 5/15/89)]
BCC 16-03-01	Inmate Packages [(Amended 5/15/89)]
BCC 16-03-02	Outgoing Inmate Packages
BCC 16-03-03	Inmate Correspondence
BCC 17-02-01	Authorized Inmate Personal Property
BCC 17-03-01	Processing of New Inmates From Local Jails
BCC 18-01-01	Classification: Institutional Classification and Reclassification
BCC 18-02-01	Racial Balance in Living Areas
BCC 19-01-01	Inmate Work Programs
BCC 19-02-01	Classification of Inmates to Governmental Service Program
BCC 19-03-01	Correctional Industries
BCC 20-01-01	Academic and Vocational School
BCC 20-02-01	College Programs
BCC 20-04-01	Educational Program Evaluation
BCC 20-05-01	Educational Program Planning
BCC 20-06-01	Academic and Vocational Curriculum
BCC 21-01-01	Library Services
BCC 22-01-01	Arts and Crafts/Production and Sale of Items
BCC 22-02-01	Privileged Trips [(Amended 5/15/89)]
BCC 22-03-01	Recreational Employees
BCC 22-04-01	Recreation and Inmate Activities
BCC 22-04-02	Inmate Clubs and Organizations
BCC 22-04-03	Conducting Inmate Organizational Meetings and Programs
BCC 22-04-04	Recreation Program Availability
BCC 22-04-05	Supervision of Leisure-time Craft Club Activities and Materials (Amended 8/15/89)
BCC 22-06-01	Music Club
BCC 22-08-01	Unit Recreation Program [(Added 5/15/89)]
BCC 22-09-01	Use of Inmates in Recreation Programs
BCC 23-01-01	Religious Services
BCC 24-01-01	Duties and Responsibilities of Classification and Treatment Officers
BCC 24-02-01	Duties and Responsibilities of the Unit Director and Assistant to Unit Director (Amended 8/15/89)
BCC 24-03-01	Social Services
BCC 25-01-01	Inmate Check Out Procedure
BCC 25-02-02	Temporary Release/Community Center Release

BCC 25-05-01 Supplemental Preparole Progress Reports
BCC 26-01-01 Citizen Involvement and Volunteer Service Program

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: August 15, 1989
FILED WITH LRC: August 15, 1989 at 9 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 25, 1989 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Barbara Jones, Office of General Counsel, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Barbara Jones
(1) Type and number of entities affected: 95 employees of the Blackburn Correctional Complex, 388 inmates, and all visitors to state correctional institutions.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.
2. Continuing costs or savings: Same as 2(a)1.
3. Additional factors increasing or decreasing costs: Same as 2(a)1.
(b) Reporting and paperwork requirements: Monthly submission of policy revisions.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
(Proposed Amendment)

601 KAR 1:090. Exempted commodities.

RELATES TO: KRS Chapter 281
STATUTORY AUTHORITY: KRS 281.625(7)
NECESSITY AND FUNCTION: KRS 281.625(7) requires the Department of Vehicle Regulation to promulgate regulations designating exempted commodities which are normally and usually not transported by common carriers by motor vehicle.

Section 1. Definitions. (1) "Emigrant movables" means a mixture consisting of household goods (within its general meaning) plus one (1) or more items of personal property relating to a farming operation like livestock, live poultry, bees, harness, tools, or agricultural implements and supplies.
(2) "Materials used in handling unmanufactured tobacco" means supplies and equipment (except commodities in bulk in tank vehicles) used in marketing, packaging, processing, handling or storing of unmanufactured tobacco in any form and unmanufactured tobacco by-products when moving alone or in conjunction with exempt commodities and when originating at or consigned to an individual, company, corporation, partnership, association, or agent engaged in the marketing, packaging, processing, handling, or storing of unmanufactured tobacco in any form or unmanufactured tobacco by-products. It does not include cigarettes, cigars, snuff, chewing tobacco, twist tobacco, plug and smoking tobacco.

Section 2. [1. In] General. The [following] commodities listed in this section are [hereby] specifically designated as exempted commodities pursuant to KRS 281.625:
Airplanes
Automobiles and trucks
Barrels, used and empty
Barrel staves
Beer
Bituminous concrete or bituminous asphalt surface
Blocks, concrete or cinder
Blood, human
Boats, used and assembled, owned by individuals and transported for personal purposes
Brick
Buildings, used and intact or in sections
Cement in bags, sacks and other containers, the aggregate weight of which does not exceed 10,000 pounds
Chrome ore, in bulk in its crude state
Clay
Coal
Coke
Commercial papers and documents not normally and ordinarily used in a bank and banking institution, written instruments and interoffice communications ordinarily used in business houses other than banks but not including delivery of newly manufactured products
Concrete products, prestressed or precast and weighing more than 2,000 pounds
Cotton, in bales
Cottonseed hulls
Culvert, sewer or gas line pipe, knocked down or nesting
Currency, coinage, negotiable securities or other forms of legal tender, transported by armored vehicle
Distillery swill or slop
Emigrant movables
Feed for animals, both in bulk and in bags
Feed ingredients which are transported to a site of agricultural production or to a business enterprise engaged in the sale to agricultural producers of goods used in agricultural production
Fertilizer
Fluorspar
Fly ash, in bags, sacks or other containers, the aggregate weight of which does not exceed 10,000 pounds

Fresh meat, including smoked meats, frozen fish, and lard and cheese for peddler route distribution only
Fruits and vegetables, in bulk
Garbage
Grain
Grass sod
Gravel
Heavy steel items and metal products, each item weighing more than 2,000 pounds or exceeding ten (10) feet in length or four (4) feet in width but excluding any item exceeding 10,000 pounds in weight
Hides, green
Highway markers, concrete
Human biospecimens including blood, urine, body fluids and tissue
Industrial alcohol, in bulk, the transportation of which is licensed by the Alcoholic Beverage Control Board under the provisions of KRS 243.030
License plates, tags and decals issued pursuant to KRS Chapter 186
Lime, in bags, sacks or other containers, the aggregate weight of which does not exceed 10,000 pounds
Livestock
Logs
Lumber, rough
Magazines
Magnesite, in bulk and in its crude state
Materials, supplies and equipment used exclusively for the construction, reconstruction or maintenance of any public highway, road or street
Materials used in handling unmanufactured tobacco
Milk or cream, in bulk, in five (5) gallon or greater cans or in bottles, but excluding cases of canned milk or cream
Musical instruments and equipment or athletic equipment transported on behalf of a school
Newspapers
Peat moss
Piling
Posts, wood
Poultry, live
Race horses
Railroad crossties
Rock, rock salt, crushed and screened, but not further refined and unfit for human consumption
Sand
Sawdust
Scrap metal or scrap paper, loose or in bundles
Seed, in bulk
Stave bolts
Stone
Tanks and boilers, in excess of 500 gallon capacity
Telegraph poles
Telephone poles
Tobacco, unmanufactured
Tobacco hogsheads, new or used, empty
Trees or shrubs
United States mail and parcel post
Voting machines
Water
Well rigs, including machinery and equipment
Wool, unprocessed

[(1) Airplanes; automobiles and trucks; barrels, used, empty; barrel staves; beer; bituminous concrete or bituminous asphalt surface; blocks, concrete and cinder; blood, human; human biospecimens, which include blood samples, urine samples, body fluids and human tissue samples; boats, used and assembled, owned by individuals and transported for personal purposes; buildings, used, intact or in section; and brick.]

[(2) Cement in bags and sacks and other containers in lots, the aggregate weight of which does not exceed 10,000 pounds; chrome ore in bulk in its crude state; clay; coal; coke; commercial papers and documents not normally and ordinarily used in banks and banking institutions, written instruments and interoffice communications ordinarily used in business houses other than banks, not including delivery of newly manufactured items; concrete products, prestressed or precast, weighing more than 2,000 pounds; cotton, in bales; cottonseed hulls; crossties; culvert, sewer pipe or gas line pipe, together with couplings and other items necessary for installing, including culvert, sewer pipe or gas line pipe, knocked down or nesting; and currency, coinage and other forms of legal tender, together with negotiable securities, transported by armored cars.]

[(3) Distillery swill (slop); feed, both in bulk and in bags; and feed ingredients which are transported to a site of agricultural production or to a business enterprise engaged in the sale to agricultural producers of goods used in agricultural production; fertilizer; fluorspar; fly ash, in bags and sacks and other containers, the aggregate weight of which does not exceed 10,000 pounds; fresh meat, including smoked meats, frozen fish, lard and cheese for peddler route distribution only; fruits and vegetables, in bulk; garbage; grain; grass sod; and gravel.]

[(4) Hauling or towing of wrecked or disabled motor vehicles; heavy steel items and metal products, each item weighing more than 2,000 pounds or exceeding ten (10) feet in length or four (4) feet in width but including no item exceeding 10,000 pounds in weight; hides, green; highway markers (concrete); industrial alcohol, in bulk, transportation of which is licensed by the Alcoholic Beverage Control Board under the provisions of KRS 243.030(17); license tags and decals to be issued pursuant to KRS Chapter 186; lime, in bags and sacks and other containers, the aggregate weight of which does not exceed 10,000 pounds; livestock; logs; and lumber, rough.]

[(5) Magazines; magnesite in bulk in its crude state; materials, supplies and equipment used exclusively for the construction, reconstruction or maintenance of any public highway, road or street; milk and cream, in bulk, or in five (5) gallon cans or greater, or in bottles, but excluding cases of canned milk or cream; newspapers; peat moss; piling; posts (wood); and poultry (live).]

[(6) Race horses; rock, salt, rock, crushed and screened, not farther processed or refined, unfit for human consumption; sand; sawdust; scrap metal and scrap paper, loose or in bundles; seed, in bulk; stave bolts; and stone.]

[(7) Tanks and boilers, over 500 gallons capacity; telegraph poles; telephone poles; tobacco, unmanufactured; tobacco hogsheads, new and used, empty; trees and shrubs; United States Mail and Parcel Post; voting machines; water; well rigs, including machinery and equipment; and wool, unprocessed.]

[Section 2. Limited Exempted Commodities. The following commodities are hereby specifically designated as exempted commodities pursuant to KRS 281.625 and limited by the definition

contained in 601 KAR 1:035: emigrant movables, materials used in handling unmanufactured tobacco.]

JEROME LENTZ, Commissioner
MILO D. BRYANT, Secretary
APPROVED BY AGENCY: July 21, 1989
FILED WITH LRC: August 1, 1989 at 2 p.m.
PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on September 21, 1989 at 9 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by September 16, 1989 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until September 16, 1989. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen
(1) Type and number of entities affected: The amendment affects only those carriers hauling musical instruments or athletic equipment on behalf of a school.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: The few carriers affected by this amendment will not have to go through the extensive hearing process in order to transport musical instruments or athletic equipment for a school and yet will still be covered by their insurance companies.
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Since education regulations forbid schools to allow anything on a school bus carrying students which does not fit on a student's lap, more and more schools are relying on local trucking companies to donate or reduce the cost of transportation of band instruments or athletic equipment to events and competitions. "Musical instrument and athletic equipment" was added to the list of exempted commodities to accommodate the local school districts.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: While the format of the regulation was greatly amended, the only addition to the list of exempted commodities was "musical instruments and equipment or athletic equipment on behalf of a school".
TIERING: Was tiering applied? Yes.

TRANSPORTATION CABINET
Office of Aeronautics
(Proposed Amendment)

602 KAR 20:020. Issuance of landing area designation.

RELATES TO: KRS 183.090
STATUTORY AUTHORITY: KRS 183.024
NECESSITY AND FUNCTION: The Transportation Cabinet has the responsibility to inspect and to determine the safety and adequacy of all airport facilities in this state. This regulation establishes the procedures for the issuance of a certificate of approval for the use and operation of an airport facility and other matters related to the issuance of a Landing Area Designation.

Section 1. Definitions. (1) "Airplane" means an engine-driven, fixed-wing aircraft which is heavier than air and supported in flight by the dynamic reaction of air against its wings.
(2) "Landing area designation" means a certificate of approval of the safety and adequacy of an airport facility.
(3) "Rotorcraft" means a heavier-than-air craft that principally depends for its support in flight on lift generated by one (1) or more rotors.

Section 2. [1.] Any airport in this state which has not been issued a landing area designation pursuant to the regulations of the cabinet, is [hereby declared] unfit as an airport facility, and the [such] airport facility shall not be used by any person for the taking off or [and] landing of aircrafts. Nor shall the person who owns or controls an [such] airport to which a current landing area designation has not been issued permit any person to use the facility for the landing or taking off of aircraft.

Section 3. [2.] Each airport facility in this state shall be inspected by an authorized representative of the Transportation Cabinet. All facilities classified as public use shall be annually inspected. [who shall issue a landing area designation to] An airport facility that meets the criteria set out in the regulations of the cabinet related to airport inspection shall be issued a landing area designation by the Transportation Cabinet.

Section 4. [3.] (1) Any landing area

designation issued by the cabinet shall be valid for a period ending twelve (12) months from the date of issue. The landing area designation of a restricted use facility may be renewed without a new inspection providing there are no changes at the facility of which the cabinet is aware.

(2) The cabinet may revoke a landing area designation at any time when it is found that an airport no longer meets the standards and criteria set forth in the regulations of the cabinet.

Section 5. [4.] The person who owns or controls an airport facility shall display at all times the current landing area designation in a conspicuous place at his principal office at the airport at all times. If there is no office at the facility the airport owner shall keep the landing area designation and make it available for inspection upon request.

Section 6. [5.] All airports in this state shall be [are] classified as set forth in the regulations relating to KRS 183.090 and the [such] classification shall be stated on the landing area designation.

Section 7. The Transportation Cabinet may restrict the use of an airport to airplanes, rotorcraft or both. The cabinet may also establish other restrictions regarding the use of an airport. If the Transportation Cabinet restricts the use of an airport facility in any way, the restriction shall be noted on the landing area designation. No person shall use the airport facility for the taking off or landing of aircraft in violation of the restriction. Nor shall the person who owns or controls an airport which has been issued a restricted landing area designation permit any person to use the facility in violation of the restriction.

Section 8. If an airport facility was issued a landing area designation which was current on July 1, 1989 and if the airport facility at its most recent inspection met the safety criteria set forth in 602 KAR 20:030, it shall continue to be issued a landing area designation with the same classification by the Transportation Cabinet as long as safety conditions at the facility remain the same or improve. However, any limiting conditions to the normal operation of aircraft shall be noted on the landing area designation. If safety conditions at the airport deteriorate, the Transportation Cabinet shall reevaluate the airport classification and the landing area designation at the "grandfathered" airport.

Section 9. (1) 602 KAR 20:010, Definitions, is repealed.

(2) 602 KAR 20:025, Airport safety bulletin, is repealed.

(3) 602 KAR 20:050, Basic utility Stage I airports, is repealed.

(4) 602 KAR 20:060, Basic utility Stage II airports, is repealed.

(5) 602 KAR 20:070, General utility airports, is repealed.

(6) 602 KAR 20:080, Basic - general transport airports, is repealed.

BOB BODNER, Executive Director
MILO D. BRYANT, Secretary

APPROVED BY AGENCY: August 3, 1989
FILED WITH LRC: August 11, 1989 at 9 a.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on September 21, 1989 at 1 p.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by September 16, 1989 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until September 16, 1989. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ben Prewitt

(1) Type and number of entities affected: All airport operators in the Commonwealth of Kentucky.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No new requirements.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Updated part of the airport regulations to reflect changes in federal criteria which have been the basis for the standards set forth in most of 600 KAR Chapter 20. While those changes were being effected, changes were made to comply with the new requirements of KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: No

TIERING: Was tiering applied? Yes.

TRANSPORTATION CABINET
Office of Aeronautics
(Proposed Amendment)

602 KAR 20:030. Standards applicable to all airports.

RELATES TO: KRS 183.090, 183.110
STATUTORY AUTHORITY: KRS 183.024
NECESSITY AND FUNCTION: This regulation sets forth the safety and adequacy standards applicable to all airports including heliports that an airport owner is [are] required to comply with before the Transportation Cabinet may issue [issuance of] a Landing Area Designation to the airport.

Section 1. Definitions. (1) "Displaced threshold" means a marked threshold located at a point on the runway other than at the runway end.
(2) "Helicopter" means a rotorcraft that, for its horizontal motion, depends principally on its engine-driven rotors.
(3) "Heliport" means an airport used exclusively or intended to be used for the landing and takeoff of helicopters. It may either be at ground level or elevated on a structure.
(4) "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point of the primary surface is the same as the elevation of the nearest point of the runway centerline.
(5) "Runway" means the surface of an airport used for the landing and taking off of aircraft as depicted on the airport zoning map or airport master plan, and Federal Aviation Administration form 7480-1 Notice of Landing Area Proposal.

Section 2. [1.] All airports including heliports regardless of classification shall provide the following basic facilities [that are conspicuous under normal flight visibility conditions]:
(1) A wind indicator of sufficient size to be plainly discernible from an altitude of 1000 feet. The wind indicator shall not be required at an airport with a Federal Aviation Administration control tower which operates twenty-four (24) hours a day [Wind sock, wind tee or other approved type of wind indicator]; and
(2) A [sufficient] number of markers sufficient to make plainly discernible the turf runway or landing area usable or in use; or
(3) A paved runway or landing area shall have painted markings [be marked in accordance with Federal Aviation Administration standards].

[Section 2. (1) An airport that operates a runway or landing area lighting system shall comply with current Federal Aviation Administration standards.]
[(2) An airport that operates a runway for airplanes shall maintain an international circle in conformity with current Federal Aviation Administration standards.]

[Section 3. The approach surface shall be free of obstructions and hazards that are not otherwise allowed by law.]

[Section 4. Taxiways are optional to any class of airport. However, if any airport should provide a taxiway, then such taxiway shall meet the standard set forth in the regulation related to that class of airport.]

Section 3. [5.] All airports including heliports that maintain aircraft servicing facilities shall provide:
(1) Fire extinguishers in sufficient number and sizes to control probable fires.
(2) Telephone maintained in proper operating condition.

Section 4. [6.] The owner of an airport not including heliports shall have control of the primary surface [clear zones] and in addition no fences or other obstructions [on the ground] shall be located within 200 feet of the ends of a runway unless a displaced threshold on the runway is approved by the Transportation Cabinet.

[Section 7. Airports in this state used primarily by airplanes shall be classified according to the runway with the greatest length, and the airport shall meet all standards related to that class of airport as it may pertain to the classifying runway. However, if an airport has other runways of a shorter length, then such runways shall meet the standards in regulation related to airport inspection for that class of airport that have runways of comparable length.]

[Section 8. All heliports regardless of class shall meet the following safety and adequacy standards:]
[(1) The heliport approach and transitional surfaces shall be free of obstructions and hazards that are not otherwise allowed by law.]
[(2) The owner of a heliport shall have control of the heliport clear zones. In the case of an elevated heliport, an airspace easement may be sufficient.]

[Section 9. A heliport shall meet the minimum safety standards set forth in this regulation and the minimum safety standards of the class of airport to which it belongs, as set forth in this chapter.]

BOB BODNER, Executive Director
MILO D. BRYANT, Secretary
APPROVED BY AGENCY: August 3, 1989
FILED WITH LRC: August 11, 1989 at 9 a.m.
PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on September 21, 1989 at 1 p.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by September 16, 1989 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the

administrative regulation. If the hearing is cancelled, written comments will only be accepted until September 16, 1989. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ben Prewitt
(1) Type and number of entities affected: All airport operators in the Commonwealth of Kentucky.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: No new requirements.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Updated part of the airport regulations to reflect changes in federal criteria which have been the basis for the standards set forth in most of 600 KAR Chapter 20. While those changes were being effected, changes were made to comply with the new requirements of KRS Chapter 13A.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes.

TRANSPORTATION CABINET
Office of Aeronautics
(Proposed Amendment)

602 KAR 20:040. Restricted use [Landing strip] airports.

RELATES TO: KRS 183.090
STATUTORY AUTHORITY: KRS 183.024
NECESSITY AND FUNCTION: This regulation sets forth the minimum airport safety standards for classification as a restricted use airport [a Landing Area Designation as a Landing Strip].

Section 1. Definitions. (1) "Airplane" means an engine-drive, fixed-wing aircraft which is heavier than air and supported in flight by the dynamic reaction of air against its wings.
(2) "Landing area designation" means a certificate of approval of the safety and adequacy of an airport facility issued by the Transportation Cabinet in accordance with 602 KAR 20:020.
(3) "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point of the primary surface is the same as the elevation of the nearest point of the runway centerline.

Section 2. [1. An airport classified as a landing strip (LS) is any airport in this state that does not meet the criteria for any other class of airports because of its runway length and width, primary surface, clear zone, or approach surface.] For an [Any] airport to be classified as restricted use, it [a landing strip] shall meet the [minimum] criteria set forth in this regulation and those of 602 KAR 20:030 and shall be for use by airplanes.

Section 3. [2.] The person who owns or controls a restricted use airport [landing strip] shall have control over a land area of at least 150 [300] feet wide centered on and having [have] the same landing area length as the primary surface.

Section 4. [3.] The primary surface shall be at least 100 [150] feet wide and shall be centered on the landing area.

[Section 4. The approach surface shall be at a ratio of twenty (20) to one (1) for a minimum horizontal distance of 1,000 feet or for such a distance from the primary surface that a terrain clearance of fifty (50) vertical feet is attained. The minimum width of the approval surface shall be 150 feet.]

Section 5. A restricted use airport [landing strip] is not required to have a paved runway or taxiway[s].

Section 6. The Transportation Cabinet shall note all restrictions of [may restrict] the use of a restricted use airport on [landing strip by noting such restriction of] the landing area designation. The restriction may be to use by a person or class of people or to limit the use of the airport to a certain type of aircraft or to certain aircraft in the interest of safety of air navigation in this state.

Section 7. In determining the restriction that may be issued under Section 6 of this regulation, the cabinet shall consider the length and width of the runway, location, layout, safety of operations, whether the adjoining area is free from obstructions, the nature of the terrain, the nature of the uses to which the airport and surrounding area will be put, and types of aircraft that may utilize the restricted use airport [landing strip].

BOB BODNER, Executive Director
MILO D. BRYANT, Secretary
APPROVED BY AGENCY: August 3, 1989
FILED WITH LRC: August 11, 1989 at 9 a.m.
PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on September 21, 1989 at 1 p.m., local prevailing

time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by September 16, 1989 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until September 16, 1989. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ben Prewitt
(1) Type and number of entities affected: All airport operators in the Commonwealth of Kentucky.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: No new requirements.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Updated part of the airport regulations to reflect changes in federal criteria which have been the basis for the standards set forth in most of 600 KAR Chapter 20. While those changes were being effected, changes were made to comply with the new requirements of KRS Chapter 13A.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes.

TRANSPORTATION CABINET
Office of Aeronautics
(Proposed Amendment)

602 KAR 20:110. Restricted use heliport.

RELATES TO: KRS 183.090
STATUTORY AUTHORITY: KRS 183.024
NECESSITY AND FUNCTION: This regulation sets forth the minimum airport safety standards for a classification [landing area designation] as a restricted use heliport.

Section 1. Definitions. (1) "Approach surfaces" means those obstruction clearance planes, which are aligned with the path selected for flight and which extend upward and outward from the edge of the landing area. They increase in elevation at a given ratio of horizontal to vertical feet. These surfaces may be curved.
(2) "Helicopter" means a rotorcraft that, for its horizontal motion, depends principally on its engine-driven rotors.
(3) "Heliport" means an airport used exclusively or intended to be used for the landing and takeoff of helicopters. It may either be at ground level or elevated on a structure.
(4) "Landing area" means that specific area on land, water or a structure on which the helicopter actually lands or takes off, including the touchdown area.
(5) "Landing area designation" means a certificate of approval of the safety and adequacy of an airport facility issued by the Transportation Cabinet in accordance with 602 KAR 20:020.
(6) "Touchdown area" means that part of the landing area where it is preferred that the helicopter alight.
(7) "Transitional surface" means those obstruction clearance planes, also called "side slopes," adjacent to the landing area and the heliport approach surfaces. They extend outward and upward from the edges of the landing area and the heliport approach surfaces at a given ratio of horizontal to vertical feet. [An airport classified as a restricted use heliport (HR) is any heliport in this state that does not meet the criteria for any other class of heliports because of its landing area dimensions, peripheral area dimensions, heliport clear zone, heliport approach surfaces, or heliport transitional surface.]

Section 2. (1) [. An airport classified as a restricted use heliport (HR) is any heliport in this state that does not meet the criteria for any other class of heliports because of its landing area dimensions, peripheral area dimensions, heliport clear zone, heliport approach surfaces, or heliport transitional surface.] Any heliport classified as restricted use shall meet the minimum criteria set forth in this regulation and those of 602 KAR 20:030.
(2) No person may land on or use a restricted use heliport without prior permission of the owner.

Section 3. [2.] (1) The person who owns or controls a restricted use heliport shall have control over a minimum land area equal to the dimensions of the landing area [surrounded by the peripheral area].

(2) The landing area length, width or diameter shall be [a square with each side] equal to two (2) [one and one-half (1 1/2)] times the rotor diameter [overall length] of the largest helicopter given permission [anticipated] to use the facility and shall be free of obstructions.

[(3)The peripheral area shall have a minimum width of ten (10) feet.]

[Section 3. The touchdown area shall have minimum dimensions of twenty (20) feet by twenty (20) feet.]

Section 4. At least one (1) unobstructed approach surface shall be provided to the heliport which is compatible with the largest helicopter given permission to use the facility. [There shall be at least ninety (90) degree separation between heliport approach surfaces.]

[Section 5. The heliport approach surface shall be at a ratio of eight (8) to one (1) for a minimum of 400 feet or for such a distance from the landing area that a terrain clearance of fifty (50) vertical feet is attained. The minimum width of the heliport approach surface shall be the length of one side of the landing area.]

[Section 6. The heliport transitional surface shall be at a ratio of two (2) to one (1) for a minimum of 100 feet from the center of the landing area and 100 feet from the centerline of the heliport approach surface.]

Section 5. [7.] The Transportation Cabinet shall [may] limit the use of a restricted use heliport by noting the [such] restriction on the landing area designation. The restriction may be to use by a person or class of people or may limit the use of the heliport to a certain type of helicopter in the interest of air navigation safety in this state.

BOB BODNER, Executive Director
MILO D. BRYANT, Secretary
APPROVED BY AGENCY: August 3, 1989
FILED WITH LRC: August 11, 1989 at 9 a.m.
PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on September 21, 1989 at 1 p.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by September 16, 1989 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until September 16, 1989. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ben Prewitt
(1) Type and number of entities affected: All airport operators in the Commonwealth of Kentucky.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: No new requirements.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Updated part of the airport regulations to reflect changes in federal criteria which have been the basis for the standards set forth in most of 600 KAR Chapter 20. While those changes were being effected, changes were made to comply with the new requirements of KRS Chapter 13A.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes.

TRANSPORTATION CABINET
Department of Highways
Divisions of Planning & Maintenance
(Proposed Amendment)

603 KAR 5:230. Bridge weight limits on the extended weight coal or coal by-products haul road system.

RELATES TO: KRS 177.9771, 189.230
STATUTORY AUTHORITY: KRS 177.9771
NECESSITY AND FUNCTION: KRS 177.9771(2) requires the Secretary of the Transportation Cabinet to certify those public highways which meet certain criteria as the extended weight coal or coal by-products haul road system. KRS 189.230 provides that the Department of Highways may prescribe gross vehicle weight limits for bridges lower than the limits prescribed in KRS 177.9771 on any bridge which may be damaged or destroyed to the point of catastrophic failure if gross vehicle weights exceed certain limits. This regulation identifies the extended weight coal or coal by-products haul road system and the bridges on the system which the Department of Highways has judged may be so damaged and prescribes the maximum weight limit for each of these bridges. Further, KRS 177.9771(9) requires the Transportation Secretary to meet with certain local governing bodies and give consideration to their concerns before adding to

or deleting from the extended weight coal or coal by-products haul road system and establishes procedures to be followed by local governing bodies requesting this consideration.

Section 1. Definitions. The following terms when used in this administrative regulation shall have the following meanings:
(1) "TY I" means a single unit truck consisting of two (2) single axles.
(2) "TY II" means a single unit truck consisting of one (1) steering axle and two (2) axles in tandem arrangement.
(3) "TY III" means a single unit truck consisting of one (1) steering axle and three (3) axles in tridem arrangement.
(4) "TY IV" means a tractor-semitrailer combination with five (5) or more axles.
(5) "KY" means a state numbered highway maintained by the Kentucky Department of Highways.
(6) "US" means a United States numbered highway maintained by the Kentucky Department of Highways.
(7) "I" means an interstate and defense highway maintained by the Kentucky Department of Highways.
(8) "CR" means a public highway, road, or street not maintained by the Kentucky Department of Highways.
(9) "MP" means milepoint.
(10) "FROM" means the beginning milepoint and terminus of a road segment on the extended weight coal haul road system.
(11) "TO" means the ending milepoint and terminus of a road segment on the extended weight coal haul road system.
(12) "Catastrophic failure" means a failure that is marked by sudden or unpredictable damage ranging from extreme misfortune to utter ruin.
(13) "AASHTO" means the American Association of State Highway and Transportation Officials.
(14) "CO" means county.
(15) "LN" means line.
(16) "Mpt." means milepoint.
(17) "PKWY" means parkway.
(18) "Local governing body" means the fiscal court of any county, the city council or commission of a city of the first through fourth classes or the council of an urban county government.
(19) "Coal by-products" means any of the following: fly ash, bottom ash, wet bottom boiler slag, scrubber sludge, burned coal waste (red dog), coal slag, and coal cinders.

Section 2. (1) The Department of Highways shall determine the bridges on the extended weight coal or coal by-products haul road system which may be damaged or destroyed to the point of catastrophic failure by motor vehicles operating at the weights authorized by KRS 177.9771. This determination shall be based upon an analysis of the bridges in accordance with the guidelines and ratings set forth in the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. The load factor method of analysis may be used only when a bridge is known to have been designed by that method. When the allowable stress method of analysis is used the maximum allowable stress in steel members shall not exceed sixty-nine (69) percent of the yield strength of the steel.
(2) When the analysis specified in subsection (1) of this section cannot be applied to a bridge, the Department of Highways shall determine if any bridge may be damaged or destroyed to the point of catastrophic failure in accordance with the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. Before making such a determination the Department of Highways shall conduct an on-site inspection to determine whether the bridge shows appreciable signs of deterioration or distress or otherwise poses a significant hazard to the traveling public.

Section 3. When the Department of Highways determines that a bridge on the extended weight coal or coal by-products haul road system may be damaged or destroyed to the point of catastrophic failure, the department may adopt a weight limit for the bridge in accordance with the guidelines set forth in the AASHTO Manual for Maintenance Inspection Bridges, 1983 edition and 1984 and 1985 Interim Revisions.

Section 4. The following highways, or portions of those highways, are certified as meeting the criteria of and are designated as the extended weight coal and coal by-products haul road system. Further, the Department of Highways has determined that the bridges listed beneath the highways on the extended weight coal or coal by-products haul road system may be damaged or destroyed to the point of catastrophic failure as provided in Section 2 of this administrative regulation and has established a weight limit for each as set forth in Section 3 of this administrative regulation:

ANDERSON COUNTY

	ROAD	FROM	TO
*	Bluegrass Pkwy	44.8 Washington County Line	52.3 Mercer County Line

Weight Limit - Bridge over Cheeselick Road @ milepoint 51.84
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons

		56.3 Mercer County Line	61.9 Woodford County Line

BATH COUNTY

	ROAD	FROM	TO
*	KY 11	0.0 Montgomery CO LN	12.8 Fleming CO LN

Weight Limit - Bridge over Hinkston Creek @ milepoint 0.01
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons

BELL COUNTY

	ROAD	FROM	TO
*	US 25E	0.0 Virginia State LN	19.5 Knox CO LN
	Weight Limit - Bridge over Little Yellow Creek @ milepoint 2.17		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 43 tons		
	Weight Limit - Bridge over L & N R.R. @ milepoint 7.52		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons		
	Weight Limit - Bridge over Greasy Creek @ milepoint 18.14		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 48 tons		
*	US 119	0.0 US 25E	15.8 Harlan CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 0.02		
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons		
*	KY 66	0.0 US 25E	10.1 Buffalo Creek RD
	Weight Limit - Bridge over Cumberland River @ milepoint 0.33		
	TY I = 20 tons, TY II = 49 tons, TY III = 49 tons, TY IV = 54 tons		
	Weight Limit - Bridge over Left Fork Straight Creek @ milepoint 3.95		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 44 tons		
	Weight Limit - Bridge over Sims Fork @ milepoint 7.16		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
		11.9 Straight Creek Road	15.1 Mines
		18.2 KY 2011	18.7 Clay CO LN
*	KY 72	1.0 Mine	3.4 Harlan CO LN
*	KY 74	0.0 Tennessee State LN	0.9 KY 535
		9.8 Mine	16.1 KY 2079
	Weight Limit - Bridge over L & N R.R. @ milepoint 11.56		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Stoney Fork @ milepoint 13.07		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Yellow Creek Bypass Canal @ milepoint 14.21		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
*	KY 92	0.0 Whitley CO LN	10.8 US 25E
*	KY 186	2.2 Appollo Tipple	3.1 KY 74
	Weight Limit - Bridge over Bennett's Fork @ milepoint 2.41		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 188	2.8 KY 988	4.1 Cranes Creek RD
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 2.80		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 217	0.0 KY 988	8.8 KY 987
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 0.20		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons		
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 1.22		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 38 tons		
	Weight Limit - Bridge over Brownies Creek @ milepoint 8.77		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 221	0.0 KY 66	12.6 Harlan CO LN
	Weight Limit - Bridge over Right Fork Straight Creek @ milepoint 4.16		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Stoney Fork Creek @ milepoint 9.23		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons		
*	KY 441	4.5 KY 2079	4.9 US 25E
	Weight Limit - Bridge over Yellow Creek @ milepoint 4.62		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 59 tons		
*	KY 535	0.0 KY 74	0.6 Clear Fork RD
*	KY 987	9.4 Hen Wilder RD	13.5 KY 217
*	KY 988	1.2 KY 217	1.7 KY 188
*	KY 1344	0.0 KY 217	2.1 Wolfpen Branch RD
*	KY 2011	8.6 Beverly Tipple	9.0 KY 66
*	KY 2012	0.0 Private Haul RD	0.1 Hen Wilder RD
*	KY 2014	0.0 US 25E	2.7 Lewis Coal Mine RD
	Weight Limit - Bridge over Cumberland River @ milepoint 0.63		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
*	KY 2079	2.4 Ashbury Avenue	3.2 KY 441
*	Hen Wilder RD		
	CR 5001	0.0 KY 987	2.0 KY 2012
*	Cow Fork Road		
	CR 5032	0.0 KY 2011	2.6 Mine
*	Straight Creek Road		
	CR 5040	0.0 KY 66	0.6 Knox CO LN
*	Cranes Creek Road		
	CR 5260	0.0 KY 188	0.2 Mountain Drive Tipple
*	Hignite Creek Road		
	CR 5219	0.0 KY 74	2.3 Mine Access RD
	Weight Limit - Bridge over Hignite Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		

*	Clear Fork Road			
	CR 5227	0.0 KY 535	0.6	Mine Access RD
*	Lewis Mine Road			
	CR 5330	0.0 KY 2014 @ PONTA	0.5	Min-Dora Tipple
	Weight Limit - Bridge over Fourmile Creek			
	TY I = 20 tons, TY II = 45 tons, TY III = 51 tons, TY IV = 53 tons			
*	Little Creek Road			
	CR 5358	0.0 KY 66	0.2	Little Creek Tipple
*	Fitzpatrick Avenue (Middlesboro)			
		0.0 Ashbury Avenue	0.4	Old R B S Tipple
*	Ashbury Avenue (Middlesboro)			
		0.2 KY 2079	0.3	Fitzpatrick Avenue

BOURBON COUNTY

	ROAD	FROM	TO	
*	US 27	8.3 US 460	15.4	Harrison CO LN
	Weight Limit - Bridge over Cooper Creek @ milepoint 11.82			
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 59 tons			
	Weight Limit - Bridge over Townsend Creek @ milepoint 15.4			
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons			
*	US 68	2.4 US 68X	10.8	Nicholas CO LN
	Weight Limit - Bridge over Hinkston Creek @ milepoint 9.41			
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 50 tons			
*	US 68X	1.4 KY 627	2.8	US 68 (East)
	Weight Limit - Bridge over Stoner Creek @ milepoint 2.0			
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 48 tons			
*	US 460	7.7 US 27	9.2	US 68X
	Weight Limit - Bridge over L & N RR @ milepoint 7.99			
	TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons			
	Weight Limit - Bridge over Houston Creek @ milepoint 8.95			
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 57 tons			
*	KY 627	0.0 Clark CO LN	9.5	US 68X
	Weight Limit - Bridge over Strodes Creek Mill Race @ milepoint 0.75			
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons			

BOYD COUNTY

	ROAD	FROM	TO	
*	US 23	0.0 Lawrence CO LN	21.1	Greenup CO LN
	Weight Limit - Bridge over I-64 @ milepoint 10.56			
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons			
	Weight Limit - Bridge over C & O R.R. @ milepoint 19.31			
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 39 tons			
	Weight Limit - Bridge over C & O R.R. & Armco Rd. @ milepoint 19.34			
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 52 tons			
*	US 23S	0.0 US 60	0.5	Ohio State LN
	Weight Limit - Northbound Bridge over Ohio River @ milepoint 0.03			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
	Weight Limit - Southbound Bridge over Ohio River @ milepoint 0.05			
	TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 36 tons			
*	US 23X	1.4 US 60	2.0	US 23
*	US 60	0.0 Carter CO LN	12.4	US 23
	Weight Limit - Bridge over C & O R.R. at Princess @ milepoint 2.69			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons			
*	US 60Z	0.0 US 23	0.2	US 60
*	KY 5	0.0 US 60	1.5	Straight Creek RD
	Weight Limit - Bridge over Williams Creek @ milepoint 0.92			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons			
*	KY 757	6.2 US 23	10.2	US 23
*	Straight Creek Road			
	CR 5288	0.0 KY 5	0.6	Buena Vista RD
	Weight Limit - Bridge over Straight Creek			
	TY I = 14 tons, TY II = 14 tons, TY III = 14 tons, TY IV = 14 tons			
*	County Line Tipple Road			
	CR 5300	0.0 US 23	0.3	County Line Tipple
*	Buena Vista Road			
	CR 5493	0.0 Straight Creek RD	0.7	Mine Access RD
*	15th Street (Ashland)			
		0.0 US 23	0.2	Mansbach Dock
*	53rd Street (Ashland)			
		0.0 US 23	0.1	53rd ST Dock

BOYLE COUNTY

	ROAD	FROM	TO
*	US 127	7.5 US 127 Bypass	9.7 Mercer CO LN
	Weight Limit - Bridge over Mocks Branch @ milepoint 9.74		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 127B	0.0 US 127	5.3 US 127
	Weight Limit - Bridge over Southern RR @ milepoint 0.93		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 54 tons		
*	US 150	16.8 US 150 Bypass	18.9 Lincoln CO LN
*	US 150B	0.0 US 127	2.3 US 150

BRACKEN COUNTY

	ROAD	FROM	TO
*	KY 8	0.0 Pendleton CO LN	19.0 Mason CO LN
	Weight Limit - Bridge over Holts Creek at Foster @ milepoint 1.20		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 39 tons		
	Weight Limit - Bridge over Snag Creek @ milepoint 4.18		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Locust Creek @ milepoint 7.04		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 57 tons		
	Weight Limit - Bridge over Big Bracken Creek @ milepoint 13.93		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 53 tons		

BREATHITT COUNTY

	ROAD	FROM	TO
*	KY 15	0.0 Perry CO LN	27.5 Wolfe CO LN
	Weight Limit - Bridge over Lost Creek @ milepoint 0.48		
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Lost Creek @ milepoint 3.07		
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Lost Creek @ Milepoint 3.80		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Lost Creek @ milepoint 6.48		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 49 tons		
	Weight Limit - Bridge over Lost Creek @ milepoint 6.69		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons		
	Weight Limit - Bridge over Troublesome Creek @ Milepoint 7.64		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons		
	Weight Limit - Bridge over Quicksand Creek @ milepoint 14.73		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 47 tons		
	Weight Limit - Bridge over Frozen Creek @ milepoint 23.27		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 57 tons		
*	KY 28	5.7 Perry CO LN	7.4 Perry CO LN
*	KY 30	14.1 Elkatawa Tipple	14.8 KY 15 (North)
*	KY 476	0.0 Perry CO LN	11.4 KY 15
	Weight Limit - Bridge over Troublesome Creek @ milepoint 7.02		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 50 tons		
*	KY 542	9.2 Quicksand Creek RD	18.6 Magoffin CO LN
*	KY 1098	0.0 KY 15	20.7 Knott CO LN
	Weight Limit - Bridge over South Fork Quicksand Creek @ milepoint 5.27		
	TY I = 20 tons, TY II = 27 tons, TY III = 30 tons, TY IV = 49 tons		
	Weight Limit - Bridge over Quicksand Creek @ milepoint 17.98		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 59 tons		
*	KY 1110	15.2 Haddix Tipple	15.7 KY 15
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 15.55		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 51 tons		
*	KY 1111	0.0 KY 10.98	2.2 Big Lovely RD
*	Quicksand Creek RD		
	CR 5028	0.0 KY 542	1.0 Mine
*	Big Lovely Road		
	CR 5030	0.0 KY 1111	2.1 Knott CO LN
*	Springsfork Road		
	CR 5032	0.0 KY 542	1.4 Mine Access
*	Slusher Road		
	CR 5067	0.0 KY 542	2.5 Mine
*	Buckhorn Creek RD		
	CR 5135	0.0 KY 476	0.3 Mine
	Weight Limit - Bridge over Laurel Pad Branch Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Buckhorn Creek Northeast of Noble		
	TY I = 4 tons, TY II = 4 tons, TY III = 4 tons, TY IV = 4 tons		

BULLITT COUNTY

	ROAD	FROM	TO
*	US 31E	0.0 Spencer CO LN	5.5 Jefferson CO LN

Weight Limit - Bridge over Hough Run @ milepoint 1.73
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons
Weight Limit - Bridge over Mulberry Creek @ milepoint 1.98
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons

BUTLER COUNTY

	ROAD	FROM	TO
*	Green River Parkway		
		18.2 Warren CO LN	35.1 Ohio CO LN

Weight Limit - Bridge over Green River @ milepoint 32.64
TY I = 20 tons, TY II = 42 tons, TY III = 46 tons, TY IV = 54 tons

*	US 231	8.6 KY 1468	8.9 Green River PKWY
		11.5 KY 70 (South)	18.9 Ohio CO LN

Weight Limit - Bridge over Green River @ milepoint 12.26
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons
Weight Limit - Bridge over Indian Camp Creek @ milepoint 16.32
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons
Weight Limit - Bridge over West Fork Indian Camp Creek @ milepoint 17.1
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons

*	KY 70	0.0 Muhlenberg CO LN	14.4 US 231

Weight Limit - Bridge over Panther Creek @ milepoint 4.19
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons

		14.4 US 231	25.3 KY 411

Weight Limit - Bridge over Welch Creek @ milepoint 20.37
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons

*	KY 79	13.4 KY 70	15.2 Possum Hollow School RD
*	KY 411	0.0 KY 70	6.1 Mine
*	KY 1328	8.4 Pyramid Mine Access RD	11.7 KY 70
*	KY 1468	0.0 KY 70	1.1 US 231
*	Old Greenwich School Road		
	CR 5015	0.0 KY 1328	0.7 KY 70
*	Jolertown Ridge Road		
	CR 5027	0.0 KY 70	0.3 Pyramid Mine
*	New Cut Road (South)		
	CR 5243	0.0 KY 70	0.3 C Crabtree MN
*	Possum Hollow School Road		
	CR 5355	0.0 KY 79	0.7 Mine

Weight Limit - Bridge over East Prong of Indian Creek
TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons

CALDWELL COUNTY

	ROAD	FROM	TO
	Western Kentucky Parkway		
		5.6 Lyon CO LN	21.8 Hopkins CO LN

Weight Limit - Bridge over I. C. R.R. @ milepoint 11.36
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 57 tons
Weight Limit - Bridge over Tradewater River @ milepoint 21.75
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 58 tons

CALLOWAY COUNTY

	ROAD	FROM	TO
*	US 641	0.0 Tennessee State LN	17.4 Marshall CO LN

Weight Limit - Bridge over Clark's River @ milepoint 1.10
TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 44 tons
Weight Limit - Bridge over Bee Creek @ milepoint 8.92
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Rockhouse Creek @ milepoint 15.65
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

CARTER COUNTY

	ROAD	FROM	TO
*	US 60	24.1 KY 1 and KY 7	24.8 KY 1
		29.7 Fighting Fork RD	35.0 Boyd CO LN
*	KY 1	0.0 Lawrence CO LN	10.6 US 60

Weight Limit - Bridge over Dry Fork Creek @ milepoint 0.46
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Dry Fork Creek @ milepoint 0.83
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Dry Fork Creek @ milepoint 1.12
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 2.40
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 59 tons

Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 4.13
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 4.75
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 5.41
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 5.77
TY I = 20 tons, TY II = 33 tons, TY III = 34 tons, TY IV = 45 tons
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 7.70
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 55 tons

		10.6 US 60	11.5	I-64

Weight Limit - Bridge over I-64 @ milepoint 11.50
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons

*	KY 7	0.0 Elliott CO LN	10.9	KY 1

Weight Limit - Bridge over Clifty Creek near Sophie @ milepoint 1.64
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Little Sandy River @ milepoint 10.12
TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons

*	KY 207	0.0 US 60	2.3	Greenup CO LN
*	Fighting Fork RD			
	CR 5034	0.0 US 60	0.9	Mine

CHRISTIAN COUNTY

	ROAD	FROM	TO	
*	Pennyrile PKWY	9.4 US 68	28.1	KY Hopkins CO LN
*	US 41	28.5 KY 1296	31.6	Hopkins CO LN

Weight Limit - Bridge over Campbells Creek @ milepoint 29.51
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons
Weight Limit - Bridge over L & N RR @ milepoint 30.88
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 50 tons

*	KY 1296	2.7 Campbell Cemetery RD	5.2	US 41
*	Campbell Cemetery Road			
	CR 5418	0.0 KY 1296	2.0	Mine

CLARK COUNTY

	ROAD	FROM	TO	
*	Mountain Parkway (KY 402)			
		0.0 I-64	11.9	Powell CO LN

Weight Limit - Bridge over I-64 @ milepoint 0.13
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 47 tons
Weight Limit - Bridge over C & O RR @ milepoint 3.65
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 55 tons

*	US 60	0.0 Fayette CO LN	6.7	KY 627
		7.0 KY 89	7.2	KY 15
*	KY 15	0.0 Powell CO LN	13.1	US 60

Weight Limit - Bridge over Lulbegrud Creek @ milepoint 0.01
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons
Weight Limit - Bridge over Upper Howard's Creek @ milepoint 2.98
TY I = 21 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 38 tons
Weight Limit - Bridge over Big Stoner Creek @ milepoint 7.00
TY I = 20 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 38 tons
Weight Limit - Bridge over C&O Railroad @ milepoint 11.08
TY I = 20 tons, TY II = 20 tons, TY III = 22 tons, TY IV = 28 tons

*	KY 89	15.9 US 60	16.0	KY 627
*	KY 418	5.7 KY 1924	5.8	KY 627
*	KY 627	0.0 Madison CO LN	6.4	KY 1958

Weight Limit - Bridge over Kentucky River @ Boonesboro @ milepoint 0.01
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 47 tons

		7.8 US 60	8.1	KY 89
		9.3 I-64	14.8	Bourbon CO LN

Weight Limit - Bridge over Woodruff Creek @ milepoint 13.20
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons

*	KY 1924	0.0 Dale Power Plant	1.8	KY 418
*	KY 1958	0.0 KY 627	2.8	I-64

CLAY COUNTY

	ROAD	FROM	TO	
*	Daniel Boone Parkway			
		10.6 Laurel CO LN	35.9	Leslie CO LN

Weight Limit - Bridge over Little Goose Creek Rd. @ milepoint 10.81
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Urban Road @ milepoint 13.90
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Hooker Road @ milepoint 16.14
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons

Weight Limit - Bridge over Ham Branch Rd. & Goose Creek @ milepoint 21.67
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 57 tons
Weight Limit - Bridge over Red Bird River @ milepoint 33.58
TY I = 20 tons, TY II = 42 tons, TY III = 42 tons, TY IV = 56 tons
* US 421 0.0 Leslie CO LN 32.8 Jackson CO LN
Weight Limit - Bridge over Horse Creek @ milepoint 16.58
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Goose Creek @ milepoint 18.59
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 48 tons
Weight Limit - Bridge over Island Creek @ milepoint 20.49
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 43 tons
Weight Limit - Bridge over Branch of Island Creek @ milepoint 21.20
TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 53 tons
Weight Limit - Bridge over Laurel Creek @ milepoint 23.97
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 43 tons
Weight Limit - Bridge over Sexton Creek @ milepoint 28.41
TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 52 tons
* KY 11 0.0 Knox CO LN 8.9 US 421 (South)
Weight Limit - Bridge over Collins Fork - Goose Creek @ milepoint 2.91
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Collins Fork - Goose Creek @ milepoint 5.38
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
8.9 US 421 (North) 26.6 Owsley CO LN
Weight Limit - Bridge over Wildcat Creek @ milepoint 15.57
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
* KY 66 0.0 Bell CO LN 1.8 Beverly Tipple
* KY 80 4.8 New Truckers Tipple 7.5 US 421
* KY 1524 0.0 US 421 1.1 KY 2000
* KY 2000 0.0 KY 1524 4.6 Sand Hill RD
* KY 2432 0.0 Sester Road 1.4 Panama SCH RD
* KY 2438 0.0 US 421 0.1 KY 2432
Weight Limit - Bridge over Goose Creek & L & N RR @ milepoint 0.01
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 50 tons
* Sand Hill Road
CR 5129 0.0 KY 2000 0.2 Mine
* Sevier Road
CR 5180 0.0 US 421 0.2 Tipple Access RD
Weight Limit - Bridge over Goose Creek
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 60 tons
* Sester Road (Manchester)
CR 5227AA 0.0 KY 2432 0.2 Tipple Access
* Panama School Road
CR 5341 0.0 Littleton Road 0.8 Steele RD
* Steele Road
CR 5342 0.0 Panama School RD 0.9 Mine Access

CLINTON COUNTY

	ROAD	FROM	TO
*	KY 90	9.8 Poplar Mountain Road	12.8 Wayne CO LN
*	Poplar Mountain Road		
	CR 5058	0.0 KY 90	3.4 Mine

DAVIESS COUNTY

	ROAD	FROM	TO
*	Green River Parkway		
		59.5 Ohio CO LN	70.7 US 60 Bypass
	Weight Limit - Bridge over Owensboro Beltline @ milepoint 70.18		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons		
*	US 60	10.2 US 60 Bypass	28.0 Hancock CO LN
	Weight Limit - Bridge over L & N Railroad @ milepoint 11.78		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons		
	Weight Limit - Westbound Bridge over L & N RR @ milepoint 16.66		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
	Weight Limit - Eastbound Bridge over Power Plant Entrance @ milepoint 16.66		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Pup Creek @ milepoint 20.31		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 45 tons		
*	US 60B	0.0 US 60	10.2 US 60
	Weight Limit - Bridge over US 431 @ milepoint 4.22		
	TY I = 20 tons, TY II = 42 tons, TY III = 42 tons, TY IV = 48 tons		
	Weight Limit - Bridge over L & N Railroad @ milepoint 4.84		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 49 tons		
	Weight Limit - Bridge over Sutherland Road @ milepoint 5.08		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		

Weight Limit - Bridge over Horse Fork Creek @ milepoint 5.65
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over I C RR @ milepoint 7.71
TY I = 20 tons, TY II = 37 tons, TY III = 37 tons, TY IV = 48 tons
Weight Limit - Bridge over L&N RR & KY 2710 @ milepoint 9.77
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 43 tons

*	US 231	0.0	Ohio CO LN	11.3	US 60 Bypass

Weight Limit - Bridge over Panther Creek @ milepoint 3.91
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Panther Creek @ milepoint 8.84
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons
Weight Limit - Bridge over overflow @ milepoint 8.94
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over overflow @ milepoint 9.22
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Owensboro Beltline @ milepoint 11.29
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons

*	KY 81	0.0	McLean CO LN	11.9	US 60 Bypass

Weight Limit - Bridge over Panther Creek @ milepoint 6.50
TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 43 tons

*	KY 144	0.0	US 60	11.9	Flora RD

Weight Limit - Bridge over L & N RR @ milepoint 0.16
TY I = 20 tons, TY II = 43 tons, TY III = 46 tons, TY IV = 50 tons

*	KY 331	0.0	US 60 (East) (Via Industrial Dr. & Medley-Roost Rd.)	1.9	Mine
*	KY 554	1.9	Mine	4.8	KY 81
*	KY 951	0.0	KY 144	2.9	Mine
*	Floral Road				
	CR 5035	0.0	KY 144	1.4	Mine
*	St Lawrence Road				
	CR 5036	1.6	Mine	1.8	Indian Hill Rd
*	Indian Hill Road				
	CR 5038	0.0	KY 951	0.5	St. Lawrence RD
*	Iceland Road				

ELLIOTT COUNTY

	ROAD	FROM		TO	
*	KY 7	17.1	KY 409	19.3	Carter CO LN

FAYETTE COUNTY

	ROAD	FROM		TO	
*	US 60	0.0	Woodford CO LN	4.7	KY 4 (West)

Weight Limit - Bridge over South Elkhorn Creek @ milepoint 1.30
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

		10.2	KY 4 (East)	19.3	Clark CO LN

Weight Limit - Bridge over New Circle Road (KY 4) @ milepoint 10.19
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons

*	US 68	0.0	Jessamine CO LN	3.1	KY 4

Weight Limit - Bridge over South Elkhorn Creek @ milepoint 0.74
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons

*	KY 4	2.2	US 68 (South)	12.7	US 60 (East)

Weight Limit - Bridge over US 60, Versailles Road @ milepoint 4.61
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons
Weight Limit - Bridge over Viley Pike @ milepoint 5.48
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons
Weight Limit - Bridge over Southern RR @ milepoint 8.03
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons

*	KY 922	1.0	KY 4	2.9	I-75

FLEMING COUNTY

	ROAD	FROM		TO	
*	US 68	0.0	Robertson CO LN	5.4	Mason CO LN
*	KY 11	0.0	Bath CO LN	17.2	Mason CO LN

Weight Limit - Bridge over Fleming Creek @ milepoint 7.80
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons
Weight Limit - Bridge over Cassidy Creek @ milepoint 8.77
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons

FLOYD COUNTY

	ROAD	FROM		TO	
*	US 23	0.0	Pike CO LN	24.1	Johnson CO LN

Weight Limit - Bridge over Levisa Fork Big Sandy River @ milepoint 10.76
TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons
Weight Limit - Bridge over C&O RR @ milepoint 10.95
TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 57 tons

*	KY 3	0.0	US 23 & KY 80	2.3	Blackhawk Tipple
*	KY 7	0.0	Knott CO LN	6.5	KY 80
*	KY 80	0.0	Knott CO LN	14.4	US 23 & KY 3
*	KY 114	0.0	Magoffin CO LN	11.4	US 23
	Weight Limit - Bridge over Middle Creek @ milepoint 4.12				
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons				
	Weight Limit - Bridge over C&O RR @ milepoint 10.41				
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 56 tons				
	Weight Limit - Bridge over Middle Creek @ milepoint 10.60				
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 55 tons				
*	KY 122	8.5	KY 80	21.1	Spewing Camp Branch RD
		24.3	Mine	31.6	KY 466
*	KY 194	9.0	Addington Mine	12.2	Pike CO LN
	Weight Limit - Bridge over Brushy Creek @ milepoint 12.15				
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons				
*	KY 404	0.0	Magoffin CO LN	3.1	KY 850
		4.2	KY 1210	8.1	KY 114
	Weight Limit - Bridge over Middle Creek @ milepoint 8.07				
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons				
*	KY 466	2.3	Caleb FK RD	4.1	KY 122
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 2.58				
	TY I = 16 tons, TY II = 18 tons, TY III = 21 tons, TY IV = 37 tons				
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 2.90				
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons				
*	KY 550	0.0	Knott CO LN	0.2	KY 7
	Weight Limit - Bridge over Right Fork of Beaver Creek @ milepoint 0.06				
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons				
*	KY 680	0.0	KY 122	0.9	KY 1929
		1.6	Joseph Mining Tipple	5.4	KY 979
*	KY 777	6.5	Mine	9.1	KY 80
*	KY 850	3.0	Mine	7.5	KY 404
*	KY 979	0.0	KY 122	19.3	US 23
	Weight Limit - Bridge over Toler Creek @ milepoint 17.43				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
*	KY 1091	0.0	Knott CO LN	1.2	KY 122
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 1.20				
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons				
*	KY 1101	0.0	KY 122	0.1	Stonecoal Branch RD
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 0.90				
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 59 tons				
*	KY 1210	0.0	KY 80	0.6	Mines
		7.1	Nerco-Hiller Tipple	7.8	KY 404
	Weight Limit - Bridge over Middle Creek @ milepoint 7.76				
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons				
*	KY 1426	0.0	Pike CO LN	6.6	KY 979
		6.6	KY 979	9.5	Justice BR RD
		10.9	Mine	14.3	US 23
	Weight Limit - Bridge over Levisa Fork of Big Sandy River @ milepoint 14.09				
	TY I = 20 tons, TY II = 49 tons, TY III = 49 tons, TY IV = 55 tons				
*	KY 1428	6.2	US 23	8.8	KY 194
		14.1	Uptown Mining Mine	15.6	US 23
	Weight Limit - Bridge over Little Paint Creek @ milepoint 14.85				
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons				
*	KY 1498	0.0	Knott CO LN	4.6	KY 122
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 4.59				
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 60 tons				
*	KY 1928	2.0	Ned FK RD	4.5	KY 680
*	KY 2030	0.0	KY 122	7.8	KY 1426
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 0.10				
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 56 tons				
*	KY 2557	0.0	Betsy Layne BR RD	0.3	US 23
*	KY 3188	0.8	Kanawha Mine	1.3	KY 80
*	KY 3379	0.0	Left Fork/Tinker Fork RD	7.0	KY 979
*	KY 3380	0.0	KY 979	0.6	Andy Branch RD
*	Powell Branch Road				
	CR 5022	0.0	Justell Bridge RD	0.3	Camp BR Branch RD
*	Justell Bridge Road				
	CR 5024F	0.0	US 23	0.1	Powell Branch RD
*	Ivy Creek RD				
	CR 5032	0.0	US 23	2.1	Mine
*	Bushy Fork Road				
	CR 5046	0.0	KY 194	0.8	Pike CO LN
*	Wolf Branch Road				
	CR 5046A	0.0	Bushy Fork Road	1.0	Martin CO LN

* Bull Creek Road
CR 5055 0.0 KY 3 0.5 Cabin Coal Tipple
* Camp Branch Road
CR 5078 0.0 Powell Branch RD 0.9 Right FK/Camp BR RD
* Right Fork/Camp Branch Road
CR 5078A 0.0 Camp Branch RD 0.2 Prater Creek Mine
* Transcontinental Road (Excluding Bridge)
CR 5083 0.0 Transcontinental Tip 0.8 US 23
* Justice Branch Road
CR 5107 0.0 KY 1426 0.4 Right Fork Justice BR RD
* Right Fork of Justice Branch RD
CR 5107A 0.0 Justice Branch RD 0.3 Island Creek Mine
* Frog Branch Road
CR 5110 0.0 KY 2030 1.0 Maple Ridge Mine
* Betsy Layne Branch Road
CR 5111 0.0 KY 2557 0.9 Somerset Coal Mine
* Cedar Hill Road
CR 5118 0.0 KY 1426 0.2 Mine
* Hamilton Branch RD
CR 5127 0.0 KY 1426 0.2 Bebe Mine
Weight Limit - Bridge over Toler Creek
TY I = 20 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 35 tons
* Parsons Branch Road
CR 5128 0.0 KY 979 0.2 Transcontinental Mine
Weight Limit - Bridge over Mud Creek
TY I = 20 tons, TY II = 36 tons, TY III = 36 tons, TY IV = 36 tons
* Frasure Branch Road
CR 5134 0.0 KY 979 1.0 Joseph Mining Mine
* Mink Branch Road
CR 5138 0.0 KY 979 1.2 Mine
Weight Limit - Bridge over Big Mud Creek
TY I = 22 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
* Dry Branch/Mud Creek Road
CR 5139 0.0 KY 979 1.1 Joseph Mining Mine
* Ned Fork Road
CR 5140 0.0 KY 1929 1.1 Premium Elkhorn Shannon Mine
* Branham Creek Road
CR 5142 0.0 KY 3379 0.6 Pike CO LN
* Barn Branch Road
CR 5146 0.0 Branham Creek RD 0.3 Phyllis Coal Mine
* Left Fork/Tinker Fork Road
CR 5147 0.0 Branham Creek RD 0.2 Wellmore Kodiak Mine
* Andy Branch Road
CR 5148 0.0 Tinker Fork RD 0.5 Ensol Mine
* Red Morg Branch Road
CR 5153 0.0 KY 979 0.9 Turner Elkhorn Mine
* Buzzard Rock Road
CR 5157 0.2 Apache Mining Mine 0.5 Pike CO LN
* Caleb Fork RD
CR 5175 0.0 KY 466 0.7 Pike County Haul RD
* Spewing Camp Branch
CR 5190 0.0 KY 122 1.8 Mine
Weight Limit - Bridge over Left Fork of Beaver Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Little Muddy Creek Road
CR 5197 0.0 KY 2030 3.0 Bebe Mine
* Upper Wolfpen Branch Road
CR 5197B 0.0 Little Muddy Creek RD 0.7 Prater Creek Mine
* Hite Road
CR 5220 1.8 Hite RD-KY 122 1.9 Hite Prep Plant Connector RD
* Hite Road-KY 122 Connector Road
CR 5220A 0.0 KY 122 0.1 Hite RD
* Stonecoal Branch Road
CR 5234 0.0 KY 1101 1.6 Mine
* Goose Creek Road
CR 5273 0.0 Gosling Branch RD 0.6 Transcontinental T&H Mine
* Gosling Branch Road
CR 5274 0.0 KY 80 0.1 Goose Creek RD
* Vine Street (Eastern)
CR 5283C 0.0 KY 80 0.1 May I Tipple
Weight Limit - Bridge over Right Fork of Beaver Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Johnson Fork-Conley Fork Road
CR 5409 0.0 KY 1210 0.2 Amber Prep Plant

FRANKLIN COUNTY

	ROAD	FROM	TO
*	US 60	0.0 Shelby CO LN	6.5 US 127 (West)
	Weight Limit - Bridge over Benson Creek @ milepoint 0.01		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons		
	Weight Limit - Bridge over South Benson Creek @ milepoint 2.72		
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 40 tons		
		12.1 US 421 (East)	14.0 KY 676
	Weight Limit - Bridge over L & N Railroad @ milepoint 12.12		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons		
*	US 127	5.3 KY 676	6.2 US 60
*	KY 676	0.0 US 127	5.3 US 60

GREENUP COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Boyd CO LN	11.6 KY 2541
	Weight Limit - Bridge over Little Sandy River @ milepoint 11.41		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 57 tons		
*	KY 1	11.4 KY 207	17.3 US 23
*	KY 207	0.0 Carter CO LN	0.5 Logtown Hollow RD
		8.3 Woods RD	9.2 KY 1
*	Logtown Hollow Road		
	CR 5168	0.0 KY 207	0.5 Mine
*	Stepp Drive		
	CR 5216	0.0 KY 207	0.3 Mine
*	Schultz Branch Road		
	CR 5250	0.0 KY 2	1.0 Mine

HANCOCK COUNTY

	ROAD	FROM	TO
*	US 60	0.0 Daviess CO LN	5.0 Mine

HARLAN COUNTY

	ROAD	FROM	TO
*	US 119	0.0 Bell CO LN	39.7 Letcher CO LN
	Weight Limit - Bridge over Poore Fork Cumberland River @ milepoint 31.12		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Poore Fork Cumberland River @ milepoint 33.32		
	TY I = 20 tons, TY II = 47 tons, TY III = 47 tons, TY IV = 55 tons		
	Weight Limit - Bridge over Clover Lick Creek @ milepoint 33.74		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Poor Fork @ milepoint 35.56		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Poor Fork @ milepoint 38.91		
	TY I = 20 tons, TY II = 25 tons, TY III = 27 tons, TY IV = 35 tons		
	Weight Limit - Bridge over Poor Fork @ milepoint 39.61		
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 44 tons		
*	US 421	0.0 Virginia State LN	17.6 US 119 (West)
	Weight Limit - Bridge over Cranks Creek @ milepoint 2.70		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 42 tons		
	Weight Limit - Bridge over Fork of Crummies Creek @ milepoint 7.36		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 40 tons		
	Weight Limit - Bridge over KY 840, L&N RR, Clover Fork @ milepoint 17.51		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 49 tons		
		17.6 US 119 (East)	27.4 Leslie CO LN
*	KY 38	0.0 US 421	13.3 Shields SCH RD
	Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 8.21		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Yocum Creek @ milepoint 8.60		
	TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 38 tons		
	Weight Limit - Bridge over Clover Fork @ milepoint 12.90		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
		16.7 Conveyor Dump Point	17.0 KY 179
*	KY 72	0.0 Bell CO LN	1.3 Mill Branch RD
		1.9 KY 2005	4.9 Rockhouse BR RD
	Weight Limit - Bridge over Puckett Creek @ milepoint 4.73		
	TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Puckett Creek @ milepoint 4.84		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons		
		10.2 Mine	11.3 US 421
	Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 11.19		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons		
*	KY 215	0.0 KY 38	0.2 Yocum Tipple
	Weight Limit - Bridge over Yocum Creek @ milepoint 1.06		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		

*	KY 221	0.0 Bell CO LN	8.9	US 421 (South)
		8.9 US 421 (North)	21.6	KY 2008
*	KY 987	10.4 Wilder Branch RD	18.5	US 421
	Weight Limit - Bridge over Martins Fork Lake @ milepoint 12.72			
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons			
	Weight Limit - Bridge over Martins Fork @ milepoint 15.07			
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Crummies Creek @ milepoint 18.52			
	TY I = 20 tons, TY II = 29 tons, TY III = 34 tons, TY IV = 41 tons			
*	KY 990	0.0 US 421	1.3	Coalgood Tipple
*	KY 1137	0.0 US 421	3.2	Mine Access RD
*	KY 2005	2.6 Lick Branch Culvert	5.1	KY 72
	Weight Limit - Bridge over Yocum Creek @ milepoint 5.08			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons			
*	KY 2006	0.7 Mine	4.6	Arch of KY Tipple
*	KY 2008	0.0 Leslie CO LN	1.4	KY 221
*	KY 2009	0.0 KY 221	2.7	Leslie CO LN
	Weight Limit - Bridge over Fork of Laurel Fork Creek @ milepoint 1.51			
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons			
	Weight Limit - Bridge over Laurel Fork Creek @ milepoint 2.72			
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons			
*	KY 3449	0.0 Forester's Creek RD	1.1	Kentucky Harlan Tipple
*	KY 3451	1.4 Mine	2.2	US 119
*	KY 3457	0.0 KY 38	0.5	Mine
*	KY 3462	0.0 US 421	0.8	Mine
*	KY 3465	0.0 KY 221	3.9	Leslie CO LN
*	Totz Road			
	CR 5007B	0.0 Haul RD	0.1	Totz Washer
*	Slack Cemetery Road			
	CR 5140	0.0 US 421 (North)	0.4	Tipple
*	Barn Branch Road			
	CR 5142	0.0 US 421	0.4	Mine Access RD
*	Grays Branch Road			
	CR 5206K	0.0 US 421 @ Grays Knob	0.4	Tipple
	Weight Limit - Bridge over Martins Fork			
	TY I = 20 tons, TY II = 20 tons, TY III = 20 tons, TY IV = 20 tons			
*	Foresters Creek Road			
	CR 5238	0.0 KY 3449	1.7	Mine Access RD
*	Rockhouse Branch Road			
	CR 5256	0.0 KY 72	0.2	R B Tipple
*	Gabes Branch Road			
	CR 5326E	0.0 KY 38	0.1	Brookside Tipple
*	Ages Creek Road			
	CR 5326M	0.0 KY 38	0.3	Mine
	Weight Limit - Bridge over Ages Branch			
	TY I = 20 tons, TY II = 27 tons, TY III = 33 tons, TY IV = 53 tons			
*	Big Run Hollow Road			
	CR 5344	2.1 Mine Access Road	2.6	Bell CO LN

HARRISON COUNTY

	ROAD	FROM	TO	
*	US 27	0.0 Bourbon CO LN	19.5	Pendleton CO LN
	Weight Limit - Bridge over South Fork Licking River @ milepoint 5.65			
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 57 tons			
	Weight Limit - Bridge over L&N RR @ milepoint 6.28			
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 45 tons			
	Weight Limit - Bridge over Indian Creek @ milepoint 7.09			
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 58 tons			
	Weight Limit - Bridge over Sycamore Creek @ milepoint 9.09			
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Two Lick Creek @ milepoint 10.40			
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 57 tons			
	Weight Limit - Bridge over Curry Creek @ milepoint 13.27			
	TY I = 20 tons, TY II = 31 tons, TY III = 35 tons, TY IV = 50 tons			
	Weight Limit - Bridge over Richland Creek @ milepoint 19.18			
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons			

HENDERSON COUNTY

	ROAD	FROM	TO	
*	US 41	0.0 Webster CO LN	13.0	KY 812
	Weight Limit - Bridge over King Creek @ milepoint 0.65			
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons			
	Weight Limit - Bridge over East Fork of Cane Creek @ milepoint 6.20			
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Dredged Ditch @ milepoint 6.32			
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons			

* KY 812	5.6 Mine	7.4 US 41
* KY 2097	0.0 US 41	0.9 Bill Givens RD
* Bill Givens Road		
CR 5142	0.0 Webster CO LN	0.1 KY 2097

HOPKINS COUNTY

ROAD	FROM	TO
* Western Kentucky Parkway		
	21.8 Caldwell CO LN	43.4 Muhlenberg CO LN
Weight Limit - Bridge over Tradewater River Overflow @ milepoint 22.00		
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
Weight Limit - Bridge over I.C. RR @ milepoint 24.89		
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
Weight Limit - Bridge over KY 112 & Copperas Creek @ milepoint 28.35		
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 52 tons		
Weight Limit - Bridge over Oak Hill Rd. & I.C. RR @ milepoint 33.87		
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
Weight Limit - Bridge over Pennyrile Parkway @ milepoint 38.31		
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 56 tons		
* Pennyrile Parkway (Nontoll Segment) and US 41		
	29.6 US 41 (South)	45.2 Begin Toll Segment @ US 41(N)
Weight Limit - Bridge on exit ramp to U.S. 41 @ milepoint 45.2		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* Pennyrile Parkway (Toll Segment)		
	45.2 End Nontoll Segment @ US 41 (North)	55.0 Webster CO LN
Weight Limit - Bridge over KY 138 @ milepoint 54.07		
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 56 tons		
* US 41	0.0 Christian CO LN	2.3 Pennyrile Parkway (South)
Weight Limit - Bridge over Drakes Creek @ milepoint 0.49		
TY I = 20 tons, TY II = 31 tons, TY III = 36 tons, TY IV = 53 tons		
US 41 & Pennyrile Parkway (Nontoll Segment) included with Pennyrile Parkway Listing		
	2.3 Pennyrile Parkway (North)	11.8 Webster CO LN
Weight Limit - Bridge over Otter Creek @ milepoint 6.13		
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
* US 41A	0.0 US 41	29.4 Webster CO LN
Weight Limit - Bridge over Crab Orchard Creek @ milepoint 0.82		
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 56 tons		
Weight Limit - Bridge over IC RR & Pleasant Run Creek @ milepoint 3.42		
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 48 tons		
Weight Limit - Bridge over L&N RR @ milepoint 6.59		
TY I = 20 tons, TY II = 28 tons, TY III = 28 tons, TY IV = 34 tons		
Weight Limit - Bridge over Pond Creek @ milepoint 22.86		
TY I = 20 tons, TY II = 23 tons, TY III = 27 tons, TY IV = 43 tons		
* US 62	1.7 KY 109	21.3 Sextet Mine & Tipple
Weight Limit - Bridge over Copperas Creek @ milepoint 5.70		
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
Weight Limit - Bridge over Cane Run Creek @ milepoint 7.94		
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
Weight Limit - Bridge over Pleasant Run @ milepoint 12.51		
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
Weight Limit - Bridge over L&N RR, Fork Pleasant Run @ milepoint 14.89		
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 58 tons		
Weight Limit - Bridge over US 41 @ milepoint 15.64		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over Pleasant Run Creek @ milepoint 16.39		
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
Weight Limit - Bridge over Drakes Creek @ milepoint 16.72		
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons		
* KY 70	4.5 Peter Howton Road	18.7 US 41A
Weight Limit - Bridge over Richland Creek @ milepoint 11.77		
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
Weight Limit - Bridge over ICG RR NE of Richland @ milepoint 13.09		
TY I = 20 tons, TY II = 27 tons, TY III = 27 tons, TY IV = 34 tons		
Weight Limit - Bridge over Sugar Creek @ milepoint 13.45		
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
Weight Limit - Bridge over L&N RR @ milepoint 18.53		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	18.7 US 41A	26.4 Muhlenberg CO LN
Weight Limit - Bridge over Pond River @ milepoint 26.32		
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons		
* KY 109	2.1 US 62	17.2 KY 814
Weight Limit - Bridge over Western Kentucky Parkway @ milepoint 3.81		
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 54 tons		
Weight Limit - Bridge over IC RR @ milepoint 4.50		
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons		

Weight Limit - Bridge over IC RR @ milepoint 6.49
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons
Weight Limit - Bridge over Lick Creek @ milepoint 7.24
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons

*	KY 112	3.5	Mine Access RD	9.8	US 41A

Weight Limit - Bridge over Finley Ditch @ milepoint 5.85
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons
Weight Limit - Bridge over Unnamed Stream @ milepoint 8.06
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons
Weight Limit - Bridge over Unnamed Stream @ milepoint 8.26
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons

*	KY 262	0.0	KY 630	2.6	Bean Cemetery RD

Weight Limit - Bridge over Pogue Creek @ milepoint 0.92
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 281	0.0	US 41A	0.7	Pennyrile Parkway

Weight Limit - Bridge over L&N RR @ milepoint 0.25
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons

*	KY 336	3.2	McLeod RD	5.8	US 41A
*	KY 454	0.0	US 62	2.3	KY 112

Weight Limit - Bridge over Western KY PKWY @ milepoint 1.02
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 49 tons

*	KY 630	0.0	KY 262	2.0	US 41A
*	KY 813	10.2	Mortons Gap-WH CTY RD	12.3	US 41A
*	KY 814	0.0	KY 109	1.4	Webster CO LN
*	KY 1751	0.0	US 41A	1.4	US 41

Weight Limit - Bridge over L&N RR @ milepoint 1.14
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons

*	KY 2086	0.0	Walnut Grove RD	1.2	KY 109
*	KY 2273	0.0	KY 109	0.2	Ferguson Town Spur RD
*	KY 2663	0.0	Mine Access RD	0.6	KY 2655
*	Old Hanson-Slaughters Road				
	CR 5073	0.0	Jasper Reynolds RD	0.4	KY 2655
*	Jasper Reynolds RD				
	CR 5081	0.0	US 41	0.4	Old Hanson RD
*	Herbert Brown RD				
	CR 5082	0.0	Old Hanson RD	0.1	KY 2655
*	McLeod Road				
	CR 5140	0.0	KY 3361)	0.3	Mine & Tipple
*	Mortons Gap-White City Road				
	CR 5153	0.0	KY 813	1.8	Mine
*	Wells Road				
	CR 5212	7.9	Barnsley Loop RD	8.7	Mine
*	Barnsley Loop Road				
	CR 5217	0.0	US 41A	1.5	Wells Road
*	Leonard Jackson Road				
	CR 5262	0.0	Dawson Daylight RD	1.0	Private Haul RD
*	Walnut Grove Road				
	CR 5301	0.0	Mine	0.6	KY 2086
*	Dawson Daylight Road				
	CR 5305	0.0	KY 109	2.4	Leonard Jackson RD
*	Ferguson Town Spur Road				
	CR 5311	0.0	Ferguson Town RD	0.1	Roberts Bros Tipple
*	Peter Howton Road				
	CR 5330	0.0	KY 70	0.3	Mine
*	Bean Cemetery Road				
	CR 5396	0.4	Mine	2.9	KY 262

Weight Limit - Bridge over Greasy Creek
TY I = 11 tons, TY II = 11 tons, TY III = 11 tons, TY IV = 11 tons

JACKSON COUNTY

	ROAD	FROM		TO	
*	US 421	0.0	Clay CO LN	6.3	Andrews RD

Weight Limit - Bridge over Flat Lick Creek @ milepoint 6.26
TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 56 tons

*	KY 30	0.0	Laurel CO LN	12.5	US 421 (South)

Weight Limit - Bridge over Moores Creek @ milepoint 0.59
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons
Weight Limit - Bridge over Pond Creek @ milepoint 2.64
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons

		12.5	US 421 (North)	20.9	Owsley CO LN
*	Andrews Road				
	CR 5122	0.0	US 421	0.6	Begley Road
*	Begley Road				
	CR 5245	0.8	Andrews Road	0.9	Mine

JEFFERSON COUNTY

	ROAD	FROM	TO
*	US 31E	0.0 Bullitt CO LN	5.5 KY 1065
	Weight Limit - Bridge over Floyd's Fork Creek @ milepoint 0.58		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
		16.7 US 42	17.8 US 31W @ Second Street
*	US 31W	3.2 Kosmos Cement CO	22.1 US 31E @ Second Street
*	US 42	0.0 US 31E	0.8 US 60
	Weight Limit - Bridge over Beargrass Creek @ milepoint 0.23		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 60	0.0 US 42 (Westbound)	17.4 Shelby CO LN
	Weight Limit - Bridge over Floyd's Fork @ milepoint 13.56		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Longrun Creek @ milepoint 15.79		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 841	0.0 US 31W	6.1 KY 1865
*	KY 864	4.3 KY 1065 (East)	4.4 KY 1065 (West)
*	KY 1065	1.0 KY 1865	10.0 KY 864
	Weight Limit - Bridge over Northern Ditch @ milepoint 1.40		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over I-65 @ milepoint 4.75		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
		10.0 KY 864	11.9 US 31E
*	KY 1865	0.9 KY 841	1.3 KY 1065
*	KY 1934	5.5 Ralph AVE	8.4 US 31W
*	KY 2056	0.4 B.F. Goodrich Plant	1.1 I-264
*	Ralph Avenue (Louisville)		
		0.9 KY 1934	1.8 Dupont Plant

JESSAMINE COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Mercer CO LN	12.1 Fayette CO LN

JOHNSON COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Floyd CO LN	18.4 Lawrence CO LN
	Weight Limit - Bridge over C&O RR & Levisa Fork @ milepoint 3.53		
	TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 38 tons		
	Weight Limit - Bridge over Paint Creek @ milepoint 8.68		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 55 tons		
*	US 460	0.0 Magoffin CO LN	8.3 US 23
*	KY 3	3.1 Lacker Branch RD	4.7 Martin CO LN
*	KY 40	7.2 KY 172	8.7 US 460
		8.7 US 23	13.3 Deadfall Branch RD
*	KY 172	6.9 Joe Salyers Branch RD	12.4 KY 40
	Weight Limit - Bridge over Mudlick Creek @ milepoint 11.91		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 55 tons		
*	KY 302	2.8 KY 2381	6.5 KY 3
*	KY 2381	0.0 US 23	2.2 KY 302
*	Deadfall Branch Road		
	CR 5139	0.0 KY 40	0.6 Mine Access Road

KNOTT COUNTY

	ROAD	FROM	TO
*	KY 7	2.5 KY 1498	16.0 Floyd CO LN
	Weight Limit - Bridge over Beaver Fork @ milepoint 6.10		
	TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 60 tons		
*	KY 15	0.0 Letcher CO LN	9.4 Perry CO LN
	Weight Limit - Bridge over Carr Fork Reservoir @ milepoint 2.82		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 55 tons		
	Weight Limit - Bridge over Carr Fork Lake @ milepoint 5.64		
	TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 80	0.0 Perry CO LN	21.1 Floyd CO LN
*	KY 160	0.0 KY 15	5.8 A K P Coal Mine
	Weight Limit - Bridge over Carr Fork Lake @ milepoint 1.74		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 56 tons		
		8.2 KY 1393	13.9 Patsy Jayne Mine
*	KY 550	23.8 Big Springs RD	26.6 Floyd CO LN
	Weight Limit - Bridge over Jones Fork @ milepoint 25.30		
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 44 tons		
*	KY 899	7.7 National Mines Mine	12.2 KY 7
	Weight Limit - Bridge over Caney Creek @ milepoint 8.74		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons		
	Weight Limit - Bridge over Caney Creek @ milepoint 11.82		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		

*	KY 1087	1.4 KY 3209	3.4 Mountain Clay Mine
		9.6 C & D Coal Mine	14.1 KY 80
*	KY 1088	3.9 Young's Fork RD	9.4 KY 15
	Weight Limit - Bridge over Yellow Creek @ milepoint 9.12		
	TY I = 20 tons, TY II - 36 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Carr Creek @ milepoint 9.36		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 56 tons		
*	KY 1091	0.0 KY 7	2.2 Floyd CO LN
	Weight Limit - Bridge over Right Fork of Beaver Creek @ milepoint 0.01		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
*	KY 1098	0.0 Breathitt CO LN	12.0 KY 1087
	Weight Limit - Bridge over Laurel Fork Quicksand Creek @ milepoint 6.94		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 1102	1.1 Sandlick Branch RD	2.7 KY 80
*	KY 1231	0.0 KY 15	1.2 Flax Patch Branch RD
*	KY 1393	2.8 KY 899	4.9 KY 160
*	KY 1410	0.0 KY 160	4.7 Letcher CO LN
	Weight Limit - Bridge over Carr Fork @ milepoint 0.01		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons		
*	KY 1498	0.5 KY 7	1.5 Floyd CO LN
*	KY 3209	0.0 KY 80	0.4 KY 1087
	Weight Limit - Bridge over Ball Fork @ milepoint 0.05		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 3391	0.0 KY 1231	1.7 Madden Creek RD
*	Potato Branch RD		
	CR 5005	0.0 KY 7	1.1 Wheelwright Mine
	Weight Limit - Bridge over Right Fork of Beaver Creek		
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 44 tons		
*	Patten Branch of Beaver Creek Road		
	CR 5009	0.0 KY 7	0.2 National Mines Mine
*	Big Springs Branch Road		
	CR 5032	0.0 KY 550	0.9 National Mines Mine
	Weight Limit - Bridge over Jones Fork		
	TY I = 19 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 39 tons		
*	Triplett Branch Road		
	CR 5033	0.0 KY 550	0.8 National Mines Mine
*	Rock Fork (Bolyn) Road		
	CR 5037	0.0 KY 80	0.8 Consolidation Mine
*	Bates Branch Road		
	CR 5117	0.0 KY 7	1.4 Wheelwright Mine
*	Perkins Branch-Lick Branch Road		
	CR 5145	0.0 KY 15	0.4 Southeast Coal Mine
*	Runnells Branch Road		
	CR 5156	0.0 KY 160	0.5 Left FK Runnells BR RD
*	Left Fork of Runnells Branch Road		
	CR 5156A	0.0 Runnells Branch RD	0.3 Golden Oak Mine
*	Irishman Creek Road		
	CR 5203	0.0 KY 1231	0.8 R J F Coal Mine
*	Flax Patch Branch Road		
	CR 5208	0.0 KY 1231	0.5 Allied Coals Mine
*	Defeated Creek Road		
	CR 5212	0.0 KY 15	3.2 Meade & Shepherd Mine
*	Young's Fork Road		
	CR 5226	0.0 KY 1088	1.3 Kentucky Prince Mine
*	Middle Fork of Quicksand Creek Road		
	CR 5312	0.0 Decoy-Spring Fork RD	1.0 Big Branch of Quicksand Creek RD
*	Big Branch of Quicksand Creek Road		
	CR 5314	0.0 Miller Branch Mine	1.2 Middle Fork of Quicksand Creek RD
*	Decoy-Spring Fork Road		
	CR 5315	0.0 Breathitt CO LN	1.1 Middle Fork of Quicksand Creek Road
*Sandlick Branch Road			
	CR 5336	0.0 KY 1102	0.9 McCoy Coal Mine

KNOX COUNTY

	ROAD	FROM	TO
*	US 25E	0.0 Bell CO LN	26.6 Laurel CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 0.85		
	TY I = 20 tons, TY II = 33 tons, TY III = 33 tons, TY IV = 40 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 1.54		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Stinking Creek @ milepoint 3.70		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		

Weight Limit - Bridge over Turkey Creek @ milepoint 4.81
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 51 tons
* KY 6 0.0 Whitley CO LN 14.7 KY 11
Weight Limit - Bridge over Lynn Camp Creek @ milepoint 0.23
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons
Weight Limit - Bridge over Stewards Creek @ milepoint 0.83
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over Indian Creek @ milepoint 6.15
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons
Weight Limit - Bridge over Tributary of Indian Creek @ milepoint 6.85
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons
Weight Limit - Bridge over Indian Creek @ milepoint 8.37
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons
* KY 11 0.0 Whitley CO LN 10.1 US 25E
Weight Limit - Bridge over Little Poplar Creek @ milepoint 2.17
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons
10.1 US 25E 22.7 Clay CO LN
Weight Limit - Bridge over Little Richland Creek @ milepoint 13.00
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Richland Creek @ milepoint 13.39
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Richland Creek @ milepoint 13.57
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
* KY 225 5.9 Kayjay Mine 15.0 US 25E
* KY 312 0.0 Whitley CO LN 1.3 US 25E
* KY 930 0.0 KY 225 4.1 US 25E
Weight Limit - Bridge over Stinking Creek @ milepoint 1.77
TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 50 tons
* KY 1809 0.0 Whitley CO LN 6.3 KY 11
* KY 2421 0.0 KY 225 0.9 KY 11
* Alex Creek Road
CR 5031 1.7 Straight Creek RD 2.2 Mine
* Straight Creek Road
CR 5032 0.0 Bell CO LN 0.8 Alex Creek RD
* Little Brush Creek Road
CR 5166 0.0 KY 225 1.6 Lay Branch RD
Weight Limit - Bridge over Brush Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Lay Branch Road
CR 5169 0.0 Little Brush CK RD 0.8 Mine
* Swan Pond Road
CR 5209 0.0 KY 11 1.9 Mine
* Stoney Fork Road
CR 5210 0.0 KY 1809 1.0 Mine
* Hubbs Road
CR 5214 0.0 KY 1809 1.5 Girdner #1 Mine
Weight Limit - Bridge over Hubbs Creek east of Bryant's Store
TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons
Weight Limit - Bridge over Hubbs Creek @ Bain Branch
TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons
* Sugartree Road
CR 5216 0.0 Hubbs RD 0.5 Terco #1 Mine
Weight Limit - Bridge over Hubbs Creek
TY I = 4 tons, TY II = 4 tons, TY III = 4 tons, TY IV = 4 tons
* Davis Branch Road
CR 5224 0.0 KY 1809 0.1 Mine
* Dowis Road
CR 5248 0.0 KY 6 0.9 Mosley Branch RD
* Middle Fork Richland Creek Road
CR 5311 0.9 Higgins Road 1.2 H & P Mine
* Higgins Road
CR 5323 0.0 US 25E 0.8 Richland Creek RD

LAUREL COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway	0.0 US 25 & KY 80	10.6 Clay CO LN

Weight Limit - Bridge over L&N RR @ milepoint 0.85
TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 55 tons
Weight Limit - Bridge over Little Laurel River @ milepoint 3.40
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons
Weight Limit - Bridge over Sallys Branch Rd. @ milepoint 4.18
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons
Weight Limit - Bridge over KY 1305 @ milepoint 6.42
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons

Weight Limit - Bridge over Lick Creek Road @ milepoint 7.64
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons
Weight Limit - Bridge over KY 488 @ milepoint 8.57
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons

*	US 25	0.0	US 25E & US 25W	10.4 KY 192

Weight Limit - Bridge over Robinson Creek @ milepoint 3.28
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 49 tons
Weight Limit - Bridge over Laurel River at Lily @ milepoint 4.14
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over L&N RR @ milepoint 7.19
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 48 tons
Weight Limit - Bridge over Little Laurel River @ milepoint 8.44
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons

		13.6	KY 80 & Daniel Boone Parkway	23.1 KY 909
*	US 25E	0.0	Knox CO LN	0.3 US 25 & US 25W
*	KY 30	1.4	KY 490	9.8 Jackson CO LN

Weight Limit - Bridge over Rockcastle River @ milepoint 9.08
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 59 tons

*	KY 80	0.0	Pulaski CO LN	11.1 US 25 & Daniel Boone PKWY

Weight Limit - Bridge over I-75 @ milepoint 10.59
TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 43 tons

*	KY 192	18.2	I-75	22.0 D Boone PKWY

Weight Limit - Bridge over I-75 @ milepoint 18.24
TY I = 20 tons, TY II = 32 tons, TY III = 34 tons, TY IV = 42 tons

*	KY 229	0.0	Knox CO LN	11.5 KY 192

Weight Limit - Bridge over Laurel River @ milepoint 6.85
TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Laurel River @ milepoint 10.63
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons

*	KY 490	0.0	US 25	0.9 KY 30

Weight Limit - Bridge over L&N RR @ milepoint 0.10
TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 44 tons

LAWRENCE COUNTY

	ROAD	FROM		TO
*	US 23	0.0	Johnson CO LN	30.2 Boyd CO LN
*	KY 1	0.0	KY 3	5.0 Olioville-Coal Branch RD
		12.8	KY 201	14.1 Carter CO LN
*	KY 3	0.0	Martin CO LN	15.5 US 23

Weight limit - Bridge over Levisa & Tug Forks @ milepoint 14.87
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

		24.4	KY 1398	24.7 KY 1
*	KY 3S	0.0	KY 3	0.1 West Virginia State LN

Weight Limit - Bridge over Levisa & Tug Forks @ milepoint 0.01
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 32	8.5	Lower Laurel Creek RD	28.9 US 23

Weight Limit - Bridge over Cains Creek @ milepoint 9.53
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Blaine Creek @ milepoint 10.10
TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 54 tons
Weight Limit - Bridge over Hood Creek @ milepoint 10.85
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over Brushy Creek @ milepoint 16.05
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 54 tons
Weight Limit - Bridge over Rich Creek @ milepoint, 18.39
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons
Weight Limit - Bridge over Blaine Creek @ milepoint 22.55
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over Russey Branch @ milepoint 23.46
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons

*	KY 201	5.0	KY 32	18.2 KY 1

Weight Limit - Bridge over Dry Fork Creek @ milepoint 18.13
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

*	KY 645	0.0	US 23	5.2 Martin CO LN
*	KY 1690	1.5	KY 645	1.7 KY 2033
*	KY 1760	0.0	US 23	2.8 Georges Creek RD
*	KY 2033	1.3	KY 1690	3.3 Richardson Mine
*	KY 3398	0.0	US 23	2.3 KY 3
*	Donithon Branch Road			
	CR 5118	0.0	KY 3	1.6 Lockworth Mine
*	Georges Creek Road			
	CR 5156	0.0	KY 1760	1.5 Left FK Brushy CR RD
*	Left Fork Brushy Creek Road			
	CR 5203	0.0	Georges Creek Road	0.8 Mine

* Lower Laurel Creek Road
CR 5221 0.0 KY 32 1.7 Black Wells Mine
Weight Limit - Bridge over Lower Laurel Creek
TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons
Weight Limit - Bridge over Lower Laurel Creek
TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons
* Olioville-Coal Branch Road
CR 5311 0.0 KY 1 0.3 Mine

LESLIE COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway	35.9 Clay CO LN	51.0 Perry CO LN
*	US 421	0.0 Harlan CO LN	6.3 Mine
		20.6 KY 2431	22.6 KY 18
		26.8 Wet Rockhouse Branch	35.4 Clay CO LN
*	KY 80	0.0 US 421	9.7 Perry CO LN

Weight Limit - Bridge over Cutshin Creek @ milepoint 5.15
TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 43 tons
Weight Limit - Bridge over Wooton Creek @ milepoint 6.12
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 46 tons
Weight Limit - Bridge over MacIntosh Creek @ milepoint 8.84
TY I = 20 tons, TY II = 25 tons, TY III = 26 tons, TY IV = 42 tons

*	KY 118	0.0 US 421	3.5 Daniel Boone PKWY
*	KY 699	0.0 KY 80	13.6 Old Big Rock RD

Weight Limit - Bridge over Cutshin Creek @ milepoint 1.96
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 43 tons
Weight Limit - Bridge over Maggard Creek @ milepoint 8.14
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

		15.2 Mine	16.0 Perry CO LN
*	KY 1807	0.0 KY 80	3.6 Mine Access RD
*	KY 2008	0.0 KY 2009	3.0 Mine Access RD
		5.2 Mine	8.2 Harlan CO LN
*	KY 2009	0.0 Harlan CO LN	5.4 Bledsoe Tipple

Weight Limit - Bridge over Greasy Creek @ milepoint 3.58
TY I = 8 tons, TY II = 8 tons, TY III = 8 tons, TY IV = 8 tons

*	KY 2057	0.0 KY 699	3.1 Bear BR RD
*	KY 2431	0.0 US 421	0.1 High School

Weight Limit - Bridge over Middle Fork Kentucky River @ milepoint 0.01
TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 32 tons

* Wendover Road
CR 5001 0.0 KY 2431 1.6 Hurricane Creek RD
* Hurricane Creek Road
CR 5002 2.2 Camp Creek RD 3.3 Wendover RD
* Camp Creek Road
CR 5005 0.0 Hurricane Creek RD 0.7 Tipple Access
* Bear Branch Road
CR 5018 0.0 KY 2057 1.4 Mine & Perry CO LN
* Bailey Branch Road
CR 5027 0.0 KY 1807 0.6 Mine
* Long Branch Road
CR 5118 0.0 KY 699 0.2 Mine
* Old Big Rock Road
CR 5126 0.0 KY 699 0.6 Right Fork of Cutshin RD
Weight Limit - Bridge over Cutshin Creek
TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons
* Right Fork of Cutshin Road
CR 5128 0.0 Old Big Rock RD 3.7 Mine
* Abner Branch Road
CR 5133 0.0 Harlan CO LN 1.3 KY 2008
* White Oak Road
CR 5135 0.0 KY 2008 0.8 Mine
* Phillips Fork Road
CR 5225 5.0 Mine RD 5.2 Mine RD

LETCHER COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Virginia State LN	7.1 Pike CO LN

Weight Limit - Bridge over Elkhorn Creek @ milepoint 5.83
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons

*	US 119	0.0 Harlan CO LN	7.0 Scotia Mine Tipple
		20.7 KY 1862	27.7 US 23
*	KY 7	0.0 Perry CO LN	25.2 KY 317

Weight Limit - Bridge over Line Fork @ milepoint 0.17
TY I = 20 tons, TY II = 25 tons, TY III = 29 tons, TY IV = 34 tons

Weight Limit - Bridge over North Fork Kentucky River @ milepoint 2.61
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 48 tons
Weight Limit - Bridge over Elk Creek @ milepoint 5.28
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over Gaudill Branch @ milepoint 8.04
TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Rockhouse Creek @ milepoint 22.31
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons
Weight Limit - Bridge over Rockhouse Creek @ milepoint 24.78
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 48 tons

*	KY 15	2.7	KY 931	9.2 KY 7
		9.2	KY 7	10.7 Knott CO LN
*	KY 160	13.4	Lucky Branch RD	21.8 KY 15

Weight Limit - Bridge over Kings Creek @ milepoint 14.73
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 51 tons

*	KY 317	0.0	KY 805	0.4 Mine
		1.0	KY 343	8.9 KY 7
*	KY 343	0.0	KY 317	1.5 #2 Hollow Road

Weight Limit - Bridge over Yount's Fork Creek @ milepoint 0.08
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
Weight Limit - Bridge over Wright's Fork @ milepoint 0.46
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
Weight Limit - Bridge over Wright's Fork @ milepoint 0.65
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

*	KY 588	3.7	Tolson Loading	5.0 KY 160
		5.0	KY 160	11.0 Mine
*	KY 805	0.0	US 119	3.1 KY 317
*	KY 931	7.7	Hampton Branch RD	*
		16.4	Clay Hollow	18.4 KY 7
*	KY 1103	6.0	Private Haul RD	8.2 Tolby Branch RD
*	KY 1410	0.0	Knott CO LN	1.6 KY 7
*	KY 1862	1.2	KY 3410	1.7 US 119
		6.4	Mine	9.9 KY 931
*	KY 3410	0.0	Cram Creek-Pert Creek RD	1.1 KY 1862
*	Clay Hollow Road			
	CR 5010	0.0	KY 931	0.2 Golden Oak Mine
*	Beaverdam Branch Road			
	CR 5047	0.0	KY 7	2.7 Mine
*	Bottom Fork Road			
	CR 5068L	0.2	Tammy Ann Mine	0.7 #2 Hollow Road
*	#2 Hollow Road			
	CR 5068M	0.0	Bottom Fork Road	0.6 KY 343
*	Marshall Branch Road			
	CR 5103	0.0	Pike CO LN	0.3 Pike CO LN
*	Cram Creek Road			
	CR 5169	0.9	Wampler Bros Mine	1.4 KY 3410
*	Kingdom Come Creek Road			
	CR 5229	0.0	Ky 588	1.2 Lake Coal Mine

Weight Limit - Bridge over Kingdom Come Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	Big Branch-Tolson Branch Road			
	CR 5258	0.0	KY 588	1.4 Lake Coal Mine
*	Whitaker Branch Road			
	CR 5259	1.4	Mine	2.5 Big BR-Tolson BR RD
*	Defeated Creek Road			
	CR 5265	5.1	Southeast Mine	5.6 KY 1103

Weight Limit - Bridge over Line Fork Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	Lucky Branch Road			
	CR 5272	0.0	KY 160	0.4 Lake Coal Mine
*	Johnson Branch Road			
	CR 5309	0.0	KY 160	0.3 Whitaker Mine
*	Bee Tree Branch Road			
	CR 5311	0.0	KY 160	1.0 Lake Coal Mine
*	Hollybush Branch Road			
	CR 5312	0.0	KY 160	0.4 Golden Oak Mine
*	Stamper's Branch Road			
	CR 5335	0.0	KY 7	0.8 Whitaker Mine
*	Hicks Branch Road			
	CR 5338	0.0	KY 7	0.1 Isom #2 Tipple

Weight Limit - Bridge over Rockhouse Creek
TY I = 9 tons, TY II = 9 tons, TY III = 9 tons, TY IV = 9 tons

*	Caudill Creek Road			
	CR 5354	0.0	KY 7	2.3 Golden Oak Mine

LINCOLN COUNTY

	ROAD	FROM	TO
*	US 27	17.2 US 150	18.0 US 150 Bypass
*	US 150	0.0 Boyle CO LN	4.3 US 150 Bypass
	Weight Limit - Bridge over Hanging Fork Creek @ milepoint 1.81		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons		
		6.4 US 27	19.7 Rockcastle CO LN
	Weight Limit - Bridge over Logans Creek @ milepoint 7.04		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 18.62		
	TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Turkey Creek @ milepoint 19.35		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
*	US 150B	0.0 US 150	1.1 US 27

LIVINGSTON COUNTY

	ROAD	FROM	TO
*	US 62	0.0 Marshall CO LN	2.9 Lyon CO LN
	Weight Limit - Bridge over Kentucky Lake Dam Lock @ milepoint 0.31		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 55 tons		
	Weight Limit - Bridge over I.C. Gulf R.R. @ milepoint 0.64		
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Reed's Haul Road @ milepoint 0.97		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 54 tons		
	Weight Limit - Bridge over Cumberland River @ milepoint 2.78		
	TY I = 20 tons, TY II = 26 tons, TY III = 29 tons, TY IV = 38 tons		
*	KY 453	0.5 B R T Dock	2.8 US 62
	Weight Limit - Bridge over IC RR @ milepoint 1.92		
	TY I = 20 tons, TY II = 46 tons, TY III = 47 tons, TY IV = 60 tons		

LOGAN COUNTY

	ROAD	FROM	TO
*	US 68	11.2 US 79 & KY 100	26.6 Warren CO LN
*	US 79	0.0 Todd CO LN	12.9 US 68
	Weight Limit - Bridge over Vick's Branch @ milepoint 2.91		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Branch of Whippoorwill Creek @ milepoint 4.64		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Dry Fork @ milepoint 5.93		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 54 tons		

LYON COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		3.7 US 62	5.6 Caldwell CO LN
*	US 62	0.0 Livingston CO LN	12.2 Western Kentucky Parkway

McCREARY COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Tennessee State LN	22.7 Pulaski CO LN
*	KY 92	17.3 Railroad DR	28.4 Whitley CO LN
	Weight Limit - Bridge over Marsh Creek @ milepoint 25.42		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
*	KY 1673	0.0 Whitley CO LN	0.6 Whitley CO LN
*	Railroad Drive		
	CR 5203	0.0 KY 92	0.3 Revelo Prep Plant
*	Bauer Road		
	CR 5333	0.0 US 27	3.8 Pulaski CO LN

McLEAN COUNTY

	ROAD	FROM	TO
*	KY 81	12.8 KY 1792	18.3 Daviess CO LN
*	KY 136	11.1 KY 1792	12.9 KY 81
	Weight Limit - Bridge over Long Falls Creek @ milepoint 11.26		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 56 tons		
*	KY 140	0.0 KY 256	0.1 KY 1792
*	KY 256	5.6 Mine	5.9 KY 140
*	KY 1792	0.0 KY 140	2.6 KY 136
	Weight Limit - Bridge over Porters Drainage Ditch @ milepoint 0.92		
	TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 48 tons		

MADISON COUNTY

	ROAD	FROM	TO
*	KY 627	0.1 I-75	6.2 Clark CO LN
	Weight Limit - Bridge over I-75 @ milepoint 0.11		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons		

MAGOFFIN COUNTY

	ROAD	FROM	TO
*	Mountain PKWY (KY 402)		
		71.7 KY 30	75.6 US 460
	Weight Limit - Bridge over Licking River @ milepoint 74.51		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons		
*	US 460	0.0 Morgan CO LN	20.4 Johnson CO LN
	Weight Limit - Bridge over Licking River @ milepoint 1.75		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 42 tons		
	Weight Limit - Bridge over State Road Fork Creek @ milepoint 11.35		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 44 tons		
*	KY 7	3.2 Mine Access RD	23.9 Mountain Parkway (KY 402)
	Weight Limit - Bridge over Licking River @ milepoint 5.79		
	TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 57 tons		
*	KY 30	4.5 Mine Access RD	8.9 Mountain Parkway (KY 402)
	Weight Limit - Bridge over Middle Fork @ milepoint 7.55		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
*	KY 114	0.0 US 460	5.0 Floyd CO LN
*	KY 404	0.0 KY 7	2.7 Floyd CO LN
*	KY 542	0.0 Breathitt CO LN	5.8 KY 7
*	KY 867	4.0 Mine Access RD	5.7 KY 7
		5.7 KY 7	7.4 Hickory Tipple
*	KY 1471	0.0 Big Half Mountain RD	4.3 KY 7
	Weight Limit - Bridge over Licking River @ milepoint 3.96		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
*	KY 1635	0.0 Tiptop-Bettsmann RD	5.7 KY 867
*	Brushy Fork Road		
	CR 5132	0.0 KY 7	1.0 Mine
*	Bull Creek Road		
	CR 5140	0.0 KY 7	0.4 Mine
*	Jake Wireman Road		
	CR 5144	0.0 KY 1502	1.0 Mines
*	Beetree Branch Road		
	CR 5145	0.0 KY 7	0.7 Mine
*	Big Half Mountain Road		
	CR 5148	0.0 Mine	0.5 KY 1471
	Weight Limit - Bridge over Big Half Mountain Creek		
	TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons		
*	Wright Oakley Creek Road		
	CR 5221	0.0 KY 1635	0.3 Mine
	Weight Limit - Bridge over Oakley Creek		
	TY I = 6 tons, TY II = 6 tons, TY III = 6 tons, TY IV = 6 tons]		
*	Tiptop-Bettsmann Branch Road		
	CR 5225B	0.0 Breathitt CO LN	0.7 KY 1635

MARSHALL COUNTY

	ROAD	FROM	TO
*	US 62	7.2 KY 95	12.1 Livingston CO LN
	Weight Limit - Bridge over KY 282 @ milepoint 8.67		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Cypress Drainage Ditch @ milepoint 9.48		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV 53 tons		
	Weight Limit - Bridge over Tennessee River Dam Gates @ milepoint 11.94		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV 48 tons		
*	US 68	9.7 US 641 (North)	10.1 US 641 (South)
*	US 641	0.0 Calloway CO LN	12.9 US 68 (Southeast)
	Weight Limit - Bridge over Town Creek @ milepoint 7.94		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Town Creek @ milepoint 7.95		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV 40 tons		
		12.9 US 68 (Northwest)	19.4 US 62
*	KY 95	4.1 US 62	7.3 KY 1523
	Weight Limit - Bridge over Cypress Creek @ milepoint 6.32		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV 60 tons		

MARTIN COUNTY

	ROAD	FROM	TO
*	KY 3	0.0 Johnson CO LN	11.6 KY 645 (North)
		18.5 Rockcastle BR RD	23.2 Lawrence CO LN
*	KY 40	5.3 KY 1224	9.1 KY 645 (West)
	Weight Limit - Bridge over Rockcastle Fork @ milepoint 6.95		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 53 tons		
		10.8 KY 645 (East)	20.3 West Virginia ST LN

*	KY 292	0.0 Pike CO LN	13.2	KY 40
	Weight Limit - Bridge over Wolfe Creek @ milepoint 11.99			
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 43 tons			
		28.5 Mine	28.9	KY 3
*	KY 645	0.0 Lawrence CO LN	6.6	KY 3 (North)
		6.6 KY 3 (South)	7.6	KY 40 (East)
*	KY 1224	1.3 Mine	5.2	KY 40
	Weight Limit - Bridge over Rockcastle Fork @ milepoint 4.32			
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 55 tons			
*	KY 1439	0.0 Pike CO LN	11.2	KY 1714
	Weight Limit - Bridge over Wolfe Creek @ milepoint 1.83			
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 45 tons			
*	KY 1714	3.6 KY 1439	9.2	KY 292
*	KY 2032	0.0 KY 1439	4.0	KY 40
*	Emily Branch Road			
	CR 5105	3.1 Private Haul RD	3.2	Private Haul RD 1.0 miles SW of Oppy
*	Emily-Long Branch RD			
	CR 5107	0.9 Private Haul RD	1.0	Private Haul RD
*	Laurel Fork-Wolf Creek Road			
	CR 5202	0.0 KY 1439	7.8	Private Access Road
*	Middle Fork of Wolf Creek Road			
	CR 5205	0.0 Middle Fork of Rockcastle Creek RD	3.7	Mine
*	Middle Fork of Rockcastle Creek Road			
	CR 5206	0.0 KY 3	0.2	Mid FK Wolf CK RD
*	Mudlick Branch Road			
	CR 5210	0.0 KY 3	0.8	Mine
*	Peter Cave Branch Road			
	CR 5315	0.0 KY 3	0.5	Mine
*	Rockcastle Branch Road			
	CR 5317	0.0 KY 3	0.5	Mine

MASON COUNTY

	ROAD	FROM	TO	
*	US 62	12.7 US 68	17.4	KY 10 (West)
*	US 68	0.0 Fleming CO LN	11.9	US 62
*	KY 8	0.0 Bracken CO LN	11.0	KY 10
	Weight Limit - Bridge over Phillips Creek @ milepoint 7.11			
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 39 tons			
*	KY 10	9.7 US 68	15.9	Spring Creek RD
	Weight Limit - Bridge over L&N RR @ milepoint 9.79			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
	Weight Limit - Bridge over Bull Fork @ milepoint 13.30			
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons			
*	KY 11	0.0 Fleming CO LN	11.3	US 62
	Weight Limit - Bridge over Mill Creek @ milepoint 0.16			
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons			
*	Spring Creek Road			
	CR 5012	0.0 KY 10	1.8	Cabin Creek PK
	Weight Limit - Bridge over Spring Creek 1.2 miles east of Plumville			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
	Weight Limit - Bridge over Spring Creek @ Cabin Creek Pike			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	Cabin Creek Pike			
	CR 5013	0.0 Spring Creek RD	0.7	Dravo Lime CO

MERCER COUNTY

	ROAD	FROM	TO	
*	Bluegrass PKWY	52.3 Anderson CO LN	56.3	Anderson CO LN
	Weight Limit - Bridge over Salt River @ milepoint 56.27			
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 54 tons			
*	US 127	0.0 Boyle CO LN	4.4	US 68

MONTGOMERY COUNTY

	ROAD	FROM	TO	
*	US 460	7.3 KY 11 (North)	8.3	KY 686 (North)
*	KY 11	0.0 Powell CO LN	9.2	KY 686 (South)
	Weight Limit - Bridge over Lulbegrud Creek @ milepoint 3.92			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons TY IV = 58 tons			
	Weight Limit - Bridge over Lulbegrud Creek @ milepoint 5.38			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
		10.0 US 460 (North)	15.4	Bath CO LN
*	KY 686	0.0 US 460 (North)	2.7	KY 11 (South)

MORGAN COUNTY

	ROAD	FROM	TO
*	US 460	20.1 Malone-Jones Creek RD	28.8 Magoffin CO LN
	Weight Limit - Bridge over Licking River @ milepoint 23.74		
	TY I = 17 tons, TY II = 24 tons, TY III = 25 tons, TY IV = 40 tons		
*	KY 172	21.0 Cindas Creek RD	22.3 KY 1614
*	Malone-Jones Creek Road		
	CR 5175	0.0 KY 7	2.0 Mine

MUHLENBERG COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		43.4 Hopkins CO LN	57.9 US 431
	Weight Limit - Bridge over Pond River Relief @ milepoint 43.60		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 175-IC RR - Unnamed Creek @ milepoint 48.05		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 181 @ milepoint 52.52		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons		
	Weight Limit - Bridge over IC RR @ milepoint 55.51		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 59 tons		
	Weight Limit - Bridge over L&N RR, Branch Little Cypress Creek @ milepoint 57.58		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
*	US 62	1.3 Henry Oates RD	10.5 KY 176
	Weight Limit - Bridge over Branch of Thompson Creek @ milepoint 3.68		
	TY I = 20 tons, TY I = 28 tons, TY III = 31 tons, TY IV = 40 tons		
	Weight Limit - Bridge over I.C. & Gulf R.R. @ milepoint 5.40		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 57 tons		
		19.2 KY 604	26.0 Ohio CO LN
	Weight Limit - Bridge over I.C. RR @ milepoint 24.71		
	TY I = 20 tons, TY II = 28 tons, TY III = 28 tons, TY IV = 36 tons		
*	US 431	11.5 KY 176	25.5 Mine
	Weight limit - Bridge over Pond Creek @ milepoint 12.45		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Western KY Parkway @ milepoint 17.48		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		
*	KY 70	0.0 Hopkins County Line	14.7 KY 189
		(Extended weights shall be available only for TY IV vehicles.)	
		23.6 Barge Dock	23.8 Butler CO LN
	Weight Limit - Bridge over Mud River @ milepoint 23.75		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 46 tons		
*	KY 176	0.0 US 62	12.5 T V A Paradise Plant
	Weight Limit - Bridge over Pond Creek @ milepoint 4.29		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 189	6.0 Mine Access	8.8 US 62 (South Junction)
		14.0 US 62	15.3 KY 70 (North Junction)
		(Extended weights shall be available only for TY IV vehicles.)	
*	KY 277	2.6 KY 602	3.8 KY 1379
*	KY 602	0.0 KY 277	0.7 US 431
*	KY 604	0.0 US 431	1.0 US 62
	Weight Limit - Bridge over Western Kentucky Parkway @ milepoint 0.34		
	TY I = 20 tons, TY II = 28 tons, TY III = 29 tons, TY IV = 39 tons		
*	KY 1379	0.0 KY 277	0.5 Prep Plant Access
	Weight Limit - Bridge over Unnamed Stream @ milepoint 0.25		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Wilcox Cemetery Road		
	CR 5003	0.0 US 421	0.6 Mine
*	Green River Power Plant Road		
	CR 5045	0.0 US 431	0.7 KY Utilities Plant
*	Henry Oates Road		
	CR 5392	0.0 US 62	2.3 Mine

NELSON COUNTY

	ROAD	FROM	TO
*	Bluegrass PKWY	33.3 KY 55	39.3 Washington CO LN
	Weight Limit - Bridge over Chaplin River @ milepoint 39.25		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 31E	15.4 KY 245	27.6 Spencer CO LN
	Weight Limit - Bridge over Powell Run @ milepoint 26.99		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 62	15.9 KY 245	25.0 KY 55
	Weight Limit - Bridge over East Fork of Simpson Creek @ milepoint 24.96		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		

			3.8 US 62
* KY 55	3.1 Bluegrass Parkway		
Weight Limit - Bridge over East Fork of Simpson Creek @ milepoint 3.77			
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
			1.0 US 31E
* KY 245	0.0 US 62		

NICHOLAS COUNTY		
ROAD	FROM	TO
* US 68	0.0 Bourbon CO LN	12.2 Robertson CO LN
Weight Limit - Bridge over Stony Creek @ milepoint 9.72		
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		

OHIO COUNTY		
ROAD	FROM	TO
* Western KY PKWY	74.6 US 231	76.8 Green River Parkway
Weight Limit - Bridge over US 231 @ milepoint 74.56		
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
Weight Limit - Bridge over Arnold-Butler Road @ milepoint 85.72		
TY I = 20 tons, TY II = 42 tons, TY III - 44 tons, TY IV = 60 tons		
* Green River PKW	35.1 Butler CO LN	59.5 Daviess CO LN
Weight Limit - Bridge over Rough River @ milepoint 49.34		
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 54 tons		
* US 62	0.0 Muhlenberg CO LN	19.0 Horton-MT Pleasant RD
Weight Limit - Bridge over Green River @ milepoint 0.01		
TY I = 20 tons, TY II = 27 tons, TY III = 32 tons, TY IV = 38 tons		
Weight Limit - Bridge over Lewis Creek @ milepoint 1.45		
TY I = 20 tons, TY II = 32 tons, TY III = 32 tons, TY IV = 57 tons		
Weight Limit - Bridge over Branch of Three Lick Fork @ milepoint 11.91		
TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 49 tons		
Weight Limit - Bridge over Three Lick Fork @ milepoint 12.03		
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
Weight Limit - Bridge over Muddy Creek @ milepoint 12.30		
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
Weight Limit - Bridge over Elmlick Creek @ milepoint 14.95		
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons		
		10.0 US 62 (South)
* US 231	0.0 Butler CO LN	24.3 Daviess CO LN
	10.0 US 62 (North)	
Weight Limit - Bridge over North Fork Muddy Creek @ milepoint 12.30		
TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons		
Weight Limit - Bridge over Barnett Creek @ milepoint 20.30		
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
		7.6 KY 85 (South)
* KY 69	6.9 Mine	15.4 Country Club Road
	13.7 US 231 (South)	11.3 US 62
* KY 85	7.2 KY 69 (East)	
Weight Limit - Bridge over Branch West Fork Lewis Creek @ milepoint 9.62		
TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 56 tons		
		15.7 KY 54
* KY 1414	14.0 Sugar Grove RD	0.9 Lewis Creek Dock
* KY 1903	0.0 US 62	
* Sunnydale Road		
		8.4 Sugar Grove RD
CR 5076	8.3 Sugar Grove RD	
* Sugar Grove Road		
		1.5 Sunnydale RD
CR 5077	0.0 KY 1414	2.0 Mine
	1.5 Sunnydale RD	
* Horton-Mount Pleasant Road		0.1 Southwind Tipple
CR 5125	0.0 US 62	
Weight Limit - Bridge over Pigeon Creek		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* Whoopee Hill Road		1.5 Rone RD
CR 5356	0.0 US 231	
* Rone Road		
		0.5 Mine
CR 5356A	0.0 Whoopee Hill RD	
* Maple Lake Road (Old Martin-Dodson Cemetery Road)		0.7 Mine
CR 5373	0.1 US 231	

OWSLEY COUNTY		
ROAD	FROM	TO
* KY 11	0.0 Clay CO LN	10.8 KY 1938
Weight Limit - Bridge over Sexton Creek @ milepoint 1.80		
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons		
Weight Limit - Bridge over Island Creek @ milepoint 4.02		
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 56 tons		
Weight Limit - Bridge over White Oak Creek @ milepoint 6.18		
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons		
		10.8 KY 847
* KY 30	0.0 Jackson CO LN	
Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 3.42		
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		

Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 4.88
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 5.15
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons

*	KY 847	4.3	Bowman Branch RD	7.2 KY 30

Weight Limit - Bridge over Buck Creek @ milepoint 6.34
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	Hurricane Branch Road			
	CR 5301	0.0	Bowman Branch Road	1.1 Denham & Lewis Mine
*	Bowman Branch Road			
	CR 5303	0.0	KY 847	0.3 Hurricane Branch RD

PENDLETON COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Harrison CO LN	19.4 Campbell CO LN

Weight Limit - Bridge over Blanket Creek near Four Oak @ milepoint 4.41
TY I = 20 tons, TY II = 40 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over L&N RR @ milepoint 7.57
TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 54 tons
Weight Limit - Bridge over South Fork of Licking River @ milepoint 8.18
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over L&N RR-CR 5011-Kennedy Br. @ milepoint 15.78
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 60 tons

*	KY 8	2.2	Black River Lime	4.3 Bracken CO LN

PERRY COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway		
		51.0 Leslie CO LN	59.1 KY 15
*	KY 7	0.0 KY 15	13.6 Letcher CO LN

Weight Limit - Bridge over Maces @ milepoint 2.44
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons

*	KY 15	0.0 Knott CO LN	25.2 Breathitt CO LN

Weight Limit - Bridge over Main Street, Carr Fork, & L&N RR @ milepoint 0.20
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 55 tons
Weight Limit - Bridge over Carr Fork & L&N RR @ milepoint 3.37
TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 55 tons
Weight Limit - Bridge over L&N RR @ milepoint 13.17
TY I = 20 tons, TY II = 45 tons, TY III = 50 tons, TY IV = 55 tons
Weight Limit - Bridge over KY 80, N Fork KY River @ milepoint 13.57
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 49 tons
Weight Limit - Bridge over First Creek & L&N RR @ milepoint 15.95
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 56 tons

*	KY 28	3.5 Buckhorn-Breathitt RD	6.0 Breathitt CO LN
		6.0 Breathitt CO LN	18.1 KY 15

Weight Limit - Bridge over Grapevine Creek @ milepoint 15.02
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons

*	KY 80	0.0 Leslie CO LN	7.9 KY 15 Underpass

Weight Limit - Bridge over Right Fork of Big Creek @ milepoint 1.57
TY I = 20 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 46 tons
Weight Limit - Bridge over Big Creek @ mile point 5.27
TY I = 20 tons, TY II = 27 tons, TY III = 30 tons, TY IV = 44 tons
Weight Limit - Bridge over L & N R.R. & Kentucky River @ milepoint 7.09
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 43 tons

		7.9 D Boone Parkway & KY 15	15.9 Knott CO LN
*	KY 451	5.0 Mine	7.7 Daniel Boone Parkway
		7.7 Daniel Boone PKWY	7.8 KY 80
		7.8 KY 80	10.9 KY 2021
*	KY 463	1.4 Jackson Fork RD	6.5 KY 699

Weight Limit - Bridge over Leatherwood Creek @ milepoint 6.34
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons

*	KY 476	2.0 KY 550	2.4 Black Gold Tipple

Weight Limit - Bridge over Lotts Creek @ milepoint 2.07
TY I = 20 tons, TY II = 19 tons, TY III = 20 tons, TY IV = 30 tons
Weight Limit - Bridge over Lotts Creek @ milepoint 2.22
TY I = 20 tons, TY II = 21 tons, TY III = 22 tons, TY IV = 29 tons

		2.9 KY 1088	18.1 Mine

Weight Limit - Bridge over Jake's Creek @ milepoint 3.65
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Troublesome Creek @ milepoint 8.72
TY I = 20 tons, TY II = 24 tons, TY III = 27 tons, TY IV = 38 tons
Weight Limit - Bridge over Ball Fork @ milepoint 12.36
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 54 tons

		22.2 Buckhorn Creek Road	22.3 Breathitt CO LN

*	KY 550	0.0 KY 15 & KY 80	2.5 KY 476
	Weight Limit - Bridge over Big Leather Creek @ milepoint 2.4		
	TY I = 20 tons, TY II = 35, TY III = 36 tons, TY IV = 48 tons		
*	KY 699	0.0 Leslie CO LN	4.8 KY 463
	Weight Limit - Bridge over Leatherwood Creek @ milepoint 4.75		
	TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 57 tons		
		6.5 Beech Fork RD	12.5 KY 7
	Weight Limit - Bridge over Leatherwood Creek @ milepoint 8.01		
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Big Leather Creek @ milepoint 10.77		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 1087	0.0 KY 476	0.7 Lick Branch RD
*	KY 1088	0.0 KY 476	1.1 Mine
*	KY 1095	0.4 Emmons Tipple	2.9 KY 15
	Weight Limit - Bridge over Carr Fork @ milepoint 2.55		
	TY I = 18 tons, TY II = 19 tons, TY III = 22 tons, TY IV = 31 tons		
*	KY 1096	0.0 KY 80	4.0 Whitaker Tipple
	Weight Limit - Bridge over Big Creek @ milepoint 0.02		
	TY I = 20 tons, TY II = 40 tons, TY III = 38 tons, TY IV = 46 tons		
	Weight Limit - Bridge over Big Creek @ milepoint 3.55		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 1146	2.2 Jakes Fork Tipple	2.7 KY 476
	Weight Limit - Bridge over Trace Fork @ milepoint 2.69		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons		
		2.7 KY 476	4.0 KY 80
		4.0 KY 80	4.6 Buckhorn Prep Plant
*	KY 2021	1.1 Beech Oak Branch	3.4 KY 451
*	KY 3196	0.0 Beech Fork RD	0.1 KY 699
	Weight Limit - Bridge over Leatherwood Creek @ milepoint 0.01		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
*	KY 3348	0.1 Little Leatherwood Creek RD	3.9 KY 699
	Weight Limit - Bridge over Little Leatherwood Creek @ milepoint 1.44		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
	Weight Limit - Bridge over Little Leatherwood Creek @ milepoint 2.32		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
*	Wayne Davidson Road		
	CR 5005	0.3 Cumberland Elk Tipple	0.5 KY 15
*	Dwarf-Engle Fork Road		
	CR 5032	0.0 KY 476	0.1 Highland Coal Mine
*	Coates Branch Road		
	CR 5044	0.0 Ky 476	0.5 Ball Branch Mine
*	Lick Branch Road		
	CR 5045	0.0 KY 1087	0.6 Star Fire Mine
*	Buckhorn Creek Road		
	CR 5070	0.0 KY 476	0.1 Breathitt CO LN
	Weight Limit - Bridge over Troublesome Creek		
	TY I = 16 tons, TY II = 16 tons, TY III = 16 tons, TY IV = 16 tons		
*	Old KY 15 Loop #1 Road		
	CR 5102	0.0 KY 15	0.2 Kentucky Prince Tipple
*	Oakwood Avenue-Stacy Branch Road		
	CR 5117	0.0 Main ST (Vicco)	1.3 Chester Tipple
*	Main Street (Vicco)		
	CR 5118B	0.0 KY 1095	0.2 Oakwood Ave-Stacey Branch RD
*	Kelly Fork Road		
	CR 5119	0.0 KY 1095	0.4 Emmons Tipple
*	Straight Fork Road		
	CR 5140	0.0 Little Leatherwood Creek RD	0.5 Mine
*	Beech Fork Road		
	CR 5146	0.0 KY 3196	3.0 Lee Mine
*	Jackson Fork Road		
	CR 5152	0.0 KY 463	0.4 Blue Diamond Mine
*	Beech Oak Branch Road		
	CR 5213	0.0 KY 2021	0.9 Mine
*	Sam Campbell Branch Road (Old Pigeon Roose-Hull School RD)		
	CR 5319	0.0 KY 15	4.8 Dun Raven Tipple
*	Clear Fork Road		
	CR 5320	0.0 KY 28	2.3 Sam Campbell BR RD
*	Barwick Road		
	CR 5330	0.0 KY 28	0.8 Breathitt CO LN
*	Right Fork Spencer Creek Road		
	CR 5332	0.0 Spencer Creek-Napfor BR RD	1.0 Vires Coal Mine
*	Spencer Creek-Napfor Branch Road		
	CR 5333	0.0 KY 28	1.9 Pine Branch Mine
*	Buckhorn-Breathitt County Line Road		
	CR 5349	0.0 KY 28	0.4 Mine

PIKE COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Letcher CO LN	39.6 Floyd CO LN
	(Via Old US 23 at Pikeville, Does not include new cut through)		
	Weight Limit - Bridge over Shelby Creek @ milepoint 17.23		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Little Creek @ milepoint 18.12		
	TY I = 20 tons, TY II = 34 tons, TY III = 33 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Shelby Creek @ milepoint 19.75		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over C&O RR & Levisa Fork @ milepoint 22.00		
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 47 tons		
*	New US 23 (Pikeville Cut Through)		
		0.0 US 23 (South)	2.7 US 23 NW of Pikeville
*	US 119	0.0 US 23 (North of Pikeville)	29.7 W. Va. State LN
	Weight Limit - Bridge over Raccoon Creek @ milepoint 6.61		
	TY I = 18 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 40 tons		
	Weight Limit - Bridge over John's Creek @ milepoint 7.94		
	TY I = 20 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 37 tons		
	Weight Limit - Bridge over Bent Branch @ milepoint 9.99		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Bent Branch @ milepoint 10.23		
	TY I = 13 tons, TY II = 13 tons, TY III = 13 tons, TY IV = 13 tons		
	Weight Limit - Bridge over Bent Branch @ milepoint 10.88		
	TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons		
	Weight Limit - Bridge over Bent Branch @ milepoint 11.25		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Bent Branch @ milepoint 11.40		
	TY I = 20 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Bent Branch @ milepoint 11.63		
	TY I = 11 tons, TY II = 11 tons, TY III = 11 tons, TY IV = 11 tons		
	Weight Limit - Bridge over Fork of Big Creek @ milepoint 16.41		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Big Creek @ milepoint 17.06		
	TY I = 20 tons, TY II = 23 tons, TY III = 24 tons, TY IV = 27 tons		
	Weight Limit - Bridge over Reed Fork @ milepoint 18.48		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Big Creek @ milepoint 20.13		
	TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons		
	Weight Limit - Bridge over Tug River @ West Virginia State Line @ milepoint 29.7		
	TY I = 20 tons, TY II = 45 tons, TY III = 45 tons, TY IV = 52 tons		
*	Old US 119	0.0 US 23 @ Ferguson Creek	2.8 US 119 West of Zebulon
*	US 460	0.0 US 23	24.0 Virginia State LN
	Weight Limit - Bridge over Levisa Fork @ milepoint 4.26		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 46 tons		
*	KY 80	0.0 US 460	6.9 Virginia State LN
	Weight Limit - Bridge over Russell Fork of Big Sandy @ milepoint 3.07		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 57 tons		
	Weight Limit - Bridge over Russell Fork & Clinchfield R.R. @ milepoint 3.60		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 57 tons		
*	KY 122	3.3 Arnold Fork Road Mine	10.4 US 23
	Weight Limit - Bridge over Robinson Creek @ milepoint 6.75		
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Bear Fork north of Jones Chapel @ milepoint 8.28		
	TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 60 tons		
*	KY 194	0.0 Floyd CO LN	16.8 US 119 (South)
		16.8 US 119 (North)	27.8 Mine
	Weight Limit - Bridge over John's Creek @ milepoint 25.62		
	TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 48 tons		
		29.6 KY 3418	40.0 KY 1499
		52.4 Prater Branch RD	55.7 KY 632 @ Phelps
		67.3 Mine	67.7 KY 2062
		69.6 KY 2059	73.2 Virginia State LN
*	KY 195	0.0 KY 197	11.6 US 460
	Weight Limit - Bridge over Brushy Branch @ milepoint 3.27		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Wolf Pit Branch @ milepoint 9.93		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Russell Fork @ milepoint 11.44		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 197	9.8 KY 195	16.6 KY 80
	Weight Limit - Bridge over Sycamore Creek @ milepoint 6.70		
	TY I = 20 tons, TY II = 32 tons, TY III = 38 tons, TY IV = 46 tons		
	Weight Limit - Bridge over Elkhorn Creek @ milepoint 13.91		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 56 tons		

*	KY 199	8.2 KY 1056	11.6 US 119	
	Weight Limit - Bridge over Pond Creek @ milepoint 8129			
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 58 tons			
	Weight Limit - Bridge over Pond Creek @ milepoint 8.72			
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons			
	Weight Limit - Bridge over Pond Creek @ milepoint 11.34			
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 59 tons			
*	KY 292	0.0 Goody-AFLX-BURNWL RD	4.8 US 119 (South)	
		4.8 US 119 (North)	12.7 Martin CO LN	
*	KY 319	0.0 US 119	7.0 KY 1056 @ Ransom	
	Weight Limit - Bridge over Blackberry Fork North of Hardy			
	TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons			
*	KY 468	0.0 US 119	13.6 KY 292	
*	KY 610	0.0 US 23	2.6 Myra Tipple	
	Weight Limit - Bridge over Beefhide Creek @ Myra @ milepoint 1.60			
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 60 tons			
		8.1 KY 1460	8.9 KY 122	
*	KY 611	0.0 KY 195	3.5 Henry Clay Mine	
		4.3 Little Fork-Left Fork RD	6.0 US 23	
*	KY 612	0.0 KY 468	3.6 Mine	
		6.6 Mine	8.4 KY 292	
*	KY 632	0.0 KY 194 @ Kimper	15.0 KY 194 @ Phelps	
	Weight Limit - Bridge over Johns Creek @ milepoint 1.19			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Peter Creek @ milepoint 14.96			
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons			
*	KY 881	0.0 US 119	3.0 Brushy Fork Road	
*	KY 1056	0.0 KY 199	11.6 W.Vir. ST LN	
	Weight Limit - Bridge over Blackberry Creek @ milepoint 6.52 @ Ransom			
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Blackberry Creek @ Nampa			
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Tug Fork Big Sandy River @ milepoint 11.5			
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 53 tons			
*	KY 1373	4.8 Card Creek-Card Knob Road	6.7 US 460	
*	KY 1384	0.0 US 23 @ Boldman	6.1 KY 3417	
*	KY 1426	0.0 Floyd CO LN	4.9 US 23	
*	KY 1441	0.0 KY 1789	3.9 Mine	
		4.4 Standard Elkhorn Mine	10.1 US 119	
	Weight Limit - Bridge over Pompey Creek @ milepoint 0.21			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			
	Weight Limit - Bridge over Raccoon Creek @ milepoint 4.79			
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Raccoon Creek @ milepoint 6.04			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			
	Weight Limit - Bridge over Raccoon Creek @ milepoint 7.96			
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Burning Fork Creek @ milepoint 10.00			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 58 tons			
*	KY 1469	4.5 KY 3414	11.4 KY 610	
		11.4 KY 610	12.2 KY Elkhorn Tipple	
*	KY 1499	0.0 US 460	6.1 KY 194	
	Weight Limit - Bridge over Levisa Fork @ milepoint 6.03			
	TY I = 15 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 41 tons			
*	KY 1758	6.8 Daugherty Tipple	7.8 KY 632	
*	KY 1789	0.0 US 460	1.1 KY 1441	
*	KY 2059	0.0 KY 194	0.3 Private Haul Road	
		1.6 Private Haul Road	2.3 Lower Elk Creek RD	
*	KY 2061	0.0 US 23	7.1 KY 194	
	Weight Limit - Bridge over Cowpen Creek @ milepoint 0.81			
	TY I = 18 tons, TY II = 19 tons, TY III = 22 tons, TY IV = 36 tons			
	Weight Limit - Bridge over Caney Fork of Johns Creek @ milepoint 6.72			
	TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons			
	Weight Limit - Bridge over Johns Creek @ milepoint 7.11			
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons			
*	KY 2062	0.0 KY 194 @ Jamboree	3.1 KY 194 @ Stopover	
*	KY 2552	0.0 US 23	0.3 Shelbiana RD	
	Weight Limit - Bridge over Shelby Creek @ milepoint 0.01			
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 39 tons			
*	KY 3154	0.0 Meathouse Branch RD	2.7 US 119	
*	KY 3226	0.0 Rockhouse Creek-Greasy RD	3.3 US 460	
*	KY 3227	0.0 US 23	1.0 Coal Run Tipple	
*	KY 3414	2.4 Mine	3.4 KY 1469	
*	KY 3415	0.0 Robinson Creek RD	2.8 KY 122	
	Weight Limit- Bridge over Robinson Creek @ milepoint 0.4			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			

Weight Limit - Bridge over Robinson Creek @ milepoint 0.6
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 3416	0.0	Island Creek RD	1.7	KY 1426
*	KY 3417	0.0	KY 1426	1.1	KY 1384
*	KY 3418	7.4	Hurricane Creek RD	10.1	KY 194
*	KY 3419	4.9	KY 632	6.0	Kentucky Carbon Scales
		10.5	Mine	12.0	KY 1056

Weight Limit - Bridge over Left Fork of Blackberry Creek @ milepoint 11.47
TY I = 20 tons, TY II = 29 tons, TY III = 31 tons, TY IV = 46 tons
Weight Limit - Bridge over Blackberry Creek @ milepoint 12.01
TY I = 20 tons, TY II = 37 tons, TY III = 48 tons, TY IV = 60 tons

*	Frozen Creek Road				
	CR 5004	0.0	KY 1441	2.4	Mine
*	Winn Branch Road				
	CR 5011	0.0	US 119	1.3	Chloe Creek Dev Mine

Weight Limit - Bridge over Little Ratliff Creek
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

*	Varney Branch Road				
	CR 5021	0.0	KY 194 South of Deskin	0.4	Utility Tipple
*	Meathouse Fork Road				
	CR 5022	0.0	KY 194 @ Deskin	0.8	Callahan Branch-Dix Fork RD
*	Callahan Branch-Dix Fork Road				
	CR 5023	0.0	Meathouse Fork RD	1.0	Mine
*	Meathouse Branch Road				
	CR 5025	0.0	KY 3154	0.6	Mine
*	Peg Branch Road				
	CR 5043	0.0	US 119	0.6	Eastern Coal Mine
*	Goody-Aflex-Burnwell Road				
	CR 5050	0.0	KY 292	0.8	Mine
*	Bent Branch Road				
	CR 5074	0.0	KY 468	1.1	Gex Tipple

Weight Limit - Bridge over Big Creek
TY I = 18 tons, TY II = 18 tons, TY III = 20 tons, TY IV = 32 tons

*	Swinge Camp Branch Road				
	CR 5075	0.0	KY 468	0.4	H Mar/Island Mines

Weight Limit - Bridge over Big Creek
TY I = 3 ton, TY II = 3 ton, TY III = 3 ton, TY IV = 3 ton

*	Halfway Branch Road				
	CR 5077	0.0	KY 468	0.5	Island Creek Mine
*	Rockhouse Fork Road				
	CR 5078	0.0	KY 468	0.4	Island Creek Mine

Weight Limit - Bridge over Big Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	Brushy Fork Road				
	CR 5095	0.0	KY 881	0.5	Addington Mine

Weight Limit - Bridge over Left Fork of Brushy Fork
TY I = 20 tons, TY II = 26 tons, TY III = 26 tons, TY IV = 26 tons

		16.1	Big Branch/Meathouse Creek RD	16.8	Floyd CO LN
*	Big Branch/Meathouse Creek Road				
	CR 5111	2.4	Mine	4.2	Brushy Fork RD
*	Miller Creek Road				
	CR 5123	3.6	Miller Creek Tipple	5.1	KY 194

Weight Limit - Bridge over Johns Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	Lick Branch Road				
	CR 5141	0.0	KY 468	0.8	Jex Big Hill Mine
*	Hurricane Creek Road				
	CR 5162	2.5	Wellmore Mine	3.7	KY 3418
*	Dicks Fork Road				
	CR 5163	0.0	KY 194 @ Phyliss	0.6	Big Fist #4 Mine
*	Lane Branch Road				
	CR 5168	0.0	KY 632	1.2	McCoy Elkhorn Mine
*	Hatfield Branch Road				
	CR 5210	0.0	KY 319	0.8	Blackberry CR Mine
*	Lower Elk Creek Road				
	CR 5241	0.0	KY 2059	0.6	Race Fork Mine
*	Prater Branch Road				
	CR 5253	0.0	KY 194	0.8	Majestic Mine
*	Old Mouth Card-Feds Creek Road				
	CR 5282	0.0	US 460	0.3	Flannary Branch RD
*	Flannary Branch Road				
	CR 5283	0.0	Old Mouth Card-Feds CR RD	0.2	Mouth Card Mines
*	Card Creek-Card Knob Road				
	CR 5285	0.0	KY 1373	0.7	Clark Elkhorn Mine
		1.6	Wellmore Mine	4.6	US 460

*	Island Creek Road		
	CR 5287	0.0 Bane Tipple	0.6 Island Creek-Grapevine RD
*	Island Creek-Grapevine Road		
	CR 5288	0.0 Island Creek Road	1.8 Millers CR RD
*	Left Fork/Island Creek Road		
	CR 5289	0.0 Island Creek-Grapevine RD	0.2 Flannary Coal Mine
*	Millers Creek Road		
	CR 5290	0.0 Island Creek-Grapevine RD	2.4 Flannary Coal Mine
*	Hopkins Creek Road		
	CR 5322	0.0 US 460	1.0 Hopkins Creek Tipple
	Weight Limit - Bridge over Levisa Fork		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Daniel Branch Road		
	CR 5326	0.0 US 460	0.4 Mine
*	Biggs Creek Road		
	CR 5327	0.0 US 460	1.9 Mine
*	Little Fork of Harless Creek Road		
	CR 5329	0.0 Harless Creek RD	1.0 Mine
*	Harless Creek Road		
	CR 5330	0.0 US 460	1.5 Wellmore Mine
*	Jimmie Creek Road		
	CR 5341	0.0 US 460	0.6 Wellmore Mine
*	Old US 460 Loop #2 Road		
	CR 5353	0.3 Potter Coal Mine	0.8 US 460
*	Shortridge Fork Road		
	CR 5355	0.4 Wellmore Mine	0.9 Wellmore Private RD
*	Abes Fork Road		
	CR 5356	0.0 Virginia State LN	0.4 Potter Prep Plant
*	Ohio Street (Elkhorn City)		
	CR 5361T	0.0 KY 80	0.5 Potter Processing
*	Old Bridge Street (Elkhorn City)		
	CR 5361Z	0.0 KY 80	0.1 Private Access Road
*	John Moore Branch Road		
	CR 5363	0.0 KY 197	0.9 Federal Tipple
*	Jackson Branch Road		
	CR 5371	0.0 KY 197	1.9 Mine
*	Brushy Branch Road		
	CR 5379	0.0 KY 195	0.8 Ratliff Elkhorn Mine
*	Marrowbone Creek Road		
	CR 5381	0.0 KY 195	2.1 Lad/Prospect Mine
	Weight Limit - Bridge over Marrowbone Creek		
	TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons		
*	Bowling Fork Road		
	CR 5384	0.0 KY 195	1.7 Nats Fork RD
*	Marshall Branch Road		
	CR 5399	0.0 US 23	0.3 Letcher CO LN
		0.3 Letcher CO LN	0.8 Mine
*	Little Fork/Left Fork Road		
	CR 5416	0.0 KY 611	0.2 Henry Clay Mine
*	Rockhouse Creek/Greasy Road		
	CR 5422	0.0 KY 195	2.6 Mine
	Weight Limit - Bridge over Marrowbone Creek		
		5.3 Joe Brown RD	6.3 KY 3226
*	Joe Brown Road		
	CR 5429	0.0 Rockhouse Creek Greasy RD	0.3 Mine
*	Prichard Branch Road		
	CR 5430	0.0 Wolfpit Branch-Gardiner Fork RD	0.5 Mine
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Wolfpit Branch-Gardner Fork Road		
	CR 5433	5.1 Prichard Branch RD	6.3 KY 3226
*	Wolfpen Branch Road		
	CR 5444	0.0 KY 80	0.8 Wellmore Mine
*	Shelbiana Road		
	CR 5473	0.0 KY 2553	0.5 Coalmac Shelby Tipple
*	Marion Branch Road		
	CR 5478	0.0 KY 1426	1.6 Chapperal Tipple
*	Tollage Creek Road		
	CR 5496	0.0 US 23	1.0 Coal Run Mine
*	Harmond Branch Road		
	CR 5505	0.0 US 23	0.9 Amber #9 Mine
*	Dog Fork/Hurricane Creek Road		
	CR 5522	0.0 KY 1384	1.3 Peter Fork Joline Mine
*	Hoopwood Branch Road		
	CR 5529	0.0 KY 1426	0.7 Stillhouse Mine

*	Raccoon Branch Road				
	CR 5531	0.0	KY 1426	1.3	Jet/Cimaron Mine
*	Island Creek Road				
	CR 5535	0.0	KY 1426	3.3	Mine
*	Ray Branch Road				
	CR 5537	0.0	Island Creek RD	0.7	Mine
*	Bear Fork - Tinker Fork Road				
	CR 5547	0.0	Bear Fork Branch RD	1.1	Floyd CO LN
*	L Robinson - Floyd County Road				
	CR 5550	0.0	Robinson Creek RD	0.6	Floyd CO LN
*	Little Fork/Robinson Road				
	CR 5553	0.0	KY 3415	1.6	Apache Mining Mine
*	Robinson Creek Road				
	CR 5554	0.0	KY 3415	1.3	Mine
*	Arnold Fork Road				
	CR 5555	0.0	KY 122	0.3	Apache Mining Mine
*	Lizzie Fork Road				
	CR 5590	0.0	US 23	1.0	Mine
	Weight Limit - Bridge over Caney Creek				
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons				
*	Rob Fork Road				
	CR 5593	0.0	US 23	0.5	Damron Fork Tipple
*	Gillespie Branch Road				
	CR 5606	0.0	KY 3226	0.9	Mine
*	Lucy Branch Road				
	CR 5607	0.0	KY 3226	0.3	Mine
*	Sugar Camp Branch Road				
	CR 5611	0.0	KY 122	1.5	
*	Bear Fork Branch Road				
	CR 5616	0.0	KY 122	1.5	Bear FK-Tinker FK RD

POWELL COUNTY

	ROAD	FROM		TO	
*	Mountain Parkway (KY 402)				
		11.9	Clark CO LN	36.0	Wolfe CO LN
	Weight Limit - Bridge over Lulbegrud Creek @ milepoint 11.90				
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 45 tons				
	Weight Limit - Bridge over Red River @ milepoint 18.22				
	TY I = 20 tons, TY II = 37 tons, TY III = 37 tons, TY IV = 45 tons				
	Weight Limit - Bridge over Red River @ milepoint 24.83				
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons				
	Weight Limit - Bridge over Cane Creek @ milepoint 26.12				
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons				
	Weight Limit - Bridge over KY 613 @ milepoint 27.38				
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons				
	Weight Limit - Bridge over North Fork Red River @ milepoint 27.94				
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons				
	Weight Limit - Bridge over Middle Fork Red River @ milepoint 31.96				
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 46 tons				
	Weight Limit - Bridge over KY 11 & 15 @ milepoint 32.08				
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 54 tons				
*	KY 11	21.0	KY 15 @ Clay City	25.0	Montgomery CO LN
*	KY 15	3.5	KY 11	4.1	Mountain PKW (KY 402) @ KY 82
	Weight Limit - Bridge over Mountain Parkway @ milepoint 4.08				
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons				
		4.1	Mountain Parkway (KY 402) @ KY 82	8.9	Clark CO LN

PULASKI COUNTY

	ROAD	FROM		TO	
*	US 27	0.0	McCreary CO LN	16.9	KY 80 Bypass
	Weight Limit - Bridge over Cumberland River @ milepoint 9.19				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Pitman Creek @ milepoint 10.06				
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 59 tons				
*	KY 80	21.6	KY 80 Bypass	40.4	Laurel CO LN
	Weight Limit - Bridge over Buck Creek @ milepoint 31.55				
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons				
*	KY 80B	0.0	US 27	2.3	KY 80
*	KY 90	0.0	Wayne CO LN	4.2	US 27
	Weight Limit - Bridge over Cumberland River @ milepoint 3.07				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
*	KY 192	0.0	KY 80 Bypass	15.0	Old Whitley RD
	Weight Limit - Bridge over Pitman Creek @ milepoint 4.13				
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 58 tons				

Weight Limit - Bridge over Buck Creek @ milepoint 10.57
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons

*	KY 790	0.0	Wayne CO LN	5.7	KY 90
*	KY 1247	0.0	US 27	5.5	KY 1580

Weight Limit - Bridge over Southern RR @ milepoint 0.08
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 52 tons
Weight Limit - Bridge over Pitman Creek @ milepoint 3.40
TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 52 tons

*	KY 1580	0.0	Ferguson Tipple	0.5	KY 1247
*	KY 1642	4.7	US 27	6.3	KY 1247
*	KY 1675	5.7	Acorn-Lick Creek RD	10.5	KY 80

Weight Limit - Bridge over Branch of Short Creek @ milepoint 9.48
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons

*	Acorn-Lick Creek Road				
	CR 5016	0.0	KY 1675	1.7	Ano RD
*	Bolthouse Ridge Road				
	CR 5017	0.0	Ano RD	0.9	Ikerd Bandy Mine
*	Ano Road				
	CR 5018	0.0	Acorn-Lick Creek RD	1.4	Bolthouse Ridge RD
*	Old Whitley Road				
	CR 5216	0.0	KY 192	3.8	Cumberland River RD
*	Cumberland River Road				
	CR 5225	0.0	Old Whitley RD	0.8	Mine
*	Bauer Road				
	CR 5232	0.0	McCreary CO LN	0.8	Mine
*	Cooper Power Plant Road				
	CR 5349	0.0	KY 1247	0.6	E KY Power Plant

ROBERTSON COUNTY

	ROAD	FROM		TO	
*	US 68	0.0	Nicholas CO LN	1.4	Fleming CO LN

ROCKCASTLE COUNTY

	ROAD	FROM		TO	
*	US 25	11.8	I-75	13.9	US 150
*	US 150	0.0	Lincoln CO LN	10.5	US 25

SHELBY COUNTY

	ROAD	FROM		TO	
*	US 60	0.0	Jefferson CO LN	23.0	Franklin CO LN

Weight Limit - Bridge over L & N R.R. @ milepoint 2.64
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Little Bullskin Creek @ milepoint 5.02
TY I = 20 tons, TY II = 21 tons, TY III = 25 tons, TY IV = 43 tons
Weight Limit - Bridge over Clear Creek @ milepoint 11.17
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Guist Creek @ milepoint 13.93
TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 44 tons

SIMPSON COUNTY

	ROAD	FROM		TO	
*	US 31W	0.0	Warren County Line	3.2	KAEC Gasahol Plant
		(Extended weights shall be available only to TY IV vehicles with a gross weight of 90,000 pounds or less.)			
		3.2	KAEC Gasahol Plant	6.5	KY 100 in Franklin
		6.5	KY 100 in Franklin	14.0	Tennessee State LN
		(Extended weights shall be available only to TY IV vehicles with a gross weight of 90,000 pounds or less.)			

SPENCER COUNTY

	ROAD	FROM		TO	
*	US 31E	0.0	Nelson CO LN	2.4	Bullitt CO LN

TODD COUNTY

	ROAD	FROM		TO	
*	US 79	0.0	Tennessee State LN	10.6	Logan CO LN

Weight Limit - Bridge over L & N R.R. @ milepoint 1.94
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 51 tons
Weight Limit - Bridge over Elk Fork Creek @ milepoint 7.61
TY I = 20 tons, TY II = 32 tons, TY III = 34 tons, TY IV = 47 tons

UNION COUNTY

	ROAD	FROM		TO	
*	US 60	1.4	KY 109	9.2	Mine

Weight Limit - Bridge over Branch of Cypress Creek @ milepoint 3.66
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons

*	KY 109	0.0 Webster CO LN	1.5	US 60 (West)
		1.5 US 60 (East)	4.9	KY 492
*	KY 492	1.9 Davis Mine RD	2.5	KY 109
*	KY 1508	0.0 KY 109	2.7	Pyro Dock
		5.3 Canipe Dock	6.0	Private Haul Road
	Weight Limit - Bridge over Unnamed Stream @ milepoint 5.61			
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons			
*	Davis Mine Road			
	CR 5227	0.0 KY 109	0.3	Private Haul Road

WARREN COUNTY

	ROAD	FROM	TO
*	Green River Parkway		
		0.0 I-65	18.2 Butler CO LN
	Weight Limit - Bridge over I-65 @ milepoint 0.01		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 52 tons		
	Weight Limit - Bridge over US 31-W @ milepoint 3.57		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 59 tons		
*	US 31W	0.0 Green River Parkway	9.0 Simpson County LN
		(Extended weights shall be available only to TY IV vehicles with a gross weight of 90,000 pounds or less.)	
*	US 68	0.0 Logan CO LN	8.2 Green River Parkway

WASHINGTON COUNTY

	ROAD	FROM	TO
*	Bluegrass Parkway		
		39.3 Nelson CO LN	44.8 Anderson CO LN
	Weight Limit - Bridge over Chaplin River @ milepoint 42.08		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		

WAYNE COUNTY

	ROAD	FROM	TO
*	KY 90	0.0 Clinton CO LN	25.2 Pulaski CO LN
	Weight Limit - Bridge over Beaver Creek @ milepoint 8.65		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Meadow Creek @ milepoint 19.51		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons		
*	KY 776	7.5 KY 790	9.8 Brammer Hill Ridge RD
*	KY 790	1.3 KY 776	10.5 Pulaski CO LN
	Weight Limit - Bridge over Sinking Creek @ milepoint 2.02		
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 41 tons		
*	Brammer Hill Ridge Road		
	CR 5023	0.0 KY 776	4.1 Jonesville Cemetery RD
*	Denny Creek Road		
	CR 5024	0.0 KY 776	1.7 Shamrock Mine
*	Brammer Hill-Delta Road		
	CR 5030	0.0 KY 790	2.2 Brammer Hill Ridge RD
*	Jones Cemetery #2 Road		
	CR 5031	0.0 Brammer Hill Ridge RD	2.4 Mine
*	Sizemore Road		
	CR 5155	0.0 Denny Creek RD	1.1 Mine

WEBSTER COUNTY

	ROAD	FROM	TO
*	Pennyrile PKWY	55.0 Hopkins CO LN	62.6 KY 56
*	US 41	0.0 Hopkins CO LN	12.1 Henderson CO LN
*	US 41A	0.0 Hopkins CO LN	19.5 KY 56
*	KY 56	5.3 US 41A	12.5 US 41 (South)
	Weight Limit - Bridge over Branch @ milepoint 12.42		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
		12.5 US 41 (North)	14.4 Old Eastwood Ferry RD
*	KY 109	2.9 KY 670	14.7 Union CO LN
	Weight Limit - Bridge over Crab Orchard Creek @ milepoint 7.33		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Caney Fork @ milepoint 10.72		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
*	KY 132	23.6 Mine	25.9 KY 494
*	KY 270	8.4 Mine	13.2 US 41A
*	KY 494	0.0 KY 132	2.2 US 41
*	KY 670	0.0 KY 109	2.7 US 41A
*	KY 814	0.0 Hopkins CO LN	0.6 US 41A
*	Old Eastwood Ferry Road		
	CR 5034	0.0 KY 56	0.1 Sebree Dock
*	Quinns Landing Road		
	CR 5036	0.0 Henderson CO LN	0.2 Big Rivers Plant

WHITLEY COUNTY

	ROAD	FROM	TO
*	US 25T	0.0 US 25W	0.7 US 25W
*	US 25W	1.7 Kensee Creek Rd	14.1 KY 26 (South)
	Weight Limit - Bridge over Clear Creek @ milepoint 5.04		
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons		
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 6.23		
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 11.02		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
		32.1 KY 26 (North)	32.8 US 25T (South)
*	KY 6	0.8 KY 1064	1.6 Knox CO LN
	Weight Limit - Bridge over Corn Creek @ milepoint 1.64		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 11	0.0 KY 92	2.6 Knox CO LN
*	KY 26	0.0 US 25W (South)	14.3 US 25W (North)
*	KY 92	0.0 McCreary CO LN	11.3 US 25W (South)
	Weight Limit - Bridge over Pleasant Run @ milepoint 0.23		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 58 tons		
	Weight Limit - Bridge over Pleasant Run @ milepoint 1.51		
	TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 46 tons		
	Weight Limit - Bridge over Jellico Creek @ milepoint 2.99		
	TY I = 20 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Briar Creek @ milepoint 8.39		
	TY I = 14 tons, TY II = 14 tons, TY III = 14 tons, TY IV = 14 tons		
	Weight Limit - Bridge over I-75 @ milepoint 11.00		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 51 tons		
		11.3 US 25W (North)	33.4 Bell CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 22.02		
	TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 42 tons		
	Weight Limit - Bridge over Golden Fork @ milepoint 26.66		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 50 tons		
	Weight Limit - Bridge over Harpes Creek @ milepoint 27.89		
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons		
*	KY 312	2.5 US 25W	2.6 Knox CO LN
*	KY 628	1.7 Mine	5.2 US 25W
	Weight Limit - Bridge over Possum Creek @ milepoint 3.91		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over I-75 @ milepoint 4.91		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons		
*	KY 779	6.3 KY 1064 (East)	12.7 KY 11
	Weight Limit - Bridge over Cumberland River @ milepoint 11.83		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
*	KY 904	0.0 KY 92 @ Suttons Mill	13.5 KY 92 @ Siler
	Weight Limit - Bridge over Cumberland River @ milepoint 0.09		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
	Weight Limit - Bridge over Poplar Creek @ milepoint 13.44		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 1064	0.0 KY 904 @ Dixie	5.1 KY 92 @ Louden
	Weight Limit - Bridge over Cumberland River @ Louden		
	TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons		
	Weight Limit - Bridge over Unnamed Stream 0.79 miles North of Louden		
	TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons		
		9.3 KY 779	17.1 KY 6
*	KY 1595	3.0 Mine	4.6 KY 92
	Weight Limit - Bridge over Poplar Creek @ milepoint 4.49		
	TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 52 tons		
*	KY 1673	0.0 KY 92	0.4 McCreary CO LN
		0.4 McCreary CO LN	1.2 Ball Branch RD
*	KY 1809	0.0 KY 92	1.4 Knox CO LN
	Weight Limit - Bridge over Golden Creek @ milepoint 0.21		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 53 tons		
*	Mosley Road		
	CR 5038	0.0 KY 1064	0.9 Mine
*	McNeil Hollow-Corn Creek Road		
	CR 5045	2.4 Brenda Mine	3.6 KY 1064
*	Doc Siler Road		
	CR 5223	0.0 Tennessee ST LN	0.1 Skaggs Branch RD
*	Skaggs Branch Road		
	CR 5224	0.0 Doc Siler RD	0.7 Bowlin Mine
*	Keswick-Gatliff Road		
	CR 5227	3.3 Upper Cane Creek RD	8.0 KY 904
	Weight Limit - Bridge over Bennetts Branch		
	TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 56 tons		

	ROAD	FROM	TO
*	Upper Cane Creek Road		
	CR 5230	0.0 Keswick-Gatliff RD	0.5 Mine
*	Jordan Hollow Road		
	CR 5321	0.0 KY 628 (East)	0.3 Mine
*	Kensee Creek Road		
	CR 5326	0.0 US 25W	0.8 Mine
*	Ryans Creek Road		
	CR 5335	0.0 KY 1898	4.3 McCreary CO LN
*	Ball Branch Road		
	CR 5338	0.0 KY 1673	0.6 Mine
	Weight Limit - Bridge over Pleasant Run Creek		
	TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons		

WOLFE COUNTY

	ROAD	FROM	TO
*	Mountain PKWY (KY 402)		
		36.0 Powell CO LN	42.7 KY 155
*	KY 15	0.0 Breathitt CO LN	10.3 KY 651
	Weight Limit - Bridge over Holly Creek @ milepoint 1.79		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
		13.4 Mountain PKWY (KY 402)	14.0 KY 715
*	KY 15S	0.0 KY 15	1.1 Mountain PKWY (KY 402)
	Weight Limit - Bridge over Mountain Parkway @ milepoint 1.05		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 58 tons		
*	KY 651	2.0 KY 3355	2.1 KY 15
*	KY 715	2.6 KY 2016	5.8 KY 15
*	KY 2016	0.2 Mine	4.5 KY 715
*	KY 3355	0.0 KY 651	0.9 Mullins Point RD
*	Mullins Point Road		
	CR 5218	0.0 KY 3355	1.6 Mine

WOODFORD COUNTY

	ROAD	FROM	TO
*	Bluegrass Parkway		
		61.9 Anderson CO LN	71.1 US 60
*	US 60	0.0 Franklin CO LN	13.0 Fayette CO LN
*	US 60X	1.0 US 62 in Versailles	1.8 US 60 East of Versailles
*	US 62	0.1 K.U. Tyrone Power Plant	7.1 US 60X in Versailles
	Weight Limit - Bridge under Southern R.R. @ Tyrone @ milepoint 0.1		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		

Section 5. No person shall operate, or knowingly cause to be operated, on any bridge listed in Section 4 of this administrative regulation any vehicle whose gross vehicle weight exceeds the weight limits specified for that bridge.

Section 6. In accordance with KRS 189.230(3), the Department of Highways shall post the gross vehicle weight limits for each bridge listed in Section 4 of this administrative regulation.

Section 7. No person shall operate, or knowingly cause to be operated, on any bridge on the extended weight coal haul road system any vehicle whose gross vehicle weight exceeds the limits specified by a notice posted pursuant to KRS 189.230(3).

Section 8. Resolutions of local governing bodies issued pursuant to KRS 177.9771(9) making recommendations to the Secretary of Transportation shall be submitted to: Secretary of Transportation, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622. The resolution shall set forth a specific description of the road or road segments under consideration. The resolution shall further set forth with specificity those conditions which give rise to inherent and definite hazards or create special conditions which the Secretary of the Transportation Cabinet needs to consider.

Section 9. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions is hereby incorporated by reference as part of this administrative regulation. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be viewed at the Transportation Cabinet, Department of Highways, Division of Maintenance, Frankfort, Kentucky. Copies of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001.

O. GILBERT NEWMAN, State Highway Engineer
MILO D. BRYANT, Secretary
APPROVED BY AGENCY: July 23, 1989
FILED WITH LRC: August 1, 1989 at 2 p.m.
PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on September 21, 1989 at 10 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by September 16, 1989 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the

public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until September 16, 1989. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen
(1) Type and number of entities affected: 6,000 coal transporters.
(a) Direct and indirect costs or savings to those affected: Savings incurred as a result of being allowed to transport coal at extended weights over more roads.
1. First year: No more than 50 trucks are likely to take advantage of the new road segments in the extended weight system, but each should have a savings of several thousand dollars.
2. Continuing costs or savings: Same
3. Additional factors increasing or decreasing costs (note any effects upon competition): Most of the coal on US 31W in Warren and Simpson Counties is being shipped to Tennessee where coal can be legally transported on noninterstate highways up to 89,000 pounds gross weight. The fiscal courts of Warren and Simpson Counties passed resolutions to place US 31W on the extended weight system to allow the cost of Kentucky coal to be competitive with Tennessee coal.
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: The road segments added to the extended weight system will require more maintenance in future years but not immediately.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The resolutions submitted by the three fiscal courts could have been accepted as submitted or rejected. They were accepted with provisions as being the only way of safely honoring the resolutions. There are bridges on the road segments which would not safely accommodate heavier vehicles or vehicles with more weight per axle.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: The three fiscal courts submitting resolutions to the cabinet were Muhlenberg County, Simpson County and Warren County.
TIERING: Was tiering applied? Yes.

PUBLIC PROTECTION & REGULATION CABINET
Kentucky Registry of Election Finance
(Proposed Amendment)

801 KAR 1:005. Campaign treasurer.

RELATES TO KRS 121.160
STATUTORY AUTHORITY: KRS 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required reports," KRS 121.120(3)(a).

Section 1. The "Appointment of Campaign Treasurer" form, revised April 7, 1987, required by KRS Chapter 121, shall [can] be obtained at the office of the Secretary of State, Room 150, State Capitol, Frankfort, Kentucky 40601-3493, or at the office of any county clerk [Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601]. This [The] form is hereby incorporated by reference.

RAYMOND E. WALLACE, Executive Director
APPROVED BY AGENCY: August 3, 1989
FILED WITH LRC: August 11, 1989 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on September 21, 1989 at 9 a.m. at 1604 Louisville Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 16, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation to: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Connie Whitehouse
(1) Type and number of entities affected: Secretary of State, 120 county clerks and all candidates for public offices. Maximum number 10,000 in biggest year.
(a) Direct and indirect costs or savings to those affected: There will be no direct or indirect costs or savings to those affected.
1. First year: There will be no direct or indirect costs or savings during the first year.
2. Continuing costs or savings: There will be no direct or indirect continuing costs or savings on those affected.
3. Additional factors increasing or decreasing costs (note any effects upon competition): Cost of postage to provide forms in bulk to Secretary of State and County Clerks. Postage to return completed forms to the agency.
(b) Reporting and paperwork requirements: The Secretary of State and all county clerks must have the completed form as part of a candidate's

filing papers. One copy is furnished the agency.
(2) Effects on the promulgating administrative body: Provides the official form to identify a candidate for public office.
(a) Direct and indirect costs or savings: Direct cost of printing and distribution of blank forms. Indirect cost of postage by county clerks.
1. First year: Direct cost: printing $900, postage $500. Indirect cost, county clerks postage $2,500; Secretary of State none.
2. Continuing costs or savings: Will be computed in direct proportion to number of candidates, from 4,000 minimum to 10,000 maximum. This varies from year to year.
3. Additional factors increasing or decreasing costs: Variance in number of candidates 4,000 minimum to 10,000 maximum will determine cost per year.
(b) Reporting and paperwork requirements: Candidates complete and file reports with Secretary of State or county clerk - official form is transmitted to the agency by each office.
(3) Assessment of anticipated effect on state and local revenues: No anticipated effect on state or local revenue.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternatives were not considered because appointment of campaign treasurer is directed by KRS 121.160(1).
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None identified.
(a) Necessity of proposed regulation if in conflict: Not in conflict.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not in conflict.
(6) Any additional information or comments:
TIERING: Was tiering applied? No. Tiering was not applied because all candidates at all levels are treated equally. To do otherwise would raise questions of constitutionality.

PUBLIC PROTECTION & REGULATION CABINET
Kentucky Registry of Election Finance
(Proposed Amendment)

801 KAR 1:010. Executive committee's report of receipts and expenditures.

RELATES TO: KRS 121.180(1)
STATUTORY AUTHORITY: KRS 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required reports," KRS 121.120(3)(a).

Section 1. (1) Candidate campaign funds, candidate campaign committees, receiving contributions or making expenditures in excess of $3,000; and
(2) All permanent committees, issues committees and political party executive committees regardless of the amount of contributions or expenditures shall file the reports required by KRS Chapter 121 on the forms provided by the Kentucky Registry of Election Finance.

Section 2. [1.] These forms, revised June 1, 1989, are hereby incorporated by reference. They are available at the office of ["Party Executive Committee Report of Receipts and Expenditures" form can be obtained at] the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601, between the hours of 8 a.m. and 4:30 p.m. [The form is hereby incorporated by reference.]

Section 3. 801 KAR 1:030, 801 KAR 1:050, 801 KAR 1:060, and 801 KAR 1:100 are hereby repealed.

RAYMOND E. WALLACE, Executive Director
APPROVED BY AGENCY: August 3, 1989
FILED WITH LRC: August 11, 1989 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on September 21, 1989 at 9 a.m. at 1604 Louisville Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 16, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation to: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Connie Whitehouse
(1) Type and number of entities affected: Candidate campaign funds, and candidate campaign committees which exceed $3,000. All permanent issues and political party executive committees - 2,000 entities.
(a) Direct and indirect costs or savings to those affected: Direct cost to those affected is cost of postage. No indirect costs are identified.
1. First year: Average cost per mailing is $1.05 per report. 5,100 reports first year or $5,355 postage to those affected.
2. Continuing costs or savings: Since only the number of candidates will vary, continuing costs should approximate those of the first year or $5,355.
3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional factors for increasing or decreasing costs have been identified.
(b) Reporting and paperwork requirements: Each candidate or campaign committee who exceeds $3,000 and permanent issues and political party executive committee must file periodic reports on a prescribed but variable schedule.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: Printing costs and cost of postage for distribution.
1. First year: Printing cost to support 5,100 reports is $357 - postage cost is $5,355.
2. Continuing costs or savings: Only the number of candidates will vary from year to year

continuing costs should approximate the first year or $5,355 postage and $357 printing.

3. Additional factors increasing or decreasing costs: No additional factors for increasing or decreasing costs have been identified.

(b) Reporting and paperwork requirements: The agency is responsible to insure that all reports are timely filed - contents disclosed will have no effect on current status.

(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues is anticipated.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternative methods were not considered because KRS 121.180 prescribes the reporting method.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None identified.

(a) Necessity of proposed regulation if in conflict: Not in conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not in conflict.

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Tiering was not applied because KRS 121.180 prescribes in detail both the method and conditions under which reports shall be filed.

PUBLIC PROTECTION & REGULATION CABINET
Kentucky Registry of Election Finance
(Proposed Amendment)

801 KAR 1:020. Campaign committee's report of receipts and expenditures.

RELATES TO: KRS 121.180(2)

STATUTORY AUTHORITY: KRS 121.120(3)

NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required reports," KRS 121.120(3)(a).

Section 1. Candidates who receive $3,000 or less, or who spend $3,000 or less shall file the report required by KRS Chapter 121 on the forms provided by the Kentucky Registry of Election Finance.

Section 2. [1.] These forms and the instructions pertaining thereto, revised July 15, 1989, are hereby incorporated by reference. They are available at the office of ["Campaign Committee Report of Receipts and Expenditures" form can be obtained at] the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601, between the hours of 8 a.m. and 4:30 p.m. [The form is hereby incorporated by reference.]

RAYMOND E. WALLACE, Executive Director

APPROVED BY AGENCY: August 3, 1989

FILED WITH LRC: August 11, 1989 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on September 21, 1989 at 9 a.m. at 1604 Louisville Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 16, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation to: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Connie Whitehouse

(1) Type and number of entities affected: Unopposed candidates and candidates who receive or spend $3,000 or less. The greatest number is 10,000, the least number is 4,000.

(a) Direct and indirect costs or savings to those affected: Direct cost to those affected is cost of postage. No indirect costs are identified.

1. First year: 9,000 reports will be filed during the calendar year. Cost to candidates will be $2,250 in maximum years, $1,150 in minimum years.

2. Continuing costs or savings: Since only the number of candidates will change, the continuing costs should approximate those of the first year or max $2,250 to min $1,150.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional factors for increased or decreased costs are identified.

(b) Reporting and paperwork requirements: Each unopposed candidate and each candidate who receives or spends $3,000 or less must file one report for each election.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Direct cost is attributed to printing $980, postage $5,000. No indirect costs have been identified.

1. First year: Cost for printing and postage in greatest year is $5,980; least year is $2,160.

2. Continuing costs or savings: Continuing costs to the agency will approximate first year costs in that the number of candidates varies.

3. Additional factors increasing or decreasing costs: No additional factors which increase or decrease costs have been identified.

(b) Reporting and paperwork requirements: The agency is responsible for seeing that all reports are timely filed and contents disclosed. Will have no effect on current status.

(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues is anticipated.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternative methods were not considered in that KRS 121.180 prescribes the reporting method.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None identified.

(a) Necessity of proposed regulation if in conflict: Not in conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not in conflict.
(6) Any additional information or comments:
TIERING: Was tiering applied? No. Tiering was not applied because KRS 121.180 prescribes in detail both the method and conditions under which reports shall be filed.

PUBLIC PROTECTION & REGULATION CABINET
Kentucky Registry of Election Finance
(Proposed Amendment)

801 KAR 1:040. Political committee statement of organization.

RELATES TO KRS 121.170
STATUTORY AUTHORITY: KRS 121.120(3)
NECESSITY AND FUNCTION: KRS 121.120(3) requires the Registry to "adopt such regulations, official forms, and perform such duties as are necessary to implement the provisions of KRS 121.015 and 121.100 to 121.200." The Registry shall "develop prescribed forms for the making of the required reports," LRS 121.120(3)(a).

Section 1. The form required by KRS Chapter 121 for the registration of political committees, "Political Committee Registration", revised July 7, 1988, is hereby incorporated by reference and [Statement of Organization" form] can be obtained at the office of the Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601, between the hours of 8 a.m. and 4:30 p.m. [The form is hereby incorporated by reference.]

RAYMOND E. WALLACE, Executive Director
APPROVED BY AGENCY: August 3, 1989
FILED WITH LRC: August 11, 1989 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on September 21, 1989 at 9 a.m. at 1604 Louisville Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 16, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation to: Raymond E. Wallace, Executive Director, Kentucky Registry of Election Finance, 1604 Louisville Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Connie Whitehouse
(1) Type and number of entities affected: Candidate campaign committees - 100, permanent committees - 35, political issues committees - 10.
(a) Direct and indirect costs or savings to those affected: Direct cost to those affected is attributed to postage - no indirect costs can be identified.
1. First year: Direct costs first year postage $50.
2. Continuing costs or savings: Continuing costs for postage $50 per year.
3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional factors are identified.
(b) Reporting and paperwork requirements: Persons who desire to form a committee complete the form and submit for approval.
(2) Effects on the promulgating administrative body: Responsible for providing the form and on receipt establish a reporting system.
(a) Direct and indirect costs or savings:
1. First year: Direct cost for postage $50. No indirect costs are anticipated.
2. Continuing costs or savings: Continuing costs should be the same as first year costs - $50 for postage.
3. Additional factors increasing or decreasing costs: No additional factors are identified.
(b) Reporting and paperwork requirements: Persons who desire to form a committee complete the form and submit for approval.
(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues anticipated.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternatives were not considered in that KRS 121.170 governs the registration of committees.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Does not conflict.
(a) Necessity of proposed regulation if in conflict: Not in conflict.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not in conflict.
(6) Any additional information or comments:
TIERING: Was tiering applied? No. Tiering was not applied in that KRS 121.170 prescribes the method of application.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(Proposed Amendment)

804 KAR 9:010. Retail liquor license limit.

RELATES TO: KRS 241.060, 241.065, 241.075, 243.030
STATUTORY AUTHORITY: KRS 241.060
NECESSITY AND FUNCTION: The express provision of KRS 241.060(2) enables the ABC Board to limit the number of licenses to be issued in any county of the Commonwealth. This regulation establishes the basis of such a limitation and establishes the manner in which the population of a county is to be ascertained for purposes of the number of licenses in that county.

Section 1. The number of retail package liquor licenses issued by the Alcoholic Beverage Control Board in counties of the Commonwealth shall not exceed a number equal to one (1) for every 2,300 persons resident in such county.

Section 2. The number of retail drink liquor licenses issued by the Alcoholic Beverage Control Board in counties of the Commonwealth shall not exceed a number equal to one (1) for every 2,500 persons resident in such county;

provided, however:

(1) That in its discretion the Alcoholic Beverage Control Board may issue retail drink licenses in excess of the number herein provided where the license is for an outlet in a hotel, inn or motel for accommodation of the traveling public, and is designed primarily to serve such transient patrons, and any applicant for such license shall submit to the Board satisfactory proof that the facilities will accommodate sufficient patrons to sustain the operation of a retail drink outlet, which shall contain not less than fifty (50) sleeping units, dining facilities for not less than 100 persons and which receives not less than fifty (50) percent of its gross annual alcoholic beverage and food receipts from the sale of food and not less than 25,000 square feet of parking space;

(2) That in its discretion the Alcoholic Beverage Control Board may issue retail drink licenses in excess of the number herein provided where the license is for an outlet in an airport terminal where commercial flights are made in or near cities of the first, second or third class except in dry counties.

(3) That in its discretion the Alcoholic Beverage Control Board may issue retail drink licenses in excess of the number herein provided where the license is for a restaurant which receives fifty (50) percent [sixty (60) percent] or more of its gross annual alcoholic beverage and food income from the sale of food and has a minimum seating capacity of 100 people at tables, and any applicant for such license shall submit to the Board satisfactory proof that the facilities meet the above criteria, including, but not limited to, a certification of seating capacity by the applicable fire marshal's office or its equivalent, and provided further, that upon application for renewal, the licensee shall submit an annual report to the Board indicating annual gross receipts from the sale of food and the sale of alcoholic beverages.

(4) Licenses issued under these exceptions are not subject to transfer to other premises.

Section 3. (1) In order that a fixed and approved standard of population as prescribed in Sections 1 and 2 of this regulation may be adopted, the estimates of population for Kentucky counties prepared by the Kentucky State Data Center, Urban Studies Center of the University of Louisville, Louisville, Kentucky, shall be used in every year except a census year. The United States Government census figures of population shall be used in a census year.

(2) On or before January 1 of each year, the Alcoholic Beverage Control Board shall request from the Kentucky State Data Center, Urban Studies Center of the University of Louisville, Louisville, Kentucky, population estimates as of that date for those counties in which license quotas may need to be reviewed by the Board. Upon receipt of these estimates from the Kentucky State Data Center, Urban Studies Center of the University of Louisville, Louisville, Kentucky, the Alcoholic Beverage Control Board, shall within thirty (30) days, send a specific notice to the newspaper with the largest circulation in each county where the estimate justifies a change in that county's quota, and issue a release of this information to the general press. The Department of Alcoholic Beverage Control shall accept applications for such new quota licenses for a period of thirty (30) days following the date of publication in said newspaper of each county affected.

Section 4. This regulation shall not prohibit renewal of licenses. The present quota shall be reduced, in conformance with this regulation, as licenses are revoked or surrendered.

LANNY COMBS, Commissioner
APPROVED BY AGENCY: July 18, 1989
FILED WITH LRC: July 19, 1989 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation amendment shall be held on Tuesday, September 26, 1989 at 9:30 a.m. EDT. Individuals interested in attending this hearing shall notify this agency in writing by Thursday, September 21, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation amendment to: Secretary to the Board, Alcoholic Beverage Control, 123 Walnut, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Catherine C. Staib

(1) Type and number of entities affected: Those restaurants in areas of the Commonwealth that may be licensed for the retail sale of alcoholic beverages by the drink and which have 100 seats at tables but which receive less than 50% of their gross receipts from the sale of food will be affected as will hotels or have dining facilities for 100 at tables but do not receive at least 50% of their gross receipts from the sale of food. This is a number that cannot be ascertained.

(a) Direct and indirect costs or savings to those affected: This regulation has no cost or savings attached to it.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: There is no reporting or paperwork requirement involved with this regulation that is not already required by the regulation.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There are no costs or savings for the administrative body in regard to this regulation.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: There are no reporting or paperwork requirements other than those already in existence.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated

effect on state and local revenues.
(4) Assessment of alternative methods; reasons why alternatives were rejected: The amendment to this regulation simply makes the regulation consistent with separate provisions of the statutes. There are no alternative methods.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping or duplication with any other statute, rule, regulation or governmental policy.
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: No
TIERING: Was tiering applied? Yes

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance
(Proposed Amendment)

903 KAR 5:010. Application for employer account [Employer's registration numbers]; reports.

RELATES TO: KRS 341.190
STATUTORY AUTHORITY: KRS 194.050, 341.115
NECESSITY AND FUNCTION: This regulation requires each employing unit to make application for an employer account [a registration number] and to make other additional reports as required by the division.

Section 1. Each employing unit having in the state in covered employment one (1) or more workers shall request from [make application by letter to] the Division of Unemployment Insurance an "Application for Unemployment Insurance Employer Reserve Account" (UI-1), and shall submit this form to the division providing all information requested in the instructions to this form. [for a registration number. Such letter shall contain the full name or names of the owners, the trade name, if any, under which the business is operated, the date such employing unit commenced business, and a statement as to whether the business was new or purchased from another employing unit.]

Section 2. Each employing unit shall make [such] additional reports as [are] required on the forms prescribed by the division in accordance with the instructions contained on the forms [thereon].

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 14, 1989 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 21, 1989, at 9 a.m. in the Health Services Building, Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by September 16, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen
(1) Type and number of entities affected: 12,000 new employers annually, plus 72,000 currently active employers.
(a) Direct and indirect costs or savings to those affected: None*. There is no change to existing regulatory authority due to this amendment.
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: Specifies a form to be used for the purpose of application for an unemployment account.
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: None*
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None*
(4) Assessment of alternative methods; reasons why alternatives were rejected: No practical alternative to specified form.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments: *The substance of this regulation covers material already contained in 903 KAR 5:260, which is being repealed.
TIERING: Was tiering applied? No. Chapter 341 requires uniform application to all covered employers.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance
(Proposed Amendment)

903 KAR 5:030. Employer contributions.

RELATES TO: KRS 341.260, 341.300
STATUTORY AUTHORITY: KRS 13A.100, 194.050, 341.115
NECESSITY AND FUNCTION: This regulation sets the due dates upon which employer contributions are payable to the division.

Section 1. The initial due date for payment of contributions by an employing unit is [Contributions shall become due on or before] the last day of the month following the close of the calendar quarter during which the employing unit first becomes a subject employer. Thereafter, except as provided in Section 2 of this regulation, the due date for contributions is the last day of the month following the calendar quarter for which they are payable.

[Section 2. The first contribution payment of

any employing unit which becomes a subject employer at any time during a calendar quarter, shall become due on or before the last day of the month following the close of the quarter in which such employing unit became a subject employer, and shall include contributions which have accrued for the entire period beginning January 1 of the calendar year and including the calendar quarter in which the employing unit became a subject employer.]

Section 2. The due date for payment of contributions shall be extended if [3. Notwithstanding the provisions of Sections 1 and 2 of this regulation, in the event] a subject employer has erroneously paid [to another state or to a federal agency] contributions due under KRS Chapter 341 to another state or federal agency, or if an authorized representative of the division has misinformed an employer as to his liability or erroneously determined an employer's status on the basis of correct reports furnished to the division by the employer or his representative. In such cases, the due date [of such contributions] shall be the 20th day following the mailing date of the first notice issued to the employer advising him of any amount due the division. [extended by the number of calendar days between the date such contributions were erroneously paid to such other agency and the date the secretary determines such contributions were payable under KRS Chapter 341; provided, however, if such contributions have been refunded by such other agency to such subject employer prior to the date of the secretary's determination, the due date shall be extended only for the number of calendar days between the date of such erroneous payment and the date of such refund.]

Section 3. [4.] Contributions shall [not] be considered paid as of the date on which they are [until the required contribution and wage reports have been] received by the Division of Unemployment Insurance as defined in 903 KAR 5:310. [or which have been deposited in the mail on or before the due date as indicated by the postmark thereon.]

[Section 5. For the purpose of this regulation, when the due date falls on a day during which the office of the division is closed, the next day thereafter on which such office is open shall be considered the due date and contributions and reports which have been deposited in the mail on or before the due date, as indicated by the postmark thereon, shall be considered as timely filed.]

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 14, 1989 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 21, 1989, at 9 a.m. in the Health Services Building, Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by September 16, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen
(1) Type and number of entities affected: 72,000 covered employers.
(a) Direct and indirect costs or savings to those affected: None*
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None*
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None*
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable - no alternative method for establishment of due dates.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments: *Amendments to this regulation already contained in 903 KAR 5:260, which is being repealed.
TIERING: Was tiering applied? Yes

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance
(Proposed Amendment)

903 KAR 5:080. Reasonable time for protesting claim.

RELATES TO: KRS 341.370(4), 341.530(3)
STATUTORY AUTHORITY: KRS 13A.100, 194.050, 341.115
NECESSITY AND FUNCTION: This regulation defines the term "reasonable time" within which an employer must protest a claim by a former worker. A nonmost recent employer is now given fifteen (15) days within which to protest if he has not received Form UI-412-A, "employer's notice of initial claim" or "employer's notice of reopened claim" instead of ten (10).

Section 1. Except as provided in Section 2 of this regulation the reasonable time referred to in KRS 341.370(4) and 341.530(3) shall not extend beyond ten (10) days after the date of first notice to the employer from the department [division] that a claim has been filed. In computing this [such] ten (10) day period, the day following the date of mailing of the [such] notice shall be considered the first day, and the date the employer's return notice is received by the department as defined in 903 KAR 5:310 [delivered to a representative of the division or deposited in the mail, as indicated by the postmark thereon,] shall be considered the date it is received by the department

[division].

Section 2. If [In the event] the employer is not the worker's most recent employer and has not received Form UI-412-A as provided in 904 KAR 5:070, the reasonable time referred to in KRS 341.530(3) shall not extend beyond fifteen (15) days after the date of first notice to the employer from the department [division] that a claim has been filed. In computing the [such] fifteen (15) day period the day following the date of mailing of the [such] notice shall be considered the first day, and the day the employer's return notice is received by the department as defined in 903 KAR 5:310 [delivered to a representative of the division or deposited in the mail, as indicated by the postmark thereon,] shall be considered the date it is received by the department [division].

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 14, 1989 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 21, 1989, at 9 a.m. in the Health Services Building, Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by September 16, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen
(1) Type and number of entities affected: Indeterminate number of employers appealing benefit claims.
(a) Direct and indirect costs or savings to those affected: None*
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None*
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable - see (6).
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments: *There is no change to the substance of the regulation. Style and agency references have been corrected, and unnecessary repetitive language has been eliminated by reference to a new regulation.
TIERING: Was tiering applied? No. The protest period is applied uniformly to all appellants.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance
(Proposed Amendment)

903 KAR 5:130. Appeals.

RELATES TO: KRS 131.570(1), 341.430(2), 341.440, 341.450(2)
STATUTORY AUTHORITY: KRS 13A.100, 194.050, 341.115
NECESSITY AND FUNCTION: This regulation sets up the appeals process and general rules for the conduct of hearings. This proposed amendment includes substance of 903 KAR 5:280, therefore no longer necessitating 903 KAR 5:280 which is being repealed.

Section 1. Appeals to Referee. (1) The presentation of an appeal to a referee.
(a) Any interested party wishing to appeal to a referee from a notice of determination, or from a notice of income tax refund intercept issued by the Revenue Cabinet in full or partial satisfaction of an outstanding benefit overpayment may do so by filing with the Division of Unemployment Insurance or its authorized representative a written statement clearly indicating the party's intention to appeal within the time limits prescribed by statute.
(b) An appeal to a referee shall be considered filed at the time it is received by the department as defined in 903 KAR 5:310 [delivered to a representative of the division or deposited in the mail as indicated by the postmark thereon].
(2) Notification of hearings. All hearings shall be scheduled promptly and notices thereof shall be mailed to all interested parties at least seven (7) days before the date of hearing specifying the time and place of hearing, except that, the referee may, when the exigencies of the situation in his judgment require, set a case for hearing before the expiration of seven (7) days, only then, however, upon agreement of all interested parties. Any party may request the rescheduling of a hearing for compelling circumstances, subject to the approval or denial of the referee.
(3) Disqualification of referees. No referee shall participate in the hearing of an appeal in which he has an interest. Challenges to the interest of any referee shall be heard and decided by the commission.
(4) Hearing of appeals.
(a) The claimant and any other party to the appeal may present such evidence as may be pertinent and may question the opposite party and his witnesses. The referee shall, if he deems it necessary to secure full information on the issues, examine each party who appears and his witnesses. The referee may take any additional evidence which he deems necessary; but, if additional evidence is taken, all interested parties shall be afforded an opportunity of examining and refuting the same.
(b) The parties to an appeal, with the consent of the referee, may stipulate the facts

involved, in writing. The referee may decide the appeal on the basis of this [such] stipulation or may schedule a hearing and take [such] further evidence as he deems necessary.

(c) The hearing shall be scheduled and held at a place where the claimant can attend without undue expense or inconvenience, giving consideration to the claimant's place of employment.

(d) The hearing may be conducted via teleconference if the residence of the claimant and his former employer's place of business are not in close geographic proximity, or if other circumstances warrant.

(e) The referee may in his discretion grant a continuance of a hearing in order to secure necessary evidence.

(f) Parties to a teleconference hearing who wish to introduce documents or written materials into the record at the referee hearing, must immediately mail copies of such documents to the referee, and to the opposing party. Failure to provide both the referee and the opposing party with copies of such evidence may result in its being excluded from the record.

(5) Decisions.

(a) After the hearing is concluded the referee shall promptly set forth in writing his finding of facts on the issues involved, his decision and the reasons therefor; provided, however, that if the appellant fails to appear and prosecute his appeal, the referee may summarily affirm the determination.

(b) Copies of the decision shall be mailed to the claimant and other parties to the appeal, and a copy shall be retained in the division's files.

(c) The mechanical recording of the hearing shall be retained in the divisions files pending further appeal. If no [such] appeal is initiated, the recording shall be destroyed sixty (60) days from the date the final administrative decision is mailed.

(d) Any referee decision may be superseded and amended after being released in order to correct obvious technical errors or omissions. Such corrected decision shall have the same appeal rights as the decision which it amends or corrects.

(e) If the decision is such that previously awarded benefits are to be denied either retroactively or forthwith, then a stop payment directive shall be issued to the division by the referee on the date the decision is mailed to the claimant.

Section 2. Appeals to the Commission From a Referee Decision. (1) Presentation of an appeal to the commission.

(a) Any interested party wishing to appeal to the commission from a decision of a referee may make written application with the commission, the division or its authorized representative for leave to appeal in any form which clearly indicates the party's intention to appeal. A notice of [such] application for leave to appeal shall be mailed by the division to other interested parties.

(b) An application for leave to appeal shall be considered initiated and filed at the time it is received by the department as defined in 903 KAR 5:310 [delivered to an authorized representative of the commission or the division or deposited in the mail, as indicated by the postmark thereon].

(c) The commission may grant or deny the application for leave to appeal without a hearing or may notify the parties to appear at a specified place and time for argument on the application.

(2) Hearing of appeals.

(a) Except in instances where the commission orders cases removed to it from a referee, all appeals to the commission may be heard upon the records of the division and the evidence and exhibits introduced before the referee. In the hearing of an appeal on the record, the parties may, if they desire, present written arguments and, at the commission's discretion be allowed to present oral arguments. The party presenting an appeal to the commission, (appellant) shall have ten (10) days from the date of mailing of the Commission's notification of appeal receipt within which to file written argument. The appellee shall have seven (7) days thereafter within which to file response. Written argument shall be considered filed when it is received by the department as defined in 903 KAR 5:310 [delivered to a representative of the commission or division, or deposited in the mail, as indicated by the postmark thereon]. The commission may extend the time for filing written argument upon a showing of good cause by either party to the appeal.

(b) The commission may, however, direct the taking of additional evidence before it, if needed, in order to determine the appeal. If, in the discretion of the commission, additional evidence is necessary to determine the appeal, the parties shall be notified of the time and place the [such] evidence shall be taken at least seven (7) days prior to the date on which the evidence will be taken.

(c) The commission, at its discretion, may return any case or issue to a referee for the taking of [such] additional evidence as it desires. The referee shall take the testimony in the manner prescribed for the hearing of appeals before referees and shall thereupon return the record to the commission for its decision thereon.

(3) The hearing of appeals by the commission on cases ordered removed to it from any referee. Any [The procedure on any] case [before a referee,] ordered by the commission to be removed to it, shall be [presented,] heard and decided by the [entire] commission in the manner [as] prescribed in Section 3 of this regulation [for the hearing of other cases before the referee].

(4) The determination of appeals before the commission.

(a) Following the conclusion of a hearing the commission shall promptly announce its decision, which may be either an affirmation of the decision of the referee, or a separate finding of facts, decision and reasons therefor. The decision shall be in writing and shall be signed by the members of the commission who heard the appeal. At the discretion of the commission, its decisions may be designated as representing precedent for future cases of similar circumstance. Decisions designated as precedent shall be binding on all lower levels of determination.

(b) If a decision of the commission is not unanimous, the decision of the majority shall control. The minority may file a dissent from such decision of the majority setting forth the reasons why it fails to agree with the majority.

(c) Copies of the decision shall be mailed to all interested parties.

(5) Reconsideration.

(a) A party adversely affected by a decision of the Kentucky Unemployment Insurance Commission may, within twenty (20) days of the mailing date of the [such] decision, file application for reconsideration of the commission's decision. The commission may grant or deny the application for reconsideration. An application for reconsideration shall be considered initiated and filed at the time it is received by the department as defined in 903 KAR 5:310 [delivered to an authorized representative of the commission or division, or deposited in the mail as indicated by the postmark thereon]. The commission shall respond to [such] requests for reconsideration by mail within three (3) working days after receipt.

(b) An application for reconsideration of a decision of the commission shall not stay the running of time for appeal to the circuit court, if the [such] application is denied.

(6) Precedent decision process and digest. The Kentucky Unemployment Insurance Commission shall develop, distribute, and maintain a manual or digest containing all precedent decisions currently valid. Such manual shall be available, on request, at a fee established by the commission. Individual decisions shall be available on request without charge.

Section 3. Appeals to the Commission From an Employing Unit. (1) Presentation of an appeal to the commission:

(a) Any employing unit wishing to make application for review of any administrative determination pursuant to KRS 341.430(2), or to appeal from a notice of income tax refund intercept issued by the Revenue Cabinet in full or partial satisfaction of any outstanding contribution, interest or penalty assessment, may do so by filing with the commission, the division or its authorized representative a written statement clearly indicating the employing unit's intention to appeal within the time limits prescribed by statute.

(b) An application or appeal shall be considered initiated and filed at the time it is received by the department as defined in 903 KAR 5:310.

(2) Notification of hearings. Upon receipt of an appeal made under this section, unless denied as untimely, a hearing shall be scheduled promptly to gather pertinent evidence. Notices thereof shall be mailed to all interested parties at least seven (7) days before the date of hearing specifying the time and place of hearing, except that, the commission may, when the exigencies of the situation in its judgment require, set a case for hearing before the expiration of seven (7) days, only then, however, upon agreement of all interested parties. Any party may request the rescheduling of a hearing for compelling circumstances, subject to the approval or denial of the commission or its authorized representative.

(3) Appointment of commission representative. The commission may direct that any hearing be conducted on its behalf by an authorized representative, provided, however, that no representative shall participate in the hearing of an appeal in which he has an interest. Challenges to the interest of any representative shall be heard and decided by the commission.

(4) Hearing of appeals.

(a) Any party to the appeal may present pertinent evidence and may question the opposite party and his witnesses. The commission shall, if it deems it necessary to secure full information on the issues, examine each party who appears and his witnesses. The commission may take any additional evidence which it deems necessary; but, if additional evidence is taken, all interested parties shall be afforded an opportunity of examining and refuting the same.

(b) The parties to an appeal, with the consent of the commission or its authorized representative, may stipulate the facts involved, in writing. The commission may decide the appeal on the basis of this stipulation or may schedule a hearing and take further evidence as it deems necessary.

(c) The hearing shall be scheduled and held at a place where the parties can attend without undue expense or inconvenience.

(d) The hearing may be conducted via teleconference if circumstances warrant.

(e) The commission may in its discretion grant a continuance of a hearing in order to secure necessary evidence.

(f) Parties to a teleconference hearing who wish to introduce documents or written materials into the record at the hearing, must immediately mail copies of the documents to the commission and to the opposing party. Failure to provide both the commission and the opposing party with copies of this evidence may result in its being excluded from the record.

(5) Decisions.

(a) Following the conclusion of a hearing the commission shall promptly set forth in writing its finding of the facts, its decision and its reasons therefor; provided, however, that if the appellant fails to appear and prosecute his appeal, the commission may summarily affirm the administrative determination or notice of income tax refund intercept from which the appeal was made. The decision shall be signed by the members of the commission who considered the appeal. At the discretion of the commission, its decisions may be designated as representing precedent for future cases of similar circumstance. Decisions designated as precedent shall be binding on all lower levels of determination.

(b) If a decision of the commission is not unanimous, the decision of the majority shall control. The minority may file a dissent from such decision of the majority setting forth the reasons why it fails to agree with the majority.

(c) Copies of the decision shall be mailed to all interested parties.

(d) The mechanical recording of the hearing shall be retained by the commission pending further appeal. If no appeal is initiated, the recording shall be destroyed sixty (60) days from the date the final administrative decision is mailed.

(e) Any commission decision may be superseded and amended after being released in order to correct obvious technical errors or omissions. The corrected decision shall have the same appeal rights as the decision which it amends or corrects.

(6) Reconsideration.

(a) Any party adversely affected by a decision of the commission may, within twenty (20) days of the mailing date of the decision, file application for reconsideration of the

commission's decision. The commission may grant or deny the application for reconsideration. An application for reconsideration shall be considered initiated and filed at the time it is received by the department as defined in 903 KAR 5:310. The commission shall respond to such requests for reconsideration by mail within three (3) working days after receipt.

(b) An application for reconsideration of a decision of the commission shall not stay the running of time for appeal to the circuit court, if the application is denied.

Section 4. [3.] General Rules for Referee and Commission [both] Appeals [Stages]. (1) Issuance of subpoenas. Subpoenas requested by a claimant or an employer to compel the attendance of witnesses [and/]or the production of records for any hearing of an appeal shall be issued only on a sworn statement by the party applying for the issuance thereof setting forth the substance of the anticipated proof to be obtained and the need therefor.

(2) Appeal record. All reports, forms, letters, transcripts, communications, statements, determinations, decisions, orders, and other matters, written or oral, from the worker, employer, or personnel or representative of the division which have been written, sent, or made in connection with an appeal[ed claim] shall constitute the record with respect to the appeal [such claim].

(3) Supplying information from the records of the Division of Unemployment Insurance. Information from the records of the division shall be furnished to an interested party or his representative to the extent necessary for the proper presentation of the party's case, only upon written request therefor. All requests for [such] information shall state, as clearly as possible, the nature of the information desired. Nothing in this regulation shall prevent an interested party or his representative from examining a record in the hands of a referee, the commission or its authorized representative at a hearing.

(4) Conduct of hearings. All hearings shall be conducted informally without regard to common law, statutory or technical rules or procedure and in a [such] manner as to determine the substantial rights of the parties. The parties and their witnesses shall testify under oath or affirmation. All issues relevant to the appeal [claim] shall be considered and passed upon.

(5) Reopening hearings. Any party to an appeal who fails to appear at the scheduled hearing may, within seven (7) days from the date thereof, request a rehearing. The request shall be granted if the [such] party has shown good cause for his failure to appear. The request shall be in writing and shall set forth the reasons for his failure to attend the scheduled hearing. The request shall be mailed or delivered to the office where the appeal was filed, to [or] the Appeals Branch, [the] Division of Unemployment Insurance, Frankfort, Kentucky, or to the Unemployment Insurance Commission, Frankfort, Kentucky. Upon the rehearing being granted, notice of the time and place of the reopened hearing shall be given to the parties or to their representatives.

(6) Providing of testimony (tapes) to interested parties.

(a) Parties or their authorized representatives may secure a duplicate of the recording of testimony made at a [the referee] hearing by contacting the Kentucky Unemployment Insurance Commission at the address listed on the [referee] decision.

(b) There shall be no charge for this service, however, parties should forward blank cassette tapes with their request in numbers sufficient to record the requested testimony.

Section 5. [7.] Service of Process. The Branch Manager, Kentucky Unemployment Insurance Commission, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621, is hereby designated, by the Kentucky Unemployment Insurance Commission, as the person for receipt of Service of Process (Summons) in Civil Actions filed under the Provisions of KRS 341.450(2).

Section 6. 903 KAR 5:280, Appeals from notices of income tax refund intercept, is hereby repealed.

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 14, 1989 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 21, 1989, at 9 a.m. in the Health Services Building, Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by September 16, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen
(1) Type and number of entities affected: Indeterminate number of claimants and employers filing appeals of unemployment insurance determination.
(a) Direct and indirect costs or savings to those affected: None*
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None*
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None*
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable - see (6).
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments:

*The content of this regulation covers material already contained in 903 KAR 5:280, which is being repealed.
TIERING: Was tiering applied? Yes

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance
(Proposed Amendment)

903 KAR 5:150. Determination defined.

RELATES TO: KRS [131.570(1),] 341.410
STATUTORY AUTHORITY: KRS 13A.100, 194.050, 341.115
NECESSITY AND FUNCTION: This regulation defines the term "determination" as used by the division.

Section 1. Any decision rendered by the Division of Unemployment Insurance or its duly authorized representatives in writing affecting a worker's claim for unemployment benefits or the charges to an employer's reserve account for benefits paid or payable, [or notice of income tax refund intercept issued by the Revenue Cabinet] shall be a "determination."

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 14, 1989 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 21, 1989, at 9 a.m. in the Health Services Building, Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by September 16, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen
(1) Type and number of entities affected: Indeterminate number of claimants.
(a) Direct and indirect costs or savings to those affected: None*
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None*
(2) Effects on the promulgating administrative body: None*
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None*
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable - see (6).
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: None
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments: *This amendment eliminates language that is in conflict with statute and merely provides a uniform definition of determination.
TIERING: Was tiering applied? No. Uniform definition provided for all.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance
(Proposed Amendment)

903 KAR 5:300. Required reports and due dates.

RELATES TO: KRS 341.190, 341.262
STATUTORY AUTHORITY: KRS 13A.100, 194.050, 341.115
NECESSITY AND FUNCTION: KRS 341.190 authorizes the Secretary for Human Resources to require the furnishing of certain information and records by employing units concerning wages paid, employment and other related matters. KRS 341.262 provides that a penalty will be assessed for failure to submit [such] reports when due. This regulation delineates the reports with attendant due dates.

Section 1. For the purpose of this regulation, required reports are [include]:
(1) Employer's Quarterly Unemployment Wage and Tax Report; and [, U.I.-3]
(2) Reimbursing Employer's Quarterly Wage and Tax Report.

Section 2. Due Dates. (1) Except as provided below, the due date for the filing of a required report [the U.I.-3 report] is the last day of the month following the close of the calendar quarter in which wages are paid in covered employment.
(2) The initial due date for the filing of a required report [U.I.-3 reports] by an employing unit newly subject under the provisions of KRS 341.070 shall be the last day of the month following the quarter in which the employing unit is first given notice by the department of its liability as a subject employer, provided that:
(a) For the purpose of this regulation, no employing unit shall be deemed to be newly subject if:
1. Prior to beginning employment in Kentucky, it has previously been determined subject under the unemployment compensation law of any other state; however, it shall be deemed to be newly subject if all wages paid in covered employment in Kentucky were reported to another state unemployment compensation program by the due date specified by that state; or
2. If it has previously been determined subject under the provisions of KRS 341.070 but subsequently terminated [such] subjectivity under the provisions of KRS 341.250(2); and
(b) This subsection shall [will] not apply if the employing unit has failed to file a required [U.I.-3] report due to willful intent to evade [such] filing. In this [such] case the provisions of subsection (1) of this section shall [will] apply.

Section 3. Reports which are deposited in the mail shall be considered filed as of the date received by the department as defined in 903 KAR 5:310 [indicated by the postmark thereon].

[Section 4. For the purpose of this regulation, when the due date falls on a day during which offices of the Division of Unemployment Insurance are closed, the next day thereafter on which such offices are open shall be considered the due date.]

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 14, 1989 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 21, 1989, at 9 a.m. in the Health Services Building, Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by September 16, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen
(1) Type and number of entities affected: 72,000 covered employers.
(a) Direct and indirect costs or savings to those affected: None*
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None*
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable - required reports must be specified by regulation.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments: *Amendments to this regulation cover material now contained in 903 KAR 5:260, which is being repealed.
TIERING: Was tiering applied? Yes

CABINET FOR HUMAN RESOURCES
Department for Mental Health and Mental Retardation Services
(Proposed Amendment)

908 KAR 3:080. Policies and procedures of Hazelwood ICF-MR.

RELATES TO: KRS Chapters 202A, 202B, 210
STATUTORY AUTHORITY: KRS 194.050, 202A.196, 202B.060, 210.010, 210.040, 210.045, 210.055, 210.285, 42 CFR 440 through 489
NECESSITY AND FUNCTION: KRS 210.010 directs that the Secretary for the Cabinet for Human Resources shall adopt rules and regulations which insure proper administration and enforcement of these chapters.

Section 1. Polices and procedures of Hazelwood ICF/MR as set forth in the August 15 [April 15], 1989, edition of the Hazelwood policy manual consisting of five (5) volumes relating to the operation of Hazelwood ICF-MR are incorporated by reference.

Section 2. These policies and procedures contained in five (5) volumes with a total of 186 pages. They are available for inspection or copy at the office of the Commissioner of the Department of Mental Health/Mental Retardation Services, 275 East Main Street, Frankfort, Kentucky, and at Hazelwood, 1800 Bluegrass Avenue, Louisville, Kentucky.

DENNIS D. BOYD, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 4, 1989
FILED WITH LRC: August 14, 1989 at 3 p.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 21, 1989, at 9 a.m. in the Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by September 16, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dennis D. Boyd
(1) Type and number of entities affected: This amendment changes the listing of persons involved in notifying families or guardians in case injury or severe illness of a resident.
(a) Direct and indirect costs or savings to those affected: None. This regulation deals with the treatment of residents.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: There will be very little change in procedures.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state

and local revenues: This has no effect on revenue.
(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute or regulation in conflict.
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: This is an administory to incorporate manuals by reference.
TIERING: Was tiering applied? Yes

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. This regulation incorporates by reference manual material used by agency staff and is federally mandated.
2. State compliance standards. This regulation incorporates by reference manual material used by agency staff and contains state compliance standards.
3. Minimum or uniform standards contained in the federal mandate. There are standards cited in 42 CFR 440 through 42 CFR 489. These federal regulations mandate requirements implemented by this regulation. The requirements contained in this regulation are neither stricter, in addition to, or different from those in the federal requirement.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation incorporates by reference manual material used by agency staff. Stricter requirements or responsibilities are not imposed.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. No additional standards, requirements, or responsibilities are imposed.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and Mental Retardation Services
(Proposed Amendment)

908 KAR 3:120. Policies and procedures of Western State Hospital.

RELATES TO: KRS Chapters 202A, 202B, 210
STATUTORY AUTHORITY: KRS 194.050, 202A.196, 202B.060, 210.010, 210.040, 210.055, 210.285, 42 CFR 440 through 489
NECESSITY AND FUNCTION: KRS 210.010, relating to the hospitalization of mentally ill and mentally retarded persons, directs that the Secretary for the Cabinet for Human Resources shall adopt rules and regulations which insure proper administration and enforcement of these chapters.

Section 1. Polices and procedures of Western State Hospital as set forth in the August 15 [April 15], 1989, edition of the Western State Hospital policy manual consisting of thirteen (13) volumes relating to the operation of Western State Hospital are incorporated by reference.

Section 2. These policies and procedures are in thirteen (13) volumes with a total of 225 pages. They are available for inspection and copy at the office of the Commissioner for the Department for Mental Health and Mental Retardation Services, 275 East Main Street, Frankfort, Kentucky 40621, and in the office of the Director, Western State Hospital, P.O. Box 2200, Hopkinsville, Kentucky 42240.

DENNIS D. BOYD, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 4, 1989
FILED WITH LRC: August 14, 1989 at 3 p.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 21, 1989, at 9 a.m. in the Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by September 16, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Dennis D. Boyd
(1) Type and number of entities affected: Those affected are 950 mentally ill patients admitted each year from 42 counties along with their families.
(a) Direct and indirect costs or savings to those affected: These policies and procedures are concerned with care and treatment and are not directly related to budget.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors to be considered.
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: There will be very little change in the operation of the hospital.
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: This will have no effect on revenue.
(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no alternative methods.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute in conflict.
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: This is no additional information.
TIERING: Was tiering applied? Yes

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. This regulation incorporates by reference manual material used by agency staff and is federally mandated.

2. State compliance standards. This regulation incorporates by reference manual material used by agency staff and contains state compliance standards.

3. Minimum or uniform standards contained in the federal mandate. There are standards cited in 42 CFR 440 through 42 CFR 489. These federal regulations mandate requirements implemented by this regulation. The requirements contained in this regulation are neither stricter, in addition to, or different from those in the federal requirement.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation incorporates by reference manual material used by agency staff. Stricter requirements or responsibilities are not imposed.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. No additional standards, requirements, or responsibilities are imposed.

PROPOSED REGULATIONS RECEIVED THROUGH AUGUST 15, 1989

FINANCE AND ADMINISTRATION CABINET

200 KAR 5:020. Finance and Administration Cabinet manual of policies and procedures.

RELATES TO: KRS Chapters 45, 45A
STATUTORY AUTHORITY: KRS 45.360(3)
NECESSITY AND FUNCTION: The Finance and Administration Cabinet is authorized by KRS 45.360(3) to promulgate administrative regulations to govern purchasing by various state agencies and to publish a manual of policies and procedures, which is to be incorporated by reference as an administrative regulation pursuant to KRS Chapter 13A. This regulation implements the requirement that this manual be incorporated by reference as an administrative regulation.

Section 1.The purchasing policies and procedures of the Finance and Administration Cabinet contained in the "Finance and Administration Cabinet's Manual of Policies and Procedures" is hereby adopted and incorporated by reference, the same as if set forth at length, in and as a part of the administrative regulations of the Finance and Administration Cabinet adopted pursuant to KRS Chapters 45 and 45A. The "Finance and Administration Cabinet's Manual of Policies and Procedures" will be available for public inspection and copying Monday through Friday, excluding state holidays, from 8:00 a.m. to 4:30 p.m., at the Office of Management and Fiscal Affairs, Room 222, Capitol Annex, Frankfort, Kentucky.

L. ROGERS WELLS, JR., Secretary
APPROVED BY AGENCY: August 11, 1989
FILED WITH LRC: August 15, 1989 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, September 26, 1989, at 10 a.m., at room 207, Capitol Annex, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 21, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Warren O. Nash, III, Attorney, Finance and Administration Cabinet, Room 314, Capitol Annex Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Warren O. Nash, III
(1) Type and number of entities affected: All state agencies within the executive branch of state government will be affected by the Finance and Administration Cabinet's manual of policies and procedures.
(a) Direct and indirect costs or savings to those affected: There will be no direct or indirect costs or savings to those state agencies affected by this regulation.
1. First year: Same as above.
2. Continuing costs or savings: Same as above.
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: The incorporation of the Finance and Administration Cabinet's manual of policies and procedures as an administrative regulation will not change state agencies' current reporting and paperwork requirements.
(2) Effects on the promulgating administrative body: The incorporation of the Finance and Administration Cabinet's manual of policies and procedures will have a minimal effect on the promulgating agency.
(a) Direct and indirect costs or savings: This regulation will have no effect on savings for the Finance and Administration Cabinet. The costs to the Finance and Administration Cabinet will be minimal. The only costs incurred by the Finance and Administration Cabinet will be those costs resulting from publishing a revised manual and distribution of the same to all state agencies.
1. First year: Same as above.
2. Continuing costs or savings: The only continuing costs, which will be incurred by the Finance and Administration Cabinet, are those costs resulting from publishing revisions to the Manual and distribution of the same to all state agencies.
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: There will be no increase in reporting or paperwork requirements of the Finance and Administration Cabinet as a result of incorporating its manual of policies and procedures as an administrative regulation.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The Finance and Administration Cabinet is required under KRS 45.360(3) to publish a manual of policies and procedures and to incorporate the same as an administrative regulation pursuant to KRS Chapter 13A. Therefore, no other alternative methods are available.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: 200 KAR 5:020, does not conflict with, overlap, or duplicate any other statute, administrative regulation, or government policy.
(a) Necessity of proposed regulation if in conflict: See above.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: See above.
(6) Any additional information or comments: None
TIERING: Was tiering applied? Yes.

GENERAL GOVERNMENT CABINET
Board for Proprietary Education

201 KAR 24:040. Procedures for hearings.

RELATES TO: KRS Chapter 165A
STATUTORY AUTHORITY: KRS Chapter 13A, 165A.400
NECESSITY AND FUNCTION: KRS 13A.100 requires an administrative body which is empowered to promulgate administrative regulations to prescribe the procedures to be utilized in the conduct of hearings unless such procedures are prescribed by a statute. KRS 165A.340(3) and 165A.400 authorize the board to promulgate regulations. KRS 165A.350(4)(b), 165A.360(3)(b) and 165A.370(4) provide for hearings, but do not prescribe procedures. This regulation establishes hearing procedures.

Section 1. Purpose and Rule of Construction. The purpose of this regulation is to enable the state Board for Proprietary Education to conduct an orderly and reasonably expeditious search for the truth while ensuring that due process is afforded to the licensee, applicant and students. Accordingly, this regulation shall be liberally construed so as to aid that process.

Section 2. Composition of the Hearing Panel. (1) Disciplinary actions shall be heard by a hearing panel consisting of three (3) members of the board and a hearing officer appointed by the board.

(2) A board member who has participated in the investigation of a disciplinary action, or who has discussed the merits of an action with the agency staff, or who has personal knowledge of the facts giving rise to a disciplinary action shall not sit on a panel hearing that particular action.

(3) Staff members of the board, legal counsel for the board and a court stenographer shall be present for the hearing.

Section 3. Rights of the Licensee or Applicant. The licensee or applicant shall have the right to be heard by the hearing panel, to be represented by legal counsel, to present evidence, to cross-examine witnesses presented by the board, and to make both opening and closing statements.

Section 4. Prehearing Disclosure of Evidence. (1) By the board. The licensee or applicant shall have the right to inspect the investigative file relating to a disciplinary action either in person or by legal counsel. The names, addresses and phone numbers of witnesses expected to be called by the board and copies of documentary evidence intended to be introduced at the hearing shall be furnished to the licensee or applicant, or his attorney if represented by counsel, at least ten (10) days prior to the scheduled hearing date. Nothing in this section shall be construed as giving the licensee or applicant the right to examine or copy the personal notes, observations, or conclusions of the board's investigators, nor shall it be construed as allowing access to the work product of legal counsel for the board. The licensee or applicant shall also be permitted to examine any items of tangible evidence in the possession of the board.

(2) By the licensee or applicant. At least ten (10) days prior to the scheduled hearing date, the licensee or applicant shall furnish to the investigator or legal counsel for the board copies of any documents which the licensee or applicant intends to introduce at the hearing, and a list of the names, addresses and home and work telephone numbers of any witnesses to be presented to the hearing panel by the licensee or applicant. The licensee or applicant shall produce for inspection any items of tangible evidence within his possession or control which he intends to introduce at the hearing.

(3) At least the (10) days prior to the scheduled hearing date, the licensee or applicant shall file with the board a sworn written response to the specific allegations contained in the notice of charges. Allegations not properly answered shall be deemed admitted. The panel may for good cause permit the late filing of an answer.

(4) Sanctions for failure to comply with prehearing disclosure. Should a party fail to comply with this section, the panel hearing the disciplinary action may refuse to allow into evidence such items or testimony that have not been disclosed, may continue the action to allow the opposing party a fair opportunity to meet the new evidence, or may make such other order as it deems appropriate. Sanctions shall be applied by the board members of the panel.

(5) Continuing duty to disclose. After disclosure has been completed, each party shall remain under an obligation to disclose any new or additional items of evidence or witnesses which may come to its attention. Such additional disclosure shall take place as soon as practicable. Failure to disclose may result in the exclusion of the new evidence or testimony from the hearing.

(6) Authority to issue subpoenas. The board or the hearing officer appointed by it shall have the authority to issue subpoenas for the attendance of witnesses and the production of papers and records.

Section 5. Order of Proceeding. (1) The hearing officer shall call the meeting to order, identify the parties to the action and the persons present and read the letter of notice and charges. The hearing officer shall ask the parties to state for the record any objections or motions. The board members of the panel shall rule upon any objections or motions. Opening statements shall then be made, with the attorney for the board proceeding first. Either side may waive its opening statement, but opening statements may not be reserved.

(2) The taking of proof shall commence with the calling of witnesses on behalf of the board. Such witnesses shall be examined first by the attorney for the board, then by the licensee or applicant, or his attorney if represented by counsel, and finally by members of the hearing panel. Rebuttal examination of witnesses shall proceed in the same order. Documents or other items may be introduced into evidence as appropriate.

(3) Upon conclusion of the case for the board, the licensee or applicant shall call his witnesses. Such witnesses shall be examined first by the licensee or applicant, or his attorney if represented by counsel, then by the attorney for the board, and finally by the members of the hearing panel. Rebuttal examination of those witnesses shall proceed in the same order. Documents or other evidence may

be introduced as appropriate.

(4) At the conclusion of the proof, the parties shall be afforded the opportunity to make a closing statement, with the attorney for the board always proceeding last. The hearing officer may impose reasonable limitations upon the time allowed for opening and closing statements.

(5) The hearing officer shall enforce general rules of conduct and expedite the hearing by keeping the testimony and exhibits relevant to the case.

Section 6. Rules of Evidence. (1) The hearing panel shall not be bound by the technical rules of evidence. The hearing panel may receive any evidence which it considers to be reliable, including testimony which would be hearsay if presented in a court of law. Documentary evidence may be admitted in the form of copies or excerpts, and shall be authenticated only to the extent that the panel is satisfied as to its genuineness and accuracy. Tangible items may be received into evidence without the necessity of establishing a technical legal chain of custody so long as the board is satisfied that the item is what it is represented to be and that it is in substantially the same condition as it was at the time of the events under consideration.

(2) The panel retains the discretion to exclude any evidence which it considers to be unreliable, incompetent, irrelevant, immaterial or unduly repetitious. Rulings on objections to evidence shall be made by the board members of the panel.

Section 7. Recommendation by the Hearing Panel. (1) Upon the conclusion of the hearing, the panel shall retire into closed session for the purpose of deliberations. Each board member of the panel shall have one (1) vote.

(2) At the conclusion of the panel's deliberations, it shall propose an order based upon the evidence presented. The hearing officer shall draft a proposed decision including findings of fact and conclusions of law consistent with the panel's deliberations and a recommended order to be submitted to the full board. A copy of the proposed decision shall be sent to the licensee or applicant, or his attorney if represented by counsel, by certified mail, to all members of the board and to the attorney for the board.

Section 8. Written Arguments or Exceptions to a Proposed Decision. The licensee or applicant shall have twenty (20) days from the date the proposed decision is mailed to file with the board written arguments or exceptions to any portion of the proposed decision. The twenty (20) day period may be extended at the discretion of the board president in unusual circumstances. The attorney for the board shall have ten (10) days from the expiration of the period allowed to the licensee or applicant to file responses on behalf of the board.

Section 9. Decision by the Board. (1) At the next scheduled regular meeting or as soon thereafter as may be arranged, the board shall review the proposed decision and consider the evidence presented, and, after consideration of any written arguments or exceptions which have been presented, shall make a final determination, as follows:

(a) Adopt the proposed decision as submitted; or

(b) Modify the proposed decision as deemed necessary; or

(c) Remand the cause to the hearing panel for further evidence.

(2) If the cause is remanded, the hearing panel shall:

(a) Schedule another hearing to obtain additional evidence; and

(b) The board shall consider the findings of fact and recommendations from the original hearing, any additional hearing and any additional written arguments or exceptions the parties have presented, and shall render its final decision in the case.

Section 10. Record to be Maintained. A transcript of the testimony taken during the hearing(s) shall be kept by the board. A copy of that transcript shall be available to the licensee or applicant from the court stenographer or, if the stenographer is unable to furnish a copy, from the board upon request and payment of the appropriate fee. A copy of the transcript of the hearings(s) shall be available to all board members. Any documents or exhibits introduced into evidence shall be kept with the transcript.

Section 11. Continuances. It is the policy of the board not to postpone cases which have been scheduled for hearings absent good cause. A request by a licensee or applicant for a continuance may be considered if communicated to the staff reasonably in advance of the scheduled hearing date and based upon good cause. The decision whether to grant a continuance shall be made by the board members of the panel. However, the burden is upon the licensee or applicant to be present at a scheduled hearing. Failure to appear at a scheduled hearing for which a continuance has not been granted in advance shall be deemed a waiver of the right to appear and the hearing shall be held as scheduled.

Section 12. Hearing Fee. If the order of the board is adverse to a licensee or applicant, a hearing fee in an amount equal to the cost of stenographic services may be assessed against the licensee or applicant. The board in its discretion may waive all or part of the fee.

Section 13. Copy to be Provided to Licensee or Applicant. A copy of this regulation shall be provided to the licensee or applicant prior to the hearing.

WILLIAM N. SANDERS, Chairman

APPROVED BY AGENCY: August 9, 1989

FILED WITH LRC: August 14, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this proposed regulation shall be held on the 21st day of September, 1989, at the hour of 10 a.m. EDT in Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494. Persons desiring to be heard shall notify the Kentucky State Board for Proprietary Education in writing at least five days before the scheduled date of the hearing. Send notification to: Conley C. Congleton, Assistant Attorney General, Office of the Attorney General, Suite 18, Capitol Building, Frankfort, Kentucky 40601-3494.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert L. Summers, Executive Director

(1) Type and number of entities affected: State Licensing Board and 134 licensed resident and nonresident proprietary schools.

(a) Direct and indirect costs or savings to those affected: Indirect savings of approximately $5,000 to State Board.

1. First year: N/A

2. Continuing costs or savings: Based on the indirect savings estimated above, continued savings could be substantial for the State Board.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Decrease in cost to board would be realized if the regulation procedure for hearings is enacted.

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: Decrease in meetings needed and personnel necessary for meetings.

(a) Direct and indirect costs or savings: Indirect savings will be realized by decrease in meetings and personnel.

1. First year: None

2. Continuing costs or savings: Cannot be determined.

3. Additional factors increasing or decreasing costs: N/A

(b) Reporting and paperwork requirements: N/A

(3) Assessment of anticipated effect on state and local revenues: State revenue expense disbursed by board would be decreased.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: No conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(6) Any additional information or comments: An established hearing procedure is needed by the board in order to permit due process to both parties concerned.

TIERING: Was tiering applied? No. All parties treated equally.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Water

401 KAR 4:125. Wild rivers administration.

RELATES TO: KRS 146.220, 146.270, 146.290, 146.310, 146.350, 224.045, 224.083, 224.085, 224.281

STATUTORY AUTHORITY: KRS 146.270, 224.033, 224.045

NECESSITY AND FUNCTION: KRS 146.270 authorizes the secretary to adopt rules and regulations necessary for the preservation and enhancement of wild rivers as set forth in KRS 146.250, and for control of recreational, educational, scientific and other uses of these areas in a manner that shall not impair them. KRS 146.220 places emphasis on protecting the aesthetic, scenic, historical, archaeological, ecological and scientific features of these areas. This regulation sets forth guidelines for the administration, management and public use of wild river corridors, including criteria for delineating existing, conforming, permitted and prohibited land uses and conditions of authorization for utility right-of-way construction. This regulation shall apply to all lands and waters under state jurisdiction which are located within designated wild river boundaries as set forth in 401 KAR 4:100. Nothing herein shall be construed as superseding any requirements of other cabinet programs or of other state or federal agencies. This regulation contains the substance of and repeals 401 KAR 4:120.

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

(1) "Agricultural use" means the use of land for agricultural purposes including, but not limited to farming, dairying, pasturage, apiaries, horticulture, floriculture, viticulture, and animal and poultry husbandry; provided that fruit, vegetable and flower production for personal consumption shall not be deemed an agricultural use.

(2) "Buffer zone" means an area of woodland having a minimum width of not less than 100 feet which is retained along each bank of a wild river to maintain aesthetics, bank stability, appropriate water temperatures, fish and wildlife habitat, and stream hydraulics, and to filter debris and water-borne pollutants from surface runoff.

(3) "Cabinet" means the Natural Resources and Environmental Protection Cabinet.

(4) "Change of use permit" means a permit issued to a landowner by the secretary to authorize a change of land use within a wild river corridor.

(5) "Commercial service" means the use of a wild river corridor for monetary profit, including, but not limited to, concessions, boat rentals, shuttle services, guided trips or tours, commercial boat docks, wharves and other recreational facilities.

(6) "Conforming use" means a land or resource use which conforms to the provisions and intent of the Kentucky Wild Rivers Act and the management plan developed pursuant to KRS 146.270 for a given wild river corridor.

(7) "Existing use" means a land use which is in existence at the time a wild river is designated by the Kentucky General Assembly.

(8) "Floodplain" means the area in a watershed that is subject to flooding at least one (1) time in every 100 years.

(9) "Management plan" means the individual plan adopted by the cabinet pursuant to KRS 146.270 as the official document guiding the management and protection of a given wild river corridor.

(10) "Permitted use" means a nonconforming land use within a wild river corridor which has been authorized by the secretary through the issuance of a change of use permit.

(11) "Research plan" means a plan of action submitted to the cabinet for approval prior to initiating a scientific study within a given wild river corridor.

(12) "Resource removal" means exploration for, extraction or removal of a natural resource including, but not limited to, coal, oil and gas, minerals, rock, gravel, sand and soil.

(13) "Secretary" means the Secretary of the Natural Resources and Environmental Protection

Cabinet.

(14) "Selective cutting (of timber)" means the selective removal during one entry of trees from an area such that a specified minimum residual stocking level is retained and evenly distributed over the harvest area. A selective cut creates or maintains an uneven-aged stand of timber.

(15) "Structure" means an above-ground object constructed, built or installed for a change of use, and shall exclude sediment ponds, roads and signs.

(16) "Visual intrusion" means resulting in the disruption, degradation or impairment of the natural or primitive appearance of an area in a wild river corridor, as viewed from the river or other designated public use area, and includes any land use that does not remain visually subordinate to the characteristic landscape.

(17) "Wild river" or "Wild river corridor" means a stream segment and adjacent shoreland within boundaries set forth in 401 KAR 4:100 which are designated in accordance with KRS 146.241.

Section 2. General Policy. (1) Wild rivers shall be managed to preserve their free-flowing condition and to protect the outstanding and unique aesthetic, scenic, recreational, fish and wildlife, botanical, historical, archeological and other natural and cultural features which qualified the streams for designation as wild rivers.

(2) Additional management objectives shall be to afford opportunities to enjoy natural streams and to preserve for future generations the beauty of certain areas untrammeled by man. The cabinet will not encourage public use of areas where it has been determined that the carrying capacity for one (1) or more uses has been reached or exceeded.

Section 3. Management Plans. (1) The management of a given wild river corridor shall be according to a management plan developed by the cabinet.

(2) The cabinet shall consult with landowners in the affected wild river corridor, citizen groups, industries and appropriate local, state and federal agencies in the preparation of each management plan.

(3) Public participation in the development of a management plan shall be provisioned by at last one (1) public hearing on the draft management plan followed by a thirty (30) day comment period prior to finalizing the plan.

(4)(a) The hearing, or hearings, shall be conducted in one (1) of the counties through which the designated portion of the river flows;

(b) Notice of hearing shall be given in accordance with the provisions of KRS Chapter 424. The notice shall:

1. State the time, place and purpose of the hearing;

2. State the name and address of the person from whom a copy of the proposed management plan may be attained;

3. Be published not less than seven (7) nor more than twenty-one (21) days prior to the hearing;

4. Be published in the county, or counties, through which the designated portion of the river flows, and in at least one (1) major newspaper; and

5. Set forth the address to which written comments on the draft management plan may be submitted,and the date by which those written comments shall be submitted.

(c) The hearing shall be conducted by a designated representative of the cabinet who shall control the order of presentation;

(d) Any interested person may appear at the hearing and make an oral or written presentation concerning the draft management plan. All oral presentations shall be recorded; and

(e) All written and oral comments shall be considered in the development of the management plan.

(5) Responsibility for the administration and management of a wild river shall be clearly delineated in the management plan for that river, and any management agreements between the cabinet and local, state or federal agencies having overlapping jurisdiction over lands or waters within the wild river corridor shall be incorporated into the plan.

Section 4. Existing or Conforming Land Uses. (1) Under the provisions of KRS 146.290, land uses which are lawfully existing at the time the boundaries of a wild river are designated may continue even though the use does not conform to the purpose and intent of the Kentucky Wild Rivers Act or the management plan for a given wild river.

(2) Other than existing uses, land uses within wild river corridors which conform to the purposes and intent of the Kentucky Wild Rivers Act and the duly adopted management plan for each wild river shall not require a change of use permit.

(3) Conforming uses shall include wilderness type recreation such as nonmotorized boating, hiking, hunting, fishing, camping, sightseeing and horseback riding, as well as scientific research, environmental education and related activities which preserve the primitive character and natural and cultural resources of the area.

(4) Other land uses shall qualify as conforming uses if they do not involve the clearing of more than one-half (1/2) acre of timber, nor constitute a significant visual intrusion within 100 feet of the river. Conforming uses may include the following:

(a) The routine maintenance, repair, renovation or replacement of existing roads, buildings or other structures or improvements to an existing use;

(b) The selective cutting of firewood or individual trees by a landowner for personal or family use;

(c) Landscaping and gardening, including flower, fruit and vegetable production;

(d) Fencing;

(e) The removal of noxious weeds from an area using direct application but not aerial spraying, and herbicides that are short-term, nontoxic to fish and wildlife and will not leach into surface waters or groundwater; and

(f) The clearing of diseased or insect-infested trees from an area greater than one-half (1/2) acre upon written authorization from the cabinet based on the recommendation of a professional forester.

Section 5. Permitted Land Uses. (1) Land use changes authorized by the cabinet through a change of use permit as required under KRS 146.290, shall comply with all applicable

standards set forth in 401 KAR 4:140;
(2) Land use changes which require a change of use permit shall include:
(a) A resource removal, by methods other than surface mining;
(b) The selective cutting of timber as defined in Section 1 of this regulation; and
(c) A new agricultural use that requires clearing of timber from an area greater than one-half (1/2) acre or more in extent.

Section 6. Prohibited Land Uses. (1) Pursuant to KRS 146.290, surface mining, timber harvest by methods other than selective cutting and in-stream disturbances are prohibited within a wild river corridor;
(2) Prohibited in-stream disturbances shall include but not be limited to, dam construction, dredging, spoil or fill deposition, channel diversion, channelization and mining of streambed materials; and
(3) The construction of roads, buildings or other structures to effect any use other than an existing or permitted land use, as set forth in Section 4 or Section 5 of this regulation, is prohibited.

Section 7. Public Use. (1) Public use of wild river corridors shall be limited to the public waters and public lands or interests in lands acquired through lease, easement or other agreement entered into by the landowner. Public use of private property shall require permission from the landowner. Trespassing is subject to penalty as set forth in KRS 146.990. This section applies to the public use of state-owned lands and public waters within wild river corridors.
(2) The cabinet will make every effort to inform the public that the wild river designation does not authorize public use of privately-owned lands, and will prepare maps delineating the boundaries of public lands within wild river corridors to reduce unintentional trespassing.
(3) In accordance with KRS 146.290, transportation shall be by foot, canoe, kayak, horseback or other nonmotorized means except on existing public roads, as required for administrative and resource protection purposes, or as necessary to effect an existing or permitted land use.
(4) The cabinet may condition or deny public access to a wild river if such use is causing substantial adverse impact on the scenic, aesthetic, natural, cultural, scientific or recreational resources, if private property is being damaged, or if user safety is being jeopardized.
(5) Cultural artifacts, relics, fossils and souvenirs shall not be removed from their site of discovery in a wild river corridor. Deliberate damage to plants, animals, artifacts or other special features is prohibited. A written request shall be submitted to and approved by the division prior to the collection of any natural or cultural materials.
(6) Burying, dumping or depositing litter, soil, garbage, waste, scrap or other unsightly or offensive materials other than in receptacles provided for this purpose is prohibited.
(7) Horseback riding shall be allowed only on trails specifically designated for this use.
(8) Overnight camping and campfires shall be prohibited within thirty (30) feet of a wild river. No open fire shall be left unattended, and all fires shall be completely extinguished after use. Live vegetation shall not be cut for firewood.
(9) Camping within a state park shall be in accordance with 304 KAR 1:040.
(10) Hunting, fishing and trapping shall be subject to state and federal fish and wildlife laws and regulations, and shall comply with the following conditions:
(a) The construction of permanent shelters, lean-tos or other buildings is prohibited. Temporary blinds, stands or other structures shall be erected in a manner that will prevent injury to trees; and
(b) Trapping is prohibited within fifty (50) feet of designated boat access sites, boat portage trails and other designated public hiking trails, picnic areas and campgrounds.
(11) Carrying or discharging a firearm, bow and arrow or explosive substances shall be prohibited for any purpose other than hunting in accordance with state wildlife laws and the other provisions of this regulation.
(12) Swimming and other in-stream recreational uses of a wild river shall be in accordance with Division of Water Patrol safety standards (402 KAR 4:080 and 4:130). Entering a wild river from the shores of a state park for swimming, bathing or other in-stream recreational use shall be allowed only in areas designated as swimming areas by the Department of Parks.
(13) Conduct which disturbs the peace or causes property damage within a corridor is prohibited.
(14) Public users of wild rivers are encouraged to leave in passing no mark upon the land that might diminish its value to another, and to make every effort to protect and enhance the unspoiled beauty of these areas as components of Kentucky's unique heritage.

Section 8. Enhancement of Recreational Opportunities. (1) The development of public access to a wild river will be compatible with the purposes and intent of KRS 146.200 to 146.360 and the duly adopted management plan for a given river, and shall conform to the natural character of the area.
(2) Development of public access may be used to enhance dispersed, nonmotorized recreational opportunities and provide information on safety, orientation, rules and regulations and interpretation of special features in the area.
(3) Trails constructed within a wild river corridor will be designed and maintained to provide for nonmotorized recreational uses and to prevent soil erosion and compaction, trampling of vegetation, and other damage to the natural beauty and resources of the area.
(4) There shall be no cutting or removal of natural vegetation, living or dead, to create scenic vistas, except as expressly provided by law.

Section 9. Commercial Uses. (1) The operator of a new commercial service within a wild river corridor shall submit written notification to the cabinet not less than thirty (30) days prior to commencing such use.
(2) The construction of access roads, ramps, wharves or boat docks, buildings or other facilities required to effect a commercial use shall be located outside of a wild river corridor unless authorized by a change of use

permit.

(3) The operator of a commercial service on a wild river shall comply with all applicable provisions of this regulation, and shall be responsible for ensuring that the commercial use does not impair or contribute to an adverse impact on the aesthetic, scenic, ecological, scientific, recreational or other significant features in the corridor as identified in the management plan or by the cabinet, or cause substantial damage to soils, vegetation, fish and wildlife or water quality.

(4) The cabinet may condition or deny commercial use of a wild river, as provided in Section 7(4) of this regulation.

(5) In accordance with 304 KAR 1:030, operation of a commercial activity within a state park requires prior written consent from the Department of Parks.

(6) Commercial harvest of mussels by any method is prohibited in areas where mussel species considered endangered or threatened by the Kentucky Academy of Science are known to occur.

Section 10. Scientific Study. (1) A research plan shall be submitted to the cabinet for approval prior to the commencement of any scientific study that may affect a wild river corridor.

(2) A research plan submitted to the cabinet on a form supplied by the cabinet shall contain the following information:

(a) The name, address, telephone number, professional affiliations and qualifications of the principal investigator;

(b) A U.S. geological survey 7.5 minute topographic map delineating the location and extent of the study area;

(c) The estimated dates of initiation and completion of the study;

(d) The objectives, methods and significance of the study and a statement as to the necessity or advantages of conducting the study within the wild river corridor;

(e) Plant or animal species or any special features which may be affected by the study, and the type and extent of any such effects; and

(f) A list of any plants, animals or other resources or materials to be collected, the estimated quantity to be collected, and the permit numbers of collection permits obtained from state and federal agencies.

Section 11. Utility Right-of-way Construction. (1) As set forth in KRS 146.290, the construction of a transmission line or pipeline right-of-way within any portion of a wild river corridor shall require written approval from the secretary prior to the initiation of any construction activities within the wild river boundaries.

(2) Authorization to construct a right-of-way shall require application by the owner of the utility or pipeline company or their engineering representatives, on an application form supplied by the cabinet. The application shall include a land use plan containing the following information:

(a) A U.S. geological survey topographic map to scale not greater than one (1) inch equal to 500 feet, showing the precise route and dimensions of the right-of-way;

(b) The estimated dates for initiation and completion of construction and the name, address and telephone number of the person or persons in charge of the construction;

(c) A detailed description of the methods of construction and specifications, including profile sheets bearing the seal and signature of a registered professional engineer;

(d) A statement of possible alternate routes for the right-of-way and why the proposed route was selected;

(e) A detailed reclamation plan designed to return the disturbed area as nearly as possible to its former appearance and condition, including the use of native species to revegetate disturbed areas; and

(f) A detailed description of proposed methods for maintaining the right-of-way, including the brand names and methods of application of any herbicides to be used.

(3) Uün receipt of an application, an inspection of the proposed construction site will be made by cabinet personnel with the property owner and applicant or their representatives, and personnel from appropriate state and federal agencies.

(4) The secretary shall notify the applicant as to whether the application is approved or denied within sixty (60) days following receipt of the application, and will state the reasons for the decision.

(5) If an application is denied, the applicant may submit a revised application to adequately address the reasons for denial stated in the secretary's written decision.

(6) An application will be approved only if there is no possible alternative route for the right-of-way that would bypass or cause less impact to the wild river corridor, and the applicant agrees to restore all disturbed area within the wild river corridor as nearly as possible to its former appearance and condition, as required under KRS 146.290.

(7) Authorization to construct a right-of-way shall contain, but not be limited to, the following conditions:

(a) Wherever feasible, the right-of-way shall be routed to avoid steep slopes, erodable soils, surface waters and areas with high water tables, public recreation areas, and other significant natural and cultural areas identified by the cabinet, and shall be the minimum width necessary for construction and maintenance;

(b) Adequate measures shall be taken to control sediment and any hazardous substances, and to minimize the visual impact of the right-of-way when viewed from the wild river or other designated public use areas;

(c) Any timber cutting required shall be according to the provisions of 401 KAR 4:140, Sections 4 through 7, and 9 through 14 and Section 17(10) through (21);

(d) Every effort shall be made to minimize disturbance to the streambed, stream banks and fish and wildlife habitat during construction activities, and to keep timber slash and other debris out of surface waters and the immediate floodplain;

(e) Stream crossings by equipment or vehicles in a wild river corridor shall require the use of a temporary bridge or other methods approved by the cabinet and be designed so as not to impede stream flow. Construction across surface waters shall occur when local fish and wildlife are not spawning or nesting;

(f) Vehicles and equipment shall be stored outside of the wild river corridor when not in

use;
(g) Aerial spraying of herbicides shall not be permitted within the boundaries of a wild river. Direct application of herbicides at ground level shall be limited to brands that are nontoxic to fish and wildlife;
(h) Pipeline relief valves shall be located outside of the wild river corridors;
(i) Primary consideration shall be given to underground placement of transmission lines and pipelines. Overhead transmission lines and towers shall be in accordance with environmental guidelines required by the Rural Electrification Authority, and shall be designed so as to prevent electrocution or other injury to wildlife;
(j) Reclamation shall consist of establishing a permanent vegetative cover on all disturbed surfaces, planting native trees or shrubs where necessary to establish a buffer zone along the banks of the wild river, implementing measures to prevent access by off-road vehicles, and removing all evidence of construction activities;
(k) A performance bond, in an amount to be determined by the cabinet, shall be required for reclamation if the cabinet determines that the proposed construction may potentially damage, degrade or otherwise have an adverse impact on any significant feature known to occur within the wild river corridor.
(l) The applicant shall provide written notice to the cabinet upon completion of reclamation, and cabinet personnel will inspect the construction site to verify compliance with all permit conditions before the bond is released.

Section 12. Road Construction. (1) In accordance with KRS 146.290, new permanent roads shall not be constructed within a wild river corridor except as authorized by the secretary to enhance recreational opportunities or to protect soil, water or other natural resources.
(2) Temporary roads shall be constructed within a wild river corridor only as necessary to effect a use authorized by a change of use permit, and shall be closed and reclaimed immediately after the permitted land use is concluded.
(3) Any construction required to improve, repair or replace existing state or county-maintained roads or bridges shall require full environmental review by the division and other appropriate state natural resource agencies prior to any construction activity.
(4) During authorized construction activities, no heavy equipment shall be driven through or into a wild river unless every feasible precaution has been taken by the operator to prevent damage to streambank vegetation, protect fish and wildlife habitat, control soil erosion and prevent stream sedimentation.
(5) When recommended by the secretary, design plans for improving or replacing a bridge across a wild river shall consider provisions for enhancing public access to the river for recreational uses consistent with the provisions of KRS 146.200 to 146.360.

Section 13. Agency Notification. (1) State or local government agencies which engage in or regulate any activity within the watershed of a wild river shall notify the cabinet prior to the initiation of any activity which may adversely affect the river, and shall provide the cabinet an opportunity to review proposals and plans for the new activity.
(2) A change of land use on state-owned lands within a wild river corridor that does not conform with the purpose and intent of KRS 146.200 to 146.360 shall require that the state agency that owns the affected land obtain a change of use permit from the cabinet.

Section 14. Fire Control. (1) State fire control provisions of KRS Chapter 149, and any which may be established by cooperative agreement, shall be strictly enforced.
(2) Fire shall be controlled by methods that require the least disturbance to soils and vegetation, and use of heavy equipment shall be limited to situations where an eminent threat to life or personal property exists. Any fire hazard reduction or replanting after fire shall be coordinated with the division.

Section 15. Signs. (1) The posting of commercial signs, advertisements, announcements, campaign slogans or other written messages other than those related to permitted uses shall be prohibited.
(2) As otherwise allowed by law, signs may be installed by the management agency, local government, landowner or public utility for the purpose of public safety, posting of property boundaries or property protection, identification of river corridor boundaries and public access points or as otherwise deemed necessary for resource protection, interpretation or regulatory purposes.
(3) Signs shall be of a design and construction conforming to the natural setting in which they are located, and shall not exceed sixteen (16) square feet in size.
(4) Any person with the permission of the landowner may post informational and directional signs within a corridor as are necessary to the continuance of an existing use.

Section 16. Enforcement and Hearings. (1) Whenever the cabinet has reason to believe a violation of 401 KAR Chapter 4 has occurred, a notice of violation shall be issued.
(2) The provisions of KRS 224.081 shall apply to any cabinet order or determination made pursuant to the provisions of 401 KAR Chapter 4.
(3) Hearings required to be conducted due to the issuance of a notice of violation issued pursuant to subsection (1) or the filing of a petition pursuant to subsection (2) of this section shall be conducted pursuant to KRS 224.083.
(4) Appeals may be taken from any final order of the cabinet pursuant to KRS 224.085.
(5) Violations of the provisions of 401 KAR Chapter 4 shall be liable to the civil penalty set forth in KRS 146.990(1).
(6) Orders for remedial action and recovery of penalties will be sought pursuant to KRS 146.350.

Section 17. Severability. In the event that any provision of KRS 146.200 to 146.360 or any regulation promulgated pursuant hereto is found to be invalid by a court of competent jurisdiction, the remaining wild rivers regulations shall not be affected or diminished thereby.

Section 18. Repeal. 401 KAR 4:120 is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: August 8, 1989
FILED WITH LRC: August 14, 1989 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on September 21, 1989 at 7 p.m. at Capital Plaza Tower Auditorium, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 16, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Robert W. Ware, Department for Environmental Protection, Division of Water, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sherri Evans.

(1) Type and number of entities affected: Generally, the entities affected by the proposed regulation include: (1) entities who own property within a wild river corridor (the regulated public); (2) outdoor recreationists, commercial recreation services, scientists and others who use wild rivers; (3) utility companies who construct within or through a wild river corridor; and (4) the general public.

Entities Owning Land Within Wild River Corridors

The 26,380 acres of land within the nine designated wild river corridors are owned by private, state and federal entities, the latter of which is exempt from the wild rivers statutes (see Stephens vs. Commonwealth). Approximately 7,350 acres (28%) are in private ownership, 925 acres (3.5%) are owned by state agencies and 18,100 acres (68.5%) are owned by various federal agencies. Only two state agencies own land within the wild river corridors: the Department of Parks and the Kentucky Nature Preserves Commission. The wild river corridors of the Green River and the Big South Fork consist entirely of federal landholdings. Excluding federal and state agencies, 112 private entities have been identified as owning lands within the corridors in a total of ten counties, as listed below. Some entities own property along more than one wild river or in more than one county, and are considered as a separate entity in each county in which land is owned. Due to the amount of time and resources that would be required to identify all persons owning interests in all wild rivers properties, multiple owners of interest in a single property are considered as a single land-owning entity for that property.

County	No. of Private Entities	County	No. of Private Entities
Harlan	(9)	Pulaski	(10)
Laurel	(16)	Rockcastle	(1)
Letcher	(8)	Wayne	(12)
McCreary	(63)	Whitley	(10)
Menifee	(1)	Wolfe	(12)

Table 1.
ESTIMATED USER RATES AND CARRYING CAPACITIES FOR SELECTED RECREATIONAL USES OF SOME KENTUCKY WILD RIVERS
(Visitor-days/year)

	Canoeing		Fishing	
River	User Rates	Carrying Capacity	User Rates	Carrying Capacity
Little S. Fork	NR	6,636	NR	11,115
Cumberland River[1]	16,500	21,565	16,400	30,602
Rockcastle River[2]	1,415	23,968	10,934	1,905
Red River[3]	3,280	5,040	2,440	10,700
Rock Creek[4]	NA	NA	8,100	14,108
Bad Branch[5]	NA	NA	NA	NA
TOTALS	21,195	-	37,874	-

	Hunting		Hiking	
River	User Rates	Carrying Capacity	User Rates	Carrying Capacity
Little S. Fork	NR	357	NR	20,657
Cumberland River[1]	20,100	865*	10,500	140,286
Rockcastle River[2]	6,624	6,653	606	315,360
Red River[3]	3,620	375*	19,540	29,200
Rock Creek[4]	7,800	1,708	4,600	NR
Bad Branch[5]	NA	NA	400	NR
TOTALS	38,144	-	35,646	-

	Camping		Picnicking	
River	User Rates	Carrying Capacity	User Rates	Carrying Capacity
Little S. Fork	NR	NR	NR	NR
Cumberland River[1]	11,600	69,350	NR	NR
Rockcastle River[2]	4,400	80,032	NR	NR
Red River[3]	59,500	7,300	NR	NR
Rock Creek[4]	13,900	6,800	2,400	NR
Bad Branch[5]	NA	NA	NR	NR
TOTALS	89,400	-	2,400	-

FOOTNOTES:
NA Not applicable
NR Not reported
1 User rates based on 1977 data for public lands only.
2 User rates based on 1978 data for a 28-mile segment of the river.
3 User rates based on average figures for 1974 through 1978 and include all public lands in and adjacent to river corridor.
4 User rates for fishing, hunting and hiking based on 1975 data; user rates for camping and picnicking based on 1984 U.S. Forest Service data for developed sites only.
5 User rates estimated by The Nature Conservancy for 1985.

* Refers to hunting capacity for deer, squirrel and grouse only.
** Includes only lands within the wild river corridor.
Source: Kentucky Wild River Management Plans, Miller/Whiry/Lee Inc. (1980).

Recreational, Commercial, Scientific and Educational Users of Wild Rivers

Recreational Users. Recreational use of the wild rivers includes wilderness types of activities that do not require motorized transportation, such as canoeing, camping, fishing, hunting, hiking, picnicking and swimming. Some uses are seasonally dependent on water levels and other weather-related factors. The type and number of recreational users varies among rivers depending on whether the river corridor lands are primarily in public or private ownership. Two of the river corridors (Big South Fork and Green) are entirely in federal ownership; four of the corridors within Daniel Boone National Forest (Red, Rockcastle, Cumberland and Rock Creek) are mosaics of federal and private lands; two (Little South Fork and Martins Fork) are almost exclusively in private ownership; and the Bad Branch corridor is owned by state and private entities, including The Nature Conservancy, a nonprofit conservation organization.

Privately-owned corridor lands are used by local residents primarily for fishing, swimming, hunting and collecting wild plants; public use is limited to on-the-water activities such as canoeing and kayaking, fishing from a boat or swimming. Public lands are used for these activities plus camping, picnicking, hiking, horseback riding and horse camping, and various forms of nature observation and study. Many users participate in two or more activities during a single visitor-day. According to the Recreational Demand Analysis in the Kentucky Wild Rivers Statewide Management Plan[1], user demand for outdoor recreation, particularly activities associated with wilderness attributes, are expected to continue to increase indefinitely. Canoeing is expected to grow five to six percent annually during the next twenty years, and the rate of river recreation could as much as double by 1990.

Up-to-date data on user rates for the wild rivers are limited. Most of the available data are derived from U.S. Forest Service figures which primarily reflect use of developed areas only and include areas and uses occurring outside of the wild river corridors. Estimates of user rates and carrying capacity for selected activities in the wild river corridors are presented in Table 1. Table 2 provides projected increases in demand during the period 1978 to 1995. Applying the data in Table 2 to the user rates in Table 1, which are based on data from 1978 or earlier (unless otherwise noted), the amount of usage to be expected for each activity in 1995 can be predicted (Table 3).

Table 2.
STATEWIDE CHANGES IN DEMAND FOR OUTDOOR RECREATION 1978-1996

Activity	Percent Change in Demand
Hiking	15.1
Camping	16.0
Hunting	19.6
Fishing	17.8
Boating	3.9
Canoeing	13.2

A more comprehensive study of river use was conducted by the Department of Fish and Wildlife Resources[2] on the Rockcastle River. This study, based on on-site surveys of river users, found an annual use by 36,547 persons who spent $1,616,095.60 in pursuit of recreational activities. Additional data from this study can be found in the regulatory impact analysis prepared for 401 KAR 4:140.

User rates for 1987 for the wild river segment of the Green River, which occurs entirely within Mammoth Cave National Park, are as follows:

Boat concession	$68,500
Fishing	$12,037
Canoeing	$ 1,200
Total	$81,737

The most popular recreational activities among the 1,671,591 visitors to the park in 1983 were camping, backpacking, fishing and boating on the Green River[3].

Scientific/Educational Users. Most of the wild river corridors contain features considered to be of high scientific or educational value. These include unusual geologic features, undisturbed or minimally disturbed archeological sites, and outstanding botanical and zoological features, such as unique or rare species, natural areas and undisturbed ecological communities. They also serve as reserves for wild strains of genetic material that may be developed into new agricultural crops or new medicinal compounds. Because they provide a wide range of water conditions, from mild flatwater to whitewater, they provide training areas for instruction in paddling skills and safety. Because of the pristine water quality in some of the wild rivers, they are sources of water quality data useful to biologists and natural resource program administrators in determining baseline water quality conditions and establishing reasonable water quality standards.

Wild rivers provide outdoor laboratories for field studies of natural ecological processes and systems, taxonomic relations and life histories of individual species. Because they harbor a relatively high number of endangered and threatened species, particularly those that require clean, flowing water for at least part of their life cycle, wild rivers may prove to be crucial reserves to be used for research into the environmental requirements and limitations of these species. Data on scientific/educational usage of the wild rivers are not available, but there are a number of research-oriented institutions and natural resource agencies in Kentucky staffed by potential scientific users of wild rivers. Additionally, industries involved in pharmaceutical or horticultural research may obtain genetic materials from wild river corridors. Classes from any of the

elementary schools, high schools, colleges and universities in the state, particularly those located in one of the ten counties through which the wild rivers flow, are potential users of the wild rivers as outdoor classrooms.

Commercial Services. There are currently three commercial outfitter and livery services that operate on the wild rivers. These services offer rental of canoeing equipment, shuttle services and/or guided river tours. Operators of a rafting service on the Cumberland River pay a per diem commission to the Department of Parks for use of a river access site within Cumberland Falls State Park. This service draws additional visitors to the park. Operators using access sites within Daniel Boone National Forest are required to obtain a special use permit and pay an annual fee. Use of privately-owned access sites requires permission from the landowner.

Utility Companies

There are a number of utility companies in Kentucky that could potentially develop a utility right-of-way across or through a wild river corridor. During the fourteen years in which the Wild Rivers System has been in existence, one transmission right-of-way has been constructed in a wild river corridor.

General Public

In addition to the entities described above, the proposed regulation will indirectly affect the general public of Kentucky. Using 1980 basin population projections as contained in the River Basin Management Plan for Kentucky, 434,541 persons inhabit the Green River Basin; 607,165 persons inhabit the Kentucky River Basin; 309,478 in the Licking River Basin; 964,704 in the Ohio River Basin; 103,222 in the Lower Cumberland Basin; 260,273 in the Upper Cumberland Basin; 186,466 persons in the Big Sandy River Basin; 55,861 in the Mississippi River Basin; 111,208 in the Tennessee River Basin; and 844,108 persons in the Salt River Basin. A large portion of the above combined population may be indirectly affected by the proposed regulation.

According to a statewide recreation survey conducted in 1984 as part of the statewide comprehensive outdoor recreation planning process (SCORP)[3], a large percentage (40%) of Kentuckians cited protection of the state's natural resources as the most important recreational issue. Over two-thirds of the respondents rated preservation programs such as the wild rivers as very valuable.

(a) Direct and indirect costs or savings to those affected:

1. First year: Generally, the proposed regulation further clarifies existing requirements and terms used in KRS 146.200 to 146.360. None of the provisions of this regulation are expected to result in a significant cost to the regulated public or to recreational, commercial or other users. There are no fee requirements, and any costs incurred will be indirectly related to compliance costs and reporting and paperwork requirements. Costs are not expected to change significantly after the first year, although benefits may be expected to increase.

Entities owning land within wild river corridors (regulated public), recreationists and the general public are most likely to accrue benefits from this regulation. Landowners will benefit from the rules of conduct for public use of wild rivers, which are designed to discourage trespassing, littering, property damage and disturbance of the peace. Clarification of regulated and nonregulated land uses will assist the regulated public in determining when a change of use permit is required.

Provisions designed to preserve the aesthetic appearance, natural primitive character and other outstanding resources will benefit recreational, scientific and educational users as well as the general public. Recreationists will benefit from the provisions that assure present and future opportunities for outdoor experiences on the primitive end of the recreation spectrum, and maintenance of the high level of water quality necessary for primary contact recreational uses. Resource protection provisions will benefit scientific researchers by providing continued opportunity for the study of relatively undisturbed archeological and ecological conditions. Such provisions benefit the general public by preserving outstanding examples of their natural and cultural heritage for present and future generations.

Some costs for paperwork and reporting requirements may be accrued by entities required to notify or obtain authorization to conduct certain activities within a wild river corridor (see Reporting and Paperwork Requirements). Additional minimal costs may be incurred by utility companies constructing in or through a wild river corridor for: (1) engineering services needed to develop a land use plan as required to apply for project authorization; and (2) compliance with conditions for aesthetic and environmental protection required under such authorization.

2. Continuing costs or savings: Long-term costs will not increase significantly above the rate of inflation. Long range benefits to landowners, recreationists, other users and the general public are anticipated to increase as the aesthetic, natural, cultural, scientific and recreational values of unregulated streams are reduced by uncontrolled land use development and associated nonpoint source water pollution.

Past and current user data indicate that demands for river recreation will continue to increase while opportunities for primitive recreational experiences will continue to decline on streams outside of the Wild Rivers System. According to the 1984 SCORP, statewide user demands for camping, picnicking, fishing, boating and swimming are high, and those for hiking and hunting are moderate. In the SCORP report, the U.S. Forest Service predicted that future demands will create a deficiency in areas such as whitewater rivers, large areas of continuous open land and areas with unique natural features that allow dispersed uses such as hiking, horseback riding and canoeing. As user demands increase and recreational opportunities decrease, wild rivers may become threatened by over-use, which may degrade both the natural resources and the recreational experience of the user as well as the privacy of local residents. This regulation provides the flexibility necessary for future management decisions required to balance the level and extent of visitor use with resource protection.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None determined.

(b) Reporting and paperwork requirements: This regulation requires: (1) written notification to the cabinet of any new commercial service operating within a wild river corridor; (2) submission of a research plan to the cabinet to obtain authorization to conduct a scientific study within a wild river corridor; and (3) submission of a land use plan to obtain authorization from the cabinet to construct a utility right-of-way in or through a wild river corridor. A state agency proposing to conduct a new land use on state-owned land within a wild river corridor must submit an application to the cabinet for a Change of Use Permit if the proposed use is not consistent with the purpose and intent of KRS 146.200 to 146.360.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: This regulation will have no direct effect on the operation or costs of the Natural Resources and Environmental Protection Cabinet. The cabinet has already internalized associated costs within normal budget appropriations. The provisions of this regulation follow cabinet policies and procedures established to carry out the mandates of the wild rivers statutes and does not change the basis for routine procedures involved in permitting, compliance monitoring or enforcement.

2. Continuing costs or savings: If recreational use of the wild rivers continues to increase as predicted by various sources, it may become necessary in the future to establish additional staff positions to monitor and enforce the rules for public use of the rivers and adjacent lands.

3. Additional factors increasing or decreasing costs: None determined.

(3) Assessment of anticipated effect on state and local revenues: This regulation does not contain any significant changes in established policies and procedures and should not result in any significant effect on state revenues. Long-term local revenues may benefit from increased tourism associated with sightseeing, sport fishing, canoeing and other recreational opportunities provided by maintaining these streams in a natural, aesthetic state.

State land resource programs have not been found to result in an unfavorable impact on any state's overall economy, probably because land-use laws are used to improve the quality of growth rather than reduce the quantity of growth[4]. A study of the economic impacts on areas designated as Natural Rivers in Michigan found no significant difference in real estate market demand or activity as compared to comparable nondesignated streams[5]. The benefits accrued to the general public for protecting wildlife habitat, sport fisheries, water supply, floodwater storage and recharge, livery income, tourism, timber and watershed protection are generally believed to outweigh the minimal costs borne by the regulated public and local economy due to land use restrictions[1].

(4) Assessment of alternative methods; reasons why alternatives were rejected: A no-action alternative was rejected because the adoption of rules or regulations necessary for the preservation and enhancement of the wild river corridors and for control of recreational, scientific and other uses of these areas in a manner that shall not impair them, is mandated by KRS 146.270. One alternative that was considered was no regulation of public use because the wild river corridors are generally remote and such rules will be difficult to enforce. The rules for public conduct were retained, however, due to concerns for public and personal safety that have been expressed by persons residing in some of the more remote areas. Further, there is a recognized need to regulate certain recreational uses which are currently causing significant environmental impacts in several wild river corridors.

Some of the terms and provisions of the wild rivers statutes require clarification to eliminate confusion among the regulated public concerning land use changes and permitting requirements. An attempt was made to recognize the many kinds of land uses that may be in existence at the time a stream is designated, and to allow those uses to continue without a permit as provided in KRS 146.290. Discussions with property owners were useful in delineating the kinds of existing uses thus recognized.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None determined.

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: None provided.

TIERING: Was tiering applied? Yes.

Footnotes:

1 Kentucky Natural Resources and Environmental Protection Cabinet. 1980. Kentucky Wild Rivers Statewide Management Plan. Miller/Whiry/Lee, Inc.

2 Kentucky Department of Fish and Wildlife Resources. 1974. An inventory of recreational use and determination of the recreational potential of selected Kentucky water courses and associated wildlife habitats. P-R Project W-45.

3 Kentucky Department of Local Government. 1984. Statewide Comprehensive Outdoor Recreation Plan, Assessment and Policy Plan.

4 Healy, Robert G. 1976. Land Use and the States. John Hopkins University Press.

5 Michigan Department of Natural Resources. 1979. Economic impacts of natural river zoning regulations.

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes X No___

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. Section 13 requires that local government agencies notify the Natural Resources and Environmental Protection Cabinet of plans for any activity in a watershed of a wild river that may adversely affect the river, and provide the cabinet an opportunity to review proposals and plans for such activities.

3. State the aspect or service of local government to which this administrative regulation relates. May relate to road

construction and other construction activities in the vicinity of designated wild river corridors.

4. How does this administrative regulation affect the local government or any service it provides? It requires that the local government notify the cabinet and provide the cabinet an opportunity to review plans for activities that may cause adverse impacts on a designated wild river.

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management

401 KAR 34:350. Treatment, storage and disposal of nerve agents.

RELATES TO: KRS 224.033, 224.060, 224.071, 224.830 through 224.877, 224.994

STATUTORY AUTHORITY: KRS 224.210, 224.033, 224.865, 224.866, 224.867

NECESSITY AND FUNCTION: KRS 224.866 requires any person who treats, stores, recycles or disposes of hazardous wastes to first obtain a hazardous waste site or facility permit from the cabinet. KRS 224.865 establishes criteria which the cabinet shall consider in making a determination to issue, deny or condition a permit for a hazardous waste site or facility for treatment, storage or disposal of nerve agents. This regulation establishes the criteria which shall be met before a decision is made on a permit application for a hazardous waste site or facility for treatment, storage or disposal of nerve agents.

Section 1. Applicability. This regulation applies to owners or operators of facilities that treat, store, or dispose of any of the hazardous wastes listed in Section 5 of 401 KAR 31:040.

Section 2. Permit Criteria. (1) In addition to the requirements in 401 KAR Chapters 30 through 34, and 36 through 40 the cabinet shall consider the criteria set forth in subsection (2) of this section in making a determination to issue, deny, or condition a permit for any person applying for a permit to construct or operate a hazardous waste site or facility for treatment, storage or disposal of any of the hazardous wastes listed in Section 5 of 401 KAR 31:040.

(2) The permit applicant shall affirmatively demonstrate and the cabinet shall determine prior to issuance, conditional issuance or denial of the permit that:

(a) The proposed treatment or destruction technology has been proven in an operational facility of scale, configuration and through-put comparable to the proposed facility, for a period of five (5) years to provide assurance of 99.9999 percent destruction or neutralization of each substance proposed to be treated or destroyed. Destruction efficiency is determined for each waste from the following equation:

$$DE\% = \frac{(W_{in} - W_{out} - W_{res}) \times 100\%}{W_{in}}$$

Where:

W_{in} = Mass feed rate of waste to the incinerator.

W_{out} = Mass emission rate of the same waste present in exhaust emissions prior to release to the atmosphere.

W_{res} = Mass removal rate of waste via the incinerator residues.

(b) Monitoring data from a comparable facility reflects the absence of emissions from stack or fugitive sources, including but not limited to the products of combustion and incomplete combustion, which alone or in combination present an adverse environmental effect or an incidence of one (1) of the following illness per million people in the affected area: cancer, organophosphate induced delayed neuropathy, electroencephalographic or other functional changes following exposure to organophosphates, occurrence of mutagenic or teratogenic disorders, or diseases that follow acute symptomatic intoxication per year during a study period of five (5) years. The affected area shall be determined by a dispersion model approved by the cabinet.

(c) Provisions have been made for development and funding of sufficient training, coordination and equipment for state and local emergency response personnel, including the health, police, fire and emergency response fields, to assure the ability of the community to respond to releases from such a facility, including development and funding of an evacuation plan by the applicant which demonstrates the capability of removing individuals from the largest area at risk from a worst-case release.

(d) Maximum allowable stack concentrations and maximum allowable ambient air concentrations are met as illustrated in Table 1 and 2 of this paragraph. Maximum stack concentrations shall be evaluated by air dispersion modeling of worst-case-credible-events and conditions specific to each site to ensure that the control limits for the general population and work place would not be exceeded as a consequence of release at or below the allowable stack concentrations.

TABLE 1
Maximum Allowable Ambient Air Concentrations (mg/m^3) for Nerve Agents[1]

Agent	General Population	Workers
GB	0.000003 ($3x10^{-6}$)	0.0001 ($1x10^{-4}$)
VX	0.000003 ($3x10^{-6}$)	0.00001 ($1x10^{-5}$)
H[2]	0.0001 ($1x10^{-4}$)	0.003 ($3x10^{-3}$)
Averaging Time	72 Hours	8 hours

[1]Protection against exposure to agents in aerosol and liquid form shall be sufficient to prevent direct contact with the skin and eyes.

[2]Data supporting the ability to monitor for H at 0.0001 mg/m^3 at all sites shall be developed.

TABLE 2
Maximum Allowable Stack Concentrations
(mg/m^3) for Nerve Agents

Agent	Maximum Allowable Stack Concentrations
GB	0.0003 ($3x10^{-4}$)
VX	0.0003 ($3x10^{-4}$)
H	0.03 ($3x10^{-2}$)

(e) All workers within 1000 meters of the incinerator unit are provided with an adequate level of protection against exposure to the nerve agents.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: August 14, 1989
FILED WITH LRC: August 15, 1989 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on September 28, 1989 at 1 p.m. local prevailing time in the ground floor auditorium of the Capital Plaza Tower in Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by September 23, 1989, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. Written comments may be submitted to the address below. Written comments will be accepted until the end of the comment period, which will be the close of business on September 28, 1989. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kay Harker, Supervisor, Program Development Branch, Division of Waste Management, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Donald F. Harker, Jr.

(1) Type and number of entities affected: This proposed regulation will affect facilities seeking a permit for treatment, storage or disposal of nerve agents. Presently, there is one such facility, the Bluegrass Army Depot, in Kentucky.

(a) Direct and indirect costs or savings to those affected:

1. First year: The applicant will experience costs in the preparation of the permit application. Individuals applying for a permit for treatment, storage or disposal of nerve agents must make certain demonstrations to the cabinet before a permit may be issued. The applicant must demonstrate that the proposed treatment or destruction technology is 99.9999% effective; monitoring data must show no risks to the environment and human health; and provisions must be made for the funding and development of emergency response. The permit applicant must submit the appropriate fee for review of the permit.

2. Continuing costs or savings: The facility will incur costs associated with reporting and inspection of the facility.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: The facility will be required to submit an annual report to the cabinet and to maintain reports on the wastes for three years.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The cabinet's review of the permit application will require the expenditure of staff time and related resources. The permit review costs will be partially recovered by the permit fee which the applicant must submit to the cabinet.

2. Continuing costs or savings: The state will be responsible for reviewing annual reports on an ongoing basis.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: There will be no significant increase in reporting or paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will be no effect on state or local revenues from promulgation of this regulation.

(4) Assessment of alternative methods; reasons why alternatives were rejected: (a) The proposed regulation requires a permit for the treatment, storage or disposal of nerve agents listed as hazardous wastes in Section 5 of 401 KAR 31:040. The proposed regulation establishes criteria that the cabinet must consider when making a determination to issue, deny or condition such a permit.

Alternative: 1. Less stringent: House Bill 638 codified as KRS 224.865 mandated that the cabinet list nerve agents as hazardous wastes and require a permit for treatment, storage and disposal of nerve agents. To have promulgated less stringent provisions would have resulted in the cabinet being in violation of Kentucky law.

2. More stringent: The cabinet could have established additional criteria to consider when making decisions on permits for treatment, storage or disposal of nerve agents. However, the present proposal adequately protects human health and the environment.

3. Present proposal: The present proposal establishes criteria for the issuance of permits for treatment, storage or disposal of the nerve agents listed as hazardous wastes in Section 5 of 401 KAR 31:040.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: KRS 224.864(3) mandates that any criteria and lists of hazardous waste promulgated by the cabinet shall be identical to any such list proposed or promulgated by the U.S. EPA pursuant to the Resource Conservation and Recovery Act. The federal list of hazardous wastes does not contain nerve agents.

(a) Necessity of proposed regulation if in conflict: KRS 224.865 mandates that the cabinet list nerve agents as hazardous wastes.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Since KRS 224.865 is the more specific statute and was enacted in 1988, the cabinet has complied with this provision. KRS 224.864(3) was last amended in

1986. The General Assembly clearly intended that nerve agents be listed as hazardous wastes in Kentucky.

(6) Any additional information or comments: There are no additional comments.

TIERING: Was tiering applied? Yes. The proposed regulation applies only to hazardous waste treatment, storage or disposal facilities that treat, store or dispose of nerve agents.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. This regulation is not based on a federal mandate.

2. State compliance standards. A permit is required for treatment, storage, or disposal of nerve agents listed in Section 5 of 401 KAR 31:040. This proposed regulation is in response to HB 638 which was passed by the 1988 Kentucky General Assembly and codified as KRS 224.865.

3. Minimum or uniform standards contained in the federal mandate. The regulations is not based on a federal mandate.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Since this regulation is not based on federal mandate, it will impose stricter responsibilities on individuals applying for a permit to treat, store, or dispose of the nerve agents in Section 5 of 401 KAR 31:040.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The standards established in this regulation are mandated by KRS 224.865. House Bill 638, passed during the 1988 session of the Kentucky General Assembly, require the cabinet to list certain nerve agents as hazardous waste and require a permit for facilities that treat, store or dispose of nerve agents.

TRANSPORTATION CABINET
Department of Highways
Office of Aeronautics

602 KAR 20:120. Public use airport.

RELATES TO: KRS 183.090
STATUTORY AUTHORITY: KRS 183.024
NECESSITY AND FUNCTION: This regulation sets forth the minimum airport safety standards for classification as a public use airport.

Section 1. Definitions. (1) "Airplane" means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of air against its wing.

(2) "Approach surface" means that area extending from the end of the primary surface in an inclined plane and increasing in elevation at a given ratio of horizontal to vertical fee.

(3) "Flight visibility" means the average forward horizontal distance from the cockpit of an aircraft in flight at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

(4) "Landing area" also means runway when used in regulations relating to airports used for the takeoff and landing of airplanes.

(5) "Landing area designation" means a certificate of approval of the safety and adequacy, of an airport facility by the Transportation Cabinet.

(6) "Public use airport" means an airport with a runway for airplanes which prior permission is not necessary for the landing or taking off of aircraft.

(7) "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point of the primary surface is the same as the elevation of the nearest point of the runway centerline.

(8) "Runway" means the surface of an airport used for landing and taking off of aircraft as depicted on the airport zoning map and airport master plan, and Federal Aviation Administration form 7480-1 Notice of Landing Area Proposal.

(a) "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned, or indicated on a Federal Aviation Administration planning document.

(b) "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by a Federal Aviation Administration approved airport layout plan or any other Federal Aviation Administration planning document.

(c) "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument approach procedure and no instrument designation indicated on a Federal Aviation Administration approved airport layout plan, or by any planning document submitted to the Federal Aviation Administration by competent authority.

(9) "Segmented circle" means a circle formed of separated segments designed to draw visual attention to an airport wind indicator located within the circle, and forming a basis for a system to provide visual traffic pattern information at airports without operating control towers.

(10) "Taxiway" means a defined path, from one part of an airport to another, selected or prepared for the taxiing of aircraft.

Section 2. For an airport to be classified as public use, it shall meet the criteria set forth in this regulation and those of 602 KAR 20:030.

Section 3. An airport classified as a public use airport shall have a runway length of at least 2,500 feet and width of at least sixty (60) feet.

Section 4. (1) A paved runway shall be marked in accordance with Federal Aviation Administration Advisory Circular 150/5340-1F, effective October 22, 1987.

(2) This advisory circular relating to the

marking of paved areas on airports is incorporated by reference.

Section 5. (1) A public use airport which has an operative runway lighting system installed subsequent to March 14, 1978 shall be governed by the Federal Aviation Administration Advisory Circular 150/5340-24, with change 1, effective March 14, 1978. However, a public use airport which had a landing area designation current on July 1, 1989 may continue to use the lighting system in place on July 1, 1989. Modifications of an existing lighting system or installation of a new lighting system at a public use airport shall be in compliance with this advisory circular.

(2) This advisory circular relating to a runway and taxiway edge lighting system shall be incorporated by reference.

Section 6. (1) A public use airport shall maintain a segmented circle in conformance with Federal Aviation Administration Advisory Circular 150/5340-5B, with change 1, effective February 25, 1985.

(2) This advisory circular which relates to the segmented circle airport marker system shall be incorporated by reference.

Section 7. The person who owns or controls a public use airport shall have control over a land area and a primary surface area at least 250 feet wide centered on the landing area for a visual runway; 500 feet wide centered on the landing area for a nonprecision instrument runway with visibility minimums greater than three-fourths (3/4) statute mile; and 1,000 feet centered on the landing area for a precision instrument runway or a nonprecision instrument runway with visibility minimums three-fourths (3/4) statute mile or less.

Section 8. (1) The approach surface for a visual runway shall be at a ratio of twenty (20) to one (1) for a minimum horizontal distance of 5,000 feet from the end of the primary surface. The inner width of the approach surface shall be the same as the primary surface and shall extend uniformly to a minimum width of 1,250 feet.

(2) The approach surface for a nonprecision instrument runway shall be at a ratio of twenty (20) to one (1) or greater for a minimum horizontal distance of 5,000 feet from the end of the runway for each runway constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight. The inner width of the approach surface shall be the same as the primary surface and shall extend uniformly to a minimum width of 2,000 feet. For nonprecision instrument runways designed for nonpropellor driven aircraft or aircraft with gross weights exceeding 12,500 pounds the approach surface shall be at a ratio of thirty-four (34) to one (1) for a distance of 10,000 feet from the end of the runway and the width will extend uniformly from the end of the primary surface to a minimum width of 4,000 feet.

(3) The approach surface for a precision instrument runway shall be at a ratio of fifty (50) to one (1) for a horizontal distance of 10,000 feet plus an additional ratio of forty (40) to one (1) for an additional 40,000 feet. The inner width of the approach surface shall be the same as the primary surface and shall extend uniformly to a width of 16,000 feet.

Section 9. The approach and primary surfaces shall be free of obstructions and hazards. The Transportation Cabinet may issue a written waiver for an obstruction determined to be nonhazardous.

Section 10. All material incorporated by reference may be obtained from the U.S. Superintendent of Documents, Washington, D.C. or viewed at the Transportation Cabinet, Office of Aeronautics, Ann Street, Frankfort, Kentucky.

BOB BODNER, Executive Director
MILO D. BRYANT, Secretary/Commissioner
APPROVED BY AGENCY: August 3, 1989
FILED WITH LRC: August 11, 1989 at 9 a.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on September 21, 1989 at 1 p.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by September 16, 1989 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until September 16, 1989. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Ben Prewitt

(1) Type and number of entities affected: All airport operators in the Commonwealth of Kentucky.

(a) Direct and indirect costs or savings to those affected: None

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No new requirements.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Updated part of the airport regulations to reflect changes in federal criteria which have been the basis for the standards set forth in most of 600 KAR Chapter 20. While those changes were being effected, changes were made to comply with the

new requirements of KRS Chapter 13A.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes.

PUBLIC PROTECTION & REGULATION CABINET
Department of Insurance

806 KAR 14:121. Minimum standards for the readability and intelligibility of insurance contracts.

RELATES TO: KRS 304.14-130, 304.14-420 through 304.14-450
STATUTORY AUTHORITY: KRS 304.2-110, 304.14-420
NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may adopt reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.14-420(2) requires the Commissioner of Insurance to promulgate administrative regulations to establish minimum standards for the readability and intelligibility of insurance contracts. KRS 304.14-450(1) requires the Commissioner of Insurance to promulgate administrative regulations establishing a list of type face styles acceptable for use in insurance contracts.

Section 1. Definitions. As used in this regulation:
(1) "Commissioner" means the Commissioner of the Kentucky Department of Insurance;
(2) "Personal lines insurance" means those personal lines of insurance designated in KRS 304.14-420(1);
(3) "Amended" or "renewed" do not include changes or extension of term which are contractually granted and exercised by the policyowner or insured under the provisions of the policy;
(4) "Text" means all printed matter except:
(a) The name and address of the insurer, the name, number, or title of the policy, the table of contents or index, captions and subcaptions, specification or declarations pages, schedules, or tables; and
(b) Any policy language which is drafted to conform to the requirements of any federal law, regulation, or agency interpretation, any medical terminology, and any policy language required by law or regulation, but the insurer shall certify that the language is entitled to be excepted from the definition of "text" as set forth in this paragraph.

Section 2. Scope. (1) This regulation applies to all personal lines insurance policies delivered, issued for delivery, amended, or renewed in Kentucky on and after one (1) year from the effective date of this regulation.
(2) This regulation shall not apply to policies issued for conversion from policies not subject to this regulation.

Section 3. Minimum Standards for Legibility. No personal lines insurance policy shall be delivered, issued for delivery, amended, or renewed in Kentucky unless it is printed, except for specification or declarations pages, schedules, and tables, in not less than ten (10) point type, one (1) point leaded.

Section 4. (1) The following type face styles shall be acceptable for personal lines insurance policies:

Aldus
Alternate Gothic No. 3
American Typewriter Light
American Typewriter Medium
Americana
Andover (Palatino)
Antique Olive Light
Aster
Auriga
Avant Garde Light
Avant Garde Book
Baskerville
Bembo
Benguiat Book
Bodoni
Bodoni Book
Bookman
Caledonia
Candida
Caslon Old Face No. 2
Century Expanded
Century Schoolbook
Chelmsford (Optima)
Clarendon Light
Clearface
Crown (Century)
Egyptian
Egyptian Light
Electra
Eurostile
Fairfield Medium
Friz Quadrata
Garamond
Garamond No. 3
Goudy Oldstyle
Hanover (Melior)
Helvetica Light
Helvetica
Helvetica Condensed
Highland (Calendonia)
Iridium
Italia Book
Janson
Korinna
Megaron Light (Helvetica Light)
Megaron Medium (Helvetica Medium)
Melior
Memphis Light
Memphis Medium
Monticello
News Gothic
Optima
Orion
Palatino
Primer
Quorum Light
Quorum Book
Rotation
Sabon
Schoolbook
Serif Gothic Light
Souvenir
Souvenir Light
Stymie Medium
Stymie Light

Tiffany Light
Tiffany Medium
Times Roman
Trade Gothic Light
Trade Gothic
Trade Gothic Condensed
Trade Gothic Extended
Triumvirant
Trump
Trump Medieval
Univers Light
Univers Medium
Univers No. 45
Univers No. 46
Univers No. 55
Univers No. 56
Univers No. 57
Univers 45 Light

(2) This list is not intended to be exhaustive, but is an indication of the legibility of a type face style that is required. Any type face style selected other than those listed in subsection (1) of this section shall not be used unless approved by the commissioner. Extreme type styles such as "Old English" or heavy block are not acceptable.

(3) Italics, bold face, and contrasting styles may be used to emphasize important or technical terms and for captions. When two (2) or more type face styles are used, they shall be visually compatible.

Section 5. Minimum Standards for Intelligibility. (1) No personal lines insurance policy shall be delivered, issued for delivery, amended, or renewed in this state unless the text achieves a minimum score of forty (40) on the Flesch reading ease test or an equivalent score on any other reading test approved by the commissioner for use as an alternative to the Flesch reading ease test if it is comparable in result to the Flesch reading ease test.

(2) For the purposes of this section, a Flesch reading ease test score shall be measured by the following method:

(a) For policy forms containing 10,000 words or less of text, the entire policy form shall be analyzed. For policy forms containing more than 10,000 words, the readability of two (2) 200 word samples per page may be analyzed instead of the entire policy form. The samples shall be separated by at least twenty (20) printed lines. Any endorsement made a part of the policy may, at the insurer's option, be scored separately or as part of the policy.

(b) The number of words and sentences in the text shall be counted and the total number of words divided by the total number of sentences. The figure obtained shall be multiplied by a factor of 1.015.

(c) The total number of syllables shall be counted and divided by the total number of words. The figure obtained shall be multiplied by a factor of 84.6.

(d) The sum of the figures computed under paragraphs (b) and (c) of this subsection subtracted from 206.835 equals the Flesch reading ease score for the policy form.

(e) For the purposes of paragraphs (b), (c), and (d) of this subsection, the following procedures shall be used:

1. A contraction, hyphenated word, or numbers and letters, when separated by spaces, shall be counted as one (1) word;

2. A unit of words ending with a period, semicolon, or colon, but excluding headings and captions, shall be counted as a sentence; and

3. A syllable means a unit of spoken language consisting of one (1) or more letters of words as divided by an accepted dictionary. Where the dictionary shows two (2) or more equally acceptable pronunciations of a word, the pronunciation containing fewer syllables may be used.

(3) All policy form filings subject to this regulation shall be accompanied by a certificate signed by an officer of the insurer or other insurer representative authorized by the board of directors stating that the policy form meets the minimum reading ease score on the test used or stating that the score is lower than the minimum required, but the policy form may be approved in accordance with subsection (4) of this section. To confirm the accuracy of any certification, the commissioner may require the submission of further information to verify the certification in question.

(4) The commissioner may authorize a lower reading ease test score than the Flesch reading ease score required in subsection (1) of this section whenever, in his sole discretion, he finds that a lower score:

(a) Will provide a more accurate reflection of the readability of a policy form;

(b) Is warranted by the nature of a particular policy form or type or class of policy forms; or

(c) Is caused by certain policy language which is drafted to conform to the requirements of any federal or state law, regulation, or agency interpretation.

Section 6. Severability; Effective Date. (1) If any provision of this regulation or the application of this regulation to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

(2) This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.

LEROY MORGAN, Commissioner
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: August 8, 1989
FILED WITH LRC: August 15, 1989 at 10 a.m.

PUBLIC HEARING: Persons with an interest in the subject matter of the proposed regulation may comment at a public hearing scheduled for September 21, 1989, at 9 a.m. (ET), in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Leroy Morgan, Commissioner, Kentucky Department of Insurance, P.O. Box 517, Frankfort, Kentucky 40602. Written comments must be received prior to 9 a.m. (ET) on September 21, 1989, in order to receive consideration. The public hearing scheduled above may be cancelled if no one notifies the Commissioner of Insurance at least five days prior to the hearing that they will be in attendance at the hearing to comment.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Patrick Watts

Need for the Proposed Regulation: The proposed regulation is required by KRS 304.14-420 through 304.14-450. These statutes require the

Commissioner of Insurance to promulgate administrative regulations to establish minimum standards for the readability and intelligibility of insurance contracts. The regulations must be promulgated within one year of July 15, 1988, and insurers have one year from the effective date of the regulation to comply.

These statutes were adopted upon the recommendation of the Kentucky Insurance and Liability Task Force. See Report of the Kentucky Insurance and Liability Task Force, Legislative Research Commission Report Number 232, at 63 (1988). In drafting this regulation, the Commissioner of Insurance has relied heavily on the National Association of Insurance Commissioners Property and Casualty Insurance Policy Simplification Model Act, the National Association of Insurance Commissioners Life and Health Insurance Policy Language Simplification Model Act, and the National Association of Insurance Commissioners Personal Lines Property and Casualty Insurance Policy Simplification Model Regulation. These models or similar legislation or regulations are in effect in most states.

Section 1 contains definitions. The definition of "personal lines insurance" is intended to create a brief phrase which will include all kinds of insurance set forth in KRS 304.14-120(1). The definition of "text" is drawn from National Association of Insurance Commissioners model acts and regulations. This definition limits those portions of the contract which will be subjected to a reading ease test. Generally, all parts of the contract are subject to the reading ease test except such things as the name and address of the insurer, policy name and number, captions, specification or declarations pages, schedules, or tables, and any policy language which is required by law.

Under KRS 304.14-420(1), the regulations apply to an "insurance policy." KRS 304.14-020 defines a "policy" as

> ...the written contract of, or written agreement for, or effecting insurance, by whatever name called, and includes all clauses, riders, indorsements [sic] and papers which are attached thereto.

This does not include certificates of group insurance. Thus, the statutes create an anomolous situation in which a large, sophisticated buyer of insurance, such as a bank, employer, or association will receive a policy which will meet readability and intelligibility standards while an individual buying insurance through these entities will receive a certificate of insurance which does not have to meet readability and intelligibility standards. Legislation will be necessary to address this situation.

Section 2 sets forth the scope of the regulation. KRS 304.14-420(1) requires all policies delivered, issued for delivery, amended, or renewed after the effective date of the commissioner's regulations to comply. In other states which have adopted readability and intelligibility requirements, the requirements are limited to policies which are delivered or issued for delivery after the effective date of the legislation. This is because most states have constitutional restrictions against legislation impairing the obligations of contracts. Section 19 of the Kentucky Constitution contains such a provision.

Insureds and insurers have vested rights under these existing contracts, especially life insurance policies, which would be lost if the policies had to be rewritten. It is doubtful that the legislature intends old contracts of this type to be rewritten. It appears that the intent is to simplify policy forms only where the total coverage is at an end and a new (although similar) agreement for the future, on a bilateral negotiated basis, is being made.

This interpretation preserves the constitutionality of the policy simplification statutes in that policy simplification is probably not a sufficiently compelling state purpose to justify impairment of existing contractual obligations. This approach is incorporated in Section 1(3) of the regulation.

The regulation does not apply to policies issued for conversion from policies not subject to the regulation. This is because conversion policies must be substantially similar to the policies being converted from, see, for example, KRS 304.18-110 and 304.18-120.

Section 3 establishes minimum standards for legibility. This section requires policies to be printed in not less than ten point type, one point leaded. This requirement is drawn from National Association of Insurance Commissioners model acts and regulations. Specification or declarations pages, schedules, and tables are exempted.

Section 4 establishes typeface styles which are acceptable. Regulations on this specific subject are required by KRS 304.14-450(1). This section is drawn from Connecticut Insurance Department regulation section 38-68u-4.

Section 5 establishes minimum standards for intelligibility. A minimum score of 40 on the Flesch reading ease test is required. Procedures for applying the Flesch reading ease test are set forth. These requirements and procedures are drawn from National Association of Insurance Commissioners model acts and regulations.

In order to monitor compliance, all policy forms subject to the regulation must be accompanied by a certificate signed by an officer or appropriate representative of the insurer that the policy form complies with the minimum readability requirements. A policy form with a lower Flesch reading ease test score may be approved under certain circumstances, such as where a policy form with a lower score will provide a more accurate reflection of the readability of the policy form.

(1) Type and number of entities affected: The proposed regulation affects nearly all of the 1200 insurers authorized to do business in Kentucky. Not all of these insurers write personal lines insurance, but a substantial majority of them do.

(a) Direct and indirect costs or savings to those affected: None. Costs are created by KRS 304.14-420 through 304.14-450.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: Policy form filings must be accompanied by a certificate signed by an officer of the insurer stating that the policy form meets the minimum required reading ease test score.

(2) Effects on the promulgating administrative body: The proposed regulation is designed to implement KRS 304.14-420 through 304.14-450 in a

cost effective way. Specific type styles and type sizes may be easily checked. Through the use of insurer certifications, readability may be monitored on a random basis rather than having the department test each of the thousands of policy form filings that are reviewed every year.

(a) Direct and indirect costs or savings: As stated above, costs are imposed by KRS 304.14-420 through 304.14-450, not the proposed regulation. However, as also noted above, by establishing specific guidelines and through the use of insurer certifications which will be monitored by the department, the regulation attempts to implement the statutes in a cost effective way.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The department will require policy form filings to be accompanied with a certification that the policy form meets readability requirements.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: A review of other states' statutes and regulations on insurance policy readability and intelligibility revealed that all were using some form of readability or intelligibility standards such as those set forth in NAIC model acts or regulations. Therefore, the approach adopted by the NAIC was the only one considered and it has been tailored to fit within the requirements of KRS 304.14-420 through 304.14-450.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? Tiering was applied to the proposed regulation.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance

903 KAR 5:310. Due dates.

RELATES TO: KRS 341.262, 341.300, 341.430, 341.450

STATUTORY AUTHORITY: KRS 13A.100, 194.050, 341.115

NECESSITY AND FUNCTION: This regulation defines the date received by the department as used in KRS Chapter 341 and Kentucky administrative regulations as it relates to the timely filing of reports, protests, appeals, or the payment of contributions, and extends the due date when the due date falls on a day the office of the department is closed. This regulation includes substance contained in 903 KAR 5:260, Unemployment insurance procedures, therefore no longer necessitating the old regulation which is being repealed.

Section 1. A contribution payment, report, protest, or appeal shall be considered received by the department as of the date it is delivered to any office of the department or deposited in the mail or with a commercial postal service on or before the due date, as indicated by the postmark applied by the U.S. Postal Service or official mark applied by a commercial postal service. The mark made by a privately-held postage meter shall not be considered in determining the date of receipt.

Section 2. When a due date falls on a day the office of the department is closed, the next day the office is opened shall be considered the due date.

Section 3. 903 KAR 5:260, Unemployment insurance procedures, is hereby repealed.

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 14, 1989 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 21, 1989, at 9 a.m. in the Health Services Building, Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by September 16, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen

(1) Type and number of entities affected: 72,000 covered employers.

(a) Direct and indirect costs or savings to those affected: None*

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:None*

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Simplifies regulations by avoiding repetitious language.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict: Not applicable.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

(6) Any additional information or comments: *The content of this regulation has previously been contained in several existing regulations which are being amended to remove unnecessary repetitious language. (903 KAR 5:030, 5:080, 5:130, 5:300)

TIERING: Was tiering applied? No. Affords all

covered employers equal filing privileges.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance

903 KAR 5:320. Fraud disqualifications.

RELATES TO: KRS 341.370
STATUTORY AUTHORITY: KRS 341.115, 341.370
NECESSITY AND FUNCTION: KRS 341.370(2) provides that a worker shall be disqualified from receiving benefits for any week with respect to which he knowingly made a false statement to establish his right to or the amount of his benefits, and, within the succeeding twenty-four (24) months, for the additional weeks immediately following the date of discovery, not to exceed a total of fifty-two (52), as may be determined by the secretary. This regulation establishes the number of additional weeks of disqualification to be imposed.

Section 1. Unreported Earnings. If a determination is issued finding that a claimant with fraudulent intent did not report wages earned during a week of unemployment for which unemployment insurance benefits were claimed, in addition to the disqualification imposed for each week, an additional period of disqualification will be imposed for each week of unreported earnings as follows: six (6) weeks for each week the unreported earnings are less than one and one-fourth (1 1/4) times the weekly benefit amount and twelve (12) weeks for each week the unreported earnings are equal to or more than one and one-fourth (1 1/4) times the weekly benefit amount, except that no period of additional disqualification will be less than twelve (12) weeks.

Section 2. Misrepresentation or Nondisclosure. If a determination is issued that a claimant through fraudulent misrepresentation or nondisclosure of fact, other than unreported earnings which is addressed in Section 1 of this regulation, attempted to establish his right to or the amount of his unemployment insurance benefits, in addition to the disqualification imposed for that week, an additional twenty-six (26) week period of disqualification will be imposed from the date of discovery of the misrepresentation or nondisclosure.

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 14, 1989 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 21, 1989, at 9 a.m. in the Health Services Building, Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by September 16, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen
(1) Type and number of entities affected: Indeterminate number of U.I. claimants determined to have committed fraud.
(a) Direct and indirect costs or savings to those affected: None*
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:None*
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Regulatory establishment of disqualification periods is required.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments: *The content of this regulation covers material already contained in 903 KAR 5:260, which is being repealed.
TIERING: Was tiering applied? Yes

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance

903 KAR 5:330. Release of notice of levy.

RELATES TO: KRS 341.820(1)
STATUTORY AUTHORITY: KRS 341.115
NECESSITY AND FUNCTION: KRS 341.820(1) authorizes the release of levy upon all or part of the property or rights to property levied upon if it is determined that the action will facilitate collection of liability. This regulation establishes the conditions under which levy may be released.

Section 1. The secretary or his designated representative may release levy when either:
(1) The delinquent employer enters into a satisfactory arrangement placing property in escrow to secure payment of the liability, including expenses of levy;
(2) The delinquent employer furnishes an acceptable bond conditioned upon payment of the liability, including expenses of levy;
(3) A payment is made of an amount determined to be equal to the interest of the division in the seized property or of the part of the seized property to be released. A release of levy under this section is not to be confused with the discharge of property from the tax lien. However, the amount to be paid under this release provision would be determined in the

same manner;
(4) The delinquent employer enters into a partial payment agreement; or
(5) The value of the interest of the division in the seized property to be released is insufficient to cover the expenses of the sale.

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 14, 1989 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 21, 1989, at 9 a.m. in the Health Services Building, Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by September 16, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen
(1) Type and number of entities affected: 72,000 covered employers.
(a) Direct and indirect costs or savings to those affected: None*
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:None*
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Regulatory establishment of conditions for levy release is required.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments: *The content of this regulation covers material already contained in 903 KAR 5:260, which is being repealed.
TIERING: Was tiering applied? No. The division affords the same opportunity to all employers.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance

903 KAR 5:340. Voluntary election of coverage.

RELATES TO: KRS 341.070(9), 341.250(3)
STATUTORY AUTHORITY: KRS 341.115
NECESSITY AND FUNCTION: This regulation establishes the process for approval of voluntary election of coverage.

Section 1. An employing unit seeking election of coverage under KRS 341.250(3) shall include in its written election the following information:
(1) For the two (2) calendar years preceding the date of election, or for the total length of existence of the organization, whichever is less:
(a) A list of all funding sources, the revenues received from each, and duration of funding provided from each, accompanied by supporting documentation including grant applications, funding approval letters, and any other relevant material;
(b) A list of all employees along with gross salaries paid.
(2) For the two (2) calendar years following the date of election:
(a) A list of all anticipated funding sources, the revenues expected from each, and expected duration of funding from each, accompanied by any available documentation supporting these projections;
(b) The number of workers anticipated, and projected salaries for each position.

Section 2. Approval of voluntary election of coverage shall be made only if the employing unit seeking coverage satisfies each of the following:
(1) Stability or growth of employment over the period of time specified in Section 1 of this regulation;
(2) Reliability of funding sources;
(3) Reasonable assurance of continuity or growth of funding levels over the period of time specified in Section 1 of this regulation.

Section 3. Notwithstanding the above, no approval shall be granted for voluntary election in any calendar year if, in the preceding calendar year, the revenues deposited to the Unemployment Trust Fund were less than the total benefits paid.

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 14, 1989 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 21, 1989, at 9 a.m. in the Health Services Building, Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by September 16, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Margaret Whittet
(1) Type and number of entities affected: Indeterminate but very small number of employers seeking voluntary coverage for UI.
(a) Direct and indirect costs or savings to those affected: Approval initiates tax liability for the employer at the rate of 3% of the first $8,000 paid to each worker annually; workers become potentially eligible for benefits at a

maximum of $186 per week for up to 26 weeks of unemployment.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Specifies information required for election of coverage.
(2) Effects on the promulgating administrative body: Establishes formal method for consideration of election of coverage.
(a) Direct and indirect costs or savings: Approximately $300 annually in administrative costs.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Regulation of consideration process was considered appropriate.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments: The method of application and consideration of voluntary election has been under development for some time but has not previously been formally regulated.
TIERING: Was tiering applied? No. The same standards are applied to all applicants for voluntary election.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance

903 KAR 5:350. Covered employment.

RELATES TO: KRS 341.050, 341.055
STATUTORY AUTHORITY: KRS 341.115
NECESSITY AND FUNCTION: This regulation sets forth conditions affecting certain covered and noncovered employment.

Section 1. Service by Officers, Directors, and Stockholders of Corporations. Within a corporation:
(1) An officer is presumed to be in covered employment if, under the corporation's charter, bylaws, or minutes he is required to perform some service, whether or not the service is actually performed.
(2) Stockholder, directors, or officers who received remuneration in the form of salaries or wages (that is, carried on the corporation payroll records or provided for in its bylaws or minutes) are presumed to be in covered employment whether or not services are actually performed.
(3) Directors of corporations who perform no other service for the corporation other than to attend directors' meetings are not in covered employment.

Section 2. Family Exempt Employment. In applying family exemption:
(1) Family exemption applies only in proprietorships or partnerships. In a partnership, an exempt relationship must exist with each partner in order for employment to be noncovered.
(2) Stepchildren under age twenty-one (21) who are employed by their parent(s) shall bear the same family exempt relationship as that of natural or adopted children, but only if the stepparent(s) claim them as exemptions on federal and state income tax returns.

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 14, 1989 at 11 a.m.
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen
(1) Type and number of entities affected: 72,000 covered employers.
(a) Direct and indirect costs or savings to those affected: None*
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None*
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Regulation is necessary to establish conditions of coverage.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments: *The content of this regulation covers material already contained in 903 KAR 5:260, which is being repealed.
TIERING: Was tiering applied? Yes

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance

903 KAR 5:360. Limitation on pension deductions.

RELATES TO: KRS 341.390
STATUTORY AUTHORITY: KRS 13A.100, 194.050, 341.115
NECESSITY AND FUNCTION: Under KRS 341.390(3)(a) a pension, retirement or retired pay, annuity or other similar periodic payment received by a worker under a plan contributed to by a base period or chargeable employer is 100 percent deductible from a worker's unemployment insurance benefit amount. The statute provides the authority to limit the deduction if the worker contributed to the payment plan. The purpose of this regulation is to provide for such a limitation.

Section 1. If the worker contributed to a pension, retirement or retired pay, annuity or other similar periodic payment plan deductible under KRS 341.390(3)(a), the amount deducted from the worker's weekly benefit amount shall be limited to fifty (50) percent of the amount of the payment received by the worker for that week.

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
FILED WITH LRC: August 14, 1989 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for September 21, 1989, at 9 a.m. in the Health Services Building, Health Services Auditorium, 1st Floor, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by September 16, 1989, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen
(1) Type and number of entities affected: Indeterminate number of UI claimants who receive retirement pensions.
(a) Direct and indirect costs or savings to those affected: None. UI benefits may be drawn over a shorter period of time, but the maximum amount remains the same.
1. First year: Maximum benefit amount not changed.
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: No additional paperwork required.
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: One time programming cost not to exceed $3,000.
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Statute sets forth deduction requirement.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments: This regulation will result in fairer treatment of UI claimants drawing pensions to which they have contributed.
TIERING: Was tiering applied? No. All workers who contributed to the plan are given equal consideration.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance

903 KAR 5:370. Contract construction rates.

RELATES TO: KRS 341.070, 341.272
STATUTORY AUTHORITY: KRS 13A.100, 194.050, 341.115
NECESSITY AND FUNCTION: This regulation defines contract construction for the purposes of rate assignment under KRS 341.272.

Section 1. Definition. For the purpose of rate assignment, those types of service to be considered as contract construction are those listed in the Federal Standard Industrial Classification Manual, 1987, under Major Groups 15, 16, and 17, and those listed under Major Group 87 engaged in management of construction carried out by others, which are adopted by reference. Copies of these chapters are available for public inspection and copying in the office of the Tax Collections and Accounting Branch, 275 East Main Street, Frankfort, Kentucky 40621, between the hours of 8 a.m to 4:30 p.m. Monday through Friday, or may be obtained by writing to the above address or by telephone at (502) 564-2272.

Section 2. To be considered a contract construction employer, one-half (1/2) or more of the service upon which liability is established under KRS 341.070 must be in contract construction.

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen
(1) Type and number of entities affected: Indeterminate number of employers engaged in construction trades.
(a) Direct and indirect costs or savings to those affected: None*
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None*
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Regulations necessary to define types of employment covered by KRS 341.272.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments: *The content of this regulation covers material already contained in 903 KAR 5:260, which is being repealed.
TIERING: Was tiering applied? No. We have adopted a single reference for all determinations.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance

903 KAR 5:380. Successorship.

RELATES TO: KRS 341.070, 341.540
STATUTORY AUTHORITY: KRS 13A.100, 194.050, 341.115
NECESSITY AND FUNCTION: This regulation sets forth the conditions under which one employing unit shall be found to be successor to another.

Section 1. Determination of Successorship. Successorship shall be deemed to have occurred between two (2) employing units when the following conditions exist:
(1) Negotiation occurs to bring about the transfer, either directly between the parties to the transfer, or indirectly through a third party intermediary.
(2) At least two (2) of the following conditions are met, provided that this condition shall not be satisfied if only paragraphs (c) and (d) of this subsection are met:
(a) The business was a going concern when acquired. For the purpose of this regulation, a going concern shall also include a business which has temporarily ceased subsequent to the date on which negotiations to transfer the business were begun.
(b) The subsequent owner or operator continued or resumed basically the same type of business in the same location.
(c) The subsequent owner employed fifty (50) percent or more of the previous owner's workers in covered employment.
(d) The previous owner employed fifty (50) percent or more of the subsequent owner's workers in covered employment.
(e) The subsequent owner acquired work contracts or commitments from the previous owner.

DARVIN ALLEN, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 9, 1989
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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen
(1) Type and number of entities affected: 72,000 covered employers.
(a) Direct and indirect costs or savings to those affected: None*
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None*
(a) Direct and indirect costs or savings: None
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Necessary to establish basis for successorship determinations consistent with case law.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict: Not applicable.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
(6) Any additional information or comments: *The content of this regulation covers material already contained in 903 KAR 5:260, which is being repealed.
TIERING: Was tiering applied? No. Necessary to apply consistent standards in all successorship determinations.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the August 3, 1989 Meeting

The August meeting of the Administrative Regulation Review Subcommittee was held on Thursday, August 3, 1989 at 10 a.m. in Room 107. Representative Mark D. O'Brien, Chairman, called the meeting to order, and the secretary called the roll. Without objection, the minutes of the July 5 and 6, 1989 meeting were approved.

Present August 3, 1989 were:

Members: Representative Mark D. O'Brien, Chairman; Senators Gene Huff and Pat McCuiston; Representatives Jim Bruce, Ronny Layman and Tom Kerr.

Guests: John Merchant, Don Morse, S. Lynn Travis, Kentucky Infrastructure Authority; Sally Hamilton, Mike Haydon, Ramona W. Newman, Terri Wellman, Department of Local Government; Richard L. Ross, Board of Pharmacy, Greg Holmes, Board of Barbering; Conley C. Congleton, Board of Chiropractic Examiners; Peter W. Pfeiffer, Thomas A. Young, Department of Fish and Wildlife Resources; Michael Bradley, Ellen Tharpe, Corrections Cabinet; Michael L. Luscher, Ron Moubray, Nancy Robeson, Hanson Williams, Department of Education; Oscar Morgan, Jr., Department of Workers' Claims; Judith G. Walden, Department of Housing, Buildings and Construction; Charles Wiley, State Fire Marshal, Mgr. Housing; Barbara Coleman, Ked R. Fitzpatrick, Eugenia Jump, Nancy Rawlings, Lydia Roberts, Angie Scott, E. Douglas Smith, Cabinet for Human Resources; Nancy Galvagni, KY Hospital Association; John Bird, Blue Cross & Blue Shield of Kentucky; Nelson Weaver, Trover Clinic; Elizabeth Grever, Linda Locke, Community Coordinated Child Care; Janet Neal, Brighton Center, Inc.

LRC Staff: Susan Wunderlich, Joe Hood, Gregory Karambellas, Susan Eastman, Donna Pierce, Ann Gordon and Carla Arnold.

The Administrative Regulation Review Subcommittee met on August 3, 1989, and submits this report:

The Subcommittee determined that the following administrative regulations, as amended, complied with KRS Chapter 13A:

Finance and Administration Cabinet: Kentucky Infrastructure Authority

200 KAR 17:010 (Guidelines for infrastructure revolving fund.) This administrative regulation was amended to comply with the drafting requirements of KRS Chapter 13A, and to include standards, criteria and requirements governing the financial assistance program of KRS Chapter 224A. The agency had been informed that the "Internal Resolution" could not take the place of administrative regulation, and that such a resolution could be used only for internal administration or administrative decisions of the agency.

General Government Cabinet: Board of Chiropractic Examiners

201 KAR 21:041 (Licensing; standards, fees.) This administrative regulation was amended to comply with the drafting requirements of KRS Chapter 13A; to specify fees; and to incorporate required forms.

201 KAR 21:085 (Preceptorship program.) This administrative regulation was amended to comply with the drafting requirements of KRS Chapter 13A; to delete language that would have denied copies of certain reports to the Board and to the student concerned; and to delete language relating to the removal of students from the program that was considered too broad and vague.

201 KAR 21:090 (Recommended course work for two (2) year prechiropractic education.) This administrative regulation was amended to clarify that the Board has the authority to establish the prechiropractic course of education. Any other interpretation would result in an unresolvable conflict and violate the authority granted the board under KRS 312.019.

Education and Humanities Cabinet: Department of Education: State Board for Elementary and Secondary Education: Office of Local Services: Buildings and Grounds

The following three regulations were amended to correct comply with the drafting procedures in KRS Chapter 13A. In each regulation, the first sentence was amended to delete "Any provisions of 702 KAR 1:010 to the contrary notwithstanding" and insert in lieu thereof the language "For construction needs approved following the effective date of this regulation, the following shall apply:".

702 KAR 4:110 (Program space; space allocation.)

702 KAR 4:120 (Square foot costs and maximum budget.)

702 KAR 4:130 (Increase in financial budget.) This regulation was also amended in Section 1(2) to clarify that any request which exceeds 10 percent of the maximum budget shall "require approval" rather than "be approved by" the State Board for Elementary and Secondary Education.

Public Protection and Regulation Cabinet: Department of Housing, Buildings and Construction: Boilers and Pressure Vessels

815 KAR 15:020 (Administrative procedures; requirements.) This regulation was amended to meet the objections of the quadrennial review which questioned the language requiring two inspections per year and also asked that the term "accident" be defined more specifically.

Mobile Homes and Recreational Vehicles

815 KAR 25:010 (Mobile homes.) This regulation was amended to correct a typographical error and to comply with KRS Chapter 13A drafting procedure concerning the effective date of the provisions of the regulation.

Cabinet for Human Resources: Department for Social Services: Day Care

905 KAR 2:070 (Standards for the certification of small family day care homes.) This administrative regulation was amended to comply with the drafting requirements of KRS Chapter 13A, to delete the requirement for liability insurance, and to insert language providing more detailed requirements for compliance.

Department of Medicaid Services: Medicaid Services

907 KAR 1:054 (Primary care center services.) This administrative regulation was amended to

clarify that orthodontia services are not covered.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

General Government Cabinet: Board of Pharmacy
201 KAR 2:131 (Repeal of 201 KAR 2:130.)
Board of Barbering
201 KAR 14:051 (Supervision of apprentice licensees.)
Board of Chiropractic Examiners
201 KAR 21:070 (Licensing examination requirements.)
201 KAR 21:080 (Seventy-two (72) hour right of rescission.)

Tourism Cabinet: Department of Fish and Wildlife Resources: Fish
301 KAR 1:130 (Live bait for personal use.)

Corrections Cabinet: Office of the Secretary
501 KAR 6:020 (Corrections policies and procedures.)
501 KAR 6:030 (Kentucky State Reformatory.)
501 KAR 6:040 (Kentucky State Penitentiary.)

Education and Humanities Cabinet: Department of Education: State Board for Elementary and Secondary Education: Office of Local Services: Buildings and Grounds
702 KAR 4:050 (Building sites; inspection, approval.)

Department of Housing, Buildings and Construction: Boilers and Pressure Vessels
815 KAR 15:010 (Definitions.)
815 KAR 15:030 (General requirements.)
815 KAR 15:040 (Power boiler requirements.)
Plumbing
815 KAR 20:090 (Soil, waste and vent systems.)

Department of Medicaid Services: Medicaid Services
907 KAR 1:432 (Incorporation by reference of the home and community based waiver services manual.)

The Subcommittee deferred the following regulation at the request of the promulgating administrative body:

General Government Cabinet: Board of Chiropractic Examiners
201 KAR 21:075 (Peer review procedures and fees.) This administrative regulation was amended to comply with the drafting requirements of KRS Chapter 13A; to delete language improperly delegating the board's authority to the Peer Review Committee; and to clarify that only the cost of reproduction may be charged for copies of specified material. Representative Kerr questioned the fee charged the consumer in Section 2(5) for peer review. He stated that the agency may not have the authority to charge such a fee; the charge could prevent consumers from requesting the review; and that it may be necessary to amend the statute before this fee could be charged. Agency personnel suggested that the regulation could be amended to provide for a payment of the fee by the losing party. This did not convince Representative Kerr that the fee should still be charged. Agency personnel agreed to defer this regulation and to meet with Subcommittee staff.

Education and Humanities Cabinet: Department of Education: State Board for Elementary and Secondary Education: Office of Instruction: Teacher Certification
704 KAR 20:550 (Professional school certificate for college faculty.)

Labor Cabinet: Department of Workers' Claims: Workers' Compensation Board
803 KAR 25:090 (Workers' compensation medical fee schedule.
803 KAR 25:100 (Procedures for workers' compensation rehabilitation.

Public PRotection and Regulation Cabinet: Department of Financial Institutions: Division of Securities: Securities
808 KAR 10:210 (Registration exemptions - Federal Regulation D.) Chairman O'Brien stated that there appeared to be some confusion on the part of agency personnel as to the specific requirements of KRS Chapter 13A. He informed the Subcommittee that he would send a letter advising agency personnel of the proper method to follow to insure compliance with KRS Chapter 13A.

Department of Housing, Buildings and Construction: Boilers and Pressure Vessels
815 KAR 15:085 (Change of boiler contractor license holders.) This regulation was deferred after a lengthy discussion revealed that there was no consensus as to the acceptable way to deal with licensing. Staff was directed to meet with the agency representative and work out a proposal.

The Subcommittee had no objections to emergency regulations which had been filed.

OTHER BUSINESS:

General Government Cabinet: Board of Hairdressers and Cosmetologists
In reviewing the Board of Hairdressers and Cosmetologists' regulations a major problem was identified in that the regulations have been signed by the Administrator, and not by the Chairperson of the board, which does not conform to KRS Chapters 13A and 317A. The Administrative Regulation Review Subcommittee advised Carroll Roberts, Administrator of the Board, that the board should refile all of its regulations and those regulations should be signed by the Chairperson instead of the Administrator. Staff was also directed to inform the Board of this action.

The Subcommittee adjourned at 10:30 a.m. until September 3, 1989 at 10 a.m.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(9), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

INTERIM JOINT COMMITTEE ON CITIES
Meeting of July 26, 1989

The Interim Joint Committee on Cities met on July 26, 1989, and submits this report:

The Committee determined that the following regulation complied with KRS Chapter 13A:
815 KAR 20:020 (New Parts or Materials used under State Plumbing Code.)

The Committee took no action on the following regulation:
815 KAR 30:050 (Fireworks.)

The Committee decided to let stand the objection of the Administrative Regulation Review Subcommittee.

INTERIM JOINT COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES
Meeting of July 26, 1989

The Interim Joint Committee on Agriculture and Natural Resources met Wednesday, July 26, 1989, and submits this report:

The committee determined that the following administrative regulations comply with KRS Chapter 13A: Department of Fish and Wildlife Resources, 301 KAR 2:111 and 301 KAR 2:210.

The committee adjourned at 10:20 a.m., July 26, 1989.

INTERIM JOINT COMMITTEE ON COUNTIES AND SPECIAL DISTRICTS
Meeting of July 26, 1989

At its meeting on Thursday, July 27th, the Interim Joint Committee on Counties and Special Districts reviewed 109 KAR 5:010, and found that it complied with KRS Chapter 13A.

INTERIM JOINT COMMITTEE ON JUDICIARY
Meeting of July 26, 1989

The Interim Joint Committee on Judiciary met on Wednesday, July 26, 1989, and submits this report:

The Interim Joint Committee on Judiciary determined that the following regulations complied with KRS Chapter 13A:
501 KAR 1:030 (Kentucky Parole Board)
501 KAR 6:030 (Kentucky State Reformatory)
501 KAR 6:040 (Kent6ucky State Penitentiary)
501 KAR 6:050 (Luther Luckett Correctional Complex)
501 KAR 6:120 (Blackburn Correctional Complex)
501 KAR 6:130 (Western Kentucky Farm Center)

INTERIM JOINT COMMITTEE ON TRANSPORTATION
Meeting of August 1, 1989

The Interim Joint Committee on Transportation met on Tuesday, August 1, 1989, and submits this report:

The Committee determined that the following administrative regulation complied with KRS Chapter 13A:
601 KAR 1:005 (Safety regulations.) These changes were made to remain in compliance with federal standards.

The Committee adjourned at 2:25 p.m.

INTERIM JOINT COMMITTEE ON BUSINESS ORGANIZATIONS AND PROFESSIONS
Meeting of August 3, 1989

The Interim Joint Committee on Business Organizations and Professions met on Thursday, August 3, 1989, and submits this report:

The Committee determined that the following administrative regulations, as amended, complied with KRS Chapter 13A:
810 KAR 1:013 (Kentucky State Racing Commission) The amendment replaced Section 6(5) with the following language: "(5) In stakes races with added money of $100,000 or more, permission may be granted by the commission to uncouple mutuel entries of horses sharing common ties through training, which are owned by different owners."

CUMULATIVE SUPPLEMENT

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LOCATOR INDEX -- EFFECTIVE DATES

NOTE: Emergency regulations expire 90 days from publication or upon replacement or repeal.

VOLUME 15

Emergency Regulation	15 Ky.R. Page No.	Effective Date
101 KAR 3:040E	2210	4-5-89
Replaced		6-14-89
108 KAR 1:010E	2373	5-3-89
Replaced	2415	7-12-89
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