Administrative Register of Kentucky

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 16, NUMBER 10
SUNDAY, APRIL 1, 1990

IN THIS ISSUE:

Administrative Regulation Review Subcommittee, Apr. Agenda.....2097
Regulation Review Procedure.....2099

Emergency Regulations Now In Effect:
Finance and Administrative Cabinet.....2100
Corrections.....2103
Human Resources.....2118

As Amended:
Board of Pharmacy.....2123
Board of Medical Licensure.....2124
Board of Chiropractic Examiners.....2135
Justice Cabinet - State Police.....2135
Labor Cabinet - Workplace Standards.....2138
Harness Racing Commission.....2138
Public Protection & Regulation - Local Fire Departments.....2140
Human Resources.....2144

Amended After Hearing:
Board of Pharmacy.....2150
Natural Resources & Environmental Protection - Waste Managment.....2154

Proposed Amendments Received through March 15, 1990:
Personnel Board.....2250
Finance and Administration Cabinet.....2252
Board of Hairdressers and Cosmetologists.....2255
Natural Resources & Environmental Protection - Water.....2257
Corrections.....2263
Education.....2264
Housing, Buildings and Construction - Plumbing.....2274
Human Resources.....2283

Proposed Regulations Received Through March 15, 1990:
Personnel Board.....2285
Natural Resources & Environmental Protection - Water.....2286
Education.....2290
Morhead State University.....2292
Labor - Labor-Management Matching Grant Program.....2296

Mar. Minutes of the Administrative Regulation Review Subcommittee.....2303
Other Committee Reports.....2305

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....J2
KRS Index.....J12
Subject Index.....J21

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

MEETING NOTICE: The next meeting of the Administrative Regulation Review Subcommittee is tentatively scheduled on April 12, 1990. See tentative agenda on pages 2097-2099 in this Administrative Register.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 1989 Edition of **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.**

HOW TO CITE: Cite all material in the **ADMINISTRATIVE REGISTER OF KENTUCKY** by Volume number and Page number. Example: Volume 2, Kentucky Register, page 318 (short form: 2 Ky.R. 318).

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

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

---

ADMINISTRATIVE REGISTER OF KENTUCKY
(ISSN 0096-1493)
c 1990 Legislative Research Commission, All Rights Reserved

The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: $48 per volume of 12 issues, beginning in July and ending with the June issue of the subsequent year. Second class postage paid at Frankfort, Kentucky.
POSTMASTER: Send address changes to Administrative Register of Kentucky, Room 64, State Capitol, Frankfort, Kentucky 40601.

KENTUCKY LEGISLATIVE RESEARCH COMMISSION

Chairmen

Senator John A. "Eck" Rose
Senate President Pro Tem

Representative Donald J. Blandford
Speaker of the House

Senate Members

Charles W. Berger
Assistant President Pro Tem

Joe Wright
Majority Floor Leader

John D. Rogers
Minority Floor Leader

David K. Karem
Majority Caucus Chairman

Dr. Jack Trevey
Minority Caucus Chairman

Helen Garrett
Majority Whip

Eugene P. Stuart
Minority Whip

House Members

Pete Worthington
Speaker Pro Tem

Gregory D. Stumbo
Majority Floor Leader

William Strong
Minority Floor Leader

Jody Richards
Majority Caucus Chairman

Ken Harper
Minority Caucus Chairman

Kenny Rapier
Majority Whip

Bill Lile
Minority Whip

Vic Hellard, Jr. Director
Samuel L. Hensley, Assistant Director for Education and Information

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Members

Representative Mark D. O'Brien, Chairman
Senator Gene Huff
Senator Pat McCuiston
Senator William L. Quinlan
Representative James E. Bruce
Representative Thomas R. Kerr
Representative Ronny Layman

Staff

Susan C. Wunderlich, Regulations Compiler
Carla F. Arnold
Donna M. Pierce
O. Joseph Hood
Gregory Karambellas
Susan Eastman

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA
April 12, 1990
(Rm. 107, Capitol Annex - 2 hrs. before Session)

PERSONNEL BOARD

Personnel Board
101 KAR 1:335. Employee actions.

GENERAL GOVERNMENT CABINET

Board of Pharmacy
201 KAR 2:074. Pharmacy services in hospitals. (Amended After Hearing)
201 KAR 2:076. Parenteral pharmaceutical compounding. (Amended After Hearing)
201 KAR 2:116. Drug products with bioinequivalence problems. (Amended After Hearing)
Board of Medical Licensure
201 KAR 9:061. Limited licenses.
201 KAR 9:185. Athletic trainer fee schedule.
Board of Hairdressers and Cosmetologists
201 KAR 12:110. School license.
201 KAR 12:120. School faculty.
201 KAR 12:130. School fees for services.
201 KAR 12:140. School equipment.
201 KAR 12:150. School records.
Board of Registration for Professional Engineers and Land Surveyors
201 KAR 18:040. Fees.
Board of Podiatry
201 KAR 25:022. Reinstatement of surrendered license with waiver of renewal requirements for exclusively altruistic and gratuitous practice.

DEPARTMENT OF AGRICULTURE

Fairs and Shows
302 KAR 15:020. Dairy cattle shows and sales.
Organic Agricultural Product Certification
302 KAR 40:010. Standard organic agricultural product requirements.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Water

Water Quality
401 KAR 5:026. Classification of waters. (Amended After Hearing) (Deferred from January Meeting)
401 KAR 5:029. General provisions. (Amended After Hearing) (Deferred from January Meeting)
401 KAR 5:031. Surface water standards. (Amended After Hearing) (Deferred from January Meeting)

Division of Waste Management

General Administrative Procedures
401 KAR 30:010 & E. Definitions. (Amended After Hearing)
401 KAR 30:020 & E. General provisions. (Amended After Hearing)
Enforcement and Compliance Monitoring for Hazardous Wastes
401 KAR 40:060 & E. County enforcement representative. (Amended After Hearing)
Solid Waste Facilities
401 KAR 47:030 & E. Environmental performance standards. (Repeals 401 KAR 30:030) (Amended After Hearing)
401 KAR 47:070 & E. Operator certification. (Amended After Hearing)
401 KAR 47:080 & E. Classification of solid waste sites or facilities. (Repeals 401 KAR 47:020) (Amended After Hearing)
401 KAR 47:090 & E. Solid waste permit fees. (Repeals 401 KAR 47:060) (Amended After Hearing)
401 KAR 47:100 & E. General provisions for obtaining a solid waste permit. (Amended After Hearing)
401 KAR 47:110 & E. Granted permit-by-rule. (Amended After Hearing)
401 KAR 47:120 & E. Conditions applicable to all solid waste permits. (Amended After Hearing)
401 KAR 47:130 & E. Changes to solid waste permits; expiration of solid waste permits. (Amended After Hearing)
401 KAR 47:140 & E. Public information and permit issuance procedures. (Amended After Hearing)
401 KAR 47:150 & E. Special types of permits. (Amended After Hearing)
401 KAR 47:160 & E. Application procedures. (Amended After Hearing)
401 KAR 47:170 & E. Notice of intent to apply for a solid waste permit. (Amended After Hearing)
401 KAR 47:180 & E. Contents of the administrative application for solid waste landfills. (Amended After Hearing)
401 KAR 47:190 & E. Contents of the technical application for solid waste landfills. (Amended After Hearing)
Standards for Solid Waste Facilities
401 KAR 48:050 & E. Siting requirements for solid waste landfills. (Amended After Hearing)
401 KAR 48:060 & E. Technical requirements for construction/demolition debris landfill. (Amended After Hearing)
401 KAR 48:070 & E. Design requirements for contained landfills. (Repeals 401 KAR 47:040) (Amended After Hearing)

401 KAR 48:080 & E. Liner and cap design requirements for contained landfills. (Amended After Hearing)
401 KAR 48:090 & E. Operating requirements for contained landfills. (Amended After Hearing)
401 KAR 48:170 & E. Technical requirements for residual landfills. (Amended After Hearing)
401 KAR 48:200 & E. Landfarming and composting. (Repeals 401 KAR 47:050) (Amended After Hearing)
401 KAR 48:300 & E. Surface and groundwater monitoring and corrective action. (Amended After Hearing)
401 KAR 48:310 & E. Financial requirements and bonds. (Amended After Hearing)

Solid Waste Planning

401 KAR 49:010 & E. General planning and management provisions for solid waste. (Amended After Hearing)
401 KAR 49:060 & E. Application for designation as a solid waste management area. (Repeals 401 KAR 49:020; 401 KAR 49:030; 401 KAR 49:050) (Amended After Hearing)
401 KAR 49:070 & E. Contents of the area plan. (Amended After Hearing)

JUSTICE CABINET
Department of Criminal Justice Training

Special Law Enforcement Officers

500 KAR 2:030. Special law enforcement officers: evaluation examination.

CORRECTIONS CABINET

Office of the Secretary

501 KAR 6:020 & E. Corrections policies and procedures.
501 KAR 6:030 & E. Kentucky State Reformatory.
501 KAR 6:040 & E. Kentucky State Penitentiary.
501 KAR 6:050 & E. Luther Luckett Correctional Complex.
501 KAR 6:060 & E. Northpoint Training Center.
501 KAR 6:070 & E. Kentucky Correctional Institute for Women.
501 KAR 6:090 & E. Frankfort Career Development Center.
501 KAR 6:110 & E. Roederer Farm Center.
501 KAR 6:120 & E. Blackburn Correctional Complex.
501 KAR 6:130 & E. Western Kentucky Farm Center.
501 KAR 6:150. Eastern Kentucky Correctional Complex.

JUSTICE CABINET
Department of Training

Kentucky Law Enforcement Council

503 KAR 1:090. Approval of course curriculums.
503 KAR 1:110. Basic training: graduation requirements; records.
503 KAR 1:120. In-service training: graduation requirements; recognized courses; records.

General Training Provision

503 KAR 3:010. Basic law enforcement training course trainee conduct requirements; procedures and penalties.
503 KAR 3:020. In-service law enforcement training course trainee conduct requirements; procedures and penalties.
503 KAR 3:030. Training charges.

Law Enforcement Foundation Program Fund

503 KAR 5:090. Participation: requirements; application; withdrawal.

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

Elementary and Secondary Education Act

704 KAR 10:050. Courses not in program of studies; procedure for offering.

Office of Education for Exceptional Children

Exceptional and Handicapped Programs

707 KAR 1:090. Kentucky School for the Deaf; code of conduct.

WESTERN KENTUCKY UNIVERSITY

Board of Regents

770 KAR 1:010. Acquisition and disbursement of funds. (Deferred from February Meeting)
770 KAR 1:020. Annual audit. (Deferred from February Meeting)
770 KAR 1:030. Purchasing; inventories; title sales of surplus property; bidding procedures. (Deferred from February Meeting)
770 KAR 1:040. Disposal of property proceeds. (Deferred from February Meeting)
770 KAR 1:050. Delegation of financial management responsibility. (Deferred from February Meeting)

LABOR CABINET
Department for Workplace Standards

Labor Standards; Wages and Hours

803 KAR 1:055. Applicability of prevailing wage requirements.

Occupational Safety and Health

803 KAR 2:320. Adoption of 29 CFR Part 1910.1000 - 1910.1500.

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

Utilities
807 KAR 5:022. Gas safety and service. (Repeals 807 KAR 5:021)
807 KAR 5:026. Gas service; gathering systems.
807 KAR 5:027. Gas pipeline safety; reports of leaks.
807 KAR 5:041. Electric.

Department of Housing, Buildings and Construction
Division of Building Codes Enforcement

Kentucky Building Code
815 KAR 7:010. Administration and enforcement.

CABINET FOR HUMAN RESOURCES
Department for Health Services

State and Local Confinement Facilities
902 KAR 9:010 & E. Environmental health.

REGULATION REVIEW PROCEDURE

Filing and Publication

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

Public Hearing

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

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

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

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

Review Procedure

If a proposed administrative regulation is amended as a result of the public hearing, the amended version shall be published in the next Administrative Register; and the regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting following publication. 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
200 KAR 2:006E

Pursuant to KRS 13A.190, the undersigned do hereby declare that the attached amendments to 200 KAR 2:006E should be enacted on an emergency basis. These amendments must be effective immediately, in order to allow for the efficient administration of this regulation, and to prevent any further monetary penalization of state employees who are currently required to be reimbursed for official state travel under the outdated monetary limits established by the foregoing regulation. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary regulation was filed with the Administrative Regulations Compiler on February 22, 1990.

WALLACE G. WILINSON, Governor
L. ROGERS WELLS, JR., Secretary

FINANCE AND ADMINISTRATION CABINET
Department for Administration

200 KAR 2:006E. Employees' reimbursement for travel.

RELATES TO: KRS Chapters [42,] 44, 45
STATUTORY AUTHORITY: KRS [42.030,] 44.060, 45.101 [45.170, 45.180, 45.300]
EFFECTIVE: February 22, 1990
NECESSITY AND FUNCTION: The Finance and Administration Cabinet is directed by law to coordinate and supervise the fiscal affairs and procedures of the state and is authorized to adopt regulations for that purpose. The purpose of this regulation is to specify eligibility, requirements, rates and forms for reimbursement of travel expense and other official expenses out of the State Treasury. This amendment revises the reimbursement rates for travel expenses.

Section 1. Definitions. As used in this regulation, unless the context requires otherwise:
(1) "Cabinet" means the Finance and Administration Cabinet.
(2) "Division" means the Division of Accounts of the Finance and Administration Cabinet.
(3) "High rate area" means a city or metropolitan area in which it has been recognized that higher meal costs and lodging rates have historically prevailed, and that has been designated by the Secretary of the Finance and Administration Cabinet as a high rate area. The cabinet's policies and procedures manual contains a list of "high rate areas".
(4) "Receipt" means any preprinted invoice, from a hotel, motel, restaurant or other establishment, showeing the date of service, the amount charged fro the service, the location where the service was performed and a description of the expenditure.
(5) "Secretary" means the Secretary of Finance and Administration Cabinet.
(6) "Subsistence" means amounts deemed to have been expended by a state officer, agent, employee, or other person authorized to receive reimbursement out of the State Treasury for meals, including tax and tips, while traveling on official state business, but shall not include any meals which may be included in charges for lodging or in registration fees paid by or on behalf of a state officer or employee.

Section 2. [1.] General. (1) Affected agencies. Except as otherwise provided by law, this regulation shall apply to all departments, agencies, boards, and commissions, and institutions of the Executive Branch of State Government. It shall not apply to the Legislative and Judicial branches and their employees.
(2) Enforcement.
(a) Each agency head is responsible for insuring that all travel expense from that agency is as economical as is feasible.
(b) All persons who travel on official state business shall state on the travel [expense] voucher the purpose of each trip, shall maintain records and receipts to support their claims and shall provide themselves with sufficient personal funds to defray their travel expense.
(c) All travel expense claims are to be submitted on the travel expense claim form prescribed by the cabinet (DOA-34).
(d) [(c)]1. The secretary [of the Finance and Administration Cabinet] is responsible for insuring that all travel reimbursement conforms to this regulation. The secretary or his designee [He] may disallow, reduce or strike from travel [expense] vouchers any claims contrary to this regulation. The secretary or his designee [He] may also require written justification from agency heads for amounts claimed by their agencies and employees.
2. The secretary or his designee [of the Finance and Administration Cabinet] may approve exceptions where he finds such exception in the best interest of the Commonwealth.
(3) Eligibility. Except as provided by state law or by this regulation, no reimbursement can be claimed for expenses of any person other than employees, bona fide wards, or other persons in the official service of the Commonwealth. Only necessary expenses of official travel will be reimbursed.
(4) Interpretation. All final interpretations of this regulation shall be made by the secretary [of the Finance and Administration Cabinet], and such determination shall be final and conclusive.

Section 3. [2.] Definitions; Work Station. (1) The official work station of employees assigned to an office is the street address where the office is located.
(2) The official work station of field employees shall be established by the agency head, based solely on the best interests of the Commonwealth, not an [on] employee's convenience. The designation of work station shall not be for the purpose of allowing additional mileage reimbursement for the employee.
(3) If an employee is permanently reassigned, or is stationed at a new place two (2) months, the new place immediately becomes that

employee's official work station concerning travel expense.

Section 4. [3.] Authorizations. (1) No travel expense shall be reimbursed unless the travel was authorized in advance as follows:

(a) Travel in Kentucky and within the other forty-nine (49) states and the District of Columbia and Canada must be authorized by the agency head or a designated representative. If four (4) or more persons are to travel to the same out-of-state destination the agency's [the] request shall explain the necessity for the number of persons traveling and shall also be approved [authorized] by the secretary or his designee [of the Finance and Administration Cabinet].

(b) Travel outside the United States and Canada [to foreign countries] must be authorized in advance by the agency head, the secretary [of the Finance and Administration Cabinet] and the Governor, or by their designated representatives.

(2) Travel requests requiring [Requests for the] approval by [of] the secretary [of the Finance and Administration Cabinet] must reach the [Finance and Administration] cabinet at least five (5) working days before the intended start of travel. (Travel Authorization Forms DOA 28, for four (4) or more persons traveling out-of-state, and DOA 28(A), for out-of-country travel, shall be used [Form B120-7, Authorization for Travel].)

Section 5. [4.] Transportation. (1) Economy required.

(a) State officers, agents, and employees traveling on state business shall use the most economical, standard transportation available and the most direct and usually-traveled routes. Expenses added by use of other transportation or routes must be assumed by the individual.

(b) Round-trip, excursion or other reduced-rate rail or plane fares shall be obtained if practical.

(2) State vehicles. State-owned vehicles with their credit cards should be used for state business travel when available and feasible. No mileage payment shall be claimed when state-owned vehicles are used.

(3) Privately-owned vehicles. Mileage claims for use of privately-owned vehicles may be disallowed if a state vehicle was available and feasible. No reimbursement shall be paid for travel between residence and work station.

(4) Buses, subways. For city travel, employees are encouraged to use buses and subways. Taxi fare may be allowed when more economical transportation is not feasible.

(5) Airline travel. Commercial airline travel shall be coach/tourist class [and on this country's airlines]. Additional expense for first-class travel will not be reimbursed by the state.

(6) Special transportation.

(a) The cost of hiring cars or other special conveyances in lieu of ordinary transportation will be allowed only with acceptable justification.

(b) Privately-owned aircraft may be used only when it is to the advantage of the state, measured both by travel costs and travel time.

Section 6. [5.] Accommodations. (1)(a) Economy required. Lodging costs should be the most economical that are consistent with the state's best interests. Facilities providing special government rates or commercial rates will be used where feasible. [Agencies shall contact the cabinet's Division of Accounts travel desk for assistance as needed in obtaining group rates and special state rates.]

(b) State-owned facilities shall be used for meetings and/or lodging where available, practicable and economical.

(2) Location. Cost for lodging within forty (40) miles of the claimant's official work station or home will not be reimbursed.

(3)(a) Group lodging, by contract. State agencies and institutions may contract with hotels, motels and other establishments for four (4) or more employees to use a room or rooms on official business. Group rates must be requested. The contract may also apply to meals and gratuities. The contract rates and the costs of rooms and meals per person shall not exceed limits set in Section 8 of [by] this regulation [under "Reimbursement Rates"]. The agency shall certify that no employee is claiming individual reimbursement or subsistence for the same costs. The cabinet's group accommodations travel form (Form B120-16) shall be used.

(b) For payment, the agency shall forward a receiving report (Purchase Order Authorization for Payment Form DOA-19 [B111-9]) with the vendor's bill, the names of affected employees and a copy of the contract to the division [of Accounts]. The payment shall not include telephone expenses or personal charges of employees. The state's payment shall be made directly to the hotel, motel, or other establishment.

(4) State parks. A state agency or institution using state park facilities [for a group of four (4) or more] may pay for rooms and meals by interaccount bill, within the limits of this regulation.

Section 7. [6.] Reimbursement Rates. (1) Lodging plus subsistence and other expenses. Except for the Judicial and Legislative branches, their employees, the Governor, and others listed in subsection (2) of this section, and except where otherwise provided by law, the reimbursement for official travel expense shall be as follows:

(a) Lodging. A state officer, agent or employee shall be reimbursed for his actual cost of lodging, if the lodging is determined to be the most economical, and the state officer or employee attaches the hotel's or motel's receipt to his travel expense voucher. A state officer or employee shall not receive reimbursement for lodging that exceeds the cost of a single room rate.

[1. If lodging cost is the lowest feasible, a claimant who attaches the hotel's or motel's preprinted, receipted bill shall be reimbursed within limits for that claimant's actual cost of lodging, as follows:]

[2. Maximum anywhere in the United States shall be thirty-five (35) dollars per day, plus taxes, except at Kentucky state parks and in "high-rate" areas listed by the Secretary of the Finance and Administration Cabinet. Maximum in listed "high-rate" areas shall be fifty-five (55) dollars per day, plus taxes. Maximum at any Kentucky state park shall be the park's standard rate. The state will not pay for lodging within forty (40) miles of claimant's residence or work station.]

(b) Subsistence.

[1. Subsistence shall include amounts deemed to have been spent for meals, tax, and tips.]

1. [2.] To be eligible for subsistence for breakfast or lunch while traveling in Kentucky, a claimant's authorized work must require overnight absence at a destination more than forty (40) miles from both work station and home and must also require absence from work station and home during mealtime. (The claimant shall attach to his travel voucher either his lodging receipts or other credible documentation sufficient for audit.)

2. [3.] The [two (2)] requirements in subparagraph 1 [2] of this paragraph do not apply for dinner in Kentucky and for breakfast, lunch and dinner outside of Kentucky.

3. Except for high rate areas, subsistence shall not exceed reimbursement rates, and must be within time periods, as follows:

4. [For travel in Kentucky and the United States, except "high-rate" areas listed by the Secretary of the Finance and Administration Cabinet, subsistence shall not exceed:]

Breakfast (authorized travel must include 6:30 a.m. through 9 a.m.) - $ 4 [3].

Lunch (authorized travel must include 11 a.m. through 2 p.m.) - $ 5 [3].

Dinner (authorized travel must include 5 p.m. through 9 p.m.) - $11 [8].

5. For travel to high-rate areas established [listed] by the secretary [of the Finance and Administration Cabinet], subsistence shall not exceed:

Breakfast (authorized travel must include 6:30 a.m. through 9 a.m.) - $ 5 [4].

Lunch (authorized travel must include 11 a.m. through 2 p.m.) - $ 6 [5].

Dinner (authorized travel must include 5 p.m. through 9 p.m.) - $15 [11].

6. A state officer or an employee assigned to attend a function of an organization not under the state officer's control may be reimbursed for actual meal cost charged by the organization, instead of subsistence.

(c) Privately-owned vehicles. Reimbursement for official use of a privately-owned vehicle shall be twenty-two (22) [eighteen (18)] cents per mile, and payment shall not exceed airplane coach fare.

(d) Commercial transportation. A state officer or employee shall be reimbursed for the actual cost of commercial transportation upon submission of receipts with a travel voucher [With receipts actual commercial cost will be reimbursed].

(e) Privately-owned aircraft. Reimbursement for use of privately-owned aircraft may be approved on an out-of-pocket basis by the secretary or his designee upon the submission to the cabinet prior to the travel of written justification signed by the agency head [shall not exceed the cost of air coach fare].

(f) Camping vehicles. Claimants using camping vehicles for lodging shall be reimbursed not more than ten (10) [four (4)] dollars per night, for [plus] parking or camping charges. A receipt for parking or camping charges must be submitted with a travel voucher.

(g) Parking and tolls. Actual parking, bridge and toll charges are reimbursable. Toll receipts are not required for in-state travel by two (2) axle vehicles.

(h) Baggage charges. Reasonable expenses are allowed for baggage handling, for delivery to or from a common carrier or lodging and for storage. Charges for overweight baggage may be allowed if the excess was for official business.

(i) Registration fees. Registration fees required in official travel for admittance to meetings will be allowed. If the fee entitles registrants to meals, claims for subsistence shall be reduced accordingly.

(j) Telephone expenses. Telephone and telegraph costs for necessary official business will be allowed. Calls to agency central offices shall [should] be made collect or through the state's toll-free number.

(k) Other. Where justified, other necessary miscellaneous expenses of official travel may be allowed by the secretary or his designee [of the Finance and Administration Cabinet].

(2) Actual and necessary expense.

(a) Upon submission of [With preprinted] receipts for items over two (2) dollars, the actual and necessary cost of official business travel (including lodging, meals, related taxes, gratuities and commercial transportation) may be reimbursed to the following:

1. Governor and Lieutenant Governor, other statewide elected Constitutional officials, cabinet secretaries, the Governor's staff, state employees traveling on assignment with the Governor or Lieutenant Governor, authorized persons traveling outside the United States and Canada and to [nonpaid] members of statutory boards and commissions.

2. Reimbursement for official use of a privately-owned vehicle shall be twenty-two (22) [eighteen (18)] cents per mile, and such payment shall not exceed airplane coach fare.

(b) The Governor and cabinet secretaries may be reimbursed for their actual and necessary costs of entertaining official business guests and shall certify such costs to the secretary or his designee [Finance and Administration Cabinet].

(c) With certification by the cabinet head, and upon submission of receipts, employees of the Economic Development and Tourism Cabinets [Commerce Cabinet] may be reimbursed for their actual and necessary costs of entertaining the state's official business guests concerning economic development and industrial and travel promotion.

(d) The secretary or his designee [of the Finance and Administration Cabinet] may question and reduce claims if amounts appear excessive.

Section 8. [7.] Forms. (1) Travel expense voucher (Form DOA-34 [B120-6]).

(a) Use.

1. This form shall be used to claim all reimbursement for travel expense.

2. The voucher shall include the expense of only one (1) person except where an employee pays the expenses for a ward of the Commonwealth or other person for whom the claimant is officially responsible. Such persons' names and status or official relationship to the claimant's agency shall [must] be listed on the voucher.

3. A travel voucher shall ordinarily cover one (1) month or one (1) major trip. The purpose of each trip shall be shown on the voucher. If monthly expenses total less than ten (10) dollars, a voucher may cover as many [much] as six (6) months within the same fiscal year.

4. Each travel expense voucher shall show the claimant's social security number.

(b) Preparation.
1. The travel voucher may be either typed or legibly prepared in ink. All receipts shall be stapled to the back at the upper left corner and shall be forwarded to the Finance and Administration Cabinet with the expense voucher.
2. If leave interrupts official travel, the travel voucher shall show the dates of leave.
(c) Computing mileage. Mileage for in-state travel will be based on Transportation Cabinet official mileage map or on the cabinet's [Finance and Administration Cabinet] mileage chart if the cabinet [department] issues such. Out-of-state mileage will be based on Rand McNally mileage maps. If point of origin is the claimant's residence, mileage will be paid between residence and travel destination or between work station and travel destination, whichever is shorter, except that commuting mileage between home and work station will not be paid.
(d) Vicinity travel. Vicinity travel and authorized travel within claimant's work station shall be listed on separate lines on the expense voucher.
(e) Signatures. Travel vouchers shall be signed and dated by the state officer or employee submitting the claim, the employee's supervisor and the agency head or authorized representative.
(f) Receipts. Except for mileage and subsistence, claimants shall furnish for each expenditure over two (2) dollars the preprinted, receipted bill from the hotel, motel, restaurant, or other establishment. The receipt must establish the amount, date, location and essential character of the expenditure.
(2) Authorization for out-of-state travel [(Form B120-7)]. Travel Authorization Forms DOA 28(A) and DOA 28 [This form] shall be used to request authorization for travel to foreign countries and for out-of-state travel by groups of four (4) or more persons.
(3) Contract for rooms and meals (Form B120-16). This form shall be used for group accommodations as described in Section 6 of this regulation under "Accommodations."

L. ROGERS WELLS, JR., Secretary
APPROVED BY AGENCY: February 20, 1990
FILED WITH LRC: February 22, 1990 at 3 p.m.

STATEMENT OF EMERGENCY
501 KAR 6:020E

In order to continue to operate the Corrections Cabinet in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected cabinet policies must be revised immediately to allow the Corrections Cabinet to implement procedures to reflect recent U.S. Supreme Court and Sixth Circuit Court of Appeal opinions and to avoid litigation as a result of these policies being unclear, confusing and conflicting in some areas. Additionally the inmate offense and penalty code has been clarified to address and penalize serious conduct engaged in by inmates to include throwing of human waste on staff. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on February 15, 1990 in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
JOHN T. WIGGINTON, Secretary

CORRECTIONS CABINET

501 KAR 6:020E. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: February 21, 1990
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 February 15, 1990 [December 15, 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

1.1 Legal Assistance for Corrections Staff
1.2 News Media
1.4 The operation of Contracted Adult Correctional Facilities
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
2.2 Warden's Fund
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 (Amended 2/15/90)
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
14.3 Marriage of Inmates [(Added 12/15/89)]
14.4 Legal Services Program
14.6 Inmate Grievance Procedures
15.1 Hair and Grooming Standards
15.2 Offenses and Penalties (Amended 2/15/90)
15.3 Meritorious Good Time (Amended 2/15/90)
15.5 Restoration of Forfeited Good Time
15.6 Adjustment Procedures and Programs (Amended 2/15/90)
16.1 General Inmate Visiting Procedure
16.2 Inmate Correspondence
16.3 Telephone Calls
16.4 Inmate Packages [(Amended 12/15/89)]
17.1 Inmate Personal Property [(Amended 12/15/89)]
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
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
20.6 Vocational Study Release
22.1 Privilege Trips
25.1 Gratuities
25.2 Public Official Notification of Release of an Inmate
25.3 Prerelease Program
25.4 Inmate Furloughs (Amended 2/15/90)
25.6 Community Center Program (Amended 2/15/90)
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
27-09-01 Kentucky Community Resources Directory
27-10-01 Advanced Supervision (Amended 2/15/90)
27-11-01 Intensive Supervision (Amended 2/15/90)
27-12-01 Supervision: Case Classification
27-12-02 Risk/Needs Assessment
27-12-03 Initial Interview
27-12-04 Conditions of Regular Supervision/Request for Modification
27-12-05 Releasee's Report
27-12-06 Grievance Procedures for Offenders
27-12-07 Employment, Education/Vocational Referral
27-12-08 Supervision Plan
27-12-09 Casebook
27-12-10 Guidelines for Monitoring Supervision Fee
27-12-11 Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority
27-12-12 Other Financial Obligations (Not Ordered by Releasing Authority)
27-12-13 Community Service Work
27-12-14 Client Travel Restrictions
27-13-02 Alcohol Detection
27-14-01 Interstate Compact Transfers
27-14-02 Interstate Compact Out-of-state Probation and Parole Violation
27-15-01 Supervision Report; Violations, Unusual Incidents
27-16-01 Search; Seizure; Chain of Custody; Disposal of Evidence
27-17-01 Absconder Procedures
27-18-01 Probation and Parole Issuance of Detainer/Warrant
27-19-01 Preliminary Revocation Hearing
27-20-01 Division of Probation and Parole Controlled Intake Program
27-20-02 Prisoner Intake Notification
27-20-03 Prisoner Status Change
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 (Amended 2/15/90)
27-26-01 Assistance to Former Clients and Dischargees
27-27-01 Restoration of Civil Rights
27-28-01 Firearms/Explosives: Application for Relief from Disability
27-29-01 Parole Review Dates Modification
28-01-01 Probation and Parole Investigation Reports (Introduction, Definitions, Confidentiality, Timing, and General Comments)
28-01-02 Probation and Parole Investigation Reports (Administrative Responsibilities)
28-01-03 Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure)
28-01-04 Probation and Parole Investigation Reports (Presentence/Postsentence Verification, Composition, Case Material and Submission Schedules)
28-01-05 Probation and Parole Investigation Reports (Computation of Jail Custody Credit)
28-01-06 Probation and Parole Investigation Reports (Misdemeanant Presentence Investigation Reports for the Circuit and District Courts)
28-01-07 Probation and Parole Investigation Reports (Supplemental Postsentence Investigation Report, Case Material, and Submission Schedule)
28-01-08 Probation Parole Investigation Reports (Partial Investigation Reports and Submission Schedule)

28-01-09	Release of Information of Factual Content on Presentence/Postsentence Investigation Reports
28-02-01	Expedient Release Program
28-03-01	Parole Plans/Halfway Houses/Extended Furlough/Sponsorship/Gradual Release
28-04-01	Furlough Verifications
28-05-01	Out-of-state Investigations

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: February 15, 1990
FILED WITH LRC: February 21, 1990 at 4 p.m.

STATEMENT OF EMERGENCY
501 KAR 6:030E

In order to continue to operate the Kentucky State Reformatory in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policies must be revised immediately to allow the reformatory to implement procedures to reflect recent U.S. Supreme Court and Sixth Circuit Court of Appeal opinions and to avoid litigation as a result of these policies being unclear, confusing and conflicting in some areas. Additionally the inmate offense and penalty code has been clarified to address and penalize serious conduct engaged in by inmates to include throwing of human waste on staff. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on February 15, 1990 in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
JOHN T. WIGGINTON, Secretary

CORRECTIONS CABINET

501 KAR 6:030E. Kentucky State Reformatory.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: February 21, 1990
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 February 15, 1990 [December 15, 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

KSR 01-00-09	Public Information and News Media Relations
KSR 01-00-10	Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
KSR 01-00-14	Extraordinary Occurrence Report [(Amended 12/15/89)]
KSR 01-00-15	Cooperation and Coordination with Oldham County Court
KSR 01-00-19	Personal Service Contract Personnel
KSR 01-00-20	Consent Decree Notification to Inmates
KSR 02-00-01	Inmate Canteen (Amended 2/15/90)
KSR 02-00-03	Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11	Inmate Personal Accounts
KSR 02-00-12	Institutional Funds and Issuance of Checks
KSR 04-00-02	Staff Training and Development
KSR 05-00-01	Officers' Daily Housing Security and Safety Log
KSR 05-00-02	Research Activities
KSR 05-00-03	Management Information Systems
KSR 06-00-01	Inmate Master File
KSR 06-00-02	Records Audit
KSR 06-00-03	Kentucky Open Records Law and Release of Psychological/ Psychiatric Information
KSR 07-00-02	Institutional Tower Room Regulations
KSR 07-00-04	Handling of PCB Articles and Containers
KSR 07-00-05	Proper Removal of Transformers
KSR 07-00-06	Asbestos Abatement
KSR 08-00-07	Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family (Amended 2/15/90)
KSR 08-00-08	Death of an Inmate/Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery (Amended 2/15/90)
[KSR 08-00-09	Emergency Preparedness Training (Deleted 2/15/90)]
KSR 08-00-10	Hazardous Chemicals and Material Safety Data Sheet
KSR 09-00-04	Horizontal Gates/Box 1 Entry and Exit Procedure (Amended 2/15/90)
KSR 09-00-05	Gate I Entrance and Exit Procedure (Amended 2/15/90)
KSR 09-00-09	Contraband, Dangerous Contraband and Search Policy (Amended 2/15/90)
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 (Amended 2/15/90)
KSR 09-00-25	Inmate Motor Vehicle Operator's License (Amended 2/15/90)
KSR 09-00-26	Contraband Outside Institutional Perimeter
KSR 09-00-27	Construction Crew Entry/Exit
KSR 09-00-28	Restricted Areas (Amended 2/15/90)
KSR 09-00-29	Transportation of Inmates
KSR 09-00-30	Parole Board (Added 2/15/90)
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 (Amended 2/15/90)
KSR 10-00-03	Unit D - Inmate Tracking System and Records System
KSR 10-00-04	Unit D - Administrative Segregation (Amended 2/15/90)
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 (Amended 2/15/90)
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 [(Amended 12/15/89)]
KSR 11-00-03 Food Service Inspections
KSR 11-00-04 Dining Room Dress Code for Inmates [(Amended 12/15/89)]
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 [(Amended 12/15/89)]
KSR 13-00-06 Infection Control
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 (Amended 2/15/90)
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 [(Amended 12/15/89)]
KSR 15-00-02 Regulations Prohibiting Immate Control or Authority Over Other Inmate(s)
KSR 15-00-04 Restoration of Forfeited Good Time (Amended 2/15/90)
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 (Amended 2/15/90)
KSR 15-00-08 Firehouse Living Area (Amended 2/15/90)
KSR 15-00-10 Program Services for Special Housing Placement
KSR 15-01-01 Operational Procedures and Rules and Regulations for Unit A, B & C: Functions of Assigned Personnel
KSR 15-01-02 Operational Procedures and Rules and Regulations for Unit A, B, & C: Staff Operational Procedures (Amended 2/15/90)
KSR 15-01-03 Inmate Rules and Regulations
KSR 15-01-04 Institutional Medical and Fire Safety Service: Unit Application
KSR 15-01-05 Institutional Inmate Services
KSR 15-01-06 Operational Procedures and Rules and Regulations for Unit A, B & C: Inmate Housing Criteria and Regulations, Honor Status and General Population (Amended 2/15/90)
KSR 16-00-01 Visiting Regulations
KSR 16-00-02 Inmate Correspondence and Mailroom Operations
KSR 16-00-03 Inmate Access to Telephones
KSR 17-00-01 Housing Unit Assignment - Assessment/Classification Center
KSR 17-00-03 Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 17-00-04 Assessment/Classification Center Operations, Rules and Regulations
KSR 17-00-05 Dormitory 10 Operations
KSR 17-00-06 Identification Department Admission and Discharge Procedures
KSR 17-00-07 Inmate Personal Property
KSR 17-00-08 Repair of Inmate Owned Appliances by Outside Dealers
KSR 18-00-04 Returns from Other Institutions
KSR 18-00-05 Transfer of Residents to Kentucky Correctional Psychiatric Center, and Referral Procedure for Residents Adjudicated Guilty but Mentally Ill
KSR 18-00-06 Classification and Special Notice Form
KSR 19-00-01 Inmate Work Incentives
KSR 19-00-02 On-the-job Training Program (Amended 2/15/90)
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 [(Amended 12/15/89)]
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: February 15, 1990
FILED WITH LRC: February 21, 1990 at 4 p.m.

STATEMENT OF EMERGENCY
501 KAR 6:040E

In order to continue to operate the Kentucky State Penitentiary in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policies must be revised immediately to allow the penitentiary to implement procedures to reflect recent U.S. Supreme Court and Sixth Circuit Court of Appeal opinions and to avoid litigation as a result of these policies being unclear, confusing and conflicting in some area. Additionally the inmate offense and penalty code has been clarified to address and penalize serious conduct engaged in by inmates to include throwing of human waste on staff. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on April 14, 1989 in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
JOHN F. WIGGINTON, Secretary
CORRECTIONS CABINET

501 KAR 6:040E. Kentucky State Penitentiary.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: February 21, 1990
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 February 15, 1990 [December 15, 1989] and hereinafter should be referred to as Kentucky State Penitentiary 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

KSP 000000-06	Administrative Regulations
KSP 010000-04	Public Information and Media Communication
KSP 020000-15	Legal Assistance
KSP 030000-01	Inventory Records and Control
KSP 030000-04	Requisition and Purchase of Supplies and Equipment
KSP 030000-05	Inmate Personal Funds [(Amended 12/15/89)]
KSP 030000-06	Inmate Commissary Program
KSP 040000-01	Management Information System
KSP 040000-02	Inmate Records
KSP 040000-08	Inmate Equal Opportunity Policy
KSP 050000-14	Searches and Preservation of Evidence
KSP 060000-01	Special Security Unit
KSP 060000-02	Special Management Units: Assignment, Classification Review and Release (Amended 2/15/90) [Operational Procedures for Disciplinary Segregation, Administrative Segregation, Administrative Control and Behavioral Control Units]
KSP 060000-04	Protective Custody Unit
KSP 070000-01	Hospital Services
KSP 070000-02	Sick Call
KSP 070000-03	Health Evaluations
KSP 070000-04	Consultations
KSP 070000-05	Emergency Medical Procedure
KSP 070000-13	Pharmacy Procedures
KSP 070000-14	Medical Records
KSP 070000-16	Psychiatric and Psychological Services
KSP 070000-17	Dental Services for Special Management Units
KSP 070000-19	Optometric Services
KSP 070000-20	Menu Preparation and Planning
KSP 070000-24	Food Service, General Sanitation, Safety, and Protection Standards and Requirements
KSP 070000-25	Food Service Inspections
KSP 070000-30	Therapeutic Diets
KSP 090000-01	Inmate Work Programs/Safety Inspections of Inmate Work Locations (Amended 2/15/90)
KSP 090000-03	Correctional Industries [(Amended 12/15/89)]
KSP 100000-02	Visiting Program
KSP 100000-03	Disposition of Unauthorized Property
KSP 100000-04	Inmate Grooming and Dress Code [(Amended 12/15/89)]
KSP 100000-05	Procedures for Providing Clothing, Linens and Other Personal Items [(Amended 12/15/89)]
KSP 100000-06	Inmate Mail and Packages
KSP 100000-07	Inmate Telephone Access [(Amended 12/15/89)]
KSP 100000-08	Behavioral Counseling Record (Amended 2/15/90)
KSP 100000-09	Due Process/Disciplinary Procedures (Amended 2/15/90)
KSP 100000-11	Authorized and Unauthorized Inmate Property
KSP 100000-14	Property Room: Clothing Storage and Inventory
KSP 100000-15	Uniform Cell Standards for Fire Safety, Sanitation and Security
KSP 100000-18	Inmate Grievance Committee Hearings
KSP 100000-20	Legal Services Program
KSP 100000-21	Photocopies for Nonindigent Inmates with Special Court Deadlines
KSP 110000-04	Preparole Progress Report [(Amended 12/15/89)]
KSP 110000-06	General Guidelines of the Classification Committee
KSP 110000-07	Statutory Good Time Restoration
KSP 110000-08	Award of Meritorious Good Time
KSP 110000-10	Special Needs Inmates [(Amended 12/15/89)]
KSP 110000-12	Unit Classification Committee - Inmate Work Assignments
KSP 110000-13	Classification Document
KSP 110000-14	Vocational School Placement
KSP 110000-15	Transfers to Kentucky Correctional Psychiatric Center (KCPC)
KSP 110000-16	Consideration of Further Treatment Requirements for Inmates Prior to Release [(Amended 12/15/89)]

KSP 110000-18	Functions of the Classification Committee
KSP 120000-04	Academic Education (Amended 2/15/90)
KSP 120000-07	Community Center Program (Amended 2/15/90)
KSP 120000-08	Inmate Furloughs
KSP 120000-11	Religious Services - Staffing
KSP 120000-18	Religious Services - Religious Programming
KSP 120000-20	Marriage of Inmates
KSP 120000-31	Extended Furloughs
KSP 120000-32	Discharge of Inmates by Shock Probation
KSP 130000-10	Execution Plan

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: February 15, 1990
FILED WITH LRC: February 21, 1990 at 4 p.m.

STATEMENT OF EMERGENCY
501 KAR 6:050E

In order to continue to operate the Luther Luckett Correctional Complex in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policies must be revised immediately to allow the Luther Luckett Correctional Complex to implement procedures to reflect recent U.S. Supreme Court and Sixth Circuit Court of Appeal opinions and to avoid litigation as a result of these policies being unclear, confusing and conflicting in some areas. Additionally the inmate offense and penalty code has been clarified to address and penalize serious conduct engaged in by inmates to include throwing of human waste on staff. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on November 15, 1989 in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
JOHN T. WIGGINTON, Secretary

CORRECTIONS CABINET

501 KAR 6:050E. Luther Luckett Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: February 21, 1990
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 February 15, 1990 [November 15, 1989] and hereinafter should be referred to as Luther Luckett Correctional Complex 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

LLCC 01-08-01	Institutional Legal Assistance
LLCC 01-09-01	Public Information and News Media Access
LLCC 01-12-01	Duty Officer Responsibilities
LLCC 02-01-02	Fiscal Management: Accounting Procedures
LLCC 02-01-03	Fiscal Management: Agency Funds
LLCC 02-01-04	Fiscal Management: Insurance
LLCC 02-03-01	Fiscal Management: Audits
LLCC 02-06-01	Property Inventory
LLCC 02-07-01	Screening Disbursements from Inmate Personal Accounting
LLCC 08-01-01	Offender Records
LLCC 08-04-01	Storage of Expunged Records
LLCC 08-05-01	Psychological and Psychiatric Reports
LLCC 10-03-09	Duties and Responsibilities of Building 1 and 2 Officer
LLCC 11-03-01	LLCC Population Categories
LLCC 11-07-01	Adjustment Procedures for Minor Rule Violations
LLCC 11-09-01	Rules and Regulations of the Unit
LLCC 11-13-01	Inmate Dress and Use of Access Areas
LLCC 11-15-01	Postparole Furloughs
LLCC 11-16-01	Restoration of Forfeited Good Time
LLCC 11-18-02	Use of Monitor Telephone
LLCC 11-19-01	Unit Shakedowns/Control of Excess Property
LLCC 11-20-01	Program Services for "Special Needs"/Mentally Ill Inmates
LLCC 12-01-01	Special Management Inmates (Amended 2/15/90)
LLCC 12-01-02	Disciplinary Segregation Time Calculation (WTR)
LLCC 12-04-01	Guidelines for (7E) PC Unit/General Living Conditions
LLCC 13-01-01	Dining Room Guidelines
LLCC 13-04-01	Food Service: Meals
LLCC 13-04-02	Food Service: Menu, Nutrition and Special Diets
LLCC 13-05-02	Medical Screening of Food Handlers
LLCC 13-06-01	Food Service: Inspections and Sanitation
LLCC 13-07-01	Food Service: Purchasing, Storage and Farm Products
LLCC 13-08-01	OJT Food Service Training Placement
LLCC 14-01-01	Sanitation, Living Condition Standards, and Clothing Issue
LLCC 14-05-01	Institutional Inspections
LLCC 15-01-01	Health Maintenance Services; Sick Call and Pill Call
LLCC 15-02-01	Mental Health/Psychological Services
LLCC 15-03-01	Pharmacy
LLCC 15-03-02	Use of Psychotropic Medications
LLCC 15-04-01	Dental Services
LLCC 15-05-02	Licensure and Training Standards
LLCC 15-06-02	Specialized Health Services
LLCC 15-06-03	Emergency Medical/Dental Care Services
LLCC 15-06-04	First Aid/CPR Training Program
LLCC 15-06-05	Suicide Prevention and Intervention Program
LLCC 15-07-01	Health Records
LLCC 15-08-01	Special Diets
LLCC 15-12-01	Special Needs Unit
LLCC 15-14-01	Informed Consent
LLCC 15-15-01	Medical Restraints

LLCC 15-16-01	Health Education/Special Health Programs
LLCC 15-17-01	Serious and Infectious Diseases
LLCC 16-01-01	Inmate Rights and Responsibilities
LLCC 16-02-01	Inmate Grievance Procedure
LLCC 16-03-01	Inmate Legal Services
LLCC 17-01-01	Due Process/Disciplinary Procedure (Amended 2/15/90)
LLCC 18-01-01	Inmate Correspondence
LLCC 18-01-02	Issuance of Legal Mail to Inmate Population
LLCC 18-02-01	Inmate Visiting [(Amended 11/15/89)]
LLCC 18-02-03	Extended Visit and Furloughs
LLCC 18-02-04	Meritorious Visits [(Amended 11/15/89)]
LLCC 18-03-01	Entry and Identification of Visitors for Inmate Visitation [(Amended 11/15/89)]
LLCC 18-03-03	Inmate Visiting (DSU/ASU)
LLCC 20-01-01	Personal Property Control
LLCC 20-02-01	Authorized Inmate Personal Property
LLCC 20-03-01	Unauthorized Items
LLCC 20-04-02	Inmate Canteen
LLCC 20-04-03	Canteen Purchase Limits (Added 2/15/90)
LLCC 20-05-01	Inmate Control of Personal Funds
LLCC 20-05-02	Storage and Disposition of Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
LLCC 20-06-01	Procedure for Sending Appliances to Outside Dealers for Repair
LLCC 21-02-01	Classification/Security Levels
LLCC 21-03-01	Classification Process
LLCC 22-01-01	OJT/Job Assignments
LLCC 23-01-01	Academic School
LLCC 26-01-01	Religious Services
LLCC 28-01-01	Privileged Trips
LLCC 28-03-01	Temporary Release/Community Center Release
LLCC 28-04-01	Preparole Progress Report
LLCC 28-04-02	Parole Eligibility Dates

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: February 15, 1990
FILED WITH LRC: February 21, 1990 at 4 p.m.

STATEMENT OF EMERGENCY
501 KAR 6:060E

In order to continue to operate the Northpoint Training Center in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policies must be revised immediately to allow the Northpoint Training Center to implement procedures to reflect recent U.S. Supreme Court and Sixth Circuit Court of Appeal opinions and to avoid litigation as a result of these policies being unclear, confusing and conflicting in some areas. Additionally the inmate offense and penalty code has been clarified to address and penalize serious conduct engaged in by inmates to include throwing of human waste on staff. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on February 15, 1990 in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
JOHN T. WIGGINTON, Secretary

CORRECTIONS CABINET

501 KAR 6:060E. Northpoint Training Center.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: February 21, 1990
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 February 15, 1990 [December 15, 1989] and hereinafter should be referred to as Northpoint Training Center 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

NTC 01-03-01	Organization and Assignment of Responsibilities [(Amended 12/15/89)]
NTC 01-05-01	Extraordinary Occurrence Reports
NTC 01-10-01	Legal Assistance for Staff
NTC 01-11-01	Political Activities of Merit Employees
NTC 01-15-01	Establishment of the Warden as Chief Executive Officer
NTC 01-17-01	Relationships with Public, Media and Other Agencies
NTC 02-02-02	Warden's Participation in the Agency Budgeting Process
NTC 02-03-01	Fiscal Management: Audits
NTC 02-04-01	Internal Control and Monitoring of Accounting Procedures
NTC 02-07-02	Chapel Fund
NTC 02-08-01	Inmate Canteen [(Amended 12/15/89)]
NTC 02-10-01	Insurance Coverage
NTC 02-12-01	Inmate Personal Accounts
NTC 04-01-01	Training and Staff Development
NTC 04-04-01	Firearms and Chemical Agents Training
NTC 06-01-01	Offender Records
NTC 06-01-02	Records - Release of Information
NTC 06-01-03	Taking Offender Record Folders onto the Yard
NTC 08-05-01	The Fire and Safety Officer
NTC 08-05-02	Fire Procedures
NTC 08-05-03	Fire Prevention
NTC 08-05-04	Storage of Flammables and Dangerous Chemicals and Their Use
NTC 08-07-01	Safety Standards
NTC 10-01-01	Special Management Inmates (SMU) (Amended 2/15/90)
NTC 10-02-01	Security Guidelines for Special Management Inmates
NTC 10-03-01	Protective Custody
NTC 11-03-01	Food Services: General Guidelines
NTC 11-04-01	Food Service: Meals
NTC 11-04-02	Menu, Nutrition and Special Diets
NTC 11-05-02	Health Standards/Regulations for Food Service Employees

NTC 11-06-01 Inspections and Sanitation
NTC 11-07-01 Purchasing, Storage and Farm Products
NTC 12-01-01 Institutional Inspections
NTC 12-02-01 Personal Hygiene for Inmates; Clothing and Linens
NTC 12-02-02 Issuance of Personal Hygiene Products
NTC 13-01-01 Emergency Medical Care Plan
NTC 13-01-02 Emergency and Specialized Health Services
NTC 13-02-01 Administration and Authority for Health Services
NTC 13-03-01 Sick Call and Pill Call
NTC 13-04-01 Utilization of Pharmaceutical Products
NTC 13-05-01 Dental Services
NTC 13-06-01 Licensure and Training Standards
NTC 13-07-01 Provisions for Health Care Delivery
NTC 13-08-01 Medical and Dental Records
NTC 13-09-01 Special Diets
NTC 13-11-01 Inmate Health Screening and Evaluation
NTC 13-12-01 Special Health Care Programs
NTC 13-17-01 Inmates Assigned to Health Services
NTC 13-19-01 Mental Health Care Program
NTC 13-19-03 Suicide Prevention and Intervention Program
NTC 13-20-01 Infectious Disease
NTC 13-21-01 Vision Care/Optometry Services
NTC 13-22-01 Informed Consent
NTC 13-23-01 Special Needs Inmates
NTC 14-01-01 Legal Services Program
NTC 14-01-02 Receiving and Viewing of Video Tapes
NTC 14-02-01 Inmate Grievance Procedure
NTC 14-03-01 Inmate Rights and Responsibilities
NTC 14-03-02 Board of Claims
NTC 14-04-01 Inmate Search Policy [(Amended 12/15/89)]
NTC 15-01-01 Restoration of Forfeited Good Time
NTC 15-02-01 Due Process/Disciplinary Procedures (Amended 2/15/90)
NTC 15-02-02 Extra Duty Assignments
NTC 15-02-03 Hearing Officer
NTC 15-03-01 Rules for Inmates Assigned to Outside Detail
NTC 15-03-02 Rules and Regulations for General Population Dormitories
NTC 15-04-01 Inmate Identification
NTC 16-01-01 Mail Regulations
NTC 16-02-01 Visiting [(Amended 12/15/89)]
NTC 16-02-02 Extended and Special Visits
NTC 16-02-03 Honor Dorm Visiting [(Amended 12/15/89)]
NTC 16-03-01 Inmate Furloughs
NTC 16-05-01 Telephone Use and Control [(Amended 12/15/89)]
NTC 17-01-01 Personal Property Control
NTC 17-01-02 Authorized Inmate Personal Property
NTC 17-01-03 Unauthorized Inmate Property
NTC 17-01-04 Disposition of Unauthorized Property
NTC 17-03-01 Assessment/Orientation
NTC 18-01-01 Preparole Progress Report
NTC 18-02-01 Classification
NTC 18-02-02 Classification - 48 Hour Notification
NTC 18-03-01 Special Notice Form
NTC 18-05-01 Transfers of Inmates
NTC 18-05-02 Transfer of Inmates to Kentucky Correctional Psychiatric Center
NTC 19-01-01 Inmate Work Program
NTC 19-01-03 Temporary Leave from Job Assignment
NTC 19-02-01 Correctional Industries
NTC 19-02-02 Guidelines for Correctional Industries
NTC 20-01-01 Academic School Program
NTC 20-02-01 Vocational School
NTC 20-02-02 Live Work Projects in Vocational School Classes
NTC 21-01-01 Library Services
NTC 22-03-01 Conducting Inmate Organizational Meetings and Programs
NTC 23-01-01 Religious Services
NTC 24-04-01 Honor Status
NTC 24-05-01 Unit Management
NTC 25-01-01 Release Preparation Program
NTC 25-01-02 Temporary Release/Community Center Release
NTC 25-01-03 Graduated Release
NTC 25-02-01 Funeral Trips and Bedside Visits [(Amended 12/15/89)]
NTC 25-03-01 Inmate Release Procedure
NTC 26-01-01 Citizen Involvement and Volunteer Services Program

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: February 15, 1990
FILED WITH LRC: February 21, 1990 at 4 p.m.

STATEMENT OF EMERGENCY
501 KAR 6:070E

In order to continue to operate the Kentucky Correctional Institution for Women in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policies must be revised immediately to allow the Kentucky Correctional Institution for Women to implement procedures to reflect recent U.S. Supreme Court and Sixth Circuit Court of Appeal opinions and to avoid litigation as a result of these policies being unclear, confusing and conflicting in some areas. Additionally the inmate offense and penalty code has been clarified to address and penalize serious conduct engaged in by inmates to include throwing of human waste on staff. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on February 15, 1990 in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
JOHN T. WIGGINTON, Secretary

CORRECTIONS CABINET

501 KAR 6:070E. Kentucky Correctional Institution for Women.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: February 21, 1990
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

February 15, 1990 [1989] and hereinafter should be referred to as Kentucky Correctional Institution for Women 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 or may be reviewed at the Office of General Counsel on weekdays between 8 a.m. to 4:30 p.m.

KCIW 01-06-01	Legal Assistance for Corrections Staff
KCIW 01-08-01	News Media Access
KCIW 02-01-01	Comprehensive Insurance Coverage
KCIW 02-02-01	Fiscal Management: Audits
KCIW 02-02-03	Fiscal Management: Checks
KCIW 02-02-04	Institution Purchasing Procedures
KCIW 02-03-01	Inventory Control of Nonexpendable Personal Property
KCIW 02-03-03	Criteria for Selection of Bidders and Vendors
KCIW 02-04-01	Accounting Procedures
KCIW 02-05-01	Inmate Canteen/Staff Canteen
KCIW 02-07-01	Release of CETA Money Earned
KCIW 06-01-01	Inmate Records
KCIW 06-01-02	Transfers to Community Centers and the Minimum Security Unit
KCIW 06-01-03	Storage of Expunged Records
KCIW 10-01-01	Special Management Unit General Operation and Regulations (Amended 2/15/90)
KCIW 10-01-02	Special Management Unit Programs, Placement and Review
KCIW 10-01-04	Special Security Inmates
KCIW 11-01-01	Food Service Operation Inspections
KCIW 11-01-02	Budgeting, Accounting, and Purchasing Procedures for Food Products
KCIW 11-02-01	Menu Preparation/Special Diets
KCIW 11-03-01	General Guidelines for Food Service Workers
KCIW 11-03-02	General Guidelines for Food Service Workers
KCIW 11-04-01	Health Regulations and General Guidelines for the Food Service Area
KCIW 12-01-01	Control of Pests and Vermin
KCIW 12-02-01	Laundry Facilities/Clothing Issuance
KCIW 12-02-03	Donated Items
KCIW 12-04-01	Sanitation and General Living Conditions
KCIW 13-01-01	Provision of Medical and Dental Care
KCIW 13-01-02	Preliminary Health Screening and Appraisal
KCIW 13-01-03	Use of Pharmaceutical Products
KCIW 13-03-01	Emergency Care
KCIW 13-03-02	Infirmary Care and Outside Services
KCIW 13-03-03	Outside Hospital Security
KCIW 13-04-01	Medical Alert System
KCIW 13-04-02	Psychiatric/Psychological Services (Amended 2/15/90)
KCIW 13-06-01	Informed Consent
KCIW 13-07-01	Detoxification and Alcohol or Chemical Dependency Guidelines (Amended 2/15/90)
KCIW 13-08-01	Medical Exams for New Employees
KCIW 13-09-01	Suicide Prevention and Intervention Program
KCIW 13-11-01	Infection Control
KCIW 14-01-02	Inmate Rights
KCIW 14-02-01	Access to Attorneys and Designated Counsel Substitutes
KCIW 14-03-01	Inmates Are Not Subject to Discrimination Based on Race, Religion, National Origin, Sex, Handicap, or Political Beliefs
KCIW 14-04-01	Inmate Grievance Procedure
KCIW 15-01-01	Offenses and Penalties (Amended 2/15/90)
KCIW 15-01-02	Adjustment Committee Procedures and Programs (Amended 2/15/90)
KCIW 15-03-01	Inmate Rule Book
KCIW 15-04-01	Incentive Levels System
KCIW 15-06-01	Restriction Guidelines
KCIW 16-01-01	Inmate Correspondence
KCIW 16-01-02	Inmate Mail Distribution
KCIW 16-01-03	Staff Mail
KCIW 16-02-01	Inmate Access to Telephone
KCIW 16-02-02	Intra-Institution Phone Calls (Amended 2/15/90)
KCIW 16-03-01	Inmate Visiting Regulations
KCIW 16-03-02	Unauthorized Items for Picnic Lunches, Food Packages and Regular Packages
KCIW 16-04-01	Inmate Indigent Fund
KCIW 16-05-01	Commercial Vendor Packages, Appliance and Drug Store Orders
KCIW 17-01-01	Assessment Center Operation and Reception Programs
KCIW 17-01-02	Assessment/Classification Center Operations, Rules and Regulations
KCIW 17-01-03	Assessment and Classification Unit Property Guidelines
KCIW 17-02-01	Identification Department Admissions
KCIW 17-03-01	Notifying Inmates Families of Admission and Procedures for Mail and Visiting
KCIW 17-05-01	Inmate Personal Property Guidelines
KCIW 18-01-02	Institutional Housing Assignments
KCIW 18-02-01	Classification Procedures
KCIW 18-05-01	Special Needs Inmates
KCIW 18-06-01	Institutional Status Codes
KCIW 19-01-01	Inmate Work/Program Assignments
KCIW 19-03-01	Landscape and Maintenance Work Details
KCIW 20-01-01	Education Programs
KCIW 20-01-03	Vocational Education: Curriculum Flexible Schedule, Upgrade Programs and Release Preparation Program
KCIW 20-01-04	Entry - Exit Vocational School
KCIW 20-01-05	Vocational Programs: Approved, Assessed and Contain Guidelines for Vocational Records
KCIW 20-01-06	Vocational Education: Staffing Patterns/Requirements
KCIW 20-01-07	Vocational Counselor
KCIW 20-01-08	Vocational Education: Community Resources and the Integration with Academic Progress
KCIW 20-01-09	Vocational Education: Support Equipment
KCIW 20-01-10	Control of Flammable, Hazardous, Toxic and Caustic Materials in the Vocational Area
KCIW 22-01-04	Inmate Club Activities
KCIW 23-01-01	Religious Services
KCIW 25-01-01	Preparole Progress Report
KCIW 25-02-01	Temporary Release/Community Center
KCIW 25-02-02	Furloughs
KCIW 25-03-01	Escorted Leave into the Community

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: February 15, 1990
FILED WITH LRC: February 21, 1990 at 4 p.m.

STATEMENT OF EMERGENCY
501 KAR 6:090E

In order to continue to operate the Frankfort Career Development Center in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policies must be revised immediately to allow the Frankfort Career Development Center to implement procedures to reflect recent U.S. Supreme Court and Sixth Circuit Court of Appeal opinions and to avoid litigation as a result of these policies being unclear, confusing and conflicting in some areas. Additionally the inmate offense and penalty code has been clarified to address and penalize serious conduct engaged in by inmates to include throwing of human waste on staff. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on February 15, 1990 in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
JOHN T. WIGGINTON, Secretary

CORRECTIONS CABINET

501 KAR 6:090E. Frankfort Career Development Center.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: February 21, 1990
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 February 15, 1990 [April 14, 1989] and hereinafter should be referred to as Frankfort Career Development Center 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

FCDC 01-04-01	Confidentiality of Information Roles and Services of Consultant, Contract Personnel, Governmental Services Supervisors and Volunteers
FCDC 01-05-01	Duties and Responsibilities of FCDC Duty Officer
FCDC 02-09-01	Inmate Account Draw and Savings Deposit Transactions Between Inmates (Amended 2/15/90)
FCDC 02-10-01	Fiscal Management and Control (Amended 2/15/90) [(Amended 4/14/89)]
FCDC 02-11-01	Fiscal Management: Accounting Procedures [(Amended 4/14/89)]
FCDC 02-12-01	Fiscal Management: Checking Accounts
FCDC 02-13-01	Purchasing and Receiving
FCDC 06-02-01	Inmate Records (Amended 2/15/90)
FCDC 08-01-01	Fire Safety Practices
FCDC 09-01-02	Institutional Entry/Exit Surveillance and Perimeter Security Procedures (Amended 2/15/90)
FCDC 09-03-01	Control and Accountability of Flammable Toxic, Caustic and Other Hazardous Materials
FCDC 09-06-08	Searches and Contraband Control
FCDC 11-01-01	Special Diets
FCDC 11-02-01	Menu Preparation
FCDC 11-03-01	Food Services (Amended 2/15/90)
FCDC 12-03-01	Laundry, Clothing, Hygiene and Grooming Services
FCDC 12-04-01	Sanitation Practices and Inspections
FCDC 13-01-01	Use of Pharmaceutical Products
FCDC 13-01-02	Medical Emergencies (Amended 2/15/90)
FCDC 13-01-03	Informed Consent
FCDC 13-02-01	Inmate Medical Screenings and Health Evaluations (Amended 2/15/90)
FCDC 13-03-01	Psychiatric and Psychological Services
FCDC 13-03-02	Parental Administration of Medications and Use of Psychotropic Drugs
FCDC 13-04-01	Intrasystem Transfers of Medical/Psychiatric Problems (Amended 2/15/90)
FCDC 13-05-01	Family Notification: Serious Illness, Injury or Major Surgery
FCDC 13-06-01	Chronic and Convalescent Care
FCDC 13-08-01	Sick Call/Physician's Bimonthly Clinic (Amended 2/15/90)
FCDC 13-09-01	Management of Serious and Infectious Diseases (Amended 2/15/90)
FCDC 13-10-01	Treatment Protocol Regarding First-Aid Procedures, Routine Health Care
FCDC 13-11-01	Health Education: Provision of Special Health Care Needs
FCDC 13-12-01	Elective Services
FCDC 13-13-01	Physicians Referrals
FCDC 13-14-01	Health Records
FCDC 13-15-01	Routine and Emergency Dental Appointments (Amended 2/15/90)
FCDC 13-16-01	Routine and Emergency Eye Examinations
FCDC 13-17-01	Inmate Death
FCDC 14-01-01	Prohibiting Inmate Authority Over Other Inmates
FCDC 14-02-01	Inmate Grievance System [(Amended 4/14/89)]
FCDC 14-03-01	Inmates Are Not Subject to Discrimination Based on Race, Religion, National Origin, Sex, Handicap or Political Beliefs and Are Protected Against Corporal Punishment
FCDC 14-04-01	Legal Services Program
FCDC 15-01-01	Good Time - Credits
FCDC 15-03-01	Conduct of Adjustment Committee Hearings (Chairperson) (Amended 2/15/90)
FCDC 15-04-01	Prehearing Detention and Protective Custody Requests
FCDC 16-01-01	Inmate Visiting (Amended 2/15/90)
FCDC 16-02-01	Mail Policy
FCDC 16-03-01	Inmate Access to Telephones

FCDC 17-01-01	Inmate Property Control (Amended 2/15/90)
FCDC 17-02-01	Inmate Reception, Orientation, and Discharge
FCDC 18-01-01	Inmate Classification [(Amended 4/14/89)]
FCDC 18-02-01	Reclassification Document [(Amended 4/14/89)]
FCDC 18-03-01	Instructions for Six Month Review [(Amended 4/14/89)]
FCDC 19-01-01	Security and Operation of the Governmental Services Program
FCDC 19-02-01	Inmate Work Program
FCDC 20-01-01	Academic and Vocational Education (Amended 2/15/90)
FCDC 22-01-01	Privilege Trips
FCDC 22-01-02	Activity Trips
FCDC 22-02-01	Recreation and Inmate Activities (Amended 2/15/90)
FCDC 23-01-01	Religious Activities [(Amended 4/14/89)]
FCDC 24-01-01	Social Service Program
FCDC 24-02-01	Substance Abuse Programs
FCDC 25-01-01	Escorted Leaves
FCDC 25-02-01	Temporary Release/Community Center Program
FCDC 25-03-01	Release Preparation Program

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: February 15, 1990
FILED WITH LRC: February 21, 1990 at 4 p.m.

STATEMENT OF EMERGENCY
501 KAR 6:110E

In order to continue to operate the Roederer Farm Center in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policies must be revised immediately to allow the Roederer Farm Center to implement procedures to reflect recent U.S. Supreme Court and Sixth Circuit Court of Appeal opinions and to avoid litigation as a result of these policies being unclear, confusing and conflicting in some areas. Additionally the inmate offense and penalty code has been clarified to address and penalize serious conduct engaged in by inmates to include throwing of human waste on staff. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on February 15, 1990 in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
JOHN T. WIGGINTON, Secretary

CORRECTIONS CABINET

501 KAR 6:110E. Roederer Farm Center.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: February 21, 1990
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 February 15, 1990 [January 13, 1989] and hereinafter should be referred to as Roederer Farm Center 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

RFC 01-04-02	Extraordinary Occurrence Procedure (Amended 2/15/90)
RFC 01-06-01	Inmate Access to and Communication with RFC Staff (Amended 2/15/90)
RFC 01-07-01	Institutional Legal Assistance (Amended 2/15/90)
RFC 01-08-01	Public Information and News Media Access
RFC 01-09-01	Staff Participation in Professional Organization and Conferences; Provisions for Leave and Reimbursement for Expenses
RFC 01-10-01	RFC Cooperation with Outside Bodies Including Courts, Governmental Legislative, Executive, and Community Agencies
RFC 01-12-01	Institutional Duty Officer - Responsibilities
RFC 02-01-01	Fiscal Management: Organization (Amended 2/15/90)
RFC 02-01-02	Fiscal Management: Accounting Procedures (Amended 2/15/90)
RFC 02-01-03	Fiscal Management: Agency Funds (Amended 2/15/90)
RFC 02-01-04	Fiscal Management: Insurance (Amended 2/15/90)
RFC 02-02-01	Fiscal Management: Budget (Amended 2/15/90)
RFC 02-02-02	Inmate Control of Personal Funds (Amended 2/15/90) [(Amended 1/3/89)]
RFC 02-02-03	Storage and Disposition of Monies received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays (Amended 2/15/90)
[RFC 02-02-04	Inmate Accounts (Amended 1/3/89) (Deleted 2/15/90)]
RFC 02-02-05	Inmate Canteen Services (Added 2/15/90)
RFC 02-03-01	Fiscal Management: Audits (Amended 2/15/90)
RFC 02-04-01	Purchase Orders (Amended 2/15/90)
RFC 02-04-02	Processing of Invoices (Amended 2/15/90)
RFC 02-06-01	Property Inventory (Amended 2/15/90)
RFC 03-13-01	Staff/Visitor Meals
RFC 04-01-01	Employee Training and Development (Amended 2/15/90)
RFC 05-01-01	Information System (Amended 2/15/90)
RFC 06-01-01	Offender Records (Amended 2/15/90)
RFC 06-02-01	Use of Inmate Records/Security of Inmate Records
RFC 06-03-01	Records Release of Information
RFC 06-03-02	Storage of Expunged Records
RFC 06-03-04	Access to Psychological Psychiatric Reports [(Added 1/13/89)]
RFC 06-04-01	Court Trips
RFC 06-04-02	Receipt of Order of Appearance
RFC 08-01-01	Fire Prevention
RFC 08-02-01	Fire Procedures (Amended 2/15/90)

RFC 08-02-02 Fire Extinguishers and Their Use
RFC 08-08-01 Hazardous Communication Program (Amended 2/15/90)
RFC 09-04-03 Duties and Responsibilities of the Fire Safety Officer
RFC 09-06-01 Search Policy/Disposition of Contraband (Amended 2/15/90)
RFC 09-09-02 Drug Abuse Testing (Amended 2/15/90)
RFC 09-09-03 Breathalyzer (Amended 2/15/90)
RFC 09-14-01 Restricted Areas (Amended 2/15/90)
RFC 09-22-01 Use of Force (Amended 2/15/90) [(Amended 1/3/89)]
RFC 09-24-01 Informants (Amended 2/15/90)
RFC 10-01-01 Special Management Inmates (Amended 2/15/90)
RFC 10-01-02 Temporary Holding Cell Guidelines (Added 2/15/90)
RFC 11-01-01 Food Services: General Guidelines (Amended 2/15/90)
RFC 11-02-01 Food Service: Security (Amended 2/15/90)
RFC 11-03-01 Dining Room Guidelines (Amended 2/15/90)
RFC 11-04-01 Food Service: Meals
RFC 11-04-02 Food Service: Menu, Nutrition and Special Diets
RFC 11-05-01 Food Service: Kitchen and Dining Room Inmate Work Responsibilities
RFC 11-05-02 Medical Screening of Food Handlers
RFC 11-06-01 Food Service: Inspections and Sanitation
RFC 11-07-01 Food Service: Purchasing, Storage and Farm Products
RFC 11-08-01 Staff/Visitor Meals
RFC 12-01-01 Sanitation, Living Conditions Standards, Clothing Issues (Amended 2/15/90)
RFC 12-01-02 Bed Areas [- Assignment/Condition Standards] (Amended 2/15/90)
RFC 12-02-01 Issuance of Clean Laundry and Receiving of Dirty Laundry
RFC 12-03-01 Personal Hygiene Items: Issuance and Placement Schedule (Amended 2/15/90)
RFC 12-03-02 Barber Shop Services and Equipment Control (Amended 2/15/90)
RFC 12-04-01 Institutional Inspections (Amended 2/15/90)
RFC 12-05-01 Fire Safety (Amended 2/15/90)
RFC 12-05-02 Use of Noncombustible Receptacle (Amended 2/15/90)
RFC 12-06-01 Insect and Vermin Control (Amended 2/15/90)
RFC 13-01-01 Organization of Health Services (Amended 2/15/90)
RFC 13-02-01 Health Maintenance Services: Sick Call and Pill Call (Amended 2/15/90) [(Amended 1/3/89)]
RFC 13-03-01 Dental Policy/Sick Call (Amended 2/15/90)
RFC 13-04-01 Inmate Medical Screenings and Health Evaluations (Amended 2/15/90)
RFC 13-05-02 Licensure and Training Standards (Amended 2/15/90)
RFC 13-06-01 Suicide Prevention and Intervention Program
RFC 13-06-02 First Aid and CPR Training Program
RFC 13-06-03 Emergency Medical and Dental Care Services (Amended 2/15/90) [(Amended 1/3/89)]
RFC 13-06-04 First Aid/CPR Training Program
RFC 13-07-01 Health Records
RFC 13-07-03 Use of Pharmaceutical Products
RFC 13-08-01 Special Diets (Amended 2/15/90)
RFC 13-09-01 Notification of Inmate Family in the Event of Serious Illness, Surgery, or Inmate Death
RFC 13-10-01 Health Education/Special Health Programs (Amended 2/15/90)
RFC 13-11-01 Informed Consent
RFC 13-12-01 Mental Health/Provision of Psychiatric Services by KCPC
RFC 13-12-02 Transfer of Inmates to Kentucky Correctional Psychiatric Center
RFC 13-13-01 Identification of Special Needs Inmates (Amended 2/15/90)
RFC 13-15-01 Medical Restraints
RFC 13-16-01 Specialized Health Services (Amended 2/15/90) [(Amended 1/3/89)]
RFC 13-17-01 Vision Care and Optometry Services (Amended 2/15/90)
RFC 13-18-01 Serious and Infectious Diseases
RFC 14-01-01 Inmate Rights and Responsibilities
RFC 14-02-01 Legal Services Program (Amended 2/15/90)
RFC 14-03-01 Inmate Grievance Procedure [(Amended 1/3/89)]
RFC 14-04-01 Inmate Participation in Authorized Research
RFC 15-01-01 Adjustment Procedures (Amended 2/15/90) [Due Process and Disciplinary Procedures]
RFC 15-02-01 Prehearing Detention and Protective Custody
RFC 16-01-01 Inmate Visiting (Amended 2/15/90) [(Amended 1/3/89)]
RFC 16-02-01 Telephone Communications (Amended 2/15/90)
RFC 16-03-01 Mail Regulations (Amended 2/15/90) [(Amended 1/3/89)]
RFC 16-03-02 Christmas Packages (Amended 2/15/90) [(Amended 1/3/89)]
RFC 17-01-01 Assessment/Orientation Procedure for Intrasystem Transfers (Amended 2/15/90)
RFC 17-02-01 Inmate Reception Process (Amended 2/15/90)
RFC 17-03-01 Inmate Personal Property and Property Control (Amended 2/15/90) [(Amended 1/3/89)]
RFC 17-04-01 Unauthorized Items
[RFC 17-05-01 Inmate Canteen (Deleted 2/15/90)]
RFC 17-05-02 Housing Unit Assignment Assessment/ Classification Center (Added 2/15/90)
RFC 17-05-03 Notifying Inmate's Families of Admission and Procedures for Mail and Visiting (Added 2/15/90)
RFC 17-05-04 Assessment Center Operations Rules and Regulations (Added 2/15/90)
RFC 17-05-05 Assessment Center Operations and Reception Programs (Added 2/15/90)
RFC 18-01-01 Institutional Classification Committee (Amended 2/15/90)
[RFC 18-02-01 Classification/Security Levels (Deleted 2/15/90)]
RFC 18-03-01 Classification Process (Amended 2/15/90)
RFC 18-03-02 Classification Program Planning (Amended 2/15/90)
[RFC 18-03-03 Honor's Program (Deleted 2/15/90)]
RFC 18-04-01 Instruction for Case [Six Month] Reviews (Amended 2/15/90)
RFC 18-05-01 Transfers to Other [Minimum Security] Institutions (Amended 2/15/90)

RFC 18-06-01 Classification Document (Amended 2/15/90)
RFC 19-01-01 Job Assignments (Amended 2/15/90)
RFC 19-02-01 Government Service Details (Amended 2/15/90)
RFC 20-01-01 Academic Education Program (Amended 2/15/90) [(Amended 1/3/89)]
RFC 20-01-02 Testing and Verification Procedure (Amended 2/15/90)
[RFC 20-02-01 Correctional Educator Senior (Deleted 2/15/90)]
RFC 21-01-01 Library Services (Amended 2/15/90) [(Amended 1/3/89)]
RFC 22-01-01 Recreation and Inmate Activities (Amended 2/15/90)
RFC 22-01-02 Recreational Equipment Check-in/Check-out Procedure (Amended 2/15/90)
[RFC 22-02-01 Outside Recreation (Deleted 2/15/90)]
[RFC 22-02-02 Entry/Exit Procedure for Inmate Outside Recreation (Deleted 2/15/90)]
RFC 22-03-01 Inmate Clubs and Organizations (Amended 2/15/90)
RFC 22-03-02 Privilege Trips
RFC 22-04-01 Conducting Inmate Organizational Meetings and Programs
[RFC 22-06-01 Playing Cards (Deleted 2/15/90)]
RFC 23-01-01 Religious Services (Amended 2/15/90)
[RFC 23-02-01 Security Procedures for the Chapel (Deleted 2/15/90)]
RFC 23-03-01 Visitors for Religious Programs (Amended 2/15/90)
RFC 23-04-01 Marriage of Inmates (Amended 2/15/90)
RFC 24-01-01 Social Services and Counseling Program (Amended 2/15/90)
RFC 25-01-01 Expedient and Prerelease Preparation Program Description
RFC 25-02-01 Temporary Release or Community Center Release [(Amended 1/3/89)]
RFC 25-03-01 Furloughs (Amended 2/15/90) [(Amended 1/3/89)]
RFC 25-04-01 Preparole Progress Report
RFC 25-04-02 Parole Eligibility Dates
RFC 25-05-01 Inmate Discharge Procedure
RFC 26-01-01 Citizen Involvement and Volunteer Services Program (Amended 2/15/90)

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: February 15, 1990
FILED WITH LRC: February 21, 1990 at 4 p.m.

STATEMENT OF EMERGENCY
501 KAR 6:120E

In order to continue to operate the Blackburn Correctional Complex in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policies must be revised immediately to allow the Blackburn Correctional Complex to implement procedures to reflect recent U.S. Supreme Court and Sixth Circuit Court of Appeal opinions and to avoid litigation as a result of these policies being unclear, confusing and conflicting in some areas. Additionally the inmate offense and penalty code has been clarified to address and penalize serious conduct engaged in by inmates to include throwing of human waste on staff. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on February 15, 1990 in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
JOHN T. WIGGINTON, Secretary

CORRECTIONS CABINET

501 KAR 6:120E. Blackburn Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: February 21, 1990
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 February 15, 1990 [October 13, 1989] and hereinafter should be referred to as Blackburn Correctional Complex and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays 8 a.m. to 4:30 p.m.

BCC 01-05-01 Duty Officer and Acting Warden
BCC 01-07-01 Extraordinary Occurrence Reports
BCC 01-09-01 Legal Assistance for Staff
BCC 01-11-01 Roles of Consultants, Contract Employees, Volunteers and Employees of Other Agencies
BCC 01-13-01 Relationships with Public, Media, and Other Agencies
BCC 01-15-01 Internal Affairs Office
BCC 01-16-01 Tours of Blackburn Correctional Complex
BCC 01-19-01 Inmate Access to BCC Staff
BCC 02-01-01 Inmate Canteen
BCC 02-02-01 Fiscal Responsibility
BCC 02-02-02 Fiscal Management: Accounting Procedures
BCC 02-02-03 Fiscal Management: Checks
BCC 02-02-04 Fiscal Management: Budget
BCC 02-02-05 Fiscal Management: Insurance
BCC 02-02-06 Fiscal Management: Audits
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
BCC 06-02-01 Records - Release of Information
BCC 06-02-02 Offender Records
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
BCC 08-04-01	Fire Safety Plan, Drills and Related Staff Duties
BCC 08-04-02	Immediate Release of Inmates from Locked Areas
BCC 08-05-01	Duties of Fire Safety Officer
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
BCC 09-01-01	Inclement Weather/Emergency Condition Operation
BCC 09-02-01	Restricted Areas
BCC 09-02-02	Inmate Pass System to Restricted Areas
BCC 09-02-03	Regulation of Inmate Movement
BCC 09-02-04	Radio Escorted Yard Movement During Daylight Savings Time (November 1 - April 30)
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 [(Amended 10/13/89)]
BCC 09-09-01	Population Counts and Count Documentation [(Amended 10/13/89)]
BCC 09-10-03	Development of Institutional Post Orders
BCC 09-10-04	Governmental Services, Study Release Officer Post Orders
BCC 09-10-05	Unit A-1 Post Orders
BCC 09-10-06	Recreation Post Orders: Observation
BCC 09-10-07	Entrance Gate Post Orders
BCC 09-10-08	Visiting Area Post Orders
BCC 09-10-09	Security Staff General Orders
BCC 09-10-10	Dining Room Officer Post Orders
BCC 09-12-01	Use of Physical Force; Prohibition of Personal Abuse and Corporal Punishment
BCC 09-13-01	Perimeter Patrol
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 [(Amended 10/13/89)]
BCC 10-01-02	Short-Term Administrative Segregation Holding Area (Added 2/15/90)
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
BCC 12-02-02	Personal Hygiene for Inmates: Clothing, Linens and Shower Facilities
BCC 12-05-01	Barber Shop Services
BCC 12-06-01	BCC Housekeeping Plan
BCC 13-01-01	Sick Call and Pill Call
BCC 13-02-01	Administration and Authority for Health Services
BCC 13-03-01	Provisions of Health Care Delivery
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
BCC 13-07-02	Emergency and Specialized Health Services
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
BCC 13-09-01	Prohibition on Medical Experimentation
BCC 13-10-01	Dental Services
BCC 13-11-01	Suicide Prevention and Intervention Program
BCC 13-12-01	Use of Pharmaceutical Products
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
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 [(Amended 10/13/89)]
BCC 15-05-01	Extra Duty Assignments
BCC 15-06-01	Due Process/Disciplinary Procedures (Amended 2/15/90) [(Amended 10/13/89)]
BCC 16-01-01	Inmate Furloughs
BCC 16-02-01	Visiting
BCC 16-03-01	Inmate Packages
BCC 16-03-02	Outgoing Inmate Packages
BCC 16-03-03	Inmate Correspondence
BCC 17-02-01	Authorized Inmate Personal Property [(Amended 10/13/89)]
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 [(Amended 10/13/89)]
BCC 19-03-01	Correctional Industries [(Amended 10/13/89)]
BCC 20-01-01	Academic and Vocational School
BCC 20-02-01	College Programs
BCC 20-04-01	Educational Program Evaluation
BCC 20-05-01	Educational Program Planning
BCC 20-06-01	Academic and Vocational Curriculum
BCC 21-01-01	Library Services
BCC 22-01-01	Arts and Crafts/Production and Sale of Items
BCC 22-02-01	Privileged Trips [(Amended 10/13/89)]
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
BCC 22-06-01	Music Club
BCC 22-08-01	Unit Recreation Program
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 [(Amended 10/13/89)]
BCC 24-02-01	Duties and Responsibilities of the Unit Director and Assistant to Unit Director
BCC 24-03-01	Social Services
BCC 25-01-01	Inmate Check Out Procedure
BCC 25-02-02	Temporary Release/Community Center Release
BCC 25-05-01	Supplemental Preparole Progress Reports
BCC 26-01-01	Citizen Involvement and Volunteer Service Program

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: February 15, 1990
FILED WITH LRC: February 21, 1990 at 4 p.m.

STATEMENT OF EMERGENCY
501 KAR 6:130E

In order to continue to operate the Western Kentucky Farm Center in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policies must be revised immediately to allow the Western Kentucky Farm Center to implement procedures to reflect recent U.S. Supreme Court and Sixth Circuit Court of Appeal opinions and to avoid litigation as a result of these policies being unclear, confusing and conflicting in some areas. Additionally the inmate offense and penalty code has been clarified to address and penalize serious conduct engaged in by inmates to include throwing of human waste on staff. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on May 15, 1989 in accordance with KRS Chapter 13A.

WALLACE G. WILKINSON, Governor
JOHN T. WIGGINTON, Secretary

CORRECTIONS CABINET

501 KAR 6:130E. Western Kentucky Farm Center.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: February 21, 1990
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. This regulation is 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 February 15, 1990 [July 14, 1989] and hereinafter should be referred to as Western Kentucky Farm Center 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

WKFC 01-09-01	Duty Officers, External and Internal Inspections, and Staff Tours
WKFC 02-01-01	Inmate Funds
WKFC 02-00-03	Invoice/Voucher Processing
WKFC 02-00-06	Purchasing Procedures
WKFC 02-01-01	Inmate Funds
WKFC 02-02-01	Agency Funds and Accounting Procedures
WKFC 02-08-01	Property Receipt and Inventory Procedures
WKFC 04-01-01	Travel Reimbursement for Official Business in Attendance at Professional Meetings
WKFC 04-02-01	Employee Training and Development
WKFC 04-04-01	Educational Assistance Program
WKFC 05-01-01	Research, Consultants, and Student Interns
WKFC 06-00-01	Offender Records and Information Access
WKFC 06-00-02	Court Orders, Orders of Appearance, Warrants, Detainers, Etc.
WKFC 09-00-01	Drug Abuse Testing (Amended 2/15/90)
WKFC 10-02-01	Special Management Inmates (Amended 2/15/90)
WKFC 11-00-02	Food Service Inmate Work Responsibilities, Evaluations, and Health Requirements
WKFC 11-00-03	Food Service Inspections, Sanitation, Purchasing, Storage, and Corrections Cabinet Farm Products
WKFC 11-02-01	Food Service General Guidelines
WKFC 11-02-02	Food Service Security
WKFC 11-03-01	Food Service Meals, Menus, Nutrition and Special Diets
WKFC 12-01-01	Inmate Clothing
WKFC 13-00-01	Special Health Programs

WKFC 13-01-01	Use of Pharmaceutical Products
WKFC 13-02-01	Health Care Services
WKFC 14-00-01	Inmate Rights and Responsibilities
WKFC 14-04-01	Legal Services Program (Amended 2/15/90)
WKFC 14-06-01	Inmate Grievance Procedure
WKFC 15-01-01	Hair and Grooming Standards
WKFC 15-02-01	Inmate Offenses and Penalties (Added 2/15/90)
WKFC 15-03-01	Meritorious Good Time
WKFC 15-05-01	Restoration of Forfeited Good Time
WKFC 15-06-01	Adjustment Procedures and Programs (Added 2/15/90)
WKFC 16-01-01	Visiting Policy and Procedures
WKFC 16-02-01	Inmate Correspondence
WKFC 16-03-01	Inmate Access to Telephones
WKFC 16-04-01	Inmate Packages
WKFC 17-01-01	Inmate Personal Property
WKFC 17-02-01	Inmate Reception and Orientation (Amended 2/15/90)
WKFC 18-01-01	Structure, Guidelines, and Functions of the Classification Committee
[WKFC 18-13-01	Meritorious Housing (Deleted 2/15/90)]
WKFC 19-03-01	Inmate Wage Program [(Amended 7/14/89)]
WKFC 19-04-01	Work/Program Assignments
WKFC 20-04-01	Academic Education Program(s)
WKFC 20-03-01	Vocational Education Program(s)
WKFC 22-00-01	Inmate Recreation and Leisure Time Activities
WKFC 22-00-02	Inmate Clubs & Organizations
WKFC 23-00-01	Religious Services (Amended 2/15/90)
WKFC 25-01-01	Gratuities
WKFC 25-02-01	Inmate Release Process
WKFC 25-03-01	Prerelease Programs
WKFC 26-01-01	Volunteer Services Program

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: February 15, 1990
FILED WITH LRC: February 21, 1990 at 4 p.m.

STATEMENT OF EMERGENCY
902 KAR 9:010E

This emergency administrative regulation amends 902 KAR 9:010 to make changes in the environmental health standards applicable to state confinement facilities to more specifically address overlapping responsibilities of the Department of Housing, Buildings and Construction in the Public Protection and Regulation Cabinet; to clarify certain matters which have come to light during recent litigation, involving "double bunking" at the Luther Luckett Correctional Complex (LLCC); and to establish more specific procedures which would allow the granting of variances from the established standards if to do so would not endanger the health of those confined or the public health. An emergency regulation is necessary to implement these changes because of the pending litigation involving LLCC and due to the fact that waivers which have been granted the Corrections Cabinet and are the subject of the pending litigation will expire on March 15, 1990. Immediate implementation of this regulation is required to allow time to process any variance which the Corrections Cabinet may request under the procedures proposed by this regulation, no later than the expiration date for the existing waivers. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on or about February 15, 1990.

WALLACE G. WILKINSON, Governor
HARRY J. COWHERD, M.D., Secretary

CABINET FOR HUMAN RESOURCES
Department for Health Services

902 KAR 9:010E. Environmental health.

RELATES TO: KRS 211.920 to 211.945
STATUTORY AUTHORITY: KRS 194.050, 211.090, 211.925
EFFECTIVE: February 21, 1990
NECESSITY AND FUNCTION: KRS 211.920 to 211.945 authorizes the Cabinet for Human Resources to adopt rules, regulations, and standards relating to the public health or health aspects of the operation of state confinement facilities. The intent of this regulation is to establish uniform standards of institutional sanitation to safeguard the health of persons confined in state confinement facilities, by providing for the opportunity to pursue adequate personal hygiene for health maintenance, control of the incidence and spread of disease, and maintenance of sanitary living conditions. [This regulation establishes uniform standards to safeguard the environmental health of persons confined in state confinement facilities.]

Section 1. Definitions. As used in this regulation:
(1) "Cabinet" is as defined in KRS 211.920(1) [means Cabinet for Human Resources and the local health department having jurisdiction and their duly designated representatives];
(2) "Cell" means a room designated [used] to provide sleeping and personal storage facilities for no more than two (2) inmates [confine one (1) inmate];
(3) "Confinement housing unit" means a residential structure intended for occupancy by inmates of a state confinement facility, which may be subdivided into wings, levels or sections containing inmate living areas. It may also include facilities for food preparation, service and dining, medical treatment, physical exercise, education, visitation, storage or other functions necessary for the operation and maintenance of the unit.
(4) [(3)] "Dayroom" means a common area, room or other place of assembly within a confinement housing unit, or a wing, level, or section of that unit, which is provided for inmate leisure time activities [used to confine inmates during the day];
(5) [(4)] "Dormitory" means a room designated [used] to provide sleeping and personal storage facilities for three (3) [confine two (2)] or more inmates;
(6) [(5)] "Inmate" means any person confined or assigned to residence in a state confinement facility;
(7) "Inmate space" means the living area, as measured in gross square feet of floor space, required for each inmate within a confinement housing unit;
(8) "Living area" means the cell or dormitory to which an inmate is assigned for housing, and includes dayrooms, personal hygiene facilities,

and other areas within a confinement housing unit which are normally accessible to an inmate on a daily basis. An area is considered normally accessible when an inmate can enter or use it and includes areas accessible for specified hours or by permission only;

(9) "Personal hygiene facility" means a room or rooms which contain sanitary fixtures such as lavatories, water closets, showers or bathtubs, and other necessary appurtenances for maintaining inmate personal hygiene.

Section 2. Sanitary Facilities and Controls. (1) The water supply shall be potable, adequate and from an approved source and shall be developed and approved pursuant to [in accordance with] applicable requirements of the Natural Resources and Environmental Protection Cabinet.

(2) All sewage and liquid waste matter shall be disposed of into a public sewer[age] system, if available. In the event a public sewer[age] system is not available, disposal shall be made into a private sewage disposal system designed, constructed and operated pursuant to [in accordance with] the requirements of the cabinet; [provided, however,] if an adequate [a] public sewer[age] system subsequently becomes available, connections shall be made thereto and the state confinement facility's sewage disposal [sewerage] system shall be discontinued.

(3) A drinking fountain [with a diagonal jet orifice] or a potable water service fixture with individual single service drinking cups shall be accessible to inmates in their living area pursuant to the requirements of the State Plumbing Code [provided for each cell, dormitory and dayroom]. The use of a common drinking vessel is prohibited.

(4) Each confinement housing unit [cell] shall include personal hygiene facilities within the unit which contain sanitary fixtures meeting the requirements of the State Plumbing Code as to design, fixture type and numbers of fixtures. [be provided with a modern prison-type commode. Dayrooms and dormitories shall be provided with one (1) commode for every eight (8) inmates or fraction thereof. Urinals may be substituted for one-half (1/2) the commodes in facilities used to house male inmates. All commodes and urinals shall be kept clean and in good repair. An adequate supply of toilet tissue shall be provided at each commode.]

(5) All personal hygiene facilities shall be designed and constructed pursuant to the requirements of the State Building Code. All walls, floors, ceilings, partitions, sanitary fixtures and appurtenances shall be maintained in a sanitary condition and in good repair. [Each cell shall be provided with a modern prison-type lavatory. Dayrooms and dormitories shall be provided with one (1) lavatory for every eight (8) inmates or fraction thereof. All lavatories shall be kept clean and in good repair. Each lavatory shall be equipped with hot and cold running water, hand-cleansing soap and approved sanitary towels or other approved hand-drying devices.]

(6) An adequate supply of clean washcloths, towels and clothing, and toilet tissue, soap and similar personal hygiene articles shall be issued to each inmate as necessary to maintain hygiene. [Showers shall be provided on a ratio of one (1) shower for each fifteen (15) inmates or fraction thereof. All showers shall be kept clean and in good repair. Under normal operating conditions, each inmate shall be permitted to take one (1) shower per day. An adequate supply of soap and individual towels shall be available for showers. Each shower shall be equipped with hot and cold running water.]

(7) Hot and cold or tempered water shall be supplied to all lavatories, showers and bathtubs, and all hot or tempered water supply lines to such fixtures shall be protected by temperature and pressure control devices approved for use by the State Plumbing Code to prevent scalding. [All hot water outlets in confinement areas shall have controls to prevent the distribution of water at a temperature which would scald an inmate.]

(8) All plumbing shall comply with the State Plumbing Code.

(9) All garbage and rubbish shall, prior to disposal, be kept in leak-proof, nonabsorbent containers and the [such] containers shall be kept covered with tight-fitting lids when stored. Containers [used in confinement areas] shall be flame-retardant. Adequate cleaning facilities shall be provided and containers shall be kept clean. All garbage and rubbish shall be removed from confinement housing units [areas] on a daily basis and shall be disposed of at least weekly or more often if necessary, and in [such] a manner approved by the Natural Resources and Environmental Protection Cabinet [as to prevent a nuisance].

Section 3. Facilities and Equipment. (1) Each confinement housing unit [cell] shall provide a minimum inmate space of sixty (60) square feet for each inmate housed within that unit. [:]

[(a) Have at least forty-eight (48) square feet of floor space;]

[(b) Have at least eight (8) foot ceilings;]

[(c) Contain a bed; and]

[(d) Provide facilities for storage of the inmate's personal belongings, including clothing and towels.]

(2) Each cell and dormitory shall:

(a) Have at least eight (8) foot ceilings;

[(b) Provide at least fifty (50) square feet of floor space per inmate;]

(b) [(c)] Contain a bed for each inmate; and

(c) [(d)] Provide facilities for storage of inmates' personal belongings, including clothing and towels.

(3) All floors, walls, ceilings, and equipment of confinement housing units shall be constructed pursuant to the State Building Code [of easily cleanable material, kept in good repair and clean]. All parts of the confinement housing unit [facility] and its premises shall be kept in good repair, clean, neat and free of litter and rubbish.

[(4) Separate cells and dormitories shall be provided for: adult males; adult females; male juveniles; and female juveniles. Physical, visual and audible separation shall be provided. Separate confinement cells shall be provided for mentally disturbed inmates.]

[(5) A medical examining room physically and visually separated from cells and dormitories shall be provided.]

Section 4. Lighting. Each confinement housing unit [cell, dayroom, and dormitory room] shall be provided with natural or artificial light sufficient to provide twenty (20) [fifty (50)] foot candles of light for reading purposes. [.

Lighting shall be available for all areas of the confinement facility equal to twenty (20) foot candles] to permit observation, and for proper cleaning and maintenance. All light fixtures shall be kept in good repair and clean.

Section 5. Heating, [and] Cooling and Ventilation. (1) All confinement housing units shall be provided with heating, cooling and ventilation equipment as required by the State Building Code. The equipment shall be capable of meeting the requirements of the State Fire Marshal for safety, maintenance and operation. [Adequate automatic standard heating equipment shall be provided. If radiators are provided, they shall be located in the inspection corridor and adequately shielded to prevent accidental injury. In no case shall the heating system constitute a fire or safety hazard. Cells, dormitories, dayrooms and other areas of confinement facilities used to house inmates shall be properly heated so the inside temperature does not fall below sixty-five (65) degrees Fahrenheit, and an adequate cooling and ventilation system shall be provided and maintained to prevent the inside temperature from rising above eighty-five (85) degrees Fahrenheit.]

(2) Ventilation, through natural or mechanical means shall be sufficient to provide fresh air and remove disagreeable odors.

[Section 6. Ventilation. Cells, dormitories, and dayrooms shall be provided with natural or mechanical ventilation which admits fresh air and removes disagreeable odors.]

Section 6. [7.] Vermin Control. (1) [The confinement facility premises shall be free of vermin at all times.] Effective measures to control [eliminate] the presence of rodents, flies, roaches, and other vermin on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or breeding of vermin.

(2) Openings to the outside shall be [effectively] protected against the entrance of rodents, insects and other vermin by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other acceptable means. [Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms and other openings to the outside shall be tight-fitting and free of breaks.] Screening material shall not be less than sixteen (16) mesh to one (1) inch.

Section 7. [8.] Bedding. (1) As a minimum, each inmate [detained] in a state confinement facility shall be provided with:

(a) [(1)] An approved flame-retardant and water-repellent mattress and pillow;

(b) [(2)] A pillowcase;

(c) [(3)] A sheet or cloth mattress cover; and

(d) [(4)] A blanket.

(2) [Provided, however, that] If, in the sound discretion of the appropriate person in charge of the state confinement facility, any items listed in this section would constitute a danger or hazard to the inmate confined due to a behavior or mental condition, such items may be withheld.

(3) Mattresses, pillows, blankets, sheets, pillowcases, and mattress covers shall be kept in good repair and clean.

(4) Sheets, pillow cases and mattress covers, if used without sheets, shall be changed and laundered at least weekly and before being issued to another inmate.

[Section 9. Supplies for Inmates. An inmate shall be provided a clean cloth towel at least every fourth day. Clothing worn by inmates shall be kept clean.]

Section 8. [10.] Exercise[, Visitation and Multipurpose Areas]. Adequate space shall be provided within the state confinement facility to allow all inmates an opportunity to obtain physical [adequate] exercise. [Adequate individual visitation space shall be provided. Separate areas for educational and other multipurpose uses shall be provided in confinement facilities housing fifteen (15) or more inmates.]

Section 9. [11.] Food Service. All state confinement facilities shall comply with the food service provisions of KRS 219.011 to 219.081 and 219.991 and the State Food Service Code. If food for inmates is not prepared by the state confinement facility, food shall be obtained from a commercial food service establishment holding a valid permit from the cabinet.

Section 10. [12.] Food Manufacturing. All food manufacturing and processing conducted at state confinement facilities shall be operated pursuant to [in accordance with] applicable public health laws and [the cabinet's] regulations of the cabinet [relating thereto].

Section 11. [13.] Existing Facilities and Equipment. Notwithstanding the other provisions of this regulation, facilities and equipment being used by existing state confinement facilities, which do not fully meet the design and construction requirements of this regulation, may be continued in use, if in good repair, capable of being maintained in a sanitary condition, and creates no health hazard.

Section 12. [14.] Plan Review of [Future] Construction. Plans for alteration or new construction of state confinement facilities shall be submitted to the appropriate agencies [cabinet] for approval. [All such plans and specifications shall show building layout, type of construction material, size and location of fixed equipment and facilities, and a plumbing riser diagram.]

Section 13. [15.] Inspection of State Confinement Facilities. (1) At least once each six (6) months, the cabinet shall inspect each state confinement facility and shall make as many additional inspections and reinspections as are necessary for carrying out the provisions of this regulation.

(2) When[ever] an agent of the cabinet makes an inspection of a state confinement facility, he shall record his findings on an official cabinet inspection report form and provide the supervising and maintaining authorities [appropriate official of the confinement facility] with a copy of the report. If a deficiency is found, the inspection report shall:

(a) Set forth the specific deficiencies found;

(b) Identify any variances previously granted;

(c) Establish a specific and reasonable period of time for the correction of the deficiency found; and

(d) State that failure to comply with any notice issued pursuant to the provisions of this regulation may result in the initiation of legal action.

Section 14. Enforcement Hearings. For purposes of enforcement, whenever the supervising and maintaining authorities have failed to comply with any written notice or order issued under the provisions of this regulation, they shall be notified in writing that legal action may be instituted against the state confinement facility, and the supervising and maintaining authorities, at the end of ten (10) working days following service of the notice, unless a written request for a hearing is filed with the cabinet, by the supervising and maintaining authorities, within the ten (10) working day period.

(1) The hearings provided for in this section shall be conducted by the cabinet at a time and place designated by it.

(2) At the conclusion of the hearing, the hearing officer shall make written findings of fact, conclusion(s) of law, and recommendations, based upon the evidence presented and any matters considered by the hearing officer, pursuant to the Confinement Facilities Health Act and these regulations. The hearing officer may recommend that a variance be granted or denied, and that legal action be pursued.

(3) The secretary of the cabinet or his designee may accept, reject or modify the findings, conclusion(s) and recommendation(s) of the hearing officer. A variance may only be granted upon written determination that the granting thereof will not endanger the health of those confined in the facility or the public health. Any variance so granted may be with or without stipulations or restrictions.

Section 15. Variance Hearings. (1) Any supervising and maintaining authority of a state confinement facility may request in writing that the cabinet consider granting a variance to any provision of this regulation.

(2) Written requests for a variance shall include all pertinent information about the facility, the specific provision(s) of the regulation affected, the specific reason(s) for the request and evidence in support of the request.

(3) Upon receipt of a request for a variance, the cabinet shall review the request and establish a date, time and location for the convening of an administrative hearing. The requesting authority shall be notified of the date, time and location of the hearing within ten (10) working days of the receipt of the request, and at least five (5) working days prior to the date of the hearing.

(4) Supervising and maintaining authorities requesting variances shall have the right to appear at the hearing with counsel and to present evidence in support of the variance request, including testimony of expert witnesses.

(5) At the conclusion of the hearing, the hearing officer shall make written findings of fact, conclusion(s) of law, and recommendations based upon the evidence presented and any matters considered by the hearing officer, pursuant to the Confinement Facilities Health Act and these regulations. The hearing officer may recommend that a variance be granted or denied, and that legal action be pursued.

(6) The secretary of the cabinet or his designee may accept, reject or modify the findings, conclusion(s), and recommendation(s) of the hearing officer. A variance may only be granted upon written determination that the granting thereof will not endanger the health of those confined in the facility or the public health. Any variance so granted may be with or without stipulations or restrictions.

[Section 16. (1) A waiver of the facility standards may be granted by the cabinet for any existing state confinement facility if the cabinet determines:]

[(a) That strict compliance will cause unreasonable difficulties;]

[(b) That such waiver will not seriously affect the security and supervision of inmates and programs, or the safe, healthful or efficient operation of the facility; and]

[(c) That compliance with the standard is to be achieved in a manner other than that which is specified, but in a manner which is sufficient to meet the intent of the environmental standards for state confinement facilities.]

[(2) To request a waiver of any of the requirements of this regulation, the Corrections Cabinet shall submit a written request to the Cabinet for Human Resources. The written request shall include the following information:]

[(a) Citation of the specific standard involved;]

[(b) Specification of the efforts of the Corrections Cabinet to bring the facility into strict compliance;]

[(c) Identification and description of the specific difficulties involved in meeting strict compliance;]

[(d) Description of the alternative proposed; and]

[(e) Provision of documentation sufficient, in the opinion of the Cabinet for Human Resources, to demonstrate that the waiver, if granted, will not jeopardize the security and supervision of inmates and programs, or the safe, healthful or efficient operation of the facility.]

[(3) A waiver, if granted, shall apply only to the specific situation or circumstance described and for such time as specified by the Cabinet for Human Resources, and shall include any requirements imposed as conditions for approval of the waiver. No waiver shall be granted for longer than twelve (12) months. Any waiver granted shall be subject to review upon expiration for the purpose of reapproval.]

C. HERNANDEZ, M.D., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: February 14, 1990
FILED WITH LRC: February 21, 1990 at 4 p.m.

STATEMENT OF EMERGENCY
903 KAR 5:290E

Under KRS Chapter 13A the administrative body is required to implement this regulation in order to have sufficient authority to establish 1990 contribution rates for Kentucky employers under the Unemployment Insurance Program. These rates are spelled out in 903 KAR 5:290 and per KRS 341.270, are predicated on the trust fund

balance as of December 31 of any calendar year. An emergency regulation is needed because this information is necessary in assigning rates for first quarter, 1990 contribution reports which are due before promulgation of regulation through the normal process could occur. This emergency administrative regulation shall be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A. The ordinary administrative regulation will be filed with the Regulations Compiler on or before the effective date of the emergency administrative regulation.

WALLACE G. WILKINSON, Governor
HARRY J. COWHERD, M.D., Secretary

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

903 KAR 5:290E. Employer contribution rates.

RELATES TO: KRS 341.270
STATUTORY AUTHORITY: KRS 194.050, 341.270
EFFECTIVE: March 13, 1990
NECESSITY AND FUNCTION: KRS 341.270 requires the Secretary for Human Resources to determine the rate schedule for employer's contributions. The rate schedule in effect for each calendar year is determined by the "trust fund balance" as of December 31, of the preceding year. This regulation applies the mathematical computation required by KRS 341.270 and sets forth the applicable rates to be in effect for the calendar year.

Section 1. Trust Fund Balance. The secretary finds the following to exist:
(1) The "trust fund balance" as of December 31, 1989 [1988], was $393,375,478.01 [333,642,813.27].
(2) There was no outstanding loan from the Federal Unemployment Trust Fund as of December 31, 1989 [1988].

Section 2. Rate Schedule. On the basis of the findings in Section 1 of this regulation, and in accordance with KRS 341.270(3), Schedule A [B] of Table A shall be in effect for calendar year 1990 [1989], because the "trust fund balance" equals or exceeds [$275,000,000 but is less than] $350,000,000, on December 31, 1989 [1988]. Rates listed in Schedule A [B] of Table A are listed below.

Employer Reserve Ratio	Rate Schedule
8.0% and over	0.30% [0.40]
7.0% but under 8.0%	0.40% [0.50]
6.0% but under 7.0%	0.50% [0.60]
5.0% but under 6.0%	0.70% [0.80]
4.6% but under 5.0%	1.00% [1.20]
4.2% but under 4.6%	1.30% [1.50]
3.9% but under 4.2%	1.50% [1.70]
3.6% but under 3.9%	1.80% [1.80]
3.2% but under 3.6%	2.00% [2.10]
2.7% but under 3.2%	2.10% [2.30]
2.0% but under 2.7%	2.20% [2.50]
1.3% but under 2.0%	2.30% [2.60]
0.0% but under 1.3%	2.40% [2.70]
-0.5% but under -0.0%	6.50% [6.75]
-1.0% but under -0.5%	6.75% [7.00]
-1.5% but under -1.0%	7.00% [7.25]
-2.0% but under -1.5%	7.25% [7.50]
-3.0% but under -2.0%	7.50% [7.75]
-4.0% but under -3.0%	7.75% [8.00]
-6.0% but under -4.0%	8.25% [8.50]
-8.0% but under -6.0%	8.50% [8.75]
Less than 8.0%	9.00% [9.25]

HARRY J. COWHERD, M.D., Secretary
DARVIN ALLEN, Commissioner
APPROVED BY AGENCY: March 1, 1990
FILED WITH LRC: March 13, 1990 at 3 p.m.

REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(As Amended)

201 KAR 2:106. Pharmacy, manufacturer, or distributor closures.

RELATES TO: KRS 315.035, 315.036
STATUTORY AUTHORITY: KRS 315.036, 315.191(1)
NECESSITY AND FUNCTION: Closure by permittees of the Kentucky Board of Pharmacy shall be responsibly effected in accordance with all federal, state, and applicable laws in the interest of public welfare.

Section 1. Definitions. As used in this regulation:
(1) "Permanent closure" means the licensee ceases to do business and permanently closes;
(2) "Voluntary closure" means any closing or abandonment of premises resulting from chronic mental or physical deterioration or for any reason other than involuntary, that constitutes a deviation from those business hours listed on the current permit application or amendments filed thereto.
(3) "Involuntary closure" means an interruption of formal business activity resulting from acute illness or incapacitation, death, fire, flood or other natural disaster; bankruptcy proceedings, court, government, or Board of Pharmacy action.

Section 2. Procedures for Closure. (1) Permanent closure.
(a) The licensee shall conspicuously place a sign notifying the public thirty (30) days in advance of the termination date of business and the name and address of the licensee to which prescription files or other pertinent records shall be transferred. Except when prevented by the exercise of another party's legal rights, the sign shall remain in place for a period of thirty (30) days after such closure and all efforts shall be undertaken to assure a smooth transition of uninterrupted service to all affected by the closure.
(b) The licensee shall inform the Board of Pharmacy, [and] Drug Enforcement Administration ("DEA") and the Cabinet for Human Resources by written notice fifteen (15) days prior to the anticipated closing and include the following information:
1. Date of business termination;
2. Name, address, and DEA number of registrant to whom the prescription or controlled drugs are to be transferred. In the absence of directives to the contrary from DEA, [or] the Board of Pharmacy and the Cabinet for Human Resources, the transfer may be effected on the assigned date. The transferor and the transferee shall each maintain appropriate copies of the transferred controlled substances (Schedule II Order Forms; Schedules III, IV, and V Invoices) for a period of at least two (2) years.
3. Upon termination, the licensee shall remove all signs pertinent to pharmacy or drugs from the building and premises and return the voided permits, DEA registration, and unused Schedule II Order Forms to be their respective office of issue.
(2) Voluntary closure.
(a) Any pharmacy or distributor licensed by the Kentucky Board of Pharmacy whose hours of operation have deviated over a period of five (5) consecutive working days from those of record at the Board of Pharmacy office shall immediately notify the board, verbally and in writing, stating the reason for the deviation and the anticipated period of continuance.
(b) Upon receipt of such notice, the Board of Pharmacy, with full cooperation of the licensee, shall make such arrangements as it deems necessary to provide adequate and continued security and control of all drugs, chemicals, poisons, and devices owned or controlled by the licensee.
(c) If normal operation cannot resume within sixty (60) days, or if satisfactory agreements cannot be reached between the Board of Pharmacy, the licensee, or his designated representative, the permit shall be revoked, and the Board of Pharmacy shall notify the Cabinet for Human Resources to assume control and responsibility of any drug, chemical, or device deemed necessary and in any such manner deemed appropriate.
(d) If the Board of Pharmacy or the Cabinet for Human Resources or its agents liquidate or arrange for the liquidation of said stock, the board or the Cabinet for Human Resources may retain a portion of the proceeds realized from the liquidation equal to those expenses incurred.
(3) Involuntary closure.
(a) The licensee, or next responsible person employed by or related to the licensee, shall within five (5) days provide notice to the Board of Pharmacy office. He shall offer a guarantee of acceptable safety and control of the licensed premises that will allow continued storage of those privileged substances consigned to Board of Pharmacy permittees for up to sixty (60) days beyond the effective date of the involuntary closure. During this time, arrangements for the lawful sale or other disposition of all drugs and substances requiring Board of Pharmacy licensure shall be effected. If the sixty (60) day grace period lapses without a sale or other disposition having been effected by the designated party, or if a satisfactory agreement cannot be reached between the Board of Pharmacy, the licensee, or his designated representative, the Board of Pharmacy may [shall] assume control and responsibility of all substances it deems necessary for appropriate disposition.
(b) The licensee or designated agent shall fully cooperate with the Board of Pharmacy to promote the efficient administration of such action and shall be financially liable to the board should this administration incur expenses by the board.

RALPH G. DEITEMEYER, President
APPROVED BY AGENCY: January 10, 1990
FILED WITH LRC: January 11, 1990 at 10 a.m.

GENERAL GOVERNMENT CABINET
Kentucky Board of Medical Licensure
(As Amended)

201 KAR 9:111. Application and training course [, certification] requirements.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)
STATUTORY AUTHORITY: KRS 311.654
NECESSITY AND FUNCTION: KRS 311.654 directs the [State] Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish requirements for applicants; requirements for the selection process; requirements for the training course, physician coordinator, and course coordinator. [requirements and exemptions for certification of paramedics; prohibitions relating to the use of paramedics; and to define inactive service of paramedics.]

Section 1. Requirements for Applicants, Selection of Applicants, and Training. No paramedic training course shall be authorized or approved by the board that does not conform with the standards set forth in this regulation as [for] requirements for applicants, selection of applicants, and training course requirements[, except that any paramedic training course that began prior to the effective date of this regulation and otherwise conforms with the standards for training course requirements set forth in this regulation may be approved by the board].

Section 2. Requirements for Applicants. Each applicant shall:
(1) Be eighteen (18) years of age or older; [and] [.]
(2) Hold a valid motor vehicle operator's license; [and] [.]
(3) Be of good moral character; [and] [.]
(4) Not be habitually addicted to or an abuser of alcoholic beverages, drugs, or controlled substances; [and] [.]
(5) Understand and be able to read, speak, and write the English language; [and] [.]
(6) Have a physical examination performed which shall include a chest x-ray or tuberculin test (may be waived by the committee in extenuating circumstances), by a licensed physician [licensed in this state] within the twelve (12) months immediately preceding the date of application verifying that the applicant is in good physical health and has no disabilities that would prevent the applicant from functioning as a paramedic; [and] [, which shall include a chest x-ray or tuberculin test.]
(7) Be currently certified as an emergency medical technician by having completed a training program that meets the minimum requirements of the Department of Transportation EMT basic curriculum and the requirements of the Kentucky emergency medical technician curriculum as administered by the Cabinet for Human Resources; [and] [by the Kentucky Department for Human Resources as an emergency medical technician, emergency medical technician-ambulance, emergency medical technician-instructor, or emergency medical technician instructor-trainer.]
(8) Have a high school diploma or general equivalency diploma; [and] [.]
(9) Submit a notarized application form provided by the board to the board and to the medical director; and [advisor.]
(10) Submit a notarized application form to the paramedic advisory committee of the Kentucky Board of Medical Licensure. The application shall [must] be completed in detail and have attached to it the following:
(a) Proof of current certification as an emergency medical technician in the Commonwealth of Kentucky or eligibility to challenge the Commonwealth of Kentucky EMT examination. Certification as an EMT in Kentucky shall [must] be attained by the applicant within six (6) months of his acceptance into the paramedic training program; and
(b) A certified copy of the applicant's birth certificate; and
(c) A copy of the applicant's operators license.
(11) The following may be grounds for denial of application to a paramedic training program:
(a) Be convicted as a youthful offender;
(b) Be convicted of a felony;
(c) Be discharged from the Armed Forces with a dishonorable discharge;
(d) Be court adjudicated as mentally incompetent.

Section 3. Selection Process [Committee]. (1) Committee. Each physician coordinator [medical advisor] shall appoint a selection committee to administer tests and to conduct interviews for the purpose of qualifying applicants to be accepted into paramedic training courses. The committee shall [must] minimally consist of the physician coordinator of the training course or his physician designee and the course coordinator and other individuals as deemed necessary by the physician coordinator.
(2) Prerequisite testing.
(a) Shall be required of each student. The test, as outlined by policy of the committee, shall be used to evaluate each applicant's ability in mathematics and reading.
(b) Competency in basic EMT skills knowledge may also be required by each applicant utilizing a testing procedure outlined by the course coordinator.
(c) Other tests may be administered at the discretion of the course coordinator or physician coordinator. Any test administered shall [must] be listed on the course application.
(d) Any test utilized other than those established by the policy of the committee shall [must] have prior approval for each application submitted.
(3) Each component of the prerequisite testing shall be weighed in the overall selection process as determined by the physician coordinator.
(4) Oral interviews shall be conducted with each applicant by the selection committee as outlined in subsection (1) of this section unless waived by the paramedic advisory committee.

Section 4. Paramedic Training Course Requirements. The training course shall:
(1) Minimally include the current revision of the U.S. Department of Transportation curriculum and such alterations to the curriculum as prescribed by the board.
(2) Minimally meet the suggested classroom and clinical rotation hours as set forth in the

current revision of the "Emergency Medical Technician-Paramedic: National Standard Curriculum" published by the U.S. Department of Transportation, Washington, D.C. A copy of this publication shall be on file in the office of the Kentucky Board of Medical Licensure, 400 Sherburn Lane, Suite 222, Louisville, Kentucky 40207, and shall be available for public inspection.

(3) Consist of a minimum of 500 hours of supervised prehospital field internship experience.

(a) Before clinical completion and prior to the beginning of field internship experience, the paramedic trainee shall [must] exhibit clinical competence in the authorized skills and procedures outlined in 201 KAR 9:161;

(b) The paramedic trainee shall [must] be ACLS certified prior to the beginning of prehospital field internship.

(4) Be conducted at locations approved and authorized by the board including, as part of the instruction, training at hospitals licensed to operate in this state and with approved advanced life support providers.

(5) Commence within 120 days following approval by the Kentucky Board of Medical Licensure.

Section 5. Physician Coordinator Requirements. The paramedic training course shall have a physician coordinator who shall minimally:

(1) Participate as a member of the selection committee as outlined in Section 3 of this regulation;

(2) Provide medical consultation and guidance for the course coordinator;

(3) Agree to provide and certify that periodic selective oral review has been successfully completed by the paramedic trainee or paramedic graduate;

(4) Certify that each paramedic graduate has attained a level of proficiency suitable to allow him/her to apply for the certification examination;

(5) Review and approve recommendations of the course coordinator for potential course faculty;

(6) Qualifications of the physician coordinator:

(a) Familiarity with the design and operation of prehospital EMS systems.

(b) Experience in prehospital emergency care of the acutely ill or injured patient.

(c) Familiarity with base station radio control of prehospital emergency units.

(d) Experience in emergency management of the acutely ill or injured patient.

(e) Routine active participation in emergency management of the acutely ill or injured patient.

Section 6. Course Coordinator Requirements. The paramedic training course shall have a course coordinator who shall minimally:

(1) Be a certified paramedic or licensed as a registered nurse, in the Commonwealth of Kentucky, and be approved by the physician coordinator and the board upon recommendation of the committee.

(2) Be responsible for organization, implementation, coordination and supervision of the paramedic training program for which they serve as course coordinator, this includes, but is not limited to, the following:

(a) Participate as a member of the selection committee as outlined in Section 3 of this regulation;

(b) Select potential course faculty and obtain authorization from the physician coordinator for their utilization;

(c) Lesson planning and preparation of subject areas to be presented by either the course coordinator or selected faculty;

(d) Written and oral testing of trainees or graduates and the development of such tests and testing procedures;

(e) Administrative reporting as may be required by the committee;

(f) Maintenance of attendance records; classroom, clinical and field internship;

(g) Maintenance of evaluations completed by physicians, clinical supervisors or preceptors;

(h) Maintenance and inventory of equipment required for the training program;

(i) Coordination/supervision of students during clinical rotations; coordination of clinical rotation schedules with appropriate facility staff;

(j) Coordination/supervision of students during field internship. Coordination of field internship schedules with appropriate facility staff;

(k) Any other responsibilities as may be required by the committee.

(3) Minimally, the course coordinator shall [must] be currently certified by the American Heart Association as an advanced cardiac life support instructor.

[Section 4. Prohibition or Usage of Unauthorized Person. No provider shall employ, utilize, permit the operation of, or advertise or represent that said provider employs or utilizes certified paramedics, graduate paramedics, or paramedic trainees personnel unless provider is in compliance with the provisions of this regulation.]

[Section 5. Prohibited Utilization of Certified Paramedics. Nothing in this regulation shall be construed to permit certification or utilization of any certified paramedic, graduate paramedic, or paramedic trainee for the purpose of such individual working full-time with primary responsibility and duties limited to hospitals, physician's offices, clinics, or other definitive care facilities.]

[Section 6. Inactive Status of Certified Paramedics. In the event a certified paramedic discontinues his employment with a provider or with a training institution, he shall be deemed to be in inactive status and shall not perform the services of a certified paramedic unless subsequently employed by a new provider or training institution. Upon reemployment by a new provider, the certified paramedic shall immediately notify the board of the name and address of his new provider or training institution.]

ROYCE E. DAWSON, M.D., President
APPROVED BY AGENCY: December 14, 1989
FILED WITH LRC: December 14, 1989 at 4 p.m.

GENERAL GOVERNMENT CABINET
Kentucky Board of Medical Licensure
(As Amended)

201 KAR 9:121. Active and inactive status, certification, renewal of certification, reactivation.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)
STATUTORY AUTHORITY: KRS Chapter 13A, 311.654, 311.656
NECESSITY AND FUNCTION: KRS 311.654 directs the [State] Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish requirements for certification, [training, and] renewal of [paramedic] certification, and reactivation of certification. This regulation also defines active and inactive status of certified paramedics.

Section 1. Active Status of Certified Paramedics. (1) A paramedic shall be considered on "active status" as long as continuous employment is maintained with an approved ALS provider and his certification is maintained pursuant to Section 6(1) of this regulation. Employment shall be defined as a "significant portion" of time spent by the paramedic in the direct delivery of advanced life support skills. The "significant portion" shall be defined by the medical director; or

(2) A paramedic shall be considered on "active status" if he[/she] is being utilized by a training institution for the purpose of instructing a paramedic training course authorized and approved by the board.

Section 2. Inactive Status of Certified Paramedics. (1) A paramedic shall be deemed on "inactive status" if:

(a) Employment with a provider is terminated; or

(b) There is any cessation in the active delivery of advanced life support patient care skills for a period of greater than 120 days, even though continuous employment with a provider may be maintained (i.e., medical leave, military leave, or any other leave of absence approved by the provider).

(2) It shall be the joint responsibility of the paramedic and the provider to notify the board of any condition which may constitute a change in status.

(3) A paramedic on inactive status shall not be allowed to function as a certified paramedic.

[Section 1. Paramedic Training Course Requirements. The training course shall:]

[(1) Include the U.S. Department of Transportation curriculum and such additions to the curriculum as prescribed by the board.]

[(2) Be of at least 500 hours duration.]

[(3) Be supervised by a medical advisor with such assistance of a registered nurse or certified paramedic as the medical advisor deems necessary.]

[(4) Have a training course faculty composed of appropriate professionals, clinical, academic, and technical instructors.]

[(5) Be conducted at locations approved and authorized by the board including, as part of the instruction, training at a hospital licensed to operate in this state.]

Section 3. [2.] Issuance of Certification [and Renewal]. Certificates shall be issued by the board pursuant to the standards set forth in these regulations. A paramedic graduate [trainee] shall be eligible to take the certifying examination prescribed by the board within thirty (30) months of the commencement of the paramedic training course in which they were a student and which was authorized and approved by the board, provided that:

(1) [Within thirty (30) months of the commencement of a paramedic training course authorized and approved by the board,] The paramedic graduate [trainee] has successfully completed said training course; and

(2) [Within thirty (30) months of commencement of such training course,] The paramedic graduate [trainee] has successfully completed a field internship [clinical evaluation] of at least 500 hours duration; and [.]

(3) The [A] paramedic graduate has received [trainee is eligible to take the certifying examination upon] the written recommendation of the physician coordinator [medical advisor] and verification that the paramedic graduate [trainee] has completed the requirements of subsections (1) and (2) of this section; and [.]

(4) The paramedic graduate holds current certification as a Kentucky EMT; and [Within thirty (30) months of commencement of such training course, the paramedic trainee must complete the initial certification test.]

(5) The paramedic graduate holds current certification by the American Heart Association as an advanced cardiac life support provider; and

(6) Failure to complete all requirements for paramedic certification within thirty (30) months of the commencement of his[/her] training program shall result in the paramedic graduate being ineligible for certification.

Section 4. [3.] Paramedic Certification Examination. (1) The board shall prescribe the format and content of the paramedic certification examination which shall include written, oral, and practical examination. Such examination shall be held in a manner and at times and locations prescribed by the board.

(2) A paramedic graduate who fails only two (2) sections of the examination process **shall** [will] be allowed a retest of the section(s) failed. This opportunity **shall** [will] be offered in approximately thirty (30) days, or as scheduled by the board.

(a) If the paramedic graduate again fails, he shall remain on paramedic graduate status and shall be scheduled for the next board exam in approximately six (6) months. At that testing a paramedic graduate who fails only two (2) sections of the exam process **shall** [will] be allowed a retest of the section(s) failed in approximately thirty (30) days or as scheduled by the board.

(b) Failure to successfully complete all aspects of the retesting process at that time shall [will] result in the paramedic graduate status being terminated and the individual shall be **required** [will have] to successfully repeat a board approved paramedic training program in order to be eligible for further testing.

(c) The board shall have discretionary power to extend the thirty (30) month time limit for certification under extraordinary circumstances.

(3) The paramedic graduate who fails three (3)

or more sections of the board exam shall [will] retain his status as a paramedic graduate and shall [will] be rescheduled for the next board exam in approximately six (6) months.

(a) At that testing a paramedic graduate who fails only two (2) sections of the exam process shall [will] be allowed a retest of the section(s) failed in approximately thirty (30) days or as scheduled by the board.

(b) Failure to successfully complete all aspects of the retesting process at that time shall [will] result in the paramedic graduate status being terminated and the individual shall be required [will have] to successfully repeat a board approved paramedic training program in order to be eligible for further testing.

(c) The committee shall have discretionary power to extend the thirty (30) month time limit for certification under extraordinary circumstances.

(4) Temporary certificate. Upon satisfactory completion of the paramedic certification examination and submission of all required forms and fees, the Executive Director of the Kentucky Board of Medical Licensure may issue a temporary certificate to the applicant if the executive director believes that the applicant satisfies all requirements for paramedic certification. The temporary certificate shall enable the holder to practice as a certified paramedic pursuant to KRS 311.654 and shall remain in effect until the holder is issued paramedic certification by the board or until cancelled, but in no event shall the temporary permit be effective longer than six (6) months from the date of issuance. A temporary certificate may not be renewed or reissued.

Section 5. [4.] Expiration of Certification. Upon successful completion of the certification examination, the [graduate] paramedic graduate shall be issued a certificate which shall be valid for two (2) years from date of issuance.

Section 6. [5.] Renewal of Certification. Renewal of paramedic certification occurs on a biennial basis according to the criteria outlined in subsections (1) and (2) of this section. It is the responsibility of the paramedic to keep the board informed of any change in address or change in employment within thirty (30) days of such change. [In order to renew a certificate, the paramedic must obtain a minimum of sixty (60) hours of approved in-service training and have successfully passed a renewal examination prescribed by the board (minimum score of eighty (80)) within thirty (30) months of issuance of his last certificate.]

(1) Active status. Certified paramedics on active status shall be required to meet the following criteria for renewal of certification:

(a) File a completed application as furnished by the board along with the appropriate fee.

(b) Maintain current certification as an emergency medical technicial by the Cabinet for Human Resources in the Commonwealth of Kentucky.

(c) Maintain current ACLS certification by the American Heart Association.

(d) Submit a recommendation from the medical director and annual evaluations.

(e) Submit verification from the medical director of sixty (60) hours of approved in-service training within the last two (2) years.

(f) Pass the written paramedic recertification exam with a minimum score of eighty (80) prior to the expiration of his certification. If a passing score is not obtained on the first attempt, the certified paramedic, shall have their expiration date extended by a period not greater than ninety (90) days. The paramedic's medical director shall meet with the certified paramedic and review with him/her the results of the first test. The certified paramedic shall be required to obtain in-service education in areas of documented weakness. Hours of in-service education required in each subject area shall be determined by the medical director. After the certified paramedic has met the in-service education requirements outlined by the medical director, he[/she] shall be allowed to test a second time. If on the second test a minimum score of eighty (80) is not obtained by the certified paramedic, he[/she] shall be considered as not having met the criteria for recertification and as such shall [will] not be recertified as a paramedic.

(g) Failure to comply with the above recertification requirements shall [will] result in the loss of paramedic certification.

(2) Inactive status. Certified paramedics on inactive status shall be required to meet the following criteria for renewal of certification:

(a) File a completed application as furnished by the board along with the appropriate fee.

(b) Maintain current certification as an emergency medical technician by the Cabinet for Human Resources in the Commonwealth of Kentucky.

(c) Submit verification of sixty (60) hours of approved in-service training within the last two (2) years.

(d) Failure to comply with the above recertification requirements shall [will] result in the loss of paramedic certification.

Section 7. Reactivation of Certified Paramedic Status. Certified paramedics returning to active status shall [must] meet the following criteria:

(1) As required in Section 6 of this regulation, the board shall [must] be notified by the paramedic within thirty (30) days of any employment which would result in a change in his[/her] paramedic status.

(2) The ALS provider shall also notify the board in writing of the effective date of employment of any certified paramedic.

(3) The medical director of the new provider shall request the board to consider the inactive paramedic for reactivation.

(4) After approval of the provider's medical director and notification to the board, the inactive paramedic may be granted probationary status and function as such. The certified paramedic on probationary status shall be required to function on probationary status for a maximum of 180 days. Within the 180 day period, the medical director shall [must] certify to the board, in writing, his satisfaction with the certified paramedic's proficiency in required skills and recommend a return to active status. The medical director shall [must] also submit an evaluation form as supplied by the board. The testing procedure as outlined in Section 4 of this regulation shall [must] be accomplished within the 180 day time period outlined above.

(5) Possess current ACLS certification by the

American Heart Association.

(6) Inactive paramedics who have been inactive for a period greater than 120 days but less than three (3) years are required to sit for the written recertification exam. The written paramedic recertification exam shall [must] be successfully completed, with a minimum score of eighty (80). If a passing score is not obtained on the first attempt, the certified paramedic shall [will] remain on probationary status for a period not to exceed ninety (90) days. The paramedic's medical director shall meet with the certified paramedic and review with him/her the results of the first test. The certified paramedic shall be required to obtain in-service education in areas of documented weakness. Hours of in-service education required in each subject area shall be determined by the medical director. After the certified paramedic has met the in-service education requirements outlined by the medical director, and functioned on probationary status for a period not to exceed an additional ninety (90) days, he[/she] shall be allowed to test a second time. If on the second test a minimum score of eighty (80) is not obtained by the certified paramedic, he[/she] shall be considered as not having met the criteria for return to active status and as such shall [will] be retained on inactive status.

(7) Inactive paramedics who have been inactive for a period exceeding three (3) years are required to sit for the certification exam. Inactive paramedics sitting for the certification exam shall meet the following testing requirements:

(a) An inactive paramedic who fails only two (2) sections of the examination process shall [will] be allowed a retest of the section(s) failed. This opportunity shall [will] be offered in approximately thirty (30) days, or as scheduled by the board. If the inactive paramedic again fails, he shall remain on probationary status and shall be scheduled for the next board exam in approximately six (6) months. At that testing an inactive paramedic who fails only two (2) sections of the exam process shall [will] be allowed a retest of the section(s) failed in approximately thirty (30) days or as scheduled by the board. Failure to successfully complete all aspects of the retesting process at that time shall [will] result in the paramedic being retained on inactive status.

(b) The inactive paramedic who fails three (3) or more sections of the board exam shall [will] retain his probationary status and shall [will] be rescheduled for the next board exam in approximately six (6) months. At that testing an inactive paramedic who fails only two (2) sections of the exam process shall [will] be allowed a retest of the section(s) failed in approximately thirty (30) days or as scheduled by the board. Failure to successfully complete all aspects of the retesting process at that time shall [will] result in the probationary status being revoked and the paramedic shall [will] be retained on inactive status.

ROYCE E. DAWSON, M.D., President
APPROVED BY AGENCY: December 14, 1989
FILED WITH LRC: December 14, 1989 at 4 p.m.

GENERAL GOVERNMENT CABINET
Kentucky Board of Medical Licensure
(As Amended)

201 KAR 9:136. Procedure for certification of paramedics from other states; graduate paramedics; issuance of temporary certificates [Reciprocity].

RELATES TO: KRS 311.650 to 311.658, 311.990(18)
STATUTORY AUTHORITY: KRS 311.654
NECESSITY AND FUNCTION: KRS 311.654 directs the [State] Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish procedures whereby paramedics certified in other states may apply for certification in Kentucky.

Section 1. Procedure for Certification. In order to be eligible for consideration for certification as a paramedic, the applicant shall [must] fulfill the following minimum requirements:

(1) Be eighteen (18) years of age or older; and

(2) Hold a valid motor vehicle operator's license; and

(3) Not be habitually addicted to or be an abuser of alcoholic beverages, drugs, or controlled substances; and

(4) Be able to demonstrate the ability to understand, read, speak, and write the English language; and

(5) Have a high school diploma or general equivalency diploma; and

(6) Be of good moral character; and

(7) Have successfully completed an emergency medical technician training course conducted in accordance with the U.S. DOT guidelines; and

(8) Have successfully completed a paramedic training course which included all aspects of the U.S. DOT paramedic training curriculum and which consisted, as a minimum, of the recommended accepted hours for classroom instruction and in-hospital clinical experience required by the curriculum at the time of the training. In addition, the applicant shall:

(a) Have completed 500 hours of supervised prehospital field internship. This requirement may be met by documented advanced life support ambulance experience; and

(b) Be currently certified as a paramedic or its equivalent in another state; and

(9) Have a physical examination performed within the twelve (12) months immediately preceding the date of application verifying that the applicant is in good physical health and has no disabilities that may [would] prevent the applicant from functioning as a paramedic. This examination shall also include a chest x-ray or tuberculin skin test; and

(10) Submit a letter of recommendation from the provider's medical director which states that he[/she] agrees to supervise the individual as a paramedic graduate or to allow the individual to function on a temporary certificate under the supervision of the medical director; and

(11) Submit a notorarized application form to the paramedic advisory committee of the Kentucky Board of Medical Licensure. The application shall [must] be completed in detail and have attached to it the following:

(a) Proof of current certification as an emergency medical technician in the Commonwealth of Kentucky or eligibility to challenge the

Commonwealth of Kentucky EMT examination. Certification as an EMT in Kentucky shall [must] be attained by the applicant within six (6) months of his approval to challenge the paramedic certification examination; and

(b) Proof of current certification as a paramedic in another state; and

(c) Completed certificate of paramedic training form as supplied by the Kentucky Board of Medical Licensure. If the training curriculum schedule varies from that of the current revision of the U.S. DOT EMT-paramedic curriculum, the applicant shall also attach to his application a copy of the curriculum schedule, and number of hours of the paramedic training completed, along with the name of the physician supervising the training program who can be contacted if additional information is required; and

(d) Submit an evaluation form as supplied by the board from your most recent medical director or supervising physician or advanced life support provider; and

(e) Submit a letter from the Kentucky advanced life support provider's medical director agreeing to supervise the applicant as outlined in subsection (14) of this section; and

(f) A certified copy of the applicant's birth certificate; and

(g) A copy of the applicant's operators license; and

(h) Proof of current certification in advanced cardiac life support by the American Heart Association; and

(i) Submit the appropriate application fee as outlined in 201 KAR 9:151, Section 2(1).

(12) The following may be grounds for denial of the challenge applicant:

(a) Be convicted as a youthful offender;

(b) Be convicted of a felony;

(c) Be discharged from the Armed Forces with a dishonorable discharge;

(d) Be court adjudicated as mentally ill or mentally retarded. [Paramedics currently certified in other states may make application to the board for certification as a paramedic in this state. Each applicant shall submit a letter from a provider in this state stating that the applicant will be considered for employment. The applicant shall also submit a letter of recommendation from the provider's medical advisor agreeing to supervise the paramedic in the event he is certified in this state. If in the opinion of the board, the applicant meets all of the board's requirements, the board may admit such applicant to the Kentucky paramedic certification examination, upon payment of required fees.]

Section 2. Graduate Certification. (1) The committee shall review each application on an individual basis and at its discretion determine if the applicant may be permitted to function as a paramedic graduate.

(2) If the applicant has complied with Section 1(1) through (15) inclusive, but has not completed a supervised field internship, the applicant may be considered for paramedic graduate status. Upon completion of these additional hours of field internship, as determined by the applicant's medical director, the applicant, upon recommendation by his medical director, may be eligible to sit for the paramedic certification examination.

(3) An applicant that is granted paramedic graduate status shall be admitted to such status for a period not to exceed a period of twelve (12) months from the date of issuance. Within the twelve (12) month period, the applicant shall [must]:

(a) Complete the post-training field internship period required by the medical director if he[/she] has not already done so; and

(b) Successfully complete all components of the paramedic certification examination. At least one (1) month prior to the examination, the applicant shall [must] submit to the committee:

1. Letters from the provider and medical director verifying that the applicant has completed the requisite field internship experience; and

2. The appropriate fee as outlined in 201 KAR 9:151, Section 2(1) and (2).

(c) In the event that the applicant meets all the requirements for certification and successfully completes the paramedic certification examination, he shall be certified for a period of two (2) years from the date of issuance of the certificate;

(d) If at any time during which the applicant is authorized to perform as a paramedic graduate, the provider's medical director advises the committee that the applicant's performance is unsatisfactory, upon due process, the committee may revoke the paramedic graduate status and the applicant shall not be permitted to participate in the paramedic certification examination;

(e) Examination process. An out-of-state challenge applicant granted paramedic graduate status shall be subject to the testing procedures outlined in 201 KAR 9:121, Section 4(2)(a), (3)(a) and (b) of this regulation;

(f) Failure to comply with the requirements for certification of paramedics from other states shall not prohibit an applicant from making subsequent application to a paramedic training course approved by the board.

Section 3. Temporary Certificate. (1) The committee shall review each application on an individual basis and at its discretion grant the applicant a temporary certificate to function as a certified paramedic in the Commonwealth of Kentucky.

(2) Requirements. The applicant shall [must] comply with Section 1(1) through (15) of this regulation.

(3) Authority to issue temporary certificate.

(a) The Executive Director of the Kentucky Board of Medical Licensure upon the recommendation of the Paramedic Advisory Committee shall have the authority to issue a temporary certificate for a period not to exceed six (6) months.

(b) The Executive Director of the Kentucky Board of Medical Licensure upon the recommendation of the paramedic advisory committee shall have the authority to revoke a temporary certificate.

(4) Examination process.

(a) The individual issued a temporary certificate shall [must] sit for the first available paramedic certification examination offered.

(b) If the applicant fails only two (2) sections of the examination process, he[/she] will be allowed a retest offered

approximately thirty (30) days later, or as scheduled by the board. Failure of this retest will result in the revocation of the temporary certificate and the applicant will be placed on paramedic graduate status for a period not to exceed six (6) months. The applicant shall [must] then take the next regularly scheduled paramedic certification examination. At that testing, the applicant who fails only two (2) sections of the examination process will be allowed a retest of the section(s) failed in approximately thirty (30) days or as scheduled by the board. Failure to successfully complete all aspects of the retesting process at that time will result in the paramedic graduate status being terminated and the individual shall be required [will have] to take a board approved paramedic training program in order to be eligible for further testing.

(c) If the applicant fails three (3) or more sections of the board examination, he will be rescheduled for the next board examination in approximately six (6) months. The temporary certificate shall be revoked and the individual will be placed on paramedic graduate status for a period not to exceed six (6) months. At that testing, the applicant who fails only two (2) sections of the examination process will be allowed a retest of the section(s) failed in approximately thirty (30) days or as scheduled by the board. Failure to successfully complete all aspects of the retesting process at that time will result in the paramedic graduate status being terminated and the individual shall be required [will have] to take a board approved paramedic training program in order to be eligible for further testing.

(d) Failure to comply with the requirements for certification of paramedics from other states shall not prohibit an applicant from making subsequent application for a paramedic training course approved by the board.

ROYCE E. DAWSON, M.D., President
APPROVED BY AGENCY: December 14, 1989
FILED WITH LRC: December 14, 1989 at 4 p.m.

GENERAL GOVERNMENT CABINET
Kentucky Board of Medical Licensure
(As Amended)

201 KAR 9:141. Denial, revocation and suspension of certificate.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)
STATUTORY AUTHORITY: KRS 311.654
NECESSITY AND FUNCTION: KRS 311.654 directs the [State] Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish procedures for taking disciplinary action against certified paramedics.

Section 1. Denial, Revocation, and Suspension of Certificates. The board may deny, revoke or suspend the certificate of any person who:
(1) Has engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;
(2) Becomes a drug dependent person or drug abuser as defined in KRS 222.011(8);
(3) Becomes an alcoholic person who suffers from alcoholism as defined in KRS 222.011(3);
(4) Develops such physical or mental disability or other condition that continued practice or performance of his duties may be dangerous to patients or the public; [or]
(5) Fails to comply with any regulation of the board relating to the certification of paramedics.
(6) Knowingly makes or presents, or causes to be made or presented, any false, fraudulent or forged statement, writing, certificate, diploma or other thing, in connection with an application for a certificate;
(7) Practiced, or aided or abetted in the practice of fraud, forgery, deception, collusion or conspiracy in connection with an examination for a certificate;
(8) Has been convicted, including a nolo contendere plea, by any court within or without the Commonwealth of Kentucky, of committing an act which is, or would be a felony under the laws of the Commonwealth of Kentucky, or of the United States, or of any crime involving moral turpitude which is a misdemeanor, under such laws;
(9) Knowingly made, or caused to be made, or aided or abetted in the making of, a false statement in any document executed in connection with the practice of his profession;
(10) Knowingly employed, as a certified paramedic in the practice of his profession, in this state, any person not duly licensed or otherwise aided, assisted or abetted the unlawful practice of any healing art;
(11) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate any provision or term of any practice which regulates the functions of a paramedic or any regulation promulgated by the board under KRS 311.654 or any other valid regulation of the board;
(12) Violated any order of suspension, or the terms or conditions of any order of probation, issued by the board;
(13) Performed or attempted to perform as a certified paramedic under a false or assumed name or impersonated another paramedic of a like, similar or different name;
(14) Willfully violated a confidential communication except as required by a court of law;
(15) Had his[/her] certification to practice as a paramedic in another state, territory or foreign nation revoked, suspended, restricted or limited or has been subjected to other disciplinary action by the licensing authority thereof;
(16) Been removed, suspended or expelled by any professional medical association or society when such action was based upon what the [said] association or society found to be unprofessional conduct, professional incompetence, malpractice, or a violation of any provision of KRS Chapter 311, or regulations promulgated by the board; or
(17) Been disciplined by a medical director, approved advanced life support provider, physician coordinator or course coordinator including removal, suspension, limitation of privileges, failing to renew privileges for cause, or other disciplinary action if such action was based upon what the [said] provider or medical director found to be unprofessional conduct, professional incompetence, malpractice, or a violation of any provisions of KRS Chapter 311, or any regulation

promulgated by the board.

Section 2. Hearings. The board shall furnish the certificate holder with written notice setting out the substance of each offense charged with sufficient detail to reasonably apprise such person the nature, time and place thereof. The certificate holder shall have the right to be present in person or be represented by counsel and to present evidence and to be heard in opposition to the charges which may be instituted. The board shall make a finding of fact and conclusion of law. The hearing may be conducted by a hearing officer appointed by the board. Hearings shall [must] be conducted in accordance with 201 KAR 9:081.

ROYCE E. DAWSON, M.D., President
APPROVED BY AGENCY: December 14, 1989
FILED WITH LRC: December 14, 1989 at 4 p.m.

GENERAL GOVERNMENT CABINET
Kentucky Board of Medical Licensure
(As Amended)

201 KAR 9:151. Contracts for support services; establish a fee schedule; and establish a Paramedic Advisory Committee.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)
STATUTORY AUTHORITY: KRS Chapter 13A, 311.654, 311.656
NECESSITY AND FUNCTION: KRS 311.654 directs the [State] Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to authorize contracts for support services; establish a fee schedule; and to establish a Paramedic Advisory Committee.

Section 1. Contract for Support Services. The board may contract with the Cabinet for Human Resources for [the selection of training sites, student selection, monitoring and evaluation of training courses of paramedics, and to perform such other] services as may be necessary to implement the provisions of these regulations, subject to the approval of the board.

Section 2. Fees. The following schedule of fees is established pursuant to KRS 311.656:
(1) Certification examination application fee: $10;
(2) Certification examination fee: $45;
(3) Certification examination [Renewal] fee: $35;
(4) Fee for duplicate certificate: $10;
(5) Training course application fee: $100 [50];
[(6) Advance life support provider application fee: $50;]
[(7) Annual renewal of ALS provider license: $50.]
(6) Certification examination test fee: $30;
(7) Recertification examination retest fee: $15;
(8) Temporary certificate: $25.

Section 3. Paramedic Advisory Committee. (1) A Paramedic Advisory Committee appointed by the board shall [will] consist of the following members appointed for a term of three (3) years:
(a) Four (4) physicians [appointed for a term of three (3) years].
(b) One (1) emergency department nurse [for a term of three (3) years].
(c) Three (3) [One (1)] certified paramedics, one of which shall be an EMT instructor [appointed for a term of three (3) years].
(d) One (1) paramedic [EMT] instructor/coordinator [for a term of three (3) years].
[(e) One (1) member of the Emergency Medical Services Coordination Association for a term of two (2) years.]
(e) [(f)] One (1) advanced life support provider [for a term of two (2) years].
(f) [(g)] One (1) consumer [for a term of two (2) years].
(g) [(h)] The director of the EMS Branch of the Cabinet for Human Resources or his designee shall serve as an ex officio member.
(2) The duties of the committee shall be to advise the board on matters pertaining to paramedics.

Section 4. Attendance. Failure by any committee member to attend three (3) consecutive meetings may be cause for removal from the committee.

ROYCE E. DAWSON, M.D., President
APPROVED BY AGENCY: December 14, 1989
FILED WITH LRC: December 14, 1989 at 4 p.m.

GENERAL GOVERNMENT CABINET
Kentucky Board of Medical Licensure
(As Amended)

201 KAR 9:161. Skills, authorized procedures.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)
STATUTORY AUTHORITY: KRS Chapter 13A, 311.654
NECESSITY AND FUNCTION: KRS 311.654 directs the [State] Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to prescribe procedures which certified paramedics, [graduate] paramedics graduates and paramedic trainees are authorized to perform.

Section 1. Authorized Certified Paramedic Procedures. Certified paramedics may perform the procedures and skills of a certified emergency medical technician (EMT). In addition, a certified paramedic may perform any of the procedures set forth in Section 3 of this regulation provided:
(1) A verbal order is given by radio or telephone by the medical director [advisor] or supervising physician (or a direct verbal or written order is given by a licensed physician who is physically present at the scene of the emergency call and who has been approved by the medical director or supervising physician to administer orders to the paramedic); and
(2) Provided, further that the certified paramedic is under the supervision of the medical director [advisor] or the supervising physician during the performance of authorized treatment and procedures. In addition, a certified paramedic may perform treatment and procedures pursuant to written standing orders issued by his medical director [advisor].

Section 2. Authorized [Graduate] Paramedic Graduate and Paramedic Trainee Procedures. [Graduate] Paramedic[s] graduates and paramedic trainees may perform the procedures and skills

of a certified emergency medical technician (EMT). In addition, [graduate] paramedic[s] graduates and paramedic trainees may, subject to any limitations imposed by the medical director [advisor] or the supervising physician, perform any other procedures specified in Section 3 of this regulation, provided:

(1) Verbal order is given by radio or telephone by the medical director [advisor] or supervising physician (or a direct verbal or written order given by a licensed physician who is physically present at the scene of the emergency call[);] and who has been approved by the medical director or supervising physician to administer orders to the paramedic), or treatment and procedures performed pursuant to written standing orders issued by the medical director.

(2) Provided further that the [graduate] paramedic graduate or paramedic trainee is under the direct supervision of the medical director [advisor] or the supervising physician or registered nurse or certified paramedic directing the performance of such authorized procedures during didatic, clinical or internship, and as authorized by the medical director.

Section 3. Authorized Procedures. Any certified paramedic, [graduate] paramedic graduate or paramedic trainee, subject to the limitations of this regulation may perform the following procedures as approved by the medical director:

(1) Suctioning: nasopharyngeal and endotracheal;

(2) Endotracheal and nasotracheal intubation;

(3) Insert oral [and/]or nasopharyngeal airway(s);

(4) Defibrillation/cardioversion or external cardiac pacing;

(5) Venipuncture and drawing venous blood for analysis;

(6) Upon proper approval by applicable licensing and regulatory authorities possess and administer by the appropriate route (sublingually, orally, intravenously (more specifically limited to periphrial, femoral or external jugular), subcutaneously, endotracheally, intraosseous, or intramuscularly) the following classes of drugs or fluids:

(a) Anticonvulsant(s);
(b) Antiarrythmics [agents];
(c) Bronchodilators, also by nebulizer;
(d) Narcotics;
(e) Narcotic antagonists;
(f) Intravenous fluids or plasma expanders[, or both];
(g) Diuretics;
(h) Antihistamine;
(i) Vasoactives [drugs];
(j) Poison antidotes;
(k) Cardiotonics [drugs];
(l) Alkalizers [Alkalizing drugs];
(m) Vagolytics;
(n) Antihypoglycemics [agents];
(o) Antiemetics;
(p) [(o)] Or such other fluids, drugs, or medications subject to review and authorization by the board [as the board may prescribe].

(7) Perform nasogastric intubation and suctioning;

(8) Perform urinary catheterization and urine collection;

(9) Perform electrocardiographic monitoring and biomedical telemetry;

[(10) Utilize rotating tourniquets;]

[(11) Apply "antishock" trousers;]

[(12) Administer "breathing treatments" to patients experiencing COPD/asthmatic problems through the use of nebulizer with Brethine or Bronkosal medications.]

(10) [(13)] Conduct such physical assessments [examinations] for which they have been trained in the DOT curriculum; [and]

(11) Needle cricothyrotomy;

(12) Needle chest decompression;

(13) [(14)] Perform such other procedures subject to review and authorization by [as] the board [may prescribe].

ROYCE E. DAWSON, M.D., President
APPROVED BY AGENCY: December 14, 1989
FILED WITH LRC: December 14, 1989 at 4 p.m.

GENERAL GOVERNMENT CABINET
Kentucky Board of Medical Licensure
(As Amended)

201 KAR 9:171. Utilization of services.

RELATES TO: KRS 311.650 to 311.658, 311.990(18)
STATUTORY AUTHORITY: KRS 311.654
NECESSITY AND FUNCTION: KRS 311.654 directs the [State] Board of Medical Licensure to adopt rules and regulations relating to paramedics. The function of this regulation is to establish minimum requirements relating to providers utilizing the services of certified paramedics, [graduate] paramedic[s] graduates, and paramedic trainees.

Section 1. Prohibition or Usage of Unauthorized Person. No provider shall employ, utilize, permit the operation of, or advertise or represent that said provider employs or utilizes certified paramedics, paramedic graduates, or paramedic trainees unless the provider is approved as an advance life support provider in the Commonwealth of Kentucky.

(1) Prohibited utilization of certified paramedics. Paramedics shall render services subject to the limitations established under KRS 311.658. [Utilization of Paramedic Personnel. No provider shall utilize the services of a certified paramedic, graduate paramedic, or paramedic trainee, except in accordance with the provisions of this regulation.]

Section 2. Medical Director [Advisor]. (1) A provider shall have a written agreement with the medical director [advisor] to provide medical supervision and control of paramedics in the employ of the provider. [The scope of the medical advisor's duties shall be set forth in a written contract with a provider.]

(2) The paramedic is granted the authority to perform skills, procedures, and techniques as outlined by the medical director under the authority of the license of the medical director and subject to the limitations set forth in 201 KAR 9:161, Section 3.

(3) The medical director may, at his discretion, suspend, limit, or terminate a paramedic's authority to perform skills, procedures, or techniques by notification to the paramedic's provider in writing of such intent.

(4) In cases regarding medical control, the

medical director shall have the authority to exercise reasonable demands of the approved advanced life support provider in order to maintain a level of care as is acceptable to the medical director.

(5) The supervising physician may temporarily act on behalf of the medical director in his absence.

(6) Recommendations for qualifications of the medical director:

(a) Familiarity with the design and operation of prehospital EMS systems;

(b) Experience in prehospital emergency care of the acutely ill or injured patient;

(c) Routine participation in base station radio control of prehospital emergency units;

(d) Experience in emergency management of the acutely ill or injured patient;

(e) Routine active participation in emergency management of the acutely ill or injured patient;

(f) Active involvement in the training or continuing education of basic and advanced life support prehospital personnel;

(g) Active involvement in the medical audit review and critique of basic life support and advanced life support prehospital personnel;

(h) Participation in the administrative and legislative process effecting the regional or state prehospital EMS system, as available; and

(i) In addition, it is strongly recommended that the medical director be board certified in a primary care specialty (family practice, general surgery, internal medicine or emergency medicine). If the physician utilized as the medical director does not currently possess board certification, it is strongly recommended that efforts be made to obtain certification [such].

Section 3. Medical Consultation, Transportation and Communication Requirements. (1) The provider that employs or utilizes certified paramedics shall [must] insure the availability of medical consultation of said paramedics twenty-four (24) hours a day, seven (7) days a week; and

(2) The provider shall [must] have available in the patient transport vehicle two-way radio capability which shall [will] enable medical consultation between the paramedic and the medical director or supervising physician during the transport of the patient; and

(3) This hospital shall [must] minimally have two-way radio voice communication capabilities with the provider's certified paramedics, paramedic graduates or paramedic trainees during patient transport. [Hospital Requirements. The hospital designated as resource hospital or base hospital responsible for supervising paramedics shall have an emergency room staffed with licensed physicians present in the emergency room twenty-four (24) hours a day who have agreed to supervise the provider's certified paramedics, graduate paramedics, or paramedic trainees. The hospital shall have two (2) way radio voice communication capability with the provider's certified paramedic, graduate paramedic, or paramedic trainee.]

Section 4. Recording of Verbal Orders. The provider shall record on magnetic tape all verbal orders other than those issued by a physician physically present at the scene of an emergency and any biomedical telemetry received by the hospital. All such recordings shall be retained in a permanent file for a minimum of one (1) year and for such additional time as is deemed appropriate based upon all relevant factors by the provider.

Section 5. Staffing of Advanced Life Support Units. All advanced life support units used by a provider shall as a minimum be staffed by at least:

(1) One (1) certified paramedic, or physician, and one (1) registered nurse, or [graduate] paramedic graduate, or paramedic trainee or emergency medical technician; or

(2) One (1) [graduate] paramedic graduate or paramedic trainee, and one (1) physician, or registered nurse or certified paramedic.

(3) Each ground based prehospital advanced life support provider shall [must] staff each unit with a certified paramedic.

(4) The advanced life support provider shall [will] minimally provide one (1) appropriately staffed advanced life support unit on a twenty-four (24) hour a day basis. This staffing requirement may be met through the use of a call-back system. Personnel utilized on a call-back system shall [must] be available within ten (10) minutes. Advance life support providers may be granted a waiver of the twenty-four (24) hour staffing requirement subject to review and approval by the paramedic regulatory authority.

(5) Nothing in this regulation shall be construed to allow a paramedic trainee or paramedic graduate to solely staff the patient compartment of an ambulance during transport of a patient on which advanced life support procedures have been or are being performed. In addition, a physician, registered nurse, or certified paramedic shall [must] be physically present in the patient compartment supervising the paramedic trainee or paramedic graduate.

Section 6. Motor Vehicles and Aircraft Used by Advanced Life Support Units. All motor vehicles used by a provider for advanced life support for patient transportation shall meet the minimum requirements of 902 KAR 20:115. All aircraft used by a provider for advanced life support for patient transportation shall meet the minimum requirements of 902 KAR 20:155 [Federal GSA Standards, KKK-A-1822].

Section 7. Advanced Life Support Equipment and Supplies. The provider shall provide and maintain in fully operable condition on each advanced life support unit as a minimum all equipment required for ground [conforming] ambulances pursuant to 902 KAR 20:115, aircraft pursuant to 902 KAR 20:155 and, in addition, the following equipment and supplies:

(1) An endotracheal intubation set consisting of:

(a) Laryngoscope handle;

(b) Laryngoscope blades, curved and straight in adult and pediatric sizes;

(c) Extra batteries and light bulb for laryngoscope;

(d) Endotracheal tubes, for orotracheal and nasotracheal intubation, with appropriate si for adult and pediatric use;

(e) Magill's [McGill's] forceps; with appropriate sizes for adult and pediatric use;

[(f) Hemostats;]

[(g) Syringes (5cc);]

(f) [(h)] One-half (1/2) inch wide twill tape

or equivalent for securing endotracheal tubes;
(g) [(i)] Water soluble lubricant suitable for lubrication of endotracheal and nasopharyngeal tubes;
(h) [(j)] Bite block;
(i) [(k)] Nasopharyngeal airways in sizes suitable for adult [and pediatric] usage;
(2) A portable monitor-defibrillator which:
(a) Is capable of displaying a visual display of cardiac electrical activity;
(b) Is capable of providing a hard copy of cardiac electrical activity measure;
(c) Is capable of delivering [up to 320 watt/seconds] direct current energy over a variable range suitable for pediatric and adult usage;
(d) Has a pair of external paddle electrodes capable of utilization for immediate monitoring of heart activity and delivery of countershock in both the adult and pediatric patient;
(e) Is capable of being operated from internal rechargeable batteries[, with appropriate accessory for recharging battery];
(f) [Preferably, but not necessarily,] Has synchronized countershock capability for cardioversion. (all equipment purchased after the effective date of this regulation shall [must] meet this requirement;
(g) Has a patient monitoring cable; and
(h) Has accessories: electrode paste, gel, or equivalent; electrode pads, or equivalent for use with patient cable; one (1) additional roll of paper for hard-copy printout.
(3) Needles, sterile, disposable: minimum of three (3) sizes must be maintained, eighteen (18) to twenty-five (25) gauge as required by local written protocol [20 gauge, 1 inch and 1' inch; 22 gauge, 1' inch; 23 gauge, 1 inch; 25 gauge, 1 inch];
(4) Syringes, disposable: minimum of three (3) sizes shall [must] be maintained 1cc to 30cc as required by local written protocol [1 cc tuberculin, 3 cc, 5 cc, 10cc, 20cc, 50cc];
(5) Appropriate containers for collection of blood samples as required by local written protocol;
(6) Tourniquet appropriate for use with venipuncture procedure;
(7) Dextrostix(R) or equivalent for measurement of blood sugar;
(8) Disposable, individually packaged antiseptic wipes;
[(9) Pole suitable for attachment to ambulance cot for hanging intravenous fluids;]
(9) [(10)] Intravenous fluids: five (5) percent dextrose in water; [500cc containers;] lactated ringers, or therapeutic equivalent, 1,000 cc containers; normal saline for infusion[, 1,000cc containers];
(10) [(11)] Intravenous fluid administration sets and extension sets: macrodrip and microdrip [regular 15gtt/cc; microdrip 60gtt/cc];
(11) [(12)] Intravenous catheter over needle devices: twelve (12) to twenty-four (24) gauge as required by local written protocol [15 gauge, 16 gauge, 18 gauge, 20 gauge];
(12) [(13)] Butterfly needles: 19 gauge, 23 gauge;
(13) [(14)] Nasogastric tubes: ten (10) to eighteen (18) French as required by local written protocol, 50cc bulb syringe or 60cc catheter tipped syringe or equivalent [10 French, 14 French, 18 French];
(14) [(15)] Water soluble lubricant;
(15) [(16)] Portable suction apparatus;
(16) [(17)] Sterile suction catheters: ten (10) to eighteen (18) French as required by local written protocol [10 French, 14 French, 18 French];
[(18) Rotating tourniquet apparatus: three (3) elastic bands of two (2) inch or greater;]
(17) [(19)] Stethoscope, and flashlight, and aneroid manometer, or sphygmomanometer, in appropriate adult and pediatric sizes [and flashlight];
(18) Infant or neonate suction apparatus;
(19) Contamination/isolation equipment consisting of minimally:
(a) Assorted sizes gloves;
(b) Surgical mask or equivalent;
(c) Eye protection;
(d) Gown; and
(e) Plastic bags for contaminated equipment or materials.
(20) Appropriate puncture-resistant container for disposal of sharp objects.

Section 8. Additional Equipment on Advanced Life Support Units. The provider shall provide and maintain on each advanced life support unit such additional equipment as the board may deem essential.

Section 9. Availability of Equipment. All equipment and supplies specified in this regulation shall be immediately available at all times to the certified paramedic, [graduate] paramedic graduate, or paramedic trainee when he is engaged in patient care. Where the vehicle used for advanced life support is not the vehicle that will provide the patient transportation and where a complete set of equipment is not available in the patient transportation vehicle, the advanced life support units shall accompany the patient transportation unit at all times when the patient being cared for by a certified paramedic, [graduate] paramedic graduate, or paramedic trainee is being transported in the patient transportation vehicle.

Section 10. Neonatal Isolettes. The provider shall have at least one (1) neonatal transportation isolette available for use on the [his] patient transportation vehicles. This may be fulfilled by contractual arrangements with local hospitals.

Section 11. Limitation of Paramedic Services; Emergency Situations. In the event advanced life support equipment and supplies are not available, a certified paramedic, [graduate] paramedic graduate, or paramedic trainee shall perform only those services which a certified emergency medical technician shall perform. Provided, however, that this restriction shall not apply in emergency situations where a physician orders the use of advanced life support equipment and techniques after the certified paramedic, [graduate] paramedic graduate, or paramedic trainee has apprised the physician as to which procedures he is unable to perform due to equipment unavailability or breakdown of equipment.

[Section 12. Annual Evaluation. The provider and the provider's medical advisor shall provide an annual written evaluation on each certified paramedic, graduate paramedic or paramedic trainee to the committee.]

Section 12. [13.] Utilization of Paramedic Personnel by Training Institutions. Any training institution conducting a paramedic training course authorized and approved by the board may utilize a certified paramedic; [graduate paramedic, or paramedic trainee] provided that:
(1) Utilization of the certified paramedic, [graduate paramedic, or paramedic trainee] is approved by the physician coordinator [medical advisor] and the board; and
(2) The certified paramedic's, [graduate] paramedic, or paramedic trainee's] primary responsibilities and duties are in the training of paramedic personnel.

ROYCE E. DAWSON, M.D., President
APPROVED BY AGENCY: December 14, 1989
FILED WITH LRC: December 14, 1989 at 4 p.m.

GENERAL GOVERNMENT CABINET
Board of Chiropractic Examiners
(As Amended)

201 KAR 21:045. Specialties.

RELATES TO: KRS 312.019, 312.021
STATUTORY AUTHORITY: KRS 312.012, 312.021
NECESSITY AND FUNCTION: KRS 312.021 provides that the board shall identify by administrative regulation those specialties of chiropractic for which certification may be granted and shall establish by administrative regulation the procedure for obtaining and maintaining [such] certification and the fees therefor. The purpose of this regulation is to carry out that legislative direction.

Section 1. A licensee who is in active practice and in good standing with the board who applies to the board and pays the fee provided for in Section 4 of this regulation shall be certified as a specialist in chiropractic orthopedics, if he holds certified or diplomate status with the American Board of Chiropractic Orthopedists or meets equivalent standards.

Section 2. A licensee who is in active practice and in good standing with the board who applies to the board and pays the fee provided for in Section 4 of this regulation shall be certified as a specialist in roentgenology, if he holds diplomate status with the American Chiropractic Board of Roentgenology or meets equivalent standards.

Section 3. The applicant for certified status under either Section 1 or Section 2 of this regulation shall submit with his application proof of current status with the American Board of Chiropractic Orthopedists or the American Chiropractic Board of Roentgenology or proof of meeting equivalent standards. Certification by the board shall be for a stated period of time not exceeding one (1) year.

Section 4. The board may charge reasonable fee[s] for certification of specialties. The fees currently charged by the board are $100 for certification of each specialty and thirty (30) dollars for annual renewal. [if the [, provided that such] fees are preestablished by the board at a duly convened meeting thereof and are uniformly applied.]

HAROLD BYERS, D.C., President
APPROVED BY AGENCY: January 12, 1990
FILED WITH LRC: January 15, 1990 at noon

JUSTICE CABINET
Department of State Police
(As Amended)

502 KAR 45:020. Qualifications.

RELATES TO: KRS 16.040, 16.050
STATUTORY AUTHORITY: KRS 16.050, 16.080
NECESSITY AND FUNCTION: KRS 16.040 and 16.050 provide that the Commissioner of the Department of State Police and the State Police Personnel Board may establish minimum physical requirements and conduct such tests and examinations as necessary to assure the fitness of applicants for employment as officers. This regulation establishes certain qualifications required of applicants.

Section 1. Each applicant shall possess a valid Kentucky motor vehicle operator's license against which no more than five (5) penalty points have been assessed by the Division of Driver's Licensing.

Section 2. Each applicant with prior military service in the armed forces of the United States shall have been honorably discharged. Initial general discharges under honorable conditions shall not be acceptable.

Section 3. The commissioner shall review any prior experience in police administration or law enforcement of any applicant desiring to substitute such experience for the educational requirements and determine if the prior experience shall [will] be deemed sufficient to waive the requirement.

Section 4. Each applicant shall meet the following physical requirements:
(1) Each applicant shall have [be at least five (5) feet six (6) inches in height, with] weight proportional to height according to tables promulgated by the commissioner.
(2) Each applicant shall have at least 20/50 vision in each eye without corrective lens, correctable to 20/20 in each eye with corrective lens, with no color blindness and a normal field of vision.
(3) Each applicant shall [must] be in good health with no speech defect or marked deformity, which would impede or impair the performance in the job for which applicant has applied.

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: January 12, 1990
FILED WITH LRC: January 15, 1990 at 10 a.m.

JUSTICE CABINET
Department of State Police
(As Amended)

502 KAR 45:040. Application.

RELATES TO: KRS 16.050
STATUTORY AUTHORITY: KRS 16.050, 16.080
NECESSITY AND FUNCTION: KRS 16.040 and 16.050 provide that the Commissioner of the Kentucky

State Police and the State Police Personnel Board may adopt such regulations as necessary to assure appointment of qualified officers to the department. This regulation outlines the application contents.

Section 1. Applications shall be made on forms prescribed by the commissioner and provided by the department. All applications shall be filed on or prior to the closing date specified in the notice. Applications shall be completed in the applicant's own handwriting. The truth of the information given in the application shall be certified by the applicant's oath and signature and the application shall be signed and sworn to before a person authorized to administer oaths by the laws of Kentucky.

Section 2. The following documents shall be submitted with the application:
(1) A certified copy of the applicant's certificate of birth;
(2) An official transcript of high school and college classes showing grades received, credits or units earned and degrees conferred;
(3) A copy of Separation from Service, Form DD 214, if applicable; and
(4) Such other documents as required by the commissioner.

Section 3. (1) Upon submission of the application and documents set forth in Section 2 of this regulation, applicant **shall** [will] submit to an initial interview.
(2) Each applicant interviewed will be scored in each of five (5) categories. The categories are: physical impressions; mental alertness; motivation; maturity and work history; and communicative ability. In each category, the applicant will be scored on a range from zero to five (5). For purpose of overall scoring, a weight of ten (10) percent will be assigned.

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: January 12, 1990
FILED WITH LRC: January 15, 1990 at 10 a.m.

JUSTICE CABINET
Department of State Police
(As Amended)

502 KAR 45:050. Physical examination.

RELATES TO: KRS 16.040
STATUTORY AUTHORITY: KRS 16.080
NECESSITY AND FUNCTION: KRS 16.040 provides that the Commissioner of the Department of State Police may establish minimum physical requirements and conduct such tests and examinations as necessary to assure the fitness of applicants for employment as officers. This regulation outlines the physical requirements and the physical examination requirement.

Section 1. (1) Each applicant shall be required to submit to a physical examination by a qualified, licensed physician retained by the department for that purpose as a part of the selection process.
(2) The department may, if deemed necessary by the commissioner, allow the applicant to be examined by a physician of the applicant's choice at his own expense. If a physician other than one retained by the department performs the examination, he shall be required to fill out and sign the department's physical examination forms.

Section 2. The following guidelines **shall** [are] to be used to determine if the applicant is in good health:
(1) Nose, throat, and speech. Chronic catarrh, sinus trouble, deviated septum, or chronically infected or enlarged tonsils shall be deemed cause for rejection. Deformities of the mouth or lips and speech impediments, including stammering and stuttering, shall be deemed cause for rejection.
(2) Teeth. All teeth shall be in good repair. Dentures or artificial replacements are acceptable.
(3) Ears. Hearing shall be normal in both ears; an average loss of thirty (30) decibels or more in either ear at the 500, 1000, 2000 or 3000 Hertz level as shown by audiometer test shall be deemed cause for rejection.
(4) Thyroid. Goiter or improperly functioning thyroid shall be deemed cause for rejection.
(5) Chest. Respiration shall be full, easy and regular; respiration shall be clear and distinct over both lungs.
(6) Heart. The action of the heart shall be uniform, free and steady, with regular rhythm; the heart shall be free from organic diseases. Blood pressure shall be within the limits of 135/80 and 110/74.
(7) Genitalia. Hydrocele or large varicorele, deformity of testicles, tumor formation, epidymites and venereal disease shall be deemed cause for rejection.
(8) Rectum. Hemorrhoids, fissure, fistula and pilonial cyst shall be deemed cause for rejection.
(9) Trunk and extremities. Poor posture, curvature of the spine, deformed chest, bow legs, knock knees, weak ankles, flat feet, deformed toes, shortening of long bones, enlarged or poorly functioning joints, amputated fingers or toes, varicose veins, paralysis or defective gait shall be deemed cause for rejection.
(10) Organic diseases. Family history of any hereditary disease, history of dizziness, epilepsy, confinement for mental illness in any institution, stomach ulcer, kidney disease, albuminuria or glycosuria, anemia, or skin disease shall be deemed cause for rejection.

Section 3. Each applicant shall submit to and pass a physical ability test based upon standards set by the commissioner. This test shall cover four (4) areas based upon sex: height to weight ratio; bench press in relation to body weight; flexibility; and sit-ups.

W MICHAEL TROOP, Secretary
APPROVED BY AGENCY: January 12, 1990
FILED WITH LRC: January 15, 1990 at 10 a.m.

JUSTICE CABINET
Department of State Police
(As Amended)

502 KAR 45:060. Written examination.

RELATES TO: KRS 16.050
STATUTORY AUTHORITY: KRS 16.050
NECESSITY AND FUNCTION: KRS 16.050 requires

the State Police Personnel Board to establish open competitive examination of applicants for employment as officers. This regulation describes the written examination.

Section 1. Examinations shall be in written form and practical in nature. They shall be designed and constructed to reveal the capacity of the applicant for employment as a sworn officer of the department.

Section 2. Examinations shall be administered at such times and places as designated by the commissioner. The commissioner may direct that examinations be conducted regionally if he finds regional examinations to be convenient and practicable.

Section 3. Applicants may take the examination only one (1) time per twelve (12) months [for each eligibility register established].

Section 4. Applicants who submit an incomplete or inaccurate application shall not be allowed to take the examination.

Section 5. Applicants who fail to meet the educational, citizenship and residency, operator's license, age, honorable discharge, or height and weight qualifications [or who fail the physical examination] shall not be allowed to take the written examination.

Section 6. Examinations shall be rated impartially and each examinee shall be notified as to whether he passed or failed to pass the examination. Examinees shall be advised of the score they attained on the examination upon individual request. A score of fifty (50) percent shall be the minimum passing score on the examination. For purpose of overall scoring, a weight of forty (40) percent shall [will] be assigned to the passing score. [All passing scores shall be accorded equal weight.]

Section 7. All applicants shall be accorded uniform and equal treatment in all phases of the examination procedure.

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: January 12, 1990
FILED WITH LRC: January 15, 1990 at 10 a.m.

JUSTICE CABINET
Department of State Police
(As Amended)

502 KAR 45:080. Oral interview.

RELATES TO: KRS 16.050
STATUTORY AUTHORITY: KRS 16.050
NECESSITY AND FUNCTION: KRS 16.050 requires the State Police Personnel Board to establish open competitive examination of applicants for employment as officers. This regulation describes the oral interview component of the examination.

Section 1. (1) Each applicant having the statutory qualifications and who passes the written, physical ability and vision examinations shall be interviewed by an oral interview panel appointed by the commissioner.
(2) Each oral interview panel shall consist of three (3) members. Two (2) members shall be either active or retired officers of the department and the third member shall be a civilian. All members shall be familiar with the equal employment opportunity provision of Chapter 344 of the Kentucky Revised Statutes.
(3) The commissioner shall appoint one (1) or more panels as needed. [Whenever practicable, all applicants who qualify for the oral interview shall be interviewed by the same panel.]
(4) A member of the panel shall disclose each instance in which he knows an applicant personally and that applicant shall be interviewed by another panel or the member who knows the applicant shall be replaced by an alternate for that particular interview, whichever is more practical under the circumstances.

Section 2. (1) Each interview shall be structured in such a manner that all applicants are asked the same questions and rated in the same manner.
(2) Each applicant interviewed will be scored in each of six (6) [five (5)] categories by each panel member. The categories are:
(a) Maturity, emotional stability and ego strength;
(b) Conscientiousness and persistence;
(c) Social boldness and venturesomeness;
(d) Self-assuredness;
(e) Self-sufficiency; and
(f) Self-discipline.
[general appearance; motivation; aptitude; self-appraisal; and, communication skills.] For each category, the applicant will be scored on a range from zero to five (5). For purpose of overall scoring, a weight of fifty (50) percent will be assigned. [each panel member shall score the applicant either minus one (-1), indicating a negative reaction by the panel member; plus one (+1), indicating a positive reaction, or zero, indicating a neutral reaction. All the scores for each category by each panel member are added together, giving an overall score that could range from minus fifteen (-15) to plus fifteen (+15). This score is used to determine the order in which applicants are considered by the board. The board may determine a minimum score below which an application shall not be approved. This determination shall be based upon the needs of the department, the positions available, and the number of applicants for such positions.]
(3) The score sheets submitted by the members of the oral interview panel shall be retained in the applicant's file and shall be confidential. Applicants shall be notified of their [overall] score on the oral interview upon request and presentation of proper identification. Applicants shall not be allowed to see the score sheets submitted by the individual members of the oral interview panel.

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: January 12, 1990
FILED WITH LRC: January 15, 1990 at 10 a.m.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(As Amended)

803 KAR 2:309. Adoption of 29 CFR Part 1910.141-.149.

RELATES TO: KRS Chapter 338, 29 CFR 1910
STATUTORY AUTHORITY: KRS Chapter 13A
NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1910.141-.149 of the Code of Federal Regulations revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference, as amended January 15, 1990, with the following additions, exceptions, and deletions:

(1) 29 CFR 1910.141(c)(2)(i) shall read as follows: "Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy."

(2) Amendment to 29 CFR 1910.145(f), "Accident Prevention Tags," as published in Federal Register, Volume 51, Number 182, September 19, 1986, is incorporated by reference.

(3) Revision to 29 CFR 1910.147, as published in the Federal Register, Volume 54, Number 169, September 1, 1989, is incorporated by reference with the following additions, exceptions, and deletions:

(a) 29 CFR 1910.147(c)(2)(ii) is amended to read: "If an energy isolating device is capable of being locked out, the employer's energy control program under paragraph (c)(1) of this section shall utilize lockout."

(b) 29 CFR 1910.147(c)(3) is amended to read: "Full employee protection. (i) When a tagout device is used on an energy isolating device which is incapable of being locked out, the tagout device shall be attached at the same location that the lockout device would have been attached, and the employer shall demonstrate that the tagout program will [not] provide a level of safety equivalent to that obtained by using a lockout program."

(c) "Where tagout devices are used with energy isolating devices designed with the incapability of being locked, the tag attachment will be fastened at the same point at which the lock would have been attached." [29 CFR 1910.147(d)(4)(iii)(A) is removed.]

Section 2. Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.

(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.

CAROL M. PALMORE, Chairman
APPROVED BY AGENCY: January 12, 1990
FILED WITH LRC: January 15, 1990 at 11 a.m.

PUBLIC PROTECTION & REGULATION CABINET
Harness Racing Commission
(As Amended)

811 KAR 1:105. Review and appeal.

RELATES TO: KRS 230.630(1), (3), 230.640, 230.720, 230.730
STATUTORY AUTHORITY: KRS 230.630(3), (4), (7)
NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate reviews and appeals of the commission and the Franklin Circuit Court.

Section 1. (1) [If] Any person, licensee or association [be] aggrieved **by** [of] any order or revocation, suspension, exclusion, ruling of, fine or other decision **or** [on] ruling of the judges, **may file** [such person, licensee by filing] a written appeal with the commission not later than five (5) days after **the** [such] ruling or decision [is made]. If a ruling is in regard to a violation that occurred during the race, the written appeal **shall** [must] be filed before the winnings are paid over. Appeals resulting from rulings at Fairs shall be filed within five (5) days of a ruling.

(2) An appeal shall be addressed to the commission at its principal office and shall:

(a) Set forth the decision or ruling of the judges complained of **and** the date when same was rendered; and

(b) Request a specification of charges and review by the commission of the charges upon which the action of the judges is based.

Section 2. (1) If the chairman of the commission or deputy commissioner (supervisor of racing) has information that any licensee or other person has secured his license based on false or fraudulent statements or has violated any rules of the commission or the provisions of the Kentucky Revised Statutes, he shall have the authority to revoke or suspend the license of such licensee or other person; provided, however, that such licensee or other person may have a review of such action by filing a written appeal with the commission not later than ten (10) days after such action is taken.

(2) The appeal shall be addressed to the commission at its principal office and shall:

(a) Set forth the decision, ruling or action of the chairman or deputy commissioner (supervisor of racing) complained of and the date when same was rendered; and

(b) Request a specification of charges and review by the commission of the charges upon which the action of the chairman or deputy commissioner (supervisor of racing) was based.

Section 3. If the commission is of the opinion that any association, licensee or other person has violated any rules of the commission or the provisions of the Kentucky Revised Statutes, it

shall have the authority to issue a citation against such association, licensee or other person directing him to appear and show cause why his license should not be suspended or revoked or he not be ruled off or fined in an amount commensurate with the offense. Such citation shall contain the following:

(1) The rule or rules, or statute, alleged to have been violated and the time and place where such violation occurred;

(2) The acts committed by the offending party upon which said violations are based; and

(3) A full statement of charges preferred against the offending party.

Section 4. Notice of any commission hearing held under Sections 1, 2, and 3 of this regulation or in any other instance, shall be served upon the offending or aggrieved party by registered mail directed to the last known address of such party. Such notice shall be in writing, shall fix the time and place of hearing and shall be issued and mailed not less than five (5) nor more than thirty (30) days before the date of such hearing. The notice shall also include language to the effect that the offending or aggrieved party's failure to appear or be represented by counsel at the hearing without good cause may result in the hearing being conducted in absentia and acceptance of the judges' statement of facts as true, or may be taken as an admission of the specific charges and entry of a decision by default.

Section 5. If notice is issued under Section 1 of this regulation, the same shall also contain a specification of the charges upon which the ruling or decision of the judges was based; or if issued under Section 2 or 3 of this regulation, such notice shall set forth the information required thereunder.

Section 6. In all hearings before the commission, the chairman of the commission shall preside and shall determine the competence and order of the introductions of evidence. A hearing officer may be appointed by the chairman who shall cause a transcript of the testimony and his recommendations, to be filed with the commission for action by the commission. The aggrieved party shall have the right to appear in person and by counsel. At the conclusion of the hearing the commission shall take the case under advisement and shall, as promptly as may be reasonably possible, make known its decision, and should the order or decision of the judges, chairman of the commission or deputy commissioner (supervisor of racing) be sustained, the secretary of the commission (executive racing secretary) shall at once notify the aggrieved party of the commission's decision. In the event the commission finds that the aggrieved party was not guilty or any infraction or violation, the action of the judges shall be set aside and revoked, and the aggrieved party so notified.

Section 7. Should the offending or aggrieved party fail to appear or be represented by counsel at the hearing, after notice duly given and without good cause shown, the hearing may proceed in the absence of the offending or aggrieved party, and the chairman or hearing officer may take the statement of facts given by the judges as true, or may deem the failure to appear or be represented by counsel an admission of the specified charges and enter a decision against the offending or aggrieved party by default.

Section 8. [7.] Stay of Enforcement. In the event a penalty is imposed by the officials, the chairman of the commission, the commission or the deputy commissioner (supervisor of racing) or his assistants may grant a stay of the enforcement of such penalty until an appeal, if filed, is decided. In certain circumstances described in this section, the commission may grant a stay pending appeal to any person licensed by it who is affected by any decision of, or penalty imposed by an official or officials at a race meeting.

(1) Such a stay will be available in cases involving the loss of purse money of $500 or more, or a fine of $100 or more, or suspension of driving, or expulsion from the paddock or race track grounds of more than five (5) days, unless:

(a) In any case where licensee is alleged to have committed a flagrant violation of the prescribed rules of racing which presents a clear and present danger to the immediate integrity of racing; or

(b) Wherein it is impossible for the commission to secure necessary scientific evidence or indispensable witnesses within forty-eight (48) hours, then the commission or its hearing officer may refuse a request for the stay of any penalty imposed, as long as a hearing is held no later than thirty (30) days from the initial judges' determination of a violation.

(2) The stay will begin when the person appealing files a "notice of appeal" and requests a stay on a form provided by the commission and security of not less than $100, or as follows:

(a) A filing shall be made at the commission's office, Lexington, Kentucky, or with its representative at the operating track within forty-eight (48) hours after the decision or penalty from which the appeal is taken.

(b) The "notice of appeal" and "request for stay" shall be sworn to and shall state the grounds for appeal.

(c) The security is $100 unless the commission sets a higher security within forty-eight (48) hours of the filing. If a higher security is set, the stay will automatically terminate unless the excess over the $100 is posted within twenty-four (24) hours of the notice of the higher security and has been received by the person appealing.

(d) Failure to sustain the appeal may cause forfeiture of the security and if the costs of said appeal exceed the amount of the security, the additional costs shall be paid upon order of the commission.

(3) The commission reserves the right to hold as forfeit all or any part of the posted security if, in its considered opinion, the appeal was frivolous or without foundation.

Section 9. [8.] Witnesses for hearings may be subpoenaed by the chairman, vice chairman, deputy commissioner (supervisor of racing) or hearing officer.

Section 10. [9.] All actions of the commission may be appealed to the Franklin Circuit Court by

an aggrieved party within thirty (30) days pursuant to the Rules of Civil Procedure. No injunction or restraining order shall issue pending said appeal.

WAYNE SHUMATE, Chairman
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: December 1, 1989
FILED WITH LRC: January 9, 1990 at 11 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Commission on Fire Protection
Personnel Standards and Education
(As Amended)

815 KAR 45:035. Education incentive.

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

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

(1) "Allowable sickness, injury or other medical causes" for the purpose of this regulation shall mean reasons for which time off the job is granted by the local government for sickness, injury, or other medical causes.

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

(2) [(3)] "Certified training" means firefighter training given by a certified instructor and approved and recorded by the commission.

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

(3) [(5)] "Department" means the Department of Housing, Buildings and Construction.

(4) [(6)] "Fiscal year" means the period July 1 through June 30 of each twelve (12) month period.

(5) [(7)] "Full-time firefighters" means individuals who work a minimum of 2,080 hours per year as a member of a fire department or fire protection district. This definition is intended to cover jobs involving the suppression, investigation, inspection and prevention of emergency situations, but does not include public safety officers or any peace officer who has responsibility for the prevention and detection of crime other than arson.

[(8) "Fund" means Professional Firefighters Foundation Program Fund.]

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

(7) [(10)] "Leave of absence" for the purpose of this regulation shall mean a leave granted by the local government by which the firefighter is employed.

[(11) "Local government" means any city or county, or any combination thereof, or urban county government of the Commonwealth, including airport boards thereof.]

[(12) "Member," for purposes of determining initial eligibility under the fund, shall mean an individual who has completed a 200-hour basic training course if hired prior to July 15, 1982 or a 400-hour basic training course if hired on or after July 15, 1982 in fire suppression, extinguishment and self-protection as approved by the commission and whose job position is such that the individual may be subject to responding to an emergency situation at the direction of the fire chief. This definition is intended to cover jobs involving the suppression, investigation, inspection and prevention of emergency situations. Janitorial, maintenance, and clerical personnel are specifically exempted from this definition.]

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

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

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

Section 2. Eligibility. Each local government which meets the following requirements shall be eligible to participate and share in the distribution of funds when it has made application on forms prescribed by the commission and the commission has determined that the local government has met the eligibility criteria as stated in KRS 95A.230. [Those criteria are:]

[(1) Employs one (1) or more full-time firefighters.]

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

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

[(4) Requires all firefighters employed on or after July 15, 1982 to successfully complete within one (1) year of the date of employment a basic training course of a minimum of 400 hours as mandated by the commission as to subject matter and number of hours for each subject at a school or by a method certified or recognized by the commission.]

[(5) Local units which have not previously participated in the fund shall require all firefighters who have been employed for at least one (1) year by the local unit on the date of initial participation to have completed a basic training course certified or recognized by the commission of at least 400 hours duration. All firefighters employed less than one (1) year prior to or hired after the date of initial participation shall complete the basic training within one (1) year of the date of employment as required for participating local units.]

[(6) Requires all firefighters to successfully complete in each calendar year an in-service training program appropriate to the

firefighter's rank and responsibilities of at least 100 hours duration at a school or through a method certified or recognized by the commission.]

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

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

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

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

(5) [(11)] Any firefighter who possesses sufficient training to meet the basic training requirements established by the commission and who terminates or is granted a leave of absence from firefighter service for a period exceeding one (1) year (365 days) forfeits such eligibility and must meet the minimum training requirements **(as set forth in subsection (6) of this section)** to reparticipate in the fund. If his separation or leave of absence does not exceed one (1) year, he shall be considered eligible for participation in the fund.

(6) [(12)] Should an individual firefighter be off duty due to allowable sickness, injury, or other medical cause in his[/her] first year of employment, he[/she] shall have an additional amount of time equal to the required time off to acquire the balance of his initial 400 hours of required training. [or] After the first year **and individual shall also have the additional amount of time equal to the required time off to acquire his** [of his/her] 100 hours of required training to maintain his[/her] eligibility.

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

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

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

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

Section 3. Participation Requirements. [(1) Beginning July 1, 1982, an eligible local government shall be entitled to receive annually an incentive of $2,500 for each qualified professional firefighter it employs.]

[(2) Each qualified professional firefighter, whose local government receives an incentive pursuant to subsection (1) of this section, shall be paid by that local government the incentive which his qualifications brought to the local government. The incentive paid each qualified firefighter shall be in addition to his regular salary.]

(1) [(3)] Participation in the Professional Firefighter's Incentive Pay Program during the first fiscal year of the program's existence (January 1 - June 30, 1981) shall require that application be made to the commission within the dates of August 1, 1980 through October 20, 1980. Thereafter, application must be made annually by local governments for new or continued participation. Applications shall be accepted from February 1 through April 30 of each year. Local governments failing to make application within the specified dates shall not be considered for participation until the next application filing period.

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

[Section 4. Local Use of Funds. Funds made available to local governments shall be received, held and expended in accordance with the provisions of this act, any rules and regulations issued by the commission, and the following specific restrictions:]

[(1) Funds provided shall be used only as a direct monetary incentive to firefighters' compensation.]

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

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

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

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

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

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

[(2) Funds appropriated by the General Assembly and unexpended by the commission at the close of the fiscal year for which the funds were appropriated and otherwise made available to this fund pursuant to KRS 136.340 to 136.400, KRS Chapter 42 and KRS 95A.220 shall not lapse but shall be carried forward into the following fiscal year.]

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

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

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

Section 4. [8.] Local Unit Distribution of Funds. (1) The local unit shall include the incentive compensation paid to each firefighter from the fund as a part of the firefighter's salary in determining all payroll deductions.

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

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

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

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

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

Section 5. [10.] Local Audits. (1) The local unit may be audited by the department pursuant to established procedures.

(2) For audit purposes, the local unit shall maintain accurate financial records. Such records shall include, but are not limited to, books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks and any related document and record.

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

[Section 11. False or Fraudulent Statements. (1) Any person charged with the responsibility of making an application for the local unit, including but not limited to the fire chief and fiscal officer, who knowingly or willfully makes any false or fraudulent statement or representation in any record or report to the commission under KRS Chapter 95A or this regulation [shall cause the unit of government which he represents to become ineligible for further funds and that unit of government] may be responsible for the return to the State Treasury of those funds which were received through these false or fraudulent statements or representations. Eligibility can be reestablished by submitting a new application as outlined in Section 2 of this regulation after settlement has been completed to the satisfaction of the commission.]

[(2) Any person who knowingly or willfully makes a false or fraudulent statement or representation in any record or report to the commission under this act shall be fined not less than $100 nor more than $500 or imprisoned for not less than thirty (30) days nor more than one (1) year or both.]

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

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

CHARLES A. COTTON, Commissioner
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: December 14, 1989
FILED WITH LRC: December 14, 1989 at 4 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Commission on Fire Protection
Personnel Standards and Eduation
(As Amended)

815 KAR 45:040. Survivor benefits, death of volunteer firefighter.

RELATES TO: KRS Chapter 61
STATUTORY AUTHORITY: KRS 61.315, 61.316
NECESSITY AND FUNCTION: KRS 61.315 and 61.316 authorize the payment of a survivor's benefit of $25,000 to the survivors of a volunteer firefighter who is killed in the line of duty. This regulation establishes the procedures and criteria which shall be utilized to determine the eligibility of survivors of a firefighter killed in the line of duty, to be paid the survivor's benefit.

Section 1. Definitions. As employed in this regulation for determination of eligibility for payment of survivor benefits, the following words and phrases shall have the following meaning:

(1) Volunteer firefighter. Volunteer firefighter for the purpose of this regulation shall mean any active member of a volunteer fire department recognized under KRS 17.250 [or a

bystander present at the scene of an emergency who is recruited for assistance by the individual in charge].

(2) Line [Performance] of duty. A volunteer firefighter shall be deemed to be acting in the line of duty [performance of his duties] for the purpose of this regulation when engaged in activities of firefighting, fire drills or other related training; rescue or emergency activities; provided such activities are performed at the direction or with the knowledge of an officer of the fire department or when immediate action is required at the scene of an emergency not involving his department or other emergency organization.

(a) These activities shall include repairing or doing other work about or in the fire or emergency apparatus or building and grounds of the fire department upon the authorization of the chief of the fire department or other authorized person in charge or while answering any emergency calls for any purpose or while riding in or upon the fire or emergency apparatus which is owned or used by the fire department or while performing other duties of such fire department as authorized by the jurisdiction which the department serves.

(b) These activities shall include going to or directly returning from such activities to the firefighter's home, place of business or other place where he shall have been when he received the call or alarm.

(c) These activities shall include organized meetings related to the fire service and travel to and from such meetings whether local, state, or national, as long as he is representing his local, state or national fire related organization.

(3) Active member. For the purpose of this regulation, an active firefighter is one that is listed on the department roster and participates in the department's training programs and other various activities.

(4) Heart or circulatory malfunction. For the purpose of this regulation, heart or circulatory malfunction shall mean myocardial infarction, angina pectoris, coronary thrombosis, cardiac arrest or a cerebral vascular accident which the symptoms of such malfunction are first medically treated within forty-eight (48) hours after participation in the performance of the duties of a voluntary firefighter as described in this regulation.

(5) Death in line [performance] of duty. For the purpose of this regulation, death shall mean death which occurs as a direct result of an act or acts in the line [performance] of duty as described in this regulation and shall include death which results from a heart or circulatory malfunction which is treated within forty-eight (48) hours after participation in the line of duty [performance of said duties] or the results of illness, sickness or injury caused by the line of duty [performance of said duties] which result in death within twelve (12) months of such stated activities as described in subsection (2) of this section provided death is not caused by suicide or self-inflicted injury.

(a) If death occurs after twelve (12) months and is believed to be related to the above state causes, the commission has the right of review with the possibility of determination of death in line [performance] of duty.

(b) These activities shall not include participation in any sports or athletic event or contest, whether for the purpose of fund raising or any other purpose.

(6) Beneficiaries. Benefits shall be paid to the surviving spouse; if no surviving spouse, then payment shall be made to the surviving children; if no surviving spouse or children, the benefit shall be paid to any dependent parents of the deceased. Benefits paid under these statutes do not accrue to the decedent's estate. If decedent is not survived by an eligible survivor, no benefits shall be paid under either KRS 61.315 or 61.316.

(7) Heart or circulatory malfunction limitations. After July 15, 1984, should an individual become an active member of a fire department and has not within five (5) years prior to the date of membership been medically diagnosed as having had or has received any medication for myocardial infarction, angina pectoris, coronary thrombosis, cardiac arrest or a cerebral vascular accident, his eligible survivors shall receive the benefits should he[/she] be killed in the line of duty.

(a) Should he[/she] have been medically diagnosed as having had or receiving any medication for the above illnesses within five (5) years prior to becoming an active member of a fire department and presents a medical statement to the commission from his[/her] doctor, that the individual has recovered or has been medically rehabilitated sufficiently to meet the physical demands of firefighting, his[/her] eligible survivors shall be eligible to receive the benefits granted through KRS 61.315 or 61.316 should said firefighter be killed in the line of duty.

(b) After July 15, 1984, should an active member of a fire department be medically diagnosed as having had or is prescribed medication for myocardial infarction, angina pectoris, coronary thrombosis, cardiac arrest or a cerebral vascular accident and returns to active fire service, his[/her] survivors shall not be eligible to receive benefits from this program in the event of the firefighter's death until a medical statement from his[/her] doctor that the individual has recovered or has been medically rehabilitated sufficiently to meet the physical demands of firefighting is supplied the commission. Upon review and approval of said statement by the commission, the firefighter's survivors shall again become eligible to receive benefits from this program.

(8) Autopsy. The commission reserves the right to request an autopsy providing sufficient cause can be shown for such a request. Should an autopsy be performed for any reason, a copy of the report signed by the individual who performs the autopsy and a notary public shall be furnished the commission.

[(9) Dependents. "Child or children" includes stepchildren, naturally born children, children born through medical asistance, legally adopted children, and children born posthumously [posthumous children and recognized illegitimate children]. "Parent" includes stepparents and parents by adoption.]

(9) [(10)] Commission. Commission for the purpose of this regulation means the commission on Fire Protection Personnel Standards and Education established pursuant to KRS 95A.020.

Section 2. Application. Upon the death in the line of duty, as defined by this regulation, of a volunteer firefighter, the fire department of which he was a member at the time of death shall notify in writing the commission's administrator in the Office of State Fire Marshal, of the death. Upon receipt of such notification, the administrator shall send the proper forms to the notifying fire department in care of the chief as well as the proper forms to the known survivors of the deceased firefighter. Upon receipt of the forms furnished by the commission, the chief and survivors or their representative shall properly fill out the said forms and return them to the commission in care of the administrator. Upon the receipt of the properly filled out forms, a committee of the commission appointed by the chairman of the commission shall review the applications and forward them with their recommendations to the full commission for determination of eligibility. Should there be any questions about the application the committee and the administrator has the authority to seek clarification of the questions on behalf of the commission.

Section 3. Certification of Payment of Benefits. Upon certification of survivorship rights to the Volunteer Firefighter's Death Benefit the Department of Finance shall draw a warrant in the amount of $25,000 on the funds realized from the collection of the insurance premium surcharge as provided for in KRS 136.392; a check shall be issued by the State Treasurer and transmitted to the commission's administrator for payment to the eligible survivor or survivors.

Section 4. False and Fraudulent Statements. Any person who knowingly or willfully makes any false or fraudulent statements or representation in any record or report to the commission under KRS 61.315 and 61.316 or this regulation shall cause the survivors to become ineligible for further funds and those survivors may be responsible for the return to the State Treasury of those funds which were received through these false or fraudulent statements or representations.

Section 5. Appeals. (1) No decision of the commission which negatively affects the eligibility of a survivor to be a recipient of the fund shall be final until said survivor shall have been afforded an opportunity to be heard on the matters.

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

CHARLES A. COTTON, Commissioner
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: December 14, 1989
FILED WITH LRC: December 14, 1989 at 4 p.m.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development
(As Amended)

904 KAR 2:015. Supplemental programs for the aged, blind and disabled.

RELATES TO: KRS 205.245
STATUTORY AUTHORITY: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources is responsible under Title XVI of the Social Security Act as amended by Public Law 92-603 to administer a state funded program of supplementation to all December, 1973, recipients of aid to the aged, blind and disabled, [hereinafter] referred to as AABD, disadvantaged by the implementation of the Supplemental Security Income Program, [hereinafter] referred to as SSI. KRS 205.245 provides not only for the mandatory supplementation program but also for supplementation to other needy aged, blind and disabled persons. This regulation sets forth the provisions of the supplementation program.

Section 1. Mandatory State Supplementation. Mandatory state supplementation payments shall [must] be equal to the difference between the AABD payment for the month of December, 1973, plus any other income available to the recipient as of that month and the total of the SSI payment and other income. Also included are those former aged, blind or disabled recipients ineligible for SSI due to income but whose special needs entitled them to an AABD payment as of December, 1973. Mandatory payments shall [must] continue until [such time as] the needs of the recipient as recognized in December, 1973, have decreased or income has increased to the December level.

(1) The mandatory payment is increased only when income as recognized in December, 1973, decreases, the SSI payment is reduced but the recipient's circumstances are unchanged, or the standard of need utilized by the department in determining optional supplementation payments for a class of recipients is increased.

(2) In cases of man and wife, living together, income changes after September, 1974, will result in increased mandatory payment only if total income of the couple is less than December, 1973, total income.

Section 2. Optional State Supplementation. Optional state supplementation is available to those persons meeting technical requirements and resource limitations of the aged, blind or disabled medically needy program as contained in 907 KAR 1:011 and 907 KAR 1:004 (except when specified in 904 KAR 2:015 [as otherwise specified herein]) who require special living arrangements and who have insufficient income to meet their need for care. Special living arrangements include residence in a personal care home as defined in 902 KAR 20:036 or family care home as defined in 902 KAR 20:041 or situations in which a caretaker must be hired to provide care other than room and board. A supplemental payment is not made to or on behalf of an otherwise eligible individual when the caretaker service is provided by the spouse, parent (of an adult disabled child or a minor child), or adult child (of an aged or disabled parent) who is living with the otherwise

eligible individual. When this circumstance exists and a person living outside the home is hired to provide caretaker services, the supplemental payment may be made. Application for SSI, if potential eligibility exists, is mandatory.

Section 3. Resources Considerations. In determining countable resources and the effect of resources on eligibility, the following policies are applied.

(1) The upper limit for resources for an individual and for a couple is set at $1,700 and $2,550, respectively, effective January 1, 1986; at $1,800 and $2,700, respectively, effective January 1, 1987; at $1,900 and $2,850, respectively, effective January 1, 1988; and at $2,000 and $3,000, respectively, effective January 1, 1989.

(2) Income producing property with a net equity of $6,000 or less is excluded.

(3) The first $4,500 of equity value in an automobile is excluded; if used for employment, to obtain medical services, or if specially equipped (e.g., as for use by the handicapped) there is no upper limit on value.

(4) Burial reserves (life insurance, prepaid burial policy, etc.) up to $1,500 are excluded. The face value of life insurance is considered when determining the total value of burial reserves if the face value of the life insurance is less than $1,500. Burial spaces are excluded from consideration when computing the value of burial reserves.

(5) A homestead, household items, and personal items are excluded.

(6) Resources determined in accordance with subsections (2), (3), and (4) of this section to be in excess of excluded amounts must be considered countable resources when determining whether the individual or couple exceeds the upper limits specified in subsection (1) of this section. If resources exceed the upper limits, the individual or couple is ineligible.

Section 4. Income Considerations. In determining the amount of optional supplementation payment, total net income of the applicant or recipient, or applicant or recipient and spouse, including any payments made to a third party in behalf of an applicant or recipient, is deducted from the standard of need with the following exceptions:

(1) Income of the ineligible spouse is conserved for the needs of the ineligible, non-SSI spouse [and/]or minor dependent children in the amount of one-half (1/2) of the SSI standard for an individual for each person adjusted by deduction of sixty-five (65) dollars and one-half (1/2) of the remainder from monthly earnings of spouse. Income of the eligible individual is not conserved for the needs of the ineligible spouse [and/]or minor dependent children. When conserving for the needs of the minor dependent children, income of the children **shall** [must] be appropriately considered so that the amount conserved does not exceed the allowable amount. When the eligible individual and spouse each have earnings, the earnings **shall** [must] be combined prior to the application of the earnings disregard of sixty-five (65) dollars and one-half (1/2) of the remainder.

(2) If one (1) member of a couple is institutionalized and the SSI spouse maintains a home, income in the amount of the SSI standard for one (1) is conserved for the spouse.

Section 5. Standard of Need. (1) The standard, based on living arrangement, from which income as computed in Section 4 of this regulation is deducted to determine the amount of optional payment is as follows:

(a) Personal care home: not less than $595 [568], effective 1/1/90 [1/1/89];

(b) Family care home: not less than $484 [462], effective 1/1/90 [1/1/89];

(c) Caretaker.

1. Single individual, or eligible individual with ineligible spouse (one who is not aged, blind, or disabled): not less than $417 [398], effective 1/1/90 [1/1/89];

2. Married couple, both eligible (aged, blind, or disabled), with one (1) requiring care: not less than $605 [578], effective 1/1/90 [1/1/89];

3. Married couple, both eligible and both requiring care: not less than $647 [618], effective 1/1/90 [1/1/89].

(2) In couple cases, both eligible, the couple's income is combined prior to comparison with the standard of need, and one-half (1/2) of the deficit is payable to each.

Section 6. Institutional Status. (1) No aged, blind or disabled person shall be eligible for state supplementation while residing in a personal care home or family care home unless such home is licensed under KRS 216B.010 to 216B.131.

(2) Institutional status and state supplementation benefits shall continue as required by Section 9115 of P.L. 100-203.

Section 7. Residency. (1) To be eligible, an applicant or recipient **shall** [must] be a citizen of the United States, or an alien legally admitted to this country or an alien who is residing in this country under color of law. An alien **shall** [must] have been admitted for permanent residence. The applicant or recipient **shall** [must] also be a resident of Kentucky. Generally, this means the individual **shall** [must] be residing in the state for other than a temporary purpose; however, there are exceptions with regard to applicants for or recipients of a state supplementary payment and institutionalized individuals. The residency criteria specified in federal regulations at 42 CFR 435.403 shall be applicable except **when specified in 904 KAR 2:015** [as otherwise specified herein].

(2) Supplemental payments may be made to Kentucky residents residing outside the state only when the individual has been placed in the other state by this state. In these situations, the other requirements for eligibility shown in other sections of this regulation shall be applicable, except that with regard to the requirement shown in Section 6 of this regulation, the licensure shall be in accordance with a similar licensure act of the other state. If there is no similar licensure act in the other state, the payment may be made only if this state determines that, except for being in another state, the facility meets standards for licensure under the provisions of KRS 216B.010 to 216B.131. To be eligible for a supplemental payment while placed out-of-state the individual **shall** [must] require the level of care provided in the out-of-state placement, there

shall [must] be no suitable placement available in Kentucky, and the placement shall [must] be preauthorized by staff of the Department for Social Insurance.

(3) When determining residency, ability of the individual to indicate intent (to become a Kentucky resident) shall [must] be considered if the individual is institutionalized. The individual is considered incapable of indicating intent if:

(a) His[/her] I.Q. is forty-nine (49) or less or he[/she] has a mental age of seven (7) or less, based on tests acceptable to the department; or

(b) He[/she] is judged legally incompetent; or

(c) Medical documentation, or other documentation acceptable to the state, supports a finding that he[/she] is incapable of indicating intent.

(4) An individual is institutionalized if he[/she] is residing in a facility providing some services other than room and board. Personal care facilities are considered to be institutions.

(5) For any noninstitutionalized individual under age twenty-one (21) whose eligibility for a supplemental payment is based on blindness or disability, his[/her] state of residence is Kentucky if he[/she] is actually residing in the state.

(6) For any noninstitutionalized individual age twenty-one (21) or over, his[/her] state of residence is Kentucky if he[/she] is residing in the state and has the intention to remain permanently or for an indefinite period (or, if incapable of indicating intent, is simply residing in the state).

(7) For any institutionalized individual living in Kentucky who is under age twenty-one (21) or who is age twenty-one (21) or older and became incapable of indicating intent before age twenty-one (21), the state of residence is Kentucky if:

(a) The state of residence of the individual's parents, or his[/her] legal guardian if one has been appointed, is Kentucky; or

(b) The state of residence of the parent applying for the supplemental payment on behalf of the individual is Kentucky, when the other parent lives in another state and there is no appointed legal guardian.

(8) For any institutionalized individual living in Kentucky who became incapable of indicating intent at or after age twenty-one (21), the state of residence is Kentucky if he[/she] was living in Kentucky when he[/she] became incapable of indicating intent. If this cannot be determined, the state of residence is Kentucky unless he[/she] was living in another state when he[/she] was first determined to be incapable of indicating intent.

(9) For individuals subject to determinations of residency pursuant to subsections (7) and (8) of this section, the state of residency is Kentucky when the individual is residing in Kentucky, and a determination of residency applying those criteria does not show the individual to be a resident of another state.

(10) For an individual subject to a determination of residency pursuant to subsections (7) and (8) of this section, the state of residence is Kentucky when Kentucky and the state which would otherwise be the individual's state of residency have entered into an interstate residency agreement providing for reciprocal residency status; i.e., when a similarly situated individual in either state would by written agreement between the states be considered a resident of the state in which he is actually residing.

(11) For other institutionalized individuals (i.e., those individuals who are both age twenty-one (21) or over and capable of indicating intent), the state of residence is Kentucky if the individual is residing in Kentucky with the intention to remain permanently or for an indefinite period.

(12) Except in [Notwithstanding] subsections (3) through (11) of this section, any individual placed by the cabinet in an institution in another state may, with appropriate preauthorization, be considered a resident of Kentucky, and any individual placed in an institution in Kentucky by another state may [shall] not be considered a resident of Kentucky.

(13) An individual receiving a mandatory state supplemental payment from Kentucky shall be considered a resident of Kentucky so long as he[/she] continues to reside in Kentucky. An individual receiving a mandatory or optional supplemental payment from another state shall not be considered a resident of Kentucky.

(14) An individual eligible for and receiving a supplemental payment in October, 1979, shall be considered a Kentucky resident through July 4, 1984, even if he[/she] does not meet the residency requirements specified in this section, so long as the [such] individual continues to reside in Kentucky and his[/her] receipt of supplementary payments has not since October, 1979 been interrupted by a period of ineligibility.

(15) Except in [Notwithstanding] the preceding provisions of this section, a former Kentucky resident who becomes incapable of indicating intent while residing out of this state may [shall] be considered a Kentucky resident if he[/she] returns to this state and he[/she] has a guardian, parent or spouse residing in this state. This [Such] individual may [shall] not be considered a Kentucky resident on the basis of this subsection whenever, subsequent to that time, he[/she] leaves this state to reside in another state except when the provisions of subsection (11) of this section are met. An individual leaving the state may, however, reestablish Kentucky residency by returning to the state if he has a guardian, parent or spouse residing in this state.

MIKE ROBINSON, Commissioner
HARRY J. COWHERD, Secretary
APPROVED BY AGENCY: December 14, 1989
FILED WITH LRC: December 18, 1989 at 10 a.m.

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development
(As Amended)

904 KAR 2:116. Low income home energy assistance program.

RELATES TO: KRS 194.050
STATUTORY AUTHORITY: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility as prescribed by Public Law 97-35 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981 as amended) to administer a program to provide assistance for eligible low income households within the Commonwealth of Kentucky to help meet the costs of home energy. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation states the eligibility and benefits criteria for each of two (2) components of energy assistance, subsidy and crisis, under the Home Energy Assistance Program (HEAP).

Section 1. Definitions. Terms used in HEAP are defined as follows:

(1) "Principal residence" is the place where a person is living voluntarily and not on a temporary basis; the place he considers home; the place to which, when absent, he intends to return; and the place is identifiable from other residences, commercial establishments, or institutions.

(2) "Energy" means electricity, gas, and any other fuel that is used to sustain reasonable living conditions.

(3) "Household" means any individual or group of individuals who are living together in the principal residence as one (1) economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

(4) "Economic unit" is one (1) or more persons sharing common living arrangements.

(5) "Subsidy component" is the portion of benefits reserved as energy assistance for heating.

(6) "Crisis component" is the component administered by local organizations under contract with the cabinet to provide heating crisis assistance.

(7) "Life threatening situation" under the crisis component means without heat or will be without heat within forty-eight (48) hours and temperatures at a dangerous level for household members.

(8) An "authorized representative" is the person applying on behalf of a household who presents to the cabinet or its representative a written statement signed by the appropriate household member authorizing that person to apply on the household's behalf.

Section 2. Application. Each household or authorized representative of the household requesting assistance shall complete an application and provide information necessary to determine eligibility and benefit amount. An application shall not be considered completed until all information needed to determine eligibility and benefit amount is received.

Section 3. Eligibility Criteria. (1) A household shall meet the following conditions of eligibility for receipt of a HEAP payment under the subsidy and crisis components:

(a) The amount of continuing and noncontinuing earned and unearned gross income including lump sum payments received by the household during the calendar month preceding the month of application shall be considered. Income received on an irregular basis shall be prorated.

(b) Gross income for the calendar month preceding the month of application shall be at or below the applicable amount shown on the income scale for the appropriate size household. Excluded from income are payments received by a household from a federal, state, or local agency designated for a special purpose and which the applicant shall spend for that purpose, payments made to others on the household's behalf, loans, reimbursements for expenses, incentive payments (JET [WIN] and JTPA) normally disregarded in AFDC, federal payments or benefits which shall be excluded according to federal law, and Supplemental Medical Insurance premiums.

Income Scale

Family Size	Monthly	Yearly
1	$ 548	$ 6,578
	$ [529	$ 6,347]
2	735	8,822
	[709	8,503]
3	922	11,066
	[888	10,659]
4	1,109	13,310
	[1,068	12,815]
5	1,296	15,554
	[1,248	14,971]
6	1,483	17,798
	[1,427	17,127]

(c) For each household member more than six (6), the above income eligibility limitation for six (6) shall be increased by $187 [180] monthly or $2,244 [2,156] yearly.

(d) The household shall have total liquid assets at the time of application of not more than $5,000. Excluded assets are cars, household or personal belongings, principal residence, cash surrender value of insurance policies, prepaid burial policies, real property, and cash on hand or in a bank account if the cash is income considered under paragraph (a) of this subsection.

(e) Applicants for the crisis component shall be without heat, be without fuel within five (5) days, have received a notice of disconnection of service, or require a heat system repair to obtain adequate heat.

(2) Households are eligible to receive benefits under the subsidy component once and under the crisis component not to exceed the maximum amount of benefits. The maximum amount of benefits from both components shall [will] not exceed $300.

Section 4. Benefit Levels. Payment amounts for the subsidy and crisis components are set at a level to serve a maximum number of households while providing a reasonably adequate benefit relative to energy costs. In the subsidy component, the highest level of assistance shall be provided to households with lowest incomes and highest energy costs in relation to income, taking into account family size.

(1) Payments to eligible households under the subsidy component shall be made for the full benefit amount based on type of energy for heating, monthly household income, and household size as follows:

Benefit Scales
Subsidy Component

Scale A.
Energy Sources: Electricity

Monthly Household Income	Payment Amount Household Size 1 and 2	Household Size 3 or More
$ 0 - $400	$123	$135
$401 - $800	$105	$117
Over $800	---	$101

Scale B.
Energy Sources: LP Gas (Propane), Fuel Oil, Kerosene, Natural Gas

Monthly Household Income	Payment Amount Household Size 1 and 2	Household Size 3 or More
$ 0 - $400	$113	$125
$401 - $800	$ 95	$107
Over $800	---	$ 88

Scale C.
Energy Sources: Coal, Wood

Monthly Household Income	Payment Amount Household Size 1 and 2	Household Size 3 or More
$ 0 - $400	$100	$112
$401 - $800	$ 82	$ 94
Over $800	---	$ 75

(2) If the cabinet receives a percentage of the federal funds authorized by Congress, benefits to eligible households under the subsidy component may be reduced proportionately.

(3) Benefits to eligible households under the crisis component shall be in the form of fuel or other energy for heating, heaters, blankets, sleeping bags, vouchers to purchase these item, or repair to a heating system to obtain adequate heat. The contracting agency shall determine the type and value of assistance necessary to alleviate the crisis[, not to exceed a maximum of $300 total benefit value for each eligible household].

(a) In determining the minimum amount of assistance necessary to alleviate the crisis, the contracting agency may take into consideration direct subsidies for payment of utility cost received by the household from other programs.

[(4) In the crisis component the contracting agency may take into consideration household resources available for home heating in determining the minimum amount necessary to alleviate the crisis.]

(b) [(5) In the crisis component] The benefits for a household threatened with eviction whose heat is an undesignated portion of the rent, shall be for the energy portion of the [their] rent owed which is defined as an amount up to the Standard Utility Allowance (SUA) in the Food Stamp Program as follows:

Household Size	SUA
1 and 2	$145
3	$151
4 or more	$166

Section 5. Benefit Delivery Methods. Benefits shall be provided to eligible households as follows:

(1) When feasible, payment under the subsidy I component is authorized by a two (2) party check made payable to the recipient and the provider or landlord if the heating is included as an undesignated portion of rent.

(2) When a two (2) party check is not issued under the subsidy I component, the recipient shall sign a statement on the application prior to receipt of funds affirming that benefits received under HEAP shall be used solely for home energy.

(3) Payment under the subsidy II component is authorized by a one (1) party check made payable to the vendor or landlord if the heating is included as an undesignated portion of rent.

(4) [(3)] Under the subsidy component, at the recipient's discretion, the total benefit may be made in separate authorizations to more than one (1) provider (for example, when the recipient heats with both a wood stove and electric space heaters). However, the total amount of the payments shall not exceed the maximum for the primary source of energy for heating. The household may decide how to divide payment if more than one (1) provider is used.

(5) [(4)] For the crisis component, no direct cash payments shall be made to the recipient. Benefits shall be provided to eligible households by the contracting agency in the amount and value determined by the contracting agency necessary to alleviate the crisis, not to exceed the maximum allowable payment. Payments under the crisis component shall be authorized to the energy provider by one (1) party checks upon delivery of fuel, heaters, blankets, sleeping bags, restoration or continuation of service, or upon repair of the heating system.

Section 6. Right to a Fair Hearing. Any individual has a right to request and receive a fair hearing in accordance with 904 KAR 2:055, Hearings and appeals.

Section 7. Time Standards. Under the subsidy component, the cabinet shall make an eligibility determination promptly after receipt of a completed and signed application but not to exceed thirty (30) days. Under the crisis component, completed applications shall be processed so that the crisis is resolved within forty-eight (48) hours and in life threatening situations within eighteen (18) hours. Applicants under the crisis component shall have five (5) [ten (10)] working days from the date of application to provide information necessary to complete the application.

Section 8. Effective Dates. The following shall be the implementation and termination dates for HEAP depending upon the availability of funds:

(1)(a) Applications for the subsidy component shall be accepted from households containing at least one (1) member who is elderly (age sixty (60) or older) or receiving benefits due to 100 percent disability beginning October 16, 1989 [17, 1988] and ending by October 27, 1989 [28, 1988].

(b) Applications for the subsidy II component shall be accepted from households that were not eligible for subsidy I component beginning January 8, 1990, and ending by January 12, 1990,

or until expenditures have resulted in utilization of available funds.

(2) Applications for the crisis component shall be accepted beginning January 15, 1990 [9, 1989] and ending by April 27, 1990, except in emergency situations where the household is without heat at the time of application. Applications for emergencies shall be accepted beginning December 18, 1989 [28, 1989].

(3) Applications shall be processed in the order taken until funds are expended. HEAP subsidy component shall be terminated when actual and projected component expenditures have resulted in utilization of available funds or October 27, 1989 [28, 1988].

(4) HEAP may be reactivated after termination under the same terms and conditions as shown in this regulation if additional federal funds are made available.

Section 9. Allocation of Funds. (1) Up to fifteen (15) percent of the total HEAP allocation shall be reserved for weatherization assistance.

(2) Up to $4,990,800 [9,677,341] of benefit funds shall be reserved for the crisis component. [Eighty-five (85) percent of] The funds reserved for the crisis component shall be allocated, by local administering agency, based upon the 1980 Census poverty levels of the counties served by the local administering agency. At any point after January 15, 1990 [Fifteen (15) percent of the funds plus any additional funds made available from the subsidy component or from the Energy Assistance Trust Fund shall be held by the contracting agency as a contingency fund to be allocated to any local administering agency of the state chosen at the discretion of the contracting agency to provide low income home energy assistance in accordance with its contract. On February 6, 1989,] all unobligated allocations may be reallocated by the contracting agency at the discretion [with the concurrence] of the Department for Social Insurance in order to assure crisis benefits availability on a statewide basis.

(3) Up to $10,400,000 [5,900,000] of benefit funds shall be reserved for the subsidy component. Any funds remaining unobligated from the subsidy component may be made available under the crisis component.

(4) An amount to be determined by the Department for Social Insurance shall be reserved from [Up to $300,000 of] the crisis component [contingency fund] under subsection (2) of this section [shall be reserved] to assure component availability until March 15, 1990 [1989] for emergency crisis assistance for households who are without heat.

(5) Up to $25,000 shall be reserved for the Preventive Assistance Program administered by the Department for Social Services to assist families with an energy payment not to exceed $300 for each family if the payment shall prevent the removal of a child from a family or if it shall assist in reuniting a child with the family.

Section 10. Energy Provider Responsibilities. Any provider accepting payment from HEAP for energy or services provided to eligible recipients shall comply with the following:

(1) Reconnection of utilities and delivery of fuel shall be accomplished upon certification for payment;

(2) The household shall be charged in the normal billing process the difference between the actual cost of the home energy and the amount of payment made through this program. For balances remaining after acceptance of the HEAP payment, the customer shall be offered the opportunity for a deferred payment arrangement or a level payment plan;

(3) HEAP recipients shall not be treated worse than households not receiving benefits;

(4) The household on whose behalf benefits are paid shall not be discriminated against, either in the costs of goods supplied or the services provided; and

(5) A landlord shall not increase the rent of recipient households due to receipt of this payment.

MIKE ROBINSON, Commissioner
HARRY J. COWHERD, Secretary
APPROVED BY AGENCY: January 5, 1990
FILED WITH LRC: January 8, 1990 at 3 p.m.

REGULATIONS AMENDED AFTER PUBLIC HEARING

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amended After Hearing)

201 KAR 2:074. Pharmacy services in hospitals.

RELATES TO: KRS Chapter[s 217,] 315
STATUTORY AUTHORITY: KRS [217.015(5), (6), (9), (23), (24), 217.215(1), (2), 217.992,] 315.010, 315.020, 315.030, 315.121, 315.191(1)
NECESSITY AND FUNCTION: The Kentucky Board of Pharmacy is responsible to insure minimum standards of practice in all settings where drugs are handled. The board is also responsible to insure the safety of all drug products provided to the citizens of the Commonwealth.

Section 1. For the purpose of this regulation, the following definitions apply:
(1) "Institutional pharmacy" means that portion of an acute care hospital licensed under 902 KAR 2:016 which is engaged in the manufacture, production, sale and distribution of drugs, medications, devices and other materials used in the diagnosis and treatment of injury, illness, and disease.
(2) "Investigational drug" means any drug which has not been approved for use in the United States, but for which an investigational drug application has been approved by the FDA.
(3) "Unit dose distribution" means a system in which drug therapy profiles are maintained in the pharmacy and doses are scheduled, prepared, and delivered in a ready-to-administer form to the patient care area as they are needed.

Section 2. Pharmacy Administration. (1) General. The pharmacy, organized as a separate department or service, shall be directed by a professionally competent, legally qualified pharmacist. [He shall employ an adequate number of appropriately trained, competent, and qualified personnel.] The director of pharmacy services is responsible for departmental management and the development and implementation of goals and objectives to meet the needs of the institution.
(2) Director of pharmacy.
(a) The director of pharmacy services shall be thoroughly knowledgeable about hospital pharmacy practice and management [, while possessing necessary management skills].
(b) Where the director of pharmacy is not employed full time, the hospital shall establish an ongoing arrangement in writing with an appropriately qualified pharmacist to provide the services described herein. The director of pharmacy shall be responsible to the chief executive officer of the hospital or his designee.
(c) When the hospital pharmacy is decentralized, each decentralized section or separate organizational element shall be under the immediate supervision of a pharmacist responsible to the director.
(3) Pharmacy personnel.
(a) The Department of Pharmacy Services shall maintain [employ] additional pharmacists in cooperation with hospital administration, either full time or part time, as they are required to operate safely and effectively to meet the needs of the patients.
(b) If nonpharmacist personnel are employed, they shall perform all duties under the supervision of a pharmacist and they shall not be assigned, nor shall they perform, duties that are to be performed only by pharmacists.
(4) Responsibilities.
(a) Lines of authority and areas of responsibility within the pharmacy shall be clearly defined. Written job descriptions for all categories of pharmacy personnel shall be prepared and revised as necessary.
(b) There shall be policies and procedures to provide for selection of drugs as well as a distribution system to serve the needs of the patient. Provision for procurement of drugs in an emergency situation shall be provided for.
(5) Supportive personnel.
(a) Sufficient supportive personnel (technical, clerical, and other) shall be available in order to optimize the participation of pharmacists in activities requiring professional judgment.
(b) The training and supervision of supportive personnel shall be the responsibility of the pharmacist.
(6) Availability.
(a) The services of a pharmacist shall be available at all times. However, where around-the-clock operation of the pharmacy is not feasible, the pharmacist shall be available on an on-call basis and an adequate night drug cabinet shall be established. The pharmacy itself shall not be designated as the night drug cabinet.
(b) Hospitals not having a full-time pharmacist, but in which drugs are prepackaged or relabeled or transferred from one container to another, shall obtain a pharmacy permit and have at least a part-time pharmacist designated to perform those functions or to provide personal supervision of those functions.

Section 3. Physical Facility. (1) The Department of Pharmacy Services shall have adequate space, equipment, and supplies sufficient to provide for safe and efficient drug storage, preparation and distribution, patient education and consultation, drug information services, and proper management of the department.
(2) Legal requirements. The physical facility shall meet state and federal regulations and shall be accessible by key by authorized pharmacy personnel only.
(3) Location. Locked storage or locked medication carts shall be provided for use in each nursing unit or service area.
(4) Reference materials. The pharmacy shall have current pharmaceutical reference materials in accordance with state regulations. References related to the following subjects shall also be available:
(a) Drug identification;
(b) Toxicology;
(c) Drug interactions;
(d) Parenteral drug compatibility;
(e) Microbiology.

Section 4. Drug Distribution and Control. (1) General. The Department of Pharmacy Services shall be responsible for the procurement, distribution and control of all drugs and

parenteral solutions used within the institution. Policies and procedures governing these functions shall be developed by the pharmacist with input from other involved hospital staff (e.g., nurses) and committees (e.g., pharmacy and therapeutics committee and patient care committee).

(2) Dispensing. The pharmacist shall dispense medications only on the order of a licensed practitioner.

(3) Prescriber's order. The pharmacist shall review the medication order within twenty-four (24) hours of administration.

(4) Recordkeeping. The pharmacist shall maintain appropriate records of each medication order. The records shall be retained for the time and in the manner prescribed by state and federal law.

(5) Patient medication profile. A medication profile shall be maintained for all inpatients and for those ambulatory patients routinely receiving care at the institution. The pharmacist shall utilize this profile to properly review, schedule, prepare, and distribute medications except in emergency situations.

(6) Labeling and packaging.

(a) All licensees shall comply with U.S.P. Standards and all state and federal laws and regulations regarding labeling and packaging. [The department shall establish policies and procedures regarding specific labeling and packaging requirements for medications. Drug products shall bear adequate identification including, but not limited to, the name or names of the drug, the strength or potency, route(s) of administration where appropriate, expiration date (and time, if appropriate), control or lot number, and other special instructions as may be indicated. Hospitals in which bulk reconstitution of injectables is performed shall maintain control records containing at least this information for a period of one (1) year.]

(b) Labeling and packaging of medications used for outpatients shall meet the requirements of state and federal law.

(7) Dispensing. The pharmacist shall dispense medications by the [in a form as ready to administer as the current status of pharmaceutical technology permits. This includes, but is not limited to, the reconstitution of injectables, solutions, and the use of] unit dose distribution system where feasible. Where the unit dose distribution system is not utilized, adequate safeguards shall be in place to protect patients.

(8) Stop orders. There shall be established written stop order policies or other methods of assuring that drug orders are not continued inappropriately in accordance with the status of the patient.

(9) Administration. Drugs shall be administered only upon order of a licensed practitioner. The department shall participate in the establishment of policies and procedures regarding the administration of medications. Specific procedures shall be developed in cooperation with appropriate hospital personnel regarding, but not limited to, personnel authorized to schedule, prepare and administer medications. [All administered, refused or omitted doses of medication shall be recorded on the patient's medical record according to established procedures.]

(10) Unused medication. The department shall establish policies and procedures for the disposition of patients' unused medications. Medication in unit dose form may be reissued if package integrity has been maintained and the product is still in date.

(11) Stocks. Floor stocks of drugs shall be kept as small as possible. The pharmacist in charge shall be responsible for authenticating the need for floor stock. A pharmacist shall review all orders distributed through floor stock within a reasonable amount of time. The pharmacist in charge shall be responsible for defining those areas of the hospital requiring floor stock (e.g., emergency room, surgery, critical care, medical/surgical wards) [and limited to drugs for emergency use and routinely used "safe" items such as mouthwash and antiseptic solutions]. All drug storage areas within the hospital shall be routinely inspected by pharmacy personnel at least monthly and documentation maintained to insure that no unusable items are present and that all stock items are properly labeled and stored.

(12) Drug recall. There shall be a system for removing from use any drugs subjected to a recall.

(13) Sample medications. The department shall establish policies and procedures regarding medical representatives and the obtaining, storage, and dispensing of complimentary packages of medications.

(14) Emergency drugs. The department shall establish policies and procedures for supplying emergency drugs. For expediency and efficiency, emergency drugs shall be limited in number to include only those whose prompt use and immediate availability are generally regarded by physicians as essential in the proper treatment of sudden and unforeseen patient emergencies. Emergency stocks shall be routinely inspected by pharmacy personnel on a monthly basis and documentation maintained to determine if contents have become outdated and if the stocks are being maintained at adequate levels.

(15) Investigational drugs.Policies and procedures controlling the use of investigational drugs (if used in the institution) shall be developed and followed. The pharmacy shall be responsible for storing, packaging, labeling, distributing, maintaining inventory records (including lot numbers and expiration date) and providing information about investigational drugs (including proper disposal).

(16) Controlled substances. All permit holders shall comply with state and federal laws regarding controlled substances.

[(a) The director of pharmacy shall establish effective procedures and maintain adequate records regarding the use and accountability of controlled substances, in compliance with state and federal laws and regulations.]

[(b) Complete, accurate, and current records shall be kept of receipt of all controlled substances and, in addition, a Schedule II perpetual inventory shall be maintained.]

[(c) The pharmacy shall maintain records of all controlled substances issued from the pharmacy to other hospital units, which include:]

[1. Date;]

[2. Name of drug;]

[3. Amount of drug issued;]

[4. Name or initials of the pharmacist who issued the drug; and]
[5. Name of the patient and unit to which the drug was issued.]
[(d) Records shall be maintained by any unit of the hospital which utilizes scheduled drugs, indicating:]
[1. Date of administration;]
[2. Time of administration;]
[3. Name of the drug (if not already indicated on the records);]
[4. Dosage of drug which was used including both the amount administered and any amount destroyed;]
[5. Name of the patient to whom the drug was administered;]
[6. Name of the practitioner who authorized the drug; and]
[7. Signature of the licensed individual who administered the drug.]
[(e) Use of multiple dose vials of controlled substances shall be discouraged.]
[(f) Controlled substances, Schedules II and III, which are floor stocked in any hospital patient or nursing service area shall be kept under double lock and be checked by actual count at the change of each shift by two (2) authorized persons licensed to administer drugs.]
[(g) When it is necessary to destroy small amounts of controlled substances following the administration of a dose by a nurse, the destruction shall be witnessed by a second nurse who shall countersign the records of destruction.]

Section 5. Assuring Rational Drug Therapy. (1) Appropriate clinical information about patients shall be available and **accessible** [acceptable] to the pharmacist for use in his daily practice activities.
(2) The pharmacist shall be a member of the pharmacy and therapeutics committee and any other committees where input concerning the use of drugs is required.
(3) The pharmacist shall provide a means to insure that patients receive adequate information about the drugs they receive. This is particularly important for ambulant and discharge patients. Patient education activities shall be in coordination with the nursing and medical staffs and patient education department, if any.

Section 6. Penalty. Violation of any provision of this regulation constitutes unethical or unprofessional conduct in accordance with KRS 315.121.

RALPH G. DEITEMEYER, President
APPROVED BY AGENCY: March 7, 1990
FILED WITH LRC: March 8, 1990 at noon

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amended After Hearing)

201 KAR 2:076. Parenteral pharmaceutical compounding.

RELATES TO: KRS [217.055,] 315.020
STATUTORY AUTHORITY: KRS [217.055,] 315.020(1), (2), 315.065(1), (2), 315.191(1)
NECESSITY AND FUNCTION: The Kentucky Board of Pharmacy is responsible to insure minimum standards of practice of parenteral compounding by pharmacies. The board is also responsible to insure the safety of all products provided to the citizens of the Commonwealth.

Section 1. A policy and procedure manual for parenteral pharmaceutical compounding shall be available at a pharmacy for inspection purposes. The manual shall include policies and procedures for:
(1) Oncology drugs;
(2) Disposal of unused supplies and medications;
(3) Drug destruction and return;
(4) Drug dispensing;
(5) Drug labeling;
(6) Storage;
(7) Duties and qualifications for staff;
(8) Equipment;
(9) Handling of hazardous wastes;
(10) Investigation drug protocol;
(11) Safety;
(12) Recordkeeping;
(13) Reference material;
(14) Sanitation;
(15) Security;
(16) Transportation; and
(17) Quality assurance, as relates to:
(a) Recall procedures;
(b) Storage and dating;
(c) Educational procedures for staff and patient;
(d) Sterile procedures, to include routine maintenance and hood certification; and, if necessary,
(e) Sterile testing of end products, operator procedures, and environment.
The manual shall be reviewed and revised on an annual basis.

Section 2. The following physical requirements are in addition to other requirements set forth in KRS 217.055 and 315:020:
(1) The licensed pharmacy shall have a designated area for preparing compounded parenteral pharmaceuticals. This area shall be designed to withstand routine disinfecting procedures and shall be kept free of particulate generators, e.g., corrugated cardboard containers. This area shall be designed to avoid unnecessary traffic and airflow disturbances. It shall be used only for the preparation of sterile products. It shall be of sufficient size to accommodate a laminar airflow hood and to provide for the proper storage of drugs and supplies under appropriate conditions of temperature, light, moisture, sanitation, ventilation, and security.
(2) The minimum equipment shall be:
(a) Laminar airflow hood or Class 100 clean room;
(b) Sink with hot and cold running water which is convenient to the compounding area;
(c) Appropriate disposal containers for used needles, syringes, and if applicable, cytotoxic and hazardous wastes from preparation of said agents;
(d) A Class II vertical flow biological safety cabinet, if oncology agents are prepared;
(e) Refrigerator or freezer with a thermometer; and
(f) A temperature controlled delivery container (not required if delivered in the same facility).

(3) The minimum supplies shall be:
(a) Disposable needles, syringes, and other supplies needed for aseptic parenteral compounding;
(b) Disinfectant cleaning solutions;
(c) Handwashing agent with bactericidal action;
(d) Disposable, lint-free towels or equivalent;
(e) Appropriate filters and filtration equipment;
(f) Oncology drug spill kit; and
(g) Disposable gowns, and sterile disposable gloves.
(4) This area of the pharmacy shall not be accessible to the public and no one shall have access without supervision of the pharmacist.
(5) The pharmacy shall have current reference materials related to sterile products.

Section 3. Each licensed pharmacy shall be managed by a pharmacist licensed to practice pharmacy in the Commonwealth and who is knowledgeable in the specialized functions of preparing and dispensing compounded, sterile pharmaceuticals, including the principles of aseptic technique and quality assurance. The pharmacist in charge shall be responsible for the purchasing, storage, compounding, repackaging, dispensing, and distribution of all drugs and pharmaceuticals. The pharmacist shall also be responsible for the development and continuing review of all policies and procedures, training manuals, and the quality assurance programs, as well as participation in those aspects of the facility's patient care evaluation program relating to pharmaceutical material utilization and effectiveness. The pharmacist in charge may be assisted by additional personnel adequately trained in this area of practice. A pharmacist shall be accessible at all times at each licensed facility to respond to patients' and other health professionals' questions and needs.

Section 4. (1) The pharmacist shall receive a written or verbal prescription or direct copy order from a prescriber before dispensing any compounded, sterile parenteral product. These prescriptions or direct copy orders shall contain the following:
(a) Patient's name;
(b) Patient's address on controlled substances prescriptions or location (room number);
(c) Drug name and strength;
(d) Directions for use;
(e) Date;
(f) Authorized prescriber's name;
(g) Prescriber's address and DEA number, if applicable;
(h) Refill instructions, if applicable; and
(i) Dispensing quantity, if applicable.
(2) A pharmacy generated profile shall be maintained separate from the prescription file. The patient profile shall be maintained under the control of the pharmacist in charge for a period of five (5) years following the last dispensing activity. In addition, a medication administration record (MAR) as part of the medical record shall be maintained as a permanent document. Supplemental records may also be employed as necessary. The patient profile shall contain:
(a) Patient's name;
(b) Sterile product dispensed;
(c) Date dispensed;
(d) Drug content and quantity; and
(e) Patient's directions. [;]
[(f) Identification of compounder;]
[(g) Identification of dispensing pharmacist;]
[(h) Identifying number; and]
[(i) Lot number (if batch production).]
(3) Each sterile pharmaceutical dispensed to patients shall be labeled with the following information:
(a) Name, address, and telephone number of the licensed pharmacy, if product will leave the premises;
(b) Date;
(c) Identifying number;
(d) Patient's full name;
(e) Name of each drug, strength, and amount;
(f) Directions for use, including infusion rate;
(g) Required controlled substances transfer warnings, where applicable;
(h) Expiration date;
(i) Identity of dispensing pharmacist;
(j) Storage requirements, when applicable; and
(k) Auxiliary labels, when applicable.
(4) The pharmacist in charge shall maintain access to and submit, as appropriate, such records and reports as are required to insure the patient's health, safety, and welfare. Records shall be readily available, maintained for two (2) years at facility not computerized, but for five (5) years at facility utilizing computerized recordkeeping, and subject to inspection by the Board of Pharmacy or its agents. These shall include the following:
(a) Patient profile;
(b) Purchase records;
(c) Biennial controlled substances inventories;
(d) Policy and procedures manual;
(e) Policies and procedures for cytotoxic wastes, if applicable;
(f) Quality assurance records; and
(g) Such other records and reports as may be required by law and rules and regulations of the Kentucky Board of Pharmacy.
Information regarding individual patients shall be maintained in a manner to assure confidentiality of the patient's records. Release of this information shall be in accordance with federal and state laws.
(5) The pharmacist in charge shall be responsible for the environmental control of all products shipped. Any compounded, sterile pharmaceutical that is frozen or requires refrigeration shall be shipped or delivered to a patient in appropriate temperature controlled delivery containers, if the product leaves the premises.
(6) The pharmacist in charge shall be responsible for assuring that there is a system for the disposal of hazardous waste in a manner that does not endanger the public health.
(7) A quality assurance program documented by the pharmacist shall be available to provide accountability for the manufacturing and distribution of sterile parenteral products.

Section 5. Licensed pharmacies that prepare oncology agents shall meet the following additional requirements in order to insure the protection of the personnel involved:
(1) All oncology agents shall be compounded in a vertical flow, Class II, biological safety cabinet, and other products shall not be compounded in this cabinet;

(2) Protective apparel shall be worn by personnel compounding oncology drugs, and this shall include disposable gloves and gowns;
(3) Proper aseptic and safety techniques shall be used by personnel compounding oncology agents;
(4) Appropriate disposable procedures for cytotoxic waste shall be developed that comply with applicable state and federal regulations;
(5) Written procedures for handling both major and minor spills of cytotoxic agents shall be developed; and
(6) Prepared doses of oncology drugs shall be dispensed, shipped, or delivered in a manner to minimize the risk of accidental rupture of the primary container and labeled with a distinctive cautionary label as being hazardous.

Section 6. There shall be a documented, ongoing quality control program that monitors personnel performance, equipment, and facilities. Quality assurance procedures, at a minimum, shall include:
(1) Recall procedures;
(2) Storage and dating;
(3) Educational procedures for staff;
(4) Sterile procedures;
(5) Hood or clean room annual certification by an independent contractor in accordance with federal standard 209B and NSF standard No. 49;
(6) Prefilter cleaning and replacement when appropriate;
(7) Justification of the chosen expiration dates for compounded parenteral products; and
(8) Documentation of quality assurance audits at regular, planned intervals, including infection control and sterile technique audits.

Section 7. Violation of any provision of this regulation shall constitute unethical or unprofessional conduct in accordance with KRS 315.121.

RALPH G. DEITEMEYER, President
APPROVED BY AGENCY: March 7, 1990
FILED WITH LRC: March 8, 1990 at noon

GENERAL GOVERNMENT CABINET
Kentucky Board of Pharmacy
(Amended After Hearing)

201 KAR 2:116. Drug products with bioinequivalence problems.

RELATES TO: KRS 217.819
STATUTORY AUTHORITY: KRS 217.814(7), (8), 217.819(1)
NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Board of Pharmacy to prepare a nonequivalent drug product formulary of drugs which should not be interchanged by pharmacists. This regulation lists drug products with active ingredients or dosage forms with potential bioequivalence problems, drugs characteristically possessing a narrow therapeutic index, or categories of agents for which there is either documented evidence of inequivalent thereapeutic effect or a potential for it based on differences in bioavailability.

Section 1. The following have been determined by the board to be noninterchangeable:
(1) Digitalis glycosides [(all dosage forms)]:
(a) Digoxin; and
(b) Digitoxin.
(2) Antiepileptic drugs [(all dosage forms)]:
(a) Phenytoin;
(b) Primidone; and
(c) Carbamazephine.
(3) Antiarrhythmic agents [(all dosage forms)]:
(a) Quinidine; and
(b) Procainamide.
(4) Estrogens [(all dosage forms)]:
(a) Conjugated; and
(b) Esterified.
(5) Warfarin anticoagulants [(all dosage forms)].
(6) Theophylline products [(all dosage forms)].
(7) Thyroid preparations:
(a) Thyroglobulin, whole grain thyroid;
(b) Levothyroxine; and
(c) Leothyronine.

RALPH G. DEITEMEYER, President
APPROVED BY AGENCY: March 7, 1990
FILED WITH LRC: March 8, 1990 at noon

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 30:010. Definitions.

RELATES TO: KRS 224.033, 224.830 through 224.888 [889], 224.994, 40 CFR Part 260.11, 40 CFR 261 Appendix X, 40 CFR 268 Appendix I
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 40 CFR Part 260.11, 40 CFR 261 Appendix X, 40 CFR 268 Appendix I
NECESSITY AND FUNCTION: KRS 224.033 and the waste management provisions of KRS Chapter 224 require the Natural Resources and Environmental Protection Cabinet to adopt rules and regulations for the management of solid and hazardous wastes. This chapter establishes the general administrative procedures which are applicable to 401 KAR Chapters 31 through 49. This regulation defines essential terms used in connection with the waste management regulations.

Section 1. Definitions. Unless otherwise specifically defined in KRS Chapter 224 or otherwise clearly indicated by their context, terms in KRS Chapter 224 and in the waste management regulations shall have the meanings given in this regulation.
(1) "Aboveground tank" see either "hazardous waste management unit-hazardous waste tanks-aboveground tank" or "solid waste site or facility-tank-aboveground tank."
(2) [(1)] "Accumulated speculatively" see Section 1 of 401 KAR 31:010.
(3) [(2)] "Active fault" means a land area which, according to the weight of geological evidence, has a reasonable probability of being affected by movement along a fault to the extent that a hazardous waste site or facility or a solid waste site or facility would be damaged and thereby pose a threat to human health and the environment.
(4) [(3)] "Active life" of a facility means the period from the initial receipt of hazardous waste or solid waste at the facility until the

cabinet [secretary] receives certification of final closure.

(5) [(4)] "Active portion" means any area of a facility where treatment, storage or disposal operations are being or have been conducted and which have not been closed. It includes the treated area of a landfarm and the active face of a landfill. Covered, closed, or inactive portions of landfills, building roofs, and roads are excluded unless designated as "active portions" by the cabinet [secretary].

(6) "Administrative application" see "application - administrative application."

(7) [(5)] "Administrator" means the administrator of the United States Environmental Protection Agency, or his designee.

(8) [(6)] "Admixed liner" means a liner made from a mixture of any of a multitude of materials, often asphalt or cement, with widely varying physical and chemical properties. Admixed liners must be demonstrated to be structurally sound and chemically resistant to the waste placed in it so as to be capable of supporting the waste without cracking or disintegrating or allowing waste or leachate to escape.

(9) [(7)] "Agricultural waste" means any nonhazardous waste resulting from the production and processing of on-the-farm agricultural products, including manures, prunings and crop residues.

(10) "Airport" means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(11) [(8)] "Ampule" means a small sealed glass container for one (1) dose of sterile medicine.

(12) [(9)] "Ancillary equipment" means any device including but not limited to such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to hazardous waste management units including tanks between hazardous waste storage and treatment tanks to a point of disposal on site, or to a point of shipment for disposal off site.

(13) "Application" means the forms approved by the cabinet for applying for a permit, including any additions, revisions or modifications and any narrative and drawings required by the waste management regulations for a permit type which are not on a form. The term includes the following:

(a) [(111)] "Part A of the application" or "Part A" means the standard forms or format for applying for a hazardous waste site or facility permit as required in 401 KAR 38:080.

(b) [(112)] "Part B of the application" or "Part B" means the standard format for applying for a hazardous waste site or facility permit as required in 401 KAR 38:090 through 401 KAR 38:210. Specifically, Part B consists of submitting all of the information required in 401 KAR 38:090 through 401 KAR 38:210; there are no official forms for the submission.

(c) "Notice of intent to apply for a solid waste permit" or "notice of intent" means the standard forms for applying for a solid waste site or facility permit as required by [401 KAR 47:110.] 401 KAR 47:160, 401 KAR 47:170 and 401 KAR 48:200.

(d) "Administrative application" means the standard forms and format used for applying for a solid waste site or facility permit as specified in 401 KAR 47:160 and 401 KAR 47:180.

(e) "Technical application" means the standard format for applying for a solid waste site or facility permit as specified in 401 KAR 47:160 and 401 KAR 47:190.

(14) [(10)] "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

(15) [(11)] "Attenuation" means any decrease in the maximum concentration or total quantity of an applied chemical or biological constituent in a fixed time or distance traveled resulting from a physical, chemical, and/or biological reaction or transformation occurring in the zone of aeration or zone of saturation.

(16) [(12)] "Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

(17) [(13)] "Base flood" means a flood that has a one (1) percent or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period.

(18) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(19) [(14)] "Board" means the Kentucky regional integrated waste treatment and disposal facility siting board (KRS 224.2201).

(20) [(15)] "Boiler" see "hazardous waste site or facility-boiler."

(21) [(16)] "By-product" see Section 1 of 401 KAR 31:010.

(22) [(17)] "Cabinet" means the Natural Resources and Environmental Protection Cabinet (KRS 224.005).

(23) [(18)] "Cation exchange capacity" means the sum of exchangeable cations a soil can absorb expressed in milliequivalents per 100 grams of soil as determined by sampling the soil to the depth of cultivation or solid waste placement, whichever is greater, and analyzing by the summation method for distinctly acid soils or the sodium acetate method for neutral, calcareous or saline soils.

(24) [(19)] "Cell" means a portion of a landfill or a sanitary landfill which is isolated, usually by means of an approved barrier.

(25) [(20)] "Certificate" means a certificate of environmental safety and public necessity (KRS 224.2201).

(26) [(21)] "Certification" means a statement of professional opinion based upon knowledge and belief.

(27) [(22)] "Closed portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements.

(28) "Closed unit" means any solid waste unit that no longer receives solid waste as of the effective date of this regulation and has received all required final layers [a final layer] of cover material.

(29) [(23)] "Closure" means the time at which a waste treatment, storage or disposal facility permanently ceases to accept wastes, and includes those actions taken by the owner or operator of the facility to prepare the site for

postclosure monitoring and maintenance or to make it suitable for other uses (KRS 224.005).

(30) "Closure care" means the routine care, maintenance, monitoring and any required corrective action of a solid waste disposal site following certification of closure until the applicable requirements in Section 13 of 401 KAR 48:090, Section 15 of 401 KAR 48:070 and Section 3 of 401 KAR 48:170 are met.

(31) [(24)] "Coal mining solid waste" means solid waste as defined by KRS 224.005 which is generated at, and is incidental to, a coal exploration operation or surface mining and reclamation operation regulated under KRS Chapter 350, and shall not include wastes generated by households, communities, cities, counties, or any person or business other than those regulated under KRS Chapter 350.

(32) [(25)] "Coal mining waste" means earth materials which are combustible, physically unstable, or acid-forming or toxic-forming, that are generated during and incidental to the mining and extraction of coal and to the washing and crushing of coal. The term does not include used oil, paints or flammable liquids. The term includes the following:

(a) Refuse which is that waste material in the raw coal which it is the object of cleaning to remove;

(b) Overburden which includes all of the earth and other geologic materials, excluding topsoil, which lie above a natural deposit of coal and also means such earth and other material after removal from their natural state in the process of mining; and

(c) Coal mining by-products which include any material that is not one (1) of the primary products of a particular coal mining operation, is a secondary and incidental product of the particular operation and would not be solely and separately mined by the particular operation. The term does not include an intermediate mining product which results from one (1) of the steps in a mining process and is processed through the next step of the process within a short time. An example of a coal mining by-product is that part of the ore deposit that is too low in grade to be of economic value at the time, but which is stored separately in the hope that it can be profitably treated later.

(33) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding household [residential] and industrial wastes.

(34) "Component" see "hazardous waste management unit-hazardous waste tanks-component" or "solid waste site or facility-tank-component."

(35) [(26)] "Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

(36) [(27)] "Constituent" or "hazardous waste constituent" means a constituent which caused the cabinet to list the hazardous waste in 401 KAR 31:040, or a constituent listed in Section 5(3) of 401 KAR 31:030.

(37) "Construction/demolition debris landfill" see "solid waste site or facility-construction/demolition debris landfill."

(38) "Construction/demolition waste" see "solid waste site or facility." [means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, bricks, concrete, other masonry materials, soil, rock, lumber, road spoils, rebar, paving materials, and tree stumps. Such waste does not include any hazardous waste.]

(39) [(28)] "Construction materials" means nonhazardous nonsoluble material, including but not limited to steel, concrete, brick, asphalt roofing material, or lumber from a construction or demolition project. Mixture of construction and demolition debris with any amount of other types of waste may cause it to be classified as other than construction materials.

(40) [(29)] "Contained landfill" see "solid waste site or facility - contained landfill."

(41) [(30)] "Container" means any portable enclosure in which a material is stored, transported, treated, disposed, or otherwise handled.

(42) [(31)] "Contaminate" means introduce a substance that would cause:

(a) The concentration of that substance in the groundwater to exceed the maximum contaminant level specified in Sections 5 and 6 of 401 KAR 47:030 or [Section 2 of 401 KAR 30:030 and] 401 KAR 34:060, Section 8.

(b) An increase in the concentration of that substance in the groundwater where the existing concentration of that substance exceeds the maximum contaminant level specified in 401 KAR 47:030 [30:030, Section 2] or 401 KAR 34:060, Section 8.

[(c) An increase in the concentration of that substance in the groundwater above background when an established maximum contaminant level does not exist.]

(43) [(32)] "Contamination" means the degradation of naturally occurring water, air, or soil quality either directly or indirectly as a result of human activities.

(44) [(33)] "Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in the event of a fire, explosion or release of waste or waste constituents into the environment which has the potential for endangering human health and the environment. Financial planning to identify resources for initiation of such action is a part of contingency plan development.

(45) [(34)] "Corrosion expert" means a person who by reason of his knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks documented by credentials submitted to the cabinet. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

(46) [(35)] "Cover material" means soil or other suitable material that is spread and compacted on the top and side slopes of disposed waste in order to control disease vectors, gases, erosion, fires, and infiltration of precipitation or run-on; support vegetation; provide trafficability; or assure an aesthetic appearance.

(47) [(36)] "Designated facility" means a hazardous waste treatment, storage, or disposal facility which has received a hazardous waste site or facility permit (or a facility with interim status) in accordance with the requirements of 401 KAR Chapter 38, a permit from a state authorized in accordance with 40 CFR Part 271, and EPA permit (or a facility with interim status) in accordance with 40 CFR Parts 270 and 124, or that is regulated under Section 6(3)(b) of 401 KAR 31:010 or 401 KAR Chapter 36, 40 CFR 261.6(c)(2) or 40 CFR Part 266, and that has been designated on the manifest by the generator pursuant to Section 1 of 401 KAR 32:020.

(48) [(37)] "Destruction or adverse modification" means a direct or indirect alteration of critical habitat which appreciably diminishes the likelihood of the survival and recovery of threatened or endangered species using that habitat.

(49) [(38)] "Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

(50) [(39)] "Director" means the director of the cabinet's division of waste management.

(51) [(40)] "Discharge" means but is not limited to spilling, leaking, pumping, pouring, emitting, emptying, or dumping (KRS 224.877(a)).

(52) [(41)] "Disease vector" means all insects, birds or gnawing animals such as rats, mice or ground squirrels, which are capable of transmitting pathogens.

(53) [(42)] "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any water, including groundwaters (KRS 224.005).

(54) [(43)] "Disposal facility" see "hazardous waste site or facility - disposal facility" or "solid waste site or facility-disposal facility".

(55) [(44)] "Elementary neutralization unit" see "hazardous waste site or facility - elementary neutralization unit."

(56) "Emergency permit" see "permit-emergency/permit".

(57) [(45)] "Endangered or threatened species" means any species listed as such pursuant to Section 4 of the Endangered Species Act, as amended, 16 U.S.C. 1536.

(58) [(46)] "Environmental emergency" includes any release or threatened release of materials into the environment in such quantities or concentrations as to cause or threaten to cause an imminent and substantial danger to human health or the environment; the term includes, but is not limited to, discharges of oil and hazardous substances prohibited by section 311(b)(3) of the federal Clean Water Act (P.L. 92-500), as amended (KRS 224.877(1)(d).

(59) [(47)] "EPA hazardous waste number" means the number assigned by EPA and the cabinet to each hazardous waste listed in 401 KAR 31:040, and to each characteristic identified in 401 KAR 31:030.

(60) [(48)] "EPA identification number" means the number assigned by EPA or the cabinet to each generator, transporter, and treatment, storage, or disposal facility.

(61) [(49)] "EPA region" means the states and territories found in any one (1) of the following ten (10) regions:

Region I - Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

Region II - New York, New Jersey, Puerto Rico, and the Virgin Islands.

Region III - Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

Region IV - Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida.

Region V - Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

Region VI - New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.

Region VII - Nebraska, Kansas, Missouri, and Iowa.

Region VIII - Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado.

Region IX - California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of Northern Mariana Islands.

Region X - Washington, Oregon, Idaho, and Alaska.

(62) "Ephemeral stream" means a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice and which has a channel bottom that is always above the local water table.

(63) [(62)] [(50)] "Equivalent method" means any testing or analytical method, approved jointly by the administrator and the secretary under 401 KAR Chapter 31, or methods in 401 KAR Chapters 47 and 48 [47:040 or 401 KAR 47:050], approved by the secretary of the cabinet.

(64) [(63)] [(51)] "Existing hazardous waste site or facility" or "existing facility" means a hazardous waste facility which was in operation, or for which continuous construction had commenced, on or before November 19, 1980. A facility has commenced construction if:

(a) The owner or operator had obtained the federal, state and local approvals or permits necessary to begin physical construction; and

(b) Either:

1. A continuous on-site, physical construction program has begun; or

2. The owner or operator has entered into contractual obligations, which cannot be cancelled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

(65) [(64)] [(52)] "Existing portion" means that land surface area of an existing hazardous waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

(66) [(65)] "Existing tank system" see "hazardous waste management unit - hazardous waste tank-existing tank system."

(67) [(66)] [(53)] "Explosive gas" means methane (CH_4) in 401 KAR 30:030, Section 1(1).

(68) [(67)] "Existing unit" means any solid waste disposal unit that is receiving solid waste as of the effective date of this regulation and has not received the final layers of cover material.

(69) [(68)] [(54)] "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of waste. A facility may consist of several

treatment, storage, or disposal operational units (e.g., one (1) or more landfills, surface impoundments, or combination of them).

(70) [(69)] [(55)] "Facility structures" means any buildings and sheds or utility or drainage lines on the solid waste site or facility.

(71) [(70)] [(56)] "Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government including any government corporation, and the United States Government Printing Office.

(72) [(71)] "Federal, state and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state or local hazardous waste control statutes, regulations or ordinances.

(73) [(72)] [(57)] "Final closure":

(a) Of a hazardous waste site or facility means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 401 KAR Chapters 34 and 35 are no longer conducted at the facility unless subject to the provisions in Section 5 of 401 KAR 32:030.

(b) Of a solid waste site or facility means the approved closure of a solid waste site or facility in accordance with the applicable requirements of 401 KAR 48:060, 401 KAR 48:090, 401 KAR 48:170 or 401 KAR 48:200 [47:040 or 401 KAR 47:050] and the environmental performance standards in 401 KAR 48:050 [30:030].

[(58) "Final cover" means cover material, soil or other suitable material, that is applied upon closure of a landfill or sanitary landfill and is permanently exposed to the natural elements.]

(74) [(73)] [(59)] "Flood plain" means areas adjoining inland waters which are inundated by the base flood, unless otherwise specified in 401 KAR 47:040.

(75) [(74)] [(60)] "Food chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

(76) [(75)] [(61)] "Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

(77) [(76)] [(62)] "Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

(78) [(77)] [(63)] "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 401 KAR Chapter 31 or whose act first causes a hazardous waste to become subject to regulation.

(a) "Small quantity generator" means a generator who generates more than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month.

(b) "Limited quantity generator" means a generator who generates less than 100 kilograms of hazardous waste in a calendar month.

(c) If a limited quantity generator generates acutely hazardous waste listed in Sections 2, 3, and 4(5) of 401 KAR 31:040 in a calendar month in quantities greater than one (1) kilogram, all quantities of that acutely hazardous waste are subject to regulation under 401 KAR Chapters 32 through 39, and the notification and permitting requirements of KRS 224.855 and 224.864 through 224.877.

[(78) "Granted permit-by-rule" see "permit, granted permit-by-rule".]

(79) [(64)] "Groundwater" means water which is in the zone of perennial saturation. It is differentiated from water held in the soil, from water in downward motion under the force of gravity in the perennially unsaturated zone, and from water held in chemical or electrostatic bondage. It is synonymous with the term "phreatic water."

(80) [(65)] "Groundwater table" means the upper boundary of the saturated zone in which the hydrostatic pressure of the groundwater is equal to the atmospheric pressure.

(81) [(66)] "Hazardous substance" means any substance or combination of substances including wastes of a solid, liquid, gaseous or semisolid form which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment. Such substances may include but are not limited to those which are, according to criteria established by the cabinet, toxic, corrosive, ignitable, irritants, strong sensitizers or explosive (KRS 224.877(b)).

(82) [(67)] "Hazardous waste constituent" means a constituent that caused the cabinet to list the hazardous waste in 401 KAR 31:040, or a constituent listed in Section 5(3) of 401 KAR 31:030.

(83) [(68)] "Hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

(84) [(69)] "Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

(a) Hazardous waste tanks.

1. "Aboveground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

2. "Component" means either the tank or ancillary equipment of a tank system.

3. "Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the

tank system and if either:

a. A continuous on-site physical construction or installation program has begun; or

b. The owner or operator has entered into contractual obligations - which cannot be cancelled or modified without substantial loss - for physical construction of the site or installation of the tank system to be completed within a reasonable time.

4. "In-ground tank" means a device meeting the definition of "tank" in this section whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

5. "New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation has commenced after July 14, 1986 except, however, for purposes of Section 4(7)(b) of 401 KAR 34:190 and Section 4(7)(b) of 401 KAR 35:190, a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system".)

6. "On-ground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

7. "Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

8. "Underground tank" means a device meeting the definition of "tank" in this section whose entire surface area is totally below the surface of and covered by the ground.

9. "Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

(85) [(70)] "Hazardous waste site or facility" means any place at which hazardous waste is treated, stored, [and/]or disposed of by landfilling, incineration, or any other method.

(a) "Boiler" means an enclosed device using control flame combustion and having the following characteristics:

1.a. The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

b. The unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as water walls and superheaters) must be physically formed into one (1) manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally design, however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

c. While in operation, the unit must maintain a thermal energy recovery efficiency of at least sixty (60) percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

d. The unit must export and utilize at least seventy-five (75) percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

2. The unit is one (1) which the cabinet has determined, on a case-by-case basis, to be a boiler, after considering the standards in 401 KAR 30:080.

(b) "Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure.

(c) "Elementary neutralization unit" means a tank, container, transport vehicle, or vessel which is used for neutralizing wastes which are hazardous wastes only because they exhibit the corrosivity characteristic defined in 401 KAR Chapter 31 or are wastes listed in 401 KAR Chapter 31 only for this reason.

(d) "Incinerator" means any enclosed device using controlled flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace.

(e) "Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy:

1. Cement kilns.
2. Lime kilns.
3. Aggregate kilns.
4. Phosphate kilns.
5. Coke ovens.
6. Blast furnaces.
7. Smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces).
8. Titanium dioxide chloride process oxidation reactors.
9. Methane reforming furnaces.
10. Pulping liquor recovery furnaces.
11. Combustion devices used in the recovery of sulfur values from spent sulfuric acid.
12. Such other devices as the cabinet may, after notice and comment, add to this list on the basis of criteria and Section 5 of 401 KAR 30:080.

(f) "Injection well" means a well into which fluids are injected to achieve subsurface emplacement.

(g) "Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, or an underground injection well, a salt dome formation, a salt bed formation, an underground mine, or a cave.

(h) "Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

(i) "Miscellaneous unit" means a hazardous

waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 40 CFR Part 146, or unit eligible for a research, development, and demonstration permit under 401 KAR 38:060, Section 6.

(j) [(i)] "Pile" or "waste pile" means any noncontainerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage.

(k) [(j)] "Storage facility" means a facility or part of a facility at which hazardous waste is held for a temporary period, at the end of which the hazardous waste is treated, disposed, or stored elsewhere. A generator who accumulates his own hazardous wastes in an approved manner for less than ninety (90) days for subsequent transport on site or off site is not operating or maintaining a storage facility.

(l) [(k)] "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

(m) [(l)] "Tank" means a stationary device designed to contain an accumulation of hazardous waste which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

(n) [(m)] "Thermal treatment facility" means a facility or part of a facility which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge.

(o) [(n)] "Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which acid is neutralized.

(p) [(o)] "Treatment facility" means a facility or part of a facility using any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste nonhazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

(q) [(p)] "Wastewater treatment unit" means a tank which is part of a wastewater treatment facility which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act of 1972 and which receives, treats, stores, generates, or accumulates influent wastewater or receives, stores, treats, generates or accumulates wastewater treatment sludge, either of which is a hazardous waste.

(86) [(71)] "Holocene" means the most recent epoch of the quarternary period, extending from the end of the pleistocene to the present.

(87) "Household solid waste" means solid waste, including garbage and trash generated by single and multiple family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, and recreational areas such as picnic areas, parks, and campgrounds.

(88) [(87)] [(72)] "Inactive portion" means that portion of a hazardous waste site or facility which is not operated after November 19, 1980.

(89) [(88)] [(73)] "Incinerator" see "hazardous waste site or facility - incinerator" or "solid waste site or facility-incinerator".

(90) [(89)] [(74)] "Incompatible waste" means a hazardous waste which is unsuitable for placement in a particular device or facility because it may cause corrosion or decay of containment materials, or unsuitable for commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.

(91) [(90)] [(75)] "Individual generation site" means the contiguous site at or on which one (1) or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one (1) or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

(92) [(91)] [(76)] "Industrial furnace" see "hazardous waste site or facility - industrial furnace."

(93) [(92)] "Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under 401 KAR Chapters 32 through 39. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer or agricultural chemicals; food and related products or by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

(94) [(93)] [(77)] "Inert landfill" see "solid waste site or facility - inert landfill."

(95) [(94)] [(78)] "Infectious waste" means those wastes which may cause disease or reasonably be suspected of harboring pathogenic organisms; included are wastes resulting from the operation of medical clinics, hospitals, and other facilities producing wastes which may consist of, but are not limited to, diseased human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing, and surgical gloves.

(96) [(95)] "Inground tank" see "hazardous waste management unit - hazardous waste tank - inground tanks" or "solid waste site or facility-tanks-inground tanks".

(97) [(96)] [(79)] "Injection well" see "hazardous waste site or facility - injection well" or "solid waste site or facility-injection well".

(98) [(97)] [(80)] "Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained hazardous waste or reagents used to treat the hazardous waste.

(99) [(98)] [(81)] "In operation" refers to a facility which is treating, storing, or disposing of hazardous waste.

(100) [(99)] [(82)] "Installation inspector" means a person who, by reason of his knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of a hazardous waste management unit including tank systems.

(101) [(100)] [(83)] "Interim status" means the designation of a hazardous waste site or facility which was in existence on November 19, 1980, and has submitted a Part A application under 401 KAR Chapter 38 or under 40 CFR Part 270 and is treated as having a permit until such time as final administrative disposition of such application is made.

(102) "Intermittent stream" means a stream or reach of stream that drains a watershed of one (1) square mile or more but does not flow continously during the calendar year.

(103) [(101)] [(84)] "International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

(104) [(102)] "Karst terrain" means a type of topography where limestone, dolomite or gypsum is present and is characterized by naturally occurring closed topographic depressions or sinkholes, caves, disrupted surface drainage, and well developed underground solution channels formed by dissolution of these rocks by water moving underground.

(105) [(103)] [(85)] "KPDES" means Kentucky Pollutant Discharge Elimination System.

(106) [(104)] [(86)] "Lab pack" means any large container equal to or smaller than fifty-five (55) gallons that holds many smaller containers of various content tightly secured with packing material.

(107) [(105)] [(87)] "Landfarming facility" see "solid waste site or facility - landfarming facility."

(108) [(106)] [(88)] "Landfill" see "hazardous waste site or facility - landfill."

(109) [(107)] [(89)] "Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

(110) [(108)] [(90)] "Land treatment facility" see "hazardous waste site or facility-land treatment facility."

(111) [(109)] "Lateral expansion" means a horizontal expansion of the waste boundaries of an existing solid waste landfill unit.

(112) [(110)] [(91)] "Leachate" means any liquid including any suspended components in the liquid, that has percolated through or drained from waste.

(113) [(111)] [(92)] "Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment system or the presence of a release of hazardous waste, hazardous waste constituents or accumulated liquid in the secondary containment system. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment system or the presence of a release of hazardous waste constituents or accumulated liquids into the secondary containment system.

(114) [(112)] "Limited quantity generator" see "generator-limited quantity generator."

(115) [(113)] [(93)] "Liner" means a continuous layer of natural or manmade material, beneath or on the sides of a hazardous or solid waste site or facility, including but not limited to a waste pile, surface impoundment, landfill, or landfill cell, or beneath or on the sides of a [solid] waste site or facility which restricts the movement of the wastes, waste constituents, or leachate.

(116) [(114)] [(94)] "Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases which will propagate a flame in air at twenty-five (25) degrees Celsius and atmospheric pressure.

(117) [(115)] "Management facility" see "solid waste site or facility-management facility".

(118) [(116)] [(95)] "Major modification" means:

(a) For hazardous waste sites or facilities, a change in ownership where the cabinet determines that other changes in the permit are necessary as a result of the change in ownership or operational control, area occupied, disposal method, or other significant change in the operation of a waste site or [management] facility. (Note: Minor modifications are described in Section 3 of 401 KAR 38:040 [for hazardous waste sites or facilities and Section 3 of 401 KAR 47:130 for solid waste sites or facilities].)

(b) For solid waste sites and facilities, a change meeting the criteria in Section 3 of 401 KAR 47:130.

(119) [(117)] [(96)] "Manifest" means the shipping document form contained in Appendix A of 401 KAR 32:100, and if necessary the form contained in Appendix B of 401 KAR 32:100, originated and signed by the generator in accordance with the instructions included in 401 KAR 32:100.

(120) [(118)] [(97)] "Manifest document number" means the U.S. EPA twelve (12) digit identification number assigned to the generator plus a unique, serially increasing, five (5) digit document number assigned to the manifest by the generator for recordkeeping and reporting purposes.

(121) [(119)] [(98)] "Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

(122) [(120)] "Miscellaneous unit" see "hazardous waste site or facility - miscellaneous unit" or "solid waste site or facility - miscellaneous unit".

(123) [(121)] [(99)] "Monitoring" means the act of systematically inspecting and

collecting data on operational parameters or on the quality of the air, soil, groundwater, or surface water.

(124) [(122)] [(100)] "Monitoring well" means a well used to obtain water samples for water quality and quantity analysis and groundwater levels.

(125) [(123)] [(101)] "Movement" means that hazardous waste transported to a facility in an individual vehicle.

(126) "Municipal solid waste" means household solid waste and commercial solid waste.

(127) [(124)] [(102)] "NPDES" means National Pollutant Discharge Elimination System (KRS 224.005(29)).

(128) [(125)] [(103)] "New" means any hazardous waste site or facility that commenced construction after November 19, 1980.

(129) [(126)] "New tank system" see "hazardous waste management unit-hazardous waste tank-new tank system".

(130) [(127)] "Notice of intent to apply for a solid waste permit" see "application - notice of intent to apply for a solid waste permit".

(131) [(128)] [(104)] "Off-site" means properties noncontiguous to the generation site.

(132) [(129)] "Onground tanks" see "hazardous waste management unit - hazardous waste tanks - onground tanks" or "solid waste site or facility - tank - onground tanks".

(133) [(130)] [(105)] "On-site" means on the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection, and access is by crossing, as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

(134) [(131)] [(106)] "100 year flood" means a flood that has a one (1) percent or one (1) in 100 or greater chance of recurring in any year, or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period, taking into consideration the present engineering aspect of the flood plain.

(135) [(132)] [(107)] "Open burning" means the combustion of any material or solid waste without:

(a) Control of combustion air to maintain adequate temperature for efficient combustion;

(b) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

(c) Control of emission of the gaseous combustion products.

(136) [(133)] [(108)] "Open dump" means any facility or site for the disposal of solid waste which does not meet the criteria for a sanitary landfill under regulations promulgated by the cabinet which shall be consistent with regulations promulgated under section 4004, Resource Conservation and Recovery Act of 1976, as amended (P.L. 94-580), and which is not a facility for disposal of hazardous waste (KRS 224.005).

(137) [(134)] [(109)] "Operational plan" means the approved plan of operations filed with the cabinet which describes the method of operation that the permittee will use in the treatment, storage, and/or disposal of wastes.

(138) [(135)] "Operator" means any person responsible for overall operation of an on-site or off-site waste facility, including any private contractor conducting operational activities at a federal facility.

(139) [(136)] [(110)] "Owner[/operator of a waste facility]" means any person who owns [the owner of] an on-site or off-site waste [treatment, storage, or disposal] facility, or any part of a facility [as well as any person with whom rests ultimate decision-making authority over the facility].

(140) [(137)] "Part A of the application" or "Part A" see "application - Part A application".

(141) [(138)] "Part B of the application" or "Part B" see "application - Part B application".

(142) [(139)] [(113)] "Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 401 KAR Chapters 34 and 35 at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

(143) "Perennial stream" means a stream or that part of a stream that flows continuously during all of the calendar year as a result of groundwater discharge or surface runoff. The term does not include "intermittent stream" or "ephemeral stream."

(144) [(140)] [(114)] "Periodic application of cover material" means the application and compaction of soil or other suitable material over disposed waste at a solid waste site or facility at the end of each operating day or at such frequencies and in such a manner as to reduce the risks of fire and to impede disease vector's access to the waste.

(145) [(141)] [(115)] "Permit" means the authorization or other control document issued by the cabinet to implement the requirements of the waste management regulations. The term "permit" includes also "permit by rule," and "emergency permit." However, the term "permit" does not include "draft permit" or a "proposed permit."

(a) "Emergency permit" means a permit issued by the cabinet to temporarily store, treat or dispose of hazardous waste in accordance with the provisions of Section 2 of 401 KAR 38:060, or to temporarily manage, process, or dispose of a solid waste in accordance with the provisions of Section 2 of 401 KAR 47:150 [Section 2].

(b) "Permit by rule" means that certain classes of sites or facilities are presumed to hold a permit so long as the operations of such sites or facilities do not present a threat of imminent hazard to public health or a substantial environmental impact, in violation of any of the environmental performance standards specified in 401 KAR 30:020 or 47:030 [30:030] or the maximum groundwater contaminant levels specified in Section 5 of 401 KAR 34:060. Both hazardous and solid waste sites or facilities may be considered to hold a permit by rule.

1. Examples of hazardous waste sites or

facilities which are permitted by rule include facilities operating under an interim status permit and facilities identified in Section 1 of 401 KAR 38:060.

2. Examples of solid waste sites or facilities which are permitted by rule include facilities identified in [Section 1(4) of] 401 KAR 47:150 [47:020 and Section 1(2) of 401 KAR 47:050].

(c) "Registered [Granted] permit by rule" means that certain classes of solid waste sites or facilities as specified in 401 KAR 47:080 have a permit as provided [required] in 401 KAR 47:110 or 401 KAR 48:200.

(d) "Research, development and demonstration permit" means a solid waste treatment or disposal facility using innovative and experimental technology as specified in Sections of 401 KAR 47:150.

(146) [(142)] [(116)] "Permittee" means any person holding a valid permit issued by the cabinet to manage, treat, store, and/or dispose of waste.

(147) [(143)] [(117)] "Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, federal agency, state agency, city, commission, political subdivision of the Commonwealth, or any interstate body (KRS 224.005).

(148) [(144)] [(118)] "Personnel" or "facility personnel" means all persons who work at or oversee the operations of a waste facility, and whose actions or failure to act may result in noncompliance with the requirements of the waste management regulations.

(149) [(145)] [(119)] "Pile" see "hazardous waste site or facility - pile" or "solid waste site or facility - pile". [subsection (63)(g) of this section.]

(150) "Point of compliance" means for solid waste site and facilities, groundwater monitoring wells located within 250 feet of the waste boundary as approved by the cabinet in accordance with 401 KAR 48:300.

(151) [(146)] [(120)] "Point source" means any discernible, confined, and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

(152) [(147)] [(121)] "Postclosure care" means the manner in which a facility must be maintained when it no longer accepts hazardous waste for disposal.

(153) [(148)] [(122)] "Postclosure monitoring and maintenance" means the routine care, maintenance and monitoring of a solid waste disposal facility or hazardous waste treatment, storage, or disposal facility following closure of the facility.

(154) [(149)] [(123)] "Preventive measures" means the installation or testing of equipment or devices, designated way of performing a specified operation or the preparation of an emergency response plan (KRS 224.877(c)).

(155) [(150)] "Processing facility" see "solid waste site or facility - processing facility".

(156) [(151)] "Proposed permit" means a document prepared under Section 3 of 401 KAR 47:140 indicating the cabinet's tentative decision to issue or deny, modify, revoke or terminate a permit. A notice of intent to terminate a permit and a notice of intent to deny a permit as discussed in Section 2 of 401 KAR 47:140 are types of proposed permits. A denial of a request for modification, revocation or termination as discussed in Section 2 of 401 KAR 47:140 is not a proposed permit.

(157) [(152)] [(124)] "Publicly owned treatment works" or "POTW" means any device or system used in the treatment (including recycling and recovery) of any municipal sewage or industrial wastes of a liquid nature which is owned by the Commonwealth or a political subdivision of the Commonwealth (KRS 224.005).

(158) [(153)] [(125)] "Putrescible" means susceptible to rapid decomposition by bacteria, fungi, or oxidation sufficient to cause nuisances such as odors, gases, or other offensive conditions.

(159) [(154)] [(126)] "Recharge zone" means an area supplying the water which enters an underground drinking water source.

(160) [(155)] [(127)] "Reclaimed" see Section 1 of 401 KAR 31:010.

(161) [(156)] [(128)] "Recovered material" means waste material and by-products which have been recovered or diverted from waste, but does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process (KRS 224.005).

(162) [(157)] [(129)] "Recycling" means any treatment process for the reclamation of material or energy from waste (KRS 224.005). See also Section 1 of 401 KAR 31:010.

(163) [(158)] "Recycling center" see "solid waste site or facility - recycling center".

(164) [(159)] "Recycling facility" see "solid waste site or facility - recycling facility".

(165) [(160)] [(130)] "Regional Administrator" means the regional administrator for the EPA region in which the facility is located, or his designee.

(166) [(161)] [(131)] "Regional integrated waste treatment and disposal demonstration facility" means a model hazardous waste facility receiving wastes from a region larger than the county boundaries in which it is located, from more than one (1) person, and utilizing multiple treatment and disposal technologies, one (1) of which must be a secure landfill, and one (1) of which must be a high technology incinerator, and designed so as to promote resource recovery and energy generation from hazardous waste and the use of state-of-the-art techniques for rendering waste nonhazardous, and the disposal of waste in a manner that minimizes the risk to public health and long term environmental impacts (KRS 224.2201(4)).

(167) [(162)] [(132)] "Regulated unit" means hazardous waste land disposal sites or facilities, or portions of existing hazardous waste land disposal sites or facilities that continue to receive waste after January 26, 1983.

(168) [(163)] "Research, development and demonstration permit" see "permit - research, development and demonstration permit".

(169) [(164)] [(133)] "Residential landfill" see "solid waste site or facility - residential landfill."

(170) [(165)] [(134)] "Residual landfill" see "solid waste site or facility - residual landfill."

(171) [(166)] [(135)] "Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) which can be expected to exhibit the average properties of the universe or whole.

(172) [(167)] [(136)] "Resource recovery" means the recovery of material or energy from waste.

(173) [(168)] [(137)] "Run-off" means any rainwater, leachate, or other liquid that drains overland from any part of a facility.

(174) [(169)] [(138)] "Run-on" means any rainwater, leachate, or other liquid that drains overland onto any part of a facility.

(175) [(170)] [(139)] "Salvaging" means the controlled removal of waste materials for utilization in a manner approved by the cabinet.

(176) [(171)] "Sanitary landfill" see "solid waste site or facility - sanitary landfill".

(177) [(172)] [(141)] "Saturated zone (zone of saturation)" means that part of the earth's crust containing groundwater in which all voids, large and small, are filled with liquid.

(178) [(173)] [(142)] "Scavenging" means the removal of waste materials from a waste management site or facility in a manner deemed by the cabinet to be dangerous to the health and safety of any person.

(179) [(174)] "Schedule of compliance" means a schedule of remedial measures included in a permit or cabinet order, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with KRS Chapter 224 and the waste management regulations.

(180) [(175)] [(143)] "Scrap metal" see Section 1 of 401 KAR 31:010.

(181) [(176)] [(144)] "Secretary" means the secretary of the Natural Resources and Environmental Protection Cabinet (KRS 224.005).

(182) [(177)] "Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the waste facility or activity.

(183) [(178)] [(145)] "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant or any other such waste having similar characteristics and effects.

(184) [(179)] "Small quantity generator" see "generator - small quantity generator".

(185) [(180)] [(146)] "Solid waste management" means the administration of solid waste activities: collection, source separation, storage, transportation, transfer, processing, treatment and disposal, which shall be in accordance with a departmentally approved county or multicounty solid waste management plan (KRS 224.005).

(186) [(181)] [(147)] "Solid waste management area" or "area" means any county or group of counties so designated by the cabinet by approval of the local solid waste management plan (KRS 224.005).

(187) [(182)] [(148)] "Solid waste management facility" means any resource recovery system or component thereof, any system, program or facility for resource conservation, and any facility for collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste, whether such facility is associated with facilities generating such wastes or otherwise (KRS 224.005).

(188) [(183)] [(149)] "Solid waste site or facility" means any place at which solid waste is managed, processed or disposed by landfilling, incineration, landfarming or any other method. The term includes the following: [one (1) of the four (4) categories of sanitary landfills or a land farming facility permitted by the cabinet for the disposal of solid waste involving the placement of solid waste on or into the land surface as follows:]

(a) "Construction/demolition debris landfill" means a solid waste site or facility for the disposal of solid waste resulting from the construction, remodeling, repair and demolition of structures and roads, and for the disposal of uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm related cleanup. Such waste includes, but is not limited to, bricks, shredded or segmented tires, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, tree stumps, limbs, saw dust, leaves, yard waste, paper, paper products, metals, furniture, insulation, roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, electrical wiring and components containing no liquids or hazardous metals that are incidental to any of the above and other inert waste as approved by the cabinet. Asbestos containing materials may be accepted only if the permit application includes procedures approved by the cabinet to handle these materials. Construction/demolition debris landfills shall not be for disposal of garbage, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, PCB containing waste, hazardous material spill residues, limited quantity generator hazardous waste, or any waste regulated by 401 KAR Chapters 31 and 32, whole tires, liquids, drums, fuel tanks, or other nonpermitted wastes. The technical requirements for construction/demolition debris landfills are found in 401 KAR 48:050 and 401 KAR 48:060.

(b) [(c)] "Contained landfill" means a solid waste site or facility which accepts for disposal [all nonhazardous] solid waste including residential, commercial, institutional, industrial, municipal solid waste, [and] shredded tires[. Contained landfills may also accept, with approval from the cabinet], household hazardous waste, limited quantity generator hazardous waste and spill cleanup residues that are not hazardous waste. The technical requirements for contained landfills are found in 401 KAR 48:050 and 401 KAR 48:070 through 401 KAR 48:090. [facility for the proper disposal of solid waste including those industrial wastes, special wastes, or hazardous wastes exempted by regulation and any nonhazardous waste without case-by-case approval from the cabinet.]

(c) "Convenience center" means a facility that is manned during operating [operation] hours for the collection and subsequent transportation of municipal solid [mechanical compaction of domestic] wastes [transported in] from individual households [not via

municipal or commercial collection vehicles].

(d) "Disposal facility" means a facility or part of a facility at which solid waste is intentionally placed into or on any land or water and at which waste will remain after closure.

(e) "Incinerator" means any enclosed device using controlled flame combustion for burning solid waste.

(f) "Injection well" means a well into which fluids are injected to achieve subsurface emplacement.

(g) [(e)] "Landfarming facility" means a facility for land application of sludges or other **solid** [residual] waste by any method for purposes of disposal. It can be on any piece or pieces of land and may improve the physical and chemical qualities of the land for agricultural purposes, but does not alter the topography of the application area as revealed by contours and will not disturb the soil below three (3) feet from the surface.

(h) "Management facility" means a facility or part of a facility at which solid waste is held for a temporary period, at the end of which solid waste is processed, disposed or managed elsewhere.

(i) "Miscellaneous unit" means a solid waste management unit where waste is disposed of and that is not a container, tank, surface impoundment, pile, landfarming unit, landfill, incinerator, underground injection well with appropriate technical standards under 40 CFR Part 146, or unit eligible for a research, development, and demonstration permit under Section 3 of 401 KAR 47:150.

(j) "Pile" or "waste pile" means any noncontainerized accumulation of nonflowing solid waste that is used for processing or management.

(k) "Processing facility" means a facility or part of a facility using any method, technique or procedure, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for handling or reduced in volume.

(l) "Recycling center" means a facility or a part of a facility at which solid waste is **received and managed in a manner** managed by separating the solid waste into groups] amenable for the recovery of material or energy. This term does not include recycling facilities.

(m) "Recycling facility" means a facility or a part of a facility at which solid waste is processed to reclaim material or energy from the solid waste.

(n) [(d)] "Residual landfill" means a facility for the disposal of specific solid waste(s), including special waste, which is located, designed, constructed, operated, maintained and closed in conformance with the "Environmental performance standards" in 401 KAR 47:030 [30:030, Section 1(1)] and which receives a case-by-case design review by the cabinet.

(o) [(140)] "Sanitary landfill" means a facility for the disposal of solid waste which complies with the "environmental performance standards" specified in 401 KAR 47:030 [30:030].

(p) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

(q) "Tank" means a stationary device designed to contain an accumulation of leachate or liquid solid waste which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

1. "Aboveground tank" means a device meeting the definition of "tank" in this subsection and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

2. "Component" means either the tank or ancillary equipment of a tank system.

3. "Inground tank" means a device meeting the definition of "tank" in this subsection whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

4. "Onground tank" means a device meeting the definition of "tank" in this subsection and that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

5. "Tank system" means a solid waste tank and its associated piping, ancillary equipment and containment system.

6. "Underground tank" means a device meeting the definition of "tank" in this subsection whose entire surface area is totally below the surface of and covered by the ground.

7. "Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of managing or processing solid waste without posing a threat of release of waste to the environment.

(r) "Transfer facility" means any transportation related facility including loading docks, parking areas, and other similar areas where shipments of solid waste are held or transferred during the normal course of transportation.

(s) "Unit" or "solid waste unit" means a contiguous area of land on or in which solid waste is placed, or the largest area in which there is significant likelihood of mixing waste constituents in the same area. Examples of solid waste units include a surface impoundment, a waste pile, a land processing area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

(t) "Wastewater treatment unit" means a tank which is part of a wastewater treatment facility which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act of 1972 and which receives, treats, stores, generates, or accumulates influent wastewater or receives, manages, processes, generates or

accumulates wastewater treatment sludge, either of which is a solid waste.

[(u) The following classifications are being phased out:]

1. [(a)] "Inert landfill" means a facility for the proper disposal of inert, nonsoluble and nonputrescible solid waste, including construction materials, certain industrial or special wastes, and other waste material with specific approval from the cabinet. Certain putrescible wood product wastes (such as cardboard, paper, sawdust, wood chips, and tree trimmings, etc.) may be considered by the cabinet for disposal at inert landfills.

2. [(b)] "Residential landfill" means a facility for the proper disposal of solid waste including residential waste, commercial waste, institutional waste, and those sludges, industrial or special waste with specific approval from the cabinet.

(189) [(184)] "Solid waste unit" see "solid waste site or facility - unit".

(190) [(185)] [(150)] "Special wastes" means those wastes of high volume and low hazard which include, but are not limited to, mining waste, utility wastes (fly ash, bottom ash, scrubber sludge), sludge from water treatment facilities and waste water treatment facilities, cement kiln dust, gas and oil drilling muds and oil production brines (KRS 224.868(1)(a)).

(191) [(186)] [(151)] "Spent material" see Section 1 of 401 KAR 31:010.

(192) [(187)] [(152)] "Spill" means any accidental spilling, leaking, pumping, pouring, emitting, or dumping of hazardous wastes or materials which, when spilled, become hazardous wastes into or on any land or water.

(193) [(188)] [(153)] "State" means any of the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands or Guam but does not include any foreign country.

(194) [(189)] [(154)] "Storage facility" see "hazardous waste site or facility - storage facility."

(195) [(190)] [(155)] "Storage of hazardous waste" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed, or stored elsewhere.

(196) [(191)] [(156)] "Sump" means any pit or reservoir that meets the definition of tank and those troughs/trenches connected to it that serves to collect hazardous waste for transport to hazardous waste management units.

(197) [(192)] [(157)] "Surface impoundment" see "hazardous waste site or facility - surface impoundment", and "solid waste site or facility - surface impoundment".

(198) [(193)] [(158)] "Tank" see "hazardous waste site or facility - tank" or "solid waste site or facility - tank".

(199) [(194)] "Tank system" see "hazardous waste management unit - hazardous waste tank - tank system" or "solid waste sites or facility - tank system".

(200) [(195)] "Technical application" see "application - technical application".

(201) [(196)] [(159)] "Termination" means the final actions taken by the cabinet as to a solid waste or hazardous waste treatment, storage or disposal site or facility when formal responsibilities for postclosure monitoring and maintenance cease (KRS 224.005).

(202) [(197)] [(160)] "Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge (see also "incinerator" and "open burning").

(203) [(198)] [(161)] "Thermal treatment facility" see "hazardous waste site or facility - thermal treatment facility."

(204) [(199)] [(162)] "Totally enclosed treatment facility" see "hazardous waste site or facility - totally enclosed treatment facility."

(205) [(200)] [(163)] "Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous or solid waste are held during the normal course of transportation.

(206) [(201)] [(164)] "Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

(207) [(202)] [(165)] "Transportation" means any off-site movement of waste by any mode, and any loading, unloading, or storage incidental thereto (KRS 224.005).

(208) [(203)] [(166)] "Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

(209) [(204)] [(167)] "Treatment" means any method, technique, or process including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous (KRS 224.005).

(210) [(205)] [(168)] "Treatment facility" see "hazardous waste site or facility - treatment facility."

(211) [(206)] [(169)] "Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

(212) [(207)] [(170)] "Trenching or burial operation" means the placement of sewage sludge or septic tank pumpings in a trench or other natural or manmade depression and the covering with soil or other suitable material at the end of each operating day such that the waste does not migrate to the surface.

(213) [(208)] [(171)] "Underground drinking water source" means:

(a) An aquifer supplying drinking water for human consumption; or

(b) An aquifer in which the groundwater contains less than 10,000 mg/l total dissolved solids.

(214) [(209)] [(172)] "Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "hazardous waste site or

facility, injection well.")

(215) [(210)] "Underground tank" see "hazardous waste management unit - hazardous waste tank - underground tank" or "solid waste site or facility - tank - underground tank".

(216) [(211)] [(173)] "Unsaturated zone (zone of aeration)" means that region of the soil or rock between the land surface and the nearest saturated zone in which the interstices are occupied partially by air.

(217) [(212)] "Unfit for use" see "hazardous waste management unit - hazardous waste tank - unfit for use" or "solid waste site or facility - tank - unfit for use".

(218) [(213)] "Unit" see "solid waste site" or "facility - unit".

(219) [(214)] [(174)] "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

(220) [(215)] [(175)] "Used or reused" see Section 1 of 401 KAR 31:010.

(221) [(216)] [(176)] "Vapor recovery system" means that equipment, device, or apparatus capable of collecting vapors and gases discharged from a storage tank, and a vapor processing system capable of affecting such vapors and gases so as to prevent their emission into the atmosphere.

(222) [(217)] [(177)] "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on the water.

(223) [(218)] [(178)] "Washout" means the carrying away of waste by waters of the base flood.

(224) [(219)] [(179)] "Waste" means:

(a) "Solid waste" means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining wastes, coal mining by-products, refuse and overburden) and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923) (KRS 224.005);

(b) "Hazardous waste" means any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, in any form which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed; nothing in this chapter shall be construed to apply to any activity or substance which is subject to the federal Atomic Energy Act of 1954, as amended (68 Stat. 923) except as provided in KRS 224.867.

(225) [(220)] [(180)] "Waste boundary" means:

(a) The outermost perimeter of the waste (projected in the horizontal plane) as it would exist at completion of the disposal activity; or

(b) An alternative boundary for a solid waste disposal facility which may be used in lieu of paragraph (a) when the cabinet finds that such a change would not result in the contamination of groundwater which may be needed or used for human consumption. Such a finding shall be based on an analysis and consideration of all the factors identified in the following subparagraphs of this paragraph that are relevant:

1. The hydrogeological characteristics of the facility and surrounding land including any natural attenuation and dilution characteristics of the aquifer;

2. The volume and physical and chemical characteristics of the leachate;

3. The quantity, quality, and direction of flow of groundwater underlying the facility;

4. The proximity and withdrawal rates of groundwater users;

5. The availability of alternative drinking water supplies;

6. The existing quality of the groundwater, including other sources of contamination and their cumulative impacts on the groundwater; and

7. Public health, safety, and welfare effects.

(226) [(221)] "Waste facility" means a hazardous waste site or facility or a solid waste site or facility.

(227) [(222)] [(181)] "Waste management district" means any county or group of counties electing to form under the provisions of KRS 109.071 and operate in conformance with the provisions of KRS Chapter 109 and with Section 4006, Resource Conservation and Recovery Act of 1976, as amended (P.L. 94-580) (KRS 224.005).

(228) [(223)] "Waste pile" see either "hazardous waste site or facility - pile" or "solid waste site or facility - pile".

(229) [(224)] [(182)] "Wastewater treatment unit" see "hazardous waste site or facility - wastewater treatment unit" or "solid waste site or facility - wastewater treatment unit".

(230) [(225)] [(183)] "Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

(231) [(226)] [(184)] "Water" or "waters of the Commonwealth" means and includes any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the Commonwealth or within its jurisdiction (KRS 224.005).

(232) [(227)] [(185)] "Well" means any shaft or pit dug or bored into the earth, generally of cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

(233) [(228)] [(186)] "Wetlands" means land that has a predominance of hydric soils and is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, where: [those areas that are inundated by surface water or groundwater with a frequency and duration

sufficient to support a prevalence of vegetation or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands include swamps, marshes, bogs, and similar areas, such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.]

(a) "Hydric soils" means soils that, in their undrained condition, are saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

(b) "Hydrophytic vegetation" means a plant growing either in water, or in a substrate that is at least periodically deficient of oxygen during a growing season as a result of excessive water content.

(234) [(229)] [(187)] "Zone of engineering control" means an area under the control of the owner/operator that upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to waters of the Commonwealth.

(235) [(230)] [(188)] "Zone of incorporation" means the depth to which the soil on a landfarm is plowed, tilled, or otherwise designed to receive waste.

Section 2. Acronyms and Abbreviations. The acronyms and abbreviations used in 401 KAR Chapters 30 through 49 can be found in Table 1.

Table 1. Acronyms and Abbreviations

Am.	Amended
C	Corrosive waste
CAA	Clean Air Act
CFR	Code of Federal Regulations
cm_1	Centimeter
cm^2	Centimeter squared
CO	Carbon monoxide
CO_2	Carbon dioxide
CWA	Clean Water Act
DOT	United States Department of Transportation
DRE	Destruction and removal efficiency
E	Explosive waste
eff.	Effective
EPA	United States Environmental Protection Agency
EP Toxicity	Extraction procedure toxicity
FIA	Federal Insurance Administration
FR	Federal Register
H	Acutely hazardous waste
ha	Hectare
I	Ignitable waste
KAR	Kentucky Administrative Regulation
kg	Kilogram
KPDES	Kentucky Pollution Discharge Elimination System
KRS	Kentucky Revised Statute
Ky.R.	Administrative Register of Kentucky
l	Liter
LC	Lethal concentration
LD	Lethal dose
ml	Milliliter
mm	Millimeter
N	Normal
NESHAPS	National Emissions Standards for Hazardous Air Pollutants
NPDES	National Pollutant and Discharge Elimination System
PCB	Polychlorinated biphenyl
pCi/l	Picocuries per liter
PHC	Principal hazardous constituent
Permit POHC	Permitted principal organic hazardous constituent
POHC	Principal organic hazardous constituent
ppm	parts per million
Trial POHC	Trial burn principal organic hazardous constituent
POTW	Publicly owned treatment works
PSD	Prevention of significant deterioration
psi	Pounds per square inch
psig	Pounds per square inch gauge
R	Reactive waste
RCRA	Resource Conservation and Recovery Act, as amended (P.L. 94-580)
SDWA	Safe Drinking Water Act
SEC	Securities and Exchange Commission
SIC	Standard Industrial Classification Code
SPCC	Spill Prevention, Control, and Countermeasures Plan
T	Toxic waste
UIC	Underground Injection Control
UICP	Underground Injection Control Program
USC	United States Code
USEPA	United States Environmental Protection Agency
USPS	United States Postal Service

Section 3. References. The test methods cited in Title 401, Chapters 30 through 49, are those listed in 40 CFR Part 260.11 as of October 27, 1987, Appendix X of 40 CFR 261 as of January 14, 1985, and Appendix I of 40 CFR 268 as of June 4, 1987. [Title 401 Chapters 30 through 49, incorporate certain publications by reference. The publications listed in 40 CFR Part 260.11 are adopted and filed herein by reference. Copies of these publications may be obtained as follows:]

[(1) "ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D-3278-78, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.]

[(2) "Flammable and Combustible Liquids Code" (1977 or 1981), available from the National Fire Protection Association, Battery March Park, Quincy, Massachusetts 02269.]

[(3) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 (Second Edition, 1982 as amended by Update I (April 1984), and Update II (April 1985)). The second edition of SW-846 and Updates I and II are available from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, (703) 487-4600, as document no. PB87-120-291.]

[(4) Appendix X of 40 CFR 261 on the method of analysis for chlorinated dibenzo-p-dioxins and dibenzofurans is adopted by reference and included in "The Test Methods for Evaluating Solid Waste, Physical/Chemical Methods."]

[(5) Appendix I of 40 CFR 268 on Toxicity Characteristics Leaching Procedure (TCLP) a method used to determine whether a solvent waste or a dioxin containing waste requires treatment or when a treated waste meets the applicable treatment standards of Section 1 of 401 KAR 37:100.]

[(6) The paint filter liquid test is Method 9095 and is a part of EPA publication SW 846

incorporated by reference in subsection (3) of this section.]

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 30:020. General provisions.

RELATES TO: KRS 224.033, 224.036, 224.830 through 224.888 [889], 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033
NECESSITY AND FUNCTION: KRS 224.033 and the waste management provisions of KRS Chapter 224 require the cabinet to adopt rules and regulations for the generation, treatment, storage, recycling and disposal of hazardous wastes and the disposal of solid wastes. This chapter establishes the general administrative procedures which are applicable 401 KAR Chapters 31 through 49. This regulation sets forth general provisions which apply to the waste management regulations with regard to applicability, scope, exceptions, variances, general prohibitions, compatibility, conflicting provisions, severability, availability and confidentiality of information.

Section 1. Applicability. The waste management regulations shall apply to the disposal of solid waste and the management of all liquid, semisolid, solid, or gaseous waste defined or identified as hazardous in KRS Chapter 224 or the appropriate regulations (401 KAR 30:010, 401 KAR Chapter 31) by all persons and state and federal agencies who engage in the generation, treatment, storage, or disposal of such wastes, including hazardous substances spilled into the environment, thereby meeting the criteria of hazardous waste.

(1) The waste management regulations apply to all waste disposal sites or facilities with the following exceptions:

(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. (Note: these exemptions do not apply to sludges generated by the treatment of domestic sewage.)

(b) Industrial wastewater discharges that are point source discharges subject to regulation under Section 402 of the Clean Water Act, as amended. (Note: these exemptions do not apply to sludges generated by the treatment of industrial wastewater.)

(c) Solid or dissolved materials in irrigation return flows.

(d) Source special nuclear or by-product material as defined by the Atomic Energy Act, as amended 42 U.S.C. 2011 et seq.

(e) Materials subjected to in situ mining techniques which are not removed from the ground as part of the extraction process.

(2) Any waste that is not excepted by subsection (1) of this section and that is identified or listed under 401 KAR Chapter 31 is subject to the waste management regulations pertaining to hazardous waste.

(3) Any waste which is not excepted by subsection (1) of this section or granted a variance under the conditions of 401 KAR 30:080, or Sections 8 and 9 of 401 KAR 31:010, and which is not subject to subsection (2) of this regulation is subject to the waste management regulations pertaining to solid waste except for:

(a) Agricultural wastes including manures and crop residues, returned to the soil as fertilizers or soil conditioners.

(b) Overburden resulting from mining operations intended for return to the mine site and coal mining wastes, refuse, overburden and coal mining by-products.

(c) The location and operation of septic tanks. These regulations do, however, apply to the disposal of septic tank pumpings.

(d) Disposal of waste by underground well injection subject to the regulations (40 CFR Part 146) for the Underground Injection Control Program (UICP) under the Safe Drinking Water Act, as amended, 42 U.S.C. 3007 [et seq].

Section 2. Variance. A variance, except as provided in 401 KAR Chapter 38, is a written waiver from any provision of the waste management regulations, upon the finding by the cabinet that the absence of such provision(s) shall [will] provide adequate protection to health and the environment in a manner consistent with the purpose of the waste management regulations and KRS Chapter 224. Variances may be granted for recycling operations in accordance with the standards contained in 401 KAR 30:080.

(1) The cabinet may grant a variance or permit modification from the requirements of the waste management regulations if a waste permit requirement, or the process and equipment used is determined by the cabinet to be either:

(a) Insignificant as a potential hazard to public health or the environment because of its small quantity; low concentration; physical, biological, or chemical characteristics; or method of operation used; or

(b) Handled, processed, or disposed of pursuant to regulations of another governmental agency, providing the regulations of other agencies meet the requirements of the waste management regulations, including federal exemption rule-making actions pertaining to hazardous waste management.

(2) A request for variance from a requirement of the waste management regulations shall be submitted in a report as prescribed by the cabinet in sufficient detail to describe clearly the analyses, procedures, controls, and other pertinent data necessary to support the request. The granting of such a request by the cabinet shall be in writing and shall specify appropriate conditions such as duration, limitations, and review procedures.

(3) The cabinet shall [will] not grant any request for a variance which:

(a) Would make the hazardous waste program less stringent than the federal hazardous waste management program; or

(b) Would be in conflict with Kentucky Revised Statutes; or

(c) Would be in conflict with a regulatory provision stating that no variance shall be granted; or

(d) Would vary the requirements of 401 KAR 47:030 [30:030]; or

(e) Would vary the financial responsibility requirements in a manner conflicting with Section 1 of 401 KAR 34:080 or Section 1 of 401 KAR 35:080.

Section 3. Compatibility with the Federal Acts. The regulations promulgated pursuant to the waste management provisions of KRS Chapter 224 are intended to be compatible with federal regulations adopted pursuant to Public Law 94-580, the "Resource Conservation and Recovery Act of 1976," as amended.

Section 4. Conflicting Provisions. The provisions of the waste management regulations are to be construed as being compatible with and complimentary to each other. In the event that any of these regulations are found to be contradictory, the more stringent provisions shall apply.

Section 5. Severability. In the event that any provision of KRS Chapter 224 or any regulation promulgated pursuant thereto is found to be invalid, the remaining waste management regulations in 401 KAR Chapters 30 through 49 shall not be affected or diminished thereby.

Section 6. Use of Number and Gender. As used in 401 KAR Chapters 30 through 49:

(1) Words in masculine gender also include the feminine and neuter genders; and

(2) Words in the singular include the plural; and

(3) Words in the plural include the singular.

Section 7. Applicability of Regulations. (1) At the time of permit issuance, the applicable regulations shall be those waste management regulations which are in effect upon the date of permit issuance **except as provided in 401 KAR 47:080, Section 6(3)**.

(2) **Unless otherwise provided in 401 KAR 47:080, Section 6(3),** for permit modifications, revocation and reissuance, or termination, the applicable regulations shall be those regulatory provisions which are in effect upon the date that the cabinet makes a final determination (i.e., approval of a permit modification) upon the permit action and are applicable to those specific permit conditions being modified or revoked and reissued. The procedures which shall be used for permit modifications, revocation and reissuance, or termination shall be those regulatory procedures which are in effect upon the date of the cabinet's final determination.

Section 8. Availability of Information; Confidentiality of Information. (1) Any information provided to the cabinet under 401 KAR Chapters 30 through 49 shall [will] be made available to the public to the extent and in the manner authorized by the Freedom of Information Act, 5 U.S.C. section 552, KRS 224.035 and 224.036 and Chapter 61 and EPA regulations implementing the Freedom of Information Act and 400 KAR 1:060 as applicable.

(2) Any person who submits information to the cabinet in accordance with 401 KAR Chapters 30 through 49 and 400 KAR 1:060 may assert a claim of business confidentiality or trade secret covering part or all of that information by following the procedures set forth in 400 KAR 1:060. Information covered by such a claim shall [will] be disclosed by the cabinet only to the extent, and by means of the procedures, set forth in 400 KAR 1:060 and KRS Chapter 61 except that information required by Section 4(1) of 401 KAR 32:050 which is submitted in notification of intent to export a hazardous waste shall [will] be provided to the U.S. Department of State and the appropriate authorities in a receiving country regardless of any claims of confidentiality. However, if no such claim accompanies the information when it is received by the cabinet, it may be made available to the public without further notice to the person submitting it.

Section 9. Compliance Deadlines. After promulgation of regulations under 401 KAR Chapter 31 identifying by its characteristics or listing any substance as hazardous waste subject to the hazardous waste management regulations, any person generating or transporting such substance or owning or operating a facility for treatment, storage, disposal or recycling of such substance shall register with the cabinet. Such registration shall be filed within ninety (90) days after promulgation or revision of the regulations unless another notification date is specified.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 40:060. County enforcement representative.

RELATES TO: KRS 68.178, 109.042, 224.005 through 224.210, 224.830 through 224.888, 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 109.042, 224.033, 224.886
NECESSITY AND FUNCTION: KRS 109.042 requires the cabinet to promulgate administrative regulations for local government inspection of **solid waste** [sanitary] landfills and enforcement procedures. This regulation establishes the minimum requirements for appointment as a county enforcement representative, establishes standards for compliance monitoring [of solid waste management facilities,] and establishes reporting requirements.

Section 1. Position Requirements. When a county or urban county government elects to employ a county enforcement representative under the provisions of KRS 109.042, the individual employed in the position shall, at a minimum, meet the following requirements:

(1) The representative shall be a graduate of a college or university with a bachelors degree including fifteen (15) semester equivalent hours in the physical or biological sciences. Professional experience in environmental **management** [control] may substitute for the educational requirements on a year-for-year basis.

(2) The individual appointed to the position of county enforcement representative shall

within one (1) year of appointment complete the manager portion of the Kentucky Landfill Operator Certification Program and successfully complete the certified landfill manager test as outlined in 401 KAR 47:070.

Section 2. Inspection Requirements. (1) The county enforcement representative shall conduct inspections or investigations [of sanitary landfills] in a manner that is reasonable and necessary. The county enforcement representative shall obtain information and evidence with which to determine the compliance of **the facilities identified in Section 5 of this regulation** [sanitary landfills] with the provisions of **relative** KRS Chapter 224, 401 KAR Chapters 47 and 48, terms and conditions of a permit and any order of the secretary[, relating to sanitary landfills]. Inspections shall be conducted in accordance with procedures approved by the cabinet using forms approved by the cabinet.

(2) The county enforcement representative upon presentation of proper identification and authority may:

(a) Enter any permitted **facility identified in Section 5 of this regulation located** [sanitary landfill] in the county, to inspect the premises and gather evidence on existing conditions and procedures;

(b) Obtain [from any permitted landfill in the county,] representative samples of waste or any material believed to be polluting or contaminating the environment;

(c) Conduct tests, analyses and evaluations to determine compliance with the requirements of KRS Chapter 224, 401 KAR Chapters 47 and 48, terms and conditions of a permit and any order of the secretary;

(d) Obtain samples of any containers and photographs or facsimiles of container labels;

(e) Inspect and copy any pertinent records, reports, information or test results relating to the requirements of KRS Chapter 224 and 401 KAR Chapters 47 and 48, terms and conditions of the permit and any order of the secretary; and

(f) Question any person found on the premises, including but not limited to employees or agents of the owner, operator or agency in charge of the premises, concerning their duties, responsibilities, past activities or any other matter relating to the requirements of KRS Chapter 224 and 401 KAR Chapters 47 through **48** [49].

(3) In the event that any samples are obtained prior to leaving the premises, a receipt describing the samples obtained shall be given to the owner, operator, or agency in charge and, if requested, a portion of each such sample equal in volume or weight to the portion retained. A copy of the results shall be furnished to the owner, operator or agency in charge if an analysis is made.

Section 3. Timing and Conduct of Inspections. (1) The county enforcement representative shall have unrestricted right of entry and access to all parts of any **facility identified in Section 5 of this regulation located** [permitted sanitary landfill] in the county for any purpose associated with their proper duties pursuant to 401 KAR Chapters 47 and 48.

(2) Presentation of credentials. The county enforcement representative shall present credentials for identification purposes upon request by a representative of the owner or operator.

(3) The county enforcement representative shall not be required by the cabinet or the owner or operator [of a sanitary landfill] to schedule inspections or to give prior notice that an inspection shall be conducted.

(4) The county enforcement representative shall only be authorized to inspect [sanitary landfills] inside the boundaries of the county or urban county government that elected to implement KRS 109.042.

Section 4. Reporting Requirements. (1) A report listing any deficiencies found during the inspection shall be prepared by the inspector and shall be kept on file in the county. A copy of the inspection report shall be provided to the owner or operator or his agent immediately upon completion of the inspection.

(2) The county enforcement representatives shall make and maintain written records of inspections or investigations including observations made and factual matters discovered. A copy of such record shall be made available to the owner or operator and shall be available for public inspection.

(3) The county enforcement representative shall notify the cabinet of any noncompliances with the requirements of KRS Chapter 224 and 401 KAR Chapters 47 and 48, the terms and conditions of the permit, and any order of the secretary upon completion of the inspection. The notification shall be by submittal of an inspection report to the cabinet including documentation of the deficiency(ies) noted. The cabinet shall respond to the county enforcement representative concerning the deficiency report within three (3) working days of receipt. When such response is by telephone, it shall be followed up by a written reply.

Section 5. Applicability. (1) The provisions of this regulation apply to county enforcement officers hired by county or urban county governments under the provisions of KRS 109.042 and KRS 68.178 to inspect contained, construction/demolition and residual landfills; registered permit-by-rule which entail disposal, and residential and inert facilities through the transition period located within the county's geographical boundary.

(2) Notification procedures. The county shall notify the cabinet in writing of the county enforcement officer's name and hiring date within thirty (30) days of his employment.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:030. Environmental performance standards.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888, 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842

NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the treatment, storage, recycling and disposal of solid wastes. KRS 224.842 requires that persons engaging in the treatment, storage, recycling and disposal of solid waste obtain a permit. This chapter establishes the permitting standards for solid waste sites or facilities, the standards applicable to all solid waste sites or facilities, and the standards for certification of operators. An overview of the permit program is found in Section 1 of 401 KAR 47:080. This regulation sets forth the minimum environmental standards with which all solid waste sites or facilities shall comply.

Section 1. Purpose, Scope and Applicability. The standards in this regulation are for use under the waste management provisions of KRS Chapter 224 in determining which solid waste sites or facilities pose a reasonable probability of adverse effects on human health or the environment. Solid waste sites or facilities failing to satisfy the requirements of this regulation shall be considered open dumps which are prohibited by KRS 224.835. No owner or operator shall cause, suffer, or allow a solid waste site or facility or any unit of a solid waste site or facility to violate any provision of this regulation.

Section 2. Floodplains. No solid waste site or facility shall restrict the flow of the 100 year flood, reduce the temporary water storage capacity of the flood plain, or be placed in a manner likely to result in washout of waste, so as to pose a hazard to human health, wildlife, or land or water resources.

Section 3. Endangered Species. No solid waste site or facility shall:

(1) Cause or contribute to the taking of any endangered or threatened species **or candidate species of the Endangered Species Act of 1973 and subsequent regulations** [of plants, fish, wildlife]; or

(2) Result in the destruction or adverse modification of the critical habitat of endangered or threatened species **or candidate species** as identified in the Endangered Species Act of 1973 and subsequent regulations.

Section 4. Surface Waters. No solid waste site or facility shall:

(1) Cause a discharge of pollutants into waters of the Commonwealth, including wetlands, that violates any requirements of KRS Chapter 224, including but not limited to the Kentucky Pollutant Discharge Elimination System;

(2) Cause a discharge of dredged material or fill material to waters of the Commonwealth that is in violation of the requirements under Section 404 of the Clean Water Act **as of February 4, 1987** [, as amended]; or

(3) Cause the **release** [discharge] of nonpoint source pollution to waters of the Commonwealth, including wetlands, that violates any requirements of **the Kentucky Nonpoint Source Pollution Program** [an areawide or statewide water quality management plan that has been approved by the cabinet].

Section 5. Groundwater. No solid waste site or facility shall contaminate **an underground drinking water source** [groundwater] beyond the **point of compliance** [waste boundary] in excess of the maximum contaminant levels contained in Section 6 of this regulation.

Section 6. Maximum Groundwater Contaminant Levels. The maximum contaminant levels of this section are for use in determining whether solid waste site or facility activities comply with the groundwater criteria of Section 5 of this regulation. Only analytical methods for these contaminants that are approved by the cabinet shall be used. No solid waste site or facility shall contaminate an **underground drinking water source** [aquifer] beyond the maximum contaminant levels established in this section.

(1) Maximum contaminant levels for inorganic chemicals. No solid waste site or facility shall contaminate an **underground drinking water source** [aquifer] beyond the maximum contaminant levels established herein.

(a) The following are the maximum levels of inorganic chemicals other than fluoride:

Contaminant	Maximum Level[1] (milligrams per liter)
Arsenic	0.05 mg/l
Barium	1.0 mg/l
Cadmium	0.01 mg/l
Chromium	0.05 mg/l
Lead	0.05 mg/l
Mercury	0.002 mg/l
Nitrate (as N)	10.0 mg/l
Selenium	0.01 mg/l
Silver	0.05 mg/l

[1]Metal criteria are total recoverable metals to be measured in an unfiltered sample.

(b) The maximum contaminant levels for fluoride are:

Temperature[1] Degrees Fahrenheit	Degrees Celsius	Maximum Level
53.7 and below	12 and below	2.4 mg/l
53.8 to 58.3	12.1 to 14.6	2.2 mg/l
58.4 to 63.8	14.7 to 17.6	2.0 mg/l
63.9 to 70.6	17.7 to 21.4	1.8 mg/l
70.7 to 79.2	21.5 to 26.2	1.6 mg/l
79.3 to 90.5	26.3 to 32.5	1.4 mg/l

[1]Annual average of the maximum daily air temperature.

(2) Maximum contaminant levels for organic chemicals. The following are the maximum contaminant levels for organic chemicals other than volatile synthetic organic chemicals:

	Maximum Level
(a) Chlorinated hydrocarbons:	
Endrin (1,2,3,4,10,10-Hexachloro-6, 7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo-endo-5,8-dimethano-naphthalene)	0.0002 mg/l
Lindane (1,2,3,4,5,6-Hexachlorocyclo hexane, gamma isomer)	0.004 mg/l

Methoxychlor (1,1,1-Trichloro-2,2-bis (p-methoxyphenyl) ethane)	0.1 mg/l
Toxaphene ($C_{10}H_{10}C_{18}$-Technical chlorinated camphene, 67 to 69 percent chlorine)	0.005 mg/l

(b) Chlorophenoxys:

2,4-D (2,4-Dichlorophenoxyacetic acid)	0.1 mg/l
2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid)	**0.01 mg/l** [0.001 mg/l]

(3) Maximum contaminant levels for radioactivity. The following are the maximum contaminant levels for radionuclides:

Radionuclides	Maximum Level
Gross alpha particles	15 picocuries per liter
Radium	5 picocuries per liter
Gross beta particles	50 picocuries per liter
Strontium 90	8 picocuries per liter
Tritium	20,000 picocuries per liter
Iodine 131	3 picocuries per liter

(4) Maximum contaminant levels for volatile synthetic organic chemicals. The following are the maximum contaminant levels for volatile synthetic organic chemicals:

Chemicals	Maximum Level (milligrams per liter)
Benzene	0.005
Carbon tetrachloride	0.005
1,2-Dichloroethane	0.005
Trichloroethylene	0.005
para-Dichlorobenzene	0.075
1,1-Dichloroethylene	0.007
1,1,1-Trichloroethane	0.2
Vinyl chloride	0.002

(5) Maximum microbiological contaminant levels. The maximum contaminant level for coliform bacteria from any one (1) well shall be:

(a) Using the membrane filter technique:

1. **Four (4)** [One (1)] coliform **bacteria** [bacterium] per 100 milliliters if one (1) sample is taken; or

2. **Four (4)** [One (1)] coliform **bacteria** [bacterium] per 100 milliliters in more than one (1) sample of all the samples analyzed in one (1) month; or

(b) Using the five (5) tube most probable number procedure (the fermentation tube method) in accordance with the analytical procedures approved by the cabinet, and using a standard sample, each portion being one-fifth (1/5) of the sample:

1. If the standard portion is ten (10) milliliters, coliform in any five (5) consecutive samples from a well shall not be present in three (3) or more of the twenty-five (25) portions; or

2. If the standard portion is 100 milliliters, coliform in any five (5) consecutive samples from a well shall not be present in five (5) portions in any of five (5) samples or in more than fifteen (15) of the twenty-five (25) portions.

Section 7. Application to Land Use for the Production of Food Chain Crops. No solid waste site or facility shall exist or occur which applies solid waste within three (3) feet of the surface of land used for the production of food chain crops unless in compliance with all the requirements of subsection (1) or (2) of this section:

(1)(a) The pH of the solid waste and soil mixture is six and five-tenths (6.5) or greater at the time of each solid waste application, except for solid waste containing cadmium at concentrations of two (2) mg/kg (dry weight) or less;

(b) The annual application of cadmium from solid waste does not exceed 0.44 pounds per acre on land used for production of tobacco or food chain crops. The annual cadmium application rate does not exceed 0.44 pounds per acre; and

(c) The maximum cumulative application of cadmium from the waste does not exceed the levels in Table 1 of this paragraph.

Table 1

Maximum cumulative application

Soil Cation Exchange Capacity (meq/100g)	Background Soil pH	Pounds/per/Acre
<5	≥6.5	4.46
5-15	≥6.5	8.92
>15	≥6.5	17.84
>15	<6.5*	4.46

*For soils with a background pH of less than six and five-tenths (6.5), the maximum cumulative cadmium applications rate for soils with a background pH equal to or greater than six and five-tenths (6.5) may be used if the pH of the sludge-soil mixture is adjusted to and maintained at six and five-tenths (6.5) or greater whenever food chain crops are grown.

(2) If animal feed is the only food chain crop produced, there is no limit to the cadmium application rate, as long as the pH of sludge and soil mixture is six and five-tenths (6.5) or greater at the time of sludge application or at the time the crop is planted, whichever occurs later, and this pH level is maintained whenever food chain crops are grown. A plan shall also be developed which demonstrates how the animal feed shall be distributed to preclude human ingestion, and the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain, which may result from alternative land uses. Future property owners shall also be notified by a stipulation in the land record or property deed which states that the property received sludge at high cadmium application rates and that food chain crops, except for animal feed, shall not be grown due to possible health hazards.

Section 8. Polychlorinated Biphenyls. No solid waste site or facility shall exist or occur which places solid waste containing concentrations of polychlorinated biphenyls (PCBs) equal to or greater than one (1) mg/kg (dry weight) on the land. However, residual landfills may dispose of PCBs in accordance with their permit and contained landfills may dispose of solid wastes containing PCBs equal to forty-nine (49) mg/kg (dry weight) or less.

Section 9. Disease. (1) Disease vectors. No solid waste site or facility shall exist or occur unless the on-site population of disease vectors is prevented or controlled through the periodic application of cover material or other techniques as appropriate to protect human health and the environment.

(2) Sewage sludge and septic tank pumpings. No solid waste site or facility shall exist or occur which applies sewage sludge or septic tank pumpings within three (3) feet of the surface of the land unless a method to reduce pathogens has been utilized.

Section 10. Air. (1) No solid waste site or facility shall engage in open burning of solid waste or hazardous wastes. This requirement does not apply to infrequent burning of agricultural wastes in the field, silvicultural wastes for forest management purposes, land-clearing debris, diseased trees, debris from emergency cleanup operations, or ordinance.

(2) No solid waste site or facility shall violate applicable air pollution requirements contained in KRS Chapter 224 or 401 KAR Chapters 50 through 63.

Section 11. Safety. (1) Explosive gases. No solid waste site or facility shall allow the concentration of explosive gases generated by the facility to exceed:

(a) Twenty-five (25) percent of the lower explosive limit for the gases in facility structures (excluding gas control or recovery system components); and

(b) The lower explosive limit for the gases at the facility property boundary.

(2) Fires. No solid waste site or facility shall pose a hazard to the safety of persons or property from fires. This may be accomplished through compliance with Sections 9 and 10 of this regulation, through the periodic application of cover material or other techniques as appropriate.

(3) Access. No solid waste site or facility shall allow uncontrolled public access, unauthorized vehicular traffic, or illegal dumping of wastes. This requirement to ensure protection of human health and the environment may be met by using artificial barriers, natural barriers, or other methods as appropriate.

Section 12. Public Nuisance. No solid waste site or facility shall result in a public nuisance because of blowing litter, debris, or other waste or material.

Section 13. Wetlands. No solid waste site or facility shall be located in wetlands.

Section 14. Compliance. No solid waste site or facility shall violate any requirement of KRS Chapter 224 or any regulation promulgated under the authority of KRS Chapter 224.

Section 15. 401 KAR 30:030, entitled Environmental performance standards, is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 8, 1990 at noon

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:070. Operator certification.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888, 224.994 [224.842, 224.844]

STATUTORY AUTHORITY: KRS [224.017,] 224.033, 224.844 [(24)]

NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing or disposal of wastes. KRS 224.844 requires the cabinet to promulgate regulations that establish standards and a certification program for operators of waste [disposal] sites or facilities. This chapter establishes the permitting standards for solid waste sites or facilities, the standards applicable to all solid waste sites or facilities, and the standards for certification of operators. An overview of the permit program is found in Section 1 of 401 KAR 47:080. [This chapter establishes standards for solid waste sites or facilities.] This regulation establishes the program for education, testing, and certification of facility operators of solid waste sites or facilities [sanitary landfills and landfarming facilities].

Section 1. Definitions. The following are definitions as used in this regulation:

(1) "Category of solid waste site or facility" means inert, residual, construction demolition debris, residential or contained landfill and includes landfarming facilities receiving Class I, II and III sludges or wastes.

(2) "Certificate" means a written document issued by the cabinet stating that the operator has met all requirements for certification.

(3) "Certified operator" means a solid waste site or facility operator who holds a valid certificate. The following are categories of certified operators:

(a) "Landfarming operator" means a certified operator who is the individual responsible for ensuring compliance with all permit conditions at a landfarming facility in accordance with 401 KAR 48:200, and who is reasonably available to the site;

(b) "Landfill operator" means a certified operator who is the individual responsible for the daily operating requirements identified in 401 KAR 47:120, 48.060, 48:090, or 48:170;

(c) "Landfill manager" means a certified operator who is the individual with primary responsibility for management and operation of the residential or contained or construction/demolition debris sanitary landfill to assure compliance with all permit conditions including direct responsibility for providing guidance to the landfill operator, or the permittee and the authority to commit financial resources allocated for proper operation; or

(d) "Interim operator" means the individual identified by the permittee as the replacement landfarming operator, landfill operator, or landfill manager in accordance with Section 12 of this regulation.

[Section 1. Applicability. (1) The requirements in this regulation apply to all solid waste sites or facilities except as subsection (2) of this section provides otherwise. Each solid waste site or facility shall have at least one (1) operator certified in accordance with Section 3 (sanitary landfills) or Section 4 (landfarming facilities) of this regulation, as appropriate to the category of solid waste site or facility.]

[(2) Inert or residual landfills are excluded from the requirements of this regulation, unless the cabinet requires operator certification as a condition of the permit. In deciding whether to require operator certification at an inert or residual landfill, the cabinet may consider:]

[(a) The characteristics of the waste stream;]

[(b) The characteristics of the site, including geology and hydrology; and]

[(c) The experience and qualifications of the operator.]

[(3) It shall be the responsibility of the permittee to ensure that the solid waste site or facility complies with the requirements of this regulation.]

Section 2. Applicability. (1) The requirements in this regulation apply to all solid waste sites or facilities except as subsection (2) of this section provides otherwise. Each solid waste site or facility shall have at least one (1) operator certified in accordance with Section 3 (sanitary landfills) or Section 4 (landfarming facilities) of this regulation, as appropriate to the category of solid waste site or facility.

(2) Residual landfills and facilities operating under a registered [granted] permit-by-rule or a permit-by-rule are excluded from the requirements of this regulation, unless the cabinet requires operator certification as a condition of the permit. In deciding whether to require operator certification at a residual landfill, a site or facility with a registered [granted] permit-by-rule or a permit-by-rule, the cabinet shall [may] consider:

(a) The characteristics of the waste stream;

(b) The characteristics of the site, including geology and hydrology; and

(c) The experience and qualifications of the operator.

(3) It shall be the responsibility of the permittee to ensure that the solid waste site or facility complies with the requirements of this regulation.

[Section 2. Definitions. The following are definitions as used in this regulation:]

[(1) "Category of solid waste site or facility" means inert, residual, residential or contained landfill and includes landfarming facilities.]

[(2) "Certificate" means a written document issued by the cabinet stating that the operator has met all requirements for certification.]

[(3) "Certified operator" means a solid waste site or facility operator who holds a valid certificate. The following are categories of certified operators:]

[(a) "Landfarming operator" means a certified operator who is the individual responsible for ensuring compliance with all permit conditions at a landfarming facility in accordance with 401 KAR 47:050 (landfarming), and who is reasonably available to the site.]

[(b) "Landfill operator" means a certified operator who is the individual responsible for the daily operating requirements identified in 401 KAR 47:040 (sanitary landfills).]

[(c) "Landfill manager" means a certified operator who is the individual with primary responsibility for management and operation of the sanitary landfill to assure compliance with all permit conditions including direct responsibility for providing guidance to the landfill operator and/or the permittee and the authority to commit financial resources allocated for proper operation.]

[(d) "Interim operator" means the individual identified by the permittee as the replacement landfarming operator, landfill operator, or landfill manager in accordance with Section 12 of this regulation.]

Section 3. General Provisions for Landfills. (1) Each construction/demolition debris, residential and contained landfill shall have a certified operator[(s)] who is a landfill operator and a landfill manager. The requirements of this subsection may be fulfilled by:

(a) One (1) individual who has been certified in accordance with Section 6 of this regulation for [is certified in] both categories of certified operator (provided this individual meets the qualifications in Sections 1 [2](3) and 11 of this regulation [for both categories of operator]); or

(b) Two (2) individuals who have been certified in accordance with Section 6 of this regulation [are certified] in each category of operator such that one (1) individual is certified as a landfill operator and one (1) individual is certified as a landfill manager.

(2) As provided in Section 2 [1] of this regulation, the cabinet may require as a permit condition that a[n inert or] residual landfill or a site or facility with a permit-by-rule or registered [granted] permit-by-rule shall have a certified operator who is a landfill operator or a landfill manager or both [a landfill operator and a landfill manager]. The permit condition imposed shall reference all applicable operating regulations and requirements for the specific category of sanitary landfill.

(3) In the event the certified operator who is the landfill operator is not physically at the facility during operating hours, either the landfill manager or an interim operator shall be designated responsible for daily site operation and shall be physically located on-site. If an interim operator assumes responsibility for daily operation of the landfill, the requirements in Section 12 of this regulation shall be met.

(4) In carrying out its responsibilities, the cabinet shall [will] examine the qualifications of applicants for certification and maintain records of certification and a register of certified operators.

(5)(a) Except as provided in Section 2 [1] of this regulation, no landfill shall continue operation in the absence of a landfill operator on-site for more than ten (10) consecutive operating days without appointment of a qualified interim operator in accordance with Section 12 of this regulation or written approval from the cabinet.

(b) Except as provided in Section 2 [1] of

this regulation, no landfill shall continue operation in the absence of a landfill manager for a period longer than thirty (30) consecutive **operating** days without appointment of a qualified interim operator in accordance with Section 12 of this regulation or written approval from the cabinet.

Section 4. General Provisions for Landfarming Facilities. (1) Each landfarming facility shall have a landfarming operator certified in accordance with Section 6 of this regulation.

(2) No landfarming facility shall continue operation in the absence of a landfarming operator for a period longer than five (5) consecutive working days without appointment of a qualified interim operator in accordance with Section 12 of this regulation or written approval from the cabinet.

Section 5. Application for Certification. (1) An individual desiring to be certified shall file an application on a form provided by the cabinet at least thirty (30) days before beginning training for a scheduled examination.

(2) The applicant shall submit all information needed to determine eligibility of the applicant for examination and certification.

(3) The cabinet shall review applications and supporting documents, determine the eligibility of the applicant for examination and notify the applicant of the determination.

(4) No person shall be eligible for examination for certification unless that person completes the appropriate training class or classes provided by the cabinet, unless an alternative training program **or certification program** is accepted by the cabinet in accordance with Section 7(6) of this regulation.

Section 6. Training Classes and Examinations. (1) The cabinet will provide training classes for the certified operator.

(2) Training sessions will be held at least annually at places and times set by the cabinet. The last day of each training session will be set aside for the purpose of examinations to determine the knowledge and ability of the applicant.

(3) Certification shall be conditioned on successful passage of a written examination, unless an alternative examination process is accepted by the cabinet.

(4) Separate examinations will be prepared to cover basic differences in the duties and responsibilities for the operation of each category of solid waste site or facility and each category of certified operator.

(5) Applicants who fail to pass an examination may reapply for the examination at a regularly scheduled examination or by appointment with the cabinet. The cabinet shall require the applicant to attend the training session again if the applicant fails to pass the examination in three (3) attempts.

(6) In the event an applicant fails to meet the requirements for certification, he may petition the cabinet for a one (1) time only "temporary hardship certification." The cabinet will then conduct an informal hearing at which evidence shall be presented by the applicant to support his hardship request. Each temporary hardship certification request shall be considered on a case-by-case basis under the following guidelines:

(a) Failure of the applicant to receive certification would leave a significant area of the state without adequate waste disposal service.

(b) The applicant has shown a good faith effort by attending all required training sessions and met all requirements except the applicant has failed in three (3) attempts to pass the examination.

(c) The applicant has shown, through cabinet inspections, a capability for satisfactory operation of the solid waste site or facility.

Section 7. Training Course Requirements. (1) All applicants for certification shall be required to attend a training course provided by the cabinet in accordance with KRS 224.844.

(2) The training course provided by the cabinet shall be designed to provide information as appropriate to the category of certified operator. At a minimum, the training course shall provide information which enables the certified operator to perform his duties in a knowledgeable and competent manner.

(3) Landfill managers shall be trained on:

(a) The requirements for permit application for the applicable category of sanitary landfill including ownership, zoning, chapter 109 district boards, geologic and hydrologic information and specific design details;

(b) Characteristics of the waste stream; the physical, chemical and biological reactions including the hydrogeologic interactions of a landfill; and measures that must be employed to meet the environmental performance standards in [of] 401 KAR 47:030 [Chapter 30] and all other regulatory requirements; and

(c) Specific duties expected to be performed by individuals who are wholly responsible for the requirements associated with the operation of the applicable category of sanitary landfill permitted by the cabinet. These actions include at a minimum, the commitment of resources, oversight of operating personnel, and verification that site operation is in accordance with all provisions of the permit [application] including technical documents.

(4) Landfill operators shall be trained on the requirements contained in the solid waste regulations as they apply to daily site operation duties. These duties include judging indicators regarding a site's ability to receive wastes; judging waste characteristics for disposal acceptability; employing site equipment to maintain waste compaction, cover, and surface water management on a daily basis; maintaining equipment; maintaining site safety; and generally assuring compliance with the regulations.

(5) Landfarming operators shall be trained on the Kentucky waste management program as it applies to landfarming; wastewater treatment processes; the nature and characteristics of sludges; the physical and chemical properties of sludges; landfarming design and management; environmental considerations; and the Kentucky waste management permit process. The permit process includes requirements for application, conditions for maintaining a permit in compliance with the application and regulations, and amendments to the landfarming activity and associated permit.

(6) The cabinet shall provide the training course to applicants for certification. However, the cabinet may consider alternate training

courses or certification programs provided they are equivalent to the content prescribed by the cabinet's training course. It shall be the applicant's responsibility to submit such documentation as the cabinet requires for an equivalency judgment of the alternate training course. This information shall contain at a minimum the following specifics: the course name; sponsoring agency; the date, location and the beginning and ending times of the course; a summary of the course content of sufficient detail to determine relevance and quality of the course; and a copy of the certificate received.

Section 8. Issuance of Certificates. (1) Upon passage of the examination the cabinet will issue a certificate to the applicant which will indicate the category of solid waste site or facility and the category of certified operator for which the operator is certified.

(2) Certified operators shall be recertified every five (5) years.

(3) Certificates will be issued to holders of certificates of another state if the training requirements of the issuing state are deemed comparable as specified in Section 7(6) of this regulation and if the operator passes the cabinet's examination.

(4) The certificates of operators who terminate their employment at a solid waste site or facility will remain valid until expiration or revocation of the certificate.

(5) Certificates shall be carried on the person of each certified operator during working hours at the facility or prominently displayed on-site.

Section 9. Compliance Dates. [(1) The regulatory requirement to have one (1) certified operator at each residential or contained landfill (and inert or residual landfills with the permit condition to have a certified operator) became effective on February 1, 1982. In accordance with the regulation 401 KAR 2:111 (recodified to 401 KAR 47:070 on March 1, 1983) which became effective on February 1, 1982, each residential and contained landfill in existence on that date was required to have one (1) certified operator by February 3, 1983.]

[(2) By January 1, 1988, each residential landfill and contained landfill shall have a certified landfill operator and a landfill manager or one (1) individual who is certified as both a landfill operator and landfill manager.]

[(3) By December 31, 1988, each landfarming facility shall have a certified landfarming operator.]

(1) [(4)] An operator who is not an appropriately certified operator and who assumes the responsibility of a certified operator shall[:

(a)] immediately comply with the requirements in Section 12 of this regulation; and

(2) [(b)] Comply with the requirements in Section 6 of this regulation within fifteen (15) months of assuming the responsibility.

Section 10. Revocation of Certificate. (1) The cabinet may revoke the certificate of an operator, following a cabinet hearing, when it determines that the operator has practiced fraud or deception, or that the operator has failed to perform an operator's duties including, but not limited to, failure to comply with permit conditions.

(2) The cabinet may revoke a certificate whenever the holder fails to use reasonable care and judgment in the performance of an operator's duties. No certificate shall be valid if obtained through fraud, deceit, or the submission of inaccurate data on qualifications.

(3) Individuals who have had their certificate revoked by the cabinet shall be ineligible for future recertification.

Section 11. Operator Qualifications: Education and Equivalencies. (1) All applicants shall be evaluated by the cabinet as to education, and experience as related to the appropriate category of solid waste site or facility.

(2)(a) Applicants for landfill operator shall have completed high school (by graduation or by obtaining an equivalency certificate) and shall have a minimum of one (1) year of experience at a landfill similar to the category of landfill for which certification is sought.

(b) If an applicant for landfill operator does not meet the requirements of paragraph (a) of this subsection, the cabinet may consider the number of years of experience in operating a landfill or experience in a related field (i.e., heavy equipment operator, road construction, surface mining, etc.) in determining eligibility for examination on a year-for-year basis.

(3)(a) Applicants for landfill manager shall have completed high school (by graduation or by obtaining an equivalency certificate) and shall have:

1. A minimum of two (2) years administrative experience in a related field (i.e., waste management, wastewater treatment, etc.); or

2. A minimum of two (2) years of postsecondary education; or

3. A minimum of two (2) years of a combination of experience in a related field and postsecondary education.

(b) If an applicant for landfill manager does not meet the requirements of paragraph (a) of this subsection, the cabinet may consider the qualifications of the applicant on a case-by-case basis.

(4)(a) Applicants for landfarming operator shall have completed high school (by graduation or by obtaining an equivalency certificate) and shall have a minimum of one (1) year of experience at a landfarming facility.

(b) If an applicant for landfarming operator does not meet the requirements of paragraph (a) of this subsection, the cabinet may consider the number of years of experience in operating a landfarming facility or experience in a related field (i.e., waste water treatment, water treatment, etc.) in determining eligibility for examination on a year for year basis.

[(5) Any applicant for recertification who holds a valid certificate shall not be required to resubmit information concerning qualifications. The qualifications of an existing certified operator shall not be considered in determining the applicant's eligibility for recertification for a specific category of certified operator provided, however, the applicant meets the criteria specified in Section 2(3) of this regulation for the specific category of certified operator.]

Section 12. Interim Operators. (1) In accordance with the requirements in subsection (2) of this section, the permittee shall notify

the cabinet in writing of the extended absence of a certified operator ten (10) days prior to an anticipated absence and immediately upon discovery of an extended absence due to an emergency or unanticipated circumstances. The notice from the permittee shall provide the cabinet with the following information:

(a) Name and qualifications of the individual intended to replace the certified operator; and

(b) The length of time for which the permittee seeks to have the interim operator fulfill the obligations of the certified operator.

(2) The permittee shall notify the cabinet of the extended absence when the operator or manager shall be absent for [An "extended absence" shall mean]:

(a) More than ten (10) consecutive operating days for a landfill operator;

(b) More than thirty (30) consecutive operating days for a landfill manager; and

(c) More than five (5) consecutive operating days for a landfarming operator.

(3) Consecutive operating days as used in subsection (2) of this section shall be determined as [mean] any days [when]:

(a) When the solid waste site or facility accepts waste, operates equipment or otherwise performs the business of solid waste management; and

(b) Which days occur in sequence regardless of whether nonoperating days such as weekends or holidays fall in between.

(4) The cabinet shall evaluate the qualifications of the designated interim operator and shall notify the permittee of the cabinet's determination in writing within thirty (30) days of receipt of the permittee's notice. The determination shall:

(a) Approve or deny the permittee's request for designation of the interim operator;

(b) Identify the length of time the interim operator may operate the solid waste site or facility; and

(c) Specify conditions as appropriate to the site and the interim operator's qualifications.

Section 13. Permit Condition. As specified in Section 2 [1] of this regulation, every solid waste site or facility requiring a permit shall be operated by the operator(s) certified pursuant to this regulation. Pursuant to Sections 2 [1] and 3 of this regulation, maintaining the certified operator(s) shall be considered a permit condition, and the permit may be revoked, or penalties for permit violations sought as appropriate, upon violation of the requirements and duties established by this regulation.

Section 14. Fees. (1) Fees for application for certification shall be:

(a) $125 [Fifty (50) dollars] for application for certification as a landfill operator;

(b) $125 [Fifty (50) dollars] for application for certification as a landfill manager;

(c) $150 [Seventy-five (75) dollars] for application for certification as both a landfill operator and a landfill manager when the application is made for certification for both categories at the same training session; [and]

(d) $125 [Fifty (50) dollars] for application for certification as a landfarming operator; and

(e) Fifty (50) dollars for certification by reciprocity for all categories of operator.

(2) Fees shall accompany applications and will not be returned to those who do not qualify for a certificate.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:080. Classification of solid waste sites or facilities.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888, 224.994

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842

NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing, and disposal of solid wastes. KRS 224.842 requires that persons engaging in the storage, treatment, recycling, and disposal of solid waste obtain a permit. This chapter establishes the permitting standards for solid waste sites or facilities, the standards applicable to all solid waste sites or facilities, and the standards for certification of operators. This regulation sets forth the classification of solid waste sites or facilities for permitting purposes.

Section 1. Coverage. The permit regulations of 401 KAR Chapter 47 establish provisions for the solid waste permit program under KRS Chapter 224. The regulations of this chapter cover the basic permitting requirements, including application requirements, standard permit conditions, a presiting procedure, construction, modification, monitoring and reporting of any facility that manages solid waste. The regulations of this chapter are part of a regulatory scheme implementing the solid waste provisions of KRS Chapter 224. The solid waste permit program relies upon technical requirements which are contained in 401 KAR Chapter 48. The technical regulations are used by the cabinet to determine what conditions are applicable to each permit and to determine compliance with KRS Chapter 224. Regulations governing solid waste planning are set forth in 401 KAR Chapter 49 and the enforcement and compliance monitoring requirements in 401 KAR Chapter 40.

Section 2. Permit Types. This chapter provides for several types of solid waste site or facility permits which are classified based on the waste managed and the facility type.

(1) Contained landfill permit. Contained landfill is the category of solid waste site or facility which may accept [accepts] for disposal all nonhazardous solid waste including residential, commercial, institutional, industrial, and municipal waste, [and] shredded tires[. Contained landfills may also accept, with approval from the cabinet], household hazardous waste, limited quantity generator hazardous waste and nonhazardous spill cleanup residue. The technical requirements for contained landfills are found in 401 KAR 48:050

and 401 KAR 48:070 through 401 KAR 48:090.

(2) Construction/demolition debris landfill permit. Construction/demolition debris landfill is the category of solid waste site or facility for the disposal of solid waste which results from the construction, remodeling, repair and demolition of structures and roads, and for the disposal of uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm-related cleanup. Such waste includes, but is not limited to: bricks, shredded or segmented tires, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, tree stumps, limbs, saw dust, leaves, yard waste, paper, paper products, metals, furniture, insulation, roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, electrical wiring and components containing no liquids or hazardous metals that are incidental to any of the above and other inert waste as approved by the cabinet. Asbestos-containing materials may be accepted only if the permit application includes procedures approved by the cabinet to handle these materials. Construction/demolition debris landfills shall not be for disposal of garbage, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, PCB-containing waste, hazardous material spill residues, **hazardous substances,** limited quantity generator hazardous waste, any waste regulated by 401 KAR Chapter 31 and 32, whole tires, liquids, drums, fuel tanks, or other nonpermitted waste. The technical requirements for construction/demolition debris landfills are found in 401 KAR 48:050 and 401 KAR 48:060.

(3) Residual landfill permit. Residual landfill is the category of solid waste site or facility designed and operated to accept for disposal a limited number of industrial wastes or residues which are fully characterizable. It also includes residuals from air and water pollution control devices and energy generation which are codisposed in a mining operation. In addition, residual landfills may accept sludge, and special wastes. The technical requirements for residual landfills are found in 401 KAR 48:050 and 401 KAR 48:170.

(4) Landfarming permit. Landfarming is a category of solid waste site or facility where solid waste is applied to the soil surface or injected into the upper layer of the soil to improve soil quality or provide plant nutrients. Solid wastes suitable for this purpose include, but are not limited to, food processing waste, municipal sewage treatment plant sludge, and municipal water treatment plant sludge. The technical requirements for landfarming facilities are found in 401 KAR 48:200.

(5) Permit-by-rule. Permit-by-rule is a category of solid waste site or facility permit for certain solid waste management practices listed in 401 KAR 47:150 which are deemed to have a permit without the owner or operator having made application to the cabinet. The practices and conditions of the permit-by-rule are specified in Section 1 of 401 KAR 47:150 and include limited tire disposal, on-site disposal of land clearing wastes, on-site disposal of construction and demolition wastes, sawdust piles, pumpings, oil production brine pits, gas and oil drilling, mud pits, and asphalt residues, **waste piles, surface impoundments with a KPDES permit, automobile and truck recycle and salvage yards, beneficial reuse of solid wastes**.

(6) **Registered** [Granted] permit-by-rule.

(a) **Registered** [Granted] permits-by-rule are a category of solid waste site or facility permit providing for the storage, treatment and disposal of solid waste that includes:

1. Commercial recycling centers;
2. Transfer stations;
3. Construction/demolition debris landfills of one (1) acre or less, when the wastes are not disposed at the site of generation;

[4. Waste piles;]

4. [5.] Solid waste incinerators that have a rated capacity of more than one (1) ton per day **including those using refuse derived fuel**;

5. [6.] Sludge giveaway programs, composted sludge and other composted material programs in accordance with 401 KAR 48:200;

6. [7.] Landfarming of class I sludges in accordance with 401 KAR 48:200;

[8. Junkyards;]

[9. Surface impoundments;]

7. [10.] Septic tank pumpings if in compliance with the Cabinet for Human Resources regulations and the waste is not applied to within three (3) feet of the surface of the land unless a method to reduce pathogens has been utilized in accordance with 401 KAR 48:200; **and**

8. [11.] Convenience centers**.** [;]

[12. Beneficial reuse of solid waste; and]

[13. Facilities that do not conform to any other type of permit.]

(b) **Owners and operators of a registered permit-by-rule site or facility are deemed to have a permit without further action by the cabinet. Owners and operators of a registered permit-by-rule site or facility shall prevent** [The determination that such facilities qualify for a granted permit-by-rule shall include consideration by the cabinet of the nature of the waste, including the amount and characteristics, and the potential for] adverse effects on human health and the environment as identified in 401 KAR 47:030 and **implement any necessary** [the potential need for] corrective action [including surface and groundwater monitoring] under **Section 8 of** 401 KAR 48:300.

(c) Operators shall submit a **registration on a form prescribed by the cabinet** [notice of intent to apply for a solid waste facility permit] as specified in Section 3 of this regulation[, 401 KAR 47:170] or 401 KAR 48:200, and shall operate in accordance with the standards specified in 401 KAR 48:200 or 401 KAR 47:110, and 401 KAR 47:030.

(7) Emergency permit. An emergency permit is a category of solid waste site or facility permit for the short-term storage or disposal of solid waste generated from a storm or flood event or other emergency as specified by the cabinet. The requirements for emergency permits are found in 401 KAR 47:150.

(8) Research, development and demonstration permit. A research, development and demonstration permit is a category of solid waste site or facility permit issued for a short period to demonstrate unproven technology. The permit procedures for this category can be found in 401 KAR 47:150.

(9) Residential landfill permit. A residential landfill permit is a category of solid waste

site or facility construction permit which was issued prior to the effective date of this regulation. Landfills in this category may continue to operate under the prior issued permit provided they notify the cabinet in accordance with Section 4 of this regulation and comply with the operating standards for contained landfills as specified in 401 KAR 48:090, or construction/ demolition debris landfills as specified in 401 KAR 48:060. The facility may close in accordance with Sections 4 and 5 of this regulation or submit an application in accordance with the technical standards in 401 KAR Chapter 48.

(10) Inert landfill permit. An inert landfill permit is a category of solid waste site or facility permit which was issued prior to the effective date of this regulation. Landfills in this category may continue to operate under the prior issued permit provided they notify the cabinet in accordance with Section 4 of this regulation and comply with the operating standards for construction/demolition debris landfills as specified in 401 KAR 48:060 or residual landfills specified in 401 KAR 48:170 depending on the classification of wastes in the section. The facility may close in accordance with Sections 4 and 5 of this regulation or submit an application in accordance with the technical standards of 401 KAR Chapter 48.

Section 3. Notification Procedures for Registered [Granted] Permit-by-rule Facilities [Without Permits]. All solid waste sites or facilities in existence on the effective date of this regulation that require registered [granted] permits-by-rule as specified in Section 2(6) of this regulation shall, no later than October 1, 1990, submit a form prescribed by the cabinet. [either file a notice of intent to apply for a solid waste permit (see 401 KAR 47:170 or 401 KAR 48:200) or close using the standards in Section 5(1)(c)1, 3, and 4 of this regulation.]

(1) After submission of the registration [notice of intent to apply] form, the cabinet shall acknowledge receipt in writing [may issue a solid waste granted permit-by-rule]. Facility owners or operators with registered [granted] permits-by-rule shall comply with the environmental performance standards of 401 KAR 47:030[, the recordkeeping requirements of 401 KAR Chapter 48,] and any condition of the registered [granted] permit-by-rule specified in 401 KAR 47:110.

(2) [Timely submission of the notice of intent to apply form qualifies the operator of a granted permit-by-rule facility in existence on the effective date of this regulation for a solid waste granted permit-by-rule.] The operator of such facilities may continue to operate the facility without further application to the cabinet subject to the conditions specified in 401 KAR 47:110.

(3) Existing facilities required by this chapter to register with the cabinet [apply for a granted permit-by-rule] which close prior to [the effective date of this regulation and complete closure prior to] October 1, 1990, may close without submittal of the registration form [notice of intent to apply for a solid waste permit].

Section 4. Solid Waste Facilities with Permits Issued Prior to the Effective Date of this Regulation. (1) Within six (6) months of the effective date of this regulation, any person that possesses a solid waste landfill or landfarming permit issued before the effective date of this regulation under KRS Chapter 224 shall file a notice with the cabinet which states the operator's intent to close or meet the revised technical requirements by July 1, 1992.

(2) After July 1, 1992, no person shall operate a solid waste landfill or landfarming facility unless one (1) of the paragraphs of this subsection is satisfied and the owner or operator has complied with subsection (1) of this section:

(a) The facility, owner or operator possesses a permit issued under 401 KAR Chapters 47 and 48;

(b) The facility, owner or operator possesses a permit modified to meet the technical standards of 401 KAR Chapter 48;

(c) An [A complete technical] application for a permit modification which addresses each of [meets] the applicable technical standards for closure or conversion to a different classification under 401 KAR Chapters 47 and 48 has been filed with the cabinet within twelve (12) months of the effective date of this regulation and the cabinet has not yet rendered a decision with respect to the complete application; or

(d) The facility, owner or operator has requested and received approval from the cabinet in accordance with subsection (3) of this section.

(3) Residential and contained landfills [Solid waste sites or facilities] with permits issued prior to the effective date of this regulation may operate until July 1, 1995 if the owner or operator complies with [following criteria are met]:

(a) [The owner or operator complies with] Subsections (1), (2), and (5) of this section;

(b) The construction quality control plan which has [and quality assurance data have] been approved by the cabinet or meets the requirements of 401 KAR 48:080, Section 4 to [and shall meet the requirements specified in Section 6 of 401 KAR 47:190 and] document the existence or placement of:

1. At least twelve (12) inches of soil with a maximum permeability of 1×10^{-7} centimeters per second or its equivalent;

2. A leachate collection system installed in a manner approved by the cabinet;

3. A groundwater monitoring system meeting the requirements of 401 KAR 48:300; and

(c) The installation of scales and equipment as specified in 401 KAR 48:070, Sections 6 and 13. [Groundwater monitoring data indicate no contamination sufficient to trigger assessment or corrective action as specified in Section 8 of 401 KAR 48:300.]

(4) Solid waste sites or facilities with permits issued prior to the effective date of this regulation may close prior to July 1, 1992, under the closure requirements specified in Section 5 of this regulation without complying with the requirements of 401 KAR Chapter 48 provided:

(a) The permittee has provided the notice as required in subsection (1) of this section;

(b) [(a)] A complete closure plan which complies with the closure requirements of

Section 5 of this regulation is submitted to the cabinet within twelve (12) months of the effective date of this regulation or one (1) year prior to last intended receipt of waste whichever occurs first;

(c) [(b)] The operator maintains a valid operating permit including the bond required by KRS 224.846 prior to and during closure [commencing]; and

(d) [(c)] The groundwater monitoring data for the facility includes the parameters [show no increase above existing background of contaminants] listed in 401 KAR 48:300, Section 11.

(e) The owner or operator performs corrective action if required under 401 KAR 48:300.

(5) Residential and inert landfills permitted prior to the effective date of this regulation shall comply with the following operating requirements:

(a) Residential landfills shall meet the operating requirements for contained landfills in 401 KAR 48:090 or construction/demolition debris landfills in 401 KAR 48:060.

(b) Inert landfills shall meet the operating requirements for construction/demolition debris landfills in 401 KAR 48:060 or residual landfills in 401 KAR 48:170.

(6) No placement of the low permeability soil liner component shall be initiated at any landfill, or portion thereof, unless it meets the requirements of subsection (7) of this section or 401 KAR Chapters 47 and 48.

(7) Operation may be authorized for any portion of a landfill in accordance with Section 4(3) [(2)] of this regulation for which a [placement of the] low permeability soil liner component had been approved [commenced] prior to January 16, 1990. Any soil construction shall be certified using the requirements of Section 4 of 401 KAR 48:080. [the effective date of this regulation.]

Section 5. Closure Requirements for Sites Closing under Section 4(1) of this Regulation. (1) Residential landfills, contained landfills and inert landfills permitted prior to the effective date of this regulation, closing pursuant to the notice in Section 4(1) of this regulation, shall comply with the following:

(a) All records shall be submitted to the cabinet;

(b) A closure plan shall be submitted to the cabinet that shall contain the following requirements:

1. A description of the access controls;

2. A description of the covering activities and procedures including frequency of cover, total volume and source of borrow material available, and total estimated volume and source of cover required (final, daily and interim);

3. The proposed revegetation program, including provisions for liming, fertilization, seed types and seeding schedule, erosion control during early growth period, and interim cover vegetation program;

4. A final cover maintenance program covering the entire site and lasting two (2) years beyond closure, to include erosion control, reseeding, refertilization and growth control; and

5. A detailed plan for closure of the landfill in accordance with KRS 224.846 along with an estimate of closure costs; and

(c) Closure requirements.

1. Those areas of a landfill that shall receive no additional deposits of solid waste within 365 days of the last placement of waste shall receive final cover. A minimum final cover of two (2) feet shall be required in addition to any daily and interim cover required. All contained and residential landfills shall have the lower six (6) inches of the final cap contain soil with a permeability of 1×10^{-7} centimeters per second;

2. Before earth-moving equipment is removed from the site, an inspection of the entire site shall be made by an authorized representative of the cabinet to determine compliance with approved plans and specifications. The owner or operator shall submit a closure schedule based on the approved closure plan thirty (30) days prior to the last intended use of a solid waste facility;

3. Final cover shall be graded as provided in the approved closure plan in a manner to prevent ponding. For a period of two (2) years, the surface of final cover shall be maintained at the proper elevation as specified in the approved closure plan;

4. Final cover shall be revegetated. After grading, final cover shall be fertilized as necessary, seeded, and/or planted with legumes, perennial grasses or other vegetation according to the approved closure plan. The owner or operator shall be required to repeat this process until adequate vegetation is obtained to ensure soil stabilization as specified in the approved closure plan;

5. Other necessary corrective work required by the cabinet, if any, shall be performed before the landfill is accepted as closed and financial responsibility funds released;

6. The owner or operator of a residential or contained landfill shall record a notice that shall in perpetuity notify any potential purchaser of the property of the location and time of operation of the facility, and a statement that future disturbance of this area shall only occur after an examination of potential gas or leachate migration problems. Such notice shall be recorded in accordance with state property law prior to acceptance of final closure of the landfill.

(2) Landfarming facilities permitted prior to the effective date of this regulation closing under Section 4(1) of this regulation shall comply with the following:

(a) All records shall be submitted to the cabinet; and

(b) Food chain crops restrictions of 401 KAR 47:030 shall be met including deed notice if applicable.

(3) Residual landfills permitted prior to the effective date of this regulation closing under Section 4(1) of this regulation shall comply with the following:

(a) The closure plan shall specify the function and design of the final cover for the facility. The closure design shall assure compliance with the applicable environmental performance standards in 401 KAR 47:030 and shall reflect consideration of:

1. The type and amount of waste in the facility;

2. The mobility and expected rates of migration of the waste;

3. The site location, topography and surrounding land use, and final site use;

4. The climatic conditions in the area;

5. The characteristics of the cover material

including erodability, slope, length of run of slope, and type of vegetation on the cover; and

6. The geological and soil profiles and surface and subsurface hydrology of the site.

(b) All records shall be submitted to the cabinet.

(c) Closure requirements.

1. A residual landfill shall be closed in a manner that shall assure compliance with the environmental performance standards in 401 KAR 47:030. The closure shall include the placement of a final cover over the facility as specified in the approved design of the site;

2. Any necessary corrective work required by the cabinet shall be performed before the residual landfill is accepted as closed and financial responsibility funds released;

3. The owner or operator of a residual landfill shall record a notice that shall in perpetuity notify any potential purchaser of the property of the location and time of the operation of the facility, nature of the waste placed in the site and a caution against future disturbance of the area. Such notice shall be recorded in accordance with state property law prior to acceptance of final closure of the landfill; and

4. Closure care maintenance. A residual landfill shall be maintained for two (2) years following the closure of the site in a manner that complies with the environmental performance standards in 401 KAR 47:030 and in accordance with any approved closure care monitoring and maintenance plan approved by the cabinet.

Section 6. Solid Waste Facility Applications Pending on the Effective Date of This Regulation. (1) Unless the provisions of subsection (3) of this section are applicable, applications pending as of the effective date of this regulation shall be revised to meet all requirements of 401 KAR Chapters 47 and 48 prior to being determined technically complete.

(2) Applications that have been determined to be administratively complete prior to the effective date of this regulation and have published the notices required by KRS 224.855 shall complete the public information process commencing with Section 12(3) of 401 KAR 47:140.

(3) Applications for solid waste sites or facilities upon which a preliminary determination was made and a hearing pursuant to KRS 224.081 commenced prior to the effective date of this regulation shall be subject to and reviewed in accordance with the procedural and substantial requirements in effect at the time the preliminary determination was made if prior to the effective date of this regulation the proposed solid waste site or facility had completed construction pursuant to a permit issued by the cabinet. In the event an application processed under this subsection results in issuance of a permit, the permit shall thereafter be subject to all provisions of these regulations applicable to permits issued prior to the effective date of these regulations.

Section 7. Repeal. 401 KAR 47:020, entitled Solid waste permit process, is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:090. Solid waste permit fees.

RELATES TO: KRS 224.846, 224.855
STATUTORY AUTHORITY: KRS 13A.210, 224.033
NECESSITY AND FUNCTION: KRS 224.033(20) states that the cabinet may provide by regulation for a reasonable schedule of fees for the cost of processing applications for permits, exemptions, and partial exemptions. This chapter establishes standards for solid waste sites or facilities. The purpose of this regulation is to establish a fee schedule for the issuance and modification of solid waste disposal permits or variances.

Section 1. Applicability. (1) The provisions of this regulation shall apply to the owner or operator of each solid waste site or facility required to apply for a permit, permit renewal or exemption, except publicly-owned facilities.

(2) The provisions of this regulation shall apply to solid waste site or facility permit applications submitted on or after the effective date of this regulation, and to such applications which are not complete as determined by the cabinet, by the effective date of this regulation. Solid waste site or facility permit applications which are complete as determined by the cabinet, by the effective date of this regulation, shall be subject to the provisions of 401 KAR 47:090 [47:060] as in effect on January 16, 1990 [October 26, 1988].

Section 2. Filing Fees. (1) Any owner or operator may submit a notice of intent to apply for a solid waste facility permit, permit modification, or variance for initial review and shall include with the notice of intent to apply a check or money order for the filing fee determined by the schedule below:

Application Type	Fee
Review of the notice of intent to apply to determine site suitability	$500
Preliminary permit modification application review to determine site suitability for expansion	$500
Preliminary request for variance of design criteria	$500

(2) Any owner or operator who submits an administrative phase of a permit application for a new solid waste site or facility or an application for expansions to existing facility sites shall include with the application a check or money order for the filing fees determined by this subsection.

(a) The filing fees listed below for the administrative phase of a permit application shall be submitted with the application:

Solid Waste Facility Type	Fee
Construction/demolition debris landfill	$ 5,000
Contained landfill	$10,000
Residual landfill	$ 2,500

(b) Any owner or operator who submits a technical phase of a permit application for a solid waste site or facility shall include with the application the filing fee listed below:

Solid Waste Facility Type	Fee
Construction/demolition debris landfill	$5,000
Contained landfill	$5,000
Residual landfill	$2,500

(3) Upon notification to the cabinet that construction for any phase has been completed, any owner or operator who notifies the cabinet that the facility has been constructed and requests the issuance of a permit to operate, or a modification to a permit to operate a solid waste site or facility, shall include with the request a check or money order in the amount of the filing fee, assessed in accordance with the following schedule:

Solid Waste Facility Type	Fee
Contained landfill	$800
Residual landfill	$500
Residential landfill	$500
Landfarming facility	$500
Inert landfill	$200
Construction/demolition debris landfill	$500

(4) Any owner or operator who submits an application for renewal of an existing solid waste facility permit, shall include with the application a check or money order in an amount equal to the number of years for which the facility permit shall be renewed multiplied by the amounts listed below:

Solid Waste Facility Type	Amount per Year
Inert landfill	$ 300
Residential landfill receiving less than 200 tons per day	$ 500
Residential landfill receiving 200 or more tons per day	$3,000
Construction/demolition debris landfill receiving less than 200 tons per day	$ 500
Construction/demolition debris landfill receiving 200 or more tons per day	$ 500
Contained landfill	$ 500
Residual landfill	$ 500
Landfarming facility	$ 300

(5) Any renewal for a construction permit for which fees are not required under subsection (4) of this section shall be $500.

(6) Any owner or operator who submits an application for a solid waste facility permit modification shall include with the application a check or money order for the fee listed below:

(a) $1,000 for modifications involving operating methods or proposed closure.

(b) $50 for modifications for additional wastes not listed in the approved permit application.

(c) $500 for a request for variances from existing permit requirements [variance from an existing permit requirement].

(d) $500 for change of ownership of an existing permitted facility.

(7) Any owner or operator who submits an application for the following permits shall include a check or money order as listed below:

[(a) $500 for application for approval of a granted permit-by-rule.]

(a) [(b)] $1,000 for application for closure of a solid waste site not under a current solid waste facility permit.

(b) [(c)] $500 for application for approval of emergency permits.

(c) [(d)] $500 for application for approval of research, development and demonstration permits.

(d) [(e)] $5,500 for application for approval of landfarming permits.

(8) Filing fees are not refundable if an application for a permit, modification, or variance is denied or an application is withdrawn after the review is initiated.

(9) Submittal of fees. The required fees shall be submitted to the cabinet. All checks or money orders shall be made payable to the Kentucky State Treasurer.

Section 3. Repeal. 401 KAR 47:060, entitled Permit fees, is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:100. General provisions for obtaining a solid waste permit.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.886, 224.994

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.835, 224.842, 224.855, 224.867

NECESSITY AND FUNCTION: KRS Chapter 224.842 requires that persons who engage in the management, processing, and disposal of waste first obtain a waste facility permit from the cabinet. This chapter establishes the permitting standards for solid waste sites or facilities, the standards applicable to all solid waste sites or facilities and the standards for certified operators. This regulation establishes the procedures for obtaining a permit for a solid waste facility.

Section 1. Overview of the Solid Waste Site or Facility Permit Program. This regulation sets forth the specific requirements for the solid waste site or facility permitting program. KRS 224.842 requires acquisition of a permit to establish, construct, operate and maintain a waste site or facility. The term waste site or facility is defined in KRS 224.005. Owners or operators of solid waste sites or facilities shall have permits during the active life (including the closure period) of the facility and, for any facility that closes after July 1, 1992, during any closure care period required under 401 KAR Chapter 48.

Section 2. Scope of the Permit Requirements. (1) The permit process is specified in 401 KAR 47:160. A permit application consists of three (3) parts: notice of intent to apply for a solid

waste permit (see 401 KAR 47:170 or 401 KAR 48:200), an administrative application (see 401 KAR 47:180), and a technical application (see 401 KAR 47:190). The permit program has separate additional regulations that contain technical requirements. These separate regulations are used by the cabinet to determine whether permits shall be issued and what conditions to those permits are required. These separate regulations are located in this chapter and 401 KAR Chapter 48.

(2) Specific exclusions. The following persons are among those who are not required to obtain a solid waste site or facility permit:

(a) Disposers of agricultural waste, including manures and crop residues returned to the soil as fertilizers or soil conditioners by practices common to soil conditioning, provided the wastes are used on the same farm on which they are generated;

(b) Disposers of mining over-burden, coal mining wastes, refuse, and coal mining by-products returned to the mine site on the site of generation, including any nonhazardous solid waste generated directly as a result of the mining operation on site;

(c) Owners or operators of injection wells that dispose of solid waste with an underground injection control permit issued by the U.S. EPA, providing they comply with the conditions of that permit;

(d) Users of septic tanks in compliance with KRS 211.972 through 211.982;

(e) Owners or operators of mining surface impoundments and other surface impoundments [used solely for sediment control] with Kentucky Pollution Discharge and Elimination System (KPDES) permits, providing they comply with the conditions of their permit;

(f) Persons managing solid waste during immediate response to any of the following situations:

1. A spill of a solid waste;

2. An imminent and substantial threat of a spill of solid waste; or

3. A spill of a material which, when spilled, becomes a solid waste; and

(g) Owners or operators of surface impoundments receiving solid waste that treat domestic sewage that does not contain any industrial wastewater, or are publicly owned treatment works (POTW) for the treatment of domestic sewage, if the facility complies with the conditions of its KPDES or NPDES permit.

(3) Specific inclusions. Owners and operators of certain facilities with permits under other programs for certain aspects of the facility operation shall also obtain solid waste site or facility permits. The following types of facilities are required to have solid waste site or facility permits:

(a) Solid waste sites or facilities which have or have had a surface mining permit and dispose of wastes other than mine spoils or coal mining solid wastes; and

(b) Any person who initiates or continues solid waste containment or disposal activities after an immediate response deadline is passed is subject to all applicable requirements of this chapter and 401 KAR Chapter 48 for those activities.

(4) Permits for less than an entire facility. The cabinet may issue or deny a permit for one (1) or more units at a facility without simultaneously issuing or denying a permit to all of the units at the facility. A granted permit-by-rule for any unit for which a permit has not been issued or denied is not affected by the issuance or denial of a permit to any other unit at the facility.

Section 3. Considerations of [State and] Federal Law. Permits shall be issued in a manner and shall contain conditions consistent with requirements of applicable [state and] federal laws. These laws include but are not limited to:

(1) The Wild and Scenic Rivers Act. 16 U.S.C. 1273, et seq. Section 7 of the Act.

[(2) Kentucky wild rivers system in KRS 146.200 through 146.410 and the implementing regulations.]

(2) [(3)] The National Historic Preservation Act of 1966. 16 U.S.C. 470, et seq. Section 106 of the Act and implementing regulations (36 CFR Part 800).

(3) [(4)] The Endangered Species Act. 16 U.S.C. 1531, et seq. Section 7 of the Act and implementing regulations (50 CFR Part 402).

(4) [(5)] The Fish and Wildlife Coordination Act. 16 U.S.C. 661, et seq.

[(6) The Kentucky Nature Preserves Commission requirements in KRS 146.410 through 146.505 and implementing regulations.]

Section 4. Limitations of a Permit. (1) A permit may be modified, or revoked, during its term for cause as set forth in 401 KAR 47:130 and in 401 KAR Chapter 40.

(2) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

(3) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations.

Section 5. Prohibition of Use of Unpermitted Facilities. (1) Restrictions. No owner or operator [person] shall manage, process or dispose of solid waste at a solid waste site or facility [deliver solid waste to a facility for management, processing or disposal] unless the owner or operator has:

(a) The ability to qualify for a registered permit-by-rule in accordance with Section 1(1) of 401 KAR 47:110 and submits before October 1, 1990, the registration form to the cabinet; [Submitted a notice of intent to apply for a solid waste permit to the cabinet as an existing solid waste facility in operation on or before the effective date of this regulation;]

(b) Qualified for a permit-by-rule in accordance with 401 KAR 47:150;

(c) Qualified for a registered [granted] permit-by-rule in accordance with Section 1(1) of 401 KAR 47:110; or

(d) Obtained a valid solid waste facility permit issued by the cabinet in accordance with 401 KAR Chapter 47 or holds a permit issued by the cabinet prior to the effective date of this regulation.

(2) Permit required. No person shall engage in the management, processing, or disposal of solid waste at a solid waste site or facility without first obtaining a permit from the cabinet as specified in KRS 224.842.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:110. Registered [Granted] permit-by-rule.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888, 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842
NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing, and disposal of wastes. KRS 224.842 requires that persons engaging in the management, processing, and disposal of waste obtain a permit. This chapter establishes the permitting standards for solid waste sites or facilities, the standards applicable to all solid waste sites or facilities, and the standards for certification of operators. An overview of the permit program is found in Section 1 of 401 KAR 47:080. This regulation establishes requirements for registered [granted] permits-by-rule.

Section 1. Registered [Granted] Permit-by-rule. (1) Any owner or operator of a solid waste site or facility specified in Section 2(6) of 401 KAR 47:080 in existence as of the effective date of this regulation shall notify the cabinet by submitting registration on a form prescribed by the cabinet before October 1, 1990 [a notice of intent to apply for a granted permit-by-rule]. The facility shall be deemed to have a registered [treated as having been granted a] permit-by-rule if the owner or operator [complied with the requirements of Section 2 of 401 KAR 47:170 pertaining to a notification of intent to apply for a solid waste permit by October 1, 1990 and] complies with the environmental performance standards in 401 KAR 47:030.

(2) When the cabinet determines upon examination or reexamination of the registration [notification of intent to apply for a solid waste permit] that it fails to include all of the required information [meet the standards of these regulations], the cabinet shall notify the operator that the registration [application] is deficient and that the operator shall resubmit the requested information [is, therefore, not entitled to a granted permit-by-rule]. The owner or operator may [shall then] be subject to enforcement procedures for not submitting the requested information in a timely fashion. Failure to complete the form in a timely fashion is not grounds to revoke a registered permit-by-rule [operating without a permit].

(3) Subsection (1) of this section shall not apply to any facility which has been previously denied a permit or to any facility whose authority to operate under 401 KAR Chapters 47 through 48 and KRS Chapter 224 has been previously terminated.

Section 2. Operation During a Registered [Granted] Permit-by-rule. (1) A facility operating under a registered permit-by-rule, [During the term of a granted permit-by-rule period, the facility,] except as provided in Section 3 of this regulation, shall not:

(a) Store, treat or dispose of solid waste not specified in the registration form [notice of intent to apply for the permit]; or

(b) Exceed the design capacities specified in the registration form [notice of intent to apply for the permit].

(2) [During the term of a granted permit-by-rule,] The owner or operator shall comply with the environmental performance standards in 401 KAR 47:030.

(3) [During the term of a granted permit-by-rule,] The owner or operator shall keep records of the amount, sources and types of municipal solid waste received and other information as required by the cabinet and shall submit a quarterly summary of this information to the cabinet. The quarterly report shall be on a form approved by the cabinet.

(4) Convenience centers, transfer stations, solid waste incinerators, and commercial recyclers shall additionally submit a report to the cabinet annually, no later than January 31st for the previous year. The report shall identify the sources and quantities of waste handled. Additionally, solid waste incinerators shall report volume of ash and the results of weekly extraction procedure tests on the ash.

Section 3. Changes to a Registered [Granted] Permit-by-rule. (1) Solid wastes not previously identified in the registration [notice of intent to apply for a solid waste permit] may be stored, treated, or disposed at a facility if the owner or operator submits a revised registration [notice of intent to apply for a solid waste permit] prior to such a change.

(2) The owner or operator shall submit a revised registration [notice of intent to apply for a solid waste permit] prior to increases in the design capacity of processes used at a facility [including a justification explaining the need for the change].

(3) The owner or operator shall submit a revised registration [notice of intent to apply for a solid waste permit] prior to changes in the processes for the storage, treatment or disposal of solid waste or use of additional processes [including a justification explaining the need for the change].

(4) The owner or operator shall submit a revised registration prior to [notice of intent to apply for a solid waste permit no later than ninety (90) days prior to the scheduled change. This includes] changes in owners or operators.

(5) [No] Changes listed in subsections (1) through (4) of this section may [can] be implemented prior to cabinet acknowledgement of receipt [approval] of the revised registration [notice of intent to apply].

Section 4. Contents of the Registration Form for a Registered Permit-by-rule. The contents of a form prescribed by the cabinet for a registered permit-by-rule shall contain:

(1) A description of the management, processing, or disposal activities;

(2) The name and mailing address of the facility;
(3) The location of the waste site or facility; and
(4) The type of waste managed at the facility, an estimate of the quantity of such wastes to be managed annually, and a general description of the methods of management for each waste. [Deadlines for Submission of Administrative and Technical Permit Applications. The cabinet may require submission of the administrative and technical application at any time. All granted permit-by-rule sites or facilities which have submitted a notice of intent to apply for a solid waste permit shall be required to submit an administrative and technical application within six (6) months of the cabinet's decision to require such submittal, according to Section 2 of 401 KAR 47:160.]

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:120. Conditions applicable to all solid waste permits.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888, 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842
NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing or disposal of wastes. KRS 224.842 requires that persons engaging in the management, processing and disposal of waste obtain a permit. This chapter establishes the permitting standards for solid waste sites or facilities, the standards applicable to all solid waste sites or facilities, and the standards for certification of operators. An overview of the permit program is found in Section 1 of 401 KAR 47:080. This regulation sets forth the conditions applicable to all permits.

Section 1. Conditions Applicable to all Permits. All conditions applicable to all permits shall be incorporated into the permits either expressly or by reference.
(1) Duty to comply. The owner or operator shall comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the appropriate Kentucky revised statute and is grounds for enforcement action which may result in [; for] revocation, [or] modification or [for] denial of a permit renewal application.
(2) Duty to reapply. If the owner or operator wishes to continue an activity regulated by the permit after the expiration date of the permit, the owner or operator shall apply for and obtain a new permit.
(3) Duty to halt or reduce activity. It shall not be a defense for an owner or operator in an enforcement action to claim necessity to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. The owner or operator shall comply with 401 KAR Chapters 47 and 48 before commencing operations.
(4) Duty to mitigate. In the event of noncompliance with the permit, the owner or operator shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health and the environment.
(5) Proper operation and maintenance. The owner or operator shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the owner or operator to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and process controls, including appropriate quality assurance procedures.
(6) Permit actions. The permit may be modified or revoked for cause. The filing of a request by the owner or operator for a permit modification, revocation, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
(7) Property rights. The permit does not convey any property rights or any exclusive privilege.
(8) Duty to provide information. The owner or operator shall furnish the cabinet any information which the cabinet shall reasonably require [request] to determine whether cause exists for modifying, revoking, or terminating the permit, or to determine compliance with the permit or any provision of KRS Chapter 224 or 401 KAR Chapters 47 and 48. The owner or operator shall also furnish to the cabinet upon request copies of records required to be kept by the permit.
(9) Inspection and entry. The owner or operator shall allow the cabinet or its authorized representative to:
(a) Enter upon the owner's or operator's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of the permit;
(b) Have access to and copy at reasonable times any records that shall be kept under the conditions of the permit;
(c) Inspect any facility's equipment including monitoring and control equipment, practices, or operations regulated or required under the permit; and
(d) Sample or monitor, for the purposes of assuring permit compliance or determining compliance with any provision of KRS Chapter 224 or 401 KAR Chapters 47 and 48, any substances or parameters at any location.
(10) Signatory requirement. All applications, reports, or information submitted to the cabinet shall be signed and certified in accordance with Section 6 [7] of 401 KAR 47:160.
(11) Authorization to operate. For a new solid waste site or facility, the owner or operator shall not commence storage, treatment or disposal of solid waste; and for a facility undergoing a major modification as stated in 401 KAR 47:130 [being modified] the owner or operator shall not commence storage, treatment or disposal [manage, process or dispose] of solid waste in the modified portion of the facility until:

(a) The owner or operator has submitted to the cabinet, by certified mail or hand delivery, a letter signed by the owner or operator and a professional engineer registered in Kentucky stating that the facility has been constructed or modified in compliance with the permit; and

(b) The cabinet has inspected the modified or newly constructed facility, issued any public notice required in 401 KAR 47:140, and issued a solid waste permit or permit modification.

(12) Transfers. The permit is not transferable to any person without **the** prior **written** approval of the cabinet. **Any person seeking a transfer of a permit shall file a transfer application on the forms prescribed by the cabinet. Upon review and approval of the transfer application, the cabinet shall reissue the permit to reflect the new ownership.** [New owners or operators shall submit a complete permit application to the cabinet. After the cabinet approves the new permit application and issues the new permit in the name of the new owner or operator and incorporates such other requirements as may be necessary under the appropriate statute, the existing permit shall be revoked.]

(13) Monitoring reports. Monitoring results shall be reported at the intervals specified in the approved application.

(14) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of the permit shall be submitted no later than fourteen (14) days following each scheduled date.

(15) Annual and quarterly reports. An annual or quarterly report shall be submitted covering facility activities during the specified reporting period as required in the permit.

(16) Other information. Where the owner or operator fails to submit **the required information** [any relevant facts] in a permit application, or submits incorrect information in a permit application or in any report to the cabinet, he shall promptly submit such facts or correct information.

Section 2. Establishing Permit Conditions. In addition to conditions required for all permits in Section 1 of this regulation, the cabinet shall establish conditions on a case-by-case basis in permits under 401 KAR 47:100, 401 KAR 47:110, and 401 KAR 47:130. The cabinet may incorporate applicable requirements of the Kentucky solid waste management regulations directly into the permit [or establish other permit conditions that are based on these regulations]. Each permit issued under KRS 224.835 and 224.842 shall contain terms and conditions as the cabinet determines necessary to protect human health and the environment.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:130. Changes to solid waste permits; expiration of solid waste permits.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888, 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842
NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing, or disposal of wastes. KRS 224.842 requires that persons engaging in the management, processing, and disposal of waste obtain a permit. This chapter establishes the permitting standards for solid waste sites or facilities, the standards applicable to all solid waste sites or facilities, and the standards for certification of operators. An overview of the permit program is found in Section 1 of 401 KAR 47:080. This regulation sets forth the requirements for changes to permits and expiration of permits.

Section 1. Transfer of Permits. A permit is not transferable to any person without prior approval of the cabinet. New owners or operators shall submit a complete permit application to the cabinet. After a new permit has been issued to incorporate the new owners or operators, the cabinet shall revoke the existing permit.

Section 2. [Major] Modification or Revocation of Permits. (1) When the cabinet receives any information (for example, if the cabinet inspects the facility, receives information submitted by the permittee as required in the permit under Section 1 of 401 KAR 47:120, receives a request for modification or revocation under Section 2 of 401 KAR 47:140, or conducts a review of the permit file), the cabinet shall determine whether or not one (1) or more of the causes for **a major** modification [or revocation] exist as listed in subsection (2) of this section**, or for a minor modification under** [and] Section 3**, or for revocation under Section** [and] 4 of this regulation. If cause exists, the cabinet shall modify or revoke the permit accordingly, and shall request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked, the owner or operator may reapply. If cause does not exist, the cabinet shall not modify or revoke the permit. If a permit modification satisfies the criteria in Section 3 of this regulation for minor modifications, the permit shall be modified without a notice to the public. Otherwise, a proposed permit shall be prepared and procedures in 401 KAR 47:140 followed.

(2) Causes for modification. Paragraphs (a) through (e) of this subsection are causes for modification but not revocation of permits by the cabinet.

(a) Alterations. There are material and substantial alterations or additions to the permitted solid waste site or facility or activity that occurred after permit issuance and which justify the application of permit conditions that are different or absent in the

existing permit.

(b) Information. The cabinet has received new information.

(c) Compliance schedules. The cabinet determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, materials, shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy (see also Section 3 of this regulation on minor modifications).

(d) The cabinet shall modify a permit:

1. When modification of a closure plan is required under 401 KAR Chapter 48;

2. When the cabinet receives notification of expected closure and finds that any of the previous granted permit conditions are no longer warranted;

3. When the cabinet adjusts the level of financial responsibility required;

4. When the corrective action program specified in the permit under 401 KAR Chapter 48 has not brought the regulated unit into compliance with the groundwater protection standards within a reasonable period of time;

5. To include a monitoring program meeting the requirements of 401 KAR 48:300;

6. When a permit requires a monitoring plan under Section 401 KAR 48:300, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the groundwater protection standard;

7. To include conditions applicable in new or amended standards or regulations;

8. When modification is necessary to protect human health or the environment; or

9. To include conditions applicable as a result of a hearing or enforcement action as specified in 401 KAR Chapter 40.

(e) Notwithstanding any other provision in this section, when a permit is reviewed by the cabinet, the cabinet shall modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in 401 KAR Chapters 47 and 48.

(3) Owners or operators of a waste site or facility may request a hearing pursuant to KRS 224.081 upon modification of the permit by the cabinet.

Section 3. Major [Minor] Modifications of Permits. Upon the request of the permittee, and receipt of an administrative and technically complete submission to the cabinet, the cabinet may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, including [without following] the procedures of 401 KAR 47:140. Any permit modification not processed as a major [minor] modification under this section shall be considered a minor [major] change and shall not require a 401 KAR 47:140 public notice prior to approval. A determination may be made by the cabinet upon filing of the modification application that the modification requested is a major modification. A modification shall be major if the proposed change is of the 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: [Minor modifications shall only:]

(1) It is a variance requested pursuant to 401 KAR 30:020, Section 2. [Correct typographical errors;]

(2) It would increase the area authorized for waste disposal of any unit as represented by the waste boundary as specified by 401 KAR 30:010. This type action is a horizontal expansion. [Require more frequent monitoring or reporting by the permittee;]

(3) It would increase the landfill capacity that extends the life of the facility by more than two (2) years and is not a horizontal expansion. This type action is a vertical expansion. [Change the lists of site operational equipment, operating procedures and sequence of filing;]

(4) It would add a source of solid waste for continuous receipt such that the operating life of the facility would be less than five (5) years. [Change estimates of expected year of closure or schedules for final closure under 401 KAR Chapter 48;]

(5) It would transfer ownership to a person other than that named on the permit. [Add or delete nonhazardous waste or a geographic area that is a source of solid waste accepted at the facility that does not reduce the facility life to less than five (5) years design capacity. This provision does not include wastes that have been listed as a hazardous waste and have been subsequently delisted or hazardous wastes that are treated to be nonhazardous waste.]

(6) It is an approval of the corrective action plan required by 401 KAR 48:300, Section 8(9) by the cabinet. The public notice requirements of 401 KAR 47:140 shall not preclude the cabinet from taking actions necessary to mitigate conditions that are an immediate threat to human health or the environment. [Provide for a one (1) time vertical expansion that does not increase the life of the site by more than two (2) years and is needed for drainage improvement;]

[(7) Provide for modifications to leachate collection systems, methane gas systems, groundwater monitoring, sediment ponds or dust control; or]

[(8) Authorize the use of areas for operation as amendments to operating permits.]

Section 4. Revocation of Permits. (1) The cabinet may revoke a permit during its term or deny a permit renewal application for the following causes:

(a) Noncompliance by the permittee with a [any] condition of the permit resulting in failure to protect human health or the environment;

(b) The permittee's failure in the application or during the permit issuance process to disclose all information required by the cabinet [relevant facts,] or the permittee's misrepresentation of any such information [relevant facts] at any time;

(c) A determination that the permitted activity endangers human health or the environment and can only be enforced in accordance with the requirements of KRS Chapter 224 by permit modification or revocation; [regulated to acceptable levels by permit modification or revocation;]

(d) A violation of any requirement of KRS Chapter 224 or the respective regulations promulgated pursuant thereto; or

(e) The cabinet has received notification that

a facility has been [is being] transferred to another person without proper prior approval by the cabinet.

(2) The cabinet shall follow the applicable procedures in this regulation and in 401 KAR 47:140 and 401 KAR Chapter 40 in revoking any permit under this section.

(3) Owners or operators of solid waste sites or facilities may file a request for a hearing pursuant to KRS 224.081 upon revocation of the permit or receipt of a notice of violation from the cabinet.

Section 5. Termination of Permits. A permit shall automatically terminate on the expiration date unless the cabinet has reissued the permit or continuation in accordance with Section 7 of this regulation.

Section 6. Duration of Construction and Construction/Operation Permits. (1) Term of permit. Solid waste site or facility construction and construction/operation permits shall be effective for a fixed term not to exceed ten (10) [five (5)] years. The cabinet shall review the conditions of the permit after five (5) years and modify the permit as necessary.

(2) Modification of term of permit. Except as provided in Section 7 of this regulation, the term of a permit shall not be extended by modification beyond the maximum duration specified in subsection (1) of this section.

(3) Reduced term of permit. The cabinet may issue any permit for a duration that is less than the full allowable term under subsection (1) of this section.

Section 7. Continuation of Expiring Permits. (1) The conditions of an expired permit shall continue in force at the discretion of the cabinet in order to ensure the safe disposal of waste until the effective date of a new permit if:

(a) The permittee has submitted a timely application for renewal of a permit under 401 KAR 47:160 through 401 KAR 47:190. Such applications shall be complete and the applicant shall have paid the appropriate fees due under 401 KAR 47:060 or 401 KAR 47:090;

(b) The cabinet, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints); and

(c) Where appropriate on-site engineering oversight is assured.

(2) Effect. Permits continued under this section remain fully effective and enforceable.

(3) Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit, the cabinet may choose to do any or all of the following:

(a) Initiate enforcement action based upon the permit which has been continued;

(b) Issue a notice of intent to deny the new permit under Section 3 of 401 KAR 47:140. If the permit is denied, the owner or operator shall cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(c) Issue a new permit with appropriate conditions; or

(d) Take other actions authorized by 401 KAR Chapters 47 and 48.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:140. Public information and permit issuance procedures.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.889, 224.994

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842

NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing, or disposal of wastes. KRS 224.842 requires that persons engaging in the management, processing, and disposal of waste obtain a permit. This chapter establishes the permitting standards for solid waste sites or facilities, the standards applicable to all solid waste sites or facilities, and the standards for certification of operators. An overview of the permit program is found in Section 1 of 401 KAR 47:080. This regulation sets forth permit issuance and public information procedures.

Section 1. Application for a Permit. (1) Any person who is required to have a solid waste site or facility permit under KRS Chapter 224 shall complete, sign and submit an application to the cabinet. Applications are not required for solid waste site or facility permits-by-rule specified in Section 1 of 401 KAR 47:150.

(2) The cabinet shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit.

(3) Permit applications shall comply with the signature and certification requirements of Section 6 of 401 KAR 47:160.

(4) Upon completing the review, the cabinet shall notify the applicant in writing whether the application is complete or incomplete. If the application is incomplete, the cabinet shall list the information necessary to make the application complete. When the application is for an existing solid waste site or facility, the cabinet shall specify in the notice of deficiency a date for submitting the necessary information. The cabinet shall notify the applicant when the application is complete after receiving this information.

(5) If an applicant fails or refuses to correct deficiencies in the application or submit additional information, the permit shall be denied and, if applicable, enforcement actions taken under the appropriate statutory provision.

(6) If the cabinet decides that a site visit is necessary for any reason in conjunction with the processing of an application, the applicant shall accompany the cabinet representative on a site visit upon request by the cabinet.

(7) The cabinet may require such additional

information as it deems necessary for a final determination regarding the application.

Section 2. Modification or Revocation of Permits. (1) A permit for a solid waste site or facility may be modified, or revoked, either at the request of [any interested person (including] the permittee[)] or upon the cabinet's initiative. However, a permit shall only be modified or revoked for the reasons specified in Sections 2 and 4 of 401 KAR 47:130 and following the procedures of 401 KAR Chapter 40. All requests shall be in writing and shall contain facts or reasons supporting the request.

(2) If the cabinet decides the request is not justified, the cabinet shall **notify the permittee and give** [send the requestor a brief written response giving] a reason for the decision. Denials of requests for modification or revocation are not subject to public notice, comment, or public hearings. [Written notice of the denial shall be given to the requestor and to the permittee.]

(3) If the cabinet tentatively decides to modify a permit under Section 2 of 401 KAR 47:130, the cabinet shall prepare a proposed permit under Section 3 of this regulation incorporating the proposed changes. The cabinet may request additional information and, in the case of a modified permit, [shall] require the submission of an updated permit application if necessary. In the case of revoked permits, the cabinet shall require the submission of a new application to obtain a new permit.

(a) In a permit modification under this section, only those conditions to be modified shall be reopened when a new proposed permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit.

(b) When a permit is revoked, a new application may be submitted to the cabinet.

(c) Minor modifications as defined in Section 3 of 401 KAR 47:130 are not subject to the requirements of this section.

(4) If the cabinet tentatively decides to revoke a permit under Section 4 of 401 KAR 47:130, it shall issue a notice of intent to revoke. A notice of intent to revoke shall be subject to public notice. [The public notice shall be issued by the cabinet and contain the information specified in Section 7(1)(a) through (d) of this regulation.]

(5) All proposed permits (including notices of intent to revoke) prepared under Sections 3 through 5 of this regulation shall be based on the administrative record as outlined in Section 5 of this regulation.

(6) The cabinet may consider conformance with the solid waste management area plan(s) or requirements of the district or county as a basis for permit modification.

Section 3. Permit Issuance. (1) Once the technical application is complete, the cabinet shall tentatively decide whether to **issue the** [prepare a proposed] permit or to deny the application. In making this determination the cabinet shall consider the requirements specified in the waste management regulations and in KRS 224.842.

(2) If the cabinet tentatively decides to deny the permit application, it shall issue a notice of intent to deny. A notice of intent to deny the permit application shall be subject to public **information process as specified in Section 12 of this regulation.** [notice. The public notice shall be issued by the cabinet and contain the information specified in Section 7(1)(a) through (i) of this regulation. The cabinet shall provide a thirty (30) day comment period commencing on the date the notice is published.] If the cabinet's final decision reverses the tentative decision to deny the permit application, the cabinet shall withdrawn the notice of intent to deny and proceed to prepare a proposed permit under subsection (3) of this section.

(3) If the cabinet **makes a preliminary determination to issue the permit, a proposed permit is prepared which** [decides to prepare a proposed permit, the proposed permit] shall contain the following information:

(a) The proposed design and specifications;

(b) Any conditions in accordance with Section 2 of 401 KAR 47:120; and

(c) The proposed permit shall be based on the administrative record outlined in Section 5 of this regulation.

(4) The cabinet may consider conformance with the solid waste management area plan(s) or requirements of the district or county as a basis for permit issuance.

(5) All proposed permits including permit major modifications **as defined in 401 KAR 47:130,** prepared by the cabinet under this section shall be subject to **the** public **information process as specified in Section 12 of this regulation** [notice. The public notice shall be issued by the applicant and contain information specified in Section 7(1)(a) through (i) of this regulation. The cabinet shall provide a public comment period and give notice of the opportunity for a public hearing as required by KRS 224.855].

Section 4. Fact Sheet. (1) A fact sheet shall be prepared for every proposed permit for a solid waste facility which includes a contained landfill, **residual landfill,** or a research, development, and demonstration facility, and for every proposed permit that the cabinet finds is the subject of widespread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the proposed permit. The cabinet shall send this fact sheet to the applicant and, on request, to any other person.

(2) The fact sheet shall include, when applicable:

(a) A brief description of the type of facility or activity which is the subject of the proposed permit;

(b) The type and quantity of wastes which are proposed to be and are being stored, treated or disposed of **and a summary of the facility design including the cap, liner, and leachate collection system specification;**

(c) A brief summary of the basis for the proposed permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by Section 5 of this regulation;

(d) Reasons why any requested variances or alternatives to required standards do or do not appear justified;

(e) A description of the procedures for

reaching a final decision on the proposed permit including:

1. The beginning and ending dates of the comment period under Section 9 of this regulation and the address where comments shall be received;

2. Procedures for requesting a hearing and the nature of that hearing; and

3. Any other procedures including public participation in the final decision; and

(f) Name and telephone number of a person to contact for additional information.

Section 5. Administrative Record for Proposed Permits. (1) The provisions of a proposed permit prepared by the cabinet under Section 3 of this regulation shall be based on the administrative record.

(2) For preparing a proposed permit under Section 3 of this regulation, the administrative record shall consist of:

(a) The application, if required, and any supporting data furnished by the applicant;

(b) The proposed permit or notice of intent to deny the application or to revoke the permit;

(c) The fact sheet (see Section 4 of this regulation);

(d) All documents cited in the fact sheet; and

(e) Other documents contained in the supporting file for the proposed permit.

(3) Material readily available at the cabinet's office need not be physically included with the rest of the record as long as it is specifically referred to in the fact sheet. This includes published material that is generally available, and that is included in the administrative record.

(4) This section applies to all proposed permits when public notice was given after the effective date of these regulations.

Section 6. Public Information Process Overview. (1) The public information process may consist of five (5) phases. These phases include:

(a) A public notice;

(b) A special notice with executive summary;

(c) A public comment period;

(d) A public hearing; and

(e) An adjudicative hearing.

(2) The type of notice or hearing varies with each permit classification as well as the part of the application or modification being approved or denied by the cabinet. Sections 12 through 14 of this regulation shall provide the specific process for each permit type.

Section 7. Public Notice. [The applicant or cabinet as specified in Sections 12 through 14 shall give public notice under KRS 224.855.]

(1) [Contents.] Public notices issued under this chapter **shall** [may] contain the following information **as specified in** [: (For specific notice requirements of each permit type, see] Sections 12 through 14 of this regulation.[)]

(a) Name and address of the office processing the permit action for which notice is being given;

(b) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(c) A brief description of the business conducted at the facility or activity described in the permit application;

(d) A description of the proposed location of the solid waste site or facility;

(e) Name, address and telephone number of a person from whom interested persons may obtain further information, **and the location of a repository for documents in the county in which the site or facility is proposed,** including copies of the proposed permit, fact sheet and application;

(f) [A brief description of the comment procedures required by Section 9 of this regulation and] The time and place of any hearing **already scheduled** [(unless a hearing has already been scheduled)] and [other] procedures by which the public may participate in the final permit decision;

(g) The location of the administrative record required by Section 5 of this regulation, **including a local repository in the county in which the site or facility is proposed,** the times at which the record shall be open for public inspection, and a statement that all data submitted by the applicant are available as part of the administrative record;

(h) The statements required in KRS 224.855, **if applicable**; and

(i) Any additional information considered necessary or proper.

(2) Public notices may describe more than one (1) permit or permit action.

(3) Public notices shall be of a size to include not less than two (2) column widths for advertising and shall be in a display format.

(4) [Methods.] Public notices issued by the cabinet shall be distributed by the following methods:

(a) By mailing a copy of a notice to the following persons:

1. The applicant;

2. Any other agency that the cabinet knows has issued or is required to issue an environmental permit for the same facility or activity;

3. Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources, the Advisory Council on Historic Preservation, the state historic preservation officers, and other appropriate government authorities, including any other affected states;

4. Persons on a cabinet mailing list which has been compiled by notifying the public of the opportunity to be put on the mailing list through periodic publication. Individuals shall request in writing to be on the list;

5. Any unit of local government having jurisdiction over the area where the facility is proposed to be located;

6. Each state agency having any authority under state law with respect to the construction or operation of such facility; and

7. The owner(s) of all property adjacent to property to be used by the applicant for the proposed facility;

(b) Publication of a notice in a daily or weekly major local newspaper of general circulation as required by KRS 224.855(2) where the proposed site is located; and

(c) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other form or medium to elicit public participation.

Section 8. Special Notice/Executive Summary. A special notice in the form of an executive summary of the permit application shall be submitted to the county judge/executive or mayor

of an urban-county government and members of the fiscal court or urban-county council of the county or urban-county government in which the site or facility is or shall be located as specified in KRS 224.855.

Section 9. Public Comment Period. The public comment period when provided [notice of a proposed permit, including notice of intent to modify or deny a solid waste permit application,] shall allow at least thirty (30) days for public comment[.] during which [the public comment period,] any interested person may submit written comments on the application or proposed permit and [may request a public hearing if no hearing has already been scheduled, or] may request an adjudicative hearing pursuant to KRS 224.855. The comment period shall commence on the date of the public notice providing a comment period is published.

Section 10. Public Hearings. (1) The cabinet may hold a public hearing on the basis of request or when a significant degree of public interest exists concerning a solid waste site or facility permit decision. The cabinet at its discretion may hold a public hearing whenever such a hearing might clarify one (1) or more issues involved in the permit decision.

(2) Whenever a public hearing is held, the secretary shall designate a presiding officer for the hearing who shall be responsible for its scheduling and orderly conduct.

(3) Any person may submit oral or written statements and data. Reasonable limits may be set upon the time allowed for oral statement, and the submission of statements in writing may be required. The public comment period under Section 9 of this regulation shall automatically be extended to the close of any administrative hearing. The presiding officer may also extend the comment period by so stating at the hearing.

(4) A written transcript of the hearing shall be made available to any person upon payment of the actual cost of reproducing the original.

Section 11. Adjudicative Hearing. (1) The cabinet shall hold an adjudicative hearing as specified in KRS 224.855 and consistent with the requirements and provisions of KRS 224.081(2) whenever petition in opposition to a proposed permit determination and a request for an adjudicative hearing is received within thirty (30) days of public notice [under Section 7 of this regulation]. All other permitting determinations shall be subject to an adjudicative hearing only as provided in KRS 224.081(2).

(2) Whenever possible the cabinet shall schedule a hearing under this section at a location convenient to the population center nearest to the proposed facility provided the hearing location is in the same county as required by KRS 224.855.

Section 12. Public Information Process for Landfills. (1) Upon receipt of a notice of intent to apply for [or modify] a contained, residual, or construction/demolition debris landfill, or upon receipt of a request for a major permit modification, the cabinet shall require the permit applicant to provide public notice [as specified in KRS 224.855]. The contents of this public notice shall include those items listed in Section 7(1)(a) through (d) of this regulation [and any additional information considered necessary or proper by the cabinet].

(2) [The cabinet shall issue a special notice in the form of an executive summary as outlined in Section 8 of this regulation] When the administrative portion of the application is deemed complete, the cabinet shall: [and again when review of the technical portion of the application begins. This may be combined into one (1) notice if these actions occur simultaneously.]

(a) Issue a special notice as outlined in Section 8 of this regulation; and

(b) Require the applicant to make public notice which provides for a public comment period and provides that any interested person may request a public hearing.

(3) The cabinet shall:

(a) Require the applicant to provide public notice when review of the technical portion of the application begins. [This notice shall be distributed as specified in KRS 224.855.] The contents of this public notice shall include those items listed in Section 7(1)(a) through (d). The notice shall also state that the executive summary shall be available from the office of the county judge/executive or mayor of an urban-county government; and [. The cabinet shall require any additional information considered necessary or proper.]

(b) Issue a special notice as outlined in Section 8 of this regulation.

(4) Once a preliminary determination on the application has been made and the cabinet has prepared [issued] a proposed permit, the applicant shall issue a public notice [pursuant to KRS 224.855. This notice shall also be distributed by the cabinet as specified in Section 7(4)(a) of this regulation]. The [contents of the] public notice shall provide for a public comment period. The public notice shall also contain the following statement: "Any person who may be aggrieved by the issuance of a permit for this proposed waste site or facility may file with the cabinet a petition which sets forth the grounds of the objection and demands a hearing pursuant to KRS 224.081(2)." [include those items listed in Section 7(1)(a) through (i). The cabinet shall make available a thirty (30) day comment period as specified in Section 9 of this regulation commencing with the date the notice is published. Interested parties may request a public hearing as specified in Section 10 of this regulation, submit written comments on the proposed permit and aggrieved parties may request an adjudicative hearing pursuant to KRS 224.081(2).]

(5) A public notice including a public comment period shall be published by the cabinet when a notice of intent to deny a landfill application is issued. The public notice shall be distributed as specified in Section 7(4) of this regulation. The contents of the public notice shall include those items listed in Section 7(1)(a) through (i). [The public comment period, public hearing and adjudicative hearing procedures of Sections 9 through 11 of this regulation shall be offered.]

(6) A public notice shall be published by the cabinet upon the issuance of the construction/operating permit or upon renewal

of a landfill permit. The public notice shall be distributed as specified in Section 7(4)(b) of this regulation. The contents of the public notice shall include those items listed in Section 7(1)(a) through (g) of this regulation.

[(7) A public notice shall be published by the cabinet upon the renewal of a landfill permit. The public notice shall be distributed as specified in Section 7(4)(b) of this regulation. The contents of the public notice shall include those terms listed in Section 7(1)(a) through (g) of this regulation.]

[(8) The cabinet shall require the permittee to publish a public notice when a major permit modification has been requested and again when a proposed permit has been prepared by the cabinet. The permittee shall distribute and prepare the public notice pursuant to KRS 224.855. The cabinet shall distribute the notice as specified in Section 7(4) of this regulation.]

Section 13. Public Information Process for Landfarming. The public information process for landfarming shall be followed as specified in 401 KAR 48:200.

Section 14. Public Information Process for Research, Development and Demonstration Permits. Once the cabinet has issued a proposed permit, the applicant of a research, development and demonstration permit shall publish a public notice [pursuant to KRS 224.855]. This notice shall be distributed by the cabinet as specified in Section 7(4)(b) of this regulation. The [contents of the] public notice shall provide for a public comment period. The public notice shall also contain the following statement: "Any person who may be aggrieved by the issuance of a permit for this proposed waste site or facility may file with the cabinet a petition which sets forth the grounds of the objection and demands a hearing pursuant to KRS 224.081(2)." [contain those items listed in Section 7(1)(a) through (i) of this regulation. The cabinet shall make available a thirty (30) day comment period as specified in Section 9 of this regulation commencing with the date the notice is published. Interested parties may request a public hearing as specified in Section 10 of this regulation, submit written comments on the proposed permit and aggrieved parties may request an adjudicative public hearing per KRS 224.081(2).]

Section 15. Reopening of the Public Comment Period. (1) If any data, information or arguments submitted during the public comment period (including information or arguments that any condition of the proposed permit or permit denial is inappropriate) appear to raise substantial new questions concerning a permit, the cabinet shall [may] take one (1) or more of the following actions:

(a) Prepare a new proposed permit, appropriately modified, under Section 3 of this regulation;

(b) Reopen or extend the comment period [under Section 9 of this regulation] to provide interested persons an opportunity to comment on the information or arguments submitted.

(2) Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. A public notice [under Section 7 of this regulation] shall define the scope of the reopening.

(3) The cabinet may also, in the circumstances described above, elect to hold further proceedings. This decision may be combined with any of the actions enumerated in subsection (1) of this section.

Section 16. Response to Comments. (1) At the time that any final permit decision is issued, the cabinet shall issue a response to comments. This response shall:

(a) Specify which provisions, if any, of the proposed permit have been changed in the final permit decision, and the reasons for the change; and

(b) Briefly describe and respond to all significant comments on the proposed permit raised during the public comment period, or during any public hearing.

(2) The response to comments shall be available to the public and shall be deposited in an appropriate facility in the county which the site or facility is proposed.

Section 17. Issuance and Effective Date of Permit. (1) After the close of the public comment period and any applicable hearing [under Section 9 of this regulation] on a proposed permit, the cabinet shall issue a final permit decision. For the purposes of this section, a final permit decision means a final decision to issue, deny, modify, revoke, or terminate a permit.

(2) A final permit decision shall become effective on the date issued by the cabinet.

(3) The cabinet shall document the disposition of significant comments received and make it available to the public by supplying it to the repository established in the county in which the facility is proposed.

Section 18. Past Performance Considered in Review. Past performance of the owner or operator may be considered in the review for issuance or denial of the permit application and in the determination of any requirement for specialized conditions.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:150. Special types of permits.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888 [889], 224.994

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842

NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing, and disposal of wastes. KRS 224.842 requires that persons engaging in the management, processing, and disposal of waste obtain a permit. This chapter establishes the permitting standards for solid waste sites or facilities, the standards

applicable to all solid waste sites or facilities, and the standards for certification of operators. An overview of the permit program is found in Section 1 of 401 KAR 47:080. This regulation sets forth the requirements for permits-by-rule, emergency permits and research, development and demonstration permits.

Section 1. Permit-by-rule. Notwithstanding any other provision of this chapter, the following disposal of certain solid wastes by a practice common to the industry shall be deemed to have a permit-by-rule provided the operation is not in violation of the applicable environmental performance standards of 401 KAR 47:030, does not present a threat of imminent hazard to human health or substantial environmental impact and if the following applicable conditions are met:

(1) Sawdust piles if:

(a) The pile is on the property of the generator; and

(b) The pile does not cause nonpoint pollution of surface water above the water quality standard specified in 401 KAR 5:031.

(2) Disposal of asphalt residue.

(3) Oil production brine pits and gas and oil drilling mud pits, if the operator:

(a) Has a KPDES or NPDES permit; and

(b) Complies with the conditions of the KPDES or NPDES permit.

(4) One (1) time disposal of waste construction material if:

(a) Disposal occurs at the point of generation;

(b) Disposal occurs only during the period of construction;

(c) The wastes do not include any materials that contain leachable hazardous constituents or asbestos; and

(d) The wastes do not include packaging or putrescible wastes.

(5) Disposal of demolition waste on the property where demolition occurs during the period of demolition except for materials containing asbestos.

(6) Disposal of land clearing debris on the property where clearing occurred.

(7) Disposal of less than 100 tires, shredded tires in a single pile of less than one-fourth (1/4) acre, or tires actively used in agricultural operations.

(8) Waste piles.

(9) Automobile and truck recyclers and salvage yards.

(10) Surface impoundments with a KPDES permit.

(11) Beneficial reuse of solid waste.

Section 2. Emergency Permits. (1) Notwithstanding any other provision of this chapter, in the event the cabinet finds an imminent and substantial endangerment to human health or the environment, the cabinet may issue an emergency permit to allow temporary storage or disposal of solid waste for a nonpermitted facility, thus granting the nonpermitted facility an effective temporary solid waste site or facility permit. However, an emergency permit shall only be issued when the circumstances preclude the processing of a permit of appropriate classification, [the wastes create an immediate obstacle to providing services to populated areas (utilities, transportation),] and the permitted site would not create an endangerment to human health or the environment. Such permits may be for either temporary or permanent disposal.

(2) An emergency permit:

(a) Shall be oral or written. If oral, it shall be followed in five (5) days by a written emergency permit request;

(b) Shall not exceed ninety (90) days in duration;

(c) Shall clearly specify the solid wastes to be received, and the manner and location of treatment, storage, or disposal;

(d) May be unilaterally terminated by the cabinet at any time if the cabinet determines that termination is appropriate to protect human health or the environment;

(e) Shall incorporate to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter and 401 KAR Chapter 48;

(f) Shall specify that all remaining solid waste and residues are removed at the end of the term of the emergency permit to a properly permitted solid waste site or facility in order to be exempted from the technical and financial requirements of 401 KAR Chapter 48; and

(g) Shall specify that failure to comply with the conditions of the emergency permit shall be grounds for the cabinet to recover the cost of proper closure.

Section 3. Research, Development and Demonstration Permits. (1) The cabinet may issue a research, development and demonstration permit for any solid waste treatment or disposal facility which proposes to utilize an innovative and experimental solid waste technology or process for which permit standards for such experimental activity have not been promulgated under 401 KAR Chapter 48. Any permit shall include such terms and conditions as shall assure protection of human health and the environment. In issuing research, development and demonstration permits the cabinet shall:

(a) Provide for the construction of such facilities as necessary, and for operation of the facility for not longer than one (1) year unless renewed as provided in subsection (4) of this section;

(b) Provide for the receipt, storage and disposal by the facility of only those types and quantities of solid waste that the cabinet deems necessary for purposes of determining the efficiency and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment; and

(c) Include such requirements as the cabinet deems necessary to protect human health and the environment including, but not limited to: monitoring, operation, financial responsibility, closure, remedial action, testing, and reporting.

(2) For the purpose of expediting review and issuance of permits under this section, the cabinet may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements in 401 KAR Chapter 47 except that there may be no modification or waiver of provisions in KRS Chapter 224 regarding financial responsibility (including insurance) or of procedures regarding public notification.

(3) The cabinet may order an immediate termination of all operations at the facility at any time it is determined that termination is necessary to protect human health and the environment.

(4) Any permit issued under this section shall

not be renewed more than three (3) times. Each such renewal shall be for a period of not more than one (1) year.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:160. Application procedures.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.886, 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842
NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing or disposal of solid wastes. KRS 224.842 requires that persons engaging in the management, processing and disposal of waste obtain a permit. This chapter establishes the permitting standards for solid waste sites or facilities, the standards applicable to all waste sites or facilities, and the standards for certification of operators. An overview of the permit program is found in Section 1 of 401 KAR 47:080. This regulation sets forth the requirements for application procedures.

Section 1. General Application Requirements. (1) Permit application. A permit application consists of three (3) parts: notice of intent to apply for a solid waste permit; administrative application; and technical application. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign and submit an application to the cabinet as described in 401 KAR 47:170 through 401 KAR 47:190 and 401 KAR Chapter 48.

(2) Completeness. The cabinet shall not issue a permit before receiving a complete application for a permit except for permits-by-rule or emergency permits. An application for a permit is complete when the cabinet receives an application, including any supplemental information, which shall be completed to the satisfaction of the cabinet.

(3) Information requirements. All applicants for permits shall provide the applicable information in compliance with 401 KAR 47:170 through 401 KAR 47:190 and 401 KAR Chapter 48 to the cabinet, using the application forms provided by the cabinet.

(4) Number of copies.

(a) For the purpose of reviews, three (3) [two (2)] original copies of the application shall be submitted to the cabinet. The application shall be compiled such that it conforms to an eight and one-half (8.5) by eleven (11) inch document. The applicant shall submit two (2) rolled sets of full scale engineering drawings [and one (1) set of one-half (0.5) scale engineering drawings].

(b) For issuance of the permit, the applicant shall provide one (1) original application and four (4) [three (3)] copies, incorporating all changes, bound such that they conform to an eight and one-half (8.5) by eleven (11) inch document. The applicant shall also submit the following sets of engineering drawings:

1. Two (2) full scale sets folded to eight and one-half (8.5) by eleven (11) inches;
2. Two (2) full scale sets rolled;
3. Two (2) one-half (0.5) scale sets.

Section 2. Existing Solid Waste Sites or Facilities and Registered [Granted] Permits-by-rule. [(1) Any time after promulgation of the appropriate technical regulatory requirements, the owner or operator of a solid waste site or facility with a granted permit-by-rule may be required to submit an administrative and technical application. Any owner or operator shall be allowed at least six (6) months from the date of request to submit the administrative and technical application. Any owner or operator of a solid waste site or facility with a granted permit-by-rule may voluntarily submit the administrative and technical application at any time.]

[(2) Failure to furnish a requested administrative and technical application on time, or to furnish in full the information required by the administrative and technical application, is grounds for revocation of the granted permit-by-rule.]

[(3)] Owners or operators of solid waste sites or facilities in existence on the effective date of this regulation which close under a registered [granted] permit-by-rule [without submitting an administrative and technical application] shall, at a minimum, comply with the corrective action requirements in 401 KAR 48:300.

Section 3. New Solid Waste Sites or Facilities. (1) No person shall begin physical construction of a new solid waste site or facility without having submitted a permit application and received a solid waste permit.

(2) An applicant for a solid waste landfill or landfarming permit after the effective date of this regulation shall submit to the cabinet a notice of intent to apply for a solid waste permit which contains the information specified in 401 KAR 47:170 or 401 KAR 48:200 [prior to submittal of an administrative or technical application].

(3) The applicant shall submit an administrative application for a solid waste site or facility in accordance with the approved notice of intent to apply for a solid waste permit and the implementation of the approved site investigation plan. The administrative application shall contain the information as specified in 401 KAR 47:180.

(4) The applicant shall submit a technical application in accordance with the approved administrative application and the requirements of 401 KAR 47:190 and Chapter 48.

(5) [Upon approval by the cabinet for the applicant to submit a technical application,] The site shall be designed in accordance with the approved conceptual design, any variances given preliminary approval, and the applicable requirements of 401 KAR 47:190 and 401 KAR Chapter 48.

(6) If at any time the cabinet determines that the proposed site cannot meet the requirements of 401 KAR Chapters 47 and 48, the cabinet may deny the permit.

(7) The cabinet shall take action on applications for solid waste sites and facilities within the following time frames as appropriate:

(a) Notice of intent to apply thirty (30) working days;

(b) Administrative application sixty (60) working days; and

(c) Technical application ninety (90) working days.

(8) If the application is incomplete, the cabinet shall notify the applicant in writing of the deficiencies. Failure to submit the required information shall be grounds for denial. Periods of deficiency correction shall not be counted against the review time frames specified in this subsection which are available to the cabinet.

Section 4. Issuance of a Solid Waste Site or Facility Permit. (1) The cabinet shall issue a construction permit for no more than five (5) years if, after completing the review of a complete solid waste site or facility permit application, it finds that the applicant for the permit has met all the requirements for application and the requirements of KRS 224.855 and 401 KAR Chapters 47 and 48.

(2) The applicant shall maintain a construction permit in full force and effect until all facilities have been constructed and approved by the cabinet, including closure of the facility.

(3) A construction/operation permit shall be issued by the cabinet when:

(a) The applicant notifies the cabinet, in writing, that liner system and facility construction has been completed;

(b) A representative of the cabinet inspects the site and verifies in writing within thirty (30) days of the inspection that the site has been developed according to plans and that necessary equipment is available to operate the site;

(c) The required financial responsibility in 401 KAR 48:310 for closure has been established using any of the mechanisms [, by posting a bond or establishing an escrow account as] required by KRS 224.846 in an amount determined by an approved closure plan and cost estimate; [and]

(d) The applicant submits a certification by an engineer registered in Kentucky that the site liner system and facilities are [is] constructed in accordance with the approved plans and specifications; and

(e) A notice has been published as required by KRS 224.855 and 401 KAR 47:140.

(4) The cabinet may issue a permit subject to special conditions which include, but are not limited to, types of wastes which may be accepted or disposed, source of waste, special operating conditions, schedules for compliance for corrective actions, and the issuance of other applicable permits of the cabinet.

Section 5. Expiration and Renewal of Permits. (1) The construction/operation permit shall be issued for no more than ten (10) [five (5)] years. A shorter period may be specified. A permit-by-rule shall be perpetual until modified or revoked by the cabinet. A registered [granted] permit-by-rule shall be perpetual until modified or revoked by the cabinet [unless a specified term is provided in the permit as granted]. The site may continue operation past the expiration date of a permit only if the owner or operator has complied with the requirements of Section 7 of 401 KAR 47:130. For permits of longer than five (5) year terms issued under this regulation, the cabinet may review the permit during the term. Issued permits may be reevaluated in accordance with the requirements of KRS Chapters 47 and 48 including reevaluation of the bond. After reevaluation of the permit, the cabinet may require modifications of the permit pursuant to Section 2 of 401 KAR 47:140.

(2) Any solid waste site or facility with an effective construction or construction/operation permit shall submit an application for renewal at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted in writing by the cabinet.

(3) Applications to renew construction and construction/operation permits will be subject to all requirements of 401 KAR Chapters 47 and 48 upon application renewal and shall be subject to public notice pursuant to KRS 224.855 and 401 KAR 47:140.

(4) The cabinet, in issuing a renewal, shall consider whether all conditions of the original permit and modifications of permit conditions by agreed order or otherwise have been met. The cabinet may request updated information necessary for reevaluating the permit's suitability for reissuance and impose additional or modified permit conditions when deemed appropriate.

Section 6. Signatures to Permit Applications and Reports. (1) Applications. All permit applications and modifications shall be signed as follows:

(a) For a corporation, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

1. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

2. The manager of one (1) or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars); or

(b) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

(c) For a municipality, state, federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

1. The chief executive officer of the agency; or

2. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(2) Reports. All reports required by permits, and other information requested by the cabinet, shall be signed by a person described in subsection (1) of this section, or by a duly authorized representative of that person. A person shall be a duly authorized representative only if:

(a) The authorization is made in writing by a person described in subsection (1) of this

section;
(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and
(c) The written authorization is submitted to the cabinet.
(3) Changes to authorization. If an authorization under subsection (2) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (2) of this section shall be submitted to the cabinet prior to or together with any reports, information, or applications to be signed by an authorized representative.
(4) Certification. Any person signing a document under subsections (1) or (2) of this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for such violations."

Section 7. Confidentiality of Information. (1) Claims of confidentiality. Any information submitted to the cabinet pursuant to these regulations may be claimed as confidential by the submitter. Any such claim shall be asserted at the time of submission in accordance with KRS 224.035 and 400 KAR 1:060. If no claim is made in accordance with 400 KAR 1:060, the cabinet may make the information available to the public without further notice.
(2) Denial of claims of confidentiality. Claims that the name and address of any permit applicant or permittee is confidential shall be denied.

Section 8. General Contents and Application Specifications. (1) An application for a solid waste permit shall be on a form provided by the cabinet and contain:
(a) A letter detailing the desired cabinet action or response;
(b) A table of contents listing all sections of the submittal; and
(c) Appropriate maps, figures, photographs, and tables to clarify information or conclusions. All material shall be legible.
(2) All maps, plan sheets, drawings, isometrics, cross-sections, and aerial photographs shall meet the following requirements:
(a) Be of appropriate scale to clearly show all required detail;
(b) Be numbered, referenced in the narrative, titled, have a legend of all symbols used, contain horizontal and vertical scales (where applicable), and specify drafting or origination dates;
(c) Use uniform scales;
(d) Contain a north arrow;
(e) Use USGS data as a reference for all elevations;
(f) Contain a survey grid with maximum dimension of 1,000 feet square [200 square feet] based on monuments established in the field which shall be referenced to an established site specific bench mark [state plan coordinates];
(g) Show original topography and the grid system on plan sheets showing construction, operation, or closure topography; and
(h) Show survey grid location and reference major plan sheets on all cross-sections.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:170. Notice of intent to apply for a solid waste permit.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888, 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842
NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing or disposal of wastes. KRS 224.842 requires that persons engaging in the management, processing or disposal of waste obtain a permit. This chapter establishes the permitting standards for solid waste sites or facilities, the standards applicable to all solid waste sites or facilities, and the standards for certification of operators. An overview of the permit program is found in Section 1 of 401 KAR 47:080. This regulation sets forth the requirements for a notice of intent to apply for a solid waste permit.

Section 1. The Objectives and Requirements of the Notice of Intent to Apply for a Solid Waste Permit. All applicants for a solid waste permit [or a granted permit-by-rule] shall submit a notice of intent to apply for a solid waste permit that shall contain the information specified in Section 2 of this regulation. An applicant for a solid waste construction/demolition debris, contained, or residual landfill permit shall additionally submit the geotechnical information contained in Section 3 of this regulation. An applicant for a landfarming permit shall submit a notice of intent to apply for a solid waste permit in accordance with 401 KAR 48:200. The notice of intent to apply for a solid waste permit makes the cabinet aware of the potential location for a new site or site expansion; allows for review of existing information for suitability of the site relative to 401 KAR 47:030, 401 KAR 47:100, and 401 KAR Chapter 48; allows for review and

approval of the proposed field investigations to supplement the existing information; allows the cabinet to determine the relationship of a proposed facility to the approved solid waste management area plan; and identifies any provisions of local government that pertain to the proposed facility. The notice of intent to apply contains information that is part of a complete application as required by KRS 224.855. [The notice of intent to apply shall be accurate and complete at the time the cabinet makes its preliminary determination to issue a solid waste permit.]

Section 2. Notice of Intent to Apply for a Solid Waste Permit. All notices of intent to apply for a solid waste permit shall include the following information:

(1) The management, processing, or disposal activities that require a solid waste permit under KRS Chapter 224;

(2) The name and mailing address of the proposed facility;

(3) The location, including latitude and longitude, of the center of the proposed waste disposal area(s);

(4) A list of the anticipated sources that generate wastes to be disposed at the site;

(5) For industrial facilities seeking a permit, the major applicable United States Department of Commerce Standard Industrial Classification Codes (SIC) and a description of the process in sufficient detail to allow determination of the materials used for production and the resultant chemical, physical, and hazardous character of the wastes. Hazardous waste characterization shall be consistent with 401 KAR Chapter 31;

(6) The operator's name, address, and telephone number;

(7) The name, address, and telephone number of the owner of the **property** [facility] and a copy of the current deed to the property;

(8) Written directions to the site, using roads or highways, from a commonly known landmark;

(9) A general county highway map eleven (11) inches by fourteen (14) inches as published by the Kentucky Transportation Cabinet for the county(ies) showing the location of the proposed site;

(10) A description of the portions of the property to be used for waste management, processing, or disposal to include the area in acres, and anticipated peak capacity; and average rate of operation in cubic yards and tons per day;

(11) The source by county(ies) or facility(ies) as appropriate; the chemical, physical, and biological characteristics of the solid wastes to be managed at the facility; an estimate of the quantity of such wastes to be managed annually; and a general description of the methods of management for each waste;

(12) A listing of all permits or construction approvals anticipated, applied for, or received under any of the following programs that relate specifically to the proposed facility;

(a) Solid and hazardous waste management program under the Resource Conservation and Recovery Act and KRS Chapter 224 as specified in 401 KAR Chapters 30 through 48;

(b) Underground injection control program under the Safe Drinking Water Act; and

(c) NPDES program under the Clean Water Act, or the KPDES program under KRS Chapter 224 as specified in 401 KAR 5:050 through 5:085;

(13) For existing facilities, the following additional information shall be included:

(a) A drawing of the facility showing the location of all past, present, and **proposed** future waste management areas;

(b) Photographs of the facility clearly delineating all existing structures, existing waste management areas, primary operating components, and sites of future waste management;

(c) A report describing the permitting and compliance history that relates to the existing sites and the owner's abilities to meet the environmental performance standards of 401 KAR 47:030. This report shall include the financial requirements to modify the site or facility to meet the environmental performance standards;

(d) A written description of compliance with the Prevention of Significant Deterioration (PSD) program under KRS Chapter 224 as specified in 401 KAR 51:017;

(e) A written description of compliance with the nonattainment program under KRS Chapter 224 and as specified in 401 KAR 51:052;

(f) Water quality certification as required by Section 401 of the Clean Water Act;

(g) All permits issued for mineral or coal extraction under the Surface Mining and Reclamation Act and KRS Chapter 350; and

(h) Other relevant environmental permits.

(14) A review of all **pertinent** published information [and reconnaissance efforts] pertaining to the proposed solid waste site or facility concerning **federally protected** threatened and endangered species and their critical habitat, historical properties, archeological sites, and wetlands; and

(15) Any other information that may be required to determine that the respected permit conforms to the requirements for solid waste sites or facilities.

Section 3. Geotechnical Information. The notice of intent to apply for a solid waste landfill permit shall contain a geotechnical report and site investigation plan including:

(1) An original current USGS seven and one-half (7.5) minute topographic quadrangle map showing the proposed waste boundaries and the property boundaries. The map shall show the following items that are located within one (1) mile of the proposed waste boundary:

(a) All surface water intake and discharge structures;

(b) All waste management, processing, or disposal facilities;

(c) All wells where fluids are injected underground; and

(d) All wells, springs, **ephemeral, intermittent, and perennial streams,** other surface water bodies, and drinking water wells, [listed in public records or otherwise known to exist;]

(2) A review of all **pertinent** existing and published information pertaining to:

(a) Geology (karst features, structural features, and lithologic description);

(b) Hydrogeology of the groundwater resources and aquifers that shall be monitored;

(c) Hydrology (streams, wetlands and, other surface water bodies); and

(d) Caves and excavations including mined or quarried areas;

(3) A written plan addressing the

determination of specific requirements of 401 KAR 47:030, 401 KAR 47:180, 401 KAR 48:050 through 401 KAR 48:080, and 401 KAR 48:170 as appropriate;

(4) A rock core boring plan that shall:

(a) Provide the data needed to evaluate the geologic features to the level of the first confining layer below the uppermost aquifer, and all geologic units hydraulically connected to the uppermost aquifer;

(b) Provide the data needed to determine the features of the liner system for the appropriate landfill class;

(c) Provide data to describe the site geology, the local aquifers that are hydrogeologically associated with the site, and the transmissivity of the aquifers; and

(d) Include relevant field data and appropriate test methods for determining hydrogeologic parameters;

(5) A soil boring plan that shall address the field and laboratory methods to be used. The soil boring plan shall include:

(a) The procedures to be used for field observations during solid borings and the criteria for selecting soils to be examined in the laboratory and a procedure for all soil borings to be field classified by a person qualified to make distinctions on characteristics relative to the engineering classification of soils;

(b) An analysis plan for at least one (1) soil sample for each soil type within each soil examination block. Each soil examination block shall be no larger than 1000 feet by 1000 feet and a narrative describing the soils to be selected for laboratory examination. The method of testing shall be approved by the cabinet;

(c) The proposed depth of soil borings and their depth relationship to the limits of proposed excavation. [A procedure for all soil borings to be field classified by a person qualified to make distinctions on characteristics relative to the engineering classification of soils;]

[(d) A narrative describing the soils selected for laboratory examination. The method of testing shall be approved by the cabinet;]

(6) Directions for closure of the rock core borings using grout and closure of the soil borings. The closure of the investigative excavations shall be acknowledged in writing by a qualified engineering geotechnical investigation professional;

(7) The methods and accuracy to be used to determine the location of the rock core borings and the soil borings during the subsurface investigation;

(8) A site geotechnical investigation map prepared at a scale of one (1) inch equals 400 feet showing the limits of all areas that may be used for soil borrow or waste disposal, site topography, and the USDA SCS soil group mapping. The site map shall have the following shown:

(a) A regular grid (soil examination block) of 1,000 feet by 1,000 feet spacing;

(b) USDA SCS soil groups;

(c) Within each soil examination block [cell] of the grid, the placement of at least one (1) soil boring for each soil type; and

(d) Additional soil boring locations such that a minimum of nine (9) soil borings shall be taken in each soil examination block. [the distance between any soil boring is no greater than 200 feet;]

(9) A procedure for written documentation when the location of actual subsurface excavations (borings or corings) are adjusted in the field. The adjusted excavation locations shall achieve the criteria of this section and shall be subject to concurrence by the cabinet;

(10) Additional information for each classification of landfill as outlined below:

(a) For construction/demolition debris landfills, the geotechnical investigation map shall be annotated to show the proposed location of a minimum of three (3) [two (2)] rock core borings. The number and placement of the rock core borings shall be determined based on the size and geologic complexity of the site;

(b) For contained landfills, the geotechnical investigation map shall show the proposed location of a minimum of four (4) rock core borings. For sites with more than fifty (50) acres, an additional rock core boring shall be required for each additional twenty-five (25) acres or part thereof. The placement of the rock core borings shall be dependent on site geologic features of the proposed site. Additional rock core borings may be required for sites with complex geologic attributes; and

(c) For residual landfills, additional geotechnical information or samples may be required; and

(11) Other informational sources to be researched for site specific attributes. The sources shall include, at a minimum, surface mining permits, subsurface excavation and mining permits, and records of the Kentucky Geologic Survey and the Kentucky Department of Mines and Minerals.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:180. Contents of the administrative application for solid waste landfills.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888, 224.994

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842

NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing or disposal of wastes. KRS 224.842 requires that persons engaging in the management, processing or disposal of waste obtain a permit. This chapter establishes the permitting standards for solid waste sites or facilities, the standards applicable to all solid waste sites or facilities, and the standards for certification of operators. An overview of the permit program is found in Section 1 of 401 KAR 47:080. This regulation sets forth the general contents of the administrative application for solid waste landfills excluding landfarming.

Section 1. Objective and General Requirements. The objectives of the administrative application for solid waste facilities are to allow the

cabinet to determine if the proposed permit is consistent with local solid waste management area requirements and to review potential effects on human health and the environment if the proposed landfill is permitted. The information required for an administrative application for solid waste management facilities includes, but shall not be limited to, ownership documents, documentation of past performance, results from the geotechnical investigation specified in the approved notice of intent to apply for a solid waste permit, and the proposed design plan. The information provided shall be sufficient to allow the cabinet to evaluate the data detailing the site characteristics and the proposed design in the administrative application compared with the requirements for each type of site or facility, the waste to be disposed, and the ability to meet environmental performance standards. Information required in the administrative application shall be submitted to the cabinet in a format approved by the cabinet and signed in accordance with requirements in Section 6 of 401 KAR 47.160. Design drawings, specifications, and engineering studies shall be sealed by a professional engineer registered in Kentucky. The contents of the administrative application contain information that is part of a complete application as required by KRS 224.855. The contents of the administrative application shall be accurate and complete at the time the cabinet makes its preliminary determination to issue a solid waste permit.

Section 2. Notice of Intent to Apply. The owner or operator shall state the name of the applicant and list the date of submittal of the notice of intent to apply for a solid waste permit as required by 401 KAR 47:170. [Any relevant information contained in the notice of intent to apply that is incomplete or inaccurate as previously filed shall be corrected and filed with the cabinet.]

Section 3. Compliance with the Area Plan. (1) The applicant shall describe how the proposed new solid waste site or facility or expansion to the existing solid waste site or facility complies with or relates to relevant area solid waste management area plan(s). If the proposed site or expansion is in an area with an approved area plan, the cabinet shall review the application for compliance with the solid waste management area plan. If the proposed facility does not comply with the approved area plan(s), the cabinet may deny the permit application unless a revision or amendment to the plans are completed by the solid waste management areas and approved by the cabinet.

(2) Modification of facilities. When an application for a modification to a solid waste site or facility is for an increase in the quantity of waste, the cabinet may deny the application when the additional quantity shall reduce the projected operating life to less than five (5) years. If an application for a modification to a solid waste site or facility reduces the projected operating life of the site or facility to less than five (5) years, the cabinet shall notify the affected solid waste management areas.

Section 4. General Information Requirements. (1) The applicant is to describe the potential impact of operating the facility on the following:

(a) Transportation facilities;

(b) Prime agricultural lands; and

(c) Water resources.

(2) Historic properties. The application shall include a review of the site features or structures of historical significance.

(3) Endangered or threatened species. The application shall include an inventory of any federally listed endangered or threatened species and the habitat critical to any endangered or threatened species consistent with the requirements of 50 CFR Part 402. [A letter from the Kentucky Nature Preserves Commission and the Kentucky Department of Fish and Wildlife Resources with concurrence that the proposed facility shall not adversely affect endangered or threatened species shall be provided.]

(4) Variances. The applicant shall describe any anticipated variance requests pursuant to Section 2 of 401 KAR 30:020, including the regulation from which relief is sought. The variance request shall describe the ability of the applicant to meet the environmental performance standards of 401 KAR 47:030 if the variance is granted.

(5) The applicant shall provide a statement that the facility complies with any local planning and zoning laws. [, on a form furnished by the cabinet, written certification from the chairman of the local planning and zoning board, formed pursuant to KRS Chapter 100, stating that the site meets all local planning and zoning requirements of the area, or a statement from the county judge/executive that the area does not have local zoning.]

(6) The applicant shall provide a statement [,from the county judge/executive or local KRS Chapter 109 waste management district(s), when one exists for the area(s),] that the proposed facility does not conflict with the solid waste management area plan(s) or requirements of the district or county.

(7) The applicant shall provide a copy of the deed to the property and a copy of the lease or proposed lease showing a thirty (30) year right of reentry following closure of the facility if the landowner is not the applicant. The proposed lease or option shall be executed prior to permit issuance. The applicant shall also provide the names of the owners of mineral rights beneath the property. [The property shall be owned in fee simple.]

(8) The applicant shall provide a statement that describes what assistance the [report from the appropriate fire chief addressing the capability of the] local fire district shall provide. [to fight fire at the facility, a certification showing the name of the fire agency, the contact person, phone number, and address, and a statement that the agency has jurisdiction in the area that the facility shall be located.]

Section 5. Topographic Map and Site Information. The administrative application shall contain:

(1) An existing conditions topographic map at a suitable scale to depict the anticipated buffer zones and limits of waste on an engineering drawing twenty-four (24) inches by thirty-six (36) inches. The contour intervals on the map shall be two (2) feet. The map shall clearly show the following:

(a) Legend with a bar scale, date of preparation, and last update;
(b) Orientation of the map (north arrow);
(c) 100 year flood plain area and, if applicable, floodway;
(d) Surface waters, including ephemeral, intermittent and perennial streams; [blue line and intermittent streams;]
(e) Surrounding land uses (residential, commercial, agricultural, recreational, etc.). For areas with zoning, the land use map shall conform to the local zoning agency's land use mapping system;
(f) A wind rose (i.e., prevailing wind-speed and direction);
(g) Property lines;
(h) The location of areas which are proposed to be excavated to obtain earthen material for the construction of the facility and for cover material;
(i) The zones that reflect the area of expected subsidence or critical draw if subsurface mines, caves or excavations subside;
(j) Proposed limits of the waste;
(k) The actual elevation referenced to a United States Geological Survey mean sea level datum and location of test borings and core samplings;
(l) Injection and withdrawal wells; [and]
(m) Any existing structures; and
(n) Alternate map and drawing sections may be approved by the cabinet.
(2) Site information. The applicant shall provide the following information regarding the potential site:
(a) Total acres of site;
(b) Acres of the site to be designed for disposal areas;
(c) Approximate waste volume based on a minimum of four (4) equally spaced cross-sections;
(d) Planned life of facility;
(e) A description of title, deed, or usage restrictions affecting the proposed permit area including a scaled drawing showing the current boundaries of all property proposed for development and buffer zones, and the ownership of these properties and all adjacent property; and
(f) The presence of any abandoned, reclaimed, active or inactive surface or subsurface mines or natural caves on the site.

Section 6. Geologic and Hydrogeologic Information. (1) The administrative application shall include the following geologic information:
(a) A description of the type, texture, thickness and range in thickness of unconsolidated materials;
(b) A description of the regional bedrock geologic structure to include the regional stratigraphic strike and dip, the locations and attitudes of regional faults and folds and regional jointing trends;
(c) A description of the site specific geologic structure to include site specific stratigraphic strike and dip, the locations and attitudes of any faults or folds intersecting the site and the attitudes and spacing of joints;
(d) A brief description of the influence that fracture zones have on the movement of infiltrated water and groundwater;
(e) A minimum of two (2) geologic cross sections, using published data, bedrock outcrops and rock core boring information which shall be depicted on scaled drawings with vertical exaggeration, to adequately illustrate the geology of the site. The cross sections shall include:
1. The seasonal high groundwater table; and
2. Rock outcrop occurrences.
(f) A list of any extractable coal seams or other minerals beneath the site;
(g) A description of any active or inactive deep mines located beneath the site or within 1,500 feet of the site including depth to mined area, aerial extent of mined area and type of minerals mined (if coal, give the names of seams); and
(h) A map depicting the property, the proposed limits of waste and the area at least 1,500 feet from the limits of waste at a scale of one (1) inch equals 400 feet that shows the following:
1. Geologic units and rock outcrop occurrences;
2. Surface depressions, sinkholes and spring occurrences;
3. Location of wells used for water withdrawal and injection of fluids;
4. Location of rock core borings; and
5. Surface contours.
(2) The administrative application shall include the following hydrogeologic characterization:
(a) The hydrologic characteristics of the uppermost aquifer and the geologic units hydraulically connected to it, including field test data for hydraulic conductivity, storage coefficient and transmissivity, and groundwater hydraulic gradient and velocity. The description of these characteristics shall be based on multiple well aquifer tests, piezometer nest evaluation, [and] core evaluation and other appropriate methods approved by the cabinet. In karst environments both diffuse and discrete flow conditions shall be characterized. The water quality characterization as specified in Section 11 of 401 KAR 48:300 shall be included. The application shall include data and the procedures and calculations used to determine these characteristics;
(b) Tracer studies. Where sites overlie fractured bedrock, weathered limestone or dolomite bedrock or where karst environments cannot be avoided, the cabinet may require tracer studies before finalizing the groundwater monitoring plan; and
(c) A survey and listing of residential springs and water wells within one (1) mile of the proposed waste boundaries. The survey shall determine the location of springs and wells which shall be shown on a map with their approximate elevation and depth, name of owner, age and usage of the spring or well, stratigraphic unit that the spring is located in or is constructed in, well construction, static well levels, spring or well yield, perceived water quality, and any other relevant data which can be obtained.

Section 7. Soils Information. The administrative application for a solid waste landfill shall contain a soils inventory consisting of a description of the total volume and source of borrow material available, and total estimated volume and source of required daily cover, interim cover, long term cover, final cover, and low permeability soils required by 401 KAR 48:060, 401 KAR 48:070, 401 KAR 48:080, 401 KAR 48:090, and 401 KAR 48:170. The administrative application shall include the

following soils data as determined by the approved site investigation: location, depth, thickness, classification of soils for engineering purposes [engineering classification], particle size distribution, atterburg limits, optimum moisture, permeability, and recoverable volume in compacted cubic yards for each soil classification and permeability. The administrative application shall include a map at a scale of one (1) inch equals 400 feet depicting the distribution of the soils that is keyed to a list of the soils by engineering classification. The approximate volume and depth of each type of soil shall be recorded on the map.

Section 8. Siting Restrictions and Design Report for Landfills. The administrative application for landfills shall contain a report describing the [proposed] design the applicant proposes for the facility to meet [to comply with each of] the siting, design and operating requirement restrictions in 401 KAR 47:030, 401 KAR 48:050, 401 KAR 48:060, 401 KAR 48:070, 401 KAR 48:080, 401 KAR 48:090 [and] 401 KAR 48:170 and be consistent with Section 4 of this regulation. The report shall include a description of the engineering drawings to be developed by type and the proposed scale for each. The report shall include the proposed points of compliance as required in accordance with 401 KAR 48:300, Section 3. The design report shall address the proposed liner and cap design.

Section 9. Executive Summary. The administrative application shall include an executive summary pursuant to KRS 224.855.

(1) The written portion of the executive summary shall be in a format that may be understood by the average citizen and shall contain:

(a) The applicant's name and address;
(b) Directions to the site;
(c) Zoning requirements;
(d) Purpose of the application;
(e) Type of landfill, i.e., construction/demolition debris, residual, or contained;
(f) Acreage of the property and the area to be filled;
(g) Volume of fill stated in cubic yards;
(h) Source of waste by county(ies) or facility(ies) as appropriate, both in-state and out-of-state;
(i) A description of all waste, other than residential, to be disposed at the site;
(j) Anticipated operating life of the proposed landfill site reported in years;
(k) A description and the source of soils to be used for liner(s), cover material, and other purposes;
(l) General geology, i.e., limestone, coal field, etc., of the proposed site area;
(m) A description of the groundwater resources (aquifers and flow patterns);
(n) Approximate depth to groundwater and general groundwater use in the area;
(o) A description of surface water control measures;
(p) A description of the liner and cap;
(q) Leachate management methodology to include treatment and or disposal; and
(r) Any other information considered to be pertinent to the public interest or of concern to the solid waste management planning area, the applicant, or the cabinet.

(2) An area map, twenty-four (24) inches by thirty-six (36) inches, shall be provided depicting the proposed development plan. The map shall be prepared to include the facility plus 1,500 feet from the boundary of the proposed waste cells. The map shall show the following:

(a) Major highways and features;
(b) Site boundaries and waste limits;
(c) Adjacent land use and zoning;
(d) Any water supply intake shall be either shown or noted;
(e) Federally listed endangered and threatened species or candidate species and their habitat as identified by the Kentucky Nature Preserves Commission and the Kentucky Department for Fish and Wildlife Resources;
(f) The direction of groundwater flow;
(g) Location of groundwater users; and
(h) Property boundaries where they occur on the map showing the adjacent land owner's name.

(3) Graphics or engineering drawings shall be provided to show the following:

(a) Proposed landfill site prior to development;
(b) Anticipated landfill units and phases; [Landfill development and sequence of operations;]
(c) Environmental protection measures including liners, cap, groundwater monitoring, surface water monitoring, silt ponds, etc.;
(d) Geologic setting of the site; and
(e) Proposed site entrance.

Section 10. Ownership Information. The administrative application shall contain a showing of the past bonding [compliance] record for both the applicant and any other individual or entity designated to own or operate the facility by submitting the following:

(1) Organizational structure;

(a) If the applicant is a proprietorship, the applicant shall provide a detailed listing of:

1. The proprietors and their respective interests, whether ownership or otherwise; and
2. Any partnerships (general or limited), joint venture, or corporation in which the applicant holds a twenty-five (25) percent or more interest (whether ownership or otherwise);

(b) If the applicant is a partnership, either general or limited, the applicant shall provide a detailed listing of:

1. Each of the partners and their respective interests, whether ownership or otherwise;
2. Any corporation, joint venture, partnership (general or limited), or proprietorship in which any of the constituent partners of the applicant holds twenty-five (25) percent or more interest (whether ownership or otherwise); and
3. Any corporation, joint venture, proprietorship, or partnership (general or limited) which holds a twenty-five (25) percent or more interest (whether ownership or otherwise) in any of the nonindividual constituent partners comprising the applicant;

(c) If the applicant is a corporation, the applicant shall provide a detailed listing of:

1. The officers, directors, and major stockholders;
2. Any corporation of which the applicant is either a subsidiary or which holds twenty-five (25) percent or more interest (either in stock or assets) in the applicant;
3. Any corporations which are either

subsidiaries of the applicant or in which the applicant holds a twenty-five (25) percent or more interest (either in stock or assets); and

4. Any proprietorship, partnership (general or limited), or joint venture in which the applicant holds a twenty-five (25) percent or more interest, whether ownership or otherwise;

(d) If the applicant is a joint venture, a detailed listing of:

1. All other joint ventures, and the respective interests (whether ownership or otherwise) of each; and

2. Any proprietorship, partnership (general or limited), joint venture or corporation in which the applicant holds a twenty-five (25) percent or more interest (whether ownership or otherwise); and

[(2) For every individual or other entity listed in subsection (1) of this section, a detailed listing of violations of federal or state laws, rules or regulations (whether either judicial or administrative proceedings are pending or completed) that have resulted or shall result in either criminal convictions or civil or administrative fines as much as or more than $1,000. This subsection shall apply to the requirements of the Clean Air Act, the Clean Water Act P.L. 92-500 et seq., the Surface Mine Reclamation Act, the Resource Conservation and Recovery Act, the Occupational Safety and Health Act, KRS Chapters 224, 350 and 352; and]

(2) [(3)] For each and every individual or other entity listed in subsection (1) of this section, a current financial statement prepared by a certified public accountant.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 47:190. Contents of the technical application for solid waste landfills.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888, 224.994

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842

NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing or disposal of wastes. KRS 224.842 requires that persons engaging in the management, processing or disposal of waste obtain a permit. This chapter establishes the permitting standards for solid waste sites or facilities, the standards applicable to all solid waste sites or facilities, and the standards for certification of operators. An overview of the permit program is found in Section 1 of 401 KAR 47:080. This regulation sets forth the general content requirements for a technical application for a solid waste landfill.

Section 1. Objective and General Requirements. The objectives of the technical application are to specify technical standards. The technical application contains the facility design and narrative. The cabinet shall evaluate the application for compliance with the environmental performance standards in 401 KAR 47:030 and other applicable regulations. The applicant shall submit the technical application in a format approved by the cabinet and signed in accordance with Section 6 of 401 KAR 47:160. Engineering drawings, specifications and studies shall be signed and sealed [certified] by a professional engineer registered in Kentucky. The contents of the technical application contains information that is part of a complete application as required by KRS 224.855. The contents of the technical application shall be accurate and complete at the time the cabinet makes its preliminary determination to issue a solid waste permit.

Section 2. Design Plans. (1) An applicant for a solid waste landfill permit shall submit engineering plans showing the design of the site. The engineering plans shall meet the design requirements of 401 KAR 48:060 for construction/demolition debris landfills, 401 KAR 48:070 and 401 KAR 48:080 for contained landfills or 401 KAR 48:170 for residual landfills. The applicant shall submit copies of the application including engineering drawings in accordance with Section 1(4) of 401 KAR 47:160.

(2) At a minimum, each drawing set in the [Each] application shall include the following drawings:

(a) A drawing of the entire site on one (1) sheet showing:

1. Current site conditions;

2. Site development plan including buffer zones;

3. Location of environmental monitoring points for surface water, groundwater and methane; and

4. Baselines.

(b) Site plans drawn to a scale of one (1) inch equals 100 feet unless an alternative scale has been approved showing:

1. Development plan;

2. Location of environmental monitoring points for surface water, groundwater and methane; and

3. Baseline or off-set baseline;

(c) Cross-sections at 100 foot intervals of each baseline at a scale of one (1) inch equals ten (10) feet vertically and one (1) inch equals 100 feet horizontally;

(d) Drawing of the profile along each baseline; and

(e) Other drawings as needed to properly depict the site's proposed development and details of construction design and construction.

(3) The applicant shall use the standard convention of this subsection to name and label elements of the solid waste landfills. The plans and reports shall be organized and referenced using the following standards:

(a) Facility shall be the total area under permit;

(b) Unit shall be the highest named element within the facility;

(c) Phase shall be a subdivision of a unit and shall be the smallest element designated for the purpose of financial assurance as required by KRS 224.846; and

(d) Working area shall be a subdivision of a phase.

(4) Typical details shall be included in the plans showing the features of cell, lifts, liners, daily cover, interim cover, long-term

cover and final cover.

(5) The plans shall show the working areas, phases and units and the order that each shall be filled. The plan shall include volume data for each phase and unit.

Section 3. Narrative. (1) An applicant for a solid waste landfill permit shall submit a design narrative. The narrative shall address how the application meets the requirements of 401 KAR 47:030, 401 KAR 48:050, and 401 KAR 48:060 for construction/demolition debris landfills; 401 KAR 47:030, 401 KAR 48:050, 401 KAR 48:070 and 401 KAR 48:080 for contained landfills; or 401 KAR 47:030, 401 KAR 48:050 and 401 KAR 48:170 for residual landfills. The narrative shall also include the construction quality control plan required by Section 6 of this regulation and the quarterly report specifications required by Section 8 of this regulation.

(2) An applicant for a solid waste landfill permit shall submit an operations narrative describing how the operational requirements of 401 KAR 48:060 for a construction/demolition debris landfill, 401 KAR 48:090 for a contained landfill or 401 KAR 48:170 for a residual landfill shall be met.

Section 4. Closure, Closure Care and Performance Bond. (1) An applicant for a solid waste landfill permit shall submit closure and closure care plans meeting the requirements of 401 KAR 48:060 for a construction/demolition debris landfill, 401 KAR 48:070 through 401 KAR 48:090 for a contained landfill and 401 KAR 48:170 for a residual landfill. Design specifications for the cap shall be included.

(2) The applicant shall submit a closure and closure care cost estimate for the plans in subsection (1) of this section consistent with the requirements of 401 KAR 48:310.

(3) Upon approval of the permit application and before the issuance of the construction/operating permit, the applicant shall submit the performance bond for closure and closure case which meets the requirements of 401 KAR 48:310.

Section 5. Surface Water and Groundwater Monitoring and Corrective Action Plan. An applicant for a solid waste landfill permit shall submit a surface water and groundwater monitoring plan meeting the requirements of 401 KAR 48:300.

Section 6. Construction Quality Control Plan. (1) An applicant for a solid waste landfill permit shall submit a construction quality control plan that shall ensure the site or facility is constructed in a manner conforming to the requirements in Sections 7 and 8 of this regulation and containing the following elements:

(a) The persons responsible for each part of the quality control plan;

(b) Frequencies and specifications for inspections and tests;

(c) Forms to be used;

(d) Survey control system of plan views and cross-sections for such inspections and tests; and

(e) A statement to be used for certifying that the quality control plan was followed by the owner or operator.

(2)(a) The construction quality control plan shall provide assurance that the layers of the homogeneous low permeability soil liners are compacted using nonvibratory compactors with full depth penetrating feet [sheepsfoot rollers] with a minimum of six (6) passes per soil layer [lift]. The compactor [sheepsfoot roller] ballast shall be varied to prevent reaching the desired proctor density with less than six (6) passes. The feet length shall be one (1) inch longer than the loose soil layer thickness.

(b) Smooth rollers may be used at the end of each work period to seal the surface from rain infiltration.

Section 7. Landfill Liner Requirements. An applicant for a solid waste landfill permit shall submit liner designs in accordance with 401 KAR 48:080 for contained landfills, 401 KAR 48:060 for construction/demolition debris and 401 KAR 48:170 for residual landfills.

Section 8. Landfill Recordkeeping and Reporting. An applicant for a solid waste landfill permit shall submit plans for a recordkeeping and reporting system. The plan shall meet the following requirements:

(1) A quarterly report shall be submitted to the cabinet on a form approved by the cabinet no later than the 15th of the month following the end of each quarter year. The quarters shall end on March 31, June 30, September 30 and December 31 of each year. The report shall contain the following:

(a) Description [Documentation] of construction activities during the quarter;

(b) Monthly volume of waste received from each source;

(c) Description of compliance with cover requirements; [Documentation of cover requirements;]

(d) Environmental monitoring results including surface water, groundwater, methane, and other permit conditions; and

(e) The quantity and concentration of leachate removed from the site, where [generated and] disposed, and the [with] method of disposal. The concentration shall be determined using appropriate parameters from [listed in] Section 10(2) of 401 KAR 48:300 for construction/demolition debris landfills and Section 10(3) of 401 KAR 48:300 for contained landfills.

(2)(a) An annual survey shall be conducted by the owner operator to determine remaining landfill volume which may be used for waste disposal. The quantity of waste disposed per day shall be determined by dividing the total waste received in one (1) year by 365 calendar days. The survey shall be conducted annually and the results shall be submitted to the cabinet no later than sixty (60) [thirty (30)] days following the actual survey. When aerial photography is used, the survey results shall be provided within ninety (90) days of the aerial photography. This survey shall bear the seal and signature of the registered professional land surveyor or professional engineer who performed the survey. The owner or operator shall notify the cabinet no less than fifteen (15) calendar days prior to the date the survey shall be conducted.

(b) The [An] annual survey shall be made between January 1 and May 1 each year and shall be submitted to the cabinet within sixty (60) days. The annual survey [by May 1 of each year

and] shall contain the following information:
1. Cross-sections on 100 foot intervals showing current waste placement and proposed final contours; and
2. Remaining capacity in cubic yards.
(3) Surface water and groundwater sample shall be collected and analyzed according to the following criteria:
(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
(b) The owner or operator shall retain records of all monitoring information, copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the cabinet at any time. In addition, the owner or operator shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for the closure care period as well.
(c) Records of monitoring information shall include:
1. Date, exact place, and time of sampling or measurements;
2. Individual who performed the sampling or measurements;
3. Date analyses were performed;
4. Individual who performed the analyses;
5. Analytical techniques or methods used; and
6. Results of such analyses.
(4) All waste entering a contained landfill shall be weighed prior to disposal.
(5) The owner or operator of a contained landfill shall keep permanent records of the source, disposal location and quantity of any spill residues and limited quantity generator hazardous wastes, and records as to the source and quantity of all other wastes disposed of at the contained landfill. These records shall be available for cabinet inspection and shall be summarized in a report and submitted to the cabinet with the annual report or request for permit renewal.

Section 9. Alternative Specifications. Alternative specifications may be used only after approval by the cabinet upon a demonstration by a qualified registered professional engineer that they will result in performance with regard to safety, stability and environmental protection equal to or better than that resulting from designs complying with the specifications of this regulation.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 48:050. Siting requirements for solid waste landfills.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888 [889], 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842
NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing or disposal of wastes. KRS 224.842 requires that persons engaging in the storage, treatment, recycling and disposal of waste obtain a permit. This chapter establishes the minimum technical standards for solid waste sites or facilities. This regulation sets forth the siting requirements for new construction/demolition debris, contained, and residual landfills.

Section 1. Buffer Zones. Wastes shall not be placed:
(1) Within 250 feet of an intermittent or perennial [a blue-line] stream unless a 401 water quality certification has been issued pursuant to 401 KAR 5:029 through 401 KAR 5:031.
[(2) Within 1,000 feet of the nearest edge of the right-of-way of any toll road, parkway, interstate, or other state primary road as classified by the Kentucky Transportation Cabinet's functional classification system, or the boundary of any public park unless the facility is screened by natural objects, plantings, fences or other appropriate means so that it is not noticeably visible from the highway or park;]
(2) [(3)] Within the zone of collapse of deep-mine workings or within the critical angle of draw of such workings;
(3) [(4)] Within 250 feet of a feature of karst terrain;
(4) [(5)] Within 250 feet of the property line;
(5) [(6)] Within 250 feet of a residence;
(6) [(7)] Within fifty (50) feet of a gas, sewer or water line; and
(7) [(8)] Within 250 feet of a unplugged well except monitoring wells.

Section 2. Seasonal High Groundwater Table. (1) The lowest component of the bottom liner of new units of a landfill shall be at least four (4) feet above the seasonal high groundwater table.
(2) Wastes that leach heavy metals in concentrations exceeding the primary drinking water standards when analyzed using the extraction procedure toxicity test shall be placed no closer than five (5) feet above the seasonal high groundwater level.

Section 3. Flood Plains. (1) No person shall be issued a permit to construct a new contained landfill in the 100-year flood plain.
(2) Waste disposed in residual or construction/demolition debris landfills shall not be placed within the 100 year flood plain of the waters of the Commonwealth unless the applicant complies with Section 2 of 401 KAR

47:030 of the Environmental Performance Standards concerning base flow restriction, temporary water storage capacity reduction, and waste washout. Where available, empirical data shall be used to determine the frequency of flood exposure. Where data are not available, the frequency of flood exposure shall be established by the unit hydrograph technique.

Section 4. Airport Location Criteria. A solid waste landfill that shall be operated in a manner that may attract birds and is located within 10,000 feet of any airport runway used by turbojet aircraft or within 5,000 feet of any airport runway used by only piston-type aircraft shall not pose a bird hazard to aircraft.

Section 5. Fault Areas. Waste cells of a solid waste landfill shall not be located within 200 feet of a fault that has had displacement in holocene time.

Section 6. Site Suitability. Landfills shall not be permitted in any area unless the applicant can demonstrate to the satisfaction of the cabinet that:

(1) The uppermost aquifer is capable of being monitored in a manner that detects the presence of any constituent listed in Section 10 of 401 KAR 48:300; and

(2) Corrective action of the uppermost aquifer is capable of being performed in accordance with 401 KAR 48:300.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 48:060. Technical requirements for construction/demolition debris landfill.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888, 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842
NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing or disposal of wastes. KRS 224.842 requires that persons engaging in the management, processing and disposal of waste obtain a permit. This chapter establishes the minimum technical standards for solid waste sites or facilities. An overview of the permit program is found in Section 1 of 401 KAR 47:080. This regulation sets forth the technical requirements for construction/demolition debris landfills that are not already classified under permit-by-rule and granted permit-by-rule.

Section 1. Design Requirements. (1) A construction/demolition debris landfill shall be designed to keep surface water flows and leachate separate. The design shall include:

(a) Surface contours to minimize surface water running onto or through the operational or completed fill area;

(b) Surface water run-on and run-off diversion ditches and structures designed to pass a 100 year, twenty-four (24) hour storm flow; and

(c) Surface water sediment basins designed to meet the following criteria:

1. The minimum retarding storage volume and the principal spillway discharge shall be such that a discharge through the emergency spillway shall not occur during the twenty-five (25) year, twenty-four (24) hour storm event;

2. The emergency spillway shall be capable of passing a 100 year twenty-four (24) hour storm event with no flow exceeding the design freeboard of the structure;

3. The sediment storage volume and projected operating period shall be stated. The minimum sediment storage volume shall provide for one (1) year of operation. **A shorter period may be approved consistent with a maintenance plan for the sediment basin**;

4. The sediment clean out elevation shall be specified; and

5. All designs shall be verified by a unit hydrograph method of calculation, or a method approved by the cabinet.

(2) The liner and leachate collection system shall be designed as follows:

(a) The bottom liner shall be constructed of soil with a minimum thickness of twelve (12) inches. In addition, a low permeability soil component shall include a minimum of twelve (12) contiguous inches of 1×10^{-7} centimeters per second maximum permeability material, or its equivalent. The liner shall cover the bottom and sidewalls of the facility. The minimum bottom slope shall be three (3) percent toward a leachate collection line and one (1) percent along leachate collection lines;

(b) The liner shall be overlain by a drainage layer of twelve (12) inches of material with a minimum permeability of 1×10^{-3} centimeters per second, or its equivalent, in areas of the liner system with a slope of less than twenty-five (25) percent;

(c) The leachate collection system shall contain a perforated piping system capable of removing leachate from the top surface of the low permeability solid component, and conveying it to a collection point. The drainage system shall meet the following requirements:

1. Main leachate collection pipes shall have a minimum diameter of eight (8) inches and shall be designed to withstand static and dynamic loads that may be encountered;

2. The **maximum hydraulic head for design of the leachate drainage layer shall be one (1) foot** [sheet flow drainage distances to the lateral drainage pipes shall not exceed fifty (50) feet];

3. The lateral pipes shall be installed primarily perpendicular to flow;

4. The minimum diameter of lateral perforated pipes shall be four (4) inches and shall be designed to withstand static and dynamic loads that may be encountered. The materials used shall at a minimum conform to the specifications for ASTM schedule eighty (80) pipe; and

5. The minimum slope for the piping system shall be one (1) percent;

(d) The leachate collection tank shall be a minimum of 1,000 gallons. Additional capacity shall be provided to store leachate for a minimum of fifteen (15) days production at peak production rates during operation and closure;

(e) The method of leachate disposal shall be

described. When it is discharged to the sediment structure, a treatment plant is proposed or other method of discharge is proposed, the KPDES permit shall reflect this provision. When an off-site wastewater treatment plant is used, the applicant shall provide written documentation showing the acceptance of the waste. The criteria for disposal at the wastewater treatment plant shall be stated. The leachate collection system shall have a method to measure the quantity of leachate managed at the site.

(f) The drainage layer shall be overlain by a layer of either filter fabric or material approved by the cabinet to protect the integrity of the drainage layer;

(g) The filter fabric shall be overlain by a twelve (12) inch granular material with a 1×10^{-3} centimeters per second minimum permeability.

(3) Adequate soil material shall be available to provide one (1) foot of compacted cover on lifts of every 10,000 square feet, at the end of each working week, or at intervals sufficient to reduce fire hazards, prevent an unsightly appearance, and eliminate disease vectors.

(4) All designs shall include an environmental monitoring plan to meet the requirements of 401 KAR 48:300.

(5) All compaction equipment to be used for site operation shall have a minimum weight of 30,000 pounds and a minimum 130 horsepower motor. Sufficient equipment shall be listed on the application to handle the cover requirements in subsection (3) of this section as well as the working cell grading and compaction.

(6) The design shall include a separate area for handling hot or smoldering loads, or any other construction/demolition wastes which present special handling problems.

(7) The design shall include a shelter with screened windows, heat, lighting, potable water and sanitary facilities for operating personnel.

(8) A closure plan shall be developed to include the following information:

(a) A description of the procedures and schedule for final closure;

(b) If the facility shall close in phases, a description that shall reflect the sequence of phased closure; and

(c) A description of the final cover designed to meet the following requirements:

1. The waste cells shall be graded to achieve a final slope of more than five (5) percent and less than twenty-five (25) percent;

2. The twelve (12) inch cover layer required by Section 2(14) of this regulation shall be overlain by a minimum of twelve (12) inches of a 1×10^{-7} centimeters per second maximum permeability cap or its equivalent;

3. The cap shall be covered by a six (6) inch drainage layer of 1×10^{-3} centimeters per second permeability material or its equivalent on slopes less than fifteen (15) percent;

4. A system of field drainage tiles shall be provided to relieve water collected by the drainage layer;

5. The drainage layer shall be protected with an overlaying filter fabric or material approved by the cabinet;

6. A minimum of three (3) feet of vegetative soil shall cover the drainage layer; and

7. Diversion berms shall be provided where surface runoff exceeds the capability of the final cover to sustain the flow without excessive erosion.

(9) The owner or operator shall develop a closure care plan which includes the following information:

(a) A narrative description and schedule of measures that are proposed to be carried out after closure at the facility. This shall include:

1. Surface and groundwater [Water] quality monitoring;

2. Leachate collection and treatment;

3. Erosion and sedimentation control;

4. Revegetation and regrading, including maintenance of the final cover; and

5. Access control.

(b) The proposed closure care land use, the method of achievement and the necessary support activities which may be needed to achieve the proposed land use.

(c) The name, address and telephone number at which the owner and operator can be reached during the closure care period.

(d) A final cover maintenance program for a period of not less than two (2) years beyond closure, to include erosion control, reseeding, refertilization, growth control, environmental monitoring, and leachate management.

(10) When the applicant restricts the waste to be construction/demolition debris, nonputrescible wastes and wastes that shall not leak such that the environmental performance standards shall be exceeded, the design shall be modified as follows:

(a) The requirement for the liner shall be a minimum of two (2) feet of soil recompacted to ninety (90) percent of standard proctor; and

(b) The final cover shall be a minimum of three (3) feet of vegetative soil.

Section 2. Operating Requirements. (1) The owner or operator of a construction/demolition debris landfill shall operate the facility in accordance with the requirements of KRS Chapter 224 and the regulations promulgated thereto, and the conditions of the solid waste permit issued by the cabinet.

(2) Landfill operators shall not permit or engage in open burning of waste. Any open burning shall be immediately extinguished. Wastes which are burning or smoldering shall not be deposited in the fill. Such materials shall be deposited at a location safely removed from the normal fill area.

(3) No waste containing free liquids or hazardous wastes shall be discharged to or placed in a landfill.

(4) The grounds in and about a landfill shall not be allowed to become a nuisance. The operator shall prevent dust from roads, cover, and wastes from leaving the site. When necessary, interior fences may be required to prevent litter from blowing from the landfill. The permitted area shall be policed on a routine basis to collect all scattered material.

(5) Signs and access control.

(a) An owner or operator of a construction/demolition debris landfill shall post and maintain a sign for the active life of the facility which is clearly visible at the junction of the landfill access road and public road;

(b) A sign shall be posted at the entrance to the landfill that shows the name of the owner, the name of the operator, an emergency telephone number, the operating hours of the facility and the permit number authorizing operation of the

facility. The sign shall be constructed of a durable, weather-resistant material and the letters and numbers shall be a minimum height of three (3) inches; and

(c) A certified operator shall be on duty when the site is open for use by persons other than the owner or his employee or agents.

(6) Scavenging shall be prohibited. Salvage and recycling operations shall not be allowed in conjunction with a landfill operation without prior approval by the cabinet.

(7) Landfill operators shall not allow uncontrolled public access that would expose the public to potential health and safety hazards.

(8) All-weather roads shall be provided within the site for vehicular movement. Separate areas within the site may be provided to allow for wet or dry weather operation and access. When necessary to prevent a dust nuisance, roads within the site shall be surfaced or treated.

(9) A shelter shall be provided which is accessible to operating personnel. The shelter shall be screened and provided with heat, lighting, potable water and sanitary facilities. Safe drinking water, sanitary hand washing and toilet facilities shall be available at or near the site.

(10) A fire safety and response plan shall be developed and maintained. The plan shall identify measures that shall reduce the risk of fire at the facility, identify the equipment and procedures to respond to a fire and supplement the local fire department's capabilities.

(11) Adequate communication facilities shall be provided for emergency purposes.

(12) Operating equipment shall be on site during operating hours and capable of spreading and compacting the volume of waste received at the site. Back-up equipment shall be available within one (1) week of primary equipment breakdown.

(13) Construction/demolition debris waste shall be spread and compacted in thin layers sufficient to minimize void spaces during placement of lifts. No lift shall be greater than eight (8) feet in depth or the depth approved in the application.

(14) The owner or operator shall apply a twelve (12) inch soil cover such that the area of exposed waste does not exceed 10,000 square feet in area and all exposed wastes shall be covered at least once each week.

(15) Disease vector control measures in addition to cover may be required by the cabinet when necessary.

(16) The entire site, including the area of the landfill being actively worked, shall be maintained as necessary to prevent erosion or washing of the fill, to drain precipitation from the fill area, to prevent surface water run-on, and to prevent standing water.

(17) Surfaces that shall not receive an additional depth of refuse or final cover within ninety (90) days shall be temporarily revegetated or otherwise protected against erosion.

(18) The site shall have an operator certified as specified in 401 KAR 47:070.

(19) Records and reports shall be maintained in accordance with the requirements of Section 8 of 401 KAR 47:190.

(20) Any person operating a construction/demolition debris landfill shall implement the groundwater monitoring program in the approved permit.

(21) Leachate shall be disposed using the method described in the approved permit.

(22) The owner or operator shall implement a program at the facility for detecting and preventing the disposal of unauthorized wastes. This program shall include at a minimum:

(a) Observance by the operator of all loads during dumping and spreading;

(b) Training of facility personnel to recognize unauthorized waste; and

(c) Procedures for notifying the proper authorities if an unauthorized waste is discovered at the facility.

(23) The owner or operator shall keep ditches free of waste and debris and dredge the sediment basin to maintain design capacity. Provisions shall be made for proper disposal of dredge spoils.

(24) The owner or operator shall conspicuously display the current or last permit issued with all applicable conditions at the construction/demolition debris landfill. A copy of the approved application including plans shall be reasonably available for use at the site.

Section 3. Closure and Closure Care Requirements. (1) The owner or operator shall implement the approved closure plan in accordance with the closure schedule and in the following manner:

(a) Those areas of a landfill that shall receive no additional deposits of solid waste within 365 days of the last placement of the waste shall receive final cover. The minimum final cover shall include the components described in Section 1(8) of this regulation and shall have a minimum thickness of four and one-half (4.5) feet in addition to any other cover required;

(b) Submit any amendment or modification to the closure plan at least ninety (90) days before the last acceptance of waste;

(c) Grade final cover as provided in the approved closure care plan and prevent ponding;

(d) [(b)] Final cover shall be revegetated. After grading, final cover shall be fertilized as necessary, seeded, or planted with legumes, perennial grasses or other vegetation according to the approved closure plan. The owner or operator shall repeat this process until adequate vegetation is obtained to ensure soil stabilization;

(e) [(c)] Before earth-moving equipment is removed from the site, an inspection of the entire site shall be made by an authorized representative of the cabinet to determine compliance with approved plans and specifications. The owner or operator shall present the quality control records demonstrating compliance with the permit; [and]

(f) Record a notice to the deed before the end of the closure care period that shall in perpetuity notify any potential purchaser of the property that the land has been used to dispose of solid waste and should not be disturbed without investigating the potential for adverse effects to the environment or to the proposed use of the property; and

(g) [(d)] The cabinet may release the closure bond two (2) years following the cabinet's acceptance of the owner's certification of closure. [site bonds in that amount which exceeds the funds necessary to maintain the final cover to correct vegetative

growth, erosion, and closure care environmental monitoring for two (2) years.] These funds will be released upon inspection of the permit records and the site to determine that it is in compliance with all regulatory requirements and has at least a ninety (90) percent permanent vegetative cover.

(2) The owner or operator shall implement the approved closure care plan in accordance with the closure care schedule and shall perform other necessary corrective work required by the cabinet, if any, before the landfill closure care certification is accepted. [:]

[(a) Submit any amendment or modification to the closure plan at least ninety (90) days before the last acceptance of waste;]

[(b) Grade final cover as provided in the approved closure care plan and prevent ponding;]

[(c) Record a notice to the deed before the end of the closure care period that shall in perpetuity notify any potential purchaser of the property that the land has been used to dispose of solid waste and should not be disturbed without investigating the potential for adverse effects to the environment or to the proposed use of the property; and]

[(d) Perform other necessary corrective work required by the cabinet, if any, before the landfill closure care certification is accepted and financial responsibility funds are released.]

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 48:070. Design requirements for contained landfills.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888, 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842
NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing or disposal of wastes. KRS 224.842 requires that persons engaging in the management, processing and disposal of waste obtain a permit. This chapter establishes the minimum technical standards for solid waste sites or facilities. This regulation sets forth the design requirements for contained landfills.

Section 1. General. The owner or operator of a contained landfill shall ensure a design for disposal of solid wastes meeting the requirements of 401 KAR Chapters 47 and 48.

Section 2. Surface Water. Owners or operators shall design landfills to ensure that:

(1) Surface water flows and leachate are separated;

(2) Surface contours minimize surface water running onto or through the operational or completed fill area;

(3) Surface run-on and run-off ditches pass [control] a 100 year twenty-four (24) hour storm flow;

(4) Surface water sediment basins meet the following criteria:

(a) The minimum retarding storage volume and the principal spillway discharge shall be such that emergency spillway discharge shall not occur during the twenty-five (25) year twenty-four (24) hour storm event;

(b) The emergency spillway shall be capable of passing [controlling] a 100 year twenty-four (24) hour storm event with no flow overtopping the structure; and

(c) The sediment storage volume and project operating period shall be stated. The minimum storage volume shall provide for one (1) year of operation. A shorter period may be approved when a maintenance program is included to restore the sediment storage volume. [The sediment storage capacity shall be for a minimum of one (1) year of operation. The criteria for determining when the pond is to be cleaned shall be stated in the design plan.]

(5) All designs shall be verified by the unit hydrograph method of calculation unless another method is approved by the cabinet.

(6) The edge of the downhill toe of the slope of a sediment pond dam is at least fifty (50) feet from the property line.

Section 3. Seismic Impact Zones. At a new contained solid waste landfill unit located in a seismic impact zone, all containment structures, including liners, leachate collection systems, and surface water control systems shall be designed to resist the maximum anticipated horizontal acceleration in lithified material for the site.

Section 4. Unstable Areas. The owner or operator of a contained solid waste landfill unit located in an unstable area shall demonstrate to the cabinet that engineering measures have been incorporated into the unit's design to ensure the stability of the liners, leachate collection systems, final cover, run-on and run-off systems, and any other component necessary for the protection of human health and the environment. The owner or operator shall consider the following factors, at a minimum, when determining whether an area is unstable:

(1) On-site or local soil conditions that may result in significant differential settling;

(2) On-site or local geologic or geomorphologic features; and

(3) On-site or local human-made features (both surface and subsurface).

Section 5. Separate Areas for Handling Nonresidential Wastes. The applicant shall design an area separate from the daily working face to allow the safe handling of certain wastes. Separate areas are required for the handling of:

(1) Loads containing burning waste;

(2) Wastes from pick-up trucks and automobiles; and

[(3) Construction/demolition debris destined for a seperate unit at the landfill meeting the requirements of 401 KAR 48:060; and]

(3) [(4)] Salvageable and recyclable materials when the facility intends to manage these materials.

Section 6. Equipment Requirements. (1) Sufficient equipment shall be available to spread and compact all wastes within two (2) hours of receipt.

(2) Steel-wheeled compactors designed for landfill operation shall be specified for residential solid waste compaction.

(3) The owner or operator shall provide the landfill equipment required to:

(a) Handle all daily, interim, long-term and final cover requirements;

(b) Maintain all roads and drainage features;

(c) Provide dust suppression;

(d) Maintain leachate and methane gas systems; and

(e) Properly compact waste at peak receipt rates. These rates shall be determined in tons per hour and kept on file with the cabinet.

(4) Back-up equipment shall be available for waste spreading and compaction, application of daily cover and maintenance of leachate systems within twenty-four (24) hours of primary equipment incapacitation.

(5) Landfill compactors shall have a minimum gross ground pressure of 325 pounds per linear inch of wheel width.

(6) Any equipment used for compaction shall have a minimum gross weight of 30,000 pounds and a minimum of 130 engine horsepower.

(7) **The primary working face equipment used for waste spreading and compaction** [Each piece of equipment] shall have the standard landfill guard package offered by the manufacturer, or an otherwise reasonable adaptation, to provide protection from waste damage hazards and other landfill operating hazards.

[(8) Each piece of landfill equipment shall comply with the Occupational Safety and Health Standards in Title 803 of the Kentucky Administrative Regulations.]

(8) [(9)] The operator shall propose an equipment operating and maintenance recordkeeping system. The system shall, at a minimum, track the availability of each piece of equipment in subsections (1) and (4) of this section.

[(10) Each piece of landfill equipment to be used for primary compaction and cover purchased after the effective date of this regulation shall have enclosed, pressurized cabs with heating and cooling.]

(9) [(11)] Any equipment used for waste compaction shall have a specified maximum rated capacity.

Section 7. Compaction. For residential solid waste, the in-place waste density goal shall be to achieve greater than 1200 pounds per cubic yard in the completed cells. The density shall be determined by dividing the total weight of waste received by the cubic yards of airspace used. The landfill density shall be computed annually.

Section 8. Soil Requirements. The design of borrow areas and disposal cells shall ensure that enough soil is available to meet the requirements for liner and cap construction in 401 KAR 48:080 and the requirements for cover in 401 KAR 48:090.

Section 9. Personnel and Equipment Buildings.

(1) Each landfill shall have buildings for its employees which provide the following:

(a) Air conditioning or tight, insect repelling screens on all doors and windows. Screen access doors shall have automatic closures. Screened buildings shall have proper mechanical ventilation;

(b) Safe drinking water;

(c) Sanitary facilities; and

(d) Heat.

(2) Each landfill site shall include a building for maintenance of the equipment. The building shall be large enough to hold the largest piece of equipment required for site operation. The building shall be heated for winter repair operations.

(3) Each building shall have an alarm installed in accordance with the manufacturer's recommendations to detect the presence of explosive gases.

Section 10. Explosive Gas Program. (1) The application for a contained landfill unit shall include a quarterly methane monitoring program to ensure that the standards of Section 11 of 401 KAR 47:030 are met.

(2) The methane monitoring system shall be developed based on the following factors:

(a) Soil transmissivity;

(b) The hydrogeologic conditions surrounding the disposal site;

(c) The hydraulic conditions surrounding the disposal site; and

(d) The location of facility structures and property boundaries.

(3) The minimum frequency of monitoring shall be quarterly.

(4) A passive gas venting system shall be designed for all landfills. A minimum of one (1) passive vent shall be required per acre of landfill to be filled **unless otherwise approved by the cabinet**.

Section 11. Roads. (1) The owner or operator shall design a road from the publicly maintained highway to the landfill, if one does not exist.

(2) Each landfill shall have **an all weather** [a] perimeter road around all waste disposal areas and to all monitoring and sediment control structures.

(3) Internal roads shall be all weather and designed for construction to within 200 feet of the daily working face.

(4) Narrow roads shall have properly spaced sections of sufficient width to allow passage of two (2) vehicles in the opposite direction.

(5) Roads shall be designed to carry the normal traffic and to properly drain.

(6) Enough space on the landfill property shall be provided for trucks awaiting entry. The landfill shall be designed to ensure that trucks can enter the site without delay from public roadways.

Section 12. Safety and Communication Plan. The landfill safety and communication plan shall contain:

(1) The safe operating and maintenance procedures for heavy equipment;

(2) Procedures to protect employees in a manner complying with the Kentucky Labor Cabinet OSHA requirements;

(3) A description of equipment to achieve emergency communication. At a minimum the applicant shall specify an on-site telephone or a two-way radio connection to an off-site telephone. The radio base station shall be monitored during landfill operations; and

(4) A fire fighting contingency plan containing a topographic map denoting the location of the landfill, a site map and an emergency contact. The operator shall mail a copy of the safety and communications plan to the local fire chief. The plan shall include the location of fire fighting water sources, roads, and major site features.

Section 13. Scales. Scales shall be provided to weigh all incoming wastes.

Section 14. Leachate Storage Tanks. In addition to the requirements set forth in this regulation, 401 KAR 47:180 and 401 KAR 47:190, an application for a permit to construct a contained landfill that includes a tank for leachate storage shall contain:

(1) The estimated volume of leachate to be generated and a proposed system to record actual quantities stored and removed;

(2) A schedule of liquid removal;

(3) A description of the final treatment and disposal of the liquid stored;

(4) A description of the liquid storage facility design;

(5) A method to measure the quantity of leachate extracted or removed [generated] and disposed;

(6) A closure plan for the tanks; and

(7) Design criteria to ensure that on-ground, in-ground, underground, and above ground tanks are constructed of materials, and installed in such a manner, that the tank system shall contain the stored liquid for the active life of the site to include closure care. A procedure for periodic testing of the tank system shall be employed to assure the tank system does not leak.

Section 15. Closure. (1) The operator of a contained solid waste landfill shall close each landfill unit and phase in a manner that minimizes the need for further maintenance and minimizes the closure care formation and release of leachate and explosive gases to air, groundwater, or surface water to the extent necessary to protect human health and the environment as required by 401 KAR 47:030 and 401 KAR 48:300.

(2) The owner or operator shall prepare a closure plan that describes the steps necessary to close all units and phases of the contained solid waste landfill at any point during its active life in accordance with the closure performance standard in subsection (1) of this section. The closure plan shall contain:

(a) An overall description of the methods, procedures, and processes that shall be used to close each unit and phase of a contained solid waste landfill in accordance with the closure performance standard in subsection (1) of this section and the final cap system requirements in Section 9 of 401 KAR 48:080;

(b) An estimate of the maximum extent of operation that shall be open at any time during the active life of the landfill; and

(c) A schedule for completing all activities necessary to satisfy the closure performance standard.

(3) Any modification to the closure plan shall be approved by the cabinet. A copy of the most recent approved closure plan shall be kept at the facility until closure of the contained landfill has been certified in accordance with subsection (5) of this section and the owner or operator has been released from financial assurance requirements for closure under 401 KAR 48:310.

(4) The owner or operator shall begin closure activities of each landfill unit, in accordance with the approved closure plan, no later than thirty (30) days following the final receipt of wastes at that landfill unit. Closure of each unit shall be completed within 180 days of final receipt of waste. Extensions may be approved by the cabinet if the delay in closure is due to adverse weather conditions.

(5) Following closure of each contained solid waste landfill unit, the owner or operator shall submit to the cabinet a certification by a professional engineer that closure has been completed in accordance with the approved closure plan.

Section 16. Alternative Specifications. Alternative specifications may be used only after approval by the cabinet upon a demonstration by a qualifed registered professional engineer that they shall result in performance with regard to safety, stability and environmental protection equal to or better than that resulting from designs complying with the specifications of this regulation.

Section 17. [16.] 401 KAR 47:040, entitled Sanitary landfills, is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 48:080. Liner and cap design requirements for contained landfills.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888 [889], 224.994

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842

NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the managing, processing, or disposal of solid wastes. KRS 224.842 requires that persons engaging in the managing, processing, or disposal of waste obtain a permit. This chapter establishes the minimum technical standards for solid waste sites or facilities. This regulation sets forth the liner and cap design requirements for contained landfills.

Section 1. Liners for Contained Landfills. At a minimum all contained landfills shall have:

(1) A primary composite liner as specified in Sections 2 and 7 of this regulation; and

(2) A secondary composite liner that:

(a) Meets the secondary liner criteria specified in Sections 2 and 7 of this regulation; or

(b) Is a naturally occurring material provided that such natural material:

1. Shall be equivalent to material with [have] a minimum thickness of twenty (20) feet with [and shall have] a maximum permeability of 1×10^{-7} centimeters per second;

2. Shall lie above the uppermost aquifer; and

3. Shall continuously underlie the landfill site or facility and be demonstrated to have sufficient integrity to protect the uppermost aquifer from contamination in the event of a breech of the primary composite liner.

Section 2. Components of Contained Landfill Liner Systems. Once the subgrade is established, the primary and secondary liner systems shall consist of the layers, listed in subsections (1) through (3) of this section.

(1) The secondary liner system shall consist of the following layers, listed from bottom to top:

(a) A twelve (12) inch soil layer with a permeability of 1×10^{-7} centimeters per second as specified in Section 4 of this regulation;

(b) A secondary synthetic liner as specified in Section 5 of this regulation; [and]

(c) A twelve (12) inch drainage layer with a permeability of 1×10^{-3} centimeters per second; and [or layer of equivalent performance.]

(d) A filter fabric or other material approved by the cabinet.

(2) The secondary liner layer specified in subsection (1)(a) and (b) of this section [system] may be substituted for by a naturally occurring material as specified in Section 1(2) of this regulation.

(3) The primary liner shall consist of the following layers, listed from bottom to top:

[(a) A filter fabric or other material approved by the cabinet if a secondary liner system as specified in subsection (1) of this section is used;]

(a) [(b)] A thirty-six (36) inch clay layer with a permeability of 1×10^{-7} centimeters per second as specified in Sections 6 and 7 of this regulation;

(b) [(c)] A primary synthetic liner as specified in Section 5 of this regulation;

(c) [(d)] A twelve (12) inch drainage layer with permeability of 1×10^{-2} centimeters per second or a layer of equivalent performance as specified in Section 6 of this regulation; and

(d) [(e)] A filter fabric or other material approved by the cabinet to protect the integrity of the drainage layer.

Section 3. Specific Landfill Subgrade Requirement. The landfill subgrade is the uppermost in situ rock layer, in situ soil layer or select fill that shall be graded and prepared for landfill construction. For lateral expansions adjacent to existing landfills, the cabinet may approve encroachment upon the existing landfill's side slope if a leachate barrier system is designed and construction to intercept leachate and prevent its migration into the existing landfill.

(1) Materials required. The landfill subgrade material shall be free of organic material and consist of [in situ] bedrock, on-site soils, or any select fill with the structural ability to support the landfill maximum load with a factor of safety of two (2.0).

(2) Construction requirements. The landfill subgrade shall be graded in accordance with the requirements of the approved engineering plans, report, and specifications. The material shall be sufficiently dry and structurally sound to ensure that the first lift and all succeeding lifts of soil placed over the landfill subgrade can be adequately compacted to the design requirements.

(3) Certification requirements. At a minimum, the subgrade surface shall be inspected in accordance with the following requirements:

(a) Before placing any material over the subgrade, the project engineer shall visually inspect the exposed surface to evaluate the suitability of the subgrade and ensure that the surface is properly compacted, smooth, uniform, and has positive surface drainage;

(b) Soil subgrade shall be proof-rolled using a minimum 100,000 pound loaded four (4) tire scraper (twenty (20) cubic yard size) or equivalent procedure and equipment approved by the cabinet;

(c) Soil subgrade shall be tested for density and moisture content at a minimum frequency of nine (9) tests per acre. The subgrade shall be compacted to a density of at least ninety (90) percent of the standard proctor [maximum density as determined by the cabinet]; and

(d) Sufficient cross sections shall be taken showing the finished elevation of the completed subgrade, referenced to existing site control. These cross sections shall serve as documentation and reference data for all future volume calculations.

Section 4. Specific Soil Component Requirements of Landfill Liner Systems. The soil component of the landfill liner system shall be a continuous layer of low permeability soil constructed to control fluid migration.

(1) Low permeability soil components shall have a maximum remolded coefficient of permeability of 1×10^{-7} centimeters per second. The soil shall be placed without damaging any collection and removal system components. The soil material shall be substantially free of tree roots, wood or other decayable materials and large rock [particles greater than three (3) inches in any dimension]. The soils shall be compacted to a minimum of ninety-two (92) percent of the standard proctor density.

(2) Construction requirements. The project engineer shall ensure that the soil component of the liner system installation conforms to the following minimum requirements:

(a) The soil component of the liner system shall be placed on a slope of no less than three (3) percent toward the main leachate collection line and one (1) percent along the main leachate collection line to promote positive drainage across the liner surface and at a maximum slope not greater than fifty (50) percent.

(b) Compaction shall be performed by properly controlling the moisture content, lift thickness, and other necessary details to obtain the density, moisture and permeability characteristics specified in 401 KAR Chapter 48. The maximum final compacted thickness of each lift of soil material shall be six (6) inches or the thickness necessary to protect the integrity of underlying components and achieve the required liner performance standards.

(c) During construction the moisture content

of the soil component of the liner system shall be maintained within the range identified in accordance with the certification requirements to ensure that the remolded lift attains the required permeability.

(3) Certification requirements. The project engineer shall include in the construction certification report a discussion of all required quality assurance and quality control testing. The testing procedures and protocols shall be submitted and approved by the cabinet. The results of all testing shall be included in the construction certification report including documentation of any failed test results, descriptions of the procedures used to correct the improperly installed material, and statements of all retesting performed in accordance with the following requirements:

(a) The project engineer shall certify the results of the quality control testing of any soil liner materials. The intent of the quality control testing is to ensure that the specified material meets the permeability requirements of subsection (1) of this section. Before and during construction of the soil component of the liner system, the following minimum testing and classification shall be performed:

1. Determination of the classification of soils for engineering purposes using test methods approved by the cabinet **for each 10,000 cubic yards of soil material placed and each time significant soil material changes are noted**:

2. [a.] One (1) analysis of soil particle size for every 2,000 cubic yards of soil liner material placed from the same source. Additional analyses shall be performed if the source of material is changed or if a different soil type is encountered from the same source.

3. [b.] One (1) Atterberg limits analysis of plastic and liquid limit and plasticity index as approved by the cabinet for every 2,000 cubic yards of soil liner material placed;

4. [2.] One (1) moisture content test for every 2,000 cubic yards of material placed; and

5. [3.] A minimum of one (1) comparison of the moisture-density-permeability relation for every 20,000 cubic yards of material placed and one (1) each time soil material changes are noted. A minimum of three (3) laboratory permeability tests shall be performed using a triaxial cell with backpressure. The specimen used for each permeability test shall be remolded at the same moisture content which shall be equal to or not greater than four (4) percent above the optimum moisture content. The comparison shall be based on a semilog plot of percent maximum density versus permeability with at least one (1) point below and one (1) point above the target permeability value.

(b) Quality assurance testing included in this paragraph shall be compared to and evaluated against the quality control testing of paragraph (a) of this subsection where applicable. Quality assurance testing shall include:

1. At least nine (9) density tests per acre per lift of soil material placed;

2. A minimum of nine (9) moisture content tests per acre per lift of soil material placed; and

3. All moisture-density testing performed using nuclear methods.

Section 5. Specific Synthetic Liner Requirements. A synthetic liner is a low permeability manmade material having a maximum coefficient of permeability of 1×10^{-12} centimeters per second and is used to control fluid migration from landfills.

(1) Materials required. The synthetic liner material shall have a demonstrated hydraulic conductivity less than 1×10^{-12} centimeters per second and chemical and physical resistance not adversely affected by waste placement or leachate generated **and a maximum water vapor transmission rate of 0.04 grams per square meter per day for forty (40) mil nominal thickness material and 0.03 grams per square meter per day for sixty (60) mil nominal thickness material**. Documentation shall be submitted to ensure chemical compatibility of the synthetic liner material chosen or, in absence of the appropriate documentation, chemical compatibility testing shall be performed using a test method acceptable to the cabinet.

(2) Construction requirements. Synthetic liners shall be installed in accordance with the requirements of the approved engineering plans, report, and specifications and manufacturer's recommendations. The project engineer shall ensure that the synthetic liner installation, at a minimum, shall conform with the following:

(a) The synthetic liner shall have a **nominal** [minimum] thickness of sixty (60) mils;

(b) The synthetic liner shall be installed on a subgrade that has a minimum three (3) percent slope to promote positive drainage;

(c) Synthetic liners installed on slopes greater than twenty-five (25) percent shall be designed to withstand the calculated tensile forces acting upon the synthetic material, and shall ensure that overall slope stability is maintained;

(d) The surface of the supporting soil below which the synthetic liner shall be installed shall be reasonably free of stones, organic matter, irregularities, protrusions, loose soil, and any abrupt changes in grade that may damage the synthetic liner. The supporting soil shall conform to the requirements of Section 4 of this regulation;

(e) The anchor trench shall be excavated to the length and width prescribed on the approved design drawings;

(f) Field seams shall be oriented parallel to the line of maximum slope, i.e., oriented along, not across the slope. In corners and irregularly-shaped locations, the number of field seams shall be minimized;

(g) The materials shall be seamed using an appropriate method acceptable to the cabinet. Seam testing shall be in accordance with the requirements of subsection (3) of this section;

(h) The seam area shall be free of moisture, dust, dirt, debris, and foreign material of any kind before seaming; and

(i) Field seaming shall be prohibited when the **conditions including** ambient air, temperature**, precipitation, and wind do not meet the engineers recommendations based upon the suppliers specifications** [is below five (5) degrees celsius, above forty (40) degrees celsius, during precipitation, or when winds are in excess of twenty (20) miles per hour].

(3) Certification requirements. The project engineer shall include in the construction certification report a discussion of the approved data resulting from the quality assurance and quality control testing required in this paragraph. The results of all testing

shall be included in the construction certification report including documentation of any failed test results, descriptions of the procedures used to correct the failed material, and statements of all retesting performed.

(a) The project engineer shall certify the quality control testing of the synthetic liner ensuring that the material and workmanship meet the requirements of the approved engineering plans, reports, and specifications. Before installing a synthetic liner, the following information shall be available to the project engineer for approval:

1. Origin and identification of the raw materials used to manufacture the synthetic liner;

2. Copies of quality control certificates issued by the producer of the raw materials used to manufacture the synthetic liner; and

3. Reports of tests conducted to verify the quality of the raw materials used to manufacture the synthetic liner. Tests for specific gravity, melt flow index, and percent carbon black shall be performed using a method acceptable to the cabinet.

(b) The project engineer shall verify through appropriate documentation that the quality control testing of any synthetic rolls fabricated into blankets at the factory took place in accordance with the following requirements:

1. The synthetic liner was continuously inspected for uniformity, damage, imperfections, holes, cracks, thin spots, and foreign materials. Additionally, the synthetic liner shall be inspected for tears, punctures, and blisters. Any imperfections shall be immediately repaired and reinspected;

2. Nondestructive seam testing was performed on all fabricated seams over their full length using a test method acceptable to the cabinet; and

3. A destructive seam testing was performed on a minimum of two (2) samples per blanket. The samples shall be taken from extra material at the beginning or end of blanket seams such that the blanket is not damaged and the blanket geometry is not altered. The size of the sample taken shall be large enough to perform the required testing. An independent laboratory acceptable to the cabinet shall perform the required testing on the samples taken. If a sample fails a destructive test, the entire seam length shall be reconstructed or repaired using a method acceptable to the cabinet and retested using nondestructive seam testing over its full length using a test method acceptable to the cabinet.

(c) Quality assurance testing performed in the field under the supervision of the project engineer shall assure conformity of the synthetic liner installation with the engineering plans, reports, and specifications submitted in accordance with the following requirements:

1. During the construction phase, the synthetic liner shall be inspected for uniformity, damage, and imperfections. The liner shall be inspected for tears, punctures, or blisters. Any imperfections shall be immediately repaired and reinspected;

2. All field seams shall be nondestructively tested in accordance with the procedures listed in this clause using a test method acceptable to the cabinet. The project engineer shall supervise all nondestructive testing; record the location, date, test unit number, name of tester, and results of all testing; inform the installer of any required repairs; and overlay all seams which cannot be nondestructively tested with the same synthetic liner. The seaming and patching operation shall be inspected by the project engineer for uniformity and completeness; and

3. Destructive testing shall be performed on the synthetic liner seam sections in accordance with the following requirements and using test methods acceptable to the cabinet. Seam samples for testing shall be taken as follows: a minimum of one (1) test per every 500 feet of seam length unless a more frequent testing protocol is agreed upon by the installer and project engineer; additional test locations may be determined during seaming at the project engineer's discretion; and all test locations shall be appropriately documented. The project engineer shall approve the sample size to be taken. The sample size shall be predetermined as being large enough to perform the required testing. An independent laboratory acceptable to the cabinet shall perform the required testing which shall include, as a minimum, testing for seam strength and peel adhesion using testing procedures acceptable to the cabinet. If a sample fails destructive testing the project engineer shall ensure that the seam is reconstructed between the location of the sample which failed and the location of the next acceptable sample; or the welding path is retraced to an intermediate location at least ten (10) feet from the location of the sample which failed the test, and a second sample is taken for an additional field test. If this second test sample passes, the seam shall then be reconstructed between the location of the second test and the original sampled location. If the second sample fails, this process shall be repeated. All acceptable seams shall lie between two (2) locations where samples passed the required test procedures of this section and include one (1) test location along the reconstructed seam.

Section 6. Primary Liner System. The liner shall be designed using the following specifications:

(1) A thirty-six (36) inch thick low permeability soil layer having a remolded coefficient of permeability of 1×10^{-7} centimeters per second and compacted to a minimum of ninety-two (92) percent standard proctor density;

(2) A sixty (60) mil thick synthetic liner having a maximum coefficient of permeability of 1×10^{-12} centimeters per second and not adversely affected by the leachate or loading from the operational landfill;

(3) A leachate collection and removal system consisting of a twelve (12) inch thick granular material layer with a leachate collection pipe network. This collection system shall be designed to achieve a maximum hydraulic head on the primary composite liner no greater than twelve (12) inches. The granular material shall have a minimum coefficient of permeability of 1×10^{-2} centimeters per second. The physical and chemical properties of the granular material and pipe shall not be adversely affected by the loads or leachate generated by the operations of the landfill. Alternate materials proposed to

function as a substitute for the granular soil layer shall be demonstrated to be equivalent in performance for leachate drainage and load bearing properties; and

(4) The leachate collection system shall contain a perforated piping system capable of removing leachate from the top surface of the low permeability solid component, and conveying it to a collection point. The drainage system shall meet the following requirements:

(a) Main leachate collection pipes shall have a minimum diameter of eight (8) inches and shall be designed to withstand static and dynamic loads that may be encountered;

(b) The sheet flow drainage distances to the lateral drainage pipes shall not exceed fifty (50) feet;

(c) The lateral pipes shall be installed primarily perpendicular to flow;

(d) The minimum diameter of lateral perforated pipes shall be four (4) inches and shall be designed to withstand static and dynamic loads that may be encountered. The materials used shall at a minimum conform to the specifications for ASTM schedule eighty (80) pipe;

(e) The minimum slope for the piping system shall be one (1) percent;

(f) The leachate collection tank shall be a minimum of 1,000 gallons. Additional capacity shall be provided to store leachate for a minimum of fifteen (15) days production at peak production rates during operation and closure;

(g) The method of leachate disposal shall be described. When it is discharged to the sediment structure, a treatment plant is proposed or other method of discharge is proposed, the KPDES permit shall reflect this provision. When an off-site wastewater treatment plant is used, the applicant shall provide written documentation showing the acceptance of the waste. The criteria for disposal at the wastewater treatment plant shall be stated. The leachate collection system shall have a method to measure the quantity of leachate managed at the site; [and]

(h) The leachate collection pipe system shall be designed to allow internal inspection, cleaning and maintenance; and

(i) The maximum design head of the leachate collection system shall be one (1) foot.

(5) A geosynthetic filter fabric or other suitable material shall be placed above the drainage layer to prevent clogging.

Section 7. Slope Considerations. (1) For bottom slopes of less than or equal to ten (10) [twenty-five (25)] percent, the owner or operator shall have a liner system meeting the requirements of Section 1 of this regulation.

(2) For bottom slopes of ten (10) to [more than] twenty-five (25) percent, the owner or operator shall have a liner system meeting the requirements of Section 2(3) [1] of this regulation, except that[:

(a)] the owner or operator may replace the granular soil layers in the leachate collection and hydraulic relief systems with synthetic drainage netting. [designed and constructed to have an equivalent transmissivity to that of a twelve (12) inch gravel layer with a minimum coefficient of permeability of 1×10^{-2} centimeters per second and shall be not adversely affected by leachate generated by the landfill; or]

[(b) The owner and operator shall demonstrate the stability of the composite liner, the lower construction foundation layer and the underlying supporting natural subsoils.]

(3) For bottom slopes of more than twenty-five (25) percent, the thickness of the soil required in Sections 2(3)(a) and (6)(1) of this regulation shall be reduced by no more than twelve (12) inches.

Section 8. Final Cap System. At a minimum the final cap shall consist of a layered system. Each layer shall have the same slope of between five (5) and twenty-five (25) percent. The components, listed from bottom to top, are:

(1) A filter fabric or other material approved by the cabinet;

(2) A twelve (12) inch sand gas venting system with a minimum hydraulic permeability of 1×10^{-3};

(3) A filter fabric or other material approved by the cabinet;

(4) An eighteen (18) inch clay layer with a maximum permeability of 1×10^{-7} centimeters per second;

(5) For areas of the final cap with a slope of less than fifteen (15) percent, a twelve (12) inch drainage layer with a minimum permeability of 1×10^{-3} centimeters per second; and

(6) A thirty-six (36) inch vegetative soil layer.

Section 9. Final Cap System Specifications. The specifications for final cap component layers are:

(1) A low permeability clay layer listed in Section 8(4) of this regulation shall be compacted to a minimum of ninety-two (92) percent of the standard proctor density;

(2) A drainage layer specified in Section 8(5) of this regulation shall be compacted to a minimum of eighty-five (85) percent of the standard proctor density. Field tile drainage shall be specified as necessary to relieve water captured by this drainage layer;

(3) A vegetative soil layer as specified in Section 8(6) of this regulation shall be sufficient to sustain vegetative growth and prevent root penetration of the underlying layers. A thicker layer may be required by the cabinet to properly retain moisture or meet closure care requirements.

(4) Drainage berms of at least one (1) foot in height or two (2) feet in width shall be placed at the following intervals for the following slopes:

(a) 150 feet at greater than ten (10) percent slope;

(b) 200 feet at slope between five (5) and ten (10) percent. In lieu of drainage berms, the owner or operator may substitute a design with a horizontal terrace of at least fifteen (15) feet width on the slope for every twenty-five (25) feet maximum rise in elevations on the slope. The slope of the terrace shall be five (5) percent into the fill and drainage ditches shall be designed for each terrace to convey precipitation flows. The maximum slope between terraces shall not exceed twenty-five (25) percent; or

(c) The applicant shall may adjust the drainage berm specifications with design calculations based upon characteristics of soils and cover [to support alternate

designs].

(5) A synthetic liner with a minimum thickness of forty (40) mils and a maximum coefficient of permeability of 1×10^{-12} centimeters per second may be substituted for the low-permeability soil cover in Section 8(4) of this section.

(6)(a) The final cover shall be revegetated.

(b) The soil-water pH shall be adjusted and the soil fertilized based upon current soil test results.

(c) The seed bed shall be prepared and temporary nurse crops and permanent grasses planted in accordance with the approved closure plan within thirty (30) days of completion of final cover grading.

(d) The owner or operator shall repeat the above as necessary to achieve permanent vegetation.

[(e) The owner or operator shall achieve a minimum of ninety-five (95) percent ground cover by the end of August, two (2) years after application of the final cover.]

(e) [(f)] Erosion controls shall be addressed in the closure plan and constructed as required. All slopes over three (3) percent shall have controls applied at the time of seeding.

(f) [(g)] The owner or operator shall inspect all areas and perform maintenance and revegetation. At a minimum, the site shall be initially inspected according to this table:

Seeding Date	Follow-up Inspection Date	Complete Revegetation By
Aug. 16-Oct. 15	April 1	June 15
Oct. 16-Mar. 15	June 1	June 30
Mar. 16-Jun. 15	September 1	October 15
Jun. 16-Aug. 15	October 1	October 30

After the initial inspection, follow-up inspections shall be made on April 1, and September 1, with revegetation completed by June 15 and October 15.

(g) [(h)] After one (1) year, all areas larger than 100 square feet with less than forty (40) percent vegetation shall be tested to determine required revegetation, which shall be completed by September 30.

Section 10. Structural Integrity of Cap and Liner. The design engineer shall analyze the structural integrity of the site, the subbase, each component of the composite liner, each component of the final cover, the composite liner system and the final cap as a system. Modifications to the design shall be provided where necessary, to achieve a minimum factor of safety of two (2) for the subbase, one and one-fourth (1.25) for the structural design of the facility liner components, and one and one-half (1.5) for the final cover system. Synthetic liner material and structural synthetic materials shall be designed for a maximum elongation of ten (10) percent.

Section 11. Alternative Specifications. Alternative specifications may be used only after approval by the cabinet upon a dmonstration by a qualified registered professional engineer that they shall result in performance with regard to safety, stability and environmental protection equal to or better than that resulting from designs complying with the specifications of this regulation.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 48:090. Operating requirements for contained landfills.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888 [889], 224.994

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842

NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing, or disposal of solid wastes. KRS 224.842 requires that persons engaging in the management, processing, and disposal of solid waste obtain a permit. This chapter establishes the minimum technical standards for solid waste sites or facilities. This regulation sets forth the requirements for contained landfills.

Section 1. General. The owner or operator of a contained landfill shall operate the facility in accordance with the requirements of KRS Chapter 224 and the regulations promulgated pursuant thereto, the conditions of the solid waste permit issued by the cabinet, and the approved application filed with the cabinet.

Section 2. Procedures for Excluding the Receipt of Hazardous Waste. (1) The owner or operator of a solid waste contained landfill shall implement a program at the facility for detecting and preventing the disposal of regulated hazardous wastes as defined in 401 KAR Chapter 31 and polychlorinated biphenyls (PCB) wastes as defined in 40 CFR Part 761. This program shall include, at a minimum:

(a) Random inspections of incoming loads;

(b) Inspection of suspicious loads;

(c) Records of any inspections;

(d) Training of facility personnel to recognize regulated hazardous waste; and

(e) Procedures for notifying the proper authorities if a regulated hazardous waste is discovered at the facility; and

(f) Employee safety, health, training and equipment to be used in inspection.

(2) The owner or operator shall implement the following additional inspection standards to meet the requirements of subsection (1) of this section:

(a) The owner or operator shall have a program, approved by the cabinet, to inspect all waste entering a contained landfill. The program to exclude hazardous wastes shall include [the following]:

[1. Each landfill shall perform a detailed, manual inspection of one (1) truck load of waste per week. The entire load shall be inspected by hand and each individual discarded item inspected for unauthorized waste. If the truck is from a transfer station and contains more

than twenty (20) tons or seventy (70) cubic yards, the employee shall inspect only forty (40) cubic yards from the load. Individual bales, plastic bags, and cardboard boxes shall be opened except for those containers marked asbestos or infectious wastes. The operator shall have equipment, trained personnel, and a location to safely inspect asbestos and infectious waste packages for unauthorized material and shall weekly inspect such materials;]

1. [2.] Random [The] inspections [shall be random] in time, but uniformly distributed to all waste sources based on volume; and

2. [3.] Identification data concerning the hauler [shall be placed] on the operating inspection record including name of the driver, name of the hauler, address, source, volume, and waste characteristics. The owner or operator shall maintain a record of the inspections in accordance with the approved recordkeeping requirements.

(b) Upon discovery of hazardous waste, the owner or operator of a contained landfill shall isolate the load and notify the cabinet immediately.

Section 3. Cover Material and Disease Vector Control Requirements. (1) Daily cover.

(a) The owner or operator shall place a minimum of six (6) inches of cover over all exposed solid waste at the end of each working day or, for continuously operating landfills, once every twenty-four (24) hours. The purpose of this cover shall be to control disease, fires, blowing litter and disease vectors. [Daily cover shall not contain hard rock with a maximum thickness over three (3) inches and shall contain sufficient clay soils to properly seal the surface.] The owner or operator shall only use soil or properly weathered or crushed shales, siltstones or other materials as approved by the cabinet;

(b) The daily cover shall not have any protruding waste, except for the occasional litter embedded into the surface, which shall not exceed ten (10) percent of the cover area;

(c) Daily cover shall be compacted upon application and provide positive drainage. The owner or operator shall place daily cover to allow for proper drainage and shall immediately compact and grade the soil;

(d) The owner or operator may remove [up to twenty (20) percent of the] daily cover to facilitate the vertical passage of methane gas and leachate and shall recover the exposed areas within eight (8) hours of exposure; and

(e) The owner or operator shall dispose of any daily cover removed under subsection (1)(d) of this section as solid waste.

(2) Interim cover period. The owner or operator shall:

(a) Place an additional six (6) inches of interim cover over any area that shall not receive additional solid waste within thirty (30) calendar days of the last waste placement. [The sequence of waste placement in the permit shall predict such areas.] With the daily cover applied in accordance with subsection (1) of the section, the additional interim cover shall increase the total cover depth to twelve (12) inches;

(b) On the day waste is to be placed over an area that is covered with daily and interim cover, an owner or operator may remove a maximum depth of six (6) inches of interim cover over the area of the cell for that day's operation;

(c) Place, compact and grade the interim cover to effect proper drainage; and

(d) Apply temporary erosion controls at the time of placing interim cover.

(3) Long term cover. The owner or operator:

(a) Shall apply an additional eighteen (18) inches of long-term cover over all areas that shall not receive additional waste within four (4) months by September 15 of each year. With the daily and interim cover, the total thickness of the cover in these areas shall be thirty (30) inches;

(b) May remove a maximum of eighteen (18) inches of the thirty (30) inches of cover in this subsection within the seven (7) calendar days prior to additional waste placement. The owner or operator may remove remaining soil leaving no less than six (6) inches of daily cover from the daily cell area on the day additional waste is to be placed;

(c) Shall place, compact and grade the long term cover to effect proper drainage; and

(d) Shall complete erosion controls and proper seeding of interim and long-term cover during the fall seeding season [by October 15 each year].

(4) Final cover. The owner shall initiate the application of final cover:

(a) Within thirty (30) days of filling a completed phase of the landfill to final design grade; and

(b) Annually such that the final cap is in place by September 15 in all areas of the landfill that have reached final grade by August 15 of each year.

(c) An alternate schedule may be approved by the cabinet when construction techniques shall preclude construction by the above referenced dates.

(5) Cover report. The owner or operator shall record, on a form approved by the cabinet, the daily cell locations, and dates of cover applications at the landfill including: daily usage area, daily, interim, long term and final cap installation dates and certification reports.

Section 4. Explosive Gases Control. (1) The owner or operator of a contained solid waste landfill shall ensure that:

(a) The concentration of methane gas generated by the facility does not exceed twenty-five (25) percent of the lower explosive limits (LEL) for methane in facility structures (excluding gas control or recovery system components); and

(b) The concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary.

(2) The owner or operator of a contained landfill shall quarterly monitor for explosive gas at the following locations:

(a) Underneath or in the low area of each on-site building;

(b) At locations along the boundary as shown in the permit;

(c) At each gas passive vent installed under the final closure cap;

(d) At any potential gas problem areas, as revealed by dead vegetation or other indicators; and

(e) At any other points required by the permit.

(3) The owner or operator shall record the date, time, location, percent lower explosive limit and other pertinent information on the

recordkeeping form approved by the cabinet.

(4) The owner or operator shall install, operate and maintain a gas detector with an alarm set at twenty-five (25) percent of the lower explosive limit in each on-site building.

(5) If methane gas levels exceeding the limits specified in subsection (1) of this section are detected, the owner or operator shall:

(a) Take all necessary steps to ensure immediate protection of human health;

(b) Immediately notify the cabinet of the methane gas levels detected and the immediate steps taken to protect human health; and

(c) Within fourteen (14) days, submit to the cabinet for approval a remediation plan for the methane gas releases. The plan shall describe the nature and extent of the problem and the proposed remedy. The plan shall be implemented upon approval by the cabinet.

Section 5. Air Criteria. (1) The owner or operators of contained landfills shall not permit or engage in open burning of waste. Any open burning shall be immediately extinguished. Wastes that are burning or smoldering shall not be deposited in the fill. Such materials shall be deposited in a hot load area designated in the permit. The cabinet may grant emergency permission to burn in accordance with 401 KAR 47:150. The owner or operator shall follow the plan approved for such purposes.

(2) The owner or operator shall properly control dust on haul roads and other areas to prevent a nuisance to surrounding areas.

Section 6. Access Requirements. (1) The owner or operator of a contained solid waste landfill shall control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes to protect human health and the environment. The owner or operator shall use artificial barriers, natural barriers, or both, as appropriate. Each access point shall be controlled by lockable entrance ways.

(2) The owner or operator shall construct and maintain:

(a) Lockable entrance ways at all access points;

(b) The major access road from a publicly maintained highway to the landfill;

(c) The perimeter road; and

(d) An all-weather road to within 200 feet of the working face.

(3) The owner or operator of a contained landfill shall remove debris, mud, and waste from vehicles before leaving the site. The owner or operator shall be responsible for removing landfill debris mud and waste from off-site roadways.

Section 7. Water Controls. The owner or operator of a contained solid waste landfill shall:

(1) Maintain the site as necessary to prevent erosion or washing of the fill, and grade as necessary to drain rain water from the fill area and to prevent standing water.

(2) Maintain all run-on and run-off control systems as necessary to maintain original design capacity as required by Section 2 of 401 KAR 48:070. This includes, but shall not be limited to:

(a) Removal of sediment from run-off control structures. The site design shall specify the method to be used to determine when cleanout shall occur;

(b) Removal of debris, wastes and soil from diversion and run-off ditches to maintain the <u>design</u> capacity [to carry a 100 year twenty-four (24) hour storm];

(c) Construction and maintenance of temporary diversion ditches around the current working face. The owner or operator shall specify the location of the temporary ditches in the operational plan required by 401 KAR 47:190 and the ditches shall be approved by a professional engineer registered in the Commonwealth of Kentucky.

Section 8. Waste Restrictions. (1) The owner or operator of a contained landfill shall only dispose of wastes that:

(a) Are not hazardous wastes regulated pursuant to 401 KAR Chapters 30 through 40, except for limited quantity hazardous wastes and exempt spill residues;

(b) Do not contain free liquids as determined by the cabinet; and

(c) Are specified in the approved permit application.

(2) The owner or operator shall comply with the recordkeeping and reporting requirement of Section 11 of this regulation pertaining to the location of disposed limited quantity hazardous waste and exempt spill residues.

Section 9. Working Face Requirements. (1) Within two (2) hours of receipt, the owner or operator shall spread wastes in loose layers not exceeding twenty-four (24) inches in depth and compact it to the maximum practicable density. The owner or operator shall use the equipment specified in the permit for compaction. The operator shall pass the equipment over 100 percent of the waste surface at least four (4) times. Each loose layer shall be fully compacted before any additional waste is placed.

(2) The owner or operator shall not exceed the lift height specified in the permit.

(3) The owner or operator shall not place an initial lift containing any object that may damage the bottom liner. The owner or operator shall protect the liner system with a layer of dirt, waste or similar blanket placed between operating equipment and the liner.

(4) The daily working face shall be restricted to the smallest area practical for working face operation.

(5) The completed cell shall consist of the solid waste compacted during one (1) working day.

(6) The owner or operator shall prohibit scavenging within 100 feet of the working face. All salvage and recycling shall occur at areas so designated in the permit.

(7) The owner or operator shall only allow access to the landfill when operating personnel are on the site.

(8) The owner or operator shall not accept solid waste at a rate that exceeds the rated capability of the operational compaction and cover equipment available on site.

(9) The owner or operator shall not accept solid waste without landfill personnel present to supervise the unloading.

(10) The grounds in and about a landfill shall not be allowed to become a nuisance. When necessary, interior fences may be required to prevent litter from blowing from the landfill. The permitted area shall be policed on a routine basis to collect all scattered material.

(11) All litter attributable to the site's operation shall be picked up within forty-eight (48) hours.

(12) Unless excluded from the site, large bulky items and other nonresidential wastes shall be deposited in a manner approved by the cabinet.

(13) The owner or operator shall conform to the posted operating hours for receiving waste and shall notify the cabinet of the operating hours before changing them. The entrance sign shall meet the requirements of Section 14(2) of this regulation.

Section 10. Employee Facilities. The owner or operator of a contained landfill shall provide buildings meeting Section 9 of 401 KAR 48:070, for site personnel. The buildings shall be maintained in a safe and sanitary manner. One (1) building shall have a safe drinking water supply.

Section 11. Reports and Recordkeeping. Records and reports shall be maintained and submitted in accordance with Section 8 of 401 KAR 47:190.

Section 12. Groundwater Monitoring. The owner or operator of a contained solid waste landfill shall implement the groundwater monitoring program in the approved application.

Section 13. Closure and Closure Care Requirements. (1) [Following the two (2) year closure period for each contained landfill phase,] The owner or operator shall comply with [conduct] the following closure requirements:

(a) The owner/operator of a contained landfill shall prepare a written closure plan that describes the closure activities for each unit including the following: [The first phase shall be for a minimum of thirty (30) years and consist of at least the following:]

1. The methods to be employed to maintain [Maintaining] the integrity and effectiveness of any final cap, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cap;

2. Maintenance and operation of [Maintaining and operating] the leachate collection system in accordance with the requirements, if applicable, until leachate no longer is generated;

3. [Monitoring the] Groundwater monitoring in accordance with the requirements of 401 KAR 48:300 and maintaining the groundwater monitoring system; and

4. Maintenance and operation of [Maintaining and operating] the explosive gas monitoring system in accordance with the requirements of Section 4 of this regulation.

(b) The closure period shall be at least two (2) years following the cabinet's acceptance of the owners certification of closure. [Following the period described in subsection (a) of this section, the owner or operator shall conduct a second phase of closure care at each contained solid waste landfill unit that consists of, at a minimum, groundwater and explosive gas monitoring. The length of this period shall be sufficient to protect human health and the environment. This phase shall be extended to include the period of time required for corrective action in accordance with 401 KAR 48:300.]

(2) The owner or operator of a contained landfill shall prepare and implement a written closure care plan that describes monitoring and routine maintenance activities that shall be carried out during [each phase of the] closure care period of at least thirty (30) years [in accordance with the requirements of subsection (1) of this section]. The closure care plan shall include, at a minimum, the following information:

(a) A description of the monitoring and maintenance activities for each unit [required in subsection (1) of this section for each unit,] and the frequency at which these activities shall be performed;

(b) Name, address and telephone number of the person or office to contact about the facility during [both phases of] the closure period; and

(c) A description of the planned uses of the property during [both phases of] the closure care period. Closure care use of the property shall not be allowed to disturb the integrity of the final cap, liner(s), or any other components of the containment system, or the function of the monitoring systems, unless upon demonstration by the owner or operator, the cabinet determines that the activities shall not increase the potential threat to human health or the environment or the disturbance is necessary to reduce a threat to human health or the environment. The owner or operator shall obtain approval from the cabinet in order to remove any wastes or waste residues, the liner, or contaminated soils from the land.

(3) The closure care plan shall be submitted with the permit application and shall be approved by the cabinet. Any subsequent modification to the closure care plan also shall be proved by the cabinet. A copy of the most recently approved closure care plan shall be kept at the facility until completion of the closure care period has been certified in accordance with subsection (5) of this section [and the owner or operator has been released from financial assurance requirements for closure care under Section 1 of 401 KAR 48:310].

(4) Following closure of the entire contained landfill, the owner or operator shall record a notation on the deed to the landfill property, or some other instrument that is normally examined during title search. The notation on the deed shall in perpetuity notify any potential purchaser of the property that:

(a) The land has been used as a contained landfill; and

(b) Its use is restricted under subsection (2)(c) of this section.

(5) Following completion of all closure and closure care periods for each unit, the owner or operator of a contained landfill shall submit to the cabinet certification by a professional engineer, verifying that all phases of closure and closure care have been completed in accordance with the approved plans and the requirements of KRS Chapter 224.

Section 14. Signs. (1) Warning signs shall be visible at all landfill access points. The warning signs shall be readable at a distance of 100 feet. The signs shall give warnings of all site hazards, including but not limited to:

explosive gases, heavy equipment movement and heavy truck movements.

(2) Entrance signs shall be visible, located at the public entrances and all entrances used by waste hauling vehicles. The signs shall be readable from 100 feet. They shall indicate landfill name, name of the owner, name of the operator, the hours of receiving wastes, the permit number and an emergency telephone number.

Section 15. Alternative Specifications. Alternative specifications may be used only after approval by the cabinet upon a demonstration by a qualified registered professional engineer that they shall result in performance, with regard to safety, stability and environmental protection, equal to or better than that resulting from designs complying with the specifications of this regulation.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 48:170. Technical requirements for residual landfills.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.889, 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842
NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the management, processing or disposal of wastes. KRS 224.842 requires that persons engaging in the management, processing and disposal of waste obtain a permit. This chapter establishes the minimum technical standards for solid waste sites or facilities. This regulation sets forth the technical requirements for residual landfills.

Section 1. Design Requirements. The engineering design shall demonstrate compliance with the environmental performance standards in 401 KAR 47:030 and the siting standards of 401 KAR 48:050 considering the following:

(1) The physical and chemical characteristics of the waste, including compatibility of the waste with the liner and cover materials and water that may come in contact with the waste;

(2) Volume of waste;

(3) The climatic conditions in the area;

(4) The permeability of the liner material. The liner, if required, shall assure containment of the waste on site and compliance with the environmental performance standards of 401 KAR 47:030;

(5) The properties of the soil underlying the facility;

(6) Hydrogeologic characteristics of the facility including quality, quantity, current use and direction of groundwater flow;

(7) The design of the facility leachate control system, run-off control system, and gas migration control, if required, as it relates to the physical and chemical characteristics of the waste, the climatic conditions of the specific location, the volume of leachate and contaminated run-off collected at the facility;

(8) The proximity to surface water and groundwater;

(9) The potential for gas emissions and odors;

(10) Any additional requirements specified by the cabinet.

Section 2. Operating Requirements. (1) The owner or operator of a residual landfill shall operate the facility in accordance with the requirements of KRS Chapter 224 and the waste management regulations, the conditions of the solid waste permit issued by the cabinet, and the operational plan filed with and approved by the cabinet.

(2) The owner or operator of a residual landfill shall operate the facility in such a manner as to ensure compliance with the environmental performance standards in 401 KAR 47:030.

(3) The owner or operator of the facility shall inspect the site and operation at a sufficient frequency to ensure compliance with the applicable environmental performance standards in 401 KAR 47:030.

(4) The owner or operator shall have a sign located at the entrance. The sign shall indicate the landfill name, the names of the owner and the operator, the hours that the landfill is accepting wastes, the permit number, the contact person and the emergency telephone number.

(5) Records and reports shall be maintained and submitted in accordance with the requirements of 401 KAR 47:190, Section 8.

(6) The cabinet may place additional requirements on the owner or operator of a residual landfill in addition to those stated where necessary to ensure compliance with the applicable environmental performance standards in 401 KAR 47:030.

Section 3. Closure and Closure Care Requirements. (1) A residual landfill shall be closed in a manner that shall ensure compliance with the applicable environmental performance standards in 401 KAR 47:030. The closure shall include the placement of a final cover over the facility as specified in the approved design of the site.

(2) Any necessary corrective work required by the cabinet shall be performed before the residual landfill is accepted as closed and closure financial responsibility funds are released.

(3) The closure plan shall be prepared to specify the function and design of the final cover for the facility. The closure design shall ensure compliance with the environmental performance standards in 401 KAR 47:030 considering:

(a) The type and amount of waste in the facility;

(b) The mobility and expected rates of migration of the waste or leachate constituents;

(c) The site location, topography, surrounding land use, and final site use;

(d) The climatic conditions in the area;

(e) The characteristics of the cover material including its chemical and physical composition, erodibility, slope stability, final surface contours, thickness, porosity, permeability, slope, length of run of slope, and type of vegetation on the cover; and

(f) The geologic and soil profiles and surface and subsurface hydrology of the site.

(4) [Closure care maintenance.] A residual landfill shall be maintained for a minimum of two (2) years following the closure of the site in a manner that complies with the applicable environmental performance standards in 401 KAR 47:030 and in accordance with any approved closure [care monitoring and maintenance] plan approved by the cabinet.

(5) The owner or operator of a residual landfill shall record a notice that shall in perpetuity notify any potential purchaser of the property of the location and time of the operation of the facility, the nature of the waste placed in the site and a caution against future disturbance of the area. Such notice shall be recorded in accordance with state property law prior to acceptance of final closure of the landfill.

(6) The cabinet may release the closure bonds two (2) years following the cabinet's acceptance of the owner's certification of closure. [site bonds in that amount which exceeds the funds necessary to maintain the final cover to correct vegetative growth, erosion, and closure care environmental monitoring for two (2) years.] These funds shall be released upon inspection of the permit records and the site to determine that it is in compliance with all regulatory requirements and has at least a ninety (90) percent permanent vegetative cover.

(7) The owner or operator shall implement the approved closure care plan in accordance with the closure care schedule and shall perform other necessary corrective work required by the cabinet, if any, before the landfill closure care certification is accepted.

Section 4. Display of Permit. One (1) copy of the permit application shall be returned to the permittee. The permit with all applicable conditions shall be conspicuously displayed at the solid waste site or facility for the duration of the permit. A copy of the approved application, including plans, shall be available at the site.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 48:200. Landfarming and composting.

RELATES TO: KRS 224.005, 224.830 through 224.860, 224.868, 224.869, 224.994

STATUTORY AUTHORITY: KRS 13A.210, 224.033

NECESSITY AND FUNCTION: KRS 224.033 and the waste management provisions of KRS Chapter 224 require the Natural Resources and Environmental Protection Cabinet to adopt regulations for the disposal of solid waste. This chapter establishes standards for solid waste sites or facilities. This regulation sets forth the permit application requirements and general design and operating requirements for landfarming facilities, composting, and sludge giveaway programs.

Section 1. Applicability. (1) The requirements in this regulation apply to any person disposing of solid waste by landfarming and composting.

(2) The cabinet shall not permit the land application of a solid waste that may present a threat to human health and the environment. The land application suitability of solid wastes shall be evaluated by the cabinet on a case-by-case basis. The applicant shall submit a request for a determination of waste classification with the submittal of a notice of intent to apply. The cabinet may base a decision as to the land application suitability of a particular waste upon the ability of the waste to biodegrade in the environment, the potential for the waste to be managed in a manner consistent with 401 KAR 47:030, the likelihood that waste constituents shall contaminate surface water or groundwater, the potential for nuisances from odors or unsightly conditions, and the potential for the waste to harm human health or the environment.

(a) Municipal water treatment sludges, municipal wastewater treatment sludges, or food service industry wastes shall be classified according to the maximum dry weight concentration of heavy metals based on the average concentration of metals in a minimum of two (2) consecutive samples taken no closer than thirty (30) days apart. The cabinet may deny the landfarming of a solid waste based upon health considerations in addition to the presence in the waste of excessive concentration of the five (5) heavy metals listed below. The sludges shall be placed in classes based on the concentration of the following heavy metals:

1. Cadmium;
2. Copper;
3. Lead;
4. Nickel; and
5. Zinc.

(b) Sludges or solid wastes other than municipal water treatment sludges, municipal wastewater treatment sludges, or food services industry solid wastes [sludges] shall be classified using additional parameters based upon the source, chemical and physical characteristics of the waste and their potential for adverse impact on human health or the environment.

(3) The concentration for heavy metals in each class of sludge or solid waste shall be those indicated in Table 1 of this subsection. A single metal parameter shall be sufficient to require a solid waste to be classified as Class II or III.

Table 1. Heavy Metal Concentrations

Parameters for Class I Concentration	
Cadmium	Less than or equal to 10 mg/kg
Copper	Less than or equal to 450 mg/kg
Lead	Less than or equal to 250 mg/kg
Nickel	Less than or equal to 50 mg/kg
Zinc	Less than or equal to 900 mg/kg

Parameters for Class II Concentration	
Cadmium	Greater than 10 mg/kg and less than or equal to 30 mg/kg

Copper	Greater than 450 mg/kg and less than or equal to 900 mg/kg
Lead	Greater than 250 mg/kg and less than or equal to 500 mg/kg
Nickel	Greater than 50 mg/kg and less than or equal to 100 mg/kg
Zinc	Greater than 900 mg/kg and less than or equal to 1800 mg/kg

Parameters for Class III Concentration

Cadmium	Greater than 30 mg/kg
Copper	Greater than 900 mg/kg
Lead	Greater than 500 mg/kg
Nickel	Greater than 100 mg/kg
Zinc	Greater than 1800 mg/kg

(4) Sludge or solid waste classifications shall be reevaluated based upon the annual analyses submitted in the annual landfarming review.

(5) A registered [granted] permit-by-rule may be issued based upon the information submitted in the registration on a form prescribed by the cabinet in Section 18 of this regulation [notice of intent to apply phase of the application] for landfarming of solid waste classified as Class I wastes, composted solid waste sludge, or sludge giveaway programs.

(6) A landfarming permit may be issued based upon the information submitted in the application for solid wastes classified as Class II or III.

(7) Sludge heavy metal concentration values are determined on a dry weight basis. Analysis shall be accomplished by determining the heavy metal concentration of the undried sample and determining the heavy metal content using the solids content of the original sample and computing the heavy metals content of the sludge on a dry weight basis. Results of the laboratory determination shall include the solids content, the wet weight and dry weight content when they are submitted to the cabinet.

Section 2. Notice of Intent to Apply. All applicants for a landfarming permit or a granted permit-by-rule shall submit a notice of intent to apply for a landfarming permit that shall contain the following information:

(1) Names, addresses, and telephone numbers of the landowner, applicant and waste producer. If the applicant is a government agency, corporation, company or partnership, include the name, address and telephone number of the process agent or contact individual;

(2) Sludge analyses in accordance with Section 1(2)(a) of this regulation to receive a classification rating;

(3) An original, current 7.5 minute United States Geological Survey quadrangle topographic map with the proposed landfarming site boundary clearly marked;

(4) A soil conservation service soils map with the proposed landfarming site boundary clearly marked;

(5) A survey of all groundwater wells and springs within a one-fourth (1/4) mile radius of the proposed landfarming site boundary;

(6) A description of the water or wastewater treatment processes including design capacity, current hydraulic operating conditions, and the sludge treatment systems. A schematic diagram showing the treatment plant processes shall be included. All chemicals used in the treatment process shall be listed by type and amount used;

(7) For publicly owned treatment works with pretreatment programs, a list of facilities which discharge waters to the treatment system and the quantities and characteristics of the wastes that are discharged to the facility;

(8) Any other additional information required by the cabinet; and

[(9) Granted permit-by-rule applicants shall also submit the information specified in Sections 14 and 15 of this regulation.]

Section 3. Contents of Permit Applications. Any person desiring a landfarming facility permit shall submit a complete application to the cabinet. [Granted permit-by-rule facilities shall be treated as having been granted a permit if the owner complied with the requirements of Section 2 of this regulation and has received written approval from the cabinet. The cabinet may require submission of a complete application at any time.] The applications shall be on a form and presented in a manner prescribed by the cabinet, and shall include, but not be limited to the following:

(1) Names, addresses and telephone numbers of the landowner, applicant, waste producer and person who completed the application form. If the applicant is a government agency, corporation, company or partnership, include the name, address and telephone number of process agent or other contact individual;

(2) A written description of the location of the proposed landfarming site and the address of the property on which the proposed landfarming site is located;

(3) A copy of the deed to the property and a copy of the proposed landfarming lease agreement if the landowner is not the applicant;

(4) A geological report of the site, including:

(a) A physical description of soils in the uppermost five (5) feet identifying the soil texture, erodibility, available moisture capacity, and permeability;

(b) A current soil analysis to determine the soil pH and cation exchange capacity (CEC) value;

(c) A delineation of soil by series on a U.S. Soil Conservation Service soils map, or on a map prepared by the soil conservation officer or a soil scientist; and

(d) A description of the surface and subsurface geology including depth to bedrock, depth to seasonal high groundwater table, karst formations, and names and descriptions of geologic formations.

(5) A description of the solid wastes to be disposed, including the inventory of industrial users and pollutants required in Section 9 [8](7) of 401 KAR 5:055, including:

(a) The type, waste producer and total estimated quantity of solid waste per year to be disposed;

(b) A [brief] description of stabilization methods utilized to reduce pathogens in accordance with Section 11 of this regulation; and

(c) A physical and chemical analysis including: percent total solids; volatile solids; total potassium; total phosphorus; total nitrogen; ammonium nitrogen (NH_4-N); nitrate nitrogen (NO_3-N); pH; and the amount of cadmium, copper, nickel, zinc, lead, chromium, and polychlorinated biphenyls (PCBs).

(6) An original current United States

Geological Survey topographic map within the land application unit clearly marked;

(7) An enlargement of a current United States Geological Survey topographic map. The enlarged map shall have a minimum scale of one (1) inch equals 400 feet and the contour interval as published. This map shall contain the following:

(a) The property lines and the boundaries of the proposed site;

(b) Proposed land application unit and subplots, numbered sequentially, with the land application unit;

(c) Access and proposed or existing roads;

(d) [Blue-line and intermittent] Streams, areas of standing water such as lakes, ponds or marshes, and sinkholes on the site and within 1000 feet of the proposed site boundary;

(e) All existing manmade features within 1000 feet of the proposed site boundary including structures, public roads, utilities and water wells;

(f) The boundaries of the 100 year flood plain if applicable;

(g) The delineation of existing site surface water drainage, and existing and proposed run-off/run-on structures;

(h) Steepest slope of each subplot (numerical value) on the proposed landfarming site;

(i) Boundaries of any and all buffer zones with the distance marked; and

(j) Map legend showing all symbols used, total site acreage, and quadrangle name.

(8) The complete application narrative shall include:

(a) A description of the application method(s), equipment, and transportation method from the point of waste production to the proposed site;

(b) Waste storage provisions to be utilized during adverse weather conditions or equipment breakdowns;

(c) Annual application rates per acre based on waste quality as specified in Section 9 of this regulation;

(d) The cropping program for each subplot and the schedule of waste application for each subplot for a period of two (2) years from the date of permit issuance;

(e) A farm management plan for the area to be landfarmed;

(f) A description of the proposed site including any previous waste applications;

(g) Written recommendations of the county agricultural extension agent for crop nitrogen requirements, and any additional fertilizer and soil amendment needed;

(h) A description of how land application units and subplot boundaries shall be marked to ensure that the units and subplots can be identified during the life of the permit;

(i) A description of where the landfarming records shall be maintained and the person who is responsible for their upkeep;

(j) The name, address, phone number, and certification number of the state certified landfarming operator of the proposed landfarming site;

(k) Additional information necessary for the cabinet to make a determination that the proposed activity shall not adversely affect human health or the environment; and

(l) A statement from the owner or operator that the landfarming of solid waste in the county where the landfarm facilities are located is consistent with the requirements of the solid waste management plans pursuant to KRS Chapters 109 and 224. When landfarming is not determined to be consistent with local requirements, the inconsistencies shall be identified. [For counties that have a solid waste management board established pursuant to KRS Chapter 109, a letter indicating that the application is consistent with the approved solid waste management area plan or that the solid waste management area plan shall be revised to be consistent with the permitted sludge disposal activity.]

Section 4. Requirements for Registered Permits-by-rule. Registered permits-by-rule shall complete the registration, prescribed on a form approved by the cabinet, containing the information in Section 18 of this regulation. Owners and operators shall not be required to submit an application as specified in Sections 2, 3, 5 and 6 of this regulation. [Additional Requirements for Class I Sludge Permit Applications. In addition to the notice of intent to apply in Section 2 of this regulation, applicants for landfarming granted permits-by-rule for Class I sludges shall submit in the application the following:]

[(1) A list of all surface water bodies within a one-fourth (1/4) mile radius of the proposed land application unit boundary;]

[(2) The usage of each surface water body listed in accordance with subsection (1) of this section;]

[(3) A list of all groundwater wells, springs and sinkholes within a one-fourth (1/4) mile radius of the proposed land application unit boundary; and]

[(4) The name of the owner of the property on which the surface water body, well, spring or sinkhole is located.]

Section 5. Additional Requirements for Class II Sludge Permit Applications. In addition to the requirements for an application in Section 3 of this regulation, applicants for landfarming permits for Class II sludge shall submit in the application the following:

(1) A list of all surface water bodies within a one-half (1/2) mile radius of the proposed land application unit boundary;

(2) The usage of each surface water body listed in accordance with subsection (1) of this section;

(3) A list of all groundwater wells, springs and sinkholes within a one-half (1/2) mile radius of the proposed land application unit boundary;

(4) The name of the owner of the property on which the surface water body, well, spring, or sinkhole is located; and

(5)(a) The applicant shall prepare a groundwater quality assurance plan. The plan shall include but not be limited to:

1. A description of the surface and subsurface geology of the site; and

2. A description of the hydrologic characteristics of the site.

(b) Upon examination of geological aspects and other relevant factors by the cabinet, the applicant may be required to prepare a groundwater monitoring plan to include location and specifications of wells, monitoring parameters and monitoring schedules in accordance with 401 KAR 48:300.

Section 6. Additional Requirements for Class III Sludge Permit Applications. In addition to the requirements for an application in Section 3 of this regulation, applicants for landfarming permits for Class III sludge shall submit in the application the following:

(1) A list of all surface water bodies within a one-half (1/2) mile radius of the proposed land application unit boundary;

(2) The usage of each surface water body listed in accordance with subsection (1) of this section;

(3) A list of all groundwater wells, springs and sinkholes within a one-half (1/2) mile radius of the proposed land application unit boundary;

(4) The name of the owner of the property on which the surface water body, well, spring, or sinkhole is located; and

(5)(a) The applicant shall prepare a groundwater quality assurance plan. The plan shall include but not be limited to:

1. A description of the hydrologic characteristics of the site; and

2. A description of the surface and subsurface geology of the site.

(b) The applicant shall submit a groundwater monitoring plan to include location and specifications of wells, monitoring parameters, and monitoring schedules in accordance with 401 KAR 48:300.

Section 7. Siting Considerations. (1) Solid waste shall not be applied in the 100 year flood plain unless the waste is injected or incorporated.

(2) The land application unit shall have a minimum of four (4) feet of soil between the soil surface and both the seasonal high water table and bedrock.

(3) **Solid** waste application shall not be located on soils with a permeability rate greater than six (6) inches per hour or less than two-tenths (0.2) inches per hour.

(4) Land application units shall not be located on land with a slope greater than fifteen (15) percent.

Section 8. Operating Requirements. (1) The owner or operator shall cause, suffer, or allow all of the requirements, specifications and standards of this section to be met.

(a) Prior to applying sludges to the land, all sludges shall be processed to significantly reduce pathogens. Approved processes to reduce pathogens are aerobic digestion, air drying, anaerobic digestion, composting or lime stabilization as specified in Section 11 of this regulation.

(b) Other methods or operating conditions may be acceptable as processes to significantly reduce pathogens. Such processes shall be deemed equivalent based upon the reduction of pathogens and volatile solids.

(2) A certified landfarming operator shall be available to the landfarming site during sludge application. All sludge applications are to be accomplished under the direction of a certified landfarming operator.

(3) When surface application is used in conjunction with soil incorporation methods, incorporation shall occur within forty-eight (48) hours of sludge application.

(4) Surface application without incorporation into the soil shall not be used on land without established vegetative cover or crop residue of at least seventy-five (75) percent.

(5) No hazardous wastes or mixtures of hazardous and solid waste shall be disposed, discharged to or placed in a landfarming site.

(6) No toxic wastes or mixtures of toxic and nontoxic wastes regulated under the Toxic Substances Control Act shall be disposed, discharged to or placed in a landfarming site.

(7) The following agricultural use restrictions apply:

(a) Land spreading shall not occur on land where leafy vegetables or root crops for human consumption shall be harvested within twelve (12) months;

(b) Land spreading shall not occur on land where crops for direct human consumption, other than leafy vegetables or root crops, are harvested within two (2) months;

(c) Dairy grazing shall be prohibited for six (6) months after land spreading, other livestock grazing shall be prohibited for three (3) months;

(d) When the annual application rate of cadmium exceeds 0.44 pound per acre, food chain crops shall not be utilized in the following cropping season; and

(e) **Solid** waste shall not be land spread where tobacco is harvested within five (5) years of waste application if the annual application rate of cadmium from the sludge exceeds 0.44 pound per acre at any time during the life of the site.

(8) The general public shall be restricted from the application zone for a period of twelve (12) months after each application.

(9) **Solid** waste shall not be land spread on frozen, snow-covered, ice-covered, or water-saturated soil, or during any precipitation event.

(10) No **solid** waste shall be applied in excess of schedules and rates of waste application approved by the cabinet.

(11) No raw or unstabilized **solid** waste shall be landfarmed. No person shall cause, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

(12) The amount of any single surface application shall not be greater than an average one-half (1/2) inch in thickness.

(13) High pressure spray irrigation of sludge which produces aerosols shall be prohibited.

(14) Subplots determined in Section 3(8)(h) of this regulation shall be staked or otherwise clearly marked in the field.

(15) Buffer zone distances shall be maintained in accordance with Table 2 of this subsection.

Table 2
Required Buffer Zones

Minimum Distance in Feet from the Boundary of the Application Zone

Structure or Object	Surface Injection	All Other Means of Application
Residences & occupied buildings	250	500
Drinking water well	250	500
Surface water body	250	500
Intermittent stream [Blue-line]	250	500
Karst feature	250	500

Public road	30	50
Intermittent stream	30	50
Ephemeral stream	**30**	**50**
Property line	30	50

(16) Surface water or **solid** waste ponding within the application zone shall be prohibited.

(17) Surface run-off/run-on shall be controlled to minimize the possibility of applied **solid** waste contaminating nearby surface water or adjacent land areas.

(18) The permit or **registered** [granted] permit-by-rule holder shall maintain records of all landfarming activities on forms provided by the cabinet throughout the operation of the site. The records shall at a minimum contain the schedules and rates of waste application and all laboratory analyses. Records shall be made available to the cabinet upon request.

(19) An annual report of landfarming activities shall be submitted to the cabinet sixty (60) days prior to the anniversary date of the permit or **registered** [granted] permit-by-rule issuance. The report shall be submitted on forms provided by the cabinet.

(20) Operational monitoring shall be performed on the following schedule:

(a) Soil shall be sampled annually in accordance with the soil monitoring plan in the approved permit [or granted permit-by-rule] application; and

(b) Solid waste from municipal wastewater treatment, municipal water treatment facilities and food service industry wastes shall be sampled in accordance with Table 3 of this paragraph or more frequently if required by the cabinet. Other **solid** waste shall be sampled in accordance with a schedule approved by the cabinet. **Solid** waste shall be analyzed for solids content, pH, ammonium nitrogen (NH_4-N), nitrate nitrogen (NO_3-N), total nitrogen, total phosphorus, total potassium, PCBs, chromium, copper, zinc, nickel, lead, and cadmium. Laboratory analysis results shall be reported in milligrams per kilogram **wet and** dry weight.

Table 3
Required Sampling Schedule

Design Treatment Capacity (gallons per day)	Samples Per Year
Less than 100,000	1
100,001 - 1,000,000	2
1,000,001 - 10,000,000	4
More than 10,000,000	12

(21) Soil pH shall be six and five-tenths (6.5) or greater during crop production, hay production or grazing.

(22) Solid waste containing concentrations of polychlorinated biphenyls greater than one (1) milligram per kilogram shall not be landfarmed.

(23) The maximum amount of metals from solid wastes that may be applied during the life of the site shall be based upon the cation exchange capacity of the soil and shall be those in Table 4 of this subsection.

Table 4
Maximum Amount of Metals

Parameter	Cation Exchange Capacity (meg/100g) 0.5	5-15	15+
Lead	500 lbs/ac.	1000 lbs/ac.	2000 lbs/ac.
Cadmium	4.46 lbs/ac.	8.02 lbs/ac.	17.84 lbs/ac.
Copper	125 lbs/ac.	250 lbs/ac.	500 lbs/ac.
Nickel	50 lbs/ac.	100 lbs/ac.	200 lbs/ac.
Zinc	250 lbs/ac.	500 lbs/ac.	1000 lbs/ac.

The following equation shall be used to determine the maximum number of tons of **solid** waste per acre that may be land spread without exceeding the above limitations:

Tons waste/acre =

$$\frac{\text{(lbs per acre for each parameter from Table 4)}}{\text{(dry mg/kg of metal in waste sample)} \times 0.002}$$

(24) The amount of nitrogen land spread shall not exceed the nitrogen utilization rate of the vegetative cover in the application zone.

(25) If the laboratory analyses and calculations to determine quantities of metals applied to the soil discloses that the cumulative concentration of a contaminant is above the maximum level permitted under subsection (23) of this section, a written notice shall be given to the cabinet within ten (10) days of receipt of the monitoring results. The permittee shall cease further landfarming and submit to the cabinet within forty-five (45) days a report describing proposed corrective actions to be taken by the permittee. A notice shall be recorded on the property deed stating that the property has received solid waste at concentrations exceeding permitted levels, and that food chain crops shall not be grown due to possible health hazards.

(26) In addition to the operating requirements in this section, an owner or operator who is landfarming Class I sludges shall limit the annual application rate to a maximum of fifteen (15) dry tons of sludge per acre per year.

(27)(a) In addition to the operating requirements in this section, the owner or operator who is landfarming Class II sludge shall sample surface water quarterly. Parameters to be monitored shall include pH, ammonium nitrogen (NH_4-N), fecal coliform bacteria, chromium, biological oxygen demand, total organic carbon, and total dissolved solids. A minimum of one (1) upgradient and one (1) downgradient sampling point is required.

(b) Groundwater monitoring, if required, shall be conducted in accordance with 401 KAR 48:300.

(28)(a) In addition to the operating requirements in this section, the owner or operator who is landfarming Class III sludge shall sample surface water quarterly. Parameters to be monitored shall include pH, ammonium nitrogen (NH_4-N), fecal coliform bacteria, chromium, biological oxygen demand, total organic carbon, and total dissolved solids. A minimum of one (1) upgradient and one downgradient sampling point is required.

(b) Groundwater monitoring shall be conducted in accordance with 401 KAR 48:300.

Section 9. Application Rates. (1) The annual application rate shall be the lesser of the

application rates as determined for cadmium and for nitrogen utilization.

(2) Determine the percent of available organic nitrogen in the waste using the following calculation:

Percent available organic N = (percent total N) - (percent NH_4-N) - (percent NO_3-N).

(3) Determine the amount of nitrogen that shall be available for plant uptake at the landfarming site using one (1) of the following calculations depending on the application method:

(a) Incorporation: Lbs available N/ton = (percent NH_4-N x 20) + (percent NO_3-N x 20) + (percent available organic N x 4).

(b) Surface application: Lbs available N/ton = (percent NH_4-N x 10) + (percent NO_3-N x 20) + (percent available organic N x 4).

Tons/acre =

$$\frac{\text{Nitrogen utilization rate of vegetative cover}}{\text{Lbs available organic N/ton}}$$

(4) The annual application rate of cadmium from solid waste shall not exceed 0.44 pounds per acre. The annual application rate shall be determined using the following calculation:

$$\text{Tons/acre} = \frac{\text{pounds of allowable cadmium per acre}}{(\text{mg per kg of cadmium in sample}) \times 0.002}$$

Section 10. Closure. An owner or operator **of** [who wishes to officially close] a permitted [or granted permit-by-rule] landfarming site shall submit to the cabinet a **closure** report to include:

(1) The results of final soil samples taken in accordance with the operational permit [or granted permit-by-rule] between twelve (12) and thirteen (13) months following the last application of **solid waste** [sludge];

(2) The results of final surface water samples taken in accordance with the operational permit between twelve (12) and thirteen (13) months following the last application of **solid waste** [sludge] for all Class II and Class III permit holders;

(3) A historical summary of all landfarming by subplot showing the allowable and actual rates of **solid waste** [sludge] application, heavy metals and nitrogen;

(4) When heavy metal applications exceed the amounts listed in Table 4 in Section 8(23) of this regulation, the owner shall submit a copy of the notice in the deed that shall advise all future landowners in perpetuity that heavy metal concentrations exceed those allowed by this regulation **and shall immediately commence closure of the facility**; and

(5) The results of final groundwater samples in accordance with the operational permit taken between twelve (12) and thirteen (13) months following the last application of **solid waste** [sludge] by all Class III and those Class II permits required to monitor groundwater.

Section 11. Processes to Significantly Reduce Pathogens. (1) Aerobic digestion. The process shall be conducted by agitating sludge with air or oxygen to maintain aerobic conditions at residence times ranging from sixty (60) days at fifteen (15) degrees celsius to forty (40) days at twenty (20) degrees celsius, with a volatile solids reduction of at least thirty-eight (38) percent.

(2) Air drying. Liquid sludge shall be allowed to drain or dry on under-drained sand beds, or paved or unpaved basins in which the sludge shall be at a depth of nine (9) inches. Air drying shall be conducted for a minimum of three (3) months, with two (2) months of temperatures which average on a daily basis above zero degrees celsius.

(3) Anaerobic digestion. The process shall be conducted in the absence of air at residence times ranging from sixty (60) days at twenty (20) degrees celsius to fifteen (15) days at thirty-five (35) degrees celsius to fifty-five (55) degrees celsius, with a volatile solids reduction of at least thirty-eight (38) percent.

(4) Composting. Using the within-vessel, static aerated pile or windrow composting methods, the solid waste shall be maintained at minimum operating conditions of forty (40) degrees celsius for five (5) days. For four (4) hours during this period, the temperature shall exceed fifty-five (55) degrees celsius.

(5) Lime stabilization. Sufficient lime shall be added to produce a pH of twelve (12) for two (2) hours of contact time.

(6) Other methods. Other methods or operating conditions may be acceptable if pathogens and vector attraction of the waste (volatile solids) are reduced to an extent equivalent to the reduction achieved by any of the above methods.

Section 12. Permit Modification. (1) Landfarming permits [and granted permits-by-rule] shall be issued to the operator and may include application zones which are not located contiguously.

(2) Class II and Class III sludge landfarming permit holders may add sites through permit modification procedures with the following conditions:

(a) The permit holder shall submit the appropriate information in accordance with Section 3 of this regulation; and

(b) A public notice shall be published and no permit modification granted until a minimum of thirty (30) days has passed from the date publication of the notice and the condition of Section 2 of 401 KAR 47:140 and 401 KAR 47:130 have been met.

[(3) Class I landfarming granted permits-by-rule may be modified by submitting the appropriate information in accordance with Section 2 of this regulation.]

Section 13. Distribution of Sludge. (1) A municipal water or wastewater treatment sludge producer may give away Class I or Class II sludge to individuals for subsequent use as a soil conditioner [with written approval from the cabinet]. This program shall be operated under a **registered** [granted] permit-by-rule in accordance with 401 KAR 47:110. The maximum amount of **sludge** [waste] that may be obtained annually by any individual is limited to 2000 pounds (dry weight).

(2) Producers of Class I or Class II municipal water or wastewater sludge shall submit the following application requirements for [approval of] the sludge giveaway program:

(a) A sludge analysis as required in Section 1 of this regulation that demonstrates the sludge is Class I or II;

(b) A description of the distribution system;
(c) A recordkeeping system to include the name and address of individuals receiving sludge and the total quantity of sludge received; and
(d) A description of the process to significantly reduce pathogens.
(3) During operation of the giveaway program the producer shall:
(a) Maintain a list of names and addresses of all individuals receiving the sludge;
(b) Submit annually to the cabinet the sludge analysis performed in accordance with the schedule contained in Table 3 in Section 8(20) of this regulation;
(c) Provide to individuals receiving waste, copies of the **sludge** [waste] analyses and a brochure, to be published by the cabinet, explaining the proper procedures to be utilized in the landfarming of sludge; and
(d) Use a process to significantly reduce pathogens in accordance with Section 11 of this regulation.

Section 14. Sludge Composting. Sludge shall be composted under a **registered** [granted] permit-by-rule in accordance with 401 KAR 47:110.
(1) Producers of Class I or Class II municipal wastewater sludge shall **register on a form prescribed by the cabinet containing the following information:** [submit the following notice of intent to apply requirements for a granted composting permit-by-rule:]
(a) A sludge analysis as required in Section 1 of this regulation that demonstrates the sludge is a Class I or II;
(b) A [detailed engineering] description of the system and the manufacturer's performance data for mechanical composting systems;
(c) A site layout, including **an** enlarged topographic map with a scale of one (1) inch equals 400 feet along with calculations for area requirements;
(d) A sludge analysis for the following parameters (by dry weight): percent total solids; volatile solids; total potassium; total phosphorus; total nitrogen; ammonium nitrogen (NH_4-N); nitrate nitrogen (NO_3-N); pH; and total cadmium, copper, nickel, zinc, lead, chromium, and polychlorinated biphenyls (PCBs);
(e) A process design that shall describe:
1. Use of bulking agents, moisture control, or feed amendments;
2. Temperature ranges and residence times;
3. Storage of compost during curing after the primary composting operation;
4. Provision for additional drying and screening;
[(f) Odor and vector control;]
(f) [(g)] A marketing and distribution plan [addressing compliance with subsection (2) of this section];
(g) [(h)] Specifications for the final product;
(h) [(i)] A **description of closure procedures** [closure plan] for the composting site; and
(i) [(j)] A narrative detailing the methods that the owner or operator shall use to **comply** [ensure compliance] with the environmental performance standards in 401 KAR 47:030.
(2) Any person who composts wastewater treatment or water treatment sludge shall:
(a) Use only Class I or Class II sludges for composting;
(b) Use a composting process to further reduce pathogens in accordance with subsection (3) of this section;
[(c) Label materials to be marketed in accordance with the Kentucky Fertilizer Law KRS Chapter 250;]
[(d) Label the product with the source of the material and the application rate information;]
(c) [(e)] Keep a **record** [log] of all recipients who receive more than twenty (20) cubic yards in any given month;
[(f) Monitor on a daily basis the pathogen reduction by tracking residence time and temperature for the chosen composting process and maintain a permanent log of these data;]
[(g) Maintain a permanent log of the amount of waste and the date on which it is initially composted and the amount and date on which the curing process begins;]
(d) [(h)] After the composted **sludge** [waste] has completed the curing process, distribute or dispose within one (1) year at least seventy-five (75) percent of the compost; and
(e) [(i)] Dispose of any materials that do not meet standards for distribution within one (1) month of such a determination in an approved facility.
[(3) The following processes further reduce pathogens:]
[(a) Composting. Using the within-vessel composting method, the solid waste shall be maintained at operating conditions of fifty-five (55) degrees celsius or greater for three (3) days. Using the static aerated pile composting method, the solid waste shall be maintained at operating conditions of fifty-five (55) degrees celsius or greater for three (3) days. Using the windrow composting method, the solid waste shall attain a temperature of fifty-five (55) degrees celsius or greater for at least fifteen (15) days during the composting period. Also, during the high temperature period, there shall be a minimum of five (5) turnings of the windrow.]
[(b) Heat drying. Dewatered sludge cake shall be dried by direct or indirect contact with hot gases, and moisture content shall be reduced to ten (10) percent or lower. Sludge particles shall reach temperatures well in excess of eighty (80) degrees celsius, or the wet bulb temperature of the gas stream in contact with the sludge at the point where it leaves the dryer shall be in excess of eighty (80) degrees celsius.]
[(c) Heat treatment. Liquid sludge shall be heated to temperatures of 180 degrees celsius for thirty (30) minutes.]
[(d) Thermophilic aerobic digestion. Liquid sludge shall be agitated with air or oxygen to maintain aerobic conditions at residence times of ten (10) days at a fifty-five (55) degrees celsius to sixty (60) degrees celsius, with a volatile solids reduction of at least thirty-eight (38) percent.]
[(e) Other methods. Other methods or operating conditions may be acceptable if pathogens or vector attraction of the waste (volatile solids) are reduced to an extent equivalent to the reduction achieved by any of the methods in paragraphs (a) through (d) of this subsection. Any of the processes listed in paragraphs (a) through (d) of this subsection, if added to the processes described in Section 11 of this regulation further reduce pathogens.

Because the processes listed in paragraphs (a) through (d) of this subsection, on their own, do not reduce the attraction of disease vectors, they shall not be used unless used in conjunction with the processes in Section 11 of this regulation.]

[1. Beta ray irradiation. Sludge shall be irradiated with beta rays from an accelerator at dosages of at last one (1) megarad at room temperature which is about twenty (20) degrees celsius.]

[2. Gamma ray irradiation. Sludge shall be irradiated with gamma rays from certain isotopes such as $Cobalt^{60}$ and $Cesium^{137}$, at dosages of at least one (1) megarad at room temperature which is about twenty (20) degrees celsius.]

[3. Pasteurization. Sludge shall be maintained for at least thirty (30) minutes at a minimum temperature of seventy (70) degrees celsius.]

[4. Other methods. Other methods or operating conditions may be acceptable if pathogens are reduced to an extent equivalent to the reduction achieved by any of the above add-on methods.]

Section 15. Solid Waste Composting. Solid [Residual] wastes shall be composted under a registered [granted] permit-by-rule as allowed by [in accordance with] 401 KAR 47:110.

(1) This section shall apply to any and all persons who compost solid waste other than wastewater treatment sludge for distribution.

(2) Owners and operators of registered [Applicants for a granted] permit-by-rule [for] solid waste composting facilities shall register on a form prescribed by the cabinet containing [submit a notice of intent to apply with] the following information:

(a) A complete description of the solid waste to be composted;

(b) A [detailed engineering] description of the system and the manufacturer's performance data for mechanical composting systems;

(c) Site layout, including a[n enlarged topographic] map [with a scale of one (1) inch equals 400 feet along with calculations for area requirements];

(d) A process description [design] which shall include the appropriate items as follows [describe]:

1. Use of bulking agents, moisture control or feed amendments;

2. Temperature ranges and residence times;

3. Storage of compost during curing after the primary composting operation; and

4. Provision for additional drying and screening.

[(e) An odor and vector control plan;]

(e) [(f)] A marketing and distribution plan [addressing compliance with subsection (3) of this section];

(f) [(g)] Specifications for the final product;

(g) [(h)] A plan for the closure of [plan for] the composting site; and

(i) A narrative of [detailing] the methods that the owner or operator shall use to comply [ensure compliance] with the environmental performance standards in 401 KAR 47:030.

(3) Any person who composts solid waste [residuals] other than wastewater treatment or water treatment sludge shall:

[(a) Label the materials to be marketed in accordance with the Kentucky Fertilizer Law KRS Chapter 250;]

[(b) Label the product with the source of the material and the application rate information;]

(a) [(c)] Keep a log of recipients who receive more than twenty (20) cubic yards in any given month;

(b) [(d)] Maintain a record [permanent log] of the amount of solid waste that is composted and the date [on which] it is initiated and completed [initially composted and the amount and date on which the curing process begins]; and

(c) [(e)] After the composted solid waste has completed the curing process, distribute or dispose within one (1) year at least seventy-five (75) percent of the compost.

Section 16. Compliance Schedule. This section applies to all persons who were issued a landfarming permit prior to the effective date of this regulation and continue operation of their landfarming facility. Such persons shall do the following:

(1) Comply with the environmental performance standards of 401 KAR 47:030;

(2) Implement the operational requirements of Section 8 of this regulation and continue with the monitoring requirements as prescribed in the landfarming permit;

(3) Submit the annual landfarming review for the landfarming permit sixty (60) days prior to the anniversary date of the permit issuance;

(4) Upon receipt and review of the annual landfarming review, the cabinet shall assign a classification rating to the solid waste and notify the permit holder of any additional information needed to amend the landfarming permit such that it complies with the terms of 401 KAR 48:200.

(5) Any person who qualifies for a registered [holds a granted permit-by-rule or] permit-by-rule for landfarming shall notify the cabinet of his intent to continue operation of the facility by submitting a registration [notice of intent to apply] by October 1, 1990. Failure to submit the registration form shall result in the appropriate enforcement actions pursuant to KRS Chapter 224.

(6) Persons who were issued a permit prior to the effective date of this regulation, except those qualifying for a registered permit-by-rule, and fail to file the required information or respond to correspondence pertaining to their permit within the dates established in the correspondence, shall no longer hold a permit for landfarming. Prohibited by KRS 224.835, such sites shall be considered to be open dumps, should any additional solid waste be disposed without securing a valid permit.

Section 17. Public Information Process. (1) Once the cabinet has made a preliminary determination to issue or deny a landfarming permit application, the permit applicant shall issue a public notice for approvals. The cabinet shall issue the public notice for denials. This notice shall be distributed by the cabinet as specified in [Section 7(4) of] 401 KAR 47:140. The contents of the public notice shall include those items listed in [Section 7(1)(a) through (i) of] 401 KAR 47:140. The cabinet shall make available a thirty (30) day comment

period commencing with the date the notice is published. This section does not apply to registered permits-by-rule.

Section 18. Registration. Persons who landfarm Class I sludge shall file a registration for a registered landfarming permit-by-rule that shall contain the following information:

(1) Names, addresses, and telephone numbers of the landowners, registrant and waste producer. If the applicant is a government agency, corporation, company or partnership, include the name, address and telephone number of the process agent or contact individual;

(2) Solid waste analyses in accordance with Section 1(2)(a) and (b) and Section 3(5)(c) of this regulation to receive a classification rating;

(3) An original, current seven and five-tenths (7.5) minute United States Geological Survey quadrangle topographic map with the proposed landfarming site boundary clearly marked;

(4) A list of all known groundwater wells and springs within a one-fourth (1/4) mile radius of the proposed landfarming site boundary;

(5) A description of the water or wastewater treatment processes including design capacity, current hydraulic operating conditions, and the sludge treatment systems. A schematic diagram showing the treatment plant processes shall be included. All chemicals used in the treatment process shall be listed by type and amount used;

(6) Other additional information required by the cabinet; and

(7) Owners or operators shall submit revisions to the registration form for subsections (1) and (6) of this section, when necessary.

Section 19. [18.] Repeal. 401 KAR 47:050, entitled Landfarming, is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 48:300. Surface and groundwater monitoring and corrective action.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888 [889], 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842
NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the treatment, management, processing or disposal of wastes. KRS 224.842 requires that persons engaging in the management, processing or disposal of waste obtain a permit. This chapter establishes the minimum technical standards for solid waste sites or facilities. This regulation sets forth the standards for groundwater monitoring and corrective action.

Section 1. Applicability. The requirements of this regulation apply to owners and operators of contained, construction/demolition, and residual landfills, Class II and Class III landfarming facilities, other solid waste sites or facilities at which the cabinet determines groundwater monitoring shall be required and solid waste sites or facilities required to accomplish corrective action as a result of documented groundwater contamination. Sections 1 through 7 of this regulation do not apply to landfarming facilities permitted pursuant to 401 KAR 48:200. Landfarming facilities required to accomplish corrective action shall comply with Section 8 of this regulation. The owner or operator shall satisfy the requirements of this regulation for all wastes (or constituents thereof) contained in waste management units at the facility regardless of the time at which waste was placed in such unit.

Section 2. Surface Water Monitoring Plan. A surface water monitoring plan as required in Section 5 of 401 KAR 47:190 shall include:

(1) Documentation that the applicant currently holds or has applied for a KPDES permit for all structures that shall be used to control storm water run-off and all point source discharges.

(2) The location of surface water monitoring points identified on the engineering plans. The surface water monitoring points shall be located such that the sampling shall characterize the quality of water unaffected by the landfills and shall be located such that the sampling shall determine if water leaving the landfill in surface drainage is contaminated with leachate. Sampling protocol shall measure surface water under base flow conditions that continues to drain after storm-induced surface run-off has ceased.

(3) A schedule and list of analytical parameters for the quarterly surface water sampling program. The parameters to be analyzed for the water samples shall include at a minimum: chlorides, sulfate, iron, sodium, total organic carbon or biochemical oxygen demand, chemical oxygen demand, specific conductance, total suspended solids, total dissolved solids, total solids and pH.

(4) A form to record the results of the surface water sample analyses.

(5) Prior to the disturbance of any areas proposed for development in a landfill permit application, the owner shall analyze samples of the surface water points and submit the results to the cabinet. The sampling shall include a minimum of two (2) samples collected at no less than thirty (30) day intervals and shall be sufficient to characterize the existing surface water quality.

Section 3. Groundwater Quality Characterization. A groundwater [quality] characterization as required in 401 KAR 47:180 [190] shall contain the chemical characteristics of the upper most aquifer [each water bearing unit] down to and including the lowest aquifer [unit] that may be affected by the site or facility. This description shall include results of analysis of at least two (2) grab samples of groundwater from the site before waste placement for the parameters listed in Section 10 of this regulation.

(1) For facilities permitted before the effective date of this regulation, the data required by this section shall be taken

beginning with the first anniversary date of the issuance of the permit after the effective date of this regulation and shall be for the parameters listed in Section 11 of this regulation.

(2) Monitoring wells under this section shall be designed, constructed and maintained according to Section 6 of this regulation. Sampling and analysis shall be conducted in accordance with a plan approved by the cabinet in accordance with the requirements of Section 7 of this regulation.

Section 4. Groundwater Monitoring Plan. A groundwater monitoring plan as required in 401 KAR 47:190 or 401 KAR 48:200 shall include:

(1) The number, location and depth of proposed monitoring points;

(2) Preoperational data showing existing groundwater quality, as required in the groundwater quality characterizaton in Section 3 of this regulation;

(3) A groundwater sampling and analysis plan. The procedures, methods and techniques shall be approved by the cabinet. The plan shall include:

(a) Procedures and techniques designed to accurately measure groundwater quality upgradient, [beneath] and downgradient of the proposed waste disposal area;

(b) Cabinet approved sampling methods including procedures and techniques for sample collection, sample preservation and sample shipment;

(c) Cabinet approved analytical procedures; and

(d) Chain of custody control, field and laboratory quality assurance and quality control. The procedures and methods shall be approved by the cabinet.

(4) For solid waste sites or facilities located in karst regions the following additional hydrogeologic information shall be required:

(a) The nature and extent of karst drainage beneath the solid waste site or facility; and

(b) A description of a proposed groundwater monitoring system capable of completely and accurately monitoring groundwater contamination.

Section 5. Design Requirements for Groundwater Monitoring Systems. The groundwater quality monitoring system to be utilized in the groundwater monitoring plan shall accurately analyze groundwater quality and characterize [regional and] local groundwater flow and flow systems. The system shall consist, at a minimum, of the following:

(1) At least one (1) reference or background well at a point hydraulically upgradient from the disposal area in the direction of increasing static head that is capable of providing data representative of groundwater not affected by the solid waste site or facility. When the solid waste site or facility occupies the most upgradient position in the flow system, sufficient downgradient or side gradient monitoring wells shall be placed to accurately characterize the groundwater quality and regional and local groundwater flow and flow systems. Reference wells shall be located so that they shall not be affected by groundwater contamination from the disposal area; and

(2) At least three (3) monitoring wells at points hydraulically connected [downgradient] in the direction of decreasing static head from the area in which solid waste has been or shall be disposed. In addition to three (3) downgradient wells, the cabinet may allow one (1) or more springs for monitoring points if the springs are hydraulically downgradient from the area in which solid waste has been or shall be disposed, if the springs are sampled [developed and protected] in a manner approved by the cabinet, and if the springs otherwise meet the requirements of the cabinet. Downgradient monitoring wells shall be located so that they shall provide early detection of groundwater contamination and progressive monitoring of the phases and units of the site or facility.

Section 6. Requirements for Monitoring Well Construction. (1) Precautions shall be taken during drilling and construction of monitoring wells to avoid introducing contaminants into a borehole. Only potable water shall be used in drilling monitoring wells unless otherwise approved by the cabinet. Drilling muds shall not be used except with prior approval of the cabinet. Air systems and drilling lubricants shall not introduce contaminants into the boreholes.

(2) Decontamination of all equipment to be placed into the boring shall be performed before use at the site and between boreholes. Where possible, upgradient wells shall be drilled first.

(3) Monitoring wells shall be cased as follows:

(a) To maintain the integrity of the monitoring well borehole by isolating water bearing units which are sampled by each well;

(b) With a minimum casing diameter of four (4) inches unless otherwise approved by the cabinet in writing;

(c) With screens and appropriate [or perforated and packed with] gravel or sand packing where necessary, to enable collection of samples at depts where appropriate aquifer flow zones exist;

(d) To allow the casing to protrude at least one (1) foot above ground;

(e) To provide a drill hole diameter that is a minimum of four (4) inches larger than the outside diameter of the well casing;

(f) To produce an annular space above the sampling depth that is sealed to prevent contamination of samples and the groundwater; and

(g) If plastic casing is used, it shall be threaded and gasket sealed to preclude potential sample contamination from solvent welded joints, unless otherwise provided by the cabinet in the permit.

(4) Monitoring well casings shall be enclosed in a protective cover that shall:

(a) Be sufficient to reliably protect the well from damage. This shall include a protective barrier around the well; [Be of sufficient strength to protect the well from damage by heavy equipment and vandalism;]

(b) Be installed into firm rock unless otherwise approved by the cabinet in writing;

[(c) Prevent the intrusion and nesting of insects inside the protective cover;]

(c) [(d)] Be grouted and placed with a cement collar below the frost line to hold it firmly in position unless otherwise approved by the cabinet;

(d) [(e)] Be numbered and painted in a highly visible color;

(e) [(f)] Protrude at least one (1) inch higher above grade than the monitoring well

casing;
(f) [(g)] Have a locked cap; and
(g) [(h)] Be made of steel or any other material of equivalent strength.
(5) Each monitoring well shall have a concrete pad extending two (2) feet around the well and sloped away from the well.

Section 7. Sampling and Analysis. (1) Parameters Listing. Owners or operators of solid waste sites or facilities that require groundwater monitoring shall conduct sampling and analysis from each monitoring well for the parameters listed in Section 11 of this regulation.
(2) Reporting of analysis results. Analyses of data required by this section shall be submitted to the cabinet on a form provided by the cabinet within sixty (60) days of sampling or fifteen (15) days after receipt [completion] of analyses, whichever is sooner, unless the cabinet approves another time period in the permit. Frequency of sampling shall be as indicated in Section 11 of this regulation.
(3) If analysis of the sample results indicates contamination, the owner or operator shall notify the cabinet within forty-eight (48) hours of receiving the analysis results and shall arrange for the cabinet to split a sample no later than ten (10) days from the receipt of the results.

Section 8. Groundwater Contamination Assessment and Corrective Action. (1) The operator of a solid waste site or facility shall be required to prepare and submit a groundwater assessment plan if laboratory analyses of one (1) or more [public or private water supplies or] monitoring wells at the site or facility shows the presence of one (1) or more parameters listed in 40 CFR 302.4, Appendix A above the maximum containment level (MCL) as specified in 401 KAR 47:030 or significant increase over naturally occurring background levels for parameters that have no MCL. For parameters that have no maximum contaminant levels a significant increase over background shall be determined using a statistical test as specified in Section 9 of this regulation.
(2) Confirmation sampling. The owner or operator of a solid waste site or facility shall not be required to submit an assessment plan if the following conditions are met:
(a) Within ten (10) days after receipt of sample results showing groundwater contamination the owner or operator resamples the affected wells; and
(b) Analysis from resampling shows to the cabinet's satisfaction that groundwater contamination has not occurred.
(3) The owner or operator of a solid waste site or facility shall be required to provide alternate water supplies to affected parties within twenty-four (24) hours of notification of the cabinet that sample results indicate contamination of a drinking water supply if it has been determined that the landfill is the probable source of contamination.
(4) The assessment plan shall be submitted to the cabinet within thirty (30) days of the occurrence of the conditions described in subsection (1) of this section.
(a) The assessment plan shall specify the manner in which the owner or operator shall determine the existence, quality, quantity, areal extent and depth of groundwater degradation, and the rate and direction of migration of contaminants in the groundwater. The assessment plan shall be prepared by a qualified professional [in the field of hydrogeology] and shall be implemented upon approval by the cabinet in accordance with the approved implementation schedule. The assessment plan shall be implemented within sixty (60) days after approval by the cabinet. The plan shall contain, at a minimum all of the following information:
1. The number, location, size, casing type and depth of wells, lysimeters, borings, pits, piezometers and other assessment structures or devices to be used;
2. Sampling and analytical methods for the parameters to be evaluated;
3. Analyses of all parameters listed in Section 10(3) of this regulation and any other parameter determined by the cabinet; and
4. Evaluation procedures, including the use of previously gathered groundwater quality information, to determine the concentration, rate and extent of groundwater degradation or pollution from the facility.
(5) For public or private water supplies which may be adversely affected by the facility, the owner or operator shall submit a detailed hydrogeologic study addressing the potential effect of the site or facility on said water supply.
(6) If the cabinet determines that the assessment plan is inadequate, it may modify the plan and approve the plan as modified.
(7) Within ninety (90) days after the implementation of the groundwater assessment plan, the operator shall submit a groundwater assessment report containing the new data collected, analysis of the data and recommendations on the necessity for abatement.
(8) The cabinet may require abatement measures prior to approval of the groundwater assessment plan in the event that a determination has been made that there is an immediate threat to human health or the environment.
(9) Within ninety (90) days of the cabinet approval of the groundwater assessment report, but in no event later than one (1) year from the event specified in subsection (1) of this section, the owner or operator shall submit a remedial action plan to include the following:
(a) The specific methods or techniques to be used to abate groundwater contamination from the facility;
(b) The specific methods or techniques to be used to prevent further groundwater contamination from the facility; and
(c) A description of the means used to restore or replace public or private water supplies affected by contamination from the solid waste facility.
(10) The owner or operator of a solid waste site or facility shall take any other steps deemed necessary by the cabinet to ensure protection of human health and the environment.
(11) Corrective action measures under this regulation shall be initiated and completed within a period of time as specified by the cabinet considering the extent of contamination.
(12) Corrective action measures under this regulation may be terminated upon approval of the cabinet when the owner or operator demonstrates that concentrations have been reduced to levels below the maximum contaminant

level or naturally occurring background.

Section 9. Statistical Methods for Groundwater Analysis. (1) The owner or operator of a solid waste site or facility shall use statistical procedures approved by the cabinet in determining whether background values have been significantly exceeded.

(2) The owner or operator shall demonstrate that the procedure is appropriate for conditions at that facility and shall demonstrate that the procedure:

(a) Is protective of human health and the environment;

(b) Includes statistical distributions of each parameter or constituent listed;

(c) Has a low probability of indicating contamination when it is not present and of failing to detect contamination that is actually there;

(d) Is appropriate for the hydrogeologic setting and the physical layout of the monitoring system;

(e) Describes how observations below the quantifiable limit shall be handled; and

(f) Considers or controls for seasonal and spatial variability and temporal correlation.

Section 10. Groundwater Quality Characterization Parameters. For solid waste sites or facilities that require groundwater monitoring, the following parameters are to be analyzed for groundwater quality characterization as required in Section 2 of this regulation:

(1) For all Class II and III landfarming facilities required to monitor groundwater, the characterization shall be based on the following parameters:

(a) Specific conductance, chemical oxygen demand, total organic carbon, chloride, iron, manganese, sodium, total nitrogen, nitrate nitrogen, chromium, cadmium, coliform bacteria, pH, calcium, magnesium, potassium, sulfate, bicarbonate, carbonate.

(b) Groundwater elevation in monitoring wells recorded as a distance from the elevation at the wellhead referenced to mean sea level based on a United States Geological Survey (USGS) datum.

(2) For residual and construction/demolition debris landfills, the characterization shall be based on the following parameters:

(a) Chloride, chemical oxygen demand, total dissolved solids, total organic carbon, specific conductance, pH, iron, sodium, arsenic, barium, cadmium, lead, mercury, nitrate, selenium, silver, pH, calcium, magnesium, potassium, sulfate, bicarbonate, carbonate.

(b) Groundwater elevations recorded as a distance from the elevation at the wellhead referenced to mean sea level based on a United States Geological Survey (USGS) datum.

(3) For contained landfills, the characterization shall be based on the following parameters:

(a) Indicators: Specific conductance, chemical oxygen demand, total dissolved solids, total organic carbon, pH, chloride, iron, manganese, sodium, bicarbonate, calcium, sulfate, magnesium, potassium, carbonate.

(b) Hazardous Constituents.

Systematic Name	CAS RN	Common Name
Acenaphthylene	206-96-8	Acenaphthalene
Acenaphthylene, 1,2-dihydro-	83-32-9	Acenaphthene
Acetamide, N-(4-ethoxyphenyl)-H	62-44-2	Phenacetin
Acetamide, N-9H-fluoren-2-yl	53-96-3	2-Acetylamino-fluorene
Acetic acid ethenyl ester	106-05-4	Vinyl acetate
Acetic acid (2,4-5-trichlorophenoxy)-	93-76-5	2,4,5-T
Acetic acid (2,4-dichlorophenoxy)-	94-75-7	2,4-Dichlorophe-noxy- acetic acid
Acetonitrile	75-05-8	Acetonitrile
Aluminum	7429-90-5	Aluminum (total)
Anthracene	120-12-7	Anthracene
Antimony	7440-36-0	Antimony (total)
Aroclor 1016	12674-11-2	Aroclor 1016
Aroclor 1221	11104-28-2	Aroclor 1221
Aroclor 1232	11141-16-5	Aroclor 1232
Aroclor 1242	53469-21-9	Aroclor 1242
Aroclor 1248	12672-29-6	Aroclor 1248
Aroclor 1254	11097-69-1	Aroclor 1254
Aroclor 1260	11096-82-5	Aroclor 1260
Arsenic	7440-38-2	Arsenic (total)
Barium	7440-39-3	Barium (total)
Benz(a)anthracene,7,12,-dimethyl	57-97-6	7,12-Dimethyl-benz(a)-anthracene
Benz(j)aceanthrylene, 1,2-dihydro-3-methyl	56-49-5	3-Methylchol-anthrene
Benz(e)acephenan-thrylene	205-99-2	Benzo(b)fluor-anthene
Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	23950-58-5	Pronamide
Benz(a)anthracene	56-55-3	Benz(a)anthra-cene
Benzenamine	62-53-3	Aniline
Benzenamine, 2-methyl-5-nitro	99-55-8	5-Nitro-o-toluidine
Benzenamine, 2-nitro	88-74-4	2-Nitroaniline
Benzenamine, 3-nitro	99-09-2	3-Nitroaniline
Benzenamine, 4-chloro	106-47-8	p-Chloroaniline
Benzenamine, 4-nitro-	100-01-6	p-nitroaniline
Benzenamine,4,4'-methylenebis (2-chloro	101-14-4	4,4'-Methylene-bis (2-chloro-aniline)
Benzenamine, N-nitroso-N-phenyl	86-30-6	N-Nitrosodi-phenylmamine
Benzenamine, N-phenyl-	122-39-4	Diphenylamine
Benzenamine, N,N-dimethyl-4-(phenylazo)-	60-11-7	p-Dimethylamino-azobenzene
Benzene	71-43-2	Benzene
Benzene, 1-bromo-4-phenoxy-	101-55-3	4-Bromophenyl phenyl ether
Benzene, 1-chloro-4-phenoxy-	7005-72-3	4-Chlorophenyl phenyl ether
Benzene, 1-methyl-2,4-dinitro	121-14-2	2,4-Dinitroto-luene
Benzene, 1,1'-(2,2,2-trichloroethyli-dene)bis(4-chloro-	50-29-3	DDT
Benzene, 1,1'-(2,2,2-trichloroethyli-dene)bis(4-methoxy-	72-43-5	Methoxychlor
Benzene 1,1'-(2,2-dichloroethyli-dene)bis(4-chloro-	72-54-8	DDD

Benzene 1,1'-(2,2-dichloroethenylidene)bis(4-chloro-	72-55-9	DDE
Benzene 1,2-dichloro	95-50-1	o-Dichlorobenzene
Benzene 1,2,4-trichloro	120-82-1	1,2,4-trichlorobenzene
Benzene 1,2,4,5-tetrachloro	95-94-3	1,2,4,5-Tetrachlorobenzene
Benzene 1,3-dichloro-	541-73-1	M-Dichlorobenzene
Benzene 1,4-dichloro-	106-46-7	p-Dichlorobenzene
Benzene 1,4-dinitro-	100-25-4	meta-Dinitrobenzene
Benzene, 2-methyl-1,3-dinitro	606-20-2	2,6-Dinitrotoluene
Benzene, chloro-	108-90-7	Chlorobenzene
Benzene, dimethyl-	1330-20-7	Xylene (total)
Benzene, ethenyl-	100-42-5	Styrene
Benzene, ethyl-	100-41-4	Ethyl benzene
Benzene, hexachloro	118-74-1	Hexachlorobenzene
Benzene, methyl	106-88-3	Toluene
Benzene, nitro	96-95-3	Nitrobenzene
Benzene, pentachloro-	608-93-5	Pentachlorobenzene
Benzene, pentachloronitro-	82-68-8	Pentachloronitrobenzene
Benzeneacetic acid, 4-chloro-a-(4-chlorophenyl)-a-hydroxy-, ethyl ester	510-15-6	Chlorobenzilate
1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl)ester	117-81-7	Bis(2-ethylhexyl)phthalate
1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	85-68-7	Butyl benzyl phthalate
1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	Di-n-butyl phthalate
1,2-Benzenedicarboxylic acid, diethyl ester	84-66-2	Diethyl phthalate
1,2-Benzenedicarboxylic acid, dimethyl ester	131-11-3	Dimethyl phthalate
1,2-Benzenedicarboxylic acid, dioctyl ester	117-84-0	Di-n-octyl phthalate
1,3-Benzenediol	106-46-3	Resorcinol
Benzeneethanamine, a, a-dimethyl-	122-09-8	alpha, alpha-dimethylphenethylamine
Benzenemethanol	100-51-8	Benzyl alcohol
Benzenethiol	106-98-5	Benzenethiol
1,3-Benodioxole, 5-(1-propenyl)-	120-58-1	Isosafrole
1,3-Benzodioxole, 5-(2-propenyl)-	94-59-7	Safrole
Benzo(k)fluoranthene	207-08-9	Benzo(k)fluoranthene
Benzoic acid	65-85-0	Benzoic acid
Benzo(rst)pentaphene	189-55-9	Dibenzo(a,i)pyrene
Benzo(ghi)perylene	191-24-2	Benzo(ghi)perylene
Benzo(a)pyrene	50-32-8	Benzo(a)pyrene
Beryllium	7440-41-7	Beryllium (total)
1,1-Biphen(yi)4,4'-diamine, 3,3'-dichloro-	91-94-1	3,3'-Dichlorobenzidine
1,1-Biphen(yi)-4,4'-diamine, 3,3'-dimethoxy-	119-90-4	3,3'-Dimethoxybenzidine
1,1'Biphen(yi)-4,4'-diamine, 3,3' dimethyl-	119-93-7	3,3'-Dimethylbenzidine
1,1'-Biphenyl(-4-amine	92-67-1	4-Aminobiphenyl
1,1'-Biphenyl(-4-4-amine	92-87-5	Benzidine
1,3-Butadiene, 1,1,2, 3,4,4-hexachloro-	87-68-3	Hexachlorobutadiene
1,3-Butadiene, 2-chloro-	126-99-8	2-Chloro-1,3-butadiene
1-Butanamine, N-butyl-N-nitroso-	924-16-3	N-Nitrosodi-n-butylamine
2-Butanone	78-93-3	Methyl ethyl ketone
2-Butene, 1,4-dichloro-, (E)-	110-57-6	trans-1,4-Dichloro-2-butene
Cadmium	7440-43-9	Cadmium (total)
Calcium	7440-70-2	Calcium (total)
Carbon disulfide	75-15-0	Carbon disulfide
Chromium	7440-47-3	Chromium (total)
Chrysene	218-01-9	Chrysene
Cobalt	7440-48-4	Cobalt (total)
Copper	7440-50-8	Copper (total)
Cyanide	57-12-5	Cyanide
2,5-Cyclohexadiene-1,4-dione	106-51-4	p-Benzoquinone
Cyclohexane, 1,2,3,4, 5,6-hexachloro- (1a, 2a,3B,4a,5B,6B)-	319-84-6	alpha-BHC
Cyclohexane, 1,2,3,4, 5,6-hexachloro- (1a, 2B,3a,4B,5a,6B)-	319-85-7	beta-BHC
Cyclohexane, 1,2,3,4, 5,6-hexachloro- (1a, 2a,3a,4B,5a,6B)-	319-86-8	delta-BHC
Cyclohexane, 1,2,3,4, 5,6-hexachloro- (1a, 2a,3B,4a,5a,6B)-	58-89-9	gamma-BHC
2-Cyclohexene-1-one, 3,5,5-trimethyl	78-59-1	Isophorone
1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	77-47-4	Hexachlorocyclopentadiene
Dibenz(a,h)anthracene	53-70-3	Dibenz(a,h)anthracene
Dibenzo(b,e)(1,4) dioxin, 2,3,7,8-tetrachloro-	1746-01-06	2,3,7,8-Tetrachlorodibenzo-p-dioxin; Hexachlorodibenzo-p-dioxin; Pentachlorodibenzo-p-dioxins; Tetra-chlorodibenzo-p-dioxins
Dibenzo(b,def)chrysene	189-64-0	Dibenzo(a,h)pyrene
Dibenzofuran	132-64-9	Dibenzofuran, Hexachlorodibenzofurans; Penta-chlorodibenzo-furans; Tetrachlorodibenzofurans.
2,7:3,6-Dimethanonaphth (2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6, 6a,7,7a-octahydro, 1aa,2B,2aa,3B,6B, 6aa,7B,7aa)-	60-57-1	Dieldrin

2,7:3,6-Dimethanon-aphth (2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro, 1aa,2B,2aB,3a,6a,6aB,7B,7aa)-	72-20-8	Endrin
1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-,1aa,4a,4aB,5a,8a,8aB)-	309-00-2	Aldrin
1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-,1aa,4a,4aB,5B,8B,8aB)-	465-73-6	Isodrin
1,4-Dioxane	123-91-1	1,4-Dioxane
Ethanamine, N-ethyl-N-nitroso	55-18-5	N-Nitrosodiethylamine
Ethanamine, N-methyl-N-nitroso	10595-95-6	N-Nitrosomethylethyl amine
Ethane, 1,1-dichloro-	75-34-3	1,1-Dichloroethane
Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-	111-91-1	Bis(2-chloroethoxy) methane
Ethane, 1,1'-oxybis (2-chloro-	111-44-4	Bis(2-chloroethyl) ether
Ethane, 1,1'tri-chloro-	71-55-6	1,1,1-Trichloroethane
Ethane, 1,1,1,2-tetrachloro-	630-20-6	1,1,1,2-Tetrachloroethane
Ethane, 1,1,2-tri-chloro-	79-00-5	1,1,2-Trichloroethane
Ethane, 1,1,2,2-tetrachloro-	79-34-5	1,1,2,2-Tetrachloro ethane
Ethane, 1,2-dibromo	106-93-4	1,2-Dibromoethane
Ethane, 1,2-dichloro	107-06-2	1,2-Dichloroethane
Ethane, chloro-	75-00-3	Chloroethane
Ethane, hexachloro-	67-72-1	Hexachloroethane
Ethane, pentachloro-	76-01-7	Pentachloroethane
1,2-Ethanediamine, N,N-dimethyl-N'-'2-pyridinyl-n'-(2-thienylmethyl)-	91-80-5	Methapyrilene
Ethanone, 1-phenyl-	98-86-2	Acetophenone
Ethene, (2-chloroethoxy)-	110-75-8	2-Chloroethyl vinyl ether
Ethene, 1,1-dichloro-	75-35-4	1,1-Dichloroethylene
Ethene, 1,2-dichloro-(e)-	156-60-5	trans-1,2-Dichloroethene
Ethene, chloro-	75-01-4	Vinyl chloride
Ethene, tetrachloro-	127-18-4	Tetrachloroethene
Ethene, trichloro-	79-01-6	Trichloroethene
Fluoranthene	206-44-0	Fluoranthene
Fluoride	12984-48-8	Fluoride
9H-Fluorene	86-73-7	Fluorene
2-Hexanone	591-78-6	2-Hexanone
Hydrazine, 1,2-diphenyl-	122-66-7	1,2-Diphenylhydrazine
Indeno(1,2,3-cd) pyrene	193-39-5	Indeno(1,2,3-cd) pyrene
Iron	7439-89-6	Iron (total)
Lead	7439-92-1	Lead (total)
Magnesium	7439-94-4	Magnesium (total)
Manganese	7439-96-5	Manganese (total)
Mercury	7439-97-6	Mercury (total)
Methanamine, N-methyl-N-nitroso	62-75-9	N-Nitrosodimethylamine
Methane, bromo-	74-83-9	Bromomethane
Methane, bromodichloro-	75-27-4	Bromodichloromethane
Methane, chloro	74-87-3	Chloromethane
Methane, dibromo-	74-95-3	Dibromomethane
Methane, dibromochloro-	124-48-1	Chlorodibromomethane
Methane, dichloro-	74-09-2	Dichloromethane
Methane, Dichlorodifluoro-	75-71-8	Dichlorodifluoromethane
Methane, iodo	74-88-4	Iodomethane
Methane, tetrachloro-	56-23-5	Carbon Tetrachloride
Methane, tribromo-	75-25-2	Tribromomethane
Methane, trichloro-	67-66-3	Chloroform
Methane, trichlorofluoro	75-69-4	Trichloromonofluoro methane
Methanesulfonic acid, methyl ester	66-27-3	Methyl methanesulfonate
Methanethiol, trichloro-	75-70-7	Trichloromethanethiol
4,7-Methano-1H-indene-1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro	57-74-9	Chlordane
4,7-Methano-1H-indene-1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76-44-8	Heptachlor
2,5-Methano-2H-indeno(1,2-b)oxirene, 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1aa,1bB,2a,5a,5aB,6B,6aa)	1024-57-3	Heptachlor epoxide
6,9-Methano-2,4,3-benzo-dioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-,3-oxide, (3a,5aB,6a,9a,9aB)	959-96-8	Endosulfan I
6,9-Methano-2,4,3-benzo-dioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-,3-oxide, (3a,5aa,6B,9B,9aa)	33213-65-9	Endosulfan II
1,3,4-Methano-2H-cyclobutal(cd) pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachloro-octahydro-	143-50-0	Kepone
1,2,4-Methanocyclopenta(cd)pentalene-5-carboxaldehyde, 2,2a,3,3,4,7-hexachlorodecahydro-, (1a,2B,2aB,4B,4aB,5B,6aB,6aB,7R*)	7421-93-4	Endrin aldehyde
Morphonline, 4-nitroso-	59-89-2	N-Nitrosomorpholine
1-Naphthalenamine	134-32-7	1-Naphthylamine
2-Naphthalenamine	91-59-8	2-Naphthylamine
Naphthalene	91-20-3	Naphthalene
Naphthalene, 2-chloro-	91-58-7	2-chloronaphthalene
Naphthalene, 2-methyl-	91-57-6	2-Methylnaphthalene

1,4-Naphthalenedione	130-15-4	1,4-Naphthoquinone
Naphtho(1,2,3,4-def) chrysene	192-65-4	Dibenzo(a,e) pyrene
Nickel	7440-02-0	Nickel (total)
Osmium	7440-04-2	Osmium (total)
Oxirane	75-21-8	Ethylene oxide
2-Pentanone, 4-methyl-	108-10-1	4-Methyl-2-pentanone
Phenanthrene	85-01-8	Phenanthrene
Phenol	108-95-2	Phenol
Phenol, 2-(1-methylpropyl)-4,6-dinitro	88-85-7	2-sec-Butyl-4,6-dinitro-phenol
Phenol, 2-chloro-	95-57-8	2-Chlorphenol
Phenol, 2-methyl-	95-48-7	ortho-Cresol
Phenol, 2-methyl-4,6-dinitro-	534-52-1	4,6-Dinitro-o-cresol
Phenol, 2-nitro	88-75-5	2-Nitrophenol
Phenol, 2,2'-methylenebis (3,4,6-trichloro)-	70-30-4	Hexachlorophene
Phenol, 2,3,4,6-tetrachloro-	58-90-2	2,3,4,6-Tetrachlorophenol
Phenol, 2,4-dichloro	120-83-2	2,4-Dichlorophenol
Phenol, 2,4-dimethyl-	105-67-9	2,4-Dimethylphenol
Phenol, 2,4-dinitro-	51-28-5	2,4-Dinitrophenol
Phenol, 2,4,5-trichloro	95-95-4	2,4,5-Trichlorophenol
Phenol, 2,4,6-trichloro-	88-06-2	2,4,6-Trichlorophenol
Phenol, 2,6-dichloro-	87-65-0	2,6-Dichlorophenol
Phenol, 4-chloro-3-methyl-	59-50-7	p-Chloro-m-cresol
Phenol, 4-methyl-	106-44-5	para-Cresol
Phenol, 4-nitro	100-02-7	4-Nitrophenol
Phenol, pentachloro-	87-86-5	Pentachlorophenol
Phosphorodithioic acid, O,O-diethyl S-((ethylthio) methyl) ester	298-02-2	Phorate
Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio) ethyl) ester	298-04-4	Disulfoton
Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl) phenyl)O,O-dimethyl ester	52-85-7	Famphur
Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl ester	56-38-2	Parathion
Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	297-97-2	O,O-Diethyl O,2-pyrazinyl phosphorothioate
Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	298-00-0	Methyl parathion
Piperidine, 1-nitroso-	100-75-4	N-Nitrosopiperidine
Potassium	7440-09-7	Potassium (total)
1-Propanamine, N-nitroso-N-propyl-	621-64-7	Di-n-propylnitrosamine
Propane, 1,2-dibromo-3-chloro	96-12-8	1,2-Dibromo-3-chloropropane
Propane, 1,2-dichloro-	78-87-5	1,2-Dichloropropane
Propane, 1,2,3-trichloro-	96-18-4	1,2,3-Trichloropropane
Propane, 2,2'-oxybis (1-chloro-	108-60-1	Bis(2-chloroisopropyl) ether
Propanedinitrile	109-77-3	Malononitrile
Propanenitrile	107-12-0	Ethyl cyanide
Propanenitrile, 3-chloro-	542-76-7	3-Chloropropionitrile
Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1	Silvex
1-Propanol, 2,3-dibromophosphate (3:1)	126-72-7	Tris(2,3-dibromopropyl) phosphate
1-Propanol, 2-methyl-	78-83-1	Isobutyl alcohol
2-Propanone	67-64-1	Acetone
2-Propenal	107-02-8	Acrolein
1-Propene, 1,1,2,3,3,3,-hexachloro-	1888-71-7	Hexachloropropene
1-Propene, 1,3-dichloro-, (E)-	10061-02-6	trans-1,3-Dichloropropene
1-Propene, 1,3-dichloro-, (Z)-	10061-01-5	cis-1,3-Dichloropropene
1-Propene, 1,3-chloro-	107-05-1	3-Chloropropene
2-Propenenitrile,2-methyl	126-98-7	Methacrylonitrile
2-Propenenitrile	107-13-1	Acrylonitrile
2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2	Ethyl methacrylate
2-Propenoic acid, 2-methl-, methyl ester	80-62-6	Methyl methacrylate
2-Propen-1-ol	107-18-6	Allyl alcohol
2-Propyn-1-ol	107-19-7	2-Propyn-1-ol
Pyrene	129-00-0	Pyrene
Pyridine	110-86-1	Pyridine
Pyridine, 2-methyl-	109-06-8	2-Picoline
Pyridine, 1-nitroso-	930-55-2	N-nitrosopyrrolidine
Selenium	7782-49-2	Selenium (total)
Silver	7440-22-4	Silver (total)
Sodium	7440-23-5	Sodium (total)
Sulfide	18496-25-8	Sulfide
Sulfurous acid, 2-chloroethyl 2-(4d-(1,1-dimethylethyl) phenoxy)-1-methylethyl ester	140-57-8	Aramite
Thallim	7440-28-0	Thallim (total)
Thiodiphosphoric acid $((HO)_2 P(S))_2$, tetraethyl ester	3689-24-5	Tetraethylidithiopyrophosphate
Tin	7440-31-5	Tin (total)
Toxaphene	8001-35-2	Toxaphene
Vanadium	7440-62-2	Vanadium (total)
Zinc	7440-66-6	Zinc (total)

(c) Groundwater elevations in monitoring wells recorded as a distance from the elevation at the wellhead referenced to mean sea level based on a United States Geological Survey datum.

(4) For residual landfills this characterization shall include parameters approved by the cabinet based upon the chemical analysis of the waste.

(5) For other sites or facilities the characterization shall be for parameters determined by the cabinet.

Section 11. Groundwater Monitoring Parameters. (1)(a) Operators of Class II and Class III landfarming facilities requiring groundwater monitoring shall monitor for the following parameters on a semiannual basis: chemical oxygen demand, total organic carbon, total nitrogen, nitrate nitrogen, lead, chromium,

cadmium, coliform bacteria;
(b) Groundwater elevations in monitoring wells recorded as a distance from the elevation at the wellhead referenced to mean sea level based on a USGS datum; and
(c) Other parameters as approved by the cabinet based on the waste analysis.
(2) Operators of residual and construction/demolition debris landfills shall monitor semiannually for the following:
(a) Chloride, chemical oxygen demand, total dissolved solids, total organic carbon, specific conductance, pH, iron, sodium;
(b) Arsenic, barium, cadmium, chromium, lead, mercury, nitrate, selenium;
(c) Groundwater elevations in monitoring wells recorded as a distance from the elevation at the wellhead referenced to mean sea level based on a USGS datum;
(d) Other parameters as approved by the cabinet based on the waste analysis; and
(e) If after four (4) initial quarterly monitoring periods, analysis for the parameters in paragraphs (a) through (d) of this subsection indicates no exceedences above levels specified in Section 8(1) of this regulation, the owner or operator may, upon request, be granted permission from the cabinet to reduce the monitoring parameters to those listed in paragraph (a) of this subsection.
(3) Operators of contained landfills shall be required to monitor quarterly for the following parameters:
(a) Chloride, chemical oxygen demand, total dissolved solids, total organic carbon, specific conductance, pH, iron, sodium, total organic halides, arsenic, barium, cadmium, chromium, lead, mercury, nitrate, selenium, silver;
(b) Acetone; acrolein; acrylonitrile; benzene; bromochloromethane; bromodichloromethane; 4-bromofluorobenzene; bromoform; bromomethane; 2-butanone (methyl ethyl ketone); carbon disulfide; carbon tetrachloride; chlorobenzene; chlorodibromomethane; chloroethane; 2-chloroethyl vinyl ether; chloroform; chloromethane; dibromomethane; 1,4-dichloro-2-butane; dichlorodifluoromethane; 1,1-dichloroethane; 1,2-dichloroethane; cis-1,3-dichloropropene; trans-1,3-dichloropropene; 1,4-difluorobenze; ethanol; ethylbenzene; ethyl methacrylate; 2-hexanone; iodomethane; methylene chloride; 4-methyl-2-pentanone; 1,1-dichloroethene; trans-1,2-dichloroethene; styrene; 1,1,2,2-tetrachloroethane; toluene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; trichloroethane; trichlorofluoromethane, 1,2,3-trichloropropane; vinyl acetate; vinyl chloride; xylene;
(c) Groundwater elevations recorded as a distance from the elevation at the wellhead referenced to mean sea level based on a United States Geologic Survey datum;
(d) Other parameters as approved by the cabinet based on the waste analysis; and
(e) If after four (4) initial quarterly monitoring periods, analysis for the parameters in paragraphs (a) and (b) of this subsection indicates no exceedences above the levels specified in Section 8(1) of this regulation, the owner or operator may obtain permission from the cabinet to reduce the sampling program to annual sampling for parameters in paragraphs (a) and (b) of this subsection while sampling quarterly for the following: [monitoring parameters to the following:]
1. Chloride;
2. Chemical oxygen demand;
3. Total dissolved solids;
4. Total organic carbon;
5. Specific conductance;
6. pH;
7. Iron;
8. Sodium; and
9. Total organic halides.
(4) Operators of residual landfills shall monitor quarterly for parameters to be determined by the cabinet based upon chemical analysis of the waste to be disposed.
(5) Other solid waste sites or facilities shall monitor for parameters and at a frequency determined by the cabinet.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 48:310. Financial requirements and bonds.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.889, 224.994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.842, 224.846
NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the managing, processing, or disposal of wastes. KRS 224.842 requires that persons engaging in the management, processing and disposal of waste obtain a permit. KRS 224.846 requires nonpublic permit applicants to post bonds. This chapter establishes the minimum technical standards for solid waste sites or facilities. This regulation sets forth the financial requirements for closure, closure care and corrective action.

Section 1. Financial Assurance Criteria. The financial assurance criteria and bond requirements apply to the owner and operator of all solid waste disposal sites or facilities. Any owner or operator which is a city, county, urban-county government, 109 district, taxing district, political subdivision of the Commonwealth, the Commonwealth or any agencies thereof or any entity whose debts and liabilities are the debts and liabilities of the above entities shall only be required to comply with Section 12 of this regulation.

Section 2. Closure Cost Estimate. The owner or operator shall have a detailed written estimate, in current dollars, of the cost of hiring a third party to close the solid waste disposal site or facility in accordance with the closure plan developed to satisfy the closure requirements in Section 4(1) of 401 KAR 48:060, Section (15) of 401 KAR 48:070, Section 4 of 401 KAR 48:170, Section 5 of 401 KAR 48:200 and KRS 224.846.
(1) The estimate shall equal the cost of closing the solid waste disposal site or

facility at the point in the active life when the extent and manner of its operation would make closure the most expensive. [For contained landfills, the cost estimate mandated by KRS 224.846 shall be at least $25,000 per acre using 1990 as the baseline year: for construction/ demolition debris landfills the cost estimate should be at least $10,000 per acre.] The cabinet shall adjust the figure for inflation and other factors each year. [For other solid waste sites or facilities] The owner or operator shall base the cost estimate on the following elements:

(a) Design;

(b) Site grading and drainage;

(c) Hauling and placing of each element of the approved cap;

(d) Final grading and drainage of the cap;

(e) Revegetation of the cap; and

(f) Quality control and construction certification. [; and]

[(g) Commonwealth oversight and administration:]

[1. If total cost of paragraphs (a) through (f) of this subsection is under $100,000, an additional cost of fifty (50) percent shall be added;]

[2. If total cost of paragraphs (a) through (f) of this subsection is between $100,000 and $1,000,000, an additional cost of thirty (30) percent shall be added;]

[3. If total cost of paragraphs (a) through (f) of this subsection is $1,000,000 - $5,000,000, an additional cost of twenty (20) percent shall be added; or]

[4. If total cost of paragraphs (a) through (f) of this subsection is over $5,000,000 an additional cost of fifteen (15) percent shall be added.]

(2) The owner or operator shall increase the closure cost estimate and the amount of financial assurance provided under Section 5 of this regulation if changes to the closure plan or solid waste disposal site or facility conditions increase the maximum cost of closure at any time during the active life.

(3) The owner or operator may request a reduction in the closure cost estimate and the amount of financial assurance provided under Section 5 of this regulation if he can demonstrate that the cost estimate exceeds the maximum cost of closure at any time over the life of the solid waste disposal site or facility.

(4) The owner or operator shall keep a copy of the latest closure cost estimate at the solid waste disposal site or facility until the owner or operator has been notified by the cabinet that he has been released from closure financial assurance requirements under Section 5 of this regulation.

Section 3. Closure Care Cost Estimate. (1) The owner or operator shall have a detailed written estimate, in current dollars, of the cost of hiring a third party to conduct each phase of closure care monitoring and maintenance of the solid waste landfill in accordance with the closure care plan developed to satisfy the closure care requirements of Section 3 of 401 KAR 48:060; Section 13 of 401 KAR 48:090; and Section 3 of 401 KAR 48:170. The closure care cost estimate for each phase of closure care used to demonstrate financial assurance in Section 6 of this regulation is calculated by multiplying the annual cost estimate for each phase of closure care by the number of years of closure care required. For contained landfills, the closure care estimate mandated by KRS 224.846 shall be a minimum of $10,000 per year using 1990 as the baseline year.

(2) The cost estimate for each phase of closure care shall be based on the most expensive costs of closure care during that phase.

(3) The owner or operator shall increase the amount of the closure care cost estimate and the amount of financial assurance provided under Section 6 of this regulation if changes in the closure care plan or facility conditions increase the maximum costs of closure care.

(4) The owner or operator may request a reduction in the closure cost estimate and the amount of financial assurance provided under Section 6 of this regulation if he can demonstrate to the satisfaction of the cabinet that the cost estimate exceeds the maximum costs of closure care remaining over the closure care period.

(5) The owner or operator shall keep a copy of the latest closure care cost estimate at the facility until he has been notified by the cabinet that he has been released from closure care financial assurance requirements for the entire facility under Section 6 of this regulation.

Section 4. Financial Mechanisms. The mechanisms used to demonstrate financial assurance under this regulation shall ensure that the funds necessary to meet the costs of closure and closure care shall be available in a timely manner whenever they are needed. The owner or operator shall use the bond specified in Sections 7, 8, 9 and 10 of this regulation, which satisfies the following criteria:

(1) The financial assurance mechanism shall ensure that the amount of funds is sufficient to cover the costs of closure and closure care;

(2) The financial assurance mechanisms shall ensure that funds shall be available in a timely fashion;

(3) The financial assurance mechanisms shall guarantee the availability of the required amount of coverage from the effective date of these requirements or prior to the initial receipt of solid waste, whichever is later, until the owner or operator establishes an alternative financial assurance mechanism or is released from the financial assurance requirements under Sections 5, 6, 7 and 11 of this regulation. The amount of financial assurance obtained from a single financial institution shall not exceed the limit of federal insurance when such assurance is provided by a financial institution that uses federal insurance to guarantee the availability of funds.

Section 5. Closure Financial Assurance. The owner or operator of each solid waste landfill or landfarm shall establish, in accordance with Section 4 of this regulation, financial assurance for closure of the facility, in an amount equal to the most recent closure cost estimate prepared in accordance with Section 2 of this regulation. The owner or operator shall provide continuous coverage for closure until released from financial assurance requirements. The owner or operator may be released from

financial assurance requirements for closure after a site visit by a cabinet representative and approval by the cabinet. For contained landfills, the owner or operator shall submit the certification that closure has been completed in accordance with the approved closure plan. Following receipt of the closure certification or completion of the closure inspection, the cabinet shall:

(1) Notify the owner or operator in writing that he is no longer required to maintain financial assurance for closure; or

(2) Provide the owner or operator with a detailed written statement of any reason to believe that closure has not been conducted in accordance with the approved closure plan.

Section 6. Closure Care [Financial Assurance]. The owner or operator of each solid waste landfill shall **provide for** [establish, in a manner consistent with Section 4 of this regulation, financial assurance for the costs of each phase of] closure care as required under Section 3 of 401 KAR 48:060, Section 13 of 401 KAR 48:090, and Section 3 of 401 KAR 48:170 **for the required period following the cabinet's acceptance of closure.** [in an amount equal to the sum of the most recent cost estimates for each phase of closure care, prepared in accordance with Section 3 of this regulation. The owner or operator shall provide continuous coverage for closure care until released from financial assurance requirements for closure care by the cabinet.] The owner or operator of a contained landfill may be released from [financial assurance requirements for] closure care requirements after the cabinet has received a certification that the [two (2) phases of the] closure care period **has** [have] been completed in accordance with the approved plan as required under Section 13 of 401 KAR 48:090. Following receipt of the closure care certification, the cabinet shall[:

(1) Notify the owner or operator in writing that he is no longer required to maintain financial assurance for closure care; or

(2)] notify the owner or operator with a detailed written statement of any reason to believe that closure care has not been conducted in accordance with the approved closure care plan.

Section 7. Performance Bond. Before the cabinet shall issue a permit, the owner or operator of a solid waste disposal site or facility that is required to post a bond or other security pursuant to KRS 224.846 shall complete the performance bond in a manner approved by the cabinet. To satisfy the financial requirement, the owner or operator shall submit a performance bond (see Section 8 and Appendix A of this regulation) and one (1) of the three (3) following:

(1) Surety bond as specified in Section 8 and Appendix A of this regulation;

(2) Letter of credit as specified in Section 9 and Appendix B of this regulation; or

(3) Escrow agreement as specified in Section 10 and Appendix C of this regulation.

Section 8. Wording of the Performance Bond. A performance bond guaranteeing performance of closure or closure care shall be executed on a form provided by the cabinet. The surety bond form is a part of the performance bond form. The surety bond portion of the performance bond shall be completed only if a surety bond is being used; otherwise the surety bond portion of the performance bond shall be left blank. The performance bond form shall be as contained in Appendix A of this regulation.

Section 9. Wording of the Instrument for a Letter of Credit. A letter of credit, as allowed by Section 4 of this regulation, shall be on a form provided by the cabinet. The letter of credit form shall be as contained in Appendix B of this regulation.

Section 10. Wording of the Escrow Agreement. A solid waste facility escrow agreement, as allowed in Section 4 of this regulation, shall be executed on a form provided by the cabinet. The escrow agreement form shall be as contained in Appendix C of this regulation. If a certificate of deposit is used in conjunction with the escrow agreement, it shall be made payable to the financial institution as the escrow agent.

Section 11. Release of Bonds. (1) Bonds posted to assure proper closure of a site shall be released two (2) years after the date that the cabinet determines the final cover has been constructed and revegetated with permanent vegetation. The cabinet may withhold that amount of bond necessary to correct deficiencies in the landfill or its closure system.

[(2) Bonds posted for financial assurance for closure care activities shall be released thirty (30) years following the date that the cabinet determines the final cover has been constructed and revegetated with permanent vegetation, unless the cabinet has information showing that the landfill is not in compliance with any provision of KRS Chapter 224 or regulations appropriate for the site or the required closure care period has been extended as a result of corrective action pursuant to 401 KAR 48:300.]

(2) [(3)] Bonds posted to assure performance and closure of landfarming facilities shall be released when the applicant demonstrates to the cabinet's satisfaction that the site has been closed and is in compliance with 401 KAR 47:030, 401 KAR 48:300 and KRS Chapter 224.

Section 12. Financial Assurance for Publicly Owned Facilities. The owner or operator of a publicly owned facility shall provide a budget for the permitting, construction, operation, closure and closure care of the facility. The budget shall be revised and submitted annually. When elements of the facility's permitting, construction, operation, closure or closure care are to be accomplished by contract or agreement, a copy of the contract or agreement shall be submitted to the cabinet.

APPENDIX A TO 401 KAR 48:310
COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
18 REILLY ROAD
FRANKFORT, KY 40601
PERFORMANCE BOND

Application Number:_____
Existing Permit Number:_____
Type of Bond:
____ Cash Bond
____ Surety Bond (#_____)
____ Certificate of Deposit (#_____)
____ Letter of Credit (#_____)

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned, _____, as Principal, and _____, as Surety, is/are held and firmly bound unto the Natural Resources and Environmental Protection Cabinet in the penal sum of _____ dollars ($_____), _____ which sum is herewith deposited with the Natural Resources and Environmental Protection Cabinet; ____ for payment of which sum is to be well and truly made: _____ which sum is herewith deposited with the Natural Resources and Environmental Protection Cabinet, by and through its Escrow Agent, _____ as a grantee that the provisions of the permit issued pursuant to Application Number _____, all applicable laws, rules, and regulations will be observed and hereby bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. This bond is effective upon receipt by the Division of Waste Management (hereinafter Division).

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that, whereas, the above bound Principal, pursuant to the provisions of KRS Chapter 224 and 401 KAR Chapters 47 and 48 did file with the Division, an application for a permit to construct and/or operate a solid waste site or facility in the Commonwealth of Kentucky; that in said application the Principal identified the area to be permitted as _____ acres, located in _____ County, at or near the community of _____: and whereas the above described area will be affected by the facility during the life of the permit and until the Principal has completed proper closure and closure care; and corrective action, if required, and Cabinet, or, in the case of contained landfills, a professional engineer and Cabinet, has certified the same. Furthermore, it is understood that the obligation under this bond extends to environmental degradation occurring off the permitted area but proximately resulting from the construction, operation or closure of the solid waste site or facility.

Now, if said _____, as Principal, shall faithfully perform all the requirements of the above designated application, the permit issued pursuant thereto and the applicable laws, rules, and regulations, and the terms of this bond, then this obligation shall be released; otherwise, it is agreed that said penal sum shall be paid to the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, upon receipt of an Order of the Cabinet.

PRINCIPAL:_____ BY:_____
OFFICIAL POSITION:_____DATE:_____
Subscribed and sworn to before me by _____ this the _____ day of _____, 19____.

_____
Notary Public, State-at-Large
My commission expires the ____ day of _____, 19____.

COMPLETE FOR SURETY BOND:
SURETY:
ADDRESS:
LOCAL AGENCY ISSUING BOND:
ADDRESS:
BY:
OFFICIAL POSITION:
SIGNATURE:
DATE:
NOTE: The person who signs for a surety company shall file with the bond a copy of the Power of Attorney showing authority to sign. All bonds executed by an out-of-state bonding agent shall be countersigned by a resident Kentucky agent.
COUNTERSIGNED
BY:
AGENT FOR:
ADDRESS:

APPENDIX B TO 401 KAR 48:310
IRREVOCABLE LETTER OF CREDIT

_____
(financial institution)

COMMONWEALTH OF KENTUCKY
Natural Resources and
Environmental Protection Cabinet
Department for Environmental Protection
Division of Waste Management
18 Reilly Road
Frankfort, Kentucky 40601

Date:_____
IRREVOCABLE LETTER OF CREDIT NO:_____

Gentlemen:

We hereby open our irrevocable letter of credit in your favor for the account of _____ for a sum or sums not exceeding a total of _____ dollars ($_____) available by your draft(s) on us at sight when accompanied by a Natural Resources and Environmental Protection Cabinet Order of Forfeiture.

It is a condition of this Letter of Credit that it will be automatically extended for additional periods of up to one (1) year from the then relevant expiry date unless thirty (30) days prior to that relevant expiry date, we notify you that we elect not to extend this Letter of Credit whereupon you may elect either to obtain cash collateral by drawing your on-sight draft on us for an amount not to exceed the unused balance of this Letter of Credit, or to let the Letter of Credit expire. For the purposes of this credit, our notice not to extend shall mean:

1. That we send our notification to you at the above-listed address by registered mail (return receipt requested) dated not less than thirty (30) days prior to expiration; and

2. That, in the event, prior to fifteen (15) days before the then relevant expiry date, we have not received either your draft or your written notice that you do not intend to draw

from your draft on us, we will hand deliver our notification to obtain a receipt from: Director, Division of Waste Management, Natural Resources and Environmental Protection Cabinet, or that official's designated representative, not less than five (5) days prior to the then relevant expiry date. In the event we shall have failed to notify you as described above, this Letter of Credit shall be automatically extended for a period of one (1) year; and

3. That, in the event you draw your draft upon us in response to our notice not to extend, such draft need not be accompanied by an Order of Forfeiture.

Drafts must be negotiated not later than _____. All drafts drawn under this credit shall state that they are "drawn under _____, dated _____, associated with permit number.

This Letter of Credit is subject to the Uniform Commercial Code of the Commonwealth of Kentucky. Jurisdiction for any litigation concerning this Letter of Credit shall be in Franklin Circuit Court, Commonwealth of Kentucky.

In the event we become unable to fulfill our obligations under the Letter of Credit for any reason, notice shall be given within five (5) days to the Permittee and Director, Division of Waste Management, at the address indicated in this Letter of Credit.

We hereby agree with the drawers, endorsers and bona fide holders of drafts drawn under and in compliance with the terms of this credit that such drafts will be duly honored on due presentation to the drawee.

Unless otherwise expressly stated, this Letter of Credit is subject to the "Uniform Customs and Practice for Documentary Credits (1983 Revision) International Chamber of Commerce, Publication 400."

BY:_____
Authorized Signer

_____
Title

APPENDIX C TO 401 KAR 48:310
COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
18 REILLY ROAD
FRANKFORT, KY 40601
ESCROW AGREEMENT

THIS AGREEMENT, made, executed, and delivered this the _____ day of _____, 19____, by and between _____, as Applicant, and _____, and the Kentucky Natural Resources and Environmental Protection Cabinet (hereinafter Cabinet).

WITNESSETH:

WHEREAS, Applicant desires to obtain a permit to construct and/or operate a solid waste site or facility in the Commonwealth of Kentucky; and

WHEREAS, the laws of the Commonwealth require that a bond be posted to insure proper closure, closure care of the facility and if required, corrective action to guarantee performance of the requirements in KRS Chapter 224 and the regulations promulgated pursuant thereto, and

WHEREAS, the Applicant desires to meet the bonding requirements for constructing and/or operating a solid waste site or facility in the Commonwealth of Kentucky by executing such bond and posting surety in the sum of _____ dollars ($_____) with the Cabinet to be held by Escrow Agent, which sum is hereby acknowledged by the Cabinet to be sufficient and acceptable for the permit application number ___ _____, relating to _____ acres located at _____ in _____ County, Kentucky; and

WHEREAS, such sum shall be placed in the safe custody of the Escrow Agent and the Agent is directed to purchase certificates of deposit of the _____, which certificates of deposit are hereinafter referred to as The Certificates, and are more fully described as follows, to wit:

CERTIFICATE NO. DATE OF ISSUANCE PRINCIPAL AMT.

AND WHEREAS, this Agreement is a supplement to the bond filed by the Applicant with permit application number _____ for a permit to construct and/or operate a solid waste site or facility.

NOW, THEREFORE, in consideration of the premises set forth herein, the parties hereto mutually agree as follows:

1. The Escrow Agent hereby acknowledges receipt of The Certificates above listed, to be safely and securely kept for the stated purposes of this Agreement and subject to the terms and conditions herein, and hereby binds itself to perform completely under the terms of this Agreement and to dispose of The Certificates or the proceeds therefrom only as provided herein. The Escrow Agent further agrees to exercise due care in the safekeeping and delivery of The Certificates;

2. The parties agree The Certificates or any subsequent Certificates are and shall be made payable in favor of the Escrow Agent only and the parties further agree that until such time as the Cabinet orders that the bond for the permit application be forfeited or until such time as the bond is released, all interest accruing on The Certificates shall be disposed of in accordance with paragraphs 4 and 5 of this Agreement;

3. The parties agree that the Escrow Agent is hereby authorized and directed to insure that The Certificates remain in full force during the term of this Agreement and the Escrow Agent may, upon notice to all parties, and upon the maturity of The Certificates, issue new Certificates of face value equal to the outstanding amount of the bond. In the event of such issuance, the new Certificates shall replace The Certificates herein for all purposes and shall be subject to the conditions of this Agreement;

4. Any interest accruing on The Certificates shall be held by the Escrow Agent until such time as the bond has been released or forfeited or The Certificates have matured and been replaced by new Certificates. No interest shall be paid to the Applicant on any Certificate until such time as the Certificate matures or a full release has been obtained from the Cabinet or until the bond has been forfeited and any penalty resulting from the cashing of the Certificate has been satisfied;

5. In the event of forfeiture of the performance bond herein and upon the Cabinet's written notice of such forfeiture to the Escrow

Agent, the Escrow Agent shall promptly cash The Certificates and forward to the Cabinet a Cashier's Check in the outstanding amount of the bond, pay any penalties which result from the cashing of The Certificates from the interest accrued thereon, and remit any remaining interest and principal to the Applicant;

6. The parties agree that neither the Escrow Agent nor the Cabinet shall be liable for any loss of interest which may result to the Applicant as a result of an Order of Forfeiture;

7. The Escrow Agent shall not be liable for inquiring whether there has been performance by the Applicant or to see the application of any monies paid on the instruction of the Cabinet and in such matters the Escrow Agent may rely upon the instructions of the Cabinet executed by the Secretary of the Cabinet, his designee, or his successor or the successor agency as provided by law. The Escrow Agent need not verify the apparent authority of an agent of the Cabinet in carrying out the Cabinet's instructions. Nothing herein shall prevent the Commonwealth from designating a person authorized to act for it in any other lawful manner;

8. That for value received the Applicant does hereby assign, transfer, and set over to the Commonwealth of Kentucky all right, title, and interest which the Applicant may have in The Certificates. The parties agree that The Certificates are being held solely for the benefit of the Commonwealth of Kentucky and that the Applicant has relinquished all right, title, and interest to The Certificates as provided herein. The Applicant may not pledge or encumber in any manner The Certificates or any renewal certificates, or the interest due thereon, so long as the same are subject to the conditions of the bond herein;

9. The Cabinet agrees that upon completion of proper closure and postclosure, or corrective action of or for the solid waste site or facility and upon the Cabinet's inspection and certification of same and in the case of contained landfills, upon certification by a professional engineer, the Cabinet shall release the bond herein and promptly notify the Escrow Agent and the Applicant of such release.

10. It is agreed, as between the parties, that in the event the Escrow Agent closes or goes into receivership, any Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or National Credit Union Administration insurance proceeds paid on, to, or as a result of The Certificates, shall first be applied to cover The Certificates;

11. The parties agree that the Escrow Agent shall be the Cabinet's agent for holding The Certificates for the purpose of perfecting the Cabinet's security interest in those Certificates under KRS Chapter 355.

12. This agreement shall be binding upon the successors and assigns of the respective parties; and

13. Upon receipt by the Escrow Agent of written notification by the Cabinet of the forfeiture or the release of the bond herein, and disbursement pursuant to this agreement by the Escrow Agent of written notification by the Cabinet of the forfeiture or the release of the bond herein, and disbursement pursuant to this agreement by the Escrow Agent of The Certificates or the proceeds therefrom and any interest accrued thereon, the Escrow Agent shall be discharged of any and all duties and liabilities arising out of or as a result of this Agreement.

SIGNED, SEALED, AND DELIVERED, the day and date first above written by the appropriately authorized officers.

APPLICANT:
BY:
TITLE:
ESCROW AGENT:
BY:
TITLE:
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
BY:
TITLE:

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 49:010. General planning and management provisions for solid waste.

RELATES TO: KRS 61.874, 109.011, 109.041, 109.115 [109.071], 109.190, 224.005, 224.835, 224.842, 224.887, 224.888

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.868, 224.886, 224.887

NECESSITY AND FUNCTION: KRS 224.033(24), 224.886, and 224.887 require the Natural Resources and Environmental Protection Cabinet to adopt regulations for counties, combinations of counties, cities, and waste management districts to create [in creating] solid waste management areas for the purpose of planning for solid waste management and recovery activities. This chapter establishes the requirements for solid waste planning. This regulation defines essential terms and sets forth general provisions which apply to all counties, urban county governments, combinations of counties, cities and waste management districts seeking designation as solid waste management areas. This regulation neither prohibits nor discourages the participation of the private sector in any solid waste activity. Moreover, it is preferable for solid waste activities to be performed by the private sector when such is in the best interest[s] of the public and conforms with the policies and provisions set forth in KRS Chapter 109.

Section 1. **Definitions.** (1) [Applicability.] [(1)] The solid waste management planning regulations shall apply to all counties, combinations of counties, cities, urban-county governments and waste management districts.

[(2)] Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, a county, city or waste management district shall regulate special wastes as defined in KRS 224.868 or solid waste from agricultural or mining operations as provided in KRS 109.041(4).

(2) [Section 2.] [Definitions.] Unless otherwise defined in this section, the

definitions in 401 KAR 30:010 shall apply. Whenever the following terms appear in this chapter, unless context requires otherwise, they shall have the meanings given in this section.

(a) [(1)] "Action of the fiscal court" means any action or deed, including but not limited to a resolution or ordinance, which legally binds a county or, in the case of an urban-county government, the body in which legislative power is vested.

(b) [(2)] "Agreement" means a legally binding document or contract evidenced by a writing which establishes a waste management district or a proposed solid waste management area. The agreement may be between a single county, or two (2) or more counties and an agency or office which has been assigned responsibility for area plan development by a fiscal court.

[(3) "Area solid waste management plan" or "area plan" means the plan required by KRS 224.888 which sets forth a comprehensive program of solid waste management developed for implementation at the local government level.]

(c) [(4)] "Collection" means the gathering of solid waste at or near the source of generation. Sources of generation include, but are not limited to, residences, commercial establishments, institutions, and industrial plants.

(d) [(5)] "Designation as a solid waste management area" or "designation" means the approval from the cabinet of the application for designation as a solid waste management area as specified in 401 KAR 49:060 [030].

(e) [(6)] "Implementation" means the actual performance of planned activities according to time schedules in the approved area plan.

(f) [(7)] "Kentucky Waste Management Plan" means the comprehensive, statewide solid waste management plan [approved by the U.S. Environmental Protection Agency].

(g) "Medical waste" means any solid waste generated from health care facilities, including, but not limited to, hospitals, clinics, laboratories, and physicians', dentists' and veterinarians' offices.

(h) [(8)] "Planning period" means the interval of time designated for the accomplishment of [area] solid waste management area planning goals:

1. [(a)] "Short-term" means the planning period from the first through the fifth year after the most recent plan revision.

2. [(b)] "Midterm" means the planning period from the sixth through the tenth year after the most recent plan revision.

3. [(c)] "Long-term" means the planning period from the 11the through the 20the year after the most recent plan revision.

(i) [(9)] "Processing" means any solid waste material recovery, energy recovery, incineration, pulping, shredding, baling, compacting, any other method or technique to alter the physical or chemical composition of the solid waste, or any combination thereof.

(j) [(10)] "Regional" means of or pertaining to more than one (1) county.

(k) [(11)] "Resource conservation" means reduction of the amount of solid waste that is generated, reduction of overall resource consumption, or utilization of recovered resources.

(l) [(12)] "Solid waste activity" means any manner of solid waste management including collection, source separation, storage, transportation, transfer, processing, treatment and disposal.

(m) [(13)] "Source separation" means sorting solid waste for material recovery.

[(14) "Substantial revision" means a revision to an application for area designation which will significantly affect the plan, including but not limited to changes to local laws and regulations; delays in implementation; reordering or other changes to established, approved priorities; changes to the acquisition schedule for solid waste management activities or facilities; or changes in budgeting that will delay or prohibit implementation of the area plan.]

(n) [(15)] "Transfer" means the placement of solid waste from smaller collection vehicles into larger vehicles for transportation to other intermediate or final disposal facilities.

[(16) "Transportation" means the conveyance of solid waste by any mode.]

[Section 3. Notification of Intent to Apply for Area Designation. (1) Identification of lead agency. After a county decides to join with another county or counties or to assume joint responsibility with a city, or to independently submit an area plan, the fiscal court(s), board of directors or, in the case of an urban-county government, the body in which legislative power is vested, or such other office or agency responsible for area plan submittal shall notify the cabinet in writing by January 1, 1985, of the intent to apply for area designation. One (1) or more cities may be delegated the responsibility for developing an area solid waste management plan or providing solid waste management services where both the city and county agree to such delegation. Regardless of any such delegation, the county shall retain primary responsibility for solid waste management. Upon receipt of a Notification of Intent to Apply, the cabinet will transmit copies of the notification to all counties in Kentucky contiguous to the proposed solid waste management area. The notification shall state:]

[(a) Whether the applicant is acting independently, jointly or as a waste management district;]

[(b) The agency which will have primary responsibility for plan development; and]

[(c) The name and title of a designated contact person.]

[(2) Changes to information submitted. A county, city, or waste management district shall notify the cabinet within thirty (30) days of deciding to enter into a new agreement or amend, modify, or dissolve an existing agreement. The cabinet shall transmit copies of the notification to all counties in Kentucky contiguous to the proposed solid waste management area.]

[Section 4. Establishment of Waste Management Districts. (1) Garbage and refuse districts. Garbage and refuse districts established pursuant to KRS Chapter 109 prior to June 17, 1978 shall be deemed waste management districts by the cabinet pursuant to KRS 109.190. Garbage and refuse districts which elect to be considered waste management districts shall petition the cabinet by submitting the information required in Section 3 of this regulation. Upon approval of the petition by the cabinet, the name of the garbage and refuse

district will be changed to reflect the new status as a waste management district. An existing garbage and refuse district may dissolve the district to apply for designation as a solid waste management area independently or in conjunction with any county.]

Section 2. [(2)] Formation of waste management districts. A single county, urban county government or two (2) or more counties which elect to become a waste management district under KRS 109.115 [109.071] shall notify the cabinet. [In addition to the notification required by Section 3 of this regulation,] The waste management district shall submit:

(1) [(a)] The agreement which establishes the district;

(2) [(b)] The rules, regulations, bylaws or other documents which govern the actions of the board of directors; and

(3) The name of the contact person and their mailing address;

(4) [(c)] A list of the members of the board of directors and their official titles. The cabinet will confirm receipt of the notification in writing to the individual identified as the contact person; and [.]

(5) Information necessary to update the solid waste management area plan.

[Section 5. Request for Information. The cabinet will provide at no cost one (1) copy of each document listed below to the fiscal court of each county, board of directors or other duly authorized office or agency. Additional copies will be provided upon request, at cost.]

[(1) Kentucky Solid Waste Management Regulations.]

[(2) Kentucky Solid Waste Management Planning Regulations.]

[(3) Guidelines for Land spreading].

[(4) Kentucky Waste Management Plan.]

[(5) Kentucky Solid Waste Management Plan-Executive Summary for the Area Development District which contains the county or two (2) or more counties joined by agreement or which contains a solid waste management district.]

[(6) Guidelines for the Development and Formulation of Area Solid Waste Management Plans.]

Section 3. [6.] Severability. If any section, paragraph, phrase, sentence or clause of this chapter is declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 49:060. Application for designation as a solid waste management area.

RELATES TO: KRS 61.874, 109.011, 109.041, 109.115, 109.190, 224.005, 224.830 through 224.888

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.886, 224.887

NECESSITY AND FUNCTION: KRS 224.887 requires the cabinet to adopt regulations for counties, combinations of counties, cities, and waste management districts to create solid waste management areas for the purpose of planning for solid waste management and recovery activities. KRS 224.888 requires the area plans to be prepared in accordance with regulations promulgated by the cabinet. This chapter establishes the requirements for solid waste planning. This regulation sets forth application criteria that apply to all entities seeking designation as a solid waste management area.

Section 1. Applicability. Each county, urban county government, and waste management district shall prepare, adopt, maintain, update and implement a comprehensive, coordinated [area] solid waste management area plan. The area plan shall contain the items outlined in 401 KAR 49:070 and is a prerequisite component for designation as a solid waste management area. A county may delegate responsibility for preparing an area-wide plan to a city if the city agrees to assume such responsibility. Cities that operate solid waste facilities or services, or contracted with a person to provide such facilities or services on or before July 15, 1984, and which pay a pro rata share of the cost of plan development, may assume joint responsibility with a county for plan development.

Section 2. Steps for Gaining Solid Waste Management Area Designation. This section summarizes those steps, in order of progression, that counties [a county], cities, urban county governments, or waste management districts shall follow to gain designation as a solid waste management area. All counties, cities, urban county governments or waste management districts shall submit the following to the cabinet:

(1) A notification of intent to apply for area designation, in accordance with Section 4 of this regulation, shall be submitted eighteen (18) months prior to the expiration of the existing area plan;

(2) A draft area plan, in accordance with Section 5 of this regulation, shall be submitted no less than nine (9) months prior to expiration of the existing area plan;

(3) A public notice of the draft area plan and the county's intent to apply for area designation, in accordance with Section 6 of this regulation, shall be issued upon approval of the draft area plan by the cabinet. The notice period shall be for a period of no less than thirty (30) days. If requested during the public notice period, a public hearing(s) shall be held by the lead agency for plan development;

(4) A copy of the resolution and ordinance, in accordance with Section 7 of this regulation, formally approving and adopting the draft area plan shall be submitted by each entity that signed the notice of intent to apply for area designation. The draft area plan shall be approved and adopted only after the public comment period expires and any subsequent public hearing(s) are held and input received; and

(5) An application for area designation, in accordance with Section 8 of this regulation, shall be submitted after the draft area plan has

been approved and adopted by resolution or ordinance. This application shall be submitted three (3) months prior to expiration of the existing area designation.

Section 3. City Government Roles in Solid Waste Management. No city shall be authorized to prepare an area plan or apply for designation as a solid waste management area unless the county, urban county government or waste management district delegates responsibility for area plan development to the city. Area plans prepared by a city shall address solid waste management problems and activities at both the city and county levels. If a county, urban county government or waste management district fails to apply or reapply as a solid waste management area at the time of expiration, a city may provide solid waste services and shall have all the powers and restrictions set forth for counties in KRS 109.041, 109.056, 109.059, and 109.062.

Section 4. Notification of Intent to Apply for Area Designation. The notification of intent to apply for area designation shall be submitted by an entity desiring designation as a solid waste management area.

(1) Identification of lead agency. Eighteen (18) months prior to the expiration of the plan, a notification of intent to apply for area designation shall be submitted to the cabinet. This shall be done by the lead agency which may be a single county or urban county government, multiple counties, a waste management district or a county in cooperation with a city or cities. The notification of intent to apply for area designation shall be adopted by resolution or ordinance by the fiscal court, boards of directors or, in the case of an urban-county government, the body in which legislative power is vested. One (1) or more cities may be delegated the responsibility for developing a solid waste management area plan or providing solid waste management services where both the city and county agree to such delegation. Regardless of any such delegation, the county shall retain primary responsibility for solid waste management. Upon receipt of a notification of intent to apply for area designation, the cabinet shall transmit copies of the notification to all counties in Kentucky contiguous to the proposed solid waste management area. The notification shall be on a form supplied by the cabinet and shall contain:

(a) Signed statements from each agency responsible for plan development, stating whether the applicant is acting independently, jointly or as a waste management district;

(b) The name of the agency and the designated contact person who shall have primary responsibility for plan development; and

(c) The name and title of a designated contact person from each agency that assumes responsibility for plan development.

(2) Each agency that assumes responsibility for plan development shall conclude a resolution or ordinance adopting the notice of intent to apply for area designation, a copy of which shall be submitted to the cabinet with the intent to apply form.

(3) Dissolving a 109 district. Counties who previously established waste management districts under the provisions of KRS 109.041 or 109.115 [071 or KRS Chapter 65] but do not wish to apply under this entity shall first dissolve the waste management district. In the case of a nontaxing district, this shall be accomplished by ordinance. In the case of a taxing district or a waste management district established by KRS Chapter 65 or KRS 109.071, the district shall be dissolved in accordance with the procedures outlined in KRS 65.170 and 65.176.

(4) Changes to information submitted. A county, city, or waste management district shall notify the cabinet within thirty (30) days of deciding to amend, modify, or dissolve an existing agreement. The cabinet shall transmit copies of the notification to all counties in Kentucky contiguous to the proposed solid waste management area.

Section 5. Preliminary Review and Approval of Area Plan. The fiscal court, urban county council or waste management district or designated agency shall submit a draft area plan to the cabinet no less than nine (9) months prior to the expiration of the area designation. The draft area plan shall be adopted by resolution by each entity that signed the notification of intent to apply for area designation before the area plan is submitted to the cabinet for preliminary review. Upon submittal to the cabinet, a preliminary review shall be conducted to determine the plan's compliance with the Kentucky waste management plan and all applicable laws and regulations, and a determination shall be made within ninety (90) days to approve or deny the draft area plan. Upon finding that the draft area plan is in compliance with all applicable requirements, the cabinet shall issue a written preliminary approval. This preliminary approval may condition final approval of the area plan and designation as a solid waste management area upon corrections or amendments to the draft area plan.

Section 6. Public Notice for Area Plan. (1) Public notice. Upon receipt of preliminary approval of the draft area plan, the fiscal court of each county in the proposed area or, in the case of an urban-county government, the body in which legislative power is vested, shall issue a public notice indicating their intent to apply for designation as a solid waste management area and that the solid waste management area plan is available for public review for a period of thirty (30) days. The fiscal court(s), urban county government or waste management district shall also give notice of this review opportunity to all agencies which signed the application to apply for designation and each city located within the county. This information shall specify the amount of time allowed for their review and comment.

(2) Public hearing. If a public hearing is requested as a result of the public notice, the fiscal court of each county in the proposed area shall hold at least one (1) public hearing prior to adopting or approving the draft plan. The cabinet recommends that each comment received be evaluated and that a written response be prepared. A transcript or a summary of the comments received and the consideration of comments, if prepared, shall be made available to each designated contact person identified in the notification of intent to apply for area designation, if applicable, prior to adoption or

approval of the application for designation as a solid waste management area. Copies of the comments and and consideration of comments, if prepared, shall be made available to the public through public libraries, public offices, individual copies, or any similar means, and shall be available to the cabinet upon request.

Section 7. Plan Approval and Adoption. Approval of the draft area plan by the fiscal court or waste management district shall not take place prior to public involvement as stipulated in Section 6 of this regulation. The fiscal court of each county in the proposed area or, in the case of an urban-county government, the body in which the legislative power is vested, as well as any other entities that signed the notice of intent to apply for area designation stipulated in Section 4 of this regulation, shall approve the draft area plan by ordinance or resolution. The ordinance or resolution shall state concurrence with the following:

(1) The objectives set forth in the area plan;

(2) The schedule for implementation of the program including month and year of task initiation and month and year of task completion;

(3) Procedures to obtain financing for the recommended public program through the short-term planning period; and

(4) The duties and responsibilities of all entities identified in the area plan.

Section 8. Application for Designation as a Solid Waste Management Area. (1) Application content. After preliminary approval of the draft plan by the cabinet and adoption of the application and plan by the fiscal court of the county(ies) or in the case of an urban-county government, the body in which legislative power is vested, application shall be made to the cabinet for designation as a solid waste management area. The application shall be on a form provided by the cabinet and shall include:

(a) Name of the proposed area;

(b) Name and address of the primary agency responsible for area plan implementation;

(c) Name, address and telephone number of the individual identified as the contact person for the primary agency;

(d) A list of the members of the fiscal court or board of directors, or, in the case of an urban-county government, the body in which legislative power is vested, and their titles, if appropriate;

(e) [Three (3)] Copies of the area plan prepared in accordance with 401 KAR 49:070;

(f) Copies of the ordinances or resolutions approving the area plan from each entity that signed the notification of intent to apply for area designation;

(g) The agreement or contract establishing the proposed area, if applicable;

(h) A copy of the final public notice required under Section 6 of this regulation; and

(i) A description of the general administrative process to implement the plan which shall include budgeting, enforcement, plan review, public information, management, and operation of the waste management activities or facilities proposed.

(2) Submittal date. The application for designation as a solid waste management area shall be submitted to the cabinet three (3) months prior to the expiration of the area designation.

(3) Copies required. The county shall submit one (1) copy of the application for designation as a solid waste management area and at least three (3) copies of the area plan. In the case of a multicounty waste management district at least one (1) plan shall be submitted for each county in the district plus two (2) additional copies of the area plan. Copies shall be eight and one-half (8 1/2) inches by eleven (11) inches and each page shall be securely bound in a notebook, folder or a similar means designed to keep the pages in order. Pages shall be numbered and the plan shall follow the formatting required in 401 KAR 49:070, Section 2. A title sheet identifying the plan and the lead agency which developed the plan shall be placed at the beginning of the area plan package.

Section 9. Designation as a Solid Waste Management Area. (1) Approval of the application. The cabinet shall review the information submitted pursuant to Section 8 of this regulation to determine whether the application and area plan are consistent with the Kentucky waste management plan and in compliance with all applicable state laws and regulations. If the information is in compliance, the cabinet shall approve the application and notify the lead agency in writing.

(2) Rejection of the application for designation. Rejection of the application shall be in writing and accompanied by a list of deficiencies which, if corrected may justify approval of the application for designation as a solid waste management area.

(3) If the entities of the designated solid waste management area amend, modify, or dissolve the agreement establishing the area, the cabinet shall be notified in writing no later than thirty (30) days after such action. The cabinet shall review the notification of amendment or modification of an agreement and make a written determination as to whether the county, counties, cities or waste management district shall submit a revised area plan. If the cabinet determines that a revised plan shall be submitted, each county or counties from a dissolved solid waste management area shall submit a revised proposed area plan, approved by the fiscal court of the county or counties within the proposed area or, in the case of an urban-county government, the body in which legislative power is vested, within six (6) months of the date of dissolution of the area. Failure to comply with the provisions of this section regarding revision of the area plan shall be grounds for revocation of area designation.

Section 10. Plan Amendments. (1) Amendments and updates shall be made:

(a) If the cabinet determines that the approved plan or any part thereof is inadequate based on new or revised information, conditions or circumstances or the plan is not being implemented according to the schedule in the approved plan; or

(b) If the solid waste management area determines that the approved plan or any part thereof is inadequate based on new or revised information, conditions or circumstances. The revised plan shall be approved by the fiscal court of each county within the area or, in the

case of an urban-county government, the body in which legislative power is vested, as well as any entities which signed the notification of intent to apply for area designation stipulated in Section 4 of this regulation and submitted to the cabinet for review and approval.

(2) The solid waste management area shall submit to the cabinet a notice of intent to amend its solid waste plan. The notice shall include a description of the plan amendment and how it will change solid waste management. The cabinet shall advise the applicant of the acceptability of the proposed change. If the change is deemed to significantly impact solid waste management in the area in a manner that will significantly increase the expected cost to individuals for solid waste management or reduce service within the area, the entities that signed the notice of intent to apply for area designation shall:

(a) Approve and adopt the amendments in accordance with Section 7 of this regulation; and

(b) Submit to the cabinet a request for approval of the amendment including all information that is required in Section 8(1) of this regulation that has changed as a result of the plan amendment.

(3) The solid waste management area shall publish a notice that summarizes proposed changes to a solid waste management area plan, in accordance with Section 6 of this regulation, once preliminary approval is granted by the cabinet.

Section 11. Implementation. Each county, urban county government or waste management district shall apply for or reapply for designation as a solid waste management area and shall implement the approved solid waste management area plan.

Section 12. Severability. If any section, paragraph, phrase, sentence or clause of this regulation is declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

Section 13. Repeal. 401 KAR 49:020, entitled Submission of area plan, 401 KAR 49:030, entitled Designation as a solid waste management area, and 401 KAR 49:050, entitled Establishment of fees, are hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Waste Management
(Amended After Hearing)

401 KAR 49:070. Contents of the area plan.

RELATES TO: KRS 224.005 through 224.110, 224.830 through 224.888, 224,994
STATUTORY AUTHORITY: KRS Chapter 13A, 224.033, 224.886, 224.887, 224.888
NECESSITY AND FUNCTION: KRS Chapter 224 requires the cabinet to adopt rules and regulations for the treatment, storage, recycling and disposal of solid wastes. KRS 224.886 grants the cabinet the primary authority to promulgate regulations for coordinating solid waste planning and management activities of waste management districts, counties or any combination thereof. KRS 224.887 requires the cabinet to promulgate regulations for creation of solid waste management areas and for planning for the management and recovery of solid waste. KRS 224.888 requires the area plans to be prepared in accordance with regulations promulgated by the cabinet. This chapter establishes the solid waste planning and management activities requirements. This regulation identifies the contents for area plans.

Section 1. Purpose and Scope of the Solid Waste Management Area Plan. (1) The area plan shall establish an orderly procedure for achieving the objectives of KRS Chapters 109 and 224, meeting the requirements of the solid waste management regulations and demonstrating conformance with the Kentucky waste management plan, as determined necessary by the cabinet. To accomplish the objectives of this subsection, the area plan shall address all solid waste management issues in the proposed area.

(2) In meeting the requirements for resource recovery and recycling, collection, transportation, storage, treatment and disposal activities and facilities, the area plan shall provide for an assessment of the adequacy of existing activities and facilities and the need for new, improved or expanded activities and facilities. It is not intended that detailed engineering design of specific activities or facilities be integrated into the plan.

(3) The area plan shall establish priorities and timetables for action based on a demographic study of the area, the existing level of solid waste management, the solid waste management system deficiencies, the goals and objectives to be accomplished, and the resources and management approaches available to the area. The priorities established shall cover a minimum of twenty (20) years from the date the area plan is submitted to the cabinet for approval in short-term (five (5) years), midterm (six (6) [five (5)] - ten (10) years) and long-term (ten (10) - twenty (20) years) planning periods, and shall contain the level of detail specified in Sections 5 and 8 of this regulation.

(a) The short-term period shall contain an actual schedule of activities to be implemented on an annual basis;

(b) The midterm period shall contain objectives and measures sufficiently detailed to show feasibility; and

(c) The long-term period shall contain objectives and measures which shall be general and goal-oriented.

(4) The area plan shall document those policy decisions adopted by the solid waste management area in addressing its solid waste management needs as follows:

(a) The area plan shall address existing legal authority for solid waste management within the proposed area, and shall identify modifications or additions to existing legal authority necessary to implement the proposed plan.

(b) The area plan shall include all incorporated and unincorporated areas in each county within the planning area and describe the relationship between the proposed area and those waste management activities currently being implemented by cities within the proposed area.

For solid waste management facilities or activities which are currently operated by or under the control of a city within the proposed area, and shall continue to be operated by such, the plan shall describe the city's solid waste management system in a level of detail equal to that which is required by the county under this regulation. The plan may provide that the city shall continue to operate as an integral unit of the solid waste management area.

Section 2. Format of the Area Plan. The specific requirements for the contents of each chapter of the area plan shall be as specified in Sections 3 through 8 of this regulation. Each area plan shall have the organizational structure and chapter headings which are specified in this section.

(1) Title page and table of contents. Each area plan shall have as the firs page a title page which shall contain the name of the solid waste management area and the month and year the area plan was submitted to the cabinet. The second page of the area plan shall be titled: Table of Contents. Each table of contents shall list the chapter number, chapter name and page number on which the chapter begins.

(2) Chapter I. At the beginning of the first chapter, the following chapter heading shall be used: Chapter I - Background Information and Projections. This chapter of the area plan shall contain a general description of the physical, social and economic characteristics of the area. The specific requirements for the content of this chapter are specified in Section 3 of this regulation.

(3) Chapter II. At the beginning of the second chapter, the following chapter heading shall be used: Chapter II - Existing System. This chapter of the area plan shall contain an inventory and description of the existing solid waste management activities and facilities. The specific requirements for this chapter are specified in Section 4 of this regulation.

(4) Chapter III. At the beginning of the third chapter, the following chapter heading shall be used: Chapter III - Goals and Objectives of the Plan. This chapter of the area plan shall specify the area's goals and objectives for properly managing its solid waste. The specific requirements for this chapter are specified in Section 5 of this regulation.

(5) Chapter IV. At the beginning of the fourth chapter, the following chapter heading shall be used: Chapter IV - Deficiencies of the Existing System. This chapter of the area plan shall contain a description of the existing solid waste management system's deficiencies in meeting the objectives of the area. The specific requirements for this chapter are specified in Section 6 of this regulation.

(6) Chapter V. At the beginning of the fifth chapter, the following chapter heading shall be used: Chapter V - Analysis of Alternative Approaches. This chapter of the area plan shall identify all the alternatives which may be employed to achieve the area's goals and objectives and remedy system deficiencies. The specific requirements for this chapter are specified in Section 7 of this regulation.

(7) Chapter VI. At the beginning of the sixth chapter, the following chapter heading shall be used: Chapter VI - Selected Solid Waste Management System. This chapter of the area plan shall outline the selected solid waste management system to be implemented. The specific requirements for this chapter are specified in Section 8 of this regulation.

Section 3. Chapter I - Background Information and Projections. The area plan shall contain a general description of the physical, social, and economic characteristics of the area. The analysis shall include a description of:

(1) The topography of the area, including a map on a scale of at least 1:125,000 identifying all major topographical features;

(2) Current and projected population centers for five (5), ten (10) and twenty (20) years by census division, enumeration district or other subarea approved by the cabinet;

(3) Current and projected centers of waste generation including estimates of residential, commercial, and industrial wastes for five (5), ten (10) and twenty (20) years by census division, enumeration district or other subarea approved by the cabinet;

(4) Estimates of other solid waste streams such as institutional solid wastes, construction and demolition debris, sludges, septic tank pumpings and medical wastes; and

(5) Any portion of a comprehensive land use plan of the county, counties or city(ies), if such a plan exists, as it relates to solid waste management. This analysis shall include any information which outlines siting criteria for solid waste management facilities.

Section 4. Chapter II - Existing System. The area plan shall contain an inventory and description of all existing solid waste management activities and facilities in sufficient detail to assess their adequacy.

(1) Collection and transportation. This information shall include:

(a) A map of the area drawn to a scale of at least 1:125,000 depicting existing subareas to include, if appropriate, the following collection and transportation information in each subarea:

1. Boundaries of the subarea;
2. Collection routes delineated by hauler; and
3. Location and description of greenboxes, convenience centers, transfer stations and ultimate disposal site; and

(b) A narrative describing the existing collection and transportation system in each subarea including, if appropriate:

1. Method of collection, including rates and frequency;
2. Number of households;
3. Level of participation in the collection services;
4. Amounts of residential, commercial, industrial, and medical waste collected;
5. Capacity of greenboxes, convenience centers, and transfer stations;
6. Mileage from the subarea to the disposal site(s) or transfer station; and
7. Name and address of each governmental agency or private company providing the service of waste transportation.

(2) Disposal. The area plan shall describe each site or facility at which the area's solid waste is being disposed. The description shall include the identity, location, live expectancy, ownership, cost of operating each facility, charges to the users, and a statement of the ability of the site to comply with all applicable laws and regulations. This

description shall also identify the counties or states that currently use each disposal site or facility.

(3) Open dumps. The area plan shall identify on a map of a scale of at least 1:125,000 and provide a description of all existing open dumps in the proposed area.

(4) Recycling and resource recovery. The area plan shall provide an inventory of all recycling facilities and activities within the area. This description shall include, at a minimum, the company name and address of private recyclers, types of materials recycled, and the level of public participation. This information should also identify any civic activities which allow the citizens of the area to recycle. This information shall include the name of the organization, the items collected and the frequency of these activities.

(5) Legal authority. The area plan shall identify and include copies of all city and county ordinances, resolutions or regulations and waste management district regulations which relate to any aspect of solid waste management.

(6) Storage. The area plan shall identify those regulations and ordinances which provide for proper, safe and sanitary storage of solid waste prior to collection, processing or disposal.

(7) Public education. The area plan shall identify and describe in detail any local organizations, events, or programs which serve as public education forums on solid waste management issues.

(8) Management system. The area plan shall identify all persons, public agencies, committees, commissions, districts or other institutional organizations which are responsible for implementing any part of the present system and include a description of their general responsibilities, authority and enforcement powers.

(9) Financing mechanisms. The area plan shall include a description of financing for the existing solid waste system, including source and amount of funds received and costs of solid waste systems for collection, transportation, treatment and disposal.

Section 5. Chapter III - Objectives of the Plan. The area plan shall identify the short-term, midterm and long-term solid waste management goals and objectives which shall be given priority for implementation by the proposed area. These shall be consistent with state laws and regulations, based on an analysis of deficiencies in the existing solid waste management activities and facilities, the need for new activities and facilities to handle projected waste volumes, and the ability of existing facilities to comply with all applicable laws and regulations. Highest priority shall be given to activities which:

(1) Improve collection and achieve full participation by all residents of the planning area;

(2) Provide for proper disposal through the twenty (20) year planning period;

(3) Eliminate open dumps; and

(4) Promote and encourage resource recovery and recycling activities in order to reduce the amount of wastes disposed of at landfills and maximize the recovery of reusable resources.

Section 6. Chapter IV - Deficiencies of the Existing System. The area plan shall contain a description of the deficiencies of the existing system in meeting the solid waste management planning objectives of the area and Kentucky waste management plan and applicable laws and regulations.

Section 7. Chapter V - Analysis of Alternative Approaches. The area plan shall identify all alternatives which may be employed to achieve the area's goals and objectives as stated in Section 5 of this regulation. This analysis shall include methods of financing each alternative approach, as well as any institutional arrangements which may be needed to implement each alternative. This analysis shall serve as the basis for the area's selected solid waste management system.

Section 8. Chapter VI - Selected Solid Waste Management System. Based upon the objectives of the area plan and the analysis of alternative approaches, the area plan shall describe the selected solid waste management system to be implemented. The area plan shall contain a detailed description of activities which shall be performed to achieve the goals listed for the short-term planning period. This description shall include a schedule detailing the month and year each task shall be initiated and the month and year each task shall be completed. The selected system for the short-term planning period shall include the following elements:

(1) Collection and transportation.

(a) Documentation of the method by which all residents within the planning area will place their waste in or have their waste transported to a cabinet-approved solid waste management site or facility. For each type of collection service utilized, the area shall demonstrate a method for gauging public participation levels throughout the short-term period, with the goal being full participation by all residents by 1995. Collection practices which may be deemed acceptable by the cabinet are as follows:

1. Door-to-door household collection. Collection service may be provided by the public agency responsible for implementation of the solid waste management area plan or by contract, franchise or permit with the private sector.

2. Direct access to a manned convenience center or transfer facility within the planning area. Residents may transport their waste directly to manned convenience centers or transfer facilities within the boundaries of the planning area which meet the environmental performance standards of 401 KAR 47:030.

(b) A map of the area drawn to a scale of at least 1:125,000 depicting changes, if any, which shall be made to the existing collection and transportation systems described in Section 4(1)(a) of this regulation to improve participation in the collection and transportation systems; and

(c) A narrative describing the changes, if any, to the existing collection and transportation systems description contained in Section 4(1)(b) of this regulation, to improve participation in the collection and transportation systems;

(2) Disposal. A description of the sites and facilities at which solid wastes shall be disposed.

(a) For all disposal facilities, whether

publicly owned or privately owned, the county shall secure a formal agreement with the facility to assure the facility's capacity and willingness to accept the county's waste for at least throughout the short-term planning period. A copy of the agreement shall be included in the plan.

(b) Where existing disposal facilities have the capacity sufficient to accommodate projected waste loads through the short-term planning period and are in compliance with all applicable laws and regulations, the plan shall reference the description of the existing disposal facilities in Chapter II of the area plan which are required by Section 4(2) of this regulation.

(c) The area plan shall identify any existing solid waste management facilities which shall be phased out in the short-term planning period.

(d) Where an existing disposal facility is assessed as having a life expectancy less than five (5) years, the area plan shall outline a siting procedure and development program which shall be undertaken during the first year of the short-term planning period to provide for the orderly location, development and financing of new or expanded solid waste disposal facilities. This procedure shall demonstrate how all residents within the planning area shall within the short-term planning period have the ability to dispose of their waste in an environmentally and legally sound manner. When the life expectancy of the existing disposal facility is reduced to less than two (2) years, a formal written agreement which guarantees a five (5) year disposal capacity shall be obtained from another permitted disposal facility.

(3) Open dumps and littering. The area plan shall specify planned programs to be implemented for the control and cleanup of open dumps on public and private property. Programs shall include public education, adoption and enforcement of ordinances, and a detailed description and schedule of cleanup activities. The program description shall identify all agencies responsible for implementing the above referenced activities.

(4) Recycling and resource recovery. The area plan shall document how all residents within the planning area shall have access to and be encouraged to participate in resource recovery and recycling activities. This information shall include:

(a) Any new or expanded activities or facilities to be undertaken by the area or the private sector, if available;

(b) Estimated per ton costs associated with collection and disposal activities as compared to per ton costs of alternative resource recovery activities;

(c) The public education and publicity strategies to be implemented to involve the maximum number of people; and

(d) Specific yearly goals for public participation in recycling and resource recovery activities.

(5) Ordinances. The area plan shall describe and identify any modifications or additions to local laws and regulations necessary to implement the area plan. This shall include evaluating legal authority for conformance with the Kentucky solid waste management regulations and identifying how local laws shall be enforced. The area plan shall also contain a description of the required permitting activities of the area by type of facility. The description shall include the procedures and criteria which shall be used by local government to review and act on the expansion of existing facilities or the siting of new solid waste sites or facilities.

(6) Storage. The area plan shall identify any modifications or additions to local ordinances and regulations which provide for proper, safe and sanitary storage of solid waste on the sources' property while awaiting collection, processing or disposal. The area plan should include criteria for safe and effective waste storage.

(7) Public education. The area plan shall describe specific activities to be implemented to promote proper solid waste management. These activities shall involve all sectors of the public including business, government, civic, media, schools and private citizens. These activities may include cleanup campaigns, school curricula, periodic news articles, and special events.

(8) Management system. The plan shall identify all persons, public agencies, committees, commissions, districts or other institutional organizations which shall be responsible for implementing any part of the area plan. One (1) person shall be identified as the lead person and contact for implementation of the area plan. A description of the general responsibilities, authority and enforcement procedures for the person identified shall be included. The plan shall also describe the specific services that shall be provided for area residents.

(9) Financing. The area plan shall include a detailed description of the short-term, midterm and long-term costs to be financed by the public sector, including capital construction and operating costs. The plan shall indicate the means by which implementation shall be financed. The information shall include an estimate of the costs per person for the selected system for the short-term, midterm and long-term periods.

Section 9. Severability. If any section, paragraph, phrase, sentence or clause of this regulation is declared invalid or unconstitutional for any reason, the remainder of this regulation shall not be affected thereby.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 8, 1990
FILED WITH LRC: March 9, 1990 at noon

PROPOSED AMENDMENTS RECEIVED THROUGH MARCH 15, 1990

PERSONNEL BOARD
(Proposed Amendment)

101 KAR 1:365. Appeal and hearing procedures.

RELATES TO: KRS 18A.075, 18A.0751, 18A.095
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 providing for the procedures to be utilized by the board in the conduct of hearings. [This regulation will replace 101 KAR 1:360 which includes repetition of statutory language which is being repealed.]

Section 1. General Provisions. (1) Appeals shall be filed with the Personnel Board through the office of the executive director.

(2) Appeals shall be filed within thirty (30) calendar days as specified in KRS 18A.095 and 101 KAR 1:375. When the 30th day of the filing period falls on a day when the executive director's office is closed during normal working hours, the appeal may be filed on the next regular working day.

(3) All appeals shall be heard in Frankfort, Kentucky.

(4) If the appeal form indicates that the appealing employee has retained counsel at the time of filing an appeal, notice of the scheduled hearing and all future notices, correspondence and orders regarding the appeal shall be transmitted to that attorney and all filings and motions on behalf of the appealing employee shall be submitted by that attorney.

(5) Unless otherwise directed by the board, the executive director shall assign a hearing officer or officers to each appeal. If more than one (1) hearing officer is assigned, one (1) shall be designated as chief. If the appeal is to be heard by the full board, the chairman shall serve as the chief hearing officer.

Section 2. Continuances. (1) Any party may request a continuance of a scheduled hearing for good cause. The request shall be in writing, shall state the reason for the request and include proposed dates for rescheduling. The request shall be filed with the board, through the office of the executive director, and mailed to all parties at least ten (10) days prior to the scheduled hearing.

(2) Any party objecting to a requested continuance may file a written objection stating the reason. Any objection shall be filed with the board, through the office of the executive director, within five (5) days prior to the scheduled hearing. Copies shall be mailed to all parties.

(3) A continuance may be granted in extraordinary circumstances by the hearing officer.

(4) A request for a continuance based on a bona fide personal emergency shall be granted only upon appropriate justification and may be granted without strict compliance with the requirements of this section.

(5) All requests for continuance shall be ruled on by the hearing officer. At the direction of the hearing officer, the executive director shall execute and transmit to all parties an interim order either granting or denying the continuance. If the continuance is granted, the interim order shall indicate the date on which the hearing has been rescheduled or that the hearing has been continued generally.

Section 3. Prehearing Procedures. (1) All motions, requests or filings shall be in writing, filed with the board through the office of the executive director, and served on all other parties.

(2) Any interim order by the hearing officer shall be executed and transmitted by the executive director to all parties. Interim orders are not reviewable by the board except on final review, unless otherwise provided in the interim order.

(3) If an appealing employee retains counsel subsequent to filing his appeal, the attorney shall file a written entry of appearance. All future notices, correspondence, and orders regarding the appeal shall be transmitted to that attorney and all future filings and motions on behalf of the appealing employee shall be submitted by that attorney.

(4) An appealing employee shall notify all parties and the board in writing of any change of address.

(5) A list of witnesses who may be called to testify shall be filed by each party at least five (5) days prior to the scheduled hearing. Failure of either party to file a witness list within the prescribed time shall restrict that party to rebuttal.

(6) Subpoena forms shall be available in the office of the executive director and shall be issued by the executive director. Preparation and service of the subpoena and compliance with the subpoena are the responsibility of the party requesting the subpoena.

(7) Depositions may be taken only in extraordinary circumstances and upon authorization by the hearing officer. A request to take a deposition shall be filed at least seven (7) days prior to the scheduled hearing. Any objections shall be filed prior to the scheduled hearing.

(8) Upon agreement of all parties and approval by the hearing officer, two (2) or more appeals which involve the same or similar facts may be consolidated. Upon motion of any party, or upon his own motion, the hearing officer may join other parties as necessary to appropriately consider the matter on appeal.

(9) The hearing officer may schedule a prehearing conference to define the issues, determine which facts, if any, can be stipulated, rule on pending motions or requests, and address any other matter which will facilitate the hearing.

(10) Any agreed settlements shall be submitted in writing for the full board's review and final action.

(11) The executive director, general counsel, and board staff may participate in ex parte communication concerning pending and impending proceedings before the board relating to:

(a) Procedural questions.

(b) Scheduling of hearings.

Section 4. Conduct of Hearing. (1) Unless the appeal is heard by the full board, the hearing officer assigned shall hear the appeal. The hearing officer shall be empowered to make all decisions and rule on all matters concerning the conduct of the hearing. He shall require an orderly and proper decorum at the hearing, and shall be authorized to require compliance with his rulings.

(2) Failure of any party to appear at the hearing may result in an adverse ruling against that party.

(3) The rules of civil procedure do not apply.

(4) The hearing officer shall direct one of the parties to present its case first, examine witnesses and submit documentation, subject to cross examination. The opposing party shall then present its case, examine witnesses and submit documentation, subject to cross examination.

(5) All parties shall provide three (3) copies of any exhibit which is to be introduced as evidence. Copies shall be prepared prior to the hearing.

(6) The proceedings and evidence presented shall be recorded by a court reporter.

[(7) No electronic media coverage, including radio or television broadcasting or video recording, shall be permitted during the hearing.]

Section 5. Findings and Recommendations; Exceptions. (1) Following completion of the hearing, the hearing officer shall prepare a recommended order, including findings of fact and recommendations, based on the evidence, facts and information presented at the hearing and contained in the record.

(2) At the direction of the hearing officer, the recommended order shall be entered and transmitted by the executive director to all parties.

(3) Any party may submit written exceptions to the findings of fact and recommendations. Exceptions shall be filed with the board through the office of the executive director within ten (10) days of entry of the recommended order, unless otherwise directed by the hearing officer at the time the recommended order is entered, and served on all parties.

(4) Any party may submit a written response to exceptions filed with the board. The response shall be filed with the board through the office of the executive director within twenty (20) days of entry of the recommended order, unless otherwise directed by the hearing officer at the time the recommended order is entered, and served on all parties.

(5) Exceptions and responses not timely filed shall be noted and made a part of the record, but shall not be considered by the board in making a final determination.

Section 6. Board Review and Action. (1) The board may adopt as submitted the findings and recommendations of the hearing officer, amend the findings or recommendations based on evidence or information contained in the record prior to adoption, or order the appeal remanded to the hearing officer for further action as appropriate.

(2) Following consideration by the full board, a final order shall be entered disposing of the appeal. The order shall be prepared, executed and entered at the direction of the board by the secretary to the board. Copies of the order shall be transmitted to all parties by the executive director.

JAMES M. SHAKE, Chairperson

APPROVED BY AGENCY: March 9, 1990

FILED WITH LRC: March 14, 1990 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 25, 1990, at 9:30 a.m. in Room 364, Capitol Annex Building. Individuals interested in attending this hearing shall notify this agency in writing by April 20, 1990, 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: Commonwealth of 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: 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: Minimal

(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: None

(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: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. This regulation must apply to all classified employees and all state agencies with classified employees. Further tiering has not been utilized in the administrative regulations of the Personnel Board in that the board is a quasi-judicial body and as such has no latitude not granted by statute to utilize tiering methods outlined in KRS 13A.210.

FINANCE AND ADMINISTRATION CABINET
Department for Administration
(Proposed Amendment)

200 KAR 2:006. Employees' reimbursement for travel.

RELATES TO: KRS Chapters [42,] 44, 45
STATUTORY AUTHORITY: KRS [42.030,] 44.060, 45.101 [45.170, 45.180, 45.300]
NECESSITY AND FUNCTION: The Finance and Administration Cabinet is directed by law to coordinate and supervise the fiscal affairs and procedures of the state and is authorized to adopt regulations for that purpose. The purpose of this regulation is to specify eligibility, requirements, rates and forms for reimbursement of travel expense and other official expenses out of the State Treasury. This amendment revises the reimbursement rates for travel expenses.

Section 1. Definitions. As used in this regulation, unless the context requires otherwise:
(1) "Cabinet" means the Finance and Administration Cabinet.
(2) "Division" means the Division of Accounts of the Finance and Administration Cabinet.
(3) "High rate area" means a city or metropolitan area in which it has been recognized that higher meal costs and lodging rates have historically prevailed, and that has been designated by the Secretary of the Finance and Administration Cabinet as a high rate area. The cabinet's policies and procedures manual contains a list of "high rate areas".
(4) "Receipt" means any preprinted invoice, from a hotel, motel, restaurant or other establishment, showing the date of service, the amount charged for the service, the location where the service was performed and a description of the expenditure.
(5) "Secretary" means the Secretary of the Finance and Administration Cabinet.
(6) "Subsistence" means amounts deemed to have been expended by a state officer, agent, employee, or other person authorized to receive reimbursement out of the State Treasury for meals, including tax and tips, while traveling on official state business, but shall not include any meals which may be included in charges for lodging or in registration fees paid by or on behalf of a state officer or employee.

Section 2. [1.] General. (1) Affected agencies. Except as otherwise provided by law, this regulation shall apply to all departments, agencies, boards, and commissions, and institutions of the Executive Branch of State Government. It shall not apply to the Legislative and Judicial branches and their employees.
(2) Enforcement.
(a) Each agency head is responsible for insuring that all travel expense from that agency is as economical as is feasible.
(b) All persons who travel on official state business shall state on the travel [expense] voucher the purpose of each trip, shall maintain records and receipts to support their claims and shall provide themselves with sufficient personal funds to defray their travel expense.
(c) All travel expense claims are to be submitted on the travel expense claim form prescribed by the cabinet (DOA-34).
(d) [(c)]1. The secretary [of the Finance and Administration Cabinet] is responsible for insuring that all travel reimbursement conforms to this regulation. The secretary or his designee [He] may disallow, reduce or strike from travel [expense] vouchers any claims contrary to this regulation. The secretary or his designee [He] may also require written justification from agency heads for amounts claimed by their agencies and employees.
2. The secretary or his designee [of the Finance and Administration Cabinet] may approve exceptions where he finds such exception in the best interest of the Commonwealth.
(3) Eligibility. Except as provided by state law or by this regulation, no reimbursement can be claimed for expenses of any person other than employees, bona fide wards, or other persons in the official service of the Commonwealth. Only necessary expenses of official travel will be reimbursed.
(4) Interpretation. All final interpretations of this regulation shall be made by the secretary [of the Finance and Administration Cabinet], and such determination shall be final and conclusive.

Section 3. [2.] Definitions; Work Station. (1) The official work station of employees assigned to an office is the street address where the office is located.
(2) The official work station of field employees shall be established by the agency head, based solely on the best interests of the Commonwealth, not an [on] employee's convenience. The designation of work station shall not be for the purpose of allowing additional mileage reimbursement for the employee.
(3) If an employee is permanently reassigned, or is stationed at a new place two (2) months, the new place immediately becomes that employee's official work station concerning travel expense.

Section 4. [3.] Authorizations. (1) No travel expense shall be reimbursed unless the travel was authorized in advance as follows:
(a) Travel in Kentucky and within the other forty-nine (49) states and the District of Columbia and Canada must be authorized by the agency head or a designated representative. If four (4) or more persons are to travel to the same out-of-state destination the agency's [the] request shall explain the necessity for the number of persons traveling and shall also be approved [authorized] by the secretary or his designee [of the Finance and Administration Cabinet].
(b) Travel outside the United States and Canada [to foreign countries] must be authorized in advance by the agency head, the secretary [of the Finance and Administration Cabinet] and the Governor, or by their designated representatives.
(2) Travel requests requiring [Requests for the] approval by [of] the secretary [of the Finance and Administration Cabinet] must reach the [Finance and Administration] cabinet at least five (5) working days before the intended start of travel. (Travel Authorization Forms DOA 28, for four (4) or more persons traveling out-of-state, and DOA 28(A), for out-of-country travel, shall be used [Form B120-7, Authorization for Travel].)

Section 5. [4.] Transportation. (1) Economy required.

(a) State officers, agents, and employees traveling on state business shall use the most economical, standard transportation available and the most direct and usually-traveled routes. Expenses added by use of other transportation or routes must be assumed by the individual.

(b) Round-trip, excursion or other reduced-rate rail or plane fares shall be obtained if practical.

(2) State vehicles. State-owned vehicles with their credit cards should be used for state business travel when available and feasible. No mileage payment shall be claimed when state-owned vehicles are used.

(3) Privately-owned vehicles. Mileage claims for use of privately-owned vehicles may be disallowed if a state vehicle was available and feasible. No reimbursement shall be paid for travel between residence and work station.

(4) Buses, subways. For city travel, employees are encouraged to use buses and subways. Taxi fare may be allowed when more economical transportation is not feasible.

(5) Airline travel. Commercial airline travel shall be coach/tourist class [and on this country's airlines]. Additional expense for first-class travel will not be reimbursed by the state.

(6) Special transportation.

(a) The cost of hiring cars or other special conveyances in lieu of ordinary transportation will be allowed only with acceptable justification.

(b) Privately-owned aircraft may be used only when it is to the advantage of the state, measured both by travel costs and travel time.

Section 6. [5.] Accommodations. (1)(a) Economy required. Lodging costs should be the most economical that are consistent with the state's best interests. Facilities providing special government rates or commercial rates will be used where feasible. [Agencies shall contact the cabinet's Division of Accounts travel desk for assistance as needed in obtaining group rates and special state rates.]

(b) State-owned facilities shall be used for meetings and/or lodging where available, practicable and economical.

(2) Location. Cost for lodging within forty (40) miles of the claimant's official work station or home will not be reimbursed.

(3)(a) Group lodging, by contract. State agencies and institutions may contract with hotels, motels and other establishments for four (4) or more employees to use a room or rooms on official business. Group rates must be requested. The contract may also apply to meals and gratuities. The contract rates and the costs of rooms and meals per person shall not exceed limits set in Section 7 of [by] this regulation [under "Reimbursement Rates"]. The agency shall certify that no employee is claiming individual reimbursement or subsistence for the same costs. The cabinet's group accommodations travel form (Form B120-16) shall be used.

(b) For payment, the agency shall forward a receiving report (Purchase Order Authorization for Payment Form DOA-19 [B111-9]) with the vendor's bill, the names of affected employees and a copy of the contract to the division [of Accounts]. The payment shall not include telephone expenses or personal charges of employees. The state's payment shall be made directly to the hotel, motel, or other establishment.

(4) State parks. A state agency or institution using state park facilities [for a group of four (4) or more] may pay for rooms and meals by interaccount bill, within the limits of this regulation.

Section 7. [6.] Reimbursement Rates. (1) Lodging plus subsistence and other expenses. Except for the Judicial and Legislative branches, their employees, the Governor, and others listed in subsection (2) of this section, and except where otherwise provided by law, the reimbursement for official travel expense shall be as follows:

(a) Lodging. A state officer, agent or employee shall be reimbursed for his actual cost of lodging, if the lodging is determined to be the most economical, and the state officer or employee attaches the hotel's or motel's receipt to his travel expense voucher. A state officer or employee shall not receive reimbursement for lodging that exceeds the cost of a single room rate.

[1. If lodging cost is the lowest feasible, a claimant who attaches the hotel's or motel's preprinted, receipted bill shall be reimbursed within limits for that claimant's actual cost of lodging, as follows:]

[2. Maximum anywhere in the United States shall be thirty-five (35) dollars per day, plus taxes, except at Kentucky state parks and in "high-rate" areas listed by the Secretary of the Finance and Administration Cabinet. Maximum in listed "high-rate" areas shall be fifty-five (55) dollars per day, plus taxes. Maximum at any Kentucky state park shall be the park's standard rate. The state will not pay for lodging within forty (40) miles of claimant's residence or work station.]

(b) Subsistence.

[1. Subsistence shall include amounts deemed to have been spent for meals, tax, and tips.]

1. [2.] To be eligible for subsistence for breakfast or lunch while traveling in Kentucky, a claimant's authorized work must require overnight absence at a destination more than forty (40) miles from both work station and home and must also require absence from work station and home during mealtime. (The claimant shall attach to his travel voucher either his lodging receipts or other credible documentation sufficient for audit.)

2. [3.] The [two (2)] requirements in subparagraph 1 [2] of this paragraph do not apply for dinner in Kentucky and for breakfast, lunch and dinner outside of Kentucky.

3. Except for high rate areas, subsistence shall not exceed reimbursement rates, and must be within time periods, as follows:

4. [For travel in Kentucky and the United States, except "high-rate" areas listed by the Secretary of the Finance and Administration Cabinet, subsistence shall not exceed:]

Breakfast (authorized travel must include 6:30 a.m. through 9 a.m.) - $ 4 [3]

Lunch (authorized travel must include 11 a through 2 p.m.) - $ 5 [3]

Dinner (authorized travel must include 5 p.m. through 9 p.m.) - $11 [8]

5. For travel to high-rate areas established [listed] by the secretary [of the Finance and Administration Cabinet], subsistence shall not

exceed:

Breakfast (authorized travel must include 6:30 a.m. through 9 a.m.) - $ 5 [4]

Lunch (authorized travel must include 11 a.m. through 2 p.m.) - $ 6 [5]

Dinner (authorized travel must include 5 p.m. through 9 p.m.) - $15 [11]

6. A state officer or an employee assigned to attend a function of an organization not under the state officer's control may be reimbursed for actual meal cost charged by the organization, instead of subsistence.

(c) Privately-owned vehicles. Reimbursement for official use of a privately-owned vehicle shall be twenty-two (22) [eighteen (18)] cents per mile, and payment shall not exceed airplane coach fare.

(d) Commercial transportation. A state officer or employee shall be reimbursed for the actual cost of commercial transportation upon submission of receipts with a travel voucher [With receipts actual commercial cost will be reimbursed].

(e) Privately-owned aircraft. Reimbursement for use of privately-owned aircraft may be approved on an out-of-pocket basis by the secretary or his designee upon the submission to the cabinet prior to the travel of written justification signed by the agency head [shall not exceed the cost of air coach fare].

(f) Camping vehicles. Claimants using camping vehicles for lodging shall be reimbursed not more than ten (10) [four (4)] dollars per night, for [plus] parking or camping charges. A receipt for parking or camping charges must be submitted with a travel voucher.

(g) Parking and tolls. Actual parking, bridge and toll charges are reimbursable. Toll receipts are not required for in-state travel by two (2) axle vehicles.

(h) Baggage charges. Reasonable expenses are allowed for baggage handling, for delivery to or from a common carrier or lodging and for storage. Charges for overweight baggage may be allowed if the excess was for official business.

(i) Registration fees. Registration fees required in official travel for admittance to meetings will be allowed. If the fee entitles registrants to meals, claims for subsistence shall be reduced accordingly.

(j) Telephone expenses. Telephone and telegraph costs for necessary official business will be allowed. Calls to agency central offices shall [should] be made collect or through the state's toll-free number.

(k) Other. Where justified, other necessary miscellaneous expenses of official travel may be allowed by the secretary or his designee [of the Finance and Administration Cabinet].

(2) Actual and necessary expense.

(a) Upon submission of [With preprinted] receipts for items over two (2) dollars, the actual and necessary cost of official business travel (including lodging, meals, related taxes, gratuities and commercial transportation) may be reimbursed to the following:

1. Governor and Lieutenant Governor, other statewide elected Constitutional officials, cabinet secretaries, the Governor's staff, state employees traveling on assignment with the Governor or Lieutenant Governor, authorized persons traveling outside the United States and Canada and to [nonpaid] members of statutory boards and commissions.

2. Reimbursement for official use of a privately-owned vehicle shall be twenty-two (22) [eighteen (18)] cents per mile, and such payment shall not exceed airplane coach fare.

(b) The Governor and cabinet secretaries may be reimbursed for their actual and necessary costs of entertaining official business guests and shall certify such costs to the secretary or his designee [Finance and Administration Cabinet].

(c) With certification by the cabinet head, and upon submission of receipts, employees of the Economic Development and Tourism Cabinets may be reimbursed for their actual and necessary costs of entertaining the state's official business guests concerning economic development and industrial and travel promotion.

(d) The secretary or his designee [of the Finance and Administration Cabinet] may question and reduce claims if amounts appear excessive.

Section 8. [7.] Forms. (1) Travel expense voucher (Form DOA-34 [B120-6]).

(a) Use.

1. This form shall be used to claim all reimbursement for travel expense.

2. The voucher shall include the expense of only one (1) person except where an employee pays the expenses for a ward of the Commonwealth or other person for whom the claimant is officially responsible. Such persons' names and status or official relationship to the claimant's agency shall [must] be listed on the voucher.

3. A travel voucher shall ordinarily cover one (1) month or one (1) major trip. The purpose of each trip shall be shown on the voucher. If monthly expenses total less than ten (10) dollars, a voucher may cover as many [much] as six (6) months within the same fiscal year.

4. Each travel expense voucher shall show the claimant's social security number.

(b) Preparation.

1. The travel voucher may be either typed or legibly prepared in ink. All receipts shall be stapled to the back at the upper left corner and shall be forwarded to the Finance and Administration Cabinet with the expense voucher.

2. If leave interrupts official travel, the travel voucher shall show the dates of leave.

(c) Computing mileage. Mileage for in-state travel will be based on Transportation Cabinet official mileage map or on the cabinet's [Finance and Administration Cabinet] mileage chart if the cabinet [department] issues such. Out-of-state mileage will be based on Rand McNally mileage maps. If point of origin is the claimant's residence, mileage will be paid between residence and travel destination or between work station and travel destination, whichever is shorter, except that commuting mileage between home and work station will not be paid.

(d) Vicinity travel. Vicinity travel and authorized travel within claimant's work station shall be listed on separate lines on the expense voucher.

(e) Signatures. Travel vouchers shall be signed and dated by the state officer or employee submitting the claim, the employee's supervisor and the agency head or authorized representative.

(f) Receipts. Except for mileage and subsistence, claimants shall furnish for each expenditure over two (2) dollars the preprinted, receipted bill from the hotel, motel,

restaurant, or other establishment. The receipt must establish the amount, date, location and essential character of the expenditure.

(2) Authorization for out-of-state travel [(Form B120-7)]. Travel Authorization Forms DOA 28(A) and DOA 28 [This form] shall be used to request authorization for travel to foreign countries and for out-of-state travel by groups of four (4) or more persons.

(3) Contract for rooms and meals (Form B120-16). This form shall be used for group accommodations as described in Section 6 of this regulation under "Accommodations."

L. ROGERS WELLS, JR., Secretary
APPROVED BY AGENCY: February 20, 1990
FILED WITH LRC: February 22, 1990 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 25, 1990 at 9 a.m. EDT, in Room 207, Capitol Annex, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 20, 1990, 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: Mitchell H. Payne, Commissioner, Department for Administration, Finance and Administration Cabinet, Room 238, Capitol Annex Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mitchell Payne

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: Cost increase $1,867,117. (See table following.)

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: Less paperwork requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Lower administrative costs due to manpower and supplies needed to approve exceptions of present rate.

2. Continuing costs or savings: Same as first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Less paperwork requirements.

(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: 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? Yes

1990 COSTS
PROPOSED CHAPTER 200 KAR 2:006 AMENDMENTS

Support Documentation
All mileage and travel costs from 1988-89 are rounded.

Computation on Mileage

Present Costs	
1988-89 Total Mileage	35,000,000.00
Present Mileage Rate	.18x
Total Est. Mileage Cost	$ 6,300,000.00
Proposed Increase	
1988-89 Total Mileage	35,000,000.00
Proposed Increase	.04x
Total Est. Increase	$ 1,400,000.00
Total In-state Travel 1988-89	$13,160,000.00
Total Out-of-state Travel '88-89	3,583,000.00
	$16,743,000.00
Less: Mileage Cost of 1988-89	6,300,000.00
	$10,443,000.00
Less: Est. Air, Misc. 1988-89	4,000,000.00
	$ 6,443,000.00
Average Lodging Cost 1988-89 (71% of Total)	$ 4,574,530.00
Average Meal Cost 1988-89 (29% of Total)	1,868,470.00
	$ 6,443,000.00
Estimated Meal Increase	$ 467,117.00

Total Estimated Increase in Cost for Proposed Regulations

Mileage	$ 1,400,000.00
Meals	467,117.00
Lodging (Higher rates have been approved on exception basis.)	0.00
Total	$ 1,867,117.00

GENERAL GOVERNMENT CABINET
Board of Hairdressers and Cosmetologists
(Proposed Amendment)

201 KAR 12:125. Schools' student regulations.

RELATES TO: KRS 317A.090
STATUTORY AUTHORITY: KRS 317A.060
NECESSITY AND FUNCTION: To protect the health and safety of the public and to protect the general public and students enrolled in schools of cosmetology against misrepresentation, deceit, or fraud while seeking services or enrolled therein.

Section 1. No student enrolled in a school of cosmetology is permitted to receive a salary or commission from the school while enrolled as a student in said school.

Section 2. Students shall not be permitted to smoke while providing services to patrons.

Section 3. No student shall be allowed to remain in the school to work on patrons upon completion of the required hours for the appropriate course of enrollment.

Section 4. No student, after he or she has graduated from a school, shall be allowed to return to that school or any other school for further practice and work in the pay departments without permission of the board.

Section 5. Schools shall [must], at all times, display in a centralized conspicuous place the enrollment permits of all students enrolled therein.

Section 6. Schools shall [must] require students to wear some kind of insignia, badge, cap, or marking on [of] their uniforms to indicate that he or she is a student in the school.

Section 7. Schools shall [must] require students to, at all times, wear a clean washable uniform, coat, or smock.

Section 8. Students shall [must] be on time for all class studies and work.

Section 9. No Student shall be permitted to leave during school hours without special permission from the manager.

Section 10. No student shall be permitted to leave a class during a lecture or demonstration.

Section 11. Students are not permitted to operate any equipment in which there is known an operating hazard.

Section 12. All student kits containing all equipment, tools, and implements shall [must] remain on school premises until completion of the course of enrollment or withdrawal from the school.

Section 13. A student desiring to change from one school to another shall [must] notify the school in which the student is presently enrolled of their withdrawal and complete an application for enrollment when entering another school.

Section 14. Students are required to comply with the rules of their school, as long as they do not conflict with KRS Chapter 317A or the regulations of the board.

Section 15. Owners of schools shall [must] include the schools' refund policy in school-student contracts.

Section 16. Each student in a school is permitted to file a complaint with this board concerning the school in which they are enrolled, provided the information is clearly and concisely given and the complaint shall [must] at all times be signed by the complainant.

Section 17. Student Dismissal and Appeals. (1) Schools may dismiss students for law violations, rule violations, insubordination, or for any reason for which the board could deny, refuse to renew or revoke a license if the students were licensed pursuant to KRS Chapter 317A.

(2) Schools may dismiss students for violations of any of KRS Chapter 317A or for the violation of any rule of the board adopted pursuant thereto or for violation of any school rule not in conflict with said chapter or the board rules.

(3) Any student aggrieved by dismissal from a school may appeal to the board by writing the board and requesting that an appeal be granted, but such appeal shall be taken within ten (10) days after the date of dismissal and such appeal shall be docketed by the board for a hearing within thirty (30) days after the appeal request is received. The hearing day shall be set for as early a day as possible. The hearing and production of evidence shall be in conformity with that provided for board hearings in KRS Chapter 317A.

(a) Upon hearing the appeal, the board shall determine: whether or not the school acted in scope of its power; and whether or not there is sufficient evidence to support the order of dismissal appeal from said school.

(b) After the hearing the board shall enter an order sustaining or setting aside the school's order of dismissal. If the order of dismissal is overruled and set aside by the board, then the school shall reinstate the student.

Section 18. Within ten (10) working days from a student's withdrawal, a cosmetology school shall report the name of the withdrawing student and send the permit card and a notarized certification of the total number of hours that the withdrawing student has acquired in their cosmetology school to the board's office.

Section 19. In the event that the school after receiving request for the information outlined in Section 18 of this regulation does not forward same to the board within ten (10) days after receiving requests, a verified affidavit from the student as to the number of hours received may [shall] be accepted by the board and entered on their records as the appropriate number of hours earned.

Section 20. A training period for students is as follows: eight (8) hours per day, forty (40) hours per week (maximum). A student of cosmetology shall [must] have a minimum of 225 days of school attendance under instruction. A student of manicuring shall [must] have a minimum of thirty-seven and one-half (37 1/2) days of school attendance under instruction.

Section 21. All students shall be allowed thirty (30) minutes toward the middle of any eight (8) hour day for eating or taking a rest break. Students shall not be given credit for the one-half (1/2) hour break toward meeting the 1,800 hour requirement.

Section 22. An informational copy of the statutes and regulations of the Kentucky Board of Hairdressers and Cosmetologists shall [must] be provided to each student enrolled in a school of cosmetology. Copies may be obtained from the board's office.

Section 23. No student shall be in attendance in a school of cosmetology more than eight (8) hours in one (1) day and no more than five (5) days in one (1) week.

Section 24. Persons completing hours in a school of cosmetology within a period of five (5) years from date of enrollment shall be given credit by the board for hours completed. Any extension of this period of time may be granted at the discretion of the board. [Any hours received beyond this five (5) year period shall be null, void, and held for naught.]

PAT WILSON, Chairman
APPROVED BY AGENCY: February 5, 1990
FILED WITH LRC: March 14, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing has been scheduled for April 27, 1990 at 2 p.m. Send written notification of intent to attend the public hearing or written comments on the proposed amendment to: Carroll Roberts, Administrator, 314 West Second Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Carroll Roberts
(1) Type and number of entities affected: 18,000 licensees.
(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: Minimal
(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: 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: N/A
(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? No. Tiering is not applicable because there is only one classification of persons to which these regulations apply.

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Water
(Proposed Amendment)

401 KAR 5:029. General provisions.

RELATES TO: KRS Chapter 224, 40 CFR Part 136
STATUTORY AUTHORITY: KRS 224.020, 224.033, 224.037, 224.060, 33 U.S.C. 1313
NECESSITY AND FUNCTION: This regulation contains a definition and abbreviation section applicable to 401 KAR 5:026, this regulation, and 401 KAR 5:031. A nondegradation section and a section pertaining to withdrawal of waters not meeting water quality standards are included. A sample collection and analytical methodology section is included to ensure reproducible analytical results. A provision relating to allowable conditions in mixing zones is also included. A procedure for issuing a variance from criteria for pH, iron and manganese is included for coal remining operations.

Section 1. Definitions and Abbreviations. (1) The following definitions describe terms used in 401 KAR 5:026, this regulation, and 401 KAR 5:031. Terms not defined below shall have the meanings given to them in KRS 224.005 or, if not so defined, the meanings attributed by common use.
(a) "Acute-chronic ratio" means the ratio of the acute toxicity (expressed as an LC_{50} of an effluent or a toxic substance to its chronic toxicity (expressed as a NOEL). It is used as a factor to estimate chronic toxicity from acute toxicity data.
(b) "Acute criteria" means the highest instream concentration of a toxic substance or an effluent to which organisms can be exposed for a brief period of time without causing unacceptable harmful effects.
(c) "Acute toxicity" means lethality or other harmful effect sustained by either indigenous aquatic organisms or representative indicator organisms used in toxicity tests, due to a short-term exposure (ninety-six (96) hours or less) to a specific toxic substance or mixture of toxic substances.
(d) "Acute toxicity unit" means the reciprocal of the effluent dilution that causes the acute effect (LC_{50}) by the end of the acute exposure period.
(e) "Chronic criteria" means the highest instream concentration of a toxic substance or an effluent to which organisms can be exposed indefinitely without causing an unacceptable harmful effect.
(f) "Chronic toxicity" means lethality, reduced growth or reproduction or other harmful effect sustained by either indigenous aquatic organisms or representative indicator organisms used in toxicity tests due to long-term exposures (relative to the life span of the organisms or a significant portion of their life span) to toxic substances or mixtures of toxic substances.
(g) "Chronic toxicity unit" means the reciprocal of the effluent dilution that causes no observed unacceptable harmful effect (NOEL) on the test organisms by the end of the chronic exposure period.
(h) "Cold water aquatic habitat" means surface waters and associated substrate that will support indigenous aquatic life or self-sustaining or reproducing trout populations on a year-round basis.
(i) "Conventional domestic water supply treatment" means or includes coagulation, sedimentation, filtration, and chlorination.
(j) "Criteria" means specific concentrations or ranges of values, or narrative statements of water constituents which represent a quality of water expected to result in an aquatic ecosystem protective of designated uses of surface waters. Criteria are derived to protect legitimate uses such as aquatic life, domestic water supply, and recreation and to protect human health.
(k) "Division" means the Division of Water.

(l) "Domestic water supply (DWS)" means surface waters that with conventional treatment will be suitable for: human consumption through a public water system as defined in 401 KAR 6:015, Section 1; culinary purposes; or for use in any food or beverage processing industry; and, meets state and federal regulations under the Safe Drinking Water Act, 42 U.S.C. 300f-300j, as amended.

(m) "Effluent ditch" means that portion of a treatment system which is a discrete, person-made conveyance, either totally owned, leased or under valid easement by the discharger, which transports a discharge to waters of the Commonwealth.

(n) "Epilminion" means the thermally homogeneous water layer overlying the metalimnion (the region of the thermocline) of a thermally stratified lake or reservoir.

(o) "Eutrophication" means the enrichment of surface waters of the state by the discharge or addition of nutrients.

(p) "Existing uses" means those legitimate uses being attained in or on a surface water of the Commonwealth on or after November 28, 1975, irrespective of its use classification.

(q) "Fecal coliform" means the portion of the coliform group of bacteria which are present in the intestinal tract or the feces of warm-blooded animals. It generally includes organisms which are capable of producing gas from lactose broth in a suitable culture medium within twenty-four (24) hours at forty-four and five-tenths (44.5) degrees plus or minus two-tenths (0.2) degrees C.

(r) "Harmonic mean flow" means the reciprocal of the mean of the reciprocal daily flow values.

(s) "Hypolimnion" means the lower cold region of a thermally stratified lake or reservoir that extends from the metalimnion to the bottom.

(t) "Indigenous aquatic life" means naturally occurring aquatic organisms including but not limited to bacteria, fungi, algae, aquatic insects, other aquatic invertebrates, reptiles and amphibians, and fishes. Under some natural conditions one (1) or more of the above groups may be absent from any given surface water.

(u) "Intermittent water" means a stream that flows only at certain times of the year as when it receives water from springs or precipitation in its immediate watershed.

(v) "LC_{50}" means that concentration of a toxic substance or mixture of toxic substances which is lethal (or immobilizing, if appropriate) to fifty (50) percent of the species tested in a toxicity test during a specified exposure period.

(w) "LC_1" means that concentration of a toxic substance or mixture of toxic substances which is lethal (or immobilizing, if appropriate) to one (1) percent of the organisms tested in a toxicity test during a specified exposure period.

(x) "Maintain" means to preserve or keep in present condition by not allowing adverse permanent or long-term changes to water quality or to populations of aquatic organisms or their habitat.

(y) "Milligrams per liter (mg/l)" means the milligrams of substance per liter of solution, and is equivalent to parts per million in water assuming unit density.

(z) "Mixing zone" means a domain of a water body contiguous to a treated or untreated wastewater discharge of quality characteristics different from those of the receiving water. The discharge is in transit and progressively diluted from the source to the receiving system. The mixing zone is the domain where wastewater and receiving water mix.

(aa) "Natural temperature" means the temperature that would exist in waters of the Commonwealth without the change of enthalpy of artificial origin, as contrasted with that caused by climatic change or naturally occurring variable temperature associated with riparian vegetation and seasonal changes.

(bb) "Natural water quality" means those naturally occurring physical, chemical, and biological properties of waters.

(cc) "Net discharge" means the amount of substance released to a surface water by excluding the influent value from the effluent value if both the intake and discharge are from and to the same or similar body of water.

(dd) "No observed effect level (NOEL)" means the highest concentration of an effluent or a toxic substance that causes no observed harmful effects on either indigenous aquatic organisms or representative indicator organisms used in toxicity tests.

(ee) "Nonpoint" means any source of pollutants not defined by point source as used in this regulation.

(ff) "Outstanding resource waters" means surface waters designated by the cabinet pursuant to 401 KAR 5:031, Section 7.

(gg) "Point source" means any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

(hh) "Productive aquatic communities" means an assemblage of indigenous aquatic life capable of reproduction and growth.

(ii) "Propagation" means the continuance of species by successful spawning, hatching, and development or natural generation in the natural environment, as opposed to the maintenance of species by artificial culture and stocking.

(jj) "Standard or water quality standard" means a regulation promulgated by the cabinet establishing the use to be made of a surface water and the water quality criteria necessary to maintain and protect that use.

(kk) "Surface waters" means those waters having well-defined banks and beds, either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands; and any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface. Effluent ditches and lagoons used for waste treatment which are situated on property owned, leased, or under valid easement by a permitted discharger are not considered to be surface waters of the Commonwealth.

(ll) "Thermocline" means the plane in a body of water in which the maximum rate of decrease in temperature occurs with respect to depth.

(mm) "Toxic substances" means substances which are bioaccumulative, synergistic, antagonistic, teratogenic, mutagenic or carcinogenic and cause death, disease, behavioral abnormalities, physiological malfunctions or physical deformities in any organism or its offspring or interfere with normal propagation.

(nn) "Warm water aquatic habitat (WAH)" means any surface water and associated substrate capable of supporting indigenous warm water aquatic life.

(oo) "Wetlands" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

(2) Abbreviations:

(a) °C means degree(s) Celsius;

(b) EPA - See U. S. EPA;

(c) °F means degree(s) Fahrenheit;

(d) KPDES means Kentucky Pollutant Discharge Elimination System;

(e) mg/l means milligrams per liter (same as ppm);

(f) NPDES means National Pollutant Discharge Elimination System;

(g) pCi/l means picocuries per liter;

(h) ppb means part(s) per billion;

(i) ppm means part(s) per million (assuming unit density, same as mg/l);

(j) ug/l means micrograms per liter (same as ppb assuming unit density);

(k) U.S. EPA means the United States Environmental Protection Agency;

(l) $7Q_{10}$ means that minimum average flow which occurs for seven (7) consecutive days with a recurrence interval of ten (10) years;

(m) POTW means public owned treatment works.

(3) Definitions for coal remining operations:

(a) "Coal remining operation" means a surface coal mining operation which begins after the effective date of this regulation at a site on which a coal mining operation was conducted before August 3, 1977. "Coal remining operation" also means an existing surface coal mining operation which receives a permit revision from the Department for Surface Mining Reclamation and Enforcement (DSMRE) in accordance with 405 KAR 8:010, Section 20 for a site on which a coal mining operation was conducted before August 3, 1977.

(b) "Preexisting discharge" means any discharge at the time of applying for a KPDES permit under this regulation.

(c) "Remined area" means only that area of any coal remining operation on which a coal mining operation was conducted before August 3, 1977.

Section 2. Nondegradation. (1) It is the purpose of these regulations to safeguard the surface waters of the Commonwealth for their designated uses, to prevent the creation of any new pollution of these waters; and to abate any existing pollution.

(2) Where the quality of surface waters exceeds that necessary to support propagation of fish, shellfish, wildlife and recreation in and on the water, that quality shall be maintained and protected unless the cabinet finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the cabinet's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the cabinet shall assure water quality adequate to protect existing uses fully. Further, the cabinet will assure that there shall be achieved the highest statutory and regulatory requirements for waste treatment by all new and existing point sources and that nonpoint sources of pollutants be controlled by application of all cost effective and reasonable best management practices.

(3) The implementation of this section shall conform to 40 CFR 131.12 to the extent allowed by KRS 224.020.

(4) Water quality shall be maintained and protected in those waters designated as outstanding resource waters according to procedures specified in Section 7(2) of 401 KAR 5:031.

(5) In those cases where potential water quality impairment associated with a thermal discharge is involved, a successful demonstration conducted under Section 316 of the Clean Water Act, 33 U.S.C. 1326, shall be in compliance with all portions of this section.

Section 3. Withdrawal of Contaminated Water. It is recognized that surface waters will, on occasion, not meet the standards and criteria established in 401 KAR 5:031. Withdrawal and subsequent discharge of these waters without alteration of the physical, or chemical characteristics into the same or similar surface water will not be considered a violation of water quality standards. The cabinet will determine effluent criteria and KPDES permit limitations in these situations based on the quality of the raw and receiving waters. The cabinet retains the right to require modification under the provisions of 401 KAR 5:035, 401 KAR 5:065, 401 KAR 5:070, 401 KAR 5:075, and 401 KAR 5:080.

Section 4. Sample Collection and Analytical Methodology. All methods of preservation and analysis used to determine conformity or nonconformity with water quality standards shall be governed by 40 CFR Part 136, as amended, when applicable. Sample collection and other methods not found in the above reference may be used where appropriate if approved by the cabinet.

Section 5. Mixing Zones. The following guidelines and conditions are applicable to all mixing zones:

(1) The cabinet will assign, on a case-by-case basis, definable geometric limits for mixing zones for a discharge or a pollutant or pollutants within a discharge. Applicable limits shall include, but may not be limited to, the linear distances from the point of discharge, surface area involvement, volume of receiving water, and shall take into account other nearby mixing zones. Mixing zones will not be allowed until applicable limits are assigned by the cabinet in accordance with this section.

(2) Concentrations of toxic substances which exceed the acute criteria for protection of aquatic life set forth in 401 KAR 5:031 shall not exist at any point within an assigned mixing zone or in the discharge itself unless a zone of initial dilution is assigned. A zone of initial dilution may be assigned on a case-by-case basis at the discretion of the cabinet. Concentrations of toxic substances shall not exceed the acute criteria at the edge of the assigned zone of initial dilution. Chronic criteria for the protection of aquatic life and criteria for the protection of human health from the consumption of fish tissue shall be met at the edge of the

assigned mixing zone.

(3) The location of a mixing zone shall not interfere with fish spawning or nursery areas, fish migration routes, public water supply intakes, or bathing areas, nor preclude the free passage of fish or other aquatic life.

(4) Whenever possible the mixing zone shall not exceed one-third (1/3) of the width of the receiving stream, and in no case shall exceed one-half (1/2) of the cross-sectional area.

(5) In lakes and other surface impoundments, the volume of a mixing zone shall not affect in excess of ten (10) percent of the volume of that portion of the receiving waters available for mixing.

(6) A mixing zone shall be limited to an area or volume which will not adversely alter the legitimate uses of the receiving water, nor be so large as to adversely affect an established community of aquatic organisms.

(7) In the case of thermal discharges, a successful demonstration conducted under Section 316(a) of the Clean Water Act shall constitute compliance with all provisions of this section.

Section 6. Water Quality-based Variance for Coal Remining Operations. (1) Applicability. An applicant for a Kentucky pollutant discharge elimination system (KPDES) permit to discharge pollutants from or affected by a coal remining operation may request a variance from the water quality criteria for pH, iron and manganese set forth in 405 KAR 5:031.

(2) Application requirements.

(a) The applicant shall comply with all KPDES permit application requirements, as set forth in 405 KAR 5:060.

(b) The applicant shall submit documentation from the Department for Surface Mining Reclamation and Enforcement (DSMRE) that the proposed coal remining operation will be located on a remined area, and shall certify that the proposed coal remining operation will be located on a remined area.

(c) The applicant shall also:

1. Describe the hydrologic balance for the proposed coal remining operation, including:

a. Results of a detailed water quality and quantity monitoring program, including seasonal variations, variations in response to precipitation events, and modeled baseline pollution loads using the monitoring program; and

b. Monitoring for pH, alkalinity, acidity, total iron, total manganese, sulfates, total suspended solids, and any other water quality parameters requested by the director;

2. Submit the application for a permit from DSMRE;

3. Submit, if not submitted in the application for a permit from DSMRE:

a. Plans, cross-sections, and schematic drawings describing the techniques for reducing the mass discharge of acid-forming materials, iron and manganese;

b. A description and an explanation of the range of abatement levels that probably can be achieved, costs, and each step proposed to reduce the mass discharge of acid-forming materials, iron and manganese;

c. A description of the spoil handling practices necessary to reduce the mass discharge of acid-forming materials, iron and manganese;

d. A detailed topographic map of the proposed coal remining operation, including the locations of the preexisting and proposed discharges; and

4. Continue the water quality and quantity monitoring program described in subparagraph 1 of this paragraph, and submit the results to the director on a periodic basis until the director makes a final permit decision. The cabinet will evaluate the KPDES monitoring program and the DSMRE monitoring program for each applicant to avoid duplication and inconsistencies.

(d) The applicant may submit the information described in the document entitled "Coal Remining-Best Professional Judgment Analysis: Preexisting Pollutional Discharge Data Input Module, Baseline Statistical Calculation Module, Water Treatment Cost Calculation Module, Surface Mine Materials Handling and Cost Simulator, User Manual" and accompanying software published by the Pennsylvania Department of Environmental Resources, Mining Engineering Section; Pennsylvania State University and Kohlmann Ruggiero Engineers, P.C. (1988).

(e) An applicant with an existing surface coal mining operation seeking a permit revision from DSMRE pursuant to 405 KAR 8:010, Section 20 shall also demonstrate to the satisfaction of the director that:

1. The applicant discovered discharges within the proposed coal remining area after the applicant's DSMRE permit was issued; and

2. The applicant has not caused or contributed to the discharges.

(3) Treatment requirements. If the director issues a KPDES permit to discharge pollutants from or affected by a coal remining operation containing the variance described in subsection (1) of this section, the water quality-based effluent limitations for pH, iron and manganese will be established on a case-by-case basis. Compliance with those effluent limitations constitutes compliance with those water quality criteria for pH, iron and manganese set forth in 401 KAR 5:031. The director may employ the document entitled "Coal Remining-Best Professional Judgement Analysis: Preexisting Pollutional Discharge Data Input Module, Baseline Statistical Calculation Module, Water Treatment Cost Calculation Module, Surface Mine Materials Handling and Cost Simulator, User Manual" and accompanying software published by the Pennsylvania Department of Environmental Resources, Mining Engineering Section; Pennsylvania State University and Kohlmann Ruggiero Engineers, P.C. (1988).

(4) Prohibitions. In addition to the prohibitions contained in 401 KAR 5:055, Section 2, the following prohibitions apply to this section:

(a) No KPDES permit containing the water quality-based variance of subsection (1) of this section shall be issued unless the coal remining operation has applied for a permit from the Department for Surface Mining Reclamation and Enforcement, as set forth in 405 KAR Chapters 7 through 24, inclusive. The effective date of the KPDES permit shall be no sooner than the effective date of the permit issued by the Department for Surface Mining Reclamation and Enforcement.

(b) No KPDES permit containing the water quality-based variance of subsection (1) of this section shall be issued for a surface coal mining operation which is not a coal remining operation located on a remined area.

(c) No KPDES permit containing the water quality-based variance of subsection (1) of this section shall be issued which would allow the

discharges of acid-forming materials, iron or manganese to exceed the levels being discharged from the remined area before the coal remining operation begins.

(d) No KPDES permit containing the water quality-based variance of subsection (1) of this section shall be issued if the applicant fails to demonstrate to the satisfaction of the director that the coal remining operation will result in the potential for improved water quality from the remining operation over that existing prior to the remining operation, and that the information provided in the application is adequate for the director to make an informed final permit decision.

(e) No KPDES permit containing the water quality-based variance of subsection (1) of this section shall be issued with effluent limitations less stringent than applicable technology-based effluent limitations, as set forth in 401 KAR 5:065, Section 4(2), 401 KAR 5:080, Section 1(2)(a)2 or (c).

(f) In addition to the prohibitions of paragraphs (a) through (e) of this subsection, no KPDES permit containing the water quality based variance of subsection (1) of this section shall be issued for an existing surface coal mining operation unless:

1. The applicant receives a permit revision from DSMRE in accordance with 405 KAR 8:010, Section 20;

2. The applicant discovered discharges within the proposed coal remining area after the applicant's DSMRE permit was issued; and

3. The applicant has not caused or contributed to the discharges.

FRANK L. DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: March 14, 1990
FILED WITH LRC: March 15, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 24, 1990, at 2 p.m. at the auditorium of the Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 19, 1990, 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. Persons not wishing to attend the public hearing may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or to provide written comments on the proposed administrative regulation to: Jack A. Wilson, Director, Division of Water, Frankfort Office Park, 18 Reilly Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Lewis Giles Miller

(1) Type and number of entities affected: The entities affected by this regulation are the general public and those coal companies which seek the type of permit authorized by this regulation. The actual number of entities directly affected will depend upon how much of the estimated 150,000 acres of abandoned mine lands is suitable for remining.

Although the number of operators interested in remining is uncertain, an estimated 150,000 acres of abandoned unreclaimed mined lands exist in the Kentucky coalfields. Many of these areas continue to endanger public health, safety, and general welfare and cause severe environmental degradation. The Natural Resources and Environmental Protection Cabinet, in 1981, estimated 954 stream miles in the Western Coalfield and 2177 stream miles in the Eastern Coalfield affected by coal mining activities. Of these, 531 stream miles in the Western Coalfield and 77 stream miles in the Eastern Coalfield were impacted by acid mine drainage.

While remining will benefit coal operators through monetary gain from coal production, the general public, persons served by domestic water supplies, and recreation enthusiasts should also benefit from the improvement of water quality through realization of attained instream designated uses. River systems in which water quality improvement may be realized as a result of remining include the Tradewater, Lower Green, Big Sandy, Little Sandy, Tygarts, Licking, Kentucky, and Upper Cumberland.

(a) Direct and indirect costs or savings to those affected: The general public should see a savings of several millions of dollars of public monies used for the reclamation of these sites by the Division of Abandoned Lands. There should be no costs to the general public. The coal companies which seek to mine these areas should see the normal costs currently incurred in the mining industry with the probability that those costs will be somewhat less than those incurred with the mining of virgin areas.

1. First year: During the first year, costs to remining operations will involve permitting fees and data collection. Any increase in those costs should be insignificant. Savings to affected entities primarily relate to maintaining (or reestablishing) viable sport and commercial fishery resources, community water supplies and water-based recreation and will occur after the first year and will be most evident after remining ceases.

2. Continuing costs or savings: The costs for subsequent years will be proportional to the costs involved with normal mining. The savings to the general public should steadily increase as more acreage is remined. Exact remining discharge containment and treatment needs and costs of individual remining operations are case-specific. Aggregate costs cannot be determined since the cabinet has no information to indicate whether remining expansion will take place in eligible areas.

3. Additional factors increasing or decreasing costs (note any effects upon competition): This regulation should have no effect on competition because it is allowing a new activity to take place. It should enhance profitability for those operators who remine.

(b) Reporting and paperwork requirements: The reporting and paperwork requirements for the coal companies will not increase over that currently required for the mining of a virgin area with the exception of additional information concerning the background water quality.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Implementation of this regulation will have no increased effect on the operation of or costs to the Natural Resources and Environmental Protection Cabinet. This regulation as it relates to the operation of the cabinet does not change the basis for, nor the routine procedures involved in permitting activities. This is largely due to the small number of applications anticipated for remining operations.

2. Continuing costs or savings: Same as (2)(a)1 above.

3. Additional factors increasing or decreasing costs: None determined.

(b) Reporting and paperwork requirements: There will be no additional reporting or paperwork requirements above those currently in place for all other permits.

(3) Assessment of anticipated effect on state and local revenues: As the amount of remining that may take place is not known, the effect this regulation will have on state and local revenues is uncertain. Remining of coal should however have a positive effect on state and local revenues. At present coal operators are taxed under the coal severance tax at a rate of 4.5% of the gross value of coal sold. Local governments receive 12% of the taxed income generated by the state. Counties in which coal is severed receive 90% of this amount, while counties impacted by mining (i.e., counties through which the coal is transported) receive the remaining 10%.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternate methods were assessed. Section 301(p) of the Clean Water Act, 33 USCA §1311(p), specifies the limitations for coal remining operations.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No statutes, rules, regulations or government policies are in conflict with this regulation.

(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: Persons reviewing this regulation are encouraged to review the RIA prepared for 401 KAR 5:040 and Section 301(p) of the Clean Water Act, 33 USCA §1311(p). Section 301(p) sets forth the background, limitations, definitions, and applicability of coal mining laws corresponding to this regulation. 401 KAR 5:040 establishes treatment requirements for coal remining operations. This regulation establishes a variance procedure. This regulation and 401 KAR 5:040 are dependent upon each other and the resulting impacts are similar, if not the same.

TIERING: Was tiering applied? No. Tiering was not applied because this regulation applies to all remining operations regardless of size of operation or class of operator. The requirements do not differentiate or permit different treatment of operators based on size, economic condition, or other characteristics of the companies or individuals affected.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 33 USCA §1313; 40 CFR Part 131.

2. State compliance standards. The proposed amendment to the above regulation will allow an applicant for a Kentucky Pollutant Discharge Elimination System (KPDES) permit to discharge pollutants from, or affected by, a coal remining operation to request a variance from the water quality criteria for pH, iron and manganese set forth in 401 KAR 5:031. The subsequent effluent limitations for pH, iron and manganese will be established on a case-by-case basis if the variance is granted. Approval of the variance will only be given if the discharge of acid-forming materials, iron or manganese will not exceed the levels being discharged from the remined areas before the coal remining operation begins, and if the remining operation will result in the potential for improving water quality over that existing prior to the remining operation.

3. Minimum or uniform standards contained in the federal mandate. The federal Clean Water Act allows states with a permit program approved pursuant to 33 USCA §1342, to modify requirements with respect to the pH level of any preexisting discharge, with respect to the preexisting discharge of iron and manganese from the remined areas of any coal remining operation and with respect to the pH level or level of iron or manganese in any preexisting discharge affected by the remining operation. In any case, no discharge from or affected by the remining operation shall exceed state water quality standards. 33 USCA §1311(p), 33 USCA §1313 and 40 CFR Part 131 require that states review, and revise if appropriate, their water quality standards at least every three years. 40 CFR Part 131 allows the states to include in their water quality standards a variance procedure.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation does not impose stricter requirements or responsibilities other than those required by the federal mandate. The proposed amendment allows a variance from state water quality standards for the parameters pH, iron and manganese for a KPDES permit to discharge to a surface water from a remining operation. The federal mandate only requires that state water quality standards consist of designated uses for navigable waters and water quality criteria protection of those uses. The cabinet's variance procedure is consistent with 40 CFR Part 131.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable because this amended regulation does not contain stricter requirements or responsibilities other than those required by the federal mandate.

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 may affect the public water services of local government.

3. State the aspect or service of local government to which this administrative regulation relates. Public water supply of local

government.

4. How does this administrative regulation affect the local government or any service it provides? This regulation provides for water quality-based variance procedures for coal remining operations. Coal remining is permitted in cases where potential for water quality improvement exists as a result of remining. Local governments may potentially benefit from this regulation through the improvement of water quality in regard to domestic water supply use. The benefit would be realized in terms of reduced water treatment problems brought about by high noncarbonate hardness, sulfates, manganese, and silt loads originating from unreclaimed mining operations.

CORRECTIONS CABINET
(Proposed Amendment)

501 KAR 6:060. Northpoint Training Center.

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 March 15 [February 15], 1990 and hereinafter should be referred to as Northpoint Training Center 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

NTC 01-03-01	Organization and Assignment of Responsibilities
NTC 01-05-01	Extraordinary Occurrence Reports
NTC 01-10-01	Legal Assistance for Staff
NTC 01-11-01	Political Activities of Merit Employees
NTC 01-15-01	Establishment of the Warden as Chief Executive Officer
NTC 01-17-01	Relationships with Public, Media and Other Agencies
NTC 02-02-02	Warden's Participation in the Agency Budgeting Process
NTC 02-03-01	Fiscal Management: Audits
NTC 02-04-01	Internal Control and Monitoring of Accounting Procedures
NTC 02-07-02	Chapel Fund
NTC 02-08-01	Inmate Canteen
NTC 02-10-01	Insurance Coverage
NTC 02-12-01	Inmate Personal Accounts
NTC 04-01-01	Training and Staff Development
NTC 04-04-01	Firearms and Chemical Agents Training
NTC 06-01-01	Offender Records
NTC 06-01-02	Records - Release of Information
NTC 06-01-03	Taking Offender Record Folders onto the Yard
NTC 08-05-01	The Fire and Safety Officer
NTC 08-05-02	Fire Procedures
NTC 08-05-03	Fire Prevention
NTC 08-05-04	Storage of Flammables and Dangerous Chemicals and Their Use
NTC 08-07-01	Safety Standards
NTC 10-01-01	Special Management Inmates (SMU) [(Amended 2/15/90)]
NTC 10-02-01	Security Guidelines for Special Management Inmates
NTC 10-03-01	Protective Custody
NTC 11-03-01	Food Services: General Guidelines (Amended 3/15/90)
NTC 11-04-01	Food Service: Meals
NTC 11-04-02	Menu, Nutrition and Special Diets
NTC 11-05-02	Health Standards/Regulations for Food Service Employees
NTC 11-06-01	Inspections and Sanitation (Amended 3/15/90)
NTC 11-07-01	Purchasing, Storage and Farm Products
NTC 12-01-01	Institutional Inspections (Amended 3/15/90)
NTC 12-02-01	Personal Hygiene for Inmates; Clothing and Linens (Amended 3/15/90)
NTC 12-02-02	Issuance of Personal Hygiene Products
NTC 13-01-01	Emergency Medical Care Plan
NTC 13-01-02	Emergency and Specialized Health Services
NTC 13-02-01	Administration and Authority for Health Services
NTC 13-03-01	Sick Call and Pill Call
NTC 13-04-01	Utilization of Pharmaceutical Products
NTC 13-05-01	Dental Services
NTC 13-06-01	Licensure and Training Standards
NTC 13-07-01	Provisions for Health Care Delivery
NTC 13-08-01	Medical and Dental Records
NTC 13-09-01	Special Diets
NTC 13-11-01	Inmate Health Screening and Evaluation
NTC 13-12-01	Special Health Care Programs
NTC 13-17-01	Inmates Assigned to Health Services
NTC 13-19-01	Mental Health Care Program
NTC 13-19-03	Suicide Prevention and Intervention Program
NTC 13-20-01	Infectious Disease
NTC 13-20-02	Infection Control (Added 3/15/90)
NTC 13-21-01	Vision Care/Optometry Services
NTC 13-22-01	Informed Consent
NTC 13-23-01	Special Needs Inmates
NTC 14-01-01	Legal Services Program
NTC 14-01-02	Receiving and Viewing of Video Tapes
NTC 14-02-01	Inmate Grievance Procedure
NTC 14-03-01	Inmate Rights and Responsibilities
NTC 14-03-02	Board of Claims
NTC 14-04-01	Inmate Search Policy
NTC 15-01-01	Restoration of Forfeited Good Time
NTC 15-02-01	Due Process/Disciplinary Procedures [(Amended 2/15/90)]
NTC 15-02-02	Extra Duty Assignments
NTC 15-02-03	Hearing Officer
NTC 15-03-01	Rules for Inmates Assigned to Outside Detail
NTC 15-03-02	Rules and Regulations for General Population Dormitories
NTC 15-04-01	Inmate Identification
NTC 16-01-01	Mail Regulations (Amended 3/15/90)
NTC 16-02-01	Visiting
NTC 16-02-02	Extended and Special Visits
NTC 16-02-03	Honor Dorm Visiting
NTC 16-03-01	Inmate Furloughs
NTC 16-05-01	Telephone Use and Control
NTC 17-01-01	Personal Property Control
NTC 17-01-02	Authorized Inmate Personal Property

NTC 17-01-03 Unauthorized Inmate Property
NTC 17-01-04 Disposition of Unauthorized Property
NTC 17-03-01 Assessment/Orientation
NTC 18-01-01 Preparole Progress Report
NTC 18-02-01 Classification
NTC 18-02-02 Classification - 48 Hour Notification
NTC 18-03-01 Special Notice Form
NTC 18-05-01 Transfers of Inmates
NTC 18-05-02 Transfer of Inmates to Kentucky Correctional Psychiatric Center
NTC 19-01-01 Inmate Work Program
NTC 19-01-03 Temporary Leave from Job Assignment
NTC 19-02-01 Correctional Industries
NTC 19-02-02 Guidelines for Correctional Industries
NTC 20-01-01 Academic School Program
NTC 20-02-01 Vocational School
NTC 20-02-02 Live Work Projects in Vocational School Classes
NTC 21-01-01 Library Services
NTC 22-03-01 Conducting Inmate Organizational Meetings and Programs
NTC 23-01-01 Religious Services (Amended 3/15/90)
NTC 24-04-01 Honor Status (Amended 3/15/90)
NTC 24-05-01 Unit Management (Amended 3/15/90)
NTC 25-01-01 Release Preparation Program (Amended 3/15/90)
NTC 25-01-02 Temporary Release/Community Center Release
NTC 25-01-03 Graduated Release
NTC 25-02-01 Funeral Trips and Bedside Visits
NTC 25-03-01 Inmate Release Procedure (Amended 3/15/90)
NTC 26-01-01 Citizen Involvement and Volunteer Services Program

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: February 15, 1990
FILED WITH LRC: March 15, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for April 26, 1990 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: 285 employees of the Northpoint Training Center, 890 inmates, and all visitors to state correctional institutions.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.
2. Continuing costs or savings: Same as 2(a)1.
3. Additional factors increasing or decreasing costs: Same as 2(a)1.
(b) Reporting and paperwork requirements: Monthly submission of policy revisions.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Local Services
(Proposed Amendment)

702 KAR 7:090. Requirements for coaches and other personnel staffing interscholastic athletic programs.

RELATES TO: KRS 156.070, 161.010, 161.044, 161.180
STATUTORY AUTHORITY: KRS 156.070, 161.044
NECESSITY AND FUNCTION: KRS 156.070 gives the State Board for Elementary and Secondary Education the management and control of all programs, including interscholastic athletics, operated in the common schools, and further requires that the rules, regulations, and bylaws of any organization or agency designated by the state board to manage interscholastic athletics be approved by the state board; and KRS 161.010, 161.044, and 161.180 authorizes the employment of teachers' aides as paraprofessionals in the public schools. This regulation sets forth requirements for coaches and other personnel staffing interscholastic athletic programs, including cheerleading squads.

Section 1. (1) Except as provided in Section 2 of this regulation, Head coaches and assistant coaches of interscholastic athletic teams and coaches [sponsors] of cheerleading squads representing the common schools shall be certified teachers and members of their regular school faculties. They shall be duly employed by their respective boards of education, and their entire salaries shall be paid by such board. They shall be employed a minimum of three (3) regular periods for teaching classes, including physical education; for supervision of study halls; or for exercising responsibilities in other activity assignments within the school schedule.
(2) Head athletic team coaches employed by high school member schools of the Kentucky High School Athletic Association (KHSAA) under this section or Section 2 of this regulation for the sports of baseball, basketball, football, soccer, and wrestling shall attend annually a KHSAA sponsored rules clinic in the sport in which they are involved, and all head athletic team coaches employed by member schools in all sanctioned sports shall provide documentation of successful completion of a first aid course, including C.P.R., as approved by a college or university, the American Red Cross, or the

American Heart Association, and such shall be timely and appropriately updated as required by the approving agency. All high school cheerleading squad coaches shall be certified annually for C.P.R.

(3) Head athletic team and cheerleading squad coaches employed under this section or Section 2 of this regulation for any sport sanctioned by the KHSAA shall attend, on a biennial [biannual] basis, the Sports Medicine Symposium sanctioned by the KHSAA and conducted each summer, such requirement to be fulfilled and enforced in the following manner:

(a) Head athletic team coaches who did not attend a sanctioned medical symposium in 1989 [1988] shall be required to attend one (1) of the symposiums in 1990 [1989] and biennially [biannually] thereafter; otherwise, head athletic team coaches shall attend a symposium in 1991 [1990] and biennially [biannually] thereafter.

(b) High school cheerleading squad coaches shall, by December 31, 1992, attend a separate, sanctioned sports medicine symposium on cheerleader injuries, and shall attend one (1) symposium every two (2) years after initial attendance.

(c) [(b)] A make-up symposium shall be scheduled for early September of each school year with attendance only for those head athletic team coaches hired after the last day of the preceding school year and for those head athletic team coaches, within the discretion of KHSAA, who for compelling and convincing reasons could not attend a summer symposium they were required to attend. The KHSAA shall, by December 1, 1991, file with the state board a comprehensive statistical report with respect to the need, if any, for make-up symposiums for cheerleading squad coaches in 1992 and thereafter.

(d) Compliance with this subsection shall not be excused or delayed for any covered head athletic team or cheerleading squad coach except upon application to the State Board for Elementary and Secondary Education and demonstration of compelling and convincing reasons for such noncompliance.

(e) [(c)] All public member schools of KHSAA shall pay the necessary expenses of athletic team and cheerleading squad coaches for the required attendance at a sanctioned sports medicine symposium.

(f) [(d)] The KHSAA shall impose one (1) of the following penalties for those athletic team and cheerleading squad coaches not properly in attendance at the required medical symposium:

1. Not allowing the coach to perform coaching duties for one (1) season in the sport which was not represented; or

2. Not allowing the coach to perform coaching duties in KHSAA sponsored championship competition for one (1) season in the sport which was not represented.

3. Thereafter, no member school shall employ as a coach any person not currently certified for sports medicine symposium attendance.

Section 2. (1) In the event a local board of education is unable to staff head or assistant coaching, or head or assistant cheerleader coach [sponsor], positions under the provision of Section 1 of this regulation, the superintendent of the local school district may request the local board of education to approve the qualifications of persons holding a provisional or standard teaching certificate or having completed a minimum of sixty-four (64) semester hours of college credit as nonteaching paraprofessional head or assistant coaches [or sponsors] under the following provisions:

(a) The local board of education shall declare, after reasonable notice of a relevant position, that no qualified and certified member of the regular school faculty has applied for the position, pursuant to Section 1 of this regulation;

(b) The position shall be filled by the best qualified person available, giving preference to the factors of academic preparation and teacher certification, prior teaching experiences or related educational work, and personal attributes compatible with the demands of the position;

(c) The applicant shall have at least sixty-four (64) semester hours of credit from an accredited college or university, as documented by an official transcript;

(d) The applicant shall provide documentation of successful completion of a first aid course, including CPR, as approved by a college or university, the American Red Cross, or the American Heart Association, and such shall be timely and appropriately updated as required by the approving agency;

(e) Nonteaching paraprofessional assistants shall be employed and act under the direct supervision of a head athletic team or cheerleading squad coach [or head cheerleader sponsor] and under the authority of the principal and shall be evaluated annually;

(f) The entire salary for the position shall be paid by the local board of education; and

(g) Paraprofessional head coaches shall not, in any manner, be utilized with respect to high school varsity football or basketball teams.

(2) Nonteaching paraprofessional head and assistant coaches [and sponsors] utilized under this section shall have the full and same authority and responsibility, consistent with applicable law, as fully certified, teaching counterparts hired under the provisions of Section 1 of this regulation, but such assistants may not:

(a) Act as head athletic team or cheerleading squad coaches [or sponsors], except in emergencies where the head coach [or sponsor] is unavailable, of junior varsity, freshman, elementary or middle school, or any other nonvarsity, athletic team or cheerleading squad; or

(b) Act as the school faculty member or administrator required to accompany students on school-sponsored or school-endorsed trips pursuant to KRS 161.185.

Section 3. As long as a noncertified paraprofessional, with fewer than sixty-four (64) semester hours of college credit, is acting within the scope and authority set forth in 704 KAR 15:080 and KRS 161.010 and 161.044, he or she may be employed by a local board of education to carry out assigned responsibilities upon approval of the local board of a job description limited to the following duties:

(1) Assists the coaches in daily and long-range athletic activities;

(2) Assists the coaches in planning the program;

(3) Conducts learning experiences, under the

direction of the coaches, with small groups of student athletes or cheerleaders;
(4) Assists the coaches in guiding participants toward a harmonious team spirit;
(5) Alerts the head coach to the special needs of individual students [athletes];
(6) Provides escort, assistance, and supervision to students [athletes] during periods of team or squad travel;
(7) Recommends to the head coach the purchase of equipment, supplies, and uniforms as appropriate for the health, safety, and welfare of student athletes and cheerleaders;
(8) Performs other noncoaching duties assigned by the principal, athletic director, or head coach.

Section 4. No person failing to meet the provisions of Sections 1, 2, or 3 of this regulation shall be employed or allowed to participate in any supervisory capacity with interscholastic athletic teams or cheerleading squads.

Section 5. The requirements of this regulation shall be made a part of the rules, regulations, and bylaws of any organization or agency designated by the state board to manage interscholastic athletics, and shall be made to apply by said organization or agency to all its member schools.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: March 14, 1990
FILED WITH LRC: March 15, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing has been scheduled on Thursday, April 26, 1990, at 10 a.m., Eastern Standard Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board for Elementary and Secondary Education at its March meeting. Those persons wishing to provide written testimony or attend and testify shall contact in writing: Dr. Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 21, 1990. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Gary Bale
(1) Type and number of entities affected: 293 Kentucky High School Athletic Association member schools and their coaches.
(a) Direct and indirect costs or savings to those affected:
1. First year: Travel costs for coaches and $15-$30 administration fee.
2. Continuing costs or savings: Continuing travel costs and administration fee.
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Certification of appropriate attendance with registration as coach.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: No costs - appropriate doctors conduct medical sports symposium free of charge.
2. Continuing costs or savings: N/A
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Maintenance of paperwork documenting attendance by coaches.
(3) Assessment of anticipated effect on state and local revenues: Minimal
(4) Assessment of alternative methods; reasons why alternatives were rejected: Clinics and sports medicine symposium only way to insure coaches have necessary skills and knowledge.
(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:
TIERING: Was tiering applied? Yes

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 3:304. Required program of studies.

RELATES TO: KRS 156.160
STATUTORY AUTHORITY: KRS 156.070, 156.160
NECESSITY AND FUNCTION: KRS 156.160 requires the State Board for Elementary and Secondary [of] Education to establish minimum courses of study and the scope of instruction that may be offered in the different classes of common schools, and to establish the minimum requirements for graduation from the courses offered. This regulation implements that duty by prescribing the document containing the general courses comprising the permissive scope of instruction in Kentucky's common schools.

Section 1. Pursuant to the authority vested in the State Board for Elementary and Secondary [of] Education by KRS 156.070 and 156.160, the "Program of Studies for Kentucky Schools, Grades K-12," as amended on March 14, 1990 [May 6, 1987], is hereby promulgated and filed with the Legislative Research Commission and incorporated herein by reference. Such document [Copies] may be inspected and copied at [obtained from] the Office of Instruction, Department of Education, 17th Floor, Capital Plaza Tower, 8 a.m. - 4:30 p.m., Monday - Friday.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: March 14, 1990
FILED WITH LRC: March 15, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing has been scheduled on Thursday, April 26, 1990, at 10 a.m., Eastern Standard Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board for Elementary and Secondary Education at its March meeting. Those persons wishing to provide written testimony or attend and testify shall contact in writing: Dr. Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 21, 1990. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Stephen A. Henderson
(1) Type and number of entities affected: 177 school districts.
(a) Direct and indirect costs or savings to those affected:
1. First year: No change.
2. Continuing costs or savings: No change.
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No change.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: No change.
2. Continuing costs or savings: No change.
3. Additional factors increasing or decreasing costs: No change.
(b) Reporting and paperwork requirements: No change.
(3) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Amendments are needed for better implementation of statute.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are 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? No. Requirements are the same for all school districts.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 3:335. State plan for the administration of Chapter 2, of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 [ECIA of 1981].

RELATES TO: KRS 156.031, 156.035
STATUTORY AUTHORITY: KRS 156.031, 156.070
NECESSITY AND FUNCTION: This regulation implements the State Board for Elementary and Secondary [of] Education's plan approval and federal statute implementation functions under KRS 156.031 and 156.035 relative to federal funds received under Chapter 2 of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 [Education Consolidation and Improvement Act of 1981].

Section 1. Pursuant to the authority vested in the [Kentucky] State Board for Elementary and Secondary [of] Education, the Kentucky State Plan for Chapter 2 of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, [Education Consolidation and Improvement Act of 1981,] shall be prepared and approved by the State Board for Elementary and Secondary [of] Education, in accordance with the appropriate federal guidelines, and submitted to the U.S. Secretary of Education for his approval. [This document is incorporated by reference and hereinafter shall be referred to as the "State Plan" for fiscal years ending September 30, 1988, as amended May, 1986. Copies of the State Plan may be obtained from the Division of Instructional Support, State Department of Education.]

Section 2. Formula and Criteria for Distribution of Chapter 2 Funds of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988. The following criteria, to be funded by eighty (80) percent of the total state grant, have been developed in consultation with the Governor's Advisory Committee and shall be applied to meet the requirements of Section 1512(a)(1)(3) of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 regarding Chapter 2 funds:
(1) Ninety-one and three-tenths (91.3) percent of the funds distributed to local educational agencies shall be based on the enrollment of pupils in public and participating private, nonprofit schools using data from the end of the first school month, as updated by the local educational agencies, for the school year prior to the one for which funds are being awarded.
(2) A total of eight and seven-tenths (8.7) percent of the funds shall be distributed to the local educational agencies which have the greatest percentage of children whose education imposes a higher than average cost per child as determined by considering those from low income families (five and five-tenths (5.5) percent) as well as those with a high degree of sparsity (three and two-tenths (3.2) percent).

Section 3. Funds Reserved for State Use. Twenty (20) percent of the funds shall be retained by the Kentucky Department of Education. Of the twenty (20) percent, twenty-five (25) percent shall be used for administrative and twenty (20) percent shall be used for effective school programs as described in Section 4 of this regulation, with the remainder of the funds going to the programs referred to in Sections 5, 6, 7, 8, 9, and 10 of this regulation.

Section 4. Effective Schools. This project is designed to develop a uniform effective schools program that enhances school based programs, promotes a climate of quality education for all children in the Commonwealth, improves student performance, and promotes educational wellness for all citizens.
(1) Project activities shall be as follows:
(a) Develop a statewide "effective schools council";
(b) Contract with a nationally recognized "effective schools" leader to assist the Kentucky Department of Education in developing a scope and sequence that departmental personnel shall use in working with the local schools;
(c) Train teams of effective schools specialists to help local school districts develop individual school site-based management involving the principal, teachers, parents, and community;
(d) Conduct statewide regional conferences to promote the understanding of quality effective

schools programs;

(e) Provide seed money for the development of the effective schools program at the local school building site.

(2) Each local school that chooses to participate shall identify program achievement standards to be addressed over a three (3) year period of time:

(a) Effective school leadership which creates consensus on instructional goals and builds a capacity for instructional problem solving;

(b) An emphasis on the acquisition of basic and higher order thinking skills;

(c) A safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievements;

(d) A climate of expectation that virtually all children can learn under appropriate conditions; and

(e) A continuous assessment of students and programs to evaluate the effects on instruction.

(3) The effective schools specialists teams, using the training received from a nationally recognized "effective schools" leader, shall work with the schools on a continuous basis using this model to increase the academic achievement levels of all children and particularly educationally deprived children.

(4) This project shall be evaluated by the degree of improvement on test scores.

Section 5. At Risk and Higher Cost Student Programs. This project is designed to develop statewide programs that meet the educational needs of students at risk of failing or dropping out of school, and students for whom providing an education entails higher than average cost. The goal is to promote a climate of quality education for all at-risk students in the Commonwealth.

(1) The activities for this project shall be as follows:

(a) Develop a statewide "at-risk school council";

(b) Contract with a nationally recognized educational leader to consult with Department of Education personnel, and to develop a scope and sequence that departmental education personnel can use in working with the local schools;

(c) Develop and train a cadre of people to work with local school districts to utilize individual school site-based management involving the principal, teachers, parents, and community to achieve an ongoing at-risk student program;

(d) Conduct statewide regional conferences to increase the level of knowledge of at-risk students and assist in the development of programs to serve them; and

(e) Provide seed money for the development of the at-risk program at the local school building site.

(2) The evaluation of this project shall be based on the degree of decrease of the dropout rate in the state.

Section 6. Personal Excellence and Achievement of Students. This project shall be for programs designed to enhance personal excellence of students. The goals for this project shall be to recognize individual students and groups that have attained academic or cultural excellence and to motivate the students who are not working to their potential.

(1) Activities for this project shall be as follows:

(a) Increased utilization of the Commonwealth Diploma, which is a supplementary higher level diploma for academically gifted students; and

(b) Academic statewide competition to showcase student achievement.

(2) The evaluation of this project shall be based on the number of students affected by the activities for this project.

Section 7. Innovative Projects. This project shall be used to provide discretionary grants for innovative projects that will enhance the educational program and climate of the schools.

(1) Grants shall be based on the following factors:

(a) Low achieving school districts;

(b) Lack of local revenue to support supplementary innovative programs; and

(c) Innovative projects that will serve as models to be disseminated statewide.

(2) This project shall utilize the National Diffusion Network as well as local district developed models for programs that are greatly needed to enhance the overall climate of the schools. The programs used by the local schools shall be evaluated for their effectiveness in promoting sound education programs and providing a positive climate for the total school.

Section 8. Personal Excellence and Student Achievement Programs for Participating Private, Nonprofit Catholic Schools. This program is designed to measure the effectiveness of the education program in parochial schools in promoting personal excellence and student achievement. Such measurements shall be achieved by using the following:

(1) A testing program that will permit the schools to correlate student achievement with curriculum and make appropriate curriculum adjustments to enhance student achievement; and

(2) After the test is administered, the results shall be studied and analyzed in order to correlate student ability and student achievement with appropriate learning activities.

Section 9. Innovative Projects for Catholic Schools. (1) This target program, as provided for in Section 7 of this regulation, is designed to provide innovative activities to enhance the educational program using models such as, but not necessarily limited to, the following:

(a) Teacher training in a variety of new innovative models for higher order thinking skills of students. This will allow the students to apply creative skills to all areas of the curriculum; and

(b) Purchase of new innovative computer software to provide for computer assisted instruction. This activity will create new interest in the students and promote student achievement.

(2) Each activity shall be evaluated as to the effect it has on promoting student achievement and personnel excellence.

Section 10. Training and Professional Development Programs for Participating Private, Nonprofit Schools Other than Catholic Schools. This project shall be used to provide equitable participation and funding for training and professional development projects that will enhance the knowledge and skills of educational personnel including teachers, librarians, school

counselors, other pupil services personnel, administrators, and school board members of the participating private, nonprofit schools.

(1) Project activities shall include, but not necessarily be limited to, the following:

(a) Statewide conference;

(b) Statewide regional conferences;

(c) Professional development grants with the control of funds remaining in the Kentucky Department of Education.

(2) These activities shall be monitored to assure only secular, neutral, and nonideological services are provided.

Section 11. Distribution of Funds. Of the Chapter 2 grant received by the Department of Education, at least eighty (80) percent shall be distributed to local school districts on a formula basis. The department shall distribute these funds according to enrollments (membership of school year prior to that in which the payment is to be made) in public and participating private, nonprofit schools within each local district's area. Entitlements shall be adjusted to provide higher per pupil allocations to local districts which have the greatest percentages of children whose education requires a higher than average cost. Local districts shall be informed by June of each year of the amount of funds which are to be received for public and participating private, nonprofit school students for programs beginning on July 1. Local districts shall submit an application, and the application shall describe the planned use of funds among targeted assistance projects.

Section 12. Complaint Procedures for Local Districts. The superintendent of a local district may file with the Division of Support Services, Department of Education, a written complaint pertaining to the allocation of Chapter 2 funds to that district. The written statement shall include a detailed statement of facts upon which the complaint is based, and shall be addressed and resolved by the Department of Education.

Section 13. Complaint Procedures for Private, Nonprofit Schools. A person or private, nonprofit school may file with the Division of Support Services a written complaint alleging that children enrolled in private, nonprofit schools within a certain local district are not receiving benefits on an equitable basis. The written complaint shall include a detailed statement of facts upon which the allegation is based, and shall be addressed and resolved by the Department of Education.

Section 14. Requirements to Supplement and Not Supplant Other Funds. Local districts and the State Department of Education shall use funds received under Chapter 2 only to supplement and increase the level of funds that would be made available from nonfederal sources. In no case may these funds be used to supplant or take the place of funds from nonfederal sources.

Section 15. Expenditure Report Form. Each year a Chapter 2 Expenditure Report Form shall be submitted to the Division of Support Services upon expending fifty (50) percent of the fiscal year funds and upon expending 100 percent of the fiscal year funds. Obligations made prior to September 30 shall be liquidated on or before September 30 of the subsequent project year. Unobligated funds shall be expended within the following year, ending September 30. Permission to expend these funds for a purpose which differs from that stated in the originally approved application form shall be obtained in writing from the Department of Education.

Section 16. Annual Supplement to the Three (3) Year Application. Annually the state shall require local districts to supply information concerning the number of students who are being served by Chapter 2 funds, how the funds are being used, and the types of services furnished.

Section 17. Local Monitoring and Evaluation Requirements. (1) In its Chapter 2 application, a local district shall assure that a number of requirements have been met. The district shall keep such documentation as may be necessary to verify the meeting of these requirements. Documentation shall be available to support the following:

(a) Use of Chapter 2 funds for eligible program purposes;

(b) Availability of appropriate fiscal and programmatic records for examination;

(c) Systematic consultation with parents, school personnel, and others concerning the allocation of Chapter 2 funds for the various purposes and concerning the planning and implementation of programs under Chapter 2;

(d) Consultation with appropriate private, nonprofit school officials concerning the needs of private, nonprofit school children and the provision of services to meet those needs.

(2) The Department of Education shall conduct monitoring visits in order to verify the information which has been submitted to the state. After a monitoring visit, the local school district shall receive a written report of the findings of the visit. If a local district disagrees with the findings, it may reply in writing to the Department of Education within sixty (60) days of receiving the report. The department shall respond in writing to the district within sixty (60) days of receiving a reply from the district.

HENRY E. POGUE, Chairman

APPROVED BY AGENCY: March 14, 1990

FILED WITH LRC: March 15, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing has been scheduled on Thursday, April 26, 1990 at 10 a.m. (EST) in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky, to review the regulations adopted by the State Board for Elementary and Secondary Education at its March meeting. Those persons wishing to provide written testimony or attend and testify shall contact in writing: Dr. Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 21, 1990. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Diane Teasley

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected:

1. First year: LEA may claim indirect cost per

indirect cost formula approved by the Kentucky Department of Education.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: LEA must file 50% and final expenditure reports.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: SEA claims an indirect cost as negotiated with the federal government.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: SEA will generate approximately $1,000,000 for administration over a three year period. The LEAs will generate approximately $17,128,800 over a three year period.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no allowable alternatives.

(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: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering not possible under federal law providing these funds.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, Sec. 1501, 1502, 1511, 1512, 1521, 1522, 1531, 1532, 1533, 1541, 1542, 1571, 1572, 1573, 1574, 1575, 1576, and 34 CFR Parts 76, 77, and 298.

2. State compliance standards. None

3. Minimum or uniform standards contained in the federal mandate. An SEA or LEA that receives Chapter 2 funds: (a) May use and allocate those funds only to supplement and, to the extent practical, increase the level of funds that would, in the absence of federal funds made available under Chapter 2, be made available from nonfederal sources; and (b) May not use Chapter 2 funds to supplant funds from nonfederal sources.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Chapter 2 funds must now be targeted toward the following: programs for at risk students; programs to acquire and use instructional materials to improve the quality of instruction; innovative programs for schoolwide improvements, including effective schools programs; programs of training and professional development; programs to enhance personal excellence of students and student achievement; and other innovative projects to enhance the educational program and climate of the school.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 3:360. Parenting and family life skills.

RELATES TO: KRS 158.797 [158.747]

STATUTORY AUTHORITY: KRS 156.070, 158.797

NECESSITY AND FUNCTION: KRS 158.797 requires the State Board for Elementary and Secondary Education to adopt regulations as it deems necessary for the implementation of "parenting education and family life skills" in the public elementary and secondary schools. This regulation implements that statutory mandate.

Section 1. Definitions. As utilized in KRS 158.797, the following terms shall be interpreted as follows:

(1) "Certified personnel" - persons holding a Kentucky Department of Education teaching certificate (standard, provisional, or certificate of eligibility) appropriate for the grade level of students to be taught.

(2) "Specialized in-service training" - training for the purpose of providing personnel with specific skills necessary to teach specific subjects.

(3) "Department of Education approved trainers" - persons deemed to have specific skills in a subject area and qualified to provide in-service training in that specific area.

(4) "Professional resource personnel" - teachers, school guidance counselors, school psychologists, school social workers, school nurses, representatives of health and mental health agencies, law enforcement officials, and other appropriate personnel.

(5) "Lay persons" - parents or guardians of children enrolled in the respective school district, students, representatives of parent-teacher associations, religious groups, civic groups, government agencies, and other lay citizens. These people are not employed by the local district.

(6) "Alternative instruction" - any instruction that is a part of the regular school program or that has been approved by the State Board for Elementary and Secondary Education as an experimental or enrichment program.

Section 2. Each local school superintendent shall appoint an advisory committee composed of an equal number of lay persons and professional resource personnel to do the following in addition to specific statutory duties:

[(1) Assist in assessing local needs and resources;]

(1) [(2)] Provide a forum for expression of community opinion;

[(3) Adopt guidelines for developing and implementing the local plan for providing parenting and family life skills education;]

[(4) Develop the local plan;]

(2) [(5)] Develop procedures for dealing with controversial issues;

(3) [(6)] Review print and audio visual materials; [and]

(4) [(7)] Assist in the evaluation of the program; and
(5) Recommend revisions for the local plan.

[Section 3. (1) The district plan for parenting education and family life skills shall be reviewed and approved by the local superintendent, adopted by the local board of education, and submitted to the Kentucky Department of Education for approval by August 5, 1989.]
[(2) By September 1, 1989, all local school districts shall have a plan approved by the Kentucky Department of Education for providing parenting and family life skills in grades kindergarten through twelve (12). Full implementation of the local district plan shall begin by January 31, 1990.]

[Section 4. (1) Students shall receive a minimum of five (5) clock hours of instruction in each year of grades kindergarten through fifth; a minimum of twelve (12) clock hours in each grade sixth through eighth; and a total of ninety (90) clock hours in grades nine (9) through twelve (12).]
[(2) The ninety (90) hours curriculum requirement for grades nine (9) through twelve (12) shall take effect with students entering the ninth grade in fall, 1989.]

Section 3. [(3)] The hours of instruction for every grade, kindergarten through twelve (12), may be provided in a self-contained unit of study or components may be integrated into any curriculum areas as appropriate.

[Section 5. (1) The local district shall develop and implement a curriculum for parenting and family life skills education based on, but not limited to, a model curriculum developed by the Kentucky Department of Education and approved by the State Board for Elementary and Secondary Education.]
[(2) The curriculum shall include age-appropriate information in the following areas:]
[(a) Developing positive self-esteem and self-concept;]
[(b) Determining values, setting goals, decision making, communication skills and conflict resolution;]
[(c) Peer pressure;]
[(d) Substance abuse prevention;]
[(e) Personal safety and prevention of family violence;]
[(f) Human growth and development;]
[(g) Human sexuality;]
[(h) Responsible sexual behavior emphasizing premarital abstinence;]
[(i) Sexually transmitted diseases including the human immunodeficiency virus (HIV) and other viruses linked to the acquired immune deficiency syndrome (AIDS); and]
[(j) Parenting and family life skills.]
[(3) All instruction on human sexuality, responsible sexual behavior and sexually transmitted diseases shall emphasize, but not be limited to, discussion of self-esteem, self-discipline, respect for others, the emotional, educational health and social advantages of premarital abstinence and the development of skills with which to practice premarital abstinence.]

[Section 6. (1) Instruction in parenting and family life skills education shall be provided by certified personnel who have received specialized in-service training by Department of Education-approved trainers.]
[(2) A comprehensive in-service training program shall be developed by the Kentucky Department of Education. The Department of Education shall provide training for local district personnel, university educators, and other qualified personnel who shall then be approved to deliver the in-service program at the local district level.]
[(3) All in-service training for teachers shall emphasize the development of the skills and resources necessary to teach children the skills with which to practice premarital abstinence.]

[Section 7. All instructional material on human sexuality education shall be made available at the school for parents and guardians to review at least one (1) month prior to implementation. The school principal shall publicize the availability of materials for viewing by parents and guardians. Instructional materials used in the classroom shall be provided for parents and guardians wishing to instruct their own children in parenting and family life education.]

[Section 8. The local plan, approved by the board of education, shall provide a procedure whereby the parent or guardian of any student in kindergarten to sixth grade must submit a signed statement to the principal giving specific permission for the child to participate in the instructional program. The plan shall also provide a procedure whereby the parents and guardian of any student in grades seven (7) through twelve (12) must sign a statement to the principal requesting the student be exempt from such instruction if the parent or guardian wishes to have the student exempted. In the event such request is submitted, an alternative instructional activity shall be chosen from the school's approved curriculum and taught by certified staff.]

Section 4. [9.] At the beginning of the 1989-90 school year, each local school district shall survey a sample of the students in grade nine (9) and grade twelve (12) relating to sexual activity, utilizing a uniform survey developed and to be analyzed by the Department of Education. The survey shall be readministered at the beginning of the 1994-95 school year. The 1989-90 survey data, along with public health data on sexually transmitted diseases and premarital teenage pregnancies, shall be used to establish baselines for measuring the effectiveness of the curriculum. The 1994-95 data [date] shall be used to determine progress in meeting the Kentucky Department of Education's goal of a statewide decrease of five (5) percent in reported sexual activity, reported cases of sexually transmitted diseases, and in reported teenage pregnancies.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: March 14, 1990
FILED WITH LRC: March 15, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing has been scheduled on Thursday, April 26, 1990, at 10 a.m., Eastern Standard Time, in the State Board

Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board for Elementary and Secondary Education at its March meeting. Those persons wishing to provide written testimony or attend and testify shall contact in writing: Dr. Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 21, 1990. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Steve Henderson
(1) Type and number of entities affected: All local school districts.
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings: Annual training for new teachers.
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Initial and five year assessment of students.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings: Training at $5,000 annually.
3. Additional factors increasing or decreasing costs: Number of new teachers needing training.
(b) Reporting and paperwork requirements: Initial and five year evaluation of program.
(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: Parental right to exempt child from instruction that is deemed undesirable.
(a) Necessity of proposed regulation if in conflict: Procedure for exemptng from program.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments: 1) Definition of terms; 2) Evaluation procedure outlined.
TIERING: Was tiering applied? Yes

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 20:005. Kentucky standards for preparation-certification of professional school personnel program approval.

RELATES TO: KRS 161.020, 161.025, 161.030
STATUTORY AUTHORITY: KRS 156.070, 161.030
NECESSITY AND FUNCTION: KRS 161.020 prohibits any person from holding the position of superintendent, principal, teacher, supervisor, director of pupil personnel, or other public school position for which certificates may be issued unless he holds a certificate of legal qualifications for the particular position; KRS 161.025 gives the Kentucky Council on Teacher Education and Certification the duty to develop and recommend policies and standards relating to teacher preparation and certification; and KRS 161.030 rests the certification of teachers and other school personnel and the approval of teacher-preparatory colleges and universities and their curricula with the State Board of Education. This regulation, which has been reviewed and recommended by the Kentucky Council on Teacher Education and Certification, establishes the standards and procedures which are to be used for the approval of the various teacher preparation programs offered by the colleges and universities, and where applicable, these curriculum standards are consistent with the Program of Studies as incorporated in 704 KAR 3:304; and this regulation also establishes procedures and necessary justifications for future development of new preparation-certification programs.

Section 1. Pursuant to the statutory authority placed upon the Superintendent of Public Instruction, the State Board for Elementary and Secondary Education, and the Kentucky Council on Teacher Education and Certification under KRS Chapter 161, there is hereby devised, created, and incorporated by reference the Kentucky Standards for the Preparation-Certification of Professional School Personnel, which shall include the standards and procedures for the approval of college and university curricula for the preparation programs.

Section 2. The Kentucky Standards for the Preparation-Certification of Professional School Personnel are hereby amended, and the amended document is hereby incorporated by reference and identified as the Kentucky Standards for the Preparation-Certification of Professional School Personnel, revised March, 1990 [September, 1989]. A copy of this document can be inspected, copied and obtained from the Office of Instruction, Department of Education, 18th Floor, Capital Plaza Tower, Frankfort, Kentucky, 8 a.m. - 4:30 p.m., Monday-Friday.

Section 3. Any proposal for the development by the Council on Teacher Education and certification of a program of preparation-certification for a new position shall be evaluated in writing by the office of the Superintendent of Public Instruction on the basis of the following criteria:
(1) There are compelling reasons for establishing a preparation-certification program. Alternate procedures for insuring professional competence for the position are either not feasible or are not appropriate. The likelihood of unsatisfactory practices represents too high a risk for noncertification alternatives.
(2) A distinctive and specific body of knowledge exists for the new position which is not likely to be attained without a specific preparation-certification plan. The body of knowledge is sufficiently extensive for a program of preparation - twelve (12) semester hours of credit or more - rather than something that can be earned in miscellaneous noncredit experiences.
(3) There are pupils having unique characteristics which require the teacher to have specialized knowledge and skills or there

is a need for special services for which unique professional preparation is required.

(4) There is a sufficient demand for the training for this position to warrant the development of preparation-certification programs at one (1) or more Kentucky teacher education institutions and for sustaining these programs over a period of several years.

(5) The preparation-certification requirement is cost effective in terms of the anticipated benefits to the local school district.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: March 14, 1990
FILED WITH LRC: March 15, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing has been scheduled on Thursday, April 26, 1990, at 10 a.m., Eastern Standard Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board for Elementary and Secondary Education at its March meeting. Those persons wishing to provide written testimony or attend and testify shall contact in writing: Dr. Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 21, 1990. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Akeel Zaheer
(1) Type and number of entities affected: Twelve institutions of higher education and approximately 200 students per annum enrolling in these programs.
(a) Direct and indirect costs or savings to those affected: Tuition to individuals seeking additional certification in special education, reading, gifted education, and early childhood education.
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: IHE's will submit revised programs to state department for approval. Candidates must make application for receiving certification.
(2) Effects on the promulgating administrative body: Review and approval of revised programs. Review of applications and issuance of certificates.
(a) Direct and indirect costs or savings: Administrative costs association with review, approval certificate issuance, and recordkeeping functions.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Review and approval of programs of preparation submitted by IHE's. Review of applications, issuance of certificates, and recordkeeping functions associated with these activities.
(3) Assessment of anticipated effect on state and local revenues: No anticipated effect on state and local revenues.
(4) Assessment of alternative methods, reasons why alternatives were rejected: Revisions in curriculum for standard elementary and early elementary certification needed to address training needs of teachers at these grade levels.
(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

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 20:057. Certificate endorsements for certain subjects.

RELATES TO: KRS 161.020, 161.025, 161.030
STATUTORY AUTHORITY: KRS 156.070, 161.030
NECESSITY AND FUNCTION: KRS 161.020 prohibits any person from holding a teaching position in the public schools without a certificate of legal qualifications for the [his] particular position; KRS 161.025 gives the Kentucky Council on Teacher Education and Certification the duty to develop and recommend policies and standards relating to teacher preparation and certification; and KRS 161.030 rests the certification of teachers and the approval of teacher-preparatory colleges and universities and their curricula with the State Board for Elementary and Secondary [of] Education. This regulation, which has been reviewed and recommended by the Kentucky Council on Teacher Education and Certification, establishes procedures and standards whereby certain teachers can acquire certificate endorsements to teach advanced data processing, typewriting, [and] accounting, and shorthand.

Section 1. An endorsement for teaching advanced data processing may be added to a high school certificate with a major in basic business, [or] a major in general business, or a major in comprehensive business upon completion of a total of nine (9) semester hours of credit to include computer language related to business [in data processing].

Section 2. An endorsement for teaching typewriting may be added to a high school certificate with specialization in general business provided the certificate holder has completed two (2) courses in typewriting and a third course which includes methods of teaching typewriting.

Section 3. An endorsement for teaching accounting may be added to a high school certificate with specialization in general business provided the certificate holder has completed six (6) semester hours in accounting and a course which includes methods of teaching accounting.

Section 4. An endorsement for teaching shorthand may be added to a high school certificate with a major in comprehensive business upon the completion of six (6) semester hours in shorthand.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: March 14, 1990
FILED WITH LRC: March 15, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing has been scheduled on Thursday, April 26, 1990, at 10 a.m., Eastern Standard Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board for Elementary and Secondary Education at its March meeting. Those persons wishing to provide written testimony or attend and testify shall contact in writing: Dr. Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 21, 1990. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Akeel Zaheer
(1) Type and number of entities affected: 15 institutions of higher education preparing business education teachers and approximately 70 candidates per year completing the approved certification program.
(a) Direct and indirect costs or savings to those affected: IHE's: Costs associated with delivering program. Student's: Tuition costs associated with completing preparation program.
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: IHE's will submit revised programs to state department for approval. Candidates must make application for receiving certification.
(2) Effects on the promulgating administrative body: Review and approval of revised programs. Review of applications and issuance of certificates.
(a) Direct and indirect costs or savings: Administrative costs association with review, approval certificate issuance, and recordkeeping functions.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Review and approval of programs of preparation submitted by IHE's. Review of applications, issuance of certificates, and recordkeeping functions associated with these activities.
(3) Assessment of anticipated effect on state and local revenues: No anticipated effect on state and local revenues.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Certification of all professional school personnel required by KRS 161.030. Revisions in preparation of business education teachers needed to address changing training needs of current classroom teachers.
(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? Yes

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Plumbing
(Proposed Amendment)

815 KAR 20:020. Parts or materials list.

RELATES TO: KRS Chapter 318
STATUTORY AUTHORITY: KRS Chapter 13A, 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation will allow the department to permit the use of new parts and materials without amending specific regulations for each new item. This regulation will eliminate the repetitious amending of the Plumbing Code now required to include new materials item by item. This amendment adds three (3) new products [one (1) new product] approved by the Plumbing Code Committee on November 1, 1989 [June 21].

Section 1. Definitions as used in this regulation. (1) "APML" shall mean the "Approved Parts or Materials List."
(2) "ABS" means acrylonitrile-butadiene-styrene pipe.
(3) "ASTM" means American Society for Testing Materials.
(4) "Parts or materials" shall mean all types of fittings and piping used in the soil, waste and vent systems, house sewers, potable water supply, plumbing fixtures, appurtenances, and mechanical sewage systems in plumbing systems.
(5) "Committee" shall mean the State Plumbing Code Committee.
(6) "Code" shall mean the State Plumbing Code.
(7) "Department" shall mean the Department of Housing, Buildings and Construction.
(8) "Person" shall mean any individual, public or private corporation, political subdivision, government agency, municipality, copartnership, association, firm, trust, estate, or other entity whatsoever.
(9) "PVC" means polyvinyl chloride pipe.

Section 2. Approved Parts or Materials List (APML). The use of any part or material in any drainage or plumbing system or section thereof, other than those currently authorized by the code, is prohibited unless the use of such part or material has been considered by the committee and approved by the department as being equal to or better than other similar approved items for inclusion in the APML. The APML may also specify methods of installation or restrictions applicable to a particular part or material.

Section 3. Amending the APML. (1) A person desiring to have the APML amended shall petition, in writing, for an opportunity to be heard by the committee no later than fourteen (14) days prior to the next scheduled meeting of the committee. Such request shall include a description of the part or material for which approval is sought, available technical data, and a listing of other authorities which have the use of the part or material, and any other pertinent information requested by the committee.
(2) The committee will consider all parts or

materials for which approval is sought and will forward thirty (30) days thereafter its recommended disposition to the department. Provided, however, that a hearing will be held before the committee if requested, within thirty (30) days following the determination of the committee, by a person having an interest in the subject matter. Upon approval of a recommendation by the department, the APML shall be amended by listing the new part or material in Section 5 of this regulation.

Section 4. Custody of the APML. It shall be the responsibility of the Director, Division of Plumbing, to maintain an up-to-date APML and to make it available for inspection during regular office hours. Copies of the APML may be obtained by mailing a self-addressed stamped envelope to the Division of Plumbing, Department of Housing, Buildings and Construction, Frankfort, Kentucky 40601. The cost of reproduction shall not exceed ten (10) cents per page.

Section 5. Content of Approved Parts or Materials List. The following list of parts or materials have been approved by the Kentucky Plumbing Code Committee and the Division of Plumbing and shall be allowed for installation in Kentucky.

(1) Flexible three-fourths (3/4) inch hot and cold water connectors for hot water heaters, minimum wall thickness, .032.

(2)(a) Flushmate water closet tank.

(b) Microphor company. Two (2) quart flush toilets.

(c) Jomar 3 and 4 water conserver water closets to operate efficiently on three and one-half (3 1/2) gallons of water per flush.

(d) Superinse toilet that operates on one (1) gallon of water per flush as manufactured by Universal Rundle for the Thetford Wastewater Treatment Systems.

(e) IFO Sanitar AB Model-3160 and 3180 China Water Closet equipped with a Fluidmaster 4003A-F77 Ballcock.

(f) Cashsaver MX (quantum 150-1) Water Closet Combination and Flushmate II Flushometer/Tank as manufactured by Mansfield Plumbing Products.

(3) Tubular traps with gasket in trap seal.

(4)(a) Polyethylene sump pump basin. Polyethylene sump pump basin must be constructed of polyethylene material and be provided with a sump cover.

(b) Liberty Pump Model 402, Laundry Tray Pump for pipe size one and one-half (1 1/2) inch for light commercial and household usage.

(c) Drain pump and HiLo Industries Power Drain for pipe size one and one-half (1 1/2) inch for light commercial and household usage.

(d) Sewage ejector pit - eighteen (18) inch by twenty-two (22) inch with steel cover pit and eighteen (18) inch by thirty (30) inch with steel cover sump pit as manufactured by Lunsford and Associates, Inc.

(e) Little Giant Pump Company, Drainosaur Water Removal System, Model #WRS-6. This approval is limited to two (2) drainage fixture units since it has a one and one-half (1 1/2) inch drain.

(5)(a) No-caulk roof flashing. No-caulk roof flashing shall be eighteen (18) inch by eighteen (18) inch galvanized iron base with a neoprene boot forming a water tight seal with the stack that it serves.

(b) Polyethylene roof flashing. Polyethylene roof flashing shall have a base which will extend six (6) inches in all directions from the base of a stack and shall have a boot with a performed thermoplastic rubber gasket.

(c) Dektite pipe flashing system to be used on metal building decks for plumbing vent stacks as manufactured by Buildex Corporation.

(d) Oatey eighteen (18) inch by eighteen (18) inch no caulk thermoplastic flashing, one (1) piece construction, positive double seal in three (3) inch only.

(e) Carlisle syntec systems. Vent flashings for sureseal and Brite-Ply roofing systems as required by Carlisle Corporation.

(f) Trocal roofing systems. Vent flashings for Trocal roofing systems as required by Dynamit Nobel of American, Inc.

(g) Masterflash Pipe Flashing system for plumbing vent stacks as manufactured by Aztec Washer Company.

(h) Hi-Tuff Roofing Systems pipe flashing system for plumbing vent stacks as required by J.P. Stevens and Company, Inc.

(6)(a) Kitchen sink faucet. Kitchen sink faucets may have corrugated supply piping provided the piping has a wall thickness equal to Type M copper pipe.

(b) Sink and lavatory faucets and pop-up lavatory assembly parts manufactured by CPVC plastic as manufactured by Nibco Co.

(c) Series 1000 Automatic Faucets as Manufactured by Hydrotek USA, Inc.

(7) Lab-Line Enfield L-E acid waste systems, one and one-half (1 1/2) through four (4) inch inside measurement for above and below ground installation on acid waste only. Underground must be laid on six (6) inches of sand grillage. May be backfilled by hand and tamped six (6) inches around piping or may be surrounded by six (6) inches of sand grillage.

(8) Floor drains, shower drains, urinal drains and clean-outs manufactured by Plastic Oddities, Inc.

(9) Tubular plastic components conforming to ASTM F409-75, bathtub waste and overflow, traps, continuous sink wastes and extension tubes as manufactured by J & B Products Corporation.

(10)(a) Water heaters. Heat pump water heaters as manufactured by Dec International, Inc., Therma-Stor Products Group.

(b) Water heaters, point of use or instantaneous.

1. In-sink-erator's Ultra System. For instant hot water to serve individual fixtures, Model #777W, W, WH, WA and WHA.

2. Thermar Tankless water heaters - nonpressure type without the requirement of a temperature and pressure relief valve; the pressure type with the requirement that the temperature and pressure relief valve be of a one-half (1/2) inch short shank valve and must be installed with the product.

3. Vitaclimate Control Systems, Inc. - Heatrae Instantaneous Water Heaters Models 7000 and 9000, pressure type, point of use water heater and must be equipped with an approved temperature and pressure relief valve installed so that the thermo couple of the relief valve extends into the heat chamber discharge.

4. Paloma Automatic Instantaneous Gas Water Heaters Numbers PH-6DN, PH-6DP, PH-12A-DN, PH-12A-DP, PH-12M-DN, PH-12M-DP, PH-16A-DN, PH-16A-DP, PH-16M-DN, PH-16M-DP, PH-24A-DN, PH-24A-DP, PH-24M-DN and PH-24M-DP.

5. Rinnai Gas Fired Instantaneous Water

Heaters Model Numbers REU-95GS-2R, REU-95GS-3R, REU-90, REU-130 pressure type and must be equipped with an approved temperature and pressure relief valve.

6. Elkay Aqua-Temp tankless water heaters - nonpressure type without the requirement of a temperature and pressure relief valve.

7. International Technology Sales Corporation AEG Telefunken MDT instantaneous water heater and must be equipped with an approved temperature and pressure relief valve.

8. International Technology Sales Corporation Zanker Faucet Model W05U without a temperature and pressure relief valve.

9. Amtrol hot water maker model numbers WH7P, WH7 and WH7C with a minimum three-fourths (3/4) inch inlet and outlet.

10. Chronomite Laboratories, Inc. - instantaneous water heater and must be equipped with an approved temperature and pressure relief valve. Chronomite Instant-Flow Tankless Water Heater without a temperature and pressure relief valve.

11. Nova Hot Water Generator Models: VES5/10, VES6/12, VES7/14, VES8/16, VES9/18 and VES11/22 as manufactured by Hot Water Generators, Inc.

12. Aqua Star tankless gas water heaters, model numbers 125 VP and 80 VP and must be equipped with an approved temperature and pressure relief valve.

13. Ariston electric water heaters, model numbers P-15S and P-10S and must be equipped with an approved temperature and pressure relief valve.

(11) Compression joints. Fail-safe hot and cold water systems.

(12) Orion fittings for acid waste piping systems for above and below ground.

(13) R & G Slone Manufacturing Company. Fuseal mechanical joint for the connection of polypropylene and waste piping.

(14) Johns Manville Flex I drain roof drain system.

(15) Hydrocide liquid membrane (HLM) to be used as a shower pan material conforming to ASTM C836-76. The density of the material must be at least one-sixteenth (1/16) inch thick.

(16) Scotch-Clad brand waterproofing system as manufactured by the 3M Company for thin-set installation of ceramic and quarry tile in shower stalls, bathrooms, janitorial closets limited to those applications on concrete floors and using metallic soil and waste piping.

(17) Elkay Aqua-chill water dispensers.

(18) Flexible connectors for hot and cold potable water supply in plumbing fixture connections as manufactured by Aqua-Flo Corporation limited to thirty (30) inch length except dishwashers which will be forty-eight (48) inches maximum.

(19)(a) Delta Faucet Company's quick-connect fitting known as "grabber" to be used with hot and cold potable water installations above ground only.

(b) REMCO Angle Stop Quick connect valve for use with hot and cold potable water installations above ground only.

(20) Interceptors.

(a) Town and Country plastic interceptors to be used as a grease trap.

(b) Grease recovery unit (GRU) as manufactured by Lowe Engineering, Lincoln Park, NJ.

(c) Scienco, Inc., models SI-101-20G, SI-104-35G, SI-102-50G and SI-103-100G with PVC solvent connections only.

(d) Rockford separators for grease, oil, hair and solids in various styles and sizes and being more specifically model series G, G LO, G M, G LOM, GF, GFE, GAS, GPS, GSS, OS, RHS, GSC, RMS, RSD, SD, SDE, GTD, and RTD that are used for their intended purpose and installed in accordance to the manufacturer's specification and the plumbing code.

(e) Grease interceptors as manufactured by Enpoco, Inc. of St. Charles, IL.

(21) Plastic Oddities Srv (sewer relief vent) clean-out.

(22) ARMCO A-2000 - a PVC corrugated pipe with smooth interior meeting or exceeding all the material and service test requirements of ASTM D-3034-74 except dimensions at the time of manufacture.

(23) Nonchemical water treatment to control lime scale and corrosion buildup superior water conditioners as manufactured by Kemtune, Inc.

(24) Eljer plumbing ware - Elgers ultra one/G water closet.

(25) "Power Flush" and "Quik Jon" as manufactured by Zoeller Company; must have a three (3) inch vent; alternate additional waste openings to be located in pump chamber above top of base chamber.

(26) Exemplar Energy garden solar water heater.

(27) ProSet systems for pipe penetrations in fire rated structures. System A for copper and steel pipe. System C using solvent weld joints only. ProSet E-Z flex coupling is approved for similar or dissimilar materials.

(28) ABS and PVC backwater valves, Models 3281, 3282, 3283 and 3284 for solvent cement joints only as manufactured by Canplas Industries.

(29) Clamp-All Corporation Pipe Coupling Systems is approved size for size on dissimilar materials on new or existing installations. Snap-All Increaser/Reducer transition bushings are approved only for repairs using dissimilar materials or sizes.

(30) Mission Rubber Company "Band-Seal Specialty Coupling" is approved as a transition between any combination of the following materials: cast iron, copper, galvanized steel, schedule 40 PVC and ABS and SDR 35.

(31) Laticrete 9235 Waterproof Membrane to be used as a safing material for floors and walls in showers, bathtubs and floor drain pans.

CHARLES A. COTTON, Commissioner
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: November 1, 1989
FILED WITH LRC: March 13, 1990 at 2 p.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on April 24, 1990, at 10 a.m. in the office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. 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 received. 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: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. If no written

requests to appear at the public hearing are received by April 19, 1990, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden
(1) Type and number of entities affected: Manufacturers of new products not yet made part of a national standard allowed by the Kentucky Plumbing Code.
(a) Direct and indirect costs or savings to those affected: There are no costs or savings because the regulation only establishes acceptability of previously unapproved products. Provides ability of manufacturer to market his product in state.
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): Enhances competition for products in state.
(b) Reporting and paperwork requirements: The paperwork requirements and recordkeeping needs remain the same; no costs or savings involved.
(2) Effects on the promulgating administrative body: Formalizes, with proper regulatory oversight, the procedures for acceptability of new products in the State Plumbing Code.
(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: Unchanged by this amendment.
(3) Assessment of anticipated effect on state and local revenues: No effect on revenues because the regulation merely identifies existing procedures in regulatory form.
(4) Assessment of alternative methods; reasons why alternatives were rejected: The previous method of filing new parts or materials did not statutorily meet KRS Chapter 13A requirements.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This is the only known law or policy dealing with this product.
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Plumbing
(Proposed Amendment)

815 KAR 20:191. Minimum fixture requirements.

RELATES TO: KRS Chapter 318
STATUTORY AUTHORITY: KRS 13A.120, 198B.040(10), 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation incorporates many of the provisions which have been in effect for some time with regard to residential and public buildings. The department has revised the old regulation to make it easier to interpret. This regulation includes the requirements of the Department for Natural Resources and Environmental Protection as well as the Department for Human Resources and the Department of Justice. These inclusions simplify the plan process. This amendment is necessary to increase the ratio of state prison inmates to plumbing fixtures while maintaining reasonable health and convenience considerations.

Section 1. (1) In buildings accommodating males and females it shall be presumed that the occupants will be equally divided between males and females unless otherwise denoted.
(2) The occupancy load factor used to determine the number of plumbing fixtures required shall be that denoted by Article 8, Section 806 of the 1988 edition of the Kentucky Building Code unless otherwise denoted.

Section 2. All types of buildings shall be provided with toilet rooms on each level or floor; however, where the department determines that separate facilities on each level or floor are unnecessary, toilet rooms on every other level or floor shall be sufficient.

Section 3. Toilet rooms for males and females shall be clearly marked.

Section 4. Toilet Floor Construction Requirements. Floors in toilet rooms providing facilities for use by the general public or employees shall be constructed of nonabsorbent materials. This requirement is not intended to restrict the use of wood floors. When more than one (1) water closet and one (1) lavatory is installed, such a toilet room shall have at least one (1) floor drain and one (1) accessible hose bibb.

Section 5. Theaters, Assembly Halls, Libraries, Museums and Art Galleries. (1) A separate water closet and lavatory shall be provided for males and females in the stage area.
(2) A drinking fountain shall be provided in the stage and auditorium area and a drinking fountain shall be provided on each floor for each 500 persons or fraction thereof.
(3) Separate toilet rooms for males and females shall be provided as indicated in Section 2 of this regulation, as follows:
(a) One (1) water closet for each 100 males or females or fraction thereof; two (2) water closets for 101 to 200 males or females or fraction thereof; three (3) water closets for 201 to 400 males or females or fraction thereof; over 400 add one (1) water closet for each additional 500 males and one (1) for each additional 300 females.
(b) One (1) urinal for eleven (11) to 200 males; two (2) urinals for 201 to 400; three (3) urinals for 401 to 600; add one (1) urinal for each additional 300 males or fraction thereof.
(c) One (1) lavatory for up to 100 males or females; two (2) lavatories for 101 to 200, three (3) lavatories for 201 to 400; four (4) lavatories for 401 to 750; add one (1) lavatory for each additional 500 or less over 750.
(d) One (1) service sink or slop sink on each floor.
(e) The number of fixtures shall be based upon the maximum seating capacity or fixed seats. If fixed seats are not provided the basis for

determining the capacity shall be one (1) person per each fifteen (15) square feet of area.

(4) In libraries, museums and art galleries separate toilet facilities for males and females shall be provided as indicated in Section 2, as follows:

(a) One (1) water closet and one (1) lavatory for each 100 females or fraction thereof.

(b) One (1) water closet and one (1) lavatory for each 200 males or fraction thereof.

(c) One (1) urinal for eleven (11) to 200 males; two (2) urinals for 201 to 400; 33 urinals for 401 to 600; add one (1) urinal for each additional 300 males or fraction thereof.

(d) One (1) service sink or slop sink on each floor.

(e) A drinking fountain shall be provided for each 500 persons or fraction thereof.

(f) The above number of fixtures shall be based upon the actual number of persons that can be accommodated.

(5) Urinals may be substituted for water closets for males, not to exceed one-third (1/3) of the required total number of water closets but in all cases the minimum number of urinals shall be installed.

(6) Water closets in public restrooms shall be of the elongated bowl type with a split open front seat.

Section 6. School Buildings (relates also to 702 KAR 4:070 and 702 KAR 4:080). (1) A drinking fountain shall be provided on each floor and wing of a building and an additional drinking fountain shall be provided for each seventy-five (75) pupils or fraction thereof. The fountains shall be equipped with a protective cowl and the orifice shall be one (1) inch above the overflow rim of the fountain.

(2) Elementary through secondary level school buildings shall be provided with the following:

(a) Water closets for males shall be installed in the following proportions:

1. One (1) water closet for up to twenty-five (25) pupils.
2. Two (2) water closets for twenty-six (26) to 100 pupils.
3. One (1) water closet for each 100 pupils or fraction thereof in excess of 100.

(b) Urinals for males shall be installed in the following proportions:

1. One (1) urinal for up to twenty-five (25) pupils.
2. Two (2) urinals for twenty-six (26) to fifty (50) pupils.
3. Four (4) urinals for fifty-one (51) to 100 pupils.
4. Six (6) urinals for 101 to 200 pupils.
5. Eight (8) urinals for 201 to 300 pupils.
6. Ten (10) urinals for 301 to 400 pupils.
7. Twelve (12) urinals for 401 to 500 pupils.
8. One (1) urinal for each fifty (50) pupils or fraction thereof in excess of 500.

(c) Water closets for females shall be installed in the following proportions:

1. Two (2) water closets for up to twenty-five (25) pupils.
2. Three (3) water closets for twenty-six (26) to fifty (50) pupils.
3. Six (6) water closets for fifty-one (51) to 100 pupils.
4. Eight (8) water closets for 101 to 200 pupils.
5. Ten (10) water closets for 201 to 300 pupils.
6. Twelve (12) water closets for 301 to 400 pupils.
7. Fourteen (14) water closets for 401 to 500 pupils.
8. One (1) water closet for each forty (40) pupils or fraction thereof in excess of 500.

(d) Lavatories for male and female pupils shall be installed in the following proportions:

1. One (1) lavatory for each twenty-five (25) pupils or fraction thereof.
2. Two (2) lavatories for each fifty (50) pupils or fraction thereof.
3. One (1) lavatory for each fifty (50) pupils or fraction thereof over fifty (50).
4. Twenty-four (24) inches of sink or eighteen (18) inches of circular basin when provided with water outlet for each space, shall be considered equivalent to one (1) lavatory.

(3) One (1) service sink or slop sink shall be installed on each floor of a building.

(4) When detached relocatable classrooms are use, sanitary facilities will not be required, provided it is within a distance not to exceed thirty-five (35) feet from the main structure and there are sufficient fixtures in the main structure to serve the entire capacity of the school including the relocatable classrooms.

(5) Water closets for use in the above facilities shall be of the elongated bowl type with a split open front seat.

Section 7. Schools of Higher Education and Similar Educational Facilities. In schools of higher education and similar institutions there shall be installed:

(1) One (1) water closet for each fifty (50) males or one (1) water closet for each twenty-five (25) females or fraction thereof.

(2) One (1) lavatory for each fifty (50) males or females or fraction thereof.

(3) One (1) drinking fountain for each seventy-five (75) persons or fraction thereof.

(4) One (1) urinal shall be provided for each thirty (30) males or fraction thereof. One (1) water closet less than the number specified may be provided for each urinal installed except that the number of water closets in such cases shall not be reduced to less than two-thirds (2/3) of the minimum specified.

(5) Water closets for use in above facilities shall be of the elongated bowl type with a split open front seat.

Section 8. Public Garages and Service Stations. Separate toilet rooms with at least a water closet and lavatory for females and a water closet, lavatory and urinal for males shall be provided. Water closets shall be of the elongated bowl type with a split open front seat.

Section 9. Churches. Sanitary facilities shall be provided in churches as follows:

(1) One (1) drinking fountain for each 400 persons or fraction thereof.

(2) One (1) water closet for each 150 females or fraction thereof.

(3) One (1) water closet for each 300 males or fraction thereof.

(4) One (1) urinal for each 150 males or fraction thereof.

(5) One (1) lavatory for each 150 persons or fraction thereof.

Section 10. Transient Facilities (relates also to 902 KAR 10:010). (1) Hotels and motels with

private rooms shall have one (1) water closet, one (1) lavatory and one (1) bathtub or shower per room.
(2) In the public and service areas there shall be:
(a) One (1) water closet for each twenty-five (25) males or fraction thereof.
(b) One (1) water closet for each fifteen (15) females or fraction thereof.
(c) One (1) lavatory for each twenty-five (25) males or females or fraction thereof.
(d) One (1) urinal for eleven (11) to 100 males then one (1) for each additional fifty (50) or fraction thereof.
(e) One (1) bathtub or shower, if needed, for each ten (10) males or females or fraction thereof.
(f) One (1) drinking fountain for each seventy-five (75) or fraction thereof on each floor.
(g) One (1) service sink or slop sink on each floor.
(3) In residential-type buildings there shall be one (1) water closet, one (1) lavatory and one (1) bathtub or shower for each ten (10) males and each ten (10) females or fraction thereof.
(4) In rooming houses with private baths, they shall have one (1) water closet, one (1) lavatory and one (1) bathtub or shower per room.
(5) In rooming houses without private baths, there shall be:
(a) One (1) water closet for one (1) to ten (10) males and one (1) for each additional twenty-five (25) or fraction thereof.
(b) One (1) water closet for one (1) to eight (8) females and one (1) for each additional twenty (20) or fraction thereof.
(c) One (1) urinal for eleven (11) to 100 males, then one (1) for each additional fifty (50) or fraction thereof.
(d) One (1) lavatory for each ten (10) males or females or fraction thereof.
(e) One (1) bathtub or shower for each ten (10) males or females or fraction thereof.

Section 11. Dormitories: School, Labor or Institutional (relates also to 902 KAR 10:040). In dormitories there shall be installed:
(1) One (1) water closet for up to ten (10) males or one (1) water closet for up to eight (8) females; add one (1) water closet for each additional twenty-five (25) males or fraction thereof and one (1) water closet for each additional twenty (20) females or fraction thereof.
(2)(a) One (1) urinal for each twenty-five (25) males or fraction thereof. Over 150 males add one (1) fixture for each additional fifty (50) males or fraction thereof.
(b) Where urinals are provided for women, the same number shall be provided as for men.
(c) Where urinals are provided, they may be substituted for water closets, not to exceed one-third (1/3) of the required total number of water closets.
(d) Trough urinals shall be figured on the basis of one (1) urinal for each twenty-four (24) inches of length.
(3)(a) One (1) lavatory for one (1) to twelve (12) persons. Add one (1) lavatory for each twenty (20) males and each fifteen (15) females.
(b) Separate dental lavatories should be provided in community toilet rooms. A ratio of one (1) dental lavatory to each fifty (50) persons.
(4) One (1) bathtub or shower for each eight (8) persons. Over 150 persons add one (1) fixture for each twenty (20) persons. For womens' dormitories, there shall be installed additional bathtubs at the ratio of one (1) for each thirty (30) women.
(5) One (1) drinking fountain for each seventy-five (75) persons.
(6) One (1) laundry tray or clothes washer for each fifty (50) persons.
(7) One (1) service sink or slop sink for each 100 persons.

Section 12. Hospitals, Nursing Homes and Institutions (relates also to 902 KAR 20:031, 902 KAR 20:046, 902 KAR 20:056, 902 KAR 9:010). Sanitary facilities shall be provided on each floor level and shall conform to the following:
(1) Hospitals.
(a) Wards.
1. One (1) water closet for each ten (10) patients.
2. One (1) lavatory for each ten (10) patients.
3. One (1) tub/shower for each fifteen (15) patients.
4. One (1) drinking fountain for each 100 patients.
(b) Individual rooms: one (1) water closet, one (1) lavatory and one (1) tub/shower.
(c) Waiting rooms: one (1) water closet and one (1) lavatory.
(2) Nursing homes and institutions (other than penal).
(a) One (1) water closet for each twenty-five (25) males or fraction thereof.
(b) One (1) water closet for each twenty (20) females or fraction thereof.
(c) One (1) lavatory for each ten (10) persons or fraction thereof.
(d) One (1) urinal for each fifty (50) males.
(e) One (1) tub or shower for each fifteen (15) persons or fraction thereof.
(f) One (1) drinking fountain on each floor.
(g) One (1) service sink or slop sink on each floor.
(3) Institutions, penal.
(a) Cell.
1. One (1) prison type water closet.
2. One (1) prison type lavatory.
(b) Day rooms and dormitories.
1. One (1) water closet for each eight (8) <u>female</u> inmates or fraction thereof <u>and one (1) water closet for each twelve (12) male inmates or fraction thereof</u>.
2. One (1) lavatory for each <u>twelve (12)</u> [eight (8)] inmates or fraction thereof.
3. One (1) shower for each fifteen (15) inmates or fraction thereof.
4. One (1) urinal may be substituted for each water closet but in no instance shall the water closets be reduced to less than one-half (1/2) the number required.
5. One (1) drinking fountain per floor.
6. One (1) service sink or slop sink per floor.
(c) Toilet facilities for employees shall be located in separate rooms from those in which fixtures for the use of inmates or patients are located.
(d) One (1) drinking fountain on each floor.
(e) One (1) service sink or slop sink per floor.

Section 13. Workshops, Factories, Mercantile and Office Buildings. Separate toilet facilities

shall be provided for males and females on each floor unless otherwise denoted.

(1) Workshops and factories: Sanitary facilities shall conform to the following:

(a) One (1) water closet for each twenty-five (25) males or fraction thereof, up to 100.

(b) One (1) lavatory for each twenty-five (25) males or fraction thereof, up to 100.

(c) One (1) urinal for eleven (11) to fifty (50) employees.

(d) Two (2) urinals for fifty-one (51) to 100 employees.

(e) One (1) lavatory for each twenty-five (25) females or fraction thereof, up to 100.

(f) One (1) water closet for each fifteen (15) females or fraction thereof up to 100.

(g) When in excess of 100 there shall be an additional water closet for each thirty (30) males and each thirty (30) females or fraction thereof; one (1) lavatory for each additional fifty (50) males and females or fraction thereof; one (1) urinal for each 100 males or fraction thereof.

(h) One (1) shower for each fifteen (15) persons exposed to skin contamination from irritating, infectious or poisonous materials.

(i) One (1) drinking fountain on each floor for each fifty (50) employees. In excess of 100 employees there shall be an additional drinking fountain on each floor for each additional seventy-five (75) persons.

(j) One (1) service sink or slop sink per floor.

(k) Individual sinks or wash troughs may be used in lieu of lavatories. Twenty-four (24) inches of sink or trough, when provided with water or eighteen (18) inches of circular basin shall be deemed the equivalent of one (1) lavatory.

(2) Mercantile.

(a) Sanitary facilities within each store shall be provided for employees and when more than five (5) persons are employed, separate facilities for each sex shall be provided. EXCEPTION: For stores containing no more than 3,000 square feet of total gross floor area, employee facilities are provided within a centralized toilet room area or areas having a travel distance of no more than 500 feet.

(b) Sanitary facilities shall be provided for customers when the building contains 5,000 square feet or more. In malls and shopping centers, the required facilities, based on one (1) person per 100 square feet of total area, may be installed in individual stores or in a central toilet room area or areas, if the distance from the main entrance of any store does not exceed 500 feet and if accessible to physically disabled persons.

(c) Sanitary facilities shall be provided as stated in this section and shall conform as follows:

1. One (1) water closet for one (1) to 100 persons.
2. Two (2) water closets for 101 to 200 persons.
3. Three (3) water closets for 201 to 400 persons.
4. One (1) water closet for each 500 males, or 300 females, in excess of 400.
5. One (1) urinal for one (1) to 200 males.
6. Two (2) urinals for 201 to 400 males.
7. Three (3) urinals for 401 to 600 males.
8. One (1) urinal for each 300 males, or fraction thereof, over 600.
9. One (1) lavatory for one (1) to 200 persons.
10. Two (2) lavatories for 201 to 400 persons.
11. Three (3) lavatories for 401 to 700 persons.
12. One (1) lavatory for each 500 persons, or fraction thereof, in excess of 700.
13. One (1) drinking fountain on each floor for each 500 persons or fraction thereof.
14. One (1) service sink or slop sink per floor.

(3) Office buildings.

(a) Sanitary facilities within office buildings shall be provided for employees and when more than five (5) persons are employed, separate facilities for each sex shall be provided. EXCEPTION: For office buildings containing no more than 3,000 square feet of total gross floor area, employee facilities are not required if adequate interior facilities are provided within a centralized toilet room area or areas having a travel distance of no more than 500 feet.

(b) Sanitary facilities shall be provided for customers when the office building or space contains 5,000 square feet or more. In office buildings, the required facilities, based on one (1) person per 100 square feet of total area, may be installed within the individual shops, or in a central toilet room area or areas if the distance from the main entrance of any office does not exceed 500 feet and if accessible to physically disabled persons.

(c) Sanitary facilities shall be provided as stated in this section and shall conform as follows:

1. One (1) water closet for one (1) to fifteen (15) persons.
2. Two (2) water closets for sixteen (16) to thirty-five (35) persons.
3. Three (3) water closets for thirty-six (36) to fifty-five (55) persons.
4. Four (4) water closets for fifty-six (56) to eighty (80) persons.
5. Five (5) water closets for eighty-one (81) to 110 persons.
6. Six (6) water closets for 111 to 150 persons.
7. One (1) water closet for each forty (40) additional persons.
8. One (1) lavatory for one (1) to fifteen (15) persons.
9. Two (2) lavatories for sixteen (16) to thirty-five (35) persons.
10. Three (3) lavatories for thirty-six (36) to sixty (60) persons.
11. Four (4) lavatories for sixty-one (61) to ninety (90) persons.
12. Five (5) lavatories for ninety-one (91) to 125 persons.
13. One (1) lavatory for each forty-five (45) additional persons.
14. Whenever urinals are provided, one (1) water closet less than the number specified may be provided for each urinal installed except that the number of water closets in such cases shall not be reduced to less than seventy (70) percent of the minimum specified.
15. One (1) drinking fountain for each seventy-five (75) persons or fraction thereof.

Section 14. Swimming Pool Bathhouses (relates also to 401 KAR 6:030). (1) Bathhouses for public swimming pools shall be divided into two (2) parts separated by a tight partition, each designated for "Males" or "Men" and the other

"Females" or "Women."
(2) Sanitary facilities shall be provided in each bathhouse to serve the anticipated bather loading, as defined in 401 KAR 6:030, Section 7(5), and shall conform to the following:
(a) One (1) water closet for each seventy-five (75) males or fraction thereof.
(b) One (1) water closet for each fifty (50) females or fraction thereof.
(c) One (1) urinal for each seventy-five (75) males or fraction thereof.
(d) One (1) lavatory for each 100 persons or fraction thereof.
(e) One (1) shower per each fifty (50) persons or fraction thereof.
(f) One (1) drinking fountain per each 200 persons or fraction thereof.
(3) Fixture schedules shall be increased for pools at schools or similar locations where bather loads may reach peaks due to schedules of use. Pools used by groups or classes on regular time schedules of one (1) hour or less shall have one (1) shower for each six (6) swimmers, or one (1) shower for each ten (10) swimmers if the period is two (2) hours.
(4) Satisfactorily designed and located shower facilities, including warm water and soap, shall be provided for each sex. Showers shall be supplied with water at a temperature of no less than ninety (90) degrees Fahrenheit, and at a flow rate of at least three (3) gallons per minute. Thermostatic, tempering or mixing valves shall be installed to prevent scalding of the bathers.
(5) The requirement relating to bathhouse toilet room and shower facilities may be waived when such facilities are conveniently available to pool patrons within 150 feet from the pool.

Section 15. Park Service Buildings or Bathhouses (relates to 902 KAR 15:020). (1) Except for self-contained recreational vehicle parks, each park shall provide one (1) or more central service buildings containing the necessary toilet and other plumbing fixtures specified.
(2) Except for self-contained recreational vehicle parks, sanitary facilities shall be provided as follows:
(a) One (1) to fifteen (15) vehicle spaces.
1. Males. One (1) water closet, one (1) urinal, one (1) lavatory and one (1) shower.
2. Females. One (1) water closet, one (1) lavatory and one (1) shower.
(b) Sixteen (16) to thirty (30) vehicle spaces.
1. Males. One (1) water closet, one (1) urinal, two (2) lavatories and two (2) showers.
2. Females. Two (2) water closets, two (2) lavatories and two (2) showers.
(c) Thirty-one (31) to forty-five (45) vehicle spaces.
1. Males. Two (2) water closets, one (1) urinal, three (3) lavatories and three (3) showers.
2. Females. Two (2) water closets, three (3) lavatories and three (3) showers.
(d) Forty-six (46) to sixty (60) vehicle spaces.
1. Males. Two (2) water closets, two (2) urinals, three (3) lavatories and three (3) showers.
2. Females. Three (3) water closets, three (3) lavatories and three (3) showers.
(e) Sixty-one (61) to eighty (80) vehicle spaces.
1. Males. Three (3) water closets, two (2) urinals, four (4) lavatories and four (4) showers.
2. Females. Four (4) water closets, four (4) lavatories and four (4) showers.
(f) Eighty-one (81) to 100 vehicle spaces.
1. Males. Four (4) water closets, two (2) urinals, five (5) lavatories and five (5) showers.
2. Females. Five (5) water closets, five (5) lavatories and five (5) showers.
(g) When over 100 vehicle spaces are provided there shall be one (1) additional water closet and one (1) additional lavatory for each sex per additional thirty (30) spaces or fraction thereof; one (1) additional shower for each sex per additional forty (40) vehicle spaces or fraction thereof; and one (1) additional urinal for males per additional 100 vehicle spaces.

Section 16. Residential and Day Camp Sites (relates to 902 KAR 10:040). (1) Each residential and day camp site shall be provided with sanitary facilities for each sex as specified.
(2) Sanitary facilities shall be provided as listed below, except, however, day camps shall not be required to provide shower facilities.
(a) One (1) to eighteen (18) persons served.
1. Males. One (1) water closet, one (1) urinal, one (1) lavatory and one (1) shower.
2. Females. Two (2) water closets, one (1) lavatory and one (1) shower.
(b) Nineteen (19) to thirty-three (33) persons served.
1. Males. Two (2) water closets, one (1) urinal, two (2) lavatories and two (2) showers.
2. Females. Two (2) water closets, two lavatories and two showers.
(c) Thirty-four (34) to forty-eight (48) persons served.
1. Males. Two (2) water closets, two (2) urinals, two (2) lavatories and three (3) showers.
2. Females. Three (3) water closets, two (2) lavatories and three (3) showers.
(d) Forty-nine (49) to sixty-three (63) persons served.
1. Males. Three (3) water closets, two (2) urinals, three (3) lavatories and four (4) showers.
2. Females. Four (4) water closets, three (3) lavatories and four (4) showers.
(e) Sixty-four (64) to seventy-nine (79) persons served.
1. Males. Three (3) water closets, three (3) urinals, three (3) lavatories and five (5) showers.
2. Females. Five (5) water closets, three (3) lavatories and five (5) showers.
(f) Eighty (80) to ninety-five (95) persons served.
1. Males. Four (4) water closets, three (3) urinals, four (4) lavatories and six (6) showers.
2. Females. Six (6) water closets, four (4) lavatories, and six (6) showers.
(g) When over ninety-five (95) persons are served, there shall be provided: One (1) additional water closet and one (1) additional lavatory for each twenty-five (25) persons or fraction thereof served; one (1) additional shower for each twenty (20) persons, or fraction thereof, served; one (1) urinal per fifty (50) additional males or fraction thereof.
(h) Water closets may be substituted for

urinals when facilities may be used by both sexes.

Section 17. Retail Food Stores and Restaurants. Sanitary facilities shall be provided for employees. (relates to 902 KAR 10:020 and 902 KAR 45:005).

(1) Food stores.

(a) When in excess of five (5) persons of different sex are employed, separate facilities shall be provided for the employees.

(b) Sanitary facilities shall be provided for customers when the building contains 5,000 square feet or more. In malls and shopping centers, the required facilities, based on one (1) person per fifty (50) square feet, may be installed in individual stores or in a central toilet room area or areas, if the distance from the main entrance of any store does not exceed 500 feet.

(c) 1. One (1) water closet for one (1) to 100 persons.

2. Two (2) water closets for 101 to 200 persons.

3. Three (3) water closets for 201 to 400 persons.

4. One (1) water closet for each 500 males or 300 females in excess of 400.

5. One (1) urinal for eleven (11) to 200 males.

6. Two (2) urinals for 201 to 400 males.

7. Three (3) urinals for 401 to 600 males.

8. One (1) urinal for each 300 males or fraction thereof, over 600.

9. One (1) lavatory for one (1) to 200 persons.

10. Two (2) lavatories for 201 to 400 persons.

11. Three (3) lavatories for 401 to 700 persons.

12. One (1) lavatory for each 500 persons or fraction thereof in excess of 700.

13. One (1) drinking fountain on each floor for each 500 persons or fraction thereof.

14. One (1) service sink, utility sink or curbed mop basin per floor as required.

(2) Restaurants.

(a) When in excess of five (5) persons of different sex are employed, separate facilities shall be provided for the employees.

(b) In new establishments or establishments that are extensively altered or changed from another type occupancy to a restaurant, toilet facilities for each sex shall be provided and readily accessible for the use of both patrons and employees; provided, that carryout type food service operations shall be exempted from providing toilet facilities for the use of their patrons.

(c) 1. Two (2) water closets for one (1) to 100 persons.

2. Three (3) water closets for 101 to 200 persons.

3. Four (4) water closets for 201 to 300 persons.

4. One (1) water closet for each additional 200 persons or fraction thereof over 300.

(d) 1. One (1) urinal for eleven (11) to 200 males.

2. One (1) urinal for each additional 150 males or fraction thereof over 150.

(e) 1. One (1) lavatory for one (1) to 200 persons.

2. Two (2) lavatories for 201 to 400 persons.

3. Three (3) lavatories for 401 to 600 persons.

4. One (1) lavatory for each additional 200 persons or fraction thereof over 600.

(f) 1. One (1) drinking fountain for one (1) to 100 persons.

2. Two (2) drinking fountains for 101 to 500 persons or fraction thereof.

(g) When food is consumed indoors on premises, water stations may be substituted for drinking fountains.

(h) One (1) service sink, utility sink or curbed mop basin on each floor as required.

(i) Lavatories for hand washing shall be provided in the kitchen area, readily accessible to the employees. However, if the service or utility sink is placed in a location readily accessible to the employees as determined by the Cabinet for Human Resources, it may substitute for the lavatory.

Section 18. Temporary Facilities for Construction Projects. Separate sanitary fixtures shall be provided as scheduled below for both males and females:

(1) One (1) water closet per thirty (30) males or fraction thereof.

(2) One (1) urinal per thirty (30) males or fraction thereof.

(3) One (1) lavatory per thirty (30) males or fraction thereof.

(4) One (1) water closet per twenty (20) females or fraction thereof.

(5) One (1) lavatory per twenty (20) females or fraction thereof.

(6) One (1) drinking fountain per 100 persons or fraction thereof.

Section 19. The fixture requirements of this regulation are also compiled in table form which is available from the Division of Plumbing, Department of Housing, Buildings and Construction, The 127 Building, Frankfort, Kentucky 40601.

CHARLES A. COTTON, Commissioner
THEODORE COLLEY, Secretary
APPROVED BY AGENCY: February 15, 1990
FILED WITH LRC: March 12, 1990 at 2 p.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on April 24, 1990 at 10 a.m. in the office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. 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 received. 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: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings, and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by April 19, 1990, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: All penal institutions.

(a) Direct and indirect costs or savings to those affected:

1. First year:

2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition): Reduction of water closet requirements for male inmates and reduction of lavatories for both sexes.
(b) Reporting and paperwork requirements: The reporting and paperwork requirements for inspectors remain the same.
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: No anticipated effect on revenue.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Performance criteria could have been used to state that sufficient facilities to public health. Specification of minimum number is more understandable by plumbers and practicable. This method used throughout code.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Not area of out regulation which conflicts, since CHR has amended its regulation to refer to this agency.
(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

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance
(Proposed Amendment)

903 KAR 5:290. Employer contribution rates.

RELATES TO: KRS 341.270
STATUTORY AUTHORITY: KRS 194.050, 341.270
NECESSITY AND FUNCTION: KRS 341.270 requires the Secretary for Human Resources to determine the rate schedule for employer's contributions. The rate schedule in effect for each calendar year is determined by the "trust fund balance" as of December 31, of the preceding year. This regulation applies the mathematical computation required by KRS 341.270 and sets forth the applicable rates to be in effect for the calendar year.

Section 1. Trust Fund Balance. The secretary finds the following to exist:
(1) The "trust fund balance" as of December 31, 1989 [1988], was $393,375,478.01 [333,642,813.27].
(2) There was no outstanding loan from the Federal Unemployment Trust Fund as of December 31, 1989 [1988].

Section 2. Rate Schedule. On the basis of the findings in Section 1 of this regulation, and in accordance with KRS 341.270(3), Schedule A [B] of Table A shall be in effect for calendar year 1990 [1989], because the "trust fund balance" equals or exceeds [$275,000,000 but is less than] $350,000,000, on December 31, 1989 [1988]. Rates listed in Schedule A [B] of Table A are listed below.

Employer Reserve Ratio	Rate Schedule
8.0% and over	0.30% [0.40]
7.0% but under 8.0%	0.40% [0.50]
6.0% but under 7.0%	0.50% [0.60]
5.0% but under 6.0%	0.70% [0.80]
4.6% but under 5.0%	1.00% [1.20]
4.2% but under 4.6%	1.30% [1.50]
3.9% but under 4.2%	1.50% [1.70]
3.6% but under 3.9%	1.80% [1.80]
3.2% but under 3.6%	2.00% [2.10]
2.7% but under 3.2%	2.10% [2.30]
2.0% but under 2.7%	2.20% [2.50]
1.3% but under 2.0%	2.30% [2.60]
0.0% but under 1.3%	2.40% [2.70]
-0.5% but under -0.0%	6.50% [6.75]
-1.0% but under -0.5%	6.75% [7.00]
-1.5% but under -1.0%	7.00% [7.25]
-2.0% but under -1.5%	7.25% [7.50]
-3.0% but under -2.0%	7.50% [7.75]
-4.0% but under -3.0%	7.75% [8.00]
-6.0% but under -4.0%	8.25% [8.50]
-8.0% but under -6.0%	8.50% [8.75]
Less than 8.0%	9.00% [9.25]

HARRY J. COWHERD, M.D., Secretary
DARVIN ALLEN, Commissioner
APPROVED BY AGENCY: March 1, 1990
FILED WITH LRC: March 12, 1990 at 3 p.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for April 23, 1990, at 9 a.m. in the Department for Employment Services Conference Room, 2nd Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by April 18, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Office of General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Darvin Allen
(1) Type and number of entities affected: 69,550 Kentucky employers.
(a) Direct and indirect costs or savings to those affected:
1. First year: $12.9 million.
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body:
(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: None
(3) Assessment of anticipated effect on state and local revenues: Decrease in UI Trust Fund receipts - $12.9 million.
(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: 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. All taxpaying employers treated equally.

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. Either all or part of a local government could be affected. Entities such as county health departments, water districts, libraries, etc., could be affected based upon their independent exercise of unemployment reporting options.

3. State the aspect or service of local government to which this administrative regulation relates. This regulation affects the unemployment tax assessed based on the payroll of those local governments which have elected to make quarterly unemployment tax payments.

4. How does this administrative regulation affect the local government or any service it provides? The great majority of local governments have elected to reimburse any unemployment benefits attributable to their employment. However, approximately 700 governmental entities have elected to pay quarterly unemployment taxes. By specifying the tax rate schedule in effect for 1990, this regulation determines in part the amount of tax which will be due from these taxpaying entities. The tax rate schedule set forth in this regulation is lower than that in effect in the previous year, resulting in a tax savings for entities affected.

PERSONNEL BOARD

101 KAR 1:367. Standards of conduct and technology governing electronic media and still photography coverage of board proceedings.

RELATES TO: KRS 18A.075, 18A.0751, 18A.095
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 provisions for the procedures to be utilized by the board in the conduct of hearings. This regulation will govern the use of electronic media and still photography coverage of board proceedings.

Section 1. Equipment and Personnel. (1) Not more than one (1) portable television camera (film camera - sixteen (16) mm sound on film (self-blimped) or video tape electronic camera), operated by not more than one (1) camera person, shall be permitted in any board proceeding. Not more than two (2) television cameras, operated by not more than one (1) camera person each, shall be permitted in any meeting of the board.

(2) Not more than one (1) still photographer, utilizing not more than two (2) still cameras with not more than two (2) lenses for each camera and related equipment for print purposes shall be permitted in any board proceeding.

(3) Not more than one (1) audio system for radio broadcast purposes shall be permitted in any board proceeding. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the hearing room. If no technically suitable audio system exists in the hearing room, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the presiding hearing officer.

(4) Requests for coverage, which need not be in any particular form, shall be made to the presiding hearing officer. Subject to the provisions of subsection (5) of this section, approval of such requests shall be regarded as approval of coverage for the print (photographs) and/or broadcast (radio and television) media generally.

(5) Any "pooling" arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the hearing officer to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. In the absence of advance media agreement on disputed equipment or personnel issues, the hearing officer shall exclude all contesting media personnel from a proceeding.

Section 2. Sound and Light Criteria. (1) Only television photographic and audio equipment which does not produce distracting sound or light shall be employed to cover board proceedings. Specifically, such photographic and audio equipment shall produce no greater sound or light, when such equipment is in good working order than the following equipment:

(a) Ikegami	HL-74A, HL-53, HL-77, HL-33, HL-34, HL-35, HL-51, HL-79, HL-78A, HL-79A, HL-79D, ITC-350, ITC-240
(b) RCA	TK76, TK78
(c) Sony	DXC-1600 Trinicon, BVP-200, BVP-3000, DXC-1640
(d) ASACA	ACC-2006
(e) Hitachi	SK80, SK90
(f) Hitachi	FP-3030, FP3060A, FP-205, FP-405, GP7
(g) Philips	LDK-25
(h) Sony BVP-200	ENG Camera
(i) Fernseh	Video Camera
(j) JVC-8800u	ENG Camera
(k) AKAI	CVC-150, VTS-150
(l) Panasonic	WV-3085, NV-3085, AK-750, WV-3800
(m) JVC	GC-4800u, KY-2000

No artificial lighting device of any kind shall be employed in connection with the television camera.

(2) Only still camera equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. Specifically, such still camera equipment shall produce no greater sound or light than a thirty-five (35) mm Leica "M" Series Rangefinder camera, including blimped still reflect cameras, e.g., Nikon F2 or F3, which meet this sound and light criteria. No artificial lighting device of any kind shall be employed in connection with a still camera.

(3) It shall be the affirmative duty of media personnel to demonstrate to the hearing officer adequately in advance of any proceeding that the equipment sought to be utilized meets the sound and light criteria enunciated herein. A failure to obtain advance approval for equipment shall preclude its use in any proceeding.

Section 3. Location of Equipment Personnel. (1) Television camera equipment shall be positioned in such location in the hearing room as shall be designated by the hearing officer. The area designated shall provide reasonable access to coverage. If and when areas remote from the hearing room which permit reasonable access to coverage are provided, all television camera and audio equipment shall be positioned only in such area. Video tape recording equipment which is not a component part of a television camera shall be located in an area remote from the hearing room.

(2) A still camera photographer shall position himself in such location in the hearing room as shall be designated by the hearing officer. The area designated shall provide reasonable access to coverage. Still camera photographers shall assume a fixed position within the designated area and, once a photographer has established himself in a shooting position, he shall act so as not to call attention to himself through further movement. Still camera photographers shall not be permitted to move about in order to obtain photographs of board proceedings.

(3) Broadcast media representatives shall not move about the hearing room while proceedings are in session, and microphones or taping equipment once positioned as required by Section 1(3) of this regulation shall not be moved

during the proceeding.

Section 4. Movement During Proceedings. News media photographic or audio equipment shall not be placed in or removed from the hearing room except prior to commencement or after adjournment of proceedings each day, or during a recess. Neither television film magazines nor still camera film or lenses shall be changed in the hearing room except during a recess in the proceeding.

Section 5. Hearing Room Light Sources. With the concurrence of the hearing officer, modifications and additions may be made in light sources existing in the hearing room, provided such modifications or additions are installed and maintained without public expense.

Section 6. Conferences of Counsel. To protect the attorney-client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences which occur in the hearing room between attorneys and their clients, between co-counsel of a client, or between counsel and the hearing officer held at the bench.

Section 7. Use of Media Material. None of the film, video tape, still photographs or audio reproductions developed during or by virtue of coverage of a board proceeding shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent or collateral thereto, or upon any rehearing or appeal of such proceedings.

Section 8. Confidentiality. (1) In order to protect the legally recognized interests in confidentiality of individuals, any party may move to exclude electronic media or still photographers from the hearing room during all or any portion of a hearing. The hearing officer shall not unreasonably refuse such a request.

(2) The hearing officer, on his own motion, may exclude electronic media or still photographers from the hearing room during all or a portion of a hearing in his sound discretion.

Section 9. Board Meetings. This regulation shall apply to meetings of the full board. Where this regulation is to be applied to a meeting of the full board any function of the hearing officer as set out herein shall be performed by the chairman or vice-chairman of the board or in their absence, the member of the board who is moderating the board meeting.

JAMES M. SHAKE, Chairman

APPROVED BY AGENCY: March 9, 1990

FILED WITH LRC: March 14, 1990 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 25, 1990, at 9:30 a.m. in Room 364, Capitol Annex Building. Individuals interested in attending this hearing shall notify this agency in writing by April 20, 1990, 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: Commonwealth of 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: 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: Minimal

(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: None

(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: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. This regulation must apply to all classified employees and all state agencies with classified employees. Further tiering has not been utilized in the administrative regulations of the Personnel Board in that the board is a quasi-judicial body and as such has no latitude not granted by statute to utilize tiering methods outlined in KRS 13A.210.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Water

401 KAR 5:040. Treatment requirements, coal remining operations.

RELATES TO: KRS Chapter 224

STATUTORY AUTHORITY: KRS 224.020, 224.033, 224.037, 224.060, 33 USCA §1311

NECESSITY AND FUNCTION: This regulation establishes treatment requirements for coal remining operations seeking Kentucky Pollutant Discharge Elimination System (KPDES) permits. The regulation establishes a method for establishing best available technology economically achievable (BAT), using best

professional judgment (BPJ). The method for establishing BAT is identical to that existing in 33 USCA §1331(p), the Rahall Amendment to the Federal Clean Water Act. It will allow the establishment of permit-specific BAT, instead of BAT based on 40 CFR Part 434.

Section 1. Definitions. Unless defined in this section, all terms mean as defined by KRS 224.005; KRS 350.010, 401 KAR 5:029; 401 KAR 5:050, Section 1; and 405 KAR 7:020.

(1) "Coal remining operation" means a surface coal mining operation which begins after the effective date of this regulation at a site on which a coal mining operation was conducted before August 3, 1977. "Coal remining operation" also means an existing surface coal mining operation which receives a permit revision from the Department for Surface Mining Reclamation and Enforcement (DSMRE) in accordance with 405 KAR 8:010, Section 20, for a site on which a coal mining operation was conducted before August 3, 1977.

(2) "Preexisting discharge" means any discharge at the time of applying for a KPDES permit under this regulation.

(3) "Remined area" means only that area of any coal remining operation on which a coal mining operation was conducted before August 3, 1977.

Section 2. Applicability. The provisions of this regulation shall apply to all discharges of pollutants from or affected by coal remining operations to waters of the Commonwealth.

Section 3. Treatment Requirements. All persons who discharge pollutants from or affected by coal remining operations to waters of the Commonwealth shall meet the following treatment requirements:

(1) The discharge shall comply with all water quality standards, as set forth in 401 KAR 5:026 through 401 KAR 5:031, inclusive.

(2) The discharge shall comply with all Kentucky Pollutant Discharge Elimination System (KPDES) program requirements, as set forth in 401 KAR 5:050 through 401 KAR 5:085, inclusive.

(3) The discharge shall comply with all permit conditions imposed by the Department for Surface Mining Reclamation and Enforcement (DSMRE), as set forth in 405 KAR Chapters 7 through 24, inclusive.

Section 4. Modified Requirement for KPDES Permits. (1) The director may issue a KPDES permit to an applicant proposing to discharge pollutants from or affected by a coal remining operation which modifies the requirement to apply best available technology economically achievable, as set forth in 401 KAR 5:065, Section 4(2) and 401 KAR 5:080, Section 1(2)(c)1.

(2) The modified requirement of this section will impose best available technology economically achievable on a case-by-case basis, using best professional judgment, as set forth in 401 KAR 5:080, Section 1(2)(c)2.

(3) The modified requirement of this section may apply to the following pollutants:

(a) pH level of any discharge from a remined area existing at the time of KPDES permit application;

(b) Preexisting discharges of iron and manganese from the remined area of the coal remining operation; and

(c) pH level or level of iron or manganese in any preexisting discharge affected by the coal remining operation.

(4) The director may employ the document entitled "Coal Remining - Best Professional Judgment Analysis: Preexisting Pollutional Discharge Data Input Module, Baseline Statistical Calculation Module, Water Treatment Cost Calculation Module, Surface Mine Materials Handling and Cost Simulator, User Manual" and accompanying software published by the Pennsylvania Department of Environmental Resources, Mining Engineering Section; Pennsylvania State University and Kohlmann Ruggiero Engineers, P.C. (1988).

Section 5. Application Requirements. An applicant for a KPDES permit with the modified requirement of Section 4 of this regulation shall comply with the application requirements of this section.

(1) The applicant shall comply with all KPDES permit application requirements, as set forth in 401 KAR 5:060.

(2) The applicant shall submit documentation from DSMRE that the proposed coal remining operation will be located on a remined area, and shall certify that the proposed coal remining operation will be located on a remined area.

(3) The applicant shall also:

(a) Describe the hydrologic balance for the proposed coal remining operation, including:

1. Results of a detailed water quality and quantity monitoring program, including seasonal variations, variations in response to precipitation events, and modeled baseline pollution loads using the monitoring program; and

2. Monitoring for pH, alkalinity, acidity, total iron, total manganese, sulfates, total suspended solids, and any other water quality parameters requested by the director;

(b) Submit the application for a permit from DSMRE;

(c) Submit, if not submitted in the application for a permit from DSMRE;

1. Plans, cross-sections, and schematic drawings describing the techniques for reducing the mass discharge of acid-forming materials, iron and manganese;

2. A description and an explanation of the range of abatement levels that probably can be achieved, costs, and each step proposed to reduce the mass discharge of acid-forming materials, iron and manganese;

3. A description of the spoil handling practices necessary to reduce the mass discharge of acid-forming materials, iron and manganese;

4. A detailed topographic map of the proposed coal remining operation, including the locations of preexisting and proposed discharges; and

(d) Continue the water quality and quantity monitoring program described in paragraph (a) of this subsection, and submit the results to the director on a periodic basis until the director makes a final permit decision. The cabinet will evaluate the KPDES monitoring program and the DSMRE monitoring program for each applicant to avoid duplication and inconsistencies.

(4) The applicant may submit the information described in the document entitled "Coal Remining - Best Professional Judgment Analysis: Preexisting Pollutional Discharge Data Input Module, Baseline Statistical Calculation Module, Water Treatment Cost Calculation Module, Surface Mine Materials Handling and Cost Simulator, User Manual" and accompanying software published by

the Pennsylvania Department of Environmental Resources, Mining Engineering Section; Pennsylvania State University and Kohlmann Ruggiero Engineers, P.C. (1988).

(5) An applicant with an existing surface coal mining operation seeking a permit revision from DSMRE pursuant to 405 KAR 8:010, Section 20, shall also demonstrate to the satisfaction of the director that:

(a) The applicant discovered discharges within the proposed coal remining area after the applicant's DSMRE permit was issued; and

(b) The applicant has not caused or contributed to the discharges.

Section 6. Prohibitions. In addition to the prohibitions contained in 401 KAR 5:055, Section 2, the following prohibitions apply to this regulation:

(1) No KPDES permit containing the modified requirement of Section 4 of this regulation shall be issued unless the coal remining operation has applied for a permit from DSMRE, as set forth in 405 KAR Chapters 7 through 24, inclusive. The effective date of the KPDES permit shall be no sooner than the effective date of the permit issued by the Department for Surface Mining Reclamation and Enforcement.

(2) No KPDES permit containing the modified requirement of Section 4 of this regulation shall be issued for a surface coal mining operation which is not a coal remining operation located on a remined area.

(3) No KPDES permit containing the modified requirement of Section 4 of this regulation shall be issued which would allow the discharges of acid-forming materials, iron or manganese to exceed the levels being discharged from the remined area before the coal remining operation begins.

(4) No KPDES permit containing the modified requirement of Section 4 of this regulation shall be issued if the applicant fails to demonstrate to the satisfaction of the director that the coal remining operation will result in the potential for improved water quality from the remining operation over that existing prior to the remining operation, and that the information provided in the application is adequate for the director to make an informed final permit decision.

(5) In addition to the prohibitions of subsections (1) through (4) of this section, no KPDES permit containing the modified requirement of Section 4 of this regulation shall be issued for an existing surface coal mining operation unless:

(a) The applicant receives a permit revision from DSMRE in accordance with 405 KAR 8:010, Section 20;

(b) The applicant discovered discharges within the proposed coal remining area after the applicant's DSMRE permit was issued; and

(c) The applicant has not caused or contributed to the discharges.

FRANK L. DICKERSON, Commissioner
CARL H. BRADLEY, Secretary

APPROVED BY AGENCY: March 14, 1990

FILED WITH LRC: March 15, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 24, 1990, at 2 p.m. at the auditorium of the Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 19, 1990, 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. Persons not wishing to attend the public hearing may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or to provide written comments on the proposed administrative regulation to: Jack A. Wilson, Director, Division of Water, Frankfort Office Park, 18 Reilly Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Larry Sowder

(1) Type and number of entities affected: The entities affected by this regulation are the general public and those coal companies which seek the type of permit authorized by this regulation. The actual number of entities directly affected will depend upon how much of the estimated 150,000 acres of abandoned mine lands is suitable for remining.

Although the number of operators interested in remining is uncertain, an estimated 150,000 acres of abandoned unreclaimed mined lands exist in the Kentucky coalfields. Many of these areas continue to endanger public health, safety, and general welfare and cause severe environmental degradation. The Natural Resources and Environmental Protection Cabinet, in 1981, estimated 954 stream miles in the Western Coalfield and 2177 stream miles in the Eastern Coalfield affected by coal mining activities. Of these, 531 stream miles in the Western Coalfield and 77 stream miles in the Eastern Coalfield were impacted by acid mine drainage.

While remining will benefit coal operators through monetary gain from coal production, the general public, persons served by domestic water supplies, and recreation enthusiasts should also benefit from the improvement of water quality through realization of attained instream designated uses. River systems in which water quality improvement may be realized as a result of remining include the Tradewater, Lower Green, Big Sandy, Little Sandy, Tygarts, Licking, Kentucky, and Upper Cumberland.

(a) Direct and indirect costs or savings to those affected: The general public should see a savings of several millions of dollars of public monies used for the reclamation of these sites by the Division of Abandoned Lands. There should be no costs to the general public. The coal companies which seek to mine these areas should see the normal costs currently incurred in the mining industry with the probability that those costs will be somewhat less than those incurred with the mining of virgin areas.

1. First year: During the first year, costs to remining operations will involve permitting fees and data collection. Any increase in those costs should be insignificant. Savings to affected entities primarily relate to maintaining (or reestablishing) viable sport and commercial fishery resources, community water supplies and water-based recreation and will occur after the

first year and will be most evident after remining ceases.

2. Continuing costs or savings: The costs for subsequent years will be proportional to the costs involved with normal mining. The savings to the general public should steadily increase as more acreage is remined. Exact remining discharge containment and treatment needs and costs of individual remining operations are case-specific. Aggregate costs cannot be determined since the cabinet has no information to indicate whether remining expansion will take place in eligible areas.

3. Additional factors increasing or decreasing costs (note any effects upon competition): This regulation should have no effect on competition because it is allowing a new activity to take place. It should enhance profitability for those operators who remine.

(b) Reporting and paperwork requirements: The reporting and paperwork requirements for the coal companies will not increase over that currently required for the mining of a virgin area with the exception of additional information concerning the background water quality.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Implementation of this regulation will have no increased effect on the operation of or costs to the Natural Resources and Environmental Protection Cabinet. This regulation as it relates to the operation of the cabinet does not change the basis for, nor the routine procedures involved in permitting activities. This is largely due to the small number of applications anticipated for remining operations.

2. Continuing costs or savings: Same as (2)(a)1 above.

3. Additional factors increasing or decreasing costs: None determined.

(b) Reporting and paperwork requirements: There will be no additional reporting or paperwork requirements above those currently in place for all other permits.

(3) Assessment of anticipated effect on state and local revenues: As the amount of remining that may take place is not known, the effect this regulation will have on state and local revenues is uncertain. Remining of coal should however have a positive effect on state and local revenues. At present coal operators are taxed under the coal severance tax at a rate of 4.5% of the gross value of coal sold. Local governments receive 12% of the taxed income generated by the state. Counties in which coal is severed receive 90% of this amount, while counties impacted by mining (i.e., counties through which the coal is transported) receive the remaining 10%.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternate methods were assessed. Section 301(p) of the Clean Water Act, 33 USCA §1311(p), specifies the limitations for coal remining operations.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: No statutes, rules, regulations or government policies are in conflict with this regulation.

(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: Persons reviewing this regulation are encouraged to review the RIA prepared for 401 KAR 5:029 and Section 301(p) of the Clean Water Act, 33 USCA §1311(p). Section 301(p) sets forth the background, limitations, definitions, and applicability of coal mining laws corresponding to this regulation. This regulation establishes treatment requirements for coal remining operations. 401 KAR 5:029 establishes a variance procedure. 401 KAR 5:029 and this regulation are dependent upon each other and the resulting impacts are similar, if not the same.

TIERING: Was tiering applied? No. Tiering was not applied because this regulation applies to all remining operations regardless of size of operation or class of operator. The requirements do not differentiate or permit different treatment of operators based on size, economic condition, or other characteristics of the companies or individuals affected.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 33 U.S.C.A. Section 1313; 40 CFR Part 131.

2. State compliance standards. The proposed regulation will allow an applicant for a Kentucky Pollutant Discharge Elimination System (KPDES) permit to discharge pollutants from, or affected by, a coal remining operation to request best professional judgment (BPJ) development of best available technology economically achievable (BAT) requirements for pH, iron and manganese. The effluent limitations for pH, iron and manganese will be established on a case-by-case basis. Alternate effluent limits will be given only if the discharge of acid-forming materials, iron or manganese will not exceed the levels being discharged from the remined areas before the coal remining operation begins, and if the remining operation will result in the potential for improving water quality over that existing prior to the remining operation.

3. Minimum or uniform standards contained in the federal mandate. The federal Clean Water Act allows states with a permit program approved pursuant to 33 USCA §1342, to modify the pH level of any preexisting discharge, preexisting discharge of iron and manganese from the remined areas of any coal remining operation and the pH level or level of iron or manganese in any preexisting discharge affected by the remining operation. BAT is developed on a case-by-case basis, using BPJ to set specific numerical effluent limitations. In any case, no discharge from or affected by the remining operation shall exceed state water quality standards. The authority to so calculate BAT is afforded by 33 USCA §1311(p). 33 USCA §1311(p) allows the states to apply BPJ in lieu of 40 CFR Part 434.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation does not impose stricter requirements or responsibilities other than those required by the federal mandate, since 33 USCA §1311(p) is permissive, not mandatory, and since the cabinet has not altered the scope of the authority afforded by that statute.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable because this amended regulation does not contain stricter requirements or responsibilities other than those required by the federal mandate.

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 may affect the public water services of local government.
3. State the aspect or service of local government to which this administrative regulation relates. Public water supply of local government.
4. How does this administrative regulation affect the local government or any service it provides? This regulation provides for alternate best professional judgment (BPJ) development of best available technology economically achievable (BAT) requirements for coal remining operations. Coal remining is permitted in cases where potential for water quality improvement exists as a result of remining. Local governments may potentially benefit from this regulation through the improvement of water quality in regard to domestic water supply use. The benefit would be realized in terms of reduced water treatment problems brought about by high noncarbonate hardness, sulfates, manganese, and silt loads originating from unreclaimed mining operations.

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

702 KAR 6:090. Competitive food and beverage sales and service requirements.

RELATES TO: KRS 156.010, 156.031, 156.035, 156.160, 156.200, 7 CFR 210.11, 42 USC §1751 to §1769b, 42 USC §1771 to §1789
STATUTORY AUTHORITY: KRS 156.031, 156.035, 156.070, 156.160, 7 CFR 210.11
NECESSITY AND FUNCTION: This regulation is promulgated under the authority of the State Board for Elementary and Secondary Education's statutory mandates to implement federal education assistance programs and to protect the physical welfare and safety of public school children, and is needed to carry out the Congressional intent of the National School Lunch Act of 1946, the Child Nutrition Act of 1966 and all amendments thereto. This regulation is necessary to ensure that students have an opportunity to fully avail themselves of at least one (1) meal planned with their dietary and nutritional needs in mind. A new regulation intended to supersede by implication 702 KAR 6:070, Section 8, is being promulgated since that regulation had a KRS 13A.030(2)(a) letter attached to it in January, 1990, because of a provision thereof unrelated to the subject matter of this regulation, which letter prevents 702 KAR 6:070 from being amended at this time.

Section 1. (1) This regulation deals with the sale and service of food and beverages in competition with the School Breakfast Program or the National School Lunch Program, by reason of such being conducted by student or parent organizations or school personnel through food sales, snack bars, or vending machines on the school campus. In accordance with the authority granted under 7 CFR 210.11, and the provisions of 702 KAR 6:070, Section 8, notwithstanding, a stricter standard is hereby being imposed on the sale and service of competitive foods.
(2) The sale or serving of any food or beverage item to students in competition with the School Breakfast Program or the National School Lunch Program shall be prohibited on the school campus during the school day until one-half (1/2) hour after the close of the last lunch serving period.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: March 14, 1990
FILED WITH LRC: March 15, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing has been scheduled on Thursday, April 26, 1990, at 10 a.m., Eastern Standard Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board for Elementary and Secondary Education at its March meeting. Those persons wishing to provide written testimony or attend and testify shall contact in writing: Dr. Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 21, 1990. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: William P. McElwain, Jr.
(1) Type and number of entities affected: All local school districts.
(a) Direct and indirect costs or savings to those affected: Unable to estimate.
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: None
(3) Assessment of anticipated effect on state and local revenues: May reduce monies available to principal's school accounts; may increase revenues to food service programs in local districts.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Outreach and education have failed.
(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 school districts are effected equally.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 7 CFR 210.11

2. State compliance standards. Currently, 702 KAR 6:070(8).

3. Minimum or uniform standards contained in the federal mandate. Prohibits the sale of foods of "minimum nutritional value" as set forth in Appendix B of 7 CFR 210 in the serving area during the serving period.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The list of foods of "minimum nutritional value" is so small and so unrepresentative of the variety of vended foods and beverages available that our students are still exposed to and have the opportunity to buy an array of foods that do not contain the nutrients required to enable them to make the fullest use of their capacity to learn. Prohibiting the sale of any food or beverage in competition with the local school breakfast and/or school lunch program until after the serving period will give our students at least an "undistracted" opportunity to partake of at least one meal that has been planned with their dietary and nutritional needs in mind.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction

704 KAR 20:570. Approval for teaching business education, grades 5-8.

RELATES TO: KRS 161.020, 161.025, 161.030

STATUTORY AUTHORITY: KRS 156.070, 161.030

NECESSITY AND FUNCTION: KRS 161.020 prohibits any person from holding a teaching position in the public schools without a certificate of legal qualifications for the particular position; KRS 161.025 gives the Kentucky Council on Teacher Education and Certification the duty to develop and recommend policies and standards relating to teacher preparation and certification; and KRS 161.030 rests the certification of teachers and the approval of teacher preparatory colleges and universities and their curricula with the State Board for Elementary and Secondary Education. This regulation, which has been reviewed and recommended by the Kentucky Council on Teacher Education and Certification, establishes the standards and procedures whereby the qualifications of certain high school teachers may be approved for teaching business education in the middle grades 5-8.

Section 1. The program of preparation for the approval for teaching departmental assignments in the middle grades 5-8 of a certificate issued with a business education specialization at the high school level shall require the completion of an approved Department of Education workshop to include the following:

(1) Methods of teaching at the middle grades 5-8;

(2) Human growth and development which provides for a depth of study with emphasis on pupils in the age range encompassed by the middle grades; and

(3) Basic study of the philosophy, organizational patterns, and curriculum concepts relating to the middle grades.

HENRY E. POGUE, IV, Chairman

APPROVED BY AGENCY: March 14, 1990

FILED WITH LRC: March 15, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing has been scheduled on Thursday, April 26, 1990, at 10 a.m., Eastern Standard Time, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, to review the regulations adopted by the State Board for Elementary and Secondary Education at its March meeting. Those persons wishing to provide written testimony or attend and testify shall contact in writing: Dr. Dan H. Branham, Secretary, State Board for Elementary and Secondary Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, on or before April 21, 1990. If no requests to testify have been received by that date, the above regulation will be removed from the agenda.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Akeel Zaheer

(1) Type and number of entities affected: The Department of Education and approximately 250 high school business teachers eligible to participate in the training outlined in this regulation.

(a) Direct and indirect costs or savings to those affected: Fees associated with training will be borne by candidates.

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: Developing and providing training. Reporting names of program completers for receiving approval.

(2) Effects on the promulgating administrative body: Responsibility for providing training and recordkeeping.

(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: No anticipated effect on state and local revenues. However, administrative costs associated with providing training to eligible candidates will be borne by Department of Education.

(4) Assessment of alternative methods; reasons why alternatives were rejected: KRS 161.030 requires certification of all professional school personnel.

(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

MOREHEAD STATE UNIVERSITY
Board of Regents

755 KAR 1:010. Acquisition and disbursement of funds, accounting system - records and annual report.

RELATES TO: KRS 164A.560, 164A.565
STATUTORY AUTHORITY: KRS 164A.560
NECESSITY AND FUNCTION: The governing boards of the public institutions of higher education may elect to perform the financial management functions of KRS 164A.555 to 164A.630 by issuing regulations to do so. This regulation implements the provisions of KRS 164A.560 and 164A.565 at Morehead State University.

Section 1. The Morehead State University Board of Regents elects to perform the financial management functions set forth in KRS 164A.560, Section (2), related to the receipt, deposit, collection, retention, investment, disbursement, and accounting of all funds; and KRS 164A.565 related to the installation of and accrual basis accounting system, other records and annual reports.

Section 2. The Morehead State University Board of Regents elects to comply with KRS 164A.560, Section (2)(b) to limit disbursements to the accounts and for the purposes for which the state appropriations, or other monies have been received for through the enacting resolution of the institution's annual operating budget.

Section 3. The Morehead State University Board of Regents shall use an accrual basis accounting system and fund structure that conforms with generally accepted accounting principles and procedures established for colleges and universities by the National Association of College and University Business Officers and the American Institute of Certified Public Accountants, and shall act to ensure further compliance with Sections (2), (3), (6), (7), and (8) of KRS 164A.565.

DR. WILLIAM R. SEATON, Chairman
APPROVED BY AGENCY: February 23, 1990
FILED WITH LRC: March 8, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 23, 1990 at 9 a.m. at Morehead State University. Individuals interested in attending this hearing shall notify this agency in writing by April 18, 1990, 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: Mr. Porter Dailey, Vice President for Administrative and Fiscal Services, Morehead State University, 201 Howell-McDowell AD Building, Morehead, Kentucky 40351.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Porter Dailey
(1) Type and number of entities affected: Since the university internally enacted this regulation in 1982 and given that the purpose of this regulation is only to codify the elective provisions of KRS Chapter 164A, there are no new entities which will be affected. The original entities affected were: Morehead State University, Treasury Department, Division of Accounts, State Computer Services, vendors and others doing business with the university.
(a) Direct and indirect costs or savings to those affected:
1. First year: During the first year in which the university operated under the internally authorized regulation it greatly reduced the number of checks issued, the processing and filing of documents, the computer time involved in processing transactions, and the quantity of computer reports produced. The codification of the regulation will not result in any additional savings.
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 internal authorization of this regulation resulted in fewer layers of the decision-making process.
(2) Effects on the promulgating administrative body: The internal authorization of this regulation improved administrative functions through closer, on-site management which allows for greater control and flexibility.
(a) Direct and indirect costs or savings:
1. First year: The first year of internal authorization of this regulation resulted in more rapid processing of transactions with less paperwork. The actual codification of the regulation will not affect costs or savings.
2. Continuing costs or savings: Same as above.
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: The internal authorization of this regulation resulted in a significant decrease in the paperwork processed in Frankfort with increased accountability at the university level.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: This is the only alternative permitted by KRS Chapter 164A.
(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:
(6) Any additional information or comments: The purpose of this regulation is to codify the elective provisions of KRS Chapter 164A which the university has previously internally authorized and is currently following. This internally authorized regulation implemented new statutory delegation of certain financial

management functions from the Executive Branch (Finance and Administration Cabinet) to the university for the purpose of increasing efficiency and accountability.

TIERING: Was tiering applied? No. Tiering was not applied because the university has uniform standards.

MOREHEAD STATE UNIVERSITY
Board of Regents

755 KAR 1:020. Delegation of financial management responsibility.

RELATES TO: KRS 164A.560, 164A.565, 164A.575, 164A.620

STATUTORY AUTHORITY: KRS 164A.560

NECESSITY AND FUNCTION: The governing boards of the public institutions of higher education may elect to perform the financial management functions of KRS 164A.555 to 164A.630 by issuing regulations to do so. This regulation implements the provision of KRS 164A.560 at Morehead State University.

Section 1. The Morehead State University Board of Regents, under the provision of KRS 164A.560, elects to delegate responsibility for the financial management provisions of KRS 164A.560, 164A.565, 164A.575 and 164A.620 to the president of the university. Further, the Board of Regents delegates to the president responsibility for submitting to the state property and buildings commission information and requests for approval of any bond project approved by the Board of Regents.

DR. WILLIAM R. SEATON, Chairman

APPROVED BY AGENCY: February 23, 1990

FILED WITH LRC: March 8, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 23, 1990 at 9 a.m. at Morehead State University. Individuals interested in attending this hearing shall notify this agency in writing by April 18, 1990, 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: Mr. Porter Dailey, Vice President for Administrative and Fiscal Services, Morehead State University, 201 Howell-McDowell AD Building, Morehead, Kentucky 40351.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Porter Dailey

(1) Type and number of entities affected: Since the university internally enacted this regulation in 1982 and given that the purpose of this regulation is only to codify the elective provisions of KRS Chapter 164A, there are no new entities which will be affected. In addition, the only entity originally affected was the university.

(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
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The codification of this regulation will not change the internally authorized regulation requiring the official delegation of authority.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: This the only alternative permitted by KRS Chapter 164A.

(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:

(6) Any additional information or comments: The purpose of this regulation is to codify the elective provisions of KRS Chapter 164A which the university has previously internally authorized and is currently following. This internally authorized regulation implemented new statutory delegation of certain financial management functions from the Executive Branch (Finance and Administration Cabinet) to the university for the purpose of increasing efficiency and accountability.

TIERING: Was tiering applied? No. Tiering was not applied because the university has uniform standards.

MOREHEAD STATE UNIVERSITY
Board of Regents

755 KAR 1:030. Annual audit.

RELATES TO: KRS 164A.570

STATUTORY AUTHORITY: KRS 164A.560

NECESSITY AND FUNCTION: The governing boards of the public institutions of higher education may elect to perform the financial management functions of KRS 164A.555 to 164A.630 by issuing regulations to do so. This regulation implements the provision of KRS 164A.570 at Morehead State University.

Section 1. The Morehead State University Board of Regents elects to engage a qualified firm of certified public accountants for the purpose of submitting an independent opinion concerning the interal accounting controls and compliance with the provisions of KRS 164A.560, 164A.565, 164A.575, and 164A.620. The engagement of the qualified firm, scope of the audit, and report of findings shall be in accordance with the provisions of KRS 164A.570.

DR. WILLIAM R. SEATON, Chairman
APPROVED BY AGENCY: February 23, 1990
FILED WITH LRC: March 8, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 23, 1990 at 9 a.m. at Morehead State University. Individuals interested in attending this hearing shall notify this agency in writing by April 18, 1990, 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: Mr. Porter Dailey, Vice President for Administrative and Fiscal Services, Morehead State University, 201 Howell-McDowell AD Building, Morehead, Kentucky 40351.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Porter Dailey
(1) Type and number of entities affected: Since the university internally enacted this regulation in 1982 and given that the purpose of this regulation is only to codify the elective provisions of KRS Chapter 164A, there are no new entities which will be affected. The original entities affected were: Morehead State University, Finance and Administration Cabinet, Auditor of Public Accounts.
(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: Filing copies of the audit reports.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: The internal authorization of this regulation resulted in no significant increase in the costs of the audit for compliance testing. The actual codification of the regulation will not affect costs or savings.
2. Continuing costs or savings: Same as above.
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: Filing copies of the audit reports.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no alternatives as an audit is required by statute, outstanding bond issue trust indentures, and other governing documents with regulations.
(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:
(6) Any additional information or comments: The purpose of this regulation is to codify the elective provisions of KRS Chapter 164A which the university has previously internally authorized and is currently following. This internally authorized regulation implemented new statutory delegation of certain financial management functions from the Executive Branch (Finance and Administration Cabinet) to the university for the purpose of increasing efficiency and accountability.
TIERING: Was tiering applied? No. Tiering was not applied because the university has uniform standards.

MOREHEAD STATE UNIVERSITY
Board of Regents

755 KAR 1:040. Purchase - inventories - sales of surplus property procedures.

RELATES TO: KRS 164A.575
STATUTORY AUTHORITY: KRS 164A.560
NECESSITY AND FUNCTION: The governing boards of the public institutions of higher education may elect to perform the financial management functions of KRS 164A.555 to 164A.630 by issuing regulations to do so. This regulation implements the provision of KRS 164A.575 at Morehead State University.

Section 1. The Morehead State University Board of Regents, under the provisions of KRS 164A.560, elects to purchase and manage interests in real property, contractual services, rentals of all types, supplies, materials, equipment, printing, and services in accordance with Sections (1), (2), (3), (4), (5), (6), (7), (8), (10), (11), and (12) of KRS 164A.575.

DR. WILLIAM R. SEATON, Chairman
APPROVED BY AGENCY: February 23, 1990
FILED WITH LRC: March 8, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 23, 1990 at 9 a.m. at Morehead State University. Individuals interested in attending this hearing shall notify this agency in writing by April 18, 1990, 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: Mr. Porter Dailey, Vice President for Administrative and Fiscal Services, Morehead State University, 201 Howell-McDowell AD Building, Morehead, Kentucky 40351.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Porter Dailey
(1) Type and number of entities affected:

Since the university internally enacted this regulation in 1982 and given that the purpose of this regulation is only to codify the elective provision of KRS Chapter 164A, there are no new entities which will be affected. The original entity affected besides the university was the state purchasing office.

(a) Direct and indirect costs or savings to those affected:

1. First year: During the first year in which the university operated under the internally authorized regulation it greatly reduced the number of checks issued, the processing and filing of documents, the computer time involved in processing transactions, and the quantity of the computer reports produced. This reduction of the processing time of transactions facilitated the required payment of vendors' invoices within 30 days of receipt (KRS 45.453). The codification of the regulation will not result in any additional costs or savings.

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: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The internal authorization of this regulation improved administrative functions through closer, on-site management which allowed for greater control and flexibility.

2. Continuing costs or savings: Same as above.

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: This is the only alternative permitted by KRS Chapter 164A.

(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:

(6) Any additional information or comments: The purpose of this regulation is to codify the elective provisions of KRS Chapter 164A which the university has previously internally authorized and is currently following. This internally authorized regulation implemented new statutory delegation of certain financial management functions from the Executive Branch (Finance and Administration Cabinet) to the university for the purpose of increasing efficiency and accountability.

TIERING: Was tiering applied? No. Tiering was not applied because the university has uniform standards.

MOREHEAD STATE UNIVERSITY
Board of Regents

755 KAR 1:050. Issuance of bonds.

RELATES TO: KRS 164A.605

STATUTORY AUTHORITY: KRS 164A.560

NECESSITY AND FUNCTION: The governing boards of the public institutions of higher education may elect to perform the financial management functions of KRS 164A.555 to 164A.630 by issuing regulations to do so. This regulation implements the provision of KRS 164A.605 at Morehead State University.

Section 1. The Morehead State University Board of Regents, under the provision of KRS 164A.560, elects the authority to issue bonds subject to the conditions as set forth in KRS 164A.605.

DR. WILLIAM R. SEATON, Chairman

APPROVED BY AGENCY: February 23, 1990

FILED WITH LRC: March 8, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 23, 1990 at 9 a.m. at Morehead State University. Individuals interested in attending this hearing shall notify this agency in writing by April 18, 1990, 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: Mr. Porter Dailey, Vice President for Administrative and Fiscal Services, Morehead State University, 201 Howell-McDowell AD Building, Morehead, Kentucky 40351.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Porter Dailey

(1) Type and number of entities affected: Since the university internally enacted this regulation in 1982 and given that the purpose of this regulation is only to codify the elective provisions of KRS Chapter 164A, there are no new entities which will be affected. The original entities affected were: Morehead State University, State Property and Building Commission, and Finance and Administration Cabinet.

(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: The codification of this regulation will not change the authorized internal regulation in effect requiring approval of the State Property and Building Commission and the Board of Regents.

(2) Effects on the promulgating administrative body:

(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: The codification of this regulation will not change the authorized internal regulation in effect requiring approval of the State Property and Building Commission and the Board of Regents.

(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no alternatives.
(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:
(6) Any additional information or comments: The purpose of this regulation is to codify the elective provisions of KRS Chapter 164A which the university has previously internally authorized and is currently following. This internally authorized regulation implemented new statutory delegation of certain financial management functions from the Executive Branch (Finance and Administration Cabinet) to the university for the purpose of increasing efficiency and accountability.
TIERING: Was tiering applied? No. Tiering was not applied because the university has uniform standards.

MOREHEAD STATE UNIVERSITY
Board of Regents

755 KAR 1:060. Fund for excellence.

RELATES TO: KRS 164A.410, 164A.620
STATUTORY AUTHORITY: KRS 164A.560
NECESSITY AND FUNCTION: The governing boards of the public institutions of higher education may elect to perform the financial management functions of KRS 164A.555 to 164A.630 by issuing regulations to do so. This regulation implements the provision of KRS 164A.620 at Morehead State University.

Section 1. The Morehead State University Board of Regents, under the provisions of KRS 164A.560, elects and authorizes the establishment of a fund for excellence under the conditions and for the purpose as set forth in KRS 164A.620.

DR. WILLIAM R. SEATON, Chairman
APPROVED BY AGENCY: February 23, 1990
FILED WITH LRC: March 8, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on April 23, 1990 at 9 a.m. at Morehead State University. Individuals interested in attending this hearing shall notify this agency in writing by April 18, 1990, 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: Mr. Porter Dailey, Vice President for Administrative and Fiscal Services, Morehead State University, 201 Howell-McDowell AD Building, Morehead, Kentucky 40351.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Porter Dailey
(1) Type and number of entities affected: Since the university internally enacted this regulation in 1982 and given that the purpose of this regulation is only to codify the elective provisions of KRS Chapter 164A, there are no new entities which will be affected. The original entity affected was the university.
(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
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: This is the only alternative permitted by KRS Chapter 164A.
(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:
(6) Any additional information or comments: The purpose of this regulation is to codify the elective provisions of KRS Chapter 164A which the university has previously internally authorized and is currently following. This internally authorized regulation implemented new statutory delegation of certain financial management functions from the Executive Branch (Finance and Administration Cabinet) to the university for the purpose of increasing efficiency and accountability.
TIERING: Was tiering applied? No. Tiering was not applied because the university has uniform standards.

LABOR CABINET
Office of Labor-Management Relations

803 KAR 6:010. Kentucky labor-management matching grant program.

RELATES TO: KRS Chapter 336, HB 331 of the 1990 General Assembly
STATUTORY AUTHORITY: KRS 13A.200, HB 331 of the 1990 General Assembly
NECESSITY AND FUNCTION: A newly created section of KRS Chapter 336 requires the Office of Labor-Management Relations to provide grants-in-aid to labor-management organizations that include both labor and management representatives, for the purpose of improving labor-management or improving communications

with respect to subjects of mutual interest or concern to labor and management. This regulation is promulgated pursuant to KRS 13A.200 and shall not take effect prior to the effective date of Acts of the 1990 General Assembly. The function of this regulation is to define what types of labor-management organizations are eligible for funding, define local match requirements associated with a grant-in-aid, explain the application cycle, application requirements and reporting requirements, selection criteria for projects that will be funded, and terms and conditions governing the grant process.

Section 1. Definitions. (1) "Director" means the Executive Director of the Office of Labor-Management Relations.

(2) "Grant" means a grant-in-aid dispensed through the Office of Labor-Management Relations for the purpose of improving labor-management relations or communications with respect to subjects of mutual interest or concern to labor and management.

(3) "Office" means the Labor Cabinet's Office of Labor-Management Relations.

Section 2. Eligibility. (1) Any existing or newly created labor-management committee is eligible to apply for project funding provided it encompasses any one of the following: a specific geographic area within Kentucky, such as a municipality, several contiguous counties, a plant, an industry or a segment of the public sector, such as police officers, firefighters or teachers. Institutions of higher learning are also eligible for funding under the program provided they are involved in educational or research projects relating to the improvement of labor-management relations.

(2) To be funded, the organization must meet the following criteria: it must have a specific project proposal that can be completed in a one (1) year period; be organized jointly by employers and employee organizations in that area, plant, industry or segment or the public sector; be established for the purpose of improving labor-management relations, job security, organizational effectiveness, enhancing economic development, or involving workers in decisions affecting their jobs, and improving communications with respect to subjects of mutual interest or concern to employers and their employees. The project must include persons representing the labor-management community within the area, plant, industry or segment of the public sector that it serves.

(3) For institutions of higher learning, the college or university must be involved in providing educational services concerning subjects relative to the improvement of labor-management relations or be involved in research projects that relate to the improvement of labor-management relationships.

Section 3. Application Process. (1) The office shall annually publish a grant application package that shall include the total dollar amount available for the grant program for the fiscal year, eligible applicants, selection criteria, match requirements, reporting requirements and any other information applicable to the grant program.

(2) The office shall prepare and make available all forms for documentation necessary to administer the program. Any organization or institution seeking project funding under the program shall submit an application package to the office. The director may consider applications received after set deadlines.

Section 4. Selection Criteria. (1) Selection criteria that will be used by the office in making grant awards will include:

(a) The extent to which the application has clearly identified the issues or problems that the proposed project will address;

(b) The feasibility of the approach proposed to attain the goals and objectives of the project and the perceived likelihood of accomplishing the expected project results;

(c) The appropriateness of organization membership and the degree of commitment of those individuals to the goals and objectives of the proposed project;

(d) The feasibility and thoroughness of the implementation plan in specifying major milestones and target dates;

(e) The cost effectiveness and fiscal soundness of the applicant's budget request and long-term budget, as well as identification of the amounts and sources of the local match; and

(f) The overall feasibility of the proposed project in light of all of the information presented for consideration and the overall quality of the application.

(2) No funds shall be awarded under the following circumstances:

(a) In-plant labor-management projects unless the employees in that plant are represented by a labor organization and there is in effect at that plant a collective bargaining agreement.

(b) An area, industry-wide or public sector labor-management project unless participants in the sponsoring organization include any labor organization certified or recognized as the representative of employees of an employer participating in such organization. However, employers whose employees are not represented by a labor organization may participate in area, industry-wide or public sector organizations.

(c) To any organization which interferes with the collective bargaining activities in any plant, industry or segment of the public sector.

(d) For recreational projects such as, labor-management golf, fishing or tennis outings.

Section 5. Grant Amounts. (1) Project grants to eligible labor-management organizations shall be limited to a maximum amount of $15,000 per project for area and industry specific labor-management organizations and to a maximum of $10,000 per project for in-plant, public sector and institution of higher learning-based labor-management organizations.

(2) The office may reduce the requested amount of grant funds based on the appropriateness of the proposed project to goals and objectives of the grant program, and to other such selection criteria as stated in Section 4(1)(a) through (f) of this regulation.

Section 6. Length of Grants. (1) All grant awards shall be limited to a period of twelve (12) months. The grant program year will run July 1 through June 30.

(2) Funding of one (1) project does not guarantee funding of others. Applications for project funding shall be considered on a project-by-project basis annually. Project goals

and objectives shall be capable of being completed within a one (1) year period.

(3) As it is the intent that organizations seeking funding become self-sufficient over a five (5) year period, organizations will be limited to a maximum of five (5) project grants.

Section 7. Matching Requirement. (1) Matching grants under the program shall not exceed ninety (90) percent of the total operating cost of the funded project.

(2) Matching funds may come from private sources or from local and federal government sources. Proceeds from project grants or other funds obtained from other agencies of state government may not be used to meet match requirements.

(3) Local matching funds must include at least fifty (50) percent cash and no more than fifty (50) percent "in-kind" services, such as donated office space, clerical support, equipment, postage, etc., which directly accomplishes the objectives of the project. In considering projects for funding, the office shall give preference to full cash match as opposed to cash plus in-kind services.

(4) Grant applications must be accompanied by letters of commitment from official representatives of public or private sources of matching funds.

(5) As a goal of a labor-management committee is to become self-supporting, project income shall be an allowable source of matching funds after the organization has completed one (1) successful project.

Section 8. Reporting Requirements. (1) The Office of Labor-Management Relations shall monitor and evaluate the activities of an organization receiving grant funding.

(2) A participating organization shall submit quarterly to the office a programmatic report outlining the goals and objectives which have been achieved during the previous quarter. This report must specify if the major milestones identified by the applicant in its application package are being met in accordance with the timetable provided; if not, an explanation of why these milestones have not been met shall be provided. This report shall be on forms prepared by the office. An applicant shall also submit to the office, monthly and quarterly expenditure reports summarizing and describing line item costs charged to the grant and line item matching share supplied by the applicant where applicable. These expenditure summaries shall be on forms prepared by the office.

(3) To enable the office to better monitor and evaluate funded projects, it may schedule meetings of representatives of organizations receiving project funding. Attendance by grantees shall be mandatory.

Section 9. Application Requirements. (1) The application for project funding by area, in-plant, industry-wide and public sector labor-management organizations shall include the following information:

(a) Eligibility certification.

1. A description of the structure of the organization (e.g., not for profit, incorporated, etc.) including any articles of incorporation, not for profit certification or current bylaws.

2. The specific geographic area or specific industry served by the organization.

3. A list of the board members and their affiliation including current letters of commitment from all board members and cochairpersons.

4. The name, title, and job description of all full-time and part-time organization staff.

5. A brief organization history including its formation date, major focus and activities and past funding history, if applicable.

6. The name and a summary of the nature of the organization's affiliation with other local, state or federal agencies or organizations.

(b) Goals and objectives. Using specific goals and objectives, a description of what the labor-management project shall accomplish within the grant period. Goals and objectives shall be expressed in measurable terms. In addition, a description of the criteria used by the organization to evaluate its success in meeting specific goals and objectives.

(c) Implementation timetable. An outline of the applicant's proposed activities during the grant period; with major milestones or activities and target dates for accomplishing goals and objectives.

(d) Budget. A detailed budget and narrative for the project for the grant period, including a summary of the source of the local match; documentation specifying the dollar amount or the commitment from sources of the local match; if in-kind contributions are being included as part of the local match, documentation as to what constitutes the in-kind contribution and its estimated dollar value.

(2) An application for project funding by institution of higher learning-based labor-management organizations shall include the following information:

(a) Eligibility certification.

1. A description of the primary nature of the institution's business (e.g., university, college or community college, etc.).

2. A description of the intended beneficiaries of the educational or research and development project to be undertaken (e.g., companies, unions, labor-management committees, industries, etc.).

3. The names and a summary of the previous experience of the individuals who will be involved in the project and references, copies of previous research projects and a description of past labor-management experience.

(b) Scope of work.

1. A description of the project to be undertaken with the grant funds, including a list of the objectives of the project.

2. A description of the target audience who will benefit from such project and a summary of anticipated results of the project.

3. An explanation of the methodology to be used in the project (e.g., data collection, surveys, personal interviews, symposia, etc.).

(c) Implementation timetable. An outline of the proposed activities of the project over the grant period with major milestones or activities and target dates for accomplishing the project's objectives.

(d) Budget. A budget narrative for the grant period shall be submitted, including a summary of the source of any funds to be used to supplement the state grant. The total project cost, as well as the amount and source of other funds to be devoted to the project.

Section 10. Application Evaluation. (1) Applications shall be reviewed and evaluated for completeness by the office staff under the direction of the director. The review and evaluation process shall be completed within forty-five (45) days after receipt of the application package by the office.

(2) Upon receipt of a completed application for a matching grant, the director shall provide a copy of the application to the Secretary of Labor for review and comment prior to awarding any grant. The director shall consider the recommendations and comments of the Secretary of Labor in awarding grant funds.

Section 11. Audit Policy. (1) An independent audit of grant fund expenditures by organizations shall be performed. Organizations are responsible for arranging for the audit of project expenditures within thirty (30) days of completion of the project. The audit shall include an examination of the organizations project records to determine that financial standards are maintained in accordance with generally accepted accounting principles and that project funds were expended in accordance with the terms of the grant. Costs for conducting the audit shall be a legitimate budget item. The organization shall submit three (3) copies of the completed report to the office.

(2) Grant funds not expended by the organization at the end of the grant period shall be returned to the Kentucky Labor-Management Matching Grant Program.

Section 12. Project File. (1) The office shall establish and maintain an official project file and assign a grant number for each grant project.

(2) The project file shall contain the notice of grant award which shall be signed by the director and an authorized representative of the participating organization. The notice of grant award shall cite the statutory authorization for the grant, the total dollar amount of the grant, all special terms and conditions of the grant, and an authorization for the grantee to incur costs against the grant during the grant period. The grantee's authorized signature shall constitute acknowledgment of the grantee's acceptance of the grant award and all terms and conditions governing the grant.

Section 13. Terms and Conditions Governing the Grant. (1) Fiscal recording/reporting requirements. The grantee's financial management system shall be structured to provide for accurate, current, and complete disclosure of the financial results of the grant program. The grantee is accountable for all grant funds received. Grant funds received by the grantee shall be deposited timely and intact into a separate bank account established solely for the use of the grant funds. The grantee shall maintain effective control and accountability over all funds, equipment, property, and other assets under the grant as required by the office. The grantee shall keep records which detail the expenditures of grant funds and accurately document such expenditures sufficient to permit the tracking of grant funds.

(2) Audit requirement. A final financial and compliance audit shall be performed by the grantee. This audit shall include both the state and required matching share of the project. The grantee shall be responsible for correcting any deficiencies disclosed by such audit, including such action as the office, based on its review of the audit report, may direct. The audit of all appropriate project records shall be performed by an independent public accountant, certified and licensed by the state of Kentucky.

(3) Matching contributions. As required in Section 7 of this regulation, the grantee's matching contribution shall meet all of the following criteria;

(a) Be under the control of the key project officer;

(b) Be necessary and reasonable for proper and sufficient administration of the program;

(c) Be critical to the success of the project if it is a personal service match;

(d) Be supported by individual monthly time records of services rendered and detailed documentation of all other applicable, direct and indirect costs of the program;

(e) Not be a general expense of the grantee which is incurred in carrying out overall responsibilities other than those required under the grant.

(4) Modification and amendment of the grant. A grant is subject to revision only as follows:

(a) Modifications by operation of law. Any modification required by changes in state law or regulations shall be incorporated into the grant as fully as set forth in the terms and conditions. The office shall notify grantees of any amendment to regulations.

(b) Modifications in budget. Grantee may make a line item transfer only with prior written approval by the director. The grantee shall not make any change in line items which increases the total grant budget.

(c) Suspension. If the grantee fails to comply with the special conditions or the general terms and conditions of the grant award, the office may, after notice to the grantee, suspend the grant and withhold further payments or prohibit the grantee from incurring additional obligations of grant funds, pending corrective action by the grantee. The office may determine to allow necessary and proper costs which the grantee could not reasonably avoid during the period of suspension, provided the costs were necessary and reasonable for the conduct of the project.

(d) Termination. A grant may be terminated as follows:

1. Termination due to loss of funding. The office may terminate, in full or part, any grant in the event the office suffers a loss of state appropriations. If loss of state appropriations occurs, the office shall give the grantee written notice of the effective date of full or partial termination, or if a change in funding is required, notice of the change and the changes in the approved budget.

2. Termination for cause. If the office determines that the grantee has failed to comply with the general terms and conditions of the grant, the office may terminate the grant, in whole or part, at any time before the date of completion. The office shall promptly notify the grantee in writing of the determination to terminate, the reasons for such termination, and the effective date the termination shall occur.

3. Termination for convenience. The office or the grantee may terminate the grant, in whole or part, when the office and the grantee agree that continuation of the project objectives would not produce beneficial results commensurate with

further expenditures of funds. The office and the grantee shall agree upon termination conditions, including the effective date and, in the case of partial terminations, the portion of the grant to be terminated. The grantee shall not incur further obligations for the terminated portion after the effective date, and shall cancel all outstanding obligations possible. The office shall allow full credit to the grantee for the office's share of the noncancellable obligations properly incurred by the grantee prior to termination.

(e) Access and inspections. The grantee shall at any time permit the office or the State Auditor's office or any of their duly authorized representatives to have full access to and the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant for three (3) years from the date of submission of the final expenditure report or until all audit findings have been resolved, whichever is later.

(f) Access and inspection of subcontractors. The grantee shall include in any grant a provision that the office or the State Auditor's office or any of their duly authorized representatives shall have full access to and the right to examine any pertinent books, documents, papers, and records of any subcontractor involving transactions related to a grant for three (3) years from the final payment under the contract.

(g) Monitoring and evaluation. All grants shall be monitored periodically by the office throughout the program year for compliance with these regulations. Evaluations shall be made both during the operation of the program and upon its completion. Program evaluation shall be based on the ability of the grantee to meet specific goals and objectives outlined in the application, and for the effective and efficient utilization of grant funds.

(h) Liabilities. The grantee shall agree to be solely liable for all claims, demands, and actions based upon or arising out of any services performed by themselves or by their associates and employers under a grant.

(i) Publication, reproduction, and use of material. The office shall have authority to publish, distribute and otherwise use any reports, data, or other materials prepared through funds. Any publication produced as a result of grant funds shall include on its title page the following citation: "This project was conducted with funds provided under the Kentucky Labor-Management Matching Grant Program by the Kentucky Labor Cabinet's Office of Labor-Management Relations and does not necessarily represent the viewpoint of the Kentucky Labor Cabinet."

(j) Interest on grant funds. All interest earned on grant funds held by the grantee shall become part of the grant principle when earned; interest earned on grant funds may be retained by the grantee when the office determines that the cost of accounting for the interest or allocating the interest to the grant principle is significant in comparison with the interest earned. Any interest earned under the grant, and not expended as grant principle during the term of the grant, shall be returned to the office.

(k) Grantees shall agree that no grant funds shall be used for any partisan or nonpartisan political activity or to further the election or defeat of any candidate for public office, nor shall they be used in any way to provide voters or perspective voters with transportation to the polls or similar assistance in connection with any election or voter registration activity.

CAROL M. PALMORE, Secretary
APPROVED BY AGENCY: March 14, 1990
FILED WITH LRC: March 14, 1990 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held April 24, 1990, at 10 a.m. at Bay 3 Conference Room, 1049 U.S. 127 South, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 19, 1990, 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: Gary Moberly, Executive Director, Office of Labor-Management Relations, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Gary Moberly or Rex Hunt

(1) Type and number of entities affected: Limited number of labor-management organizations, estimated 10 organizations the first year, that elect to participate.

(a) Direct and indirect costs or savings to those affected: Participating organizations may receive up to $15,000 in grant funds, but must partially match such funds.

1. First year: $140,000 total in grants available, but must be partially matched by the participating organization.

2. Continuing costs or savings: Grants are for one year periods.

3. Additional factors increasing or decreasing costs (note any effects upon competition):

(b) Reporting and paperwork requirements: Participating organizations must file quarterly reports and a final grant audit report.

(2) Effects on the promulgating administrative body: Office of Labor-Management Relations must review and evaluate all reports.

(a) Direct and indirect costs or savings: $140,000 of general treasury funds budgeted for this program. Increase in administrative costs to evaluate grant requests and reports.

1. First year: $140,000 in general fund monies budgeted for grant program.

2. Continuing costs or savings: Continued administrative costs for monitoring grant program. Expected to be minimal, no additional budget funds necessary.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Quarterly reports and final audit required.

(3) Assessment of anticipated effect on state and local revenues: $140,000 general fund monies budgeted for program.

(4) Assessment of alternative methods; reasons

why alternatives were rejected: None available.

(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? No. This is a voluntary program in which a limited number of labor-management groups may elect to participate. The class is limited by availability of grant funds and selection criteria regarding the proposed project.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the March 12, 1990 Meeting

The March meeting of the Administrative Regulation Review Subcommittee was held on Monday, March 12, 1990 at 2 p.m. in Room 107. Representative Mark D. O'Brien, Chairman, called the meeting to order, and the secretary called the roll. On motion of Representative Bruce, seconded by Representative Layman, the minutes of the February 5, 1990 meeting were approved.

Present February 5, 1990 were:

Members: Representative Mark D. O'Brien, Chairman; Senator Pat McCuiston; Representatives Jim Bruce; Ronny Layman; Tom Kerr.

Guests: Richard Casey, Roger Tharp, KY Higher Education Student Loan Corporation; Richard L. Ross, Board of Pharmacy; David W. Carby, Judy Cremeens, Charles M. O'Neal, Bill Schmidt, Carole J. Wilson, Board of Medical Licensure; J. Guthrie True, KY Association of Nurse Anesthetists; Nathan Goldman, Bernadette Sutherland, Board of Nursing; Don C. Meade, Emergency Medical Services Employees Association - City of Louisville; Carroll Roberts, Board of Hairdressers; Conley C. Congleton, Board of Chiropractic Examiners; Nancy Brinly, Board of Physical Therapy; Michael Bradley, Ellen Tharpe, Corrections Cabinet; Gary Brunker, Gene Peter, State Police; H. Bradley Smith, Justice Cabinet; Sandra Pullen, Transportation Cabinet; Guy Schoolfield, Labor Cabinet; Carl B. Larsen, Grant Winston, Harness Racing Commision; Judith G. Walden, Department of Housing, Buildings and Construction; R. Wayne Jordan, KY Fire Commission; Martin F. Anderson, Patrick Bishop, Marcia A. Burklow, Karen Doyle, Danna Droz, Sandy MacLaren, Anita Moore, Cabinet for Human Resources.

LRC Staff: Susan Wunderlich, Joe Hood, Gregory Karambellas, Donna Pierce, and Carla Arnold.

The Administrative Regulation Review Subcommittee met on March 12, 1990, and submits this report:

The Subcommittee determined that the following administrative regulations, as amended, complied with KRS Chapter 13A:

General Government Cabinet: Board of Pharmacy

201 KAR 2:106 (Pharmacy, manufacturer, or distributor closures.) This administrative regulation was amended to include the Cabinet for Human Resources in the procedure for the transfer or disposal of controlled substances of pharmacies, manufacturers, or distributors who have ceased business operations. This amendment was necessary to comply with statutory authority that also granted jurisdiction to the Cabinet for Human Resources in these matters.

Board of Medical Licensure

The following administrative regulations were amended to comply with the drafting requirements of KRS 13A.222. The amendments did not change the substance of any administrative regulation. Representatives of paramedics and nurses addressed the Subcommittee. Objections were raised to these administrative regulations because of: 1) the requirements for retesting and recertification of paramedics who did not practice for a period of at least four months; 2) the requirement of physician approval of a paramedic and of the physician's ability to remove the paramedic without hearing or appeal; 3) the requirement that paramedics be available for 24 hour service which it was felt would harm programs in rural areas that had to rely on part-time paramedics; and 4) the restrictions on nurse participation in the program. The Subcommittee advised these representatives to present their objections to the House and Senate Standing Committees on Business Organizations and Professions when they considered these administrative regulations under KRS Chapter 13A.

201 KAR 9:101 (Definitions relating to paramedics.)

201 KAR 9:111 (Application and training course requirements.)

201 KAR 9:121 (Active & inactive status, certification, renewal of certification, reactivation.)

201 KAR 9:136 (Procedure for certification of paramedics from other states; graduate paramedics; issuance of temporary certificates.)

201 KAR 9:141 (Denial, revocation and suspension of certificate.)

201 KAR 9:151 (Contracts for support services; establish a fee schedule; and establish a Paramedic Advisory Committee.)

201 KAR 9:161 (Skills, authorized procedures.)

201 KAR 9:171 (Utilization of services.)

Board of Chiropractic Examiners

201 KAR 21:045 (Specialties.) This administrative regulation was amended to specify the specific fees charged by the Board.

Corrections Cabinet: Office of the Secretary

501 KAR 6:150 (Eastern Kentucky Correctional Complex.) This administrative regulation was amended to conform to the drafting requirements of KRS 13A.222. Certain material relating to some of the procedures manuals was not incorporated by reference. The Subcommittee determined that, since it appears that this material governs matters of security, it is not required to be incorporated by reference. This administrative regulation will be amended in the future to conform to this decision.

Justice Cabinet: Department of State Police: Candidate Selection

The following administrative regulations were amended to conform to the drafting requirements of KRS 13A.222.

502 KAR 45:020 (Qualifications.)

502 KAR 45:040 (Application.)

502 KAR 45:050 (Physical examination.)

502 KAR 45:060 (Written examination.)

502 KAR 45:080 (Oral interview.)

Labor Cabinet: Department of Workplace Standards: Occupational Safety and Health

803 KAR 2:309 (Adoption of 29 CFR Part 1910.141 - 1910.149.) This administrative regulation was amended to clarify requirements imposed by the administrative regulation. The amendment related to form rather than substance.

Public Protection and Regulation Cabinet: Harness Racing Commission

811 KAR 1:105 (Review and appeal.) This administrative regulation was amended to comply with the drafting requirements of KRS 13A.222.

Commission on Fire Protection Personnel Standards and Education: Local Fire Departments

815 KAR 45:035 (Education incentive.) This administrative regulation was amended by deleting various sections which duplicated language in KRS Chapter 95A. Other subsections were reworded for clarity.

815 KAR 45:040 (Survivor benefits, death of volunteer firefighter.) This administrative regulation was amended by deleting various sections which duplicated language in KRS 17.250 and 61.316. Additional amendments were made to conform the language in the regulation to language in the statutes.

Cabinet for Human Resources: Department for Social Insurance: Division of Management & Development: Public Assistance

904 KAR 2:015 (Supplemental programs for the aged, blind, and disabled.) This administrative regulation was amended to comply with the drafting requirements of KRS 13A.222, and to provide necessary references.

904 KAR 2:116 (Low income home energy assistance program.) This administrative regulation was amended to comply with changes in federal requirements relating to the program eligibility requirements. It was also amended to comply with the drafting requirements of KRS 13A.222.

The Subcommittee determined that the following regulations complied with KRS Chapter 13A:

Kentucky Higher Education Student Loan Corporation: Guaranteed Student Loans and Loans to Parents

15 KAR 1:031 (Repeal of 15 KAR 1:030.)

General Government Cabinet: Board of Pharmacy

201 KAR 2:105 (Licensing/drug distribution requirements for drug manufacturers and wholesalers.)

Board of Medical Licensure

201 KAR 9:180 (Ethical conduct.)

Board of Hairdressers and Cosmetologists

201 KAR 12:020 (Examination.)
201 KAR 12:025 (Additional study after failing examination.)
201 KAR 12:031 (Replacement of license; duplicate license.)
201 KAR 12:040 (Apprentices; ratio to operators.)
201 KAR 12:045 (Apprentice, manicurist and instructor's licensing.)
201 KAR 12:050 (Reciprocity for valid licensee.)
201 KAR 12:055 (Instructor's license fr out-of-state applicant.)
201 KAR 12:060 (Inspections.)
201 KAR 12:065 (Inspection of new, relocated and change of owner salons.)
201 KAR 12:082 (School's course of instruction.)
201 KAR 12:083 (Educational requirements.)
201 KAR 12:085 (School advertising.)
201 KAR 12:100 (Sanitation standards.)
201 KAR 12:101 (Equipment sanitation.)

Board of Chiropractic Examiners

201 KAR 21:006 (Repeal of 201 KAR 21:005.)
201 KAR 21:015 (Code of conduct.)
201 KAR 21:025 (Board; officers, duties.)
201 KAR 21:031 (Board meetings.)
201 KAR 21:035 (Seal.)
201 KAR 21:051 (Board hearings; charges and complaints.)
201 KAR 21:055 (Colleges; accreditation, approval.)
201 KAR 21:065 (Professional advertising.)

Board of Physical Therapy

201 KAR 22:031 (Therapist's licensing procedure.)
201 KAR 22:106 (Assistant's certification procedure.)
201 KAR 22:135 (Fees.)

Justice Cabinet: Department of State Police: Candidate Selection

502 KAR 45:090 (Background investigations.)
502 KAR 45:100 (Psychological assessment.)
502 KAR 45:110 (Register.)
502 KAR 45:120 (Appointment.)

Transportation Cabinet: Department of Highways: Traffic

603 KAR 5:230 (Bridge weight limits on the extended weight coal or coal by-products haul road system.)

Labor Cabinet: Department of Workplace Standards: Occupational Safety and Health

803 KAR 2:305 (Adoption of 29 CFR Part 1910.66 - 1910.70.)
803 KAR 2:418 (Adoption of 29 CFR Part 1926.800 - 1926.804.)

Cabinet for Human Resources: Department for Medicaid Services

907 KAR 1:040 (Payments for vision care services.)

The following regulation was withdrawn at the promulgating agency's request:

General Government Cabinet: Board of Medical Licensure

201 KAR 9:175 (Physician assistant; certification and supervision.)

The following regulations were deferred at the promulgating agency's request:

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division of Water: Water Quality

401 KAR 5:026 (Classification of waters.)
401 KAR 5:029 (General provisions.)
401 KAR 5:031 (Surface water standards.)

WESTERN KENTUCKY UNIVERSITY

Board of Regents

770 KAR 1:010 (Acquisition and disbursement of funds.)
770 KAR 1:020 (Annual audit.)
770 KAR 1:030 (Purchasing; inventories; title sales of surplus property; bidding procedures.)
770 KAR 1:040 (Disposal of property proceeds.)
770 KAR 1:050 (Delegation of financial management responsibility.)

Other Business:

Upon request by the Department of Housing, Buildings and Construction, the Subcommittee agreed to place on the February agenda issues raised by the following plumbing regulations which were objected to at the December meeting. At the February meeting, the agency requested deferral to the March agenda. Upon review at the

March 12 meeting, Representative Bruce stated that he had made the original motion to attach a letter of objection based on a misunderstanding of the reading of the regulation. The Subcommittee approved a motion by Representative Bruce that the regulations be reconsidered; motion passed. He then moved that the objections be removed; motion passed.

Public Protection and Regulation Cabinet: Department of Housing, Buildings and Construction: Division of Building Codes Enforcement: Plumbing

815 KAR 20:020 (Parts or materials list.)

815 KAR 20:130 (House sewers and storm water piping; methods of installation.)

The Subcommittee had no objections to emergency regulations which had been filed.

The Subcommittee adjourned at 2:45 p.m. until April 11, 1990, two (2) hours before the General Assembly convenes.

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.

SPECIAL JOINT COMMITTEE MEETING
Senate Committee on Agriculture & Natural Resources and House Committee on Natural Resources & Environment
February 22, 1990

The Senate Committee on Agriculture and Natural Resources and the House Committee on Natural Resources and Environment met jointly Tuesday, February 20, 1990, at 2:00 p.m., to discuss two administrative regulations from the Department of Fish and Wildlife Resources.

A motion was made by Senator Higdon, and seconded by Representative Mason, that administrative regulation, 301 KAR 1:146, does not comply with KRS Chapter 13A. The motion was adopted.

A motion was made by Senator Higdon, and seconded by Representative McElroy, that administrative regulation, 301 KAR 1:200, does comply with KRS Chapter 13A. The motion was adopted.

The joint meeting adjourned at 2:13 p.m.

CUMULATIVE SUPPLEMENT

Locator Index – Effective Dates.....J2

KRS Index.....J12

Subject Index to Volume 16.....J21

LOCATOR INDEX -- EFFECTIVE DATES

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

VOLUME 15

Regulation	15 Ky.R. Page No.	Effective Date
201 KAR 14:051	2465	9-2-89
704 KAR 20:550	2465 (See 16 Ky.R.)	

VOLUME 16

Emergency Regulation	16 Ky.R. Page No.	Effective Date
101 KAR 2:100E	1122	11-13-89
Replaced	1576	2-3-90
101 KAR 3:010E	1126	11-13-89
Replaced	1580	2-3-90
200 KAR 2:006E	2100	2-22-90
200 KAR 16:020E	1321	11-28-89
Replaced	1939	3-8-90
200 KAR 16:030E	1322	11-28-89
Replaced	1940	3-8-90
200 KAR 16:040E	1323	11-28-89
Replaced	1940	3-8-90
200 KAR 16:050E	1324	11-28-89
Replaced	1941	3-8-90
200 KAR 16:060E	1324	11-28-89
Expired		2-5-90
200 KAR 16:070E	1325	11-28-89
Replaced	1525	3-8-90
200 KAR 16:080E	1326	11-28-89
Replaced	1941	3-8-90
200 KAR 16:090E	1327	11-28-89
Replaced	1942	3-8-90
200 KAR 17:010E	116	6-15-89
Replaced	341	8-22-89
201 KAR 10:010E	1131	10-31-89
Replaced	1234	2-3-90
201 KAR 10:030E	1131	10-31-89
Replaced	1234	2-3-90
201 KAR 10:040E	1133	10-31-89
Replaced	1236	2-3-90
201 KAR 10:060E	1134	10-31-89
Replaced	1237	2-3-90
201 KAR 20:310E	1328	11-20-89
Replaced	1400	3-8-90
301 KAR 2:044E	531	8-21-89
Replaced	594	11-22-89
301 KAR 2:220E	1134	10-13-89
Replaced	801	1-9-90
401 KAR 30:010E	1832	1-16-90
401 KAR 30:020E	1846	1-16-90
401 KAR 40:060E	1848	1-16-90
401 KAR 47:030E	1849	1-16-90
401 KAR 47:070E	1852	1-16-90
401 KAR 47:080E	1857	1-16-90
401 KAR 47:090E	1860	1-16-90
401 KAR 47:100E	1862	1-16-90
401 KAR 47:110E	1863	1-16-90
401 KAR 47:120E	1864	1-16-90
401 KAR 47:130E	1866	1-16-90
401 KAR 47:140E	1868	1-16-90
401 KAR 47:150E	1872	1-16-90
401 KAR 47:160E	1873	1-16-90
401 KAR 47:170E	1876	1-16-90
401 KAR 47:180E	1878	1-16-90
401 KAR 47:190E	1882	1-16-90
401 KAR 48:050E	1884	1-16-90
401 KAR 48:060E	1885	1-16-90
401 KAR 48:070E	1888	1-16-90
401 KAR 48:080E	1890	1-16-90
401 KAR 48:090E	1895	1-16-90
401 KAR 48:170E	1899	1-16-90
401 KAR 48:200E	1900	1-16-90
401 KAR 48:300E	1908	1-16-90
401 KAR 48:310E	1915	1-16-90
401 KAR 49:010E	1920	1-16-90
401 KAR 49:060E	1922	1-16-90
401 KAR 49:070E	1925	1-16-90
405 KAR 8:010E	321	8-10-89
Replaced	1343	11-22-89
405 KAR 10:200E	732	9-27-89
Replaced	1202	1-9-90
501 KAR 6:020E	532	8-21-89
Replaced	435	10-17-89
Resubmitted	2103	2-21-90
501 KAR 6:030E	2105	2-21-90
501 KAR 6:040E	2107	2-21-90
501 KAR 6:050E	1329	11-17-89
Replaced	1238	2-3-90
Resubmitted	2108	2-21-90
501 KAR 6:060E	2109	2-21-90
501 KAR 6:070E	2110	2-21-90
501 KAR 6:090E	2112	2-21-90
501 KAR 6:110E	2113	2-21-90
501 KAR 6:120E	2115	2-21-90
501 KAR 6:130E	2117	2-21-90
501 KAR 6:140E	1330	11-17-89
Replaced	1240	2-3-90
501 KAR 6:150E	1929	1-15-90
502 KAR 45:010E	119	6-28-89
Replaced	536	9-19-89
502 KAR 45:020E	1930	1-17-90
502 KAR 45:040E	1931	1-17-90
502 KAR 45:050E	1931	1-17-90
502 KAR 45:060E	1932	1-17-90
502 KAR 45:080E	1932	1-17-90
502 KAR 45:090E	1933	1-17-90
502 KAR 45:100E	1934	1-17-90
502 KAR 45:110E	1934	1-17-90
502 KAR 45:120E	1935	1-17-90
502 KAR 45:125E	119	6-28-89
Replaced	286	9-19-89
702 KAR 5:010E	334	7-17-89
Replaced	538	10-8-89
702 KAR 5:030E	334	7-17-89
Replaced	198	10-8-89
702 KAR 5:080E	335	7-17-89
Replaced	200	10-8-89

Emergency Regulation	16 Ky.R. Page No.	Effective Date
702 KAR 7:065E	1332	11-17-89
Replaced	1255	2-3-90
705 KAR 5:130E	338	8-9-89
709 KAR 1:060E	340	8-9-89
Replaced	224	10-8-89
902 KAR 9:010E	2118	2-21-90
902 KAR 20:280E	120	6-22-89
Replaced	755	10-18-89
903 KAR 5:270E	124	6-22-89
Replaced	237	9-21-89
903 KAR 5:290E	2122	3-13-90
904 KAR 2:006E	124	7-14-89
Replaced	238	9-20-89
904 KAR 2:015E	1936	1-18-90
904 KAR 2:016E	736	10-6-89
Replaced	1033	1-12-90
904 KAR 2:025E	741	10-9-89
Replaced	1106	1-12-90
904 KAR 2:055E	1139	10-31-89
Replaced	1039	1-12-90
904 KAR 2:116E	1142	10-26-89
Expired		1-2-90
Resubmitted	1572	1-12-90
904 KAR 3:020E	1332	12-1-89
Replaced	1948	3-8-90
907 KAR 1:004E	127	7-14-89
Replaced	252	9-20-89
Resubmitted	1144	11-2-89
Replaced	1068	1-12-90
907 KAR 1:012E	135	7-14-89
Replaced	260	9-20-89
Resubmitted	1155	10-26-89
Replaced	1079	1-12-90
907 KAR 1:013E	136	7-14-89
Replaced	558	10-18-89
907 KAR 1:022E	138	7-14-89
Replaced	264	9-20-89
907 KAR 1:026E	141	7-14-89
Replaced	267	9-20-89
907 KAR 1:027E	142	7-14-89
Replaced	269	9-20-89
907 KAR 1:031E	144	7-14-89
Replaced	270	9-20-89
907 KAR 1:036E	146	7-14-89
Replaced	561	10-18-89
907 KAR 1:045E	153	7-14-89
Replaced	280	9-20-89
907 KAR 1:055E	154	7-14-89
Replaced	281	9-20-89
907 KAR 1:450E	156	7-14-89
Replaced	551	9-20-89

Regulation	16 Ky.R. Page No.	Effective Date
1 KAR 4:005		
Amended	788	1-12-90
15 KAR 1:031	1713	
101 KAR 1:325		
Amended	372	10-11-89
101 KAR 1:335		
Amended	1952	
101 KAR 1:365		
Amended	2250	
101 KAR 1:367	2285	
101 KAR 2:006	673	1-12-90
101 KAR 2:010		
Repealed	673	1-12-90
101 KAR 2:020		
Amended	568	
As Amended	1575	
101 KAR 2:030		
Amended	569	1-12-90
101 KAR 2:040		
Amended	573	1-12-90
101 KAR 2:050		
Amended	575	1-12-90
101 KAR 2:060		
Amended	577	1-12-90
101 KAR 2:070		
Amended	579	1-12-90
101 KAR 2:080		
Repealed	673	1-12-90
101 KAR 2:090		
Amended	581	1-12-90
101 KAR 2:100		
Amended	582	
Withdrawn		11-2-89
Amended	1208	
As Amended	1576	2-3-90
101 KAR 2:110		
Repealed	673	1-12-90
101 KAR 2:130		
Repealed	673	1-12-90
101 KAR 2:150		
Amended	586	
Withdrawn		11-2-89
Amended	1213	2-3-90
101 KAR 2:160		
Amended	587	
Withdrawn		11-2-89
Amended	1214	2-3-90
101 KAR 3:006	673	
Withdrawn		11-2-89
Resubmitted	1287	2-3-90
101 KAR 3:010		
Amended	1215	
As Amended	1580	2-3-90
101 KAR 3:030		
Repealed	1287	2-3-90
101 KAR 3:040		
Amended	588	
Withdrawn		11-2-89
Amended	1219	2-3-90
101 KAR 3:050		
Amended	590	
Withdrawn		11-2-89
Amended	1221	
As Amended	1585	2-3-90
103 KAR 43:310	674	
As Amended	1157	11-30-89
200 KAR 1:020		
Amended	373	10-11-89
200 KAR 2:006		
Amended	2252	
200 KAR 5:020	500	
As Amended	745	10-11-89
200 KAR 16:020	1518	
As Amended	1939	3-8-90
200 KAR 16:030	1520	
As Amended	1940	3-8-90
200 KAR 16:040	1521	
As Amended	1940	3-8-90
200 KAR 16:050	1522	
As Amended	1941	3-8-90
200 KAR 16:060	1524	
Withdrawn		2-5-90
200 KAR 16:070	1525	3-8-90
200 KAR 16:080	1527	
As Amended	1941	3-8-90
200 KAR 16:090	1528	
As Amended	1942	3-8-90

Regulation	16 Ky.R. Page No.	Effective Date
200 KAR 17:010	89	
As Amended	341	8-22-89
201 KAR 2:010		
Amended	791	1-12-90
201 KAR 2:015		
Amended	791	1-12-90
201 KAR 2:020		
Amended	793	1-12-90
201 KAR 2:030		
Amended	794	
As Amended	1943	3-8-90
201 KAR 2:040		
Amended	795	1-12-90
201 KAR 2:074	1713	
Amended	2150	
201 KAR 2:076	1716	
Amended	2152	
201 KAR 2:080		
Amended	796	1-12-90
201 KAR 2:105		
Amended	1597	
201 KAR 2:106	1718	
As Amended	2123	
201 KAR 2:116	1720	
Amended	2154	
201 KAR 2:120		
Repealed	674	12-6-89
201 KAR 2:121	674	12-6-89
201 KAR 2:125		
Repealed	674	12-6-89
201 KAR 2:130		
Repealed	92	9-2-89
201 KAR 2:131	92	9-2-89
201 KAR 2:135		
Repealed	674	12-6-89
201 KAR 2:140		
Repealed	674	12-6-89
201 KAR 2:145		
Repealed	675	12-6-89
201 KAR 2:150		
Repealed	674	12-6-89
201 KAR 2:155		
Repealed	674	12-6-89
201 KAR 2:165		
Amended	797	1-12-90
201 KAR 2:175		
Amended	798	1-12-90
201 KAR 2:190		
Amended	799	1-12-90
201 KAR 8:015		
Amended	376	
As Amended	745	10-13-89
201 KAR 9:016		
Amended	1223	2-3-90
201 KAR 9:018		
Amended	1224	
Withdrawn		12-18-89
201 KAR 9:021		
Amended	1225	2-3-90
201 KAR 9:031		
Amended	1228	2-3-90
201 KAR 9:041		
Amended	1229	2-3-90
201 KAR 9:061		
Amended	1954	
201 KAR 9:081	1230	2-3-90
201 KAR 9:101		
Amended	1379	
201 KAR 9:111		
Amended	1380	
As Amended	2124	
201 KAR 9:121		
Amended	1383	
As Amended	2126	
201 KAR 9:136		
Amended	1386	
As Amended	2128	
201 KAR 9:141		
Amended	1388	
As Amended	2130	
201 KAR 9:151		
Amended	1390	
As Amended	2131	
201 KAR 9:161		
Amended	1391	
As Amended	2131	
201 KAR 9:171		
Amended	1393	
As Amended	2132	
201 KAR 9:175		
Amended	1396	
Withdrawn		3-12-90
201 KAR 9:180	1530	
201 KAR 9:185	2068	
201 KAR 10:010		
Amended	1234	2-3-90
201 KAR 10:030		
Amended	1234	2-3-90
201 KAR 10:040		
Amended	1236	2-3-90
201 KAR 10:060		
Amended	1237	2-3-90
201 KAR 12:020		
Amended	1599	
201 KAR 12:025		
Amended	1600	
201 KAR 12:031		
Amended	1600	
201 KAR 12:040		
Amended	1601	
201 KAR 12:045		
Amended	1601	
201 KAR 12:050		
Amended	1602	
201 KAR 12:055		
Amended	1603	
201 KAR 12:060		
Amended	1603	
201 KAR 12:065		
Amended	1604	
201 KAR 12:082		
Amended	1605	
201 KAR 12:083		
Amended	1607	
201 KAR 12:085		
Amended	1608	
201 KAR 12:100		
Amended	1609	
201 KAR 12:101		
Amended	1610	
201 KAR 12:110		
Amended	1955	
201 KAR 12:120		
Amended	1957	
201 KAR 12:125		
Amended	2255	
201 KAR 12:130		
Amended	1957	
201 KAR 12:140		
Amended	1958	
201 KAR 12:150		
Amended	1959	

Regulation	16 Ky.R. Page No.	Effective Date
201 KAR 18:040		
Amended	1237	
Withdrawn		12-27-89
Amended	1960	
201 KAR 18:150		
Amended	592	
As Amended	1157	12-6-89
201 KAR 20:310		
Amended	1400	3-8-90
201 KAR 21:006	1721	
201 KAR 21:015		
Amended	1610	
201 KAR 21:025		
Amended	1612	
201 KAR 21:031		
Amended	1613	
201 KAR 21:035		
Amended	1614	
201 KAR 21:041		
Amended	44	
As Amended	344	9-2-89
201 KAR 21:045		
Amended	1614	
As Amended	2135	
201 KAR 21:051		
Amended	1615	
201 KAR 21:055		
Amended	1617	
201 KAR 21:065		
Amended	1618	
201 KAR 21:070	93	9-2-89
201 KAR 21:075	94	
As Amended	345	
As Amended	535	10-8-89
201 KAR 21:080	95	9-2-89
201 KAR 21:085	96	
As Amended	346	9-2-89
201 KAR 21:090	97	
As Amended	347	9-2-89
201 KAR 22:031		
Amended	1619	
201 KAR 22:106		
Amended	1621	
201 KAR 22:135		
Amended	1623	
201 KAR 24:040	501	
As Amended	746	10-13-89
201 KAR 25:022	2069	
301 KAR 1:122		
Amended	377	11-4-89
301 KAR 1:130		
Amended	46	8-23-89
301 KAR 1:146		
Amended	1401	2-20-90
301 KAR 1:200		
Amended	800	1-9-90
Amended	1403	2-20-90
301 KAR 2:044		
Amended	594	11-22-89
301 KAR 2:140		
Amended	596	11-22-89
301 KAR 2:220		
Amended	801	1-9-90
301 KAR 3:080		
Amended	807	1-9-90
302 KAR 15:020		
Amended	1961	
302 KAR 40:010	2069	
401 KAR 4:120		
Repealed	1336	11-22-89
401 KAR 4:125	503	
As Amended	1336	11-22-89
401 KAR 5:005		
Amended	599	
Amended	1191	1-9-90
401 KAR 5:010		
Amended	603	
Amended	1193	1-9-90
401 KAR 5:026		
Amended	809	
Amended	1356	
401 KAR 5:029		
Amended	833	
Amended	1367	
Amended	2257	
401 KAR 5:031		
Amended	838	
Amended	1370	
401 KAR 5:040	2286	
401 KAR 5:085		
Amended	609	
Amended	1196	1-9-90
401 KAR 6:300		
Amended	613	1-9-90
401 KAR 30:010		
Amended	1624	
Amended	2154	
401 KAR 30:020		
Amended	1640	
Amended	2169	
401 KAR 30:030		
Repealed	1849	1-16-90
401 KAR 31:010		
Amended	378	11-22-89
401 KAR 31:040		
Amended	389	
Amended	761	
As Amended	1159	11-22-89
401 KAR 31:160		
Amended	402	11-22-89
401 KAR 31:170		
Amended	405	11-22-89
401 KAR 34:350	512	
Amended	772	11-22-89
401 KAR 38:190		
Amended	419	
Amended	773	11-22-89
401 KAR 39:010		
Amended	616	1-9-90
401 KAR 39:020		
Amended	617	
Amended	1198	1-9-90
401 KAR 39:030		
Amended	619	
Amended	1199	
As Amended	1340	1-9-90
401 KAR 39:060		
Amended	624	
Amended	1200	1-9-90
401 KAR 39:070		
Amended	625	
Amended	1200	
As Amended	1341	1-9-90
401 KAR 39:080		
Amended	628	1-9-90
401 KAR 39:090		
Amended	629	
Amended	1201	1-9-90
401 KAR 39:110		
Amended	631	1-9-90
401 KAR 39:120		
Amended	632	
Amended	1202	1-9-90

Regulation	16 Ky.R. Page No.	Effective Date
401 KAR 40:060	1721	
Amended	2170	
401 KAR 47:020		
Repealed	1857	1-16-90
401 KAR 47:030	1724	
Amended	2171	
401 KAR 47:040		
Repealed	1888	1-16-90
401 KAR 47:050		
Repealed	1900	1-16-90
401 KAR 47:060		
Repealed	1860	1-16-90
401 KAR 47:070		
Amended	1642	
Amended	2174	
401 KAR 47:080	1727	
Amended	2178	
401 KAR 47:090	1732	
Amended	2182	
401 KAR 47:100	1734	
Amended	2183	
401 KAR 47:110	1737	
Amended	2185	
401 KAR 47:120	1739	
Amended	2186	
401 KAR 47:130	1741	
Amended	2187	
401 KAR 47:140	1744	
Amended	2189	
401 KAR 47:150	1749	
Amended	2193	
401 KAR 47:160	1752	
Amended	2195	
401 KAR 47:170	1755	
Amended	2197	
401 KAR 47:180	1759	
Amended	2199	
401 KAR 47:190	1763	
Amended	2203	
401 KAR 48:050	1766	
Amended	2205	
401 KAR 48:060	1768	
Amended	2206	
401 KAR 48:070	1772	
Amended	2209	
401 KAR 48:080	1776	
Amended	2211	
401 KAR 48:090	1782	
Amended	2216	
401 KAR 48:170	1787	
Amended	2220	
401 KAR 48:200	1789	
Amended	2221	
401 KAR 48:300	1798	
Amended	2229	
401 KAR 48:310	1807	
Amended	2236	
401 KAR 49:010		
Amended	1648	
Amended	2241	
401 KAR 49:020		
Repealed	1922	1-16-90
401 KAR 49:030		
Repealed	1922	1-16-90
401 KAR 49:050		
Repealed	1922	1-16-90
401 KAR 49:060	1813	
Amended	2243	
401 KAR 49:070	1817	
Amended	2246	
401 KAR 50:036		
Amended	635	1-9-90

Regulation	16 Ky.R. Page No.	Effective Date
405 KAR 8:010		
Amended	421	
Amended	775	
As Amended	1170	
As Amended	1343	11-22-89
405 KAR 10:200		
Amended	641	
Amended	1202	1-9-90
500 KAR 2:030	2074	
501 KAR 6:020		
Amended	47	9-2-89
Amended	183	9-19-89
Amended	435	10-17-89
Amended	1405	3-8-90
Amended	1963	
501 KAR 6:030		
Amended	49	9-2-89
Amended	184	9-19-89
Amended	437	10-17-89
Amended	646	12-6-89
Amended	852	1-12-90
Amended	1406	3-8-90
Amended	1965	
501 KAR 6:040		
Amended	50	9-2-89
Amended	648	12-6-89
Amended	1408	3-8-90
Amended	1967	
501 KAR 6:050		
Amended	186	9-19-89
Amended	1238	2-3-90
Amended	1968	
501 KAR 6:060		
Amended	188	9-19-89
Amended	649	12-6-89
Amended	1410	3-8-90
Amended	1970	
Amended	2263	
501 KAR 6:070		
Amended	1971	
501 KAR 6:090		
Amended	1973	
501 KAR 6:110		
Amended	1974	
501 KAR 6:120		
Amended	439	10-17-89
Amended	854	1-12-90
Amended	1976	
501 KAR 6:130		
Amended	189	9-19-89
Amended	1978	
501 KAR 6:140		
Amended	1240	2-3-90
501 KAR 6:150	1822	
Amended	1979	
502 KAR 45:010		
Amended	190	
As Amended	536	9-19-89
502 KAR 45:020		
Amended	1651	
As Amended	2135	
502 KAR 45:040		
Amended	1652	
As Amended	2135	
502 KAR 45:050		
Amended	1652	
As Amended	2136	
502 KAR 45:060		
Amended	1653	
As Amended	2136	

Regulation	16 Ky.R. Page No.	Effective Date
502 KAR 45:080		
Amended	1654	
As Amended	2137	
502 KAR 45:090		
Amended	1655	
502 KAR 45:100		
Amended	1656	
502 KAR 45:110		
Amended	1657	
502 KAR 45:120		
Amended	1658	
502 KAR 45:125	286	9-19-89
503 KAR 1:090		
Amended	1981	
503 KAR 1:110		
Amended	1982	
503 KAR 1:120		
Amended	1984	
503 KAR 3:010	2076	
503 KAR 3:020	2081	
503 KAR 3:030	2085	
503 KAR 5:090		
Amended	1986	
600 KAR 3:020	286	
As Amended	536	10-4-89
600 KAR 4:020		
Amended	856	1-12-90
601 KAR 1:005		
Amended	1242	
Amended	1595	3-8-90
601 KAR 1:025		
Amended	651	
Amended	1206	1-12-90
601 KAR 1:045		
Amended	191	10-4-89
601 KAR 1:090		
Amended	441	11-4-89
601 KAR 1:140		
Amended	1411	3-8-90
601 KAR 1:145	1531	3-8-90
601 KAR 9:045		
Amended	1244	
As Amended	1586	2-3-90
601 KAR 12:040		
Amended	860	
Withdrawn		1-9-90
601 KAR 35:060		
Amended	1246	2-3-90
602 KAR 20:010		
Repealed	748	11-4-89
602 KAR 20:020		
Amended	443	
As Amended	748	11-4-89
602 KAR 20:025		
Repealed	748	11-4-89
602 KAR 20:030		
Amended	445	11-4-89
602 KAR 20:040		
Amended	446	11-4-89
602 KAR 20:050		
Repealed	748	11-4-89
602 KAR 20:060		
Repealed	748	11-4-89
602 KAR 20:070		
Repealed	748	11-4-89
602 KAR 20:080		
Repealed	748	11-4-89
602 KAR 20:100		
Amended	861	1-12-90
602 KAR 20:110		
Amended	447	11-4-89
602 KAR 20:120	514	11-4-89
603 KAR 5:050		
Amended	862	
As Amended	1355	1-12-90
603 KAR 5:070		
Amended	863	
Amended	1376	2-3-90
603 KAR 5:077		
Amended	1247	2-3-90
603 KAR 5:110		
Amended	192	10-4-89
603 KAR 5:150		
Amended	1413	3-8-90
603 KAR 5:230		
Amended	448	11-4-89
Amended	1659	
701 KAR 5:060		
Amended	652	Died*
Amended	1248	2-3-90
702 KAR 1:115		
Amended	195	
As Amended	537	10-8-89
702 KAR 3:135		
Amended	1251	2-3-90
702 KAR 4:050		
Amended	52	9-2-89
Amended	655	12-6-89
702 KAR 4:110	98	
As Amended	348	9-2-89
702 KAR 4:120	99	
As Amended	348	9-2-89
702 KAR 4:130	99	
As Amended	349	9-2-89
702 KAR 5:010		
Amended	197	
As Amended	538	10-8-89
702 KAR 5:030		
Amended	198	10-8-89
702 KAR 5:080		
Amended	200	10-8-89
702 KAR 6:010		
Amended	1252	2-3-90
702 KAR 6:030		
Amended	1252	2-3-90
702 KAR 6:040		
Amended	1253	2-3-90
702 KAR 6:070		
Amended	1254	2-3-90
702 KAR 6:080		
Repealed	1287	2-3-90
702 KAR 6:081	1287	2-3-90
702 KAR 6:090	2290	
702 KAR 7:030		
Amended	657	
As Amended	1182	12-6-89
702 KAR 7:065		
Amended	1255	2-3-90
702 KAR 7:070		
Amended	1256	3-8-90
702 KAR 7:090		
Amended	2264	
704 KAR 3:005		
Amended	1257	
Withdrawn		12-15-89
704 KAR 3:290		
Repealed	288	10-8-89
704 KAR 3:291	288	10-8-89
704 KAR 3:292		
Amended	203	10-8-89
704 KAR 3:304		
Amended	2266	
704 KAR 3:325		
Amended	1261	2-3-90

Regulation	16 Ky.R. Page No.	Effective Date
704 KAR 3:335		
Amended	1264	
Withdrawn		3-15-90
Amended	2267	
704 KAR 3:360		
Amended	2270	
704 KAR 3:365	288	10-8-89
704 KAR 7:090	676	
As Amended	1183	12-6-89
704 KAR 10:022		
Amended	206	10-8-89
704 KAR 10:050		
Amended	1989	
704 KAR 20:005		
Amended	207	10-8-89
Amended	658	12-6-89
Amended	2272	
704 KAR 20:057		
Amended	2273	
704 KAR 20:070		
Amended	208	
As Amended	539	10-8-89
704 KAR 20:080		
Amended	209	11-4-89
704 KAR 20:100		
Amended	659	12-6-89
704 KAR 20:130		
Amended	661	12-6-89
704 KAR 20:135		
Amended	210	10-8-89
704 KAR 20:290		
Amended	211	10-8-89
704 KAR 20:530	678	12-6-89
704 KAR 20:540	679	12-6-89
704 KAR 20:550		
As Amended	1944	3-8-90
704 KAR 20:560	680	12-6-89
704 KAR 20:570	2291	
705 KAR 5:130		
Amended	212	10-8-89
706 KAR 1:060	1081	1-12-90
706 KAR 1:070	1085	1-12-90
706 KAR 1:080	1087	1-12-90
706 KAR 1:090	1089	1-12-90
706 KAR 1:100	1092	1-12-90
706 KAR 1:110	1094	1-12-90
707 KAR 1:051		
Amended	214	11-4-89
707 KAR 1:090		
Amended	1990	
707 KAR 1:140	289	11-4-89
709 KAR 1:020		
Reprint	2090	10-5-84
709 KAR 1:050		
Repealed	291	10-8-89
709 KAR 1:051	291	10-8-89
709 KAR 1:060		
Amended	224	10-8-89
709 KAR 1:080		
Amended	225	10-8-89
709 KAR 1:090	292	10-8-89
709 KAR 1:100	294	
As Amended	539	10-8-89
709 KAR 1:110	297	
As Amended	542	10-8-89
709 KAR 1:120	298	10-8-89
709 KAR 1:130	299	10-8-89
709 KAR 1:140	300	10-8-89
755 KAR 1:010	1288	
Withdrawn		3-8-90
Amended	2292	
755 KAR 1:020	1289	
Withdrawn		3-8-90
Amended	2293	
755 KAR 1:030	1290	
Withdrawn		3-8-90
Amended	2293	
755 KAR 1:040	1292	
Withdrawn		3-8-90
Amended	2294	
755 KAR 1:050	1293	
Withdrawn		3-8-90
Amended	2295	
755 KAR 1:060	1294	
Withdrawn		3-8-90
Amended	2296	
760 KAR 1:010	1533	
760 KAR 1:020	1534	
760 KAR 1:030	1535	
760 KAR 1:040	1537	
760 KAR 1:050	1537	
765 KAR 1:010	1538	
Withdrawn		3-5-90
765 KAR 1:020	1539	
Withdrawn		3-5-90
765 KAR 1:030	1540	
Withdrawn		3-5-90
765 KAR 1:040	1541	
Withdrawn		3-5-90
765 KAR 1:050	1542	
Withdrawn		3-5-90
765 KAR 1:060	1544	
Withdrawn		3-5-90
765 KAR 1:070	1546	
Withdrawn		3-5-90
765 KAR 1:080	1547	
Withdrawn		3-5-90
765 KAR 1:090	1548	
Withdrawn		3-5-90
765 KAR 1:100	1549	
Withdrawn		3-5-90
765 KAR 1:110	1550	
Withdrawn		3-5-90
765 KAR 1:120	1551	
Withdrawn		3-5-90
765 KAR 1:130	1552	
Withdrawn		3-5-90
765 KAR 1:140	1553	
Withdrawn		3-5-90
765 KAR 1:150	1555	
Withdrawn		3-5-90
770 KAR 1:010	1555	
770 KAR 1:020	1557	
770 KAR 1:030	1558	
770 KAR 1:040	1560	
770 KAR 1:050	1560	
801 KAR 1:005		
Amended	485	
801 KAR 1:010		
Amended	486	
801 KAR 1:020		
Amended	487	
801 KAR 1:030		
Repealed	486	10-6-89
801 KAR 1:040		
Amended	488	
801 KAR 1:050		
Repealed	486	10-6-89
801 KAR 1:060		
Repealed	486	10-6-89
801 KAR 1:100		
Repealed	486	10-6-89
803 KAR 1:055	2088	

Regulation	16 Ky.R. Page No.	Effective Date
803 KAR 2:020		
Amended	227	9-21-89
Repealed	1097	12-15-89
803 KAR 2:027		
Repealed	1097	12-15-89
803 KAR 2:030		
Repealed	1097	12-15-89
803 KAR 2:031	1097	12-15-89
803 KAR 2:032		
Repealed	1097	12-15-89
803 KAR 2:300	682	12-15-89
803 KAR 2:301	683	12-15-89
803 KAR 2:302	684	12-15-89
803 KAR 2:303	685	12-15-89
803 KAR 2:304	686	12-15-89
803 KAR 2:305	686	12-15-89
Amended	1697	
803 KAR 2:306	687	12-15-89
803 KAR 2:307	689	12-15-89
803 KAR 2:308	690	12-15-89
803 KAR 2:309	692	12-15-89
Amended	1698	
As Amended	2138	
803 KAR 2:310	693	12-15-89
803 KAR 2:311	694	12-15-89
803 KAR 2:312	1098	12-15-89
803 KAR 2:313	695	12-15-89
803 KAR 2:314	696	12-15-89
803 KAR 2:315	697	12-15-89
803 KAR 2:316	698	12-15-89
803 KAR 2:317	699	12-15-89
803 KAR 2:318	700	12-15-89
803 KAR 2:319	700	12-15-89
803 KAR 2:320	701	12-15-89
Amended	1990	
803 KAR 2:400	703	12-15-89
803 KAR 2:401	1098	12-15-89
803 KAR 2:402	1099	12-15-89
803 KAR 2:403	704	12-15-89
803 KAR 2:404	705	12-15-89
803 KAR 2:405	710	12-15-89
803 KAR 2:406	710	12-15-89
803 KAR 2:407	1100	12-15-89
803 KAR 2:408	1101	12-15-89
803 KAR 2:409	711	12-15-89
803 KAR 2:410	712	12-15-89
803 KAR 2:411	713	12-15-89
803 KAR 2:412	1102	12-15-89
803 KAR 2:413	714	12-15-89
803 KAR 2:414	715	12-15-89
803 KAR 2:415	1102	12-15-89
803 KAR 2:416	716	12-15-89
803 KAR 2:417	1103	12-15-89
803 KAR 2:418	716	12-15-89
Amended	1700	
803 KAR 2:419	1104	12-15-89
803 KAR 2:420	717	12-15-89
803 KAR 2:421	719	12-15-89
803 KAR 2:422	1105	12-15-89
803 KAR 2:423	1106	12-15-89
803 KAR 2:500	720	12-15-89
803 KAR 2:600	721	12-15-89
803 KAR 6:010	2296	
803 KAR 25:090		
Amended	31	
As Amended	542	10-10-89
803 KAR 25:100		
Amended	31	
As Amended	749	10-27-89
804 KAR 9:010		
Amended	488	
As Amended	754	10-13-89
806 KAR 14:120	100	Died*
806 KAR 14:121	516	11-4-89
807 KAR 5:022		
Amended	1414	Died*
Amended	1994	
807 KAR 5:026		
Amended	1460	Died*
Amended	2039	
807 KAR 5:027		
Amended	1463	Died*
Amended	2042	
807 KAR 5:031		
Amended	1467	3-8-90
807 KAR 5:041		
Amended	1469	Died*
Amended	2046	
807 KAR 5:054		
Amended	1478	
As Amended	1945	3-8-90
807 KAR 5:061		
Amended	1481	3-8-90
808 KAR 10:040		
Amended	662	
As Amended	1185	12-6-89
808 KAR 10:210		
Amended	53	
As Amended	543	10-8-89
810 KAR 1:003		
Amended	866	1-12-90
810 KAR 1:019		
Amended	1488	
As Amended	1948	3-8-90
810 KAR 1:020		
Amended	870	1-12-90
811 KAR 1:105		
Amended	1701	
As Amended	2138	
815 KAR 7:010		
Amended	873	1-12-90
Amended	2055	
815 KAR 7:020		
Amended	881	1-12-90
Amended	1489	3-8-90
815 KAR 7:060		
Amended	887	1-12-90
815 KAR 7:080		
Amended	1267	
As Amended	1588	1-25-90
815 KAR 10:030	1295	
Withdrawn		2-23-90
815 KAR 10:035	1298	
Withdrawn		2-23-90
815 KAR 15:010		
Amended	55	8-22-89
815 KAR 15:020		
Amended	59	
As Amended	353	8-22-89
815 KAR 15:030		
Amended	64	8-22-89
815 KAR 15:040		
Amended	67	8-22-89
815 KAR 15:085	104	
Withdrawn		8-29-89
815 KAR 20:020		
Amended	901	1-12-90
Amended	2274	
815 KAR 20:070		
Amended	1270	1-25-90
815 KAR 20:090		
Amended	72	8-22-89
Amended	1272	
As Amended	1590	1-25-90

Regulation	16 Ky.R. Page No.	Effective Date
815 KAR 20:110		
Amended	1277	1-25-90
815 KAR 20:120		
Amended	904	1-12-90
815 KAR 20:130		
Amended	911	1-12-90
815 KAR 20:191		
Amended	2277	
815 KAR 25:010		
Amended	76	
As Amended	357	8-22-89
815 KAR 45:015		
Amended	1495	3-8-90
Recodified to 815 KAR 46		3-8-90
815 KAR 45:020		
Amended	1497	3-8-90
815 KAR 45:035		
Amended	1498	
As Amended	2140	
815 KAR 45:040		
Amended	1501	
As Amended	2142	
815 KAR 45:050		
Amended	1503	3-8-90
815 KAR 45:060		
Amended	1505	3-8-90
815 KAR 46:010		
Recodified from 815 KAR 45		3-8-90
900 KAR 2:010		
Amended	915	1-12-90
900 KAR 2:020		
Amended	917	1-12-90
900 KAR 2:030		
Amended	918	1-12-90
900 KAR 2:040		
Amended	924	1-12-90
901 KAR 5:031		
Amended	930	
Withdrawn		12-22-89
901 KAR 5:040		
Amended	931	1-12-90
901 KAR 5:070		
Amended	932	1-12-90
901 KAR 5:080		
Amended	932	1-12-90
901 KAR 5:090		
Amended	933	1-12-90
901 KAR 5:100		
Amended	935	1-12-90
902 KAR 2:010		
Repealed	722	11-29-89
902 KAR 2:011	722	11-29-89
902 KAR 2:020		
Amended	663	
As Amended	1185	11-29-89
902 KAR 2:040		
Amended	665	
As Amended	1187	11-29-89
902 KAR 2:060		
Amended	666	
As Amended	1187	11-29-89
902 KAR 2:080		
Amended	667	
As Amended	1188	11-29-89
902 KAR 2:090		
Amended	669	11-29-89
902 KAR 4:040		
Amended	234	
As Amended	544	9-20-89
902 KAR 4:060		
Repealed	554	9-20-89
902 KAR 4:100	722	11-29-89
902 KAR 7:010		
Amended	936	1-12-90
902 KAR 9:010		
Amended	2063	
902 KAR 20:009		
Amended	939	1-12-90
902 KAR 20:012		
Amended	957	1-12-90
902 KAR 20:021		
Amended	958	1-12-90
902 KAR 20:031		
Amended	966	1-12-90
902 KAR 20:046		
Amended	972	1-12-90
902 KAR 20:054		
Amended	980	1-12-90
902 KAR 20:056		
Amended	982	1-12-90
902 KAR 20:058		
Amended	989	1-12-90
902 KAR 20:072		
Amended	992	1-12-90
902 KAR 20:078		
Amended	994	1-12-90
902 KAR 20:081		
Amended	998	1-12-90
902 KAR 20:091		
Amended	1001	1-12-90
902 KAR 20:101		
Amended	1003	1-12-90
902 KAR 20:145		
Amended	1010	1-12-90
902 KAR 20:150		
Amended	1012	1-12-90
902 KAR 20:155		
Amended	1016	1-12-90
902 KAR 20:170		
Amended	1018	1-12-90
902 KAR 20:180		
Amended	1024	1-12-90
902 KAR 20:190		
Amended	1028	1-12-90
902 KAR 20:280	302	
Amended	554	
As Amended	755	10-18-89
902 KAR 45:010		
Amended	1031	1-12-90
903 KAR 5:010		
Amended	490	
As Amended	759	10-27-89
903 KAR 5:030		
Amended	490	10-27-89
903 KAR 5:080		
Amended	491	10-27-89
903 KAR 5:130		
Amended	492	10-27-89
903 KAR 5:150		
Amended	496	10-27-89
903 KAR 5:260		
Repealed	519	10-27-89
903 KAR 5:270		
Amended	237	9-21-89
903 KAR 5:280		
Repealed	492	10-27-89
903 KAR 5:290		
Amended	2283	
903 KAR 5:300		
Amended	496	10-27-89
903 KAR 5:310	519	10-27-89
903 KAR 5:320	520	10-27-89
903 KAR 5:330	520	10-27-89
903 KAR 5:340	521	10-27-89

Regulation	16 Ky.R. Page No.	Effective Date
903 KAR 5:350	522	10-27-89
903 KAR 5:360	523	10-27-89
903 KAR 5:370	523	10-27-89
903 KAR 5:380	524	10-27-89
904 KAR 2:006		
Amended	238	9-20-89
904 KAR 2:015		
Amended	1703	
As Amended	2144	
904 KAR 2:016		
Amended	1033	1-12-90
904 KAR 2:022		
Amended	1278	2-3-90
904 KAR 2:025	1106	1-12-90
904 KAR 2:035		
Amended	241	9-20-89
904 KAR 2:040		
Amended	243	9-20-89
904 KAR 2:046		
Amended	244	9-20-89
904 KAR 2:055		
Amended	1039	1-12-90
904 KAR 2:060		
Amended	246	9-20-89
904 KAR 2:116		
Amended	1042	
Withdrawn		1-2-90
Amended	1706	
As Amended	2146	
904 KAR 3:020		
Amended	1507	
As Amended	1948	3-8-90
904 KAR 3:080		
Amended	246	9-20-89
905 KAR 1:005		
Amended	1046	1-12-90
905 KAR 1:040		
Repealed	1067	1-12-90
905 KAR 1:065		
Amended	1050	1-12-90
905 KAR 1:071		
Amended	1056	1-12-90
905 KAR 1:085		
Repealed	1067	1-12-90
905 KAR 1:100		
Repealed	1067	1-12-90
905 KAR 1:110		
Amended	1059	1-12-90
905 KAR 1:120		
Amended	1063	1-12-90
905 KAR 1:140		
Amended	1067	1-12-90
905 KAR 2:070	105	
As Amended	366	8-16-89
905 KAR 6:010		
Amended	248	
As Amended	547	9-20-89
905 KAR 6:020		
Repealed	308	9-20-89
905 KAR 6:030		
Repealed	309	9-20-89
905 KAR 6:040	306	
As Amended	551	9-20-89
905 KAR 6:050	308	9-20-89
905 KAR 6:060	309	9-20-89
907 KAR 1:004		
Amended	252	9-20-89
Amended	1068	1-12-90
907 KAR 1:012		
Amended	260	9-20-89
Amended	1079	1-12-90
907 KAR 1:013		
Amended	261	
Amended	558	10-18-89
907 KAR 1:022		
Amended	264	9-20-89
907 KAR 1:026		
Amended	267	9-20-89
907 KAR 1:027		
Amended	269	9-20-89
907 KAR 1:031		
Amended	270	9-20-89
Amended	1511	3-8-90
907 KAR 1:036		
Amended	272	
Amended	561	10-18-89
907 KAR 1:040		
Amended	1710	
907 KAR 1:045		
Amended	280	9-20-89
907 KAR 1:054		
Amended	85	
As Amended	369	8-16-89
907 KAR 1:055		
Amended	281	9-20-89
907 KAR 1:402		
Amended	283	9-20-89
907 KAR 1:404		
Amended	1513	3-8-90
907 KAR 1:414		
Amended	1284	2-3-90
907 KAR 1:416		
Amended	284	9-20-89
907 KAR 1:432		
Amended	87	8-16-89
907 KAR 1:436		
Amended	1514	3-8-90
907 KAR 1:450	311	
As Amended	551	9-20-89
907 KAR 1:460		
Amended	1515	3-8-90
907 KAR 1:474	313	9-20-89
908 KAR 3:060		
Amended	670	
As Amended	1189	11-29-89
908 KAR 3:080		
Amended	497	10-18-89
Amended	1285	2-3-90
908 KAR 3:120		
Amended	498	
908 KAR 3:150		
Amended	672	11-29-89

*(Statement of Consideration not properly signed & filed within 15 days of hearing)

KRS INDEX

KRS Section	Regulation
15.330	503 KAR 1:090
	503 KAR 1:110
	503 KAR 1:120
15.340	503 KAR 3:030
15.440	503 KAR 1:110
	503 KAR 1:120
	503 KAR 5:090
15A.070	503 KAR 3:010
	503 KAR 3:020
16.040	502 KAR 45:010
	502 KAR 45:020
	502 KAR 45:050
	502 KAR 45:090
	502 KAR 45:100
16.050	502 KAR 45:010
	502 KAR 45:020
	502 KAR 45:040
	502 KAR 45:060
	502 KAR 45:080
	502 KAR 45:090
	502 KAR 45:100
	502 KAR 45:110
	502 KAR 45:120
16.080	502 KAR 45:125
17.210	815 KAR 45:015
17.250	815 KAR 45:050
18A.005	101 KAR 2:020
	101 KAR 2:050
	101 KAR 2:070
18A.025	101 KAR 2:160
18A.030	101 KAR 2:030
	101 KAR 2:040
	101 KAR 2:060
	101 KAR 2:090
	101 KAR 2:100
	101 KAR 2:150
	101 KAR 2:160
18A.075	101 KAR 1:325
	101 KAR 1:335
	101 KAR 1:365
	101 KAR 1:367
18A.0751	101 KAR 1:325
	101 KAR 1:335
	101 KAR 1:365
	101 KAR 1:367
18A.095	101 KAR 1:365
	101 KAR 1:367
18A.110	101 KAR 2:006
	101 KAR 2:020
	101 KAR 2:030
	101 KAR 2:040
	101 KAR 2:050
	101 KAR 2:060
	101 KAR 2:070
	101 KAR 2:090
	101 KAR 2:100
	101 KAR 2:150
	101 KAR 2:160
18A.111	101 KAR 1:325
18A.115	101 KAR 1:335
	101 KAR 2:070
18A.120	101 KAR 2:040
	101 KAR 2:050
	101 KAR 2:070
18A.155	101 KAR 2:150
	101 KAR 2:160
	101 KAR 3:006

KRS Section	Regulation
18A.155 (cont'd)	101 KAR 3:010
	101 KAR 3:040
	101 KAR 3:050
18A.165	101 KAR 2:030
	101 KAR 2:060
Chapter 44	200 KAR 2:006
Chapter 45	200 KAR 2:006
	200 KAR 5:020
45.350-45.359	1 KAR 4:005
Chapter 45A	200 KAR 5:020
45A.080	815 KAR 45:050
45A.350	702 KAR 3:135
Chapter 61	200 KAR 1:020
	815 KAR 45:040
	815 KAR 45:060
61.874	401 KAR 49:010
	401 KAR 49:060
61.906	500 KAR 2:030
68.178	401 KAR 40:060
Chapter 95A	815 KAR 45:035
95A.040	815 KAR 45:020
95A.050	815 KAR 45:020
Chapter 96A	600 KAR 4:020
109.011	401 KAR 49:010
	401 KAR 49:060
109.041	401 KAR 49:010
	401 KAR 49:060
109.042	401 KAR 40:060
109.115	401 KAR 49:010
	401 KAR 49:060
109.190	401 KAR 49:010
	401 KAR 49:060
Chapter 121	801 KAR 1:005
	801 KAR 1:010
	801 KAR 1:020
	801 KAR 1:040
136.392	815 KAR 45:015
Chapter 138	601 KAR 1:005
	601 KAR 1:140
	601 KAR 1:145
138.210	103 KAR 43:310
138.349	103 KAR 43:310
138.351	103 KAR 43:310
146.220	401 KAR 4:125
146.270	401 KAR 4:125
146.290	401 KAR 4:125
146.310	401 KAR 4:125
146.350	401 KAR 4:125
150.010	301 KAR 1:122
	301 KAR 1:130
	301 KAR 1:146
	301 KAR 1:200
	301 KAR 2:044
	301 KAR 2:140
	301 KAR 2:220
	301 KAR 3:080
150.015	301 KAR 2:044
	301 KAR 2:220
	301 KAR 3:080
150.025	301 KAR 1:122
	301 KAR 1:130
	301 KAR 1:146
	301 KAR 1:200
	301 KAR 2:044
	301 KAR 2:140
	301 KAR 2:220
	301 KAR 3:080
150.092	301 KAR 2:140
150.120	301 KAR 1:146

KRS Section	Regulation
150.170	301 KAR 1:130
	301 KAR 1:146
	301 KAR 2:044
	301 KAR 2:140
	301 KAR 2:220
150.175	301 KAR 1:122
	301 KAR 1:130
	301 KAR 1:146
	301 KAR 2:140
	301 KAR 2:220
150.176	301 KAR 2:140
150.180	301 KAR 1:122
150.190	301 KAR 1:122
150.235	301 KAR 2:220
150.240	301 KAR 2:220
150.300	301 KAR 2:044
150.305	301 KAR 2:044
	301 KAR 2:140
	301 KAR 2:220
150.320	301 KAR 2:044
	301 KAR 2:140
150.330	301 KAR 2:044
	301 KAR 2:140
	301 KAR 2:220
150.340	301 KAR 1:130
	301 KAR 2:044
	301 KAR 2:220
150.360	301 KAR 2:044
	301 KAR 2:140
	301 KAR 2:220
	301 KAR 3:080
150.365	301 KAR 2:140
150.390	301 KAR 2:140
150.445	301 KAR 1:146
150.450	301 KAR 1:130
	301 KAR 1:146
150.470	301 KAR 1:200
150.600	301 KAR 2:220
	301 KAR 3:080
150.603	301 KAR 2:044
	301 KAR 2:220
150.630	301 KAR 2:220
150.990	301 KAR 1:122
	301 KAR 1:146
	301 KAR 1:200
	301 KAR 2:220
Chapter 154	601 KAR 1:145
156.010	702 KAR 6:010
	702 KAR 6:030
	702 KAR 6:040
	702 KAR 6:070
	702 KAR 6:081
	702 KAR 6:090
	704 KAR 3:291
	704 KAR 3:292
	704 KAR 3:365
156.031	702 KAR 6:010
	702 KAR 6:030
	702 KAR 6:040
	702 KAR 6:070
	702 KAR 6:081
	702 KAR 6:090
	704 KAR 3:291
	704 KAR 3:335
	704 KAR 3:365
	704 KAR 7:090
156.032	709 KAR 1:051
	709 KAR 1:090
	709 KAR 1:100
	709 KAR 1:110
	709 KAR 1:120
	709 KAR 1:130
	709 KAR 1:140

KRS Section	Regulation
156.035	702 KAR 6:010
	702 KAR 6:030
	702 KAR 6:040
	702 KAR 6:070
	702 KAR 6:081
	702 KAR 6:090
	704 KAR 3:291
	704 KAR 3:292
	704 KAR 3:335
	704 KAR 3:365
	704 KAR 7:090
	709 KAR 1:051
	709 KAR 1:090
	709 KAR 1:100
	709 KAR 1:110
	709 KAR 1:120
	709 KAR 1:130
	709 KAR 1:140
156.070	702 KAR 3:135
	702 KAR 7:065
	702 KAR 7:070
	702 KAR 7:090
	704 KAR 3:292
	709 KAR 1:051
	709 KAR 1:090
	709 KAR 1:100
	709 KAR 1:110
	709 KAR 1:120
	709 KAR 1:130
	709 KAR 1:140
156.076	702 KAR 3:135
156.101	704 KAR 3:325
156.160	702 KAR 4:050
	702 KAR 4:110
	702 KAR 4:120
	702 KAR 4:130
	702 KAR 5:010
	702 KAR 5:030
	702 KAR 5:080
	702 KAR 6:090
	704 KAR 3:304
	704 KAR 10:022
	704 KAR 10:050
156.200	702 KAR 6:070
	702 KAR 6:090
157.200–157.290	707 KAR 1:051
	707 KAR 1:140
157.360	707 KAR 1:051
	707 KAR 1:140
157.620	702 KAR 4:110
	702 KAR 4:120
	702 KAR 4:130
158.035	902 KAR 2:060
158.037	902 KAR 2:090
158.650–158.750	701 KAR 5:060
158.797	704 KAR 3:360
159.170	702 KAR 7:030
159.240	702 KAR 7:030
159.250	702 KAR 7:030
159.260	702 KAR 7:030
160.155–160.157	709 KAR 1:080
160.180	702 KAR 1:115
161.010	702 KAR 7:090
161.020	704 KAR 20:005
	704 KAR 20:057
	704 KAR 20:070
	704 KAR 20:080
	704 KAR 20:100
	704 KAR 20:130
	704 KAR 20:135
	704 KAR 20:290
	704 KAR 20:530

KRS Section	Regulation
161.020 (cont'd)	704 KAR 20:540
	704 KAR 20:560
	704 KAR 20:570
161.025	704 KAR 20:005
	704 KAR 20:057
	704 KAR 20:070
	704 KAR 20:080
	704 KAR 20:100
	704 KAR 20:130
	704 KAR 20:135
	704 KAR 20:290
	704 KAR 20:530
	704 KAR 20:540
	704 KAR 20:560
	704 KAR 20:570
161.030	704 KAR 20:005
	704 KAR 20:057
	704 KAR 20:070
	704 KAR 20:080
	704 KAR 20:100
	704 KAR 20:130
	704 KAR 20:135
	704 KAR 20:290
	704 KAR 20:530
	704 KAR 20:540
	704 KAR 20:560
	704 KAR 20:570
	707 KAR 1:140
161.044	702 KAR 7:090
161.180	702 KAR 7:090
162.010	702 KAR 4:050
162.060	702 KAR 4:050
	702 KAR 4:110
	702 KAR 4:120
	702 KAR 4:130
163.030	705 KAR 5:130
	709 KAR 1:060
163.120	706 KAR 1:060
163.130	706 KAR 1:060
163.140	706 KAR 1:060
	706 KAR 1:070
	706 KAR 1:080
	706 KAR 1:090
	706 KAR 1:100
	706 KAR 1:110
163.160	706 KAR 1:060
	706 KAR 1:110
164A.060	15 KAR 1:031
164A.090	15 KAR 1:031
164A.110	15 KAR 1:031
164A.305	200 KAR 16:020
	200 KAR 16:040
164A.310	200 KAR 16:080
164A.325	200 KAR 16:050
164A.330	200 KAR 16:030
	200 KAR 16:040
	200 KAR 16:050
	200 KAR 16:080
164A.335	200 KAR 16:080
	200 KAR 16:090
164A.340	200 KAR 16:050
164A.345	200 KAR 16:070
164A.350	200 KAR 16:060
164A.410	755 KAR 1:060
	770 KAR 1:040
164A.560	755 KAR 1:010
	755 KAR 1:020
	755 KAR 1:030
	770 KAR 1:010
	770 KAR 1:050
164A.565	755 KAR 1:010
	755 KAR 1:020
	770 KAR 1:010
164A.570	770 KAR 1:020
164A.575	755 KAR 1:020
	755 KAR 1:040
	770 KAR 1:030
	770 KAR 1:040
164A.605	755 KAR 1:050
164.620	755 KAR 1:020
	755 KAR 1:060
Chapter 165A	201 KAR 24:040
167.150	707 KAR 1:090
167.170	707 KAR 1:090
Chapter 174	600 KAR 4:020
174.400-174.435	601 KAR 1:025
Chapter 176	600 KAR 3:020
	600 KAR 4:020
176.050	603 KAR 5:150
Chapter 177	600 KAR 3:020
	600 KAR 4:020
177.047	603 KAR 5:150
177.103	603 KAR 5:150
177.106	603 KAR 5:150
177.9771	601 KAR 35:060
	603 KAR 5:230
Chapter 183	600 KAR 4:020
183.090	602 KAR 20:020
	602 KAR 20:030
	602 KAR 20:040
	602 KAR 20:100
	602 KAR 20:110
	602 KAR 20:120
183.110	602 KAR 20:030
183.120	600 KAR 3:020
183.230	603 KAR 5:230
Chapter 186	601 KAR 1:140
	601 KAR 1:145
	601 KAR 9:045
189.222	603 KAR 5:070
189.231	603 KAR 5:077
189.270	603 KAR 5:110
189.337	603 KAR 5:050
189.540	702 KAR 5:010
	702 KAR 5:030
	702 KAR 5:080
194.030	902 KAR 4:100
194.050	902 KAR 4:040
	904 KAR 2:116
	904 KAR 3:020
	904 KAR 3:080
Chapter 196	501 KAR 6:020
	501 KAR 6:030
	501 KAR 6:040
	501 KAR 6:050
	501 KAR 6:060
	501 KAR 6:070
	501 KAR 6:090
	501 KAR 6:110
	501 KAR 6:120
	501 KAR 6:130
	501 KAR 6:140
	501 KAR 6:150
Chapter 197	501 KAR 6:020
	501 KAR 6:030
	501 KAR 6:040
	501 KAR 6:050
	501 KAR 6:060
	501 KAR 6:070
	501 KAR 6:090
	501 KAR 6:110
	501 KAR 6:120
	501 KAR 6:130
	501 KAR 6:140
	501 KAR 6:150

KRS Section	Regulation
Chapter 198B	815 KAR 7:010
	815 KAR 7:020
	815 KAR 7:060
	815 KAR 7:080
	815 KAR 10:030
	815 KAR 10:035
199.011	905 KAR 1:005
	905 KAR 1:065
	905 KAR 1:110
	905 KAR 1:120
199.465	905 KAR 1:140
199.467	905 KAR 1:140
199.640	905 KAR 1:005
	905 KAR 1:065
	905 KAR 1:120
199.640-199.670	905 KAR 1:071
	905 KAR 1:110
199.650	905 KAR 1:005
	905 KAR 1:065
199.660	905 KAR 1:005
	905 KAR 1:065
199.670	905 KAR 1:005
	905 KAR 1:065
200.460	902 KAR 4:100
200.470	902 KAR 4:100
200.490	902 KAR 4:100
Chapter 202A	908 KAR 3:080
	908 KAR 3:120
	908 KAR 3:150
Chapter 202B	908 KAR 3:080
	908 KAR 3:120
	908 KAR 3:150
Chapter 205	904 KAR 2:022
205.010	904 KAR 2:006
205.170	904 KAR 2:060
205.200	904 KAR 2:005
	904 KAR 2:035
	904 KAR 2:040
	904 KAR 2:046
205.231	904 KAR 2:055
205.245	904 KAR 2:015
	904 KAR 2:035
	904 KAR 2:046
205.520	904 KAR 2:035
	907 KAR 1:004
	907 KAR 1:012
	907 KAR 1:013
	907 KAR 1:022
	907 KAR 1:026
	907 KAR 1:027
	907 KAR 1:031
	907 KAR 1:036
	907 KAR 1:040
	907 KAR 1:045
	907 KAR 1:054
	907 KAR 1:055
	907 KAR 1:402
	907 KAR 1:404
	907 KAR 1:414
	907 KAR 1:416
	907 KAR 1:432
	907 KAR 1:436
	907 KAR 1:450
	907 KAR 1:460
	907 KAR 1:474
205.715-205.800	904 KAR 2:025
Chapter 210	908 KAR 3:080
	908 KAR 3:120
	908 KAR 3:150
210.700-210.760	908 KAR 3:060

KRS Section	Regulation
211.180	902 KAR 2:011
	902 KAR 2:020
	902 KAR 2:040
	902 KAR 2:060
	902 KAR 2:080
	902 KAR 2:090
	902 KAR 4:040
211.900	902 KAR 4:100
211.920-211.945	902 KAR 9:010
Chapter 213	901 KAR 5:031
	901 KAR 5:040
	901 KAR 5:070
	901 KAR 5:080
	901 KAR 5:090
	901 KAR 5:100
213.410	902 KAR 4:100
214.010	902 KAR 2:011
	902 KAR 2:020
	902 KAR 2:040
	902 KAR 2:080
214.020	902 KAR 2:011
	902 KAR 2:040
214.032	902 KAR 2:060
214.034	902 KAR 2:060
	902 KAR 2:090
214.036	902 KAR 2:060
214.155	902 KAR 4:100
214.160	902 KAR 2:080
	902 KAR 4:100
214.178	902 KAR 2:080
214.185	902 KAR 2:080
	902 KAR 4:100
214.420	902 KAR 2:080
215.520	902 KAR 2:090
216.537	900 KAR 2:010
216.540	900 KAR 2:010
216.550	900 KAR 2:030
	900 KAR 2:040
216.555	900 KAR 2:040
216.557	900 KAR 2:040
216.560	900 KAR 2:040
216.563	900 KAR 2:040
216.565	900 KAR 2:040
216.567	900 KAR 2:020
216.577	900 KAR 2:040
216.875	902 KAR 20:280
216.880	902 KAR 20:280
216.885	902 KAR 20:280
216B.010-216B.130	902 KAR 20:009
	902 KAR 20:012
	902 KAR 20:021
	902 KAR 20:031
	902 KAR 20:046
	902 KAR 20:078
	902 KAR 20:091
	902 KAR 20:101
	902 KAR 20:145
	902 KAR 20:155
	902 KAR 20:170
216B.010-216B.131	902 KAR 20:054
	902 KAR 20:056
	902 KAR 20:058
	902 KAR 20:072
	902 KAR 20:081
	902 KAR 20:150
	902 KAR 20:180
	902 KAR 20:190
216B.400	902 KAR 20:012
216B.990	902 KAR 20:009
	902 KAR 20:012
	902 KAR 20:021
	902 KAR 20:031
	902 KAR 20:046

KRS Section	Regulation
216B.990 (cont'd)	902 KAR 20:054
	902 KAR 20:056
	902 KAR 20:058
	902 KAR 20:072
	902 KAR 20:078
	902 KAR 20:081
	902 KAR 20:091
	902 KAR 20:101
	902 KAR 20:145
	902 KAR 20:150
	902 KAR 20:155
	902 KAR 20:170
	902 KAR 20:180
	902 KAR 20:190
Chapter 217	201 KAR 2:074
	201 KAR 2:121
	201 KAR 2:175
	201 KAR 2:190
217.005-217.215	902 KAR 45:010
217.055	201 KAR 2:076
217.819	201 KAR 2:116
	201 KAR 2:131
217.992	902 KAR 45:010
219.011-219.081	902 KAR 7:010
219.991	902 KAR 7:010
223.405	401 KAR 6:300
223.425	401 KAR 6:300
223.445	401 KAR 6:300
Chapter 224	401 KAR 5:026
	401 KAR 5:029
	401 KAR 5:031
	401 KAR 5:040
224.005	401 KAR 48:200
	401 KAR 49:010
	401 KAR 49:060
224.005-224.110	401 KAR 47:030
	401 KAR 47:070
	401 KAR 47:080
	401 KAR 47:100
	401 KAR 47:110
	401 KAR 47:120
	401 KAR 47:130
	401 KAR 47:140
	401 KAR 47:150
	401 KAR 47:160
	401 KAR 47:170
	401 KAR 47:180
	401 KAR 47:190
	401 KAR 48:050
	401 KAR 48:060
	401 KAR 48:070
	401 KAR 48:080
	401 KAR 48:090
	401 KAR 48:170
	401 KAR 48:300
	401 KAR 48:310
	401 KAR 49:070
224.005-224.210	401 KAR 40:060
224.020	401 KAR 5:005
	401 KAR 5:085
224.032	401 KAR 5:010
224.033	401 KAR 5:005
	401 KAR 5:085
	401 KAR 30:010
	401 KAR 30:020
	401 KAR 34:350
	401 KAR 38:190
	401 KAR 39:010
	401 KAR 39:020
	401 KAR 39:030
	401 KAR 39:060
	401 KAR 39:070

KRS Section	Regulation
224.033 (cont'd)	401 KAR 39:080
	401 KAR 39:090
	401 KAR 39:110
	401 KAR 39:120
224.034	401 KAR 5:085
224.036	401 KAR 30:020
	401 KAR 38:190
224.045	401 KAR 4:125
224.060	401 KAR 5:005
	401 KAR 5:085
	401 KAR 34:350
224.071	401 KAR 34:350
	401 KAR 38:190
224.073	401 KAR 5:085
224.083	401 KAR 4:125
224.085	401 KAR 4:125
224.087	401 KAR 38:190
224.135	401 KAR 5:010
224.281	401 KAR 4:125
224.320	401 KAR 50:036
224.330	401 KAR 50:036
224.340	401 KAR 50:036
224.830-224.860	401 KAR 48:200
224.830-224.877	401 KAR 31:010
	401 KAR 31:040
	401 KAR 31:160
	401 KAR 31:170
	401 KAR 34:350
	401 KAR 38:190
	401 KAR 39:010
	401 KAR 39:080
	401 KAR 39:090
	401 KAR 39:110
224.864	401 KAR 39:020
	401 KAR 39:030
	401 KAR 39:060
	401 KAR 39:070
	401 KAR 39:120
224.866	401 KAR 39:020
	401 KAR 39:030
	401 KAR 39:060
	401 KAR 39:070
	401 KAR 39:120
224.871	401 KAR 39:020
	401 KAR 39:030
	401 KAR 39:060
	401 KAR 39:070
	401 KAR 39:120
224.830-224.886	401 KAR 47:100
	401 KAR 47:160
224.830-224.888	401 KAR 40:060
	401 KAR 47:030
	401 KAR 47:070
	401 KAR 47:080
	401 KAR 47:110
	401 KAR 47:120
	401 KAR 47:130
	401 KAR 47:170
	401 KAR 47:180
	401 KAR 47:190
	401 KAR 48:060
	401 KAR 48:070
	401 KAR 49:060
	401 KAR 49:070
224.830-224.889	401 KAR 30:010
	401 KAR 30:020
	401 KAR 47:140
	401 KAR 47:150
	401 KAR 48:050
	401 KAR 48:080
	401 KAR 48:090

KRS Section	Regulation
224.830-224.889 (cont'd)	401 KAR 48:170
	401 KAR 48:300
	401 KAR 48:310
224.835	401 KAR 49:010
224.842	401 KAR 49:010
224.846	401 KAR 47:090
224.855	401 KAR 47:090
224.868	401 KAR 48:200
224.869	401 KAR 48:200
224.887	401 KAR 49:010
224.888	401 KAR 49:010
224.994	401 KAR 30:010
	401 KAR 30:020
	401 KAR 31:010
	401 KAR 31:040
	401 KAR 31:160
	401 KAR 31:170
	401 KAR 34:350
	401 KAR 38:190
	401 KAR 39:010
	401 KAR 39:020
	401 KAR 39:080
	401 KAR 39:090
	401 KAR 39:110
	401 KAR 39:120
	401 KAR 40:060
	401 KAR 47:030
	401 KAR 47:070
	401 KAR 47:080
	401 KAR 47:100
	401 KAR 47:110
	401 KAR 47:120
	401 KAR 47:130
	401 KAR 47:140
	401 KAR 47:150
	401 KAR 47:160
	401 KAR 47:170
	401 KAR 47:180
	401 KAR 47:190
	401 KAR 48:050
	401 KAR 48:060
	401 KAR 48:070
	401 KAR 48:080
	401 KAR 48:090
	401 KAR 48:170
	401 KAR 48:200
	401 KAR 48:300
	401 KAR 48:310
	401 KAR 49:070
Chapter 224A	200 KAR 17:010
Chapter 227	815 KAR 10:030
	815 KAR 10:035
227.990	815 KAR 25:010
227.550-227.660	815 KAR 25:010
230.210-230.360	810 KAR 1:003
	810 KAR 1:019
	810 KAR 1:020
230.630	811 KAR 1:105
230.640	811 KAR 1:105
230.720	811 KAR 1:105
230.730	811 KAR 1:105
Chapter 236	815 KAR 15:020
236.030	815 KAR 15:010
	815 KAR 15:030
	815 KAR 15:040
	815 KAR 15:085
236.210	815 KAR 15:085
241.060	804 KAR 9:010
241.065	804 KAR 9:010
241.075	804 KAR 9:010
243.030	804 KAR 9:010
246.250	302 KAR 15:020

KRS Section	Regulation
260.010	302 KAR 40:010
273.405-273.453	905 KAR 6:010
273.410-273.453	905 KAR 6:050
273.410-273.468	905 KAR 6:060
273.446	1 KAR 4:005
273.451	905 KAR 6:040
273.453	1 KAR 4:005
Chapter 278	807 KAR 5:026
	807 KAR 5:027
	807 KAR 5:031
	807 KAR 5:041
	807 KAR 5:054
	807 KAR 5:061
278.485	807 KAR 5:022
278.502	807 KAR 5:022
Chapter 281	601 KAR 1:005
	601 KAR 1:045
	601 KAR 1:090
	601 KAR 1:140
	601 KAR 1:145
Chapter 292	808 KAR 10:040
292.500	808 KAR 10:210
Chapter 304	405 KAR 10:200
304.14-130	806 KAR 14:121
304.14-420-304.14-450	806 KAR 14:121
311.271	201 KAR 9:021
311.450	201 KAR 25:020
311.530-311.620	201 KAR 9:016
	201 KAR 9:018
	201 KAR 9:021
	201 KAR 9:031
	201 KAR 9:041
	201 KAR 9:061
	201 KAR 9:081
311.650-311.658	201 KAR 9:101
	201 KAR 9:111
	201 KAR 9:121
	201 KAR 9:136
	201 KAR 9:141
	201 KAR 9:151
	201 KAR 9:161
	201 KAR 9:171
	201 KAR 9:175
	201 KAR 9:180
311.900-311.928	201 KAR 9:185
311.990	201 KAR 9:018
	201 KAR 9:021
	201 KAR 9:031
	201 KAR 9:041
	201 KAR 9:061
	201 KAR 9:081
	201 KAR 9:101
	201 KAR 9:111
	201 KAR 9:121
	201 KAR 9:136
	201 KAR 9:141
	201 KAR 9:151
	201 KAR 9:161
	201 KAR 9:171
	201 KAR 9:175
	201 KAR 9:180
312.010	201 KAR 21:085
312.015	201 KAR 21:065
312.019	201 KAR 21:006
	201 KAR 21:015
	201 KAR 21:025
	201 KAR 21:031
	201 KAR 21:035
	201 KAR 21:045
	201 KAR 21:055
312.021	201 KAR 21:045
	201 KAR 21:065

KRS Section	Regulation
312.055	201 KAR 21:025
312.065	201 KAR 21:031
312.085	201 KAR 21:041
	201 KAR 21:055
	201 KAR 21:085
	201 KAR 21:090
312.095	201 KAR 21:041
312.105	201 KAR 21:041
312.109	201 KAR 21:070
	201 KAR 21:080
	201 KAR 21:090
312.115	201 KAR 21:041
	201 KAR 21:070
312.150	201 KAR 21:051
312.155	201 KAR 21:051
312.160	201 KAR 21:051
312.200	201 KAR 21:075
312.991	201 KAR 21:065
313.010	201 KAR 8:015
314.011	201 KAR 20:310
314.111	201 KAR 20:310
Chapter 315	201 KAR 2:015
	201 KAR 2:020
	201 KAR 2:030
	201 KAR 2:040
	201 KAR 2:074
	201 KAR 2:080
	201 KAR 2:165
	201 KAR 2:175
	201 KAR 2:190
315.020	201 KAR 2:076
315.035	201 KAR 2:106
315.036	201 KAR 2:106
315.050	201 KAR 2:010
317A.010	201 KAR 12:020
	201 KAR 12:120
317A.020	201 KAR 12:020
317A.030	201 KAR 12:040
317A.050	201 KAR 12:020
	201 KAR 12:025
	201 KAR 12:031
	201 KAR 12:045
	201 KAR 12:055
	201 KAR 12:060
	201 KAR 12:065
	201 KAR 12:083
	201 KAR 12:085
	201 KAR 12:140
317A.060	201 KAR 12:040
	201 KAR 12:060
	201 KAR 12:065
	201 KAR 12:082
	201 KAR 12:083
	201 KAR 12:100
	201 KAR 12:110
	201 KAR 12:130
317A.090	201 KAR 12:082
	201 KAR 12:110
	201 KAR 12:125
	201 KAR 12:150
317A.100	201 KAR 12:020
	201 KAR 12:050
	201 KAR 12:100
317A.130	201 KAR 12:101
317A.140	201 KAR 12:083
Chapter 318	815 KAR 20:020
	815 KAR 20:070
	815 KAR 20:090
	815 KAR 20:110
	815 KAR 20:120
	815 KAR 20:130
	815 KAR 20:191

KRS Section	Regulation
322.020	201 KAR 18:150
322.040	201 KAR 18:040
322.090	201 KAR 18:040
	201 KAR 18:150
322.100	201 KAR 18:040
322.110	201 KAR 18:040
322.120	201 KAR 18:040
322.140	201 KAR 18:040
322.150	201 KAR 18:040
322.160	201 KAR 18:040
322.360	815 KAR 45:050
322.420	201 KAR 18:040
323A.010	201 KAR 10:030
323A.020	201 KAR 10:030
	201 KAR 10:060
323A.040	201 KAR 10:030
	201 KAR 10:040
323A.050	201 KAR 10:040
323A.060	201 KAR 10:040
	201 KAR 10:060
323A.070	201 KAR 10:040
323A.080	201 KAR 10:030
323A.100	201 KAR 10:030
	201 KAR 10:060
323A.110	201 KAR 10:030
323A.120	201 KAR 10:030
323A.210	201 KAR 10:010
	201 KAR 10:030
327.040	201 KAR 22:106
	201 KAR 22:135
327.050	201 KAR 22:031
	201 KAR 22:135
327.060	201 KAR 22:031
327.080	201 KAR 22:031
333.130	902 KAR 2:020
Chapter 336	803 KAR 6:010
337.505-337.550	803 KAR 1:055
Chapter 338	803 KAR 2:020
	803 KAR 2:031
	803 KAR 2:300
	803 KAR 2:301
	803 KAR 2:302
	803 KAR 2:303
	803 KAR 2:304
	803 KAR 2:305
	803 KAR 2:306
	803 KAR 2:307
	803 KAR 2:308
	803 KAR 2:309
	803 KAR 2:310
	803 KAR 2:311
	803 KAR 2:312
	803 KAR 2:313
	803 KAR 2:314
	803 KAR 2:315
	803 KAR 2:316
	803 KAR 2:317
	803 KAR 2:318
	803 KAR 2:319
	803 KAR 2:320
	803 KAR 2:400
	803 KAR 2:401
	803 KAR 2:402
	803 KAR 2:403
	803 KAR 2:404
	803 KAR 2:405
	803 KAR 2:406
	803 KAR 2:407
	803 KAR 2:408
	803 KAR 2:409
	803 KAR 2:410
	803 KAR 2:411

KRS Section	Regulation
Chapter 338 (cont'd)	803 KAR 2:412
	803 KAR 2:413
	803 KAR 2:414
	803 KAR 2:415
	803 KAR 2:416
	803 KAR 2:417
	803 KAR 2:418
	803 KAR 2:419
	803 KAR 2:420
	803 KAR 2:421
	803 KAR 2:422
	803 KAR 2:423
	803 KAR 2:500
	803 KAR 2:600
341.050	903 KAR 5:350
341.055	903 KAR 5:350
341.070	903 KAR 5:340
	903 KAR 5:370
	903 KAR 5:380
341.190	903 KAR 5:010
	903 KAR 5:300
341.250	903 KAR 5:340
341.260	903 KAR 5:030
341.262	903 KAR 5:300
	903 KAR 5:310
341.270	903 KAR 5:290
341.272	903 KAR 5:370
341.300	903 KAR 5:030
	903 KAR 5:310
341.370	903 KAR 5:080
	903 KAR 5:310
341.380	903 KAR 5:270
341.390	903 KAR 5:360
341.410	903 KAR 5:150
341.430	903 KAR 5:130
	903 KAR 5:310
341.440	903 KAR 5:130
341.450	903 KAR 5:130
	903 KAR 5:310
341.530	903 KAR 5:080
341.540	903 KAR 5:380
341.570	903 KAR 5:130
341.820	903 KAR 5:300
350.020	405 KAR 8:010
	405 KAR 10:200
350.028	405 KAR 10:200
350.055	405 KAR 8:010
350.060	405 KAR 8:010
	405 KAR 10:200
350.062	405 KAR 10:200
350.064	405 KAR 10:200
350.068	405 KAR 10:200
350.070	405 KAR 8:010
350.085	405 KAR 8:010
	405 KAR 10:200
350.090	405 KAR 8:010
350.093	405 KAR 10:200
350.095	405 KAR 10:200
350.100	405 KAR 10:200
350.110	405 KAR 10:200
350.113	405 KAR 10:200
350.130	405 KAR 8:010
	405 KAR 10:200
350.135	405 KAR 8:010
	405 KAR 10:200
350.151	405 KAR 10:200
350.260	405 KAR 10:200
350.450	405 KAR 8:010
350.465	405 KAR 8:010
	405 KAR 10:200
350.700	405 KAR 10:200
350.705	405 KAR 10:200
350.710	405 KAR 10:200
350.715	405 KRA 10:200
350.720	405 KAR 10:200
350.725	405 KAR 10:200
350.730	405 KAR 10:200
350.735	405 KAR 10:200
350.740	405 KAR 10:200
350.745	405 KAR 10:200
350.750	405 KAR 10:200
350.755	405 KAR 10:200
350.990	405 KAR 10:200
403.210	904 KAR 2:025
403.215	904 KAR 2:025
Chapter 405	904 KAR 2:022
405.405-405.530	904 KAR 2:025
424.260	702 KAR 3:135
Chapter 439	501 KAR 6:020
	501 KAR 6:030
	501 KAR 6:040
	501 KAR 6:050
	501 KAR 6:060
	501 KAR 6:070
	501 KAR 6:090
	501 KAR 6:110
	501 KAR 6:120
	501 KAR 6:130
	501 KAR 6:140
	501 KAR 6:150
510.010-510.140	902 KAR 20:012
530.050	904 KAR 2:025
605.090	905 KAR 1:120
635.060	905 KAR 1:120
1990 GA, HB 331	803 KAR 6:010
7 CFR 210.11	702 KAR 6:070
	702 KAR 6:090
27 CFR 55	405 KAR 8:010
29 CFR 1910	803 KAR 2:020
	803 KAR 2:300
	803 KAR 2:301
	803 KAR 2:302
	803 KAR 2:303
	803 KAR 2:304
	803 KAR 2:305
	803 KAR 2:306
	803 KAR 2:307
	803 KAR 2:308
	803 KAR 2:309
	803 KAR 2:310
	803 KAR 2:311
	803 KAR 2:312
	803 KAR 2:313
	803 KAR 2:314
	803 KAR 2:315
	803 KAR 2:316
	803 KAR 2:317
	803 KAR 2:318
	803 KAR 2:319
	803 KAR 2:320
30 CFR 77.1301	405 KAR 8:010
34 CFR	704 KAR 3:365
34 CFR 361	706 KAR 1:060
40 CFR 136	401 KAR 5:029
45 CFR 301-307	904 KAR 2:022
49 CFR	601 KAR 1:005
	601 KAR 1:025
49 CFR 191	807 KAR 5:027
29 USC 722	706 KAR 1:110
42 USC 1751-1769	702 KAR 6:090
42 USC 1751-1789	702 KAR 6:010
	702 KAR 6:030
	702 KAR 6:040
	702 KAR 6:070
	702 KAR 6:081

KRS Section	Regulation
42 USC 1771-1789	702 KAR 6:090
42 USC §11432	704 KAR 7:090
42 USC 602	905 KAR 2:070
49 USC 1671	807 KAR 5:027
P.L. 97-35	904 KAR 2:116
Title XIX, SS Act	907 KAR 1:402
	907 KAR 1:404
	907 KAR 1:414
	907 KAR 1:416
	907 KAR 1:432
	907 KAR 1:436
	907 KAR 1:474

SUBJECT INDEX

ADMINISTRATION, FINANCE (EDUCATION)
(See School Administration, Finance)

ADULT, VOCATIONAL EDUCATION, & VOCATIONAL REHAB
Vocational Education
  Management of state-operated schools; 705 KAR Chapter 5
Programs
  Adult education; 709 KAR Chapter 1

AERONAUTICS
Airport Safety
  Heliports, public; 602 KAR 20:100
  Standards; 602 KAR 20:030
  Landing area designation; 602 KAR 20:020
  Public use airport; 602 KAR 20:120
  Restricted use airport; 602 KAR 20:040
  Restricted use heliport; 602 KAR 20:110

AGRICULTURE
Fairs and shows; 302 KAR Chapter 15
Organic agricultural products; 302 KAR Chapter 40
Referendums; 302 KAR Chapter 1

AIR QUALITY
Administrative Procedures
  Fees; 401 KAR 50:036

AIRPORTS
(See Aeronautics)

ALCOHOLIC BEVERAGE CONTROL
Quotas
  Retail liquor license limit; 804 KAR 9:010

AMBULATORY CARE, SURGICAL CENTERS, AIR AMBULANCE
(See Health Services)

ARCHITECTS
(See Landscape Architects)

ATHLETIC TRAINERS
(See Medical Licensure)

BANKS
(See Financial Institutions)

BIRTH CENTERS, ALTERNATIVE
(See Health Services)

BLOCK GRANTS
Oversight procedures; 1 KAR 4:005

BOILERS, PRESSURE VESSELS
(See Housing, Buildings and Construction)

BRIDGES
(See Highways)

CHIROPRACTIC EXAMINERS
Advertising; 201 KAR 21:065
Board hearings; 201 KAR 21:051
Board meetings; 201 KAR 21:031
Board, officers; 201 KAR 21:025
Colleges; 201 KAR 21:055
Conduct code; 201 KAR 21:015
Course work, 2 year education; 201 KAR 21:090

CHIROPRACTIC EXAMINERS (cont'd)
Licensing
  Examination requirements; 201 KAR 21:070
  Fees, standards; 201 KAR 21:041
Peer review; 201 KAR 21:075
Preceptorship program; 201 KAR 21:085
Repealer; 201 KAR 21:006
Rescission rights; 201 KAR 21:080
Seal; 201 KAR 21:035
Specialties; 201 KAR 21:045

COAL ROADS
(See Highways)

COMMUNICABLE DISEASES
(See Health Services)

CONFINEMENT FACILITIES
(See Corrections or Health Services)

CORRECTIONS
Bell County Forestry Camp; 501 KAR 6:140
Blackburn Correctional Complex; 501 KAR 6:120 & E
Eastern Ky. Correctional Complex; 501 KAR 6:150&E
Frankfort Career Development Center; 501 KAR 6:090 & E
Ky. Correctional Institution for Women; 501 KAR 6:070 & E
Ky. State Penitentiary; 501 KAR 6:040 & E
Ky. State Reformatory; 501 KAR 6:030 & E
Luther Luckett Complex; 501 KAR 6:050 & E
Northpoint Training Center; 501 KAR 6:060 & E
Policies and procedures; 501 KAR 6:020 and E
Roederer Farm Center; 501 KAR 6:110 & E
Western Ky. Farm Center; 501 KAR 6:130 & E

COSMETICS
(See Health Services or Hairdressers)

DAIRY CATTLE
(See Agriculture or Fairs, Shows)

DAY CARE
(See Social Services)

DENTISTRY
Laboratory, technician registration; 201 KAR 8:015

DRUGS
(See Pharmacy)

EDUCATION AND HUMANITIES
Adult, Vocational Education & Vocational Rehab
  Programs
    Adult education; 709 KAR Chapter 1
  Vocational Education
    State-operated schools; 705 KAR Chapter 5
Elementary and Secondary
  Exceptional children; 707 KAR Chapter 1
  Instruction
    Educational Act; 704 KAR Chapter 10
    Instructional services; 704 KAR Chapter 3
    Student services; 704 KAR Chapter 7
    Teacher certification; 704 KAR Chapter 20
  Local Services
    Administration; 702 KAR Chapter 1
    Buildings & grounds; 702 KAR Chapter 4

EDUCATION AND HUMANITIES (cont'd)
Food service; 702 KAR Chapter 6
Pupil transportation; 702 KAR Chapter 5
School district Finance; 702 KAR Chapter 3
Term/attendance/operation; 702 KAR Chapter 7
School Administration, Finance
Buildings, grounds; 702 KAR Chapter 4
Terms, attendance, operation; 702 KAR Chapter 7
Superintendent's Office
Code of ethics, state testing; 701 KAR 5:060
Vocational Rehabilitation
Administration; 706 KAR Chapter 1

EDUCATIONAL SAVINGS PLAN TRUST
Beneficiary substitution; 200 KAR 16:050 & E
Benefits, endowment fund; 200 KAR 16:090 & E
Benefits, program fund; 200 KAR 16:080 & E
Definitions; 200 KAR 16:020 & E
Eligibility; 200 KAR 16:030 & E
Ownership, refund; 200 KAR 16:060 & E
Payment, rate of return; 200 KAR 16:070 & E
Residency classification; 200 KAR 16:040 & E

ELECTIONS
(See Registry of Election Finance)

ELECTRIC
(See Public Service Commission)

ELEMENTARY AND SECONDARY EDUCATION
Exceptional children; 707 KAR Chapter 1
Instruction
Education Act; 704 KAR Chapter 10
Instructional services; 704 KAR Chapter 3
Teacher certification; 704 KAR Chapter 20
Local Services
Administration; 702 KAR Chapter 1
Buildings and grounds; 702 KAR Chapter 4
Pupil transportation; 702 KAR Chapter 5

EMPLOYEES, STATE
(See also Personnel)
Personnel Rules
Board; 101 KAR Chapter 1
Classified; 101 KAR Chapter 2
Unclassified; 101 KAR Chapter 3

EMPLOYMENT SERVICES
Unemployment Insurance
Appeals; 903 KAR 5:130
Contract construction rates; 903 KAR 5:370
Coverage volunteer election; 903 KAR 5:340
Determination defined; 903 KAR 5:150
Due dates; 903 KAR 5:310
Employer account application; 903 KAR 5:010
Employer contribution rates; 903 KAR 5:290 & E
Employer contributions; 903 KAR 5:030
Employment, covered; 903 KAR 5:350
Fraud disqualifications; 903 KAR 5:320
Levy notice release; 903 KAR 5:330
Maximum weekly benefit rate; 903 KAR 5:270 & E
Pension deduction limitation; 903 KAR 5:360
Protesting claims, time; 903 KAR 5:080
Reports, due dates; 903 KAR 5:300
Successorship; 903 KAR 5:380

ENGINEERS, LAND SURVEYORS
Fees; 201 KAR 18:040
Standards of practice; 201 KAR 18:150

ENVIRONMENTAL PROTECTION
Air quality; 401 KAR Chapter 50
Waste management; 401 KAR Chapters 31 through 49
Water; 401 KAR Chapters 4, 5 and 6

EXCEPTIONAL CHILDREN/HANDICAPPED PROGRAMS
Exceptional children program; 707 KAR 1:051
Ky. School for the Deaf; 707 KAR 1:090
Teacher classroom assignment; 707 KAR 1:140

FAIRS, SHOWS
Dairy cattle shows, sales; 302 KAR 15:020

FINANCE, ADMINISTRATION
Educational Saving Plan Trust; 200 KAR Chapter 16
Infrastructure Authority
Revolving fund guidelines; 200 KAR 17:010 & E
Property (facilities management); 200 KAR Chapter 6
Public records; 200 KAR Chapter 1
Purchasing; 200 KAR Chapter 5

FINANCIAL INSTITUTIONS
Securities
Conduct definition; 808 KAR 10:040
Registration exemptions
Federal regulation D; 808 KAR 10:210

FIRE PROTECTION
(See Housing, Buildings & Construction)

FISH AND WILDLIFE RESOURCES
Fish
Angling seasons, limits; 301 KAR 1:200
Commercial fishing gear; 301 KAR 1:146
Live bait; 301 KAR 1:130
Live fish; 301 KAR 1:122
Game
Migratory birds; 301 KAR 2:220 & E
Migratory wildlife; 301 KAR 2:044 & E
Wild turkey; 301 KAR 2:140
Hunting and Fishing
Lead shot prohibition; 301 KAR 3:080

GAS
(See Public Service Commission)

GRAVES
(See Transportation)

GROUP HOMES
(See Health Services)

HAIRDRESSERS, COSMETOLOGISTS
Advertising, school; 201 KAR 12:085
Apprentice licensing; 201 KAR 12:045
Apprentices, ratio; 201 KAR 12:040
Educational requirements; 201 KAR 12:083
Equipment sanitation; 201 KAR 12:101
Examination; 201 KAR 12:020
Examination failing; 201 KAR 12:025
Inspection; 201 KAR 12:060; 201 KAR 12:065
Instructor license, out-of-state; 201 KAR 12:055
License replacement; 201 KAR 12:031
Reciprocity; 201 KAR 12:050
Sanitary standards; 201 KAR 12:100
Schools
Course of instruction; 201 KAR 12:082
Equipment; 201 KAR 12:140
Faculty; 201 KAR 12:120
Fees for services; 201 KAR 12:130
License; 201 KAR 12:110
Records; 201 KAR 12:150
Student regulations; 201 KAR 12:125

HARNESS RACING COMMISSION
Harness Racing
Review, appeal; 811 KAR 1:105

HEALTH ECONOMICS CONTROL
Pediatric extended care; 902 KAR 20:280 & E

HEALTH SERVICES
Accommodations, Public
Hotel, motel code; 902 KAR 7:010
Communicable Diseases
Carriers surveillance, screening; 902 KAR 2:040
Immunization schedule; 902 KAR 2:060
Repealer; 902 KAR 2:011
Reportable diseases; 902 KAR 2:020
Sexually transmitted; 902 KAR 2:080
Tuberculosis testing; 902 KAR 2:090
Confinement Facilities
Environmental health; 902 KAR 9:010 & E
Food and Cosmetics
Definitions; 902 KAR 45:010
Health Services and Facilities
Air ambulance; 902 KAR 20:155
Alternative birth centers; 902 KAR 20:150
Ambulatory care clinics; 902 KAR 20:072
Ambulatory surgical center; 902 KAR 20:101
Health maintenance organizations; 902 KAR 20:054
Home health agencies; 902 KAR 20:081
Hospital examination services; 902 KAR 20:012
Hospitals; 902 KAR 20:009
Group homes; 902 KAR 20:078
Intermediate care; 902 KAR 20:056
Mental health, retardation centers; 902 KAR 20:091
Nursing homes; 902 KAR 20:046
Personal care homes; 902 KAR 20:031
Primary care centers; 902 KAR 20:058
Psychiatric hospitals; 902 KAR 20:170; 902 KAR 20:180
Rehabilitation agency; 902 KAR 20:190
Rural health clinics; 902 KAR 20:145
Skilled nursing; 902 KAR 20:021
Maternal, Child Health
Food program for WIC; 902 KAR 4:040
Services; 902 KAR 4:100

HIGHER EDUCATION
(Also see individual universities)
Student Loan Corporation
Repealer; 15 KAR 1:031

HIGHWAYS
Traffic
Bridge weight limits, coal roads; 603 KAR 5:230
Encroachment permits; 603 KAR 5:150
Frankfort prohibitions; 603 KAR 5:077
Mobile homes moving permit; 603 KAR 5:110
Traffic control devices; 603 KAR 5:050
Truck dimension limits; 603 KAR 5:070

HOME HEALTH AGENCIES
(See Health Services)

HOSPITALS
(See Health Services)

HOTELS, MOTELS
(See Health Services)

HOUSING, BUILDINGS AND CONSTRUCTION
Boilers, Pressure Vessels
Administrative procedures; 815 KAR 15:020
Change of license holders; 815 KAR 15:085
Definitions; 815 KAR 15:010
General requirements; 815 KAR 15:030
Power boilers; 815 KAR 15:040
Building Code
Administration, enforcement; 815 KAR 7:010
Code; 815 KAR 7:020
New construction, disabled; 815 KAR 7:060
Sprinkler contractors; 815 KAR 7:080

HOUSING, BUILDINGS AND CONSTRUCTION (cont'd)
Fire Protection
Aid to fire departments; 815 KAR 45:015
Commission meetings, proceeding; 815 KAR 45:020
Education incentive; 815 KAR 45:035
Survivor benefits; 815 KAR 45:040; 815 KAR 45:060
Training facility grants; 815 KAR 45:050
Mobile Homes, Recreational Vehicles
Mobile homes; 815 KAR 25:010
Plumbing
Fixtures; 815 KAR 20:070
Minimum fixture requirements; 815 KAR 20:191
Parts, materials list; 815 KAR 20:020
Sewers, storm water piping; 815 KAR 20:130
Soil, waste, vent systems; 815 KAR 20:090
Traps, clean-outs; 815 KAR 20:110
Water supply, distribution; 815 KAR 20:120
Standards of Safety
Fire prevention code; 815 KAR 10:030
Standards of safety; 815 KAR 10:035

HUMAN RESOURCES
Administrative Services
Vital statistics; 901 KAR Chapter 5
Employment Services
Unemployment insurance; 903 KAR Chapter 5
Health Services
Accommodations, public; 902 KAR Chapter 7
Communicable diseases; 902 KAR Chapter 2
Confinement facilities; 902 KAR Chapter 9
Health facilities, services; 902 KAR Chapter 20
Maternal, child health; 902 KAR Chapter 4
Food, cosmetics; 902 KAR Chapter 45
Long Term Care
Appeals; 900 KAR 2:020
Citations, violations; 900 KAR 2:040
Rating system; 900 KAR 2:030
Visitation; 900 KAR 2:010
Medicaid services; 907 KAR Chapter 1
Mental health, mental retardation
Institutional care; 908 KAR Chapter 3
Social Insurance
Public assistance; 904 KAR Chapter 2
Social Services
Child welfare; 905 KAR Chapter 1
Community action agencies; 905 KAR Chapter 6
Day care; 905 KAR Chapter 2

INFRASTRUCTURE AUTHORITY
(See Finance, Administration)

INSTITUTIONAL CARE
(See Mental Health, Mental Retardation Services)

INSTRUCTION (EDUCATION)
Educational Act
Courses not in program; 704 KAR 10:050
School standards; 704 KAR 10:022
Instructional services
Chapter 1, ESSIA migrant; 704 KAR 3:292
Chapter I complaint procedure; 704 KAR 3:365
Educational Improvement Act; 704 KAR 3:005
Hawkins/Stafford School Improvement Amendments, 1988; 704 KAR 3:335
Instructional Leadership Act; 704 KAR 3:325
Parenting, family life skills; 704 KAR 3:360
Repealer; 704 KAR 3:291
Required program of studies; 704 KAR 3:304
Student Services
Homeless children; 704 KAR 7:090
Teacher Certification
Administrators, supervisors; 704 KAR 20:100
Business education; 704 KAR 20:570
Early elementary certificate; 704 KAR 20:290

INSTRUCTION (EDUCATION) (cont'd)
Endorsement, certain subjects; 704 KAR 20:057
Guidance counselors; 704 KAR 20:130
Guidance counselor certificate; 704 KAR 20:530
High school certificates; 704 KAR 20:070
Kindergarten teachers; 704 KAR 20:135
Masters of art in teaching; 704 KAR 20:560
Middle grades certificate; 704 KAR 20:080
Program approval; 704 KAR 20:005
Pupil personnel services; 704 KAR 20:540

INSURANCE
Contracts
Readability, intelligibility; 806 KAR 14:121

INTERMEDIATE CARE
(See Health Services)

JAILS
(See Corrections)

JUSTICE
Special law enforcement officers; 500 KAR Chapter 2
State Police
Candidate selection; 502 KAR Chapter 45
Training
General provisions; 503 KAR Chapter 3
Law enforcement council; 503 KAR Chapter 1
Law enforcement program fund; 503 KAR Chapter 5

LABOR
Labor-management matching grant program; 803 KAR 6:010
Occupational safety; health; 803 KAR Chapter 2
Workplace standards; 803 KAR Chapter 1

LAND SURVEYORS
(See Engineers, Land Surveyors)

LANDFILLS
(See Waste Management)

LANDSCAPE ARCHITECTS
Applications; 201 KAR 10:040 & E
Board duties; 201 KAR 10:010 & E
Code of ethics; 201 KAR 10:030 & E
Renewals; 201 KAR 10:060 & E

LAW ENFORCEMENT TRAINING
General Provisions
Basic training; 503 KAR 3:010
In-service training; 503 KAR 3:020
Training charges; 503 KAR 3:030
Law Enforcement Council
Course curriculum approval; 503 KAR 1:090
In-service training; 503 KAR 1:120
Training, graduation, records; 503 KAR 1:110
Law Enforcement Foundation Program Fund
Participation; 503 KAR 5:090

LEGISLATIVE RESEARCH COMMISSION
Block grants; 1 KAR Chapter 4

LOCAL SERVICES (EDUCATION)
(See School Administration, Finance)

LONG TERM CARE
(See Human Resources)

MEDICAID SERVICES
Dental services; 907 KAR 1:026 & E; 907 KAR 1:027 & E
Home, community based services; 907 KAR 1:432
Home health services; 907 KAR 1:031 & E

MEDICAID SERVICES (cont'd)
Hospital inpatient services; 907 KAR 1:012 & E; 907 KAR 1:013 & E
Incorporation by Reference
Dental services; 907 KAR 1:414
Durable medical equipment manual; 907 KAR 1:474
Hospice services; 907 KAR 1:436
Independent laboratory services; 907 KAR 1:404
Pharmacy services manual; 907 KAR 1:416
Physician services manual; 907 KAR 1:402
Inpatient hospital services; 907 KAR 1:012 & E
Intermediate care services; 907 KAR 1:036 & E
Medically needy; 907 KAR 1:004 & E
Mental health centers; 907 KAR 1:045 & E
Nurse aide training; 907 KAR 1:450 & E
Preadmission screening; 907 KAR 1:460
Primary care center; 907 KAR 1:054; 907 KAR 1:055 & E
Skilled nursing facilities; 907 KAR 1:022 & E
Vision care services; 907 KAR 1:040

MEDICAL LICENSURE
Advertising; 201 KAR 9:018
Athletic trainer fee schedule; 201 KAR 9:185
Disciplinary proceedings; 201 KAR 9:081
Examinations; 201 KAR 9:031
Fee schedule; 201 KAR 9:041
Limited licenses; 201 KAR 9:061
Paramedics
Advisory committee; 201 KAR 9:151
Application; 201 KAR 9:111
Certification; 201 KAR 9:121
Contracts; 201 KAR 9:151
Definitions; 201 KAR 9:101
Denial, revocation, suspension; 201 KAR 9:141
Ethical conduct; 201 KAR 9:180
Out-of-state; 201 KAR 9:136
Procedures; 201 KAR 9:161
Services; 201 KAR 9:171
Training course; 201 KAR 9:111
Physician assistants; 201 KAR 9:175
Restrictions; 201 KAR 9:016
Schools; 201 KAR 9:021

MENTAL HEALTH, MENTAL RETARDATION SERVICES
(Also see Health Services)
Institutional Care
Hazelwood ICF-MR: 908 KAR 3:080
"Means test"; 908 KAR 3:060
Western State Hospital; 908 KAR 3:120
Western State Hospital VOLTA; 908 KAR 3:150

MINORITY AFFAIRS (TRANSPORTATION)
Enterprise program; 600 KAR 4:020

MOBILE HOMES
(See Housing, Buildings and Construction)

MOREHEAD STATE UNIVERSITY
Annual audit; 755 KAR 1:030
Bond issuance; 755 KAR 1:050
Financial management; 755 KAR 1:020
Fund acquisition, disbursement; 755 KAR 1:010
Fund for excellence; 755 KAR 1:060
Purchasing, inventories; 755 KAR 1:040

MOTOR FUELS
(See Taxation)

NATURAL RESOURCES, ENVIRONMENTAL PROTECTION
Environmental Protection
Air quality; 401 KAR Chapter 50
Waste management; 401 KAR Chapters 31 through 49
Water; 401 KAR Chapters 4, 5 and 6

NATURAL RESOURCES, ENVIRONMENTAL PROTECTION (cont'd)
Surface mining, reclamation; 405 KAR Chapters 8 through 10

NURSING
(Also see Health Services)
Prelicensure faculty; 201 KAR 20:310 & E

NURSING HOMES
(See Health Services)

OCCUPATIONAL SAFETY, HEALTH
Repealer; 803 KAR 2:031
29 CFR Part 1910; 803 KAR 2:300-803 KAR 2:320
29 CFR Part 1926; 803 KAR 2:400-803 KAR 2:423
29 CFR Parts 1915, 1917, 1918, 1919; 803 KAR 2:500
29 CFR Part 1928; 803 KAR 2:600

OCCUPATIONS, PROFESSIONS
Chiropractic examiners; 201 KAR Chapter 21
Dentistry; 201 KAR Chapter 8
Engineers, land surveyors; 201 KAR Chapter 18
Hairdressers, cosmetologists; 201 KAR Chapter 12
Landscape architects; 201 KAR Chapter 10
Medical licensure; 201 KAR Chapter 9
Nursing; 201 KAR Chapter 20
Pharmacy; 201 KAR Chapter 2
Physical therapy; 201 KAR Chapter 22
Podiatry; 201 KAR Chapter 25
Proprietary education; 201 KAR Chapter 24

ORGANIC AGRICULTURAL PRODUCTS
Standard requirements; 302 KAR 40:010

PARAMEDICS
(See Medical Licensure)

PEDIATRICS
(See Health Economics Control)

PERSONNEL
(See also Employees, State)
Board
  Appeal, hearing procedure; 101 KAR 1:365
  Electronic media, meetings; 101 KAR 1:367
  Employee actions; 101 KAR 1:335
  Probationary periods; 101 KAR 1:325
Classified
  Application, examination; 101 KAR 2:040
  Appointments, special duty; 101 KAR 2:070
  Certification, selection, eligibles; 101 KAR 2:060
  Classification plan; 101 KAR 2:020
  Compensation plan; 101 KAR 2:030
  Eligibles; 101 KAR 2:060
  Employee assistance; 101 KAR 2:160
  Leave; 101 KAR 2:100 & E
  Registers; 101 KAR 2:050
  Repealer; 101 KAR 2:006
  Safety program; 101 KAR 2:150
  Service regulation; 101 KAR 2:090
Travel
  Reimbursement; 200 KAR 2:006 & E
Unclassified
  Classification, compensation; 101 KAR 3:040
  Leave; 101 KAR 3:100 & E
  Promotion, transfer, discipline; 101 KR 3:050
  Repealer; 101 KAR 3:006

PHARMACY, BOARD OF
Bioinequivalence; 201 KAR 2:116
Closure; 201 KAR 2:106
Continuing education; 201 KAR 2:015
Drug distribution; 201 KAR 2:105
Examinations; 201 KAR 2:020
Hospital services; 201 KAR 2:074
Intern registration; 201 KAR 2:040
License, temporary; 201 KAR 2:030
Licensing; 201 KAR 2:105
Parenteral compounding; 201 KAR 2:076
Prescriptions, emergency; 201 KAR 2:175
Prescription transfer; 201 KR 2:190
Prescription substitute; 201 KAR 2:080
Prescription transfer; 201 KAR 2:165
Reciprocity; 201 KAR 2:030
Repealer; 201 KAR 2:121; 201 KAR 2:131
Schools; 201 KAR 2:010

PHYSICAL THERAPY
Assistant certification; 201 KAR 22:106
Fees; 201 KAR 22:135
Licensing; 201 KAR 22:031

PLUMBING
(See Housing, Buildings and Construction)

PODIATRY
Surrendered license reinstatement; 201 KAR 25:022
Waiver; 201 KAR 25:022

PROGRAMS (VOCATIONAL EDUCATION)
Adult Education
  Academic progress standard; 709 KAR 1:060 & E
  Community education; 709 KAR 1:080
  English literacy program; 709 KAR 1:110
  Migrant farmworker, immigrant; 709 KAR 1:130
  Repealer; 709 KAR 1:051
  Reporting requirements; 709 KAR 1:140
  Section 322 applications; 709 KAR 1:090
  Section 353 applications; 709 KAR 1:100
  Workplace literacy program; 709 KAR 1:120

PROPRIETARY EDUCATION
Hearing procedures; 201 KAR 24:040

PSYCHIATRIC HOSPITALS
(See Health Services)

PUBLIC PROTECTION, REGULATION
Alcoholic Beverage Control
  Quotas; 804 KAR Chapter 9
Election Finance, Registry of
  Report forms; 801 KAR Chapter 1
Financial Institutions
  Securities; 808 KAR Chapter 10
Housing, Buildings & Construction
  Boilers, pressure vessels; 815 KAR Chapter 15
  Building code; 815 KAR Chapter 7
  Plumbing; 815 KAR Chapter 20
  Mobile homes, RVs; 815 KAR Chapter 25
Insurance
  Contracts; 806 KAR Chapter 14
Public Service Commission; 807 KAR Chapter 5

PUBLIC RECORDS
Access to; 200 KAR 1:020

PUBLIC SERVICE COMMISSION
Electric; 807 KAR 5:041
Gas pipeline safety; 807 KAR 5:027
Gas safety, service; 807 KAR 5:022
Gas service, gathering; 807 KAR 5:026

PUBLIC SERVICE COMMISSION (cont'd)
Gas well determinations; 807 KAR 5:031
Small power; 807 KAR 5:054
Telephone; 807 KAR 5:061

PURCHASING
Policies and procedures manual; 200 KAR 5:020

RACING
Harness; 811 KAR Chapter 1
Thoroughbred; 810 KAR Chapter 1

RECLAMATION, ENFORCEMENT
Bonds, Insurance
  Bond pool; 405 KAR 10:200 & E
Permits
  General provisions; 405 KAR 8:010 & E

REFERENDUMS (AGRICULTURE)
Burley tobacco, 302 KAR 1:020 & E

REGISTRY OF ELECTION FINANCE
Report Forms
  Campaign treasurer appointment; 801 KAR 1:005
  Finance statement; 801 KAR 1:010
  Political committee registration; 801 KAR 1:040
  Receipts, expenditures; 801 KAR 1:020

REVENUE
(See also Taxation)
Excise Tax, Selective
  Motor fuels; 103 KAR Chapter 43

RURAL HEALTH CLINICS
(See Health Services)

SCHOOL ADMINISTRATION, FINANCE
Administration
  District board training; 702 KAR 1:115
Buildings and Grounds
  Building sites; 702 KAR 4:050
  Financial budget increase; 702 KAR 4:130
  Program space; 702 KAR 4:110
  Square foot costs, budget; 702 KAR 4:120
Food Service Programs
  Competitive sales and service; 702 KAR 6:090
  Funds, reports; 702 KAR 6:070
  Local responsibility; 702 KAR 6:010
  Personnel; 702 KAR 6:040
  Principal responsibility; 702 KAR 6:030
  Repealer; 702 KAR 6:081
School District Finance
  Bidding procedures; 702 KAR 3:135
Pupil Transportation
  Bus drivers; 702 KAR 5:080 & E
  Division responsibility; 702 KAR 5:010 & E
  Superintendent responsibility; 702 KAR 5:030 & E
Terms, Attendance, Operation
  Census; 702 KAR 7:030
  Interscholastic Athletics
    Agent; 702 KAR 7:065 & E
    Eligibility, requirements; 702 KAR 7:070
    Personnel; 702 KAR 7:090

SEXUALLY TRANSMITTED DISEASES
(See Health Services)

SOCIAL INSURANCE
Food Stamp Program
  Contingency plan; 904 KAR 3:080
  Eligibility requirements; 904 KAR 3:020 & E
Public Assistance
  Adverse action; 904 KAR 2:046
  AFDC, need and amount; 904 KAR 2:016 & E

SOCIAL INSURANCE (cont'd)
  AFDC, technical requirements; 904 KAR 2:006 & E
  Aged, blind, disabled; 904 KAR 2:015
  Child support guidelines; 904 KAR 2:025 & E
  Child support process; 904 KAR 2:022
  Eligibility; 904 KAR 2:040
  Hearings, appeals; 904 KAR 2:055 & E
  LIHEAP; 904 KAR 2:116 & E
  Oaths & affirmations; 904 KAR 2:060
  Right to apply; 904 KAR 2:035

SOCIAL SERVICES
Child Welfare
  Adjudicated delinquents; 905 KAR 1:120
  Child care institutions; 905 KAR 1:065
  Child placing agencies; 905 KAR 1:005
  Foster care, adoption assistance; 905 KAR 1:140
  Foster children group homes; 905 KAR 1:071
  Treatment-oriented care; 905 KAR 1:110
Community Action Agencies
  Block grant audit; 905 KAR 6:060
  Block grant program; 905 KAR 6:050
  Funding, hearing termination; 905 KAR 6:040
  Standards; 905 KAR 6:010
Day Care
  Home care standards; 905 KAR 2:070

SOLID WASTE FACILITIES
(See Waste Management)

SPECIAL LAW ENFORCEMENT OFFICERS
Evaluation examination; 500 KAR 2:030

STATE POLICE
Candidate Selection
  Application; 502 KAR 45:040 and E
  Appointment; 502 KAR 45:120 and E
  Background investigation; 502 KAR 45:090 and E
  Definitions; 502 KAR 45:010 and E
  Examinations
    Physical; 502 KAR 45:050 and E
    Written; 502 KAR 45:060 and E
  Interview, oral; 502 KAR 45:080 and E
  Oath of office; 502 KAR 45:125 and E
  Psychological assessment; 502 KAR 45:100 and E
  Qualifications; 502 KAR 45:020 and E
  Register; 502 KAR 45:110 and E

STUDENT LOAN CORPORATION
(See Higher Education)

SURFACE MINING
(See Reclamation)

TAXATION
Excise, Selective, Motor Fuels
  Subjobber issuance, refund invoices; 103 KAR 43:310

TELEPHONE
(See Public Service Commission)

THOROUGHBRED RACING
Disciplinary measures; 810 KAR 1:019
Hearings, reviews, appeals; 810 KAR 1:020
Licensing; 810 KAR 1:003

TOBACCO
(See Agriculture, Referendums)

TOURISM CABINET
Fish and Wildlife Resources
  Fish; 301 KAR Chapter 1
  Game; 301 KAR Chapter 2
  Hunting, fishing; 301 KAR Chapter 3

TRAINING, LAW
(See Law Enforcement)

TRANSPORTATION
Administration
  Grave relocation; 600 KAR 3:020
Aeronautics
  Airport safety; 602 KAR Chapter 20
Highways
  Traffic; 603 KAR Chapter 5
Minority affairs; 600 KAR Chapter 4
Vehicle Regulation
  Driver's license; 601 KAR Chapter 12
  Motor Carriers; 601 KAR Chapter 1

TRAVEL EXPENSE, STATE
Reimbursement to employees; 200 KAR 2:006 & E

VEHICLE REGULATION
Coal Transportation
  Decals; 601 KAR 35:060
Driver's License
  Driving history; 601 KAR 12:040
Motor Carriers
  Certificate filing application; 601 KAR 1:045
  Exempted commodities; 601 KAR 1:090
  Hazardous materials, permit; 601 KAR 1:025
  Safety regulations; 601 KAR 1:005
  U-drive-it permit; 601 KAR 1:140
  U-drive-it permit usage tax; 601 KAR 1:145
Motor Vehicle Tax
  Rental vehicle fleets; 601 KAR 9:045

VITAL STATISTICS
Birth, death verification; 901 KAR 5:040
Birth certificate amended; 901 KAR 5:070
Burial, transportation & disinterment; 901 KAR 5:090
Cadavers; 901 KAR 5:100
Death, delayed registration; 902 KAR 5:080
Definitions; 901 KAR 5:031

VOCATIONAL EDUCATION
State-operated Schools
  Adult attendance policies; 705 KAR 5:130 & E

VOCATIONAL REHABILITATION
Appeal procedures; 706 KAR 1:110
Carl D. Perkins Center; 706 KAR 1:090
Colonial Inn Facility; 706 KAR 1:100
General provisions; 706 KAR 1:060
Rehab. engineering services; 706 KAR 1:080
Services, selection & need; 706 KAR 1:070

WAGES AND HOURS
(See Workplace Standards)

WASTE MANAGEMENT
Enforcement and Compliance Monitoring
  County enforcement representative; 401 KAR 40:060 and E
General Administration
  Definitions; 401 KAR 30:010 and E
  General provisions; 401 KAR 30:020 and E
Hazardous Waste; Fees
  Delisting, exemption; 401 KAR 39:020
  Generator registration; 401 KAR 39:010
  Marketer, burner registration; 401 KAR 39:110
  Modification fees; 401 KAR 39:070
  Part A application; 401 KAR 39:120
  Part B treatment, storage, disposal; 401 KAR 39:030
  Postclosure; 401 KAR 39:090
  Recycling; 401 KAR 39:080
  Short-term fees; 401 KAR 39:060

WASTE MANAGEMENT (cont'd)
Hazardous Waste; Identification, Listing
  Appendix, basis for listing; 401 KAR 31:160
  Appendix, hazardous constituents; 401 KAR 31:170
  Lists; 401 KAR 31:040
  General provisions; 401 KAR 31:010
Hazardous Waste; Permitting Process
  Incinerators, Part B; 401 KAR 38:190
Hazardous Waste Storage, Treatment, Disposal Facilities; Owner and Operator Standards
  Nerve agents; 401 KAR 34:350
Solid Waste Facilities
  Application procedures; 401 KAR 47:160 and E
  Classification; 401 KAR 47:080 and E
  Environmental performance standards; 401 KAR 47:030 and E
  General provisions; 401 KAR 47:100 and E
  Landfill Application Contents
    Administrative; 401 KAR 47:180 and E
    Technical; 401 KAR 47:190 and E
  Notice of intent; 401 KAR 47:170 and E
  Operator certification; 401 KAR 47:070 and E
  Permit changes, expiration; 401 KAR 47:130 and E
  Permit conditions; 401 KAR 47:120 and E
  Permit fees; 401 KAR 47:090 and E
  Permit issuance; 401 KAR 47:140 and E
  Permit, special 401 KAR 47:150 and E
  Permit-by-rule; 401 KAR 47:110 and E
Solid Waste Facility Standards
  Construction/demolition debris; 401 KAR 48:060 and E
  Design requirements; 401 KAR 48:070 and E
  Financial requirements, bonds; 401 KAR 48:310 and E
  Landfarming, composting, 401 KAR 48:200 and E
  Liner, cap design; 401 KAR 48:080 and E
  Operating requirements; 401 KAR 48:090 and E
  Siting requirements; 401 KAR 48:050 and E
  Surface, groundwater monitoring; 401 KAR 48:300 and E
  Technical requirements; 401 KAR 48:170 and E
Solid Waste Planning
  Application as management area; 401 KAR 49:060 and E
  Contents of area plan; 401 KAR 49:070 and E
  General provisions; 401 KAR 49:010 and E

WATER
Quality
  Classification; 401 KAR 5:026
  Coal mining, treatment; 401 KAR 5:040
  Discharge permit, variance fees; 401 KAR 5:085
  General provisions; 401 KAR 5:029
  Operator's certification; 401 KAR 5:010
  Permits to discharge; 401 KAR 5:005
  Surface water standards; 401 KAR 5:031
Resources
  Wild rivers administration; 401 KAR 4:125
Sanitary Engineering
  Water well drillers; 401 KAR 6:300

WESTERN KENTUCKY UNIVERSITY
Annual audit; 760 KAR 1:020
Financial management; 760 KAR 1:050
Fund acquisition, disbursement; 760 KAR 1:010
Property proceeds; 760 KAR 1:040
Purchasing, inventories; 760 KAR 1:030

WORKPLACE STANDARDS
Prevailing wage requirements; 803 KAR 1:055