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**Administrative Register of Kentucky**

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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.


Volume 16, Number 3 - September 1, 1989
EFFECTIVE: August 14, 1989
NECESSITY AND FUNCTION: KRS Chapter 350 in 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. Such permit 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 SMCRCA; 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 666a, as reenacted by 90 CH 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),
405 KAR 8:040, Section 23(1)(a), and
any 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 a 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 and 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 advertisement placed by the applicant under 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 to 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.

(a) The cabinet shall review the application for permit, revision, amendment, or denial; 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 incomplete 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 the permit be denied. A determination that an 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 applicant 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 of 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, any 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 terminate 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, or the operator 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 application, 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 KRS 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 will 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 cause physical damage to, a dwelling house, public building, school, church, dairy, 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

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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. Except as provided 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
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.

b. 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 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.

(2) 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.

(3) The cabinet shall issue written
notice 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.
The 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.

(4) 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.

(5) 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.

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.

(c) 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.

(i) 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.

(2) 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 12(2) of this regulation and the time frame for review in Section 16(1)(a) of this regulation shall begin at the time of application submittal.

(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 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 in 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 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 relocation 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;
   b. The diversions have previously been designed to the standards for permanent diversions.

8. Proposals for the 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 plan: 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 proposed rate of application inconsistent with the different type of mulch proposed.

12. Proposals to retain small depressions in
the reclaimed area.
13. Proposals to increase frequency of air
blow 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 not more than one (1) acre
covered 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.
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 pasturage 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
draining containing concentrations of total iron
over 500 mg/L (ppm) 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 least, 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.

(4) 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.

(5) 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.

(6) 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, and in accordance with the requirements of this regulation, shall continue in effect for the proposed period of renewal, as well as any additional period required by the cabinet pursuant to 405 KAR 10:020; and

(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 period required by the cabinet pursuant to 405 KAR 10:020; and
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 formal or informal conference held in connection with 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, and forms prescribed 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 current 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. Filing the permit application, 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 350.138(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 successor 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 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 the time limits specified in KRS Chapter 350 or 405 KAR Chapters 7 through 24.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary

Volume 16, Number 3 - September 1, 1989
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 for Elementary and Secondary [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 twenty-five (25) [twenty (20)] 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  

NEECESSITY 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 5:088, 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 [appropiate] 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.]

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  

Volume 16, Number 3 - September 1, 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 on 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 the 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 degenerative 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 and 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 (Snellen) 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 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 30 decibels in either ear, or if the 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 driver's record.
(a) Vehicle knowledge test
(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 [1995-96] 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 (0.5) hour;
(i) Extracurricular trips - five-tenths (0.5) hours 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 pursuant to 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, education, and
instruction - two (2) hours; and
(d) Driver review II, education, and
instruction - two (2) hours.
(3) Driver 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 3, 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's 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 driver training one 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)(b) and (1) 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 shall complete fourteen (14) hours as set forth in Section 8(1)(a) through (j) and (2)(a) and (b) of this section, 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 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 would be 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 firearm 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. POQUE, 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
ELECTION 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 3, 1989
NEECESSITY 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 potential 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; 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, grandparents or spouse's grandparents; requirements to appear in court; military assignments; and other compelling circumstances making it unsafe or impractical 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 period 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 1989-90 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), (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, admit 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 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), [i.e., 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

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each application shall [will] 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 [will] 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.

(a) 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 has 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 documentation 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 regulation.

(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 average family
income level. The below median income
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
borrower's 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 in arrears by installments, 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 to 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
monies pledged to repay the authority's loan 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 agreement 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 applicant 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 reexamination will not 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 postgraduate 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 the individual is associated or the educational background and other relevant qualifications;
   (f) 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, licensees 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.

(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.

(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
FILED WITH LRC: June 15, 1989 at 11 a.m.

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 services 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.

(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 payer 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 to the 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 payer.

(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 an 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
FILED WITH LRC: June 15, 1989 at 11 a.m.

GENERAL GOVERNMENT CABINET
Board of Chiropractic Examiners
(As Amended)

201 KAR 21:085. Preceptorship program.

RELATES TO: KRS 312.019(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.]

(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 reputation 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...]

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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.] 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
premiums 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
FILED WITH LAC: June 15, 1989 at 11 a.m.

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
[Recommendation]. 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
APPROVED BY AGENCY: December 1, 1988
FILED WITH LRC: June 15, 1989 at 11 a.m.

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:

<table>
<thead>
<tr>
<th>Building Efficiency</th>
<th>Space %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementaries and Support Buildings</td>
<td>74</td>
</tr>
<tr>
<td>Middle and Junior High</td>
<td>71</td>
</tr>
<tr>
<td>High School</td>
<td>68</td>
</tr>
</tbody>
</table>

SQUARE FOOT ALLOCATION (SFA) EQUATION FOR NEW CONSTRUCTION

SFA = Sum of Programmed Spaces X 100

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

SFA = 10 (625) + 1200 X 100

71

SFA = 10,493 Square Feet)

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: March 9, 1989
FILED WITH LRC: June 15, 1989 at 10 a.m.

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:

\[
MB = SFA \times \$65
\]

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

HENRY E. POUGE, IV, Chairman
APPROVED BY AGENCY: March 9, 1989
FILED WITH LRC: June 15, 1989 at 10 a.m.

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 4:110 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 movable 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, 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, and additional space, and high cost of the 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. POUGE, IV, Chairman
APPROVED BY AGENCY: March 9, 1989
FILED WITH LRC: June 15, 1989 at 10 a.m.
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 horse shall not be qualified to start in any race unless it 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 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 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 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 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 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) If [On the 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 horse shall not [may] be entered in two (2) races to be run on the same day.

(7) A 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 not done the requisite workout, but through no fault of the trainer, such horse may 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 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 entry in 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 any suspended jockey.

Section 6. [5.] Mutual Entries. (1) [All] Horses entered in the same race and trained by the same trainer shall be joined as a mutual 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 mutual 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 mutual 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 mutual 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 mutual 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 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 disqualified 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 [must] 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 then 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 thereof 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 compiled 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. All tracks measuring less than a mile in circumference, no more than 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 run. In order to give the racing secretary time to make 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 thereof were made, and in the absence of specific prohibition of such conditions.

(a) Horses originally entered as a mutual 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.

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(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 determined 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 [excceeded] 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 [that], 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) Any [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, any [any] horse on an also-eligible list that [and, while also has been drawn into the race], a starter for the succeeding day, shall not be 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 races after [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 [Withdrawals] of 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:

(a) Except as provided in paragraph (b) of this subsection, a horse may be scratched from a 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 filed, [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 more than eight (8) betting interests in any excessive 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 entries of owners or trainers wish to scratch their horses.

(4) Entry of any [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 the [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 advise 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 form of 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 on 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 manufacturer's 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

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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 "1," the remainder of the state serial number assigned. Stamping shall 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 by the inspector of applicable ASME Boiler and Pressure Vessel Code 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 I, 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 stress 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 desires, 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 inspected 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 accordance 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 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 5:010, 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 photograph 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 vessels 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 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 defective], 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 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 or some other secure place in the building.

(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 inspector shall be stopted 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 not 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 with fittings and appliances not in use in this Commonwealth are not 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 repairs; 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, including 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 installed 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) 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:

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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 501(b) and the HUD Act shall apply.

(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 Licensing Board defined in KRS 227.550(1).

(5) "Certificate of acceptability" means the certificate provided to the manufacturer by the certification testing board showing 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 mobile homes which are brought into Kentucky and repair them, if necessary, in accordance with KRS 227.550(8) before placing a "B" seal upon them.

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

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

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

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

(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(13).

(14) "Mobile "manufactured housing" as defined by KRS 227.550(14).

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

(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, 1 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 no be subject to "B" seal requirements because it is not to be sold or used for habitation 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. 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.

(3) 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. 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 in which the functional use of the 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.]  

[(10) 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.]  

[(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, 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.]  

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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 manufactured mobile homes. The Act 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; []
(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 "B" seal may be removed and 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 (d) 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
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 owner 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.
   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 the applicant does not conform with these regulations, the applicant shall be notified in writing by the office within ten (10) working days of the date received. If 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 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
submittal and shall be 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 recognized 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 act 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 the facts, describing the
alleged violation, and instructing the holder 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 any 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
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.
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.
(15) 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 or 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 $300. 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 establishment 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, made, 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 227.900. 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 clothes 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, 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 twelve (12) month periods 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;]

[[l] 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 sum 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, $200,000 [$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 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) [Must] 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; or, 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 the same. The office, dealer or manufacturer shall not remove the noncompliance "red tag" until the 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

<table>
<thead>
<tr>
<th>Name of Manufacturer</th>
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<tr>
<td>Mailing Address</td>
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<td>County</td>
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<td>City</td>
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<td>State</td>
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<tr>
<td>Zip Code</td>
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I hereby certify that the mobile homes as described hereon have been constructed in compliance with NFPA 501 B.

<table>
<thead>
<tr>
<th>No.</th>
<th>Serial #</th>
<th>Seal #</th>
<th>Mfg.</th>
<th>Model</th>
<th>Size</th>
<th>Dealer</th>
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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.

<table>
<thead>
<tr>
<th>Date</th>
<th>Person Authorized to Certify These Units</th>
</tr>
</thead>
</table>

APPENDIX B

STATE FIRE MARSHAL
MANUFACTURED HOUSING
U.S. 127 SOUTH
FRANKFORT, KENTUCKY 40601

<table>
<thead>
<tr>
<th>Name of Dealer</th>
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</thead>
<tbody>
<tr>
<td>Mailing Address</td>
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<tr>
<td>County</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td>State</td>
</tr>
<tr>
<td>Zip Code</td>
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</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>HUD LABEL #</th>
<th>KY Date</th>
<th>Purchaser</th>
</tr>
</thead>
<tbody>
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</table>

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 (three) 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.

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(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 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 provides 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 notification. 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 commissioner'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 they, 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 cabinet shall [must] 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. They 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 [7] 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.

(l) Outdoor stationary play equipment shall be securely anchored.

(m) Any swimming or wading pools [(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.

(n) 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)(1); 401 KAR 6:310. Water well construction practices and standards; and 401 KAR 5:028. 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. [bathrooms(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.

15. The linens shall be changed at least weekly or whenever they become soiled or wet.


(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 parents [(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.

(e) 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.

(j) 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, and 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, medical 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 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;
3. [3] Optometrist [a]
4. 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:
5. [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;
6. [2] Home health services. These services shall [must] include the same services as provided under the home health element of the Medical Assistance Program;
7. [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;
8. [4] Pharmacy services. These services shall [must] meet the standards of pharmacy component of the Medical Assistance Program [a]. 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.
9. [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 [a]
10. [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 [a]
(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. Diphtheria 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

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 biologics 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 counseling and 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. Dental 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:
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:

<table>
<thead>
<tr>
<th>TITLE CODE</th>
<th>JOB CLASSIFICATION</th>
<th>LENGTH OF INITIAL PROBATIONARY PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>Fish and Wildlife Law Enforcement Officer Trainee</td>
<td>12 months</td>
</tr>
<tr>
<td>2112</td>
<td>DES Duty Officer</td>
<td>12 months</td>
</tr>
<tr>
<td>2113</td>
<td>DES Duty Officer Senior</td>
<td>12 months</td>
</tr>
<tr>
<td>2408</td>
<td>MVE Trainee</td>
<td>12 months</td>
</tr>
<tr>
<td>2410</td>
<td>MVE Officer Trainee</td>
<td>12 months</td>
</tr>
<tr>
<td>2435</td>
<td>MVE Inspector Trainee</td>
<td>12 months</td>
</tr>
<tr>
<td>2460</td>
<td>Water Patrol Officer Second Class</td>
<td>12 months</td>
</tr>
<tr>
<td>2481</td>
<td>Water Patrol Officer First Class</td>
<td>12 months</td>
</tr>
<tr>
<td>3416</td>
<td>Financial Institution Examiner Trainee</td>
<td>12 months</td>
</tr>
<tr>
<td>5105</td>
<td>Vocational Education Instructor</td>
<td>12 months</td>
</tr>
<tr>
<td>5108</td>
<td>Industrial and Trade Instructor</td>
<td>12 months</td>
</tr>
<tr>
<td>5110</td>
<td>MSHA Instructor</td>
<td>12 months</td>
</tr>
<tr>
<td>5126</td>
<td>Teacher of Blind and/or Visually Impaired Rank III</td>
<td>12 months</td>
</tr>
<tr>
<td>5127</td>
<td>Teacher of Blind and/or Visually Impaired Rank II</td>
<td>12 months</td>
</tr>
<tr>
<td>5128</td>
<td>Teacher of Blind and/or Visually Impaired Rank I</td>
<td>12 months</td>
</tr>
<tr>
<td>5131</td>
<td>Teacher of Deaf and/or Hearing Impaired Rank III</td>
<td>12 months</td>
</tr>
<tr>
<td>5132</td>
<td>Teacher of Deaf and/or Hearing Impaired Rank II</td>
<td>12 months</td>
</tr>
<tr>
<td>5133</td>
<td>Teacher of Deaf and/or Hearing Impaired Rank I</td>
<td>12 months</td>
</tr>
<tr>
<td>5141</td>
<td>Education Teacher Rank III</td>
<td>12 months</td>
</tr>
<tr>
<td>5142</td>
<td>Education Teacher Rank II</td>
<td>12 months</td>
</tr>
<tr>
<td>5143</td>
<td>Education Teacher Rank I</td>
<td>12 months</td>
</tr>
<tr>
<td>7203</td>
<td>Forest Guard</td>
<td>12 months</td>
</tr>
<tr>
<td>7205</td>
<td>Forest Ranger</td>
<td>12 months</td>
</tr>
<tr>
<td>7207</td>
<td>Forest Ranger Unit</td>
<td>12 months</td>
</tr>
<tr>
<td>7209</td>
<td>Forest Ranger District</td>
<td>12 months</td>
</tr>
<tr>
<td>7213</td>
<td>Forestry District Equipment Supervisor</td>
<td>12 months</td>
</tr>
</tbody>
</table>

(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 Matterick, 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.
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)


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 employees in such records. This amendment adds the word diskettes to the definition of "public record" in accordance with


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, disks, 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 copy; 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 approximated cost of 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 committed in the course of investigating 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 the name and address of the applicant 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

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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

Agency

(Name of State Administrative
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 bring a 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 a 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 [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, or reprobate 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 recur 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 recur 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
(4) Assessment of anticipated effect on state and local revenues: Minimal
(3) 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, 150.100, 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 [may] 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 Serrasalmidae – piranha, piraya, pirae, or tiger characins [caribe, or tiger fish].
(2) Astyanax ficiatus mexicanus – Mexican banded tetra, Mexican minnow or Mexican tetra.
(3) Petromyzon marinus – sea lamprey.
(4) Genus Clarias – walking catfish.
(5) Genus Ophichapus 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. Pfieffer, 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 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 X No

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 lists 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.

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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 phosphoric 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 30:000, 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) Dispensed 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 or placed on 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; or
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...
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>
<thead>
<tr>
<th>Use constituting disposal</th>
<th>Energy recovery/fuel</th>
<th>Reclamation</th>
<th>Speculative accumulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>401 KAR 31:010 Section 2(3)(a)</td>
<td>401 KAR 31:010 Section 2(3)(b)</td>
<td>401 KAR 31:010 Section 2(3)(c)</td>
<td>401 KAR 31:010 Section 2(3)(d)</td>
</tr>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
</tr>
<tr>
<td>Spent materials</td>
<td>(waste)</td>
<td>(waste)</td>
<td>(waste)</td>
</tr>
<tr>
<td>Sludges (listed in Sections 2 or 3 of 401 KAR 31:040)</td>
<td>(waste)</td>
<td>(waste)</td>
<td>(waste)</td>
</tr>
<tr>
<td>Sludges exhibiting a characteristic of hazardous waste</td>
<td>(waste)</td>
<td>(waste)</td>
<td>-</td>
</tr>
<tr>
<td>By-products (listed in Sections 2 or 3 of 401 KAR 31:040)</td>
<td>(waste)</td>
<td>(waste)</td>
<td>(waste)</td>
</tr>
<tr>
<td>By-products exhibiting a characteristic of hazardous waste</td>
<td>(waste)</td>
<td>(waste)</td>
<td>-</td>
</tr>
<tr>
<td>Commercial chemical products listed in Section 4 of 401 KAR 31:040</td>
<td>(waste)</td>
<td>(waste)</td>
<td>-</td>
</tr>
<tr>
<td>Scrap metal</td>
<td>(waste)</td>
<td>(waste)</td>
<td>(waste)</td>
</tr>
</tbody>
</table>

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

![Decision Tree Diagram]

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(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 dibenzo-furan and chlorinated phenols)

The cabinet shall [will] use the following criteria to add wastes to the list in paragraph (a) of this subsection:

1. The materials are ordinarily disposed of, burned, or incinerated; or
2. 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
3. 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 reclassified; 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 reclassified. 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 reuse, return, or return to the original process (described in paragraph (a) 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

(c) 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. 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 31:70.
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 twenty-five (25) parts 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, pentane, 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 transferring of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment; minor leaks 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

3. 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 shall [will] remain a hazardous waste.

(b) 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 wastes listed 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 13(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 13(3) of this regulation.

(g) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in Section 13(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, business, raw milk stations, crew quarters, campgrounds, picnic grounds, and dwelling grazing 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 fly ash 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.

(f1). 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 shearing.

   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 shearing.

   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 shearing.

   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 shearing.

   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; retan/wet finish; no beam house; 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.

   i. 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 ferrochromium/silicon production.

6. Emission control dust or sludge from ferrochromium production.

7. Cement kiln dust waste.

8. Waste which consists of discarded wood or wood products which fails the test for the characteristic of EP toxicity and which is not 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.

9. 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 selected 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 for 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 date of the sample;
      (iv) 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 and 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 224.953(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 and 7 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;
   (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 224.885 and 224.864 through 224.877:
   (a) A total of one (1) kilogram of acutely hazardous waste 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 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 261;
      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 36:050. 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 achieving for the shipment, shall [will] 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. In accordance with 401 KAR 32:050, 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 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 such 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;
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 224.864(3) except as provided in subsection (3) 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 for 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 amount of accumulated 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 serves 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.

If the applicant is using 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 26, 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.

2. 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.
   4. Reporting and paperwork requirements: The proposed amendments to this regulation do not impose any reporting or paperwork requirements on the regulated community.

3. 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.

4. Assessment of anticipated effect on state and local revenues:
   a) Direct and indirect costs or savings:
      1. First year: There will be no effect on state or local revenues from promulgation of this regulation.
   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.

5. 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".
   b) 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.

6. 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.

7. Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication;
   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.

8. Any additional information or comments:
   a) Federal statute or regulation constituting the federal mandate: The proposed amendment to

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 identical.

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:

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<thead>
<tr>
<th>Hazard Code</th>
<th>Class or Type of Waste</th>
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<tbody>
<tr>
<td>(I)</td>
<td>Ignitable waste</td>
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<tr>
<td>(C)</td>
<td>Corrosive waste</td>
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<td>(R)</td>
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<tr>
<td>(M)</td>
<td>Acute hazardous waste</td>
</tr>
<tr>
<td>(T)</td>
<td>Toxic waste</td>
</tr>
</tbody>
</table>

401 KAR 31:160 identifies the constituent which caused the cabinet to list the waste as an EP 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:


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.

F002 The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 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 spent solvents and spent solvent mixtures.
F003 The following spent nonhalogenated solvents: xylenes, 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.

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.

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.

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/striping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

F007 Spent cyanide plating bath solutions from electroplating operations.

F008 Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

F009 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

F010 Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.

F011 Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

F012 Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.

F019 Wastewater treatment sludges from the chemical conversion coating of aluminum.

F020 Wastes (except wastewater and spent carbon from hydroxide chloride purification) from the production or manufacturing use of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives.

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 tri- or tetrachlorophenol.

F022 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.

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.)

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.)
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.

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.)

F028 Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027.

* (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:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Wood Preservation:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote [and/or] pentachlorophenol.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>Inorganic Pigments:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K003 Wastewater treatment sludge from the production of molybdate orange pigments.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K004 Wastewater treatment sludge from the production of zinc yellow pigments.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K005 Wastewater treatment sludge from the production of chrome green pigments.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K006 Wastewater treatment sludge from the production of chrome oxide green pigments (anhdyrous and hydrated).</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K007 Wastewater treatment sludge from the production of iron blue pigments.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K008 Oven residue from the production chrome oxide green pigments.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>Organic Chemicals:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>K009 Distillation bottoms from the production of acetaldehyde from ethylene.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K010 Distillation side cuts from the production of acetaldehyde from ethylene.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K011 Bottom stream from the wastewater stripper in the production of acrylonitrile.</td>
<td>(R,T)</td>
<td></td>
</tr>
<tr>
<td>K013 Bottom stream from the acetonitrile column in the production of acrylonitrile.</td>
<td>(R,T)</td>
<td></td>
</tr>
<tr>
<td>K014 Bottoms from the acetonitrile purification column in the production of acrylonitrile.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K015 Still bottoms from the distillation of benzyl chloride.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K016 Heavy ends or distillation residues from the production of carbon tetrachloride.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K017 Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K018 Heavy ends from the fractionation column in ethyl chloride production.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K019 Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K020 Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K021 Aqueous spent antimony catalyst waste from fluoromethanes production.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K022 Distillation bottom tars from the production of phenol/acetone from cumene.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K023 Distillation light ends from the production of phthalic anhydride from naphthalene.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K024 Distillation bottoms from the production of phthalic anhydride from naphthalene.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K025 Distillation light ends from the production of phthalic anhydride from orthoxylene.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K026 Distillation bottoms from the production of phthalic anhydride from ortho-xylene.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K027 Centrifuge and distillation residues from toluene diisocyanate production.</td>
<td>(R,T)</td>
<td></td>
</tr>
<tr>
<td>K028 Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K029 Waste from the product steam stripper in the production of 1,1,1-trichloroethane.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K030 Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K031 Distillation bottoms from aniline production.</td>
<td>(T)</td>
<td></td>
</tr>
<tr>
<td>K032 Process residues from aniline extraction from the production of aniline.</td>
<td>(T)</td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>K104</td>
<td>Combined wastewater streams generated from nitrobenzene/ aniline production.</td>
</tr>
<tr>
<td>K085</td>
<td>Distillation or fractionation column bottoms from the production of chlorobenzene.</td>
</tr>
<tr>
<td>K105</td>
<td>Separated aqueous stream from the reactor product washing step in the production of chlorobenzene.</td>
</tr>
<tr>
<td>K111</td>
<td>Product wash waters from the production of dinitrotoluene via nitration of toluene.</td>
</tr>
<tr>
<td>K112</td>
<td>Reaction byproduct water from the drying column in the production of tolune diamine via hydrogenation of dinitrotoluene.</td>
</tr>
<tr>
<td>K113</td>
<td>Condensed liquid light ends from the purification of tolune diamine in the production of dinitrotoluene via hydrogenation of dinitrotoluene.</td>
</tr>
<tr>
<td>K114</td>
<td>Vicinals from the purification of tolune diamine in the production of toluene via hydrogenation of dinitrotoluene.</td>
</tr>
<tr>
<td>K115</td>
<td>Heavy ends from the purification of tolune diamine in the production of toluene diamine via hydrogenation of dinitrotoluene.</td>
</tr>
<tr>
<td>K116</td>
<td>Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of tolune diamine.</td>
</tr>
<tr>
<td>K117</td>
<td>Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.</td>
</tr>
<tr>
<td>K118</td>
<td>Spent adsorbtion solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.</td>
</tr>
<tr>
<td>K136</td>
<td>Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.</td>
</tr>
</tbody>
</table>

**Inorganic Chemicals:**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>K071</td>
<td>Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.</td>
</tr>
<tr>
<td>K073</td>
<td>Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.</td>
</tr>
<tr>
<td>K106</td>
<td>Wastewater treatment sludge from the mercury cell process in chlorine production.</td>
</tr>
</tbody>
</table>

**Explosives:**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>K044</td>
<td>Wastewater treatment sludge from the manufacturing and processing of explosives.</td>
</tr>
<tr>
<td>K045</td>
<td>Spent carbon from the treatment of wastewater containing explosives.</td>
</tr>
<tr>
<td>K046</td>
<td>Wastewater treatment sludge from the manufacturing, formulation and loading of lead-based initiating compounds.</td>
</tr>
<tr>
<td>K047</td>
<td>Pink/red water from the formulation of ethylenebisdithiocarbamic acid and its salts.</td>
</tr>
</tbody>
</table>

**Pesticides:**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>K031</td>
<td>By-product salts generated in the production of MSNA and cacodylic acid.</td>
</tr>
<tr>
<td>K032</td>
<td>Wastewater treatment sludge from the production of chlorodane.</td>
</tr>
<tr>
<td>K033</td>
<td>Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlorodane.</td>
</tr>
</tbody>
</table>

**Petroleum Refining:**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>K048</td>
<td>Dissolved air flotation (DAF) float from the petroleum refining industry.</td>
</tr>
<tr>
<td>K049</td>
<td>Slop oil emulsion solids from the petroleum refining industry.</td>
</tr>
<tr>
<td>K050</td>
<td>Heat exchanger bundle cleaning sludge from the petroleum refining industry.</td>
</tr>
<tr>
<td>K051</td>
<td>API separator sludge from the petroleum refining industry.</td>
</tr>
</tbody>
</table>
K052 Tank bottoms (leaded) from the petroleum refining industry.

Iron and Steel:
K061 Emission control dust/sludge from the primary production of steel in electric furnaces.
K062 Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

Primary Copper:
K064 Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production.

Primary Lead:
K065 Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.

Primary Zinc:
K066 Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production.

Primary Aluminum:
K068 Spent potliners from primary aluminum reduction.

Ferroalloys:
K090 Emission control dust or sludge from ferrochromium/silicon production.

Secondary Lead:
K069 Emission control dust/sludge from secondary lead smelting.
K100 Waste leaching solution from acid leaching of emission control dust/ slag from secondary lead smelting.

Veterinary Pharmaceuticals:
K084 Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organoarsenic compounds.

K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organoarsenic compounds.

K102 Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organoarsenic compounds.

Ink Formulation:
K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tanks and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Coking:
K060 Ammonia still lime sludge from coking operations.
K087 Decanter tank tar sludge from coking operations.

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) 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 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 container is empty as defined in Section 7(2)(c) of 401 KAR 31:010, or any 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 cleaned 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...
<table>
<thead>
<tr>
<th>Hazardous Substance</th>
<th>Chemical Abstracts No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acetaldehyde, chloro-</td>
<td>107-20-0</td>
</tr>
<tr>
<td>Acetamid, N-(Amino-thio-methyl)-</td>
<td>591-08-2</td>
</tr>
<tr>
<td>Acetamide, 2-fluoro-</td>
<td>640-19-7</td>
</tr>
<tr>
<td>Acetic acid, fluoro-, sodium salt</td>
<td>62-74-8</td>
</tr>
<tr>
<td>Acetimidic acid, N-([methylcarbamoyl]oxo-thio-, methyl ester)</td>
<td>16752-77-5</td>
</tr>
<tr>
<td>3-(alpha-acetonyl-benzyl)-4-hydroxycoumarin and salts, when present at concentrations greater than 0.3%</td>
<td>81-81-2</td>
</tr>
<tr>
<td>1-acyclo-2-thiourea</td>
<td>591-08-2</td>
</tr>
<tr>
<td>Acrolein</td>
<td>107-02-8</td>
</tr>
<tr>
<td>Aldicarb</td>
<td>116-06-3</td>
</tr>
<tr>
<td>Aldrin</td>
<td>309-00-2</td>
</tr>
<tr>
<td>Allyl alcohol</td>
<td>107-18-6</td>
</tr>
<tr>
<td>Aluminum phosphide (R,T)</td>
<td>20859-73-8</td>
</tr>
<tr>
<td>[aminomethyl]-3-isoxazolol</td>
<td>2763-96-4</td>
</tr>
<tr>
<td>[alpha]-Aminopyidine</td>
<td>504-24-5</td>
</tr>
<tr>
<td>Ammonium picrate (R)</td>
<td>131-74-9</td>
</tr>
<tr>
<td>Ammonium vanadate</td>
<td>7803-55-6</td>
</tr>
<tr>
<td>Argentate (I.e. bis(cyan-(-C)-potassium)</td>
<td>506-61-6</td>
</tr>
<tr>
<td>Arsenic acid H-AsO4</td>
<td>7778-39-4</td>
</tr>
<tr>
<td>Arsenic oxide As2O5</td>
<td>1327-53-3</td>
</tr>
<tr>
<td>Arsenic oxide As2O3</td>
<td>1303-28-2</td>
</tr>
<tr>
<td>Arsenic pentoxide</td>
<td>1303-29-3</td>
</tr>
<tr>
<td>Arsenic trioxide</td>
<td>1327-53-3</td>
</tr>
<tr>
<td>Arsenic, diethyl</td>
<td>692-42-2</td>
</tr>
<tr>
<td>Arsenous dichloride, phenyl-</td>
<td>696-28-6</td>
</tr>
<tr>
<td>Aziridine</td>
<td>151-56-4</td>
</tr>
<tr>
<td>Aziridine, 2-methyl-</td>
<td>75-55-8</td>
</tr>
<tr>
<td>Barium cyanide</td>
<td>542-62-1</td>
</tr>
<tr>
<td>Benzenamine, 4-chloro-</td>
<td>106-47-8</td>
</tr>
<tr>
<td>Benzenamine, 4-nitro-</td>
<td>100-01-6</td>
</tr>
<tr>
<td>Benzenes, (chloromethyl)-</td>
<td>100-44-7</td>
</tr>
<tr>
<td>1,2-Benzenediol, 4-(1-hydroxy-2-(methylaminomethyl)-, (R)</td>
<td>51-43-4</td>
</tr>
<tr>
<td>Benzenethanamine, alpha, alpha-dimethyl-</td>
<td>122-09-9</td>
</tr>
<tr>
<td>Benzenethiol</td>
<td>108-98-5</td>
</tr>
<tr>
<td>2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts when present at concentrations greater than 0.3%</td>
<td>81-81-2</td>
</tr>
<tr>
<td>Benzyl chloride</td>
<td>100-44-7</td>
</tr>
<tr>
<td>Beryllium [dust]</td>
<td>7449-41-7</td>
</tr>
<tr>
<td>Bromobenzene, chloromethyl ether</td>
<td>542-88-1</td>
</tr>
<tr>
<td>Bromoacetone</td>
<td>598-31-2</td>
</tr>
<tr>
<td>Brucine</td>
<td>357-57-3</td>
</tr>
<tr>
<td>2-Butanone, 3,3-dimethyl-(Methylthio)-(0-methylamino-carbonyloxy)-oxime</td>
<td>39196-18-4</td>
</tr>
<tr>
<td>Calcium cyanide</td>
<td>592-01-8</td>
</tr>
<tr>
<td>Copper cyanide Cu(CN)2</td>
<td>544-92-3</td>
</tr>
<tr>
<td>Cyanogen</td>
<td>460-19-5</td>
</tr>
<tr>
<td>Cyanogen chloride</td>
<td>506-77-4</td>
</tr>
<tr>
<td>Cyanogen chloride (CNCl)</td>
<td>506-77-4</td>
</tr>
<tr>
<td>2-Cyclohexyl-4,6-dinitrophenol</td>
<td>131-89-5</td>
</tr>
<tr>
<td>Dichloromethyl ether</td>
<td>542-88-1</td>
</tr>
<tr>
<td>Dichlorophenylarsine</td>
<td>696-28-6</td>
</tr>
<tr>
<td>Dieldrin</td>
<td>60-57-1</td>
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<tr>
<td>Diethylarsine</td>
<td>692-42-2</td>
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<tr>
<td>Diethyl-p-nitrophenyl phosphate</td>
<td>311-45-5</td>
</tr>
<tr>
<td>0,0-diethyl 0-pyrazinyl phosphorothioate</td>
<td>297-97-2</td>
</tr>
<tr>
<td>Diisopropyl fluorophosphates</td>
<td>55-91-4</td>
</tr>
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<td>Diphenyl</td>
<td>1,4,5,8-Dimethanaphthylene-1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (Ialpha, 4alpha, 4beta, 5alpha, 5beta, 8alpha, 8beta, 8betal)-</td>
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<td>Diphenyl</td>
<td>1,4,5,8-Dimethanaphthylene-1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (Ialpha, 4alpha, 4beta, 5beta, 8beta, 8betal)-</td>
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<td>Diphenylethylene</td>
<td>2,7,3,6-Dimethanaphth(2,3-b),oxirene, 3,4,5,6,9,9-hexamethanaphthylene-1a,2a,2a,3a,3a,6a,7a-octahydro-, (Ialapha, 2beta, 2alpha, 3beta, 6beta, 6alpha, 7beta, 7aalpha)-</td>
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<td>Dimethoate</td>
<td>60-51-5</td>
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<td>3,3-Dimethyl-1-(methylythio)-2-butanone, 0-(methylamino)-carbonyloxy)-</td>
<td>39196-18-4</td>
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<td>alpha, alpha-Dimethylthienylamine</td>
<td>122-09-8</td>
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<td>4,6-Dinitro-o-cresol and salts</td>
<td>534-52-1</td>
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<tr>
<td>Dinitrophenol</td>
<td>51-28-5</td>
</tr>
<tr>
<td>Dinoob</td>
<td>88-85-7</td>
</tr>
<tr>
<td>Diphosphoramido, octamethyl-</td>
<td>668-04-7</td>
</tr>
<tr>
<td>Diphosphoric acid, tetraethyl ester</td>
<td>107-49-3</td>
</tr>
<tr>
<td>Ethyl cyanide</td>
<td>107-12-0</td>
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<tr>
<td>Ethylbenzene</td>
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<tr>
<td>Ethylene</td>
<td>52-85-7</td>
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</table>
P056 Fluorine 7782-41-4  P041 Phosphoric acid, diethyl 4 311-45-5
P057 Fluoroacetamide 640-19-7  P039 -nitrophenyl ester
P058 Fluoroacetic acid, sodium salt 62-74-8  P039 Phosphorodithioic acid, 0,0-
P065 Fulminic acid, mercury (2+) 628-86-4  diethyl S-(2-(ethyldithio)ethyl) ester
P059 salt (R,T)  P094 298-04-4
P060 Hexachlorohexahydro-endo,endo-dimethanophaphthalene 76-44-8  P039 Phosphorodithioic acid, 0,0-
P062 Hexaethyl tetrathosphate 757-58-4  diethyl S-(2-(ethyldithio)methyl) ester  P094 298-02-2
P116 Hydrazinocarbethioamide 79-19-6  Phosphorodithioic acid, 0,0-
P068 Hydrazine, methyl 60-34-4  0-dimethyl S-(2(methylamino)-2-oxoethyl) ester  P043 56-38-2
P063 Hydrocyanic acid 74-90-8  Phosphorofluoridic acid, bis (1-methylthio) ester
P066 Hydrogen phosphide 74031-51-2  P089 55-91-4
P064 Isocyanic acid, methyl ester 624-83-9  Phosphorothioic acid, 0,0-
P060 Isodrin 465-73-6  diethyl 0-(4-[p]-nitrophenyl) ester
P007 3(2H)-Isoxazolone, 5-(amino-methyl)- 2763-96-4  P040 297-97-2
P092 Mercury, (acetato-0) phenyl- 62-38-4  Phosphorothioic acid, 0,0-
P065 Mercury fulminate (R,T) 628-86-4  diethyl 0-pyrazinyl ester
P082 Methanamine,N-methyl,N-nitroso- 62-75-0  P097 52-85-7
P064 Methane, isocyanato- 624-83-9  Phosphorothioic acid, 0,0-
P016 Methane, oxybis (chloro- 542-88-1  dimethyl ester  P071 298-00-0
P112 Methane, tetranoitro-(R) 509-14-8  Phosphorothioic acid, 0,0-
P118 Methanethiol, trichloro 75-70-7  (4-((dimethylamino)sulfanyl) phenyl) 0,0-dimethyl ester  P097 52-85-7
P096 N,N,N,N-tetramethylethyleneurea 115-29-7  Phosphorothioic acid, 0,0-
P059 4,7-Methano-1H-indene,1,4,5,6, 76-44-8  0-(4-nitrophenyl) ester
7,8,8-heptachloro-3a,4,7a-tetrahydro-
P066 Methathiol 16752-77-5  P101 Plumbane, tetraethyl- 78-00-2
P067 2-Methylaziridine 75-55-5  P110 45-60-0
P068 Methyl hydrazine 60-34-4  Potassium cyanide 151-50-8
P064 Methyl isocyana- 624-83-9  P098 151-50-8
P069 2-Methylacetonitrile 75-86-5  Potassium cyanide K(CN) 151-50-8
P071 Methyl parathion 298-00-0  P099 506-61-6
P072 alpha-Naphthylthiourea 86-86-4  Propanol, 2-methyl-2-(methy-lthio)-0-(1-methylamino)car-bonyl) oxime
P073 Nickel carbonyl 13463-39-3  P070 116-06-3
P073 Nickel carbonyl Ni(CO)4 13463-39-3  Propanenitrile, 3-chloro- 542-76-7
P069 2-Methylacetonitrile 75-86-5  Propanenitrile, 2-hydroxy- 75-86-5
P074 Nickel Cyanide 557-19-7  1,2,3-Propanetriol, trini-trate-(R) 65-33-0
P074 Nickel cyanide Ni(CN)2 557-19-7  2-Propanone, 1-bromoo- 598-31-2
P075 Nicotine and salts 94-79-6  Propargyl alcohol 173-10-7
P076 Nitric oxide 10102-43-9  2-Propanol 152-03-6
P076 Nitrogen oxide 100-01-6  P076 167-08-7
P076 Nitrogen dioxide 10102-44-0  P006 1,2-Propyleneimine 75-55-8
P078 Nitrogen dioxide NO 10102-43-9  P12 167-08-7
P078 Nitrogen dioxide NO2 10102-44-0  Propion-1-ol 107-18-6
P081 Nitroglycerine (R) 55-63-0  P003 107-18-6
P082 N-Nitrosodimethylamine 62-75-9  P005 107-19-7
P084 N-Nitosomethylamin e 45940-0  1,2-Propynyl-1-ol 57-51-7
P074 Nickel cyanide 557-19-7  4-Pyridineamine 504-24-5
P085 Octamethylpyrophosphoramide 152-16-9  Pyridine, (S)-(S)-(1-methyl-2-'54-11-5
P087 Osmium oxide OsO4, (T=4) 20816-12-0  pyrrolidinyl)-(S)-, and salts Pyrophosphoric acid, tetra-
P087 Osmium tetroxide 20816-12-0  Strontium sulfide 1314-96-1
P087 7-Oxacyclohexene (2,2.1)heptane-2,3-dicarboxylic acid 154-73-2  1314-96-1
P089 Parathion 56-38-2  Strychnin-10-one, and salts 57-24-9
P034 Phenol, 2-cyclohexyl-4, 6-dinitro- 131-89-5  Strychnin-10-one, 2, 3- 57-51-3
P048 Phenol, 2, 4-dinitro 51-28-5  dimethoxy 57-24-9
P047 Phenol, 2-methyl-4,6-dinitro- and salts 534-52-1  Sulfuric acid, dithallium (Ia)[II] salt 7446-18-6
P020 Phenol, 2-(1-methylpropyl)-4, 6-dinitro- 88-85-7  Tetraethylidithiophosphorylphosphatin 3869-24-5
P009 Phenol, 2,4,6-trinitro, ammonium salt (R) 131-74-8  Tetraethyl lead 74-00-2
P092 Phenyldimercaptan 62-38-4  Tetraethylidithiophosphoryl 107-49-3
P093 Phenyliodine 103-85-5  Tetranitromethane (R) 509-14-8
P094 Phorate 298-02-2  Tetraphosphoric acid, hexa-
P095 Phosphene 75-44-5  ethyl ester 757-58-4
P096 Phosphine 7803-51-2  Thallic oxide 1314-32-5
Thallium ([III]) oxide 1314-32-5
Thallium (II) 12039-52-0
Thallium (I) selenite 7446-18-6
Thallium (I) sulfate 10031-59-1

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U186 1-Methylbutadiene (I, T) 504-60-9 See F027
U045 Methyl chloride (I, T) 74-87-3 [U242] Pentachlorophenol 87-86-5
U156 Methyl chlorocarbonate (I, T) 79-22-1 U161 Pentanol, 4-methyl- 108-10-1
U226 Methylchloroform 71-55-6 U186 1,3-Pentadiene (I) 504-60-9
U158 2,4-Dimethyl-3-nitrobenzaldehyde (2-chloro- 101-14-4 Pheno1 95-57-8
U068 Methylene bromide 74-95-3 U039 Phenol,4-chloro-3-methyl- 59-57-0
U080 Methylene chloride 75-09-2 U081 Phenol,2,4-dichloro- 120-83-2
U159 Methyl ethyl ketone (MEK) (I, T) 78-93-3 U082 Phenol,2,6-dichloro- 87-65-0
U160 Methyl ethyl ketone peroxide (I, T) 1338-23-4 U089 Phenol,4,4’-((1,2-dimethyl- 105-67-9
[U136] Methyl iodide 74-88-4 1,2-ethenediy)bis-,(E)- 1,2-dichloro) 56-53-1
U161 Methyl isobutyl ketone (I) 108-10-1 U101 Phenol,2,4-dimethyl- 105-67-9
U162 Methyl methacrylate (I, T) 80-62-6 U052 Phenol, methyl- 1319-77-3
U163 N-Methyl-N’-nitro-N-nitroso- 70-25-7 U132 Phenol,2,4’-dimethylenephenol 70-30-4
soquinoxaline) [U242] Phenol, pentachloro- 87-86-5
U164 4-Methyl-2-pentanone (I) 108-10-1 See F027
U010 Mitomycin C 50-07-7 [U212] Phenol,2,3,4,6-tetrachloro- 58-90-2
U059 5,12-Naphthacenedione, (8S, 20830-81-3 See F027
[UN30] Phenol,2,4,5-trichloro- 95-95[4]-4
[UN31] Phenol,2,4,6-trichloro- 88-06-2
U150 L-phenylalanine, (R)- (bis(2- chloroethyl)amino) 148-82-3
[U137] 1,10-(1,2-phenylene) pyrene 193-39-5
U145 Phosphoric acid, lead (2+) 7446-27-7
[U191] 2-Picoline 109-06-8
U179 Piperidine, 1-nitroso- 100-75-4
[U194] 1-Propanamine, (I, T) 107-10-8
[U111] 1-Propanamine, N-nitroso-N-propyl 621-64-7
[U110] 1-Propanamine, N-propyl- (I) 142-87-4
U066 Propene, 1,2-dibromo-3-chloro- 96-12-8
[U083] Propanediol, 1,2-dichloro- 78-87-5
U149 Propanedinitrilre 109-77-3
U171 Propane, 2-nitro- (I, T) 79-46-9
[U027] Propene,2’-oxybis (2-chloro)- 108-60-1
[U193] 1,3-Propane sultone 1120-71-4
[U235] Propanoic acid, 2-(2,4,5- 93-72-1
[U031] Propanoic acid, 2-(2,4,5- trichlorophenoxy)-
[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-Propanamide 79-06-1
[U084] 1-Propane, 1,3-dichloro- 542-75-6
[U243] 1-Propane, 1,1,1,2,3,3,3- hexachloro 1888-71-7
[U009] 2-Propanenitrile 107-13-1
[U152] 2-Propanenitrile, 2-methyl- 126-98-7
[U113] 2-Propanoic acid, ethyl ester 140-88-5
[U118] 2-Propanoic acid, 2-methyl-, ethyl ester 97-63-2
[U162] 2-Propanoic acid, 2-methyl, 80-62-6[6-2] methyl ester (I, T) 126-98-7
[U233] Propanoic acid, 2-(2,4,5- trichlorophenoxy)- 93-72-1
[U194] N-Propylamine (I, T) 107-10-8

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U083 Propylene dichloride 76-87-5  
U148 3,6-Dipyradinedione, 1,2-  
dihydro-  
U196 Pyridine 110-86-1 
[U155 Pyridine, 2-[(2-dimethyl-  
amino)ethyl]-2-phenyl-  
amino]-  
U191 Pyridine, 2-methyl 109-06-8  
U237 2,4(1H,3H)-Pyrimidinedione, 5-  
(bis(2-chloroethyl)amino)-  
4(1H)-Pyrimidinedione, 2,3-  
dihydro-6-methyl-2-thioxo-  
U180 Pyrrolidine, 1-nitroso-  
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  
U205 Selenium dioxide 7783-00-8  
U205 Selenium sulfide SeS2 (R,T) 7488-56-4

[U244 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  
U217 Thallium chloride Tl(TlCl) 7791-12-0  
U217 Thallium (I) nitrate 10102-45-1  
U218 Thiaacetamide 62-55-5  
U153 Thiocyanogen (I, T) 74-93-1  
U244 Thionocarbamide diamide ((HNO)C(S)2, tetramethyl-  
U219 Thiodurea 62-56-6  

[U230] Thiram 137-26-8  
U244 Thiourea 137-26-8  
U210 Toluenesulfonic acid 108-88-3  
U221 Toluenediamine 25376-45-8  
U223 Toluenesulfonic acid (R,T) 26471-62-5  
U328 o-Toluidine 95-53-4  
U353 o-Toluidine hydrochloride 63-21-5  
U222 o-Trifluoromethyl benzyl alcohol 61-82-5  
U232 2,4,5-Trichloroacetic acid, 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 Trichloroethylene trihalomethane 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 93-72-1  
U233 2,4,5-Trichlorophenoxypro-  
U234 1,3,5(Sym)-Trinitrobenzene 99-35-4  
U182 1,3,5-Triazine, 2,4,6-tri-  
U235 Tris(2,3-dibromopropyl) 126-72-7

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Section 5. Nerve Agents. The following substances are listed as hazardous wastes:

Kentucky Waste Abstracts 
Number Substance Number

N001 GR (isopropyl methyl phos-  
phonefluoridate) 107-44-8  
N002 VX (O-ethyl-S-2-diisopropo- 
yl-aminemethyl) -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, 13 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:
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. 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
EPA Hazardous Hazardous Constituents for Which Listed Waste No.

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, 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 pentachlorodibenzop-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines, and other salts.

F021 Pentachlorodibenzop-dioxins; pentachlorodibenzofurans; pentachlorophenol and its derivatives.

F022 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.

F023 Tetra-, and pentachlorodibenzop-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, 1,1,2,2-tetrachloroethane, trichloroethanol, pentachloroethane, hexachloroethane, allylchloride (3-chloropropane), dichloro-propene, dichloropropene, 2-chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene, tetrachlorobenzene, pentachlorobenzene, hexachlorobenzene, toulene, naphthalene.

F026 Tetra-, penta-, and hexachlordibenzop-dioxins; tetra-, penta-, and hexachlordibenzofurans.
<table>
<thead>
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<th>Code</th>
<th>Description</th>
</tr>
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<tr>
<td>F027</td>
<td>Tetra-, penta-, and hexachlorodibenzeno-p-dioxins; tetra-, penta-, and hexachlorodibenzofuran; tri-, tetra-, and pentachlorophenols and their chlorophenox derivative acids, esters, ethers, amines and other salts.</td>
</tr>
<tr>
<td>F028</td>
<td>Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofuran; tri-, tetra-, and pentachlorophenols and their chlorophenox derivative acids, esters, ethers, amines and other salts.</td>
</tr>
<tr>
<td>K001</td>
<td>Pentachlorophenol, phenol, 2-chlorophenol, 1,4-chlorobenzene, 2,4-dimethylphenyl, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, cresoate, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benzo(a)anthracene, dibenz(a)anthracene, acenaphthene.</td>
</tr>
<tr>
<td>K002</td>
<td>Hexavalent chromium, lead.</td>
</tr>
<tr>
<td>K003</td>
<td>Hexavalent chromium, lead.</td>
</tr>
<tr>
<td>K004</td>
<td>Hexavalent chromium, lead.</td>
</tr>
<tr>
<td>K005</td>
<td>Hexavalent chromium, lead.</td>
</tr>
<tr>
<td>K006</td>
<td>Hexavalent chromium, lead.</td>
</tr>
<tr>
<td>K007</td>
<td>Cyanide (complexed), hexavalent chromium.</td>
</tr>
<tr>
<td>K008</td>
<td>Hexavalent chromium.</td>
</tr>
<tr>
<td>K009</td>
<td>Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid.</td>
</tr>
<tr>
<td>K010</td>
<td>Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde.</td>
</tr>
<tr>
<td>K011</td>
<td>Acrylonitrile, acetonitrile, hydrocyanic acid.</td>
</tr>
<tr>
<td>K012</td>
<td>Hydrocyanic acid, acrylonitrile, acetonitrile.</td>
</tr>
<tr>
<td>K013</td>
<td>Acetonitrile, acrylamide.</td>
</tr>
<tr>
<td>K015</td>
<td>Benzyl chloride, chlorobenzene, toluene, benzocticloride.</td>
</tr>
<tr>
<td>K016</td>
<td>Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, chloroacetamide, perchloroethylene.</td>
</tr>
<tr>
<td>K017</td>
<td>Epichlorohydrin, chloroethers, (bis(chloromethyl) ether and bis(2-chloroethyl) ethers), trichloropropane, dichloropropanols.</td>
</tr>
<tr>
<td>K018</td>
<td>1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.</td>
</tr>
<tr>
<td>K019</td>
<td>Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetracholoroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.</td>
</tr>
<tr>
<td>K020</td>
<td>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.</td>
</tr>
<tr>
<td>K021</td>
<td>Antimony, carbon tetrachloride, chloroform.</td>
</tr>
<tr>
<td>K022</td>
<td>Phenol, tar (polycyclic aromatic hydrocarbons).</td>
</tr>
<tr>
<td>K023</td>
<td>Phthalic anhydride, maleic anhydride.</td>
</tr>
<tr>
<td>K024</td>
<td>Phthalic anhydride, 1,4-naphthoquinone.</td>
</tr>
<tr>
<td>K025</td>
<td>Meta-dinitrobenzene, 2,4-dinitrotoluene.</td>
</tr>
<tr>
<td>K026</td>
<td>Paraldehyde, pyridines, 2-picoline.</td>
</tr>
<tr>
<td>K027</td>
<td>Toluene diisocyanate, toluene-2,4-diamine.</td>
</tr>
<tr>
<td>K028</td>
<td>1,1,1-trichloroethane, vinyl chloride.</td>
</tr>
<tr>
<td>K029</td>
<td>1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.</td>
</tr>
<tr>
<td>K030</td>
<td>Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride.</td>
</tr>
<tr>
<td>K031</td>
<td>Arsenic.</td>
</tr>
<tr>
<td>K032</td>
<td>Hexachlorocyclopentadiene.</td>
</tr>
<tr>
<td>K033</td>
<td>Hexachlorocyclopentadiene.</td>
</tr>
<tr>
<td>K034</td>
<td>Hexachlorocyclopentadiene.</td>
</tr>
<tr>
<td>K035</td>
<td>Creosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benzo(a)anthracene, dibenz(a)anthracene, acenaphthene.</td>
</tr>
<tr>
<td>K036</td>
<td>Toluene, phosphorothioic acid esters.</td>
</tr>
<tr>
<td>K037</td>
<td>Toluene, phosphorodithioic and phosphorothioic acid esters.</td>
</tr>
<tr>
<td>K038</td>
<td>Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.</td>
</tr>
<tr>
<td>K039</td>
<td>Phosphorodithioic and phosphorothioic acid esters.</td>
</tr>
<tr>
<td>K040</td>
<td>Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.</td>
</tr>
<tr>
<td>K041</td>
<td>Toxaphene.</td>
</tr>
<tr>
<td>K042</td>
<td>Hexachlorobenzene, orthodichlorobenzene.</td>
</tr>
<tr>
<td>K043</td>
<td>2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.</td>
</tr>
<tr>
<td>K044</td>
<td>N.A.</td>
</tr>
<tr>
<td>K045</td>
<td>N.A.</td>
</tr>
<tr>
<td>K046</td>
<td>Lead</td>
</tr>
<tr>
<td>K047</td>
<td>N.A.</td>
</tr>
<tr>
<td>K048</td>
<td>Hexavalent chromium, lead.</td>
</tr>
<tr>
<td>K049</td>
<td>Hexavalent chromium, lead.</td>
</tr>
<tr>
<td>K050</td>
<td>Hexavalent chromium.</td>
</tr>
<tr>
<td>K051</td>
<td>Hexavalent chromium, lead.</td>
</tr>
<tr>
<td>K052</td>
<td>Lead</td>
</tr>
<tr>
<td>K053</td>
<td>Cyanide, naphthalene, phenolic compounds, arsenic.</td>
</tr>
<tr>
<td>K054</td>
<td>Hexavalent chromium, lead, cadmium.</td>
</tr>
<tr>
<td>K055</td>
<td>Hexavalent chromium, lead.</td>
</tr>
<tr>
<td>K056</td>
<td>Lead, cadmium.</td>
</tr>
<tr>
<td>K057</td>
<td>Mercury.</td>
</tr>
<tr>
<td>K058</td>
<td>Chloroform, carbon tetrachloride, hexachloroethane, trichloroethene, dichloroethene, chloroform, vinyl chloride, vinylidene chloride.</td>
</tr>
<tr>
<td>K059</td>
<td>Chloroform, carbon tetrachloride, hexachloroethane, trichloroethene, dichloroethene, chloroform, vinyl chloride, vinylidene chloride.</td>
</tr>
<tr>
<td>K060</td>
<td>Aniline, diphenylamine, nitrobenzene, phenylenediamine.</td>
</tr>
<tr>
<td>K061</td>
<td>Antimony, carbon tetrachloride, chloroform.</td>
</tr>
<tr>
<td>K062</td>
<td>Phenol, naphthalene.</td>
</tr>
<tr>
<td>K063</td>
<td>Cyanide (complexes).</td>
</tr>
</tbody>
</table>
K095 1,1,2-trichloroethane, 1,1,2-tetrachloroethane, 1,1,1,2-tetrachloroethane.
K096 1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane.
K097 Chlordane, heptachlor.
K098 Toxaphene.
K099 2,4,4-trichlorophenol, 2,4,6-trichlorophenol.
K100 Hexavalent chromium, lead, cadmium.
K101 Arsenic.
K102 Arsenic.
K103 Aniline, nitrobenzene, phenylene-diamine.
K104 Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine.
K105 Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol.
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.
K126 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, 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 associated 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 requirement 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. An 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:

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>CHEMICAL ABSTRACTS NO.</th>
<th>CHEMICAL NAME</th>
<th>WASTE NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acetonitrile</td>
<td>Same</td>
<td>75-05-8</td>
<td>0003</td>
</tr>
<tr>
<td>Acetophenone</td>
<td>Ethanone, 1-phenyl</td>
<td>98-86-2</td>
<td>0004</td>
</tr>
<tr>
<td>2-Acetylaminofluoranone</td>
<td>Acetamide, N-9H-fluoren-2-yl-</td>
<td>53-96-3</td>
<td>0005</td>
</tr>
<tr>
<td>Acetyl chloride</td>
<td>Same</td>
<td>75-36-5</td>
<td>0006</td>
</tr>
<tr>
<td>1-Acetyl-2-thiourea</td>
<td>Acetamide, N-(aminooxymethyl)-</td>
<td>591-08-2</td>
<td>P002</td>
</tr>
<tr>
<td>Acreolein</td>
<td>2-Propanal</td>
<td>107-02-8</td>
<td>P003</td>
</tr>
<tr>
<td>Acrylamide</td>
<td>2-Propanamide</td>
<td>79-06-1</td>
<td>0007</td>
</tr>
<tr>
<td>Acrylonitrile</td>
<td>2-Propanenitrile</td>
<td>107-13-1</td>
<td>0009</td>
</tr>
<tr>
<td>Aflatoxins</td>
<td>Same [Aflatoxin]</td>
<td>1402-68-2</td>
<td>0010</td>
</tr>
<tr>
<td>Aldicarb</td>
<td>Propanal, 2-methyl2-(methylthio)-, O-((methylamino)carbonyl)oxime</td>
<td>116-06-3</td>
<td>P070</td>
</tr>
<tr>
<td>Aldrin</td>
<td>1,4,5,8-Dimethanonaphthalene, (11,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1alpha, 4alpha, 4beta, 5alpha, 8alpha, 8beta)-2-Propan-1-ol</td>
<td>309-00-02</td>
<td>P004</td>
</tr>
<tr>
<td>Allyl alcohol</td>
<td></td>
<td>107-18-6</td>
<td>P005</td>
</tr>
<tr>
<td>Compound</td>
<td>Description</td>
<td>Page Numbers</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------</td>
<td></td>
</tr>
<tr>
<td>Allyl chloride</td>
<td>1-Propane, 3-chloro-</td>
<td>107-05-1</td>
<td></td>
</tr>
<tr>
<td>Aluminum phosphide</td>
<td>Same</td>
<td>20859-73-8</td>
<td></td>
</tr>
<tr>
<td>4-Aminobiphenyl</td>
<td>(1,1'-Biphenyl)-4-amine</td>
<td>92-67-1</td>
<td></td>
</tr>
<tr>
<td>5-(Aminomethyl)-3-isoxazolol</td>
<td>3(2H)-Isoxazolone, 5-(aminomethyl)-</td>
<td>2763-96-4</td>
<td></td>
</tr>
<tr>
<td>4-Aminopyridine</td>
<td>4-Pyridinamine</td>
<td>504-24-5</td>
<td></td>
</tr>
<tr>
<td>Amitrole</td>
<td>1H-1,2,4-Triazol-3-amine</td>
<td>5008</td>
<td></td>
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<tr>
<td>Ammonium vanadate</td>
<td>Vanadic acid, ammonium salt</td>
<td>61-82-5</td>
<td></td>
</tr>
<tr>
<td>Aniline</td>
<td>Benzenamine</td>
<td>7803-55-6</td>
<td></td>
</tr>
<tr>
<td>Antimony</td>
<td>Same</td>
<td>62-63-3</td>
<td></td>
</tr>
<tr>
<td>Antimony [and] compounds, N.O.S.*</td>
<td></td>
<td>7440-36-0</td>
<td></td>
</tr>
<tr>
<td>Aramite</td>
<td>Sulfurous acid, 2-chloroethyl 2-(4-(1,1-dimethylethyl)phenoxy)-1-methylethyl ester</td>
<td>140-57-8</td>
<td></td>
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<tr>
<td>Arsenic</td>
<td>Same</td>
<td>7440-38-2</td>
<td></td>
</tr>
<tr>
<td>Arsenic [and] compounds, N.O.S.*</td>
<td></td>
<td>7440-39-3</td>
<td></td>
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<tr>
<td>Arsenic acid</td>
<td>Arsenic acid $\text{H}_2\text{AsO}_4$ [AsH$_2$O$_4$]</td>
<td>7778-39-4</td>
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<tr>
<td>Arsenic pentoxide</td>
<td>Arsenic oxide As$_2$O$_5$</td>
<td>1303-28-2</td>
<td></td>
</tr>
<tr>
<td>Arsenic trioxide</td>
<td>Arsenic oxide As$_2$O$_3$</td>
<td>1327-53-3</td>
<td></td>
</tr>
<tr>
<td>Auramine</td>
<td>Benzenamine, 4,4'-carbonimidoylbis(N,N-Dimethyl)</td>
<td>492-80-8</td>
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</tr>
<tr>
<td>Azaserine</td>
<td>L-Serine, diazoacetate (ester)</td>
<td>115-02-6</td>
<td></td>
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<tr>
<td>Barium</td>
<td>Same</td>
<td>7440-39-3</td>
<td></td>
</tr>
<tr>
<td>Barium [and] compounds, N.O.S.*</td>
<td></td>
<td>7440-39-3</td>
<td></td>
</tr>
<tr>
<td>Barium cyanide</td>
<td>Same</td>
<td>542-62-1</td>
<td></td>
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<tr>
<td>Benz(a)acridine</td>
<td>Same</td>
<td>225-51-4</td>
<td></td>
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<tr>
<td>Benz(a)anthracene</td>
<td>Same</td>
<td>56-65-3</td>
<td></td>
</tr>
<tr>
<td>Benzal chloride</td>
<td>Benzen, (dichloromethyl)-</td>
<td>98-87-3</td>
<td></td>
</tr>
<tr>
<td>Benzene</td>
<td>Same</td>
<td>71-43-2</td>
<td></td>
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<tr>
<td>Benzenearsonic acid</td>
<td>Arsonic acid, phenyl-</td>
<td>98-05-5</td>
<td></td>
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<tr>
<td>Benzidine</td>
<td>(1,1'-Biphenyl)-4,4'diamine</td>
<td>92-87-5</td>
<td></td>
</tr>
<tr>
<td>Benzo(b)fluoranthene</td>
<td>Benz(e)acephenanthrylene</td>
<td>205-99-2</td>
<td></td>
</tr>
<tr>
<td>Benzo(j)fluoranthene</td>
<td>Same</td>
<td>205-82-3</td>
<td></td>
</tr>
<tr>
<td>Benzo(a)pyrene</td>
<td>Same</td>
<td>50-32-8</td>
<td></td>
</tr>
<tr>
<td>p-Benzoquinone</td>
<td>2,5-Cyclohexadiene-1,4-dione</td>
<td>106-51-4</td>
<td></td>
</tr>
<tr>
<td>Benzo(trichloride</td>
<td>Benzen, (trichloromethyl)-</td>
<td>98-07-7</td>
<td></td>
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<tr>
<td>Benzyl chloride</td>
<td>Benzen, (chloromethyl)-</td>
<td>100-44-7</td>
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<tr>
<td>Beryllium</td>
<td>Same</td>
<td>7440-41-7</td>
<td></td>
</tr>
<tr>
<td>Beryllium [and] compounds, N.O.S.*</td>
<td></td>
<td>7440-41-7</td>
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</tr>
<tr>
<td>[Bis(2-chloromethoxy)ethane]</td>
<td>Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-)</td>
<td>111-91-1</td>
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<td>Bis(2-chloroethyl) ether</td>
<td>Ethane, 1,1'-oxybis(2-chloro-)</td>
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<td>Bis(2-chloroisopropyl) ether</td>
<td>Propane, 2,2'-oxybis(2-chloro-&lt;br&gt;Methane, oxybis(chloro)-&lt;br&gt;1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester</td>
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<td>Bis(chloromethyl) ether</td>
<td>2-Propanone, 1-Bromo-&lt;br&gt;Bracioacetone&lt;br&gt;Methane, tribromo&lt;br&gt;Bromoform&lt;br&gt;4-Bromophenyl phenyl ether&lt;br&gt;Brucine&lt;br&gt;Butyl benzyl phthalate</td>
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<td>Bis(2-ethylhexyl) phthalate</td>
<td>Benzene, 1-bromo-4-phenoxy&lt;br&gt;Strychnidin-10-one, 2,3-dimethoxy&lt;br&gt;1,2-Benzenedicarboxylic acid, butyl phenolmethyl ester&lt;br&gt;Cacodylic acid&lt;br&gt;Asaric acid, dimethyl-&lt;br&gt;Cadmium</td>
<td>39638-32-9&lt;br&gt;117-81-7&lt;br&gt;598-31-2&lt;br&gt;75-25-2&lt;br&gt;101-55-3&lt;br&gt;357-57-3&lt;br&gt;159-86-7&lt;br&gt;75-60-5&lt;br&gt;7440-43-9&lt;br&gt;13765-19-0&lt;br&gt;592-01-8&lt;br&gt;75-15-0&lt;br&gt;353-50-4&lt;br&gt;56-23-5&lt;br&gt;75-87-6&lt;br&gt;305-03-3&lt;br&gt;57-74-9&lt;br&gt;U136&lt;br&gt;U225&lt;br&gt;P017&lt;br&gt;U030&lt;br&gt;P018&lt;br&gt;U036[alpha and gamma isomers]&lt;br&gt;U036[alpha and gamma isomers]&lt;br&gt;U036&lt;br&gt;U034&lt;br&gt;U036&lt;br&gt;U026&lt;br&gt;P023&lt;br&gt;106-47-8&lt;br&gt;108-90-7&lt;br&gt;510-15-6&lt;br&gt;59-50-7&lt;br&gt;106-89-8[1-Chloro-2,3-epoxypropane&lt;br&gt;2-Chloroethyl vinyl ether&lt;br&gt;Chloroform&lt;br&gt;Chloromethyl methyl ether&lt;br&gt;Beta-chloronaphthalene&lt;br:o-Chlorophenol</td>
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1-(o-Chlorophenyl)thiourea  Thiourea, (2-chlorophenyl)- 5344-82-1
Chloroprene  1,3-butadiene, 2-Chloro- 126-99-8
3-Chloropropionitrile  Propanenitrile, 3-chloro- 542-76-7
Chromium  Same 7440-47-3
Chromium [and] compounds, N.O.S.*  [Chromium] (7440-47-3)
Chrysene  Same 218-01-9
Citrus red No. 2  2-Naphthalenol, 1-((2,5-dimethoxyphenyl)azo)- 6358-53-8
Coal tar creosote  Same 8007-45-2
[Cobalt tars  Copper cyanide CuCN 8005-45-2]
Copper cyanide  Same 544-92-3
Creosote  (8001-59-9)
Cresol (Cresylic acid)  Phenol, methyl- 1319-77-3
Crotonaldehyde  2-Butenal 4170-30-3
Cyanides (soluble salts and complexes), N.O.S.*  Ethanedinitrile 1390-08-7
Cyanogen  Cyanogen bromide (CN) Br [Same]
Cyanogen bromide  Cyanogen chloride (CN) Cl [Same]
Cyanogen chloride  beta-D-Glucopyranoside, (Methyl-ONN-azoxy)methyl 506-77-4
Cycasin  Phenol, 2-cyclohexyl-4,6-dinitro- 131-89-5
2-Cyclohexyl-4,6-dinitrophenol  2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis[],
                        (2-chloroethyl)tetrahydro-2-oxide 50-18-0
2,4-D  Acetic acid, (2,4 dichlorophenoxy)- 94-75-7
2,4-D, salts, [and] esters  [Acetic acid, (2,4-dichloro-and phenoxy)-, salts, esters] [94-75-7]
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
DDD  Benzene,1,1'- (2,2 dichloroethylenedine)bis(4-chloro- 72-54-8
DDT  Benzene,1,1'-(dichloroethylenedine)bis(4-chloro-
                  Carbamothioic acid, bis(1-methylthioyl)-,S-(2,3-
                  dichloro-2-propeny) ester 50-29-3
Dibenz(a,h)acridine  Same 226-36-8
Dibenz(a,j)acridine  Same 224-42-0
Dibenz(a,h)anthracene  Same 53-70-3
7H-Dibeno(c,g)carbazole  Same 194-59-2
Dibenz(a,e)pyrene  Naphtho(1,2,3,4-def)chrysene 192-65-4
Dibenz(a,h)pyrene  Dibenz(b,def)chrysene 189-64-0
Dibenz(a,i)pyrene  Benzo(rst)pentaphene 189-55-9
1,2-Dibromo-3-chloropropane  Propane, 1,2-dibromo-3-chloro-
                        96-12-8
Dibutyl phthalate  1,2-Benzenedicarboxylic acid, dibutyl ester 84-74-2
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<td>Phosphorodithioc acid, 0.0-dimethyl S-(2- (methylamino)-2-oxoethyl)ester</td>
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<td>3,3'-Dimethoxybenzidine</td>
<td>(1,1'-Biphenyl)-4,4'diamine, 3,3'-dimethoxy-</td>
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<td>p-Dimethylaminoazobenzene</td>
<td>Benzenamine, N,N-dimethyl-4-(phenylazo)-</td>
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<td>7,12-Dimethylbenz(a)anthracene</td>
<td>Benz(a)anthracene, 7,12-dimethyl</td>
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<td>Dimethylcarbamoyl chloride</td>
<td>Carbamic chloride, dimethyl-</td>
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<td>1,1-Dimethyldihydrazine</td>
<td>Hydrazine, 1,1-dimethyl-</td>
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<td>1,2-Dimethyldihydrazine</td>
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<td>alpha, alpha-Dimethylphenetidine</td>
<td>Benzenethanamine, alpha, alpha-dimethyl-</td>
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<td>2,4-Dimethylphenol</td>
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<td>Dimethyl phthalate</td>
<td>1,2-Benzenedicarboxylic acid, dimethyl ester</td>
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<td>Dimethyl sulfate</td>
<td>Sulfuric acid, dimethyl ester</td>
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<td>Benzene, dinitro-</td>
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<td>4,6-Dinitro-o-cresol [and salts]</td>
<td>Phenol, 2-methyl-4,6-dinitro- [and salts]</td>
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<td>2,6-Dinitrotoluene</td>
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<td>Dinoese</td>
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<td>Di-n-octylphthalate</td>
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<td>[1,4-Dioxane]</td>
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<td>Hydrazine, 1,2-diphenyl-</td>
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<td>Di-n-propylnitroamine</td>
<td>1-Propanamine, N-Nitroso-N-propyl-</td>
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<td>Disulfoton</td>
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<td>Dithiobiuret</td>
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<td>2,7:3,6-Dimethanonaphth-(2,3-b)oxirene, 3,4,5,6,9,9- hexachloro-1a,2a,3a,6a,7a-octahydro-,(laalpha, 2beta, 2beta, 3alpha, 6alpha, 6alpha, 7beta, 7alpha) -</td>
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<td>Ethyl carbamate (Urethane)</td>
<td>(Carbamic acid, ethyl ester)</td>
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<td>Ethylenebisdithiocarbamic acid[ ] [salts and esters]</td>
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<td>salts and esters</td>
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<td>Heptachlor epoxide (alpha, beta, and gamma isomers)</td>
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<td>Hexachlorobenzene</td>
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<td>[1,2,3,4,10,10-Hexachloro-1,4,4a, 5,8,8a-hexahydro-1,4,5,8-endoclohexahydropheone]</td>
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<td>Hexachlorohexahydro-endo,endo-dimethanophthalene</td>
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<td>Hydrogen cyanide</td>
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<td>Hydrogen fluoride</td>
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<td>Indeno(1,2,3-cd)pyrene</td>
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*Halomethanes, N.O.S.* means other halomethanes are included, but not specifically identified.
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<td>Iron dextran</td>
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<td>Isobutyl alcohol</td>
<td>1-Propanol, 2-methyl-</td>
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<td>Isosafrole</td>
<td>1,3-Benzodioxole,5-(1-propeny-)</td>
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<td>1,3,4-Metheno-2H-cyclobuta-(cd)pentalen-2-one,1,1a,3,3a,4,5,5,5a,5b,6-decachloro-octahydro-2-Butenoic acid, 2-methyl-7-((2,3-dihydroxy-2-&lt;sub&gt;α&lt;/sub&gt;alpha,4beta,5beta,8beta,βαbeta)=</td>
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<td>Lasiocarpine</td>
<td>1,3,4-Metheno-2H-cyclobuta-(cd)pentalen-2-one,1,1a,3,3a,4,5,5,5a,5b,6-decachloro-octahydro-2-Butenoic acid, 2-methyl-7-((2,3-dihydroxy-2-&lt;sub&gt;α&lt;/sub&gt;alpha,4beta,5beta,8beta,βαbeta)=</td>
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<td>Lead phosphate</td>
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<td>Lead subacetate</td>
<td>Lead, bis(acetato-O)tetrahydroxtri-</td>
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<td>Maleic anhydride</td>
<td>2,5-Furandione</td>
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<td>Maleic hydrazide</td>
<td>3,6-pyrizadinedione-1,2-Dihydro-</td>
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<td>Propanedinitrile</td>
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<td>L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-</td>
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<td>Fulminic acid, mercury (2+) salt</td>
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<td>Methacrylonitrile</td>
<td>2-Propenenitrile, 2-methyl-</td>
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<td>1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyln-N'&lt;-&lt;sub&gt;α&lt;/sub&gt;alpha,4alpha,4beta,5beta,8beta,βαbeta=</td>
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<td>Methomyl</td>
<td>Ethanimidothigic acid, N-&lt;sub&gt;α&lt;/sub&gt;alpha,4alpha,4beta,5beta,8beta,βαbeta=</td>
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<td>Methoxachelor</td>
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<td>3-Methylcholanthrene</td>
<td>Benz(j)aceanthyrene,1,2-dihydro-3-methyl-</td>
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<td>Toluenediamine</td>
<td>Benzenediamine, ar-methyl-</td>
</tr>
<tr>
<td>2,4-Toluenediamine</td>
<td>1,3-Benzenediamine, 4-methyl-</td>
</tr>
<tr>
<td>2,6-Toluenediamine</td>
<td>1,3-Benzenediamine, 2-methyl-</td>
</tr>
<tr>
<td>3,4-Toluenediamine</td>
<td>1,2-Benzenediamine, 4-methyl-</td>
</tr>
<tr>
<td>Toluene diisocyanate</td>
<td>Benzenes, 1,3 [2,4]-diisocyanato[(-1-)]methyl-</td>
</tr>
<tr>
<td>o-Toluidine</td>
<td>Benzenamine, 2-methyl-</td>
</tr>
<tr>
<td>p-Toluidine</td>
<td>Benzenamine, 4-methyl-</td>
</tr>
<tr>
<td>o-Toluidine hydrochloride</td>
<td>Benzenamine, 2-methyl-, hydrochloride</td>
</tr>
<tr>
<td>Toxaphene</td>
<td>Same</td>
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<tr>
<td>1,2,4-Trichlorobenzene</td>
<td>Benzene, 1,2,4-trichloro-</td>
</tr>
<tr>
<td>Substance</td>
<td>Description</td>
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<td>-----------------------------------------------</td>
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<tr>
<td>1,1,2-Trichloroethane</td>
<td>Ethane, 1,1,2-trichloro-</td>
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<tr>
<td>Trichloroethylene</td>
<td>Ethene, trichloro</td>
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<td>Trichloromethanethiol</td>
<td>Methanethiol, trichloro</td>
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<td>Trichloromonofluoromethane</td>
<td>Methane, trichlorofluoro</td>
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<tr>
<td>2,4,5-Trichlorophenol</td>
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<tr>
<td>2,4,6-Trichlorophenol</td>
<td>Phenol, 2,4,6-trichloro</td>
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<tr>
<td>2,4,5-T</td>
<td>Acetic acid,(2,4,5-trichlorophenoxy)-</td>
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<tr>
<td>Trichloropropane, N.O.S.*</td>
<td>Propane, 1,2,3-trichloro</td>
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<td>1,2,3-Trichloropropane</td>
<td>Phosphorothioic acid, 0,0,0-triethyl ester</td>
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<td>0,0,0-Triethyl phosphorothioate</td>
<td>Benzene, 1,3,5-trinitro</td>
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<tr>
<td>1,3,5[sym]-Trinitrobenzene</td>
<td>Aziridine,1,1',1''-phosphino-thiolyldynetris-sulfide</td>
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<td>Tris(1-aziridinyl)-phosphine-sulfide</td>
<td>1-Propanol, 2,3-dibromo-, phosphate (3:1)</td>
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<tr>
<td>Tris(2,3-dibromopropyl) phosphate</td>
<td>2,7-Naphthalenedisulfonic acid, 3.3'-(3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(5-amino-4-hydroxy-, tetrasodium salt</td>
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<tr>
<td>[Undecamethylene diamine, N,N'-bis-(2-chlorobenzyl)-, dihydrochloride]</td>
<td>Same</td>
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<tr>
<td>Uracil mustard</td>
<td>2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-</td>
</tr>
<tr>
<td>Vanadium pentoxide</td>
<td>Vanadium oxide V₂O₅</td>
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<td>Vinyl chloride</td>
<td>Ethene, chloro</td>
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<td>Warfarin</td>
<td>2H-1-Benzopyran-2-one,4-hydroxy-3-(3-oxo-1-phenylbutil)-, when present at concentrations less than 0.3%</td>
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<tr>
<td>Warfarin</td>
<td>2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutil)-, when present at concentrations less than 0.3%</td>
</tr>
<tr>
<td>Warfarin salts, when present at concentrations less than 0.3%</td>
<td></td>
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<tr>
<td>Warfarin salts, when present at concentrations greater than 0.3%</td>
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</tr>
<tr>
<td>Zinc cyanide</td>
<td>Zinc cyanide Zn(CN)₂ [Same]</td>
</tr>
<tr>
<td>Zinc phosphide</td>
<td>Zinc phosphide Zn₂P₂, when present at concentrations greater than 10%</td>
</tr>
<tr>
<td>Zinc phosphide</td>
<td>Zinc phosphide Zn₂P₂, when present at concentrations of 10% or 18%</td>
</tr>
</tbody>
</table>

*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 by writing to the office of the Secretary of State, Frankfort, Kentucky, by no later than 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 River Road, Frankfort Office Park, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Donald F. Harker, Jr.

Volume 16, Number 3 - September 1, 1989
(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: 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 constituents. 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: 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 constituents.

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 this regulation will 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 alternative provisions 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 that were rejected 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.

(c) 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.

RELEASES 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 KRS 98:001. This regulation establishes specific Part B requirements for facilities that incinereate hazardous waste.

Section 1. Applicability. The requirements in this regulation apply to all owners and operators of hazardous waste sites or facilities that incinereate or will incinereate 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 incinereate or will incinereate 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);
      (b) A detailed engineering description of the incinereator, including:
         1. Manufacturer's name and model number of incinereator;
         2. Type of incinereator;
         3. Linear dimension of incinereator 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 incinereator 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 POCs'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 incomplete 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 have 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 result in 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 affect 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.
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 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.


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 the 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 reports 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 SMCA; 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 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 the following 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 quality and quantity, 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 other documents. 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 16:1, 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 within 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;

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.

(b) 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.

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

(a) Local government agencies with jurisdiction over 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 operations 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. 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 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 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) Conflicts heard in accordance with this section may be used by the cabinet as the public hearing required under 405 KAR 24:040, Section 2(5) 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 subdivisions (2) and (3).

(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.


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) Administrative 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 unidentified 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 SMCGRA 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 application 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 paragraphs (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 SMCGRA, 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 SMCGRA, 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 affirms that it 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 application, 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. 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

6. 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.

7. 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).

8. 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.

9. 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.
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 SMRCA 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 persons 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 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 any 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 Chapter 24:040.

(21) For a proposed remining operation where the applicant intends to reclaim in accordance with the requirements of 405 KAR Chapter 16:190, Section 7 or 405 KAR Chapter 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) 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.

(b) Except as provided in paragraph (b) of this subsection, for a complete and accurate application submitted under Section 2(2)(c) of this regulation for 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.

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.

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.

(3) 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, 5, 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.
(19) 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 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 expiration date of the limitation for 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 divisions 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 of this regulation and the time frame for review in Section 16(1)(a) of this regulation shall begin at the time of application submittal. Minor revisions [] and [; 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 crossdrain.

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 hydoseeding for trees instead of planting trees or tree seedlings where:
    a. Hydoseeding 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 permits 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
 cure 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 pasturage 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 19(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, or
 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 limitation described 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. If the cabinet shall approve a complete and
correct 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 approved 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 on the renewal of permits for new permits, 405 KAR Chapter 10, 405 KAR.
(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 in effect;
(c) Has submitted proof that liability insurance, as required under 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 (9) 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 the 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 (l) 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

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 it 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 surface flow 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

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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 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 fees for minor field revisions, the 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, effort was 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 revisions 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. Any federal standards 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 of 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 Moritorious 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 of Releasee’s Report
27-12-05 Grievance Procedures for Offenders
27-12-06 Employment, Education/Vocational Referral
27-12-08 Supervision Plan
27-12-09 Casebook
27-12-10 Guidelines for Monitoring supervisor 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 Discharges
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 Expedite 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. WIGGINGTON, 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).
      (b) Reporting and paperwork requirements: Same as 2(a).
      (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)


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

EXTRAORDINARY OCCURRENCE REPORT

KSR 01-00-14 Cooperation and Coordination with Oldham County Court
KSR 01-00-15 Personal Service Contract Personnel
KSR 01-00-19 Consent Decree Notification to Inmates [(Amended 7/14/89)]
KSR 02-00-01 Inmate Canteen
KSR 02-00-03 Screening Disbursements from Personal Accounts
KSR 02-00-11 Institutional Funds and Issuance of Checks
KSR 02-00-12 Staff Training and Development
KSR 04-00-02 Officers' Daily Housing Security and Safety Log
KSR 05-00-01 Management Information Systems
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

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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 Inmate 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 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 17-00-04 Returns from Other Institutions
KSR 17-00-05 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

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(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).
3. Additional factors increasing or decreasing costs: Same as 2(a).
(b) Reporting and paperwork requirements:
Monthly submission of policy revisions.
(c) Assessment of anticipated effect on state and local revenues: None
(d) Assessment of alternative methods; reasons why alternatives were rejected: None
(e) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(f) 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 shall 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 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 (Amended 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 Inception 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 Radial 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
BCC 09-10-05 Release Officer Post Orders
BCC 09-10-06 Unit A-1 Post Orders
BCC 09-10-07 Recreation Post Orders: Observation
BCC 09-10-08 Entrance Gate Post Orders
BCC 09-10-09 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)]
ADMINISTRATIVE REGISTER - 440

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 Fall 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 Correctional Industries
BCC 19-03-01 Academic and Vocational School College Programs
BCC 20-01-01 Educational Program Evaluation
BCC 20-04-01 Educational Program Planning
BCC 20-05-01 Academic and Vocational Curriculum
BCC 20-06-01 Library Services
BCC 21-01-01 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 (Amended 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 25-02-01 Temporary Release/Community Center Release

Volume 16, Number 3 - September 1, 1989
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. 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 nestling
Currency, coinage, negotiable securities or other forms of legal tender, transported by armored vehicle
Distillery still 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

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

Liming, 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

Steel bolts

Stone

Tanks and boilers, in excess of 500 gallon capacity

Telegraph poles

Telephone poles

Tobacco, unmanufactured

Tobacco hogheads, 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; crockery; 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 and coinage and other forms of legal tender, together with negotiable securities, transported by armored cars.]

[(3) Distillery slop (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; fluorospar; 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 and 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 or greater cans or in bottles, but excluding cases of canned milk or cream.

[(6) Race horses; rock, salt, rock, crushed and screened, not further refined and 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 hogheads, 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
exempted commodities to accommodate the local school districts.
(5) Identify any statute, administrative regulation or government policy which may be in
5. If in conflict, effort made to conflict, overlap, or duplication: None harmonize the proposed administrative regulation
6. Any additional information or comments: with conflicting provisions:
(6) 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.

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.
(2) 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: None
(6) Any additional information or comments: No

BOB BODNER, Executive Director
MILDO D. BRYANT, Secretary
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 otherwise 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. Aircraft 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 the 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.
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Transportation Cabinet in accordance with KAR 20:020. "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 approach 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 BOODER, Executive Director
MILO D. BRYANT, Secretary
APPROVED BY AGENCY: August 3, 1989
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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 (not the 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 602 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) [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) (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) times 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 atttends 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 18, 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):
   4. (b) Reporting and paperwork requirements: None
   5. (2) Effects on the promulgating administrative body: None
   6. (a) Direct and indirect costs or savings: None
   7. First year:
   8. Continuing costs or savings:
   9. Additional factors increasing or decreasing costs:
   10. (b) Reporting and paperwork requirements: No new requirements.
   11. (3) Assessment of anticipated effect on state and local revenues: None
   12. (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.
   13. (5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
   14. (a) Necessity of proposed regulation if in conflict:
   15. (b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
   16. (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 which are higher 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 to be 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-semi trailer combination with five (5) or more axles.
5. "KYM" 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.
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.
15. "LN" means line.
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 of 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
* Bluegrass Pkwy 44.8 Washington 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
  TO
  52.3 Mercer County Line
  FROM
  61.9 Woodford County Line

BATH COUNTY
ROAD
* KY 11 0.0 Montgomery CO LN
  Weight Limit - Bridge over Hinkle Creek @ milepoint 0.01
  TY I = 20 tons, TY II = 44 tons, TY III = 39 tons, TY IV = 54 tons
  TO
  12.8 Fleming CO LN
  FROM

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<table>
<thead>
<tr>
<th>ROAD</th>
<th>FROM</th>
<th>TO</th>
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</thead>
<tbody>
<tr>
<td>US 25E</td>
<td>0.0 Virginia State LN</td>
<td>19.5 Knox CO LN</td>
</tr>
<tr>
<td><strong>Weight Limit - Bridge over Little Yellow Creek @ milestone 2.17</strong>&lt;br&gt;TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 43 tons</td>
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<tr>
<td><strong>Weight Limit - Bridge over L &amp; N R.R. @ milestone 7.52</strong>&lt;br&gt;TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons</td>
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<tr>
<td><strong>Weight Limit - Bridge over Greasy Creek @ milestone 18.14</strong>&lt;br&gt;TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 48 tons</td>
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<tr>
<td>US 119</td>
<td>0.0 US 25E</td>
<td>15.8 Harlan CO LN</td>
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<tr>
<td><strong>Weight Limit - Bridge over Cumberland River @ milestone 0.02</strong>&lt;br&gt;TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons</td>
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<td><strong>Weight Limit - Bridge over Cumberland River @ milestone 0.33</strong>&lt;br&gt;TY I = 20 tons, TY II = 49 tons, TY III = 49 tons, TY IV = 54 tons</td>
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<td><strong>Weight Limit - Bridge over Left Fork Straight Creek @ milestone 3.95</strong>&lt;br&gt;TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 44 tons</td>
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<td><strong>Weight Limit - Bridge over Sims Fork @ milestone 7.16</strong>&lt;br&gt;TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons</td>
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<tr>
<td><strong>11.9 Straight Creek Road</strong>&lt;br&gt;18.2 KY 2011</td>
<td>15.1 Mines&lt;br&gt;18.7 Clay CO LN</td>
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<tr>
<td><strong>3.8 Mine</strong></td>
<td>18.4 Harlan CO LN</td>
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<tr>
<td><strong>KY 72</strong></td>
<td>0.0 Tennessee State LN</td>
<td>0.9 KY 535&lt;br&gt;9.8 Mine&lt;br&gt;16.1 KY 2079</td>
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<tr>
<td><strong>KY 92</strong></td>
<td>0.0 Whitley CO LN</td>
<td>10.8 US 25E&lt;br&gt;15.0 KY 186</td>
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<tr>
<td><strong>KY 186</strong></td>
<td>2.2 Appollo Tipple</td>
<td>3.1 KY 74&lt;br&gt;8.8 KY 987&lt;br&gt;4.1 Cranes Creek RD</td>
</tr>
<tr>
<td><strong>KY 186</strong></td>
<td>2.8 KY 988</td>
<td>4.1 Cranes Creek RD&lt;br&gt;8.8 KY 987</td>
</tr>
<tr>
<td><strong>Weight Limit - Bridge over Clear Fork Creek @ milestone 2.80</strong>&lt;br&gt;TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons</td>
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<tr>
<td><strong>KY 217</strong></td>
<td>0.0 KY 66</td>
<td>12.6 Harlan CO LN&lt;br&gt;4.9 US 25E&lt;br&gt;4.5 KY 2079</td>
</tr>
<tr>
<td><strong>Weight Limit - Bridge over Right Fork Straight Creek @ milestone 4.16</strong>&lt;br&gt;TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons</td>
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<tr>
<td><strong>Weight Limit - Bridge over Stoney Fork Creek @ milestone 9.23</strong>&lt;br&gt;TY I = 20 tons, TY II = 38 tons, TY III = 37 tons, TY IV = 60 tons</td>
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<td></td>
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<tr>
<td><strong>KY 441</strong></td>
<td>4.5 KY 2079</td>
<td>4.9 US 25E&lt;br&gt;12.6 Harlan CO LN&lt;br&gt;2.4 Ashbury Avenue&lt;br&gt;3.2 KY 441</td>
</tr>
<tr>
<td><strong>Weight Limit - Bridge over Yellow Creek @ milestone 4.62</strong>&lt;br&gt;TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 59 tons</td>
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<tr>
<td><strong>KY 535</strong></td>
<td>0.0 KY 74</td>
<td>0.6 Clear Fork Rd&lt;br&gt;13.5 KY 217&lt;br&gt;1.7 KY 188&lt;br&gt;2.1 Wolfpen Branch RD&lt;br&gt;9.0 KY 66&lt;br&gt;0.1 Hen Wilder Rd&lt;br&gt;2.7 Lewis Coal Mine Rd</td>
</tr>
<tr>
<td><strong>KY 987</strong></td>
<td>9.4 Hen Wilder RD</td>
<td>13.5 KY 217&lt;br&gt;1.7 KY 188&lt;br&gt;2.1 Wolfpen Branch RD</td>
</tr>
<tr>
<td><strong>KY 988</strong></td>
<td>1.2 KY 217</td>
<td>13.5 KY 217&lt;br&gt;1.7 KY 188&lt;br&gt;2.1 Wolfpen Branch RD</td>
</tr>
<tr>
<td><strong>KY 1344</strong></td>
<td>0.0 KY 217</td>
<td>13.5 KY 217&lt;br&gt;1.7 KY 188&lt;br&gt;2.1 Wolfpen Branch RD</td>
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<tr>
<td><strong>KY 2079</strong></td>
<td>2.4 Ashbury Avenue</td>
<td>3.2 KY 441&lt;br&gt;2.0 KY 2012&lt;br&gt;3.0 KY 987&lt;br&gt;2.0 KY 2012&lt;br&gt;2.6 Mine&lt;br&gt;0.6 Knox CO LN&lt;br&gt;0.2 Mountain Drive Tipple&lt;br&gt;2.3 Mine Access Rd</td>
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<tr>
<td><strong>Cow Fork Road</strong></td>
<td>0.0 KY 2011</td>
<td>2.6 Mine&lt;br&gt;0.6 Knox CO LN&lt;br&gt;0.2 Mountain Drive Tipple&lt;br&gt;2.3 Mine Access Rd</td>
</tr>
<tr>
<td><strong>Straight Creek Road</strong></td>
<td>0.0 KY 66</td>
<td>0.6 Knox CO LN&lt;br&gt;0.2 Mountain Drive Tipple&lt;br&gt;2.3 Mine Access Rd</td>
</tr>
<tr>
<td><strong>Cranes Creek Road</strong></td>
<td>0.0 KY 66</td>
<td>0.6 Knox CO LN&lt;br&gt;0.2 Mountain Drive Tipple&lt;br&gt;2.3 Mine Access Rd</td>
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<tr>
<td><strong>Hignite Creek Road</strong></td>
<td>0.0 KY 74</td>
<td>2.3 Mine Access Rd&lt;br&gt;0.7 Mountain Drive Rd&lt;br&gt;2.3 Mine Access Rd</td>
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<tr>
<td><strong>Weight Limit - Bridge over Hignite Creek</strong>&lt;br&gt;TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons</td>
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**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**

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<td>US 27</td>
<td>8.3 US 460</td>
<td>15.4 Harrison CO LN</td>
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<td><strong>Weight Limit - Bridge over Cooper Creek @ milepoint 11.82</strong></td>
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<td><strong>Weight Limit - Bridge over Townsend Creek @ milepoint 15.4</strong></td>
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<tr>
<td>US 68</td>
<td>2.4 US 68X</td>
<td>10.8 Nicholas CO LN</td>
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<td><strong>Weight Limit - Bridge over Hinkston Creek @ milepoint 9.41</strong></td>
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<td>US 68X</td>
<td>1.4 KY 627</td>
<td>2.8 US 68 (East)</td>
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<td><strong>Weight Limit - Bridge over Stoner Creek @ milepoint 2.0</strong></td>
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<tr>
<td>US 460</td>
<td>7.7 US 27</td>
<td>9.2 US 68X</td>
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<td><strong>Weight Limit - Bridge over L &amp; N RR @ milepoint 7.99</strong></td>
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<td>TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons</td>
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<td><strong>Weight Limit - Bridge over Houston Creek @ milepoint 8.95</strong></td>
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<td>TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 57 tons</td>
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<tr>
<td>KY 627</td>
<td>0.0 Clark CO LN</td>
<td>9.5 US 68X</td>
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<td><strong>Weight Limit - Bridge over Strodes Creek Mill Race @ milepoint 0.75</strong></td>
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<td>TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons</td>
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**BOYD COUNTY**

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<th>ROAD</th>
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<tr>
<td>US 23</td>
<td>0.0 Lawrence CO LN</td>
<td>21.1 Greenup CO LN</td>
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<td><strong>Weight Limit - Bridge over I-64 @ milepoint 10.56</strong></td>
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<td><strong>Weight Limit - Bridge over C &amp; O R.R. @ milepoint 19.31</strong></td>
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<td>TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 39 tons</td>
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<td><strong>Weight Limit - Bridge over C &amp; O R.R. @ Milepoint 19.34</strong></td>
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<td>TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 52 tons</td>
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<td>US 23S</td>
<td>0.0 US 60</td>
<td>0.5 Ohio State LN</td>
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<td><strong>Weight Limit - Northbound Bridge over Ohio River @ milepoint 0.03</strong></td>
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<td>TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons</td>
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<td><strong>Weight Limit - Southbound Bridge over Ohio River @ milepoint 0.05</strong></td>
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<td>US 23K</td>
<td>1.4 US 60</td>
<td>2.0 US 23</td>
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<td>US 60</td>
<td>0.0 Carter CO LN</td>
<td>12.4 US 23</td>
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<td><strong>Weight Limit - Bridge over C &amp; O R.R. at Princess @ milepoint 2.69</strong></td>
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<td>TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons</td>
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<td>US 60Z</td>
<td>0.0 US 23</td>
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<td>KY 5</td>
<td>0.0 US 60</td>
<td>1.5 Straight Creek RD</td>
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<td><strong>Weight Limit - Bridge over Williams Creek @ milepoint 0.92</strong></td>
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<td>KY 757</td>
<td>6.2 US 23</td>
<td>10.2 US 23</td>
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<td><strong>Straight Creek Road</strong></td>
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<tr>
<td>CR 5288</td>
<td>0.0 KY 5</td>
<td>0.6 Buena Vista RD</td>
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<td><strong>Weight Limit - Bridge over Straight Creek</strong></td>
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<td><strong>County Line Tipple Road</strong></td>
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<tr>
<td>CR 5300</td>
<td>0.0 US 23</td>
<td>0.3 County Line Tipple</td>
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<td><strong>Buena Vista Road</strong></td>
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<td>CR 5493</td>
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<td><strong>15th Street (Ashland)</strong></td>
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<td>0.0 US 23</td>
<td>0.2 Mansbach Dock</td>
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<td><strong>53rd Street (Ashland)</strong></td>
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<td>0.0 US 23</td>
<td>0.1 53rd ST Dock</td>
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<th>TY III</th>
<th>TY IV</th>
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<tr>
<td>Boyle County</td>
<td>US 127</td>
<td>7.5 US 127 Bypass</td>
<td>9.7 Mercer CO LN</td>
<td>Weight Limit - Bridge over Macks Branch @ milestone 9.74</td>
<td>20 tons</td>
<td>20 tons</td>
<td>37 tons</td>
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<td>US 1278</td>
<td>0.0 US 127</td>
<td>5.3 US 127</td>
<td>Weight Limit - Bridge over Southern RR @ milestone 0.93</td>
<td>20 tons</td>
<td>44 tons</td>
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<td>US 150</td>
<td>16.8 US 150 Bypass</td>
<td>18.9 Lincoln CO LN</td>
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<td>US 1508</td>
<td>0.0 US 127</td>
<td>2.3 US 150</td>
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<td>45 tons</td>
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<tr>
<td>Bracken County</td>
<td>KY 3</td>
<td>0.0 Pendleton CO LN</td>
<td>19.0 Mason CO LN</td>
<td>Weight Limit - Bridge over Holts Creek at Foster @ milestone 1.20</td>
<td>20 tons</td>
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<td>Weight Limit - Bridge over Snag Creek @ milestone 4.18</td>
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<td>Weight Limit - Bridge over Locust Creek @ milestone 7.04</td>
<td>20 tons</td>
<td>41 tons</td>
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<td>57 tons</td>
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<td>Weight Limit - Bridge over Big Bracken Creek @ milestone 13.93</td>
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<td>38 tons</td>
<td>39 tons</td>
<td>53 tons</td>
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<td>Breathitt County</td>
<td>KY 15</td>
<td>0.0 Perry CO LN</td>
<td>27.5 Wolfe CO LN</td>
<td>Weight Limit - Bridge over Lost Creek @ milestone 0.48</td>
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<td>39 tons</td>
<td>38 tons</td>
<td>51 tons</td>
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<td>Weight Limit - Bridge over Lost Creek @ milestone 3.07</td>
<td>20 tons</td>
<td>39 tons</td>
<td>38 tons</td>
<td>51 tons</td>
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<td>Weight Limit - Bridge over Lost Creek @ milestone 6.48</td>
<td>20 tons</td>
<td>38 tons</td>
<td>39 tons</td>
<td>49 tons</td>
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<td>Weight Limit - Bridge over Lost Creek @ milestone 6.69</td>
<td>20 tons</td>
<td>39 tons</td>
<td>40 tons</td>
<td>50 tons</td>
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<td></td>
<td>Weight Limit - Bridge over Troublesome Creek @ milestone 7.64</td>
<td>20 tons</td>
<td>39 tons</td>
<td>40 tons</td>
<td>50 tons</td>
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<td></td>
<td></td>
<td>Weight Limit - Bridge over Quicksand Creek @ milestone 14.73</td>
<td>20 tons</td>
<td>38 tons</td>
<td>39 tons</td>
<td>47 tons</td>
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<td></td>
<td>Weight Limit - Bridge over Frozen Creek @ milestone 23.27</td>
<td>20 tons</td>
<td>45 tons</td>
<td>49 tons</td>
<td>57 tons</td>
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<td>KY 28</td>
<td>5.7 Perry CO LN</td>
<td>7.4 Perry CO LN</td>
<td>Weight Limit - Bridge over Troublesome Creek @ milestone 7.02</td>
<td>20 tons</td>
<td>35 tons</td>
<td>36 tons</td>
<td>50 tons</td>
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<td>KY 476</td>
<td>0.0 Perry CO LN</td>
<td>11.4 KY 15</td>
<td>Weight Limit - Bridge over Troublesome Creek @ milestone 7.02</td>
<td>20 tons</td>
<td>35 tons</td>
<td>36 tons</td>
<td>50 tons</td>
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<tr>
<td></td>
<td>KY 542</td>
<td>9.2 Quicksand Creek RD</td>
<td>18.6 Magoffin CO LN</td>
<td>Weight Limit - Bridge over South Fork Quicksand Creek @ milestone 5.27</td>
<td>20 tons</td>
<td>27 tons</td>
<td>30 tons</td>
<td>49 tons</td>
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<tr>
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<td>KY 1098</td>
<td>0.0 KY 15</td>
<td>20.7 Knott CO LN</td>
<td>Weight Limit - Bridge over Quicksand Creek @ milestone 17.98</td>
<td>20 tons</td>
<td>43 tons</td>
<td>44 tons</td>
<td>59 tons</td>
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<td>KY 1110</td>
<td>15.2 Haddix Tipple</td>
<td>15.7 KY 15</td>
<td>Weight Limit - Bridge over North Fork Kentucky River @ milestone 15.55</td>
<td>20 tons</td>
<td>34 tons</td>
<td>36 tons</td>
<td>51 tons</td>
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<td></td>
<td>KY 1111</td>
<td>0.0 KY 10.98</td>
<td>2.2 Big Lovely RD</td>
<td>Weight Limit - Bridge over Laurel Pad Branch Creek</td>
<td>20 tons</td>
<td>28 tons</td>
<td>37 tons</td>
<td>40 tons</td>
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<td>Quicksand Creek RD</td>
<td>0.0 KY 542</td>
<td>1.0 Mine</td>
<td>Weight Limit - Bridge over Buckhorn Creek Northeast of Noble</td>
<td>4 tons</td>
<td>4 tons</td>
<td>4 tons</td>
<td>4 tons</td>
</tr>
<tr>
<td></td>
<td>Big Lovely Road</td>
<td>0.0 KY 1111</td>
<td>2.1 Knott CO LN</td>
<td>Weight Limit - Bridge over Buckhorn Creek Northeast of Noble</td>
<td>4 tons</td>
<td>4 tons</td>
<td>4 tons</td>
<td>4 tons</td>
</tr>
<tr>
<td></td>
<td>Springsfork Road</td>
<td>0.0 KY 542</td>
<td>1.4 Mine Access</td>
<td>Weight Limit - Bridge over Buckhorn Creek Northeast of Noble</td>
<td>4 tons</td>
<td>4 tons</td>
<td>4 tons</td>
<td>4 tons</td>
</tr>
<tr>
<td></td>
<td>Slusher Road</td>
<td>0.0 KY 542</td>
<td>2.5 Mine</td>
<td>Weight Limit - Bridge over Buckhorn Creek Northeast of Noble</td>
<td>4 tons</td>
<td>4 tons</td>
<td>4 tons</td>
<td>4 tons</td>
</tr>
<tr>
<td></td>
<td>Buckhorn Creek RD</td>
<td>0.0 KY 476</td>
<td>0.3 Mine</td>
<td>Weight Limit - Bridge over Buckhorn Creek Northeast of Noble</td>
<td>4 tons</td>
<td>4 tons</td>
<td>4 tons</td>
<td>4 tons</td>
</tr>
</tbody>
</table>
BULLIT 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 0.6 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 = 19 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

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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

TY I = 10.6 US 60
11.5 1-64

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
0.0 US 60
0.9 Mine

CHRISTIAN COUNTY
ROAD

* 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

* CR 5418
0.0 KY 1296
2.0 Mine

CLARK COUNTY
ROAD

* 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

* KY 15
0.0 Powell CO LN
7.2 KY 15

* KY 418
5.7 KY 1924
13.1 US 60

* KY 627
0.0 Madison CO LN
8.4 KY 1958

Weight Limit – Bridge over Little Hagen Creek @ milepoint 2.98
TY I = 20 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 CB&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

* KY 89
8.1 KY 89
9.3 I-64

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

* 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 1.14
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons

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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)
26.6 Owosy 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
7.5 US 421

* KY 80
4.8 New Truckers Tipple

* 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

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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 233 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) 1.9 Mine
(Via Industrial Dr. & Medley-Root Rd.)

* 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

ELLIOIT COUNTY

ROAD FROM T0 19.3 Carter CO LN
* KY 7 17.1 KY 409

FAYETTE COUNTY

ROAD FROM T0
* 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 T0
* 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 = 59 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 T0
* 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

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* 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 Speewing 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 = 30 tons, TY III = 31 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 5024  0.0 US 23  0.1 Powell Branch RD

Ivy Creek Road
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 5046x  0.0 Bushy Fork Road  1.0 Martin CO LN
* Bull Creek Road
CR 5055  0.0 KY 3  0.5 Cabin Coal Tippel
* 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

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<thead>
<tr>
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<tr>
<td>* US 60</td>
<td>0.0 Shelby CO LN</td>
<td>6.5 US 127 (West)</td>
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<td>Weight Limit - Bridge over Benson Creek @ milepoint 0.01</td>
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<tr>
<td>Weight Limit - Bridge over South Benson Creek @ milepoint 2.72</td>
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<td>12.1 US 421 (East)</td>
<td>14.0 KY 676</td>
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<td>Weight Limit - Bridge over L &amp; N Railroad @ milepoint 12.12</td>
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<td>* US 127</td>
<td>10.3 KY 676</td>
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<td>* KY 676</td>
<td>0.0 US 127</td>
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## GREENUP COUNTY

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<td>Weight Limit - Bridge over Little Sandy River @ milepoint 11.41</td>
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<td>* KY 1</td>
<td>11.4 KY 207</td>
<td>17.3 US 23</td>
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<td>* KY 207</td>
<td>0.0 Carter CO LN</td>
<td>0.5 Logtown Hollow Road</td>
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<td>8.3 Woods RD</td>
<td>9.2 KY 1</td>
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<tr>
<td>* Logtown Hollow Road</td>
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<tr>
<td>CR 5168</td>
<td>0.0 KY 207</td>
<td>0.5 Mine</td>
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<td>* Stepp Drive</td>
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<tr>
<td>CR 5216</td>
<td>0.0 KY 207</td>
<td>0.3 Mine</td>
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<td>* Schultz Branch Road</td>
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<tr>
<td>CR 5250</td>
<td>0.0 KY 2</td>
<td>1.0 Mine</td>
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## HANCOCK COUNTY

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## HARPAN COUNTY

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<td>Weight Limit - Bridge over Poore Fork Cumberland River @ milepoint 31.12</td>
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<tr>
<td>Weight Limit - Bridge over Poore Fork Cumberland River @ milepoint 33.32</td>
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<td>TY I = 20 tons, TY II = 47 tons, TY III = 47 tons, TY IV = 55 tons</td>
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<td>Weight Limit - Bridge over Poor Fork @ milepoint 38.91</td>
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<td>Weight Limit - Bridge over Poor Fork @ milepoint 39.61</td>
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<td>* US 421</td>
<td>0.0 Virginia State LN</td>
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<td>Weight Limit - Bridge over Cranks Creek @ milepoint 2.70</td>
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<td>Weight Limit - Bridge over Fork of Crummies Creek @ milepoint 7.36</td>
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<td>Weight Limit - Bridge over KY 840, L &amp; N RR, Clover Fork @ milepoint 17.51</td>
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<td>17.6 US 119 (East)</td>
<td>27.4 Leslie CO LN</td>
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<td>* KY 38</td>
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<td>Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 8.21</td>
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<td>Weight Limit - Bridge over Yocum Creek @ milepoint 8.60</td>
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<td>Weight Limit - Bridge over Clover Fork @ milepoint 12.90</td>
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<td>16.7 Conveyor Dump Point</td>
<td>17.0 KY 179</td>
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<td>* KY 72</td>
<td>0.0 Bell CO LN</td>
<td>1.9 KY 2005</td>
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<td>1.3 Hill Branch RD</td>
<td>4.9 Rockhouse BR RD</td>
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<td>Weight Limit - Bridge over Puckett Creek @ milepoint 4.73</td>
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<td>Weight Limit - Bridge over Puckett Creek @ milepoint 4.84</td>
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<tr>
<td>10.2 Mine</td>
<td>11.3 US 421</td>
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<td>Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 11.19</td>
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<tr>
<td>* KY 215</td>
<td>0.0 KY 38</td>
<td>0.2 Yocum Tippie</td>
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<td>Weight Limit - Bridge over Yocum Creek @ milepoint 1.06</td>
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<td>TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons</td>
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* KY 221 0.0 Bell CO LN 8.9 US 421 (North) 8.9 US 421 (South) 8.9 US 421 (North) 8.9 US 421 (South) 8.9 US 421 (South) 21.6 KY 2008 21.6 KY 2008 21.6 KY 2008 21.6 KY 2008 21.6 KY 2008 21.6 KY 2008
* KY 987 10.4 Wilder Branch RD 18.5 US 421 18.5 US 421 18.5 US 421 18.5 US 421 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 Crummines 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 50078 0.0 Haile 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 0.05
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

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**Administrative Register - 461**

- **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**  
**Weight Limit - Bridge over Tradewater River Overflow @ milestone 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 @ milestone 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 @ milestone 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 @ milestone 33.87**

- **TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons**

**Weight Limit - Bridge over Pennyrile Parkway @ milestone 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)**

**Weight Limit - Bridge on exit ramp to U.S. 41 @ milestone 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)**

**Weight Limit - Bridge over KY 138 @ milestone 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 @ milestone 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 @ milestone 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 @ milestone 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 @ milestone 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 @ milestone 6.59**

- **TY I = 20 tons, TY II = 28 tons, TY III = 23 tons, TY IV = 34 tons**

**Weight Limit - Bridge over Pond Creek @ milestone 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 @ milestone 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 @ milestone 7.94**

- **TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons**

**Weight Limit - Bridge over Pleasant Run @ milestone 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 @ milestone 14.89**

- **TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 59 tons**

**Weight Limit - Bridge over US 41 @ milestone 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 @ milestone 16.39**

- **TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons**

**Weight Limit - Bridge over Drakes Creek @ milestone 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 @ milestone 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 @ milestone 13.09**

- **TY I = 20 tons, TY II = 27 tons, TY III = 27 tons, TY IV = 34 tons**

**Weight Limit - Bridge over Sugar Creek @ milestone 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 @ milestone 18.53**

- **TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons**

**US 41**

- **18.7 US 41A 26.4 Muhlenberg CO LN**

**Weight Limit - Bridge over Pond River @ milestone 26.32**

- **TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons**

**KY 21**

- **2.1 US 62 17.2 KY 814**

**Weight Limit - Bridge over Western Kentucky Parkway @ milestone 3.81**

- **TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 54 tons**

**Weight Limit - Bridge over IC RR @ milestone 4.50**

- **TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons**

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Weight Limit - Bridge over IC RR @ milestone 6.49
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons
Weight Limit - Bridge over Lick Creek @ milestone 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 @ milestone 5.85
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons
Weight Limit - Bridge over Unnamed Stream @ milestone 8.06
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons
Weight Limit - Bridge over Unnamed Stream @ milestone 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 @ milestone 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 @ milestone 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 @ milestone 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 @ milestone 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 @ milestone 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 Moore Creek @ milestone 0.59
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons
Weight Limit - Bridge over Pond Creek @ milestone 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 Owlsley 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 23 13.3 Deadfall Branch RD
  8.7 US 23 12.4 KY 40
* 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 6.5 KY 3
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

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* KY 1087  1.4 KY 3209  3.4 Mountain Clay Mine
  9.6 C & O Coal Mine  14.1 KY 80
  KY 1088  3.9 Young's Fork RD  9.4 KY 15
  Weight Limit - Bridge over Yellow Creek @ milestone 9.12
  TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons
  Weight Limit - Bridge over Carr Creek @ milestone 9.36
  TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 56 tons
* KY 1091  2.2 Floyd CO LN  2.0 KY 1087
  Weight Limit - Bridge over Right Fork of Beaver Creek @ milestone 0.01
  TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
* KY 1098  12.0 KY 1087
  Weight Limit - Bridge over Laurel Fork Quicksand Creek @ milestone 6.94
  TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons
* KY 1102  2.7 KY 80
  1.1 Sandlick Branch RD
  KY 1237  1.2 Flax Patch Branch RD
  0.0 KY 15
* KY 1393  4.9 KY 160
  2.8 KY 899
* KY 1410  4.7 Letcher CO LN
  0.0 KY 160
  Weight Limit - Bridge over Carr Fork @ milestone 0.01
  TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons
* KY 1498  1.5 Floyd CO LN
  0.5 KY 7
* KY 3209  0.4 KY 1087
  0.0 KY 80
  Weight Limit - Bridge over Ball Fork @ milestone 0.05
  TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
* KY 3391  1.7 Madden Creek RD
  0.0 KY 1231
  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
* Potato Branch RD
* CR 5005
  0.0 KY 7
  Weight Limit - Bridge over Ball Fork @ milestone 0.05
  TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
* CR 5009  0.2 National Mines Mine
  0.0 KY 7
  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  0.8 National Mines Mine
  0.0 KY 550
  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 5037  0.8 Consolidation Mine
  0.0 KY 80
* Bates Branch Road
* CR 5117  1.4 Wheelwright Mine
  0.0 KY 7
* Perkins Branch-Lick Branch Road
* CR 5145  0.4 Southeast Coal Mine
  0.0 KY 15
* Runnells Branch Road
* CR 5156  0.5 Left FK Runnells BR RD
  0.0 KY 160
* Left Fork of Runnells Branch Road
* CR 5156A  0.3 Golden Oak Mine
  0.0 Runnells Branch RD
* Irishman Creek Road
* CR 5203  0.8 R J F Coal Mine
  0.0 KY 1231
* Flax Patch Branch Road
* CR 5208  0.5 Allied Coals Mine
  0.0 KY 1231
* Defeated Creek Road
* CR 5212  3.2 Meade & Shepherd Mine
  0.0 KY 15
* Young's Fork Road
* CR 5226  1.3 Kentucky Prince Mine
  0.0 KY 1088
* Middle Fork of Quicksand Creek Road
* CR 5312  1.0 Big Branch of Quicksand Creek RD
  0.0 Decoy-Spring Fork RD
* Big Branch of Quicksand Creek Road
* CR 5314  1.2 Middle Fork of Quicksand Creek RD
  0.0 Miller Branch Mine
* Decoy-Spring Fork Road
* CR 5315  1.1 Middle Fork of Quicksand Creek Road
  0.0 Breathitt CO LN
* Sandlick Branch Road
* CR 5336  0.9 McCoy Coal Mine
  0.0 KY 1102

Knox County

Road  FROM  TO  Volume 16, Number 3 - September 1, 1989
* US 25E  0.0 Bell CO LN  26.6 Laurel CO LN
  Weight Limit - Bridge over Cumberland River @ milestone 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 @ milestone 1.54
  TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 51 tons
  Weight Limit - Bridge over Stinking Creek @ milestone 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 Whiteley 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 Indiah 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 110.0 Whiteley 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 Kayjaj Mine 15.0 US 25E
* KY 312 0.0 Whiteley 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 Whiteley 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 Salley's 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

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Weight Limit - Bridge over Lick Creek Road @ milestone 7.64
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 40 tons
Weight Limit - Bridge over KY 488 @ milestone 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 @ milestone 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 @ milestone 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 @ milestone 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 @ milestone 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 900
  * 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 @ milestone 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 @ milestone 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 @ milestone 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 Little Laurel River @ milestone 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 @ milestone 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 @ milestone 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  12.8 KY 201  5.0 O Oliveville-Coal Branch RD
  * KY 3  0.0 Martin CO LN  15.5 US 23
  * KY 35  0.0 KY 3  24.7 KY 1  0.1 West Virginia State LN
  * KY 32  8.5 Lower Laurel Creek RD  28.9 US 23
Weight Limit - Bridge over Levisa & Tug Forks @ milestone 14.87
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
  24.4 KY 1398
  * KY 35  0.0 KY 3
Weight Limit - Bridge over Levisa & Tug Forks @ milestone 0.01
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
  24.7 KY 1
Weight Limit - Bridge over Cains Creek @ milestone 9.53
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Blaine Creek @ milestone 10.10
TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 54 tons
Weight Limit - Bridge over Blaine Creek @ milestone 10.85
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over Brusky Creek @ milestone 16.05
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 54 tons
Weight Limit - Bridge over Blaine Creek @ milestone 18.39
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons
Weight Limit - Bridge over Russey Branch @ milestone 22.55
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over Dry Fork Creek @ milestone 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
  * Georges Creek Road
  * CR 5118  0.0 KY 3  1.6 Lockworth Mine
  * CR 5156  0.0 KY 1690  1.5 Left FK Brushy CR RD
  * CR 5203  0.8 Georges Creek Road  0.8 Mine

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* Lower Laurel Creek Road
  CR 5221 0.0 KY 32
  Weight Limit - Bridge over Lower Laurel Creek
  TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons
  1.7 Black Wells Mine
* Galiowville-Coal Branch Road
  CR 5311 0.0 KY 1
  Weight Limit - Bridge over Lower Laurel Creek
  TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons
  0.3 Mine

LESLIE COUNTY

* Daniel Boone
  Parkayway 35.9 Clay 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
  51.0 Perry CO LN
* US 421
  0.0 Harlan CO LN
  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
  22.6 KY 18
  20.6 KY 2431
  25.8 Wet Rockhouse Branch
  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
  35.4 Clay CO LN
  9.7 Perry CO LN
* KY 80
  0.0 US 421
  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
  3.5 Daniel Boone PKWY
* KY 699
  0.0 KY 80
  Weight Limit - Bridge over Cutshin Creek @ milepoint 8.14
  TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
  13.6 Old Big Rock RD
  15.2 Meine
  16.0 Perry CO LN
* KY 1807
  0.0 KY 80
  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
  3.6 Mine Access RD
  5.2 Mine
* KY 2057
  0.0 KY 699
  5.4 Bledsoe Tipple
* KY 2431
  0.0 US 421
  3.1 Bear BR RD
  0.1 High School
* KY 2057
  0.0 KY 699
  0.6 Mine
* KY 2431
  0.0 US 421
  0.6 Middle Fork Kentucky River @ milepoint 0.01
* Wendover Road
  CR 5001 0.0 KY 2431
  Weight Limit - Bridge over Cutshin Creek @ milepoint 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons
  1.6 Hurricane Creek RD
* Hurricane Creek Road
  CR 5002 2.2 Camp Creek RD
* Camp Creek Road
  CR 5005 0.0 Hurricane Creek RD
* Bear Branch Road
  CR 5018 0.0 KY 2057
  0.7 Tipple Access
* Bailey Branch Road
  CR 5027 0.0 KY 1807
  1.4 Mine & Perry CO LN
* Long Branch Road
  CR 5118 0.0 KY 699
  0.6 Mine
* Old Big Rock Road
  CR 5126 0.0 KY 699
  0.2 Mine
* Old Big Rock Road
  CR 5126 0.0 KY 699
  Weight Limit - Bridge over Cutshin Creek
  TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons
  0.6 Right Fork of Cutshin RD
* 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 0.0 Mine RD
  5.2 Mine RD

LETCHE COUNTY

* US 23
  0.0 Virginia State 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
  7.1 Pike CO LN
* US 119
  0.0 Harlan CO LN
  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
  7.0 Scotia Mine Tipple
* KY 7
  0.0 Perry CO LN
  27.7 US 23
  20.7 KY 1862
  25.2 KY 317

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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 = 40 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 = 50 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
  9.7 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
  8.9 KY 7
  1.5 #2 Hollow Road

* KY 343
  0.0 KY 317

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
  11.0 Mine
  3.1 KY 317

* 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
  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

* Crum Creek Road
  CR 5169
  0.9 Hampfer 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
  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 52 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

MCCLARY 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 0.0 KY 92 0.3 Revele Prep Plant
* Bauer Road 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

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MAGOFFIN COUNTY

ROAD FROM TO

* Mountain PKWY (KY 402)
  71.7 KY 30
  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
  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
  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
  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
  * KY 404 0.0 KY 7
  * KY 542 0.0 Breathitt CO LN
  * KY 867 4.0 Mine Access RD
  * KY 1471 0.0 Big Half Mountain RD
  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-Bettmann RD
  * Brusky Fork Road
  CR 5132 0.0 KY 7
  * Bull Creek Road
  CR 5140 0.0 KY 7
  * Jake Wireman Road
  CR 5144 0.0 KY 1502
  * Beetree Branch Road
  CR 5145 0.0 KY 7
  * Big Half Mountain Road
  CR 5148 0.0 Mine
  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
  Weight Limit - Bridge over Oakley Creek
  TY I = 6 tons, TY II = 6 tons, TY III = 6 tons, TY IV = 6 tons
  * Tiptop-Bettmann Branch Road
  CR 5225B 0.0 Breathitt CO LN

MARTIN COUNTY

ROAD FROM TO

* US 62 7.2 KY 95
  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)
  * US 641 0.0 Calloway CO LN
  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
  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
  * KY 3 0.0 Johnson CO LN
  18.5 Rockcastle BR RD
  * KY 40 5.3 KY 1224
  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 1.99
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

KY 1439 0.0 Pike CO LN 11.2 KY 1714
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
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 Road
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 Lubbergrad Creek @ milepoint 3.92
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons

Weight Limit - Bridge over Lubbergrad 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)

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MORGAN COUNTY
ROAD
FROM
US 460 20.1 Malone-Jones Creek RD 28.8 Magoffin CO N
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
* Western Kentucky Parkway
43.4 Hopkins CO LN 57.9 US 431
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons
* US 62 1.3 Henry Oates RD 10.5 KY 176
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons
* US 431 11.5 KY 176 25.5 Mine
TY I = 20 tons, TY II = 39 tons, TY III = 41 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
* KY 176 0.0 US 62 12.5 T V A Paradise Plant
TY I = 20 tons, TY II = 39 tons, TY III = 43 tons, TY IV = 60 tons
* KY 189 6.0 Mine Access 8.8 US 62 (South Junction)
14.0 US 62 35.3 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
* KY 1379 0.0 KY 277 0.5 Prep Plant Access
TY I = 20 tons, TY II = 28 tons, TY III = 29 tons, TY IV = 39 tons
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Wilcox Cemetery Road
CR 5003 0.0 US 431 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
* 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 NV
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
**Administrative Register - 473**

**Nicholas County**

<table>
<thead>
<tr>
<th>Road</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>US 68</td>
<td>0.0 Bourbon CO LN</td>
<td>12.2 Robertson CO LN</td>
</tr>
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</table>

**Weight Limit** - Bridge over Stony Creek @ milestone 9.72
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons

**Ohio County**

<table>
<thead>
<tr>
<th>Road</th>
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<tbody>
<tr>
<td>Western KY PKWY 74.6 US 231</td>
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**Weight Limit** - Bridge over US 231 @ milestone 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 @ milestone 85.72
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons

**Weight Limit** - Bridge over Rough River @ milestone 49.34
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 54 tons

**Weight Limit** - Bridge over Green River @ milestone 0.01
TY I = 20 tons, TY II = 27 tons, TY III = 32 tons, TY IV = 38 tons

**Weight Limit** - Bridge over Lewis Creek @ milestone 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 @ milestone 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 @ milestone 12.03
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons

**Weight Limit** - Bridge over Muddy Creek @ milestone 12.30
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons

**Weight Limit** - Bridge over Elm Creek @ milestone 14.95
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons

**US 231**

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<tr>
<td>0.0 Butler CO LN</td>
<td>19.0 Horton-MT Pleasant RD</td>
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<tr>
<td>10.0 US 62 (North)</td>
<td>24.3 Daviess CO LN</td>
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</table>

**Weight Limit** - Bridge over North Fork Muddy Creek @ milestone 12.30
TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons

**Weight Limit** - Bridge over Barnett Creek @ milestone 20.30
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons

**KY 69**

<table>
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<th>From</th>
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<tbody>
<tr>
<td>5.9 Mine</td>
<td>10.0 US 62 (South)</td>
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**Weight Limit** - Bridge over Branch West Fork Lewis Creek @ milestone 9.62
TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 56 tons

**KY 1414**

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<tr>
<td>14.0 Sugar Grove RD</td>
<td>7.6 KY 85 (South)</td>
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**KY 1903**

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<tr>
<td>0.0 US 62</td>
<td>15.4 Country Club Road</td>
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**Sunnyside Road**

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<tr>
<td>8.3 Sugar Grove RD</td>
<td>11.3 US 62</td>
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**Sunnydale Road**

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<tr>
<td>0.0 KY 1414</td>
<td>15.7 KY 54</td>
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**Rone Road**

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<tr>
<td>0.0 Sunnydale RD</td>
<td>2.0 Mine</td>
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**Maple Lake Road (Old Martin-Dodson Cemetery Road)**

<table>
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<th>From</th>
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<tbody>
<tr>
<td>0.0 Mine</td>
<td>0.1 Southwind Tipple</td>
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**Owsley County**

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<tr>
<th>Road</th>
<th>From</th>
<th>To</th>
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<tbody>
<tr>
<td>KY 11</td>
<td>0.0 Clay CO LN</td>
<td>10.8 KY 1938</td>
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</table>

**Weight Limit** - Bridge over Sexton Creek @ milestone 1.80
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons

**Weight Limit** - Bridge over Island Creek @ milestone 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 @ milestone 6.18
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons

**Weight Limit** - Bridge over Little Sturgeon Creek @ milestone 3.42
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons

Volume 16, Number 3 - September 1, 1989
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
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
* Bowman Branch Road
CR 5303 0.0 KY 847
1.1 Denham & Lewis Mine
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
* KY 80 0.0 Breathitt CO LN 15.9 KY 15
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 @ milepoint 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 PKY
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 Lots Creek @ milepoint 2.07
TY I = 20 tons, TY II = 19 tons, TY III = 20 tons, TY IV = 30 tons
Weight Limit – Bridge over Lots 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
Weight Limit - Bridge over Big Leather Creek @ milestone 2.4
TY I = 20 tons, TY II = 35, TY III = 36 tons, TY IV = 48 tons
2.5 KY 476

**KY 699** 0.0 Leslie CO LN
Weight Limit - Bridge over Leatherwood Creek @ milestone 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

**KY 1087** 0.0 KY 476
Weight Limit - Bridge over Leatherwood Creek @ milestone 8.01
TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons
0.7 Lick Branch RD

**KY 1088** 0.0 KY 476
Weight Limit - Bridge over Big Leather Creek @ milestone 10.77
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons
1.1 Mine

**KY 1095** 0.4 Emmons Tipple
Weight Limit - Bridge over Carr Fork @ milestone 2.55
TY I = 18 tons, TY II = 19 tons, TY III = 22 tons, TY IV = 31 tons
2.9 KY 15

**KY 1098** 0.0 KY 80
Weight Limit - Bridge over Big Creek @ milestone 0.02
TY I = 20 tons, TY II = 40 tons, TY III = 38 tons, TY IV = 46 tons
4.0 Whitaker Tipple

**KY 1096** 0.0 KY 476
Weight Limit - Bridge over Big Creek @ milestone 3.55
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
2.7 KY 476

**KY 1146** 2.2 Jakes Fork Tipple
Weight Limit - Bridge over Trace Fork @ milestone 2.69
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons
4.0 KY 80

**KY 2021** 1.1 Beech Oak Branch
Weight Limit - Bridge over Leatherwood Creek @ milestone 0.01
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons
3.4 KY 451

**KY 3196** 0.0 Beech Fork RD
Weight Limit - Bridge over Leatherwood Creek @ milestone 0.01
TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 57 tons
0.1 KY 699

**KY 3348** 0.1 Little Leatherwood Creek RD
Weight Limit - Bridge over Little Leatherwood Creek @ milestone 1.44
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
3.9 KY 699

**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
0.2 Kentucky Prince Tipple

**Old KY 15 Loop #1 Road**
CR 5102 0.0 KY 15
1.3 Chester Tipple

**Oakwood Avenue-Stacey Branch Road**
CR 5117 0.0 Main ST (Vicco)
0.2 Oakwood Ave-Stacey Branch RD

**Main Street (Vicco)**
CR 51188 0.0 KY 1095
0.4 Emmons Tipple

**Kelly Fork Road**
CR 5119 0.0 KY 1095
0.5 Mine

**Straight Fork Road**
CR 5140 0.0 Little Leatherwood Creek RD
3.0 Lee Mine

**Beech Fork Road**
CR 5146 0.0 KY 3196
0.4 Blue Diamond Mine

**Jackson Fork Road**
CR 5152 0.0 KY 463
0.9 Mine

**Beech Oak Branch Road**
CR 5213 0.0 KY 2021
4.8 Dun Raven Tipple

**Sam Campbell Branch Road (Old Pigeon Rosie-Hull School RD)**
CR 5319 0.0 KY 15
2.3 Sam Campbell BR RD

**Clear Fork Road**
CR 5320 0.0 KY 28
0.8 Breathitt CO LN

**Beech Fork Road**
CR 5330 0.0 KY 28
1.0 Viars Coal Mine

**Right Fork Spencer Creek Road**
CR 5332 0.0 Spencer Creek-Napfor BR RD
1.9 Pine Branch Mine

**Spencer Creek-Napfor Branch Road**
CR 5333 0.0 KY 28
0.4 Mine

**Buckhorn-Breathitt County Line Road**
CR 5349 0.0 KY 28

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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
29.7 W. Va. State LN

* US 119 0.0 US 23 (North of Pikeville) 0.0 US 23 @ Ferguson Creek
Weight Limit - Bridge over Racoon 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
24.0 Virginia State LN

* US 460 0.0 US 23 0.0 US 23
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 0.0 US 460
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 (North)
16.8 US 119 (South)
16.8 US 119 (North)
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 832 @ Phelps
67.3 Mine 67.7 KY 2062
69.6 KY 2059 73.2 Virginia State LN
11.6 US 460

* KY 195 0.0 KY 197 16.6 KY 80
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 = 37 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 Elk Horn Creek @ milepoint 13.91
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 56 tons

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* KY 199 8.2 KY 1056 11.6 US 119
 Weight Limit - Bridge over Pond Creek @ milestone 8129
 TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 58 tons
 Weight Limit - Bridge over Pond Creek @ milestone 8.72
 TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons
 Weight Limit - Bridge over Pond Creek @ milestone 11.34
 TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 59 tons
* KY 292 0.0 Goody-ALFLX-BURNWL RD 4.8 US 119 (South)
 4.8 US 119 (North)
 0.0 US 119
 0.0 US 119
* KY 319 12.7 Martin CO LN
 0.0 US 119
* KY 319 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 @ milestone 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
 4.3 Little Fork-Left Fork RD 3.5 Henry Clay Mine
 0.0 KY 612 6.0 US 23
 0.0 KY 612 3.6 Mine
* KY 612 8.4 KY 292
 4.6 Mine
* KY 632 15.0 KY 194 @ Phelps
 Weight Limit - Bridge over Johns Creek @ milestone 1.19
 TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
 8.1 KY 1460 8.9 KY 122
 Weight Limit - Bridge over Peter Creek @ milestone 14.96
 TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons
 8.1 KY 1460 8.9 KY 122
* 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 @ milestone 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 @ milestone 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 3.9 Mine 10.1 US 119
 0.0 KY 1789
 4.4 Standard Elk Horn Mine
 Weight Limit - Bridge over Pompey Creek @ milestone 0.21
 TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
 Weight Limit - Bridge over Raccoon Creek @ milestone 4.79
 TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons
 Weight Limit - Bridge over Raccoon Creek @ milestone 6.04
 TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
 Weight Limit - Bridge over Raccoon Creek @ milestone 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 @ milestone 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
* KY 1499 12.2 KY Elkhorn Tipple
 0.0 US 460 6.1 KY 194
 Weight Limit - Bridge over Levisa Fork @ milestone 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 7.1 KY 194
 0.0 US 23
 Weight Limit - Bridge over Cowpen Creek @ milestone 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 @ milestone 6.72
 TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons
 Weight Limit - Bridge over Johns Creek @ milestone 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 @ milestone 0.01
 TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 39 tons
* KY 3154 2.7 US 119
 0.0 Meathouse Branch RD
* KY 3226 3.3 US 460
 0.0 Rockhouse Creek-Greasy RD
* KY 3227 1.0 Coal Run Tipple
 0.0 US 23
* KY 3414 3.4 KY 1469
 2.4 Mine
* KY 3415 2.8 KY 122
 0.0 Robinson Creek RD
 Weight Limit - Bridge over Robinson Creek @ milestone 0.4
 TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

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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 3426 1.7 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 = 27 tons, TY III = 29 tons, TY IV = 30 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
  * Varnell 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 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons
  * 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 = 24 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 - 10.0 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
  0.8 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-Gardiner 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
* Harmon 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

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**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

**FOEWELL COUNTY ROAD FROM TO**

**Mountain Parkway (KY 402)**
11.9 Clark CO LN 36.0 Wolfe CO LN

Weight Limit – Bridge over Lubbeugrad 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 Caney 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

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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
* Bollhouse 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 Bollhouse 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 Gasohol Plant
(Extended weights shall be available only to TY IV vehicles with a gross
weight of 90,000 pounds or less.)
3.2 KAEC Gasohol 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

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* 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 @ milepoin 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

WARRENT COUNTY
ROAD FROM TO
* Green River Parkway 0.0 I-65 18.2 Butler CO LN
  Weight Limit - Bridge over I-65 @ milepoin 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 @ milepoin 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
  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 @ milepoin 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 @ milepoin 8.65
  TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
  Weight Limit - Bridge over Meadow Creek @ milepoin 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
  Weight Limit - Bridge over Sinking Creek @ milepoin 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 @ milepoin 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 @ milepoin 7.33
  TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons
  Weight Limit - Bridge over Caney Fork @ milepoin 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 41A
* 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
<table>
<thead>
<tr>
<th>ROAD</th>
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<th>TO</th>
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<tbody>
<tr>
<td>US 25T</td>
<td>0.0 US 25W</td>
<td>0.7 US 25W</td>
</tr>
<tr>
<td>US 25W</td>
<td>1.7 Kensee Creek Rd</td>
<td>14.1 KY 26 (South)</td>
</tr>
</tbody>
</table>

**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 = 29 tons, TY III = 30 tons, TY IV = 40 tons

**Weight Limit - Bridge over L&N RR @ milepoint 11.02**
- TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 40 tons

**Weight Limit - Bridge over Pleasant Run @ milepoint 0.23**
- TY I = 20 tons, TY II = 33 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

**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 Harpess Creek @ milepoint 27.89**
- TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons

**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

**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

**Weight Limit - Bridge over Sutters Mill @ milepoint 13.5**
- TY I = 20 tons, TY II = 20 tons, TY III = 20 tons, TY IV = 20 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

**Weight Limit - Bridge over Cumberland River @ Louden**
- TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons

**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

**Weight Limit - Bridge over Golden Creek @ milepoint 3.89**
- TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 58 tons

**Weight Limit - Bridge over Bennetts Branch**
- TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 56 tons

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* 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
* Bail 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 @ midpoint 1.79
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons
  13.4 Mountain PKWY (KY 402)
* KY 155 0.0 KY 15
  14.0 KY 715
Weight Limit - Bridge over Mountain Parkway @ midpoint 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
* Mullins Point Road
  CR 5218 0.0 KY 3355
  0.9 Mullins Point RD
  0.9 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 @ midpoint 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.


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: No
   2. Continuing costs or savings: No
   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 no changes 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: Yes
(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 agencies.
   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 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.

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. 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 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.

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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.

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 $5,500. 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 121.170 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 121.220. 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 15, 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: 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 post age $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 2,500 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.

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 satisfies that county's vote in 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 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 Malloy, 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: 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: 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 5:250, 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 341.250, 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 [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, 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.
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 5:370, 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.

TIERNING: 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 341.570(11), 341.430(2),
341.440, 341.450(2)
STATUTORY AUTHORITY: KRS 134.100, 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 a refugee 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) Decision

(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 division's 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 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 affirmed, reversed or amended 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 thereof]. 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 document, 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 216.430(2), or to appeal from a notice of income tax refund intercept satisfaction 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 of its 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 the 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, 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 a case to which it 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 an 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.
(6) The commission may in its discretion grant a postponement of 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 member 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.
(g) The minute 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.
(h) 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. (a) An application for reconsideration shall be considered initiated and filed at the time it is received by the department as defined in 903 KAR 5:300. 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. 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 therefore.

(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 issued in connection with an appeal [and 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 at the request and to the extent of 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, Franklin, 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. 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.

2. (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
   (c) 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 duplicating: None

6. 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.
   (c) Any additional information or comments:

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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. CONNERD, 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.

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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
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 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 administrative incorporation 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 material used by agency staff and is federally mandated.
2. State compliance standards. This regulation incorporates by reference 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 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
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. Policies 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. COHERD, 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.
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 9:00 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 will be incurred by the Finance and Administration Cabinet as a result of incorporating its manual of policies and procedures as an administrative regulation.
(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? Ys.
GENERAL GOVERNMENT CABINET
Board for Proprietary Education


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(2) 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) Duty of the attorney 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;
(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 panel 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 hearing(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.

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REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert L. Summers, Executive Director

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) 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 the utility of riparian 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.
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 shoreline 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 characterized 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 least 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 designee 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
surfaced 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 disturances 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;
(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 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,
horsecar or other nonmotorized means except on
existing public roads, as required for
administrative and resource protection purposes,
or if 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
provisioned 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,
leapots or other buildings is prohibited.
Temporary blind, 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
couraged 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 shall be compatible with
the purposes and intent of KRS 146.290 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 shall 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
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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.  

(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 preference sheets bearing approval 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) Upon 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 done in accordance with 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.

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 substantially damage, degrade or otherwise have an adverse impact on any significant feature known to occur within the wild river corridor.

(1) 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 river regulations shall not be affected or diminished thereby.

Section 18. Repeal. 401 KAR 4:120 is hereby repealed.

Volume 16, Number 3 - September 1, 1989
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 15, 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 create 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 10,100 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.

<table>
<thead>
<tr>
<th>County</th>
<th>No. of Private Entities</th>
<th>County</th>
<th>No. of Private Entities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harlan</td>
<td>(9) Pulaski</td>
<td>(10)</td>
<td></td>
</tr>
<tr>
<td>Laurel</td>
<td>(16) Rockcastle</td>
<td>(1)</td>
<td></td>
</tr>
<tr>
<td>Letcher</td>
<td>(8) Wayne</td>
<td>(12)</td>
<td></td>
</tr>
<tr>
<td>McCreary</td>
<td>(63) Whitley</td>
<td>(10)</td>
<td></td>
</tr>
<tr>
<td>Menifee</td>
<td>(1) Wolfe</td>
<td>(12)</td>
<td></td>
</tr>
</tbody>
</table>

Table 1.  
ESTIMATED USER RATES AND CARRYING CAPACITIES FOR SELECTED RECREATIONAL USES OF SOME KENTUCKY WILD RIVERS (Visitor-days/year)

<table>
<thead>
<tr>
<th>River</th>
<th>Canoeing User Carrying</th>
<th>Fishing User Carrying</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little S. Fork River</td>
<td>6,636</td>
<td>11,115</td>
</tr>
<tr>
<td>Cumberland River</td>
<td>21,195</td>
<td>37,674</td>
</tr>
<tr>
<td>Rockcastle River</td>
<td>1,415</td>
<td>905</td>
</tr>
<tr>
<td>Red River</td>
<td>3,260</td>
<td>7,000</td>
</tr>
<tr>
<td>Rock Creek</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Bad Branch</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>TOTALS</td>
<td>21,195</td>
<td>37,674</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>River</th>
<th>Hunting User Carrying</th>
<th>Hiking User Carrying</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little S. Fork River</td>
<td>357</td>
<td>20,657</td>
</tr>
<tr>
<td>Cumberland River</td>
<td>20,100</td>
<td>140,286</td>
</tr>
<tr>
<td>Rockcastle River</td>
<td>6,624</td>
<td>315,360</td>
</tr>
<tr>
<td>Red River</td>
<td>3,620</td>
<td>29,200</td>
</tr>
<tr>
<td>Rock Creek</td>
<td>7,800</td>
<td>4,600</td>
</tr>
<tr>
<td>Bad Branch</td>
<td>NA</td>
<td>00</td>
</tr>
<tr>
<td>TOTALS</td>
<td>38,144</td>
<td>35,646</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>River</th>
<th>Camping User Carrying</th>
<th>Picnicking User Carrying</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little S. Fork River</td>
<td>NR</td>
<td>NR</td>
</tr>
<tr>
<td>Cumberland River</td>
<td>11,600</td>
<td>NR</td>
</tr>
<tr>
<td>Rockcastle River</td>
<td>4,400</td>
<td>NR</td>
</tr>
<tr>
<td>Red River</td>
<td>59,500</td>
<td>NR</td>
</tr>
<tr>
<td>Rock Creek</td>
<td>13,900</td>
<td>NR</td>
</tr>
<tr>
<td>Bad Branch</td>
<td>6,800</td>
<td>2,400</td>
</tr>
<tr>
<td>TOTALS</td>
<td>69,400</td>
<td>2,400</td>
</tr>
</tbody>
</table>

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 24-mile segment of the river.  
3 User rates based on average figures for 1974 through 1978 and include all public lands and in adjacent to river corridor.  
4 User rates for fishing, hunting and hiking based on 1975 data; user rates for camping and picnicking based on 1974 U.S. Forest Service data for developed sites only.  
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 visit-day. According to the Recreational Demand Analysis in the Kentucky Wild Rivers Statewide Management Plan, 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 be twice 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>
<thead>
<tr>
<th>Activity</th>
<th>Percent Change in Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hiking</td>
<td>15.1</td>
</tr>
<tr>
<td>Camping</td>
<td>16.0</td>
</tr>
<tr>
<td>Hunting</td>
<td>19.6</td>
</tr>
<tr>
<td>Fishing</td>
<td>17.8</td>
</tr>
<tr>
<td>Boating</td>
<td>3.9</td>
</tr>
<tr>
<td>Canoeing</td>
<td>13.2</td>
</tr>
</tbody>
</table>

A more comprehensive study of river use was conducted by the Department of Fish and Wildlife Resources 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.

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 archaeological 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; 509,470 in the Licking River Basin; 964,704 in the Ohio River Basin; 103,222 in the Upper 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), a large percentage (40%) of Kentuckians cite 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 non-regulated 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. Recreationalists 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 need 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 146.220 to 146.380.

(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.

(4) Assessment of alternative methods: reasons why alternatives were rejected: A no-action alternative was rejected because the adoption of this regulation ensures 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:
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.
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 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. 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 35 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:

\[ \text{DE} = \left( \frac{W_{\text{in}} - W_{\text{out}} - W_{\text{res}}}{W_{\text{in}}} \right) \times 100\% \]

Where:

\( W_{\text{in}} \) = Mass feed rate of waste to the incinerator.

\( W_{\text{out}} \) = Mass emission rate of the same waste present in exhaust emissions prior to release to the atmosphere.

\( W_{\text{res}} \) = 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>
<thead>
<tr>
<th>TABLE 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Allowable Ambient Air Concentrations (mg/m³) for Nerve Agents¹</td>
</tr>
<tr>
<td>Agent</td>
</tr>
<tr>
<td>GB</td>
</tr>
<tr>
<td>VX</td>
</tr>
<tr>
<td>H²</td>
</tr>
<tr>
<td>Averaging Time</td>
</tr>
</tbody>
</table>

¹Protection against exposure to agents in aerosol and liquid form shall be sufficient to prevent direct contact with the skin and eyes.
²Data supporting the ability to monitor for H at 0.0001 mg/m³ at all sites shall be developed.
TABLE 2
Maximum Allowable Stack Concentrations (mg/m³) for Nerve Agents

<table>
<thead>
<tr>
<th>Agent</th>
<th>Maximum Allowable Stack Concentrations</th>
</tr>
</thead>
<tbody>
<tr>
<td>GB</td>
<td>0.0003 (3x10⁻⁴)</td>
</tr>
<tr>
<td>VX</td>
<td>0.0003 (3x10⁻⁴)</td>
</tr>
<tr>
<td>H</td>
<td>0.03 (3x10⁻³)</td>
</tr>
</tbody>
</table>

(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 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.

(5) 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 are 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 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 and 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 and published, and for which nonprecision approach facilities are available, as indicated by a Federal Aviation Administration approved airport layout plan or any other 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 taxing 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 150/5340-1, 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 150/5340-58, 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 nonpropeller 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:
   (b) Reporting and paperwork requirements: None
   (c) Additional factors increasing or decreasing costs:

   (2) 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:
(c) 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 insurer 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 (Caledonia)
- 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

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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 sample pages 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 not 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, and papers which are attached thereto.

This does not include certificates of group insurance. Thus, the statutes create an anomalous 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 of declarations pages, schedules, or 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 agent of the insurer who certifies that the policy form complies with the minimum readability and intelligibility requirements. A policy form with a lower Flesch reading ease test score may be approved under certain circumstances, such as in cases 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 filing 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 typewriter designs 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 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 not 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 341.100, 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. CONNERD, 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:
(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.

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance


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*
      1. 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 Whitter
(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


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 and 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.
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: 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


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
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.

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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
   (b) Reporting and paperwork requirements: None
   (c) Additional factors increasing or decreasing costs (note any effects upon competition): None
   (d) 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
   (c) Assessment of anticipated effect on state and local revenues: None
   (d) Assessment of alternative methods: reasons why alternatives were rejected: Regulations necessary to define types of employment covered by KRS 341.272.
   (e) Necessity of proposed regulation if in conflict: Not applicable.
   (f) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.

2) 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
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 parties 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
   (c) 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
   (c) Assessment of anticipated effect on state and local revenues: None
   (d) Assessment of alternative methods: reasons why alternatives were rejected: Necessary to establish basis for successorship determinations consistent with case law.
   (e) Necessity of proposed regulation if in conflict: Not applicable.
   (f) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Not applicable.
   (g) 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.

Volume 16, Number 3 - September 1, 1989
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 McCuistion; 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 Therpe, Corrections Cabinet; Michael L. Luscher, Ron Houbray, Nancy Robeson, Hansan Williams, Department of Education; Oscar Morgan, Jr., Department of Workers' Claims; Judith G. Walden, Department of Housing and Construction; Charles Wiley, State Fire Marshal; Mgr. Houstoun, Barbara Coleman, Ted 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.

LCR 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 proposals of 702 KAR 1:010 to the contrary notwithstanding" and inserting 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 draftng 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

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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 15:030 (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 20:050 (Professional school certificate for college faculty.)

Labor Cabinet: Department of Workers' Claims: Workers' Compensation Board
803 KAR 25:030 (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
806 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 (Kentucky 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 mutual entries of horses sharing common ties through training, which are owned by different owners."
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Legend:
- **Amended**: The regulation has been amended.
- **Replaced**: The regulation has been replaced.
- **Expired**: The regulation has expired.

Note: Emergency regulations expire 90 days from publication or upon replacement or repeal.
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