Administrative Register of Kentucky

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 17, NUMBER 3
SATURDAY, SEPTEMBER 1, 1990

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

MEETING NOTICE: The next meeting of the Administrative Regulation Review Subcommittee is **tentatively** scheduled on September 12-13, 1990. See **tentative** agenda on pages 865-870 in this Administrative Register.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 1990 Edition of **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.**

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

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

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ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA
September 12, 1990
(Rm. 105, Capitol Annex @ 10 a.m.)

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ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA - September 13, 1990
(Rm. 105, Capitol Annex @ 10 a.m.)

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ADMINISTRATIVE 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 administrative 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 administrative 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 administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting. After review by the Subcommittee, the administrative 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 ADMINISTRATIVE REGULATIONS NOW IN EFFECT

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

STATEMENT OF EMERGENCY
31 KAR 4:010E

Various enactments by the 1988 and 1990 Regular Sessions of the General Assembly have necessitated the revisions and preparation of new reporting forms for county clerks, precinct election officers, county board of elections, and have required implementation of an administrative review procedure for the removal of precinct officers. In order that these forms and procedures may now be made uniform and implemented prior to the 1990 election, it is necessary that this administrative regulation take effect immediately. This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

WALLACE G. WILKINSON, Governor
BREMER EHRLER, Secretary of State

STATE BOARD OF ELECTIONS

31 KAR 4:010E. Voter identification cards.

RELATES TO: KRS 117.227
STATUTORY AUTHORITY: KRS 117.015
EFFECTIVE: July 26, 1990
NECESSITY AND FUNCTION: To define the forms of identification that are acceptable in confirming the identity of voters on election day, and to provide uniformity of identification standards throughout the state. This administrative regulation is required to establish a procedure for documenting the confirmation of identity on precinct voter rosters.

Section 1. In addition to the forms of identification specifically provided for by KRS 117.227, any identification card that bears both the picture and signature of the voter, or any identification card that has been issued by the county, and which has been approved in writing by the State Board of Elections, shall be

acceptable for confirmation of the voter's identity.

Section 2. The method of identification used shall be recorded on the precinct voter roster by use of the following codes:
(1) Personal Acquaintance - "PA"
(2) Motor Vehicle Operator's License - "DL"
(3) Social Security Card - "SS"
(4) Credit Card - "CC"
(5) Identification Card with Picture and Signature (Other Identification) - "OI"

Section 3. The election officer confirming the identity shall enter his initials on the precinct voter roster in lieu of a signature.

BREMER EHRLER, Chairman
APPROVED BY AGENCY: July 20, 1990
FILED WITH LRC: July 26, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
31 KAR 4:020E

Various enactments by the 1988 and 1990 Regular Sessions of the General Assembly have necessitated the revisions and preparation of new reporting forms for county clerks, precinct election officers, county board of elections, and have required implementation of an administrative review procedure for the removal of precinct officers. In order that these forms and procedures may now be made uniform and implemented prior to the 1990 election, it is necessary that this administrative regulation take effect immediately. This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

WALLACE G. WILKINSON, Governor
BREMER EHRLER, Secretary of State

STATE BOARD OF ELECTIONS

31 KAR 4:020E. Election costs, county clerk reimbursement form.

RELATES TO: KRS 117.343
STATUTORY AUTHORITY: KRS 117.015, 117.343
EFFECTIVE: July 26, 1990
NECESSITY AND FUNCTION: To provide a method and form for the reimbursement to the county clerks for the cost of employing office personnel necessary for the conduct of elections including the registration and purgation of voters. Said reimbursement not to exceed fifty (50) cents per registered voter in the county per year.

Section 1. The reimbursement shall be based on the number of registered voters for the general election held in November.

Section 2. The form adopted shall be prescribed by the Finance and Administration Cabinet; is designated as DOA-48, (see Appendix A).

(See form on following page)

BREMER EHRLER, Chairman
APPROVED BY AGENCY: July 25, 1990
FILED WITH LRC: July 26, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
31 KAR 4:030E

Various enactments by the 1988 and 1990 Regular Sessions of the General Assembly have necessitated the revisions and preparation of new reporting forms for county clerks, precinct election officers, county board of elections, and have required implementation of an administrative review procedure for the removal of precinct officers. In order that these forms and procedures may now be made uniform and implemented prior to the 1990 election, it is necessary that this administrative regulation take effect immediately. This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

WALLACE G. WILKINSON, Governor
BREMER EHRLER, Secretary of State

STATE BOARD OF ELECTIONS

31 KAR 4:030E. Reporting forms.

RELATES TO: KRS 117.355, 119.307
STATUTORY AUTHORITY: KRS 117.105, 117.355
EFFECTIVE: July 26, 1990
NECESSITY AND FUNCTION: To prescribe forms for the precinct election sheriff and the county board of elections to report elections irregularities and recommendations for improving the elections process to report special ballot and voter assistance usage statistics and the absence of precinct election officials to specified officials.

Section 1. The following State Board of Elections forms are hereby adopted:
(1) SBE 53 (Precinct Sheriff's Postelection Report) effective 7/88, (see Appendix A);
(2) SBE 54 (County Board of Elections Postelection Report) effective 8/88, (see Appendix B);
(3) SBE 54A (County Board of Elections Postelection Statistical Report) effective 8/88, (see Appendix C); and
(4) SBE 54B (County Board of Elections Precinct Official Absence Report) effective 8/88, (see Appendix D).

(See forms on following pages)

BREMER EHRLER, Chairman
APPROVED BY AGENCY: July 25, 1990
FILED WITH LRC: July 26, 1990 at 2 p.m.

APPENDIX A

Form DOA-48
Rev. 6-89

COMMONWEALTH OF KENTUCKY
STATE BOARD OF ELECTIONS

VOUCHER FOR REIMBURSEMENT OF PERSONNEL ELECTION EXPENSES

DATE _____

PAGE _____ of _____

BER

TRAN CODE	FUND	CAB	DEPT	PROG/ PROJ	OBJECT CODE	DIV	BR	SECT	UNIT	FUNCTION CODE	LOCATION	AMOUNT
215	01	31	185	FC00	E411						00	

VENDOR ID NUMBER	VEND SUFFIX	GR NO	GR FY	SUB GR

_____ CLERK

_____ COUNTY

_____ KENTUCKY

FOR DIVISION OF ACCOUNTS USE ONLY			
FMO	FY	AUDIT REFERENCE	VOUCHER NUMBER

CERTIFICATION

I hereby certify that the expenses listed below were incurred by my office to employ office personnel necessary to conduct elections, including the registration and purgation of voters in my county, and that the information contained herein is, to the best of my knowledge, true and accurate.

DATE PAYMENT DUE: _____

FISCAL YEAR: _____

NUMBER REGISTERED VOTERS: _____

_____
COUNTY CLERK SIGNATURE

EMPLOYEE NAMES AND DUTIES PERFORMED	HOURS WORKED	RATE PER HOUR	AMOUNT
1 NAME DUTIES			
2 NAME DUTIES			
3 NAME DUTIES			
4 NAME DUTIES			
USE CONTINUATION PAGES FOR ADDITIONAL NAMES			

TOTAL THIS PAGE	
TOTAL FROM ALL CONTINUATION PAGES	
GRAND TOTAL	

INSTRUCTIONS TO COUNTY CLERK

1. The County Clerk is entitled to be reimbursed for an amount up to .50¢ per registered voter for expenses incurred per KRS 117.343. See State Board of Elections regulations and KRS 117.343 printed on reverse side.
2. The certification shall be filed by July 31.
3. Complete the form, submit the white and canary copies to: State Board of Elections, Room 71, Capitol Building, Frankfort, Kentucky 40601-3491

Retain the pink copy for your records.

APPROVED BY: _____

_____
EXECUTIVE DIRECTOR, STATE BOARD OF ELECTIONS

_____
FINANCE AND ADMINISTRATION CABINET

APPENDIX A

COMMONWEALTH OF KENTUCKY
STATE BOARD OF ELECTIONS

PRECINCT ELECTION SHERIFF'S POST — ELECTION REPORT

KRS 117.355(1) Within three (3) days after any primary or general election, the precinct election sheriff shall file a report with the chairman of the county board of elections and with the local grand jury. The report shall include any irregularities observed and any recommendations for improving the election process.

_____ County

_____ Precinct

_____ Precinct Election Sheriff
(Name)

IRREGULARITIES OBSERVED: (If you observed any irregularities, describe in your own words with as many details as possible, including names of alleged violators of election laws. Reported violations should include, but not be limited to violations of KRS 117.255 relating to assisting voters and execution of the voter assistance forms, adjusting the voting machine in primary elections to enable the voter to vote for only persons for whom the voter is entitled to vote, voting more than once, and voting supplemental paper ballots. Violations of KRS 117.235 relating to electioneering must also be reported. If more space is required, attach additional sheets as necessary. If no violations are observed, so indicate.)

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KRS 117.355
117.255(13)

Goldenrod—County Board of Elections
Yellow—Grand Jury

APPENDIX B
COMMONWEALTH OF KENTUCKY
STATE BOARD OF ELECTIONS

COUNTY BOARD OF ELECTIONS
POST — ELECTION REPORT

_____ County, _____ Election

held _____ , 19 ____

KRS 117.355(2) Within ten (10) days after any primary or general election, the county board of elections shall file a report with the state board of elections, the registry of election finance and the local grand jury. The report shall include any irregularities of which the county board has knowledge and any recommendations for improving the election process. The report shall also include a precinct-by-precinct breakdown of the number of voters requiring assistance to vote and the reasons therefor; the number of special ballots cast by category; and any other information required by the state board.

REPORT OF IRREGULARITIES: (If you have knowledge of any irregularities, describe in your own words with as many details as possible, including names of alleged violators of election laws. If more space is required, attach additional sheets as necessary. If no violations are known, so indicate.)

KRS 117.355(2)

SBE-54 (8/88)

Yellow—Grand Jury
Pink—Registry of Election Finance
Blue—State Board of Elections
Goldenrod—County Board of Elections

APPENDIX C

COMMONWEALTH OF KENTUCKY
STATE BOARD OF ELECTIONS

COUNTY BOARD OF ELECTIONS
POST — ELECTION STATISTICAL REPORT

_____ County, _____ Election

held _____ , 19 ____

PRECINCT (Name or Number)	ENTER NUMBER OF VOTERS PER PRECINCT						
	SPECIAL BALLOTS			VOTER ASSISTANCE			
	Regular	Disabled	Medical Emergency	Certified Permanently Disabled	Inability To Read English	Blind	Other Disability

(Attach additional pages if necessary) Attach to County Board of Elections Post - Election Report (SBE-54)

_____
Chairman, County Board of Elections

KRS 117.355(2)

_____
Date Submitted

SBE-54A (8/88)

Yellow—Grand Jury
Pink—Registry of Election Finance
Blue—State Board of Elections

APPENDIX D

COMMONWEALTH OF KENTUCKY
STATE BOARD OF ELECTIONS

COUNTY BOARD OF ELECTIONS
PRECINCT ELECTION OFFICIALS ABSENCE REPORT

_____ County, _____ Election

held _____ , 19 _____

Pursuant to KRS 119.307, the following election officials failed to appear and serve at the election, and were not excused by the County Board of Elections.

NAME OF PRECINCT ELECTION OFFICIAL	PRECINCT NAME OR NUMBER

(Attach additional pages if necessary) Attach to County Board of Elections Post - Election Report (SBE-54)

_____
Chairman, County Board of Elections

_____
Date Submitted

KRS 119.307
117.355(2)

Yellow—Grand Jury
Pink—Registry of Election Finance
Blue—State Board of Elections

SBE-54B (8/88)

STATEMENT OF EMERGENCY
31 KAR 4:040E

Various enactments by the 1988 and 1990 Regular Sessions of the General Assembly have necessitated the revisions and preparation of new reporting forms for county clerks, precinct election officers, county board of elections, and have required implementation of an administrative review procedure for the removal of precinct officers. In order that these forms and procedures may now be made uniform and implemented prior to the 1990 election, it is necessary that this administrative regulation take effect immediately. This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

WALLACE G. WILKINSON, Governor
BREMER EHRLER, Secretary of State

STATE BOARD OF ELECTIONS

31 KAR 4:040E. Special ballots cast in county clerk's office.

RELATES TO: KRS 117.086(2)
STATUTORY AUTHORITY: KRS 117.015, 117.086(3)
EFFECTIVE: July 26, 1990
NECESSITY AND FUNCTION: This regulation is necessitated by KRS 117.086(3) which requires the State Board of Elections to issue administrative regulations to provide for casting ballots as provided in KRS 117.086(2) which requires the county clerks in each county to designate a location within their office where special ballots may be cast secretly. This regulation provides guidelines as to the establishment of a voting place within the clerk's office; prohibits certain activities by the clerks and their deputies when special ballots are being voted in the office.

Section 1. Not less than thirty (30) days prior to any general, special, or regular election, the clerk of each county shall establish within their office a special area to be used solely for the purpose of allowing those voters to cast special ballots pursuant to KRS 117.086 within the clerk's office. The area so designated and established shall afford such voters the opportunity to cast their ballots in secret. The area designated may or may not utilize a special booth for the casting of such ballot. In those counties in which the clerk's office does not have sufficient physical space in which to designate and place a special area away, and apart, from the normal activities of the clerk's office, the booth or area may be located outside the physical limitations of the clerk's office in an area such as a hallway or other office as long as such area is capable of direct supervision by the clerk or his deputies at such time as that area is being utilized for the purpose of casting special ballots. In such cases, the clerk shall insure that while any person is casting a special ballot the area shall remain free and clear of any other persons, except any person assisting the voter pursuant to KRS 117.255.

Section 2. At such time as the clerk establishes and begins to utilize a special area of his office, or elsewhere, such area shall become a polling place within the meaning of KRS 117.235, and the provisions of KRS 117.235(3) prohibiting electioneering at the polling place or within a distance of 500 feet from any entrance to a polling place shall be applicable. Electioneering as defined by KRS 117.235(3) shall include the displaying of signs, the distribution of campaign literature, cards or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any candidate or question on the ballot in any manner. This prohibition shall not e construed to prohibit the clerk, or his deputies, from answering any questions concerning any issue or item on the ballot or the manner of voting the same. Any clerk, or any deputy, shall be prohibited, however, from assisting any voter requesting assistance pursuant to the provisions of KRS 117.255.

BREMER EHRLER, Chairman
APPROVED BY AGENCY: July 25, 1990
FILED WITH LRC: July 26, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
31 KAR 4:050E

Various enactments by the 1988 and 1990 Regular Sessions of the General Assembly have necessitated the revisions and preparation of new reporting forms for county clerks, precinct election officers, county board of elections, and have required implementation of an administrative review procedure for the removal of precinct officers. In order that these forms and procedures may now be made uniform and implemented prior to the 1990 election, it is necessary that this administrative regulation take effect immediately. This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

WALLACE G. WILKINSON, Governor
BREMER EHRLER, Secretary of State

STATE BOARD OF ELECTIONS

31 KAR 4:050E. Removal procedure for precinct election officers.

RELATES TO: KRS 117.045(6)
STATUTORY AUTHORITY: KRS 117.015
EFFECTIVE: July 26, 1990
NECESSITY AND FUNCTION: This regulation exists to provide a hearing procedure for the removal of an election officer.

Section 1. KRS 117.045(6) provides that the State Board of Elections may require the county board of elections to submit its list of precinct officers for review. The State Board of Elections may, after a hearing, direct the removal of any election officer who the state board finds, based upon clear and convincing evidence, would not fairly administer the state election laws. The state board shall replace any officer so removed upon the sworn complaint of any person, or on its own initiative, the State Board of Elections shall investigate alleged violations of the election laws, or the failure to properly carry out the election laws by any precinct election officer. When the State Board of Elections concludes that there is evidence to believe an election officer, or officers, has not or would not fairly administer the election

laws, it may hold a hearing to determine if such officer has not, or would not fairly administer the election laws. In such event, the State Board of Elections shall notify the complainant, if any, and the person complained against that a hearing shall be conducted of the specific offenses alleged not less than thirty (30) days prior to the date of the hearing. At the hearing the person complained against shall have all of the protections of due process, including, but not limited to, the right to be represented by counsel, the right to call and examine witnesses, the right to the production of evidence by subpoena, the right to introduce exhibits and the right to cross examine opposing witnesses. When the registry determines that the preponderance of the evidence shows that the election officer has failed to fairly administer the election laws of the state, or has taken such action as to constitute a violation of the election laws, it shall issue an order removing that election officer.

Section 2. Upon the issuance of any order requiring the removal of an election officer, the county board of elections in the county in which the officer served shall within ten (10) days from the date of issuance of the order by the State Board of Elections submit to the State Board of Elections a new list of officers for that precinct, or precincts. The State Board of Elections shall then appoint from that list a new officer or officers to serve during the remaining term.

Section 3. If the State Board of Elections conclude that there is probable cause to believe that an election officer has willfully violated the election laws, it shall refer such violation to the attorney general for prosecution. The attorney general may request the appropriate county or Commonwealth's attorney to prosecute the matter and may request from the State Board of Elections all evidence collected in its investigation.

BREMER EHRLER, Chairman
APPROVED BY AGENCY: July 25, 1990
FILED WITH LRC: July 26, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
101 KAR 2:035E

This emergency regulation creates procedures required by KRS 18A.110 and governing the compensation plan and pay incentive system in accordance with statutory requirements. This emergency regulation is necessary to permit continuity of governmental operations required by KRS 18A.110 and by Title II of the Intergovernmental Personnel Act of 1970, 42 U.S.C. §4701, et seq. and the federal regulations implementing the Act at 5 CFR, Part 900, Subpart F, §§900.601 to 900.606 as published in 48 FR 2909, March 4, 1983. This regulation is immediately necessary to permit the Commonwealth of Kentucky to remain eligible for federal financial and technical assistance through certification of policies and programs consistent with the applicable principles set forth in 42 U.S.C. §4701(3)(1-6). These include minimum and uniform standards of personnel administration in the subject matter covered by this regulation which would otherwise expire on July 13, 1990. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on August 3, 1990.

WALLACE G. WILKINSON, Governor
THOMAS C. GREENWELL, Commissioner

DEPARTMENT OF PERSONNEL

101 KAR 2:035E. Compensation plan and pay incentive systems.

RELATES TO: KRS 18A.030, 18A.110, 18A.165
STATUTORY AUTHORITY: KRS Chapter 13A, 18A.110
EFFECTIVE: August 3, 1990
NECESSITY AND FUNCTION: KRS 18A.110 requires the Commissioner of Personnel to promulgate comprehensive administrative regulations consistent with the provisions of KRS Chapter 18A, which govern the pay plan for all employees in the classified service. This regulation is to assure uniformity and equity in administration of the pay plan in accordance with statutory requirements and replaces 101 KAR 2:030.

Section 1. Appointments. Initial appointments shall be made at the minimum rate of the pay grade established for the job classification unless the commissioner authorizes appointment of a highly qualified applicant at a rate above the minimum, not to exceed the midpoint of the pay grade. Such exceptions shall be based on the outstanding and unusual nature of the applicant's education and experience over and above the minimum requirements set for the job classification. Employees possessing qualifications similar to the applicant being appointed that are employed in the same job classification, by the same agency, in the same county shall have their salaries adjusted by the appointing authority to the same rate granted in the in-range appointment if that rate is higher than their current salaries.

Section 2. Reentrance to State Service. (1) Appointing authorities, with the approval of the commissioner, may place reemployed, reinstated, or former employee probationally appointed at a salary:
(a) Which is the same as that paid at the time of separation from state service if such salary is within the current pay grade;
(b) Higher than that paid at the time of separation from state service due to salary schedule or pay grade adjustments;
(c) In accordance with the standards used for making new appointments; or
(d) Lower than that paid at the time of separation from the classified service if such salary is within the current pay grade.
(2) Former employees who were separated from state service by layoff and who are reinstated or reemployed in the same or a similar job classification within five (5) years from the date of layoff may receive the salary they were receiving at the time of layoff, even if such salary is above the maximum of the pay grade.
(3) Former employees reemployed, reinstated or probationally appointed to a salary:
(a) Below the midpoint of the pay grade shall be considered for a probationary increment at the time of completion of the probationary period;

(b) Which equals or exceeds the midpoint of the pay grade may be considered for a probationary increment at the time of completion of the probationary period. If such employee is not considered for an increment upon completion of the probationary period, he shall be considered for an increment at the beginning of the month following completion of twelve (12) months service from the date of reemployment, reinstatement or appointment.

Section 3. Salary Adjustments. (1) Promotion. An employee who is promoted shall receive a salary increase of not less than five (5) percent upon promotion. In no case shall the employee's salary be below the minimum of the higher grade following promotion. Employees completing a promotional probationary period may receive a five (5) percent promotional increase at the beginning of the month following completion of the probationary period. If the promotion is to a position which constitutes an unusual increase in the level of responsibility, the appointing authority, with the prior written approval of the commissioner, may grant upon promotion a ten (10) percent or fifteen (15) percent salary increase over the employee's previous salary. A promotional increase shall not change the employee's regular increment date.

(2) Demotion. An employee who is demoted may have his salary changed to a rate which is in the pay grade for the new class; this rate shall not exceed the rate which the employee was receiving prior to the demotion.

(3) Reclassification. An employee who is advanced to a higher pay grade through reclassification shall receive a salary increase of five (5) percent except, that in no case shall the employee's salary after such increase be below the minimum of the new pay grade. An employee who is placed in a lower pay grade through reclassification shall receive the same salary he was receiving prior to reclassification.

(4) Reallocation. An employee who is advanced to a higher pay grade through a reallocation of his position may receive a salary increase of five (5) percent except, that in no case shall the employee's salary after such increase be below the minimum of the higher pay grade. An employee who is placed in a lower pay grade through reallocation shall receive the same salary he was receiving prior to reallocation.

(5) Detail to special duty. An employee who is approved for detail to special duty as provided by 101 KAR 2:070, Section 2, may receive a five (5) percent increase upon detail to a higher job classification, except that in no case shall the employee's salary after such increase be below minimum of the higher pay grade.

(6) Reversion.

(a) An employee who is reverted while serving a promotional probationary period following promotion, or following detail to special duty to a higher job classification, shall have his salary changed to the rate received prior to such promotion or detail to special duty and is entitled to all salary advancements and adjustments he would have received had he not left the job classification.

(b) An employee who is reverted to a position in the classified service from a position in the unclassified service shall have his salary changed to the rate received at the time he left the classified service and is entitled to all salary advancements and adjustments he would have received had he not left the classified service.

(7) Pay grade changes. An employee who is advanced to a higher pay grade through a class reevaluation and grade adjustment under Section 7 of this regulation may receive a salary increase of five (5) percent or ten (10) percent except that in no case shall the employee's salary after such increase be below the minimum of the new pay grade.

(8) Other salary adjustments.

(a) An employee who was eligible for but did not receive a five (5) percent salary advancement as the result of any of the following actions: promotional increase, reallocation, or class grade changes, effective on or after January 3, 1986, may have his salary adjusted upon request by the appointing authority and approval by the commissioner. In no case may the salary adjustment be made retroactive to the original effective date but shall be granted on the first of the month following approval of the increase.

(b) Subject to approval by the commissioner, an appointing authority may request a five (5) percent salary adjustment when a special entrance rate is established under Section 7(3) of this regulation.

Section 4. Salary Advancements. (1) Probationary increments. Full-time and part-time employees who complete an initial probationary period with satisfactory performance shall be granted an increment at the beginning of the month following completion of the probationary period, except as specified under Section 2(3) of this regulation. The service may be provisional or probationary.

(2) Annual increment dates shall be established:

(a) Following completion of an initial probationary period, with satisfactory performance, or following completion of twelve (12) months service from the date of appointment, reinstatement, or reemployment, pursuant to Section 2(3) of this regulation.

(b) When an employee returns from leave without pay pursuant to subsection (4) of this section.

(3) Annual increment dates will not change when an employee:

(a) Is in a position which is assigned a new or different salary grade;

(b) Receives a salary adjustment as a result of his position being reallocated;

(c) Is transferred;

(d) Receives a demotion;

(e) Is approved for detail to special duty;

(f) Receives an educational achievement award;

(g) Returns from military leave;

(h) Is reclassified; or

(i) Is promoted or receives a promotional increase after completion of a promotional probationary period.

(4) Return from leave without pay. Employees returning to duty from leave without pay shall receive an annual increment when they have completed twelve (12) months of service since the date they last received an annual increment.

(5) Service computation. In computing service for the purpose of determining annual increment eligibility, in those cases where an employee is changed from part time to full time, part-time service shall be counted in determining

increment eligibility for a full-time employee. In those cases where an employee is changed from full time to part time, full-time service shall be counted in determining increment eligibility for a part-time employee.

Section 5. Educational Achievement Award. The participation of an appointing authority in the program for educational achievement awards is contingent upon adequate funding, to be determined by the appointing authority through the budgetary process, for all eligibles within the agency. Upon request of the appointing authority and subject to the approval of the commissioner, a permanent employee, with status may receive one (1) lump sum educational achievement award per fiscal year:

(1) For satisfactorily completing outside of work hours 260 classroom hours (or the equivalent as determined by the commissioner) of job related instruction in approved courses. Approved courses, must have been completed after a merit employee initially gained permanent status in state government. Employees shall not receive credit for courses taken while on educational leave, for hours paid for by the agency through tuition assistance, or for courses which previously counted toward an educational achievement award. The lump sum educational achievement award shall be ten (10) percent of the employee's annual base salary but not more than $2,500. The lump sum payment shall be granted only if the 260 classroom hours (or equivalent) have been completed within the past five (5) years prior to the effective date of the increase; or

(2) For receiving outside of work hours an approved high school diploma, high school equivalency certificate, or a passing score on the G.E.D. test. The approved diploma, certificate, or passing score must have been obtained on or after January 1, 1984 while in state service. Employees receiving an approved high school diploma, high school equivalency certificate, or a passing score on the G.E.D. test shall receive a lump sum educational achievement award of ten (10) percent of their annual base salary but not more than $2,500. A high school level educational achievement award shall not be granted to employees who present new credentials but have previously:

(a) Received a high school diploma, high school equivalency certificate, or a passing score on the G.E.D. test; or

(b) Completed college course work on the undergraduate or graduate level.

(3) To apply for an educational achievement award an employee shall submit the educational achievement request form DPT-10 or its equivalent, demonstrating completion of 260 classroom hours (or the equivalent together with official transcripts or grade reports for the courses completed) to the appointing authority or his designee. In compliance with the standards set forth in this regulation, the appointing authority may recommend the application for approval and may forward the documentation to the Commissioner of the Department of Personnel for final approval. A lump sum educational achievement award shall not be added to the employee's base salary or wages.

Section 6. Salary Schedule Adjustment. When the commissioner authorizes an adjustment of all grades in the pay schedule, employees who are below the new minimum rates shall have their salaries adjusted at least to the minimum rates of their grades. The commissioner may authorize a salary increase for those employees who are at or above the minimum rate based upon the availability of funds. The percentage of such increase shall be determined by the commissioner and shall be uniform for all eligible employees.

Section 7. Class Reevaluation and Grade Adjustment. (1) Class reevaluation is the assignment of a different pay grade to a class based upon a change in relation to other classes or to labor market conditions.

(2) Change in pay grade. Whenever it becomes necessary to assign a class a different pay grade due to changes defined in Section 7(1) of this regulation, the commissioner may make a new or different pay grade applicable to a class of positions. Persons currently employed in positions of that class at the effective date of the change in pay grade shall have their salary placed at least at the minimum salary of the higher grade, and may be eligible for a salary adjustment under Section 3(7) of this regulation. In no event shall an employee's salary be placed at a rate less than he received prior to the change in the pay grade. Employees in a class assigned to a lower pay grade through class reevaluation shall retain their current salary.

(3) Recruitment difficulties. Whenever the commissioner determines that it is not possible to recruit qualified employees at the established entrance salary in a specific area or for a specific class, he may, at the request of the appointing authority, authorize the recruitment for a class of position at a higher rate in the pay grade, provided that all other employees in the same class of position in the same agency in the same county are adjusted in salary to the same rate.

Section 8. Paid Overtime. Overtime for which pay is authorized shall be in accordance with 101 KAR 2:100, Section 4, and the Fair Labor Standards Act 29 U.S.C. §201, et.seq. and have the approval of the Commissioner of Personnel and the Secretary of the Finance and Administration Cabinet. Overtime payments shall not be added to base salary or wages.

Section 9. Maintenance and Maintenance Allowance. In each case where an employee or the employee and his family are provided with full or part maintenance, consisting of one (1) or more meals per day, lodging or living quarters, and domestic or other personal services, such maintenance shall be treated as part payment. The value of these services shall be deducted from the appropriate salary rate in accordance with a maintenance schedule developed by the commissioner after consultation with the appointing authority and the Secretary of the Finance and Administration Cabinet.

Section 10. Supplemental Shift Premium. Upon request of the appointing authority, the commissioner may authorize the payment of a supplemental shift premium for those job classifications in which employees are directed to work an evening or night shift. Once authorized, this premium shall apply to those employees directed to work an evening or night shift in a job classification for which the

shift premium was approved. However, no employee shall receive a supplemental shift premium subsequent to a transfer to a position that is ineligible for a shift differential premium payment.

Section 11. Outstanding Merit Increase. (1) Subject to the approval of the commissioner and contingent upon the availability of sufficient budgeted funds, an appointing authority may within his sole discretion, recommend any permanent, full-time, classified employee with at least twelve (12) months continuous service for an outstanding merit increase equal to five (5) percent of his base pay. An outstanding merit increase shall consist of a lump sum payment which shall not be added to base pay.

(2) An employee may be recommended for an outstanding merit increase if:

(a) His job performance is judged to be outstanding by the appointing authority; or

(b) In the discretion of the appointing authority, the employee's acts or ideas have resulted in significant financial savings or improvement in services to the Commonwealth and its citizens.

(3) An employee shall not be eligible for recommendation for an outstanding merit increase if he has received an outstanding merit increase within the preceding twelve (12) months.

BOARD CERTIFICATE OF REVIEW:

This is to certify that pursuant to KRS 18A.110(5) the regulations listed below were submitted to the Personnel Board by the Commissioner of Personnel on June 28, 1990. The board at its special scheduled meeting on July 24, 1990, reviewed the department's proposals and made certain recommendations which were forwarded to the commissioner for his consideration. The regulations reviewed were as follows: 101 KAR 2:035 & E, 101 KAR 2:045 & E, 101 KAR 2:055 & E, 101 KAR 2:065 & E, 101 KAR 2:075 & E, 101 KAR 2:095 & E, 101 KAR 2:100 (amendment). This 24th day of July, 1990.

BENJAMIN J. HAYS, Vice-Chairman

(Note: Chairman Shake was not present at the 7/24/90 meeting. Vice-Chairman Hays chaired.)

THOMAS C. GREENWELL, Commissioner
APPROVED BY AGENCY: July 31, 1990
FILED WITH LRC: August 3, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
101 KAR 2:045E

This emergency regulation creates procedures required by KRS 18A.110 and governing the applications, qualifications, and examinations in accordance with statutory requirements. This emergency regulation is necessary to permit continuity of governmental operations required by KRS 18A.110 and by Title II of the Intergovernmental Personnel Act of 1970, 42 U.S.C. §4701, et seq. and the federal regulations implementing the Act at 5 CFR, Part 900, Subpart F, §§900.601 to 900.606 as published in 48 FR 2909, March 4, 1983. This regulation is immediately necessary to permit the Commonwealth of Kentucky to remain eligible for federal financial and technical assistance through certification of policies and programs consistent with the applicable principles set forth in 42 U.S.C. §4701(3)(1-6). These include minimum and uniform standards of personnel administration in the subject matter covered by this regulation which would otherwise expire on July 13, 1990. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on August 3, 1990.

WALLACE G. WILKINSON, Governor
THOMAS C. GREENWELL, Commissioner

DEPARTMENT OF PERSONNEL

101 KAR 2:045E. Applications, qualifications and examinations.

RELATES TO: KRS 18A.030, 18A.110, 18A.120
STATUTORY AUTHORITY: KRS Chapter 13A, 18A.030, 18A.110, 18A.150
EFFECTIVE: August 3, 1990
NECESSITY AND FUNCTION: KRS 18A.110 requires the Commissioner of Personnel to promulgate comprehensive administrative regulations, consistent with the provisions of KRS Chapter 18A, which govern open competitive exams to test the relative fitness of applicants and for the rejection of candidates or eligibles who fail to meet reasonable requirements of the commissioner. This regulation is necessary to implement these statutory requirements and to assure uniformity in administering exams and replaces 101 KAR 2:040.

Section 1. Notices of Examinations. Examinations for entrance to the classified service shall be conducted on an open-competitive basis. For those job classifications in which there is expected to be a considerable and recurring need of eligibles, the commissioner shall establish a recruitment program which shall be both positive and continuous. Under such plan, applications may be accepted at any time and examinations held whenever and wherever the commissioner deems it desirable for the service. For those job classifications for which continuous recruitment is not needed, special announcements will be used. Eligibles will be listed in rank order of score irrespective of date on which the examination was taken. Notice of examinations shall be announced publicly fifteen (15) days prior to opening and may be distributed to public officials, employment service offices, newspapers, radio stations, educational institutions, professional and vocational societies, other media and such other individuals and organizations as the commissioner may deem expedient. The public notice of examination shall specify the title and minimum salary of the job classifications; the minimum qualifications required; the final date on which application will be received; the relative weights to be assigned to different parts of the examination; and all pertinent information and requirements.

Section 2. Minimum Qualifications for Filing. Open-competitive examinations shall be open to all applicants who meet the standards or requirements fixed by the commissioner with regard to education, experience, age, physical condition, and such other factors as may be held to relate to the ability of the candidate to

perform with reasonable efficiency the duties of the position.

Section 3. Filing Applications. (1) All applications shall be made on forms prescribed by the commissioner. Such application may require information concerning personal characteristics, education, experience, references, and other pertinent information. When the nature of the work is such that age limits are necessary, the commissioner after consultation with the appointing authority may approve the age limits, which shall be stated in the examination announcement. All applications shall be signed and the truth of the statements contained therein certified by such signatures. Applicants must meet the minimum qualifications specified in announcements as to education and experience, but in no case shall admittance to the examinations constitute assurance of a passing grade.

(2) For those job classifications for which there is to be continuous recruitment, a statement shall be included in the announcement to the effect that applications will be received until further notice.

(3) For those job classifications for which continuous recruitment is not needed, special announcement bulletins will be used. Applicants shall have fifteen (15) calendar days to apply for these special openings. The applications will be processed and those applicants who meet the minimum requirements will be notified of the testing dates.

Section 4. Advance Examinations. Any applicant who does not meet minimum requirements as to education but who will meet these requirements as a result of the completion of further educational work which he has scheduled for the six (6) months following the date of receipt of application, may be allowed to take the examination at the discretion of the commissioner. An applicant taking the examination under this provision shall have his or her name entered on the register up to thirty (30) days prior to completing the educational requirements.

Section 5. Character of Examinations. Examinations shall be practical in nature, constructed to reveal the capacity of the candidate for the particular job classification for which he is competing and his general background and related knowledge, and shall be rated impartially. The commissioner may use a rating of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness which in his judgment serves the need to discover the relative fitness of applicants.

Section 6. Conduct of Examinations. (1) Examinations shall be conducted in as many places in the Commonwealth as are found convenient for applicants and practicable for administration.

(2) The commissioner may designate monitors in various parts of the Commonwealth to take charge locally of examinations under instructions prescribed by him, provide for the compensation of such monitors, and make arrangements for the use of public buildings in which to conduct the examinations.

(3) Retest procedures.

(a) For open continuous testing an applicant may be admitted to the same exam or its alternate no more than two (2) times within a regular workweek.

(b) For open continuous testing an applicant shall not be permitted to take the same exam or its alternate more than twelve (12) times in a twelve (12) month period beginning with the original date such test is taken.

(c) Retest procedures for examinations listed on special announcements shall be stated on the bulletin.

(d) An eligible who is removed from a register, who fails to make himself available to an appointing authority for consideration or who declines appointment by an appointing authority shall not be allowed to retest for the job class from which removed for six (6) months from the date of removal unless he has been restored for reasons satisfactory to the commissioner or in accordance with the decision of the board on appeal.

Section 7. Rating Examinations. The commissioner shall determine the rating or standing of applicants on the register for all examinations. Such final rating shall be based upon a weighted average of the various parts of the total examination. All applicants for the same job classification shall be accorded uniform and equal treatment in all phases of the examination procedure.

Section 8. Rating Education and Experience. (1) When the rating of education and experience forms a part of the total examination, the commissioner shall determine a procedure for the evaluation of the education and experience qualifications of the applicants. The formula used in appraisal shall give due regard to recency and quality as well as quantity of experience and the pertinency of the education.

(2) The commissioner shall investigate the candidate's educational record form. The commissioner may investigate the candidate's work history. If the results of this investigation bring out information affecting the rating of education and experience, the commissioner may rate the candidate accordingly or make the necessary revision of the rating and so notify the candidate.

(3) The selection method for the following classes is 100% qualifying. If the applicant meets the minimum requirements his name shall be placed on the appropriate register.

TITLE CODE	JOB CLASSIFICATION
1001	Laborer
1002	Laborer Trainee
1003	Janitor
1005	Janitor Supervisor
1006	Technical Services Trainee
1007	Blind Industries Worker
1014	Watchman
1022	Maintenance Worker
1036	Highway Laborer
1037	Light Equipment Operator
1038	Driver of Physically Disabled
1040	Heavy Equipment Operator Trainee
1069	Resource Recovery Worker
1078	Water and Sewer Plant Operator
1079	Water and Sewer Plant Operator Senior
1081	Airport Flightline Attendant

1087 Lockmaster
1088 Lockmaster Coordinator
1103 Cosmetologist
1121 Stationary Fireman Trainee
1143 Plumber
1145 Plumber Supervisor
1146 Electrician Trainee
1301 Kitchen Worker
1303 Counter Attendant
1305 Serving Attendant
1307 Cook Helper
1308 Cook
1310 Cook Senior
1343 Dietician Clinical
1345 Dietician Chief
1347 Dietetic Administrator Institional
1401 Laundry Worker
1403 Laundry Worker Senior
1501 Park Laborer
1503 Park Worker
1522 Blacksmith/Farrier
1541 Parks Golf Professional
1629 Illustrator
1701 Automotive Mechanic Trainee
1731 Aviation Mechanic
1733 Aviation Mechanic/Inspector
1735 Aviation Mechanic/Inspector Chief
2151 Pilot
2153 Pilot Chief
2155 Helicopter Pilot
2157 Helicopter Pilot Chief
2433 Polygraph Examiner
2434 Polygraph Examiner Trainee
2441 Hospital Security Officer
2476 Law Enforcement Training Instructor-Legal
3007 Grader - Fruit and Vegetable
3018 Agricultural Veterinarian
3130 Explosives and Blasting Inspector/Instructor
3131 Explosives and Blasting Inspector/Instructor Senior
3133 Mine Safety Instructor
3135 Electrical Mining Instructor
3139 Mine Inspector
3143 Mine Inspector Supervisor
3147 Mine Safety Analyst
3149 Mining Inspector/Examiner Chief
3207 Electrical Inspector
3209 Electrical Inspection Supervisor
3211 Elevator Inspector Trainee
3212 Elevator Inspector
3229 Industrialized Building Systems Specialist
3246 Plumbing Inspection Reviewer
3248 Plumbing Inspector
3250 Plumbing Inspector Senior
3252 Plumbing Inspection Program Supervisor
3256 Boiler Inspector
3258 Boiler Inspector Senior
3260 Boiler Inspector Chief
3341 Pharmacy Education Coordinator
3343 Pharmacy and Drug Inspector
3535 Actuary
3806 Horse Identifier
3807 Horse Identification Supervisor
3836 Racing Veterinarian
3837 Racing Veterinarian Senior
3839 Racing Veterinarian Chief
3840 Assistant State Steward
3841 Associate State Steward
4001 Laboratory Aide
4005 Electroencephalographic Technician
4007 Radiographer
4008 Radiographer Senior
4031 Pharmacist
4032 Pharmacist Senior
4034 Pharmacist Supervisor
4036 Pharmacist Consultant
4038 Pharmacy Services Program Manager
4044 Chemist Chief
4046 Chemistry Laboratory Manager
4080 Forensic Anthropologist
4131 Recreation Aide
4143 Audiologist I
4144 Audiologist II
4146 Speech Clinician
4148 Speech Pathologist I
4149 Speech Pathologist II
4151 Speech and Hearing Regional Coordinator
4153 Speech and Hearing Administrator
4156 Occupational/Physical Therapist Trainee
4158 Occupational Therapist
4160 Occupational Therapy Coordinator
4162 Occupational Therapy Supervisor
4164 Physical Therapist Assistant
4166 Physical Therapist
4168 Physical Therapist Coordinator
4170 Physical Therapist Supervisor
4203 Dental Assistant Certified
4205 Dental Hygienist
4207 Dentist
4209 Dental Program Administrator
4301 Patient Aide
4312 Licensed Practical Nurse
4314 Licensed Practical Nurse Senior
4315 Licensed Practical Nurse Supervisor/Coordinator
4321 Nurse Registered
4322 Charge Nurse
4323 Nurse Shift Supervisor
4324 Nurse Clinician
4325 Nurse Service Administrator
4327 Nurse Infirmary
4328 Advanced Registered Nurse Practitioner
4329 Nurse Medical Claims
4331 Nurse Consultant/Inspector
4333 Handicapped Children Nurse
4334 Handicapped Children Nurse Senior
4335 Handicapped Children Nurse Principal
4336 Handicapped Children Staff Development Coordinator
4337 Nurse Handicapped Children Program Administrator
4339 Nurse/Administrator
4341 Nursing Investigator
4342 Nursing Investigator Senior
4343 Nursing Education Consultant
4405 Certified Psychologist/Psychological Associate
4407 Certified Psychologist/Psychological Associate Chief
4409 Psychologist Licensed
4411 Psychologist Licensed Chief
4413 Psychologist Licensed Program Administrator
4503 Medical Epidemiologist
4506 Medical Examiner
4510 Medical Examiner Chief
4515 Physician B
4516 Physician
4517 Physician Senior
4520 Physician Chief
4526 Physician Consultant
4530 Physician Director
4555 Medical Specialist
4556 Medical Specialist Senior
4557 Medical Specialist Principal
4559 Medical Director
5021 Medical Records Technician
5023 Medical Records Administrator
5102 Interpreter

5103 Interpreter/Coordinator
5104 Lead Interpreter
5105 Vocational Education Instructor (various options)
5108 Industrial and Trade Instructor
5109 Industrial and Trade Teacher (various options)
5110 MSHA Instructor
5141 Education Teacher Rank III
5142 Education Teacher Rank II
5143 Education Teacher Rank I
5171 Orientation and Mobility Specialist I
5173 Orientation and Mobility Specialist II
5348 Vocational School Assistant Principal
5350 Vocational Education Center Principal
5352 Vocational School Principal
5391 KSB/KSD Support Services Officer III
5392 KSB/KSD Support Services Officer V
5394 KSB/KSD Teacher Supervisor V
5396 KSB/KSD Teacher Supervisor VI
6201 Support Services Aide
6203 Human Services Aide Trainee
6210 Human Services Trainee
6287 Chaplain
6288 Chaplain Chief
6311 Administrative Law Judge
7001 Transportation Landscape Architect
7025 Engineer-in-Training I
7026 Engineer-in-Training II
7037 Engineer
7039 Engineer Chief
7040 Capital Construction/Design Project Administrator Associate
7041 Capital Construction/Design Project Administrator I
7042 Capital Construction/Design Project Administrator II
7043 Capital Construction/Design Project Manager
7044 Environmental Engineer Consultant
7045 Environmental Engineer
7047 Environmental Engineer Chief
7048 Environmental Engineering Branch Manager
7049 Public Service Engineer Chief
7048 Environmental Engineering Branch Manager
7049 Public Service Engineer Chief
7051 Public Service Engineer Manager
7053 PSC Engineering Technical Associate
7072 Project Design Coordinator Senior
7073 Project Architect
7082 Chief Highway District Engineer's Assistant
7083 Chief Highway District Engineer
7085 Transportation Engineering Branch Manager
7086 Transportation Engineer Director
7088 Associate Assistant State Highway Engineer
7089 Assistant State Highway Engineer
7094 Transportation Engineer I
7095 Transportation Engineer II
7201 Nursery Aide
8109 Artist Senior
8112 Artist
9002 Clerical Trainee
9020 Clerical Assistant
9041 Micrographics Technician
9233 Meat and Food Inspector
9241 Purchasing Officer Pharmaceutical
9446 Financial, Investment and Forecasting Program Analyst
9450 Financial, Investment and Forecasting Program Specialist
9610 Management Trainee
9680 State Interpreter Administrator
9821 Attorney
9822 Attorney Senior
9823 Attorney Chief
9825 Attorney Principal
9826 Attorney Supervisor
9827 Assistant General Counsel/Attorney Manager
9831 Assistant Attorney General
9832 Assistant Attorney General Senior
9835 Assistant Attorney General Principal
9836 Assistant Attorney General Chief
9837 Assistant Attorney General Manager
9841 Assistant Public Advocate
9842 Assistant Public Advocate Senior
9843 Assistant Public Advocate Principal
9844 Assistant Public Advocate Chief
9845 Assistant Public Advocate Supervisor
9847 Assistant Public Advocate Manager
9860 PSC Hearing Examiner

Section 9. Oral Examinations. When an oral examination forms a part of the total examination for a position, the commissioner shall appoint one (1) or more oral examination panels as needed. An oral examination panel shall consist of three (3) or more members who shall be known to be interested in the improvement of public administration and in the selection of efficient government personnel of whom one (1) shall be technically familiar with the character of work in the position for which the applicants will be examined. Whenever practicable, all candidates for the same job classification who qualify for the oral examination shall be rated by the same oral examination panel. A member of an oral examination panel shall disclose each instance in which he knows the applicant personally and may refrain from rating such applicant.

Section 10. Notice of Examination Results. Each competitor shall be notified of his final rating as soon as the rating of the examination has been completed. Eligibles shall be entitled to information concerning their relative position on the register upon request and presentation of proper identification.

Section 11. Adjustment of Errors. An error in the rating of an examination, if called to the attention of the commissioner within thirty (30) days after receipt by the applicant of the notice of examination results shall be corrected by the commissioner provided, however, that such corrections shall not invalidate any certification and appointment previously made.

Section 12. Special Examinations. Except in the case of an error in the examining of an applicant, no applicant shall be given a special examination unless the board by formal recorded action finds that the applicant's failure to take or complete an examination was due to circumstances entirely beyond the control of the applicant. The board's findings and recommendations shall be recorded in its minutes. No claim for a special examination shall be allowed unless it is filed in writing with the board within fifteen (15) days after the date of the original examination. Any special examination shall be constructed on a pattern similar to, and as extensive as, the original examination. Any such special examination shall not invalidate any certification or appointment previously made.

Section 13. Examination Records. The commissioner shall be responsible for the

maintenance of all records pertinent to examination programs. Applications and other necessary examination records shall be kept during the life of the register.

BOARD CERTIFICATE OF REVIEW:
This is to certify that pursuant to KRS 18A.110(5) the regulations listed below were submitted to the Personnel Board by the Commissioner of Personnel on June 28, 1990. The board at its special scheduled meeting on July 24, 1990, reviewed the department's proposals and made certain recommendations which were forwarded to the commissioner for his consideration. The regulations reviewed were as follows: 101 KAR 2:035 & E, 101 KAR 2:045 & E, 101 KAR 2:055 & E, 101 KAR 2:065 & E, 101 KAR 2:075 & E, 101 KAR 2:095 & E, 101 KAR 2:100 (amendment). This 24th day of July, 1990.
BENJAMIN J. HAYS, Vice-Chairman
(Note: Chairman Shake was not present at the 7/24/90 meeting. Vice-Chairman Hays chaired.)

THOMAS C. GREENWELL, Commissioner
APPROVED BY AGENCY: July 31, 1990
FILED WITH LRC: August 3, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
101 KAR 2:055E

This emergency regulation creates procedures required by KRS 18A.110 and governing the registers and Job Bank Service in accordance with statutory requirements. This emergency regulation is necessary to permit continuity of governmental operations required by KRS 18A.110 and by Title II of the Intergovernmental Personnel Act of 1970, 42 U.S.C. §4701, et seq. and the federal regulations implementing the Act at 5 CFR, Part 900, Subpart F, §§900.601 to 900.606 as published in 48 FR 2909, March 4, 1983. This regulation is immediately necessary to permit the Commonwealth of Kentucky to remain eligible for federal financial and technical assistance through certification of policies and programs consistent with the applicable principles set forth in 42 U.S.C. §4701(3)(1-6). These include minimum and uniform standards of personnel administration in the subject matter covered by this regulation which would otherwise expire on July 13, 1990. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on August 3, 1990.

WALLACE G. WILKINSON, Governor
THOMAS C. GREENWELL, Commissioner

DEPARTMENT OF PERSONNEL

101 KAR 2:055E. Registers and job bank service.

RELATES TO: KRS 18A.005, 18A.110, 18A.120
STATUTORY AUTHORITY: KRS Chapter 13A, 18A.030, 18A.040, 18A.110
EFFECTIVE: August 3, 1990
NECESSITY AND FUNCTION: KRS 18A.110 requires the Commissioner of Personnel to promulgate comprehensive administrative regulations, consistent with the provisions of KRS Chapter 18A, which govern the establishment of eligible lists for appointment and for the rejection of candidates or eligibles who do not meet reasonable selection requirements of the commissioner. This regulation is necessary to comply with these statutory requirements and replaces 101 KAR 2:050.

Section 1. Notification of Register Vacancies. It shall be the duty of the appointing authorities to notify the commissioner as far in advance as possible of vacancies in full-time or part-time classified positions which may occur in the agencies.

Section 2. Use of Related Registers. The commissioner shall select registers from job classifications for which the minimum qualifications are comparable to or higher than those required for the job classification in which the vacancy exists. The commissioner may, if appropriate, rerate training and experience on the basis of the minimum qualification required for the job classification in which the vacancy exists.

Section 3. Duration of Registers. When a register becomes so depleted that the preparation of usable certificates for a major portion of the imminent vacancies of the job classification is impracticable, the register shall be considered exhausted. The register which has become exhausted shall be considered expired upon the administration of a superseding examination and the establishment of a register on the basis of that examination. When a register becomes exhausted, the commissioner shall send to each eligible remaining on such register a notification prior to the administration of a superseding examination.

Section 4. Replenishment of Registers. If the commissioner determines that a register, although not exhausted, is inadequate for the filling of anticipated vacancies, he may announce an open competitive examination for the purpose of replenishing such register.

Section 5. Promotional Register. At the request of the appoint authority, the commissioner shall prepare a register of status employees interested in promotion to a full-time or part-time classified position who meet the minimum requirements and has obtained a passing grade on the competitive promotional examination. The names of such employees shall be placed on the register in the order of their final ratings, starting with the highest. The register shall be certified to agencies for their consideration in filling vacancies from a promotional register.

Section 6. Full-time or Part-time Reemployment Registers. The commissioner shall prepare reemployment registers.

Section 7. Job Bank Service. In order to facilitate the internal mobility of state employees, the Department of Personnel shall maintain a job bank service. The job bank is a list of eligible state employees with merit status who wish to be considered for particular job classes. The listing shall accompany competitive register certificates to inform appointing authorities of eligible state employee candidates who are available for internal mobility. A state employee with merit

status who wishes to be considered for the job bank shall submit an application to the Department of Personnel. The Department of Personnel shall review application for eligibility, minimum qualifications and testing requirements.

BOARD CERTIFICATE OF REVIEW:
This is to certify that pursuant to KRS 18A.110(5) the regulations listed below were submitted to the Personnel Board by the Commissioner of Personnel on June 28, 1990. The board at its special scheduled meeting on July 24, 1990, reviewed the department's proposals and made certain recommendations which were forwarded to the commissioner for his consideration. The regulations reviewed were as follows: 101 KAR 2:035 & E, 101 KAR 2:045 & E, 101 KAR 2:055 & E, 101 KAR 2:065 & E, 101 KAR 2:075 & E, 101 KAR 2:095 & E, 101 KAR 2:100 (amendment). This 24th day of July, 1990.
BENJAMIN J. HAYS, Vice-Chairman
(Note: Chairman Shake was not present at the 7/24/90 meeting. Vice-Chairman Hays chaired.)

THOMAS C. GREENWELL, Commissioner
APPROVED BY AGENCY: July 31, 1990
FILED WITH LRC: August 3, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
101 KAR 2:065E

This emergency regulation creates procedures required by KRS 18A.110 and governing the certification and selection of eligibles for appointment in accordance with statutory requirements. This emergency regulation is necessary to permit continuity of governmental operations required by KRS 18A.110 and by Title II of the Intergovernmental Personnel Act of 1970, 42 U.S.C. §4701, et seq. and the federal regulations implementing the Act at 5 CFR, Part 900, Subpart F, §§900.601 to 900.606 as published in 48 FR 2909, March 4, 1983. This regulation is immediately necessary to permit the Commonwealth of Kentucky to remain eligible for federal financial and technical assistance through certification of policies and programs consistent with the applicable principles set forth in 42 U.S.C. §4701(3)(1-6). These include minimum and uniform standards of personnel administration in the subject matter covered by this regulation which would otherwise expire on July 13, 1990. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on August 3, 1990.

WALLACE G. WILKINSON, Governor
THOMAS C. GREENWELL, Commissioner

DEPARTMENT OF PERSONNEL

101 KAR 2:065E. Certification and selection of eligibles for appointment.

RELATES TO: KRS 18A.030, 18A.110, 18A.165
STATUTORY AUTHORITY: KRS Chapter 13A, 18A.030, 18A.110
EFFECTIVE: August 3, 1990
NECESSITY AND FUNCTION: KRS 18A.110 requires the Commissioner of Personnel to promulgate comprehensive administrative regulations, consistent with KRS Chapter 18A, which govern the establishment of eligible lists for appointment, and for consideration for appointment of persons whose scores are included in the five (5) highest scores on the exam. This regulation is necessary to comply with these statutory requirements and replaces 101 KAR 2:060.

Section 1. Request for Certification of Eligibles. To fill a vacancy by selection of an eligible from a register established on the basis of an open-competitive examination, the appointing authority shall submit a request for certification to the commissioner upon a prescribed form. This requisition may be for one (1) or more positions in the same class, in the same county, and shall indicate the number and identity of positions to be filled and the title of the job classification in which they have been allocated and specify all other pertinent information which the appointing authority and the commissioner deem necessary. The appointing authority shall make such request as far in advance as possible of the date the employee is to begin work.

Section 2. Certification of Eligibles. (1) Upon receipt of a requisition, the commissioner shall certify and submit in writing to the appointing authority the names of available persons eligible for the appointment. If one (1) position is involved, he shall certify and submit from the register for that job classification the names of the persons whose scores are included in the highest five (5) scores earned on the examination, providing the commissioner shall fix a reasonable maximum number of eligibles certified. If more than one (1) vacancy is involved, either in one (1) or more agencies, the commissioner shall certify sufficient additional names for the agencies' consideration in filling the total number of vacancies by procedures to retain orderly consideration of eligibles; however, each appointment must be made from the eligibles with the five (5) highest scores. Scores shall be considered in whole numbers. If the register, established as a result of the open-competitive examination for a specific class, is exhausted, the commissioner shall certify and submit names in accordance with the above procedure. The life of a certificate during which action may be taken shall be forty-five (45) days from the date of issue unless otherwise specified on the certification. Any appointment made from such certificate during that time shall not be subject to any change in the condition of the register taking place during that period.
(2) Any employee who has been dismissed for cause or who has resigned while charges for dismissal for cause were pending and who seeks further employment with the state shall not be certified to the agency from which separated unless the agency requests such certification.

Section 3. Availability. An eligible may at any time during the life of a register have himself listed as available or not available for appointment to a position of that job classification in any county or counties in the state by filing notice to such effect with the commissioner.

Section 4. Selective Certification. (1) The appointing authority may specify in writing requirements of particular experience, education, or skill when he deems such requirements necessary for a position. If, after investigation of the duties and responsibilities of the position, the commissioner finds the particular experience, education, or skill essential for successful performance he may certify in order of rank on the register the names of those persons who possess those qualifications specified. If, in certifying the names of such eligibles, the commissioner finds there are fewer than five (5) such eligibles, he shall complete the certificate by adding, after the names of such eligibles, the names of other eligibles available for the appointment in the order of their respective rank on the register.

(2) The appointing authority may specify in writing exceptional requirements of particular characteristics when he deems such requirements necessary for a position. If, after investigation of the duties and responsibilities of the position, the commissioner finds the exceptional requirement of the characteristic essential for successful performance, he may certify in order of rank on the register the names of those persons who possess the qualifications specified. If, in certifying the names of such eligibles, the commissioner finds there are fewer than five (5) such eligibles, he shall complete the certificate by adding, after the names of such eligibles, the names of other eligibles available for the appointment in the order of their respective rank on the register.

Section 5. Selection. The final selection by the appointing authority shall be reported in writing to the commissioner. At the same time, the appointing authority shall indicate the disposition of the other names listed on the certificate and shall certify to the commissioner the nonavailability of any eligibles passed over for that reason.

Section 6. Certification from the Promotional Register. Whenever a vacancy is to be filled from a promotional register established as a result of a competitive examination, the commissioner shall certify the names of eligibles in accordance with 101 KAR 2:050, Section 5.

Section 7. Certification of Names from the Reemployment Register. Whenever a vacancy is to be filled from a reemployment register, the commissioner shall certify the names of eligibles.

BOARD CERTIFICATE OF REVIEW:
This is to certify that pursuant to KRS 18A.110(5) the regulations listed below were submitted to the Personnel Board by the Commissioner of Personnel on June 28, 1990. The board at its special scheduled meeting on July 24, 1990, reviewed the department's proposals and made certain recommendations which were forwarded to the commissioner for his consideration. The regulations reviewed were as follows: 101 KAR 2:035 & E, 101 KAR 2:045 & E, 101 KAR 2:055 & E, 101 KAR 2:065 & E, 101 KAR 2:075 & E, 101 KAR 2:095 & E, 101 KAR 2:100 (amendment). This 24th day of July, 1990.
BENJAMIN J. HAYS, Vice-Chairman

(Note: Chairman Shake was not present at the 7/24/90 meeting. Vice-Chairman Hays chaired.)

THOMAS C. GREENWELL, Commissioner
APPROVED BY AGENCY: July 31, 1990
FILED WITH LRC: August 3, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
101 KAR 2:075E

This emergency regulation creates procedures required by KRS 18A.110 and governing the vacancies, detail to special duty and temporary overlap in accordance with statutory requirements. This emergency regulation is necessary to permit continuity of governmental operations required by KRS 18A.110 and by Title II of the Intergovernmental Personnel Act of 1970, 42 U.S.C. §4701, et seq. and the federal regulations implementing the Act at 5 CFR, Part 900, Subpart F, §§900.601 to 900.606 as published in 48 FR 2909, March 4, 1983. This regulation is immediately necessary to permit the Commonwealth of Kentucky to remain eligible for federal financial and technical assistance through certification of policies and programs consistent with the applicable principles set forth in 42 U.S.C. §4701(3)(1-6). These include minimum and uniform standards of personnel administration in the subject matter covered by this regulation which would otherwise expire on July 13, 1990. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on August 3, 1990.

WALLACE G. WILKINSON, Governor
THOMAS C. GREENWELL, Commissioner

DEPARTMENT OF PERSONNEL

101 KAR 2:075E. Vacancies, detail to special duty and temporary overlap.

RELATES TO: KRS 18A.005, 18A.110, 18A.115, 18A.120
STATUTORY AUTHORITY: KRS Chapter 13A, 18A.030, 18A.110
EFFECTIVE: August 3, 1990
NECESSITY AND FUNCTION: KRS 18A.110 requires the Commissioner of Personnel to promulgate comprehensive administrative regulations, consistent with KRS Chapter 18A, which govern the various types of appointments, such as probationary, emergency, provisional, reinstatement, and for such other regulations, not inconsistent with KRS Chapter 18A, as may be proper and necessary. This regulation is necessary to comply with these statutory requirements and replaces 101 KAR 2:070.

Section 1. Filling of Vacancies. All vacancies in the classified service which are not filled by promotion, transfer, or demotion, shall be filled by probationary appointment, reemployment, reinstatement, emergency appointment or provisional appointment.

Section 2. Detail to Special Duty. When the services of a permanent employee are needed in a position within an agency other than the position to which regularly assigned, the employee may be detailed to that position for a

period not to exceed one (1) year with prior approval of the commissioner. For detail to special duty the commissioner may waive the minimum requirements when requested by the appointing authority in writing.

Section 3. Temporary Overlap. With the prior approval of the commissioner, an agency may place an employee for training purposes or in the best interest of the state service, in a position currently occupied by another employee for a period not to exceed sixty (60) calendar days.

BOARD CERTIFICATE OF REVIEW:
This is to certify that pursuant to KRS 18A.110(5) the regulations listed below were submitted to the Personnel Board by the Commissioner of Personnel on June 28, 1990. The board at its special scheduled meeting on July 24, 1990, reviewed the department's proposals and made certain recommendations which were forwarded to the commissioner for his consideration. The regulations reviewed were as follows: 101 KAR 2:035 & E, 101 KAR 2:045 & E, 101 KAR 2:055 & E, 101 KAR 2:065 & E, 101 KAR 2:075 & E, 101 KAR 2:095 & E, 101 KAR 2:100 (amendment). This 24th day of July, 1990.
BENJAMIN J. HAYS, Vice-Chairman
(Note: Chairman Shake was not present at the 7/24/90 meeting. Vice-Chairman Hays chaired.)

THOMAS C. GREENWELL, Commissioner
APPROVED BY AGENCY: July 31, 1990
FILED WITH LRC: August 3, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
101 KAR 2:095E

This emergency regulation creates procedures required by KRS 18A.110 and governing the classified service regulations in accordance with statutory requirements. This emergency regulation is necessary to permit continuity of governmental operations required by KRS 18A.110 and by Title II of the Intergovernmental Personnel Act of 1970, 42 U.S.C. §4701, et seq. and the federal regulations implementing the Act at 5 CFR, Part 900, Subpart F, §§900.601 to 900.606 as published in 48 FR 2909, March 4, 1983. This regulation is immediately necessary to permit the Commonwealth of Kentucky to remain eligible for federal financial and technical assistance through certification of policies and programs consistent with the applicable principles set forth in 42 U.S.C. §4701(3)(1-6). These include minimum and uniform standards of personnel administration in the subject matter covered by this regulation which would otherwise expire on July 13, 1990. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on August 3, 1990.

WALLACE G. WILKINSON, Governor
THOMAS C. GREENWELL, Commissioner

DEPARTMENT OF PERSONNEL

101 KAR 2:095E. Classified service regulations.

RELATES TO: KRS 18A.030, 18A.110
STATUTORY AUTHORITY: KRS Chapter 13A, 18A.030, 18A.110
EFFECTIVE: August 3, 1990
NECESSITY AND FUNCTION: KRS 18A.110 requires the Commissioner of Personnel to promulgate comprehensive administrative regulations consistent with KRS Chapter 18A, which govern for the maintenance of employee records, the maintenance of other records and reports in the department, and for other conditions of employment. This regulation is necessary to comply with these statutory requirements and replaces 101 KAR 2:090.

Section 1. General Provisions. Except as otherwise provided in these regulations, the tenure of an employee with status shall be during good behavior and the satisfactory performance of his duties.

Section 2. Attendance; Hours of Work. (1) The number of hours full-time employees in state offices in Frankfort are required to work shall be uniform for all positions unless specified otherwise by the appointing authority or the statutes.
(2) The normal work day shall be from 8 a.m. to 4:30 p.m., local time, Monday through Friday.
(3) An appointing authority may require employees to work hours and work days other than normal including inclement weather schedules if it is in the best interest of the agency.
(4) Employees who work for agencies which require more than one (1) shift or seven (7) days a week operation may be reassigned from one shift to another and from one post to another or alternate days off by the agency to meet staffing requirements or to maintain security or provide essential services of the agency. The employee is required to give reasonable notice in advance of absence from a work station.

Section 3. Work Station. Each employee shall be assigned a work station by the appointing authority. A work station may be changed to better meet the needs of the agency. An employee may be temporarily assigned to a different work station in a different county for a period of up to sixty (60) calendar days, provided that such employee is reimbursed for his travel expenses in accordance with regulatory provisions and the appointing authority notifies the employee in writing prior to the effective date of the action. Nothing within this regulation shall be construed as prohibiting an appointing authority from assigning an employee to work in a different site within the county of employment.

Section 4. Dual Employment. No employee holding a full-time position with the Commonwealth may hold another state position except upon recommendation of the appointing authority and the written approval of the commissioner. A copy of such written approval and a statement of the reasons therefor shall be transmitted to the Governor and the Director of the Legislative Research Commission. A complete list of all employees holding more than one (1) state position shall be furnished to the

Legislative Research Commission quarterly by the commissioner.

Section 5. Resignations. An employee who desires to terminate his service with the state shall submit a written resignation to the appointing authority. Resignations shall be submitted at least fourteen (14) calendar days before the final working day. A copy of an employee's resignation shall be attached to the advice effecting the separation and be filed in the employee's service record in the department. Failure of an employee to give fourteen (14) calendar days notice with his resignation may result in forfeiture of accrued annual leave.

Section 6. Records and Reports. (1) The commissioner shall prescribe personnel action forms which appointing authorities shall use to report such personnel actions and status changes as he may require. The commissioner shall inform the appointing authorities which personnel actions and status changes must be reported to him. The appointing authority shall provide a copy of a personnel action form to the employee affected by such action.

(2) The commissioner shall maintain a leave record showing for each employee:

(a) Annual leave earned, used and unused;

(b) Sick leave earned, used and unused;

(c) Compensatory leave earned, used and unused; and

(d) Special leave or any other leave with or without pay. Such record shall be documentary evidence to support and justify authorized leave of absence with pay.

(3) The commissioner shall prepare and maintain a record of all employees showing for each employee his name, address, title of position, salary rate, changes in status, transfer, sick leave, annual leave and compensatory leave.

BOARD CERTIFICATE OF REVIEW:

This is to certify that pursuant to KRS 18A.110(5) the regulations listed below were submitted to the Personnel Board by the Commissioner of Personnel on June 28, 1990. The board at its special scheduled meeting on July 24, 1990, reviewed the department's proposals and made certain recommendations which were forwarded to the commissioner for his consideration. The regulations reviewed were as follows: 101 KAR 2:035 & E, 101 KAR 2:045 & E, 101 KAR 2:055 & E, 101 KAR 2:065 & E, 101 KAR 2:075 & E, 101 KAR 2:095 & E, 101 KAR 2:100 (amendment). This 24th day of July, 1990.

BENJAMIN J. HAYS, Vice-Chairman

(Note: Chairman Shake was not present at the 7/24/90 meeting. Vice-Chairman Hays chaired.)

THOMAS C. GREENWELL, Commissioner
APPROVED BY AGENCY: July 31, 1990
FILED WITH LRC: August 3, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
101 KAR 3:045E

This emergency regulation creates procedures required by KRS 18A.155 and governing the unclassified service; classification and compensation incentive systems in accordance with statutory requirements. This emergency regulation is necessary to permit continuity of governmental operations required by KRS 18A.155 and by Title II of the Intergovernmental Personnel Act of 1970, 42 U.S.C. §4701, et seq. and the federal regulations implementing the Act at 5 CFR, Part 900, Subpart F, §§900.601 to 900.606 as published in 48 FR 2909, March 4, 1983. This regulation is immediately necessary to permit the Commonwealth of Kentucky to remain eligible for federal financial and technical assistance through certification of policies and programs consistent with the applicable principles set forth in 42 U.S.C. §4701(3)(1-6). These include minimum and uniform standards of personnel administration in the subject matter covered by this regulation which would otherwise expire on July 13, 1990. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on August 3, 1990.

WALLACE G. WILKINSON, Governor
THOMAS C. GREENWELL, Commissioner

DEPARTMENT OF PERSONNEL

101 KAR 3:045E. Unclassified service; classification and compensation incentive systems.

RELATES TO: KRS 18A.155
STATUTORY AUTHORITY: KRS Chapter 13A, 18A.155
EFFECTIVE: August 3, 1990

NECESSITY AND FUNCTION: KRS 18A.155 requires the Commissioner of Personnel to submit to the Governor proposed administrative regulations for persons in positions enumerated in KRS 18A.115(1)(g), (h), (i), (j), (k), (p), (u) and (v). KRS 18A.155 further provides that these regulations shall be approved by the Governor. Nothing herein shall be construed to preclude the optional use of regulations promulgated under this section on behalf of employees enumerated in paragraphs (a), (b), (d), (e) and (q) of subsection (1) of KRS 18A.155 and on behalf of members of state boards and commissions who work on a full-time, salaried basis. This regulation complies with and implements this statutory provision and replaces 101 KAR 3:040.

Section 1. Classification Plan. (1) The commissioner shall, after consultation with the appointing authorities, prepare and recommend to the Governor a classification plan for adoption. The plan shall be based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. Each position shall be allocated to its proper class in the classification plan after consultation with appointing authorities. The classification plan shall include for each class of position an appropriate title, description of duties and responsibilities, and the required education, experience and other qualifications.

(2) The principles and provisions of 101 KAR 2:020 shall apply to positions in the unclassified service.

Section 2. Compensation Plan. (1) After consultation with appointing authorities and the Secretary of the Finance and Administration

Cabinet, develop a pay plan for all aforementioned employees in the unclassified service, taking into account such factors as:

(a) The relative levels of duties and responsibilities of various classes of positions;

(b) Rates paid for comparable positions elsewhere; and

(c) The state's financial resources.

Such pay plan shall become effective only after it has been approved by the Governor after submission to him by the commissioner through the Secretary of the Department of Finance. Amendments to the pay plan may be made in the same manner. Each employee shall be paid at one (1) of the rates set forth in the pay plan for the position in which he is employed.

(2) With the exception of the provision relating to probationary increments, and outstanding merit increases under 101 KAR 3:045, the principles and provisions of 101 KAR 2:035 shall apply to employees and positions in the unclassified service. An employee in the unclassified service who completes the initial six (6) month period following appointment with satisfactory performance may be granted a statutory increment at the beginning of the month following completion of such period.

(a) An employee who was eligible for but did not receive a five (5) percent salary advancement as the result of any of the following actions: promotional increase, reallocation, or class grade changes, on or after January 3, 1986, may have his salary adjusted upon request by the appointing authority and approval by the commissioner. In no case may the salary adjustment be made retroactive to the original effective date but shall be granted on the first of the month following approval of the increase.

(b) Inasmuch as the appointing authority has the option of not providing salary increases under this section, an eligible employee whose salary is not adjusted is not considered to have been penalized and therefore shall have no basis for appeal.

(3) Physicians, employed as such and pursuant to KRS 64.655, are exempted from the provisions of 101 KAR 2:035, Section 1, and may be appointed to any rate within the pay range when justified in writing by the appointing authority and approved by the commissioner.

Section 3. Educational Achievement Award. Upon request of the appointing authority and subject to the approval of the commissioner:

(1) An employee may receive one (1) lump sum educational achievement award per fiscal year for satisfactorily completing outside of work hours, 260 classroom hours (or the equivalent as determined by the commissioner) of job related instruction in approved courses. Approved courses must have been completed after an employee initially served six (6) months in state government. Employees shall not receive credit for hours taken while on educational leave, for hours paid for by the agency through tuition assistance, or for hours which previously counted toward an educational achievement award. The lump sum educational achievement award shall be ten (10) percent of the employee's annual base salary but not more than $2,500. The lump sum payment shall be granted only if the 260 classroom hours (or equivalent) have been completed within the past five (5) years prior to the effective date of the increase; or

(2) An employee may receive one (1) lump sum educational achievement award for earning an approved diploma, high school equivalency certificate, or a passing score on the G.E.D. test. The approved high school diploma, certificate, or passing score shall have been obtained by the state employee on or after January 1, 1984 while in state service. Employees receiving an approved high school diploma, high school equivalency certificate, or a passing score on the G.E.D. test shall receive a lump sum educational achievement award of ten (10) percent of their annual base salary but not more than $2,500. A high school level educational achievement award shall not be granted to employees who present new credentials but have previously:

(a) Received a high school diploma, high school equivalency certificate, or a passing score on the G.E.D. test; or

(b) Completed college course work on the undergraduate or graduate level.

(3) To apply for an educational achievement award an employee shall submit supporting documentation to the appointing authority or his designee a DPT Form 10 or its equivalent, demonstrating completion of 260 classroom hours (or the equivalent) together with official transcripts or grade reports for the courses completed. In compliance with the standards set forth in this section, the appointing authority may recommend the application for approval and may forward the documentation to the Commissioner of the Department of Personnel for final approval.

Section 4. Outstanding Merit Increase. (1) Subject to the approval of the commissioner and contingent upon the availability of sufficient budgeted funds, an appointing authority may within his sole discretion, recommend any full-time, unclassified employee whose service credit began prior to July 1, 1987 with at least twelve (12) months continuous service for an outstanding merit increase equal to three (3) percent of his base pay. An outstanding merit increase shall consist of a lump sum payment which shall not be added to base pay.

(2) An employee may be recommended for an outstanding merit increase if:

(a) His job performance is judged to be outstanding by the appointing authority; or

(b) In the discretion of the appointing authority, the employee's acts or ideas have resulted in significant financial savings or improvement in services to the Commonwealth and its citizens.

(3) An employee shall not be eligible for recommendation for an outstanding merit increase if he has received an outstanding merit increase within the preceding twelve (12) months.

BOARD CERTIFICATE OF REVIEW:

This is to certify that pursuant to KRS 18A.110(5) the regulations listed below were submitted to the Personnel Board by the Commissioner of Personnel on June 28, 1990. The board at its special scheduled meeting on July 24, 1990, reviewed the department's proposals and made certain recommendations which were forwarded to the commissioner for his consideration. The regulations reviewed were as follows: 101 KAR 2:035 & E, 101 KAR 2:045 & E, 101 KAR 2:055 & E, 101 KAR 2:065 & E, 101 KAR

2:075 & E, 101 KAR 2:095 & E, 101 KAR 2:100 (amendment). This 24th day of July, 1990.
BENJAMIN J. HAYS, Vice-Chairman
(Note: Chairman Shake was not present at the 7/24/90 meeting. Vice-Chairman Hays chaired.)

THOMAS C. GREENWELL, Commissioner
APPROVED BY AGENCY: July 31, 1990
FILED WITH LRC: August 3, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
105 KAR 1:010E

This administrative regulation sets the employer contribution rates for agencies participating in the Kentucky Retirement Systems. Benefit improvements were enacted by the 1990 General Assembly. On the recommendation of the actuary, the board of trustees has determined certain employer rates must be increased August 1, 1990 to fund the higher benefits of the systems in accordance with KRS 61.565. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 13, 1990.

WALLACE G. WILKINSON, Governor
JOHN D. ROBEY, Chairman

FINANCE & ADMINISTRATION CABINET
Kentucky Retirement Systems

105 KAR 1:010E. Contributions and interest rates.

RELATES TO: KRS 16.505 to 16.652, 61.510 to 61.705, 78.510 to 78.852
STATUTORY AUTHORITY: KRS 16.576, 16.640, 61.559, 61.645, 78.780
EFFECTIVE: August 1, 1990
NECESSITY AND FUNCTION: KRS 16.645, 61.565 and 78.545 require the board to determine the employer contribution rate based on an actuarial valuation. KRS 61.552 requires the board to adopt a rate of interest payable on a recontribution of refund. KRS 16.560, 61.575 and 78.640 provide that the board may determine the rate of interest payable on the members' contribution account. KRS 61.670 provides that the board shall adopt such actuarial tables as are necessary for the administration of the system. This regulation sets the employer contribution rates, and rate of interest on a recontribution of refund and member contribution account and establishes the actuarial tables for computation of retirement allowances for members of the Kentucky Employees Retirement System (KERS), County Employees Retirement System (CERS) and State Police Retirement System (SPRS).

Section 1. The employer contribution rate payable by a participating agency applicable to creditable compensation [earned on or after August 1, 1988,] shall be as follows:

KRS 61.565 State Police Retirement System - 20.31 [18.25]%
KRS 61.565 Kentucky Employees Retirement System - 7.45%
KRS 61.565 County Employees Retirement System - 7.68 [6.35]%
KRS 61.592 Kentucky Employees Retirement System - 15.05 [14]%
KRS 61.592 County Employees Retirement System - 15.43 [14]%

Section 2. Effective July 15, 1988, the interest rate on a recontribution of refund as provided under KRS 61.552 shall be as follows:
(1) For time elapsed from date of refund eight (8) percent compounded annually.
(2) The interest rate on recontribution of refund made by an employee who has been reinstated by order of the Personnel Board or by court order or by order of the Human Rights Commission shall be at the rate of zero percent, if the refund is recontributed within a reasonable period of time.

Section 3. The legal rate of interest as referenced in Section 7 of regulation 200 KAR 12:010 (a regulation relating to computing back pay after reinstatement) shall be the actuarial assumed interest rate set forth in Section 1 of 105 KAR 1:040.

Section 4. Interest creditable on a member's accumulated contributions in accordance with KRS 16.560, 61.575, and 78.640 shall be at the rate between two and one-half (2 1/2) percent and six (6) percent as determined by the board.

Section 5. Reduction factors to be applied to determine immediate annuity equivalent to annuity deferred to Normal Retirement age under KRS 16.577, 16.578, 61.595, 61.640 and 61.680 shall be as provided in Table G, unless the provisions of subsections (1) through (5) of this section are applicable and result in a higher percentage payable:
(1) A SPRS, CERS Hazardous or KERS Hazardous duty member who is age fifty (50) or older and would attain twenty (20) years of service (fifteen (15) years of which would be current service) prior to age fifty-five (55), if his employment had continued shall have his retirement benefit computed based on the appropriate factors as follows:

TABLE A

Years Required to Complete 20 Years Service	Percentage Payable
1	94.5%
2	89.0%
3	83.5%
4	78.0%
5	72.5%

(2) A KERS or CERS nonhazardous member who is age fifty-five (55) or older and would attain twenty-seven (27) [thirty (30)] years of service (fifteen (15) years of which would be current service) prior to age sixty-five (65) if employment were continued shall have benefits computed using the appropriate factor as follows:

TABLE B

Years Required to Complete 27 [30] Years Service	Percentage Payable
0	100.0%
1	95.0%
2	90.0%

3	85.0%
4	80.0%
5	75.0%
6	71.0%
7	67.0%
8	63.0%
9	59.0%
10	55.0%

(3) A KERS or CERS nonhazardous member who dies prior to age fifty-five (55) or who retires prior to age fifty-five (55) with twenty-five (25) or more years of service (at least fifteen (15) of which are current service) shall have benefits computed using the appropriate factor as follows:

TABLE C

Years Required to Complete 27 [30] Years Service	Percentage Payable
0	100.0%
1	95.0%
2	90.0%
[3	85.0%]
[4	80.0%]
[5	75.0%]

(4) A KERS or CERS nonhazardous member with less than twenty-five (25) years of service who dies prior to age fifty-five (55) or who retires prior to age fifty-five (55) based on TRS, SPRS, CERS Hazardous or KERS Hazardous Early retirement eligibility, and would have attained twenty-seven (27) [thirty (30)] or more years of service (fifteen (15) of which would be current service) on or before reaching his 65th birthday, if employment were continued, shall have benefits computed by first multiplying his deferred benefit by the percentage payable as determined from Table B based on the number of years required to complete twenty-seven (27) [thirty (30)] years of service and then multiply this result by the percentage payable as determined from Table D based on said member's age at the time of death or early retirement.

TABLE D

Years Prior to Age 55	Percentage Payable
1	97.0%
2	94.0%
3	91.0%
4	88.0%
5	85.0%
6	82.0%
7	79.0%
8	76.0%
9	73.0%
10	70.0%

(5) A SPRS, CERS Hazardous or KERS Hazardous member who dies prior to age fifty (50) and would have attained twenty (20) or more years of service (fifteen (15) of which would be current service) on or before reaching his 55th birthday, if employment were continued, shall have benefits payable as determined from Table E based on the number of years required to complete twenty (20) years of service and then multiply this result by the percentage payable as determined from Table F based on said member's age at the time of death.

TABLE E

Years Required to Complete 20 Years Service	Percentage Payable
0	100.0%
1	95.0%
2	90.0%
3	85.0%
4	80.0%
5	75.0%
6	71.0%
7	67.0%
8	63.0%
9	59.0%
10	55.0%

TABLE F

Years Prior to Age 50	Percentage Payable
1	97.0%
2	94.0%
3	91.0%
4	88.0%
5	85.0%
6	82.0%
7	79.0%
8	76.0%
9	73.0%
10	70.0%

TABLE G

Early Age	Normal Retirement Age 65	55
64	95.0%	
63	90.0%	
62	85.0%	
61	80.0%	
60	75.0%	
59	71.0%	
58	67.0%	
57	63.0%	
56	59.0%	
55	55.0%	
54	51.3%	94.5%
53	47.9%	89.0%
52	44.9%	83.5%
51	42.1%	78.0%
50	39.5%	72.5%
49	37.1%	68.8%
48	34.9%	65.2%
47	33.0%	61.7%
46	31.3%	58.2%
45	29.9%	54.7%
44	28.7%	51.3%
43	27.6%	47.9%
42	26.7%	44.9%
41	25.8%	42.1%
40	25.1%	39.5%
39	24.4%	37.1%
38	23.8%	34.9%
37	23.2%	33.0%
36	22.5%	31.3%
35	21.9%	29.9%
34	21.2%	28.7%
33	20.6%	27.6%
32	20.0%	26.7%
31	19.5%	25.8%

30	19.0%	25.1%
29	18.5%	24.4%
28	18.0%	23.8%
27	17.5%	23.2%
26	17.0%	22.5%
25	16.5%	21.9%

The member's exact age in years and months shall be determined and the above factors shall be used to extrapolate in order to determine the appropriate factors.

(6)(a) Benefits paid in the event of death prior to retirement pursuant to subsection (1) through (5) of this section, shall be: determined by "Contingent Annuity Factors," "Integrated Survivor Factors" and "Ten Year Certain Factors"; and (2) reduced as required by KRS 61.640.

(b) "Contingent Annuity Factors," "Integrated Survivor Factors" and "Ten Year Certain Factors", effective July 14, 1990 are incorporated by reference in this administrative regulation. These factors may be read or copied at the Kentucky Retirement Systems, Perimeter Park West, 1260 Louisville Road, Frankfort, Kentucky. [reduced as required by KRS 61.640 and as determined in "Contingent Annuity Factors," "Integrated Survivor Factors" and "Ten Year Certain Factors" incorporated herein by reference in this regulation.]

JOHN D. ROBEY, Chairman
APPROVED BY AGENCY: June 18, 1990
FILED WITH LRC: August 1, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
201 KAR 14:100E

Comes the Kentucky Board of Barbering (hereinafter the board) pursuant to KRS 13A.190 and makes the following statement of explanation in support of the attached emergency regulation. During recent months the board has been engaged in negotiations with the Federal Trade Commission pursuant to the commission's having contacted the Kentucky Board of Barbering and suggesting that the existing version of this administrative regulation may be violative of the federal trade statutes. In the absence of this emergency regulation, the Kentucky Board of Barbering will in all likelihood be involved in imminent litigation with the Federal Trade Commission over an interpretation of the existing regulations. The Kentucky Board of Barbering does not believe that preservation of the existing regulation would be meritorious in light of the legal ramifications of the Federal Trade Commission's position with respect to the anticompetitive nature of the existing regulation. This emergency regulation will be replaced by an ordinary administrative regulation.

WALLACE G. WILKINSON, Governor
DOUGLAS CLAPPER, Administrator

GENERAL GOVERNMENT CABINET
Kentucky Board of Barbering

201 KAR 14:100E. School advertising.

RELATES TO: KRS 317.410, 317.440, 317.450
STATUTORY AUTHORITY: KRS 317.430, 317.440
EFFECTIVE: July 23, 1990

NECESSITY AND FUNCTION: School advertising.

Section 1. Schools shall not advertise by any means that are knowingly false such as by the use of deceptive statements and false promises which act as inducements in an effort to get the students to enter said schools.

[Section 2. No prices for services rendered to patrons shall be advertised in newspapers or in the form of handbills, etc., outside the school.]

Section 2. [3.] Student equipment and books may, or may not, be supplied by the students, depending upon each individual school, but school advertisements must show what is to be furnished to the students.

Section 3. [4.] A school of barbering must display in the reception room and in the work room a sign to read "School of Barbering - Work Done Exclusively by Students." The letters on this sign must be large enough to be read from the opposite end of the room.

Section 4. [5.] No school is permitted to advertise professional work or guarantee students' work.

Section 5. [6.] A school is allowed to advertise under the description of a school operating for teaching purposes only.

Section 6. [7.] Schools are forbidden to advertise positions or guarantee future employment to students.

DOUGLAS CLAPPER, Administrator
APPROVED BY AGENCY: July 5, 1990
FILED WITH LRC: July 23, 1990 at 11 a.m.

STATEMENT OF EMERGENCY
201 KAR 14:130E

Comes the Kentucky Board of Barbering (hereinafter the board) pursuant to KRS 13A.190 and makes the following statement of explanation in support of the attached emergency regulation. During recent months the board has been engaged in negotiations with the Federal Trade Commission pursuant to the commission's having contacted the Kentucky Board of Barbering and suggesting that the existing version of this administrative regulation may be violative of the federal trade statutes. In the absence of this emergency regulation, the Kentucky Board of Barbering will in all likelihood be involved in imminent litigation with the Federal Trade Commission over an interpretation of the existing regulations. The Kentucky Board of Barbering does not believe that preservation of the existing regulation would be meritorious in light of the legal ramifications of the Federal Trade Commission's position with respect to the anticompetitive nature of the existing regulation. This emergency regulation will be replaced by an ordinary administrative regulation.

WALLACE G. WILKINSON, Governor
DOUGLAS CLAPPER, Administrator

GENERAL GOVERNMENT CABINET
Kentucky Board of Barbering

201 KAR 14:130E. School fees for services.

RELATES TO: KRS 317.410, 317.440
STATUTORY AUTHORITY: KRS 317.430, 317.440
EFFECTIVE: July 23, 1990
NECESSITY AND FUNCTION: This regulation establishes school fees and services.

Section 1. A copy of such prices must be posted on a card in each room of the barber school where work is done on the public. Price lists must be printed in type large enough to be read at a distance of ten (10) feet.

[Section 2. A barber school is not permitted to operate as a barber shop. A list of services and prices charged shall be submitted to the board for approval. The board shall have the right to approve or disapprove the submitted price list.]

Section 2. [3.] Barber schools shall not be permitted to charge students additional fees for demonstrations, nor shall any supply house or manufacturer be permitted to charge students fees for such demonstrations.

DOUGLAS CLAPPER, Administrator
APPROVED BY AGENCY: July 5, 1990
FILED WITH LRC: July 23, 1990

STATEMENT OF EMERGENCY
201 KAR 14:140E

Comes the Kentucky Board of Barbering (hereinafter the board) pursuant to KRS 13A.190 and makes the following statement of explanation in support of the attached emergency regulation. During recent months the board has been engaged in negotiations with the Federal Trade Commission pursuant to the commission's having contacted the Kentucky Board of Barbering and suggesting that the existing version of this administrative regulation may be violative of the federal trade statutes. In the absence of this emergency regulation, the Kentucky Board of Barbering will in all likelihood be involved in imminent litigation with the Federal Trade Commission over an interpretation of the existing regulations. The Kentucky Board of Barbering does not believe that preservation of the existing regulation would be meritorious in light of the legal ramifications of the Federal Trade Commission's position with respect to the anticompetitive nature of the existing regulation. This emergency regulation will be replaced by an ordinary administrative regulation.

WALLACE G. WILKINSON, Governor
DOUGLAS CLAPPER, Administrator

GENERAL GOVERNMENT CABINET
Kentucky Board of Barbering

201 KAR 14:140E. School license.

RELATES TO: KRS 317.440, 317.450
STATUTORY AUTHORITY: KRS 317.410, 317.430, 317.440
EFFECTIVE: July 23, 1990
NECESSITY AND FUNCTION: This regulation sets forth rules for licensing a barber school.

Section 1. Each person making application for a license to operate a barber school is required to submit to the board satisfactory evidence as to the financial responsibility and character of the persons interested in operating such a school; literature and advertising material pertaining to the school; samples of each form of record used to conduct the business of the school, including progress reports, hour sheets, and "sign-in" sheets; and a copy of the contract with the student and term or lease.

Section 2. Application for license to operate a school of barbering must be accompanied by a floor plan of proposed premises, showing the arrangements of the classroom, the placing of equipment, the location of gas and electric outlets, and the entrance and exits.

Section 3. A license to operate a barber school is valid only for the location named in the license and is not transferable.

[Section 4. Barber schools shall not be permitted to operate any other business in connection with the school and if a school does operate a business after being licensed, the license shall be revoked as provided in KRS Chapter 317.]

Section 4. [5.] Any person, establishment, firm or corporation which accepts, directly or indirectly, compensation for teaching persons as defined in KRS 317.410 shall be classified as a barber school and will be required to comply with all the provisions of the laws and the rules and regulations of the board.

Section 5. [6.] A copy of the laws and regulations concerning the licensing of barbers must be available to all students.

Section 6. [7.] Any barber school owner or manager found guilty by the board of willfully or fraudulently misrepresenting facts to the board concerning any information regarding his or her school, will have their license to operate a barber school revoked as provided in KRS Chapter 317.

DOUGLAS CLAPPER, Administrator
APPROVED BY AGENCY: July 5, 1990
FILED WITH LRC: July 23, 1990 at 11 a.m.

STATEMENT OF EMERGENCY
302 KAR 1:055E

This emergency regulation establishes the procedures for conducting the Kentucky Milk Producer's Referendum authorized by HB 503 enacted by the 1990 Regular Session. HB 503 provides that at any time after the effective date of the Act, any existing association which is fairly representative of the milk producers of Kentucky may request certification for conducting a producer assessment referendum. HB 503, Section 9, provides that the commissioner shall promulgate rules and regulations for holding the referendum according to the provisions of the Act. In order to establish the regulations required by the Act and to permit

application at any time after the effective date of the Act for certification of the referendum, the procedures established in this emergency administrative regulation must be in place immediately. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on May 30, 1990.

WALLACE G. WILKINSON, Governor
WARD "BUTCH" BURNETTE, Commissioner

GENERAL GOVERNMENT CABINET
Department of Agriculture

302 KAR 1:055E. Milk referendum.

RELATES TO: HB 503
STATUTORY AUTHORITY: HB 503
EFFECTIVE: July 27, 1990
NECESSITY AND FUNCTION: HB 503 of the 1990 Regular Session authorizes the commissioner to establish and determine the rules and regulations to conduct a referendum among producers of milk on a commercial basis for the purpose of promoting and stimulating by educational and applied research programs, the increased production of milk in this state.

Section 1. Definitions. As used in these rules and regulations, unless the context requires otherwise:
(1) "Commissioner" means the Commissioner of Agriculture.
(2) "Board" means the State Board of Agriculture.
(3) "Producer" means every person who produces milk and causes the same to be marketed as milk.
(4) "Person" means any individual, corporation or partnership, association, cooperative, or other business entity.
(5) "Referendum agent" means an employee of the State Department of Agriculture under the direct control of the Commissioner of Agriculture.
(6) "County referendum agent" means an appointed person by the Commissioner of Agriculture in a county where the milk producer referendum is held, as his agent for the conduct of the referendum.
(7) "Kentucky Milk Producers Association" means an existing association, representative of the producers of milk on a commercial basis in this state.
(8) "Association" means any commission, council, board or other body.

Section 2. Counties in Which Referendum Will Be Conducted. The milk producers referendum will be conducted in all of the 120 counties in Kentucky.

Section 3. Who May Vote. (1) Each person engaged in the production of milk on a commercial basis, including owners of farms on which milk is produced on a commercial basis, tenants and sharecroppers sharing in the proceeds of the milk production shall be eligible to cast one (1) vote in the referendum, provided the producer is eighteen (18) years of age or older.
(2) Without limiting subsection (1) of this section, each person whose name regularly appears on checks issued in payment for the sale of milk is eligible to cast one (1) vote in the referendum regardless of the ownership of the farm upon which the milk was produced. No person who certifies to the county referendum agent that he is a producer of milk shall be refused a ballot, but the person may be required to furnish the county referendum agent with information specific enough for the commissioner to verify the person's voting eligibility before the ballot is counted in the referendum.

Section 4. Voting Places. The commissioner shall establish a voting place in each county within the state where producers of milk reside. The voting place shall be in the county extension service office in each county where the referendum is conducted. The referendum agent shall provide an area where each voter can mark his ballot in privacy. Only one (1) voter shall be permitted in the voting area while voting. One (1) or more county referendum agents may be permitted in each voting place for the purpose of conducting the referendum. The county referendum agent shall be in charge of and be responsible for the voting area. Campaigning for or against the referendum will not be permitted in the county extension service office during voting hours.

Section 5. Voting Hours. The voting places will be open from 9 a.m. to 3 p.m local time and eligible voters will be permitted to vote only during that period of time or by absentee ballot as set forth in Section 6 of this regulation. Voters will be permitted to vote only in the county of their residence or in the case of a corporate producer in the county where its principal place of business is located.

Section 6. Absentee Voting. Voting by absentee ballot will be permissible; provided, that a request for an absentee ballot is made in writing to the commissioner at least ten (10) days in advance of the referendum voting date. The absentee ballot must be signed and returned to the commissioner on or before the referendum voting date.

Section 7. Referendum Voting Date. The milk producers referendum voting date will be set by the commissioner after certification of the referendum. The date determined for the referendum, the hours and polling places for voting, the effective date of the assessment, if adopted, the amount and basis of the assessment proposed to be collected, the means by which the assessment shall be collected, and the general purposes to which the assessment shall be applied, will be published by the commissioner through the medium of the public press in the Commonwealth of Kentucky at least thirty (30) days before the date of the referendum, and direct written notice of the referendum date will be given to each county referendum agent.

Section 8. Supervision of Referendum and Duties of County Referendum Agent. The commissioner shall provide the county referendum agent with a copy of these rules and regulations. Each county referendum agent shall have in his possession and under his control a ballot box and the approved ballot forms, indelible marking pens and other supplies sufficient to operate each voting place as established in Section 4 of this regulation.

Each prospective voter shall identify himself to the county referendum agent; and the voter will be required to sign a registration book giving his name, complete mailing address and telephone number. The registration book shall be maintained by the county referendum agent. Upon signing the registration book, each prospective voter will receive an approved ballot form from the county referendum agent. The ballot form, after it has been completed by the voter, shall be placed in the ballot box.

Section 9. Approved Ballot Forms. The commissioner shall furnish each county referendum agent in advance with official ballot forms. The official ballot forms shall state the question to be presented to the voters. The question presented shall show that the milk producer is voting on whether or not the milk producer is in favor of the collection by the Kentucky Milk Producers Association of an assessment for the purpose of financing a promotional and educational program to stimulate applied research and increase the production of milk. The assessment collected by the purchasers of milk will be sent to the Kentucky Milk Producers Association to be used as provided in House Bill 503. The assessment to be deducted from the payment for milk delivered after October 1, 1990, is 0.15 of one (1) percent of the value of the milk sold by the producer.

Section 10. Custody of Ballot Box and Referendum Material. Each county referendum agent shall provide a ballot box large enough to enclose all ballots cast in the referendum and to protect the ballots to ensure that the information on the ballots is held in confidence. The county referendum agent shall mail to the Department of Agriculture, all marked ballots and registration books used for the referendum. The ballots and registration books shall be mailed in a properly secured manila envelope or folder.

Section 11. Confidential Information. All ballots cast, the identity of any person who voted, or the manner in which the person voted, and all information furnished to, compiled by or in the possession of the commissioner, the county referendum agent, shall be regarded as confidential. The commissioner shall retain the records, the ballots, the results of the referendum, and all other information furnished to or compiled by the commissioner in regard to the referendum for a period of twelve (12) months.

Section 12. Counting of Votes. Within five (5) days after the referendum, the commissioner shall designate an area within the department's office to be used for counting the votes cast and the referendum. The vote count shall be conducted by employees of the department, but the Kentucky Milk Producers Association, and any organization actively engaged in the production of milk in Kentucky, may each have one (1) representative present during the counting of the votes. The organization shall establish, to the satisfaction of the commissioner, that its desire to observe the counting of the ballots is for a legitimate purpose.

Section 13. Announcement of Referendum Results. Announcement of the results of the referendum will be made only by the commissioner. The referendum agent or others who assist in the referendum shall not disclose any information in regard to the referendum. The commissioner will announce the results within ten (10) days after the referendum.

Section 14. Referendum Costs. All costs and expenses incurred by the commissioner in connection with the referendum shall be borne by the association conducting the referendum. The commissioner shall notify the association of all documented costs and expenses incurred in conducting the referendum including mailing and shipping costs, within ninety (90) days of the date the results the referendum are announced by the commissioner.

Section 15. Affirmative Vote. An assessment approved by an affirmative vote as defined by Section 14 of the Act, shall be collected and remitted to the association on or before the final day of the month following the end of the month in which the commodity is sold to the purchaser in the manner determined and announced by the association conducting the referendum.

Section 16. Subsequent Referendum. Any subsequent referendum among the producers which provides that the eligible producers may vote with regard to whether the milk producer assessment approved by affirmative vote shall be continued or terminated shall be conducted in accord with the provisions of this regulation. Except that the official ballots shall show that the question to be presented is whether the assessment of 0.15 of one (1) percent of the value of milk sold by the producer in the state shall be terminated after the last day of the month in which the referendum is held.

WARD "BUTCH" BURNETTE, Commissioner
APPROVED BY AGENCY: July 25, 1990
FILED WITH LRC: July 27, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
302 KAR 1:070E

This emergency regulation establishes the procedures for conducting the Kentucky Corn Producer's Referendum authorized by HB 584 enacted by the 1990 Regular Session. HB 584 provides that at any time after the effective date of the Act, any existing association which is fairly representative of the corn producers of Kentucky may request certification for conducting a producer assessment referendum. HB 584, Section 10 provides that the commissioner shall promulgate rules and regulations for holding the referendum according to the provisions of the Act. In order to establish the regulations required by the Act and to permit application at any time after the effective date of the Act for certification of the referendum, the procedures established in this emergency administrative regulation must be in place immediately. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on May 30, 1990.

WALLACE G. WILKINSON, Governor
WARD "BUTCH" BURNETTE, Commissioner

GENERAL GOVERNMENT CABINET
Department of Agriculture

302 KAR 1:070E. Corn referendum.

RELATES TO: HB 584
STATUTORY AUTHORITY: HB 584
EFFECTIVE: July 27, 1990
NECESSITY AND FUNCTION: HB 584 of the 1990 Regular Session authorizes the commissioner to establish and determine the rules and regulations to conduct a referendum among producers of corn for the purpose of promoting and stimulating by utilization research, market maintenance and expansion and education, the existing use and sale, domestic and foreign of corn and corn products.

Section 1. Definitions. As used in these rules and regulations, unless the context requires otherwise:
(1) "Commissioner" means the Commissioner of Agriculture;
(2) "Board" means the State Board of Agriculture;
(3) "Corn" means all kinds and varieties of corn except sweet corn and ornamental corns;
(4) "Producer" means every person who produces and markets corn;
(5) "New producer" means a producer who was not engaged in the business of producing corn at the time the referendum was conducted in accordance with the provisions of this Act;
(6) "Person" means any individual, corporation, partnership, association, cooperative, or other business entity;
(7) "Marketing year" means the twelve (12) month period from September 1 to August 31 of the following year;
(8) "Market" means any quantities that are sold, bartered or for which other items of value are exchanged;
(9) "Referendum agent" means an employee of the State Department of Agriculture under the direction of the Commissioner of Agriculture;
(10) "County referendum agent" means an appointed person by the Commissioner of Agriculture in a county where the corn referendum is held, as his agent for the conduct of the referendum;
(11) "Kentucky Corn Growers Association" means an existing association, representative of the corn producers of Kentucky;
(12) "Marketed" means any quantity of corn that is sold, bartered, or for which other items of value are exchanged in the state;
(13) "Bushel" means fifty-six (56) pounds of corn by weight or as otherwise defined by the United States Department of Agriculture.

Section 2. State-wide Referendum. The corn producers referendum will be conducted in all of the 120 counties in Kentucky.

Section 3. Who May Vote. (1) Each person engaged in the production of corn on a commercial basis, including owners of farms on which corn is produced, and tenants and sharecroppers sharing in the proceeds of corn shall be eligible to cast one (1) vote in the referendum, provided the producer is eighteen (18) years of age or older.
(2) Without limiting subsection (1) of this section, each person whose name regularly appears on checks issued in payment for the sale of corn is eligible to cast one (1) vote in the referendum regardless of the ownership of the farm upon which corn was produced. No person who certifies to the county referendum agent that he is a producer of corn shall be refused a ballot, but the person may be required to furnish the county referendum agent with information specific enough for the commissioner to verify the person's voting eligibility before the ballot is counted.

Section 4. Voting Place. The commissioner shall establish a voting place in each county within the state where producers of corn reside. The voting place shall be in the county extension service office in each county where the referendum is conducted. The referendum agent shall provide an area where each voter can mark his ballot in privacy. Only one (1) voter shall be permitted in the voting area at one time. One (1) or more county referendum agents shall be permitted in each voting place for the purpose of conducting the referendum. The county referendum agent shall be in charge of and be responsible for the voting area. Campaigning for or against the referendum will not be permitted in the county extension service office during voting hours.

Section 5. Hours of Voting. The voting places will be open from 9 a.m. to 3 p.m. local time and eligible voters will be permitted to vote only during that period of time or by absentee ballot as set forth in Section 6 of this regulation. Voters will be permitted to vote only in the county of their residence or in the case of a corporate producer in the county where its principal place of business is located.

Section 6. Absentee Voting. Voting by absentee ballot will be permissible; provided, that a request for an absentee ballot is made in writing to the commissioner at least ten (10) days in advance of the referendum voting date. The absentee ballot must be signed and returned to the commissioner on or before the referendum voting date.

Section 7. Referendum Voting Date. The corn producers referendum voting date will be set by the commissioner after certification of the referendum. The date determined for the referendum, hours and polling places, the effective date of the assessment, if adopted, the amount and basis of the assessment proposed to be collected, the means by which the assessment will be collected and the general purposes to which the assessment shall be applied will be published by the commissioner through the medium of the public press in the Commonwealth of Kentucky at least thirty (30) days before the date of the referendum, and direct written notice of the referendum date shall be given to each county referendum agent.

Section 8. Supervision of Referendums and Duties of County Referendum Agent. The commissioner shall provide the county referendum agent with a copy of these rules and regulations. Each county referendum agent shall have in his possession and under his control a ballot box and the appropriate ballot forms, indelible marking pens, and other supplies sufficient to operate each voting place as established in Section 4 of this regulation.

Each prospective voter shall identify himself to the county referendum agent; and the voter will be required to sign a registration book giving his name, complete mailing address, and telephone number. The registration book shall be maintained by the county referendum agent. Upon signing the registration book, each prospective voter will receive an approved ballot form from the county referendum agent. The official ballot, after it has been completed by the voter, shall be placed in the ballot box.

Section 9. Approved Ballot Forms. The commissioner shall furnish each county referendum agent in advance with official ballot forms. The official ballot forms shall state the question to be presented to the voters. The question presented shall show that the corn producer is voting on whether or not the corn producer is in favor of the collection by the Kentucky Corn Growers Association of an assessment for the purpose of financing a promotional program to stimulate by utilization research, marketing maintenance and expansion, and education, the increase use and sale, domestic and foreign of corn and corn products and for the prevention, modification, or elimination of trade barriers which obstruct the free flow of corn and corn products to market. The assessment collected by the purchasers of corn or corn products will be sent to the Kentucky Corn Growers Association to be used as provided in House Bill 584. The assessment to be deducted from the payment for corn delivered after October 1, 1990, in the following amount for a marketing year which is September 1 to August 31 of the following year; one-quarter (0.25) percent per bushel.

Section 10. Custody of Ballot Box and Referendum Material. Each county referendum agent shall provide a ballot box large enough to enclose all ballots cast in the referendum and to protect the ballots to ensure that the information on the ballots is held in confidence. The county referendum agent shall mail to the Department of Agriculture, all marked ballots and registration books used for the referendum. The ballots and registration books shall be mailed in a properly secured manila envelope or folder.

Section 11. Confidential Information. All ballots cast, the identity of the person who voted, or the manner in which any person voted, and all information furnished to, compiled by or in the possession of the commissioner, the county referendum agent, shall be regarded as confidential. The commissioner shall retain the records, the ballots, the results of the referendum, and all other information furnished to or compiled by the commissioner in regard to the referendum for a period of twelve (12) months.

Section 12. Counting of Votes. Within five (5) days after the referendum, the commissioner shall designate an area within the department's office to be used for counting the votes cast in the referendum. The vote count shall be conducted by employees of the department, but the Kentucky Corn Growers Association, and any organization actively engaged in the production of corn or corn products in Kentucky, may each have one (1) representative present during the counting of the votes. The organization shall establish, to the satisfaction of the commissioner, that its desire to observe the counting of the ballots is for a legitimate purpose.

Section 13. Announcement of Referendum Results. Announcement of the results of the referendum will be made only by the commissioner. The referendum agent or others who assist in the referendum shall not disclose any information in regard to the referendum. The commissioner will announce the results within ten (10) days after the referendum.

Section 14. Referendum Costs. All costs and expenses incurred by the commissioner in connection with the referendum shall be borne by the association conducting the referendum. The commissioner shall notify the association of all documented costs and expenses incurred in conducting the referendum including mailing and shipping costs, within ninety (90) days of the date the results of the referendum are announced by the commissioner.

Section 15. Affirmative Vote. An assessment approved by an affirmative vote as defined by Section 13 of the Act, shall be collected and remitted on or before the fifteenth day of the month following the end of the month in which the corn is sold to the purchaser in the manner determined and announced by the association conducting the referendum.

Section 16. Subsequent Referendum. Any subsequent referendum among the producers which provides that the eligible producers may vote with regard to whether the corn producer assessment approved by affirmative vote should be continued or terminated shall be conducted in accord with the provisions of this regulation. Except that the official ballots shall show that the question to be presented to the voters is whether or not the one-fourth (1/4) of one (1) percent assessment on the gross marketed price per bushel on the corn marketed in the state shall continue after the market year in which the referendum is conducted.

WARD "BUTCH" BURNETTE, Commissioner
APPROVED BY AGENCY: July 25, 1990
FILED WITH LRC: July 27, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
401 KAR 6:320E

This emergency administrative regulation establishes requirements for certification of water well drillers. In order to ensure that no interruption in the ability of the cabinet to certify water well drillers, as required by KRS Chapter 223, occurs, it is necessary to promulgate this as an emergency regulation. The existing regulation, 401 KAR 6:300, that contains certification requirements was identified as deficient by the legislative subcommittee due to the fees for water well drillers. This defect was cured by enactment of HB 830, which goes into effect July 13, 1990 and reduced certain fees. This emergency regulation repromulgates the part of the regulation which was not found objectionable and also carries out the mandates of SB 194, pertaining to

certification of water well drillers, and HB 830. An ordinary administrative regulation would not suffice since the cabinet would have no regulations for certification of water well drillers for several months. This emergency administrative regulation shall be replaced by an identical ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 6:320E. Certification of water well drillers

RELATES TO: KRS 223.400 through 223.460, 223.991, Chapter 224
STATUTORY AUTHORITY: KRS 223.420, 223.425, 224.020, SB 194 (1990), HB 830 (1990)
EFFECTIVE: July 20, 1990
NECESSITY AND FUNCTION: This regulation provides for the certification of water well drillers, including the requirements for applications, examinations, and a fee schedule. These fees will partially reimburse the Cabinet's expenses for this program. The implementation of this fee schedule is required by HB 830 (1990).

Section 1. Examinations. (1) The water well drillers certification examination shall consist of three (3) parts:
(a) The National Water Well Association's Drillers Certification examination;
(b) The Kentucky Water Well Drillers Certification examination, which covers Kentucky's water well construction regulations; and
(c) One (1) or more of the following National Water Well Association's specialty examinations, covering the type of drilling for which the applicant wishes to be certified:
1. Cabel tool drilling in rock;
2. Cable tool drilling in unconsolidated material;
3. Air rotary drilling in rock;
4. Air rotary drilling in unconsolidated material;
5. Mud rotary drilling in rock;
6. Mud rotary drilling in unconsolidated material;
7. Reverse rotary drilling in unconsolidated material;
8. Jetting and driving wells in unconsolidated material;
9. Boring and augering wells in unconsolidated material; and
10. Monitoring well construction.
(2) The cabinet will administer examinations only to a qualified applicant who has:
(a) Submitted an approved complete application; and
(b) Has met all requirements of KRS 223.425.
(3) The cabinet will certify only those applicants who pass the examination listed in subsection (1)(c) of this section for each type of drilling for which they seek certification. Monitoring well drillers shall pass the examination for each type of drilling for which they seek certification listed in subsection (1)(c) of this section and the examinations for monitoring well construction listed in subsection (1)(c)10 of this section. In addition prior to certification each driller shall pass the examinations listed in subsections (1)(a) and (b) of this section. A score of seventy (70) percent or better on each examination shall be required to pass. Each examination may be repeated as often as necessary.
(4) No person shall construct a monitoring well after January 1, 1991 without an approved certification. No person shall construct any other type of water wells without an approved certificate.
(5) The cabinet will schedule examinations as necessary.

Section 2. Fees. (1) An application fee of twenty-five (25) dollars shall be submitted with each application.
(2) An examination fee of forty (40) dollars shall be submitted prior to examination.
(3) The certification fee shall be 100 dollars.
(4) The certification renewal fee shall be 100 dollars.
(5) Fees shall be paid by a check or money order made payable to the Kentucky State Treasurer.

Section 3. Expiration and Renewal of Certificates. (1) Certificates are valid from date of issuance until the following June 30. Certificates shall be renewed on July 1 of each year.
(2) If the certificate renewal fee is not received within sixty (60) days of the renewal date of July 1, certification shall expire. Expired certificates may be renewed without examination within two (2) years, if the renewal fee is paid and all other statutory and regulatory requirements have been met.

Section 4. Wall Certificates and Wallet Cards. (1) The cabinet will provide certified drillers with wall certificates and wallet cards. Wallet cards shall be carried by the driller while at the job site.
(2) The cabinet will provide wallet cards for rig operators for use during a certified driller's absence from the job site upon submission of a complete application by the certified driller. These cards shall be carried by the rig operators while at the job site.

Section 5. Repeal. 401 KAR 6:300, entitled Water well drillers certification; examination; fees, is hereby repealed.

CARL H. BRADLEY, Secretary
FRANK DICKERSON, Commissioner
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 20, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
401 KAR 8:010E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been

administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:010E. Definitions.

RELATES TO: KRS Chapters 223, 224, 40 CFR 141.2
STATUTORY AUTHORITY: KRS Chapter 223, 224.032, 224.033; Public Law 93-523, The Safe Drinking Water Act, as amended in 1986 and by the Lead Contamination and Control Act of 1988, Public Law 100-572; 42 U.S.C.A. 300f, 300g, 300j.
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. The purpose of this regulation is to define terms used by the cabinet in regulation of public and semipublic drinking water supplies pursuant to KRS Chapter 224 and Public Law 93-523, as amended, as well as to regulate certification of public water system operators pursuant to KRS chapter 223. This regulation repeals and replaces 401 KAR 6:015, Section 1; 401 KAR 6:040, Section 1; and 401 KAR 6:060, Section 1.

Section 1. The following definitions shall apply to 401 KAR Chapter 8:

(1) "Approved source" means the source(s) of the water whether it be from a spring, well, public water system, or any other source that has been sampled and the water analyzed, and found to be of a safe and sanitary quality and quantity in accordance with 401 KAR 8:010 through 401 KAR 8:700, inclusive.

(2) "Auxiliary intake" means any piping connection or other device whereby raw water may be secured for treatment from a location or source other than the intake which is normally used.

(3) "Best Available Technology" or "BAT" means the best technology, treatment techniques, or other means which the cabinet finds, after examination for efficacy under field conditions, and not solely under laboratory conditions, are available to the public water system (taking cost into consideration). For the purposes of setting maximum contaminant levels for synthetic organic chemicals, any BAT shall be at least as effective as granular activated carbon.

(4) "Blood lead level or PbB level" means the concentration of lead in the blood as measured in micrograms of lead per deciliter of blood (mg/dl).

(5) "Board" means the Kentucky Board of Certification of Water Treatment Plant and Water Distribution System Operators.

(6) "Boil water advisory" or "consumer advisory" means a notice to the consuming public through radio, television, direct mail, posting, newspaper or other media to convey to the consuming public in the quickest manner possible information that water provided by a system may cause adverse human health effects if consumed. Such advisory shall include information concerning all actions which should be taken by the affected public.

(7) "Boil water notice" means a notice to the consuming public through radio, television, direct mail, posting, newspaper or other media to convey to said consuming public in the quickest manner possible information that water provided by a system is unfit for human consumption unless first boiled for two minutes at a rolling boil.

(8) "Bottled water" means water that is from an approved bottled water treatment plant and is placed in a sealed container or package and is offered for human consumption or other consumer uses.

(9) "Bottled water system" means a water system which provides bottled drinking water. The term includes, but is not limited to, the sources of water, and treatment, storage, bottling, manufacturing, or distribution facilities. The term excludes a public water system which provides only a source of water supply for a bottled water system and excludes an entity providing only transportation, distribution or sale of bottled water in sealed bottles or other sealed containers. Bottled water systems shall be designated as community public water systems.

(10) "Bottled water treatment plant" means a facility which provides the product water used for bottled water by processing water from an approved source.

(11) "Bypass" means a physical arrangement whereby water may be diverted around any feature of the purification process of a public or semipublic water supply.

(12) "Cabinet" means the Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division of Water, or its successor.

(13) "Certificate" means a certificate of competency issued by the secretary or his designated agent stating that the operator has met all requirements for the specified operator classification as set by these regulations.

(14) "Certified laboratory" means a laboratory where the physical, instrumental, procedural, and personnel capabilities have been approved by either the U.S. Environmental Protection Agency or the cabinet. A laboratory may be certified for any one (1) or more types of the contaminants listed in these regulations or for any of the specific constituents or combinations of constituents therein.

(15) "Check samples" means samples taken subsequent to a routine compliance sample and at the same location to determine if results of the routine sample are valid.

(16) "Contaminant" means any physical, chemical, biological, or radiological substance or other matter found in water.

(17) "Contaminant group" means all of the constituent members that collectively comprise the individual bacteriological, inorganic chemical, organic chemical, radiological, volatile organic chemical, synthetic organic chemical, and secondary contaminant groups regulated under these regulations.

(18) "Corrosion" means the dissolution or erosion of pipe or other plumbing material by water.

(19) "Corrosivity" means the tendency of water to form or dissolve calcium carbonate as a film or scale.

(20) "Cross connection" means any physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water and the other being either water of unknown or questionable safety, or steam, gas or chemicals, whereby there may be flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems.

(21) "Department" means the Kentucky Department for Environmental Protection.

(22) "Disinfection" means the process of destroying disease-causing organisms, usually through the use of chlorine or other disinfectants approved by the cabinet.

(23) "Distributed water" means water leaving the water treatment facility and entering the distribution system.

(24) "Division" means the Division of Water.

(25) "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

(26) "Fee" means a monetary charge to be assessed by the cabinet.

(27) "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

(28) "Groundwater source" means any source of water for a public or semipublic water supply that does not have a free water surface exposed to the atmosphere or a turbidity content which exceeds acceptable levels for potable water as specified in 401 KAR 8:010 through 8:700 inclusive.

(29) "Manmade beta particle and photon emitters" means all radionuclides emitting beta particles and photons listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," NBS Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.

(30) "Maximum contaminant level" (MCL) means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system as measured at points specified in 401 KAR 8:010 through 8:700 inclusive.

(31) "Maximum total trihalomethane potential (MTP)" means the maximum concentration of total trihalomethanes (TTHMs) produced in a given water containing excess free chlorine residuals after seven (7) days retention at a temperature of twenty-five (25) degrees Centigrade (seventy-seven (77) degrees Fahrenheit) or above.

(32) "Mineral water" means bottled water that contains no less than 500 parts per million total dissolved solids.

(33) "Operator" means any person who has on-site responsibility and authority to conduct the procedures and practices necessary to ensure that the water supply system or any portion thereof is operated in accordance with the laws and regulations of the Commonwealth; or to supervise others in conducting such procedures and practices. Maintenance personnel and others who do not participate directly in the production or distribution of potable water are not included in the term "operator".

(34) "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.

(35) "Picocurie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

(36) "Point-of-entry treatment device" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

(37) "Point-of-use treatment device" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

(38) "Potable water" means any water which meets the provisions of these regulations, the quality of which is approved for human consumption by the cabinet.

(39) "Private water supply" means a residential water supply located on private property for the use of residents, and not qualifying as a public or semipublic water system.

(40) "Product water" means the water processed by a bottled water treatment plant that is used for bottled drinking water.

(41) "Professional engineer" means an engineer with current registration as a professional engineer in Kentucky.

(42) "Public water system" means any system owned by any person, for the provision to the public of water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year, and includes any collection, treatment, storage or distribution facilities used primarily in connection with such system. For the purposes of 401 KAR 8:020, 401 KAR 8:150, 401 KAR 8:200, "public water system" shall also include any commercial facility which serves food to the public and is not using water purchased from a public water system. However, if a facility serving food to the public uses exclusively bottled water as defined by this section for the preparation of food and the cleaning of food preparation utensils and dishes to serve food, the facility may establish, to the cabinet's satisfaction, that only potable water shall be received by the public and shall be exempt from this definition. A public water system is either a "community water system" or a "noncommunity water system."

(a) "Community water system" means a public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

(b) "Noncommunity water system" means a public water system which serves at least fifteen (15) service connections used by persons for a period less than year-round or which serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year but less than year-round. Noncommunity water systems are either transient or nontransient.

1. "Transient noncommunity water system" means a water system which serves a transient group of people and does not meet the definition for nontransient noncommunity water system set forth below.

2. "Nontransient noncommunity water system" means a system which serves at least twenty-five (25) of the same persons over six (6) months of the year.

(43) "Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system.

(44) "Sanitary survey" means an on-site review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

(45) "Secondary contaminants" means contaminants which do not, in general, have a direct impact on the health of consumers but whose presence in excessive quantities may discourage the utilization of drinking water and discredit the supplier.

(46) "Secondary standards" means the maximum contaminant levels for secondary contaminants.

(47) "Secretary" means the secretary for the Natural Resources and Environmental Protection Cabinet.

(48) "Semipublic water system" means any water system made available for drinking or domestic use which serves more than three (3) families but does not qualify as a public water system.

(49) "Specific analysis" means a laboratory analysis or procedure acceptable to the cabinet for determining the amount of a specific constituent of a type of contaminant regulated under these regulations.

(50) "Standard Methods" means the 16th edition of "Standard Methods for the Examination of Water and Wastewater," prepared and jointly published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(51) "Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

(52) "Supplier of water" means any person who owns or operates a public water system.

(53) "Surface water source" includes, but is not limited to, ponds, reservoirs, streams of all sizes, free-flowing springs, wells with variable turbidity due to the characteristics of the raw water, or any source of water supply for a public water system that has a free water surface exposed to the atmosphere.

(54) "Total trihalomethanes (TTHMs)" means the arithmetic sum of the concentrations in milligrams per liter of the trihalomethane (THM) compounds (trichloromethane, dibromochloromethane, bromodichloromethane, and tribromomethane) rounded to two (2) significant figures.

(55) "Trihalomethane (THM)" means one (1) family of organic halogen compounds resulting from the displacement of three (3) of the four (4) hydrogen atoms in methane with chlorine, bromine, or iodine atoms in the molecular structure.

(56) "Turbidity" means the presence of suspended particulates, including, but not limited to, sand, silt, clay, finely divided organic or inorganic matter, plankton or other microscopic organisms or elements which optically interfere with the clarity of liquids.

(57) "Water distribution system" means the portion of the water supply system in which water is conveyed from the water treatment plant or other supply point to the premises of a consumer or a system of piping and ancillary equipment which is owned and operated by an established water system independent of the water supply system from which potable water is purchased.

(58) "Water supply system" means the source of supply and all structures and appurtenances used for the collection, treatment, storage and distribution of water for a public or semipublic water supply.

(59) "Water treatment plant" or "purification plant" means that portion of the water supply system which is designed to alter either the physical, chemical or bacteriological quality of the water.

Section 2. The following items are incorporated by reference and are available for public inspection and copying between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, at the Division of Water, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601:

1. Standard Methods for the Examination of Water and Wastewater, 16th Edition, 1985, prepared and jointly published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. This publication may be obtained by contacting the Publication Office, American Public Health Association, 1015 15th Street NW, Washington, D.C. 20005.

2. "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and Water for Occupational Exposure," National Bureau of Standards Handbook number 69, U.S. Department of Commerce, August 1963. This document may be obtained by contacting the Division of Water.

Section 3. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 4. Repeal. Section 1, 401 KAR 6:015, entitled "Public and Semipublic Water Supplies," is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:020E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was

disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:020E. Public and semipublic water supplies - general provisions.

RELATES TO: KRS Chapters 223, 224; 40 CFR 141.3
STATUTORY AUTHORITY: KRS Chapter 223, 224.032, 224.033; Public Law 93-523, The Safe Drinking Water Act, as amended in 1986 and by the Lead Contamination and Control Act of 1988, Public Law 100-572, 42 U.S.C.A. 300f, 300g, 300j.
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. The purpose of this regulation is to stipulate general provisions for public and semipublic water supplies to enable the supplies to comply with KRS 224.032, as well as the Safe Drinking Water Act, as amended. This regulation is largely a restructuring of certain provisions currently found in 401 KAR 6:015, which will be repealed when this and additional following regulations are adopted.

Section 1. Applicability. (1) Inclusions. All public and semipublic water systems are subject to the requirements of 401 KAR 8:010 through 401 KAR 8:700, inclusive except those noted in subsection (2) of this section. Any commercial facility which uses water from its own premises to prepare food to be served to the public is subject to the requirements of 401 KAR 8:020, 401 KAR 8:150, and 401 KAR 8:200 unless bottled water is used exclusively for food preparation and dish washing, and the facility has demonstrated to the cabinet's satisfaction that no contaminated water may reach the public.
(2) Exclusions. Except as stated above, this chapter does not apply to water systems in the following two (2) categories:
(a) Water systems which consist only of distribution and storage facilities, which do not have any collection and treatment facilities, which obtain all of their water from, but are not owned or operated by, public water systems covered by these regulations, and which do not sell water to any person; or
(b) Water systems which are carriers which convey passengers in interstate commerce.

Section 2. Operation, Maintenance and Safety Requirements. (1) Public and semipublic water systems. No person shall operate or commence operation of a public or semipublic water system except in compliance with the provisions of 401 KAR 8:010 through 8:700, inclusive. Water supply systems constructed prior to the effective date of these regulations may be continued in use, if the operation, maintenance, bacteriological, chemical, physical, and radiological standards comply with 401 KAR 8:010 through 401 KAR 8:700 inclusive, or such systems obtain a variance or exemption as set forth in 401 KAR 8:060 from those standards with which they do not comply.
(2) Cross-connections prohibited. All cross-connections are prohibited. The use of automatic devices, such as reduced pressure zone back flow preventers and vacuum breakers, may be approved by the cabinet in lieu of proper air gap separation. A combination of air gap separation and automatic devices shall be required if determined by the cabinet to be necessary due to the degree of hazard to public health. It shall be the responsibility of every public water system to determine whether or where cross-connections exist and to immediately eliminate them.
(3) Bypasses. No bypass shall be created or maintained without the prior written approval of the cabinet stating the approved circumstances for establishment of a bypass, its design, and the exact conditions which must exist for its use.
(4) Auxiliary intakes. No auxiliary intake shall be used in direct connection with a public or semipublic water system except with prior written approval from the cabinet stating the emergency conditions which necessitate such an intake.
(5) Water and sewer connections. The sewer system serving the purification plant and auxiliary facilities, including all plumbing fixtures, toilets, showers, drinking fountains, and floor drains, shall discharge to the sewer system where available. If no such sewer is available, the connection shall be made to an approved sewage disposal facility. There shall be no connections between the sewer system and any filter backwash, filter-to-waste drains or clearwell overflow lines, unless an approved air gap is provided between such drains and overflow lines and the approved sanitary, storm sewer, or natural drainage system, so as to preclude the possibility of back-up of sewage or waste into the drain or overflow lines.
(6) Proper operation and maintenance. The owner or operator of a public water system shall at all times properly operate and maintain all facilities and systems of treatment, intake and distribution to achieve compliance with the provisions of 401 KAR 8:010 through 8:700 inclusive. Proper operation and maintenance includes effective performance, preventive maintenance, adequate operator staffing and training, adequate representative sample points, and adequate process controls for testing, including appropriate quality assurance procedures.
(7) Reports to the cabinet.

(a) Monthly operating reports. The supplier of water shall file complete monthly operating reports with the cabinet. The reports shall be on forms provided or approved by the cabinet and shall be received at the Division of Water, Frankfort Office Park, 18 Reilly Rd., Frankfort, Ky. 40601, no later than ten (10) days after the end of the month for which the report is filed. Completed reports shall include volume of water treated, type and amount of chemicals added, and test results appropriate to be reported by the plant. Completed reports shall also include the dated original signature of the owner or authorized agent.

(b) Reports of failure to comply. Public water systems shall report to the cabinet, within twenty-four (24) hours, the failure to comply with any provision of 401 KAR 8:010 through 8:700, inclusive, including the failure to comply with monitoring requirements. Suppliers are not required to report analytical results to the cabinet if a state laboratory performs the analyses and reports the results directly to the cabinet.

(c) Emergency Reports. When a public water system experiences a line break, loss of pressure, loss of disinfection, or other event which may result in contamination of the water, the public water system shall immediately report to the cabinet by calling the drinking water branch of the division of water in Frankfort at (502) 564-3410 or the appropriate regional field office of the division of water. If a report required by paragraph (b) or (c) of this subsection is made at a time other than normal business hours, it shall be made through the twenty-four (24) hour environmental emergency telephone number, (502) 564-2380.

(8) Records to be maintained. All owners or operators of public water and semipublic water systems shall keep on or near the premises the records set forth in this subsection.

(a) Data summaries - either actual laboratory reports shall be kept or data shall be transferred to tabular summaries. The following information shall be included:

1. The date, place and time of sampling, and the name of the person who collected the sample;
2. Whether the sample was a routine distribution system sample, check sample, raw or processed water sample or other special purpose sample;
3. The date of analysis;
4. The laboratory and person responsible for performing analysis;
5. The analytical technique/method used; and
6. The results of the analysis.

(b) Bacteriological analysis records shall be kept at least five (5) years.

(c) Chemical analysis records shall be kept for a period of ten (10) years.

(d) Turbidity analysis records shall be kept for a period of at least one (1) year.

(e) Records of violations and the actions taken by the system to correct violation of primary drinking water regulations shall be kept no less than ten (10) years after the last action taken with respect to the particular violation involved.

(f) Records of sanitary surveys, copies of any written reports, summaries of communications relating to sanitary surveys of the system, conducted by the system, a private consultant, or any local, state or federal agency, shall be kept no less than ten (10) years after completion of the sanitary survey involved, at which time they may be transferred to the cabinet.

(g) Records concerning any variance or exemption granted to the system shall be kept no less then five (5) years following the expiration of the variance or exemption.

(9) Boil water notices and consumer advisories.

(a) Boil water notices and advisories. Public water systems and semipublic water systems may issue boil water notices or boil water advisories at any time the system feels a notice or advisory is warranted. The cabinet may direct that a boil water notice be issued when positive bacteriological sample results have been confirmed by an analysis or analyses made in a certified laboratory. The cabinet may direct that a boil water advisory be issued when conditions within a public water system indicate a possible adverse health effect from microbiological contamination may result from consumption of the water distributed by a system. The cabinet may, when it determines circumstances warrant, issue a boil water notice or boil water advisory directly, rather than rely on a public or semipublic water system to issue such notice.

(b) Consumer advisory. The cabinet may issue a consumer advisory at any time conditions within a public water system indicate a possible adverse health effect from consumption of the water distributed by the system or anytime other information of interest to the consumer exists. The advisory will notify affected persons of any required or recommended action that should be taken.

(10) How to issue notice or advisory. Boil water notices, boil water advisories, and consumer advisories shall be issued through newspapers, radio, television, or any other media having an immediate public impact. As a health and safety measure, the water system shall repeat the notification during the period of imminent danger at intervals which maintain public awareness. The notice or advisory shall be readily understandable and shall include instructions for the public, as well as an explanation of the steps being taken to correct the problem. Boiling instructions shall caution to only boil drinking water for short range use by boiling water for at least two (2) minutes at a rolling boil.

(11) Other notices. Other public notifications shall be issued by public water systems as required by 401 KAR 8:010 through 8:700 inclusive.

(12) Maps. Within twelve (12) months of the effective date of this regulation, all public and semipublic water systems shall have on the premises, or conveniently located to the premises, an up-to-date map of the distribution system. The map shall, at a minimum, show line size, cutoff valves, fire hydrants, flush hydrants, tanks, booster pumps, chlorination stations, connection to emergency or alternative sources, and wholesale customer master meters. The type of piping material in the distribution system and its location shall also be provided. If a public water system, due to age, improper documentation, lost documentation or other valid reason cannot comply with this requirement, the system may petition the cabinet to modify this requirement to the extent that compliance is not feasible. The petition for waiver shall state specifically what portion of this requirement is

not practical and why.

(13) Operation and maintenance manual. Each water supply system shall develop and keep on the premises, for operators and employees of the system, an operation and maintenance manual that includes a detailed design of the plant, daily operating procedures, a schedule of testing requirements designating who is responsible for such tests, and safety procedures for operation of the facility, including storage and inventory requirements for materials and supplies used by the facility. The operation and maintenance manual shall be updated as necessary and no less than annually and will be available within twelve (12) months of the effective date of this regulation.

(14) Flushing recommended. It is recommended that all distribution systems be thoroughly flushed at least twice a year, usually in the spring and fall. The purpose of systematic flushing is to reduce turbidity created from the scouring of accumulated sediment within the water lines. Flushing should start at the hydrants nearest the purification plant and proceed in an outward direction to the end of each main. Flushing should continue at each hydrant until all traces of turbidity and color are gone. Hydrants should be opened and shut slowly to prevent damage from water hammer. In addition to the regularly scheduled flushing, the following conditions indicate a need to flush the entire system: turbidity within the distribution system greater than five (5) nephelometric turbidity units (NTU); an inability to maintain an adequate residual of a disinfection agent in any part of the system or a heterotrophic plate count (HPC) in excess of 500. Other indicators that flushing may be called for are taste and odor complaints, color of water, contaminated water samples, or line repairs.

(15) No person shall introduce any substance which may have a deleterious physiological effect, or for which physiological effects may not be known, to the water supply system.

(16) Certified lab analysis required. For the purpose of determining compliance with the sampling requirements of 401 KAR 8:010 through 8:700 inclusive, samples shall be analyzed by a laboratory certified by the cabinet as prescribed in 401 KAR 8:040, except that measurements for turbidity and free chlorine may be performed by any person approved by the cabinet.

(17) Right of entry. The cabinet may enter, during normal business hours, any establishment, facility or other property of public and semipublic water supplies in order to determine whether such supplies have acted or are acting in compliance with any applicable law or regulation which the cabinet has the authority to enforce. Such entry may include collection of water samples for laboratory analyses, inspection of records, files, papers, processes, controls and facilities required to be kept, installed or used under the provision of 401 KAR 8:010 through 8:700, inclusive. The cabinet or its authorized agent may cause to be tested any feature of a public water system, including its raw water source, to determine compliance with applicable legal requirements.

(18) Recommended practices for water supply reservoirs to be used for drinking water. The following practices are recommended to be employed by water systems which have a lake primarily used as a source of raw drinking water:

(a) Prohibition of swimming, water skiing and other contact sports.

(b) Prohibition of large motor-driven craft or any craft with toilets.

(c) An area at least 100 feet wide from the upper pool elevation shall be kept clear of all sources of potential contamination such as septic tanks, drain fields, livestock, barns, etc.

(d) No effluent from sewage treatment plants shall be discharged into the lake.

(e) Picnicking may be permitted around the lake if plans for the development of any picnic area meet regulatory requirements of the cabinet.

(19) Water treatment chemicals and system components. All chemical additives and protective materials (such as paints and linings) used by a water system shall be acceptable to the cabinet for use in contact with potable water.

(20) Disposal of chlorinated water. Chlorinated water resulting from disinfection of treatment facilities and new, repaired or extended distribution systems shall be disposed in a manner which will not violate 401 KAR 5:031.

(21) Water loading stations. Public water systems which provide water loading stations for the purpose of providing water to water hauling trucks or other bulk water devices shall construct such stations to conform to the standards in the Great Lakes Upper Mississippi River Board of State Public Health & Environmental Managers' "Recommended Standards for Water Works," incorporated by reference in Section 3(1) below.

Section 3. Incorporation by Reference. The following materials are hereby incorporated by reference and are available for public inspection and copying between 8 am and 4:30 pm, Monday through Friday, at the Division of Water, Frankfort Office Park, 18 Reilly Road, Frankfort, Ky. 40601:

(1) Great Lakes Upper Mississippi River Board of State Public Health & Environmental Managers' "Recommended Standards for Water Works," 1987, published by the Health Research Inc., Health Education Services Division, P.O. Box 7126, Albany, New York 12224.

(2) "General Design Criteria for Surface and Ground Water Supplies", 1984, published by the Kentucky Division of Water, Frankfort Office Park, 18 Reilly Road, Frankfort, Kentucky 40601.

(3) "Guidelines for Conducting Stream Studies for Wastewater Discharges Proposed Within Five Miles Upstream from Public Water Supply Sources or From the Location of Public Water Supply Intakes Within Five Miles Downstream from Wastewater Discharges" 1983, published by the Kentucky Division of Water, Frankfort Office Park, 18 Reilly Road, Frankfort, Kentucky 40601.

Section 4. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 5. Repeal. Section 2(1), (2), (3), (4), (5), (6), (7), (8), (11), (13), (14), and (15) of 401 KAR 6:015, Public and Semipublic Water Supplies, are hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary

APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:030E

This emergency administrative regulation is to replace 401 KAR 6:040, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:040 relates to the certification of operators of public and semipublic water systems. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:030E. Water treatment plants; water distribution systems; certification of operators.

RELATES TO: KRS Chapters 223, 224
STATUTORY AUTHORITY: KRS Chapters 160-220, 223 224.032, 224.033; Public Law 93-523, The Safe Drinking Water Act, as amended in 1986 and by the Lead Contamination and Control Act of 1988, Public Law 100-572, 42 U.S.C.A. 300f, 300g, 300j
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 223.160-220 establishes a board of certification and authorizes the cabinet to establish a program requiring certification of water system operators. KRS 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation establishes standards for classification of water treatment plants and water distribution systems; qualifications of applicants; examination procedures; duties of the board; and provisions relating to the issuance, renewal, and revocation of certificates; fee schedules; and other provisions necessary for certification of operators. This regulation amends and repeals the current regulation for certification of operators, 401 KAR 6:040.

Section 1. General Provisions. (1) Direct responsible charge. Each public water system shall be operated under the supervision of a certified operator who is in direct responsible charge of the system. The operator in direct responsible charge shall hold a valid certificate in a class equal to or higher than that required for the system under his or her supervision. The operator in direct responsible charge may be an individual who has been assigned sole responsibility for the operation of the system, or who has been delegated the direct responsibility to supervise others in the performance of their duties in operating the system.

(2) Shifts. Public water systems which operate more than one (1) shift per day shall use a certified operator who is in direct responsible charge of each shift.

(3) Certifiable personnel. Persons who are under the supervision of the operator in direct responsible charge may become certified by the cabinet if they meet the appropriate education and experience requirements.

(4) Production personnel. Laboratory or distribution personnel and others who have significant routine input into the production or distribution of potable water may be certified if they can demonstrate to the satisfaction of the cabinet that they possess the technical and practical knowledge to perform the actual mechanical and other procedures involved in the operation of a water treatment plant or water distribution system.

(5) Semipublic system. Certified operators are not required for semipublic water systems. The systems shall be operated by competent operators.

(6) Distribution operators. Public water systems shall be operated under the supervision of a certified distribution operator.

Section 2. Duties of the Kentucky Board of Certification of Water Treatment Plant and Water Distribution System Operators. In carrying out its responsibilities the board shall:

(1) Examine the qualifications of applicants for certification;

(2) Review and approve all substitutions of education for experience;

(3) Review and assist in the preparation of examinations;

(4) Review the results of examinations;

(5) Recommend qualified applicants for certification by the cabinet;

(6) Maintain records;

(7) Recommend revocation of certificates for operators who fail to comply with the applicable laws and regulations;

(8) Review the regulations for certification of states which are seeking reciprocity with the commonwealth;

(9) Review applications and supporting documents, determine eligibility of applicants for examination, and notify them of their status; and

(10) Review and provide comments to the cabinet on proposed fees for training and certification of operators.

Section 3. Application for certification. (1) Application. An operator desiring to be certified shall file an application with the board, preceding examination, on an application form provided by the board.

(2) Determining eligibility. The executive secretary-treasurer of the board will assemble all the information needed by the board to determine eligibility of the applicant for examination and certification.

Section 4. Examinations. (1) Examinations. The board and the cabinet shall be jointly responsible for preparation of the examinations to be used in determining knowledge, ability and judgment of the applicants.

(2) Scheduling examinations. Examinations will be conducted at least semiannually at places and times set by the cabinet, with a suitable method of advance announcements provided by the cabinet.

(3) Examinations. Except in cases which the board decides are proper exceptions, all examinations shall be written. All examinations shall be graded by the board, or by its designated representative, and the applicant will be notified of the outcome. Applicants shall achieve a score of seventy (70) percent in order to pass the examination. Papers will not be returned to the applicant, but means will be provided to review the results with a member of the board or cabinet upon written request by the applicant.

Section 6. Issuance of certificates. (1) Certification. Upon satisfactory fulfillment of the requirements of this regulation and upon recommendation of the board, the cabinet will issue a certificate to the applicant designating the classification of the water treatment plant or water distribution system for which the operator has demonstrated competency.

(2) Duration and renewal of certificates.

(a) Certificates for all operator classes, except limited as defined in section 10(2)(h) of this regulation, shall be valid for two (2) years after each renewal, unless revoked for cause or replaced by one of a higher classification. Certificates of operators shall expire on June 30 of even-numbered years, but may be renewed without examination, if the operator is in good standing, upon written application and submission of the applicable renewal fee. Operators desiring renewal shall return renewal requests to the cabinet by June 1 of even-numbered years.

(b) Limited certificates shall expire on June 30 of each year and shall be renewed upon request, after the holder of the certificate has complied with all requirements for proper operation of the facility under his or her charge and has submitted the applicable renewal fee.

(c) If operators have not requested and met the requirements for renewal of a certificate, the certificate shall lapse upon expiration and shall not be renewed without payment of the reinstatement fee specified in section 5 following procedures for reissuing set forth in Section 6 (6) of this regulation.

(3) Qualifications. Certified operators who desire to become certified in a higher classification shall satisfactorily complete the requirements for the higher classification before a new certificate is issued. Experience under a limited certificate shall not count toward fulfillment of qualifications for other classifications.

(4) Inactive. Operators holding certificates in any operator classes, except limited, who terminate their employment as a water treatment plant or water distribution system operator, will be considered to have a valid certificate for the unexpired portion of the renewal period. Upon expiration of this period, the cabinet may move these certificates to inactive status, if the operator continues to pay his certificate renewal fee and maintains proper continuing education credits. The cabinet may activate an inactive certificate when the operator is again employed by a water treatment plant or distribution system; the operator submits to the cabinet an application for reactivation containing, at a minimum, the name of the plant or system by which he or she is employed; and the cabinet determines that all other current requirements for certification are met. After four (4) years, the certificate shall terminate if not renewed. Limited certificates terminate immediately if not renewed.

(5) Reissuing. Operators whose certificates have terminated may have their certificates reinstated, or be issued new certificates after passing an examination in the classification for which they are qualified, except for those revoked by a cabinet action.

(6) Reciprocity. Certificates in a comparable classification may be issued, without examination, to any person who holds a certificate in any state, territory, or possession of the United States, or any country, provided the requirements for certification of operators under which the person's certificate was issued are no less stringent than any provisions of KRS Chapter 223 and KRS Chapter 224 or the regulations promulgated pursuant thereto; and reciprocal privileges are granted to certified operators of the commonwealth.

(7) Display. Wall certificates shall be prominently displayed in the office of the operator.

(8) Wallet cards. Wallet cards showing current certification status shall be carried by the operator at all times while on duty.

(9) Training requirements.

(a) Class I operators shall complete six (6) hours of training for renewal. Class II, III, and IV operators shall complete twelve (12) hours of appropriate cabinet-approved training for certificate renewal. Such training may include, but is not limited to, correspondence courses, short courses, trade association meetings, and on-the-job training courses. Training hours completed in any given biennium in excess of the minimum requirement necessary for renewal may be carried forward for one (1) renewal period. No training is required for holders of limited certificates.

(b) The cabinet may waive any or all of the requirements of paragraph (a) of this subsection for all or portions of a class of operators, as defined in section 9 of this regulation.

(c) Operators holding both treatment and distribution certificates shall be required to complete eighteen (18) hours of training for recertification in lieu of the requirements of subsection 10(a) of this section.

Section 7. Revocation of Certificates. The cabinet may revoke the certificate of an operator, when the operator: has practiced fraud or deception in obtaining certification or in filing cabinet mandated reports; has not used reasonable care or judgment; has failed to apply knowledge in the performance of duties; or is incompetent, unable or unwilling to properly perform duties.

Section 8. Classification of Water Treatment Plants and Water Distribution Systems. (1) Classification. Classification shall be generally in accordance with the classes listed

in subsection (2) of this section. However, the cabinet may make changes in classification in accordance with needs created by particular complexities of any specific plant or distribution system by reason of special features of design, or by reason of a source of supply that has characteristics that may make operation more difficult than normal, or a combination of such conditions. Due notice of any such change shall be given to the owner of the treatment plant and/or water distribution system.

(2) Water treatment plants.

(a) Class I.

1. (Class IA-D). All plants using physical treatment and disinfection, if the treatment plant operator is also responsible for the distribution system, and which serves a population less than 500.

2. (Class IB-D). All plants using only disinfection, if the treatment plant operator is also responsible for the distribution system, and which serves a population less than 500.

(b) Class II.

1. (Class IIA). All plants using physical and chemical treatment, including chemical coagulation, water softening processes, or filtration and disinfection, and serving a population equal to or greater than 500 and less than 3,000.

2. (Class IIB-D). All plants using only physical treatment and disinfection, if the treatment plant operator is also responsible for the distribution system, and which serves a population equal to or greater than 500 but less than 3,000.

3. (Class IIC-D). All plants using only disinfection, if the treatment plant operator is also responsible for the distribution system, and which serves a population equal to or greater than 500 but less than 3,000.

(c) Class III.

1. (Class IIIA). All plants using physical and chemical treatment, including chemical coagulation, water softening processes, or filtration and disinfection, and serving a population equal to or greater than 3,000 and less than 15,000.

2. (Class IIIB). All plants using only physical treatment and disinfection, and serving a population equal to or greater than 3,000 and less than 15,000.

3. (Class IIIC). All plants using only disinfection, and serving a population equal to or greater than 3,000 and less than 15,000.

(d) Class IVA. All plants using physical and chemical treatment, including chemical coagulation, water softening processes, or filtration and disinfection, and serving a population equal to or greater than 15,000.

(3) Water distribution system.

(a) Class ID. All distribution systems serving a population less than 1,500.

(b) Class IID. All distribution systems serving a population equal to or greater than 1,500 and less than 15,000.

(c) Class IIID. All distribution systems serving a population equal to or greater than 15,000 and less than 50,000.

(d) Class IVD. All distribution systems serving a population equal to or greater than 50,000.

(4) Limited. A limited classification is available to water treatment facilities for schools or semipublic water systems.

(5) Special. Special designation(s) may be added to any certificate when found necessary to show competency of the operator for a parameter of treatment or operation not covered by the basic requirements for standard classification set forth in this section.

Section 9. Classification of Water Treatment Plant and Water Distribution System Operators. Nine (9) classes of operators are established and designated as class I through class IV for water treatment, class I through class IV for distribution, and limited. Each operator classification relates directly to the corresponding classification of water treatment plant or water distribution system.

Section 10. Operator Qualifications: Experience, Education and Equivalencies. (1) Requirements. Applicants shall be examined by the cabinet regarding education, experience, and knowledge, as related to the classification of water treatment plants or water distribution systems for which the application applies. Applicants shall pass the required written examination.

(2) Classification of water treatment plant operators. Experience and educational requirements of operators shall be based upon the following classifications:

(a) Class IA-D and Class IB-D.

1. Completion of high school or general education development (GED) test; and

2. One (1) year's acceptable operation of a Class I water system or higher.

(b) Class IIA.

1. Completion of high school or general education development (GED) test; and

2. Two (2) years' acceptable operation of a class IA-D or IIA water system or higher, with six (6) months of that experience in a class IIA treatment plant or higher.

(c) Class IIB-D and class IIC-D

1. Completion of high school or GED; and

2. For class IIB-D, two (2) years' acceptable operation of a class IA-D combined treatment and distribution system or higher, with six (6) months of that experience in a class IIB-D treatment plant or higher; or

3. For class IIC-D, two (2) years of acceptable operation of a class IB-D combined treatment and distribution system or higher with six (6) months in a class IIC-D treatment plant or higher.

(d) Class IIIA.

1. Completion of high school or GED; and

2. Three (3) years' acceptable operation of a class IIA treatment plant class IIA or higher.

(e) Class IIIB.

1. Completion of high school or GED; and

2. Three (3) years' acceptable operation of a class IIA or class IIB-D treatment plant or higher.

(f) Class IIIC.

1. Completion of high school or GED; and

2. Three (3) years' acceptable operation of a IIA, IIB-D, or IIC-D treatment plant or higher.

(g) Class IVA.

1. A baccalaureate degree from an accredited college or university; and

2. Three (3) years' acceptable operation of a treatment plant of class IIA or higher, with one (1) year of that experience being in a class IIIA treatment plant or higher.

(h) Limited classification. An operator of a

water treatment facility for a school or for a semipublic water supply shall be entitled to a limited certificate of competency for his particular facility, if he has demonstrated to the cabinet that he has the knowledge and experience required to properly operate the particular water treatment facility for which he is responsible.

(3) Classification of water distribution system operators. The following requirements shall apply to the certification of distribution system operators:

(a) Class ID.

1. Completion of high school or general education development (GED) test; and

2. One (1) year's acceptable operation of a distribution system.

(b) Class IID.

1. Completion of high school or GED; and

2. Two (2) years' acceptable operation of a distribution system with six (6) months in a class IID distribution system or higher.

(c) Class IIID.

1. Completion of high school or GED; and

2. Three (3) years' acceptable operation of a distribution system of class IID or higher, with six (6) months of that experience in a class IIID distribution system or higher.

(d) Class IVD.

1. A baccalaureate degree from an accredited college or university; and

2. Three (3) years' acceptable operation of class II distribution systems or higher, with one (1) year of that experience being in a class III distribution system or higher.

(e) For operators who were certified in any classification on March 12, 1985, the requirement for a high school diploma or GED shall not preclude their advancing to the next higher classification than they held on that date.

(4) Substitution. Where applicable, education may be substituted for a portion of experience requirements, as specified below:

(a) No substitution for class I.

(b) Each year of college may be substituted for one (1) year of experience. College credits earned in engineering or allied sciences or an associate degree in engineering technology may, as approved by the board, be substituted for experience, limited to one (1) year for class II, two (2) years for class III, and three (3) years for class IV. Education applied to the experience requirement cannot also be applied to the educational requirement.

(c) If applicable, the cabinet may, at its discretion, authorize experience to be substituted for education requirements as specified below:

1. Two (2) years experience in active operation of a water system at a class II level or above will be considered equivalent to one (1) year of college. Eight (8) years of such experience may be substituted for the requirement of a college degree by a high school graduate or recipient of a GED.

2. Experience applied to education requirements may not also be applied to the experience requirement.

(d) For experience to be counted toward satisfying the education requirements of this section, the operator shall be certified during the time in which the experience is earned.

Section 11. The following are incorporated by reference and are available for public inspection and copying between the hours of 8 a.m. and 4:30 p.m. Monday through Friday, at the Division of Water, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601:

(1) New York State Department of Health, "Manual of Instruction for Water Treatment Plant Operators," May 1990, which may be obtained from Health Education Service, P.O. Box 7126, Albany, New York 12224.

(2) "American Water Works Association Water Distribution Training Handbook," 1976, which may be obtained from the American Water Works Association, 6666 West Quincy Ave., Denver, Colorado, 80235.

(3) Kentucky Division of Water, "Training Manuals for Large Water Plant Operators," Finance Printing Press Frankfort, 1984, which may be obtained from the Division.

(4) Kentucky Division of Water, "Training Manual for Small Water Plant Operators," Finance Printing Press, Frankfort, 1984; which may be obtained from the Division.

Section 12. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 13. Repeal. 401 KAR 6:040, entitled Water treatment plants; water distribution systems; certification of operators, is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:040E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:040E. Laboratory certification.

RELATES TO: KRS Chapter 224, 40 CFR 141.28
STATUTORY AUTHORITY: KRS 224.032, KRS 224.033; Public Law 93-523, The Safe Drinking Water Act, as amended in 1986 and by the Lead Contamination and Control Act of 1988, Public Law 100-572, 42

U.S.C.A. 300f, 300g, 300j
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS Chapter 224.032 directs the cabinet to enforce the rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation provides procedures whereby commercial or water system laboratories may be certified to test for various contaminant groups or constituents within a contaminant group. This regulation will repeal Section 2(12) of 401 KAR 6:015 and all of 401 KAR 6:060, and is substantially rewritten.

Section 1. Laboratory certification. Certification of laboratories will be performed by the U.S. Environmental Protection Agency or the cabinet for all public water systems or commercial laboratories performing analyses for public water systems. Certification may be for one (1) or more contaminant groups or for a single constituent within a contaminant group. Each contaminant group requires a different certification, but different certifications may be accomplished during one (1) inspection.

Section 2. Application. Laboratories which desire certification shall submit a written request for such certification from the cabinet. The cabinet will provide application forms and request other information necessary to furnish the cabinet with the data needed to determine suitability for certification.

Section 3. Standards. Laboratories shall be certified in accordance with the "Manual for the Certification of Laboratories Analyzing Drinking Water," incorporated in Section 14 of this regulation, and other stipulations contained in this regulation.

Section 4. Performance Evaluations. Performance evaluation (PE) samples may be required by the cabinet for certification or for maintenance of certification. For laboratories certified, or for those laboratories seeking certification to conduct chemical analyses, performance evaluations shall be performed.

Section 5. Certification of laboratories are performed by the cabinet for all public water system laboratories or commercial laboratories performing analyses for public water systems. Certifications will be performed on an annual basis with fees payable as set forth in 401 KAR 8:050.

Section 6. Public Water System Laboratories. Public water systems may establish their own laboratories. These laboratories shall be properly certified and shall maintain annual certification. Failure to achieve or maintain annual certification shall not relieve the public water system of the responsibility for reporting results of the required analyses from a certified laboratory.

Section 7. Requirements. Maintenance of certification shall be dependent on the following factors:
(1) Submittal of routine results. Except as provided in subsection (4) of this section, results of analyses performed in certified laboratories by and for public water systems shall be submitted to the cabinet by the tenth of the month following the specified testing period for which the samples were taken and shall be submitted to the public water system as soon as possible. The public water system is responsible for this reporting requirement.
(2) Performance evaluation. Performance evaluation (PE) samples shall be analyzed and the results submitted to the cabinet at the cabinet's request, not to exceed twice a year, unless the cabinet has reason to believe that quality assurance at a lab may be questionable.
(3) Deviations. Any deviation from accepted practice, listed on a report resulting from an on-site inspection, shall be corrected. A written explanation of such deviation and steps taken to correct it shall be submitted to the cabinet within thirty (30) days of the issuance of the inspection report.
(4) Violations. The laboratory shall report any violation of maximum contaminant levels or other violation of tier one violations, as explained in 401 KAR 8:070, to the public water system and the cabinet within twenty-four (24) hours of sample analysis. The public water system shall begin check sampling within twenty-four (24) hours of notification of the violation.
(5) Twenty-four (24) hour call. Laboratories shall make provision for a twenty-four (24) hour emergency testing service.
(6) Minimum microbiological requirements. Laboratories certified to perform microbiological testing shall run a minimum of twenty (20) microbiological samples per month. New laboratories shall meet this standard within six (6) months of certification. Any significant deviation from this standard may result in decertification.

Section 8. Right of Entry. The certified lab shall permit the cabinet to conduct on-site surveys during normal business hours, without prior notification.

Section 9. Revocation of certification and downgrading of certification shall be in accordance with the procedures set forth in the "Manual for the Certification of Laboratories Analyzing Drinking Water" incorporated in Section 11 of this regulation. Laboratories which have been notified of a change of certification shall, within seventy-two (72) hours, notify public water systems which the laboratory serves, of the change in certification status and any impact that change could have on the public water system. Laboratories may, with permission of the cabinet, and after notice to the public water system, fulfill their obligations to public water systems to provide monitoring reports by contracting with a certified laboratory.

Section 10. Recognition of Out-of-state Laboratories. The cabinet may recognize

laboratories outside of Kentucky upon submission of proof of Environmental Protection Agency certification, certification by a state having primary enforcement responsibility for the provisions of the Safe Drinking Water Act, or such other proof as the cabinet may require. Any Kentucky water system may enter into a contract with a certified out-of-state laboratory, if reporting time intervals and capabilities are maintained. If on-site inspection is necessary for certification of out-of-state laboratories, the laboratories shall bear the cost.

Section 11. All analyses required by 401 KAR 8:010 through 8:700, inclusive, shall be performed in a certified laboratory and shall be in accordance with methods approved for drinking water by the United States Environmental Protection Agency (US EPA) or by the cabinet. The following documents are incorporated by reference and are available for inspection and copying between 8 a.m. and 4:30 p.m., Monday through Friday, at the Division of Water, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601:

(1) Standard Methods for the Examination of Water and Wastewater, 16th edition, 1985, prepared and jointly published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. This publication is printed, distributed and may be obtained by contacting the Publication Office, American Public Health Association, 1015 15th Street NW, Washington, D.C. 20005.

(2) "Manual for the Certification of Laboratories Analyzing Drinking Water," EPA 570/9-90/008, April 1990, U.S. EPA, Office of Drinking Water, Washington, D.C. This publication may be obtained through the division.

Section 12. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 13. Repeal. Section 2(12) of 401 KAR 6:015 public and semipublic water supplies is hereby repealed; and 401 KAR 6:060 is hereby repealed in its entirety.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:050E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:050E. Fees.

RELATES TO: KRS Chapter 224
STATUTORY AUTHORITY: KRS Chapters 223, 224.032, 224.033(20)
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS Chapter 224.033(20) permits the cabinet to establish, by regulation, a fee or schedule of fees for the cost of processing applications for permits authorized by KRS Chapter 224. The purpose of this regulation is to establish a fee structure for reviewing plans and specifications of public water systems, operator certification and laboratory certification. This regulation will repeal and replace Section 4 of 401 KAR 6:015, and incorporate fees for water plant operator certification and laboratory certification.

Section 1. Fees. Fees for the review of plans and specifications for new and existing public and semipublic water systems.

(1) Filing fees.

(a) Except as provided in KRS 224.033, any person who submits the plans and specifications listed in subsection (2) of this section shall simultaneously submit a filing fee in the amount of twenty (20) percent of the required fee described in subsection (2) of this section.

(b) A filing fee is not refundable if the plans and specifications to which the filing fee is related are denied or withdrawn.

(c) The filing fee will be applied toward the project fee assessed in subsection (2) of this section.

(d) Plans and specifications denied approval by the cabinet will be returned to the applicant. Further consideration of such plans and specifications will require a new submittal with appropriate filing fee(s).

(2) Project fees.

(a) Following preliminary review of the plans and specifications, the applicant will be notified if the plans and specifications are acceptable and shall submit the remainder of the fee(s) required by paragraph (b) of this subsection.

(b) Fees for review and approval of the plans and specifications will be assessed according to the following schedule:

1. Community public water systems.

a. A water treatment plant utilizing coagulation, disinfection, filtration, and sedimentation (all treatment components, complete treatment) - $800.

b. A water treatment plant utilizing at least disinfection and other treatment component(s), but less than complete treatment - $525.

c. A water treatment plant utilizing only disinfection - $250.

d. A change in design capacity of a water treatment plant involving coagulation, disinfection, filtration, and sedimentation (all treatment components, complete treatment) - $800.

e. A change in design capacity of a water treatment plant involving disinfection and other treatment component(s), but less than complete

treatment - $525.
f. A change in design capacity of a water treatment plant involving only disinfection - $125.
g. A change, other than to a water treatment plant, in the structures and appurtenances, except for distribution lines of less than 10,000 feet, of a water supply system - $325.
h. A change to the distribution lines of 10,000 feet or less of a water supply system - $150.
2. Noncommunity public water systems.
a. A water treatment plant utilizing coagulation, disinfection, filtration, and sedimentation (all treatment components, complete treatment) - $800.
b. A water supply system serving more than 100 people but not providing complete treatment - $200.
c. A change to a water supply system serving more than 100 people - $100.
d. A water supply system serving 100 people or less, but not providing complete treatment - $100.
e. A change to a water supply system serving 100 people or less - fifty (50) dollars.
3. Semipublic water systems. A semipublic water system facility or a change to a semipublic water system - fifty (50) dollars.

Section 2. Fees for laboratory certification shall be paid on an annual basis. The three (3) contaminant groups for which certification is required and their respective fees are as follows:
(1) Bacteriological - $250
(2) Inorganic - $125
(3) Organic - $125

Section 3. Fees for the certification of water plant operators shall be as follows:
(1) Fees for certification of water treatment plant and water distribution system applicants for classes I through IV and the limited class shall not exceed the following:
(a) Initial examination: thirty-five (35) dollars.
(b) Certification by reciprocity: thirty-five (35) dollars.
(c) Reexamination for a new certificate or to make up for failure to pass an examination: thirty-five (35) dollars for each reexamination.
(d) Reinstatement of a lapsed certificate: thirty-five (35) dollars plus renewal fee.
(e) Certificate renewal: thirty-five (35) dollars per biennium.
(2) Training. Fees for training sessions conducted by the cabinet shall not exceed five (5) dollars per contact hour.
(3) Failing. Fees accompanying applications shall not be returned to those who fail to pass the examination.

Section 4. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 5. Repeal. Section 4 of 401 KAR 6:015, Public and semipublic water supplies, is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary

APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:060E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:060E. Variances and exemptions.

RELATES TO: KRS Chapter 224; 40 C.F.R. 142
STATUTORY AUTHORITY: KRS 224.032, 224.033; Public Law 93-523, The Safe Drinking Water Act, as amended in 1986, and by the Lead Contamination and Control Act of 1988; 42 U.S.C.A. 300f, 300g, 300j
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation provides for variances and exemptions from drinking water regulations which may be granted by the cabinet. It lists the requirements for applications for variances and exemptions and the conditions for approval or denial. This regulation revises and will repeal 401 KAR 6:015, Section 11.

Section 1. Variances. (1) When granted. The cabinet may grant variances to the maximum contaminant levels in 401 KAR 8:010 through 401 KAR 8:700, inclusive, upon its finding that:
(a) Because of characteristics of the raw water sources which are reasonably available to the system, the system cannot meet the applicable maximum contaminant levels after application of the best available technology, treatment techniques, or other means, as prescribed by 401 KAR 8:010 through 401 KAR 8:700, inclusive; and
(b) The granting of a variance will not result

in an unreasonable risk to the health of any person. A variance may also be granted from the requirements as to treatment techniques contained in 401 KAR 8:010 through 401 KAR 8:700, inclusive, if the public water system applying for the variance has demonstrated that because of the nature of the raw water source of such system, such treatment techniques are not necessary to protect the health of persons. A variance granted under this paragraph shall be conditioned upon monitoring or other requirements prescribed by the cabinet.

(2) Variance request. A supplier of water may request a variance by submitting a written request to the cabinet. The request shall contain all the information and data required by the cabinet, concerning the biological and chemical makeup of the raw water, the treatment techniques which are in place, and a complete analysis of the finished water, design criteria of the plant and any other information pertinent to the variance. The request shall include a proposed compliance schedule and a statement that the system shall perform monitoring and other requirements prescribed by the cabinet as a condition to the variance. An approved compliance schedule (including increments of progress), an approved monitoring plan, and any other requirements of the cabinet shall be in place before a variance is granted. The proposed compliance schedule shall include the date by which arrangement for alternative raw water source or improvement of existing raw water source will be completed, the date of initiation of the connection of the alternative raw water source or improvement of existing raw water source, and the date by which final compliance is to be achieved.

(3) Factors considered. The cabinet may consider such factors as the availability and effectiveness of treatment techniques, costs, and other economic considerations, such as the cost of implementing other treatment techniques, improving source water quality, or using an alternate source. In considering a variance request to a required treatment technique, the cabinet may consider such factors as the quality of the water source and any source protection measures provided by the water system.

(4) Public hearing.

(a) Before a variance and compliance schedule will be granted, the applicant will notify the public of the opportunity for a public hearing on the variance and compliance schedule. The notice shall be published by the applicant at the time the variance request and compliance schedule are filed with the cabinet. Publication shall be in a manner which conforms to 401 KAR 8:070 Section 1(a), (b) or (e) or 401 KAR 8:070 Section 1 (2) or (3), whichever is applicable to the public water system. Repeat notices are not necessary. A copy of the notice shall be submitted to the cabinet within one week of publication. The notice shall grant a period of at least thirty (30) days during which any person may request that a public hearing be held, and shall contain a summary of the proposed variance and schedule of compliance.

(b) Requests for public hearing may be submitted to the cabinet and shall include the name, address, and telephone number of the individual or organization requesting the hearing, along with the signature of the person or responsible official of the organization requesting the hearing.

(c) A hearing convened pursuant to this subsection will be conducted before persons designated by the Cabinet.

(d) If a hearing is requested or if the cabinet determines a hearing is desirable, the cabinet will notify the public water system of the time and place of the hearing. The public water system shall notify the public of the time and place of the hearing, at least 15 days prior to the hearing, in a manner consistent with paragraph (a) of this subsection.

(e) The variance and compliance schedule will become effective when the cabinet confirms or revises the variance and compliance schedule, or will not become effective if the cabinet denies the variance and compliance schedule. The cabinet's decision will be based upon the hearing recommendations, if any, and other relevant information.

(5) Time limitations. No variance and compliance schedule shall be for a period exceeding one year, but may be renewed in one year increments with opportunity for public hearing on the renewals, in accordance with subsection (4) above.

Section 2. Exemptions. (1) When granted. The cabinet may exempt a public water system from any requirement respecting a maximum contaminant level or any treatment technique requirement, or both, of 401 KAR 8:010 through 401 KAR 8:700, inclusive, upon a determination by the cabinet that, due to compelling factors, which may include economic factors:

(a) The public water system is unable to comply with such contaminant level or treatment technique requirement;

(b) The public water system was in operation on the effective date of such contaminant level or treatment technique requirement, or, if the system was not in operation by that date, no reasonable alternative source of drinking water is available to such new public water systems; and

(c) The exemption does not result in an unreasonable risk to health.

(2) Exemption request. A supplier of water may request an exemption from any requirement of 401 KAR 8:010 through 8:700, inclusive, respecting a maximum contaminant level or treatment technique requirement, or both, by submitting a written request for exemption to the cabinet. The request shall specify the nature and duration of exemption requested; relevant analytical results of water quality sampling of the system, including samples of raw and finished water and samples required by 401 KAR 8:010 through 401 KAR 8:700, inclusive; an explanation of the compelling factors, such as time or economic factors which prevent the system from achieving compliance; and other information pertinent to the application, including a proposed compliance schedule.

(3) Consideration of an exemption request. In its consideration of an exemption request, the cabinet may consider such factors as the construction, installation or modification of treatment equipment or systems; the time needed to put into operation a new treatment facility to replace an existing system which is not in compliance; and the economic feasibility of compliance.

(4) Compliance schedule. An exemption shall not be granted if the request does not include a compliance schedule, including increments of

progress, for each contaminant level or treatment technique for which the exemption is granted. The compliance schedule may include control measures or other requirements of the cabinet to maintain the validity of the exemption.

(5) Public hearing. No exemption and compliance schedule (including an extension of any existing exemption and compliance schedule) shall become effective without the opportunity for a public hearing. Procedures for requesting and conducting a public hearing for an exemption shall be the same as those for variances as set forth in Section 1 (4) of this regulation.

(6) Time limitations. Exemptions shall not exceed twelve (12) months. The cabinet may extend an exemption for up to three years, if it finds that the public water system must install capital improvements to comply and cannot complete such improvements without an extension; or that the water system has entered into an enforceable agreement to become part of another public water system; and if it finds that the water system is taking all practicable steps to comply with the regulations. Systems serving fewer than 500 service connections may receive further renewals in increments of two (2) years, if the system needs financial assistance to comply and is taking all practical steps to meet the requirements of 401 KAR 8:010 through 8:700, inclusive.

Section 3. Disposition of a Variance or Exemption Request. The cabinet will act on any variance or exemption request submitted to it, within (90) days of receipt of the request.

(1) Variance or exemption denied. If the cabinet makes a preliminary determination to deny the application for a variance or exemption, it will notify the applicant of its intention to issue a denial. The notice will include a statement of reasons for the proposed denial and will offer the applicant an opportunity to present, within thirty (30) days of receipt of the notice, additional information or argument to the cabinet. The cabinet will make a final determination to grant or deny the request within thirty (30) days after receiving any such additional information or argument. If no additional information or argument is submitted by the applicant, the application shall be denied.

(2) Variance or exemption granted:

(a) If the cabinet proposes to grant a variance or exemption, it will notify the applicant of its preliminary determination. The notice will identify the variance or exemption, the facility covered, and the conditions under which the variance or exemption may be terminated; and will specify the proposed termination date of the variance or exemption, unless otherwise terminated.

(b) No variance or exemption shall be effective until the opportunity is provided for a public hearing on the proposed variance or exemption.

Section 4. Termination of a Variance or Exemption. Any variance or exemption granted by the cabinet pursuant to this regulation shall terminate at the earliest of the following dates:

(1) The termination date specified at the time the variance or exemption is issued;

(2) The date the system comes into compliance with 401 KAR 8:010 through 8:700, inclusive;

(3) The date the cabinet determines that the system has failed to comply with the finalized schedule;

(4) The date the cabinet determines that the raw water source requires a specified treatment technique to protect the health of persons served (applicable to a variance only); and

(5) The date the cabinet finds that the water system has failed to comply with monitoring and other requirements prescribed by the cabinet as a condition to the granting of the variance (applicable to a variance only).

Section 5. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 6. Repeal. Section 11 of 401 KAR 6:015, Public & Semipublic Water Supplies, is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:070E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:070E. Public notification.

RELATES TO: KRS Chapter 224; 40 C.F.R. Parts 141, 142, 143.5.

STATUTORY AUTHORITY: KRS 224.032, 224.033; Public Law 93-523, The Safe Drinking Water Act, as amended in 1986 and by the Lead Contamination and Control Act of 1988, Public Law 100-572, 42 U.S.C.A. 300f, 300g, 300j

EFFECTIVE: July 19, 1990

NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as

well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation relates to notification of the public when these regulations have been violated by a public or semipublic water system. It has been substantially revised to reflect amendments to the Safe Drinking Water Act, and it will replace the public notification requirements of 401 KAR 6:015 (12).

Section 1. Notification for Tier One Violations. The owner or operator of a public or semipublic water system which fails to comply with an applicable maximum contaminant level or treatment technique established by 401 KAR 8:010 through 401 KAR 8:700, inclusive, or which fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, shall notify the public in accordance with the requirements of this section. These violations are tier one violations and may be designated by the cabinet as ordinary or acute, with acute violations representing a class of violation which may represent an immediate threat to the public health, requiring consumers to take special precautions.

(1) Community public water systems. The owner or operator of a community public water system shall provide notice of any tier one violation in the following manner:

(a) Newspaper. By publication in a daily newspaper of general circulation in the area served by the system as soon as possible, but in no case later than fourteen (14) days after the violation or failure has occurred. If the area served by a public water system is not served by a daily newspaper of general circulation, notice shall instead be given by publication in a weekly newspaper of general circulation serving the area; and

(b) Mail. By mail delivery (by direct mail or with the water bill), or by hand delivery, no later than forty-five (45) days after the violation or failure. The cabinet may waive mail or hand delivery if it determines that the owner or operator of the public water system in violation has corrected the violation or failure within the forty-five (45) day period. The cabinet, if it chooses to issue a waiver, will issue the waiver in writing and within the forty-five (45) day period; and

(c) Acute violation. For violations of acute tier one standards the owner or operator of the public water system shall furnish copies of the public notification to radio and television stations serving the area served by the public water system as soon as possible, but in no case later than seventy-two (72) hours after notice of the violation is received by the public water system from the laboratory. The following violations are acute violations:

1. Violations of the maximum contaminant level for coliform bacteria, confirmed by a check sample as provided in 401 KAR 8:200;

2. Violation of the maximum contaminant level for nitrate, as provided in 401 KAR 8:250; and

3. Any other violation that the cabinet or public water system determines calls for special care by the consumer.

(d) Repeat notice. For as long as the violation continues, the owner or operator of the public water system shall give notice at least once every three (3) months by mail delivery (by direct mail or with the water bill) or by hand delivery.

(e) Newspaper not available. Community water systems in an area not served by a daily or weekly newspaper of general circulation may satisfy the requirements of this subsection by giving notice, within fourteen (14) days of the violation or failure, by hand delivery or by continuous posting in conspicuous places within the area served by the system. Posting shall continue for as long as the violation or failure exists. Notice by hand delivery shall be repeated at least once every three months for as long as the violation or failure exists.

(2) Noncommunity public water systems. The owner or operator of noncommunity water systems may comply with the notice requirements of this section by giving notice within seventy-two (72) hours for acute violations or within fourteen (14) days after any other violation or failure by hand delivery or by continuous posting in conspicuous places within the area served by the system. Posting shall continue for as long as the violation or failure exists. Notice by hand delivery shall be repeated at least once every three (3) months for as long as the violation or failure exists.

(3) Semipublic. The owner or operator of semipublic water systems may be required to give notice equivalent to the requirements of noncommunity systems at the discretion of the cabinet.

Section 2. Notification for Tier Two Violations. The owner or operator of a public or semipublic water system which fails to perform the monitoring required by these regulations, fails to comply with a testing procedure established by these regulations, is subject to a variance to these regulations granted by the cabinet, or is subject to an exemption from these regulations granted by the cabinet, shall notify persons served by the system as prescribed in this section. Such violation or receipt of a variance or exemption shall be considered a tier two category violation.

(1) Community systems. The owner or operator of community public water systems shall give notice of tier two violations in the following manner:

(a) Newspaper. Notice of tier two violations shall be made by the owner or operator of a community public water system, within three (3) months of the violation or granting of a variance or exemption, by publication in a daily newspaper of general circulation in the area served by the system. If the area served by a public water system is not served by a daily newspaper of general circulation, notice shall instead be given by publication in a weekly newspaper of general circulation serving the area.

(b) Repeat notice. Following the initial notice given under this section, the owner or operator of the public water system shall give notice at least once every three (3) months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation exists. Repeat notice of the existence of a variance or exemption shall be given for as long as the variance or exemption remains in effect.

(c) Notice when newspaper not available. The owner or operator of community water systems not being served by a daily or weekly newspaper of

general circulation may meet the requirements of paragraphs (a) and (b) of this subsection by giving notice, within three (3) months of the violation or granting of the variance or exemption, by hand delivery or by continuous posting in conspicuous places within the area served by the system. Posting shall continue for as long as the violation exists or a variance or exemption remains in effect. Notice by hand delivery must be repeated at least once every three (3) months for as long as the violation exists or a variance or exemption remains in effect.

(2) Noncommunity public water systems. The owner or operator of a noncommunity water system may comply with the notice provisions of this section by giving notice, within three (3) months of the violation or the granting of the variance or exemption, by hand delivery or by continuous posting in conspicuous places within the area served by the system. Posting shall continue for as long as the violation exists or the variance or exemption remains in effect. Notice by hand delivery shall be repeated at least once every three (3) months for as long as the violation exists or a variance or exemption remains in effect.

(3) Semipublic. The owner or operator of semipublic water systems may be compelled to give the notice required of noncommunity systems when public health considerations require it.

(4) Reduction in notification frequency. The cabinet may reduce notification frequency for minor violations when criteria for such reduction have been approved as a program revision, as stipulated by the United States Environmental Protection Agency.

Section 3. New Billing Units. The owner or operator of a community water system shall give a copy of the most recent public notice for any outstanding tier one violation to all new billing units or new hookups prior to, or at the time service begins.

Section 4. General Content of Public Notices. Each notice required by this regulation shall provide a clear and readily understandable explanation of the violation, any potential adverse health effects, the population at risk, the steps that the public water system is taking to correct such violation, the necessity for seeking alternative water supplies, if any, and any preventive measures the consumer should take until the violation is corrected. Each notice shall be conspicuous; shall not contain unduly technical language, unduly small print, or other problems that frustrate the purpose of the notice; and, where appropriate, the notice shall be multilingual. Each notice shall include the name and telephone number of the owner, operator or designee of the public water system as a source of additional information concerning the notice.

Section 5. Proof of Notice. (1) How to submit. All public notices required by this regulation shall be submitted to the cabinet. In the case of newspaper advertisements, a copy of the complete page of the newspaper or newspapers in which the advertisement appeared and the date of its appearance, shall be submitted by the water system. A copy of notices that are hand delivered or mailed shall be mailed to the cabinet, along with an affidavit signed by the operator or owner of the water system stating that all consumers were notified. Mailing to the cabinet shall take place the same day as hand delivery or mailing to the public. If the notice is posted, the owner or operator of the water system shall submit a copy of the notice and an affidavit stating where such notices were placed. All notices to the cabinet shall be addressed to the Division of Water, Drinking Water Branch, Frankfort Office Park, 18 Reilly Road, Frankfort, Kentucky 40601.

(2) Public notification by the cabinet. The cabinet may give the notice to the public required by this section on behalf of the owner or operator of the public water system. However, the owner or operator of the public water system remains legally responsible for ensuring that the requirements are met.

(3) Failure to submit proof of notice. The cabinet may construe failure to submit proof of notice as evidence that the public water system has failed to notify the public. When the public water system fails to submit proof of notice within thirty (30) days of any requirement for notice, the cabinet may submit the notice to be published, with the cost of publication to be billed to the public water system by the publishing entity. Any costs incurred by the cabinet to notify the public, resulting from the failure of the public water system to do so, may be recovered by the cabinet.

Section 6. Mandatory Language for Tier One Violations. Public notice for those contaminants listed in this section shall contain language in addition to the information on potential adverse health effects required by section 4 of this regulation. The owner or operator of a public water system shall include the language specified below for each contaminant listed in those notices. The following mandatory-health-effects language shall be published intact and may not include inserted material not prescribed by this regulation:

(1) Trichloroethylene. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set forth the enforceable drinking water standard for trichloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(2) Carbon tetrachloride. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats

and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for carbon tetrachloride at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(3) 1,2-Dichloroethane. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,2-dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oils, waxes, and resins. It generally gets into drinking water from improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for 1,2-dichloroethane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(4) Vinyl chloride. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for vinyl chloride at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(5) Benzene. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that benzene is a health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for benzene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(6) 1,1-Dichloroethylene. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,1-dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for 1,1-dichloroethylene at 0.007 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(7) Para-dichlorobenzene. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizers, moth balls, and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed to high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(8) 1,1,1-Trichloroethane. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when the animals are exposed at

high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system, and circulatory system. Chemicals which cause adverse effects among exposed industrial workers and in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. EPA has set the enforceable drinking water standard for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

(9) Fluoride. The United States Environmental Protection Agency (EPA) requires that we send you this notice on the level of fluoride in your drinking water. The drinking water in your community has a fluoride concentration of _____ (Public Water Supply shall insert the compliance result which triggered public notice) milligrams per liter (mg/l).

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/l in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/l for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/l. This is intended to alert families about dental problems that might affect children under nine (9) years of age. The fluoride concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1.0 mg/l reduces the number of dental cavities. However, some children exposed to levels of fluoride greater than about 2.0 mg/l may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining and/or pitting of the permanent teeth.

Because dental fluorosis occurs only when developing teeth (before they erupt from the gums) are exposed to elevated fluoride levels, households without children are not expected to be affected by this level of fluoride. Families with children under the age of nine (9) are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting. Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase your water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all standards is also commercially available. For further information contact _____ (Public Water Supply shall insert the name, address and telephone number of a contact person) at your water system.

Section 7. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 8. Repeal. Section 12 of 401 KAR 6:015, Public and semipublic water supplies, is hereby repealed.

FRANK DICKERSON, Commissioner
CARL M. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:100E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:100E. Design, construction and approval of new or modified facilities.

RELATES TO: KRS Chapter 224; 40 CFR Part 141
STATUTORY AUTHORITY: KRS 224.032, 224.033, Public Law 93-523, The Safe Drinking Water Act, as amended in 1986 and by the Lead Contamination and Control Act of 1988, Public Law 100-572, 42 U.S.C.A. 300f, 300g, 300j
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation sets out design plan requirements for the construction of new and expanded facilities that deliver pure water for public or semipublic use. This regulation will repeal Section 3 of 401 KAR 6:015 and contains minor revisions.

Section 1. Plans and Specifications. (1) Plans to be submitted. Before a supplier or potential supplier of water may enter into a financial

commitment for or initiate construction of a new public water system, or increase the capacity of an existing public water system, he shall submit the preliminary plans to the cabinet. An applicant shall demonstrate to the cabinet evidence of efforts to avoid locating part or all of the new or expanded facility at a site which is subject to a significant risk from earthquakes, floods, fires or other disasters which could cause a breakdown of the public water system or a portion thereof. Except for the intake structure, the facility shall be out of the 100-year flood plain.

(2) Preliminary information. The following information shall be submitted to the cabinet by a professional engineer on behalf of the applicant along with the fee required by 401 KAR 8:050 Section 1(1):

(a) The names of the applicant and the owner of the plant;

(b) A United States Geological Survey quadrangle map which shows the location of the proposed facility;

(c) The proposed source of water and quantity available, with the location of the intake or wellhead identified by latitude and longitude in degrees, minutes and seconds;

(d) An analysis of the water from the proposed source, which covers all regulated parameters, performed by a laboratory certified by the cabinet or its authorized agent;

(e) A description of the proposed facility, including size, flow rate through filters, settling basin size, and other general criteria; and

(f) An operation plan, including anticipated load, hours of operation, area served and the name of the plant operator.

(3) Preliminary plans approval. Upon receipt and review of the preliminary plans, as set forth in subsection (1) of this section, the cabinet will either approve the preliminary plans or return them to the supplier of water for revision. Approval of the preliminary plans signifies approval only of the concept described in the preliminary plans and does not alter in any way the responsibility of the supplier of water to submit complete plans and specifications to the cabinet for final approval. The facility shall comply with the approved preliminary plans. Any change in the final design from the concept set forth in the preliminary plans shall be approved prior to its incorporation in the final plans and specifications.

(4) Preliminary plans for semipublic treatment facilities or distribution systems. Preliminary plans are not required by the cabinet for semipublic treatment facilities or for distribution system construction, extensions or improvements.

(5) Final plans and specifications for water treatment plants and distribution facilities.

(a) Plans for the construction or modification of public water systems shall be submitted by the water system or shall be accompanied by a letter from the water system confirming that it has reviewed the plans, accepts the design and can and will provide water service to the project.

(b) Plans and specifications for all public water systems shall be prepared and submitted to the cabinet by a professional engineer registered in Kentucky, and shall bear his seal. The seal of a professional engineer is not required on plans and specifications for semipublic water supplies, for public water system projects for repair or maintenance of an existing system that cost less than $2,000, or for public water systems projects for the construction, repair or maintenance of a new facility that cost less than $25,000. The construction or installation of any new facilities or works or the alteration or reconstruction of any existing facilities or works, in any public or semipublic water system, shall not begin until four (4) copies of the plans and specifications, or any changes thereto, together with design data as may be required for proper review of the plans, have been submitted to the cabinet and have been approved by the cabinet in writing. A complete package, including plans, specifications, necessary fees, letters and other information, shall be submitted in such form and content as may be specified by the cabinet, and shall be submitted at least thirty (30) days prior to the date on which action is requested of the cabinet. The front page of the plans shall contain the name of the water supply, its ownership, location by city and county, and the name of the person preparing the plans.

(c) The cabinet's review of plans is limited to sanitary features of design and other features of public health significance and does not include an examination of structural, mechanical or electrical design or economic factors.

(d) The plans shall be drawn to scale and accompanied by proper specifications, so as to permit a comprehensive engineering review, and shall include, but not be limited to, the following:

1. If treatment facilities are involved, chemical analyses of the proposed raw water source or sources shall be performed and evaluated before final approval is granted;

2. A plan and sectional view with all necessary dimensions of the water treatment facilities;

3. A piping diagram showing all appurtenances, including treatment facilities, in sufficient detail, as well as pertinent elevation data, to permit a hydraulic analysis of the system; and

4. Specifications containing details on all treatment equipment, including catalog identification of pumps, chlorinators, chemical feeders and related equipment.

(6) Approval of final plans. If approved, one (1) set of plans and specifications stamped "approved" will be returned to the engineer or person who prepared them and one set will be returned to the water supply.

(7) Construction.

(a) During construction, a set of approved plans and specifications shall be available at the job site at all times. All work shall be performed in accordance with the approved plans and specifications.

(b) If the cabinet's representative observes work being performed in a manner which does not conform to the approved plans and specifications, the cabinet will notify the owner in writing of any noncompliance.

(8) Final approval of facility. Upon completion of construction, the person who presented the plans shall certify in writing that the project has been completed in accordance with the "approved" plans and specifications. The public water supply shall

operate the facility consistent with the approved plans and specifications.

(9) Expiration of approval. Unless construction is begun within one (1) year from date of approval, the approval shall expire. Extension of approval may be granted upon written request to the cabinet.

Section 2. The following documents are hereby incorporated by reference and are available for public inspection and copying between 8:00 a.m. and 4:30 p.m., Monday through Friday, at the Division of Water, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601:

(1) Great Lakes Upper Mississippi River Board of State Public Health & Environmental Managers "Recommended Standards for Water Works," 1987, published by and available from Health Research Inc., Health Education Services Division, P.O. Box 7126, Albany, New York 12224.

(2) "General Design Criteria for Surface and Ground Water Supplies" which is published by and may be obtained from the Division of Water; and

(3) "Water Policy Memorandum number 84-02, General Guidelines for Conducting Stream Studies for Wastewater Discharges Proposed within Five Miles Upstream from Public Water Supply Sources, or for the Location of Public Water Supply Intakes within Five Miles Downstream from Wastewater Discharges", which is published by and may be obtained from the Division of Water.

Section 3. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 4. Repeal. Section 3, 401 KAR 6:015, Public and Semipublic Water Supplies, is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:150E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:150E. Disinfection and filtration.

RELATES TO: KRS Chapter 224, 40 C.F.R. Parts 141, 142

STATUTORY AUTHORITY: KRS 224.032, 224.033, Public Law 93-523, The Safe Drinking Water Act as amended in 1986 and by the Lead Contamination and Control Act of 1988, Public Law 100-572, 42 U.S.C.A. 300, 300f, 300g, 300j

EFFECTIVE: July 19, 1990

NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation sets out requirements for the disinfection and filtration of drinking water. It is anticipated that this regulation will be amended or replaced in the near future as a result of the Surface Water Treatment rule or the Total Coliform rule published in the Federal Register June 29, 1989. This regulation repeals Section 2 (9) and (10) of 401 KAR 6:015 and contains minor revisions.

Section 1. Disinfection. (1) Obligation to disinfect. All public and semipublic water supplies shall provide disinfection. Supplies which use chlorine shall use a continuous automatic disinfection by chlorination and shall provide a minimum free chlorine residual of two-tenths (0.2) milligrams per liter (or ppm) at all points throughout the distribution system. A contact period of at least thirty (30) minutes shall be provided between the chlorine and the water to allow adequate time for disinfection. For those supplies using chlorine, free chlorine residuals shall be checked daily at representative points throughout the system and shall be reported pursuant to 401 KAR 8:020, Section 2(8)(a). Disinfecting agents other than chlorine, such as chloramines and chlorine dioxide, may be acceptable to the cabinet but must be specifically approved by the cabinet on a case-by-case basis. If chloramination is used, a minimum combined residual of one-half (0.5) milligrams per liter (or ppm) shall be provided throughout the distribution system. If chlorine dioxide is used, the concentration of combined oxidants (chlorine dioxide, chlorate and chlorite) shall not exceed one (1.0) milligram per liter (or ppm) in the water delivered to the distribution system.

(2) Disinfection of water lines. All water distribution systems, including storage distribution tanks, repaired portions of existing systems or all extensions to existing systems, shall be thoroughly disinfected before being placed in service. Water distribution shall disinfect with chlorine or chlorine compounds, in such amounts as to produce a concentration of at least fifty (50) ppm and a

residual of at least twenty-five (25) ppm at the end of twenty-four (24) hours, followed by a thorough flushing. New water distribution lines shall not be placed into service until bacteriological samples taken at the points specified in paragraph (a) of this subsection are examined and are shown to be negative following disinfection. Other methods of disinfection may be used with the written permission of the cabinet.

(a) Water distribution systems shall submit to the cabinet bacteriological samples shall be submitted for each new construction project, routine repair (which includes restoration of pressure to lines where pressure is lost), replacement, or extension to existing systems, after the disinfection and flushing. A core zone, which includes up to the first one-half mile, shall be established. Two (2) samples shall be taken from the core zone. Additionally, one (1) sample taken from each mile of new distribution line shall be submitted to the cabinet. New or routine replacement lines shall not be placed in service until negative laboratory results are obtained on the bacteriological analyses. Sample bottles shall be clearly identified as "special" construction tests. Notification of analytical results shall be given to the cabinet by the most expedient method. Other disinfection methods and testing procedures may be used if the cabinet grants prior written approval.

(b) When emergency repairs, due to breaks or ruptures in distribution system lines are required, public water systems may suspend bacteriological sampling, if appropriate and thorough flushing safeguards, with a chlorine residual present, are taken. In all cases of breaks, ruptures or other loss of pressure, the public water system shall notify the cabinet immediately pursuant to 401 KAR 8:020, Section 2(8)(c).

Section 2. Filtration. All public water systems using a surface water source and all ground water systems under the direct influence of surface water shall establish filtration systems. The design for such systems shall be submitted to the cabinet in accordance with 401 KAR 8:100.

Section 3. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 4. Repeal. Section 2, subsections (9) and (10) of 401 KAR 6:015, Public and semipublic water supplies, are hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990, at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:200E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:200E. Microbiological and turbidity monitoring.

RELATES TO: KRS Chapter 224, 40 CFR Part 141
STATUTORY AUTHORITY: KRS 224.032, 224.033, Public Law 93-523, The Safe Drinking Water Act, as amended in 1986, and by the Lead Contamination and Control Act of 1988, 42 U.S.C.A. 300f, 300g, 300j
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce the rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. This regulation sets out a schedule and method for sampling drinking water to test for bacteriological contaminants and establishes maximum contaminant levels for bacteria. This regulation also specifies requirements if tests show maximum contaminant levels have been exceeded, as well as requirements for monitoring turbidity. This regulation repeals Sections 5 and 6 of 401 KAR 6:015 and contains no substantial changes.

Section 1. All suppliers of water operating a public or semipublic water system, including suppliers operating those systems which provide water purchased from another system, shall meet the requirements of this regulation.

(1) Sampling frequency. Suppliers of water for all public water systems shall collect samples to be analyzed for total coliform bacteria per 100 milliliters of water. Coliform density samples shall be taken at regular time intervals and in numbers proportionate to the population served by the system. In no event shall the frequency be less than that set forth as follows:

MINIMUM NUMBER OF SAMPLES PER MONTH

Population Served	Minimum Number Samples	Population Served	Minimum Number Samples
25 - 2,500	2	37,001 - 41,000	45
2,501 - 3,300	3	41,001 - 46,000	50
3,301 - 4,100	4	46,001 - 50,000	55
4,101 - 4,900	5	50,001 - 54,000	60
4,901 - 5,800	6	54,001 - 59,000	65
5,801 - 6,700	7	59,001 - 64,000	70
6,701 - 7,600	8	64,001 - 70,000	75
7,601 - 8,500	9	70,001 - 76,000	80
8,501 - 9,400	10	76,001 - 83,000	85
9,401 - 10,300	11	83,001 - 90,000	90
10,301 - 11,100	12	90,001 - 96,000	95
11,101 - 12,000	13	96,001 - 111,000	100

12,001 - 12,900	14	111,001 -	130,000	110
12,901 - 13,700	15	130,001 -	160,000	120
13,701 - 14,600	16	160,001 -	190,000	130
14,601 - 15,500	17	190,001 -	220,000	140
15,501 - 16,300	18	220,001 -	250,000	150
16,301 - 17,200	19	250,001 -	290,000	160
17,201 - 18,100	20	290,001 -	320,000	170
18,101 - 18,900	21	320,001 -	360,000	180
18,901 - 19,800	22	360,001 -	410,000	190
19,801 - 20,700	23	410,001 -	450,000	200
20,701 - 21,500	24	450,001 -	500,000	210
21,501 - 22,300	25	500,001 -	550,000	220
22,301 - 23,200	26	550,001 -	600,000	230
23,201 - 24,000	27	600,001 -	660,000	240
24,001 - 24,900	28	660,001 -	720,000	250
24,901 - 25,000	29	720,001 -	780,000	260
25,001 - 28,000	30	780,001 -	840,000	270
28,001 - 33,000	35	840,001 -	910,000	280
33,001 - 37,000	40	910,001 -	970,000	290
		970,001 -	1,050,000	300

(2) Population-served calculation. For purposes of determining the population served, the applicable method below shall be used:

(a) When the supplier of water serves an area defined by an official census count or a population projection, the most recent census count or official population projection shall be used; or

(b) When no official figures on population are available on the area served by a supplier of water, the population served shall be considered to be a factor of not less than three and three-tenths (3.3) times the number of residential connections or a factor of not less than three (3) times the total number of all connections, whichever is greater.

(3) Semipublic systems. Suppliers of water for semipublic water systems shall cause samples to be tested, for the purpose of determining coliform density, at least twice per month.

(4) Sampling schedule. Each public and semipublic water system shall take routine samples for the purpose of determining coliform density. Half of the samples shall be taken in one week and half of the samples shall be taken on a different week of the month. Results of the analyses of the samples shall be submitted to the cabinet no later than 10 days after the end of the month for which the samples were taken. If the tenth day falls on a Saturday, Sunday or holiday the results shall be submitted on the following working day. A noncommunity water system shall sample for total coliform bacteria per 100 milliliters twice each month of operation. Seasonally operated facilities shall notify the cabinet in writing in advance as to the opening and closing dates covered by such sampling requirements. This frequency may be changed by the cabinet on the basis of subsequent surveys and conditions.

(5) Forwarding samples. The cabinet shall, upon request, notify any water supplier as to those commercial or state laboratories, certified in accordance with 401 KAR 8:040, to which samples may be sent for coliform density analysis. The samples shall be forwarded to a certified laboratory by the most expeditious or speedy method available to the water supply.

(6) Sampling points. The water supply shall sample for coliform analysis shall be taken at representative points throughout the water distribution system. Different sampling points shall be designated by the water supply, including remote points in the distribution system. When the sample is collected, the free chlorine residual shall be determined and recorded on the form provided with the sample container. Bacteriological sampling forms shall be fully and accurately completed or the sample shall be invalid.

(7) Sample collection. Samples taken by or on behalf of public water systems shall be collected in bottles prepared and sterilized in accordance with "Standard Methods". Any disinfecting agent shall be removed from the sample at the time of its collection. A distributor of water collecting bacteriological samples for analysis in its own certified laboratory may use containers other than bottles, if this practice is approved in writing by the cabinet.

(8) Analytical techniques and maximum contaminant levels for bacteriological contamination. The analysis for the determination of bacteriological contamination shall be determined by either the membrane filter technique or the multiple tube fermentation technique (MPN procedure). The analysis shall be conducted in accordance with "Standard Methods" except that a standard sample size shall be employed. The standard sample used in the membrane filter procedure shall be 100 milliliters. The standard sample used in the five (5) tube most probable number (MPN) procedure (fermentation tube method) shall be five (5) times the standard portion. The standard portion is either ten (10) milliliters or 100 milliliters, as described herein.

(9) Maximum bacteriological contaminant level, membrane filter technique. When the membrane filter technique is used, the number of coliform bacteria shall not exceed any of the following:

(a) One (1) per 100 milliliters as the arithmetic mean of all samples examined per month pursuant to subsection (1) of this section except that, at the cabinet's discretion, systems required to take ten (10) or fewer samples per month may be authorized to exclude one (1) positive routine sample per month from the monthly calculation if:

1. As approved on a month-to-month basis, the cabinet determines and notifies the public water system that no unreasonable risk to health would exist under the conditions of this modification. A notification may be based upon, but is not limited to, the following:

a. The fact that the system provides and maintains an active disinfectant residual in the distribution system;

b. The potential for contamination, as indicated by a sanitary survey; and

c. The history of water quality at the public water system, including, but not limited to, MCL or monitoring violations;

2. The supplier initiates a check sample on each of two (2) consecutive days from the same sampling point, within twenty-four (24) hours after notification that the routine sample is positive, and each check sample is negative; and

3. The original positive routine sample is reported to the cabinet and recorded by the supplier pursuant to the provisions of 401 KAR 8:020 Section 2(8). The supplier shall report to the cabinet its compliance with the conditions specified in this subparagraph and a summary of the action taken to correct the prior positive sample result. If a positive routine sample is not used for the monthly calculation, another routine sample shall be analyzed for compliance

purposes. This provision may be used only once during two (2) consecutive compliance periods.

(b) Four (4) per 100 milliliters in more than one (1) sample when less than twenty (20) are examined per month.

(c) Four (4) per 100 milliliters in more than five (5) percent of the samples when twenty (20) or more are examined per month.

(10) Maximum bacteriological contaminant level, multiple tube fermentation technique (MPN procedure).

(a) Ten (10) milliliter standard tube. When the fermentation tube method and ten (10) milliliter standard tube are used, coliform bacteria shall not be present in any of the following:

1. More than ten (10) percent of the tubes in any month except that, at the cabinet's discretion, systems required to take twenty (20) or fewer samples per month may be authorized to exclude one (1) positive routine sample, resulting in one (1) or more positive tubes per month, from the monthly calculation, if:

a. As approved on a case-by-case basis, the cabinet determines and notifies the public water system, in writing, that no unreasonable risk to health exists under the conditions of this modification. A notification may be based upon, but not limited to, the following:

(i) The provision and maintenance, by the system, of an active disinfectant residual in the distribution system;

(ii) The potential for contamination, as indicated by a sanitary survey; and

(iii) The history of the water quality at the public water system (e.g., MCL or monitoring violations);

b. The supplier initiates a check sample on each of two (2) consecutive days, from the same sampling point, within twenty-four (24) hours after notification that the routine sample is positive, and each check sample is negative; and

c. The original positive routine sample is reported to the cabinet and recorded by the supplier pursuant to the provisions of 401 KAR 8:020 Section 2(8), the supplier reports to the cabinet its compliance with the conditions specified in this paragraph, and reports the action taken to correct the prior positive sample result. If a positive routine sample is not used for the monthly calculation, another routine sample shall be analyzed for compliance purposes. This provision shall be used only once during two (2) consecutive compliance periods;

2. Three (3) or more tubes in more than one (1) sample when less than twenty (20) samples are examined per month; or

3. Three (3) or more tubes in more than five (5) percent of the samples when twenty (20) or more samples are examined per month.

(b) 100 milliliter standard sample. When the fermentation tube method and 100 milliliter standard samples are used, coliform bacteria shall not be present in any of the following:

1. More than sixty (60) percent of the tubes in any month;

2. Five (5) tubes in more than one (1) sample, when less than five (5) samples are examined per month; or

3. Five (5) tubes in more than twenty (20) percent of the samples, when five (5) or more samples are examined per month.

(11) Bacteriological check sampling. Check sampling shall begin within twenty-four (24) hours of the time of notification of sample analysis and is the responsibility of the public water system. The following check sampling levels are established:

(a) Membrane filter technique. When coliform bacteria occur in a single sample, at least two (2) consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the cabinet, until the results obtained from at least two (2) consecutive check samples show less than one (1) coliform bacterium per 100 milliliters.

(b) Multiple tube fermentation technique:

1. Ten (10) milliliter tubes. When coliform bacteria occur in three (3) or more ten (10) milliliter tubes of a single sample, at least two (2) consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the cabinet, until the results obtained from at least two (2) consecutive check samples show no positive tubes.

2. 100 milliliter tubes. When coliform bacteria occur in all five (5) of the 100 milliliter tubes of a single sample, at least two (2) consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the cabinet, until the results obtained from at least two (2) consecutive daily check samples show no positive tubes.

(12) Check sample locations. The location at which the check samples were taken pursuant to this section shall not be eliminated from future sampling without written approval of the cabinet. The results from all coliform bacterial analyses performed pursuant to this section, except those obtained from check samples and special purpose samples, shall be used to determine compliance with the maximum contaminant level for coliform bacteria. Check samples shall not be included in calculating the total number of samples taken each month to determine compliance with 401 KAR 8:200, Section 1(1).

(13) Check sample reporting. When the presence of coliform bacteria in water taken from a particular sampling point has been confirmed by any check samples examined as directed by this section, the supplier of water shall report that to the cabinet within twenty-four (24) hours pursuant to the provisions of 401 KAR 8:020 Section 2(8)(b).

(14) When a maximum contaminant level set forth in this section is exceeded, the supplier of water shall report that to the cabinet and notify the public as prescribed in 401 KAR 8:070 Section 1. The cabinet may conduct an on-site inspection to assist the operator in determining the cause of the contamination and may issue an order which includes a time period during which all causes of the contamination shall be corrected.

(15) Special purpose samples. Special purpose samples, such as those taken to determine whether disinfection practices following pipe placement, replacement, or repair have been sufficient, shall not be used to determine compliance with Section 1 (1).

Section 2. Turbidity Sampling, Analytical Techniques and Maximum Contaminant Levels. (1)

Who must sample. All producers of water for public water systems who use surface water sources, in whole or in part, and those groundwater sources which demonstrate a variable turbidity, shall comply with this section. Semipublic systems and systems that purchase water from other systems or obtain their water from turbidity free groundwater sources are not subject to this section.

(2) Sampling frequency. At least one (1) sample per day for the determination of turbidity shall be taken at the producing facility. Turbidity level determinations shall be made within one (1) hour after sample collection.

(3) Sampling point. Samples for the determination of turbidity shall be taken at a representative entry point to the distribution system. Where water is produced by more than one (1) treatment plant for a single system, each plant shall be considered a separate sampling point.

(4) Maximum turbidity limit. The maximum contaminant level for turbidity is one (1) turbidity unit (TU), as determined by a monthly average of daily samples, and no more than five (5) turbidity units, based on an average for two (2) consecutive days.

(5) Measurement technique. The measurement for turbidity shall be by the Nephelometric Method, as set forth in "Standard Methods," or by an alternate method approved in writing by the cabinet.

(6) Excessive turbidity. If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement shall be confirmed by resampling as soon as practicable and no later than one (1) hour thereafter. If the repeat sample exceeds the maximum allowable limit, the supplier shall report the excess to the cabinet within twenty-four (24) hours. The repeat sample shall be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two (2) samples taken on consecutive days exceeds five (5) TU, the supplier of water shall report the excess to the cabinet within twenty-four (24) hours and notify the public pursuant to 401 KAR 8:070.

(7) Exceptions. Up to five (5) turbidity units may be allowed, if the supplier of water demonstrates to the cabinet that the higher turbidity does not:

(a) Interfere with disinfection;

(b) Prevent the maintenance of an effective disinfectant agent throughout the distribution system; or

(c) Interfere with microbiological determinations.

Section 3. Analysis for microbiological contamination and turbidity shall be in accordance with methods approved for drinking water by the U.S. Environmental Protection Agency or by the cabinet. The following documents are hereby incorporated by reference and are available for public inspection and copying between 8 a.m. and 4:30 p.m., Monday through Friday, at the Division of Water, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601:

(1) Standard Methods for the Examination of Water and Wastewater, 16th edition, 1985, prepared and jointly published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. This publication is printed, distributed and may be obtained by contacting the Publication Office, American Public Health Association, 1015 15th Street NW, Washington, D.C. 20005.

(2) "Manual for the Certification of Laboratories Analyzing Drinking Water," EPA 570/9-90/008, April 1990, may be obtained by contacting U.S. EPA, Office of Drinking Water, Washington, D.C., 20460.

Section 4. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 5. Repeal. Sections 5 and 6, 401 KAR 6:015 Public and semipublic water supplies are hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:250E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:250E. Inorganic chemical sampling, analytical techniques and maximum contaminant levels.

RELATES TO: KRS Chapter 224, 40 CFR Part 141
STATUTORY AUTHORITY: KRS 224.032, 224.033, Public Law 93-523, The Safe Drinking Water Act, as amended in 1986, and by the Lead Contamination and Control Act of 1988; 42 U.S.C.A. 300f, 300g, 300j; 40 CFR 141.23(f); 40 CFR 141.41(d)
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary

enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation lists sampling and analytical requirements for certain inorganic chemicals and sets maximum contaminant levels for those chemicals which, if exceeded, could affect public health. This regulation repeals and replaces Section 7 of 401 KAR 6:015 and Section 16 of 401 KAR 6:015.

Section 1. All producers of water for public water systems shall sample for the presence of inorganic chemicals as listed in Section 4 of this regulation. Semipublic systems and systems that purchase all of their water from another public water system are not required to sample for inorganic chemicals.

Section 2. Sampling Frequency. (1) Community systems using surface water. All community water systems utilizing surface water sources shall sample for the presence of inorganic chemicals once per year.

(2) Community systems using groundwater. All community water systems utilizing groundwater sources shall sample for the presence of inorganic chemicals once every three (3) years.

(3) Noncommunity systems. All noncommunity water systems shall sample for the presence of nitrates once every three (3) years.

Section 3. Sampling Point. The sampling point for identifying the presence of inorganic chemicals shall be at any free-flowing outlet of the distribution system.

Section 4. Maximum Inorganic Chemical Limits. (1) Maximum contaminant levels. The following are the maximum contaminant levels for inorganic chemicals:

Contaminant	Level, milligrams per liter
Arsenic	0.05
Barium	1.00
Cadmium	0.010
Chromium	0.05
Fluoride	4.00
Lead	0.05
Mercury	0.002
Nitrate (as N)	10.00
Selenium	0.01
Silver	0.05

(2) Nitrate. The maximum contaminant level for nitrate is applicable to all public water systems. The levels for the other inorganic chemicals apply only to community water systems.

(3) Fluoride. The maximum limit for fluoride is applicable to community water systems only. Supplemental fluoridation of public water supplies is covered by 401 KAR 8:650.

Section 5. Analytical Method. Analyses for inorganic chemicals shall be in accordance with methods approved for drinking water by the U.S. Environmental Protection Agency in accordance with 40 C.F.R. 141.23(f).

Section 6. Inorganic Chemical Limit Exceeded (Except Nitrate). (1) Reporting. If the level of any contaminant listed in Section 4 of this regulation (except nitrate) exceeds the maximum contaminant level, the supplier of water shall report to the cabinet within seven (7) days and initiate three (3) additional analyses at the same sampling point within one (1) month.

(2) Public notification required. When the average of the routine sample that exceeds the maximum limit together with the three (3) additional samples, as set forth above, rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall notify the cabinet and give notice to the public in accordance with 401 KAR 8:070. Monitoring by the supplier after public notification shall be at a frequency designated by the cabinet and shall continue until the maximum contaminant level has not been exceeded in two (2) successive samples or until a monitoring schedule, as a condition to a variance, exemption or enforcement action, becomes effective.

Section 7. Nitrate Limit Exceeded. The maximum contaminant level for nitrate shall be determined on the basis of the mean of two (2) analyses. When a level exceeding the maximum contaminant level for nitrate is found, a second analysis shall be initiated within twenty-four (24) hours, and if the mean average of the two (2) analyses exceeds the maximum contaminant level, the supplier of water shall report this to the cabinet and shall notify the public in accordance with 401 KAR 8:070.

(1) When MCL for nitrate may be exceeded. Nitrate levels not exceeding twenty (20) mg/l may be allowed in a noncommunity water system if:

(a) No water from the system is or will be available to children under six (6) months of age; and

(b) There will be continuous posting of the fact that nitrate levels exceed ten (10) mg/l and the notice lists the potential health effects of exposure;

(c) Local and state public health authorities are notified annually of nitrate levels that exceed ten (10) mg/l; and

(d) No adverse health effects result.

(2) Public notification required. Where the cabinet allows levels of nitrate up to twenty (20) mg/l, public notification shall be required when the MCL exceeds twenty (20) mg/l.

Section 8. Special Monitoring for Sodium. (1) Those required to sample. Suppliers of water for community public water systems shall collect and analyze one (1) sample per plant at the entry point of the distribution system for the determination of sodium concentration levels.

(2) Sampling frequency.

(a) Community water systems, surface source. Systems utilizing surface water sources in whole or in part shall collect and analyze samples semiannually. Samples shall be collected one (1) time during the wet season and one (1) time during the dry season per calendar year.

(b) Community water systems, groundwater sources. Systems utilizing only groundwater sources shall collect and analyze samples annually.

(c) Samples required. The minimum number of samples required to be taken by the system shall

be based upon the number of treatment plants used by the system, except the cabinet may consider multiple wells drawing raw water from a single aquifer to be one (1) treatment plant for the purpose of determining the minimum number of samples. The supplier of water may be required to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.

(d) Analyses for sodium shall be in accordance with methods approved for drinking water by the U.S. Environmental Protection Agency in 40 CFR 141.41(d) or by the cabinet.

(3) Reporting. The supplier of water shall report to the cabinet the results of the analyses for sodium within ten (10) days of the end of the month in which the sample results were received or within ten (10) days following the end of the required monitoring period, as determined by the cabinet, whichever of these is first. If more than annual sampling is required the supplier shall report the average sodium concentration within ten (10) days of the end of the month in which the analytical results of the last sample used for the annual average was received.

(4) Acceptable sodium limits. A level of twenty (20) mg/l of sodium shall be considered an optimum concentration for drinking water. The supplier of water shall notify appropriate local and state public health officials of the sodium levels, by written notice, within three (3) months of testing. A copy of each notice required to be provided by this paragraph shall be sent to EPA and the cabinet within ten (10) days of its issuance. The supplier of water is not required to notify appropriate local and state public health officials of the sodium levels where the state provides such notices in lieu of the supplier.

(5) Public notification. The provisions of 401 KAR 8:070 do not apply to sodium levels unless the water supplier opts to notify the public.

Section 9. Variance and Exemptions for Fluoride. In addition to the requirements for requesting a variance or exemption provided in 401 KAR 8:060, the following provisions are applicable when a variance or exemption from the maximum contaminant level for fluoride is requested:

(1) Best available technology. The following are the best available technology, treatment techniques or other means generally available for achieving compliance with the maximum contaminant level for fluoride:

(a) Activated alumina absorption, centrally applied; and

(b) Reverse osmosis, centrally applied.

(2) Public water systems shall apply the best available technology, treatment techniques, or other means generally available to the water system specified in subsection (1)(a) or (b), prior to the cabinet's consideration of a variance request for fluoride, unless:

(a) Pursuant to 401 KAR 8:060, the public water system submits to the cabinet information, based upon studies of the public water system and other relevant information, that demonstrates that the technology, treatment technique or other available method identified in subsection 1 is not available and effective for the public water system;

(b) The cabinet determines, based upon the information submitted that the best available technology, treatment technique or other method generally available is not available and effective for the system;

(c) Prior to granting a variance, the cabinet will issue a compliance schedule which requires the public water system to examine the following treatment techniques to determine the probability that any of these methods will significantly reduce the level of fluoride for that system, and, if so, to determine if those methods are technically feasible and economically reasonable; and to determine if the fluoride reductions obtained are commensurate with the costs incurred with the installation and use of such treatment methods for that system:

1. Modification of lime softening;
2. Alum coagulation;
3. Electrodialysis;
4. Anion exchange resins;
5. Well field management;
6. Alternate source; and
7. Regionalization.

(d) If the cabinet determines that a treatment technique identified in paragraph (c) of this subsection is technically feasible, economically reasonable and will achieve fluoride reductions commensurate with costs incurred with the installation and use of such treatment technique for the system, the cabinet shall require the system to install and use that treatment method in connection with a compliance schedule issued pursuant to 401 KAR 8:060.

Section 10. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 11. Repeal. Sections 7 and 16 of 401 KAR 6:015 Public and semipublic water supplies, are hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:300E

This regulation is a part of a package which is being filed as an emergency to replace 401 KAR 6:015 or 6:040, which were disapproved by a legislative committee during the previous interim and will expire on July 13, 1990. While this regulation was not specifically a part of 6:015 or 6:040 it is a part of the new regulatory package and should become effective at the same time as the rest of the package in order to insure consistency. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:300E. Lead.

RELATES TO: KRS Chapter 224, 40 CFR Part 141
STATUTORY AUTHORITY: KRS 224.032, 224.033, Public Law 93-523 The Safe Drinking Water Act as amended in 1986 and by the Lead Contamination and Control Act of 1988, Public Law 100-572, 42 U.S.C.A. 300f, 300g, 300j
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation bans lead in drinking water facilities. It is anticipated that this regulation will be expanded substantially when the Environmental Protection Agency proposes the final lead rule.

Section 1. Prohibition of Use of Lead Pipes, Solder and Flux. Any pipe, solder, or flux used in the installation or repair of any public water system, or any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a public water system, shall be lead-free within the meaning of subsections (1) and (2) of this section. This prohibition does not apply to leaded joints necessary for the repair of cast iron pipes.
(1) The term "lead-free," when used with respect to solder and flux, refers to solders and flux containing not more than two-tenths (0.2) percent lead, and
(2) The term "lead-free," when used with respect to pipes and fittings, refers to pipes and pipe fittings containing not more than eight (8.0) percent lead.

Section 2. Special Notice for Lead. (1) When notice served. On or before June 19, 1988, the owner or operator of each community water system and each nontransient noncommunity water system shall issue notice to persons served by that system that may be affected by lead contamination of their drinking water. The cabinet may require subsequent notices. Notice under this section is required even if no violation of the maximum contaminant level for lead in 401 KAR 8:250 exists.
(2) When notice is not required. Notice under subsection (1) of this section is not required if the system demonstrates that the water system, including the residential and nonresidential portions connected to the water system, is lead-free.
(3) Manner of notice. Notice shall be given to persons served by the system either by three newspaper notices, one (1) for each of three (3) consecutive months and the first no later than June 19, 1988; or once by mailed notice with the water bill or in a separate mailing, no later than June 19, 1988; or once by hand delivery no later than June 19, 1988. For nontransient noncommunity water systems, notice may be given by continuous posting. If posting is used, the notice shall be posted in a conspicuous place in the area served by the system, shall begin no later than June 19, 1988, and shall continue for three (3) months.
(a) General content of notice. Notices issued under this section shall provide a clear and readily understandable explanation of the potential sources of lead in drinking water, potential adverse health effects, reasonably available methods of mitigating known or potential lead content in drinking water, any steps the water system is taking to mitigate lead content in drinking water, and the necessity for seeking alternative water supplies, if any. Use of the mandatory language in subsection (4) of this section shall be sufficient to explain potential adverse health effects.
(b) Each notice shall also include specific advice on how to determine if materials containing lead have been used in homes or the water distribution system and how to minimize exposure to water likely to contain high levels of lead. Each notice shall be conspicuous and shall not contain unduly technical language, unduly small print, or similar problems that frustrate the purpose of the notice. Each notice shall contain the telephone number of the owner, operator, or designee of the public water system as a source of additional information regarding the notice. Where appropriate, the notice shall be multilingual.
(4) Mandatory health effects information. When providing the public notice of the potential adverse health effects of lead in drinking water required in this section, the owner or operator of the water system shall include the following specific language in the notice:
"The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that lead is a health concern at certain levels of exposure. There is currently a standard of 0.050 parts per million (ppm). Based on new health information, EPA is likely to lower this standard significantly.
"Part of the purpose of this notice is to inform you of the potential adverse health effects of lead. This is being done even though your water may not be in violation of the current standard.
"EPA and others are concerned about lead in drinking water. Too much lead in the human body can causes serious damage to the brain, kidneys, nervous system, and red blood cells. The greatest risk, even with short-term exposure, is to young children and pregnant women.
"Lead levels in your drinking water are likely to be highest:
- if your home or water system has lead pipes, or
- if your home has copper pipes with lead solder, and
- if the home is less than five years old, or
- if you have soft or acidic water, or
- if water sits in the pipes for several hours."
(5) Cabinet notice. The cabinet may give the notice to the public required by this section on behalf of the owner or operator. However, the owner or operator remains legally responsible

for ensuring that the requirements of this section are met.

Section 2. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:350E

This emergency administrative regulation is of one a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:350E. Corrosivity monitoring.

RELATES TO: KRS Chapter 224, 40 CFR 141.42
STATUTORY AUTHORITY: KRS 224.032, 224.033, Public Law 93-523 The Safe Drinking Water Act, as amended in 1986 and by the Lead Contamination and Control Act of 1988, Public Law 100-572, 42 U.S.C.A. 300f, 300g, 300j
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation sets forth the requirements for the monitoring and reporting of corrosion characteristics of water supplies. This regulation will repeal Section 17 of 401 KAR 6:015.

Section 1. Applicability. (1) Each community water system which utilizes surface water sources or groundwater sources shall identify specific types of corrosivity-related characteristics within their water distributed for human, domestic or industrial consumption.

(2) Sampling frequency. The supplier shall collect two (2) samples, or more at the request of the cabinet, for analysis from each plant using any surface water source. One (1) sample will be collected during midwinter and one (1) sample shall be collected during midsummer. The supplier of water shall collect one (1) sample, or more if required by the cabinet, for analysis from each plant using any groundwater source. The cabinet may consider multiple wells drawing raw water from a single aquifer to be one (1) treatment plant for the purpose of determining the minimum number of samples.

(3) Sampling point. Suppliers of water for community public water systems shall collect samples from a representative entry point to the water distribution system for analysis to determine the corrosivity characteristics of the water.

(4) Determination of corrosivity characteristics. Parameters for the determination of corrosivity characteristics shall include pH, calcium hardness, alkalinity, temperature, total dissolved solids (total filterable residue), and calculation of the Langelier Index in accordance with subsection (5) of this section. The determination of corrosivity characteristics shall include one (1) round of sampling using two (2) samples per plant for surface water and one (1) sample per plant for groundwater sources. However, the cabinet may require more frequent monitoring as appropriate. In addition, the cabinet may require monitoring for additional parameters which may indicate corrosivity characteristics, such as sulfates and chlorides.

(5) Langelier Index calculation. Based on the parameters in subsection (4) of this section, the Langelier Index shall be calculated pursuant to Standard Methods. In certain cases, the Aggressive Index can be used instead of the Langelier Index. The supplier shall request substitution, in writing, to the cabinet and the cabinet will make the determination. For interpretive purposes, the following table of indices shall be used:

Corrosivity Characteristics as Addressed by Indices

Corrosive Characteristics	Langelier Index	Aggressive Index
Highly aggressive	<-2.0	<10.0
Moderately aggressive	-2.0 to 0.0	10.0 to 12.0
Nonaggressive	>0.0	>12.0

(6) Reporting. The results of the analyses for the corrosivity characteristics shall be reported to the cabinet within ten (10) days after the sample results are received. If more frequent sampling is required by the cabinet, the supplier may accumulate the data and report each value within ten (10) days of the end of the month in which the analytical results of the last sample are received.

(a) If the corrosive characteristics derived from the calculation in subsection (5) of this section indicate that the water distributed is highly aggressive the water supply system shall notify the cabinet as whether any of the following materials are present in the distribution system:

1. Lead from piping, solder, caulking, interior lining of distribution mains, alloys,

or any other source;
2. Copper from piping, alloys, service lines, or any other source;
3. Galvanized piping or service lines;
4. Ferrous piping materials, such as cast iron and steel; and
5. Asbestos cement pipe.
(b) In addition, the cabinet may require identification and reporting of other materials of construction present in distribution systems that may contribute contaminants to the drinking water, including, but not limited to:
1. Vinyl-lined asbestos cement pipe; and
2. Coal tar-lined pipes and tanks.
(7) Measurement techniques. Measurement for corrosive characteristics, as listed in subsection (4) of this section shall be conducted in accordance with the procedures and methods set forth in Standard Methods. Alternative methods approved by the cabinet may be substituted.

Section 2. Standard Methods for the Examination of Water and Wastewater, 16th edition, 1985, is hereby incorporated by reference and is available from 8:00 a.m. to 4:30 p.m. Monday through Friday for public inspection and copying at the Division of Water, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601. This document is prepared and jointly published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. This publication may be obtained from the Publication Office, American Public Health Association, 1015 Fifteenth Street, N.W., Washington, D.C. 20005.

Section 3. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 4. Repeal. Section 17 of 401 KAR 6:015 Public and semipublic water supplies is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:400E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:400E. Organic chemicals.

RELATES TO: KRS Chapter 224, 40 CFR Part 141
STATUTORY AUTHORITY: KRS 224.032, 224.033, Public Law 93-523, The Safe Drinking Water Act, as amended in 1986 and by the Lead Contamination and Control Act of 1988, Public Law 100-572, 42 U.S.C.A. 300f, 300g, 300j, and 40 CFR 141.24(e) and 40 CFR 141.24(g) (10) (11) and (18)
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS Chapter 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation provides maximum contaminant levels and sampling and analytical requirements for certain organic chemicals. This regulation repeals and replaces Section 8 of 401 KAR 6:015, with no substantial changes.

Section 1. Organic Chemical Sampling, Analytical Techniques and Maximum Contaminant Levels. (1) Applicability. A community water system that obtains all or part of its water from surface water sources shall sample for organic chemicals and is subject to the provisions of this section. The cabinet may require a community water system which obtains its water from any groundwater source to sample for organic chemicals.
(2) Sampling frequency. Sampling for organic chemicals shall be performed no less than once every three (3) years, at a period of the year specified by the cabinet.
(3) Sampling points. The sampling point for the determination of organic chemicals shall be at any free-flowing outlet of the distribution system.
(4) Maximum organic chemical limits. The following are the maximum contaminant levels for organic chemicals:

	Level, milligrams per liter
Chlorinated hydrocarbons:	
Endrin (1,2,3,4,10, 10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa hydro-1,4-endo, endo-5,8 - dimethano naphthalene)	0.0002
Lindane (1,2,3,4,5,6-hexachloro-cyclohexane, gamma isomer).	0.004
Methoxychlor (1,1,1-Trichloro-2, 2 - bis (p-methoxyphenyl) ethane).	0.1

Toxaphene ($C_{10}H_{10}Cl_8$-Technical Chlorinated Camphene, 67-69 percent chlorine).	0.005
Chlorophenoxys: 2,4 - D, (2,4-Dichlorophenoxyacetic acid).	0.1
2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid).	0.01

(5) Analytical methods. Analyses for organic chemicals shall be in accordance with methods approved for drinking water by the U.S. Environmental Protection Agency in accordance with 40 CFR 141.24(e) and (g) (10) (11) and (18) or by the cabinet.

(6) Organic chemical limit exceeded.

(a) If the results of an analysis for the organic chemicals listed above show that the maximum limits have been exceeded, the supplier of water shall report this information to the cabinet within seven (7) days and initiate three (3) additional analyses within one (1) month.

(b) When the average of the four (4) analyses made above, rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall report the violation to the cabinet and give the notice to the public specified in 401 KAR 8:070. Monitoring after public notification shall be at a frequency determined by the cabinet and shall continue until the maximum contaminant level has not been exceeded in two (2) successive samples, or until a monitoring schedule, as a condition to a variance, exemption or enforcement action, becomes effective.

Section 2. Variances and exemptions for organic chemicals shall be in accordance with 401 KAR 8:060 and in accordance with the provisions for variances for volatile organic chemicals as provided in 401 KAR 8:420 Section 8.

Section 3. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 4. Repeal. Section 8 of 401 KAR 6:015, Public and semipublic water supplies, is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:420E

This regulation is a part of a package which is being filed as an emergency to replace 401 KAR 6:015 or 6:040, which were disapproved by a legislative committee during the previous interim and will expire on July 13, 1990. While this regulation was not specifically a part of 401 KAR 6:015 or 6:040 it is a part of the new regulatory package and should become effective at the same time as the rest of the package in order to insure consistency. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:420E. Volatile organic chemicals.

RELATES TO: KRS Chapter 224, 40 CFR Part 141
STATUTORY AUTHORITY: KRS 224.032, 224.033, Public Law 93-523 The Safe Drinking Water Act as amended in 1986, 42 U.S.C.A. 300f, 300g, 300j, 40 CFR 141.24 (g)(10)(11) and (18)
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS Chapter 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation sets forth monitoring and testing requirements, maximum contaminant levels, and treatment technologies for certain volatile organic chemicals (VOCs), and is required to keep state regulations "no less stringent than national primary drinking water regulations".

Section 1. Applicability. All community public water systems and all nontransient noncommunity public water systems shall comply with this regulation.

(1) Systems serving over 10,000 persons. Beginning no later than January 1, 1988, all water systems serving more than 10,000 persons shall begin analysis of their water systems in accordance with this regulation.

(2) Systems serving 3,300 persons to 10,000 persons, inclusive. Beginning no later than January 1, 1989, all systems serving 3,300 people to 10,000 people, inclusive, shall begin analysis of their water systems in accordance with this regulation.

(3) Other systems. No later than January 1, 1991, all other community and nontransient noncommunity water systems shall comply with this regulation.

(4) How population determined. For the purpose of this regulation, the number of persons served shall be determined in accordance with 401 KAR 8:200.

(5) Cabinet may sample. The cabinet may elect to perform the monitoring required by this regulation on behalf of a public water system, if all required schedules are met or advanced. The responsibility for compliance with this regulation remains with the public water system.

Section 2. Sampling Locations. Sampling locations for the purpose of complying with this regulation shall be as follows:

(1) Groundwater systems. Groundwater systems shall sample at points of entry to the distribution system representative of each well after any application of treatment. All samples shall be taken from the same or a more representative location for each entry point to the distribution system.

(2) Surface water systems. Surface water systems shall sample at points in the distribution system representative of each source or at entry points to the distribution system after any application of treatment. All samples shall be taken from the same or a more representative location for each source of water.

(3) If the system draws from more than one source and the sources are combined before distribution, the system shall sample at an entry point to the distribution system during periods of normal operation.

(4) The cabinet may require check samples or confirmation samples for either positive or negative results. The cabinet may delete any obvious sampling errors. Confirmation samples shall be averaged with previous samples for the purpose of complying with this regulation.

Section 3. Monitoring Frequency. Monitoring frequency for community and nontransient noncommunity water systems shall be as follows:

(1) First year. Monitoring shall be quarterly for a period of one (1) year or until such time as the cabinet reduces the monitoring frequency in accordance with this regulation.

(2) Subsequent monitoring.

(a) For groundwater systems where VOCs are not detected in the first or any subsequent sample and the system is not vulnerable, as prescribed in section 4 of this regulation, the cabinet may reduce monitoring to be repeated no less than once every five (5) years.

(b) For groundwater systems which are vulnerable, as prescribed in section 4 of this regulation, but where VOCs are not detected, the cabinet may reduce the monitoring frequency to no less than once every three (3) years for a system with more than 500 connections and once every five (5) years for a system with 500 or fewer connections.

(c) If VOCs are detected in a groundwater system, the cabinet will not reduce the monitoring frequency and monitoring shall continue on a quarterly basis.

(d) For surface water systems where VOCs are not detected in the first year of quarterly sampling or in subsequent samples, and the system is not vulnerable, as prescribed in section 4 of this regulation, the cabinet may reduce the monitoring frequency to no less than once every five (5) years.

(e) When VOCs are not detected in the first year of quarterly sampling or any subsequent sample, but the system is vulnerable, as prescribed in section 4 of this regulation, a year of quarterly monitoring must be repeated every three (3) years for systems larger than 500 connections and every five (5) years for systems of 500 or fewer connections.

(f) When VOCs are detected in any sample, monitoring shall continue on a quarterly basis.

(g) The cabinet may, if it finds that VOCs detected in a public water system are consistently below the maximum contaminant level, as prescribed in this regulation, for three (3) consecutive years, reduce the quarterly testing to annual testing for a surface or groundwater system.

Section 4. Vulnerability. Criteria for establishing the vulnerability of public water systems to volatile organic chemicals (VOCs).

(1) All systems vulnerable until proven otherwise. For the purpose of this regulation, all public water systems shall be considered vulnerable until the system demonstrates to the cabinet's satisfaction that it is not vulnerable based on the criteria outlined in this regulation.

(2) Cabinet may require information to test. Any public water system that wishes the cabinet to consider declaring the system nonvulnerable to VOC contamination shall submit a request to the cabinet. The request shall contain a detailed sanitary survey, as well as an explanation of why the system believes it is not vulnerable. Such explanation shall include the number of persons served by the system, the proximity of the public water system to other public water systems, the proximity of the system to commercial or industrial use, the method of disposal or storage of volatile synthetic organic chemicals, the methods utilized in the protection of the water source, and any other information the cabinet may require. Any previous testing which has resulted in a positive measurement of any contaminant listed in this regulation, except for disinfection by-products, shall cause a public water system to be considered vulnerable, regardless of other factors, for a period of three (3) years.

Section 5. Maximum Contaminant Levels for Certain Volatile Organic Chemicals, Treatment Techniques. (1) Community and nontransient noncommunity water systems. The following maximum contaminant levels of organic contaminants apply to community water systems and nontransient noncommunity water systems:

Contaminant	Maximum contaminant level in mg/l
Benzene	0.005
Vinyl Chloride	0.002
Carbon tetrachloride	0.005
1,2-Dichloroethane	0.005
Trichloroethylene	0.005
1,1-Dichloroethylene	0.007
1,1,1-Trichloroethane	0.200
para-Dichlorobenzene	0.075

(2) Best available treatment. The following are the best technology treatment techniques for achieving compliance with the maximum contaminant levels for the synthetic organic chemicals identified in subsection (1) of this section:

(a) Central treatment using packed tower aeration for all of the above; or

(b) Central treatment using granular activated carbon for all these chemicals except vinyl chloride.

(3) Point-of-entry devices. Public water systems may use point-of-entry devices to comply with maximum contaminant levels only if they meet the requirements of this subsection:

(a) It is the responsibility of the public water system to operate and maintain the

point-of-entry treatment system.

(b) The public water system shall develop and obtain cabinet approval for a monitoring plan before point-of-entry devices are installed for compliance. Under the plan approved by the cabinet, point-of-entry devices shall provide health protection equivalent to central water treatment. "Equivalent" means that the water would meet all primary and secondary drinking water standards and would be of acceptable quality similar to that of water distributed by a well-operated central treatment plant. In addition to the VOCs, monitoring shall include physical measurements and observations such as total flow treated and the mechanical condition of the treatment equipment.

(c) Effective technology shall be properly applied under a plan approved by the cabinet and the microbiological safety of the water shall be maintained.

1. The cabinet shall require adequate certification of performance and field testing, including a rigorous engineering design review of the point-of-entry devices.

2. The design and application of the point-of-entry devices shall consider the tendency for increase in heterotrophic bacteria concentrations in water treated with activated carbon. It may be necessary to use frequent backwashing, postcontactor disinfection, and heterotrophic plate count monitoring to ensure that the microbiological safety of the water is not compromised.

(d) All consumers shall be protected. Every building connected to the system shall have a point-of-entry device installed, maintained, and adequately monitored. The public water system shall assure the cabinet that every building is subject to treatment and monitoring, and that the rights and responsibilities of the public water system customer convey with title upon sale of property.

(e) Public water systems shall not use bottled water or point-of-use devices to achieve compliance with an MCL. Bottled water or point-of-use devices may be used on a temporary basis with cabinet approval, to avoid an unreasonable risk to health.

Section 6. Sampling and Testing Procedures for Volatile Organic Chemicals. (1) Compliance methodology. Compliance with this regulation shall be based upon the results of the running annual average of quarterly sampling for each sampling location. Results of sample analysis shall be submitted to the cabinet within 10 days of the end of the compliance period for which the sample was taken. If one location's average is greater than the MCL, the system shall be deemed to be out of compliance. If a public water system has a distribution system separable from other parts of the distribution system, with no interconnections, only that part of the system that exceeds any MCL, as specified in Section 5, shall be deemed out of compliance. The cabinet may reduce the public notice requirement as to that portion of the system which is out of compliance. If any one (1) sample result would cause the annual average to be exceeded, then the system shall be deemed to be out of compliance immediately. For systems that only take one (1) sample per location because no VOCs were detected, compliance shall be based on that one (1) sample.

(2) Analytical methods. Analysis under this regulation shall be conducted in accordance with methods approved for drinking water by the U.S. Environmental Protection Agency or by the cabinet, in accordance with 40 CFR 141.24 (g)(10), 1987, or by the cabinet, and shall be conducted by a laboratory with approval for such analysis in accordance with 40 CFR 141.24 (g)(11), 1987.

(3) Composite samples. The cabinet or individual public water system may choose to composite up to five (5) samples from one (1) or more public water systems. Compositing of samples shall be performed in the laboratory by the procedures listed below. Samples shall be analyzed within fourteen (14) days of collection. If any VOC is detected in the original composite sample, a sample from each source that made up the composite sample shall be reanalyzed individually within fourteen (14) days from sampling. The sample for reanalysis shall not be the original sample, but can be a duplicate sample. If duplicates of the original samples are not available, new samples shall be taken from each source used in the original composite and analyzed for VOCs. Reanalysis shall be accomplished within fourteen (14) days of the second sample. The following procedure shall be followed as to composite samples:

(a) Compositing samples prior to gas chromatograph (GC) analysis.

1. Add five (5) ml, or equal larger amounts, of each sample (up to five (5) samples are allowed) to a twenty-five (25) ml glass syringe. Zero head space in the syringe shall be maintained.

2. The samples shall be cooled at 4° C during this step to minimize volatilization losses.

3. Mix well and draw out a five (5) ml aliquot for analysis.

4. Follow sample introduction, purging, and desorption steps described in the method.

5. If less than five (5) samples are used for compositing, a proportionately smaller syringe may be used.

(b) Compositing samples prior to gas chromatograph/mass spectrometer (GC/MS) analysis.

1. Inject five (5) ml or equal larger amounts of each aqueous sample (up to five (5) samples are allowed) into a twenty-five (25) ml purging device, using the sample introduction technique described in the method.

2. The total volume of the sample in the purging device shall be 25 ml.

3. Purge and desorb as described in the method.

(4) Vinyl chloride in groundwater systems. Analysis for vinyl chloride is required only for groundwater systems that have detected one (1) or more of the following two-carbon organic compounds: trichloroethylene; tetrachloroethylene; 1,2-dichloroethane; 1,1,1-trichloroethane; cis-1,2- dichloroethylene; trans-1,2-dichloroethylene; or 1,1-dichloroethylene. The analysis for vinyl chloride is required at each distribution or entry point at which one (1) or more of the two-carbon organic compounds were found. If the first analysis does not detect vinyl chloride, the cabinet may reduce the frequency of vinyl chloride monitoring to once every three (3) years for that sample location or other sample locations which are more representative of the same source. Surface water systems may be required to analyze for vinyl chloride at the discretion of the cabinet.

(5) Analysis by certified laboratory required.

Analysis under this section shall only be conducted by laboratories certified in accordance with 401 KAR 8:040 and certified in accordance with 40 CFR 141.24 (g) (11) as to volatile organic chemicals. In addition, laboratories certified for volatile organic chemicals shall comply with 40 CFR 141.24 (g) (18).

Section 7. Miscellaneous Provisions. (1) Increased monitoring. The cabinet may increase required monitoring where necessary to detect variations within the system.

(2) Compliance and enforcement. The cabinet may determine compliance or initiate enforcement action based upon analytical results and other information.

(3) Systems with less than 150 service connections. Public water systems supplying fewer than 150 service connections may comply with the requirements of this regulation if the owner or operator notifies the cabinet prior to January 1, 1991, that the system is available for sampling.

(4) Purchasers. Public water systems which purchase water from a public water systems which are monitoring for VOCs under this regulation are exempt from the requirements of this regulation if they do not alter the water in any way. Public water systems which purchase water and do alter or treat the water in any way may be required by the cabinet to comply with the requirements of this regulation.

(5) Other monitoring. If the cabinet has reason to believe that any public water system may be contaminated with VOCs, it may require the system to monitor for VOCs at any time.

Section 8. Variances. Variances from the maximum contaminant levels for synthetic organic chemicals.

(1) Best available treatment installed. Community and nontransient noncommunity (NTNC) public water systems shall install or use either packed tower aeration or granular activated carbon (except for vinyl chloride) treatment technology before the cabinet may consider a variance, unless the system can demonstrate through comprehensive engineering assessments, which may include pilot plant studies, that such treatment technologies would achieve only a de minimis reduction in contaminants. The cabinet may then issue a schedule of compliance that requires the system being granted the variance to examine other treatment methods as a condition of obtaining the variance. If, after the system installs packed tower aeration or granular activated carbon (except for vinyl chloride) technology, the system still does not meet the MCL, that system shall be eligible for a variance from this regulation. If a system has demonstrated that packed tower aeration or granular activated carbon would achieve only a de minimis reduction and has, through examination of other treatment methods, discovered another treatment method which may be technically feasible, the system may request that the cabinet certify that the method is feasible. If the cabinet certifies, based on studies by the system and other relevant information, that the treatment is technically feasible, the cabinet may require such treatment be installed by the system.

(2) Bottled water or point-of-use device. The cabinet may require public water systems to use bottled water or point-of-use devices or other means as a condition of granting a variance from the requirements of this regulation, provided the following requirements are met:

(a) Public water systems that use bottled water as a condition for receiving a variance shall develop and put into place a monitoring program approved by the cabinet that provides reasonable assurances that the bottled water meets all MCLs. The system shall monitor a representative sample of the bottled water, for all contaminants in this regulation, in the first quarter that it supplies bottled water to the public and annually thereafter. Results of the monitoring shall be provided annually to the cabinet.

(b) In lieu of monitoring, the water system may provide the cabinet with certification from the bottled water company that the bottled water supplied is in compliance with all applicable state and federal regulations. The certification shall be satisfactory to the cabinet.

(c) The public water system is responsible for the provision of sufficient quantities of bottled water to every person supplied by the system, via door-to-door bottled water delivery.

(d) Any public water systems that use point-of-use devices as a condition for obtaining a variance from this regulation shall meet the following requirements:

1. The public water system shall operate and maintain the point-of-use treatment system;

2. The public water system shall develop a monitoring plan and obtain cabinet approval for the plan before point-of-use devices are installed for compliance. This monitoring plan shall provide health protection equivalent to a monitoring plan for central water treatment;

3. The public water system shall properly apply effective technology, under a plan approved by the cabinet, and shall maintain the microbiological safety of the water;

4. The public water system shall obtain an adequate certification of performance from the cabinet, perform field testing, and, if not included in the certification process, perform a rigorous engineering design review of the point-of-use devices;

5. The design and application of the point-of-use devices shall consider the tendency for increase in heterotrophic bacteria concentrations in water treated with activated carbon. It may be necessary to use frequent backwashing, postcontactor disinfection, and heterotrophic plate count monitoring to ensure that the microbiological safety of the water is not compromised; and

6. The public water system shall protect all consumers. Every building connected to the system shall have a point-of-use device installed, maintained, and adequately monitored. The system shall be assure the cabinet that every building is subject to treatment and monitoring, and that the rights and responsibilities of the public water system customer convey with title upon sale of the property.

(e) The cabinet may require a public water system to use bottled water or point-of-use devices as a condition for granting an exemption or variance from this regulation.

Section 9. Compliance Schedules. (1) Temporary. Any public water system found to be in violation of any maximum contaminant level

set by this regulation shall immediately submit to the cabinet a plan to mitigate such violation on a short-term basis until best available technology can be put in place. Such short-term measures shall be employed immediately upon approval of the cabinet. These measures may include the feeding of powdered activated carbon, changing the source of water, providing bottled water, or other processes approved by the cabinet.

(2) Best available technology. Any public water system showing a violation of the maximum contaminant levels established by this regulation shall come into compliance with this regulation, establishing best available technology to reduce the contamination to acceptable limits. Such compliance shall be achieved on the following schedule:

(a) For public water systems serving greater than 10,000 persons, within twelve (12) months of the notice of violation.

(b) For public water systems serving less than or equal to 10,000 persons, but greater than or equal to 3,300 persons, within eighteen (18) months of notice of violation.

(c) For public water systems serving less than 3,300 persons, within twenty-four (24) months of the notice of violation.

(d) The cabinet may approve, in writing, a compliance schedule other than that provided in this section; however, short term mitigation procedures shall be maintained to the cabinet's satisfaction, from the time of initial approval of the public water system's plan to employ short term remediation to the time of installation and satisfactory testing of best available technology.

(3) Public notification. Nothing herein shall relieve the public water system from the requirements for public notification contained in 401 KAR 8:070.

Section 10. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

FRANK DICKERSON, Secretary
CARL H. BRADLEY, Commissioner
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:440E

This regulation is a part of a package which is being filed as an emergency to replace 401 KAR 6:015 or 6:040, which were disapproved by a legislative committee during the previous interim and will expire on July 13, 1990. While this regulation was not specifically a part of 401 KAR 6:015 or 6:040 it is a part of the new regulatory package and should become effective at the same time as the rest of the package in order to insure consistency. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:440E. Special testing for unregulated synthetic organic chemicals.

RELATES TO: KRS Chapter 224, 40 CFR Part 141
STATUTORY AUTHORITY: KRS 224.032, 224.033, Public Law 93-523, The Safe Drinking Water Act, as amended in 1986, and by the Lead Contamination and Control Act of 1988; 42 U.S.C.A. 300f, 300g, 300j
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce the rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation lists certain volatile synthetic organic chemicals which, while unregulated, nevertheless must be monitored by community and nontransient noncommunity public water systems.

Section 1. Applicability. All community and nontransient noncommunity water systems shall comply with this regulation.

(1) Systems serving over 10,000 persons. Systems serving over 10,000 people shall complete the initial monitoring required by this regulation by the effective date of this regulation. Systems serving 3,300 to 10,000 people shall complete the initial monitoring required by this regulation by the effective date of this regulation. Systems serving less than 3,300 people shall complete the initial monitoring required by this regulation by January 1, 1991.

(2) Cabinet may monitor. The cabinet may elect to conduct this monitoring on behalf of a water system or all water systems, if all deadlines are met. Responsibility for testing remains with the water system.

Section 2. Sampling Sites. (1) Surface water source. Surface water systems shall sample at points in the distribution system representative of each water source or at entry points to the distribution system after any application of treatment. The minimum number of samples is one (1) year of quarterly samples per water source.

(2) Groundwater source. Groundwater systems shall sample at points of entry to the distribution system representative of each well after any application of treatment. The minimum number of samples is one (1) sample per entry point to the distribution system.

(3) Confirmation samples. The cabinet may require confirmation samples for positive or negative results.

Section 3. Applicability. (1) All community and nontransient noncommunity water systems shall monitor for the following contaminants:

(a) Chloroform

(b) Bromodichloromethane
(c) Chlorodibromomethane
(d) Bromoform
(e) trans-1,2-Dichlorethylene
(f) Chlorobenzene
(g) m-Dichlorobenzene
(h) Dichloromethane
(i) cis, 1,2-Dichloroethylene
(j) o-Dichlorobenzene
(k) Dibromomethane
(l) 1,1-Dichloropropene
(m) Tetrachloroethylene
(n) Toluene
(o) p-Xylene
(p) o-Xylene
(q) m-Xylene
(r) 1,1-Dichloroethane
(s) 1,2-Dichloropropane
(t) 1,1,2,2-Tetrachloroethane
(u) Ethylbenzene
(v) 1,3-Dichloropropane
(w) Styrene
(x) Chloromethane
(y) Bromomethane
(z) 1,2,3-Trichloropropane
(aa) 1,1,1,2-Tetrachloroethane
(bb) Chloroethane
(cc) 1,1,2-Trichloroethane
(dd) 2,2-Dichloropropane
(ee) o-Chlorotoluene
(ff) p-Chlorotoluene
(gg) Bromobenzene
(hh) 1,3-Dichloropropene
(ii) Ethylene dibromide (EDB)
(jj) 1,2-Dibromo-3-Chloropropane (DBCP)

(2) Sampling for EDB and DBCP may be waived by the cabinet if the system demonstrates to the satisfaction of the cabinet that it is not vulnerable to these two chemicals.

(3) Monitoring for the following compounds may be required by the cabinet.
(a) 1,2,4-Trimethylbenzene
(b) 1,2,4-Trichlorobenzene
(c) 1,2,3-Trichlorobenzene
(d) n-Propylbenzene
(e) n-Butylbenzene
(f) Naphthalene
(g) Hexachlorobutadiene
(h) 1,3,5-Trimethylbenzene
(i) p-Isopropyltoluene
(j) Isopropylbenzene
(k) Tert-Butylbenzene
(l) Sec-Butylbenzene
(m) Fluorotrichloromethane
(n) Dichlorodifluoromethane
(o) Bromochloromethane

(4) Instead of performing the monitoring required by this section, a community water system or nontransient, noncommunity water system serving fewer than 150 service connections may send a letter stating that its system is available for sampling.

(5) The sampling required under this regulation shall be repeated no less than every five years (5) from the initial sample.

Section 4. Analytical Methods. (1) Approved methods. Analyses for compliance with this regulation shall be in accordance with 40 CFR 141.40 (g).

(2) Laboratory certification required. Analysis under this section shall only be conducted by laboratories certified by EPA or the cabinet in accordance with 401 KAR 8:040. In addition to the other requirements, each laboratory analyzing for EDB and DBCP shall achieve a method detection limit for EDB and DBCP of 0.00002 mg/l, according to the procedures approved by the cabinet.

(3) Compositing of samples for chemicals under this regulation may be performed in accordance with regulated organic chemicals as set forth in 401 KAR 8:420 Section 6 (2)(a).

Section 5. Results (1) Time limits. A copy of the results of monitoring under this regulation shall be forwarded to the cabinet by the owner or operator of the community or nontransient noncommunity water system within thirty (30) days of receipt.

(2) Notification. The community or nontransient noncommunity water system shall notify the persons served by it that the monitoring required by this regulation has been completed and that the results are available for examination. Such notice shall be within three (3) months of receipt of the results and may be served in either of the following methods:

(a) The system shall place the notice in a daily or weekly newspaper of general circulation in the area. If this option is chosen, the page of the newspaper containing the ad shall be forwarded to the cabinet within fourteen (14) days of publication.

(b) The system shall mail the notice either directly or in water bills to each customer. If this option is chosen the system shall forward a copy of the notice to the cabinet within fourteen (14) days of the mailing, with an affidavit signed by the owner or operator of the water system stating how and when the notice was delivered.

(3) Content of notices. Notices required by this regulation shall contain the name and address of the water system, an explanation of the monitoring which took place, a place where the results of the monitoring may be reviewed, hours when the results may be reviewed, and the name and telephone number of a person whom the customer may contact for information regarding the results.

Section 5. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:500E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The

ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:500E. Disinfection by-products.

RELATES TO: KRS Chapter 224, 40 C.F.R. Part 141, 40 C.F.R. 142.60
STATUTORY AUTHORITY: KRS 224.032, 224.033, Public Law 93-523, The Safe Drinking Water Act, as amended in 1986, and by the Lead Contamination and Control Act of 1988; 42 U.S.C.A. 300f, 300g, 300j, 40 CFR Section 141.30 (e)
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation sets forth the requirements for by-products of disinfectants used to purify drinking water. Such by-products may, when consumed over a long period of time, cause adverse health affects. This regulation stipulates who must test for such by-products and what actions are to be taken when they are found. This regulation repeals and replaces Section 9 of 401 KAR 6:015 with no substantial changes.

Section 1. Applicability. Each community public water system serving 10,000 or more persons that adds a disinfectant as part of its treatment process shall monitor for trihalomethanes. The cabinet may provide technical assistance in sampling and sample analysis for trihalomethanes. Consecutive community water systems, where there is a seller and one (1) or more purchasers of water and the combined population of the systems involved exceeds 10,000 or more persons, shall be required to sample for trihalomethanes, pursuant to this regulation, as follows:
(1) Seller responsible. When a buyer does not practice booster disinfection or alter the water in any way, the seller shall be responsible for monitoring. Sampling shall be performed pursuant to this regulation at a point in the buyer's distribution system which reflects the longest period of retention.
(2) Buyer responsible. If a buyer practices booster disinfection or alters the water in any way, monitoring shall be the responsibility of the buyer and sampling shall be performed pursuant to this regulation. The raw water sample shall be taken at the point of entry into the system of the buyer and ahead of the booster chlorination point.
(3) Public notification. Any system determined by the cabinet to be the major contributor to violations of maximum contaminant levels for total trihalomethanes shall notify the public in accordance with 401 KAR 8:070.

Section 2. Sampling Frequency. Public water systems serving more than 10,000 persons shall monitor quarterly for trihalomethanes.

Section 3. Sampling Locations. Samples shall be taken on the following basis:
(1) Raw water. One (1) untreated or raw water sample to determine interference factors.
(2) Normal usage points. Three (3) samples shall be taken from a free-flowing tap at points in the distribution system which reflect normal average daily usage or turnover.
(3) Maximum residence point. One (1) sample shall be taken from a free-flowing tap in the system which reflects the longest time period of retention within the distribution system, but shall not be taken on a dead-end.
(4) Time frame. All quarterly samples shall be taken in the same week and at the same designated sample points during each quarter.
(5) Total samples. The minimum number of samples required for each system shall depend upon the number of treatment plants in the system. Each system shall collect four (4) samples from the distribution system per quarter for each treatment plant. One (1) raw water control sample shall be taken from each plant intake per quarter.
(6) Multiple plant operations. In multiple plant operations, sampling shall reflect the distribution from each plant.

Section 4. Maximum Trihalomethane Limits. The maximum contaminant level for total trihalomethanes (TTHMs) is one-tenth (0.10) milligrams per liter (mg/l).
(1) How computed. The results of all analyses performed each quarter shall be averaged and reported in a format supplied by the cabinet. All samples collected shall be used in computing the average, unless the analytical results are invalidated by the cabinet.
(2) Running average. Compliance will be determined on a running annual average of the four (4) most recent quarterly samples.

Section 5. Reduction in Sampling Frequency. Upon receipt of a written request, and at the discretion of the cabinet, the requirement of a sampling frequency of four (4) samples-per-quarter per year for each treatment plant used by the system may be reduced by the cabinet to a minimum of one (1) sample for TTHMs per quarter. Such reduction in frequency shall only be considered if, after one (1) full year of monitoring in accordance with the original schedule, it has been demonstrated that the water delivered to consumers is below the TTHM MCL of one-tenth (0.10) mg/l. The minimum single sample for TTHM shall then be taken at a point in the distribution system that reflects maximum residence time. If a minimum single sample per quarter exceeds the MCL for TTHM, and is confirmed by at least one (1) check sample, the system shall comply with the four (4) samples-per-quarter sampling frequency for one (1) year before reduced frequency may again be requested. Significant changes in the water source or treatment program may be grounds for requiring four (4) samples per quarter.

Section 6. Increase in Sampling Frequency. If analytical results from quarterly sampling show a TTHM arithmetic sum above acceptable limits, the cabinet may place the system on a monthly monitoring schedule until acceptable levels are achieved for three (3) consecutive months.

Section 7. Sampling and Analytical Methods.
(1) Approved methods. Sampling and analyses conducted pursuant to this section shall be conducted in accordance with 40 CFR 141.30(e).
(2) Certified laboratories. The cabinet will only accept analytical data from laboratories which have participated in the United States Environmental Protection Agency performance evaluation program and which have been certified by the cabinet or the Environmental Protection Agency.

Section 8. Total Trihalomethane Levels Exceeded. If the average annual TTHM level is exceeded, the community water system shall notify the public pursuant to 401 KAR 8:070.

Section 9. Requirements for Making Significant Treatment Modifications. Before a system makes any significant modification in its existing treatment process in order to achieve compliance with this regulation, the system shall obtain written cabinet approval of a detailed plan for such modification. Any plan to modify a disinfection practice shall require the system, at a minimum, to:
(1) Evaluate the water system for sanitary defects and evaluate the source water for bacteriological quality;
(2) Evaluate its existing treatment practices, consider improvements that minimize disinfectant demand and optimize finished water quality throughout the distribution system;
(3) Provide baseline data from water quality surveys of the distribution system. Such data shall include the monitoring results for:
(a) Total coliform and fecal coliform bacteria;
(b) Fecal streptococci;
(c) Standard plate counts at thirty-five (35) degrees centigrade and twenty (20) degrees centigrade;
(d) Phosphate;
(e) Ammonia nitrogen; and
(f) Total organic carbon;
(4) Provide additional similar monitoring to assure continued maintenance of optimal bacteriological quality in finished water after unit treatment or disinfection modifications;
(5) Demonstrate an active disinfectant residual throughout the distribution system at all times during and after the modification; and
(6) Provide additional monitoring for chlorate, chlorite, and chlorine dioxide, when chlorine dioxide is used as a disinfectant.

Section 10. Self-monitoring Reporting Requirements. All laboratories performing monitoring and TTHM analyses for drinking water systems shall hold a valid certification pursuant to 401 KAR 8:040. Public water systems shall submit results to the cabinet, on a form provided by the cabinet, within ten (10) days following the end of the compliance period for which the analysis was completed.

Section 11. Variance Procedures for Total Trihalomethanes. (1) When considered. Applications for a variance from the maximum acceptable contaminant level (MCL) of one-tenth (0.10) mg/l will be considered by the cabinet when the public water system making application presents evidence that:
(a) The best treatment technology, treatment techniques or other means generally available for achieving compliance with the MCL are not available;
(b) The best treatment method is not technically appropriate or technically feasible for that system; and
(c) Only marginal reduction in TTHM levels would be realized if the treatment methods specified in subsection 2 of this section were utilized.
(2) Best technology. The following technology, treatment techniques or other generally available means for achieving compliance with the MCL for total trihalomethanes are considered the best available:
(a) The use of chloramines as an alternate or supplemental disinfectant or oxidant;
(b) The use of chlorine dioxide as an alternate or supplemental disinfectant or oxidant;
(c) Improved clarification for THM precursor reduction;
(d) Moving the point of chlorination to reduce TTHM formation and, where necessary, substituting chloramines, chlorine dioxide or potassium permanganate for the use of chlorine as a preoxidant; and
(e) The use of powdered activated carbon for THM precursor or TTHM reduction seasonally or intermittently, at dosages not to exceed ten (10) mg/l on an annual average basis.
(3) When cabinet will grant variance. The cabinet, upon making a finding that information submitted by the applicant system supports a decision that best treatment technology or techniques are not available and effective, will consider a variance under the following conditions:
(a) Granting the variance will not result in an unreasonable risk to health; and
(b) The public water system proposes a compliance schedule, within one (1) year of the date the variance is granted, which examines the technological, economic and reduction feasibility of one (1) or more of the following treatment methods:
1. Introduction of off-line water storage for THM precursor reduction;
2. Aeration for TTHM reduction, where geographically and environmentally appropriate;
3. Introduction of clarification where not currently practiced;
4. Consideration of alternate sources of raw water; and
5. Use of ozone as an alternate or supplemental disinfectant or oxidant.
(c) The public water system implements such quality control measures as the cabinet may require during the period ending on the date it complies with this regulation.
(d) If the cabinet determines that a treatment method identified in 401 KAR 8:500 Section 11 (3) (b) is technically feasible, economically reasonable, and will achieve TTHM reductions commensurate with the costs incurred with the installation and use of such treatment method, the cabinet shall require the system to install and use that treatment method in connection with a compliance schedule. The cabinet's decision shall be based upon studies performed by the

system and other information submitted to the cabinet by the system in accordance with 401 KAR 8:060.

(4) In no event shall the cabinet require a system to install or use a treatment method not described in this section to obtain or maintain a variance from the TTHM regulation or in connection with any variance compliance schedule.

Section 12. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 13. Repeal. Section 9 of 401 KAR 6:015, Public and semipublic water supplies, is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:550E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:550E. Radionuclides.

RELATES TO: KRS Chapter 224, 40 C.F.R. 141.25, 40 C.F.R. 141.26
STATUTORY AUTHORITY: KRS 224.032, 224.033, Public Law 93-523, The Safe Drinking Water Act, as amended in 1986, 42 U.S.C.A. 300f, 300g, 300j, 40 CFR 141.25 and 40 CFR 141.26
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS Chapter 224.032 directs the cabinet to enforce the rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation sets forth the requirements for sampling and testing procedures for radionuclides and sets maximum contaminant levels for safe drinking water. This regulation repeals and replaces Section 10 of 401 KAR 6:015 with no substantial changes.

Section 1. Applicability. All producers of water for community water systems shall sample for radionuclides. Community water systems that purchase all of their water from others are not required to sample for radionuclides. The cabinet may provide technical assistance in sampling and sample analysis for radionuclides.

Section 2. Sampling Frequency. Sampling for radionuclides shall be on a schedule determined by the cabinet, but in no event shall it be less than once every four (4) years for community water systems. Public water systems shall submit to the cabinet data obtained by analyses performed on the samples within ten (10) days of the end of the compliance period for which the sample was taken.

Section 3. Sampling Locations. Samples shall be taken from a free-flowing tap within the distribution system of the supplier. When a community water system is supplied by two (2) or more sources having different concentrations of radioactivity, samples shall be taken at each source.

Section 4. Maximum Radionuclide Limits. Maximum contaminant levels for radionuclides shall be those levels specified in subsections (1) and (2) of this section.

(1) Radium 226, radium 228 and gross alpha particle. The maximum contaminant levels for radium-226, radium-228, and gross alpha particle radioactivity are as follows:

(a) Combined radium-226 and radium-228 - 5 pCi/l.

(b) Gross alpha particle activity (including radium-226, but excluding radon and uranium) - 15 pCi/l.

(2) Beta particle and photon radioactivity from man-made radionuclides. The average annual concentration of beta particle and photon radioactivity from manmade radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than four (4) millirem/year. Except for the radionuclides listed in the chart below, the concentration of man-made radionuclides causing four (4) mrem/year total body or organ dose equivalents shall be calculated on the basis of a two (2)-liter-per-day drinking water intake, using the 168-hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air or Water for Occupational Exposure," NBS Handbook 69, as amended in August, 1963, U. S. Department of Commerce. If two (2) or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed four (4) millirem/year. The average annual concentrations of tritium and strontium-90 assumed to produce a total body or organ dose of 4 mrem/year are as follows:

Radionuclide	Organ	pCi per liter (pCi/l)
Tritium	Total body	20,000
Strontium-90	Bone marrow	8

Section 5. Sampling and Measurement Technique. Sampling and measurement shall be in accordance with the procedures set forth in Federal Register 28402 (July 9, 1976), Sections 141.25 and 141.26, which may be obtained through the cabinet.

Section 6. Radionuclides Limit Exceeded. If the average annual maximum contaminant level for radionuclides is exceeded, the supplier of a community water system shall give notice to the cabinet and notify the public pursuant to 401 KAR 8:070. Monitoring at quarterly intervals for gross alpha particle activity, radium 226, and radium 228, and at monthly intervals for manmade radioactivity, depending on which limit is exceeded, shall continue until the annual average concentration no longer exceeds the maximum contaminant level, or until a monitoring schedule, as a condition to a variance, exemption, or enforcement action, becomes effective.

Section 7. The following document is incorporated by reference and is available for viewing and copying between the hours of 8 a.m. and 4:30 p.m. at the Division of Water, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601:

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air or Water for Occupational Exposure" MBS Handbook 69, as amended in August 1963, U.S. Department of Commerce. This document may be obtained through the division.

Section 8. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 9. Repeal. Section 10 of 401 KAR 6:015, Public and semipublic water supplies, is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:600E

This emergency administrative regulation is one of a package of administrative regulations to replace 401 KAR 6:015, a portion of which was disapproved during the 1988-1989 interim by a legislative committee. 401 KAR 6:015 relates to the regulation of public and semipublic water systems for public health and has been administered by the cabinet since 1974. This emergency regulation is necessary to assure the uninterrupted regulation of public and semipublic water systems. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:600E. Secondary standards.

RELATES TO: KRS Chapter 224, 40 CFR Part 143
STATUTORY AUTHORITY: KRS 224.032, KRS 224.033, Public Law 93-523, The Safe Drinking Water Act, as amended in 1986 and by the Lead Contamination and Control Act of 1988, 42 U.S.C.A. 300f, 300g, 300j
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce the rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation provides maximum contaminant levels, and requirements for the sampling and testing for contaminants which do not have a direct impact on the health of consumers, but may discourage the utilization of drinking water or discredit the supplies. Provisions for these contaminants are referred to as "secondary standards". This regulation repeals and replaces Section 15 of 401 KAR 6:015, with no substantial changes.

Section 1. Secondary contaminants. (1) Applicability. All suppliers of water for public and semipublic drinking water systems shall sample for secondary contaminants at the direction of the cabinet.

(2) New sources of water. An analysis for these contaminants shall be performed when a new source of water supply is proposed to the cabinet for preliminary approval pursuant to 401 KAR 8:100. Excessive amounts of these contaminants or excessive costs of their removal may be grounds for rejection of the proposed source of water.

(3) Existing sources of water. Existing producers of water shall sample for, and make analysis for, the secondary contaminants listed in this section, at the frequency prescribed by the cabinet. Treatment shall be adequate to assure that the secondary contaminant level does not exceed the maximum level limits set forth in this regulation.

(4) Sampling point. Samples may be taken from a free-flowing tap in the distribution system, except that hydrogen sulfide (H_2S) shall be measured at the entry point to the distribution system.

(5) Secondary contaminant maximum levels. The following lists the maximum allowable levels of secondary contaminants:

Chemical Symbol	Name	Unit(2)	Maximum Level
Cl	Chloride	mg/l	250.0
-	Color(1)	Platinum Cobalt	15.0
Cu	Copper	mg/l	1.0
-	Corrosivity	-	Noncorrosive
	Fluoride	mg/l	2.0
H_2S	Hydrogen Sulfide	mg/l	0.05
Fe	Iron	mg/l	0.3
Mn	Manganese	mg/l	0.05
-	Odor(1)	Threshold Number	3.0
-	Phenols	mg/l	0.001
SO_4	Sulfate	mg/l	250.0
Zn	Zinc	mg/l	5.0
TDS	Total Dissolved Solids	mg/l	500.0

(1) Surface supplies only.
(2) Milligrams per liter (mg/l) is the same as parts per million (ppm).

(6) Sample collection and measurement technique. Samples shall be taken and analyzed in accordance with the methods set forth in Standard Methods.
(7) Secondary contaminants maximum limits exceeded. If any of the secondary contaminant maximum allowable levels limit as set forth herein, are exceeded by a supplier of water, the cabinet may direct that supplier to modify the treatment procedure or to locate a more suitable source of water.
(8) Public water systems which exceed secondary maximum contaminant levels for fluoride, but do not exceed the primary maximum contaminant level as stipulated in 401 KAR 8:250, shall notify the public pursuant to 401 KAR 8:070, except the notice required for all billing units shall be annual, the notice to all new billing units shall be at the time service begins, and the state public health officer shall be notified.

Section 2. Standard Methods for the Examination of Water and Wastewater, 16th edition, 1985, prepared and jointly published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation is hereby incorporated by reference. This publication is printed, distributed and may be obtained by contacting the Publication Office, American Public Health Association, 1015 15th Street NW, Washington, D.C. 20005.

Section 3. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 4. Repeal. Section 15 of 401 KAR 6:015, Public and semipublic water supplies is hereby repealed.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:650E

This regulation is a part of a package which is being filed as an emergency to replace 401 KAR 6:015 or 6:040, which were disapproved by a legislative committee during the previous interim and will expire on July 13, 1990. While this regulation was not specifically a part of 401 KAR 6:015 or 6:040 it is a part of the new regulatory package and should become effective at the same time as the rest of the package in order to insure consistency. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:650E. Supplemental fluoridation.

RELATES TO: KRS Chapters 211, 224
STATUTORY AUTHORITY: KRS 211.090, 224.032, 224.033 and Executive Order 74-449
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: Executive Order 74-449 transferred the authority to regulate and control the purification of water for public and semipublic use, as well as other duties, functions, and responsibilities of the Division of Sanitary Engineering, Bureau for Administration and Operations, Department for Human Resources, necessary to insure a safe and sanitary environment, to the Department for Natural Resources and Environmental Protection. (Effective 1 July 1974.) Originally adopted by the State Board of Health, this regulation (readopted) is being modified to assure that fluoride-deficient water supplies are adjusted to an acceptable fluoride content in order to protect dental health. This regulation repeals and replaces 401 KAR 6:020, with some modification.

Section 1. Adjustment of Fluoride Levels. (1) Applicability. Community water systems serving a population of 1500 or more, including consecutive supplies, shall adjust fluoride deficient waters to protect the dental health of the people served by the supply. For the purposes of this regulation, consecutive supply shall mean a supply that purchases its water from another public water system. The population served by a community water system shall include its own population, as well as the population served by all of its consecutive supplies. Community water systems serving a population between 1500 and 3000 shall provide supplemental fluoridation only if adequate fluoride feed equipment is available from the Cabinet for Human Resources, Department for Health Services.
(2) Approval and supervision. Water systems shall obtain the written approval of the cabinet before adding fluorides to a public water system. Approval by the cabinet shall be contingent upon the presentation of evidence satisfactory to the cabinet that the plant facilities and operation will provide for

adequate control and supervision, safe operation and maintenance, the keeping of operational records, and compliance with this and other regulations of the cabinet relating to public water systems.

(3) Unregulated public water systems. Community water systems not required to supplement fluoridation according to this regulation and choosing to practice fluoridation shall meet the requirements of this regulation.

Section 2. Procedure for Obtaining Approval. A system shall submit, in support of an application for approval, the following: detailed plans showing the method and point of application of fluoride and storage facilities for stock chemicals, together with information concerning technical supervision of the treatment process and provisions for laboratory facilities.

Section 3. Requirements Relating to Equipment, Facilities and Services. The equipment, facilities and services shall meet the requirements set forth below:

(1) Feeding. Reliable feeding equipment with an accuracy within five (5) percent shall be provided to feed the proper dosage of fluoride. The rate of feed shall be such as to give a fluoride content of 0.8 ppm to 1.3 ppm in the treated water. Based on an evaluation of Kentucky climatalogical information, a fluoride concentration of no less than 0.9 ppm is recommended in the finished water. The point of application shall be selected so that fluoride will be evenly mixed with the water leaving the treatment plant.

(2) How measured. If solution feed equipment is to be used, a corrosion-resistant solution tank and accurate means for weighing the stock chemical and measuring the water for the solution shall be provided. Dry feed hoppers shall be mounted on scales.

(3) Protection of operator. Special precautions shall be taken to protect the operators from inhaling the fluoride. Such precautions may vary with the type of installation, but, at minimum, shall include an approved respirator for each operator. Adequate exhaust systems shall be provided for dry feeding equipment.

(4) Storage. Locked, separate storage facilities for the fluoride chemical shall be provided.

(5) Laboratory facilities. Laboratory facilities shall be provided for the determination of the fluoride content of the water by competent personnel, in accordance with the procedure outlined by Standard Methods for the Examination of Water and Wastewater, as incorporated in Section 4 of this regulation.

(6) Samples. Raw water and plant tap water samples shall be examined at least once per day and the results shall be included on the standard monthly operation report submitted to the cabinet. Additional finished water samples shall be analyzed by a laboratory certified by the cabinet for fluoride determination, with the results being forwarded to the cabinet. This sampling shall be at a rate of two (2) samples per month. The first sample shall be collected from the plant tap during the first part of the month and the second sample collected from the distribution system, at a point of maximum retention, during the latter part of the month. Evaluation of the results of these analyses shall be within the province of the cabinet.

(7) Siphon breakers. Fluoride feeders shall be equipped with siphon breakers to prevent back siphonage of concentrated fluoride solution into the distribution system.

(8) Notification of cabinet when fluoride begins. The cabinet shall be notified of the date on which fluoridation is to commence in order that a representative of the cabinet may be present to calibrate and check the fluoridation equipment and instruct the operating personnel concerning tests, records, operation and safety precautions.

(9) Notice when fluoride is interrupted. The owner or operator of the water plant shall immediately notify the cabinet of any interruption to the addition of fluoride to the water supply.

Section 4. Standard Methods for the Examination of Water and Wastewater, 16th Edition 1985, is hereby incorporated by reference. It is prepared and jointly published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. This publication is printed, distributed and may be obtained by contacting by the Publication Office, American Public Health Association, 1015 15th Street NW, Washington, D.C. 20005. This book is available for inspection and copying between 8:00 a.m. and 4:30 p.m., Monday through Friday, at the Division of Water, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

Section 5 Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

Section 6. Repeal. 401 KAR 6:020, Fluoridation of public water supplies, is hereby repealed in its entirety.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
401 KAR 8:700E

This regulation is a part of a package which is being filed as an emergency to replace 401 KAR 6:015 or 6:040, which were disapproved by a legislative committee during the previous interim and will expire on July 13, 1990. While this regulation was not specifically a part of 401 KAR 6:015 or 6:040 it is a part of the new regulatory package and should become effective at the same time as the rest of the package in order to insure consistency. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

401 KAR 8:700E. Bottled water.

RELATES TO: KRS Chapter 224
STATUTORY AUTHORITY: KRS 224.032, 224.033
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS Chapter 224.032 directs the cabinet to enforce the rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act amendments of 1986, provides for primary enforcement responsibility by states have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. The purpose of this regulation is to set out provisions to assure the purity of water, placed in bottles, that will be resold as a food for human consumption or other consumer use.

Section 1. All bottled water systems shall comply with the provisions of 401 KAR 8:010 through 8:700, inclusive, with the following exceptions and provisions:
(1) Distribution systems and free chlorine. Regulations pertaining to distribution systems of a public water system, including provisions for a free chlorine residual, shall not apply. Regulations for the packaging and distribution of water after placement in a bottle may be found at Title 902 Chapter 45 and in other applicable regulations.
(2) Microbiological sampling. All bottled water systems shall conduct microbiological sampling and testing at least once a week. Such tests shall otherwise conform to the regulations relating to microbiological sampling and testing.
(3) Samples location. All samples shall be taken after the disinfection of the water and prior to the water being placed in the bottle, with no intervening stagnant storage. Water located in the line after bottling operations cease shall be flushed before bottling is resumed.
(4) Turbidity sampling. For all bottled water systems, regardless of source, turbidity sampling shall be conducted once every four (4) hours the system is in operation. The system may substitute continous monitoring for grab sampling, with cabinet approval, and may use the turbidity value for every four (4) hours to determine compliance with the turbidity performance criterion. The turbidity level of the system's product water shall be less than or equal to five-tenths (0.5) nephelometric turbidity units (NTU) in at least ninety-five (95) percent of the measurements taken each month.
(5) Other sampling. All other sampling for maximum contaminant levels and unregulated contaminants shall be conducted annually on a calendar year basis.
(6) Disinfection methods. Disinfection may be by chlorination, ultra-violet light, ozonation, or other method approved by the cabinet.
(7) Surface water treatment. Bottled water systems using surface water sources may, with cabinet approval, use treatment techniques that are different from other surface water users.
(8) Maximum contaminant level exception labeling. With approval of the cabinet, bottled water systems may exceed maximum contaminant levels for secondary contaminants for purposes of bottling "mineral water" or other water, provided consumers are informed by proper labeling.
(9) Water bottled outside commonwealth. Water bottled outside Kentucky is not covered by this regulation regardless of its source.

Section 2. Failure to Comply. Any bottled water system which fails to comply with any of these regulations shall immediately cease operations, notify the cabinet, and shall not resume operation without the written approval of the cabinet.

Section 3. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: July 9, 1990
FILED WITH LRC: July 19, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
500 KAR 6:210E

The General Assembly has approved funds in the 1990-92 budget for juvenile detention facilities and the Justice Cabinet is attempting to assist in the establishment of regional juvenile detention facilities. There are counties that are presently in the planning stage for construction of these facilities and will shortly be preparing application for approval. 500 KAR 6:210 and 500 KAR 6:220 set forth the procedural requirements necessary for the application process. These emergency administrative regulations are necessary to allow for review and approval by the Justice Cabinet before construction may begin. These emergency administrative regulations shall be replaced by ordinary administrative regulations which have already been filed.

WALLACE G. WILKINSON, Governor
W. MICHAEL TROOP, Secretary

JUSTICE CABINET
Office of the Secretary

500 KAR 6:210E. Application for construction, expansion or renovation.

RELATES TO: KRS 15A.210
STATUTORY AUTHORITY: KRS 15A.160, 15A.210
EFFECTIVE: July 18, 1990
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. Purpose. The purpose of this regulation is to provide minimum standards for the construction, expansion or renovation of juvenile detention facilities and for measuring compliance of existing juvenile detention

facilities in accordance with 500 KAR 6:010 through 500 KAR 6:200.

Section 2. Consultation. The Justice Cabinet may upon request provide for any county government which wishes to remodel an existing juvenile detention facility or construct a new juvenile detention facility, a consultant knowledgeable in the design, utilization, and operation of juvenile detention facilities. The consultant shall meet with the appropriate officials of that county and advise them in matters including but not limited to:
(1) Site selection;
(2) Probable need as it relates to capacity and types of juveniles to be hosued;
(3) Sources of financing for construction;
(4) Laws and regulations relating to facilities for juveniles;
(5) Laws and regulations relating to facilities for juveniles;
(6) Sources of revenue for operations of the juvenile detention facility;
(7) Probable cost for operation of the juvenile detention facility; and
(8) Potential for shared facilities with adjoinging counties.

Section 3. Site Acceptance. No juvenile detention facility shall be built without prior site acceptance y the Justice Cabinet. The following criteria shall be considered in site selection including but not limited to:
(1) Size;
(2) Proximity to courts;
(3) Proximity to community resources;
(4) Availability of public transportation;
(5) Environmental health;
(6) Adequate parking; and
(7) Provisions for future expansion.

Section 4. Construction Documents. Prior to the construction, expansion, or renovation of any juvenile detention facility, plans and specificiations shall be submitted to the Justice Cabinet for review and approval as follows:
(1) Programming phase. This submission shall show:
(a) Statement of general goals and purposes of the facility including a written program philosophy;
(b) Description of services to be provided;
(c) Evaluation of any existing facility;
(d) Assessment of the impact of facility on overall oepration of parent agency;
(e) Population analysis;
(f) Space requirements based on population analysis and standards for the facility and site outlined in 500 KAR 6:010 through 500 KAR 6:200;
(g) Alternate means of satisfying space requirements;
(h) Needs assessment to determine bed space;
(i) Needs assessment to determine services and programming;
(j) Workloan analysis;
(k) Programs analysis;
(l) Staffing analysis;
(m) Proposed governing authority and administration;
(n) Cost analysis;
(o) Financing alternatives;
(p) Outline of time restrictions; and
(g) Summary and recommendations.
(2) Schematic phase.
(a) Scale drawings of each floor plan with all proposed rooms and areas one-eighth (1/8) inch minimum;
(b) Scale drawings of the site, locating the building, parking and other facilities - one (1) inch equals fifty (50) feet; and
(c) Documentation of site as to criteria in Section 3 of this regulation.
(d) Sections through the proposed structure indicating ceiling heights of rooms, mechanical spaces, roof slopes and other related information;
(e) Scale elevation drawings of all exterior walls; and
(f) Schematic cost estimate.
(3) Design development phase.
(a) Scale drawings on each floor plan with all proposed rooms and areas with their dimensions one-eighth (1/8) inch minimum;
(b) All necessary construction drawings including construction details;
(c) Specifications for all materials and workmanship;
(d) A proposed contract with general and special conditions;
(e) Engineering calculations for the foundations, structure, heating ventilating, air conditioning, lighting, and plumbing; and
(f) Detailed estimates of cost of land, site development, construction, financing, professional services, equipment and furnishings.
(4) Construction document phase.
(a) Revised design development construction drawings following review by all applicable agencies.
(b) Signed by an architect registered in the Commonwealth of Kentucky and revised if necessary to include all changes required by the Justice Cabinet.
(c) Revised design development specifications of material and workmanship following review by all applicable agencies.
(5) Contract administration.
(a) Signed copies of all contracts for construction financing and bonding;
(b) Signed copies of all construction permits;
(c) Documentation of review by all other applicable state agencies; and
(d) All change orders must be submitted to the Justice Cabinet for review and approval.
(6) An on-site inspection schedule shall be submitted for inspection by governing authority, contractors, and the Justice Cabinet.
(7) The Justice Cabinet will review all submissions within thirty (30) days of receipt and issue a letter of approval, acceptance with required changes, or rejection with reasons. No construction shall be started until the construction document phase as required in subsection (4) of this section has been approved.
(8) Depending on the site of the proposed construction, renovation or addition, the Justice Cabinet may combine two (2) or more phases as outlined above for review and approval.
(9) All changes prior to the approval of final construction documents shall require appropriate modifications to the final construction documents including redrawing of plans and rewriting of specifications. All changes after the approval of final construction documents shall require adequate documentation which fully describes and illustrates the changes which may include written and graphic addenda, field orders and change orders. In addition a set of accurate as built drawings will be submitted to

the Justice Cabinet within sixty (60) days of occupancy of the facility.

Section 5. Fee. A one (1) time processing fee of $250 shall accompany each application filed with the Justice Cabinet pursuant to this regulation.

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: July 16, 1990
FILED WITH LRC: July 18, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
500 KAR 6:220E

The General Assembly has approved funds in the 1990-92 budget for juvenile detention facilities and the Justice Cabinet is attempting to assist in the establishment of regional juvenile detention facilities. There are counties that are presently in the planning stage for construction of these facilities and will shortly be preparing application for approval. 500 KAR 6:210 and 500 KAR 6:220 set forth the procedural requirements necessary for the application process. These emergency administrative regulations are necessary to allow for review and approval by the Justice Cabinet before construction may begin. These emergency administrative regulations shall be replaced by ordinary administrative regulations which have already been filed.

WALLACE G. WILKINSON, Governor
W. MICHAEL TROOP, Secretary

JUSTICE CABINET
Office of the Secretary

500 KAR 6:220E. Registration.

RELATES TO: KRS 15A.210
STATUTORY AUTHORITY: KRS 15A.160, 15A.210
EFFECTIVE: July 18, 1990
NECESSITY AND FUNCTION: KRS 15A.210 mandates that the Justice Cabinet issue administrative regulations governing juvenile detention centers.

Section 1. Each juvenile detention facility that is in operation shall file Registration Form JC-JJ:1 as provided by the Justice Cabinet with the Justice Cabinet on an annual basis.

Section 2. The following terms shall apply in Registration Form JC-JJ:1:
(1) "Facility identifier" means the name of the juvenile detention facility.
(2) "Governing authority" means the organization ultimately responsible for ownership of the facility. This may be the county fiscal court, the city council or board of directors or trustees.
(3) "Agency director" means the person who oversees the operation of the facility and reports to the governing authority.
(4) "Agency administrator" means the person responsible for the day-to-day operation of the facility.
(5) "Contact person" means the agency administrator or the person designated by the agency administrator as liaison with the Justice Cabinet.
(6) "Bed capacity" means the total number of beds and their allotment as requested in 500 KAR 6:210, Section 4.
(7) "Client information" means the type of youth served and average length of detention for each type. Types include but are not limited to the following:
(a) Adult;
(b) Public offenders;
(c) Status offenders;
(d) Nonoffenders (dependent, neglected, abused);
(e) Preadjudicative;
(f) Postadjudicative.
(8) "Fiscal" means those agencies and organizations that allot funds for operation of the facility.
(9) "Physical plant" means the floor plans or a copy of the floor plans if any changes have been made after prior filing with the Justice Cabinet.
(10) "Programming" means the listing of all services and programming of the facility such as medical or education.

Section 3. A one (1) time processing fee of fifty (50) dollars shall accompany each form filed with the Justice Cabinet pursuant to this regulation.

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: July 16, 1990
FILED WITH LRC: July 18, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
500 KAR 9:010E

These regulations are to implement the Asset Forfeiture Legislation passed by the General Assembly in the 1990 Regular Session. Since the legislation, HB 272, was not finalized until both houses acted on a Conference Committee report on the final day of the session, the normal regulatory process will not enable these regulations to be effective by the statute's effective date, July 13, 1990. Ordinary regulations corresponding to these emergency regulations were filed on June 4, 1990.

WALLACE G. WILKINSON, Governor
W. MICHAEL TROOP, Secretary

JUSTICE CABINET
Office of the Secretary

500 KAR 9:010E. Definitions.

RELATES TO: KRS 218A.410, et seq., Kentucky Acts 1990 Chapter 445
STATUTORY AUTHORITY: KRS 218A.435(8), 218A.440(4)
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: This regulation provides the definitions of certain terms used in 500 KAR Chapter 9 which pertain to asset forfeiture as required by KRS Chapter 218A to be promulgated by the Justice Cabinet.

Section 1. As employed in these regulations, unless the context requires otherwise, the following words and phrases have the following meanings:
(1) "Secretary" means the Secretary of the Justice Cabinet.
(2) "Cabinet" means the Justice Cabinet.
(3) "Program coordinator" means the person

within the office of the secretary who has been designated to coordinate the cabinet's duties with regard to asset forfeiture.

(4) "Controlled Substances Act" means the statutes concerning controlled substances found in Title XVIII, Chapter 218A of the Kentucky Revised Statutes, and any amendments or successors thereto.

(5) "Trust fund" means the asset forfeiture trust fund created by KRS 218A.435.

(6) "Direct law enforcement purpose" means any activity of a law enforcement agency as defined in the Controlled Substances Act which materially facilitates enforcement of the laws of the Commonwealth of Kentucky.

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: July 10, 1990
FILED WITH LRC: July 19, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
500 KAR 9:020E

These regulations are to implement the Asset Forfeiture Legislation passed by the General Assembly in the 1990 Regular Session. Since the legislation, HB 272, was not finalized until both houses acted on a Conference Committee report on the final day of the session, the normal regulatory process will not enable these regulations to be effective by the statute's effective date, July 13, 1990. Ordinary regulations corresponding to these emergency regulations were filed on June 4, 1990.

WALLACE G. WILKINSON, Governor
W. MICHAEL TROOP, Secretary

JUSTICE CABINET
Office of the Secretary

500 KAR 9:020E. Agency forfeiture policy.

RELATES TO: KRS 218A.435(9)
STATUTORY AUTHORITY: KRS 218A.435(8), 218A.440(4)
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 218A.435 provides that each law enforcement agency prior to being eligible to receive grants from the trust fund must adopt policies relating to property seized pending forfeiture. This regulation addresses approval of that policy.

Section 1. If a law enforcement agency adopts a policy relating to the seizure, maintenance, storage and care of property pending forfeiture pursuant to the Controlled Substances Act other than the model policy as promulgated by the Department of Criminal Justice Training, a copy shall be forwarded to the program coordinator.

Section 2. If a law enforcement agency adopts the "Model Policy For Forfeiture of Assets by Law Enforcement Agencies" as promulgated by the Department of Criminal Justice Training, it shall so notify the program coordinator by letter, signed by the head of the agency.

Section 3. Within thirty (30) days of receipt of a copy of asset forfeiture policies submitted by a law enforcement agency, the program coordinator shall advise the agency in writing whether it is in substantial compliance with the model policy and if not the specific deficiencies.

Section 4. Any agency which disagrees with the program coordinator's determination that a submitted policy is not in substantial compliance with the model policy may request the secretary to review such determination, and the secretary's decision shall be final.

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: July 10, 1990
FILED WITH LRC: July 19, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
500 KAR 9:030E

These regulations are to implement the Asset Forfeiture Legislation passed by the General Assembly in the 1990 Regular Session. Since the legislation, HB 272, was not finalized until both houses acted on a Conference Committee report on the final day of the session, the normal regulatory process will not enable these regulations to be effective by the statute's effective date, July 13, 1990. Ordinary regulations corresponding to these emergency regulations were filed on June 4, 1990.

WALLACE G. WILKINSON, Governor
W. MICHAEL TROOP, Secretary

JUSTICE CABINET
Office of the Secretary

500 KAR 9:030E. Reports and audits.

RELATES TO: KRS 218A.410, et seq., 218A.440(1)
STATUTORY AUTHORITY: KRS 218A.435(8), 218A.440
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 218A.440(1) requires each law enforcement agency to file an annual report with the secretary listing all money and property seized during a fiscal year for forfeiture and the disposition thereof. KRS 218A.440(3) permits the secretary to initiate an inquiry to determine a law enforcement agency is forfeiting property and expending funds in accordance with the Controlled Substances Act. This regulation addresses these functions of the secretary.

Section 1. As soon as practical, but in no event more than thirty (30) days following seizure of property to be forfeited pursuant to the Controlled Substances Act, the seizing law enforcement agency shall forward to the program coordinator a copy of the property seizure and storage form or its equivalent as adopted by the agency in its policy regarding asset forfeiture.

Section 2. Each law enforcement agency shall forward to the program coordinator a copy of each final order of forfeiture which relates to property seized by that agency, within thirty (30) days from the issuance of such order.

Section 3. Each law enforcement agency shall, as soon as practical but in no event more than thirty (30) days following the sale of property awarded by final order of forfeiture, notify the program coordinator of property so sold, the amount received for such property, and the amount, if any, of any fee paid to any other

person or agency for conducting the public sale. Any payment due to the trust fund will accompany this report.

Section 4. Any law enforcement agency retaining a forfeited vehicle for official use or separate sale shall so notify the program coordinator within thirty (30) days following the award of the vehicle to the agency by final order of forfeiture. If the vehicle is sold, the agency shall so notify the program coordinator and indicate the sale proceeds and specific disposition thereof within thirty (30) days of the sale.

Section 5. A copy of any forfeiture lien requested to be filed by a law enforcement agency shall be forwarded to the program coordinator by the attorney preparing same within thirty (30) days of its filing.

Section 6. The annual report required to be filed by KRS 218A.440(1) shall be filed within thirty (30) days of the close of the fiscal year of the Commonwealth of Kentucky.

Section 7. Each law enforcement agency shall:
(1) Report when requested by the program coordinator, or other designee of the secretary, any and all data regarding property seized for forfeiture;
(2) Give the program coordinator, or other designee of the secretary, access for purpose of inspection or audit to any property seized for forfeiture or any records pertaining to the seizure, maintenance, custody, forfeiture or sale of such property; and
(3) Cooperate with the program coordinator, or other designee of the secretary, to the end that his duties may be properly performed.

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: July 10, 1990
FILED WITH LRC: July 19, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
500 KAR 9:040E

These regulations are to implement the Asset Forfeiture Legislation passed by the General Assembly in the 1990 Regular Session. Since the legislation, HB 272, was not finalized until both houses acted on a Conference Committee report on the final day of the session, the normal regulatory process will not enable these regulations to be effective by the statute's effective date, July 13, 1990. Ordinary regulations corresponding to these emergency regulations were filed on June 4, 1990.

WALLACE G. WILKINSON, Governor
W. MICHAEL TROOP, Secretary

JUSTICE CABINET
Office of the Secretary

500 KAR 9:040E. Grants.

RELATES TO: KRS 218A.435
STATUTORY AUTHORITY: KRS 218A.435(8)
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 218A.435(7)(d) provides that a portion of the asset forfeiture trust fund shall be allocated to the cabinet for the purpose of disbursement to law enforcement agencies as grants. This regulation establishes the application mechanism.

Section 1. Law enforcement agencies may apply for receipt of a grant from the trust fund on forms provided by the Division of Grants Management of the Justice Cabinet.

Section 2. When applying a law enforcement agency must certify that one (1) or more currently employed officers has received the approved training required in KRS 218A.435(10). In addition, the applying agency must have on file with the program coordinator an approved policy as required in KRS 218A.435(9) and 500 KAR 9:020.

Section 3. Grant monies are to be used by the agency for programs relative to crime prevention, drug abuse prevention, general law enforcement purposes or other similar purposes relating to drug enforcement. Preference will be give to those applications seeking funding for programs consistent with the annual "Statewide Drug and Violent Crime Strategy" as developed and published by the Division of grants Management of the Justice Cabinet.

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: July 10, 1990
FILED WITH LRC: July 19, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
500 KAR 9:050E

The asset forfeiture legislation enacted by the General Assembly in the 1990 Regular Session took effect on July 13, 1990, as did the emergency administrative regulations promulgated to implement the legislation. Both the legislation and the regulations refer to the model policy incorporated by this regulation. Therefore, it is necessary to promulgate this regulation for adequate notice to affected entities. This regulation will be replaced by an ordinary administrative regulation which was filed with the Regulations Compiler on August 3, 1990.

WALLACE G. WILKINSON, Governor
W. MICHAEL TROOP, Secretary

JUSTICE CABINET
Office of the Secretary

500 KAR 9:050E. Model policy.

RELATES TO: KRS 218A.435(9)
STATUTORY AUTHORITY: KRS 218A.435(4)
EFFECTIVE: August 7, 1990
NECESSITY AND FUNCTION: KRS 218A.435(9) provides that each law enforcement agency prior to being eligible to receive grants from the trust fund must adopt a policy in compliance with or which substantially complies with the model policy published by the Department of Criminal Justice Training. 500 KAR 9:020 requires copies of agency policies to be filed with the Justice Cabinet. This regulation incorporates the department's model policy.

Section 1. The Model Policy for Forfeiture of Assets by Law Enforcement Agencies as published

by the Department of Criminal Justice Training, Justice Cabinet, effective July 13, 1990, is incorporated by reference.

Section 2. The incorporated material can be inspected and copied at the Office of the Secretary of Justice, Bush Building, Second Floor, 403 Wapping Street, Frankfort, Kentucky 40601, between the hours of 8 a.m. and 4:30 p.m., local time prevailing, Monday through Friday.

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: August 1, 1990
FILED WITH LRC: August 7, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
500 KAR 9:060E

The asset forfeiture legislation enacted by the General Assembly in the 1990 Regular Session took effect on July 13, 1990, as did the emergency administrative regulations promulgated to implement the legislation. Both the legislation and the regulations refer to the drug strategy incorporated by this regulation. Therefore, it is necessary to promulgate this regulation for adequate notice to affected entities. This regulation will be replaced by an ordinary administrative regulation which was filed with the Regulations Compiler on August 3, 1990.

WALLACE G. WILKINSON, Governor
W. MICHAEL TROOP, Secretary

JUSTICE CABINET
Office of the Secretary

500 KAR 9:060E. Drug strategy.

RELATES TO: KRS 218A.435(7)(d)
STATUTORY AUTHORITY: KRS 218A.435(8)
EFFECTIVE: August 7, 1990
NECESSITY AND FUNCTION: KRS 218A.435(7)(d) designates a portion of the trust fund to be expended by the Justice Cabint as payments to state or local law enforcement agencies. 500 KAR 9:040 states that the cabient will distribute those monies according to the statewide drug and violent crime strategy.

Section 1. The Statewide Drug and Violent Crime Strategy as published by the Justice Cabinet, effective January 1, 1990, is incorporated by reference.

Section 2. The incorporated material can be inspected and copied at the Office of the Secretary of Justice, Bush Building, Second Floor, 403 Wapping Street, Frankfort, Kentucky 40601, between the hours of 8 a.m. and 4:30 p.m., local time prevailing, Monday through Friday.

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: August 1, 1990
FILED WITH LRC: August 7, 1990 at 2 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 conform with KRS 197.140 which takes effect July 13, 1990 and to meet the accreditation standards with the American Correctional Association. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on July 13, 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: July 19, 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. <u>These policies and procedures are incorporated by reference in order to comply with the accreditation standards by the American Correctional Association.</u> 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 <u>July 13, 1990</u> [February 15, 1990] 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 <u>(Amended 7/13/90)</u>
1.12 Operation of Motor Vehicles by Corrections Cabinet Employees
2.1 Inmate Canteen <u>(Amended 7/13/90)</u>
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 <u>(Amended 7/13/90)</u>
8.4 Emergency Preparedness
9.1 Use of Force <u>(Amended 7/13/90)</u>
9.3 Transportation of Convicted Offenders

9.4 Transportation of Inmates to Funerals or Bedside Visits
9.6 Contraband (Amended 7/13/90)
9.7 Storage, Issue and Use of Weapons Including Chemical Agents (Amended 7/13/90)
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 (Amended 7/13/90)
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 (Amended 7/13/90)
14.3 Marriage of Inmates (Amended 7/13/90)
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 7/13/90) [(Amended 2/15/90)]
15.5 Restoration of Forfeited Good Time (Amended 7/13/90)
15.6 Adjustment Procedures and Programs (Amended 7/13/90) [(Amended 2/15/90)]
16.1 General Inmate Visiting Procedure
16.2 Inmate Correspondence
16.3 Telephone Calls
16.4 Inmate Packages
17.1 Inmate Personal Property (Amended 7/13/90)
17.2 Assessment Center Operations
17.3 Controlled Intake of Inmates
18.4 Classification of the Inmate
18.5 Custody/Security Guidelines (Amended 7/13/90)
18.6 Classification Document
18.7 Transfers
18.8 Guidelines for Transfers Between Institutions (Amended 7/13/90)
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 (Amended 7/13/90)
19.1 Government Services Projects
19.2 Community Services Projects
20.6 Vocational Study Release
22.1 Privilege Trips
25.1 Gratuities (Amended 7/13/90)
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 (Amended 7/13/90)
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) (Amended 7/13/90)
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: July 13, 1990
FILED WITH LRC: July 19, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
501 KAR 6:060E

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 conform with KRS 197.140 which takes effect July 13, 1990 and to meet the accreditation standards with the American Correctional Association. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on July 13, 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: July 19, 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 policies and procedures are incorporated by reference in order to comply with the accreditation standards by the American Correctional Association. 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 July 13, 1990 [May 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 (Amended 7/13/90)
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 (Amended 7/13/90)
NTC 08-05-03 Fire Prevention
NTC 08-05-04 Storage of Flammables and Dangerous Chemicals and Their Use (Amended 7/13/90)
NTC 08-07-01 Safety Standards
NTC 10-01-01 Special Management Inmates (SMU) [(Amended 5/15/90)]
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 (Amended 7/13/90)
NTC 13-01-01 Emergency Medical Care Plan (Amended 7/13/90)
NTC 13-01-02 Emergency and Specialized Health Services (Amended 7/13/90)
NTC 13-02-01 Administration and Authority for Health Services (Amended 7/13/90)
NTC 13-03-01 Sick Call and Pill Call (Amended 7/13/90)

NTC 13-04-01 Utilization of Pharmaceutical Products (Amended 7/13/90)
NTC 13-05-01 Dental Services
NTC 13-06-01 Licensure and Training Standards (Amended 7/13/90)
NTC 13-07-01 Provisions for Health Care Delivery (Amended 7/13/90)
NTC 13-08-01 Medical and Dental Records (Amended 7/13/90)
NTC 13-09-01 Special Diets
NTC 13-11-01 Inmate Health Screening and Evaluation (Amended 7/13/90)
NTC 13-12-01 Special Health Care Programs (Amended 7/13/90)
NTC 13-17-01 Inmates Assigned to Health Services (Amended 7/13/90)
NTC 13-19-01 Mental Health Care Program (Amended 7/13/90)
NTC 13-19-03 Suicide Prevention and Intervention Program (Amended 7/13/90)
NTC 13-20-01 Infectious Disease (Amended 7/13/90)
NTC 13-20-02 Infection Control
NTC 13-21-01 Vision Care/Optometry Services (Amended 7/13/90)
NTC 13-22-01 Informed Consent (Amended 7/13/90)
NTC 13-23-01 Special Needs Inmates (Amended 7/13/90)
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 5/15/90)]
NTC 15-02-02 Extra Duty Assignments
NTC 15-02-03 Hearing Officer
NTC 15-03-01 Rules for Inmates Assigned to Outside Detail (Amended 7/13/90)
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
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 (Amended 7/13/90)
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
NTC 25-03-01 Inmate Release Procedure
NTC 26-01-01 Citizen Involvement and Volunteer Services Program

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: July 13, 1990
FILED WITH LRC: July 19, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
501 KAR 6:080E

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 conform with KRS 197.140 which takes effect July 13, 1990 and to meet the accreditation standards with the American Correctional Association. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on July 13, 1990 in accordance with KRS Chapter 13A.

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

CORRECTIONS CABINET

501 KAR 6:080E. Corrections Cabinet manuals.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: July 19, 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 policies and procedures are incorporated by reference in order to comply with the accreditation standards by the American Correctional Association. 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 July 13, 1990 [April 14, 1989] and hereinafter should be referred to as Corrections Cabinet Manuals. 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.

Offender Records Manual - None.
Stock Procedure Manual - None.

Food Services Manual - None.
Classification Manual - Yes.

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: July 13, 1990
FILED WITH LRC: July 19, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
501 KAR 6:090E

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 conform with the Corrections Cabinet to implement procedures to conform with KRS 197.140 which takes effect July 13, 1990 and to meet the accreditation standards with the American Correctional Association. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on July 13, 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: July 19, 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 policies and procedures are incorporated by reference in order to comply with the accreditation standards by the American Correctional Association. 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 July 13, 1990 [February 15, 1990] 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)]
FCDC 02-11-01	Fiscal Management: Accounting Procedures
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
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 7/13/90) [(Amended 2/15/90)]
FCDC 16-02-01	Mail Policy (Amended 7/13/90)
FCDC 16-03-01	Inmate Access to Telephones
FCDC 17-01-01	Inmate Property Control (Amended 7/13/90) [(Amended 2/15/90)]
FCDC 17-02-01	Inmate Reception, Orientation, and Discharge
FCDC 18-01-01	Inmate Classification
FCDC 18-02-01	Reclassification Document
FCDC 18-03-01	Instructions for Six Month Review
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
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: July 13, 1990
FILED WITH LRC: July 19, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
501 KAR 6:120E

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 conform with KRS 197.140 which takes effect July 13, 1990 and to meet the accreditation standards with the American Correctional Association. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on July 13, 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: July 19, 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 policies and procedures are incorporated by reference in order to comply with the accreditation standards by the American Correctional Association. 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 July 13, 1990 [February 15, 1990] 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 (Amended 7/13/90)
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 (Amended 7/13/90)
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
BCC 09-09-01	Population Counts and Count Documentation
BCC 09-10-03	Development of Institutional Post Orders
BCC 09-10-04	Governmental Services, Study Release Officer Post Orders
BCC 09-10-05	Unit A-1 Post Orders
BCC 09-10-06	Recreation Post Orders: Observation
BCC 09-10-07	Entrance Gate Post Orders
BCC 09-10-08	Visiting Area Post Orders
BCC 09-10-09	Security Staff General Orders
BCC 09-10-10	Dining Room Officer Post Orders
BCC 09-12-01	Use of Physical Force; Prohibition of Personal Abuse and Corporal Punishment
BCC 09-13-01	Perimeter Patrol
BCC 09-14-01	Prohibiting Inmate Authority Over Other Inmates
BCC 09-15-01	Search Policy/Disposition of Contraband (Amended 7/13/90)
BCC 09-16-01	Security Activity Logs
BCC 09-17-01	Institutional Supervisor Inspections
BCC 09-18-01	Use of State Vehicles and Staff Owned Vehicles
BCC 09-19-01	Duties and Responsibilities of the Institutional Captain
BCC 09-19-02	Duties and Responsibilities of the Shift Supervisor
BCC 09-20-01	Inmate Death
BCC 09-21-01	Tool Control
BCC 09-22-01	Emergency Communication System
BCC 10-01-01	Special Management Inmates
BCC 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
BCC 15-05-01	Extra Duty Assignments
BCC 15-06-01	Due Process/Disciplinary Procedures [(Amended 2/15/90)]
BCC 16-01-01	Inmate Furloughs
BCC 16-02-01	Visiting (Amended 7/13/90)
BCC 16-03-01	Inmate Packages
BCC 16-03-02	Outgoing Inmate Packages
BCC 16-03-03	Inmate Correspondence (Amended 7/13/90)
BCC 17-02-01	Authorized Inmate Personal Property
BCC 17-03-01	Processing of New Inmates From Local Jails
BCC 18-01-01	Classification: Institutional Classification and Reclassification
BCC 18-02-01	Racial Balance in Living Areas
BCC 19-01-01	Inmate Work Programs (Amended 7/13/90)
BCC 19-02-01	Classification of Inmates to Governmental Service Program
BCC 19-03-01	Correctional Industries
BCC 20-01-01	Academic and Vocational School (Amended 7/13/90)
BCC 20-02-01	College Programs
BCC 20-04-01	Educational Program Evaluation
BCC 20-05-01	Educational Program Planning (Amended 7/13/90)
BCC 20-06-01	Academic and Vocational Curriculum (Amended 7/13/90)
BCC 21-01-01	Library Services (Amended 7/13/90)
BCC 22-01-01	Arts and Crafts/Production and Sale of Items
BCC 22-02-01	Privileged Trips
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 (Amended 7/13/90)
BCC 24-01-01	Duties and Responsibilities of Classification and Treatment Officers
BCC 24-02-01	Duties and Responsibilities of the Unit Director and Assistant to Unit Director
BCC 24-03-01	Social Services (Amended 7/13/90)
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: July 13, 1990
FILED WITH LRC: July 19, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
501 KAR 11:010E

This emergency administrative regulation controls the manner in which the Corrections Cabinet allocates monies received from the Asset Forfeiture Trust Fund. This fund will take effect on July 13, 1990, pursuant to KRS 218A.435. In order to properly disburse any monies received, this regulation needs to be in place by the same date. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 13, 1990.

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

CORRECTIONS CABINET
Office of Administrative Services

501 KAR 11:010E. Asset forfeiture.

RELATES TO: KRS 218A.435
STATUTORY AUTHORITY: KRS 218A.435
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 218A.435 provides that a portion of the asset forfeitures trust fund shall be allocated to the Corrections Cabinet for programs related to drug enforcement and incarceration. This regulation establishes the procedures for disbursement of these funds.

Section 1. Definitions. (1) "Cabinet" means the Corrections Cabinet.
(2) "Trust funds" means the asset forfeiture trust fund created by KRS 218A.435.
(3) "Allotment formula" means the formula used by the cabinet to distribute trust funds to county jails and budget units within the cabinet.

Section 2. The cabinet shall disburse all funds received from the trust fund according to the following allotment formula:
(1) Thirty-three and one-third (33 1/3) percent shall be returned to the fiscal court of the county or counties in which the conviction occurred which resulted in assets being forfeited. The funds shall be used to offset the costs of incarcerating the offender. The funds shall be transmitted within thirty (30) days of receipt by the cabinet.
(2) Thirty-three and one-third (33 1/3) percent shall be disbursed to the Department of Adult Institutions to cover the costs of drug testing of inmates in penal institutions.
(3) Thirty-three and one-third (33 1/3) percent shall be disbursed to the Department of Community Services and Local Facilities to cover the costs of drug testing of inmates in halfway houses, jails, and probationers and parolees under community supervision.

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: July 13, 1990
FILED WITH LRC: July 19, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
603 KAR 5:110E

The changes in this administrative regulation relate to safety items. The administrative regulation governs the issuance of overdimension permits to transport house trailers which do not exceed 14 feet in width. Kentucky has agreed to require the same type and number of escort vehicles, flourescent flags, and oversize warning banners on oversize vehicles as most of the other midwestern states. In this way transporters of oversize equipment or trailers can operate interstate without having to deal with changing safety requirements. This administrative regulation is needed on an emergency basis to be consistent with 603 KAR 5:111, which relates to house trailers in excess of 14 feet wide. It would be too confusing to the industry to have separate banners and flags for house trailers under and over 14 feet wide. 603 KAR 5:111 is being adopted on an emergency basis because of a change in state law which is effective July 13, 1990. This emergency regulation will be replaced with an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 27, 1990.

WALLACE G. WILKINSON, Governor
MILO D. BRYANT, Secretary

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers

603 KAR 5:110E. Permits for moving mobile homes <u>which do not exceed fourteen (14) feet in width</u>.

RELATES TO: KRS 189.270
STATUTORY AUTHORITY: KRS 189.270
EFFECTIVE: August 2, 1990
NECESSITY AND FUNCTION: KRS 189.270 authorizes the Department of Highways to issue permits for the movement of house trailers exceeding legal dimensions. This regulation establishes <u>for house trailers which do not exceed fourteen (14) feet in width</u> the permit application procedures within the Transportation Cabinet and establishes movement requirements necessary in the interest of highway safety.

Section 1. Definitions. (1) "Daylight hours" means the period of a day from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset. However, it does not include any time when atmospheric conditions such as heavy rain, snow, sleet or fog render visibility lower than is ordinarily the case during that period of the day.

(2) "National holiday" means New Year's Day, Memorial Day (as observed on the last Monday in May), Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(3) "House trailer" means a mobile home or manufactured home but not a modular home.

Section 2. Permit Application. (1) Application for a permit to move a house trailer on a Kentucky highway shall only be made to the Department of Vehicle Regulation, Division of Motor Carriers, Frankfort, Kentucky.

(2) A single trip permit application or request shall specify the make of the towing vehicle, the vehicle's license number and state of registration, name and address of the owner, dates of travel and specific routes of travel requested.

(3) An annual permit application or request shall specify the make, rated capacity, vehicle identification number, license number and state of registration, and name and address of the owner of the towing vehicle. In addition, it shall specify whether the motor carrier operating the towing vehicle is a for-hire or private carrier and the routes of travel requested.

Section 3. Permit Required. (1) No house trailer of a width greater than eight and one-half (8 1/2) feet shall be towed on any highway listed in 603 KAR 5:070, Section 2(2)(b) nor shall any house trailer with a width greater than eight (8) feet be towed on any other Kentucky highway unless, and until, a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

(2) No house trailer with a combined length of house trailer and towing vehicle greater than sixty (60) feet shall be towed upon any Kentucky highway unless, and until, a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

Section 4. Annual Permits. (1) An annual permit shall not be issued for the movement of a house trailer in excess of twelve (12) feet in width.

(2) A movement of a house trailer under the provisions of an annual permit shall be on highways specified on the annual permit.

(3) Annual permits for the movement of house trailers may be issued only to dealers and manufacturers located within the Commonwealth of Kentucky; to certificated motor carriers who are properly licensed as motor carriers by the Department of Vehicle Regulation; and to private owner-residents of Kentucky for movements of their personally owned house trailers.

(4) Each towing vehicle for house trailers greater than the legal width shall be registered in Kentucky for a gross weight of not less than 22,000 pounds, have dual wheels on the rear and be rated at least one and one-half (1 1/2) ton capacity.

(5) An annual permit shall not be issued or used for the movement of a house trailer if the length of the house trailer and towing unit combined exceeds ninety-five (95) feet in length.

Section 5. Single Trip Permits. (1) A single trip permit shall be valid for no more than ten (10) days.

(2) A single trip permit shall not be issued for any unit, including towing vehicle and house trailer combined, which exceeds ninety-five (95) feet in length or fourteen (14) feet in width exclusive of usual and ordinary overhang.

(3) A single trip permit shall specify the highways to be used in the movement of the house trailer.

Section 6. Permit Costs. The issuance cost of an annual or a single trip permit, as set forth in KRS 189.270, shall apply to the towing vehicle and the cost shall not be prorated.

Section 7. Escort Vehicles and Lighting Requirements. (1) One (1) lead escort vehicle is required for the movement of house trailers greater than the legal width but not exceeding twelve (12) feet wide on all two (2) lane highways.

(2) When a house trailer more than twelve (12) feet wide is moved, one (1) escort shall be required in the rear of each house trailer on highways with four (4) or more lanes. On highways of two (2) lanes, two (2) escort vehicles shall be required for each house trailer, one (1) in front and one (1) in the rear.

(3) Escort vehicles, both front and rear, shall be required where highway conditions dictate the need.

(4) Red or orange fluorescent flags at least eighteen (18) [twelve (12)] inches square shall be displayed on both sides of the towing vehicle or house trailer at the widest extremity and two (2) or more at the extreme rear of the house trailer to indicate maximum width. The flags shall be securely fastened to the house trailer by at least one (1) corner or securely mounted on a staff. [front bumper of the lead escort and on both sides of the rear of a following escort.]

(5) Amber flashing lights may be used on both the escort and towing vehicles if the unit's width does not exceed twelve (12) feet. If the house trailer exceeds twelve (12) feet in width, all escort vehicles and the towing vehicle shall have an amber flashing light on the roof. [and] The house trailer shall be equipped with four (4) amber flashing lights. One (1) shall be located on each outermost front and each outermost [front and] rear corner of the house trailer spaced not less than six (6) feet above the roadway.

(6) All overdimensional mobile homes and towing vehicles shall be marked and lighted in accordance with those requirements set forth in 601 KAR 1:005. All running lights shall be on while the unit is in motion.

(7) Oversize load signs shall be placed on the front of the towing vehicle and the rear of the house trailer any time it is operating on a highway. Each warning sign shall state in black letters on a yellow background, "OVERSIZE LOAD", and shall be at least seven (7) feet long and eighteen (18) inches high with a brush stroke of at least one and fourt-tenths (1.4) inches.

Section 8. Duplicate Permits. A duplicate permit which is needed to replace a lost or destroyed annual permit or to transfer the permit to another towing vehicle may be obtained from the Division of Motor Carriers by the payment of ten (10) dollars.

Section 9. Route Deviation. Prior approval shall be secured from the Division of Motor Carriers for any house trailer hauled under an annual permit which deviates from the routes prescribed in the permit issued for the towing vehicle.

Section 10. Presentation of Permits. Permits shall be carried in the towing vehicles at all times and shall be presented, upon request, to any law enforcement officer or any authorized personnel of the Department of Vehicle Regulation for inspection.

Section 11. Permit Validity. (1) Permits are valid during only daylight hours as defined in Section 1 of this regulation, from Monday through Saturday noon, except for those periods before, during and after national holidays. In connection with these holidays, travel is not permitted from noon of the day preceding the national holiday until daylight of the next permissible day. If the national holiday occurs on Sunday or Monday the restricted period shall extend from noon of the preceding Friday to daylight of the following Tuesday.

(2) Permits for movement of house trailers more than twelve (12) feet in width are not valid on Saturday. In addition, in Jefferson, Fayette, Boone, Kenton and Campbell Counties they are only valid between the hours of 9 a.m. and 3 p.m. and from 6 p.m. to sundown, local prevailing time.

(3) If satisfactory proof of an emergency is furnished the Division of Motor Carriers, moves may be authorized during the restricted hours.

Section 12. Movement on Two (2) or Four (4) Lanes. Moves of house trailers more than twelve (12) feet wide shall be limited to highways of four (4) or more lanes and to the shortest and best two (2) lane route designated by the Department of Vehicle Regulation, Division of Motor Carriers to be used to the unit's ultimate destination. The department shall deny movements on any routes deemed unsuitable for move.

Section 13. Weather Conditions. Moves of house trailers more than twelve (12) feet wide cannot be made on any highway when wind velocity exceeds twenty-five (25) MPH or when adverse weather conditions would cause these moves to be dangerous. House trailers that exceed twelve (12) feet in width shall not be moved when the road is partially or fully covered by sleet, snow, or ice or when visibility is unduly impaired by rain, sleet, snow, fog, etc.

Section 14. Breaks. The number, type, size and design of brake assemblies required to assist the towing vehicle in controlling and stopping a house trailer shall be sufficient to assure that the maximum stopping distance from an initial velocity of twenty (20) miles per hour does not exceed forty (40) feet. House trailers which are not equipped with brakes on all axles shall certify that the towing unit has sufficient brake assembles to meet the braking distance specified in this section. This certification shall be in the form of a manufacturer's statement, documented technical data, or adequate engineering analysis or its equivalent, specifying that the braking distance requirement has been met. This certificate shall be carried in the towing unit at all times and shall be presented upon request, to any law enforcement officer.

Section 15. Speed Limit. The speed limit for the movement of house trailers greater than twelve (12) feet wide on interstate highways is forty-five (45) MPH. On other highways the speed limit is thirty-five (35) MPH, unless posted minimum speed exceeds this, then the speed limit may be increased to the minimum posted speed.

JEROME LENTZ, Commissioner
MILO D. BRYANT, Secretary
GILBERT NEWMAN, State Highway Engineer
APPROVED BY AGENCY: July 26, 1990
FILED WITH LRC: August 2, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
603 KAR 5:111E

This proposed new administrative regulation relating to permits to move house trailers in excess of 14 feet wide needs to be adopted on an emergency basis because HB 678 passed by the 1990 General Assembly will be effective on July 13, 1990. This bill, for the first time in Kentucky, authorized the movement of house trailers which have a width of up to 16 feet. The permit application procedures and safety requirements imposed by this administrative regulation must be effective as soon as the industry begins moving these wider house trailers. This emergency regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 27, 1990.

WALLACE G. WILKINSON, Governor
MILO D. BRYANT, Secretary

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers

603 KAR 5:111E. Permits for moving mobile homes in excess of fourteen (14) feet in width.

RELATES TO: KRS 189.270
STATUTORY AUTHORITY: KRS 189.270
EFFECTIVE: August 2, 1990
NECESSITY AND FUNCTION: KRS 189.270 authorizes the Department of Highways to issue permits for the movement of house trailers exceeding fourteen (14) feet in width. This regulation establishes the permit application procedures within the Transportation Cabinet and establishes movement requirements necessary in the interest of highway safety.

Section 1. Definitions. (1) "National holiday" means New Year's Day Memorial Day (as observed on the last Monday in May), Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(2) "House trailer" means a mobile home or manufactured home but not a modular home.

Section 2. Permit Application. (1) Application for a permit to move a house trailer with a width in excess of fourteen (14) feet on a Kentucky highway shall only be made to the Department of Vehicle Regulation, Division of Motor Carriers, Frankfort, Kentucky.

(2) A single trip permit application or request to move a house trailer which exceed fourteen (14) feet in width shall specify the make of the towing vehicle, the vehicle's license number and state of registration, the name and address of the owner, dates of travel and specific routes of travel requested.

(3) No house trailer with a width greater than fourteen (14) feet shall be towed on any Kentucky highway unless, and until, a special written single-trip permit which specifies the routing has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

(4) Annual permits for house trailers over twelve (12) feet in width shall not be issued.

Section 3. Single-trip Permits. (1) A single-trip permit shall be valid for no more than ten (10) days.

(2) A single-trip permit shall not be issued for any unit, including towing vehicle and house trailer combined, which exceeds ninety-five (95) feet in length or sixteen (16) feet in width including the usual and ordinary overhang. However, mirrors on the towing vehicle shall not be considered in making the determination of width.

(3) A single-trip permit shall specify the highways to be used in the movement of the house trailer.

Section 4. Permit Cost. The issuance cost of a single trip permit, as set forth in KRS 189.270, shall apply to the towing vehicle.

Section 5. Safety Requirements. (1) One (1) lead escort vehicle and one (1) rear escort vehicle shall be required for the movement of house trailers greater than fourteen (14) feet in width on all highways.

(2) Red or orange fluorescent flags at least eighteen (18) inches square shall be displayed on either side of the vehicle or house trailer at the widest extremity and two (2) more at the extreme rear of the house trailer to indicate maximum width. The flags shall be securely fastened to the house trailer by at least one (1) corner or securely mounted on a staff.

(3) Each escort and towing vehicle shall have an amber flashing light on the roof. The house trailer shall be equipped with four (4) amber flashing lights. One (1) shall be located on each outermost front and each outermost rear corner of the house trailer. Each is to be placed not less than six (6) feet above the roadway.

(4) All overdimensional house trailers and towing vehicles shall be marked and lighted in accordance with those requirements set forth in 601 KAR 1:005.

(5) Both the front and rear escort vehicles and the towing vehicle shall maintain radio communication with each other at all times.

(6) Oversize load signs shall be placed on the front of the towing vehicle and the rear of the house trailer any time it is operating on a highway. Each warning sign shall state in black letters on a yellow background, "OVERSIZE LOAD", and shall be at least seven (7) feet long and eighteen (18) inches high with a brush stroke of at least one and four tenths (1.4) inches.

Section 6. Presentation of Permits. Permits shall be carried in the towing vehicles at all times and shall be presented for inspection, upon request, to any law enforcement officer or any authorized personnel of the Department of Vehicle Regulation.

Section 7. Permit Validity. (1) Permits shall not be valid from noon of the day preceding a national holiday until daylight of the next permissible day. If the national holiday occurs on Sunday or Monday the restricted period shall extend from noon of the preceding Friday until 9 a.m. of the following Tuesday.

(2) Permits are valid from Monday through Friday from 9 a.m. until 3 p.m. local prevailing time.

(3) If satisfactory proof of an emergency and traffic control is furnished the Division of Motor Carriers, moves may be authorized during the restricted hours.

(4) Permits may be restricted as to hours and days of operation for local special conditions such as celebrations, festivals, fairs, or highway construction or maintenance.

Section 8. Movement on Two (2) or Four (4) Lanes. (1) Moves of house trailers more than fourteen (14) feet wide shall be limited to highways of four (4) or more lanes and to the shortest and best two (2) lane route designated by the Department of Vehicle Regulation, Division of Motor Carriers to be used to the units ultimate destination. The department shall deny movements on any routes deemed unsuitable for move.

Section 9. Weather Conditions. Moves of house trailers more than fourteen (14) feet wide shall not be made on any highway when wind velocity or wind gust velocity exceeds twenty-five (25) MPH or when any adverse weather conditions would cause these moves to be dangerous. House trailers that exceed fourteen (14) feet in width shall not be moved when the road is wet, partially or fully covered by sleet, snow, or ice or when visibility is impaired by rain, sleet, snow, smog, fog, or other atmospheric conditions. Moves of house trailer which exceed fourteen (14) feet in width shall not be made on two (2) lane highways when turf or dirt shoulders are soft or muddy.

Section 10. Brakes. The number, type, size and design of brake assemblies required to assist the towing vehicle in controlling and stopping a house trailer shall be sufficient to assure that the maximum stopping distance from an initial velocity of twenty (20) miles per hour does not exceed forty (40) feet. When a house trailer is not equipped with brakes on all axles, the towing unit shall be certified as having sufficient brake assembles to meet the braking distance specified in this section. This certification shall be in the form of a manufacturer's statement, documented technical data, or adequate engineering analysis or its equivalent, specifying that the braking distance requirement has been met. This certificate shall be carried in the towing unit at all times and shall be presented upon request, to any law enforcement officer.

Section 11. Speed Limit. The speed limit for the movement of house trailers greater than fourteen (14) feet wide on interstate highways is forty-five (45) miles per hour. On other highways the speed limit is thirty-five (35) miles per hour, unless posted minimum speed exceeds this, then the speed limit may be increased to the minimum posted speed.

Section 12. Traffic Control. (1) When a house trailer with a width greater than fourteen (14) feet is crossing a bridge on a two (2) lane road, all other traffic shall be stopped.

(2) The Department of Vehicle Regulation may require that special traffic controls be implemented or stopping of traffic be accomplished whenever the conditions indicate it is necessary to maintain traffic safety.

Section 13. Responsibilities of Permit Holder. The permit holder shall be responsible to pay for or replace any sign, traffic control device, guardrail, or other property damaged or destroyed during the move of the house trailer.

MILO D. BRYANT, Secretary
JEROME LENTZ, Commissioner
GILBERT NEWMAN, State Highway Engineer
APPROVED BY AGENCY: July 26, 1990
FILED WITH LRC: August 2, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
603 KAR 5:230E

The attached emergency administrative regulation adds a segment of KY 1525 (Gardner Road) in Webster County to the extended weight coal haul road system. This regulation is needed on an emergency basis in order to quickly honor the July 9, 1990 resolution from the Webster County Fiscal Court. A local coal company has contributed $11,000 to the resurfacing of this road segment which has reverted from a bituminous surface to gravel because of the large loads of coal which are routinely transported over the road segment. The Department of Highways only has the remainder of the funds necessary for this resurfacing in the energy recovery road fund account for 1990-91. The funds in this account are restricted to use on roads which are on the extended weight coal haul road system. These funds will be used for repair of coal haul road segments in the next month or two. Therefore, to make KY 1525 eligible for the much needed resurfacing this summer, the emergency regulation must be adopted. This emergency administrative regulation will be replaced by an ordinary administrative regulation as soon as possible. The ordinary administrative regulation was filed with the Regulations Compiler on July 25, 1990.

WALLACE G. WILKINSON, Governor
MILO D.BRYANT, Secretary

TRANSPORTATION CABINET
Department of Highways
Division of Planning and Maintenance

603 KAR 5:230E. Bridge weight limits on the extended weight coal or coal by-products haul road system.

RELATES TO: KRS 177.9771, 189.230
STATUTORY AUTHORITY: KRS 177.9771
EFFECTIVE: July 31, 1990
NECESSITY AND FUNCTION: KRS 177.9771(2) requires the Secretary of the Transportation Cabinet to certify those public highways which meet certain criteria as the extended weight coal or coal by-products haul road system. KRS 189.230 provides that the Department of Highways may prescribe gross vehicle weight limits for bridges lower than the limits prescribed in KRS 177.9771 on any bridge which may be damaged or destroyed to the point of catastrophic failure if gross vehicle weights exceed certain limits. This regulation identifies the extended weight coal or coal by-products haul road system and the bridges on the system which the Department of Highways has judged may be so damaged and prescribes the maximum weight limit for each of these bridges. Further, KRS 177.9771(9) requires the Transportation Secretary to meet with certain local governing bodies and give consideration to their concerns before adding to or deleting from the extended weight coal or coal by-products haul road system and establishes procedures to be followed by local governing bodies requesting this consideration.

Section 1. Definitions. The following terms when used in this administrative regulation shall have the following meanings:

(1) "TY I" means a single unit truck consisting of two (2) single axles.

(2) "TY II" means a single unit truck consisting of one (1) steering axle and two (2) axles in tandem arrangement.

(3) "TY III" means a single unit truck consisting of one (1) steering axle and three (3) axles in tridem arrangement.

(4) "TY IV" means a tractor-semitrailer combination with five (5) or more axles.

(5) "KY" means a state numbered highway maintained by the Kentucky Department of Highways.

(6) "US" means a United States numbered highway maintained by the Kentucky Department of Highways.

(7) "I" means an interstate and defense highway maintained by the Kentucky Department of Highways.

(8) "CR" means a public highway, road, or street not maintained by the Kentucky Department of Highways.

(9) "MP" means milepoint.

(10) "FROM" means the beginning milepoint and terminus of a road segment on the extended weight coal haul road system.

(11) "TO" means the ending milepoint and terminus of a road segment on the extended weight coal haul road system.

(12) "Catastrophic failure" means a failure that is marked by sudden or unpredictable damage ranging from extreme misfortune to utter ruin.

(13) "AASHTO" means the American Association of State Highway and Transportation Officials.

(14) "CO" means county.

(15) "LN" means line.

(16) "Mpt." means milepoint.
(17) "PKWY" means parkway.
(18) "Local governing body" means the fiscal court of any county, the city council or commission of a city of the first through fourth classes or the council of an urban county government.
(19) "Coal by-products" means any of the following: fly ash, bottom ash, wet bottom boiler slag, scrubber sludge, burned coal waste (red dog), coal slag, and coal cinders.

Section 2. (1) The Department of Highways shall determine the bridges on the extended weight coal or coal by-products haul road system which may be damaged or destroyed to the point of catastrophic failure by motor vehicles operating at the weights authorized by KRS 177.9771. This determination shall be based upon an analysis of the bridges in accordance with the guidelines and ratings set forth in the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. The load factor method of analysis may be used only when a bridge is known to have been designed by that method. When the allowable stress method of analysis is used the maximum allowable stress in steel members shall not exceed sixty-nine (69) percent of the yield strength of the steel.
(2) When the analysis specified in subsection (1) of this section cannot be applied to a bridge, the Department of Highways shall determine if any bridge may be damaged or destroyed to the point of catastrophic failure in accordance with the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. Before making such a determination the Department of Highways shall conduct an on-site inspection to determine whether the bridge shows appreciable signs of deterioration or distress or otherwise poses a significant hazard to the traveling public.

Section 3. When the Department of Highways determines that a bridge on the extended weight coal or coal by-products haul road system may be damaged or destroyed to the point of catastrophic failure, the department may adopt a weight limit for the bridge in accordance with the guidelines set forth in the AASHTO Manual for Maintenance Inspection Bridges, 1983 edition and 1984 and 1985 Interim Revisions.

Section 4. The following highways, or portions of those highways, are certified as meeting the criteria of and are designated as the extended weight coal and coal by-products haul road system. Further, the Department of Highways has determined that the bridges listed beneath the highways on the extended weight coal or coal by-products haul road system may be damaged or destroyed to the point of catastrophic failure as provided in Section 2 of this administrative regulation and has established a weight limit for each as set forth in Section 3 of this administrative regulation:

ANDERSON COUNTY

	ROAD	FROM	TO
*	Bluegrass Pkwy	44.8 Washington County Line	52.3 Mercer County Line
	Weight Limit - Bridge over Cheeselick Road @ milepoint 51.84		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		
		56.3 Mercer County Line	61.9 Woodford County Line

BATH COUNTY

	ROAD	FROM	TO
*	KY 11	0.0 Montgomery CO LN	12.8 Fleming CO LN
	Weight Limit - Bridge over Hinkston Creek @ milepoint 0.01		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons		

BELL COUNTY

	ROAD	FROM	TO
*	US 25E	0.0 Virginia State LN	19.5 Knox CO LN
	Weight Limit - Bridge over Little Yellow Creek @ milepoint 2.17		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 43 tons		
	Weight Limit - Bridge over L & N R.R. @ milepoint 7.52		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons		
	Weight Limit - Bridge over Greasy Creek @ milepoint 18.14		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 48 tons		
*	US 119	0.0 US 25E	15.8 Harlan CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 0.02		
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons		
*	KY 66	0.0 US 25E	10.1 Buffalo Creek RD
	Weight Limit - Bridge over Cumberland River @ milepoint 0.33		
	TY I = 20 tons, TY II = 49 tons, TY III = 49 tons, TY IV = 54 tons		
	Weight Limit - Bridge over Left Fork Straight Creek @ milepoint 3.95		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 44 tons		
	Weight Limit - Bridge over Sims Fork @ milepoint 7.16		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
		11.9 Straight Creek Road	15.1 Mines
		18.2 KY 2011	18.7 Clay CO LN
*	KY 72	1.0 Mine	3.4 Harlan CO LN
*	KY 74	0.0 Tennessee State LN	0.9 KY 535
		9.8 Mine	16.1 KY 2079
	Weight Limit - Bridge over L & N R.R. @ milepoint 11.56		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Stoney Fork @ milepoint 13.07		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Yellow Creek Bypass Canal @ milepoint 14.21		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
*	KY 92	0.0 Whitley CO LN	10.8 US 25E
*	KY 186	2.2 Appollo Tipple	3.1 KY 74
	Weight Limit - Bridge over Bennett's Fork @ milepoint 2.41		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 188	2.8 KY 988	4.1 Cranes Creek RD
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 2.80		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 217	0.0 KY 988	8.8 KY 987
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 0.20		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons		
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 1.22		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 38 tons		
	Weight Limit - Bridge over Brownies Creek @ milepoint 8.77		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 221	0.0 KY 66	12.6 Harlan CO LN
	Weight Limit - Bridge over Right Fork Straight Creek @ milepoint 4.16		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Stoney Fork Creek @ milepoint 9.23		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons		
*	KY 441	4.5 KY 2079	4.9 US 25E
	Weight Limit - Bridge over Yellow Creek @ milepoint 4.62		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 59 tons		
*	KY 535	0.0 KY 74	0.6 Clear Fork RD
*	KY 987	9.4 Hen Wilder RD	13.5 KY 217
*	KY 988	1.2 KY 217	1.7 KY 188
*	KY 1344	0.0 KY 217	2.1 Wolfpen Branch RD
*	KY 2011	8.6 Beverly Tipple	9.0 KY 66
*	KY 2012	0.0 Private Haul RD	0.1 Hen Wilder RD
*	KY 2014	0.0 US 25E	2.7 Lewis Coal Mine RD
	Weight Limit - Bridge over Cumberland River @ milepoint 0.63		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		

*	KY 2079	2.4 Ashbury Avenue	3.2 KY 441
*	Hen Wilder RD CR 5001	0.0 KY 987	2.0 KY 2012
*	Cow Fork Road CR 5032	0.0 KY 2011	2.6 Mine
*	Straight Creek Road CR 5040	0.0 KY 66	0.6 Knox CO LN
*	Cranes Creek Road CR 5260	0.0 KY 188	0.2 Mountain Drive Tipple
*	Hignite Creek Road CR 5219	0.0 KY 74	2.3 Mine Access RD
	Weight Limit - Bridge over Hignite Creek TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Clear Fork Road CR 5227	0.0 KY 535	0.6 Mine Access RD
*	Lewis Mine Road CR 5330	0.0 KY 2014 @ PONTA	0.5 Min-Dora Tipple
	Weight Limit - Bridge over Fourmile Creek TY I = 20 tons, TY II = 45 tons, TY III = 51 tons, TY IV = 53 tons		
*	Little Creek Road CR 5358	0.0 KY 66	0.2 Little Creek Tipple
*	Fitzpatrick Avenue (Middlesboro)	0.0 Ashbury Avenue	0.4 Old R B S Tipple
*	Ashbury Avenue (Middlesboro)	0.2 KY 2079	0.3 Fitzpatrick Avenue

BOURBON COUNTY

	ROAD	FROM	TO
*	US 27	8.3 US 460	15.4 Harrison CO LN
	Weight Limit - Bridge over Cooper Creek @ milepoint 11.82 TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 59 tons		
	Weight Limit - Bridge over Townsend Creek @ milepoint 15.4 TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
*	US 68	2.4 US 68X	10.8 Nicholas CO LN
	Weight Limit - Bridge over Hinkston Creek @ milepoint 9.41 TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 50 tons		
*	US 68X	1.4 KY 627	2.8 US 68 (East)
	Weight Limit - Bridge over Stoner Creek @ milepoint 2.0 TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 48 tons		
*	US 460	7.7 US 27	9.2 US 68X
	Weight Limit - Bridge over L & N RR @ milepoint 7.99 TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons		
	Weight Limit - Bridge over Houston Creek @ milepoint 8.95 TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 57 tons		
*	KY 627	0.0 Clark CO LN	9.5 US 68X
	Weight Limit - Bridge over Strodes Creek Mill Race @ milepoint 0.75 TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		

BOYD COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Lawrence CO LN	21.1 Greenup CO LN
	Weight Limit - Bridge over I-64 @ milepoint 10.56 TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over C & O R.R. @ milepoint 19.31 TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 39 tons		
	Weight Limit - Bridge over C & O R.R. & Armco Rd. @ milepoint 19.34 TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 52 tons		
*	US 23S	0.0 US 60	0.5 Ohio State LN
	Weight Limit - Northbound Bridge over Ohio River @ milepoint 0.03 TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Southbound Bridge over Ohio River @ milepoint 0.05 TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 36 tons		
*	US 23X	1.4 US 60	2.0 US 23
*	US 60	0.0 Carter CO LN	12.4 US 23
	Weight Limit - Bridge over C & O R.R. at Princess @ milepoint 2.69 TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	US 60Z	0.0 US 23	0.2 US 60
*	KY 5	0.0 US 60	1.5 Straight Creek RD
	Weight Limit - Bridge over Williams Creek @ milepoint 0.92 TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 757	6.2 US 23	10.2 US 23
*	Straight Creek Road CR 5288	0.0 KY 5	0.6 Buena Vista RD
	Weight Limit - Bridge over Straight Creek TY I = 14 tons, TY II = 14 tons, TY III = 14 tons, TY IV = 14 tons		

*	County Line Tipple Road			
	CR 5300	0.0 US 23	0.3	County Line Tipple
*	Buena Vista Road			
	CR 5493	0.0 Straight Creek RD	0.7	Mine Access RD
*	15th Street (Ashland)			
		0.0 US 23	0.2	Mansbach Dock
*	53rd Street (Ashland)			
		0.0 US 23	0.1	53rd ST Dock

BOYLE COUNTY

	ROAD	FROM	TO	
*	US 127	7.5 US 127 Bypass	9.7	Mercer CO LN
	Weight Limit - Bridge over Mocks Branch @ milepoint 9.74			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	US 127B	0.0 US 127	5.3	US 127
	Weight Limit - Bridge over Southern RR @ milepoint 0.93			
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 54 tons			
*	US 150	16.8 US 150 Bypass	18.9	Lincoln CO LN
*	US 150B	0.0 US 127	2.3	US 150

BRACKEN COUNTY

	ROAD	FROM	TO	
*	KY 8	0.0 Pendleton CO LN	19.0	Mason CO LN
	Weight Limit - Bridge over Holts Creek at Foster @ milepoint 1.20			
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 39 tons			
	Weight Limit - Bridge over Snag Creek @ milepoint 4.18			
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 40 tons			
	Weight Limit - Bridge over Locust Creek @ milepoint 7.04			
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 57 tons			
	Weight Limit - Bridge over Big Bracken Creek @ milepoint 13.93			
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 53 tons			

BREATHITT COUNTY

	ROAD	FROM	TO	
*	KY 15	0.0 Perry CO LN	27.5	Wolfe CO LN
	Weight Limit - Bridge over Lost Creek @ milepoint 0.48			
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 51 tons			
	Weight Limit - Bridge over Lost Creek @ milepoint 3.07			
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 51 tons			
	Weight Limit - Bridge over Lost Creek @ Milepoint 3.80			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 51 tons			
	Weight Limit - Bridge over Lost Creek @ milepoint 6.48			
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 49 tons			
	Weight Limit - Bridge over Lost Creek @ milepoint 6.69			
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons			
	Weight Limit - Bridge over Troublesome Creek @ Milepoint 7.64			
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons			
	Weight Limit - Bridge over Quicksand Creek @ milepoint 14.73			
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 47 tons			
	Weight Limit - Bridge over Frozen Creek @ milepoint 23.27			
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 57 tons			
*	KY 28	5.7 Perry CO LN	7.4	Perry CO LN
*	KY 30	14.1 Elkatawa Tipple	14.8	KY 15 (North)
*	KY 476	0.0 Perry CO LN	11.4	KY 15
	Weight Limit - Bridge over Troublesome Creek @ milepoint 7.02			
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 50 tons			
*	KY 542	9.2 Quicksand Creek RD	18.6	Magoffin CO LN
*	KY 1098	0.0 KY 15	20.7	Knott CO LN
	Weight Limit - Bridge over South Fork Quicksand Creek @ milepoint 5.27			
	TY I = 20 tons, TY II = 27 tons, TY III = 30 tons, TY IV = 49 tons			
	Weight Limit - Bridge over Quicksand Creek @ milepoint 17.98			
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 59 tons			
*	KY 1110	15.2 Haddix Tipple	15.7	KY 15
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 15.55			
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 51 tons			
*	KY 1111	0.0 KY 10.98	2.2	Big Lovely RD
*	Quicksand Creek RD			
	CR 5028	0.0 KY 542	1.0	Mine
*	Big Lovely Road			
	CR 5030	0.0 KY 1111	2.1	Knott CO LN
*	Springsfork Road			
	CR 5032	0.0 KY 542	1.4	Mine Access

	ROAD	FROM	TO
*	Slusher Road		
	CR 5067	0.0 KY 542	2.5 Mine
*	Buckhorn Creek RD		
	CR 5135	0.0 KY 476	0.3 Mine

Weight Limit - Bridge over Laurel Pad Branch Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Buckhorn Creek Northeast of Noble
TY I = 4 tons, TY II = 4 tons, TY III = 4 tons, TY IV = 4 tons

BULLITT COUNTY

	ROAD	FROM	TO
*	US 31E	0.0 Spencer CO LN	5.5 Jefferson CO LN

Weight Limit - Bridge over Hough Run @ milepoint 1.73
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons
Weight Limit - Bridge over Mulberry Creek @ milepoint 1.98
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons

BUTLER COUNTY

	ROAD	FROM	TO
*	Green River Parkway		
		18.2 Warren CO LN	35.1 Ohio CO LN

Weight Limit - Bridge over Green River @ milepoint 32.64
TY I = 20 tons, TY II = 42 tons, TY III = 46 tons, TY IV = 54 tons

*	US 231	8.6 KY 1468	8.9 Green River PKWY
		11.5 KY 70 (South)	18.9 Ohio CO LN

Weight Limit - Bridge over Green River @ milepoint 12.26
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons
Weight Limit - Bridge over Indian Camp Creek @ milepoint 16.32
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons
Weight Limit - Bridge over West Fork Indian Camp Creek @ milepoint 17.1
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons

*	KY 70	0.0 Muhlenberg CO LN	14.4 US 231

Weight Limit - Bridge over Panther Creek @ milepoint 4.19
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons

		14.4 US 231	25.3 KY 411

Weight Limit - Bridge over Welch Creek @ milepoint 20.37
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons

*	KY 79	13.4 KY 70	15.2 Possum Hollow School RD
*	KY 411	0.0 KY 70	6.1 Mine
*	KY 1328	8.4 Pyramid Mine Access RD	11.7 KY 70
*	KY 1468	0.0 KY 70	1.1 US 231
*	Old Greenwich School Road		
	CR 5015	0.0 KY 1328	0.7 KY 70
*	Jolertown Ridge Road		
	CR 5027	0.0 KY 70	0.3 Pyramid Mine
*	New Cut Road (South)		
	CR 5243	0.0 KY 70	0.3 C Crabtree MN
*	Possum Hollow School Road		
	CR 5355	0.0 KY 79	0.7 Mine

Weight Limit - Bridge over East Prong of Indian Creek
TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons

CALDWELL COUNTY

	ROAD	FROM	TO
	Western Kentucky Parkway		
		5.6 Lyon CO LN	21.8 Hopkins CO LN

Weight Limit - Bridge over I. C. R.R. @ milepoint 11.36
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 57 tons
Weight Limit - Bridge over Tradewater River @ milepoint 21.75
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 58 tons

CALLOWAY COUNTY

	ROAD	FROM	TO
*	US 641	0.0 Tennessee State LN	17.4 Marshall CO LN

Weight Limit - Bridge over Clark's River @ milepoint 1.10
TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 44 tons
Weight Limit - Bridge over Bee Creek @ milepoint 8.92
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Rockhouse Creek @ milepoint 15.65
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

CARTER COUNTY

	ROAD	FROM	TO
*	US 60	24.1 KY 1 and KY 7	24.8 KY 1
		29.7 Fighting Fork RD	35.0 Boyd CO LN
*	KY 1	0.0 Lawrence CO LN	10.6 US 60
	Weight Limit - Bridge over Dry Fork Creek @ milepoint 0.46		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Dry Fork Creek @ milepoint 0.83		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Dry Fork Creek @ milepoint 1.12		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 2.40		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 59 tons		
	Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 4.13		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 4.75		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 5.41		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 5.77		
	TY I = 20 tons, TY II = 33 tons, TY III = 34 tons, TY IV = 45 tons		
	Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 7.70		
	TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 55 tons		
		10.6 US 60	11.5 I-64
	Weight Limit - Bridge over I-64 @ milepoint 11.50		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
*	KY 7	0.0 Elliott CO LN	10.9 KY 1
	Weight Limit - Bridge over Clifty Creek near Sophie @ milepoint 1.64		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Little Sandy River @ milepoint 10.12		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons		
*	KY 207	0.0 US 60	2.3 Greenup CO LN
*	Fighting Fork RD		
	CR 5034	0.0 US 60	0.9 Mine

CHRISTIAN COUNTY

	ROAD	FROM	TO
*	Pennyrile PKWY	9.4 US 68	28.1 KY Hopkins CO LN
*	US 41	28.5 KY 1296	31.6 Hopkins CO LN
	Weight Limit - Bridge over Campbells Creek @ milepoint 29.51		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over L & N RR @ milepoint 30.88		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 50 tons		
*	KY 1296	2.7 Campbell Cemetery RD	5.2 US 41
*	Campbell Cemetery Road		
	CR 5418	0.0 KY 1296	2.0 Mine

CLARK COUNTY

	ROAD	FROM	TO
*	Mountain Parkway (KY 402)		
		0.0 I-64	11.9 Powell CO LN
	Weight Limit - Bridge over I-64 @ milepoint 0.13		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 47 tons		
	Weight Limit - Bridge over C & O RR @ milepoint 3.65		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 55 tons		
*	US 60	0.0 Fayette CO LN	6.7 KY 627
		7.0 KY 89	7.2 KY 15
*	KY 15	0.0 Powell CO LN	13.1 US 60
	Weight Limit - Bridge over Lulbegrud Creek @ milepoint 0.01		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
	Weight Limit - Bridge over Upper Howard's Creek @ milepoint 2.98		
	TY I = 21 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 38 tons		
	Weight Limit - Bridge over Big Stoner Creek @ milepoint 7.00		
	TY I = 20 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 38 tons		
	Weight Limit - Bridge over C&O Railroad @ milepoint 11.08		
	TY I = 20 tons, TY II = 20 tons, TY III = 22 tons, TY IV = 28 tons		
*	KY 89	15.9 US 60	16.0 KY 627
*	KY 418	5.7 KY 1924	5.8 KY 627
*	KY 627	0.0 Madison CO LN	6.4 KY 1958
	Weight Limit - Bridge over Kentucky River @ Boonesboro @ milepoint 0.01		
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 47 tons		
		7.8 US 60	8.1 KY 89
		9.3 I-64	14.8 Bourbon CO LN

Weight Limit - Bridge over Woodruff Creek @ milepoint 13.20
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons
* KY 1924 0.0 Dale Power Plant 1.8 KY 418
* KY 1958 0.0 KY 627 2.8 I-64

CLAY COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway		
		10.6 Laurel CO LN	35.9 Leslie CO LN

Weight Limit - Bridge over Little Goose Creek Rd. @ milepoint 10.81
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Urban Road @ milepoint 13.90
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Hooker Road @ milepoint 16.14
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Ham Branch Rd. & Goose Creek @ milepoint 21.67
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 57 tons
Weight Limit - Bridge over Red Bird River @ milepoint 33.58
TY I = 20 tons, TY II = 42 tons, TY III = 42 tons, TY IV = 56 tons

*	US 421	0.0 Leslie CO LN	32.8 Jackson CO LN

Weight Limit - Bridge over Horse Creek @ milepoint 16.58
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Goose Creek @ milepoint 18.59
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 48 tons
Weight Limit - Bridge over Island Creek @ milepoint 20.49
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 43 tons
Weight Limit - Bridge over Branch of Island Creek @ milepoint 21.20
TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 53 tons
Weight Limit - Bridge over Laurel Creek @ milepoint 23.97
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 43 tons
Weight Limit - Bridge over Sexton Creek @ milepoint 28.41
TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 52 tons

*	KY 11	0.0 Knox CO LN	8.9 US 421 (South)

Weight Limit - Bridge over Collins Fork - Goose Creek @ milepoint 2.91
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Collins Fork - Goose Creek @ milepoint 5.38
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons

		8.9 US 421 (North)	26.6 Owsley CO LN

Weight Limit - Bridge over Wildcat Creek @ milepoint 15.57
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons

*	KY 66	0.0 Bell CO LN	1.8 Beverly Tipple
*	KY 80	4.8 New Truckers Tipple	7.5 US 421
*		KY 1524	0.0 US 421 1.1 KY 2000
*	KY 2000	0.0 KY 1524	4.6 Sand Hill RD
*	KY 2432	0.0 Sester Road	1.4 Panama SCH RD
*	KY 2438	0.0 US 421	0.1 KY 2432

Weight Limit - Bridge over Goose Creek & L & N RR @ milepoint 0.01
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 50 tons

*	Sand Hill Road		
	CR 5129	0.0 KY 2000	0.2 Mine
*	Sevier Road		
	CR 5180	0.0 US 421	0.2 Tipple Access RD

Weight Limit - Bridge over Goose Creek
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 60 tons

*	Sester Road (Manchester)		
	CR 5227AA	0.0 KY 2432	0.2 Tipple Access
*	Panama School Road		
	CR 5341	0.0 Littleton Road	0.8 Steele RD
*	Steele Road		
	CR 5342	0.0 Panama School RD	0.9 Mine Access

CLINTON COUNTY

	ROAD	FROM	TO
*	KY 90	9.8 Poplar Mountain Road	12.8 Wayne CO LN
*	Poplar Mountain Road		
	CR 5058	0.0 KY 90	3.4 Mine

DAVIESS COUNTY

	ROAD	FROM	TO
*	Green River Parkway		
		59.5 Ohio CO LN	70.7 US 60 Bypass

Weight Limit - Bridge over Owensboro Beltline @ milepoint 70.18
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons

*	US 60	10.2 US 60 Bypass		28.0 Hancock CO LN
	Weight Limit - Bridge over L & N Railroad @ milepoint 11.78			
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons			
	Weight Limit - Westbound Bridge over L & N RR @ milepoint 16.66			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons			
	Weight Limit - Eastbound Bridge over Power Plant Entrance @ milepoint 16.66			
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons			
	Weight Limit - Bridge over Pup Creek @ milepoint 20.31			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 45 tons			
*	US 60B	0.0 US 60		10.2 US 60
	Weight Limit - Bridge over US 431 @ milepoint 4.22			
	TY I = 20 tons, TY II = 42 tons, TY III = 42 tons, TY IV = 48 tons			
	Weight Limit - Bridge over L & N Railroad @ milepoint 4.84			
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 49 tons			
	Weight Limit - Bridge over Sutherland Road @ milepoint 5.08			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Horse Fork Creek @ milepoint 5.65			
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons			
	Weight Limit - Bridge over I C RR @ milepoint 7.71			
	TY I = 20 tons, TY II = 37 tons, TY III = 37 tons, TY IV = 48 tons			
	Weight Limit - Bridge over L&N RR & KY 2710 @ milepoint 9.77			
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 43 tons			
*	US 231	0.0 Ohio CO LN		11.3 US 60 Bypass
	Weight Limit - Bridge over Panther Creek @ milepoint 3.91			
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Panther Creek @ milepoint 8.84			
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons			
	Weight Limit - Bridge over overflow @ milepoint 8.94			
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons			
	Weight Limit - Bridge over overflow @ milepoint 9.22			
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Owensboro Beltline @ milepoint 11.29			
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons			
*	KY 81	0.0 McLean CO LN		11.9 US 60 Bypass
	Weight Limit - Bridge over Panther Creek @ milepoint 6.50			
	TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 43 tons			
*	KY 144	0.0 US 60		11.9 Flora RD
	Weight Limit - Bridge over L & N RR @ milepoint 0.16			
	TY I = 20 tons, TY II = 43 tons, TY III = 46 tons, TY IV = 50 tons			
*	KY 331	0.0 US 60 (East) (Via Industrial Dr. & Medley-Roost Rd.)		1.9 Mine
*	KY 554	1.9 Mine		4.8 KY 81
*	KY 951	0.0 KY 144		2.9 Mine
*	Floral Road CR 5035	0.0 KY 144		1.4 Mine
*	St Lawrence Road CR 5036	1.6 Mine		1.8 Indian Hill Rd
*	Indian Hill Road CR 5038	0.0 KY 951		0.5 St. Lawrence RD
*	Iceland Road			

ELLIOTT COUNTY

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

FAYETTE COUNTY

	ROAD	FROM		TO
*	US 60	0.0 Woodford CO LN		4.7 KY 4 (West)
	Weight Limit - Bridge over South Elkhorn Creek @ milepoint 1.30			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
		10.2 KY 4 (East)		19.3 Clark CO LN
	Weight Limit - Bridge over New Circle Road (KY 4) @ milepoint 10.19			
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons			
*	US 68	0.0 Jessamine CO LN		3.1 KY 4
	Weight Limit - Bridge over South Elkhorn Creek @ milepoint 0.74			
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons			
*	KY 4	2.2 US 68 (South)		12.7 US 60 (East)
	Weight Limit - Bridge over US 60, Versailles Road @ milepoint 4.61			
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons			
	Weight Limit - Bridge over Viley Pike @ milepoint 5.48			
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Southern RR @ milepoint 8.03			
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons			
*	KY 922	1.0 KY 4		2.9 I-75

FLEMING COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Robertson CO LN	5.4 Mason CO LN
*	KY 11	0.0 Bath CO LN	17.2 Mason CO LN
	Weight Limit - Bridge over Fleming Creek @ milepoint 7.80		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons		
	Weight Limit - Bridge over Cassidy Creek @ milepoint 8.77		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		

FLOYD COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Pike CO LN	24.1 Johnson CO LN
	Weight Limit - Bridge over Levisa Fork Big Sandy River @ milepoint 10.76		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons		
	Weight Limit - Bridge over C&O RR @ milepoint 10.95		
	TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 57 tons		
*	KY 3	0.0 US 23 & KY 80	2.3 Blackhawk Tipple
*	KY 7	0.0 Knott CO LN	6.5 KY 80
*	KY 80	0.0 Knott CO LN	14.4 US 23 & KY 3
*	KY 114	0.0 Magoffin CO LN	11.4 US 23
	Weight Limit - Bridge over Middle Creek @ milepoint 4.12		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over C&O RR @ milepoint 10.41		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 56 tons		
	Weight Limit - Bridge over Middle Creek @ milepoint 10.60		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 55 tons		
*	KY 122	8.5 KY 80	21.1 Spewing Camp Branch RD
		24.3 Mine	31.6 KY 466
*	KY 194	9.0 Addington Mine	12.2 Pike CO LN
	Weight Limit - Bridge over Brushy Creek @ milepoint 12.15		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 404	0.0 Magoffin CO LN	3.1 KY 850
		4.2 KY 1210	8.1 KY 114
	Weight Limit - Bridge over Middle Creek @ milepoint 8.07		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 466	2.3 Caleb FK RD	4.1 KY 122
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 2.58		
	TY I = 16 tons, TY II = 18 tons, TY III = 21 tons, TY IV = 37 tons		
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 2.90		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
*	KY 550	0.0 Knott CO LN	0.2 KY 7
	Weight Limit - Bridge over Right Fork of Beaver Creek @ milepoint 0.06		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
*	KY 680	0.0 KY 122	0.9 KY 1929
		1.6 Joseph Mining Tipple	5.4 KY 979
*	KY 777	6.5 Mine	9.1 KY 80
*	KY 850	3.0 Mine	7.5 KY 404
*	KY 979	0.0 KY 122	19.3 US 23
	Weight Limit - Bridge over Toler Creek @ milepoint 17.43		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 1091	0.0 Knott CO LN	1.2 KY 122
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 1.20		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
*	KY 1101	0.0 KY 122	0.1 Stonecoal Branch RD
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 0.90		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 59 tons		
*	KY 1210	0.0 KY 80	0.6 Mines
		7.1 Nerco-Hiller Tipple	7.8 KY 404
	Weight Limit - Bridge over Middle Creek @ milepoint 7.76		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons		
*	KY 1426	0.0 Pike CO LN	6.6 KY 979
		6.6 KY 979	9.5 Justice BR RD
		10.9 Mine	14.3 US 23
	Weight Limit - Bridge over Levisa Fork of Big Sandy River @ milepoint 14.09		
	TY I = 20 tons, TY II = 49 tons, TY III = 49 tons, TY IV = 55 tons		
*	KY 1428	6.2 US 23	8.8 KY 194
		14.1 Uptown Mining Mine	15.6 US 23
	Weight Limit - Bridge over Little Paint Creek @ milepoint 14.85		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons		
*	KY 1498	0.0 Knott CO LN	4.6 KY 122
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 4.59		
	TY I - 20 tons, TY II = 39 tons, TY III - 38 tons, TY IV = 60 tons		
*	KY 1928	2.0 Ned FK RD	4.5 KY 680

*	KY 2030	0.0	KY 122	7.8 KY 1426
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 0.10			
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 56 tons			
*	KY 2557	0.0	Betsy Layne BR RD	0.3 US 23
*	KY 3188	0.8	Kanawha Mine	1.3 KY 80
*	KY 3379	0.0	Left Fork/Tinker Fork RD	7.0 KY 979
*	KY 3380	0.0	KY 979	0.6 Andy Branch RD
*	Powell Branch Road			
	CR 5022	0.0	Justell Bridge RD	0.3 Camp BR Branch RD
*	Justell Bridge Road			
	CR 5024F	0.0	US 23	0.1 Powell Branch RD
*	Ivy Creek RD			
	CR 5032	0.0	US 23	2.1 Mine
*	Bushy Fork Road			
	CR 5046	0.0	KY 194	0.8 Pike CO LN
*	Wolf Branch Road			
	CR 5046A	0.0	Bushy Fork Road	1.0 Martin CO LN
*	Bull Creek Road			
	CR 5055	0.0	KY 3	0.5 Cabin Coal Tipple
*	Camp Branch Road			
	CR 5078	0.0	Powell Branch RD	0.9 Right FK/Camp BR RD
*	Right Fork/Camp Branch Road			
	CR 5078A	0.0	Camp Branch RD	0.2 Prater Creek Mine
*	Transcontinental Road (Excluding Bridge)			
	CR 5083	0.0	Transcontinental Tip	0.8 US 23
*	Justice Branch Road			
	CR 5107	0.0	KY 1426	0.4 Right Fork Justice BR RD
*	Right Fork of Justice Branch RD			
	CR 5107A	0.0	Justice Branch RD	0.3 Island Creek Mine
*	Frog Branch Road			
	CR 5110	0.0	KY 2030	1.0 Maple Ridge Mine
*	Betsy Layne Branch Road			
	CR 5111	0.0	KY 2557	0.9 Somerset Coal Mine
*	Cedar Hill Road			
	CR 5118	0.0	KY 1426	0.2 Mine
*	Hamilton Branch RD			
	CR 5127	0.0	KY 1426	0.2 Bebe Mine
	Weight Limit - Bridge over Toler Creek			
	TY I = 20 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 35 tons			
*	Parsons Branch Road			
	CR 5128	0.0	KY 979	0.2 Transcontinental Mine
	Weight Limit - Bridge over Mud Creek			
	TY I = 20 tons, TY II = 36 tons, TY III = 36 tons, TY IV = 36 tons			
*	Frasure Branch Road			
	CR 5134	0.0	KY 979	1.0 Joseph Mining Mine
*	Mink Branch Road			
	CR 5138	0.0	KY 979	1.2 Mine
	Weight Limit - Bridge over Big Mud Creek			
	TY I = 22 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			
*	Dry Branch/Mud Creek Road			
	CR 5139	0.0	KY 979	1.1 Joseph Mining Mine
*	Ned Fork Road			
	CR 5140	0.0	KY 1929	1.1 Premium Elkhorn Shannon Mine
*	Branham Creek Road			
	CR 5142	0.0	KY 3379	0.6 Pike CO LN
*	Barn Branch Road			
	CR 5146	0.0	Branham Creek RD	0.3 Phyllis Coal Mine
*	Left Fork/Tinker Fork Road			
	CR 5147	0.0	Branham Creek RD	0.2 Wellmore Kodiak Mine
*	Andy Branch Road			
	CR 5148	0.0	Tinker Fork RD	0.5 Ensol Mine
*	Red Morg Branch Road			
	CR 5153	0.0	KY 979	0.9 Turner Elkhorn Mine
*	Buzzard Rock Road			
	CR 5157	0.2	Apache Mining Mine	0.5 Pike CO LN
*	Caleb Fork RD			
	CR 5175	0.0	KY 466	0.7 Pike County Haul RD
*	Spewing Camp Branch			
	CR 5190	0.0	KY 122	1.8 Mine
	Weight Limit - Bridge over Left Fork of Beaver Creek			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	Little Muddy Creek Road			
	CR 5197	0.0	KY 2030	3.0 Bebe Mine

*	Upper Wolfpen Branch Road				
	CR 5197B	0.0	Little Muddy Creek RD	0.7	Prater Creek Mine
*	Hite Road				
	CR 5220	1.8	Hite RD-KY 122	1.9	Hite Prep Plant Connector RD
*	Hite Road-KY 122 Connector Road				
	CR 5220A	0.0	KY 122	0.1	Hite RD
*	Stonecoal Branch Road				
	CR 5234	0.0	KY 1101	1.6	Mine
*	Goose Creek Road				
	CR 5273	0.0	Gosling Branch RD	0.6	Transcontinental T&H Mine
*	Gosling Branch Road				
	CR 5274	0.0	KY 80	0.1	Goose Creek RD
*	Vine Street (Eastern)				
	CR 5283C	0.0	KY 80	0.1	May I Tipple
	Weight Limit - Bridge over Right Fork of Beaver Creek				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
*	Johnson Fork-Conley Fork Road				
	CR 5409	0.0	KY 1210	0.2	Amber Prep Plant

FRANKLIN COUNTY

	ROAD	FROM		TO	
*	US 60	0.0	Shelby CO LN	6.5	US 127 (West)
	Weight Limit - Bridge over Benson Creek @ milepoint 0.01				
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons				
	Weight Limit - Bridge over South Benson Creek @ milepoint 2.72				
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 40 tons				
		12.1	US 421 (East)	14.0	KY 676
	Weight Limit - Bridge over L & N Railroad @ milepoint 12.12				
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons				
*	US 127	5.3	KY 676	6.2	US 60
*	KY 676	0.0	US 127	5.3	US 60

GREENUP COUNTY

	ROAD	FROM		TO	
*	US 23	0.0	Boyd CO LN	11.6	KY 2541
	Weight Limit - Bridge over Little Sandy River @ milepoint 11.41				
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 57 tons				
*	KY 1	11.4	KY 207	17.3	US 23
*	KY 207	0.0	Carter CO LN	0.5	Logtown Hollow RD
		8.3	Woods RD	9.2	KY 1
*	Logtown Hollow Road				
	CR 5168	0.0	KY 207	0.5	Mine
*	Stepp Drive				
	CR 5216	0.0	KY 207	0.3	Mine
*	Schultz Branch Road				
	CR 5250	0.0	KY 2	1.0	Mine

HANCOCK COUNTY

	ROAD	FROM		TO	
*	US 60	0.0	Daviess CO LN	5.0	Mine

HARLAN COUNTY

	ROAD	FROM		TO	
*	US 119	0.0	Bell CO LN	39.7	Letcher CO LN
	Weight Limit - Bridge over Poore Fork Cumberland River @ milepoint 31.12				
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 53 tons				
	Weight Limit - Bridge over Poore Fork Cumberland River @ milepoint 33.32				
	TY I = 20 tons, TY II = 47 tons, TY III = 47 tons, TY IV = 55 tons				
	Weight Limit - Bridge over Clover Lick Creek @ milepoint 33.74				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Poor Fork @ milepoint 35.56				
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Poor Fork @ milepoint 38.91				
	TY I = 20 tons, TY II = 25 tons, TY III = 27 tons, TY IV = 35 tons				
	Weight Limit - Bridge over Poor Fork @ milepoint 39.61				
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 44 tons				
*	US 421	0.0	Virginia State LN	17.6	US 119 (West)
	Weight Limit - Bridge over Cranks Creek @ milepoint 2.70				
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 42 tons				
	Weight Limit - Bridge over Fork of Crummies Creek @ milepoint 7.36				
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 40 tons				
	Weight Limit - Bridge over KY 840, L&N RR, Clover Fork @ milepoint 17.51				
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 49 tons				
		17.6	US 119 (East)	27.4	Leslie CO LN

*	KY 38	0.0 US 421	13.3 Shields SCH RD	
	Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 8.21			
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 53 tons			
	Weight Limit - Bridge over Yocum Creek @ milepoint 8.60			
	TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 38 tons			
	Weight Limit - Bridge over Clover Fork @ milepoint 12.90			
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons			
		16.7 Conveyor Dump Point	17.0 KY 179	
*	KY 72	0.0 Bell CO LN	1.3 Mill Branch RD	
		1.9 KY 2005	4.9 Rockhouse BR RD	
	Weight Limit - Bridge over Puckett Creek @ milepoint 4.73			
	TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 40 tons			
	Weight Limit - Bridge over Puckett Creek @ milepoint 4.84			
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons			
		10.2 Mine	11.3 US 421	
	Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 11.19			
	TY = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons			
*	KY 215	0.0 KY 38	0.2 Yocum Tipple	
	Weight Limit - Bridge over Yocum Creek @ milepoint 1.06			
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons			
*	KY 221	0.0 Bell CO LN	8.9 US 421 (South)	
		8.9 US 421 (North)	21.6 KY 2008	
*	KY 987	10.4 Wilder Branch RD	18.5 US 421	
	Weight Limit - Bridge over Martins Fork Lake @ milepoint 12.72			
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons			
	Weight Limit - Bridge over Martins Fork @ milepoint 15.07			
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Crummies Creek @ milepoint 18.52			
	TY I = 20 tons, TY II = 29 tons, TY III = 34 tons, TY IV = 41 tons			
*	KY 990	0.0 US 421	1.3 Coalgood Tipple	
*	KY 1137	0.0 US 421	3.2 Mine Access RD	
*	KY 2005	2.6 Lick Branch Culvert	5.1 KY 72	
	Weight Limit - Bridge over Yocum Creek @ milepoint 5.08			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons			
*	KY 2006	0.7 Mine	4.6 Arch of KY Tipple	
*	KY 2008	0.0 Leslie CO LN	1.4 KY 221	
*	KY 2009	0.0 KY 221	2.7 Leslie CO LN	
	Weight Limit - Bridge over Fork of Laurel Fork Creek @ milepoint 1.51			
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons			
	Weight Limit - Bridge over Laurel Fork Creek @ milepoint 2.72			
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons			
*	KY 3449	0.0 Forester's Creek RD	1.1 Kentucky Harlan Tipple	
*	KY 3451	1.4 Mine	2.2 US 119	
*	KY 3457	0.0 KY 38	0.5 Mine	
*	KY 3462	0.0 US 421	0.8 Mine	
*	KY 3465	0.0 KY 221	3.9 Leslie CO LN	
*	Totz Road			
	CR 5007B	0.0 Haul RD	0.1 Totz Washer	
*	Slack Cemetery Road			
	CR 5140	0.0 US 421 (North)	0.4 Tipple	
*	Barn Branch Road			
	CR 5142	0.0 US 421	0.4 Mine Access RD	
*	Grays Branch Road			
	CR 5206K	0.0 US 421 @ Grays Knob	0.4 Tipple	
	Weight Limit - Bridge over Martins Fork			
	TY I = 20 tons, TY II = 20 tons, TY III = 20 tons, TY IV = 20 tons			
*	Foresters Creek Road			
	CR 5238	0.0 KY 3449	1.7 Mine Access RD	
*	Rockhouse Branch Road			
	CR 5256	0.0 KY 72	0.2 R B Tipple	
*	Gabes Branch Road			
	CR 5326E	0.0 KY 38	0.1 Brookside Tipple	
*	Ages Creek Road			
	CR 5326M	0.0 KY 38	0.3 Mine	
	Weight Limit - Bridge over Ages Branch			
	TY I = 20 tons, TY II = 27 tons, TY III = 33 tons, TY IV = 53 tons			
*	Big Run Hollow Road			
	CR 5344	2.1 Mine Access Road	2.6 Bell CO LN	

HARRISON COUNTY

	ROAD	FROM	TO	
*	US 27	0.0 Bourbon CO LN	19.5 Pendleton CO LN	
	Weight Limit - Bridge over South Fork Licking River @ milepoint 5.65			
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 57 tons			

Weight Limit - Bridge over L&N RR @ milepoint 6.28
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 45 tons
Weight Limit - Bridge over Indian Creek @ milepoint 7.09
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 58 tons
Weight Limit - Bridge over Sycamore Creek @ milepoint 9.09
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over Two Lick Creek @ milepoint 10.40
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 57 tons
Weight Limit - Bridge over Curry Creek @ milepoint 13.27
TY I = 20 tons, TY II = 31 tons, TY III = 35 tons, TY IV = 50 tons
Weight Limit - Bridge over Richland Creek @ milepoint 19.18
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons

HENDERSON COUNTY

	ROAD	FROM	TO
*	US 41	0.0 Webster CO LN	13.0 KY 812
	Weight Limit - Bridge over King Creek @ milepoint 0.65		
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over East Fork of Cane Creek @ milepoint 6.20		
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Dredged Ditch @ milepoint 6.32		
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons		
*	KY 416	7.8 Pennyrile Parkway	8.0 KY 2096
	(Extended weight provision restricted to use by Type IV vehicles only.)		
*	KY 812	5.6 Mine	7.4 US 41
*	KY 2096	0.0 KY 416	3.1 KY 2097
	(Extended weight provision restricted to use by Type IV vehicles only.)		
*	KY 2097	0.0 US 41	0.9 Bill Givens RD
*	Bill Givens Road		
	CR 5142	0.0 Webster CO LN	0.1 KY 2097

HOPKINS COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		21.8 Caldwell CO LN	43.4 Muhlenberg CO LN
	Weight Limit - Bridge over Tradewater River Overflow @ milepoint 22.00		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over I.C. RR @ milepoint 24.89		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 112 & Copperas Creek @ milepoint 28.35		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 52 tons		
	Weight Limit - Bridge over Oak Hill Rd. & I.C. RR @ milepoint 33.87		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Pennyrile Parkway @ milepoint 38.31		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 56 tons		
*	Pennyrile Parkway (Nontoll Segment) and US 41		
		29.6 US 41 (South)	45.2 Begin Toll Segment @ US 41(N)
	Weight Limit - Bridge on exit ramp to U.S. 41 @ milepoint 45.2		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Pennyrile Parkway (Toll Segment)		
		45.2 End Nontoll Segment @ US 41 (North)	55.0 Webster CO LN
	Weight Limit - Bridge over KY 138 @ milepoint 54.07		
	TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 56 tons		
*	US 41	0.0 Christian CO LN	2.3 Pennyrile Parkway (South)
	Weight Limit - Bridge over Drakes Creek @ milepoint 0.49		
	TY I = 20 tons, TY II = 31 tons, TY III = 36 tons, TY IV = 53 tons		
	US 41 & Pennyrile Parkway (Nontoll Segment) included with Pennyrile Parkway Listing		
		2.3 Pennyrile Parkway (North)	11.8 Webster CO LN
	Weight Limit - Bridge over Otter Creek @ milepoint 6.13		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
*	US 41A	0.0 US 41	29.4 Webster CO LN
	Weight Limit - Bridge over Crab Orchard Creek @ milepoint 0.82		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 56 tons		
	Weight Limit - Bridge over IC RR & Pleasant Run Creek @ milepoint 3.42		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 48 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 6.59		
	TY I = 20 tons, TY II = 28 tons, TY III = 28 tons, TY IV = 34 tons		
	Weight Limit - Bridge over Pond Creek @ milepoint 22.86		
	TY I = 20 tons, TY II = 23 tons, TY III = 27 tons, TY IV = 43 tons		
*	US 62	1.7 KY 109	21.3 Sextet Mine & Tipple
	Weight Limit - Bridge over Copperas Creek @ milepoint 5.70		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Cane Run Creek @ milepoint 7.94		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		

Weight Limit - Bridge over Pleasant Run @ milepoint 12.51
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over L&N RR, Fork Pleasant Run @ milepoint 14.89
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 58 tons
Weight Limit - Bridge over US 41 @ milepoint 15.64
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Pleasant Run Creek @ milepoint 16.39
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over Drakes Creek @ milepoint 16.72
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons

*	KY 70	4.5	Peter Howton Road	18.7 US 41A

Weight Limit - Bridge over Richland Creek @ milepoint 11.77
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over ICG RR NE of Richland @ milepoint 13.09
TY I = 20 tons, TY II = 27 tons, TY III = 27 tons, TY IV = 34 tons
Weight Limit - Bridge over Sugar Creek @ milepoint 13.45
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over L&N RR @ milepoint 18.53
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

		18.7	US 41A	26.4 Muhlenberg CO LN

Weight Limit - Bridge over Pond River @ milepoint 26.32
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons

*	KY 109	2.1	US 62	17.2 KY 814

Weight Limit - Bridge over Western Kentucky Parkway @ milepoint 3.81
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 54 tons
Weight Limit - Bridge over IC RR @ milepoint 4.50
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons
Weight Limit - Bridge over IC RR @ milepoint 6.49
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons
Weight Limit - Bridge over Lick Creek @ milepoint 7.24
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons

*	KY 112	3.5	Mine Access RD	9.8 US 41A

Weight Limit - Bridge over Finley Ditch @ milepoint 5.85
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons
Weight Limit - Bridge over Unnamed Stream @ milepoint 8.06
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons
Weight Limit - Bridge over Unnamed Stream @ milepoint 8.26
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons

*	KY 262	0.0	KY 630	2.6 Bean Cemetery RD

Weight Limit - Bridge over Pogue Creek @ milepoint 0.92
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 281	0.0	US 41A	0.7 Pennyrile Parkway

Weight Limit - Bridge over L&N RR @ milepoint 0.25
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons

*	KY 336	3.2	McLeod RD	5.8 US 41A
*	KY 454	0.0	US 62	2.3 KY 112

Weight Limit - Bridge over Western KY PKWY @ milepoint 1.02
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 49 tons

*	KY 630	0.0	KY 262	2.0 US 41A
*	KY 813	10.2	Mortons Gap-WH CTY RD	12.3 US 41A
*	KY 814	0.0	KY 109	1.4 Webster CO LN
*	KY 879 [870]	0.0	KY 112	0.2 Southard Church Road

(Extended weights shall be available only for types III and IV vehicles.)

*	KY 1751	0.0	US 41A	1.4 US 41

Weight Limit - Bridge over L&N RR @ milepoint 1.14
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons

*	KY 2086	0.0	Walnut Grove RD	1.2 KY 109
*	KY 2273	0.0	KY 109	0.2 Ferguson Town Spur RD
*	KY 2663	0.0	Mine Access RD	0.6 KY 2655
*	Old Hanson-Slaughters Road			
	CR 5073	0.0	Jasper Reynolds RD	0.4 KY 2655
*	Jasper Reynolds RD			
	CR 5081	0.0	US 41	0.4 Old Hanson RD
*	Herbert Brown RD			
	CR 5082	0.0	Old Hanson RD	0.1 KY 2655
*	McLeod Road			
	CR 5140	0.0	KY 3361)	0.3 Mine & Tipple
*	Mortons Gap-White City Road			
	CR 5153	0.0	KY 813	1.8 Mine
*	Wells Road			
	CR 5212	7.9	Barnsley Loop RD	8.7 Mine
*	Barnsley Loop Road			
	CR 5217	0.0	US 41A	1.5 Wells Road

	ROAD	FROM	TO
*	Leonard Jackson Road		
	CR 5262	0.0 Dawson Daylight RD	1.0 Private Haul RD
*	Walnut Grove Road		
	CR 5301	0.0 Mine	0.6 KY 2086
*	Dawson Daylight Road		
	CR 5305	0.0 KY 109	2.4 Leonard Jackson RD
*	Ferguson Town Spur Road		
	CR 5311	0.0 Ferguson Town RD	0.1 Roberts Bros Tipple
*	Peter Howton Road		
	CR 5330	0.0 KY 70	0.3 Mine
*	Bean Cemetery Road		
	CR 5396	0.4 Mine	2.9 KY 262
	Weight Limit - Bridge over Greasy Creek		
	TY I = 11 tons, TY II = 11 tons, TY III = 11 tons, TY IV = 11 tons		

JACKSON COUNTY

	ROAD	FROM	TO
*	US 421	0.0 Clay CO LN	6.3 Andrews RD
	Weight Limit - Bridge over Flat Lick Creek @ milepoint 6.26		
	TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 56 tons		
*	KY 30	0.0 Laurel CO LN	12.5 US 421 (South)
	Weight Limit - Bridge over Moores Creek @ milepoint 0.59		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons		
	Weight Limit - Bridge over Pond Creek @ milepoint 2.64		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons		
		12.5 US 421 (North)	20.9 Owsley CO LN
*	Andrews Road		
	CR 5122	0.0 US 421	0.6 Begley Road
*	Begley Road		
	CR 5245	0.8 Andrews Road	0.9 Mine

JEFFERSON COUNTY

	ROAD	FROM	TO
*	US 31E	0.0 Bullitt CO LN	5.5 KY 1065
	Weight Limit - Bridge over Floyd's Fork Creek @ milepoint 0.58		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
		16.7 US 42	17.8 US 31W @ Second Street
*	US 31W	3.2 Kosmos Cement CO	22.1 US 31E @ Second Street
*	US 42	0.0 US 31E	0.8 US 60
	Weight Limit - Bridge over Beargrass Creek @ milepoint 0.23		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 60	0.0 US 42 (Westbound)	17.4 Shelby CO LN
	Weight Limit - Bridge over Floyd's Fork @ milepoint 13.56		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Longrun Creek @ milepoint 15.79		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 841	0.0 US 31W	6.1 KY 1865
*	KY 864	4.3 KY 1065 (East)	4.4 KY 1065 (West)
*	KY 1065	1.0 KY 1865	10.0 KY 864
	Weight Limit - Bridge over Northern Ditch @ milepoint 1.40		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over I-65 @ milepoint 4.75		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
		10.0 KY 864	11.9 US 31E
*	KY 1865	0.9 KY 841	1.3 KY 1065
*	KY 1934	5.5 Ralph AVE	8.4 US 31W
*	KY 2056	0.4 B.F. Goodrich Plant	1.1 I-264
*	Ralph Avenue (Louisville)		
		0.9 KY 1934	1.8 Dupont Plant

JESSAMINE COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Mercer CO LN	12.1 Fayette CO LN

JOHNSON COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Floyd CO LN	18.4 Lawrence CO LN
	Weight Limit - Bridge over C&O RR & Levisa Fork @ milepoint 3.53		
	TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 38 tons		
	Weight Limit - Bridge over Paint Creek @ milepoint 8.68		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 55 tons		
*	US 460	0.0 Magoffin CO LN	8.3 US 23
*	KY 3	3.1 Lacker Branch RD	4.7 Martin CO LN
*	KY 40	7.2 KY 172	8.7 US 460
		8.7 US 23	13.3 Deadfall Branch RD

*	KY 172	6.9 Joe Salyers Branch RD	12.4 KY 40
	Weight Limit - Bridge over Mudlick Creek @ milepoint 11.91		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 55 tons		
*	KY 302	2.8 KY 2381	6.5 KY 3
*	KY 2381	0.0 US 23	2.2 KY 302
*	Deadfall Branch Road		
	CR 5139	0.0 KY 40	0.6 Mine Access Road

KNOTT COUNTY

	ROAD	FROM	TO
*	KY 7	2.5 KY 1498	16.0 Floyd CO LN
	Weight Limit - Bridge over Beaver Fork @ milepoint 6.10		
	TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 60 tons		
*	KY 15	0.0 Letcher CO LN	9.4 Perry CO LN
	Weight Limit - Bridge over Carr Fork Reservoir @ milepoint 2.82		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 55 tons		
	Weight Limit - Bridge over Carr Fork Lake @ milepoint 5.64		
	TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 80	0.0 Perry CO LN	21.1 Floyd CO LN
*	KY 160	0.0 KY 15	5.8 A K P Coal Mine
	Weight Limit - Bridge over Carr Fork Lake @ milepoint 1.74		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 56 tons		
		8.2 KY 1393	13.9 Patsy Jayne Mine
*	KY 550	23.8 Big Springs RD	26.6 Floyd CO LN
	Weight Limit - Bridge over Jones Fork @ milepoint 25.30		
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 44 tons		
*	KY 899	7.7 National Mines Mine	12.2 KY 7
	Weight Limit - Bridge over Caney Creek @ milepoint 8.74		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons		
	Weight Limit - Bridge over Caney Creek @ milepoint 11.82		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 1087	1.4 KY 3209	3.4 Mountain Clay Mine
		9.6 C & D Coal Mine	14.1 KY 80
*	KY 1088	3.9 Young's Fork RD	9.4 KY 15
	Weight Limit - Bridge over Yellow Creek @ milepoint 9.12		
	TY I = 20 tons, TY II - 36 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Carr Creek @ milepoint 9.36		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 56 tons		
*	KY 1091	0.0 KY 7	2.2 Floyd CO LN
	Weight Limit - Bridge over Right Fork of Beaver Creek @ milepoint 0.01		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
*	KY 1098	0.0 Breathitt CO LN	12.0 KY 1087
	Weight Limit - Bridge over Laurel Fork Quicksand Creek @ milepoint 6.94		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 1102	1.1 Sandlick Branch RD	2.7 KY 80
*	KY 1231	0.0 KY 15	1.2 Flax Patch Branch RD
*	KY 1393	2.8 KY 899	4.9 KY 160
*	KY 1410	0.0 KY 160	4.7 Letcher CO LN
	Weight Limit - Bridge over Carr Fork @ milepoint 0.01		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons		
*	KY 1498	0.5 KY 7	1.5 Floyd CO LN
*	KY 3209	0.0 KY 80	0.4 KY 1087
	Weight Limit - Bridge over Ball Fork @ milepoint 0.05		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 3391	0.0 KY 1231	1.7 Madden Creek RD
*	Potato Branch RD		
	CR 5005	0.0 KY 7	1.1 Wheelwright Mine
	Weight Limit - Bridge over Right Fork of Beaver Creek		
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 44 tons		
*	Patten Branch of Beaver Creek Road		
	CR 5009	0.0 KY 7	0.2 National Mines Mine
*	Big Springs Branch Road		
	CR 5032	0.0 KY 550	0.9 National Mines Mine
	Weight Limit - Bridge over Jones Fork		
	TY I = 19 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 39 tons		
*	Triplett Branch Road		
	CR 5033	0.0 KY 550	0.8 National Mines Mine
*	Rock Fork (Bolyn) Road		
	CR 5037	0.0 KY 80	0.8 Consolidation Mine
*	Bates Branch Road		
	CR 5117	0.0 KY 7	1.4 Wheelwright Mine
*	Perkins Branch-Lick Branch Road		
	CR 5145	0.0 KY 15	0.4 Southeast Coal Mine
*	Runnells Branch Road		
	CR 5156	0.0 KY 160	0.5 Left FK Runnells BR RD

* Left Fork of Runnells Branch Road			
CR 5156A	0.0 Runnells Branch RD	0.3	Golden Oak Mine
* Irishman Creek Road			
CR 5203	0.0 KY 1231	0.8	R J F Coal Mine
* Flax Patch Branch Road			
CR 5208	0.0 KY 1231	0.5	Allied Coals Mine
* Defeated Creek Road			
CR 5212	0.0 KY 15	3.2	Meade & Shepherd Mine
* Young's Fork Road			
CR 5226	0.0 KY 1088	1.3	Kentucky Prince Mine
* Middle Fork of Quicksand Creek Road			
CR 5312	0.0 Decoy-Spring Fork RD	1.0	Big Branch of Quicksand Creek RD
* Big Branch of Quicksand Creek Road			
CR 5314	0.0 Miller Branch Mine	1.2	Middle Fork of Quicksand Creek RD
* Decoy-Spring Fork Road			
CR 5315	0.0 Breathitt CO LN	1.1	Middle Fork of Quicksand Creek Road
*Sandlick Branch Road			
CR 5336	0.0 KY 1102	0.9	McCoy Coal Mine

KNOX COUNTY

ROAD	FROM	TO	
* US 25E	0.0 Bell CO LN	26.6	Laurel CO LN
Weight Limit - Bridge over Cumberland River @ milepoint 0.85			
TY I = 20 tons, TY II = 33 tons, TY III = 33 tons, TY IV = 40 tons			
Weight Limit - Bridge over L&N RR @ milepoint 1.54			
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 51 tons			
Weight Limit - Bridge over Stinking Creek @ milepoint 3.70			
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons			
Weight Limit - Bridge over Turkey Creek @ milepoint 4.81			
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 51 tons			
* KY 6	0.0 Whitley CO LN	14.7	KY 11
Weight Limit - Bridge over Lynn Camp Creek @ milepoint 0.23			
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons			
Weight Limit - Bridge over Stewards Creek @ milepoint 0.83			
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons			
Weight Limit - Bridge over Indian Creek @ milepoint 6.15			
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
Weight Limit - Bridge over Tributary of Indian Creek @ milepoint 6.85			
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
Weight Limit - Bridge over Indian Creek @ milepoint 8.37			
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
* KY 11	0.0 Whitley CO LN	10.1	US 25E
Weight Limit - Bridge over Little Poplar Creek @ milepoint 2.17			
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons			
	10.1 US 25E	22.7	Clay CO LN
Weight Limit - Bridge over Little Richland Creek @ milepoint 13.00			
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons			
Weight Limit - Bridge over Little Richland Creek @ milepoint 13.39			
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons			
Weight Limit - Bridge over Little Richland Creek @ milepoint 13.57			
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons			
* KY 225	5.9 Kayjay Mine	15.0	US 25E
* KY 312	0.0 Whitley CO LN	1.3	US 25E
* KY 930	0.0 KY 225	4.1	US 25E
Weight Limit - Bridge over Stinking Creek @ milepoint 1.77			
TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 50 tons			
* KY 1809	0.0 Whitley CO LN	6.3	KY 11
* KY 2421	0.0 KY 225	0.9	KY 11
* Alex Creek Road			
CR 5031	1.7 Straight Creek RD	2.2	Mine
* Straight Creek Road			
CR 5032	0.0 Bell CO LN	0.8	Alex Creek RD
* Little Brush Creek Road			
CR 5166	0.0 KY 225	1.6	Lay Branch RD
Weight Limit - Bridge over Brush Creek			
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
* Lay Branch Road			
CR 5169	0.0 Little Brush CK RD	0.8	Mine
* Swan Pond Road			
CR 5209	0.0 KY 11	1.9	Mine
* Stoney Fork Road			
CR 5210	0.0 KY 1809	1.0	Mine

	ROAD	FROM	TO
*	Hubbs Road		
	CR 5214	0.0 KY 1809	1.5 Girdner #1 Mine
	Weight Limit - Bridge over Hubbs Creek east of Bryant's Store		
	TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons		
	Weight Limit - Bridge over Hubbs Creek @ Bain Branch		
	TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons		
*	Sugartree Road		
	CR 5216	0.0 Hubbs RD	0.5 Terco #1 Mine
	Weight Limit - Bridge over Hubbs Creek		
	TY I = 4 tons, TY II = 4 tons, TY III = 4 tons, TY IV = 4 tons		
*	Davis Branch Road		
	CR 5224	0.0 KY 1809	0.1 Mine
*	Dowis Road		
	CR 5248	0.0 KY 6	0.9 Mosley Branch RD
*	Middle Fork Richland Creek Road		
	CR 5311	0.9 Higgins Road	1.2 H & P Mine
*	Higgins Road		
	CR 5323	0.0 US 25E	0.8 Richland Creek RD

LAUREL COUNTY

	ROAD	FROM	TO
*	Daniel Boone		
	Parkway	0.0 US 25 & KY 80	10.6 Clay CO LN
	Weight Limit - Bridge over L&N RR @ milepoint 0.85		
	TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 55 tons		
	Weight Limit - Bridge over Little Laurel River @ milepoint 3.40		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Sallys Branch Rd. @ milepoint 4.18		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 1305 @ milepoint 6.42		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons		
	Weight Limit - Bridge over Lick Creek Road @ milepoint 7.64		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons		
	Weight Limit - Bridge over KY 488 @ milepoint 8.57		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons		
*	US 25	0.0 US 25E & US 25W	10.4 KY 192
	Weight Limit - Bridge over Robinson Creek @ milepoint 3.28		
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 49 tons		
	Weight Limit - Bridge over Laurel River at Lily @ milepoint 4.14		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 7.19		
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 48 tons		
	Weight Limit - Bridge over Little Laurel River @ milepoint 8.44		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
		13.6 KY 80 & Daniel Boone Parkway	23.1 KY 909
*	US 25E	0.0 Knox CO LN	0.3 US 25 & US 25W
*	KY 30	1.4 KY 490	9.8 Jackson CO LN
	Weight Limit - Bridge over Rockcastle River @ milepoint 9.08		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 59 tons		
*	KY 80	0.0 Pulaski CO LN	11.1 US 25 & Daniel Boone PKWY
	Weight Limit - Bridge over I-75 @ milepoint 10.59		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 43 tons		
*	KY 192	18.2 I-75	22.0 D Boone PKWY
	Weight Limit - Bridge over I-75 @ milepoint 18.24		
	TY I = 20 tons, TY II = 32 tons, TY III = 34 tons, TY IV = 42 tons		
*	KY 229	0.0 Knox CO LN	11.5 KY 192
	Weight Limit - Bridge over Laurel River @ milepoint 6.85		
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Little Laurel River @ milepoint 10.63		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
*	KY 490	0.0 US 25	0.9 KY 30
	Weight Limit - Bridge over L&N RR @ milepoint 0.10		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 44 tons		

LAWRENCE COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Johnson CO LN	30.2 Boyd CO LN
*	KY 1	0.0 KY 3	5.0 Olioville-Coal Branch RD
		12.8 KY 201	14.1 Carter CO LN
*	KY 3	0.0 Martin CO LN	15.5 US 23
	Weight limit - Bridge over Levisa & Tug Forks @ milepoint 14.87		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
		24.4 KY 1398	24.7 KY 1

*	KY 3S	0.0	KY 3	0.1	West Virginia State LN
	Weight Limit - Bridge over Levisa & Tug Forks @ milepoint 0.01				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
*	KY 32	8.5	Lower Laurel Creek RD	28.9	US 23
	Weight Limit - Bridge over Cains Creek @ milepoint 9.53				
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Blaine Creek @ milepoint 10.10				
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 54 tons				
	Weight Limit - Bridge over Hood Creek @ milepoint 10.85				
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Brushy Creek @ milepoint 16.05				
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 54 tons				
	Weight Limit - Bridge over Rich Creek @ milepoint, 18.39				
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons				
	Weight Limit - Bridge over Blaine Creek @ milepoint 22.55				
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons				
	Weight Limit - Bridge over Russey Branch @ milepoint 23.46				
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons				
*	KY 201	5.0	KY 32	18.2	KY 1
	Weight Limit - Bridge over Dry Fork Creek @ milepoint 18.13				
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons				
*	KY 645	0.0	US 23	5.2	Martin CO LN
*	KY 1690	1.5	KY 645	1.7	KY 2033
*	KY 1760	0.0	US 23	2.8	Georges Creek RD
*	KY 2033	1.3	KY 1690	3.3	Richardson Mine
*	KY 3398	0.0	US 23	2.3	KY 3
*	Donithon Branch Road				
	CR 5118	0.0	KY 3	1.6	Lockworth Mine
*	Georges Creek Road				
	CR 5156	0.0	KY 1760	1.5	Left FK Brushy CR RD
*	Left Fork Brushy Creek Road				
	CR 5203	0.0	Georges Creek Road	0.8	Mine
*	Lower Laurel Creek Road				
	CR 5221	0.0	KY 32	1.7	Black Wells Mine
	Weight Limit - Bridge over Lower Laurel Creek				
	TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons				
	Weight Limit - Bridge over Lower Laurel Creek				
	TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons				
*	Olioville-Coal Branch Road				
	CR 5311	0.0	KY 1	0.3	Mine

LESLIE COUNTY

	ROAD	FROM		TO	
*	Daniel Boone Parkway	35.9	Clay CO LN	51.0	Perry CO LN
*	US 421	0.0	Harlan CO LN	6.3	Mine
		20.6	KY 2431	22.6	KY 18
		26.8	Wet Rockhouse Branch	35.4	Clay CO LN
*	KY 80	0.0	US 421	9.7	Perry CO LN
	Weight Limit - Bridge over Cutshin Creek @ milepoint 5.15				
	TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 43 tons				
	Weight Limit - Bridge over Wooton Creek @ milepoint 6.12				
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 46 tons				
	Weight Limit - Bridge over MacIntosh Creek @ milepoint 8.84				
	TY I = 20 tons, TY II = 25 tons, TY III = 26 tons, TY IV = 42 tons				
*	KY 118	0.0	US 421	3.5	Daniel Boone PKWY
*	KY 699	0.0	KY 80	13.6	Old Big Rock RD
	Weight Limit - Bridge over Cutshin Creek @ milepoint 1.96				
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 43 tons				
	Weight Limit - Bridge over Maggard Creek @ milepoint 8.14				
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons				
		15.2	Mine	16.0	Perry CO LN
*	KY 1807	0.0	KY 80	3.6	Mine Access RD
*	KY 2008	0.0	KY 2009	3.0	Mine Access RD
		5.2	Mine	8.2	Harlan CO LN
*	KY 2009	0.0	Harlan CO LN	5.4	Bledsoe Tipple
	Weight Limit - Bridge over Greasy Creek @ milepoint 3.58				
	TY I = 8 tons, TY II = 8 tons, TY III = 8 tons, TY IV = 8 tons				
*	KY 2057	0.0	KY 699	3.1	Bear BR RD
*	KY 2431	0.0	US 421	0.1	High School
	Weight Limit - Bridge over Middle Fork Kentucky River @ milepoint 0.01				
	TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 32 tons				
*	Wendover Road				
	CR 5001	0.0	KY 2431	1.6	Hurricane Creek RD

*	Hurricane Creek Road			
	CR 5002	2.2	Camp Creek RD	3.3 Wendover RD
*	Camp Creek Road			
	CR 5005	0.0	Hurricane Creek RD	0.7 Tipple Access
*	Bear Branch Road			
	CR 5018	0.0	KY 2057	1.4 Mine & Perry CO LN
*	Bailey Branch Road			
	CR 5027	0.0	KY 1807	0.6 Mine
*	Long Branch Road			
	CR 5118	0.0	KY 699	0.2 Mine
*	Old Big Rock Road			
	CR 5126	0.0	KY 699	0.6 Right Fork of Cutshin RD
	Weight Limit - Bridge over Cutshin Creek			
	TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons			
*	Right Fork of Cutshin Road			
	CR 5128	0.0	Old Big Rock RD	3.7 Mine
*	Abner Branch Road			
	CR 5133	0.0	Harlan CO LN	1.3 KY 2008
*	White Oak Road			
	CR 5135	0.0	KY 2008	0.8 Mine
*	Phillips Fork Road			
	CR 5225	5.0	Mine RD	5.2 Mine RD

LETCHER COUNTY

	ROAD	FROM		TO
*	US 23	0.0	Virginia State LN	7.1 Pike CO LN
	Weight Limit - Bridge over Elkhorn Creek @ milepoint 5.83			
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons			
*	US 119	0.0	Harlan CO LN	7.0 Scotia Mine Tipple
		20.7	KY 1862	27.7 US 23
*	KY 7	0.0	Perry CO LN	25.2 KY 317
	Weight Limit - Bridge over Line Fork @ milepoint 0.17			
	TY I = 20 tons, TY II = 25 tons, TY III = 29 tons, TY IV = 34 tons			
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 2.61			
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 48 tons			
	Weight Limit - Bridge over Elk Creek @ milepoint 5.28			
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Gaudill Branch @ milepoint 8.04			
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Rockhouse Creek @ milepoint 22.31			
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Rockhouse Creek @ milepoint 24.78			
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 48 tons			
*	KY 15	2.7	KY 931	9.2 KY 7
		9.2	KY 7	10.7 Knott CO LN
*	KY 160	13.4	Lucky Branch RD	21.8 KY 15
	Weight Limit - Bridge over Kings Creek @ milepoint 14.73			
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 51 tons			
*	KY 317	0.0	KY 805	0.4 Mine
		1.0	KY 343	8.9 KY 7
*	KY 343	0.0	KY 317	1.5 #2 Hollow Road
	Weight Limit - Bridge over Yount's Fork Creek @ milepoint 0.08			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			
	Weight Limit - Bridge over Wright's Fork @ milepoint 0.46			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			
	Weight Limit - Bridge over Wright's Fork @ milepoint 0.65			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			
*	KY 588	3.7	Tolson Loading	5.0 KY 160
		5.0	KY 160	11.0 Mine
*	KY 805	0.0	US 119	3.1 KY 317
*	KY 931	7.7	Hampton Branch RD	*
		16.4	Clay Hollow	18.4 KY 7
*	KY 1103	6.0	Private Haul RD	8.2 Tolby Branch RD
*	KY 1410	0.0	Knott CO LN	1.6 KY 7
*	KY 1862	1.2	KY 3410	1.7 US 119
		6.4	Mine	9.9 KY 931
*	KY 3410	0.0	Cram Creek-Pert Creek RD	1.1 KY 1862
*	Clay Hollow Road			
	CR 5010	0.0	KY 931	0.2 Golden Oak Mine
*	Beaverdam Branch Road			
	CR 5047	0.0	KY 7	2.7 Mine
*	Bottom Fork Road			
	CR 5068L	0.2	Tammy Ann Mine	0.7 #2 Hollow Road

*	#2 Hollow Road			
	CR 5068M	0.0 Bottom Fork Road	0.6	KY 343
*	Marshall Branch Road			
	CR 5103	0.0 Pike CO LN	0.3	Pike CO LN
*	Cram Creek Road			
	CR 5169	0.9 Wampler Bros Mine	1.4	KY 3410
*	Kingdom Come Creek Road			
	CR 5229	0.0 Ky 588	1.2	Lake Coal Mine
	Weight Limit - Bridge over Kingdom Come Creek			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	Big Branch-Tolson Branch Road			
	CR 5258	0.0 KY 588	1.4	Lake Coal Mine
*	Whitaker Branch Road			
	CR 5259	1.4 Mine	2.5	Big BR-Tolson BR RD
*	Defeated Creek Road			
	CR 5265	5.1 Southeast Mine	5.6	KY 1103
	Weight Limit - Bridge over Line Fork Creek			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	Lucky Branch Road			
	CR 5272	0.0 KY 160	0.4	Lake Coal Mine
*	Johnson Branch Road			
	CR 5309	0.0 KY 160	0.3	Whitaker Mine
*	Bee Tree Branch Road			
	CR 5311	0.0 KY 160	1.0	Lake Coal Mine
*	Hollybush Branch Road			
	CR 5312	0.0 KY 160	0.4	Golden Oak Mine
*	Stamper's Branch Road			
	CR 5335	0.0 KY 7	0.8	Whitaker Mine
*	Hicks Branch Road			
	CR 5338	0.0 KY 7	0.1	Isom #2 Tipple
	Weight Limit - Bridge over Rockhouse Creek			
	TY I = 9 tons, TY II = 9 tons, TY III = 9 tons, TY IV = 9 tons			
*	Caudill Creek Road			
	CR 5354	0.0 KY 7	2.3	Golden Oak Mine

LINCOLN COUNTY

	ROAD	FROM	TO	
*	US 27	17.2 US 150	18.0	US 150 Bypass
*	US 150	0.0 Boyle CO LN	4.3	US 150 Bypass
	Weight Limit - Bridge over Hanging Fork Creek @ milepoint 1.81			
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons			
		6.4 US 27	19.7	Rockcastle CO LN
	Weight Limit - Bridge over Logans Creek @ milepoint 7.04			
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons			
	Weight Limit - Bridge over L&N RR @ milepoint 18.62			
	TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Turkey Creek @ milepoint 19.35			
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons			
*	US 150B	0.0 US 150	1.1	US 27

LIVINGSTON COUNTY

	ROAD	FROM	TO	
*	US 62	0.0 Marshall CO LN	2.9	Lyon CO LN
	Weight Limit - Bridge over Kentucky Lake Dam Lock @ milepoint 0.31			
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 55 tons			
	Weight Limit - Bridge over I.C. Gulf R.R. @ milepoint 0.64			
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 51 tons			
	Weight Limit - Bridge over Reed's Haul Road @ milepoint 0.97			
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 54 tons			
	Weight Limit - Bridge over Cumberland River @ milepoint 2.78			
	TY I = 20 tons, TY II = 26 tons, TY III = 29 tons, TY IV = 38 tons			
*	KY 453	0.5 B R T Dock	2.8	US 62
	Weight Limit - Bridge over IC RR @ milepoint 1.92			
	TY I = 20 tons, TY II = 46 tons, TY III = 47 tons, TY IV = 60 tons			

LOGAN COUNTY

	ROAD	FROM	TO	
*	US 68	11.2 US 79 & KY 100	26.6	Warren CO LN
*	US 79	0.0 Todd CO LN	12.9	US 68
	Weight Limit - Bridge over Vick's Branch @ milepoint 2.91			
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Branch of Whippoorwill Creek @ milepoint 4.64			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons			

Weight Limit - Bridge over Dry Fork @ milepoint 5.93
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 54 tons

LYON COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		3.7 US 62	5.6 Caldwell CO LN
*	US 62	0.0 Livingston CO LN	12.2 Western Kentucky Parkway

McCREARY COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Tennessee State LN	22.7 Pulaski CO LN
*	KY 92	17.3 Railroad DR	28.4 Whitley CO LN
	Weight Limit - Bridge over Marsh Creek @ milepoint 25.42		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
*	KY 1673	0.0 Whitley CO LN	0.6 Whitley CO LN
*	Railroad Drive		
	CR 5203	0.0 KY 92	0.3 Revelo Prep Plant
*	Bauer Road		
	CR 5333	0.0 US 27	3.8 Pulaski CO LN

McLEAN COUNTY

	ROAD	FROM	TO
*	KY 81	12.8 KY 1792	18.3 Daviess CO LN
*	KY 136	11.1 KY 1792	12.9 KY 81
	Weight Limit - Bridge over Long Falls Creek @ milepoint 11.26		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 56 tons		
*	KY 140	0.0 KY 256	0.1 KY 1792
*	KY 256	5.6 Mine	5.9 KY 140
*	KY 1792	0.0 KY 140	2.6 KY 136
	Weight Limit - Bridge over Porters Drainage Ditch @ milepoint 0.92		
	TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 48 tons		

MADISON COUNTY

	ROAD	FROM	TO
*	KY 627	0.1 I-75	6.2 Clark CO LN
	Weight Limit - Bridge over I-75 @ milepoint 0.11		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons		

MAGOFFIN COUNTY

	ROAD	FROM	TO
*	Mountain PKWY (KY 402)		
		71.7 KY 30	75.6 US 460
	Weight Limit - Bridge over Licking River @ milepoint 74.51		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons		
*	US 460	0.0 Morgan CO LN	20.4 Johnson CO LN
	Weight Limit - Bridge over Licking River @ milepoint 1.75		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 42 tons		
	Weight Limit - Bridge over State Road Fork Creek @ milepoint 11.35		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 44 tons		
*	KY 7	3.2 Mine Access RD	23.9 Mountain Parkway (KY 402)
	Weight Limit - Bridge over Licking River @ milepoint 5.79		
	TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 57 tons		
*	KY 30	4.5 Mine Access RD	8.9 Mountain Parkway (KY 402)
	Weight Limit - Bridge over Middle Fork @ milepoint 7.55		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
*	KY 114	0.0 US 460	5.0 Floyd CO LN
*	KY 404	0.0 KY 7	2.7 Floyd CO LN
*	KY 542	0.0 Breathitt CO LN	5.8 KY 7
*	KY 867	4.0 Mine Access RD	5.7 KY 7
		5.7 KY 7	7.4 Hickory Tipple
*	KY 1471	0.0 Big Half Mountain RD	4.3 KY 7
	Weight Limit - Bridge over Licking River @ milepoint 3.96		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
*	KY 1635	0.0 Tiptop-Bettsmann RD	5.7 KY 867
*	Brushy Fork Road		
	CR 5132	0.0 KY 7	1.0 Mine
*	Bull Creek Road		
	CR 5140	0.0 KY 7	0.4 Mine
*	Jake Wireman Road		
	CR 5144	0.0 KY 1502	1.0 Mines
*	Beetree Branch Road		
	CR 5145	0.0 KY 7	0.7 Mine

* Big Half Mountain Road
CR 5148 0.0 Mine 0.5 KY 1471
Weight Limit - Bridge over Big Half Mountain Creek
TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons
* Wright Oakley Creek Road
CR 5221 0.0 KY 1635 0.3 Mine
Weight Limit - Bridge over Oakley Creek
TY I = 6 tons, TY II = 6 tons, TY III = 6 tons, TY IV = 6 tons]
* Tiptop-Bettsmann Branch Road
CR 5225B 0.0 Breathitt CO LN 0.7 KY 1635

MARSHALL COUNTY

	ROAD	FROM	TO
*	US 62	7.2 KY 95	12.1 Livingston CO LN
	Weight Limit - Bridge over KY 282 @ milepoint 8.67		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Cypress Drainage Ditch @ milepoint 9.48		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV 53 tons		
	Weight Limit - Bridge over Tennessee River Dam Gates @ milepoint 11.94		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV 48 tons		
*	US 68	9.7 US 641 (North)	10.1 US 641 (South)
*	US 641	0.0 Calloway CO LN	12.9 US 68 (Southeast)
	Weight Limit - Bridge over Town Creek @ milepoint 7.94		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Town Creek @ milepoint 7.95		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV 40 tons		
		12.9 US 68 (Northwest)	19.4 US 62
*	KY 95	4.1 US 62	7.3 KY 1523
	Weight Limit - Bridge over Cypress Creek @ milepoint 6.32		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV 60 tons		

MARTIN COUNTY

	ROAD	FROM	TO
*	KY 3	0.0 Johnson CO LN	11.6 KY 645 (North)
		18.5 Rockcastle BR RD	23.2 Lawrence CO LN
*	KY 40	5.3 KY 1224	9.1 KY 645 (West)
	Weight Limit - Bridge over Rockcastle Fork @ milepoint 6.95		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 53 tons		
		10.8 KY 645 (East)	20.3 West Virginia ST LN
*	KY 292	0.0 Pike CO LN	13.2 KY 40
	Weight Limit - Bridge over Wolfe Creek @ milepoint 11.99		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 43 tons		
		28.5 Mine	28.9 KY 3
*	KY 645	0.0 Lawrence CO LN	6.6 KY 3 (North)
		6.6 KY 3 (South)	7.6 KY 40 (East)
*	KY 1224	1.3 Mine	5.2 KY 40
	Weight Limit - Bridge over Rockcastle Fork @ milepoint 4.32		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 55 tons		
*	KY 1439	0.0 Pike CO LN	11.2 KY 1714
	Weight Limit - Bridge over Wolfe Creek @ milepoint 1.83		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 45 tons		
*	KY 1714	3.6 KY 1439	9.2 KY 292
*	KY 2032	0.0 KY 1439	4.0 KY 40
*	Emily Branch Road		
	CR 5105	3.1 Private Haul RD	3.2 Private Haul RD 1.0 miles SW of Oppy
*	Emily-Long Branch RD		
	CR 5107	0.9 Private Haul RD	1.0 Private Haul RD
*	Laurel Fork-Wolf Creek Road		
	CR 5202	0.0 KY 1439	7.8 Private Access Road
*	Middle Fork of Wolf Creek Road		
	CR 5205	0.0 Middle Fork of Rockcastle Creek RD	3.7 Mine
*	Middle Fork of Rockcastle Creek Road		
	CR 5206	0.0 KY 3	0.2 Mid FK Wolf CK RD
*	Mudlick Branch Road		
	CR 5210	0.0 KY 3	0.8 Mine
*	Peter Cave Branch Road		
	CR 5315	0.0 KY 3	0.5 Mine
*	Rockcastle Branch Road		
	CR 5317	0.0 KY 3	0.5 Mine

MASON COUNTY

	ROAD	FROM	TO
*	US 62	12.7 US 68	17.4 KY 10 (West)

*	US 68	0.0 Fleming CO LN	11.9 US 62
*	KY 8	0.0 Bracken CO LN	11.0 KY 10
	Weight Limit - Bridge over Phillips Creek @ milepoint 7.11		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 39 tons		
*	KY 10	9.7 US 68	15.9 Spring Creek RD
	Weight Limit - Bridge over L&N RR @ milepoint 9.79		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Bull Fork @ milepoint 13.30		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 11	0.0 Fleming CO LN	11.3 US 62
	Weight Limit - Bridge over Mill Creek @ milepoint 0.16		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
*	Spring Creek Road		
	CR 5012	0.0 KY 10	1.8 Cabin Creek PK
	Weight Limit - Bridge over Spring Creek 1.2 miles east of Plumville		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Spring Creek @ Cabin Creek Pike		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Cabin Creek Pike		
	CR 5013	0.0 Spring Creek RD	0.7 Dravo Lime CO

MERCER COUNTY

	ROAD	FROM	TO
*	Bluegrass PKWY	52.3 Anderson CO LN	56.3 Anderson CO LN
	Weight Limit - Bridge over Salt River @ milepoint 56.27		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 54 tons		
*	US 127	0.0 Boyle CO LN	4.4 US 68

MONTGOMERY COUNTY

	ROAD	FROM	TO
*	US 460	7.3 KY 11 (North)	8.3 KY 686 (North)
*	KY 11	0.0 Powell CO LN	9.2 KY 686 (South)
	Weight Limit - Bridge over Lulbegrud Creek @ milepoint 3.92		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons TY IV = 58 tons		
	Weight Limit - Bridge over Lulbegrud Creek @ milepoint 5.38		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
		10.0 US 460 (North)	15.4 Bath CO LN
*	KY 686	0.0 US 460 (North)	2.7 KY 11 (South)

MORGAN COUNTY

	ROAD	FROM	TO
*	US 460	20.1 Malone-Jones Creek RD	28.8 Magoffin CO LN
	Weight Limit - Bridge over Licking River @ milepoint 23.74		
	TY I = 17 tons, TY II = 24 tons, TY III = 25 tons, TY IV = 40 tons		
*	KY 172	21.0 Cindas Creek RD	22.3 KY 1614
*	Malone-Jones Creek Road		
	CR 5175	0.0 KY 7	2.0 Mine

MUHLENBERG COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		43.4 Hopkins CO LN	57.9 US 431
	Weight Limit - Bridge over Pond River Relief @ milepoint 43.60		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 175-IC RR - Unnamed Creek @ milepoint 48.05		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 181 @ milepoint 52.52		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons		
	Weight Limit - Bridge over IC RR @ milepoint 55.51		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 59 tons		
	Weight Limit - Bridge over L&N RR, Branch Little Cypress Creek @ milepoint 57.58		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
*	US 62	1.3 Henry Oates RD	10.5 KY 176
	Weight Limit - Bridge over Branch of Thompson Creek @ milepoint 3.68		
	TY I = 20 tons, TY I = 28 tons, TY III = 31 tons, TY IV = 40 tons		
	Weight Limit - Bridge over I.C. & Gulf R.R. @ milepoint 5.40		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 57 tons		
		19.2 KY 604	26.0 Ohio CO LN
	Weight Limit - Bridge over I.C. RR @ milepoint 24.71		
	TY I = 20 tons, TY II = 28 tons, TY III = 28 tons, TY IV = 36 tons		
*	US 431	11.5 KY 176	25.5 Mine
	Weight limit - Bridge over Pond Creek @ milepoint 12.45		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		

Weight Limit - Bridge over Western KY Parkway @ milepoint 17.48
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons

*	KY 70	0.0	Hopkins County Line	14.7 KY 189
			(Extended weights shall be available only for TY IV vehicles.)	
		23.6	Barge Dock	23.8 Butler CO LN

Weight Limit - Bridge over Mud River @ milepoint 23.75
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 46 tons

*	KY 176	0.0	US 62	12.5 T V A Paradise Plant

Weight Limit - Bridge over Pond Creek @ milepoint 4.29
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons

*	KY 189	6.0	Mine Access	8.8 US 62 (South Junction)
		14.0	US 62	15.3 KY 70 (North Junction)
			(Extended weights shall be available only for TY IV vehicles.)	
*	KY 277	2.6	KY 602	3.8 KY 1379
*	KY 602	0.0	KY 277	0.7 US 431
*	KY 604	0.0	US 431	1.0 US 62

Weight Limit - Bridge over Western Kentucky Parkway @ milepoint 0.34
TY I = 20 tons, TY II = 28 tons, TY III = 29 tons, TY IV = 39 tons

*	KY 1379	0.0	KY 277	0.5 Prep Plant Access

Weight Limit - Bridge over Unnamed Stream @ milepoint 0.25
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	Wilcox Cemetery Road			
	CR 5003	0.0	US 421	0.6 Mine
*	Green River Power Plant Road			
	CR 5045	0.0	US 431	0.7 KY Utilities Plant
*	Henry Oates Road			
	CR 5392	0.0	US 62	2.3 Mine

NELSON COUNTY

	ROAD	FROM		TO
*	Bluegrass PKWY	33.3	KY 55	39.3 Washington CO LN

Weight Limit - Bridge over Chaplin River @ milepoint 39.25
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	US 31E	15.4	KY 245	27.6 Spencer CO LN

Weight Limit - Bridge over Powell Run @ milepoint 26.99
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	US 62	15.9	KY 245	25.0 KY 55

Weight Limit - Bridge over East Fork of Simpson Creek @ milepoint 24.96
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 55	3.1	Bluegrass Parkway	3.8 US 62

Weight Limit - Bridge over East Fork of Simpson Creek @ milepoint 3.77
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 245	0.0	US 62	1.0 US 31E

NICHOLAS COUNTY

	ROAD	FROM		TO
*	US 68	0.0	Bourbon CO LN	12.2 Robertson CO LN

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

OHIO COUNTY

	ROAD	FROM		TO
*	Western KY PKWY	74.6	US 231	76.8 Green River Parkway

Weight Limit - Bridge over US 231 @ milepoint 74.56
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons
Weight Limit - Bridge over Arnold-Butler Road @ milepoint 85.72
TY I = 20 tons, TY II = 42 tons, TY III - 44 tons, TY IV = 60 tons

*	Green River PKW	35.1	Butler CO LN	59.5 Daviess CO LN

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

*	US 62	0.0	Muhlenberg CO LN	19.0 Horton-MT Pleasant RD

Weight Limit - Bridge over Green River @ milepoint 0.01
TY I = 20 tons, TY II = 27 tons, TY III = 32 tons, TY IV = 38 tons
Weight Limit - Bridge over Lewis Creek @ milepoint 1.45
TY I = 20 tons, TY II = 32 tons, TY III = 32 tons, TY IV = 57 tons
Weight Limit - Bridge over Branch of Three Lick Fork @ milepoint 11.91
TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 49 tons
Weight Limit - Bridge over Three Lick Fork @ milepoint 12.03
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over Muddy Creek @ milepoint 12.30
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons
Weight Limit - Bridge over Elmlick Creek @ milepoint 14.95
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons

* US 231	0.0 Butler CO LN	10.0 US 62 (South)
	10.0 US 62 (North)	24.3 Daviess CO LN
Weight Limit - Bridge over North Fork Muddy Creek @ milepoint 12.30		
TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons		
Weight Limit - Bridge over Barnett Creek @ milepoint 20.30		
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
* KY 69	6.9 Mine	7.6 KY 85 (South)
	13.7 US 231 (South)	15.4 Country Club Road
* KY 85	7.2 KY 69 (East)	11.3 US 62
Weight Limit - Bridge over Branch West Fork Lewis Creek @ milepoint 9.62		
TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 56 tons		
* KY 1414	14.0 Sugar Grove RD	15.7 KY 54
* KY 1903	0.0 US 62	0.9 Lewis Creek Dock
* Sunnydale Road		
CR 5076	8.3 Sugar Grove RD	8.4 Sugar Grove RD
* Sugar Grove Road		
CR 5077	0.0 KY 1414	1.5 Sunnydale RD
	1.5 Sunnydale RD	2.0 Mine
* Horton-Mount Pleasant Road		
CR 5125	0.0 US 62	0.1 Southwind Tipple
Weight Limit - Bridge over Pigeon Creek		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* Whoopee Hill Road		
CR 5356	0.0 US 231	1.5 Rone RD
* Rone Road		
CR 5356A	0.0 Whoopee Hill RD	0.5 Mine
* Maple Lake Road (Old Martin-Dodson Cemetery Road)		
CR 5373	0.1 US 231	0.7 Mine

OWSLEY COUNTY

ROAD	FROM	TO
* KY 11	0.0 Clay CO LN	10.8 KY 1938
Weight Limit - Bridge over Sexton Creek @ milepoint 1.80		
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons		
Weight Limit - Bridge over Island Creek @ milepoint 4.02		
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 56 tons		
Weight Limit - Bridge over White Oak Creek @ milepoint 6.18		
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons		
* KY 30	0.0 Jackson CO LN	10.8 KY 847
Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 3.42		
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 4.88		
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 5.15		
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
* KY 847	4.3 Bowman Branch RD	7.2 KY 30
Weight Limit - Bridge over Buck Creek @ milepoint 6.34		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* Hurricane Branch Road		
CR 5301	0.0 Bowman Branch Road	1.1 Denham & Lewis Mine
* Bowman Branch Road		
CR 5303	0.0 KY 847	0.3 Hurricane Branch RD

PENDLETON COUNTY

ROAD	FROM	TO
* US 27	0.0 Harrison CO LN	19.4 Campbell CO LN
Weight Limit - Bridge over Blanket Creek near Four Oak @ milepoint 4.41		
TY I = 20 tons, TY II = 40 tons, TY III = 43 tons, TY IV = 60 tons		
Weight Limit - Bridge over L&N RR @ milepoint 7.57		
TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 54 tons		
Weight Limit - Bridge over South Fork of Licking River @ milepoint 8.18		
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
Weight Limit - Bridge over L&N RR-CR 5011-Kennedy Br. @ milepoint 15.78		
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 60 tons		
* KY 8	2.2 Black River Lime	4.3 Bracken CO LN

PERRY COUNTY

ROAD	FROM	TO
* Daniel Boone Parkway		
	51.0 Leslie CO LN	59.1 KY 15
* KY 7	0.0 KY 15	13.6 Letcher CO LN
Weight Limit - Bridge over Maces @ milepoint 2.44		
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons		

*	KY 15	0.0 Knott CO LN	25.2 Breathitt CO LN	
	Weight Limit - Bridge over Main Street, Carr Fork, & L&N RR @ milepoint 0.20			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 55 tons			
	Weight Limit - Bridge over Carr Fork & L&N RR @ milepoint 3.37			
	TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 55 tons			
	Weight Limit - Bridge over L&N RR @ milepoint 13.17			
	TY I = 20 tons, TY II = 45 tons, TY III = 50 tons, TY IV = 55 tons			
	Weight Limit - Bridge over KY 80, N Fork KY River @ milepoint 13.57			
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 49 tons			
	Weight Limit - Bridge over First Creek & L&N RR @ milepoint 15.95			
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 56 tons			
*	KY 28	3.5 Buckhorn-Breathitt RD	6.0 Breathitt CO LN	
		6.0 Breathitt CO LN	18.1 KY 15	
	Weight Limit - Bridge over Grapevine Creek @ milepoint 15.02			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
*	KY 80	0.0 Leslie CO LN	7.9 KY 15 Underpass	
	Weight Limit - Bridge over Right Fork of Big Creek @ milepoint 1.57			
	TY I = 20 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 46 tons			
	Weight Limit - Bridge over Big Creek @ mile point 5.27			
	TY I = 20 tons, TY II = 27 tons, TY III = 30 tons, TY IV = 44 tons			
	Weight Limit - Bridge over L & N R.R. & Kentucky River @ milepoint 7.09			
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 43 tons			
		7.9 D Boone Parkway & KY 15	15.9 Knott CO LN	
*	KY 451	5.0 Mine	7.7 Daniel Boone Parkway	
		7.7 Daniel Boone PKWY	7.8 KY 80	
		7.8 KY 80	10.9 KY 2021	
*	KY 463	1.4 Jackson Fork RD	6.5 KY 699	
	Weight Limit - Bridge over Leatherwood Creek @ milepoint 6.34			
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons			
*	KY 476	2.0 KY 550	2.4 Black Gold Tipple	
	Weight Limit - Bridge over Lotts Creek @ milepoint 2.07			
	TY I = 20 tons, TY II = 19 tons, TY III = 20 tons, TY IV = 30 tons			
	Weight Limit - Bridge over Lotts Creek @ milepoint 2.22			
	TY I = 20 tons, TY II = 21 tons, TY III = 22 tons, TY IV = 29 tons			
		2.9 KY 1088	18.1 Mine	
	Weight Limit - Bridge over Jake's Creek @ milepoint 3.65			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
	Weight Limit - Bridge over Troublesome Creek @ milepoint 8.72			
	TY I = 20 tons, TY II = 24 tons, TY III = 27 tons, TY IV = 38 tons			
	Weight Limit - Bridge over Ball Fork @ milepoint 12.36			
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 54 tons			
		22.2 Buckhorn Creek Road	22.3 Breathitt CO LN	
*	KY 550	0.0 KY 15 & KY 80	2.5 KY 476	
	Weight Limit - Bridge over Big Leather Creek @ milepoint 2.4			
	TY I = 20 tons, TY II = 35, TY III = 36 tons, TY IV = 48 tons			
*	KY 699	0.0 Leslie CO LN	4.8 KY 463	
	Weight Limit - Bridge over Leatherwood Creek @ milepoint 4.75			
	TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 57 tons			
		6.5 Beech Fork RD	12.5 KY 7	
	Weight Limit - Bridge over Leatherwood Creek @ milepoint 8.01			
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Big Leather Creek @ milepoint 10.77			
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons			
*	KY 1087	0.0 KY 476	0.7 Lick Branch RD	
*	KY 1088	0.0 KY 476	1.1 Mine	
*	KY 1095	0.4 Emmons Tipple	2.9 KY 15	
	Weight Limit - Bridge over Carr Fork @ milepoint 2.55			
	TY I = 18 tons, TY II = 19 tons, TY III = 22 tons, TY IV = 31 tons			
*	KY 1096	0.0 KY 80	4.0 Whitaker Tipple	
	Weight Limit - Bridge over Big Creek @ milepoint 0.02			
	TY I = 20 tons, TY II = 40 tons, TY III = 38 tons, TY IV = 46 tons			
	Weight Limit - Bridge over Big Creek @ milepoint 3.55			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	KY 1146	2.2 Jakes Fork Tipple	2.7 KY 476	
	Weight Limit - Bridge over Trace Fork @ milepoint 2.69			
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons			
		2.7 KY 476	4.0 KY 80	
		4.0 KY 80	4.6 Buckhorn Prep Plant	
*	KY 2021	1.1 Beech Oak Branch	3.4 KY 451	
*	KY 3196	0.0 Beech Fork RD	0.1 KY 699	
	Weight Limit - Bridge over Leatherwood Creek @ milepoint 0.01			
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons			
*	KY 3348	0.1 Little Leatherwood Creek RD	3.9 KY 699	
	Weight Limit - Bridge over Little Leatherwood Creek @ milepoint 1.44			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			

Weight Limit - Bridge over Little Leatherwood Creek @ milepoint 2.32
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

*	Wayne Davidson Road			
	CR 5005	0.3 Cumberland Elk Tipple	0.5	KY 15
*	Dwarf-Engle Fork Road			
	CR 5032	0.0 KY 476	0.1	Highland Coal Mine
*	Coates Branch Road			
	CR 5044	0.0 Ky 476	0.5	Ball Branch Mine
*	Lick Branch Road			
	CR 5045	0.0 KY 1087	0.6	Star Fire Mine
*	Buckhorn Creek Road			
	CR 5070	0.0 KY 476	0.1	Breathitt CO LN

Weight Limit - Bridge over Troublesome Creek
TY I = 16 tons, TY II = 16 tons, TY III = 16 tons, TY IV = 16 tons

*	Old KY 15 Loop #1 Road			
	CR 5102	0.0 KY 15	0.2	Kentucky Prince Tipple
*	Oakwood Avenue-Stacy Branch Road			
	CR 5117	0.0 Main ST (Vicco)	1.3	Chester Tipple
*	Main Street (Vicco)			
	CR 5118B	0.0 KY 1095	0.2	Oakwood Ave-Stacey Branch RD
*	Kelly Fork Road			
	CR 5119	0.0 KY 1095	0.4	Emmons Tipple
*	Straight Fork Road			
	CR 5140	0.0 Little Leatherwood Creek RD	0.5	Mine
*	Beech Fork Road			
	CR 5146	0.0 KY 3196	3.0	Lee Mine
*	Jackson Fork Road			
	CR 5152	0.0 KY 463	0.4	Blue Diamond Mine
*	Beech Oak Branch Road			
	CR 5213	0.0 KY 2021	0.9	Mine
*	Sam Campbell Branch Road (Old Pigeon Roose-Hull School RD)			
	CR 5319	0.0 KY 15	4.8	Dun Raven Tipple
*	Clear Fork Road			
	CR 5320	0.0 KY 28	2.3	Sam Campbell BR RD
*	Barwick Road			
	CR 5330	0.0 KY 28	0.8	Breathitt CO LN
*	Right Fork Spencer Creek Road			
	CR 5332	0.0 Spencer Creek-Napfor BR RD	1.0	Vires Coal Mine
*	Spencer Creek-Napfor Branch Road			
	CR 5333	0.0 KY 28	1.9	Pine Branch Mine
*	Buckhorn-Breathitt County Line Road			
	CR 5349	0.0 KY 28	0.4	Mine

PIKE COUNTY

	ROAD	FROM	TO	
*	US 23	0.0 Letcher CO LN	39.6	Floyd CO LN

(Via Old US 23 at Pikeville, Does not include new cut through)
Weight Limit - Bridge over Shelby Creek @ milepoint 17.23
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Little Creek @ milepoint 18.12
TY I = 20 tons, TY II = 34 tons, TY III = 33 tons, TY IV = 60 tons
Weight Limit - Bridge over Shelby Creek @ milepoint 19.75
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over C&O RR & Levisa Fork @ milepoint 22.00
TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 47 tons

*	New US 23 (Pikeville Cut Through)			
		0.0 US 23 (South)	2.7	US 23 NW of Pikeville
*	US 119	0.0 US 23 (North of Pikeville)	29.7	W. Va. State LN

Weight Limit - Bridge over Raccoon Creek @ milepoint 6.61
TY I = 18 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 40 tons
Weight Limit - Bridge over John's Creek @ milepoint 7.94
TY I = 20 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 37 tons
Weight Limit - Bridge over Bent Branch @ milepoint 9.99
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over Bent Branch @ milepoint 10.23
TY I = 13 tons, TY II = 13 tons, TY III = 13 tons, TY IV = 13 tons
Weight Limit - Bridge over Bent Branch @ milepoint 10.88
TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons
Weight Limit - Bridge over Bent Branch @ milepoint 11.25
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 60 tons
Weight Limit - Bridge over Bent Branch @ milepoint 11.40
TY I = 20 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 40 tons
Weight Limit - Bridge over Bent Branch @ milepoint 11.63
TY I = 11 tons, TY II = 11 tons, TY III = 11 tons, TY IV = 11 tons

Weight Limit - Bridge over Fork of Big Creek @ milepoint 16.41
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 60 tons
Weight Limit - Bridge over Big Creek @ milepoint 17.06
TY I = 20 tons, TY II = 23 tons, TY III = 24 tons, TY IV = 27 tons
Weight Limit - Bridge over Reed Fork @ milepoint 18.48
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Big Creek @ milepoint 20.13
TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons
Weight Limit - Bridge over Tug River @ West Virginia State Line @ milepoint 29.7
TY I = 20 tons, TY II = 45 tons, TY III = 45 tons, TY IV = 52 tons

*	Old US 119	0.0	US 23 @ Ferguson Creek	2.8	US 119 West of Zebulon
*	US 460	0.0	US 23	24.0	Virginia State LN

Weight Limit - Bridge over Levisa Fork @ milepoint 4.26
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 46 tons

*	KY 80	0.0	US 460	6.9	Virginia State LN

Weight Limit - Bridge over Russell Fork of Big Sandy @ milepoint 3.07
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 57 tons
Weight Limit - Bridge over Russell Fork & Clinchfield R.R. @ milepoint 3.60
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 57 tons

*	KY 122	3.3	Arnold Fork Road Mine	10.4	US 23

Weight Limit - Bridge over Robinson Creek @ milepoint 6.75
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 53 tons
Weight Limit - Bridge over Bear Fork north of Jones Chapel @ milepoint 8.28
TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 60 tons

*	KY 194	0.0	Floyd CO LN	16.8	US 119 (South)
		16.8	US 119 (North)	27.8	Mine

Weight Limit - Bridge over John's Creek @ milepoint 25.62
TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 48 tons

		29.6	KY 3418	40.0	KY 1499
		52.4	Prater Branch RD	55.7	KY 632 @ Phelps
		67.3	Mine	67.7	KY 2062
		69.6	KY 2059	73.2	Virginia State LN
*	KY 195	0.0	KY 197	11.6	US 460

Weight Limit - Bridge over Brushy Branch @ milepoint 3.27
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Wolf Pit Branch @ milepoint 9.93
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Russell Fork @ milepoint 11.44
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 197	9.8	KY 195	16.6	KY 80

Weight Limit - Bridge over Sycamore Creek @ milepoint 6.70
TY I = 20 tons, TY II = 32 tons, TY III = 38 tons, TY IV = 46 tons
Weight Limit - Bridge over Elkhorn Creek @ milepoint 13.91
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 56 tons

*	KY 199	8.2	KY 1056	11.6	US 119

Weight Limit - Bridge over Pond Creek @ milepoint 8129
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 58 tons
Weight Limit - Bridge over Pond Creek @ milepoint 8.72
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons
Weight Limit - Bridge over Pond Creek @ milepoint 11.34
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 59 tons

*	KY 292	0.0	Goody-AFLX-BURNWL RD	4.8	US 119 (South)
		4.8	US 119 (North)	12.7	Martin CO LN
*	KY 319	0.0	US 119	7.0	KY 1056 @ Ransom

Weight Limit - Bridge over Blackberry Fork North of Hardy
TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons

*	KY 468	0.0	US 119	13.6	KY 292
*	KY 610	0.0	US 23	2.6	Myra Tipple

Weight Limit - Bridge over Beefhide Creek @ Myra @ milepoint 1.60
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 60 tons

		8.1	KY 1460	8.9	KY 122
*	KY 611	0.0	KY 195	3.5	Henry Clay Mine
		4.3	Little Fork-Left Fork RD	6.0	US 23
*	KY 612	0.0	KY 468	3.6	Mine
		6.6	Mine	8.4	KY 292
*	KY 632	0.0	KY 194 @ Kimper	15.0	KY 194 @ Phelps

Weight Limit - Bridge over Johns Creek @ milepoint 1.19
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
Weight Limit - Bridge over Peter Creek @ milepoint 14.96
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons

*	KY 881	0.0	US 119	3.0	Brushy Fork Road
*	KY 1056	0.0	KY 199	11.6	W.Vir. ST LN

Weight Limit - Bridge over Blackberry Creek @ milepoint 6.52 @ Ransom
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons

Weight Limit - Bridge over Blackberry Creek @ Nampa
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons
Weight Limit - Bridge over Tug Fork Big Sandy River @ milepoint 11.5
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 53 tons

*	KY 1373	4.8 Card Creek-Card Knob Road	6.7 US 460
*	KY 1384	0.0 US 23 @ Boldman	6.1 KY 3417
*	KY 1426	0.0 Floyd CO LN	4.9 US 23
*	KY 1441	0.0 KY 1789	3.9 Mine
		4.4 Standard Elkhorn Mine	10.1 US 119

Weight Limit - Bridge over Pompey Creek @ milepoint 0.21
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
Weight Limit - Bridge over Raccoon Creek @ milepoint 4.79
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over Raccoon Creek @ milepoint 6.04
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
Weight Limit - Bridge over Raccoon Creek @ milepoint 7.96
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over Burning Fork Creek @ milepoint 10.00
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 58 tons

*	KY 1469	4.5 KY 3414	11.4 KY 610
		11.4 KY 610	12.2 KY Elkhorn Tipple
*	KY 1499	0.0 US 460	6.1 KY 194

Weight Limit - Bridge over Levisa Fork @ milepoint 6.03
TY I = 15 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 41 tons

*	KY 1758	6.8 Daugherty Tipple	7.8 KY 632
*	KY 1789	0.0 US 460	1.1 KY 1441
*	KY 2059	0.0 KY 194	0.3 Private Haul Road
		1.6 Private Haul Road	2.3 Lower Elk Creek RD
*	KY 2061	0.0 US 23	7.1 KY 194

Weight Limit - Bridge over Cowpen Creek @ milepoint 0.81
TY I = 18 tons, TY II = 19 tons, TY III = 22 tons, TY IV = 36 tons
Weight Limit - Bridge over Caney Fork of Johns Creek @ milepoint 6.72
TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons
Weight Limit - Bridge over Johns Creek @ milepoint 7.11
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons

*	KY 2062	0.0 KY 194 @ Jamboree	3.1 KY 194 @ Stopover
*	KY 2552	0.0 US 23	0.3 Shelbiana RD

Weight Limit - Bridge over Shelby Creek @ milepoint 0.01
TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 39 tons

*	KY 3154	0.0 Meathouse Branch RD	2.7 US 119
*	KY 3226	0.0 Rockhouse Creek-Greasy RD	3.3 US 460
*	KY 3227	0.0 US 23	1.0 Coal Run Tipple
*	KY 3414	2.4 Mine	3.4 KY 1469
*	KY 3415	0.0 Robinson Creek RD	2.8 KY 122

Weight Limit- Bridge over Robinson Creek @ milepoint 0.4
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Robinson Creek @ milepoint 0.6
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 3416	0.0 Island Creek RD	1.7 KY 1426
*	KY 3417	0.0 KY 1426	1.1 KY 1384
*	KY 3418	7.4 Hurricane Creek RD	10.1 KY 194
*	KY 3419	4.9 KY 632	6.0 Kentucky Carbon Scales
		10.5 Mine	12.0 KY 1056

Weight Limit - Bridge over Left Fork of Blackberry Creek @ milepoint 11.47
TY I = 20 tons, TY II = 29 tons, TY III = 31 tons, TY IV = 46 tons
Weight Limit - Bridge over Blackberry Creek @ milepoint 12.01
TY I = 20 tons, TY II = 37 tons, TY III = 48 tons, TY IV = 60 tons

*	Frozen Creek Road		
	CR 5004	0.0 KY 1441	2.4 Mine
*	Winn Branch Road		
	CR 5011	0.0 US 119	1.3 Chloe Creek Dev Mine

Weight Limit - Bridge over Little Ratliff Creek
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

*	Varney Branch Road		
	CR 5021	0.0 KY 194 South of Deskin	0.4 Utility Tipple
*	Meathouse Fork Road		
	CR 5022	0.0 KY 194 @ Deskin	0.8 Callahan Branch-Dix Fork RD
*	Callahan Branch-Dix Fork Road		
	CR 5023	0.0 Meathouse Fork RD	1.0 Mine
*	Meathouse Branch Road		
	CR 5025	0.0 KY 3154	0.6 Mine
*	Peg Branch Road		
	CR 5043	0.0 US 119	0.6 Eastern Coal Mine

* Goody-Aflex-Burnwell Road
CR 5050 0.0 KY 292 0.8 Mine
* Bent Branch Road
CR 5074 0.0 KY 468 1.1 Gex Tipple
Weight Limit - Bridge over Big Creek
TY I = 18 tons, TY II = 18 tons, TY III = 20 tons, TY IV = 32 tons
* Swinge Camp Branch Road
CR 5075 0.0 KY 468 0.4 H Mar/Island Mines
Weight Limit - Bridge over Big Creek
TY I = 3 ton, TY II = 3 ton, TY III = 3 ton, TY IV = 3 ton
* Halfway Branch Road
CR 5077 0.0 KY 468 0.5 Island Creek Mine
* Rockhouse Fork Road
CR 5078 0.0 KY 468 0.4 Island Creek Mine
Weight Limit - Bridge over Big Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Brushy Fork Road
CR 5095 0.0 KY 881 0.5 Addington Mine
Weight Limit - Bridge over Left Fork of Brushy Fork
TY I = 20 tons, TY II = 26 tons, TY III = 26 tons, TY IV = 26 tons
16.1 Big Branch/Meathouse Creek RD 16.8 Floyd CO LN
* Big Branch/Meathouse Creek Road
CR 5111 2.4 Mine 4.2 Brushy Fork RD
* Miller Creek Road
CR 5123 3.6 Miller Creek Tipple 5.1 KY 194
Weight Limit - Bridge over Johns Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Lick Branch Road
CR 5141 0.0 KY 468 0.8 Jex Big Hill Mine
* Hurricane Creek Road
CR 5162 2.5 Wellmore Mine 3.7 KY 3418
* Dicks Fork Road
CR 5163 0.0 KY 194 @ Phyliss 0.6 Big Fist #4 Mine
* Lane Branch Road
CR 5168 0.0 KY 632 1.2 McCoy Elkhorn Mine
* Hatfield Branch Road
CR 5210 0.0 KY 319 0.8 Blackberry CR Mine
* Lower Elk Creek Road
CR 5241 0.0 KY 2059 0.6 Race Fork Mine
* Prater Branch Road
CR 5253 0.0 KY 194 0.8 Majestic Mine
* Old Mouth Card-Feds Creek Road
CR 5282 0.0 US 460 0.3 Flannary Branch RD
* Flannary Branch Road
CR 5283 0.0 Old Mouth Card-Feds CR RD 0.2 Mouth Card Mines
* Card Creek-Card Knob Road
CR 5285 0.0 KY 1373 0.7 Clark Elkhorn Mine
1.6 Wellmore Mine 4.6 US 460
* Island Creek Road
CR 5287 0.0 Bane Tipple 0.6 Island Creek-Grapevine RD
* Island Creek-Grapevine Road
CR 5288 0.0 Island Creek Road 1.8 Millers CR RD
* Left Fork/Island Creek Road
CR 5289 0.0 Island Creek-Grapevine RD 0.2 Flannary Coal Mine
* Millers Creek Road
CR 5290 0.0 Island Creek-Grapevine RD 2.4 Flannary Coal Mine
* Hopkins Creek Road
CR 5322 0.0 US 460 1.0 Hopkins Creek Tipple
Weight Limit - Bridge over Levisa Fork
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Daniel Branch Road
CR 5326 0.0 US 460 0.4 Mine
* Biggs Creek Road
CR 5327 0.0 US 460 1.9 Mine
* Little Fork of Harless Creek Road
CR 5329 0.0 Harless Creek RD 1.0 Mine
* Harless Creek Road
CR 5330 0.0 US 460 1.5 Wellmore Mine
* Jimmie Creek Road
CR 5341 0.0 US 460 0.6 Wellmore Mine
* Old US 460 Loop #2 Road
CR 5353 0.3 Potter Coal Mine 0.8 US 460
* Shortridge Fork Road
CR 5355 0.4 Wellmore Mine 0.9 Wellmore Private RD

* Abes Fork Road		
CR 5356	0.0 Virginia State LN	0.4 Potter Prep Plant
* Ohio Street (Elkhorn City)		
CR 5361T	0.0 KY 80	0.5 Potter Processing
* Old Bridge Street (Elkhorn City)		
CR 5361Z	0.0 KY 80	0.1 Private Access Road
* John Moore Branch Road		
CR 5363	0.0 KY 197	0.9 Federal Tipple
* Jackson Branch Road		
CR 5371	0.0 KY 197	1.9 Mine
* Brushy Branch Road		
CR 5379	0.0 KY 195	0.8 Ratliff Elkhorn Mine
* Marrowbone Creek Road		
CR 5381	0.0 KY 195	2.1 Lad/Prospect Mine
Weight Limit - Bridge over Marrowbone Creek		
TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons		
* Bowling Fork Road		
CR 5384	0.0 KY 195	1.7 Nats Fork RD
* Marshall Branch Road		
CR 5399	0.0 US 23	0.3 Letcher CO LN
	0.3 Letcher CO LN	0.8 Mine
* Little Fork/Left Fork Road		
CR 5416	0.0 KY 611	0.2 Henry Clay Mine
* Rockhouse Creek/Greasy Road		
CR 5422	0.0 KY 195	2.6 Mine
Weight Limit - Bridge over Marrowbone Creek		
	5.3 Joe Brown RD	6.3 KY 3226
* Joe Brown Road		
CR 5429	0.0 Rockhouse Creek Greasy RD	0.3 Mine
* Prichard Branch Road		
CR 5430	0.0 Wolfpit Branch-Gardiner Fork RD	0.5 Mine
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* Wolfpit Branch-Gardner Fork Road		
CR 5433	5.1 Prichard Branch RD	6.3 KY 3226
* Wolfpen Branch Road		
CR 5444	0.0 KY 80	0.8 Wellmore Mine
* Shelbiana Road		
CR 5473	0.0 KY 2553	0.5 Coalmac Shelby Tipple
* Marion Branch Road		
CR 5478	0.0 KY 1426	1.6 Chapperal Tipple
* Tollage Creek Road		
CR 5496	0.0 US 23	1.0 Coal Run Mine
* Harmond Branch Road		
CR 5505	0.0 US 23	0.9 Amber #9 Mine
* Dog Fork/Hurricane Creek Road		
CR 5522	0.0 KY 1384	1.3 Peter Fork Joline Mine
* Hoopwood Branch Road		
CR 5529	0.0 KY 1426	0.7 Stillhouse Mine
* Raccoon Branch Road		
CR 5531	0.0 KY 1426	1.3 Jet/Cimaron Mine
* Island Creek Road		
CR 5535	0.0 KY 1426	3.3 Mine
* Ray Branch Road		
CR 5537	0.0 Island Creek RD	0.7 Mine
* Bear Fork - Tinker Fork Road		
CR 5547	0.0 Bear Fork Branch RD	1.1 Floyd CO LN
* L Robinson - Floyd County Road		
CR 5550	0.0 Robinson Creek RD	0.6 Floyd CO LN
* Little Fork/Robinson Road		
CR 5553	0.0 KY 3415	1.6 Apache Mining Mine
* Robinson Creek Road		
CR 5554	0.0 KY 3415	1.3 Mine
* Arnold Fork Road		
CR 5555	0.0 KY 122	0.3 Apache Mining Mine
* Lizzie Fork Road		
CR 5590	0.0 US 23	1.0 Mine
Weight Limit - Bridge over Caney Creek		
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
* Rob Fork Road		
CR 5593	0.0 US 23	0.5 Damron Fork Tipple
* Gillespie Branch Road		
CR 5606	0.0 KY 3226	0.9 Mine
* Lucy Branch Road		
CR 5607	0.0 KY 3226	0.3 Mine

	ROAD	FROM	TO
*	Sugar Camp Branch Road		
	CR 5611	0.0 KY 122	1.5
*	Bear Fork Branch Road		
	CR 5616	0.0 KY 122	1.5 Bear FK-Tinker FK RD

POWELL COUNTY

	ROAD	FROM	TO
*	Mountain Parkway (KY 402)		
		11.9 Clark CO LN	36.0 Wolfe CO LN
	Weight Limit - Bridge over Lulbegrud Creek @ milepoint 11.90		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 45 tons		
	Weight Limit - Bridge over Red River @ milepoint 18.22		
	TY I = 20 tons, TY II = 37 tons, TY III = 37 tons, TY IV = 45 tons		
	Weight Limit - Bridge over Red River @ milepoint 24.83		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons		
	Weight Limit - Bridge over Cane Creek @ milepoint 26.12		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 613 @ milepoint 27.38		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over North Fork Red River @ milepoint 27.94		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons		
	Weight Limit - Bridge over Middle Fork Red River @ milepoint 31.96		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 46 tons		
	Weight Limit - Bridge over KY 11 & 15 @ milepoint 32.08		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 54 tons		
*	KY 11	21.0 KY 15 @ Clay City	25.0 Montgomery CO LN
*	KY 15	3.5 KY 11	4.1 Mountain PKW (KY 402) @ KY 82
	Weight Limit - Bridge over Mountain Parkway @ milepoint 4.08		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
		4.1 Mountain Parkway (KY 402) @ KY 82	8.9 Clark CO LN

PULASKI COUNTY

	ROAD	FROM	TO
*	US 27	0.0 McCreary CO LN	16.9 KY 80 Bypass
	Weight Limit - Bridge over Cumberland River @ milepoint 9.19		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Pitman Creek @ milepoint 10.06		
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 59 tons		
*	KY 80	21.6 KY 80 Bypass	40.4 Laurel CO LN
	Weight Limit - Bridge over Buck Creek @ milepoint 31.55		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons		
*	KY 80B	0.0 US 27	2.3 KY 80
*	KY 90	0.0 Wayne CO LN	4.2 US 27
	Weight Limit - Bridge over Cumberland River @ milepoint 3.07		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 192	0.0 KY 80 Bypass	15.0 Old Whitley RD
	Weight Limit - Bridge over Pitman Creek @ milepoint 4.13		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 58 tons		
	Weight Limit - Bridge over Buck Creek @ milepoint 10.57		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
*	KY 790	0.0 Wayne CO LN	5.7 KY 90
*	KY 1247	0.0 US 27	5.5 KY 1580
	Weight Limit - Bridge over Southern RR @ milepoint 0.08		
	TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 52 tons		
	Weight Limit - Bridge over Pitman Creek @ milepoint 3.40		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 52 tons		
*	KY 1580	0.0 Ferguson Tipple	0.5 KY 1247
*	KY 1642	4.7 US 27	6.3 KY 1247
*	KY 1675	5.7 Acorn-Lick Creek RD	10.5 KY 80
	Weight Limit - Bridge over Branch of Short Creek @ milepoint 9.48		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons		
*	Acorn-Lick Creek Road		
	CR 5016	0.0 KY 1675	1.7 Ano RD
*	Bolthouse Ridge Road		
	CR 5017	0.0 Ano RD	0.9 Ikerd Bandy Mine
*	Ano Road		
	CR 5018	0.0 Acorn-Lick Creek RD	1.4 Bolthouse Ridge RD
*	Old Whitley Road		
	CR 5216	0.0 KY 192	3.8 Cumberland River RD
*	Cumberland River Road		
	CR 5225	0.0 Old Whitley RD	0.8 Mine
*	Bauer Road		
	CR 5232	0.0 McCreary CO LN	0.8 Mine

	ROAD	FROM	TO
*	Cooper Power Plant Road CR 5349	0.0 KY 1247	0.6 E KY Power Plant

ROBERTSON COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Nicholas CO LN	1.4 Fleming CO LN

ROCKCASTLE COUNTY

	ROAD	FROM	TO
*	US 25	11.8 I-75	13.9 US 150
*	US 150	0.0 Lincoln CO LN	10.5 US 25

SHELBY COUNTY

	ROAD	FROM	TO
*	US 60	0.0 Jefferson CO LN	23.0 Franklin CO LN
	Weight Limit - Bridge over L & N R.R. @ milepoint 2.64 TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons Weight Limit - Bridge over Little Bullskin Creek @ milepoint 5.02 TY I = 20 tons, TY II = 21 tons, TY III = 25 tons, TY IV = 43 tons Weight Limit - Bridge over Clear Creek @ milepoint 11.17 TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons Weight Limit - Bridge over Guist Creek @ milepoint 13.93 TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 44 tons		

SIMPSON COUNTY

	ROAD	FROM	TO
*	US 31W	0.0 Warren County Line	3.2 KAEC Gasahol Plant
		(Extended weights shall be available only to TY IV vehicles with a gross weight of 90,000 pounds or less.)	
		3.2 KAEC Gasahol Plant	6.5 KY 100 in Franklin
		6.5 KY 100 in Franklin	14.0 Tennessee State LN
		(Extended weights shall be available only to TY IV vehicles with a gross weight of 90,000 pounds or less.)	

SPENCER COUNTY

	ROAD	FROM	TO
*	US 31E	0.0 Nelson CO LN	2.4 Bullitt CO LN

TODD COUNTY

	ROAD	FROM	TO
*	US 79	0.0 Tennessee State LN	10.6 Logan CO LN
	Weight Limit - Bridge over L & N R.R. @ milepoint 1.94 TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 51 tons Weight Limit - Bridge over Elk Fork Creek @ milepoint 7.61 TY I = 20 tons, TY II = 32 tons, TY III = 34 tons, TY IV = 47 tons		

UNION COUNTY

	ROAD	FROM	TO
*	US 60	1.4 KY 109	9.2 Mine
	Weight Limit - Bridge over Branch of Cypress Creek @ milepoint 3.66 TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons		
*	KY 109	0.0 Webster CO LN	1.5 US 60 (West)
		1.5 US 60 (East)	4.9 KY 492
*	KY 492	1.9 Davis Mine RD	2.5 KY 109
*	KY 1508	0.0 KY 109	2.7 Pyro Dock
		5.3 Canipe Dock	6.0 Private Haul Road
	Weight Limit - Bridge over Unnamed Stream @ milepoint 5.61 TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons		
*	Davis Mine Road CR 5227	0.0 KY 109	0.3 Private Haul Road

WARREN COUNTY

	ROAD	FROM	TO
*	Green River Parkway	0.0 I-65	18.2 Butler CO LN
	Weight Limit - Bridge over I-65 @ milepoint 0.01 TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 52 tons Weight Limit - Bridge over US 31-W @ milepoint 3.57 TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 59 tons		
*	US 31W	0.0 Green River Parkway	9.0 Simpson County LN
		(Extended weights shall be available only to TY IV vehicles with a gross weight of 90,000 pounds or less.)	
*	US 68	0.0 Logan CO LN	8.2 Green River Parkway

WASHINGTON COUNTY

	ROAD	FROM		TO
*	Bluegrass Parkway			
		39.3 Nelson CO LN	44.8	Anderson CO LN
	Weight Limit - Bridge over Chaplin River @ milepoint 42.08			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			

WAYNE COUNTY

	ROAD	FROM		TO
*	KY 90	0.0 Clinton CO LN	25.2	Pulaski CO LN
	Weight Limit - Bridge over Beaver Creek @ milepoint 8.65			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
	Weight Limit - Bridge over Meadow Creek @ milepoint 19.51			
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons			
*	KY 776	7.5 KY 790	9.8	Brammer Hill Ridge RD
*	KY 790	1.3 KY 776	10.5	Pulaski CO LN
	Weight Limit - Bridge over Sinking Creek @ milepoint 2.02			
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 41 tons			
*	Brammer Hill Ridge Road			
	CR 5023	0.0 KY 776	4.1	Jonesville Cemetery RD
*	Denny Creek Road			
	CR 5024	0.0 KY 776	1.7	Shamrock Mine
*	Brammer Hill-Delta Road			
	CR 5030	0.0 KY 790	2.2	Brammer Hill Ridge RD
*	Jones Cemetery #2 Road			
	CR 5031	0.0 Brammer Hill Ridge RD	2.4	Mine
*	Sizemore Road			
	CR 5155	0.0 Denny Creek RD	1.1	Mine

WEBSTER COUNTY

	ROAD	FROM		TO
*	Pennyrile PKWY	55.0 Hopkins CO LN	62.6	KY 56
*	US 41	0.0 Hopkins CO LN	12.1	Henderson CO LN
*	US 41A	0.0 Hopkins CO LN	19.5	KY 56
*	KY 56	5.3 US 41A	12.5	US 41 (South)
	Weight Limit - Bridge over Branch @ milepoint 12.42			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons			
		12.5 US 41 (North)	14.4	Old Eastwood Ferry RD
*	KY 109	2.9 KY 670	14.7	Union CO LN
	Weight Limit - Bridge over Crab Orchard Creek @ milepoint 7.33			
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons			
	Weight Limit - Bridge over Caney Fork @ milepoint 10.72			
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons			
*	KY 132	23.6 Mine	25.9	KY 494
*	KY 270	8.4 Mine	13.2	US 41A
*	KY 494	0.0 KY 132	2.2	US 41
*	KY 670	0.0 KY 109	2.7	US 41A
*	KY 814	0.0 Hopkins CO LN	0.6	US 41A
*	KY 1525	0.8 Mine Entrance	2.6	KY 109
*	Old Eastwood Ferry Road			
	CR 5034	0.0 KY 56	0.1	Sebree Dock
*	Quinns Landing Road			
	CR 5036	0.0 Henderson CO LN	0.2	Big Rivers Plant

WHITLEY COUNTY

	ROAD	FROM		TO
*	US 25T	0.0 US 25W	0.7	US 25W
*	US 25W	1.7 Kensee Creek Rd	14.1	KY 26 (South)
	Weight Limit - Bridge over Clear Creek @ milepoint 5.04			
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons			
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 6.23			
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons			
	Weight Limit - Bridge over L&N RR @ milepoint 11.02			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons			
		32.1 KY 26 (North)	32.8	US 25T (South)
*	KY 6	0.8 KY 1064	1.6	Knox CO LN
	Weight Limit - Bridge over Corn Creek @ milepoint 1.64			
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons			
*	KY 11	0.0 KY 92	2.6	Knox CO LN
*	KY 26	0.0 US 25W (South)	14.3	US 25W (North)
*	KY 92	0.0 McCreary CO LN	11.3	US 25W (South)
	Weight Limit - Bridge over Pleasant Run @ milepoint 0.23			
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 58 tons			

Weight Limit - Bridge over Pleasant Run @ milepoint 1.51
TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 46 tons
Weight Limit - Bridge over Jellico Creek @ milepoint 2.99
TY I = 20 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 40 tons
Weight Limit - Bridge over Briar Creek @ milepoint 8.39
TY I = 14 tons, TY II = 14 tons, TY III = 14 tons, TY IV = 14 tons
Weight Limit - Bridge over I-75 @ milepoint 11.00
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 51 tons

	11.3 US 25W (North)		33.4 Bell CO LN

Weight Limit - Bridge over Cumberland River @ milepoint 22.02
TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 42 tons
Weight Limit - Bridge over Golden Fork @ milepoint 26.66
TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 50 tons
Weight Limit - Bridge over Harpes Creek @ milepoint 27.89
TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons

*	KY 312	2.5 US 25W	2.6 Knox CO LN
*	KY 628	1.7 Mine	5.2 US 25W

Weight Limit - Bridge over Possum Creek @ milepoint 3.91
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over I-75 @ milepoint 4.91
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons

*	KY 779	6.3 KY 1064 (East)	12.7 KY 11

Weight Limit - Bridge over Cumberland River @ milepoint 11.83
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons

*	KY 904	0.0 KY 92 @ Suttons Mill	13.5 KY 92 @ Siler

Weight Limit - Bridge over Cumberland River @ milepoint 0.09
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons
Weight Limit - Bridge over Poplar Creek @ milepoint 13.44
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons

*	KY 1064	0.0 KY 904 @ Dixie	5.1 KY 92 @ Louden

Weight Limit - Bridge over Cumberland River @ Louden
TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons
Weight Limit - Bridge over Unnamed Stream 0.79 miles North of Louden
TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons

	9.3 KY 779		17.1 KY 6
*	KY 1595	3.0 Mine	4.6 KY 92

Weight Limit - Bridge over Poplar Creek @ milepoint 4.49
TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 52 tons

*	KY 1673	0.0 KY 92	0.4 McCreary CO LN
		0.4 McCreary CO LN	1.2 Ball Branch RD
*	KY 1809	0.0 KY 92	1.4 Knox CO LN

Weight Limit - Bridge over Golden Creek @ milepoint 0.21
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 53 tons

*	Mosley Road		
	CR 5038	0.0 KY 1064	0.9 Mine
*	McNeil Hollow-Corn Creek Road		
	CR 5045	2.4 Brenda Mine	3.6 KY 1064
*	Doc Siler Road		
	CR 5223	0.0 Tennessee ST LN	0.1 Skaggs Branch RD
*	Skaggs Branch Road		
	CR 5224	0.0 Doc Siler RD	0.7 Bowlin Mine
*	Keswick-Gatliff Road		
	CR 5227	3.3 Upper Cane Creek RD	8.0 KY 904

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

*	Upper Cane Creek Road		
	CR 5230	0.0 Keswick-Gatliff RD	0.5 Mine
*	Jordan Hollow Road		
	CR 5321	0.0 KY 628 (East)	0.3 Mine
*	Kensee Creek Road		
	CR 5326	0.0 US 25W	0.8 Mine
*	Ryans Creek Road		
	CR 5335	0.0 KY 1898	4.3 McCreary CO LN
*	Ball Branch Road		
	CR 5338	0.0 KY 1673	0.6 Mine

Weight Limit - Bridge over Pleasant Run Creek
TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons

WOLFE COUNTY

	ROAD	FROM	TO
*	Mountain PKWY (KY 402)		
		36.0 Powell CO LN	42.7 KY 155

*	KY 15	0.0	Breathitt CO LN	10.3	KY 651
	Weight Limit - Bridge over Holly Creek @ milepoint 1.79				
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons				
		13.4	Mountain PKWY (KY 402)	14.0	KY 715
*	KY 15S	0.0	KY 15	1.1	Mountain PKWY (KY 402)
	Weight Limit - Bridge over Mountain Parkway @ milepoint 1.05				
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 58 tons				
*	KY 651	2.0	KY 3355	2.1	KY 15
*	KY 715	2.6	KY 2016	5.8	KY 15
*	KY 2016	0.2	Mine	4.5	KY 715
*	KY 3355	0.0	KY 651	0.9	Mullins Point RD
*	Mullins Point Road				
	CR 5218	0.0	KY 3355	1.6	Mine

WOODFORD COUNTY

	ROAD	FROM		TO	
*	Bluegrass Parkway				
		61.9	Anderson CO LN	71.1	US 60
*	US 60	0.0	Franklin CO LN	13.0	Fayette CO LN
*	US 60X	1.0	US 62 in Versailles	1.8	US 60 East of Versailles
*	US 62	0.1	K.U. Tyrone Power Plant	7.1	US 60X in Versailles
	Weight Limit - Bridge under Southern R.R. @ Tyrone @ milepoint 0.1				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				

Section 5. No person shall operate, or knowingly cause to be operated, on any bridge listed in Section 4 of this administrative regulation any vehicle whose gross vehicle weight exceeds the weight limits specified for that bridge.

Section 6. In accordance with KRS 189.230(3), the Department of Highways shall post the gross vehicle weight limits for each bridge listed in Section 4 of this administrative regulation.

Section 7. No person shall operate, or knowingly cause to be operated, on any bridge on the extended weight coal haul road system any vehicle whose gross vehicle weight exceeds the limits specified by a notice posted pursuant to KRS 189.230(3).

Section 8. Resolutions of local governing bodies issued pursuant to KRS 177.9771(9) making recommendations to the Secretary of Transportation shall be submitted to: Secretary of Transportation, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622. The resolution shall set forth a specific description of the road or road segments under consideration. The resolution shall further set forth with specificity those conditions which give rise to inherent and definite hazards or create special conditions which the Secretary of the Transportation Cabinet needs to consider.

Section 9. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions is hereby incorporated by reference as part of this administrative regulation. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be viewed at the Transportation Cabinet, Department of Highways, Division of Maintenance, Frankfort, Kentucky. Copies of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001.

JEROME LENTZ, Commissioner
MILO D. BRYANT, Secretary
O. GILBERT NEWMAN, State Highway Engineer
APPROVED BY AGENCY: July 13, 1990
FILED WITH LRC: July 31, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
603 KAR 5:240E

HB 423 passed by the 1990 session of the General Assembly related to the naming of roads and bridges. This bill authorized the Transportation Cabinet to adopt administrative regulations to implement the new procedures for the naming of roads and bridges. The administrative regulation proposed by the Transportation Cabinet needs to be adopted on an emergency basis because requests for road names have already been submitted to the cabinet. The formal procedures need to be in place on July 13, 1990, when HB 423 becomes effective. This emergency admnstrative regulation will be replaced by an ordinary administrative regulation. The ordinary admnistrative regulation was filed with the Regulations Compiler on July 12, 1990.

WALLACE G. WILKINSON, Governor
MILO D. BRYANT, Secretary

TRANSPORTATION CABINET
Department of Highways
Division of Traffic

603 KAR 5:240E. Naming of roads and bridges.

RELATES TO: HB 423 (1990 RS)
STATUTORY AUTHORITY: HB 423 (1990 RS)
NECESSITY AND FUNCTION: HB 423 established a new section of KRS Chapter 177 allowing roads and bridges to be named after an individual, historic event or any other name of historical significance. This administrative regulation sets forth the steps to be followed when petitioning the transportation secretary requesting a road or bridge name. It further sets forth the the standards for design and placement of signs denoting the name of the road or bridge.

Section 1. A person, organization or governmental unit who is petitioning the transportation cabinet to name a road segment or bridge shall submit the petition in writing. The petition shall contain at least the following information:

(1) Exact identification and location of the road segment or bridge;

(2) Specific civic or historic significance of the proposed name;

(3) Identification of the petitioner including reason for involvement, spokesperson's name, address, telephone number and position with organization or government unit; and

(4) A statement of whether the petitioner wishes to reimburse the transportation cabinet for preparation and erection of the commemorative signs or wishes to prepare signs and place them as approved by the department of highways.

(5) Supportive statement from all jurisdictional units of local government.

(6) Summary of the results of a public comment hearing held on the petition by the petitioner or a unit of local government.

Section 2. If a bridge is on a road segment which has been given a special name, the transportation secretary shall not approve a different name for the bridge. However, the commemorative signs on bridges which are in place on July 13, 1990 shall not be removed.

Section 3. The Department of Highways shall on limited access highways continue to identify the crossroads by highway number. Only when the name of the road has come into significant local use and when there is sufficient space on a sign may the name also be included.

Section 4. (1) If the transportation secretary agrees to name a highway segment or bridge, he shall offer to prepare and erect all signs and charge the petitioner only the actual cost of the preparation and installation of the signs.

(2) If the transportation secretary agrees to name a highway segment or bridge and the petitioner does not accept the offer from subsection (1) of this section, the petitioner shall cooperate with the jurisdictional highway district office to ensure that the signs are designed in good taste and safely erected, and in accordance with the provisions of the "Manual On Uniform Traffic Control Devices" adopted in 603 KAR 5:050.

(3) Except under unusual circumstances, there shall only be two (2) signs erected, one (1) at each end of the road segment or bridge.

O. GILBERT NEWMAN, State Highway Engineer
MILO D. BRYANT, Secretary
APPROVED BY AGENCY: July 5, 1990
FILED WITH LRC: July 19, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
702 KAR 1:130E

Section 2 of HB 814 (1990 RS) specifies that the cost of operating area vocational education centers shall be transferred from the secondary funds administered by the Department of Education for that purpose. This emergency administrative regulation is necessary in order to timely establish for the 1990-91 school year the means whereby the Department of Educaton can make such transfers of funds to other agencies, namely local school districts and the Department for Adult and Technical Education. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

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

702 KAR 1:130E. Secondary funding for state-operated vocational schools.

RELATES TO: HB 814, §2 (1990 RS)
STATUTORY AUTHORITY: 156.035, 156.070, HB 814, §2 (1990 RS)
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: Section 2 of HB 814 (1990 RS) specifies that the cost of operating area vocational education centers shall be transferred annually from the secondary funds administered by the Kentucky Department of Education for that purpose. This regulation establishes the means whereby the Department of Education transfers funds to the Department for Adult and Technical Education.

Section 1. Funds appropriated to serve secondary vocational education students in state-operated vocational technical schools and area vocational centers shall be allocated on the basis of the number of full-time equivalent (FTE) three (3) hour students enrolled as of October 1. The amount calculated per FTE shall be determined by dividing available funds by the total number of secondary students served in the Kentucky Tech system.

Section 2. For those centers housed in facilities owned by a local board of education, twenty (20) percent of the funds generated by FTE shall be transferred to that local district for retirment of debt service and building maintenance. The remaining eighty (80) percent shall be transferred to the Department for Adult and Technical Education for operating the instructional programs.

Section 3. If the facility is state-owned, 100 percent of the funds shall be transferred to the Department for Adult and Technical Education.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: July 11, 1990
FILED WITH LRC: July 19, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
704 KAR 3:304E

This emergency administrative regulation formally eliminates "Program of Studies" time requirements for basic skills courses now repealed by statute and going into effect in July, 1990. It is also necessary to implement, for the 1990-91 school year, the State Board for Elementary and Secondary Education's policy determination, and implied statutory intent,

that commercial television advertising not be included within the six hour instructional school day, except during an authorized homeroom period. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(Proposed Amendment)

704 KAR 3:304E. Required program of studies.

RELATES TO: KRS 156.070, 156.160, 160.290, HB 940, §3, (1990 GA)
STATUTORY AUTHORITY: KRS [156.070,] 156.160
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 156.160 requires the State Board for Elementary and Secondary Education to establish [minimum] courses of study for [and the scope of instruction that may be offered in] the different grades and kinds [classes] of common schools, such courses of study to comply with the expected outcomes for students and schools set forth in Section 3 of House Bill 940 (1990 Regular Session) [and to establish the minimum requirements for graduation from the courses offered]. KRS 156.070(1) gives the state board the management and control of the common schools and all programs operated in such schools, and KRS 156.070(3) indicates a strong legislative intent that commercial advertising not be utilized as a component of instructional television programming used as an aid or supplement to classroom instruction, although such prohibition currently applies only to KET. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the state board. In fulfilling a perpetuating such duties and intent, this regulation prescribes [implements that duty by prescribing] the document containing the general courses for use [comprising the permissive scope of instruction] in Kentucky's common schools and extends the prohibition against commercial advertising in conjunction with instructional television to private entities.

Section 1. Pursuant to the authority vested in the State Board for Elementary and Secondary Education by KRS [156.070 and] 156.160, the "Program of Studies for Kentucky Schools, Grades K-12," as amended on July 11 [March 14], 1990, is hereby promulgated and filed with the Legislative Research Commission and incorporated herein by reference. Such document may be inspected and copied at the Office of Instruction, Department of Education, 17th Floor, Capital Plaza Tower, 8 a.m. - 4:30 p.m., Monday - Friday.

Section 2. (1) No course or instructional activity authorized by the "Program of Studies for Kentucky Schools, Grades K-12" shall utilize or incorporate any television or electronic programming having, as a portion of such programming, commercial advertising targeted at school children or on any regular, periodic, or daily basis; except that such programming may be included within a homeroom period included within the minimum six (6) hour instructional day under 702 KAR 7:010 or within any extension of the minimum six (6) hour instructional day.
(2) The prohibition contained in this section shall be effective for the 1990-91 school year, and thereafter, and any existing contracts for 1990-91 in violation of such prohibition shall be cancelled by local school districts pursuant to valid cancellation for convenience clauses.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: July 11, 1990
FILED WITH LRC: July 19, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
704 KAR 7:100E

HB 43, enacted during the 1990 session of the General Assembly, limits the privilege of high school dropouts and students who are academically deficient to drive motor vehicles and to retain or acquire a driver's license, but requires local districts which implement the new law to operate an alternative education program. This emergency administrative regulation is necessary in order that districts offering approvable alternative programs can timely implement HB 43 at the beginning of the coming school year. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July 12, 1990.

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

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction

704 KAR 7:100E. Approval of operation of alternative education programs for purposes of driver's license revocation.

RELATES TO: HB 43 (1990 RS)
STATUTORY AUTHORITY: KRS 156.031, 156.070
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: HB 43 (1990 RS) limits the privilege of high school dropouts and students who are academically deficient to drive motor vehicles and to retain or acquire a driver's license, but requires local districts which implement the new law to operate an alternative education program approved by the Department of Education. This regulation prescribes criteria for approval of alternative education programs.

Section 1. Any school district instituting action to revoke or deny driver's licenses, under the provisions of HB 43, to youth who are currently unsuccessful in school or who drop out of school, as defined by HB 43, shall do so only after the following steps have been completed:
(1) The Kentucky Department of Education shall be notified of the intent to utilize the provisions of HB 43 to revoke or deny ineligible students' driver's licenses.
(2) A written plan with outlined procedures for instituting the plan shall be submitted to

the Department of Education. The plan shall describe the alternatives that shall be available to any youth whose behaviors make them eligible by HB 43 to have their driver's licenses revoked or denied. At a minimum, the following shall be developed as a part of the alternative education plan:

(a) An annual plan for informing all middle, junior high, and high school youth of the provisions of HB 43;

(b) A process for the early identification of youth who are at risk for having driver's licenses denied or revoked;

(c) A full description of the alternative school or programs that are available to youth in the district who are in danger of falling under the provisions of HB 43;

(d) A process for documenting that alternatives designed to meet the special and individual needs of the youth who are being denied driver's licenses or having their licenses revoked have been offered in a timely manner to the youth; and

(e) A policy that defines standards for academic deficiency, similar to the academic deficiency standards defined by HB 43 for regular school programs, for students in alternative education, special education, or part-time programs.

Section 2. Approval of the adequacy of the alternative education plan shall be secured from the Department of Education prior to implementation of HB 43 by a local school district.

Section 3. School districts, with approved alternative education programs, shall notify the appropriate circuit court clerk, upon request of any qualified student sixteen (16) years of age or above, that the student is eligible under the provision of HB 43 to be issued a driver's license.

Section 4. School districts, not having an approved alternative education program, shall notify the appropriate circuit court clerk, upon request of any student sixteen (16) years of age or above initially applying for a driver's license, that the student is eligible under the provision of HB 43, Section 2, to be issued a license. The requirements for initial issuance of a license pursuant to HB 43 are not applicable when a district has no approved alternative education program.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: July 11, 1990
FILED WITH LRC: July 19, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
806 KAR 12:092E

This emergency administrative regulation prescribes guidelines for claims settlement practices of life and health insurers. The current regulation on this subject, 806 KAR 12:090, is scheduled to be repealed on July 13, 1990. Since this will leave Kentucky without an administrative regulation providing guidelines for life and health insurance claims settlement practices, an emergency administrative regulation is necessary to provide guidance. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Administrative Regulations Compiler on July 12, 1990.

WALLACE G. WILKINSON, Governor
THEODORE T. COLLEY, Secretary
ELIZABETH P. WRIGHT, Commissioner

PUBLIC PROTECTION & REGULATION CABINET
Department of Insurance

806 KAR 12:092E. Unfair life and health insurance claims settlement practices.

RELATES TO: KRS 304.2-165, 304.3-200, 304.3-210, 304.12-010, 304.12-220, 304.12-230, 304.12-235, 304.29-341, 304.32-270, 304.38-200, 304.43-130, 342.325

STATUTORY AUTHORITY: KRS 304.2-110, 304.32-250, 304.38-150

EFFECTIVE: July 17, 1990

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky insurance code. KRS 304.32-250 provides that the commissioner may promulgate reasonable regulations which he deems necessary for the proper administration of KRS Chapter 304.32. KRS 304.38-150 provides that the Commissioner of Insurance may promulgate reasonable regulations which he deems necessary for the proper administration of KRS Chapter 304.38. This regulation defines unfair life and health insurance claims settlement practices.

Section 1. Definitions. As used in this regulation:

(1) "Agent" means any person authorized to represent an insurer with respect to a claim;

(2) "Beneficiary" means, for the purpose of life and health insurance, the party entitled to receive the proceeds or benefits occurring under the policy in lieu of the insured;

(3) "Claimant" means an insured,the beneficiary, or legal representative of the insured, including a member of the insured's immediate family designated by the insured, making the claim under a policy;

(4) "Claim file" shall mean any retrievable electronic file, paper file, or combination of both;

(5) "Commissioner" means the Commissioner of the Kentucky Department of Insurance;

(6) "Documentation" includes, but is not limited to, all pertinent communications, transactions, notes, work papers, claim forms, bills and, explanation of benefits forms relative to the claim;

(7) "Good faith" means an honest intention to abstain from taking any unconscientious advantage of another, even through technicalities of law, together with absence of all information, notice, or benefit or belief of facts which render a transaction unconscientious;

(8) "Insured" means, for the purpose of life or health insurance, the party named on a policy, certificate, or contract as the individual with legal rights to the benefits provided by the policy, certificate, or contract;

(9) "Insurer" means any insurer, fraternal benefit society, nonprofit hospital, medical, surgical, dental, and health service corporations and prepaid dental plan

organization, including agents and third party administrators;

(10) "Investigation" means all activities of an insurer directly or indirectly related to the determination of liabilities under coverages afforded by a policy, certificate or contract;

(11) "Notification of claim" means a notice to the insurer that a loss has occurred or is about to be incurred;

(12) "Policy", "certificate" or "contract" include any contract of an insurer providing indemnity or other coverage for medical, health or hospital goods and services, but do not include contracts of workers' compensation;

(13) "Proof of loss" means written proofs, such as claim forms, medical bills, medical authorizations, or other reasonable evidence of the claim that is ordinarily required of all insureds or beneficiaries submitting the claims;

(14) "Reasonable explanation" means that sufficient information shall be included in the explanation of benefits as to enable the insured or beneficiary to compare the allowable benefits with policy provisions and determine whether proper payment has been made;

(15) Delay or denial of a claim is "without reasonable foundation" when there is no rational relationship between the reasons for the delay or denial of a claim and the policy, certificate, or contract, applicable law, or applicable facts;

(16) "Written communications" include all correspondence, regardless of source or type, that is materially related to the handling of the claim.

Section 2. Scope and Purpose of this Regulation. This regulation sets forth minimum standards for the investigation and disposition of life and health insurance claims arising under policies, certificates, and contracts. It is not intended to cover claims involving workers' compensation insurance since all questions arising under KRS Chapter 342 shall be resolved by workers' compensation administrative law judges. This regulation is intended to define procedures and practices which constitute unfair claims settlement practices.

Section 3. Claim Practices. (1) Every insurer, upon receiving due notification of a claim shall, within fifteen (15) calendar days of the notification, provide necessary claim forms, instructions,and reasonable assistance so the insured can properly comply with insurer requirements for the filing of a claim.

(2) Upon receipt of proof of loss from a claimant, the insurer shall begin any necessary investigation of the claim within fifteen (15) calendar days.

(3) The insurer's standards for claims processing shall require that notice of claim or proofs of loss submitted against one (1) policy issued by that insurer shall fulfill the insured's obligation under any and all similar policies issued by that insurer and specifically identified by the insured to the insurer to the same degree that the same form would be required under any similar policy. If additional information is required to fulfill the insured's obligation under similar policies, the insurer may request the additional information. When it is apparent to the insurer that additional benefits would be payable under an insured's policy upon additional proofs of loss, the insurer shall communicate to and cooperate with the insured in determining the extent of the insurer's additional liability.

(4) The insurer shall affirm or deny any liability on claims within a reasonable time and shall offer payment within thirty (30) calendar days of receipt of due proof of loss. If the insurer fails to pay the claim within thirty (30) days of receipt of due proof of loss, and the delay or denial is due to lack of a good faith attempt to settle the claim, the claim bears interest at the rate of twelve (12) percent per annum from the expiration of thirty (30) days from the receipt of due proof of loss. If the delay or denial is without reasonable foundation, the insured shall be reimbursed for reasonable attorney's fees incurred in collecting the claim. If a portion or portions of the claim are in dispute, the insurer shall tender payment for any portion or portions of the claim which are not in dispute within thirty (30) days of receipt of due proof of loss.

(5) With each claim payment, the insurer shall provide to the insured an explanation of benefits which shall include the name of the provider of health care services covered, dates of service, and a reasonable explanation of the computation of benefits.

(6) An insurer shall not impose a penalty on any insured for noncompliance with insurer requirements for precertification unless the penalties are specifically and clearly set forth in writing in the policy.

(7) If a claim remains unresolved for thirty (30) days from the receipt of due proof of loss, the insurer shall provide the insured or, when applicable, the insured's beneficiary, with a reasonable written explanation of the delay. In credit, mortgage, and assigned health insurance claims, the notice shall also be provided to the debtor who is the insured or health care provider in addition to the insured. If the investigation remains incomplete, the insurer shall, forty-five (45) days from the date of initial notification and every forty-five (45) days thereafter, send to the claimant a letter setting forth the reasons additional time is needed for the investigation. The notice shall also describe to the insured the availability of interest and attorney's fees specified in subsection (4) of this section.

(8) The insurer shall acknowledge and respond within fifteen (15) calendar days to any written communications relating to a chain.

(9) When a claim is denied, written notice of denial shall be sent to the claimant within fifteen (15) calendar days of the determination. The notice shall refer to the policy provision, condition, or exclusion upon which the denial is based.

(10) Insurers shall not deny a claim based on information obtained in a telephone conversation or personal interview with any source unless the telephone conversation or personal interview is documented in the claim file.

(11) Insurers shall not refuse to settle claims on the basis that responsibility for payment should be assumed by others except as provided by policy, certificate, or contract provisions.

(12) All insurers offering cash settlements of first party long term disability income claims (except in cases where there is a bona fide dispute as to the coverage for, or amount of, the disability) shall develop a present value

calculation of future benefits (with probability corrections for mortality and morbidity) utilizing contingencies such as mortality, morbidity, and interest rate assumptions, and other facts appropriate to the risk. A copy of the amount so calculated shall be given to the insured and signed by the insured at the time a settlement is entered into.

(13) No insurer shall indicate to a first party claimant on a payment draft, check, or in any accompanying letter that the payment is "final" or "a release" of any claim unless the policy limit has been paid or there has been a compromise settlement agreed to by the first party claimant and the insurer as to coverage and amount payable under the contract.

(14) Insurers shall not withhold any portion of any benefit payable as a result of a claim on the basis that the settlement held is an adjustment or correction for an overpayment made on a prior claim arising under the same policy unless:

(a) The insurer has within its files clear, documented evidence of an overpayment and written authorization from the insured permitting the withholding procedure; or

(b) The insurer has within its files clear, documented evidence of the following:

1. The overpayment was clearly erroneous under the provisions of the policy. If the overpayment is the subject of a reasonable dispute as to facts, the procedure specified in this paragraph shall not be used;

2. The error which resulted in the payment is not a mistake of the law;

3. The insurer notifies the insured within six (6) months of the date of the error, except that in instances of error prompted by representations or nondisclosures of claimants or third parties, the insurer notifies the insured within fifteen (15) calendar days after the date that clear, documented evidence of discovery of such error is included in its file. For the purpose of this subparagraph, the date of the error shall be the day on which the draft, check, or other claim payment is issued; and

4. The notice states clearly the nature of the error and states the amount of the overpayment.

(15) Insurers shall not continue negotiations with a claimant who has no legal representation until the claimant's rights may be affected by a statute of limitations or a time limitation in a policy, certificate, or contract without giving the claimant written notice that the time limitation may be expiring. The notice shall be mailed or delivered to the claimant at least thirty (30) days prior to the date on which the time limit may expire.

(16) If, after a rejection of a claim by the insurer, the claimant objects to the rejection, the insurer shall notify the claimant in writing that the claimant may have the matter reviewed by the Department of Insurance by submitting a written complaint to the Department of Insurance and giving the mailing address of the Department of Insurance.

Section 4. File and Record Documentation. Each insurer's claim files are subject to examination by the Commissioner or the commissioner's designees. To aid in an examination:

(1) The insurer shall maintain claim data that are accessible and retrievable for examination. An insurer shall be able to provide the claim number, line of coverage, date of loss and date of payment of the claim, and date of denial or date closed without payment. This data shall be available for all open and closed files for the current year and the five (5) preceding years.

(2) Documentation shall be contained in each claim file to permit reconstruction of the insurer's activities relative to each claim.

(3) Each document within the claim file shall be noted as to date received, date processed, or date mailed.

(4) For those insurers which do not maintain hard copy files, claim files shall be accessible from a computer terminal available to examiners or micrographics and be capable of duplication to hard copy.

Section 5. Severability. If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of the provision to other persons or circumstances shall not be affected thereby.

Section 6. Effective Date. This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.

ELIZABETH P. WRIGHT, Commissioner
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: July 5, 1990
FILED WITH LRC: July 17, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
806 KAR 12:094E

This emergency administrative regulation prescribes guidelines for claims settlement practices of property and casualty insurers. The current regulation on this subject, 806 KAR 12:090, is scheduled to be repealed on July 13, 1990. Since this will leave Kentucky without an administrative regulation providing guidelines for property and casualty insurance claims settlement practices, an emergency administrative regulation is necessary to provide guidance. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Administrative Regulations Compiler on July 12, 1990.

WALLACE G. WILKINSON, Governor
THEODORE T. COLLEY, Secretary
ELIZABETH P. WRIGHT, Commissioner

PUBLIC PROTECTION & REGULATION CABINET
Department of Insurance

806 KAR 12:094E. Unfair property and casualty insurance claims settlement practices.

RELATES TO: KRS 304.3-200, 304.2-210, 304.12-010, 304.12-220, 304.12-230, 304.12-235, 304.14-400, 304.20-070, 304.20-150 to 304.20-180, 342.325
STATUTORY AUTHORITY: KRS 304.2-110
EFFECTIVE: July 17, 1990
NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the

Kentucky Insurance Code. This regulation defines unfair property and casualty insurance claims settlement practices.

Section 1. Definitions. As used in this regulation:

(1) "Agent" means any person authorized to represent an insurer with respect to a claim;

(2) "Claimant" means either a first party claimant, a third party claimant, or both and includes the claimant's designated legal representative and includes a member of the insured's immediate family designated by the claimant;

(3) "Claim file" shall mean any retrievable electronic file, paper file, or combination of both;

(4) "Commissioner" means the Commissioner of the Kentucky Department of Insurance;

(5) "First party claimant" means a person asserting a right to payment under an insurance policy, certificate, or contract arising out of the occurrence of the contingency or loss covered by the policy, certificate, or contract;

(6) "Good faith" means an honest intention to abstain from taking any unconscientious advantage of another, even through technicalities of law, together with absence of all information, notice, or benefit or belief of facts which render a transaction unconscientious;

(7) "Insurer" means any person transacting property or casualty insurance, including, but not limited to, reciprocal insurers and Lloyd's plan insurers. "Insurer" also means agents and third party administrators;

(8) "Investigation" means all activities of an insurer directly or indirectly related to the determination of liabilities under coverages afforded by a policy, certificate or contract;

(9) "Notification of claim" means any notification, whether in writing or other means acceptable under the terms of the policy, certificate, or contract, to an insurer or its agent, by a claimant, which reasonably apprises the insurer of the facts pertinent to a claim;

(10) "Policy", "certificate", or "contract", mean any contract of insurance or indemnity, but do not include contracts of workers' compensation insurance (except to the extent provided in Section 2 of this regulation), fidelity, suretyship, or boiler and machinery insurance;

(11) ""Replacement cash part" means sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels;

(12) "Third party claimant" means any person asserting a claim against any person under a policy, contract, or certificate of an insurer; and

(13) Delay or denial of a claim is "without reasonable foundation" when there is no rational relationship between the reasons for the delay or denial of a claim and the insurance policy, contract, or certificate, applicable law, or applicable facts.

Section 2. Scope and Purpose of this Regulation. This regulation is to set forth minimum standards for the investigation and disposition of property and casualty insurance claims arising under policies, certificates, and contracts. This regulation is not intended to cover claims involving fidelity, suretyship, or boiler and machinery insurance. This regulation is not intended to cover claims involving workers' compensation to the extent those questions arise under KRS Chapter 342 since those questions shall be resolved by workers' compensation administrative law judges. However, this regulation does apply to claims for unearned premium refunds under workers' compensation policies since workers' compensation administrative law judges do not have jurisdiction over a claim of this type. This regulation is intended to define procedures and practices which constitute unfair claims settlement practices.

Section 3. File and Record Documentation. Each insurer's claim files for policies, certificates, or contracts are subject to examination by the Commissioner or the commissioner's designees. To aid in an examination:

(1) The insurer shall maintain claim data that are accessible and retrievable for examination. An insurer shall be able to provide the claim number, line of coverage, date of loss and date of payment of the claim, and date of denial or date closed without payment. This data shall be available for all open and closed files for the current year and the five (5) preceding years.

(2) Documentation shall be contained in each claim file to permit reconstruction of the insurer's activities relative to each claim.

(3) Each relevant document within the claim file shall be noted as to date received, date processed, or date mailed.

(4) For those insurers which do not maintain hard copy files, claim files shall be accessible from a computer terminal available to examiners or micrographics and be capable of duplication to hard copy.

Section 4. Misrepresentation of Policy Provisions. (1) Insurers shall not fail to disclose fully to first party claimants all pertinent benefits, coverages, or other provisions of a policy, certificate, or contract under which a claim is presented.

(2) Agents shall not conceal from first party claimants benefits, coverages, or other provisions of any policy, certificate, or contract when the benefits, coverages, or other provisions are pertinent to a claim.

(3) A claim shall not be denied on the basis of failure to exhibit property unless there is documentation in the claim file of breach of the policy provisions.

(4) Insurers shall not deny a claim based upon the failure of a first party claimant to give written notice of loss within a specified time limit unless written notice of loss is a written condition in the policy, certificate, or contract or the claimant's failure to give written notice after being requested to do so is unreasonable as to constitute a breach of claimant's duty to cooperate with the insurer.

(5) Insurers shall not indicate to a first party claimant on a payment draft, check, or in an accompanying letter that payment is "final" or "a release" of any claim unless the policy limit has been paid or there has been a compromise settlement agreed to by the first party claimant and the insurer as to coverage and amount payable under the policy, certificate, or contract.

(6) Insurers shall not issue checks or drafts in partial settlement of a loss or claim under a

specific coverage which contain language which release the insurer or its insured from its total liability.

Section 5. Failure to Acknowledge Pertinent Communications. (1) Every insurer, upon receiving notification of a claim shall, within fifteen (15) calendar days, acknowledge the receipt of the notice unless payment is made within that period of time. If an acknowledgment is made by means other than writing, an appropriate notation of the acknowledgment shall be made in the claim file of the insurer and dated. Notification given to an agent of an insurer shall be notification to the insurer.

(2) Every insurer, upon receipt of any inquiry from the Department of Insurance respecting a claim shall, within twenty-one (21) calendar days of receipt of the inquiry, furnish the Department of Insurance with an adequate response to the inquiry in duplicate.

(3) An appropriate reply shall be made within fifteen (15) calendar days on all other pertinent communications from a claimant which reasonably suggest that a response is expected.

(4) Every insurer, upon receiving notification of claim, shall promptly provide necessary claim forms, instructions, and reasonable assistance to first party claimants so that they can comply with the policy conditions and the insurer's reasonable requirements. Compliance with this subsection within fifteen (15) calendar days of notification of a claim shall constitute compliance with subsection (1) of this section.

Section 6. Standards for Prompt, Fair, and Equitable Settlements Applicable to All Insurers. (1)(a) The insurer shall affirm or deny any liability on claims within a reasonable time and shall offer any payment due within thirty (30) calendar days of receipt of due proof of loss. If the insurer fails to pay the claim within thirty (30) days of receipt of due proof of loss, and the delay or denial is due to lack of a good faith attempt to settle the claim, the claim bears interest at the rate of twelve (12) percent per annum from the expiration of thirty (30) days from the receipt of due proof of loss. If the delay or denial is without reasonable foundation, the insured shall be reimbursed for reasonable attorney's fees incurred in collecting the claim. If a portion or portions of the claim are in dispute, the insurer shall tender payment for any portion or portions of the claim which are not in dispute within thirty (30) days of receipt of due proof of loss.

(b) Where there is a reasonable basis supported by specific information available for review by the commissioner that the first party claimant has fraudulently caused or contributed to the loss, the insurer is relieved from the requirements of this subsection, but the claimant shall be advised of the acceptance or denial of the claim within a reasonable time for full investigation after receipt by the insurer of a properly executed proof of loss.

(2)(a) If the insurer needs more time to determine whether a first party claim should be accepted or denied, it shall so notify the first party claimant within thirty (30) calendar days after receipt of the proofs of loss, giving the reasons more time is needed. If the investigation remains incomplete, the insurer shall, forty-five (45) calendar days from the date of the initial notification and every forty-five (45) calendar days thereafter, send to the first party claimant a letter setting forth the reasons additional time is needed for investigation. The letter shall also describe to the insured the availability of interest and attorney's fees specified in subsection (1)(a) of this section.

(b) Where there is a reasonable basis supported by specific information available for review by the commissioner for suspecting that the first party claimant has fraudulently caused or contributed to the loss, the insurer is relieved from the requirements of this subsection, but the first party claimant shall be advised of the acceptance or denial of the claim by the insurer with a reasonable time for full investigation after receipt by the insurer of a properly executed proof of loss.

(3) Insurers shall not fail to settle first party claims on the basis that responsibility for payment should be assumed by others except as may otherwise be provided by policy provisions.

(4) Insurers shall not continue negotiations for settlement of a claim directly with a claimant who is not legally represented if the claimant's rights may be affected by a statute of limitations or a time limit in a policy, certificate, or contract, unless the insurer has given the claimant written notice of the limitation. The notice shall be given to first party claimants at least thirty (30) calendar days and to third party claimants at least sixty (60) calendar days before the date on which the time limit may expire.

(5) Insurers shall not make statements which indicate that the rights of a third party claimant may be impaired if a form or release is not completed within a given period of time unless the statement is given for the purpose of notifying the third party claimant of the provision of a statute of limitations.

(6) Subject to subsection (1)(a) of this section relating to first party claims, insurers shall affirm or deny liability on claims within a reasonable time and shall tender payment within thirty (30) days of affirmation of liability, if the amount of the claim is determined and not in dispute. In claims where multiple coverages are involved, payments which are not in dispute and where the payee is known shall be tendered within thirty (30) calendar days of the payment would terminate the insurer's known liability under that individual coverage.

(7) Insurers shall not request or require any insured to submit to a polygraph examination unelss authorized under the applicable policy, certificate, or contract and applicable law.

(8) If, after rejection of a claim by the insurer, the claimant objects to the rejection, the insurer shall notify the claimant in writing that the claimant may have the matter reviewed by the Department of Insurance by submitting a written complaint to the Department of Insurance and giving the mailing address of the Department of Insurance.

Section 7. Standards for Prompt, Fair, and Equitable Settlements Applicable to Motor Vehicle Insurance. (1) When the policy, certificate, or contract provides for the adjustment and settlement of first party motor vehicle total losses on the basis of actual cash

value or replacement with another of like kind and quality, one (1) of the following methods shall apply:

(a) The insurer may elect to offer a replacement motor vehicle which is a specific comparable motor vehicle available to the insured, with all applicable taxes, license fees (if such fees cannot be refunded by the Transportation Cabinet) and other fees incident to transfer of evidence of ownership of the motor vehicle paid, at no cost other than any deductible provided in the policy. The offer and any rejection thereof shall be documented in the claim file.

(b) The insurer may elect a cash settlement based upon the actual cost, less any deductible provided in the policy, to purchase a comparable motor vehicle including all applicable taxes, license fees (if such fees cannot be refunded by the Transportation Cabinet), and other fees incident to transfer of evidence of ownership of a comparable motor vehicle. The cost may be determined by:

1. The cost of a comparable motor vehicle in the local market area when a comparable motor vehicle is available in the local market area; or

2. If a comparable motor vehicle is not available in the local market area, one (1) of two (2) or more quotations obtained by the insurer from two (2) or more qualified and licensed dealers (i.e., dealers which engage in the buying and selling of comparable motor vehicles in the ordinary course of their business) located within the local market area.

(c) When a first party motor vehicle's total loss is settled on a basis which deviates from the methods described in subsection (1)(a) and (b) of this section, the deviation shall be supported by documentation giving particulars of the motor vehicle's condition. Any deductions from the cost, including deduction for salvage, shall be measurable, discernible, itemized, and specified as to dollar amount and shall be appropriate in amount. The basis for the alternative method of settlement shall be explained fully to the first party claimant.

(2) The measure of damages in a third party motor vehicle loss is the difference between the fair market value of the motor vehicle immediately before and after the loss, proportioned by the third party's contributory negligence, if any. Repair estimates or appraisers' reports may be used to indicate the difference in fair market value.

(3) Where liability and damages are reasonably clear, insurers shall not recommend that third party claimants make claims under their own policies, certificates, or contracts solely to avoid paying claims under such insurers' policies, contracts, or certificates.

(4) Insurers shall not require a claimant to travel an unreasonable distance to inspect a replacement motor vehicle, to obtain a repair estimate, or to have the motor vehicle repaired at a specific repair shop.

(5) Insurers shall, upon the claimant's request, include the first party claimant's deductible, if any, in subrogation demands. Subrogation recoveries shall be shared on a proportionate basis with the first party claimant, unless the deductible amount has been otherwise recovered. No deduction for expenses can be made from the deductible recovery unless an outside attorney is retained to collect the recovery. The deduction shall then be for only a pro rata share of the allocated loss adjustment expense.

(6) If losses involving motor vehicle parts are settled on the basis of a written estimate prepared by or for the insurer, the insurer shall supply the insured a copy of the estimate upon which the settlement is based. The estimate prepared by or for the insurer shall be reasonable, in accordance with applicable policy provisions, and of an amount which will allow for repairs to be made in a workerlike manner. If the insured subsequently claims, based upon a written estimate which the insured obtains, that necessary repairs will exceed the written estimate prepared by or for the insurer, the insurer shall pay the difference between the written estimate and a higher estimate obtained by the insured, or promptly provide the insured with the name of at least one (1) repair shop that will make the repairs for the amount of the written estimate. If the insurer designates only one (1) or two (2) repair shops, the insurer shall assure that the repairs are performed in a workerlike manner. The insurer shall maintain documentation of all of these communications.

(7) When the amount claimed is reduced because of betterment or depreciation, all information for the reduction shall be contained in the claim file. These deductions shall be itemized and specified as to dollar amount and shall be appropriate for the amount of deductions.

(8) Betterment deductions are allowable only if the deductions:

(a) 1. Reflect a measurable decrease in market value attributable to the poor condition of, or prior damage to, the motor vehicle; and

2. Reflect the general overall condition of the motor vehicle, considering its age, for:

a. Wear and tear or rust, limited to no more than a deduction of $1,000; or

b. Missing parts, limited to no more of a deduction than the replacement cost of the missing part or parts.

(b) The deductions set forth in paragraph (a) of this subsection shall be measurable, itemized, specified as to dollar amount, and documented in the claim file.

(c) No insurer shall require the insured or claimant to supply parts for replacement.

(9) No insurer shall require the use of replacement crash parts in the repair of a motor vehicle unless the replacement crash part is at least equal in kind and quality to the original part in terms of fit, quality, and performance. Insurers specifying the use of replacement crash parts shall consider the cost of any modifications which may be necessary when making the repair.

Section 8. Standards for prompt, fair, and equitable settlements applicable to fire and extended coverage type policies with replacement cost coverage.

(1) When the policy, contract, or certificate provides for the adjustment and settlement of first party losses based on replacement cost, the following shall apply:

(a) When a loss requires repair or replacement of an item or part, any consequential physical damage incurred in making the repair or replacement not otherwise excluded by the policy shall be included in the loss. The insured shall not have to pay for betterment nor any other cost except for the applicable deductible.

(b) When a loss requires replacement of items

and the replaced items do not match in quality, color, or size, the insurer shall replace all items in the area so as to conform to a reasonably uniform appearance. This applies to interior and exterior losses. The insured shall not bear any cost over the applicable deductible.

(2) Actual cash value:

(a) When the insurance policy provides for the adjustment and settlement of losses on an actual cash value basis on residential fire and extended coverage, the insurer shall determine actual cash value as follows: replacement cost of property at the time of the loss less depreciation, if any. Upon the insured's request, the insurer shall provide a copy of the claim file worksheets showing any and all deductions for depreciation.

(b) In cases in which the insured's interest is limited because the property has nominal or no economic value, or a value disproportionate to replacement cost less depreciation, the determination of actual cash value as set forth in paragraph (a) of this subsection is not required. In these cases, the insurer shall provide, upon the insured's request, a written explanation of the basis for limiting the amount of recovery along with the amount payable under the policy.

Section 9. Severability. If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of the provision to other persons or circumstances shall not be affected thereby.

Section 10. Repeal of 806 KAR 12:090; Effective Date. (1) 806 KAR 12:090, Unfair claims settlement practices, is repealed.

(2) This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.

ELIZABETH P. WRIGHT, Commissioner
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: July 5, 1990
FILED WITH LRC: July 17, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
806 KAR 17:066E

This emergency administrative regulation prescribes minimum standards for Medicare supplement insurance policies. Pursuant to 42 U.S.C. §1395ss, states are required to adopt new regulations for the minimum standards for Medicare supplement insurance. The new regulations are necessary because of the repeal of the Medicare Catastrophic Coverage Act by the Congress and to adopt consumer protection measures prescribed by the Congress. The federal laws in question are already in effect and insurers need immediate guidance concerning compliance with these laws. Therefore, an emergency administrative regulation under KRS 13A.190 is necessary to provide guidelines for review of Medicare supplement insurance policies. This emergency regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Administrative Regulations Compiler on July 12, 1990.

WALLACE G. WILKINSON, Governor
THEODORE T. COLLEY, Secretary
ELIZABETH P. WRIGHT, Commissioner

PUBLIC PROTECTION & REGULATION CABINET
Department of Insurance

806 KAR 17:066E. Medicare supplement insurance policies.

RELATES TO: KRS 304.12-020, 304.14-500 to 304.14-550, 304.17-305, 304.17-318, 304.18-036, 304.18-095, 304.32-157, 304.32-165, 304.32-270, 304.38-193, 304.38-196, 304.38-200

STATUTORY AUTHORITY: KRS 304.2-110, 304.14.510, 304.32-250, 304.38-150

EFFECTIVE: July 17, 1990

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.14-510 provides that the Commissioner of Insurance may make reasonable regulations establishing minimum standards for Medicare supplement insurance policies. KRS 304.32-250 provides that the Commissioner of Insurance may make reasonable regulations which he deems necessary for the proper administration of KRS 304.32. KRS 304.38-150 provides that the Commissioner of Insurance may make reasonable regulations which he deems necessary for the proper administration of KRS Chapter 304.38. This regulation establishes minimum standards for Medicare supplement insurance policies.

Section 1. Definitions. For the purposes of this regulation:

(1) "Applicant" means:

(a) In the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits; and

(b) In the case of a group Medicare supplement policy, the proposed certificate holder.

(2) "Certificate" means any certificate issued under a group Medicare supplement policy, which certificate has been delivered or issued for delivery in this state.

(3) "Commissioner" means the Commissioner of the Kentucky Department of Insurance.

(4) "Insurance policy" means an insurance policy, a subscriber contract issued by a nonprofit hospital, medical-surgical, dental, and health service corporation, and an enrollee contract issued by a health maintenance organization.

(5) "Medicare supplement policy" means a group or individual policy of insurance, a subscriber contract issued by a nonprofit hospital, medical-surgical, dental, and health service corporation, or an enrollee contract issued by a health maintenance organization which is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare by reason of age.

Section 2. Purpose, Applicability, and Scope. (1) The purpose of this regulation is to provide for the reasonable standardization of coverages and simplification of terms and benefits of Medicare supplement policies, to facilitate public understanding and comparison of such policies, to eliminate provisions contained in such policies which may be misleading or

confusing in connection with the purchase of such policies or in connection with the settlement of claims, and to provide for full disclosure in the sale of health insurance coverages to persons eligible for Medicare by reason of age.

(2) Except as otherwise specifically provided in Sections 8 and 9 of this regulation, this regulation shall apply to:

(a) All Medicare supplement policies delivered or issued for delivery in this state on or after the effective date of this regulation; and

(b) All certificates issued under group Medicare supplement policies, which certificates have been delivered or issued for delivery in this state.

Section 3. Policy Definitions and Terms. No insurance policy subject to this regulation shall contain terms or definitions which do not conform to those in this section.

(1) "Accident," "accidental injury," or "accidental means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization.

(a) The definition shall not be more restrictive than the following: "injury or injuries for which benefits are provided means accidental bodily injury sustained by the injured person which is a direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

(b) Such definition may provide that injury shall not include injuries for which benefits are provided or available under any workers' compensation, employer's liability, or similar law, or motor vehicle no-fault insurance plan, unless such a definition is prohibited by law.

(2) "Benefit period," or "Medicare benefit period," shall not be defined as more restrictive than as that defined in the Medicare program.

(3) "Convalescent nursing home," "extended care facility," or "skilled nursing facility" shall be defined in relation to its status, facilities, and available resources.

(a) A definition of such home or facility shall not be more restrictive than one requiring that it:

1. Be operated pursuant to law;

2. Be approved for payment of Medicare benefits or be qualified to receive such approval, if so requested;

3. Be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;

4. Provide continuous twenty-four (24) hours a day nursing service by or under the supervision of a registered graduate professional nurse (R.N.); and

5. Maintain a daily medical record of each patient.

(b) The definition of such home or facility may provide that such term not be inclusive of:

1. Any home, facility, or part thereof used primarily for rest;

2. A home or facility for the aged or for the care of drug addicts or alcoholics; or

3. A home or facility used primarily for the care and treatment of mental diseases or disorders, or custodial or educational care.

(4) "Health care expenses" means expenses of health maintenance organizations associated with the delivery of health care services which are analogous to incurred losses of insurers. Such expenses shall not include:

(a) Home office and overhead costs;

(b) Advertising costs;

(c) Commissions and other costs of acquiring insurance business;

(d) Taxes;

(e) Capital costs;

(f) Administrative costs; or

(g) Claims processing costs.

(5) "Hospital" may be defined in relation to its status, facilities, and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals.

(a) The definition of the term "hospital" shall not be more restrictive than one requiring that the hospital:

1. Be an institution operated pursuant to law;

2. Be primarily and continuously engaged in providing or operating, either on its premises or in facilities available to the hospital on a prearranged basis and under the supervision of a staff of duly licensed physicians, medical, diagnostic, and major surgical facilities for the medical care and treatment of sick or injured persons on an inpatient basis for which charges made; and

3. Provide twenty-four (24) hour nursing service by or under the supervision of registered graduate professional nurses (R.N.s).

(b) The definition of the term "hospital" may state that such term shall not include:

1. Convalescent homes, convalescent, rest, or nursing facilities;

2. Facilities primarily affording custodial, educational, or rehabilitory care;

3. Facilities for the aged, drug addicts, or alcoholics; or

4. Any military or veterans hospital or soldiers home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability exists for charges made to the individual for such services.

(6) "Medicare" shall be defined in the policy. Medicare may be substantially defined as "the Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as then constituted or later amended," or Title I, Part I of P.L. 89-97, as enacted by the 89th Congress of the United States of America and properly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof, or words of similar import.

(7) "Medicare eligible expenses" shall mean health care expenses of the kinds covered by Medicare, to the extent recognized as reasonable by Medicare. Payment of benefits by insurers for Medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity as are applicable to Medicare claims.

(8) "Mental or nervous disorders" shall not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.

(9) "Nurses" may be defined so that the

description of nurse is restricted to a type of nurse, such as a registered graduate professional nurse (R.N.), a licensed practical nurse (L.P.N.), or a licensed vocational nurse (L.V.N.). If the words "nurse," "trained nurse," or "registered nurse," are used without specific instruction, then the use of such terms requires the insurer to recognize the services of any individual who qualified under such terminology in accordance with the statutes and regulations administered by the Kentucky Board of Nursing.

(10) "Physician" may be defined by including the words such as "duly qualified physician" or "duly licensed physician." The use of such terms requires an insurer to recognize and to accept, to the extent of its obligations under the contract, all providers of medial care and treatment when such services are within the scope of the provider's licensed authority and are provided pursuant to applicable laws.

(11) "Sickness" shall not be defined to be more restrictive than the following: "sickness means sickness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, or employer's liability, or similar law.

Section 4. Prohibited Policy Provisions. (1) A Medicare supplement policy shall not contain a probationary or elimination period.

(2) No insurance policy may be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy if such policy limits or excludes coverage by type of illness, or accident, treatment, or medical condition, except as follows:

(a) Foot care in connection with corns, calluses, flat feet, fallen arches, weak feet, chronic foot strain, or symptomatic complaints of the feet;

(b) Mental or emotional disorders, alcoholism and drug addiction, unless coverage for such conditions is purchased as an option;

(c) Illness, treatment, or medical condition arising out of:

1. War or act of war (whether declared or undeclared); participation in a felony, riot, or insurrection; service in the armed forces or units auxiliary thereto;

2. Suicide (sane or insane), attempted suicide, or intentionally self-inflicted injury; or

3. Aviation.

(d) Cosmetic surgery, except that cosmetic surgery shall not include reconstructive surgery when such service is incidental to or follows surgery resulting from trauma, infection, or other diseases of the involved body part;

(e) Care in connection with the detection and correction of manual or mechanical means of structural imbalance, distortion, or subluxation in the human body for purposes of removing nerve interference and the effect thereof, or such interference is the result of or related to distortion, misalignment, or subluxation of or in the vertebral column, except that such coverage must be provided to the extent required by law;

(f) Treatment provided in a governmental hospital; benefits provided under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability for occupational disease, or any motor vehicle no-fault insurance law (except where prohibited by law); services rendered by employees of hospitals, laboratories, or other institutions; services performed by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance;

(g) Dental care or treatment;

(h) Eye glasses, hearing aids, and examination for the prescription or fitting thereof;

(i) Rest cures, custodial care, transportation, and routine physical examinations; or

(j) Territorial limitations outside the United States.

However, Medicare supplement policies shall not contain, when issued, limitations or exclusions of the type enumerated in paragraphs (a), (e), (i), or (j) of this subsection that are more restrictive than those of Medicare. Medicare supplement policies may exclude coverage for any expense to the extent of any benefit available to the insured under Medicare.

(3) No Medicare supplement policy may use waivers to exclude, limit, or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions.

(4) The terms "Medicare supplement," "medigap," and words of similar import shall not be used unless the policy is issued in compliance with KRS 304.14-500 to 304.14-550 and this regulation.

(5) No Medicare supplement insurance policy in force in this state shall contain benefits which duplicate benefits provided by Medicare.

Section 5. Benefit Conversion Requirements. (1) Effective January 1, 1990, no Medicare supplement insurance policy, contract, or certificate in force in Kentucky shall contain benefits which duplicate benefits provided by Medicare.

(2) Benefits eliminated b y operation of the Medicare Catastrophic Coverage Act of 1988 transition provisions shall be restored.

(3) For Medicare supplement policies subject to the minimum standards adopted by the states pursuant to the Medicare Catastrophic Coverage Act of 1988, the minimum benefits shall be:

(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period.

(b) Coverage for either all or none of the Medicare Part A inpatient deductible amount.

(c) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days.

(d) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage is ninety (90) percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days.

(e) Coverage under Medicare Part A for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under

Part B.

(f) Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out of pocket amount equal to Medicare Part B deductible.

(g) Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

Section 6. Minimum Benefit Standards. An insurance policy shall not be advertised, solicited, or issued for delivery in Kentucky as a Medicare supplement policy if it does not meet the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are consistent with these standards.

(1) General standards. The following standards apply to Medicare supplement policies and are in addition to all other requirements of this regulation.

(a) A Medicare supplement policy shall not deny a claim for losses incurred more than six (6) months from the effective date of coverage for a preexisting condition. The policy shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.

(b) A Medicare supplement policy shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(c) A Medicare supplement policy shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.

(d) A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" Medicare supplement policy shall not:

1. Provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than nonpayment of premium; or

2. Be cancelled or nonrenewed by the insurer solely on the grounds of deterioration of health.

(e)1. Except as authorized by the commissioner, an insurer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

2. If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in subparagraph 4 of this paragraph, the insurer shall offer certificate holders an individual Medicare supplement policy. The insurer shall offer the certificate holder at least the following choices:

a. An individual Medicare supplement policy which provides for continuation of the benefits contained in the group policy; and

b. An individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards.

3. If membership in the group is terminated, the insurer shall:

a. Offer the certificate holder the conversion opportunities described in subparagraph 2 of this paragraph; or

b. Offer the certificate holder continuation of coverage under the group policy.

4. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

(f) Termination of a Medicare supplement policy shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.

(2) Minimum benefit standards.

(a) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(b) Coverage for either all or none of Medicare Part A inpatient hospital deductible amount;

(c) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hopsital inpatient reserve days;

(d) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety (90) percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

(e) Coverage under Medicare Part A for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B; and

(f) Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out of pocket amount equal to the Medicare Part B deductible maximum benefit.

(g) Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

(4) Medicare eligible expenses. Medicare eligible expenses shall mean health care expenses of the kinds covered by Medicare, to the extent recognized as reasonable by Medicare. Payment of benefits by insurers for Medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity, as are applicable to Medicare claims.

Section 7. Standards for Claims Payment under Section 4081 of the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203). (1) Every person providing Medicare supplement policies shall comply with all provisions of Section 4081 of the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203).

(2) Compliance with the requirements set forth in subsection (1) of this section must be certified on the Medicare Supplement Insurance Experience Reporting Form.

Section 8. Loss Ratio Standards. (1) Medicare supplement policies shall return to policyholders in the form of aggregate benefits under the policy, for the entire period for which rates are computed to provide coverage, on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis, and earned premiums for such period and in accordance with accepted actuarial principles and practices:

(a) At least seventy-five (75) percent of the aggregate amount of premiums earned in the case of group policies; and

(b) At least sixty (60) percent of the aggregate amount of premiums earned in the case of individual policies.

(c) All filings and rate schedules shall demonstrate that actual and expected losses in relation to premiums comply with the requirements of this section.

(2) Every person providing Medicare supplement policies in this state shall file annually its rates, rating schedule, and supporting documentation, including ratios of incurred losses to earned premiums by number of years of policy duration demonstrating that it is in compliance with the foregoing applicable loss ratio standards and that the period for which the policy is rated is reasonable in accordance with accepted actuarial principles and experience.

(3) For the purposes of this section, policy forms shall be deemed to comply with the loss ratio standards if:

(a) For the most recent year, the ratio of incurred losses to earned premiums for policies or certificates which have been in force for three (3) years or more is greater than or equal to the applicable percentages contained in this section; and

(b) The expected losses in relation to premiums over the entire period for which the policy is rated comply with the requirements of this section.

An expected third year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three (3) years.

(4) As soon as practicable prior to the effective date of Medicare benefit changes, every person providing Medicare supplement policies in Kentucky shall file with the commissioner, in accordance with applicable filing procedures:

(a) Appropriate premium adjustments necessary to produce loss ratios as originally anticipated for the applicable Medicare supplement policies. Such supporting documents as necessary to justify the adjustment shall accompany the filing. Every person providing Medicare supplement policies to residents of Kentucky shall make such premium adjustments as are necessary to produce an expected loss ratio under such policies as will conform to the minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums for such Medicare supplement policies. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described in this subsection should be made with respect to a policy at any time other than upon its renewal date or anniversary date. Premium adjustments shall be in the form of refunds or premium credits and shall be made no later than upon renewal if a credit is given, or within sixty (60) days of the renewal date or anniversary date if a refund is provided to the insured or other person paying the premium. Premium adjustments shall be calculated for the period commencing with Medicare benefit changes; and

(b) Any appropriate riders, endorsements, or policy forms needed to accomplish the Medicare supplement insurance modifications necessary to eliminate benefit duplications with Medicare. Any such riders, endorsements, or policy forms shall provide a clear description of the Medicare supplement insurance benefits provided by the Medicare supplement policy.

Section 9. Filing Requirements for Out-of-state Group Policies. All group Medicare supplement policies and all certificates used under such policies in this state shall not be used in this state until filed with and approved by the commissioner.

Section 10. Permitted Compensation Arrangements. (1) An insurer or other entity may provide commission or other compensation to an agent or other representative for the sale of a Medicare supplement policy or certificate only if the first year commission or other first year compensation is no more than 200 percent of the commission or other compensation paid for selling or servicing the policy or certificate in the second year or period.

(2) The commission or other compensation provided in subsequent (renewal) years must be the same as that provided in the second year or period and must be provided for a reasonable number of renewal years.

(3) No entity shall provide compensation to its agents or other producers and no agent or producer shall receive compensation greater than the renewal compensation payable by the replacing insurer on renewal policies or certificates if an existing policy or certificate is replaced unless benefits of the new policy or certificate are clearly and substantially greater than the benefits under the replaced policy.

(4) For purposes of this section, "compensation" includes pecuniary or nonpecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate including, but not limited to, bonuses, gifts, prizes, awards, and finders' fees.

Section 11. Required Disclosure Provisions. (1) General rules.

(a) Medicare supplement policies shall include a renewal provision. The language or

specifications of such provision must be consistent with the type of insurance policy issued. Such provision shall be appropriately captioned and shall appear on the first page of the policy.

(b) Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured, exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after the date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement policies, or if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy.

(c) A Medicare supplement policy which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary," or words of similar import, shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

(d) If a Medicare supplement policy contains any limitations with respect to preexisting conditions, such limitations must appear as a separate paragraph of the policy and be labeled as "preexisting condition limitations."

(e) Medicare supplement policies or certificates shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the policyholder or certificate holder shall have the right to return the policy or certificate within at least thirty (30) days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the insured is not satisfied for any reason.

(f) Insurers issuing insurance policies and certificates thereunder covering accident and sickness and hospital or medical expenses on an expense incurred or indemnity basis, other than incidentally, to persons eligible for Medicare by reason of age shall provide to all applicants a Medicare supplement buyer's guide in the form developed jointly by the National Association of Insurance Commissioners and the Health Care Financing Administration. Delivery of the buyer's guide shall be made whether or not such policies or certificates are advertised, solicited, or issued as Medicare supplement policies as defined in this regulation. Delivery of the buyer's guide shall be made to the applicant at the time of application and acknowledgment of receipt of the buyer's guide shall be obtained by the insurer, except that direct response insurers shall deliver the buyer's guide to the applicant upon request, but not later than the time the policy is delivered.

(2) Notice requirements.

(a) As soon as practicable, but no later than thirty (30) days prior to the annual effective date of any Medicare benefit changes, every insurer providing coverage to a resident of Kentucky under a Medicare supplement policy shall notify its insureds of modifications it has made to Medicare supplement policies. Such notice shall be in a format acceptable to the commissioner. For the years 1989 and 1990, and if prescription drugs are covered in 1991, such notice shall be in the format prescribed in Appendices A, B, and C. In addition, such notice shall:

1. Include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement insurance policy or contract; and

2. Inform each covered person as to when any premium adjustment is to be made due to changes in Medicare.

(b) The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension.

(c) Such notices shall not contain or be accompanied by any solicitation.

(3) Outline of coverage requirements for Medicare supplement policies.

(a) Insurers issuing Medicare supplement policies or certificates for delivery in this state shall provide an outline of coverage to all applicants at the time application is made and, except for direct response insurers, shall obtain an acknowledgment of receipt of such outline from the applicant.

(b) If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate must accompany such policy or certificate when it is delivered and contain the following statement, in no less than twelve (12) point type immediately above the insurer's name:

"NOTICE: READ THIS OUTLINE OF COVERAGE CAREFULLY. IT IS NOT IDENTICAL TO THE OUTLINE OF COVERAGE PROVIDED UPON APPLICATION AND THE COVERAGE ORIGINALLY APPLIED FOR HAS NOT BEEN ISSUED."

(c) The outline of coverage provided to applicants pursuant to this subsection shall be in the form prescribed below:

(INSURER NAME)
OUTLINE OF MEDICARE SUPPLEMENT COVERAGE
AND PREMIUM INFORMATION
Use this outline to compare benefits
and premiums among policies

1. Read your policy carefully - this outline of coverage provides a very brief description of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth in detail the rights and obligations of both you and your insurance company. It is, therefore, important that you READ YOUR POLICY CAREFULLY!
2. Medicare supplement coverage - policies of this category are designed to supplement Medicare by covering some hospital, medical, and surgical services which are partially covered by Medicare. Coverage is provided for hospital inpatient charges and some physician charges, subject to any deductibles and

copayment provisions which may be in addition to those provided by Medicare, and subject to other limitations which may be set forth in the policy. The policy does not provide benefits for custodial care such as help in walking, getting in and out of bed, eating, dressing, bathing, and taking medicine (this final sentence may be deleted if coverage for custodial care is, in fact, provided).

3. a. (for agents)
   Neither (insert insurer's name) nor its agents are connected with Medicare.
   b. (for direct response insurers:)
   (insert insurer's name) is not connected with Medicare.
4. A brief summary of the major medical benefit gaps in Medicare Parts A and B with a parallel description of supplemental benefits, including dollar amounts (and indexed copayments or deductibles as appropriate), provided by Medicare supplement coverage in the following order:

DESCRIPTION	THIS POLICY PAYS**	YOU PAY
I. Minimum Standards		
SERVICE		
PART A		
Inpatient Hospital Services:		
Semiprivate Room & Board		
Miscellaneous Hospital Services & Supplies, such as Drugs, X-rays, Lab Tests & Operating Room		
Blood		
PART B		
Medical Expense:		
Services of a Physician/Outpatient Services		
Medical Supplies other than Prescribed Drugs		
BLOOD		
MISCELLANEOUS		
Immunosuppressive Drugs		
II. Additional Benefits		
PART A		
Part A Deductible		
Private Rooms		
In-hospital Private Nurses		
Skilled Nursing Facility Care		
PARTS A & B		
Home Health Services		
PART B		
Part B Deductible		
Medical Charges in Excess of Medicare Allowable Expenses (Percentage Paid)		
OUT-OF-POCKET MAXIMUM		
PRESCRIPTION DRUGS		
MISCELLANEOUS		
Respite Care Benefits		
Expenses Incurred in Foreign Country		
Other:		
TOTAL PREMIUM		$_____

IN ADDITION TO THIS OUTLINE OF COVERAGE, (INSURANCE COMPANY NAME) WILL SEND AN ANNUAL NOTICE TO YOU 30 DAYS PRIOR TO THE EFFECTIVE DATE OF MEDICARE CHANGES WHICH WILL DESCRIBE THESE CHANGES AND THE CHANGES IN YOUR MEDICARE SUPPLEMENT COVERAGE.

**If this policy does not provide coverage for a benefit listed above, the insurer must state "no coverage" beside that benefit in the first column. (The order of benefits in this outline of coverage should be adjusted by those states which have adopted additional minimum standards.)

5. (The following charts shall accompany the outline of coverage:)

(COMPANY NAME)
NOTICE OF CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT COVERAGE - 1990

THE FOLLOWING CHART BRIEFLY DESCRIBES THE MODIFICATIONS IN MEDICARE AND IN YOUR MEDICARE SUPPLEMENT COVERAGE. PLEASE READ THIS CAREFULLY!
(A BRIEF DESCRIPTION OF THE REVISIONS TO MEDICARE PARTS A & B WITH A PARALLEL DESCRIPTION OF SUPPLEMENTAL BENEFITS WITH SUBSEQUENT CHANGES, INCLUDING DOLLAR AMOUNTS, PROVIDED BY THE MEDICARE SUPPLEMENT COVERAGE IN SUBSTANTIALLY THE FOLLOWING FORMAT.)

SERVICES	MEDICARE BENEFITS		YOUR MEDICARE SUPPEMENT COVERAGE	
	In 1989 Medicare Pays Per Calendar Year	Effective January 1, 1990, Medicare Will Pay	In 1989 Your Coverage Pays	Effective January 1, 1990 Your Coverage Will Pay
MEDICARE PART A SERVICES AND SUPPLIES				
Inpatient Hospital Services:	Unlimited number of hopsital days after $560 deductible	All but $592 for first 60 days/ benefit period		
Semiprivate Room & Board		All but $148 a day for 61st-90th days/ benefit period		

Miscellaneous Hospital Services & Supplies, such as Drugs, X-rays, Lab Tests & Operating Room		All but $296 a day for 91st-150th days (if individual chooses to use 60 nonrenewable lifetime reserve days
BLOOD	Pays all costs except payment of deductible (equal to costs for 1st 3 pints) each calendar year. Part A blood deductible reduced to the extent paid under Part B	Pays all costs except nonreplacement fees (blood deductible) for 1st 3 pints in each benefit year
Skilled Nursing Facility Care	There is no prior confinement requirement for this benefit	100% of costs for 1st 20 days (after a 3 day prior hospital confinement)/ benefit period
	First 8 days-All but $25.50 a day	All but $74 a day for 21st-100th days/benefit period
	9th-150th day 100% of costs	Beyond 100 days - Nothing/benefit period
	Beyond 150 days - Nothing	
MEDICARE PART B SERVICE & SUPPLES	80% of allowable charges (after $75 deductible)	80% of allowable charges (after $75 deductible/ calendar year)
PRESCRIPTION DRUGS	Inpatient prescription drugs. 80% of allowable charges for immunosuppressive drugs during the first year following a covered transplant (after $75 deductible/ calendar year)	Inpatient prescription drugs. 80% of allowable charges for immunosuppressive drugs during the first year following a covered transplant (after $75 deductible/ calendar year)
BLOOD	80% of all costs except nonreplacement fees (blood deductible) for 1st 3 pints in each benefit period (after $75 deductible/calendar year	80% of costs except nonreplacement fees (blood deductible) for 1st 3 pints (after deductible/calendar year

(Any other policy benefits not mentioned in this chart should be added to the chart in the order precribed by the outline of coverage. If there are corresponding Medicare benefits, they should be shown.)
(Describe any coverage provisions changing due to Medicare modifications.)
(Include information about when premium adjustments that may be necessary due to changes in Medicare benefits will be effective.)
THIS CHART SUMMARIZING THE CHANGE IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT PROVIDED BY (COMPANY) ONLY BRIEFLY DESCRIBES SUCH BENEFITS. FOR INFORMATION ON YOUR MEDICARE BENEFITS CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION. FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT (policy) CONTACT:

(COMPANY OR FOR AN INDIVIDAL POLICY - NAME OF AGENT)
(ADDRESS/PHONE NUMBER)

6. A statement that the policy does not cover the following:
   a. Private duty nursing;
   b. Skilled nursing home care costs (beyond what is covered by Medicare);
   c. Custodial nursing home care costs;
   d. Intermediate nursing home care costs;
   e. Home health care above the number of visits covered by Medicare;
   f. Physician charges (above Medicare's reasonable charges);
   g. Drugs (other than prescription drugs furnished during a hospital or skilled nursing facility stay);
   h. Care received outside the United States; and
   i. Dental care or dentures, checkups, routine immunizations, cosmetic surgery, routine foot care, and examinations for the cost of eyeglasses or hearing aids.
7. A description of any policy provisions which exclude, eliminate, resist, reduce, limit, delay, or in any manner operate to qualify payments of benefits described in paragraph 4 above, including conspicuous statements:
   a. That the chart summarizing Medicare benefits only briefly describes such benefits; and
   b. That the Health Care Financing Administration or its Medicare publications should be consulted for further details and limitations.
8. A description of policy provisions respecting renewability or continuation of coverage, including any reservation of rights to change premium.
9. The amount of premium for this policy.

(4) Notice regarding policies or subscriber contracts which are not Medicare supplement policies. Any accident or sickness insurance policy (other than a Medicare supplement policy), a policy issued pursuant to a contract under Section 1876 of the Federal Social Security Act (42 U.S.C. §1395 et seq.), disability income policy, basic, catastrophic, or major medical expense policy, or single premium nonrenewable policy issued for delivery in Kentucky to persons eligible for Medicare by reason of age shall notify insureds under such policy that the policy is not a Medicare supplement policy. Such notice shall either be printed on or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, printed on or attached to the first page of the policy or certificate delivered to insureds. Such notice shall be in no less than twelve (12) point type and shall contain the following language:

"THIS (POLICY OR CERTIFICATE) IS NOT A MEDICARE SUPPLEMENT POLICY. If you are eligible for Medicare, review the Medicare supplement buyer's guide available from the insurance company."

Section 12. Requirements for Application Forms and Replacement Coverage. (1) Comparison statement. When a Medicare supplement policy is to replace another Medicare supplement policy, there shall be presented to the applicant, no later than at the time of taking the application, a comparison statement which shall be in the form prescribed by the commissioner. Direct response insurers shall present the comparison statement to the applicant not later than at the time of delivery of the policy. Agents shall obtain the signature of the applicant on the comparison statement and shall sign the comparison statement and send the comparison statement to the insurer. A copy of the comparison statement shall be attached to the replacement policy.

(2) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another Medicare supplement insurance policy or certificate in force or a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and the agent, except where the coverage is sold without an agent, containing these questions may be used:

(a) Do you have another Medicare supplement insurance policy or certificate in force?

(b) Did you have another Medicare supplement policy or certificate in force during the last twelve (12) months?

1. If so, with which company?
2. If that policy lapsed, when did it lapse?

(c) Are you covered by Medicaid?

(d) Do you intent to replace any of your health insurance coverage with this policy (or certificate)?

(3) Agents shall list any other health insurance policies they have sold to the applicant.

(a) List policies sold which are still in force.

(b) List policies sold in the last five (5) years which are no longer in force.

(4) Upon determining that a sale will involve replacement, an insurer (other than a direct response insurer), or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of accident and sickness insurance. One (1) copy of such notice signed by the applicant and the agent, except where coverage is sold without an agent, shall be provided to the applicant and an additional signed copy shall be retained by the insurer. A direct response insurer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of accident and sickness coverage. In no event, however, will such a notice be required in the solicitation of "accident only" and "single premium nonrenewable" policies.

(5) The notice required by subsection (4) of this section for an insurer (other than a direct response insurer) shall be provided in substantially the following form:

NOTICE TO APPLICANT REGARDING REPLACEMENT
OF MEDICARE SUPPLEMENT INSURANCE
(Insurer Name and Address)
SAVE THIS NOTICE! IT MAY BE IMPORTANT
TO YOU IN THE FUTURE.

According to (your application or information you have furnished), you intend to lapse or otherwise terminate existing accident and sickness insurance and replace it with a policy to be issued by (insurer name). Your new policy provides (insert here an amount of time not less than thirty (30) days) within which you may

decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy. You should review this new coverage carefully, comparing it with all health insurance you now have, and terminate your present policy only if, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision.

STATEMENT TO APPLICANT BY AGENT (OR OTHER REPRESENTATIVE):

(Use additional sheets, as necessary).

I have reviewed your current health insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention:

(a) Health conditions which you may presently have (so-called preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy (this paragraph may be modified if preexisting conditions are, in fact, covered under the new policy).

(b) State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods, or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

(c) If you are replacing existing Medicare supplement insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(d) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the insurer to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been recorded properly.

_____

Signature of Agent or Other Representative

_____

Typed Name and Address of Agent

The above "Notice to Applicant" was delivered to me on:

_____

Date

_____

Applicant's Signature

(6) The notice required by subsection (4) of this section for a direct response insurer shall be as follows:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE

(Insurer's Name and Address)

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to (your application or information you have furnished) you intend to lapse or otherwise terminate existing Medicare supplement insurance and replace it with the policy delivered with this notice issued by (insurer name). Your new policy provides thirty (30) days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy. You should review this new coverage carefully, comparing it with all accident and sickness coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision.

(a) Health conditions which you may presently have (so-called preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(b) State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods, or probationary periods. Your insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

(c) If you are replacing existing Medicare supplement insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(d) (To be included only if the application is attached to the policy). If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Check the application and write to (insurer name and address) within thirty (30) days if any information is not correct and complete, or if any past medical history has been left out of the application.

_____

Insurer Name

Section 13. Filing Requirements for Advertising of Medicare Supplement Policies. (1) Every insurer, nonprofit hospital, medical-surgical, dental, and health service corporation, or health maintenance organization

providing Medicare supplement policies in Kentucky shall provide a copy of any Medicare supplement policy advertisement intended for use in Kentucky whether through written, radio, or television, to the commissioner prior to such use. Advertisements need not be approved prior to use, but an advertisement shall not be used if it has been disapproved by the commissioner and notice of such disapproval has been given to the insurer, nonprofit hospital, medical-surgical, dental, and health service corporation, or health maintenance organization.

(2) Insurers and agents shall not use the names and addresses of persons purchased as "leads" unless the solicitation material used to obtain the names and addresses of the "leads" are filed as advertisements as required by this section. Insurers and agents shall not use such "leads" if the solicitation materials have been disapproved by the commissioner.

Section 14. Policy Delivery. If a Medicare supplement policy is not delivered by mail, the agent or insurer shall obtain a signed and dated delivery receipt from the insured. If the delivery receipt is obtained by an agent, the agent shall forward the delivery receipt to the insurer.

Section 15. Standards for Marketing. (1) Every insurer, nonprofit hospital, medical-surgical, dental, and health service corporation, and health maintenance organization marketing Medicare supplement insurance coverage in Kentucky, directly or through its agents or other representatives, shall:

(a) Establish marketing procedures to assure that any comparison of policies by its agents or other representatives will be fair and accurate.

(b) Establish marketing procedures to assure excessive insurance is not sold or issued.

(c) Display prominently by type, stamp, or other appropriate means, on the first page of the outline of coverage and the policy the following disclosure:

"Notice to buyer: This policy may not cover all of the costs associated with medical care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations."

(d) Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance.

(e) Every insurer or entity marketing Medicare supplement insurance shall establish auditable procedures for verifying compliance with this subsection.

(2) In addition to the practices prohibited in KRS Chapter 304.12 and 806 KAR Chapter 12, the following acts and practices are prohibited:

(a) Twisting. Making any unfair or deceptive representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any insurance policy or to take out a policy of insurance with another insurer.

(b) High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

(c) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

Section 16. Appropriateness of Recommended Purchase and Excessive Insurance. (1) In recommending the purchase or replacement of any Medicare supplement policy or certificate an agent shall make reasonable efforts to determine the appropriateness of recommended purchase or replacement.

(2) Any sale of medicare supplement coverage which will provide an individual more than one (1) Medicare supplement policy or certificate is prohibited, but additional Medicare supplement coverage may be sold if, it would insure no more than 100% of the individual's actual medical expenses covered under the combined policies.

Section 17. Reporting of Multiple Policies. (1) On or before March 1, every insurer or other entity providing Medicare supplement insurance coverage in this state shall report the following information for every individual resident of this state for which the insurer or entity has in force more than one (1) Medicare supplement insurance policy or certificate:

(a) Policy and certificate number; and

(b) Date of issuance.

(2) The items set forth above shall be grouped by individual policyholder.

Section 18. Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods, and Probationary Periods in Replacement Policies or Certificates. If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing insurer shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, and probationary periods in the new Medicare supplement policy for similar benefits to the extent such time was spent under the original policy.

Section 19. Transition of Medicare Supplement Policy Benefits and Premiums Due to Changes in Medicare. (1) The purpose of this section is to assure the orderly implementation and conversion of Medicare supplement insurance benefits and premiums due to changes in the federal Medicare program, to provide for the reasonable standardization of the coverage, terms, and benefits of Medicare supplement policies, to facilitate public understanding of such policies or contracts, to eliminate provisions contained in such policies or contracts which may be misleading or confusing in connection with the purchase of such policies or contracts, to eliminate policy or contract provisions which may duplicate Medicare benefits, to provide for adjustment of required minimum benefits for Medicare supplement policies, to provide notice to former policy holders of an offer to reinstitute coverage, to provide full disclosure of policy or contract benefits and benefit changes, and to provide for appropriate premium adjustments.

(2) This section shall take precedence over other requirements relating to Medicare supplement policies only to the extent necessary to assure that benefits are not duplicated and to adjust minimum required benefits to changes in Medicare benefits, that applicants receive adequate notice and disclosure of changes in Medicare supplement policies and contractgs, that appropriate premium adjustments are made in a timely manner, and that premiums are reasonable in relation to benefits. Except as otherwise provided, this regulation shall apply to:

(a) All Medicare supplement policies and contracts delivered, issued for delivery, or which are otherwise subject to the jurisdiction of Kentucky on or after the effective date of this regulation; and

(b) All certificates issued under group Medicare supplement policies as provided in paragraph (a) of this subsection.

(3) Benefit conversion requirements.

(a) Effective January 1, 1990, no Medicare supplement insurance policy, contract, or certificate in force in this state shall contain benefits which duplicate benefits provided by Medicare.

(b) Benefits eliminated by operation of the Medicare Catastrophic Coverage Act of 1988 transition provisions shall be restored.

(c) For Medicare supplement policies subject to the minimum standards adopted by the states pursuant to the Medicare Catastrophic Coverage Act of 1988, the minimum benefits shall be:

1. Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

2. Coverage for either all or none of the Medicare Part A inpatient hospital deductible amounts;

3. Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

4. Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety (90) percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

5. Coverage under Medicare Part A for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) uness replaced in accordance with federal regulations or already paid for under Part B.

6. Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out of pocket amount equal to the Medicare Part B deductible; and

7. Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

(d) General requirements. No later than January 31, 1990, every entity providing Medicare supplement insurance or benefits to a Kentucky resident shall notify its policyholders of modifications it has made to Medicare supplement insurance policies or contracts. Such notice shall be in the format set forth in Appendix A.

1. The notice shall not contain or be accompanied by any solicitation.

2. No modifications to an existing Medicare supplement policy shall be made at the time of or in connection with the notice requirements of this section except to the extent necessary to accomplish the purposes set forth in subsection (1) of this section.

(4) Rate and form filing requirements.

(a) As soon as practicable, but no later than forty-five (45) days after the effective date of the Medicare benefit changes, every entity issuing Medicare supplement policies in Kentucky shall file with the commissioner, in accordance with the applicable filing procedures, the following:

1. Appropriate premium adjustments necessary to produce loss ratios as originally anticipated for the applicable policies or contracts. Supporting documents which are necessary to justify the adjustment shall accompany the filing.

2. Any appropriate riders, endorsements, or policy forms needed to accomplish Medicare supplement policy modifications necessary to eliminate benefit duplications with Medicare and to provide the benefits required by subsection (3) of this section. Any such riders, endorsements, or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or contract.

(b) Upon satisfying the filing and approval requirements, every entity providing Medicare supplement policies in Kentucky shall provide each covered person with any rider, endorsement, or policy form necessary to make the adjustment outlined in subsection (3) of this section.

(c) Any premium adjustments shall produce an expected loss ratio under such policy or contract as will conform with minimum loss ratio standards for Medicare supplement policies and shall result in an expected loss ratio of at least as great as that originally anticipated by the insurer for such Medicare supplement insurance policies or contracts. Premium adjustments may be calculated for the period commencing with Medicare benefit changes.

(5) Offer of reinstitution of coverage.

(a) Except as provided in paragraph (b) of this subsection, in the case of an individual who had in effect on December 31, 1988, a Medicare supplement policy or certificate and the individual terminated coverage under such policy before the date of the enactment of the repeal of the Medicare Catastrophic Coverage Act of 1988, the insurer shall:

1. Provide written notice as soon as practicable to the policyholder or certificate holder at the last address known to the insurer of the offer described below; and

2. Offer the individual, reistitution of coverage effective as of January 1, 1990, under the following terms:

a. There will be no provision for any waiting period with respect to treatment of preexisting conditions;

b. Provision for coverage which is substantially equivalent to coverage in effect before the date of termination; and

c. Provision for classification of premiums on

terms which are at least as favorable to the policyholder or certificate holder as the premium clasification terms that would have applied to the policyholder or certificate holder had the coverage never terminated.

(b) An insurer is not required to make the offer under paragraph (a)2 of this subsection in the case of an individual who is a policyholder or certificate holder of another Medicare supplement policy as of January 1, 1990, if the individual is not subject to a waiting period with respect to treatment of preexisting condition under the other policy.

(6) Requirements for new polices and certificates.

(a) Effective January 1, 1990, no Medicare supplement insurance policy, contract or certificate shall be delivered or issued for delivery in Kentucky which provides benefits which duplicate benefits provided by Medicare. No such policy, contract, or certificate shall provide less benefits than those required under this regulation, except where duplication of Medicare benefits would result and except as required by this section.

(b) General requirements.

1. Within ninety (90) days after the effective date of this regulation, every entity issuing Medicare supplement policies shall file new Medicare supplement policies or contracts which eliminate any duplication of Medicare supplement benefits provided by Medicare, which adjust minimum required benefits to changes in Medicare benefits and which provide a clear description of the policy or contract benefit.

2. The filing required under subsection (4)(a)1 of this section shall provide for loss ratios which are in compliance with all minimum standards.

3. Every applicant for a Medicare supplement insurance policy or certificate shall be provided an outline of coverage which simplifies and accurately describes benefits provided by Medicare and policy or certificate benefits and limitations.

Section 20. Severability. If any provision of this regulation or the application of this regulation to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 21. Repeal of 806 KAR 17:065; Effective Date. (1) 806 KAR 17:060, Minimum standards for Medicare supplement policies, is repealed effective.

(2) This regulation shall become effective upon completion of its review pursuant to KRS Chapter 13A.

(For Appendix A, see Chart in Section 5 of the "OUTLINE OF MEDICARE SUPPLEMENT COVERAGE AND PREMIUM INFORMATION", (Section 11(3)(c) of this regulation)

ELIZABETH P. WRIGHT, Commissioner
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: July 5, 1990
FILED WITH LRC: July 17, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
902 KAR 10:040E

It is necessary to incorporate into regulatory form the changes necessitated by the provisions of KRS Chapter 13A. The regulation will "sunset" under the provisions of KRS 13A.347(4) unless emergency action is taken. The emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

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

CABINET FOR HUMAN RESOURCES
Department for Health Services

902 KAR 10:040E. Youth camps.

RELATES TO: KRS 211.180
STATUTORY AUTHORITY: KRS 194.050, 211.090(3)
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 211.180 authorizes the Cabinet for Human Resources to regulate certain public health matters including the sanitation of public and semipublic recreational areas; the detection, prevention and control of communicable disease and health hazards; and to provide for the protection and improvement of the health of school age children. This regulation establishes uniform standards for youth camps [and includes the issuance, suspension, and revocation of permits to operate; submission of plans for construction and equipment layout; plumbing; lighting; ventilation; water supply; sewage disposal; solid waste disposal; sanitary standards for operation; inspections; and other matters] necessary to insure a safe and sanitary environment [in order] to protect the health and safety of children [who] attending camps in this state.

Section 1. Citation of Regulation. This regulation may be cited as "The Kentucky Youth Camp Regulation."

Section 2. Definitions. As used in this regulation the following definitions shall apply: [in the interpretation and enforcement of this regulation.]

(1) "Approved" means that which is acceptable to the cabinet.

(2) "Cabinet" means the Cabinet for Human Resources and its agents.

(3) [(1)] "Camp" or "youth camp" means any area, parcel, or tract of land, under the control of any person on which facilities are established, maintained or operated for recreational, educational, or vacation purposes for five (5) or more children [youths under eighteen (18) years of age], either free of charge, or for payment of a fee[; provided, however, that individual or family camp units are excluded from the requirements of this regulation].

(a) This definition includes the following types of camps:

1. [(a)] "Day camp" means a camp operated for all or part of the day, but does not include overnight lodging of campers [less than twenty-four (24) hours a day during one (1) or more seasons of the year];

2. [(b)] "Primitive or outpost camp" means a

portion of the residential [permanent] camp premises or other site under control of the [youth] camp operator [at] which is intended only for occasional use as an overnight tent camping site, and has no permanent structures or facilities [the basic needs for camp operation, such as places of abode, water supply system, and permanent toilet and cooking facilities are not usually provided]; and

3. [(c)] "Residential camp" means a camp operated [ing] on a permanent campsite with [and providing] overnight lodging facilities.

(b) This definition shall not include the following:

1. Developed or primitive camps or campsites open to the general public on public lands, except that use of these sites or areas for operation of a youth camp shall be included in this definition;

2. Camps, campsites, or camping sessions operated solely for family or adult camping;

3. Privately owned camps or campsites intended for the sole use of the owner, their family and invited guests;

4. Day care or similar facilities which are operated with the intent to provide child care on a routine basis for infant, toddler, preschool, or school age groups individually or collectively, during parents' working hours, before or after school or during school vacation periods;

5. Weekend or similar overnight troop or trip camping activities conducted by organized youth troops or associations of less than seventy-two (72) hours duration, and not a part of an established youth camp operating session.

(4) [(2)] "Camper" means any child under eighteen (18) years of age living apart from, or with the intention of living apart from, his relatives, parents, or legal guardians, while attending a youth camp.

(5) [(3)] "Camp director" means the individual agent of the camp operator on the premises of any youth camp who has the primary responsibility for the administration, operation and supervision of the camp and its staff [of program operations and supportive services for such camp and the supervision of the youth camp staff of such camp].

(6) [(4)] "Camp operator" means the [any private or public agency, organization, or] person that owns, [and any individual, who operates, or otherwise controls [or supervises] a youth camp, whether the [such] camp is operated for profit or not for profit.

[(5) "Cabinet" means the Cabinet for Human Resources and the local health department having jurisdiction and their duly designated representatives.]

[(6) "Natural bathing place" means a swimming place, together with shores, buildings, equipment, and appurtenances if any, and the water and the land areas used in connection therewith, at a lake, stream, or other body of fresh water.]

(7) "Permanent structure" means any building and appurtenances owned or [and] operated by the camp management for living, dining, kitchen, sleeping, toilet, bathing, shelter, tool shed, storage, assembly, infirmary, or stabling purposes, [stable, so] constructed [as] to be immobile and permanent.

(8) "Permit" means a written document issued by the cabinet giving a designated person permission to operate a specific camp.

(9) "Person" means any individual, firm, partnership, company, corporation, organization, trustee, association, or any public or private entity.

(10) "Semipermanent structure" means any building, tent, structure or trailer and appurtenances owned or [and] operated by the camp management for sleeping, living, dining, toilet, bathing, kitchen, tool shed, storage, assembly, infirmary, or animal sheltering purposes, [so] constructed [as] to be movable, may be easily disassembled, and not permanent in nature.

[(11) "Swimming crib" means a pool structure partly submerged in a stream, river or lake to utilize the water thereof, and used as an enclosure for swimming.]

Section 3. Permits. No person shall operate a youth camp within the Commonwealth of Kentucky without [who does not] possession of a valid permit issued [to him without fee] by the cabinet. Only a person who complies with the requirements of this regulation shall be entitled to receive and retain [such] a permit. Permits shall not be transferable from one person to another person or place. The permit shall be posted or readily available at every camp. Each permit shall expire on December 31 next following its date of issuance.

Section 4. Application for a Permit. (1) Any person desiring to operate a camp shall make written application on forms provided by the cabinet. The application shall include:

(a) Applicant's full name and address and indicate whether the applicant is an individual, firm or corporation;

(b) If a partnership, the names of the partners, and their addresses;

(c) The location of the camp;

(d) The type of camp; and

(e) The signature of the applicant or applicants.

(2) Upon receipt of [such] an application, the cabinet shall make an inspection of the camp to determine compliance with the provisions of this regulation. If [When] inspection discloses that the applicable requirements of this regulation have been met, a permit shall be issued to the applicant by the cabinet.

Section 5. Camp Site. The camp site shall be located on land that provides good natural drainage. The area on which the tents, buildings, or structures are erected, together with [such] other areas frequently used for camp activities, shall be well drained and not located in a swamp or similar place in which mosquitoes may breed.

Section 6. Camp [Lodging] Facilities. (1) All camp structures [places] used for human occupancy or assembly, and all electrical, heating, ventilating, air conditioning, plumbing and lighting systems in those structures [habitation in a camp] shall be designed and constructed pursuant to the State Building Code, except for tents, which shall meet federal flammability standards [provided with adequate artificial or natural lighting and ventilation and shall be maintained in a safe and sanitary condition; provided, however, that artificial lighting shall not be required in tents].

(2) All camp food preparation and service

facilities shall comply with the provisions of KRS 219.011 to 219.081 and 219.991 and the State Food Service Code. If food for campers and staff is not prepared by the camp, food shall be obtained from a commercial food service establishment holding a valid permit from the cabinet.

(3) [(2)] Floors, walls, [and] ceilings, and attached or freestanding appurtenances, fixtures and equipment in all permanent and semipermanent structures [used for living and sleeping purposes] shall be kept clean and in good repair. [Tent material shall be flame retardant.]

(4) [(3)] All gas or oil burning heating and cooking facilities used [provided] in any camp shall meet applicable state fire codes for installation, operation and maintenance. [be properly vented and maintained. No open-faced gas or oil burning heaters shall be allowed under any circumstances.]

Section 7. Sleeping Facilities. (1) A minimum of [(4) The number of sleepers per permanent structure of any camp shall be such that each sleeper may be provided with at least] thirty (30) square feet of floor space shall be provided for each camper in all structures used for sleeping purposes.

(2) All [Permanent] structures used as sleeping quarters shall be designed to provide a minimum of two (2) feet separation between beds, cots, or sleeping bags on all sides [when arranged side by side]. Beds, cots, or sleeping bags shall be placed so that the heads of campers [sleepers] are at least six (6) feet apart, and if double decked beds are used, there shall be not less than twenty-seven (27) inches of separation between the lower mattress and the bottom of the upper bed. [If semipermanent structures at a residential camp are used for sleeping purposes, the provisions of this subsection shall apply.]

(3) [(5)] Mattresses shall be covered in materials which are water repellent, easily cleanable and meet federal flammability standards, or shall be encased in a separate mattress cover which meets these requirements. Each occupied bed or cot [flame retardant and provided with covers. Sleeping surfaces] shall be provided with one (1) sheet, one (1) pillow, one (1) pillowcase, and one (1) blanket either by the camp, or by the individual camper; except that [at least one (1) sheet or mattress cover; provided, however,] this requirement shall not apply if a [the] camper provides his own sleeping bag.

(4) [(6)] All articles of bedding provided by the camp shall be kept clean and in good repair. Linen shall be changed at least once weekly and more often if necessary, or if [when] there is a new camper occupying the bed or cot.

Section 8. Personal Hygiene [7. Water Closets, Privies, Lavatory and Shower] Facilities. (1) Each residential or [and] day camp [site] shall provide personal hygiene facilities consisting of [be provided with] water closets, hand-washing and shower facilities for each sex accommodated, pursuant to the design, construction and sanitary fixture requirements of the State Plumbing Code. [as shown in the following tables; provided, however, that day camps shall not be required to provide shower facilities.]

[

Persons of Each Sex to be Served	Boys Water Closets	Urinals*	Girls Water Closets	Boys or Girls Lava-tories	Showers
1-18	1	1	2	1	1
19-33	2	1	2	2	2
34-48	2	2	3	2	3
49-63	3	2	4	3	4
64-79	3	3	5	3	5
80-95	4	3	6	4	6

*Water closets can be substituted for urinals when facilities may be used by both sexes.]

[For camps having more than ninety-five (95) residents there shall be provided: one (1) additional water closet and lavatory for each twenty-five (25) residents; one (1) additional shower for each twenty (20) residents; and one (1) urinal per fifty (50) male residents.]

(2) Personal hygiene facilities [Toilets and bathhouses containing water closets, lavatories and showers] shall [be adequately ventilated,] have natural and [or] artificial lighting of at least twenty (20) foot-candles[, the floors shall be of concrete or other impervious material].

(3) Personal hygiene facilaities [Toilets] shall be [so] located no more than 500 feet from any permanent or semipermanent structure or tent used for human occupancy or assembly. [and distributed that no habitable permanent or semipermanent structure or tent will be more than 500 feet from such facilities.]

(4) [(3)] Hot and cold or tempered water service shall be provided to [at] all lavatories and showers, and approved temperature limited devices meeting State Plumbing Code requirements shall be used to prevent delivery of water at a temperature that could scald a camper; except that [at the campsites where overnight facilities are furnished; provided, however,] existing camps will not be required to furnish hot or tempered water at existing lavatories or showers.

(5) [(4)] Lavatories or hand-washing facilities shall be conveniently located to all toilet facilities. Water, hand-cleansing soap, and approved sanitary towels or other approved hand-drying device shall be provided at all lavatories and hand-washing facilities.

(6) [(5)] All personal hygiene [toilets, lavatories and bathing] facilities shall be maintained in good repair and shall be kept clean at all times.

[(6) When flush type toilets are not provided, other types of toilet facilities such as earth pit privies or chemical type may be used if so constructed and maintained as to prevent fly breeding, nuisances and contamination of any water supply. Privies shall be provided at the ratio of one (1) pit opening for every ten (10) campers. Privies shall not be located within 100 feet of any kitchen or other place where food is prepared or served, and shall be located apart from any building used for bathing or lodging.]

(7) Adequate toilet tissue shall be provided at each toilet facility.

(8) Flame retardant, easily cleanable refuse containers shall be provided in all toilet facilities and shall be covered in toilets for females.

[(9) All plumbing shall comply with the State Plumbing Code.]

Section 9. [8.] Sewage and Waste Water Disposal. All sewage and waste water [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 or the Natural Resources and Environmental Protection Cabinet [and the Department of Housing, Buildings and Construction]; [provided, however,] if a public sewer[age] system subsequently becomes available, connections shall be made [there]to it and the camp sewer[age] system shall be discontinued.

Section 10. [9.] Water Supply System. (1) The water supply shall be potable, adequate and from an approved public supply of a municipality or water district, if available. If [In the event] a public water supply of a municipality or water district is not available, the supply for the camp shall be developed and approved pursuant to [in accordance with] applicable requirements of the Natural Resources and Environmental Protection Cabinet; [provided, however,] if a public water supply of a municipality or water district subsequently becomes available, connections shall be made [there]to it and the camp supply shall be discontinued.

(2) Adequate drinking fountains meeting State Plumbing Code requirements or portable drinking water containers [coolers] of an approved type shall be used [provided] within the camp. Common drinking cups, glasses or vessels are prohibited.

(3) If [Where] portable drinking water containers are used, they shall be of easily cleanable construction, kept securely closed and [so] designed so that water may be withdrawn from the container only by water tap or faucet and shall be maintained in a sanitary condition.

(4) All ice used shall be from an approved source and shall be handled and stored in [such] a manner [as] to prevent contamination. If ice is made on the premises of any camp, the ice-making machine shall be of approved construction and the water shall be of the same bacteriological quality as approved drinking water.

Section 11. [10.] Refuse Handling. (1) The storage, collection and disposal of refuse shall be [so] conducted [as not] to not create a health hazard, rodent harborage, insect breeding area, accident or fire hazard, or air pollution violation and shall conform to all other requirements of the Natural Resources and Environmental Protection Cabinet.

(2) All refuse shall be stored in flytight, watertight, rodent proof containers and containers shall be emptied and cleaned at a [such] frequency necessary [so as] to prevent a nuisance. [; provided, however, plastic bags containing food waste may be used if disposed of on a daily basis or if used as liners in rodent proof containers, or if used for non food refuse.]

(3) Approved container storage [location] shall be provided and shall be [so] designed and maintained [as not] to not create a nuisance.

(4) All refuse containing garbage shall be collected at least once per week or more often if deemed necessary.

Section 12. [11.] Maintenance of Animal Facilities. (1) Barns, stables, corrals or other structures used to house horses and other animals shall be located at least 500 feet from any sleeping, eating or food preparation area. Tie-rails, or hitching posts shall not be located within 200 feet of any dining hall, kitchen or other place where food is prepared, cooked or served.

(2) Barns, stables and corrals shall be located on a well-drained sloping area and [so] situated [as] to prevent contamination of any water supply.

(3) Manure shall be removed from barns, stalls, and corrals as often as necessary to prevent a fly problem. Fly repellents or other precautions shall be used to prevent these [such] shelters from becoming an attractant for or breeding place for flies. Manure disposal shall be handled in a manner which does not create a nuisance or contaminate surface or groundwater.

Section 13. [12.] Swimming Facilities and Recreational Water Activities. (1) All swimming pools, beaches, and natural bathing places [and swimming cribs] shall comply with the Kentucky public swimming and bathing facility regulations [applicable regulations of the Natural Resources and Environmental Protection Cabinet and with applicable local regulations].

(2) All small craft and boating activities shall be conducted in compliance with applicable rules and regulations of the Natural Resources and Environmental Protection Cabinet, Division of Water Patrol.

(3) All swimming and small craft and boating activities shall be under the supervision of a person holding a current American Red Cross Senior Life Saving Certificate or its equivalent at all times. All necessary life saving devices shall be provided.

(4) A method of checking swimmers recognized by the American Red Cross Life Saving and Water Safety Standards shall be enforced.

[(5) Epidemiological investigation, sanitary survey and other factors shall indicate that the area is safe for swimming.]

Section 14. [13.] Insect, Rodent and Pest Control. (1) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestations. Extermination methods and other measures to control insects and rodents shall be pursuant to [in accordance with] applicable state laws and regulations.

(2) Camps shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes or other pests.

(3) Storage areas shall be [so] maintained [as] to prevent rodent harborage. Lumber, pipe and other building materials shall be stored at least one (1) foot above the ground.

Section 15. [14.] Camp Director, Records and Reports, Medical Supervision and First Aid. (1) The camp operator shall assure that a camp director or an authorized agent [representative] is available within the camp boundaries at all times while the camp is in operation.

(2) Records or personal data, including a medical history, shall be kept on each person attending a camp. Minimum records shall include the name, date of birth, and address of each

person in camp; the name, address and telephone number of parents or guardians; and the medical history, and dates of admission and discharge of each camper.

(3) Residential camps shall have facilities for isolation of persons suspected of having a communicable disease. Other camps shall provide for the immediate isolation of campers suspected of having a communicable disease.

(4) Adequate first aid supplies and equipment as designated by the physician on call shall be located within the camp. Residential camps shall have a person holding an American Red Cross Standard First Aid and Personal Safety Certificate or its equivalent on site twenty-four (24) hours a day while the camp is in session. All other camps shall have a person holding, as a minimum, a First Aid Course Certificate from the American Red Cross or its equivalent on site while camp is in session. The certificates shall be made available for examination upon request of an authorized agent of the cabinet.

(5) All prescription drugs shall be kept in a locked cabinet or container.

(6) A nearby physician or emergency room shall be available or on call for medical emergencies and the camp shall have access to a telephone, with emergency telephone numbers posted. Transportation shall be available at all times in the event of an emergency.

(7) All serious illnesses and accidents resulting in death or injury, other than minor injuries which require only first aid treatment and which do not involve medical treatment, shall be reported to the cabinet at the end of the camping season, but not [in no event] later than December 31 of each year, on forms provided by the cabinet.

Section 16. [15.] Safety and Accident Prevention. (1) All camps shall comply with applicable rules and regulations of the State Fire Marshal and applicable local fire codes pertaining to fire safety, fuel supply and fuel connections.

(2) In every camp with an electrical system, the wiring, fixtures, and equipment shall be installed and maintained pursuant to [in accordance with] applicable codes and regulations.

(3) Protection; natural hazards.

(a) Natural hazards within the boundaries of the camp shall be plainly marked [as such] and [such] measures and procedures [as] approved by the cabinet shall be followed [complied with] to insure the safety of the campers.

(b) Poison plants such as poison sumac and poison ivy shall be subject to control and elimination from areas where their presence is hazardous to campers.

(4) Elimination of artificial hazards.

(a) All buildings, grounds and equipment shall be maintained in [such] a manner [as] to eliminate or minimize the danger from holes, glass, splinters, sharp projections and other hazardous conditions [so as] to protect the safety of all persons residing in or using the facilities at the camp site.

(b) All insecticides, pesticides and chemical poisons shall be plainly labeled and stored in a safe place.

(c) Gasoline and other highly flammable fluids shall be plainly marked and stored in a locked container or building not occupied by residents of the camp and at a safe distance from sleeping quarters or buildings where people congregate.

Section 17. [16.] Plan Review for [of] Future Construction. (1) Any person [or persons] contemplating construction, alteration, addition to or change in the construction of any permanent camp shall, prior to the initiation of any such construction, submit plans in triplicate [to the cabinet], through the local health department concerned, of any proposed camp, additions, alterations, or change in construction which shall show:

(a) Name and address of owner or operator of camp;

(b) Area and dimension of the site;

(c) Property lines;

(d) A separate floor plan of all buildings and other improvements constructed or to be constructed including location and number of personal hygiene facilities [sanitary conveniences], including water closets, urinals, showers, hand-washing facilities and including a plumbing riser diagram;

(e) Detail drawings of sewage disposal facilities including written specifications [of sewage plant disposal facilities];

(f) Detail drawings of water supply if source is other than public; and

(g) The location and size of water and sewer lines within the camp.

(2) If [In camps where] central food preparation and food service buildings are to be provided, plans and specifications shall be submitted showing the kitchen floor plan, layout and type of equipment, storage area, restrooms, and dining area pursuant to [all in accordance with] the state food service code.

(3) If [In camps where] artificially constructed swimming pools or beaches are contemplated, plans and specifications shall be submitted to the [Natural Resources and Environmental Protection] cabinet for review and approval prior to construction.

Section 18. [17.] Inspection of Camp. (1) Each camping season an inspection shall be made by the cabinet on each camp at least once prior to the opening of the camp and at least once while the camp is in actual operation. The cabinet shall make as many additional inspections and reinspections as are necessary for the enforcement of this regulation.

(2) If [Whenever] an agent of the cabinet makes an inspection of a camp he shall record his findings on an official cabinet inspection report form and provide the permit holder or operator with a copy. The inspection report shall:

(a) Set forth any violation(s) if found;

(b) Establish a specific and reasonable period of time for the correction of the violations(s) found; and

(c) State that failure to comply with any notice issued pursuant to [in accordance with] the provisions of this regulation may result in suspension or revocation of the permit.

Section 19. [18.] Suspension of Permit. (1) If [Whenever] the cabinet has reason to believe that an imminent public health hazard exists, or if [whenever] the permit holder has interfered with the authorized agents of the cabinet in the performance of their duties, the permit may be suspended immediately upon notice to the permit

holder without a hearing. [In such event] The permit holder may request a hearing which shall be granted as soon as practicable.

(2) In all other instances of violation of the provisions of this regulation the cabinet shall serve upon the holder of the permit a written notice specifying the violation(s) in question and afford the holder a reasonable opportunity to correct them [same]. If [Whenever] a permit holder or operator has failed to comply with any written notice issued under the provisions of this regulation, the permit holder or operator shall be notified in writing that the permit shall be suspended at the end of five (5) days following service of the [such] notice, unless a written request for a hearing is filed with the cabinet, by the permit holder, within the [such] five (5) day period.

(3) The hearings provided for in this regulation shall be conducted by the cabinet at a time and place designated by it. At the conclusion of the hearing, the cabinet shall make a finding of fact and conclusion of the law. A transcript of the hearing need not be made unless the interested party assumes the cost [thereof] and a request is made [therefor] at the time a hearing is requested.

Section 20. [19.] Reinstatement of Suspended Permits. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within five (5) days following receipt of written request, including a statement signed by the applicant that in his opinion the conditions causing the suspension of the permit have been corrected, the cabinet shall make a reinspection. If the applicant is found to be in compliance with the requirements of this regulation, the permit shall be reinstated.

Section 21. [20.] Revocation of Permits. For serious or repeated violations of any of the requirements of this regulation or for interference with the agents of the cabinet in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the cabinet. Prior to such action, the cabinet shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of the [such] notice, unless a request for a hearing is filed with the cabinet by the permit holder, within the [such] ten (10) day period.

Section 22. Existing Facilities and Equipment. Notwithstanding the other provisions of this regulation, facilities and equipment being used by existing youth camps holding valid permits on the effective date of this regulation, which do not fully meet the design and construction requirements of the regulation, may be continued in use, if in good repair, capable of being maintained in a sanitary condition, and create no health or safety hazard.

C. HERNANDEZ, M.D., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: June 20, 1990
FILED WITH LRC: July 19, 1990 at 11 a.m.

STATEMENT OF EMERGENCY
902 KAR 15:010E

It is necessary to incorporate into regulatory form the changes necessitated by the provisions of KRS Chapter 13A. The regulation will "sunset" under the provisions of KRS 13A.347(4) unless emergency action is taken. The emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

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

CABINET FOR HUMAN RESOURCES
Department for Health Services

902 KAR 15:010E. Mobile homes.

RELATES TO: KRS 219.310 to 219.410, 219.991(2)
STATUTORY AUTHORITY: KRS 194.050, 211.090
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 219.310 to 219.410 and 219.991(2) directs the Cabinet for Human Resources to regulate mobile home parks in Kentucky. This regulation establishes standards for park construction and layout; [site planning; lot size; water supply; sewage disposal; lighting; refuse handling; insect and rodent control; inspections; hearings; issuance, suspension and revocation of permits;] sanitary standards for operation and other matters necessary to insure a safe and sanitary mobile home park operation.

Section 1. Definitions. In addition to the definitions set forth in KRS 219.320, the following definitions [terms] shall apply [have the meanings set forth below]:

[(1) "Cabinet" means the Cabinet for Human Resources and the local health department having jurisdiction and their duly designated representatives.]

(1) [(2)] "Mobile home stand" means that part of a mobile home lot which has been reserved for the placement of a mobile home and appurtenant structures or additions.

(2) [(3)] "Park driveway" means a private driveway which affords principal means of access between the park street and individual mobile home lots.

(3) [(4)] "Park street" means the paved portion of a roadway between curbs or, if not paved, the surfaced area separating lots.

(4) [(5)] "Sewer connection" means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewer[age] system serving the mobile home park.

(5) [(6)] "Water connection" means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

Section 2. Application for Construction Permit. Application for a permit to construct or alter a mobile home park shall be made in writing to the cabinet and shall contain:

(1) The name and address of the applicant;
(2) The name and location of the park;
(3) The number and size of all mobile home

lots;
(4) The number of lights and wattage;
(5) The source of water supply;
(6) The type of sewage disposal;
(7) The method of solid waste disposal;
(8) The source of electrical service;
(9) Evidence of compliance with local zoning laws; and
(10) Be accompanied by a fee established by the cabinet [of twenty-five (25) dollars].

Section 3. Submission of Construction Plan. Each application for a permit to construct or alter a mobile home park shall be accompanied by a complete plan, drawn to scale, submitted in triplicate, of the proposed park or alteration. The plan shall show all existing and proposed facilities including:
(1) The area and dimensions of the tract of land being developed;
(2) The number, location and size of all mobile home lots;
(3) The area within each mobile home lot intended for location of a mobile home and setback distances;
(4) A detailed drawing of the foundation for the placement of the mobile home stand within the mobile home lot;
(5) The location and width of roadways, driveways and walkways;
(6) The number, location and size of all off-street automobile parking spaces;
(7) The location of park street lighting and electrical system;
(8) A detailed drawing of the water supply, if source is other than public;
(9) A detailed drawing of the sewage disposal facilities, including specifications [of the sewage plant];
(10) A detailed drawing of the refuse storage facilities;
(11) The location and size of water and sewer lines, [vents] and riser pipes;
(12) The size and location of any playground areas within the park, if provided; and
(13) A separate floor plan of all buildings and other improvements constructed or to be constructed within the mobile home park including a plumbing riser diagram.

Section 4. Location and General Layout Standards. (1) Every mobile home and mobile home park shall be located on a well-drained area, not subject to reoccurring flooding, and the premises shall be properly graded [so as] to prevent the accumulation of storm or other waters.
(2) Each mobile home or lot shall be numbered and displayed in some systematic order.
(3) Each mobile home lot shall contain a minimum of 4,000 (approximately forty (40) x 100 feet recommended) square feet.
(4) Mobile homes shall be separated from each other and from other buildings and structures by at least fifteen (15) feet. An accessory structure which has a horizontal area exceeding twenty-five (25) square feet, if attached to a mobile home or located within less than fifteen (15) [ten (10)] feet of the mobile home [its window, and has an opaque top or roof that is higher than the nearest window] shall, for purposes of all separation requirements, be considered to be part of the mobile home.
(5) All mobile homes shall be located at least twenty-five (25) feet from any park property boundary line abutting upon a public street or highway and at least ten (10) feet from other park property boundary lines.
(6) There shall be a minimum distance of twenty (20) feet between an individual mobile home and adjoining pavement of a park street, or common parking area or other common areas.
(7) If a park provides a playground area, it shall be easily accessible to all park residents and fenced or otherwise rendered free of traffic hazards.
(8) All lots shall abut upon a park street. For a two (2) way park street the minimum width shall be eighteen (18) feet and, if parking is permitted, the width shall be at least twenty-seven (27) feet for one (1) side parking and thirty-six (36) feet for both side parking. For a one (1) way park street the minimum width shall be fourteen (14) feet and, if parking is permitted, the width shall be at least twenty-three (23) feet for one (1) side parking and thirty-two (32) feet for both side parking.
(9) Park streets, driveways and walkways shall be all weather construction, maintained in good condition, have natural drainage, relatively free of dust and shall be maintained free of holes.
(10) The area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

Section 5. Lighting within Park. A minimum equivalent to a 175 watt mercury vapor type light shall be provided at park entrances, intersections and at intervals of 200 feet within the park.

Section 6. Park Water Supply. (1) The water supply shall be potable, adequate and from an approved public supply of a municipality or water district, if available. If [In the event] a public water supply of a municipality or a water district is not available, the supply for the park shall be developed and approved pursuant to [in accordance with] applicable requirements of the Natural Resources and Environmental Protection Cabinet; except [provided, however], if a public water supply of a municipality or water district subsequently becomes available, connections shall be made [there]to it and the park supply shall be discontinued.
(2) The water supply shall be capable of supplying a minimum of 150 gallons per day per mobile home lot.
(3) No physical connection shall be made between an approved public water supply and unapproved water supply.
(4) Water distribution lines and connections shall comply with the state plumbing code.

Section 7. Park Sewage and Waste Disposal. (1) All sewage and waste matter shall be disposed of into a public sewer[age] system, if available. If [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 in accordance with the requirements of the cabinet or the Natural Resources and Environmental Protection Cabinet; except [provided, however,] if a public

sewer[age] system subsequently becomes available, connections shall be made [there]to it and the park sewer[age] system shall be discontinued.

(2) The sewer service connection between the mobile home and the sewer riser opening shall have a nominal inside diameter of at least three (3) inches with a slope of at least one-fourth (1/4) inch per foot. All joints shall be watertight.

[(3) All materials used for sewer connections shall be semirigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.]

(3) [(4)] The sewer outlet shall be capped when not in use.

(4) [(5)] Mobile home park sewer [waste] systems and connections shall comply with the state plumbing code.

Section 8. Storage, Collection and Disposal of Park Refuse. (1) The permit holder shall be responsible for storage and disposal of refuse.

(2) The storage, collection and disposal of refuse in the park area shall be [so] conducted [as not] to not create a health, safety or fire hazard, rodent harborage, insect breeding area or cause air pollution.

(3) All refuse shall be stored in flytight, watertight, rodent proof containers, which shall be conveniently located near each mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.

(4) Approved container storage location shall be provided and shall be [so] designed and maintained [as] to not create a nuisance.

(5) All refuse containing garbage shall be collected at least once a week or more often, if necessary. If [Where] suitable collection service is not available from municipal or private agencies, the owner or operator of the park shall provide this [such] service. All refuse shall be collected and transported in covered, leak-proof containers or vehicles.

(6) All refuse and waste collected at a park shall be disposed [of] in a safe and sanitary manner approved by the Natural Resources and Environmental Protection Cabinet. [In the event a permitted site or facility approved by the Natural Resources and Environmental Protection Cabinet is available, disposal shall be at such site or facility.]

Section 9. Insect and Rodent Control within the Park. (1) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Approved extermination methods and other measures to control insects and rodents shall be used.

(2) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(3) Storage areas shall be [so] maintained [as] to prevent rodent harborage: lumber, pipe and other building materials shall be stored at least one (1) foot above the ground.

(4) If [Where] the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(5) Parks shall be [so] maintained [as] to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Parks shall be maintained free of heavy vegetative growth of any description.

Section 10. Park Electrical Distribution Systems. [(1)] Every park shall contain an electrical system consisting of wiring, fixtures, equipment and appurtenances installed and maintained pursuant to the requirements of the Public Protection and Regulation Cabinet [in accordance with applicable codes and regulations].

[(2) Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any mobile home, service building or other structure.]

[(3) All direct burial conductors or cables shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for such purpose. Conductors shall be located not less than one (1) foot radial distance from water, sewer, gas or communication lines.]

[(4) Electric service connection between the meter box and the mobile home shall be suspended above ground in a nonhazardous manner or buried.]

Section 11. Park Fire Protection. All parks shall comply with applicable rules and regulations of the State Fire Marshal and applicable local fire codes pertaining to fire safety, fuel supply storage and fuel connections.

Section 12. Park Maintenance and Registration of Occupants. (1) The person to whom a permit to operate a park is issued shall at all times operate in compliance with this regulation. The permittee shall maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(2) The permittee shall notify park occupants of all applicable provisions of this regulation and of their duties and responsibilities under this regulation.

(3) The permittee shall be responsible for the proper placement of each mobile home on its mobile home stand and for securing its stability and installing all utility connections.

(4) The permittee shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

[(5) The permittee shall notify the cabinet immediately of any suspected communicable or contagious disease within the park.]

Section 13. Parks Constructed prior to January 12, 1973. All mobile home parks in existence and holding a valid construction or operating permit on January 12, 1973 (the effective date of former Regulation MRP-1) may be eligible for a permit to operate notwithstanding the [such] parks do not fully meet the design and construction requirements of this regulation if [provided] the park facilities are capable of being maintained in a safe and sanitary manner pursuant to [in accordance with] the operational requirements of this regulation; and[, provided further,] that no public health nuisance [shall be allowed to] exists.

Section 14. Inspection of Parks. (1) At least once every twelve (12) months, the cabinet shall

inspect each park and shall make as many additional inspections and reinspections as are necessary for the enforcement of this regulation.

(2) If [Whenever] an agent of the cabinet makes an inspection of a park, he shall record his findings on an official cabinet inspection report form and provide the permit holder or operator with a copy. The inspection report shall:

(a) Set forth the specific violations if found;

(b) Establish a specific and reasonable period of time for the correction of the violations found; and

(c) State that failure to comply with any notice issued pursuant to [in accordance with] the provisions of this regulation may result in suspension or revocation of the permit.

Section 15. Suspension of Permits. (1) If [Whenever] the cabinet has reason to believe that an imminent public health hazard exists, or if [whenever] the permit holder has interfered with the cabinet [concerned] in the performance of its [their] duties, the permit may be suspended immediately upon notice to the permit holder without a hearing. [In such event] The permit holder may request a hearing which shall be granted as soon as practicable.

(2) In all other instances of violation of the provisions of this regulation the cabinet shall serve upon the holder of the permit a written notice specifying the violation(s) in question and afford the holder a reasonable opportunity to correct them [same]. If [Whenever] a permit holder or operator has failed to comply with any written notice issued under the provisions of this regulation, the permit holder or operator shall be notified in writing that the permit shall be suspended at the end of ten (10) days following service of the [such] notice, unless a written request for a hearing is filed with the cabinet, by the permit holder, within the [such] ten (10) day period.

(3) The hearings provided for in this section shall be conducted by the cabinet at a time and place designated by it. At the conclusion of the hearing, the cabinet shall make a finding of fact and conclusion of the law. A transcript of the hearing shall not be made unless the interested party assumes the costs [thereof] and a request is made [therefor] at the time a hearing is requested.

Section 16. Reinstatement of Suspended Permits. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the cabinet shall make a reinspection. If the applicant is found to be in compliance with the requirements of this regulation, the permit shall be reinstated.

Section 17. Revocation of Permits. For serious or repeated violations of any of the requirements of this regulation or for interference with the agents of the cabinet in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the cabinet. Prior to the [such] action, the cabinet shall notify the permit holder, in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of the [such] notice unless a request for a hearing is filed with the cabinet by the permit holder, within the [such] ten (10) day period.

C. HERNANDEZ, M.D., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: June 20, 1990
FILED WITH LRC: July 19, 1990 at 11 a.m.

STATEMENT OF EMERGENCY
902 KAR 15:020E

It is necessary to incorporate into regulatory form the changes necessitated by the provisions of KRS Chapter 13A. The regulation will "sunset" under the provisions of KRS 13A.347(4) unless emergency action is taken. The emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A.

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

CABINET FOR HUMAN RESOURCES
Department for Health Services

902 KAR 15:020E. Recreational vehicles.

RELATES TO: KRS 219.310 to 219.410, 219.991(2)
STATUTORY AUTHORITY: KRS 194.050, 211.090
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 219.310 to 219.410 and 219.991(2) directs the Cabinet for Human Resources to regulate recreational vehicle parks in Kentucky. This regulation establishes standards for park construction and layout; [service buildings; watering stations; sanitary stations; site planning; lot size; water supply; sewage disposal; lighting; refuse handling; insect and rodent control; inspections; hearings; issuance; suspension and revocation of permits;] sanitary standards for operation and other matter necessary to insure a safe and sanitary recreational vehicle park operation.

Section 1. Definitions. In addition to the definitions set forth in KRS 219.320, the following definitions [terms] shall apply [have the meanings set forth below]:

[(1) "Cabinet" means the Cabinet for Human Resources and the local health department having jurisdiction and their duly designated representatives.]

(1) [(2)] "Park street" means the paved portion of a roadway between curbs or, if not paved, the surfaced area separating sites.

(2) [(3)] "Recreational vehicle parking area" means that portion of the space used to park the recreational vehicle and towing vehicle, if any [automobile].

(3) [(4)] "Self-contained recreational vehicle park" means a park in which all recreational vehicle spaces are designed with water and sewer riser pipe connections that permit only the parking of self-contained recreational vehicles.

(4) [(5)] "Sewer riser pipe" means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each recreational vehicle space.

Section 2. Application for Construction Permit. Application for a permit to construct or alter a recreational vehicle park shall be made in writing to the cabinet and shall contain:

(1) The name and address of the applicant;

(2) The name and location of the park;

(3) The number and size of all recreational vehicle spaces;

(4) The number of park lights and wattage;

(5) The number of water closets, urinals, lavatories and showers;

(6) The number of sanitary and watering stations;

(7) Source of water supply;

(8) Type of sewage disposal;

(9) Method of solid waste disposal;

(10) Source of electrical services;

(11) Evidence of compliance with local zoning laws; and

(12) Be accompanied by a fee established by the cabinet [of twenty-five (25) dollars].

Section 3. Submission of Construction Plan. Each application for a permit to construct or alter a recreational vehicle park shall be accompanied by a complete plan, drawn to scale, submitted in triplicate, of the proposed park or alteration. The plans shall show all existing and proposed facilities including:

(1) The size of the area and general dimensions of the tract of land being developed;

(2) The number, location and size of all recreational vehicle spaces;

(3) The area within the space planned for location of the recreational vehicle including setback distances where applicable;

(4) The location and width of roadways, driveways and walkways;

(5) The number, location and size of all off-street automobile parking spaces;

(6) The location of the exterior area lights and the exterior electrical distribution system;

(7) Detailed drawings of water supply if source is other than public;

(8) Detailed drawings of sanitary station and watering station;

(9) Detailed drawings of sewage disposal facilities, including written specifications [of sewage plant disposal facilities];

(10) Detailed drawings of refuse storage facilities;

(11) The location and size of water and sewer lines[, vents] and riser pipes;

(12) Size and location of any playground area within the park, if provided; and

(13) A separate floor plan of all service buildings and other improvements constructed or to be constructed within the recreational vehicle park including a plumbing riser diagram.

Section 4. Location, Space and General Layout Standards. (1) The recreational vehicle park shall be located on a well drained site, susceptible to quick drying following rains and shall be so located that its drainage will not endanger any water supply.

(2) The area of the recreational vehicle park shall be large enough to accommodate the designated number of recreational vehicle spaces, necessary streets and roadways and parking areas for motor vehicles.

(3) Each recreational vehicle space shall be numbered and displayed in some systematic order.

(4) Each recreational vehicle space shall contain a minimum of 1,500 (approximately 30' by 50' recommended) square feet.

(5) Recreational vehicles shall be separated from each other and from other structures by at least fifteen (15) feet.

(6) All recreational vehicles shall be located at least twenty-five (25) feet from any public street or highway right-of-way and at least ten (10) feet from other park property boundary lines.

(7) All parking areas shall be provided with safe and convenient vehicular access from abutting public or park streets or roads to each recreational vehicle space. Alignment and gradient shall be properly adapted to topography.

(8) Access to recreational vehicle parking areas shall be designed to minimize congestion and hazards at their entrance or exit and allow free movement of traffic on adjacent streets. All traffic into or out of the parking areas shall be through these [such] entrances and exits.

(9) All spaces shall abut upon a park street. For a two (2) way park street, the minimum width shall be eighteen (18) feet and for a one (1) way park street, the minimum width shall be twelve (12) feet.

(10) Park streets, driveways and recreational vehicle parking areas shall be of all-weather construction, maintained in good condition, have natural drainage, be relatively free of dust and be maintained free of holes.

(11) Each parking area shall provide sufficient parking and maneuvering space so that the parking, loading or maneuvering of recreational vehicles incidental to parking shall not necessitate the use of any public street, sidewalk or right-of-way, or any private ground not part of the parking area.

Section 5. Lighting within the Park. A minimum equivalent to a 175 watt mercury vapor type light shall be provided at park entrances, intersections, service buildings, sanitary stations, and [such] other areas within the park [as] deemed necessary by the cabinet.

Section 6. Park Water Supply. (1) The water supply shall be potable, adequate and from an approved public supply of a municipality or water district, if available. If [In the event] a public water supply of a municipality or a water district is not available, the supply for the park shall be developed and approved pursuant to [in accordance with] applicable requirements of the Natural Resources and Environmental Protection Cabinet; except [provided, however,] if a public water supply of a municipality or water district subsequently becomes available, connections shall be made [there]to it and the park supply shall be discontinued.

(2) The water supply shall be capable of supplying a minimum of fifty (50) gallons per day per recreational vehicle space.

(3) Except as provided in subsection (4) of this section, each recreational vehicle park shall be provided with one (1) or more easily accessible watering stations for filling recreational vehicle water storage tanks. Each watering station shall be protected against the hazard of backflow, backsiphonage, and other means of contamination. Watering stations shall be provided at the ratio of one (1) station per fifty (50) recreational vehicular spaces or fraction thereof. A watering station shall be

separated from a sanitary station by a minimum of fifty (50) feet.

(4) In lieu of a watering station, individual water connections may be provided at each recreational vehicle space. [as follows:

(a)] Riser pipes provided for individual water-service connections shall be [so] located and constructed [as not] to prevent [be] damage[d] by the parking of recreational vehicles[;]

[(b) Water riser pipes shall be at least three-fourths (3/4) inch in size and extend at least four (4) inches above ground elevation; and]

[(c) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes].

(5) Water distribution lines and connections in the service buildings, sanitary stations, water stations and at recreational vehicle spaces shall comply with the state plumbing code.

Section 7. Park Sewage and Waste Disposal. (1) All sewage and waste matter shall be disposed of into a public sewer[age] system, if available. If [In the event] a public sewer[age] system is not available, disposal shall be made into a private system designed, constructed and operated pursuant to [in accordance with] the requirements of the cabinet or the Natural Resources and Environmental Protection Cabinet; except [provided, however,] if a public sewer[age] system subsequently becomes available, connections shall be made [there]to it and the park sewer[age] system shall be discontinued.

(2) Except for self-contained recreational vehicle parks, each park shall provide at least one (1) sanitary station. If [When] more than seventy-five (75) recreational vehicle spaces without sewer riser pipes are provided, additional sanitary stations shall be required at the ratio of one (1) station for each seventy-five (75) recreational vehicle spaces without sewer riser pipes or fraction [portion] thereof. Sanitary stations shall consist of at least a trapped four (4) inch sewer riser pipe connected to the park sanitary sewer system, be surrounded at the inlet end by a concrete apron sloped to the drain, the riser provided with a suitable hinged cover and the area around the station shall be sloped to drain the surface water away. A water outlet shall be included to permit sanitary maintenance of the station and be marked: "This Water for Flushing and Cleaning Purposes Only." The water outlet hose shall be reel or tower mounted to insure sanitary storage when not in use. A vacuum breaker shall be installed at the highest point on the reel or tower mounting.

(3) If facilities for individual sewer riser pipes are provided, the following requirements shall apply:

(a) The sewer riser pipe shall have at least a four (4) inch diameter and shall be [so] located on the recreational vehicle space so that the sewer riser pipe to the recreational vehicle drain outlet will approximate a vertical position.

(b) Provision shall be made for capping the sewer riser pipe when a recreational vehicle does not occupy the space. Surface drainage shall be diverted away from the riser.

(4) All plumbing in recreational vehicle parks shall comply with the state plumbing code.

Section 8. Storage, Collection and Disposal of Park Refuse. (1) The storage, collection and disposal of refuse in the park area shall be [so] conducted [as not] to not create a health, safety or fire hazard, rodent harborage, insect breeding area or cause air pollution.

(2) All refuse shall be stored in flytight, watertight, rodent proof containers. Containers shall be provided at the ratio of one (1) container per two (2) recreational vehicle spaces and in [such] additional numbers as may be necessary to properly store refuse.

(3) Refuse collection stands shall be provided for all refuse containers with less than thirty-five (35) gallons capacity. Stands shall be [so] designed [as] to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

(4) All refuse containing garbage shall be collected at least once a week or more often if necessary. If [Where] suitable collection service is not available from municipal or private agencies, the owner or operator of the park shall provide this [such] service. All refuse shall be collected and transported in covered, leak-proof containers or vehicles.

(5) All refuse and waste collected at a park shall be disposed [of] in a safe and sanitary manner[. In the event a permitted site or facility] approved by the Natural Resources and Environmental Protection Cabinet [is available, disposal shall be at such site or facility].

Section 9. Park Service Buildings. (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 by the State Plumbing Code. Service buildings shall be conveniently located within a radius of approximately 500 feet of the spaces to be served; except [provided, however,] that variances may be granted by the cabinet due to the topography of the land and other geographical conditions.

[(2) Except for self-contained recreational vehicle parks, each park shall be provided with toilet, hand-washing and bathing facilities as shown in the following table:]

[Number of Parking Spaces	Water Closets Men	Women	Urinals Men	Lavatories Men	Women	Showers Men	Women
1-15	1	1	1	1	1	1	1
16-30	1	2	1	2	2	2	2
31-45	2	2	1	3	3	3	3
46-60	2	3	2	3	3	3	3
61-80	3	4	2	4	4	4	4
81-100	4	5	2	5	5	5	5

Parks having more than 100 recreational vehicle spaces shall provide one (1) additional water closet and lavatory for each sex per additional thirty (30) recreational vehicle spaces; one (1) additional shower for each sex per additional forty (40) recreational vehicle spaces; and one (1) additional men's urinal per additional 100 recreational vehicle spaces.]

[(3) A floor drain and hose bibb shall be located in each restroom to facilitate cleaning.]

(2) [(4)] All portions of the service building shall be constructed and maintained pursuant to the requirements of the State Building Code.

[properly protected from damage by ordinary use, decay, corrosion, termites and destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.]

(3) [(5)] All rooms containing sanitary or laundry facilities shall have:

[(a) Walls and partitions around showers, lavatories and other plumbing fixtures constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material;]

[(b) At least one (1) window which can easily opened or a mechanical device or opening which will adequately ventilate the room;]

(a) [(c)] All openings to the outer air in the service building effectively screened and the doors provided with springs or devices to make them self-closing;

[(d) Water closets located in separate compartments equipped with doors;]

[(e) Shower stalls of the individual type;]

[(f) An individual dressing area provided for each shower stall;]

[(g) An outside door to the service building containing the toilet and bathing facilities so constructed as to prevent a direct view of the interior when opened;]

(b) [(h)] Illumination levels in the service building maintained as follows:

1. General seeing tasks - ten (10) foot-candles;

2. Laundry room work area - forty (40) foot-candles;

3. Toilet room, in front of mirrors - forty (40) foot-candles.

(c) [(i)] Hot and cold water furnished to every lavatory, sink, shower and laundry fixture, and cold water furnished to every water closet and urinal;

(d) All walls, floors, ceilings, and attached or freestanding fixtures, and equipment maintained in good repair and sanitary.

(e) [(j)] All refuse stored in easily cleanable containers; and

(f) [(k)] Sanitary towels or a mechanical hand drying device located adjacent to the lavatories.

Section 10. Insect, Rodent, Pest and Pet Control within the Park. (1) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Approved extermination methods and other measures to control insects and rodents shall be used.

(2) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(3) Storage areas shall be [so] maintained [as] to prevent rodent harborage. Lumber, pipe and other building materials shall be stored at least one (1) foot above the ground.

(4) If [Where] the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(5) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and noxious insects within the area used for the parking of recreational vehicles. Parks shall be [so] maintained [as] to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

(6) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of the park.

Section 11. Park Electrical Distribution Systems. [(1)] Every park shall contain an electrical system consisting of wiring, fixtures, equipment and appurtenances installed and maintained pursuant to the requirements of the Public Protection and Regulation Cabinet [in accordance with applicable codes and regulations].

[(2) Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any recreational vehicle, service building or other structure.]

[(3) All direct burial conductors or cables shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for such purpose. Conductors shall be located not less than one (1) foot radial distance from water, sewer, gas or communication lines.]

Section 12. Park Fire Protection. All parks shall comply with applicable rules and regulations of the State Fire Marshal and applicable local fire codes pertaining to fire safety, fuel supply storage and fuel connections.

Section 13. Park Maintenance and Registration of Occupants and Vehicles. (1) The person to whom a permit to operate a park is issued shall at all times operate in compliance with this regulation. The permittee shall maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(2) Every permittee shall maintain a register showing the following:

(a) The names and permanent addresses of all recreational vehicle occupants;

(b) The make, model and license number of the recreational vehicle or the tow vehicle; and

(c) The dates of arrival and departure of the recreational vehicle or its occupants.

(3) The register shall be available to any authorized person inspecting the recreational vehicle parking area.

[(4) Every owner, operator, attendant or other person operating a recreational vehicle park shall notify the cabinet immediately of any suspected communicable or contagious disease within the recreational vehicle park.]

(4) [(5)] No owner or operator [or attendant] of a self-contained recreational vehicle park shall permit the parking of any dependent recreational vehicle within the self-contained recreational vehicle park.

(5) No owner or operator of any recreational vehicle park shall construct, install or attach or permit the construction installation or attachment of lean-tos, decks, additions, or other permanent or semipermanent structures upon a recreational vehicle or recreational vehicle space, except that collapsible awnings or screened enclosures mounted upon or transported with the recreational vehicle may be permitted.

Section 14. Parks Constructed prior to June 16, 1973. All recreational vehicle parks in existence on June 16, 1973 (the effective date of former Regulation MRP-2) may be eligible for a permit to operate notwithstanding the [such] parks do not fully meet the design and construction requirements of this regulation if [provided that] it can be determined by the cabinet that the [such] parks can be operated in a safe and sanitary manner pursuant to [in accordance with] the operational requirements of this regulation; and, if the [provided further, that all such] parks [shall] have a service building, sanitary station, safe water supply, adequate sewage [disposal] and solid waste disposal, and do not create a nuisance.

Section 15. Inspection of Parks. (1) At least once every twelve (12) months, the cabinet shall inspect each park and shall make as many additional inspections and reinspections as are necessary for the enforcement of this regulation.

(2) If [Whenever] an agent of the cabinet makes an inspection of a park, he shall record his findings on an official cabinet inspection report form and provide the permit holder or operator with a copy. The inspection report shall:

(a) Set forth the specific violations if found;

(b) Establish a specific and reasonable period of time for the correction of the violations found; and

(c) State that failure to comply with any notice issued pursuant to [in accordance with] the provisions of this regulation may result in suspension or revocation of the permit.

Section 16. Suspension of Permits. (1) If [Whenever] the cabinet has reason to believe that an imminent public health hazard exists, or if [whenever] the permit holder has interfered with the cabinet [concerned] in the performance of its [their] duties, the permit may be suspended immediately upon notice to the permit holder without a hearing. [In such event] The permit holder may request a hearing which shall be granted as soon as practicable.

(2) In all other instances of violation of the provisions of this regulation, the cabinet shall serve upon the holder of the permit a written notice specifying the violation(s) in question and afford the holder a reasonable opportunity to correct them [same]. If [Whenever] a permit holder or operator has failed to comply with any written notice issued under the provisions of this regulation, the permit holder or operator shall be notified in writing that the permit shall be suspended at the end of ten (10) days following service of the [such] notice, unless a written request for a hearing is filed with the cabinet, by the permit holder, within the [such] ten (10) day period.

(3) The hearings provided for in this section shall be conducted by the cabinet at a time and place designated by it. At the conclusion of the hearing, the cabinet shall make a finding of fact and conclusion of the law. A transcript of the hearing shall not be made unless the interested party assumes the costs [thereof] and a request is made [therefor] at the time a hearing is requested.

Section 17. Reinstatement of Suspended Permits. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the cabinet shall make a reinspection. If the applicant is found to be in compliance with the requirements of this regulation, the permit shall be reinstated.

Section 18. Revocation of Permits. For serious or repeated violations of any of the requirements of this regulation or for interference with the agents of the cabinet in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the cabinet. Prior to such action, the cabinet shall notify the permit holder, in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of the [such] notice unless a request for a hearing is filed with the cabinet by the permit holder, within the [such] ten (10) day period.

C. HERNANDEZ, M.D., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: June 20, 1990
FILED WITH LRC: July 19, 1990 at 11 a.m.

STATEMENT OF EMERGENCY
902 KAR 20:006E

This emergency regulation revises 902 KAR 20:006 and incorporates sections of 902 KAR 20:127, Certificate of need hearings, to correspond with KRS Chapter 216B respecting certificate of need application and review procedures and requirements for batching, issuing advisory opinions, cost escalations and progress reports. Since sections of 902 KAR 20:127 are incorporated into this regulation, 902 KAR 20:127 is no longer necessary; therefore, it is being repealed. KRS 216B.040 and 216B.075 authorize the commission to promulgate administrative regulations to establish the certificate of need review procedures. In order to implement these changes in a timely manner and promulgate regulations which are in accordance with KRS Chapter 216B, as revised by the General Assembly in the 1990 legislative session, it is necessary to promulgate the regulation by emergency. This emergency regulation shall be replaced by an ongoing administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July, 1990.

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

CABINET FOR HUMAN RESOURCES
Commission for Health Economics Control in Kentucky

902 KAR 20:006E. Certificate of need process.

RELATES TO: KRS 216B.010 to 216B.130 [216B.131], 216B.990(1), (2)
STATUTORY AUTHORITY: KRS 13A.350, 216B.040, [216B.070,] 216B.075
EFFECTIVE: July 19, 1990

NECESSITY AND FUNCTION: KRS 216B.040, [216B.070,] and KRS 216B.075 authorize the Commission for Health Economics Control in Kentucky to promulgate administrative regulations respecting application and review procedures. This regulation sets forth the application and review procedures and requirements for [exemptions of health maintenance organizations,] batching, issuing advisory opinions, [review of substantial changes in projects and] cost escalations and progress reports. This regulation incorporates sections of 902 KAR 20:127, Certificate of need hearings, making the regulation no longer necessary; therefore, 902 KAR 20:127, Certificate of need hearings, is hereby repealed.

Section 1. Definitions. Except as otherwise provided, for purposes of this regulation, the following definitions shall apply:

(1) "Capital expenditure authorized" means the amount of the capital expenditure approved by the commission to implement the proposal.

(2) "Chairman" means the chairman of the Commission for Health Economics Control in Kentucky.

(3) "Public Information channels" means the Office of Communications [and Council Affairs] in the Cabinet for Human Resources.

(4) "Review commences" means the date of public notice of the appropriate batching cycle for the particular application after it is deemed complete.

Section 2. Criteria. In determining whether to issue or deny a certificate of need, the commission [and the cabinet] shall utilize the following criteria:

(1) Consistency with plans. [The proposal should be consistent with the state health plan. Consideration should be given to the other applicable appropriately adopted plans developed by local health planning agencies. In case of inconsistency between the state health plan and other plans considered, the state health plan shall prevail. The fact that the state health plan does not address the specific type of proposal being reviewed does not constitute grounds for disapproval of the proposal.] To determine conformance with this criterion the applicant shall address and the commission shall consider the relationship of the proposal to the state health plan. [:]

[(a) The state health plan;]

[(b) The applicable appropriately adopted plans developed by local health planning agencies.]

(2) Need and accessibility. [The proposal should meet an identified need in a defined geographic area and be accessible to all residents of the area.] To determine conformance with this criterion the applicant shall address and the commission [and the cabinet] shall consider:

(a) The need that the population served or to be served has for the services proposed to be offered or expanded, and the extent to which all residents of the area, and in particular low income persons, racial and ethnic minorities, women, handicapped persons and other underserved groups are likely to have access to those services.

[(b) In the case of a reduction or elimination of a service, including the relocation of a facility or a service, the need that the population presently served has for the service; the extent to which that need will be met adequately by the proposed relocation or by alternative arrangements; and the effect of the reduction, elimination, or relocation of the service on the ability of low income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups to obtain needed health care.]

(b) [(c)] The contribution of the proposed service in meeting the health related needs of members of medically underserved groups which have traditionally experienced difficulties in obtaining equal access to health services (for example, low income persons, racial and ethnic minorities, women and handicapped persons), particularly those needs identified in [the applicable appropriately adopted plans developed by local health planning agencies and] the state health plan [as deserving of priority]. In this regard, the commission [and the cabinet] shall consider:

1. The extent to which medically underserved populations currently use the applicant's services in comparison to the percentage of the population in the applicant's service area which is medically underserved, and the extent to which medically underserved populations will use the proposed services if approved; and

[2. The past performance of the applicant in meeting its obligation, if any, under any applicable federal regulations requiring provision of uncompensated care, community service, or access by minorities and handicapped persons to programs receiving federal financial assistance (including the existence of any civil rights access complaints against the applicant);]

[3. The extent to which physicians with admitting privileges at the applicant's facility admit Medicare and Medicaid patients; and]

2. [4.] The extent to which the applicant offers alternative means, other than through admission by a physician, by which a person will have access to its services (e.g., admission through a clinic or emergency room).

(c) [(d)] The effect of the means proposed for the delivery of health services on the clinical needs of health professional training programs in the area in which the services are to be provided.

(d) [(e)] If proposed health services are to be available in a limited number of facilities, the extent to which the health professions schools in the area will have access to the services for training purposes.

(e) [(f)] Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. These entities may include medical or other health professions schools, multidisciplinary clinics and specialty centers.

[(g) The special needs and circumstances of biomedical-behavioral research projects which are designed to meet a national need and for which local conditions offer special advantages.]

(3) Interrelationships and linkages. [The proposal should serve to accomplish appropriate and effective linkages with other services, facilities, and elements of the health care system in the region and state accompanied by assurance of effort to achieve comprehensive care, proper utilization of services and

efficient functioning of the health care system.] To determine conformance with this criterion the applicant shall address and the commission [and the cabinet] shall consider:

(a) The relationship of the services to be provided to the existing health care system of the area in which the services are proposed to be provided.

(b) The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services.

(c) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed.

(4) Costs, economic feasibility, and resource availability. [The proposal when measured against the cost of alternatives for meeting needs, is judged to be an effective and economical use of resources, not only in terms of capital investment, but also in terms of ongoing requirements for health manpower and operational financing.] To determine conformance with this criterion the applicant shall address and the commission [and the cabinet] shall consider:

(a) The availability of less costly or more effective alternative methods of providing the services to be offered, expanded or [, reduced,] relocated[, or eliminated].

(b) The immediate and long-term financial feasibility of the proposal, as well as the probable impact of the proposal on the cost of and charges for providing health services by the person proposing the service.

(c) The availability of resources (including health personnel, management personnel, and funds for capital and operating needs) for the provision of the services proposed to be provided and the availability of alternative uses of these resources for the provision of other health services.

(d) In the case of construction or renovation projects:

1. The costs and methods of the proposed construction or renovation, including the costs and methods of energy provision; and

2. The probable impact of the construction or renovation project reviewed on the costs of providing health services by the persons proposing the construction or renovation project and on the costs and charges to the public of providing health services by other persons.

[(e) The special circumstances of health care facilities with respect to the need for conserving energy.]

(e) [(f)] The factors which affect the effect of competition on the supply of the health services being reviewed.

(f) [(g)] Improvements or innovations in the financing and delivery of health services which foster competition, and serve to promote quality assurance and cost effectiveness.

(5) Quality of services. [The applicant should be prepared to and capable of undertaking and carrying out the responsibilities involved in the proposal in a manner consistent with appropriate standards and requirements assuring the provision of quality health care services.] To determine conformance with this criterion the applicant shall address and the commission [and the cabinet] shall consider the quality of care provided by the applicant in the past.

[(6) Special needs and circumstances of health maintenance organizations. In the case of a health maintenance organization (HMO) or an ambulatory care facility or health care facility controlled directly or indirectly by an HMO, the proposal should be consistent with the special need and circumstances of HMOs. The applicant shall address and the commission and the cabinet shall consider:]

[(a) The needs of enrolled members and reasonably anticipated new members of the health maintenance organizations for the health services proposed to be provided by the organization; and]

[(b) The availability of the proposed health services from nonhealth maintenance organization providers or other health maintenance organizations in a reasonable and cost effective manner which is consistent with the basic method of operation of the health maintenance organization.]

[Section 3. Health Maintenance Organizations. (1) Before any person establishes a health maintenance organization or before an existing health maintenance organization establishes a health facility or acquires major medical equipment or obligates a capital expenditure for the provision of health service, an original application for exemption, as prescribed by KRS 216B.070, and four (4) copies shall be submitted to the chairman. The application for exemption shall be filed on a prescribed form.]

[(a) Within fifteen (15) days of receipt of the application for exemption the chairman shall acknowledge receipt in writing to the applicant and the respective local health planning agency, if any, and shall notify the applicant whether or not the application is complete.]

[(b) If the application for exemption is not complete, the notice to the applicant shall give the applicant the option of submitting the additional information or of notifying the chairman, upon receipt of the request for additional information, that he elects for the application for exemption to be processed as originally submitted.]

[(c) Upon receipt of the requested additional information by the chairman, or upon receipt of a letter from the applicant stating that he elects for the application for exemption to be processed as originally submitted, the chairman shall declare the application for exemption to be filed.]

[(d) A public hearing pursuant to the application for exemption shall be conducted within thirty (30) days of its having been declared filed. The hearing shall utilize the format described in 902 KAR 20:127.]

[(e) Within thirty (30) days of the conclusion of the hearing, findings of fact and conclusions shall be issued.]

[(f) A decision as to the granting or denial of the exemption shall be made at the next regularly scheduled meeting following the issuance of findings of fact and conclusions.]

[(2) An application for exemption shall be approved if the health maintenance organization meets the definition contained in KRS 216B.015(12).]

[(3) An application for exemption shall be approved if the health facility or the major medical equipment or the health service is to be used exclusively by the members of the health maintenance organization as defined in KRS

216B.015(12).]

[(4) If the exemption is not granted, a certificate of need application shall be required.]

[(5) If an exemption is granted, pursuant to KRS 216B.070, the health care facility, or portion thereof, or the major medical equipment may not be sold or leased, a controlling interest in the facility or equipment or in a lease of the facility or equipment may not be acquired, and the health care facility shall not be used by any person other than the one which was granted the exemption unless the notice of intent to acquire prescribed by KRS 216B.065 is duly filed.]

Section 3. [4.] Proposed New Use. A certificate of need shall not be required for any project which meets the applicable requirements of KRS 216B.065 and 216B.066. If a person acquires major medical equipment not located in a health facility without a certificate of need and proposes at any time to use that equipment to serve inpatients of a health care facility, the proposed new use must be reviewed unless the equipment will be used to provide services to inpatients of a health care facility only on a temporary basis in the case of an emergency, a natural disaster, a major accident, or an equipment failure. For the purposes of this section "temporary basis" means on an occasional and irregular basis or until the applicant's proposal for permanent acquisition or regular use by a health care facility is reviewed under the formal or nonsubstantive review process.

Section 4. [5.] Formal Review. (1) At least thirty (30) days prior to submitting a certificate of need application [for a construction project], a letter of intent shall be filed with the chairman. No letter of intent is required when an applicant proposes to alter an outstanding certificate of need [for a construction project]. The letter of intent shall be filed on a form provided by the commission.

(2) A letter of intent is valid for a period of one (1) year. If an application is denied, a new letter of intent must be submitted in order to resubmit the application. However, if an application is withdrawn prior to a commission decision, the same letter may be used to resubmit the same application as long as the letter of intent is not over one (1) year old.

(3) The chairman of the commission shall acknowledge receipt of the letter of intent[, send a copy to the respective local health planning agency, if any,] and send appropriate forms and instruction sheets to the applicant.

(4) The original certificate of need application and four (4) copies shall be submitted to the chairman [and two (2) copies shall be submitted to the respective local health planning agency, if any].

(5) [Within] Fifteen (15) days after [of] receipt of the application the chairman shall acknowledge receipt in writing to the applicant [and the respective local health planning systems agency, if any,] and shall notify the applicant whether or not the application is complete.

(6) If the application is not complete, the notice to the applicant shall give the applicant the option of submitting the additional information or of notifying the chairman, upon receiving the request for additional information, that he elects for the application to be processed as originally submitted.

(7) Upon receipt of the requested additional information by the chairman, or upon receipt of a letter from the applicant stating that he elects for the application to be processed as originally submitted, the chairman shall declare the application to be complete [filed] and to be placed on the next appropriate public notice in accordance with the batching review cycles. In order to submit additional information to be made a part of the record after the application has been declared complete, it must be introduced at a public hearing.

(8) Applications not declared complete [filed] within a year from the date the application was received shall not be retained by the commission.

(9) The chairman shall notify the applicant of the date the application was declared complete [filed] and the date public notice has been given of the commencement of the review process. Applications must be declared complete [filed] at least six (6) working days prior to the date of public notice in order to be included in such notice.

(10) The chairman shall give written notice to affected persons of the beginning of a review. The notice shall include the schedule for the review and the period within which a public hearing may be requested by affected persons. The review notice to members of the public and third party payors shall be provided through public information channels. Notice to all other affected persons shall be by mail.

(11) [The review period shall commence on the date of public notice.] No review shall take longer than ninety (90) days from the commencement of the review unless the applicant requests [agrees to] a deferral of action in writing and the commission agrees to a deferral. [Applications proposing the same or similar types of services, equipment, or facilities affecting the same health service area shall be batched in the review cycles so they can be given comparative review, if applicable.]

(12) Batching review cycles [commencing with the March, 1987 meeting] shall be as follows:

TYPE OF PROPOSAL	MONTH OF PUBLIC NOTICE, NINETY (90) DAYS PRIOR TO DECISION [MEETING] DATE	MONTH OF COMMISSION DECISION [CERTIFICATE OF NEED BOARD MEETING], 3RD WEDNESDAY OF:
(a) Acute, Psychiatric, Rehab, Chemical Dependency facilities and other related components in the SHP (except Specialized Equipment and Services) such as IC/CC, Neonatal, and Surgical Services (including Freestanding Ambulatory Surgical Center) and [ESRD. Also] Birthing Centers.	November, February, May, August	February, May, August November
(b) [Long Term Care (]Skilled Nursing, Nursing Home, Intermediate Care or Nursing Facility[, IC MR/DD, Personal Care, Swing Beds), and Home Health or Home Health/Hospice].	December[, March, June, September]	March[, June, September, December]
(c) Personal Care or IC MR/DD	January, March, June, September	April, June, September, December
(d) [(c)] Transplantation, Magnetic Resonance Imaging, Lithotripter, Radiation Therapy, C.T. Scanner, Cardiac Catheterization, Open Heart Surgery, and new Technological Developments.	January, July	April, October
(e) [(d)] Day Health Care Center, Ambulatory Care Clinic, [Primary Care Center, Rural Health Clinic, Group Home,] Rehab Agency, Hospice, Home Health or Home Health/Hospice [only].	November, [December,] February, June, August	February [March], May, September, November
(f) [(e)] Ambulance, NE Health Transportation, and Air Ambulance Services.	[November,] December, [January,] February, [March,] May, [June,] July, [August,] September	[February,] March, [April,] May, [June,] August, [September,] October, [November,] December
(g) [(f)] All Mobile Services except those covered under Specialized Equipment and Services.	November, January, March, May, July, September	February, April, June, August, October, December
[(g) Relocation of existing facility that does not involve a change of capacity or health service.]	November, December, January, February, March, May, June, July, August, September	February, March, April, May, June, August, September, October, November, December
[(h) Capital expenditure only that exceeds the threshold that does not qualify for nonsubstantive review.]	November, December, January, February, March, May, June, July, August, September	February, March, April, May, June, August, September, October, November, December

(h) [(i)] Any proposals not listed above will be placed in the most appropriate cycle as determined by the commission.

(i) [(j)] Any proposal granted nonsubstantive review status as specified in KRS 216B.095(3)(a) through (f) and (g) [, plus a change of location (CON), technical modifications (CON), cost escalations that cannot be adjusted administratively, cost overrun, change of ownership when applicable, and industrial ambulance service,] will be processed in accordance with KRS 216B.095(1).

[(12) Any person directly affected by the proposal may request a public hearing within thirty (30) days of the date of public notice.]

[(13) The local health planning agency shall notify the chairman of its recommendation for approval or disapproval within sixty (60) days from the date of public notice. The recommendation shall set forth the basis for the recommendation and findings with respect to the criteria. In the event that no recommendation is received from the local health planning agency, the commission shall proceed without a recommendation.]

(13) [(14)] The chairman of the commission shall notify the applicant[, the local health planning agency] and any party to the proceeding of the commission's final action on a certificate of need application by certified mail.

(14) The written notification shall include:

[(a) If the application is approved, the written notification shall include:]

(a) [1.] Verification that the criteria [for determining need] have been met or, if the application is inconsistent with any criteria, the reasons for approval notwithstanding the inconsistency. [and that the current accessibility of the facility as a whole has been taken into account, if applicable, as specified in the federal certificate of need

regulation, except in the following cases:]

[a. Where the application is approved pursuant to the requirements of Section 2(6) of this regulation. In such case, the written findings shall verify that the conditions for required approvals under Section 3 of this regulation have been met; or]

(b) If the commission's action on a certificate of need application is inconsistent with the recommendation made in the hearing report, the chairman shall include a statement of the reasons for the inconsistency.

[b. Where the project is a proposed capital expenditure not directly related to the provision of health services or to beds or major medical equipment.]

(c) [2.] Amount of capital expenditure authorized, where applicable.

(d) [(b)] If the application is disapproved, the reasons for the disapproval; and [written notification shall include:]

[1. The decision of the commission.]

(e) [2.] Notice of appeal rights.

[(c) If the commission's action on a certificate of need application is inconsistent with a recommendation made by the local health planning agency, the chairman shall submit to the local health planning agency and to the applicant a written detailed statement of the reasons for the inconsistency.]

Section 5. Certificate of Need Hearings. (1) Notice of the date, time and location of the hearing shall be mailed to all affected persons except third party payors and members of the public at least ten (10) days before the date of the hearing. Notice to third party payors and members of the public shall be provided through public information channels.

(2) Hearing requests may be withdrawn by officially notifying the chairman in writing at least five (5) working days in advance of the scheduled hearing date. In order for a public hearing to be cancelled, all persons who requested the hearing must withdraw the hearing requests in writing.

(3) The commission or its designated hearing officer may conduct a prehearing conference to resolve issues not in dispute or not requiring an evidentiary record and may issue prehearing orders which shall determine the form and the manner in which the evidentiary hearing is conducted.

(4) The commission or hearing officer may place reasonable time limits upon the presentation of testimony, evidence and argument, and may terminate or exclude irrelevant or redundant evidence, testimony or argument.

(5) After the conclusion of the hearing, the hearing officer or the commission shall prepare written findings of fact, conclusions of law and recommendations.

(6) The chairman shall transmit a copy of the findings, conclusions and recommendations to each member of the commission, the person requesting the hearing and all persons deemed parties to the proceedings.

(7) Each party to the proceedings may file exceptions with the chairman within seven (7) days of receipt of the commission's recommended hearing report.

(8) In addition to the requirements of KRS 216B.015(18), the record shall also include any exceptions timely filed.

(9) Failure to file exceptions shall not constitute a failure to exhaust administrative remedies.

Section 6. Nonsubstantive Review. [(1) An applicant may waive the procedures for formal review of an application for a certificate of need and request a nonsubstantive review. In addition to the projects specified in KRS 216B.095(3)(a through f), nonsubstantive review status will be granted to applications for a change of location of a proposed health facility, technical modifications to an approved certificate of need, cost overruns, changes of ownership when applicable, and industrial ambulance services.]

[(2) Procedures.] Procedures for nonsubstantive review shall be as follows:

(1) [(a)] The original certificate of need application and four (4) copies, with a request for nonsubstantive review shall be submitted to the chairman [and two (2) copies of the application shall be submitted to the respective local health planning agency, if any].

(2) [(b)] Within fifteen (15) days of the receipt of the application, the chairman shall acknowledge receipt of the application in writing to the applicant, [and the local health planning agency, if any,] and shall notify the applicant whether or not the application is complete.

(3) [(c)] If the application is not complete, the notice to the applicant shall give the applicant the option of submitting the additional information or of notifying the chairman, upon receipt of the request for additional information, that he elects for the application to be processed as originally submitted.

(4) [(d)] Upon receipt of the requested additional information by the chairman, or upon receipt of a letter from the applicant that he elects for the application to be processed as originally submitted, the chairman shall declare the application to be deemed complete [filed].

(5) [(e)] The chairman's notice to grant or deny nonsubstantive review status shall be provided to the applicant and notice of the decision to conduct a nonsubstantive review shall be provided to affected persons by mail no later than the tenth day after the application has been deemed complete. [Within fifteen (15) days after the application is declared filed, the chairman functioning as the representative of the cabinet shall determine whether the application meets the criteria for nonsubstantive review and shall notify affected persons of the decision to grant or deny nonsubstantive review status.] The notice of the review to members of the public and third party payors shall be provided through public information channels. [Notice to all other affected persons shall be by mail.]

[(f) Within fifteen (15) days of the cabinet's notice to conduct a nonsubstantive review any affected person other than the applicant may request a public hearing before the cabinet on an application granted nonsubstantive review status.]

[(g) The local health planning agency, if any, shall recommend approval or disapproval of applications granted nonsubstantive review status within thirty (30) days of the date of public notice. In the event that no recommendation is received from the local health

planning agency, the cabinet shall proceed without a recommendation.]

[(h) The cabinet shall approve or disapprove applications for certificates of need within forty-five (45) days from the date of public notice to conduct a nonsubstantive review.]

[(i) If the applicant's proposed project is denied nonsubstantive review status the application will automatically be placed in the next appropriate batching cycle of the formal review process.]

(6) [(j)] If a certificate of need is denied following a nonsubstantive review and [, the applicant may request that the application be placed in the next appropriate batching cycle of the formal review process or may pursue a judicial appeal. If] a formal review is requested, no letter of intent shall be required, but the filing of the request for nonsubstantive review shall be considered compliance with any requirement for a letter of intent.

Section 7. Conditions Relative to a Certificate of Need. (1) No person shall transfer from one legal applicant to another an approved certificate of need for the establishment of a new health facility or the replacement of an existing facility without first obtaining a certificate of need. All other certificates of need may be transferred to the new owner of the facility or service if a change of ownership occurs prior to implementation of the project for which the certificate of need was issued.

(2) A certificate of need approved [issued] for establishment of a new health facility or the replacement of an existing facility and is issued only for the location stated on the certificate.

(3) A certificate of need holder shall notify the commission of any reduction or termination of a health service or a reduction in bed capacity for an approved project no later than the first progress report after the change has been determined.

(4) [(3)] Cost escalations.

(a) A certificate of need shall not be required for an escalation of the capital expenditure authorized provided that the scope of the project as approved is not altered, the excess capital expenditure has not been obligated and the amount of the escalation does not exceed:

1. Twenty (20) percent of the capital expenditure authorized or $100,000, whichever is greater, in the case of projects with a capital expenditure of less than $500,000;

2. Twenty (20) percent of the capital expenditure authorized, in the case of projects with a capital expenditure of $500,000 or greater, but less than $5,000,000;

3. Ten (10) percent of the amount in excess of $5,000,000, plus $1,000,000, in the case of projects with a capital expenditure of $5,000,000 or greater, but less than $25,000,000;

4. Five (5) percent of the amount in excess of $25,000,000, plus $3,000,000, in the case of projects with a capital expenditure of $25,000,000 or greater, but less than $50,000,000; or

5. Two (2) percent of the amount in excess of $50,000,000, plus $4,250,000 in the case of projects with a capital expenditure of $50,000,000 or greater.

(b) The certificate of need holder shall submit, to the chairman, a standardized escalation form approved by the commission which includes the amount of the escalation, the factors pertaining to the escalation, and information to assure that the scope of the project as approved originally by the commission has not changed. The chairman shall review the form submitted and within thirty (30) days of receipt shall notify the certificate of need holder whether the proposed escalation meets the requirements of subsection (a) of this section. Capital expenditures for escalations within the limits prescribed in this section shall not be obligated until the certificate of need holder has received this notice. [A certificate of need shall be required for escalations in the capital expenditure authorized which exceeds the limits prescribed in this section or entails a change in the scope of the proposal which was originally approved.]

(c) The certificate of need holder shall, prior to obligating any escalation of the capital expenditure authorized, submit to the chairman any additional certificate of need application fee required by the increased capital expenditure pursuant to the requirements of 902 KAR 20:135.

(d) A certificate of need holder who obligates an amount exceeding the capital expenditure authorized without receiving an approved escalation per paragraph (b) of this subsection is subject to the appropriate penalty per KRS 216B.990.

Section 8. Progress Reports. (1) As one of the conditions of a certificate of need, the certificate of need holder shall submit a report of progress every six (6) months or more frequently if required by the commission [until the project is complete].

(2) All certificate of need holders shall be notified in writing that certificates of need, or portions thereof, will be revoked by the commission if satisfactory evidence towards the implementation of a proposal is not made within the time tables and standards set [limits] set by this regulation. The applicant shall provide the necessary evidence on forms provided by the chairman. The commission may revoke the certificate of need, or portions thereof, for failure to submit progress reports as required.

(3) Procedures for submission of progress reports.

(a) The chairman shall send notice to the certificate of need holder specifying the date each progress report is due. The first six (6) month report shall be due six (6) months from the date the certificate was issued.

(b) The holder shall send one (1) copy of the six (6) month progress report form to the commission [and two (2) copies to the local health planning agency, if any].

(4) Criteria for review of progress.

(a) The first six (6) month progress report shall include the following:

1. On all projects for purchase of equipment only, a copy of the purchase order.

2. For all construction projects, a copy of the deed or the option to acquire the site.

(b) Within one (1) year after a certificate of need is issued, the second six (6) month report shall include documentation that:

1. All projects for conversion of beds are complete;

2. All projects for addition of new services, not involving construction, are complete;
3. Schematic plans have been submitted to the Department of Housing, Buildings and Construction and the Cabinet for Human Resources for construction projects. The second six (6) month report for all construction projects shall also include:
a. Schedule for project completion with projected dates;
b. Evidence of preliminary negotiation with financial agent;
c. Evidence of preliminary negotiation with contractors.
(c) Within eighteen (18) months after a certificate of need has been issued, the third six (6) month report shall include the following information regarding all construction projects:
1. Copy of deed or lease of land;
2. Evidence that holder has sufficient capital obligated to complete the project. If the source of capital is to be a financing agreement, the holder must have evidence that a final enforceable agreement or note has been executed;
3. Documentation that final plans have been submitted to the Department of Housing, Buildings and Construction and the Cabinet for Human Resources;
4. Enforceable contract with construction contractor;
(d) On all projects for purchase of equipment only, evidence that equipment has been installed.
(e) Within two (2) years after a certificate of need has been issued, the fourth six (6) month report shall verify that all construction projects have the walls and roof up and plumbing roughed in.
(f) Within six (6) months following completion of a project for which a certificate of need has been issued, the project must be operational including providing services to all of the licensed service area, if applicable.

Section 9. Commission Notification for Exemption. (1) Before any existing health facility proceeds to provide health services on site pursuant to KRS 216B.020, the facility shall notify the commission, in writing, of the intent to offer the services prior to implementation.

Section 10. Advisory Opinions. The process for seeking an advisory opinion from the commission shall be as follows:
(1) Requests shall be filed, in writing, on a form prescribed by the commission.
(2) The commission may require verification of information and may request additional documentation, if necessary.
(3) Within thirty (30) days of receipt of the completed request for determination, the commission shall notify all affected persons, in writing, of the commission's final determination.

Section 11. 902 KAR 20:127, Certificate of need hearings, is hereby repealed.

W. R. HOURIGAN, Ph.D., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: June 27, 1990
FILED WITH LRC: July 19, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
902 KAR 20:133E

This emergency regulation provides for the repeal of the regulation that adjusts annually the expenditure minimums for capital expenditures and major medical equipment. KRS 216B.015 and 216B.040 authorize the commission to promulgate administrative regulations to provide for the adjustment of expenditure minimums for capital expenditures and major medical equipment. Since KRS Chapter 216B sets new minimums for capital expenditures and major medical equipment expenditures, which will be adjusted annually hereafter, 902 KAR 20:132 is no longer necessary. In order to promulgate regulations which are in accordance with KRS Chapter 216B, as revised by the General Assembly in the 1990 legislative session, it is necessary to promulgate the regulation by emergency. This emergency regulation shall be replaced by an ongoing administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on July, 1990.

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

CABINET FOR HUMAN RESOURCES
Commission for Health Economics Control in Kentucky

902 KAR 20:133E. Repeal of 902 KAR 20:132, Certificate of need expenditure minimums.

RELATES TO: KRS 216B.010 to 216B.131, 216B.990(2)
STATUTORY AUTHORITY: KRS 216B.040
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: KRS 216B.040 authorizes the Commission for Health Economics Control in Kentucky to promulgate administrative regulations. KRS 216B.130 requires the commission to annually adjust expenditure minimums provided in KRS Chapter 216B. Since KRS Chapter 216B sets new minimums respecting capital expenditures and major medical equipment expenditures, 902 KAR 20:132 is no longer necessary. The minimums set by KRS Chapter 216B will be adjusted annually hereafter.

Section 1. Purpose. 902 KAR 20:132, Certificate of need expenditure minimums, is hereby repealed.

W. R. HOURIGAN, Ph.D., Chairman
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: June 27, 1990
FILED WITH LRC: July 19, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
904 KAR 2:015E

This emergency administrative regulation implements the Mentally Ill/Mentally Retarded (MI/MR) Supplement Program for certified personal care homes. This emergency administrative regulation increases the state supplementation standard for personal care recipients by $60 per month. This emergency administrative regulation brings income and resource treatment for state supplementation cases into accordance with Medicaid policy at 907 KAR 1:004. This emergency administrative

regulation makes clarifying corrections to the state supplementation requirements regarding residency and temporary stay in a medical institution. These changes are effective July 1990. This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

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

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development

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

RELATES TO: KRS 205.245
STATUTORY AUTHORITY: KRS 194.050
EFFECTIVE: August 2, 1990
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, referred to as AABD, disadvantaged by the implementation of the Supplemental Security Income Program, 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. The cabinet shall operate a supplement program for certified personal care homes (PCH) which accept state supplementation recipients and have a thirty-five (35) percent mentally ill or mentally retarded (MI or MR) population in all of the PCH's occupied licensed personal care beds. Personal care services are described in 902 KAR 20:036. This regulation sets forth the provisions of the supplementation program.

Section 1. Mandatory State Supplementation. Mandatory state supplementation payments shall 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 continue until 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) 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) Consider resources according to policies for the medically needy as contained in 907 KAR 1:004, except as noted in subsection (2) of this section.

(2) [(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.]

(3) [(6)] Resources determined in accordance with subsection (1) [s (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 (2) [(1)] of this section. If resources exceed the upper limits, the individual or couple is ineligible.

Section 4. Income Considerations. Establish the amount of income according to policies for the medically needy in 907 KAR 1:004. 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 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 or minor dependent children. When conserving for the needs of the minor dependent children, income of the children shall 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 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 $655 [595], effective 7/90 [1/1/90];
(b) Family care home: not less than $484, effective 1/1/90;
(c) Caretaker.
1. Single individual, or eligible individual with ineligible spouse (one who is not aged, blind, or disabled): not less than $417, effective 1/1/90;
2. Married couple, both eligible (aged, blind, or disabled), with one (1) requiring care: not less than $605, effective 1/1/90;
3. Married couple, both eligible and both requiring care: not less than $647, effective 1/1/90.
(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. Temporary Stay in a Medical Institution. A recipient of optional or mandatory state supplementatiaon shall have continuation of state supplementation benefits during a temporary stay in a hospital, psychiatric hospital, skilled nursing facility or intermediate care facility. [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 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 have been admitted for permanent residence. The applicant or recipient shall also be a resident of Kentucky. Generally, this means the individual shall 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 as [when] specified in Section 6 of this regulation [904 KAR 2:015].
(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 require the level of care provided in the out-of-state placement, there shall be no suitable placement available in Kentucky, and the placement shall 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 be considered if the individual is institutionalized. The individual is considered incapable of indicating intent if:
(a) His I.Q. is forty-nine (49) or less or he has a mental age of seven (7) or less, based on tests acceptable to the department; or
(b) He is judged legally incompetent; or
(c) Medical documentation, or other documentation acceptable to the state, supports a finding that he is incapable of indicating intent.
(4) An individual is institutionalized if he is residing in a facility providing some services other than room and board. Personal care facilities are considered to be institutions.
(5) For any noninstitutionalized individual under age twenty-one (21) whose eligibility for a supplemental payment is based on blindness or disability, his state of residence is Kentucky if he is actually residing in the state.
(6) For any noninstitutionalized individual age twenty-one (21) or over, his state of residence is Kentucky if he is residing in the state and has the intention to remain permanently or for an indefinite period (or, if incapable of indicating intent, is simply residing in the state).
(7) For any institutionalized individual living in Kentucky who is under age twenty-one (21) or who is age twenty-one (21) or older and became incapable of indicating intent before age twenty-one (21), the state of residence is Kentucky if:
(a) The state of residence of the individual's parents, or his legal guardian if one has been appointed, is Kentucky; or
(b) The state of residence of the parent applying for the supplemental payment on behalf of the individual is Kentucky, when the other parent lives in another state and there is no appointed legal guardian.
(8) For any institutionalized individual

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

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

(10) For 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 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 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 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 does not meet the residency requirements specified in this section, so long as the individual continues to reside in Kentucky and his receipt of supplementary payments has not since October, 1979 been interrupted by a period of ineligibility.

(15) Except in the preceding provisions of this section, a former Kentucky resident who becomes incapable of indicating intent while residing out of this state may be considered a Kentucky resident if he returns to this state and he has a guardian, parent or spouse residing in this state. This individual may not be considered a Kentucky resident on the basis of this subsection whenever, subsequent to that time, he 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.

(16) 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.

Section 8. Mentally Ill or Mentally Retarded Supplement. Certified PCH may qualify for quarterly supplement payments of fifty (50) cents per diem for each state supplementation recipient in their care as of the first calendar day of each qualifying month. In order to qualify, PCH shall meet the following criteria:

(1) The PCH shall be licensed in accordance with KRS 216B.010 to 216B.131.

(2) The PCH shall care for residents who have a primary or secondary diagnosis of mental retardation (such as mild or moderate, or other ranges of retardation whose needs can be met in a personal care home) or mental illness (excluding such diagnoses as organic brain syndrome, senility, chronic brain syndrome, Alzheimer's).

(3) The PCH shall care for a thirty-five (35) MI or MR percent population in all of its occupied licensed PCH beds.

(4) The PCH shall not be eligible for payments during the time it is rated by the Office of Inspector General as "conditional". Rating requirements are specified in KRS 216.550 and 900 KAR 2:030.

(5) The PCH shall have a licensed nurse or certified medication technician (CMT) on duty for at least four (4) hours during the first or second shift. The PCH may not decrease licensed nurse or CMT staffing hours in effect prior to July 1990, as a result of this minimum requirement.

(6) The PCH shall file an application with the Department for Social Insurance (DSI) by the tenth working day of the first month of the calendar quarter to be eligible for payment in that quarter. Quarters shall begin in January, April, July and October. Once certified, eligibility continues as long as criteria continues to be met.

(7) For state fiscal year (SFY) 1991 implementation only, PCH interested in being certified for the MI or MR supplement shall file a letter of intent with DSI by July 31, 1990. To assure adequate time for the MI or MR training and certification process for both the cabinet and the PCH, the letter of intent shall secure money for the first and second quarters of SFY 1991.

(8) The PCH shall provide DSI with its tax identification number and address annually and with a monthly report of all residents of the PCH (including resident's social security number) who were residents of the PCH on the first day of the month. In order to maintain confidentiality, the PCH shall annotate the monthly listing with a star which indicates a resident has a MI or MR diagnosis and note with a check mark those residents who receive state supplementation but are not mentally ill or mentally retarded. A star and a check mark shall indicate the resident is both MI or MR and a recipient of state supplementation. The monthly report shall be used for certification, payment, and audit purposes. The monthly report shall be postmarked to DSI by the fifth working day of the month. For implementation in SFY 1991, facilities which file a timely letter of intent with DSI shall file the monthly reports for July

and August, 1990, on or before August 15, 1990.

(9) The PCH shall notify DSI when its MI or MR percentage goes below thirty-five (35) percent for all personal care residents. Facilities may be randomly audited to verify percentages and payment accuracy.

Section 9. Training. The PCH licensed nurse or CMT shall attend MI or MR training provided through the Department for Mental Health and Mental Retardation Services. Other staff may be trained in order to assure the facility always has at least one (1) certified staff employed for certification purposes.

(1) MI or MR training shall be provided through a one (1) day workshop. Training will cover at least the following:

(a) Importance of proper medication administration.

(b) Side affects and adverse medication reactions especially with regard to psychotropics.

(c) Signs and symptoms of an acute onset of a psychiatric episode.

(d) Characteristics of each major diagnosis, for example, paranoia, schizophrenia, bi-polar disorder, mental retardation, etc.

(e) Guidance in the area of supervision versus patient rights for the MI or MR population.

(f) How to provide necessary activities to meet the needs of mentally ill or mentally retarded residents.

(2) Initial training shall include the licensed nurse or CMT and may include the owner or operator. These individuals shall be trained in the quarter during which the application is filed. For implementation in SFY 1991 only, the initial training shall take place in the quarter during which the letter of intent is filed or the following quarter. To assure that a certified staff member is always employed at the facility, a maximum of five (5) may be trained during a year (one (1) additional staff member in each of the quarters following the initial training). If staff turnover results in the loss of the licensed nurse or CMT and five (5) staff have been trained, the PCH shall request in writing to DSI an exemption of the five (5) staff rule. The PCH shall have on staff a licensed nurse or CMT who has received the MI or MR training or is enrolled in the next scheduled MI or MR training workshop at the closest location.

(3) The Department for Mental Health and Mental Retardation Services will provide a certificate to direct care staff who complete the workshop.

(4) DSI shall pay twenty-five (25) dollars for each staff member receiving training up to the maximum of five (5) staff per year, in accordance with 904 KAR 2:050.

Section 10. MI or MR Certification. The Office of the Inspector General, Division of Licensing and Regulation, shall visit PCH to certify their eligibility to participate in the MI or MR supplement. The PCH's initial MI or MR certification may be separate from the annual survey. However, after the initial MI or MR certification, the certification shall be in effect until the subsequent licensure survey, which can be greater than or less than twelve (12) months.

(1) Written notification to DSI from the PCH shall be postmarked within five (5) working days after staff have completed the training workshop. DSI shall notify the Division of Licensing and Regulation that the facility is ready to be certified.

(2) The Division of Licensing and Regulation shall review records, observe and interview residents and staff during the certification process. The Division of Licensing and Regulation shall review records to assure the following criteria is met:

(a) Certification is on file at the PCH to verify staff training by the Department for Mental Health and Mental Retardation Services.

(b) The PCH's certified staff have trained all other direct care staff through in-service training or orientation regarding the information obtained at the MI or MR training workshop. The PCH shall maintain documentation of attendance at the in-service training for all direct care staff.

(c) Activities are being regularly provided and meet the needs of the residents. When residents do not attend group activities, activities shall also be designed to meet the needs of individual residents, for example, reading or other activity which may be provided on an individual basis. Individualized care plans are not required to meet this criteria.

(d) Medication administration meets licensure requirements and licensed nurse or CMT demonstrates a knowledge of psychotropic drug side affects.

(3) The Division of Licensing and Regulation shall be provided the MI or MR training package to assure survey staff are aware of what has been taught for MI or MR certification purposes.

(4) The Division of Licensing and Regulation shall also review the PCH copy of the listing submitted to DSI prior to performing their record review during the MI or MR certification process.

(5) If thirty-five (35) percent MI or MR population is met on the day of the visit, the PCH shall be deemed to have an ongoing qualifying percentage effective with month of request for certification. This certification shall be in effect until next annual survey which can be greater than or less than twelve (12) months. The PCH is responsible for notifying DSI, within ten (10) working days, when the MI or MR population goes below thirty-five (35) percent of all occupied personal care beds in the facility.

(6) The Office of the Inspector General, Division of Licensing and Regulation, shall provide a form to DSI monthly identifying certified PCH eligible for MI or MR supplement. This information shall be provided by the fifth working day of each month for the prior month.

(7) The Office of Inspector General, Division of Licensing and Regulation, shall inform DSI monthly of PCH which receive a conditional rating. This information shall be provided by the fifth working day of each month for the prior month.

Section 11. Hearings and Appeals. Applicants or recipients of benefits under programs described herein who are dissatisfied with any action or inaction on the part of the cabinet shall have the right to a hearing under 904 KAR 2:055.

MIKE ROBINSON, Commissioner
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: July 20, 1990
FILED WITH LRC: August 2, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
904 KAR 2:035E

This emergency administrative regulation revises the processing standard for Medicaid applications based on disability to ninety (90) days, as mandated by federal regulation at 42 CFR 435.911(a)(1). This emergency administrative regulation excludes individuals who are potentially eligible for SSI from coverage as medically needy individuals. This emergency administrative regulation shall be effective July 16, 1990. This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

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

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development

904 KAR 2:035E. Right to apply and reapply.

RELATES TO: KRS 205.200(1), 205.245, 205.520(3)
STATUTORY AUTHORITY: KRS 13A.120, 194.050
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility of administering public assistance programs under Titles IV-A, XVI and XIX of the Social Security Act, namely Aid to Families with Dependent Children (AFDC), Mandatory and Optional Supplementation of the aged, blind and disabled (MS) and (OS), and Medical Assistance (MA). This regulation sets forth the procedure by which an application for assistance under these titles is made.

Section 1. Right to Apply or Reapply. Each individual wishing to do so shall have the opportunity to apply or reapply for any assistance program administered by the Cabinet for Human Resources through the Department for Social Insurance. An individual eligible for AFDC, MS, OS, or eligible for supplemental security income through the Social Security Administration is eligible for MA without a separate application. An SSI applicant is not precluded from filing an application for MA with the Department for Social Insurance. An individual applying on the basis of age, blindness, or disability shall not be eligible as a medically needy individual, under 907 KAR 1:011, when his income and resources are within SSI limits. Denial of assistance by the Social Security Administration for supplemental security income for technical reasons is also considered a denial of MA.

Section 2. Application Process. An application will be considered to have been made when the individual or his representative has signed, under penalty of perjury, the application form prescribed by the Department for Social Insurance or the Social Security Administration, for supplemental security income, and such application has been received at the appropriate office.

Section 3. Who may Sign an Application. (1) An application for AFDC shall be signed by the relative with whom a needy child lives or the legally appointed committee of the relative.
(2) An application for MA shall be signed by the individual requesting assistance, the relative with whom the child lives, or an interested party acting in behalf of the applicant.
(3) Prior to July 1, 1982, an application for AFDC-FC (foster care) or MA for children in foster care or private child caring institutions shall be signed by the representative of the agency to which the child is committed or the institution in which the child is placed.
(4) An application for state supplementation shall be signed by the aged, blind or disabled individual, an interested party, his/her legally appointed committee or the representative payee receiving the supplemental security income benefit.

Section 4. Where Applications are Filed. (1) Applications are to be filed in the office of the Department for Social Insurance in the county in which the applicant resides except that a concurrent application for supplemental security income and MA is filed in the service area office of the Social Security Administration.
(2) When a Kentucky resident is temporarily out-of-state, a letter from the applicant, an interested party or an out-of-state agency will be accepted as the initiation of the application process when an emergency arises from accident or sudden illness, care and services are needed immediately, and health would be endangered if he undertook to return to the state. In this situation, the official application form will be forwarded to the initiating party.

Section 5. Action on Applications. A decision shall be made on each application and a check mailed within five (5) days for emergency assistance, forty-five (45) days for AFDC or MA for families and children, or ninety (90) [sixty (60)] days for MA or OS determinations in which permanent and total disability must be established. Exception to the above time standard may be made when the applicant is cooperating but is unable to obtain necessary verification for an eligibility decision to be made or in instances in which delay is beyond the control of the department, that is, failure or delay on the part of the applicant or examining physician or because of some administrative or other emergency that could not be controlled by the department. When the above time standards are not met, the case record shall document the cause for the delay. Failure to process an application within the above time frame shall not be used as the basis for denial.

Section 6. Provisions in this regulation shall become effective July 16, 1990, unless otherwise specified.

MIKE ROBINSON, Commissioner
HARRY J. COWHERD, Secretary
APPROVED BY AGENCY: June 19, 1990
FILED WITH LRC: July 19, 1990 at 11 a.m.

STATEMENT OF EMERGENCY
904 KAR 2:050E

This emergency administrative regulation authorizes payments to certified personal care homes participating in the Mentally Ill/Mentally Retarded (MI/MR) Supplement Program. This emergency administrative regulation adds these payments effective July 1, 1990. This emergency regulation shall be replaced by an ordinary administrative regulation.

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

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development

904 KAR 2:050E. Time and manner of payments.

RELATES TO: KRS 205.220(1)
STATUTORY AUTHORITY: KRS 194.050
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility under the provisions of KRS Chapter 205 to administer money payment programs under Title IV-A of the Social Security Act and a state funded program of money payments to those aged, blind and disabled individuals disadvantaged by the implementation of the Supplemental Security Income Program, hereinafter referred to as SSI. In addition KRS 205.245 provides for money payments to certain other aged, blind or disabled individuals. Effective July 1, 1990, the cabinet shall make a supplement payment of fifty (50) cents per diem to licensed personal care homes (PCH) which apply and are certified under 904 KAR 2:015 to receive the mentally ill/mentally retarded (MI/MR) lump sum quarterly benefit payment. PCH participating in the MI/MR supplement program shall also receive a twenty-five (25) dollar training reimbursement payment for each staff person attending MI/MR training as specified in 904 KAR 2:015. This regulation sets forth the time and the manner in which payments are made and the persons to whom payments may be made as required by KRS 205.220(1).

Section 1. Manner and Time of Payment. (1) All assistance payments are made by check issued monthly, except for the MI/MR supplement, which is issued quarterly. The MI/MR supplement shall be issued by the last day of the month following the month in which the certified quarter ends.

(2) The training reimbusement payment for the MI/MR supplement program shall be issued within thirty (30) days of receipt of appropriate documentation as specified in 904 KAR 2:015.

(3) [(2)] The effective date of initial payment for Aid to Families with Dependent Children (AFDC) approvals shall be the date an application is filed if all eligibility factors were met as of that date. The effective date for State Supplementation Payments (SSP) approvals shall be the first day of the month in which an application is filed if all eligibility factors were met as of that month (for example [i.e.], on or after the date of application). Following the notification of the cabinet by the PCH of their intent to participate, the effective date of the MI/MR supplement shall be the first day of a quarter in which certification requirements contained in 904 KAR 2:015 are met.

(4) [(3)] Payment for both AFDC and SSP is made for an entire month during any part of which eligibility factors are met, except for the initial month's benefits for AFDC approvals which shall not be made for any period prior to the date of application.

(5) [(4)] For AFDC, payments shall not be made to an individual for any month in which the amount of the benefit payment, prior to any recoupment, would be less than ten (10) dollars. Any individual who is denied a payment for this reason shall be deemed a recipient of AFDC for all other purposes.

(6) [(5)] For SSP, supplemental payments shall be made if, due to administrative deadlines, changes in circumstances cannot be recognized in the month such change is reported; or, for AFDC, cannot be recognized in the time frames required in retrospective budgeting.

(7) [(6)] For SSP, supplemental payments to correct underpayments due to administrative errors shall be made for a period of up to twelve (12) months preceding the month of error correction if the error existed in the preceding months.

Section 2. Inalienability of Payment. With the exception of payments made under the MI/MR supplement program, money payments are unconditional and are exempt from any remedy for the collection of debts, liens and encumbrances, [;] However, the cabinet may initiate recoupment to recover overpayment of AFDC benefits.

Section 3. Eligible Payees. Money payments are issued in the name of the eligible applicant, except that:

(1) In the Aid to Families with Dependent Children Program, a protective payment may be made to a third party payee when:

(a) A determination has been made that poor money management is contributing to the unsuitability of the home for a needy child; or

(b) The payee has refused, without good cause, to participate in the Work Incentive Program or the Child Support Program.

(2) In the State Supplementation Payments Program, the payee may in appropriate circumstances be:

(a) The legally appointed committee or guardian; or

(b) For individuals receiving other statutory benefits (such as SSI), the same as the representative payee for that benefit program.

(3) Payment for the month of death may be made to the parent or other specified relative of the deceased child, or the duly appointed administrator of the estate or other qualified executor of the will of the deceased.

(4) Payment for the MI/MR supplement shall be made to the participating PCH, meeting MI/MR certification requirements, for an eligible calendar quarter.

(5) Payment for the MI/MR training reimbursement shall be made to the participating PCH.

MIKE ROBINSON, Commissioner
HARRY J. COWHERD, Secretary
APPROVED BY AGENCY: June 19, 1990
FILED WITH LRC: July 19, 1990 at 11 a.m.

STATEMENT OF EMERGENCY
907 KAR 1:004E

This emergency administrative regulation is being amended to show coverage of pregnant women and children under age one (1) up to 185 percent of the federal poverty income level, effective July 1, 1990, and to make minor technical corrections. This emergency administrative regulation differs from the emergency administrative regulation on the same subject matter that was filed on April 9, 1990 as this regulation covers pregnant women and children up to 185 percent of the federal poverty income level. This emergency administrative regulation will be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about July 1, 1990.

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:004E. Resource and income standard of medically needy.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with requirements of Title XIX of the Social Security Act. KRS 205.520(3) empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provisions of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the resource and income standards by which eligibility of the medically needy is determined.

Section 1. Definitions. The following definitions shall be applicable:
(1) "Spouse" means a person legally married to another under state law.
(2) "Institutionalized spouse" means an individual who is in a medical institution or nursing facility, or participates in a home and community based services (HCBS) waiver program, with a spouse who is not in a medical institution or nursing facility or HCBS waiver program so long as such individual is likely to be in the medical institution or nursing facility or waiver program for at least thirty (30) consecutive days while the community spouse remains out of a medical institution or nursing facility or HCBS waiver program.
(3) "Community spouse" means the spouse of an institutionalized spouse, who remains at home in the community and is not living in a medical institution or nursing facility or participating in an HCBS waiver program.
(4) "Medical institution or nursing facility" means a hospital, skilled nursing facility, or intermediate care facility (including intermediate care facility for the mentally retarded).
(5) "Continuous period of institutionalization" means thirty (30) or more consecutive days of institutional care in a medical institution or nursing home (or both) and may include thirty (30) consecutive days of receipt of home and community based waiver services (or a combination of both). A continuous period of institutionalization terminates when an individual has been out of a medical institution or nursing facility, or HCBS waiver program, for thirty (30) consecutive days.
(6) "Likely to remain" in an institution means a determination by the cabinet based on a physician's written statement that an individual in a medical institution, nursing facility, or HCBS waiver program is expected to remain in that setting or program for thirty (30) consecutive days.
(7) "Countable resources" are resources not subject to exclusion in the Medicaid Program.
(8) "State spousal resource standard" means the amount of couples' combined countable resources determined necessary by the cabinet for community spouses to maintain themselves in the community.
(9) "Spousal protected resource amounts" are resources deducted from couples' combined resources for community spouses in eligibility determinations for institutionalized spouses; amounts above spousal protected resource amounts are used to determine eligibility for institutionalized spouses.
(10) "Spousal resource allowances" means the differences in the dollar value of resources protected for community spouses and the value of the resources actually held in the name of community spouses.
(11) "Resource assessment" means the assessment, upon request by either spouse, of the joint resources of a couple when a member of the couple enters a medical institution or nursing facility or becomes a participant in an HCBS waiver program.
(12) "Support right" means the right of institutionalized spouses to receive support from community spouses under state law.
(13) "Assigned support right" means the assignment of the support right of an institutionalized individual to the state or Medicaid program.
(14) "Undue hardship" means that Medicaid eligibility of the institutionalized spouse cannot be established on the basis of assigned support rights and the spouse is subject to discharge from the medical institution, nursing facility, or HCBS waiver program due to inability to pay.
(15) "Other family members" means children who are either minor or dependent, dependent parents and dependent siblings of either member of a couple and who reside with the community spouse.
(16) "Minors" means the couples' minor children (under age twenty-one (21)) who live with a community spouse and are being claimed as dependents by either spouse under the Internal Revenue Service Code (IRSC).
(17) "Dependent children" means the couples' children age twenty-one (21) and above who live with the community spouse and are claimed as dependents by either spouse under the IRSC.
(18) "Dependent parents" means parents of either member of a couple who live with the community spouse and are claimed as dependents by either spouse under the IRSC.
(19) "Dependent siblings" means a brother or sister of either member of a couple (including half-brothers and half-sisters and siblings gained through adoption) who reside with the community spouse and are claimed as dependents by either spouse under the IRSC.

(20) "Otherwise available income" means income to which community spouses have access and control.

(21) "Gross income" means nonexcluded income which would be used to determine eligibility prior to income disregards.

(22) "Community spouse maintenance standard" means the income standard to which community spouses' income is compared for purposes of determining the amount of allowances used in the posteligibility calculation.

(23) "Other family members maintenance standard" means an amount equal to one-third (1/3) of the difference between the income of other family members and the standard maintenance amount.

(24) "Standard maintenance amount" means one-twelfth (1/12) of the income official poverty line (defined by the federal Office of Management and Budget and revised annually in accordance with sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981) for a family unit of two (2) members (with revisions of the official poverty line applied for medical assistance provided during and after the second calendar quarter that begins after the date of publication of the revisions) multiplied by 122 percent effective September 30, 1989, and multiplied by 133 percent effective July 1, 1991, and multiplied by 150 percent effective July 1, 1992.

(25) "Monthly income allowances" means amounts deducted in the posteligibility calculation for maintenance needs of community spouses and other family members. The allowances are based on the deficit remaining after spouses' and other family members' income is compared to appropriate maintenance needs standards.

(26) "Significant (or extreme) financial duress" exists when either member of a couple establishes to the satisfaction of a hearing officer that the community spouse needs income above the level permitted by the community spouse maintenance standard to provide for medical, remedial, or other support needs of the community spouse so as to permit the community spouse to remain in the community.

Section 2. Resource Limitations and Exclusions of the Medically Needy. The following provisions are applicable with regard to computation of allowable resources:

(1) The upper limit for resources for family size of one (1) and for family size of two (2) is set at $2,000 and $4,000 respectively, effective January 1, 1989, with fifty (50) dollars for each additional member.

(2) A homestead, occupied or abandoned, household equipment, and farm equipment without limitation on value are excluded from consideration.

(3) Equity of $6,000 in income-producing, nonhomestead real property, business or nonbusiness, essential for self-support, is excluded from consideration. Effective with regard to determinations of eligibility made on or after May 1, 1990, the value of property (including the tools of a tradesperson and the machinery and livestock of a farmer) that is essential for self-support for the individual or spouse, or family group in the instance of families with children, and which is used in a trade or business or by the individual or member of the family group as an employee is excluded from consideration as a resource. In addition, for AFDC related MA only cases the value of otherwise countable real property (whether income producing or nonincome producing) may be excluded from consideration for six (6) months if a good faith effort is being made to dispose of the property properly; an additional three (3) months may be allowed for the disposal at the request of the recipient if efforts to dispose of the property within the six (6) month period have been unsuccessful.

(4) Equity of $4,500 in automobiles is excluded from consideration; however, if an automobile is used for employment, to obtain medical treatment of a specific or regulation medical problem, of if specially equipped (e.g., as for use by the handicapped) the total value of such automobile is excluded.

(5) Burial reserves of up to $1,500 per individual, which may be in the form of burial agreement(s) (prepaid burials or similar arrangements), trust fund(s), life insurance policies, or other identifiable funds are excluded from consideration. The cash surrender value of life insurance is considered when determining the total value of burial reserves. When burial funds are commingled with other funds, the applicant has up to thirty (30) days to separately identify the burial reserve amount. Effective with regard to determinations of eligibility made on or after August 1, 1990, interest or other appreciation of value of an excluded [burial reserve or] burial space is excluded as income or a resource so long as such amount is left to accumulate as a part of the [burial reserve or] burial space.

(6) Burial spaces, plots, vaults, crypts, mausoleums, urns, caskets, and other repositories which are customarily and traditionally used for the remains of deceased persons are excluded from consideration as a countable resource without regard to value.

(7) Resources determined in accordance with subsections (3), (4), and (5) of this section, or Section 21 of this regulation, to be in excess of excluded amounts must be considered countable resources when determining whether the individual or family group exceeds the upper limits specified in subsection (1) of this section. If resources exceed the upper limits, the individual or family group is ineligible.

(8) The following exclusions are also applicable as stated:

(a) Proceeds from the sale of a home are excluded from consideration for three (3) months from date of receipt if used to purchase another home.

(b) Resources of a blind or disabled person necessary to fulfill an approved plan for achieving self-support are excluded from consideration.

(c) Payments or benefits from federal statutes, other than Title XVI (Supplemental Security Income), are excluded from consideration (as either a resource or income) if precluded from consideration in Title XVI determinations of eligibility by the specific terms of the statute.

(d) Disaster relief assistance is excluded from consideration.

(e) Cash or in-kind replacement for repair or replacement of an excluded resource is excluded from consideration if used to repair or replace the excluded resource within nine (9) months of the date of receipt.

(f) Effective with regard to determinations of

eligibility made on or after April 16, 1988, and applicable with regard to the usual three (3) month period for retroactive eligibility, the life interest that Medicaid applicants or recipients may have in real estate or other property shall be excluded from consideration as an available resource.

(g) Effective with regard to determinations of eligibility for periods beginning on or after December 1, 1988 real property is excluded from consideration for adult medical assistance and state supplementation recipients if:

1. Such property is jointly owned and its sale would cause undue hardship due to loss of housing for the other owner or owners; or
2. Its sale is barred by a legal impediment; or
3. The owner's reasonable efforts to sell have been unsuccessful.

(h) Cash payments intended specifically to enable applicants or recipients to pay for medical or social services are not considered as available income or as a resource in the month of receipt or for one (1) calendar month following the month of receipt. If the cash is still being held at the beginning of the second month following its receipt, it will be considered a resource.

(i) Effective with regard to determinations of eligibility made on or after June 1, 1989, any amount received which is a result of an underpayment (i.e., which is a retroactive payment) of benefits from Title II (Federal Old Age, Survivors, and Disability Insurance Benefits) or Title XVI (Supplemental Security Income) is excluded as a resource for the first six (6) months following the month in which the amount is received or for the first nine (9) months following receipt if receipt is during the period of October 1, 1987 through September 30, 1989.

Section 3. Income and Resource Exemptions. Income and resources which are exempted from consideration for purposes of computing eligibility for the comparable money payment program (Aid to Families With Dependent Children and Supplemental Security Income) shall be exempted from consideration by the cabinet, except that the AFDC earned income disregard (first thirty (30) dollars and one-third (1/3) of the remainder) may not be allowed in determining eligibility for medical assistance only.

Section 4. Income Limitations of the Medically Needy. Eligibility from the standpoint of income is determined by comparing adjusted income as defined in Section 5 of this regulation, of the applicant, applicant and spouse, or applicant, spouse and minor dependent children with the following scale of income protected for basic maintenance:

Size of Family	Annual	Monthly
1	$2,600	$217
2	3,200	267
3	3,700	308
4	4,600	383
5	5,400	450
6	6,100	508
7	6,800	567

For each additional member, $720 annually or sixty (60) dollars monthly is added to the scale. The change shown in this section of the regulation shall be effective with regard to determinations of eligibility made on or after July 1, 1989.

Section 5. Additional Income Considerations. (1) In comparing income with the scale as contained in Section 4 of this regulation, gross income is adjusted as follows in all cases with exceptions as contained in Section 6 of this regulation:

(a) Effective with regard to determinations of eligibility made on or after October 1, 1989, in Aid to Families with Dependent Children (AFDC) related medical assistance cases, the standard work related expenses of adult members and out-of-school youth are deducted from gross earnings. For those with either full-time or part-time employment the standard work expense deduction is ninety (90) dollars per month. All earnings of an in-school child are disregarded. Full-time and part-time employment, and school attendance, shall be as defined in 904 KAR 2:016, Standards for need and amount; AFDC.

(b) Effective with regard to determinations of eligibility made on or after October 1, 1989, in AFDC related medical cases, dependent care as a work expense is allowed (but only when the dependent is included in the assistance unit) for full-time and part-time employment (as defined in 904 KAR 2:016, Standard for need and amount; AFDC). The dependent care work expense shall be deducted after all other disregards have been applied. The dependent care work expense allowed shall not exceed, per month, $200 for full-time or part-time employment per child under age two (2), and $175 for full-time employment or $150 for part-time employment per child age two (2) and above and for each incapacitated adult.

(c) Effective with regard to determinations of eligibility made on or after October 1, 1989, in AFDC related medical assistance cases, any advanced payment or refund relating to the federal earned income tax credit shall be disregarded.

(2) The following special factors are applicable for pregnant women, infants and children eligible pursuant to Section 1902(1) of the Social Security Act [6401 of the Omnibus Budget Reconciliation Act of 1989 (OBRA 89)]:

(a) Effective with regard to determinations of eligibility made on or after July 1, 1990, [Such] pregnant women and children under age one (1) may have family income up to, but not to exceed, 185 percent and children age one (1) or over but under age six (6) may have family income up to, but not to exceed, 133 percent of the official poverty income guidelines as promulgated by the Department of Health and Human Services, United States Government, and revised annually, and the updated official poverty guidelines to be used for a year will be the latest poverty guidelines available as of March 1 of the particular state fiscal year;

(b) Pregnant women, infants and children who would be eligible under [the] provisions of 1902(1) of the Social Security Act [OBRA 89] except for income in excess of the allowable standard may not become eligible by spending down to the official poverty guidelines;

(c) Effective with regard to determinations of eligibility made on or after June 1, 1989, available resources shall be disregarded;

(d) The Aid to Families with Dependent Children (AFDC) budgeting methodology (except for application of the AFDC earned income

disregard of the first thirty (30) dollars and one-third (1/3) of the remainder) shall be used; and

(e) Changes of income that occur after the determination of eligibility of a pregnant woman shall not affect such pregnant woman's eligibility through the remainder of the pregnancy including the usual post partum period which ends at the end of the month containing the 60th day of a period beginning on the last day of her pregnancy.

(3) The following special income and resource limits and provisions are applicable for determinations of eligibility of qualified Medicare beneficiaries for the special Title XVIII benefits described in 907 KAR 1:006, effective for determinations of eligibility made on or after January 1, 1989.

(a) The following income upper limits, shown as a percentage of the official poverty income level, shall be effective on the specified dates: [January 1, 1989, eighty-five (85) percent;] January 1, 1990, ninety (90) percent; January 1, 1991, ninety-five (95) percent; and January 1, 1992, 100 percent.

(b) The official poverty income guidelines will be those promulgated by the Department of Health and Human Services, United States Government, and revised annually, and the updated official poverty guidelines to be used for a year will be the latest poverty guidelines available as of March 1 of the particular state fiscal year.

(c) The income disregards to be used will be those applicable in the federal Supplemental Security Income (SSI) program.

(d) Resources shall be limited to no more than twice the allowable amount for the federal Supplemental Security Income (SSI) program.

Section 6. Specified Individuals in Long-term Care Facilities. For aged, blind or disabled individuals in long-term care facilities not subject to treatment as the institutionalized spouse of a community spouse as shown in Section 21 of this regulation, the following requirements with respect to income limitations and treatment of income shall be applicable.

(1) In determining eligibility, the appropriate medically needy standard or special income level is used as are appropriate disregards and exclusions from income. In determining patient liability for the cost of institutional care, gross income is used as shown in subsections (2) and (3) of this section.

(2) Income protected for basic maintenance, effective July 1, 1986, is forty (40) dollars monthly in lieu of the figure shown in Section 4 of this regulation. All income in excess of forty (40) dollars is applied to the cost of care except as follows:

(a) Available income in excess of forty (40) dollars is first conserved as needed to provide for needs of the minor children up to the appropriate family size amount from the scale as shown in Section 4 of this regulation.

(b) Remaining available income is then applied to the incurred costs of medical and remedial care that are not subject to payment by a third party (except that, effective for determinations of eligibility for periods beginning on or after December 1, 1988, the incurred costs may be reimbursed under another public program of the state or political subdivision of the state), including Medicare and health insurance premiums and medical care recognized under state law but not covered under the state's Medicaid plan.

(3) The basic maintenance standard allowed the individual during the month of entrance into or exit from the long term care facility shall reasonably take into account home maintenance costs.

(4) When an individual loses eligibility for a supplementary payment due to entrance into a participating long term care facility, and the supplementary payment is not discontinued on a timely basis, the amount of any overpayment is considered as available income to offset the cost of care (to the Medical Assistance Program) if actually available for payment to the provider.

(5) Effective with regard to determinations of eligibility made on March 16, 1989 and thereafter, Supplemental Security Income (SSI) or state supplementation payments received by specified institutionalized Medicaid eligible individuals in accordance with Section 1611(e)(1)(G) of the Social Security Act shall be excluded from consideration as either income or a resource, and such payments may not be used in the posteligibility process to increase the patient liability.

Section 7. Spend-down Provisions. No technically eligible individual or family is required to utilize protected income for medical expenses before qualifying for medical assistance. Individuals with income in excess of the basic maintenance scale as contained in Section 4 of this regulation may qualify for medical assistance in any part of a three (3) month period in which medical expenses incurred have utilized all excess income anticipated to be in hand during that period; effective October 1, 1988, medical expenses incurred in periods prior to the quarter for which spend-down eligibility is being determined may be used to offset excess income so long as such medical expenses remain unpaid at the beginning of the quarter and have not previously been used as spend-down expenses. Effective for determinations of eligibility for periods beginning on or after February 1, 1989, the incurred costs may be reimbursed under another public program of the state or political subdivision of the state and still be considered incurred costs of the applicant or recipient.

Section 8. Consideration of State Supplementary Payments. For an individual receiving state supplementary payments, that portion of the individual's income which is in excess of the basic maintenance standard is applied to the special need which results in the supplementary payment.

Section 9. Special Needs Contributions for Institutionalized Individuals. Voluntary payments made by a relative or other party on behalf of a long term care facility resident or patient shall not be considered as available income if made to obtain a special privilege, service, or item not covered by the Medical Assistance Program. Examples of such special services or items include television and telephone service, private room or bath, private duty nursing services, etc.

Section 10. Pass-through Cases. Increases in social security payments due to cost of living

increases but for which the individual would be eligible for supplemental security income benefits or state supplementary payments, and which are received after April 1, 1977, shall be disregarded in determining eligibility for medical assistance benefits; such individuals shall remain eligible for the full scope of program benefits with no spend-down requirements. Beginning on November 1, 1986, the additional amount specified in Section 12202 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) shall be disregarded, i.e., that amount of social security benefits to which certain widows or widowers were entitled as a result of the recomputation of benefits effective January 1, 1984, and except for which (and subsequent cost of living increases) such individuals would be eligible for federal supplemental security income benefits; eligibility as a result of such disregard shall not exist prior to July 1, 1986. To be eligible, applicants must apply by July 1, 1988.

Section 11. Relative Responsibility. For purposes of the Medical Assistance Program, spouses are considered responsible for spouses and parents are considered responsible for dependent minor children. Effective for determinations of eligibility made on or after December 1, 1987, children under age twenty-one (21) living with parents (but not including children age eighteen (18) and above who are blind or disabled) are considered dependent minor children for purposes of deeming of income and resources under the Medicaid Program even if such children are emancipated under state law. This responsibility, with regard to income and resources, is determined as follows:

(1) "Living with" is defined as sharing a common living arrangement or household, but not including living in the same room in a long term care facility. "Living apart" is defined as not sharing a common household, whether due to estrangement, disability, or illness. Effective July 1, 1987, a husband and wife sharing a room or comparable accommodation in a long term care facility may be considered to be "living with" each other after they have continuously shared such a room or accommodation for six (6) months, if treating such husband and wife as living apart would prevent either of them from receiving medical assistance.

(2) In cases of aged, blind, or disabled applicants or recipients living with their eligible spouse, total resources and adjusted income of the couple is considered in relation to the resource and income limitations for a family size of two (2), or if other dependents live with the couple, the appropriate family size including the dependents.

(3) In cases of aged, blind or disabled applicants or recipients living with an ineligible spouse, income from the ineligible spouse shall be deemed as available to the eligible spouse as outlined below.

(a) Determine the potential spend-down amount of the eligible individual by comparing the countable income to the Medically Needy Income Level (MNIL) for one (1) as shown in Section 4 of this regulation.

(b) Allocate to other dependents in the household from the ineligible spouse income in an amount equal to one-half (1/2) of the MNIL for a family size of one (1) for each dependent.

(c) If the ineligible spouse's income is more than one-half (1/2) of the MNIL for a family size of one (1), combine the income of the ineligible spouse with that of the eligible individual and compare that figure with the MNIL for a couple to determine continuing eligibility or the spend-down amount. Effective December 1, 1989, if the ineligible spouse's income is less than one-half (1/2) of the MNIL for a family size of one (1), the income is disregarded and the income of the eligible individual is compared with the MNIL for a family size of one (1).

(d) Compare the amount resulting from paragraph (a) of this subsection with the result of paragraph (c) of this subsection and determine eligibility using the spend-down amount, if any, which is greater.

(e) Resources shall be considered in the same manner as for an eligible spouse.

(4) In cases of aged, blind, or disabled couples, living apart for any reason other than institutionalization, both of whom are concurrently applying for or receiving MA only, income and resources are considered in relation to resource and income limitations for a family size of two (2), or if other dependents live with either spouse, the family size including such dependents, but only for the first six (6) months after the month of separation, that such couple lives apart; however, if mutual consideration of income and resources causes the individuals to lose eligibility as a couple, eligibility for the individuals is determined in accordance with subsection (5) of this section. If the separation is due to the institutionalization of a spouse, mutual consideration of income for the institutionalized spouse ceases in the month of separation and for the community spouse in the month after the month of separation but resources are considered mutually available to each other the month of separation, and for the six (6) months following that month unless such would act to preclude eligibility of the individual in long-term care (except when the resource rule shown in Section 21 of this regulation is applicable due to a continuous period of institutionalization beginning on or after September 30, 1989).

(5) In cases of an aged, blind, or disabled individual living apart from a spouse (for a reason other than institutionalization) who is not a recipient of MA only, eligibility is determined on a couple basis for the month of separation and as a single individual after the month of separation.

(6) For an individual whose case is being worked as if he were a single individual due to living apart from his spouse, as shown in Section 11(4) and (5) of this regulation, who has jointly held resources with his spouse, one-half (1/2) of the jointly held resource would be considered a resource; except that the entire amount of a jointly held checking or savings account is considered a resource if the resource may be accessed independently of the spouse.

(7) Total resources and adjusted income of parent(s) and children for whom application is made is considered in relation to limitations for family size. Excluded, however, is the income and resources of an SSI parent and the SSI essential person spouse whose medical assistance eligibility is based on inclusion in the SSI case. Resources and income of an SSI

essential person, spouse or nonspouse, whose medical assistance eligibility is not based on inclusion in the SSI case must be considered.

(8) In cases of a blind or disabled child under eighteen (18) living with his parent(s) (including stepparent, if applicable), total resources and adjusted income of the parent(s) is related to limitations for family size, including the applicant or recipient child and other dependent children of parent using the adult scale. The income and resources of the parent(s) shall also be considered available to such child who is aged eighteen (18) through twenty-one (21), if in school, when to do so will work to the child's benefit and the individual was aged eighteen (18) through twenty-one (21) in September, 1980, and was MA eligible at that time.

(9) Income and resources of parent(s) are not considered available to a child living apart from the parent(s), but any continuing contribution actually made is considered as income. Living apart may mean living in a medical institution, special school or in foster care and such status continues even if the child makes visits to the parent(s) home. For comparison with the resource and income limitations, the child's individual resources and income are considered in relation to family size of one (1). Effective with regard to determinations of eligibility for periods beginning on or after December 1, 1988, the following criteria should be used to determine whether a child who has been living with his parents and is institutionalized in a psychiatric facility is to be considered as living apart from his parents: a child is to be considered as living with his parents unless he has been in the facility for thirty (30) or more days or a physician specifies that it is anticipated he will remain in the facility for thirty (30) or more days (regardless of whether the child actually does so); a child who is institutionalized in a psychiatric facility but is legally committed to or in the custody of the Cabinet for Human Resources is not to be considered as living with his parents.

(10) When a recipient (but not including a child) in a family case has income and resources considered in relation to family size and enters a long term care facility, his income and resources are considered in the same manner as previously for up to one (1) year with, effective with regard to determinations of eligibility made on or after February 1, 1988, the individual allowed forty (40) dollars as his basic maintenance standard. When a child in a family case is in the long term care facility, eligibility of the child is determined in the same manner for up to a year but his liability for the cost of care is determined by allowing to the child from his own income forty (40) dollars and considering the remainder available for the cost of care. (Note: in this situation any welfare payment made to the child is disregarded when determining liability for cost of care.) The eligibility of the individual, with regard to income and resources, shall be determined on the basis of living apart from the other family members whenever it becomes apparent that the separation will last for more than one (1) year.

Section 12. Treatment of Income of the Stepparent or Parent/Legal Guardian of a Minor Parent/Legal Guardian (referred to as a "Grandparent") and Effect on Eligibility of the Assistance Group Effective with Regard to Determinations of Eligibility Made On or After June 1, 1989. An incapacitated (as determined by the department) stepparent's income, or a grandparent's income, is considered in the same manner as for a parent if the stepparent or grandparent is included in the family case. When the stepparent or grandparent living in the home is not being included in the family case, the stepparent's gross income is considered available to the spouse or the grandparent's gross income is considered available to the minor parent in accordance with the policies set forth in this section.

(1) Disregards/exclusions from income. The following disregards/exclusions from income shall be applied:

(a) The first seventy-five (75) dollars of the gross earned income of the stepparent or grandparent who is employed full time or part time (with full-time and part-time employment as defined in Section 5(1) of this regulation).

(b) An amount equal to the medically needy income limitations scale as shown in Section 4 of this regulation for the appropriate family size, for the support of the stepparent or grandparent and any other individuals (not including the spouse or minor parent) living in the home but whose needs are not taken into consideration in the medical assistance eligibility determination and are claimed by the stepparent or grandparent as dependents for purposes of determining his federal personal income tax liability.

(c) Any amount actually paid by the stepparent or grandparent to individuals not living in the home who are claimed by him as dependents for purposes of determining his personal income tax liability.

(d) Payments by the stepparent or grandparent for alimony or child support with respect to individuals not living in the household.

(e) Income of a stepparent or grandparent receiving supplemental security income.

(f) Verified medical expenses for the stepparent or grandparent and his dependents in the home.

(2) Determining eligibility of the grandchild(ren) and stepchild(ren). When a stepparent or grandparent has available income remaining after disregards/exclusions are applied, the income may be deemed to the spouse (of the stepparent) or minor parent (child of the grandparent) but not to the stepchild(ren) or grandchild(ren). Eligibility of the stepchild(ren) or grandchild(ren) is determined in the following manner in order to take this requirement into consideration: consider only the income of the grandchild(ren) and minor parent, or stepchild(ren) and parent (spouse of the stepparent) as appropriate. The budget size would include the child(ren) and parent. If there is no excess, the child(ren) is eligible; if there is an excess, the excess amount may be spent down in the usual manner.

(3)(a) To determine separate eligibility of the minor parent (of the grandchild) or spouse (of a stepparent) when the eligibility of the grandparent or stepparent is not to be determined, consider the income of the child(ren) and his parent, and the actual amount available for deeming from the grandparent or stepparent. The budget size would include the

child(ren) and parent (but not the grandparent or stepparent). If there is no excess, the minor parent or spouse (of a stepparent) is eligible; if there is an excess, the excess amount may be spent down in the usual manner.

(b) When the grandparent (of a minor parent) or the stepparent (spouse of the parent with children) are to be included in the case, eligibility of the minor parent or spouse cannot be determined separately but must be determined in combination with that of the grandparent or stepparent. The combined eligibility of the minor parent and grandparent or spouse and incapacitated stepparent is determined in the usual way including the available income of the grandparent or stepparent, the minor parent or spouse of the stepparent, and the grandchild(ren) or stepchild(ren) as appropriate. When the grandparent or incapacitated stepparent is included in the case, the amount excluded for the needs of the grandparent or stepparent in the determination of available income in subsection (1) of this section must be considered as available income for purposes of this determination of eligibility. If there is no excess, the minor parent and grandparent or spouse and incapacitated stepparent are eligible; if there is an excess, the excess amount may be spent down in the usual manner.

(4) When determining eligibility of individuals or family groups with excess income, uncovered incurred medical expenses of all members of the budget unit (and dependents of members of the budget unit whose needs are considered when determining the eligibility of that member) may be used to meet the spend-down amount(s).

Section 13. Companion Cases. When spouses or parent(s) and children living in the same household apply separately for assistance, relative responsibility must be taken into consideration.

(1) In the case of an application for assistance for a dependent child(ren), the income, resources and needs of the parent(s) must be included in the determination of need of the child(ren) even when the parent(s) applies for assistance for himself on the basis of age, blindness, or disability (except as shown in subsection (3) of this section).

(2) In the case of a spouse, income and resources of both spouses are combined and compared against the medically needy income and resources limits for a family size of two (2) even though a separate determination of eligibility shall be made for each individual.

(3) In the case of families with children with a parent eligible for supplemental security income (SSI), neither the income, resources, nor needs of the SSI eligible individual are to be included in the determination of eligibility of the children.

(4) A parent in a family case may request that one (1) or more children be technically excluded from the determination of eligibility due to income while a regular application for Medicaid eligibility is processed for other children in the family group. In this circumstance, the income and resources of the technically excluded child(ren) and the technically excluded child(ren)'s needs are excluded in the budgeting process when determining eligibility of the family group. A separate spend-down case(s) may then be established for the technically excluded child(ren); the income, resources and needs of the responsible relative or parent are included in the budget in accordance with usual criteria, and income/resources and needs of siblings in the other case may also be included in budgeting for the spend-down case if that works to the advantage of the technically excluded child(ren) for whom eligibility is being determined in the spend-down case. Excess income in the spend-down case may be spent-down using uncovered incurred medical care costs of any member of the family included in the budgeting process for the spend-down case.

Section 14. Treatment of Lump-sum Income. The following policy is effective <u>with regard to determinations of eligibility made on or after August 1, 1990</u> [January 1, 1986]: for adult related cases, lump-sum income is <u>counted as income in the month received to the extent feasible</u> [prorated over the three (3) month period following the agency's notice of receipt by the client, with any amount spent by the client prior to notification of the agency deducted from the total considered available]; any portion of the income remaining <u>is considered as a resource for the following months and</u> [available after the three (3) month period is] considered in relation to resource limitations; the exception to the treatment of lump sum income is specified in Section 2(8)(i) of this regulation; for AFDC related cases, lump sum income is divided by the medically needy income level and prorated over the resultant number of months. Effective February 1, 1989, lump sum income for individuals eligible under the federal poverty level standards specified in Section 5(2) and (3) of this regulation would be divided by the appropriate standard for the eligible group and prorated over the resultant number of months.

Section 15. Transferred Resources. (1) Effective for determinations of eligibility made on or after October 1, 1989, an individual who transferred property on or before June 30, 1988 for less than fair market value must have a period of ineligibility for medical assistance computed beginning with the month in which the resources were transferred. The period of ineligibility shall be equal to the lesser of twenty-four (24) months or the number of months derived by deducting from the uncompensated excess value the actual cost of care on a monthly basis if the individual is institutionalized or $500 for each month from the month of transfer if not institutionalized.

(2) Effective for determinations of eligibility on or after October 1, 1989, when an institutionalized individual (defined as an individual in a skilled nursing facility, general intermediate care facility, or a participant in the home and community based services waiver program) applies for medical assistance a period of ineligibility for payments for such service must be computed if at any time during the thirty (30) month period immediately preceding the application (but on or after July 1, 1988) the individual (or his spouse with regard to transfers occurring after December 19, 1989) disposed of property for less than fair market value. The period of ineligibility for such service (beginning with the month in which the resources were

transferred) shall be equal to the lesser of thirty (30) months or the number of months derived by dividing the total uncompensated value of the resources so transferred by the average cost, to a private patient at the time of the application, of nursing facility services in the state (either intermediate care or skilled nursing care as appropriate for the level of care).

(3) An individual shall not be ineligible for medical assistance or an institutional type of service by virtue of subsection (1) or (2) of this section to the extent that the conditions specified in Section 1917(c)(2)(B), (C) and (D) of the Social Security Act or Section 21 of this regulation are met, nor shall an individual be ineligible for medical assistance or an institutional type of service due to transfer of resources for less than fair market value except in accordance with this section.

(4) The disposal of a resource, including liquid assets, at less than fair market value shall be presumed to be for the purpose of establishing eligibility unless the individual shows the transfer was in accordance with Section 1917(c)(2)(B) or (C)(i) of the Social Security Act or presents convincing evidence that the disposal was exclusively for some other purpose. If the purpose of the transfer is in accordance with Section 1917(c)(2)(B) or (C)(i) or is for some reason other than to qualify for medical assistance or if the transferred resource was considered an excluded resource at the time it was transferred, the value of the transferred resource is disregarded. If the resource was transferred for an amount equal to at least the assessed value for tax purposes, the resource will be considered as being disposed of for fair market value. Notwithstanding the preceding, if the assessed agricultural value is used for tax purposes the transfer is required to be for an amount equal to the fair market value.

(5) After determining that the purpose of the transfer was to become or remain eligible, the cabinet shall first add the uncompensated equity value of the transferred resource to other currently held resources to determine if retention of the property would have resulted in ineligibility. For this purpose, the resource considered available shall be the type of resource it was prior to transfer, e.g., if nonhomestead property was transferred, the uncompensated equity value of the transferred property would be counted against the permissible amount for nonhomestead property. If retention of the resource would not have resulted in ineligibility, the value of the transferred resource would thereafter be disregarded.

(6) If retention would result in ineligibility, the cabinet will compute a period of ineligibility for medical assistance or an institutional type of service as provided for in subsections (1) and (2) of this section.

(7) The uncompensated value may be excluded from consideration when good cause exists. A waiver of consideration of the uncompensated amount will be granted subject to the following criteria:

(a) "Good cause" means that an expense (or loss) was incurred by the individual or family group due to a natural disaster, fire, flood, storm or earthquake; or illness resulting from accident or disease; or hospitalization or death a member of the immediate family; or civil disorder or other disruption resulting in vandalism, home explosions, or theft of essential household items.

(b) The exclusion may not exceed the amount of the incurred expense or loss; the amount of the uncompensated value to be excluded cannot include any amount which is payable by Medicaid, Medicare, or other insurance.

Section 16. Special Provisions for AIS/MR Recipients. Medical assistance eligibility for participants in the program of alternative intermediate services for the mentally retarded (AIS/MR) shall be determined taking into consideration the special provisions contained in this section and in Section 21 of this regulation.

(1) Usual institutional deeming rules shall be applicable.

(2) AIS/MR services program participants who participate in the AIS/MR program for thirty (30) consecutive days (including any actual days of institutionalization within that period) and who have income not in excess of 300 percent of the SSI standard for an individual shall be determined to be eligible as categorically needy under a special income level (i.e., the special income level is 300 percent of the SSI standard). Income protected for basic maintenance of the AIS/MR participant in the posteligibility determination of patient liability for individuals eligible as medically needy or on the basis of the special income level of 300 percent of the federal SSI standard shall be the standard for the federal supplemental security income program in addition to the SSI general exclusion.

(3) If an AIS/MR services program participant has income in excess of 300 percent of the SSI standard, eligibility of the participant is determined in the usual manner for an individual who is institutionalized, with the cost of AIS/MR services projected if eligibility is determined on a monthly basis.

(4) Eligibility shall continue on the same basis as for an institutionalized individual when the cost of care is greater than the recipient's adjusted monthly income or the recipient is eligible based on the special income level of 300 percent of the SSI level as specified in 907 KAR 1:011, Technical eligibility requirements.

Section 17. Special Provisions for Hospice Recipients. Medical assistance eligibility for participants under the Medicaid hospice benefit shall be determined (when necessary to establish eligibility for medical assistance benefits for cases with income in excess of the usual basic maintenance standard) taking into consideration the special provisions contained in this section.

(1) Income protected for basic maintenance of the hospice participant in the posteligibility determination of patient liability for noninstitutionalized individuals eligible on the basis of the special income level of 300 percent of the federal SSI standard shall be the standard for the federal supplemental security income (SSI) program in addition to the SSI general exclusion. For the noninstitutionalized medically needy participants (all of whom must spend-down on a quarterly basis), the amount protected for basic maintenance is the usual medically needy standard as shown in Section 4

of this regulation plus the SSI general exclusion. For the institutionalized medically needy the amount protected for basic maintenance in the eligibility determination is the medically needy standard for the appropriate family size plus the SSI general exclusion. If a hospice participant is institutionalized in a long-term care facility, the basic maintenance amount is forty (40) dollars per month.

(2) When eligibility is determined for an institutionalized monthly spend-down case, the attributed cost of care against which monthly available income of the hospice participant shall be applied shall be the hospice routine home care per diem (for the hospice providing care) as established by the Medicare program plus the room and board rate for the appropriate level of care (i.e., skilled nursing or intermediate care).

(3) Eligibility shall continue on the same monthly basis as for an institutionalized individual when the recipient is eligible based on the special income level of 300 percent of the SSI level as specified in 907 KAR 1:011, Technical eligibility requirements.

(4) A hospice participant may be eligible for benefits based on this section only if he has elected coverage under the Medicaid hospice benefit rather than the regular Medicaid program.

(5) Usual institutional deeming rules shall be applicable with regard to the categorically needy including all participants eligible on the basis of the special income level of 300 percent of the SSI standard. Community deeming procedures are used for all medically needy individuals not eligible under the special income level.

Section 18. Special Provisions for Recipients Participating in the Home and Community Based Services Waiver Program. Medical assistance eligibility for participants under the home and community based (HCB) services waiver program shall be determined (when necessary to establish eligibility for medical assistance benefits for cases with income in excess of the usual basic maintenance standard) taking into consideration the special provisions contained in this section and in Section 21 of this regulation.

(1) Income protected for basic maintenance of HCB services program participants who are eligible as medically needy or under the special income level shown in this section shall be the standard used for an individual in the federal supplemental security income (SSI) program in addition to the SSI general exclusion.

(2) HCB services program participants who participate in the HCB program for thirty (30) consecutive days (including any actual days of institutionalization within that period) and who have income not in excess of 300 percent of the SSI standard for an individual shall be determined to be eligible as categorically needy under a special income level (i.e., the special income level is 300 percent of the SSI standard).

(3) If an HCB services program participant has income in excess of 300 percent of the SSI standard, eligibility of the participant is determined in the usual manner for an individual who is institutionalized, with the cost of HCB services projected if eligibility is determined on a monthly basis.

(4) Usual institutional deeming rules shall be applicable.

Section 19. Treatment of Potential Payments from Medicaid Qualifying Trusts. When an individual (or his spouse for the individual's benefit) creates (other than by will) a trust (or similar legal device) with amounts payable to the same individual, such trust shall be considered a "Medicaid qualifying trust" if the trustee(s) of the trust are permitted to exercise discretion as to the amount of the payments from the trust to be paid to the individual. In this circumstance the amount considered available to the trust beneficiary shall be the maximum amount the trustee(s) may (using the trustee's discretion) pay in accordance with the terms of the trust, regardless of the amount actually paid. The cabinet may, however, consider as available only that amount actually paid if to do otherwise would create an undue hardship upon the individual; the criteria for determining "undue hardship" shall be established by the cabinet.

Section 20. Resource Assessment. Pursuant to Section 1924(c)(1)(B) of the Social Security Act as amended, an assessment of the joint resources of an institutionalized spouse and the community spouse shall be made upon request of either spouse at the beginning of a continuous period of institutionalization of the institutionalized spouse and upon receipt of relevant documentation of resources. The cabinet shall complete the assessment within forty-five (45) days when the necessary documentation or verification is provided in a timely manner. When the resource assessment is complete, each spouse shall receive a copy of the assessment and notification that the right of appeal of such assessment shall exist at such time as the institutionalized spouse applies for medical assistance.

Section 21. Protection of Income and Resources of Couple for Maintenance of Community Spouse. Section 1924 of the Social Security Act, as amended, provides for special treatment of income and resources for certain institutionalized spouses. The income eligibility and posteligibility provisions are effective October 1, 1989 for persons institutionalized on or after September 30, 1989. The resource provisions are effective with regard to determinations of eligibility made on or after October 1, 1989 for institutionalized persons beginning a continuous period of institutionalization on or after September 30, 1989.

(1) Supersedes other provisions. The provisions of this section supersede any other provisions of this regulation which is inconsistent with them.

(2) Nonapplicability. Except as specifically provided, this section does not apply to the determination of what constitutes income or resource or the methodology and standards for determining and evaluating income and resources.

(3) Provisions for treatment of income. The following income provisions shall be applicable.

(a) Separate treatment of income. During any month in which an institutionalized spouse is in the institution, except as provided in paragraph (b) of this subsection, no income of the community spouse shall be deemed available to the institutionalized spouse.

(b) Attribution of income. In determining the income of an institutionalized spouse or

community spouse, after the institutionalized spouse has been determined or redetermined to be eligible for medical assistance, except as otherwise provided in this section and regardless of any state laws relating to community property or the division of marital property, the provisions of Section 1924(b)(2)(A), (B), (C), and (D) of the Social Security Act, as amended, shall be applicable.

(4) Provisions for treatment of resources. The following resource provisions shall be applicable:

(a) Attribution of resources at time of initial eligibility determinations. In determining the resources of an institutionalized spouse at the time of application for benefits under Medicaid, regardless of any state laws relating to community property or the division of marital property, except as provided in paragraph (b) of this subsection, all the resources held by either the institutionalized spouse, community spouse, or both, shall be considered to be available to the institutionalized spouse.

(b) Nonattributed resources. The following protected amounts shall be deducted from couples' combined countable resources at time of determination of initial eligibility of the institutionalized spouse:

1. The state spousal resource standard; and, if applicable

2. Additional amounts transferred under a court support order; or, if applicable

3. An additional amount designated by a hearing officer.

(c) Exceptions to resource ineligibility by assignment of support rights. The institutionalized spouse shall not be ineligible by reason of resources determined under paragraphs (a) and (b) of this subsection to be available for the cost of care in the following circumstances:

1. When the institutionalized spouse has assigned to the cabinet any rights to support from the community spouse;

2. When the institutionalized spouse lacks the ability to execute an assignment due to physical or mental impairment but the state has the right to bring a support proceeding against a community spouse without such assignment; or

3. When the cabinet determines that denial of eligibility would work an undue hardship.

(d) Separate treatment of resources after eligibility for benefits established. During the continuous period in which an institutionalized spouse is in an institution and after the month in which an institutionalized spouse is determined to be eligible for Medicaid benefits, no resources of the community spouse shall be deemed available to the institutionalized spouse. Resources of the institutionalized spouse protected for the needs of the community spouse but not transferred to the community spouse by the time of the second regularly scheduled redetermination of eligibility (i.e., one (1) year from the month of the initial determination of eligibility) shall be considered available to the institutionalized spouse.

(e) Excess value of an automobile. The equity value of an automobile in excess of prescribed limits which would otherwise be considered available is not included as a countable resource.

(5) Protecting income for the community spouse. The following provisions are applicable with regard to protecting income for the community spouse:

(a) The following allowances are to be offset from income of an institutionalized spouse. After an institutionalized spouse is determined or redetermined to be eligible for Medicaid, in determining the amount of the spouse's income that is to be applied monthly to payment for the costs of care in the institution, there shall be deducted from the spouse's monthly income the following amounts in the following order:

1. A personal needs allowance of forty (40) dollars;

2. A community spouse monthly income allowance, but only to the extent income of the institutionalized spouse is made available to (or for the benefit of) the community spouse;

3. A family allowance determined in accordance with the definition of other family members maintenance standard; and

4. Amounts for incurred expenses for medical or remedial care for the institutionalized spouse.

(b) Establishment of the community spouse maintenance standard. The community spouse maintenance standard is set at $1,500 per month, to be increased for each calendar year after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) between September 1988 and the September before the calendar year involved; the maintenance standard may be increased for an individual, as appropriate, by a hearing officer.

(c) Court ordered support. If a court has entered an order against an institutionalized spouse for monthly income for the support of the community spouse, the community spouse monthly income allowance for the spouse shall not be less than the amount of the monthly income so ordered.

(6) Permitting transfer of resources to community spouse. The following provisions shall be applicable with regard to transfers of resources from an institutionalized spouse.

(a) Permitted transfer. An institutionalized spouse may, without regard to the usual prohibition against disposal of assets for less than fair market value, transfer to the community spouse (or to another for the sole benefit of the community spouse) an amount equal to the community spouse resource allowance, but only to the extent the resources of the institutionalized spouse are transferred to (or for the sole benefit of) the community spouse. The transfer shall be made as soon as practicable after the initial determination of eligibility, taking into account such time as may be necessary to obtain a court order under paragraph (c) of this subsection.

(b) Establishment of the community spouse resource allowance. The community spouse resource allowance is set at $60,000, to be increased for each calendar year after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) between September 1988 and the September before the calendar year involved; for an individual, the allowance may be a higher amount established by a hearing officer, or a higher amount transferred under a court order as specified in paragraph (c) of this subsection.

(c) Transfers under court orders. As specified

in Section 1924 (f)(3) of the Social Security Act, as amended, if a court has entered an order against an institutionalized spouse for the support of a community spouse, the usual prohibition against disposal of assets for less than fair market value shall not apply to amounts of resources transferred pursuant to such order for the support of the spouse of a family member.

(7) Prohibited transfers. Except for transfers of resources to the community spouse as specified in subsection (6) of this section, the transfer of resource policies defined in Section 15 of this regulation apply.

(8) Requirement for notice and fair hearings. The following notice and fair hearings requirements are applicable:

(a) Notice. Upon a determination of eligibility for Medicaid of an institutionalized spouse or a request by either the institutionalized spouse, or the community spouse, or a representative acting on behalf of either spouse, the cabinet shall notify both spouses (if upon determination of Medicaid eligibility of the institutionalized spouse) or the spouse making the request (if that is the situation) of the amount of the community spouse monthly income allowance, of the amount of any family allowance, of the method for computing the amount of the community spouse resources allowance, and of the spouse's right to a fair hearing under this subsection respecting ownership or availability of income or resources, and the determination of the community spouse monthly income or resource allowance.

(b)1. Fair hearings. Both the institutionalized spouse and community spouse are entitled to a fair hearing if dissatisfied with the determination of the following:

a. The community spouse monthly income allowance;

b. The amount of monthly income determined to be otherwise available to the community spouse;

c. The attribution of resources at time of initial eligibility determination; or

d. The determination of the community spouse resource allowance.

2. Revision of monthly maintenance needs allowance. If either the institutionalized spouse or community spouse establishes during the hearing that the community spouse needs income, above the level otherwise provided by the monthly maintenance needs allowance, due to exceptional circumstances resulting in significant financial duress, there shall be substituted, for the monthly maintenance needs allowance otherwise provided for, an amount adequate to provide such additional income as is necessary.

3. Revision of community spouse resource allowance. If either spouse establishes during the hearing process that the community spouse resource allowance (in relation to the amount of income generated by such an allowance) is inadequate to raise the community spouse's income to the monthly maintenance needs allowance, there shall be substituted, for the community spouse resource allowance otherwise allowed, an amount adequate to provide such a monthly maintenance needs allowance.

[Section 22. Effective Dates. Except as specified in Section 2(3) of this regulation, the provisions of this regulation, as amended, shall be effective with regard to determinations of eligibility made on or after April 1, 1990 for medical assistance provided after that date.]

ROY BUTLER,, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: June 27, 1990
FILED WITH LRC: July 19, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
907 KAR 1:006E

This emergency administrative regulation is being amended to comply with Section 6408(d) of the Omnibus Budget Reconciliation Act of 1989 which mandates, effective July 1, 1990, that states pay the Medicare Part A premium for all recipients who meet all the requirements to be a qualified disabled working individual (QDWI) as defined in Sections 1818 and 1905(s) of the Social Security Act. This emergency administrative regulation differs from the emergency administrative regulation on the same subject matter that was filed on January 4, 1990, as this regulation contains the mandated payment of Medicare Part A premium for QDWIs. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation will be filed with the Regulations Compiler on or about July 1, 1990.

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:006E. Coverage for persons eligible for Title XVIII benefits.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the special coverage factors applicable to both categorically needy and medically needy individuals eligible for benefits under Title XVIII, Part A, Hospital Insurance Benefits (HIB); Title XVIII, Part B, Supplementary Medical Insurance (SMI); [and] Title XVIII Qualified Medicare Beneficiaries (QMB); and Title XVIII Qualified Disabled Working Individuals (QDWI).

Section 1. Purchase of Coverage under SMI. The cabinet shall pay the SMI premium for all recipients eligible for such coverage who are receiving a money payment under either the Supplemental Security Income program or the state program of optional or mandatory supplementation.

Section 2. Deductibles and Coinsurance. Effective for services provided on or after February 1, 1989, the cabinet shall pay the

deductible or coinsurance amount for any medical service covered under HIB or SMI to an individual eligible for such coverage. The actual amount paid for coinsurance shall be the uncovered percentage of the total permissible cost for the service as determined by the cabinet.

Section 3. Limitations Applicable to Nonmoney Payment Recipients. Any HIB/SMI eligible categorically needy or medically needy individual, for whom the cabinet does not purchase SMI coverage, is expected to retain HIB/SMI coverage, with premium payments considered as an income deduction. Failure to retain such coverage does not obligate the cabinet for any payment in excess of deductible and coinsurance amounts.

Section 4. Coverage for Qualified Medicare Beneficiaries. Effective January 1, 1989, qualified Medicare beneficiaries as defined in 907 KAR 1:011 shall be entitled to the following coverage, regardless of whether the medical service is covered under the medical assistance program as a regularly covered service: payment of Part A and Part B Medicare premiums, deductibles and coinsurance. For providers not regularly participating in the Medicaid program, the appropriate agreement must be made with the Department for Medicaid Services to provide for limited participation in the Medicaid program; if the appropriate agreement is not made, the services will not be considered to be covered under this section.

Section 5. Qualified Disabled Working Individuals. Effective July 1, 1990, in accordance with Section 6408(d) of the Omnibus Budget Reconciliation Act of 1989, the cabinet shall pay the Medicare Part A premium for all receipients who meet all the requirements to be a qualified disabled working individual as defined in Sections 1818 and 1905(s) of the Social Security Act.

ROY BUTLER,, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: June 22, 1990
FILED WITH LRC: July 19, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
907 KAR 1:011E

This emergency administrative regulation is being amended to comply with Section 6408(d) of the Omnibus Budget Reconciliation Act of 1989 which mandates, effective July 1, 1990, that states pay the Medicare Part A premium for recipients who meet all the requirements to be a qualified disabled working individual (QDWI) as defined in Sections 1818 and 1905(s) of the Social Security Act; the regulation is also amended to cover pregnant women and children under age one (1) up to 185 percent of the federal poverty income level, effective July 1, 1990; and to show mandated coverage of extended medical assistance for families losing AFDC eligibility due to certain specified reasons effective October 1, 1990. This emergency administrative regulation differs from the emergency administrative regulation on the same subject matter that was filed April 9, 1990, as this regulation contains the mandated payment of Medicare Part A premium for QDWIs; coverage for pregnant women and children up to 185 percent of the federal poverty income level effective July 1, 1990; and the mandated extended medical assistance for families who lose AFDC eligibility solely because of increased earnings or hours of employment of the caretaker relative or loss of earnings disregards, effective October 1, 1990. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation will be filed with the Regulations Compiler on or about July 1, 1990.

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:011E. Technical eligibility requirements.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050
EFFECTIVE: July 19, 1990
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet by regulation to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of Medical Assistance, referred to as MA, to Kentucky's indigent citizenry. This regulation sets forth the technical eligibility requirements of the MA Program.

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

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

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

(3) Pregnant women;

(4) Children of unemployed parents;

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

(6) Families terminated from the Aid to Families with Dependent Children (AFDC) program because of increased earnings, [or] hours of employment or loss of earnings disregards;

(7) Children (but not their parents) who meet the income and resource requirements of the Aid to Families with Dependent Children program, who were born after September 30, 1983 and who are under the age of five (5); and effective July 1, 1987, children (but not their parents) who meet the income and resource requirements of the Aid to Families with Dependent Children Program, who are under eighteen (18) years of age (or under age nineteen (19) if a full-time student in a secondary school or the equivalent level of vocational or technical training and if expected to complete the program before age nineteen

(19));

(8) A child(ren) born to a woman eligible for and receiving medical assistance, so long as the child(ren) has not reached his first birthday, resides in the household of the woman, and the woman remains eligible for such assistance. In this situation, an application is deemed to have been made and the child found eligible for MA as of the date of birth;

(9) Effective June 1, 1987, individuals in institutions meeting appropriate patient status criteria who (if not institutionalized) would not be eligible for supplemental security income (SSI) or optional state supplementation benefits due to income, may be eligible under a special income level which is set at 300 percent of the SSI benefit amount payable for an individual with no income. Eligibility for similar hospice participants and similar participants in the waiver projects of home and community based services for the mentally retarded and the aged, blind or disabled may also be determined under this provision. Eligibility of an individual whose gross income exceeds 300 percent of the previously specified SSI benefit amount may not be determined in accordance with this provision;

(10) Effective July 1, 1987, qualified severely impaired individuals as specified in Section 9404 of P.L. 99-509 and Sections 2, 3 and 4 of P.L. 99-643 (to the extent such coverage is mandatory in this state);

(11) Effective July 1, 1987, individuals who lose SSI eligibility but would be eligible for SSI benefits except for entitlement to or an increase in child's insurance benefits based on disability as specified in Section 6 of P.L. 99-643;

(12) Effective February 1, 1989, individuals specified in Section 9116 of P.L. 100-203 who lose SSI or state supplementation payments as a result of receipt of benefits under Section 202(e) or (f) of the Social Security Act, would be eligible for SSI or SSP except for such benefits, and are not entitled to hospital insurance benefits under Part A of Title XVIII; and

(13) Effective <u>with regard to determinations of eligibility for periods beginning on or after July</u> [April] 1, 1990, women during pregnancy (and as though pregnant through the end of the month containing the 60th day of a period beginning on the last day of pregnancy), and infants and children under six (6) years of age, as <u>specified in Section 1902(l) of the Social Security Act</u> [required by Section 6401 of the Omnibus Budget Reconciliation Act of 1989], subject to the following:

(a) Pregnant women, infants and children are required to meet the income requirements for this eligibility group as specified in 907 KAR 1:004, Resource and income standard of medically needy; and

(b) When an infant or child eligible under this provision is receiving covered inpatient services on a birthday which will make him ineligible due to age, the infant or child will remain eligible until the end of the stay for which the covered inpatient services are furnished so long as the infant or child remains otherwise eligible except for age.

Section 2. The Medically Needy. Other individuals (including children as shown in Section 1(7) of this regulation), and pregnant women meeting income and resource standards of the medically needy program), meeting technical requirements comparable to the categorically needy group, but with sufficient income to meet their basic maintenance needs may apply for MA with need determined in accordance with income and resource standards prescribed by regulation of the Cabinet for Human Resources. Included within the medically needy eligible groups are pregnant women during the course of their pregnancy; a woman who, while pregnant, is eligible for, has applied for, and has received medical assistance, shall continue to be eligible as though she were pregnant until the end of the month containing the 60th day of a period beginning on the last day of her pregnancy (i.e., the day on which her child is born or the pregnancy is otherwise terminated).

Section 3. Qualified Medicare Beneficiaries <u>and Qualified Disabled Working Individuals</u>. <u>(1)</u> Effective January 1, 1989, coverage is extended to qualified Medicare beneficiaries as specified in Section 301 of the Medicare Catastrophic Coverage Act of 1988, subject to the income and resource limitations shown in 907 KAR 1:004, and for the scope of benefits specified in 907 KAR 1:006. A qualified Medicare beneficiary must be eligible for and receiving Medicare Part A benefits, and may be determined eligible for benefits as a qualified Medicare beneficiary eligible individual effective for the month after the month in which the determination is made but not retroactively and not for the month in which the determination is made.

<u>(2) Effective July 1, 1990, qualified disabled working individuals as defined in Section 1818 and 1905(s) of the Social Security Act shall be eligible under Medicaid for payment of their Medicare Part A premiums as shown in 907 KAR 1:006.</u>

Section 4. Technical Eligibility Requirements. Technical eligibility factors of families and individuals included as categorically needy under Section 1(1) through (6) of this regulation, or as medically needy under Section 2 of this regulation are:

(1) Children in foster care, private institutions, psychiatric hospitals or mental retardation institutions must be under eighteen (18) years of age (or under age nineteen (19) if a full-time student in a secondary school or the equivalent level of vocational or technical training and if expected to complete the program before age nineteen (19));

(2) Pregnant women are eligible only upon medical proof of pregnancy, except as otherwise specified in Section 2 of this regulation;

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

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

(b) The individual has prior labor market attachment consisting of earned income of at least fifty (50) dollars during six (6) or more calendar quarters ending on March 31, June 30, September 30, or December 31, within any thirteen (13) calendar quarter period ending within one (1) year of application, or the

individual within twelve (12) months prior to application received unemployment compensation;

(c) The individual is currently receiving or has been found ineligible for unemployment compensation;

(d) The individual is currently registered for employment at the state employment office, and available for full-time employment;

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

(f) The unemployed parent must meet the requirements for independent employment search as specified herein. That is:

1. The unemployed parent must make not less than twenty-four (24) contacts with prospective employers in each three (3) month period following an approval, reinvestigation or reapproval.

2. The unemployed parent may not contact the same prospective employer more than once in each calendar month.

3. If the unemployed parent does not meet the requirement for the minimum number of employment contacts during the three (3) month period, the parent may, prior to or upon receipt of the advance notice of proposed discontinuance, meet the requirement for the number of contacts for the prior three (3) month period. These contacts shall not offset the requirement for employer contacts during the three (3) month period following the next approval, reinvestigation or reapproval.

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

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

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

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

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

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

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

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

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

(8) Families who lose AFDC eligibility on or after October 1, 1990 solely because of increased earnings or hours of employment of the caretaker relative or loss of earnings disregards may receive up to twelve (12) months of extended medical assistance for family members included in the AFDC grant prior to losing AFDC eligibility. The extended medical assistance shall be divided into two (2) transitional six (6) month benefit periods. Each transitional benefit period has specified eligibility and reporting requirements.

(a) The first transitional six (6) month benefit period begins with the month the family became ineligible for AFDC. To be eligible for this transitional benefit period, the family shall have correctly received AFDC in three (3) of the six (6) months immediately preceding the month the family became ineligible for AFDC; have a dependent child living in the home; and meet the reporting requirements relating to earnings and child care costs no later than the 21st day of the fourth month. When the family no longer has a dependent child living in the home, medical assistance for all family members, except the former dependent child, shall be terminated the last day of the month the family no longer includes a dependent child, with eligibility for the former dependent child(ren) determined in accordance with usual program requirements. If the reporting requirements are not met, the medical assistance benefits shall be denied for the second transitional six (6) month benefit period.

(b) To continue to receive medical assistance for the optional second transitional six (6) month benefit period, the family shall meet the following conditions: received medical assistance for the entire first transitional six (6) month period and met the reporting requirements; have a dependent child living in the home; gross income minus child care cost is less than 185 percent of the federal poverty income level; meet the reporting requirements no later than the 21st day of the fourth month, the seventh month, and the tenth month; and during the immediately preceding three (3) months the caretaker relative was employed or if unemployed in any one (1) or more months, it was due to involuntary loss of employment, illness or other good cause established to the satisfaction of the Medicaid program. When a family no longer has a dependent child living in the home, medical assistance for all family members, except the former dependent child, shall be terminated the last day of the month the family no longer includes a dependent child, with the eligibility for the former dependent child(ren) determined in accordance with usual program requirements. If the family's income exceeds the income standard or does not meet the reporting requirements, except for good cause established to the satisfaction of the Medicaid program, the medical assistance shall be terminated the last day of the appropriate reporting month.

(c) Good cause exists under the following circumstances: the specified relative was out-of-town for the reporting month; an immediate family member living in the home was institutionalized or died during the reporting month; the assistance group was the victim of a natural disaster such as flood, storm, earthquake or serious fire; or the assistance group moved and reported the move timely, but the move resulted in a delay in receiving or failure to receive the transitional medical assistance report form. [For families losing AFDC eligibility solely because of increased earnings or hours of employment, medical assistance shall continue for four (4) months to all such family members as were included in the family grant (and children born during the four (4) month period) if the family was eligible for and received AFDC in any three (3) or more months during the six (6) month period

immediately preceding the month in which it became ineligible for AFDC. The four (4) month period begins on the date AFDC is terminated. If AFDC benefits are paid erroneously for one (1) or more months in such a situation, the four (4) month period begins with the first month in which AFDC was erroneously paid, i.e., the month in which the AFDC should have been terminated.]

[(9) Families losing AFDC eligibility solely due to loss of the thirty (30) dollars disregard or the one-third (1/3) disregard from earnings shall be deemed AFDC eligible for nine (9) months after the termination of the disregard, and shall as a result be eligible for continued medical assistance for the nine (9) month period. The nine (9) month period begins on the date the AFDC should have been terminated. Coverage for medical assistance is extended to all family members who were included in the grant (and children born during the nine (9) month period).]

[(10) Families losing AFDC eligibility as a result (wholly or partly) of the collection or increased collection of child or spousal support, and who were eligible for and received AFDC in at least three (3) of the six (6) months immediately preceding the month in which such ineligibility begins, shall be deemed AFDC eligible for Title XIX purposes for four (4) months beginning with the month in which ineligibility begins. If AFDC benefits are paid erroneously for one (1) or more months in such a situation, the four (4) month period begins with the first month in which AFDC was erroneously paid, i.e., the month in which the AFDC should have been terminated. Coverage for medical assistance is extended to all family members losing eligibility as a result of the receipt of the child or spousal support. The extended eligibility provision contained herein is applicable only with respect to families discontinued on or after July 18, 1984 and before October 1, 1988.]

(9) [(11)] Parents may be included for assistance in the cases of families with children including natural and adoptive parents. Other relatives who may be included in the case (one (1) only) are caretaker relatives to the same extent they may be eligible in the Aid to Families with Dependent Children Program.

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

(11) [(13)] Effective for determinations of eligibility made on or after January 1, 1989, including the usual determinations of retroactive eligibility for pending cases for periods prior to January 1, 1989, children of the same parent, i.e., a "common" parent, residing in the same household shall be included in the same case unless this acts to preclude eligibility of an otherwise eligible household member. If a family member(s) is pregnant, the unborn child(ren) will be considered as a family member(s) for budgeting purposes.

(12) [(14)] The following citizenship and residency requirements will be applicable:

(a) To be eligible, an applicant or recipient must be a citizen of the United States, or an alien legally admitted to this country or an alien who is residing in this country under color of law (except as specified in paragraph (b) of this subsection). An alien must have been admitted for permanent residence except as shown in paragraphs (b), (c) and (d) of this subsection. The applicant or recipient must also be a resident of Kentucky. Generally, this means the individual must be residing in the state for other than a temporary purpose; however, there are exceptions with regard to recipients of a state supplementary payment and institutionalized individuals. The conditions for determining state residency are specified in federal regulations at 42 CFR 435.403.

(b) Effective January 1, 1987, an alien not legally admitted to this country or residing in this country under color of law may be eligible for medical assistance under the following circumstances and conditions:

1. The alien must meet all other requirements for receipt of medical assistance, however, an alien qualifying as a categorically needy recipient need not actually receive an AFDC or federal supplemental security income (SSI) cash payment so long as the alien meets the income resource and categorical requirements of the applicable cash assistance program;

2. The alien must have (or have had within the usual period for retroactive eligibility) an emergency medical condition, defined as a medical condition (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part;

3. Approval of eligibility shall be for a time limited period, with such period to include the month in which the medical emergency began and the next following month, with the added provision that the eligibility period may be extended for an appropriate period of time upon presentation to the cabinet of acceptable documentation that the medical emergency will exist for a more extended period of time than is allowed for in the time limited eligibility period; and

4. The medical assistance to which the alien shall be entitled is limited to the medical care and services (including limited follow-up) necessary for the treatment of the emergency medical condition of the alien.

(c) Effective May 5, 1987, select groups of aliens who are illegally residing in this country may qualify for legalization of residence status under Section 201 of P.L. 99-603. Such aliens are prohibited from Medicaid eligibility for a period of five (5) years (beginning on the date temporary resident status is granted) except as follows:

1. The aged, blind or disabled may be eligible;

2. Children under age eighteen (18) may be eligible;

3. Pregnant women may be eligible for pregnancy related services only; and

4. All such aliens may qualify for emergency services to the extent specified in paragraph (b) of this subsection and with the limitations shown.

(d) Effective June 1, 1987, aliens qualifying for legalization of status as seasonal agricultural workers under Section 302 of P.L. 99-603 are subject to the same coverage limitations as shown in paragraph (c) of this subsection.

(13) [(15)] An individual may be determined eligible for medical assistance for up to three (3) months prior to the month of application if

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

(14) [(16)] "Child" means a needy dependent child under the age of eighteen (18) (or under age nineteen (19) if a full-time student in a secondary school or the equivalent level of vocational or technical training and if expected to complete the program before the age nineteen (19)), who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States, and who is a recipient of or applicant for public assistance. Included within this definition is an individual(s) meeting the age requirement specified above, previously emancipated, who has returned to the home of his parents, or to the home of another relative, so long as such individual is not thereby residing with his spouse.

(15) [(17)] Benefits shall be denied to any family for any month in which any legally liable caretaker relative with whom the child is living is, on the last day of such month, participating in a strike, and no individual's needs shall be considered in determining eligibility for medical assistance for the family if, on the last day of the month, such individual is participating in a strike. The definition of a strike includes a strike or other concerted stoppage of work by employees (including a stoppage by reason of expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

(16) [(18)] A responsible relative (but not a child) sanctioned (removed) from an AFDC or AFDC related medical assistance only case due to failure to meet a technical eligibility requirement may not be eligible for medical assistance as a medically needy individual unless such individual is separately eligible for medical assistance without regard to eligibility as a member of the group from which such individual has been sanctioned.

Section 5. Institutional Status. No individual shall be eligible for MA if a resident or inmate of a nonmedical public institution. No individual shall be eligible for MA while a patient in a state tuberculosis hospital unless he has reached age sixty-five (65). No individual shall be eligible for MA while a patient in a mental hospital or psychiatric facility unless he is under age twenty-one (21) or age twenty-two (22) if receiving such inpatient services on his 21st birthday or is sixty-five (65) years of age or over. No individual shall be eligible for MA while a patient in a skilled nursing facility or intermediate care facility classified by the Medicaid program as an institution for mental diseases unless such individual has reached age sixty-five (65).

Section 6. Emergency Shelters. Effective July 1, 1985, an individual (or family group) who is in an emergency shelter for a temporary period of time may be eligible for medical assistance even though the shelter is considered a public institution under certain conditions. These conditions are as follows:

(1) The individual (or family group) must be a resident of an emergency shelter no more than six (6) months in any nine (9) month period, effective with regard to determinations of eligibility for periods beginning on or after December 1, 1988.

(2) The individual (or family group) must not be in the facility serving a sentence imposed by the court, or awaiting trial.

(3) The individual (or family group) must be otherwise eligible when outside the emergency shelter; that is, eligibility must have existed immediately prior to admittance to the shelter, or it must exist immediately after leaving the shelter.

Section 7. Application for other Benefits. As a condition of eligibility for medical assistance, applicants and recipients must apply for all annuities, pensions, retirement and disability benefits to which they are entitled, unless they can show good cause for not doing so. Good cause is considered to exist when such benefits have previously been denied with no change of circumstances, or the individual does not meet all eligibility conditions. Annuities, pensions, retirement and disability benefits include, but are not limited to, veterans' compensations and pensions, retirement and survivors disability insurance benefits, railroad retirement benefits, and unemployment compensation. Notwithstanding the preceding, no applicant or recipient shall be required to apply for federal benefits when the federal law providing for such benefits shows the benefit to be optional and that the potential applicant or recipient for such benefit need not apply for such benefit when to do so would, in his opinion, act to his disadvantage.

Section 8. Assignment of Rights to Medical Support. By accepting assistance for or on behalf of a child, a recipient is deemed to have made an assignment to the Cabinet for Human Resources of any medical support owed for the child not to exceed the amount of medical assistance payments made on behalf of the recipient.

Section 9. Third Party Liability as a Condition of Eligibility. Any individual applying for or receiving medical assistance shall be required as a condition of eligibility to cooperate with the Cabinet for Human Resources in identifying, and providing information to assist the cabinet in pursuing, any third party who may be liable to pay for care or services available under the Medicaid Program unless such individual has good cause for refusing to cooperate as determined by the

cabinet taking into consideration the best interests of the individuals involved. A failure of the individual to cooperate without good cause shall result in ineligibility of the individual.

Section 10. Provision of Social Security Numbers. [Beginning May 1, 1985,] each applicant for or recipient of medical assistance shall be required to provide a social security number as a condition of eligibility except as provided in this section. However, no one shall be denied eligibility or discontinued from eligibility due to a delay in receipt of a social security number from the Social Security Administration when appropriate application for such number has been made. Effective with regard to determinations or redeterminations of eligibility on or after June 1, 1990, if the specified relative refuses to cooperate with obtaining a social security number for the newborn child or other dependent children, the specified relative shall be ineligible due to failure to meet technical requirements. The newborn child or other dependent may still be eligible for medical assistance if financial eligibility requirements are met. [For recipients, the requirement shall be effective with the first full reinvestigation occurring on or after May 1, 1985.]

ROY BUTLER,, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: June 28, 1990
FILED WITH LRC: July 19, 1990 at 10 a.m.

STATEMENT OF EMERGENCY
907 KAR 1:017E

This regulation is being proposed to implement the Hospital Indigent Care Assurance Program (HICAP) on July 13, 1990 to meet the mandates contained in KRS 205.575. This emergency administrative regulation will be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about July 13, 1990.

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:017E. Hospital indigent care assurance program (HICAP).

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 205.575
EFFECTIVE: August 7, 1990
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance under Title XIX of the Social Security Act, and the Hospital Indigent Care Assurance Program (HICAP) under KRS 205.575. This regulation sets forth provisions relating to implementation of HICAP.

Section 1. Definitions. (1) For purposes of this regulation the following words or phrases shall have the same definition as shown in KRS 205.575:
(a) Hospital indigent care assurance program (HICAP);
(b) Department;
(c) Fund;
(d) Hospital; and
(e) Medical assistance program.
(2) "Nonparticipant" means a hospital not complying with the conditions of participation for HICAP.

Section 2. Conditions of Participation. Any hospital participating in the HICAP program shall comply with the following requirements:
(1) Pay to the department the hospital's assessment;
(2) Comply with the requirement contained in KRS 205.575 for the posting of a sign showing the hospital will accept patients under given circumstances; and
(3) Comply with the requirement contained in KRS 205.575 for acceptance of benefits of state health insurance coverage.

Section 3. Departmental Actions Based on Noncompliance with Participation Requirements. (1) A hospital shall be considered a nonparticipant when it fails to meet one (1) or more of the participation requirements shown in Section 2 of this regulation. A hospital shall be notified in writing when the department determines the facility to be a nonparticipant. The department shall provide the hospital an opportunity to discuss with the department its determination prior to issuance of the written notification so the hospital may present any evidence it may wish the department to consider which relates to the hospital's compliance with conditions of participation.
(2) A hospital which is a nonparticipant shall not be paid HICAP benefits until all participation requirements are met.

Section 4. Assessments. The HICAP assessment payment amounts for the period beginning July 13, 1990 through December 31, 1990, shall be one (1) percent of each hospital's total inpatient and outpatient hospital costs for services to patients utilizing hospital cost reports available as of June 15, 1990. The assessment percentage for annual periods beginning January 1, 1991, shall be one (1) percent utilizing hospital cost reports used in setting the year's Medicaid hospital rates. From each year's assessments actually paid the cabinet, the department shall reserve up to $1,000,000 as a contingency reserve.

Section 5. HICAP Benefit Payments. (1) The HICAP benefit payment amounts for the period of July 13, 1990, through December 31, 1990, shall be computed in accordance with KRS 205.575 using hospital cost reports available as of June 15, 1990. For rate years beginning on or after January 1, 1991, the HICAP benefit payment amounts shall be computed in accordance with KRS 205.575 and the cost reports utilized shall be the cost reports used in setting hospital rates for the year.
(2) Disbursements shall be proportionate based on the ratio of the facility's Medicaid days compared to total Medicaid days (except for hold harmless amounts), taking into consideration funds available for disbursement. Disbursement adjustments based on appeal or audit may be paid from the contingency reserve or from the available fund amount (including amounts in the fund in a subsequent quarter if necessary).

(3) If a hospital appeals a departmental decision with regard to its assessment payment amount or its HICAP benefit amount to Franklin Circuit Court, it may nevertheless pay to the department the assessment payment amount computed by the department with the understanding that the payment shall not compromise its right of action in court and that its final assessment payment amount or HICAP benefit payment amount shall be contingent on expiration of the time of judicial appeals or on court determination.

Section 6. Allocation of Payments. Hospitals Shall be paid first any HICAP benefit amounts based on Medicaid days, then hold harmless amounts as necessary sufficient to bring the hospitals' total payment under the program up to the amount of assessment amount paid. The contingency reserve shall be used as necessary to ensure equitable continuing payments to hospitals meeting HICAP participant status and may be used as necessary for distribution to hospitals as hold harmless amounts.

Section 7. Assessment Schedules. (1) Assessment payments for the July 13, 1990, through September 30, 1990, period shall be due on or before September 30, 1990. Assessment payments for the October 1, 1990 - December 31, 1990 period shall be due on or before November 30, 1990. The assessment payment due date for each subsequent calendar quarter shall be on the last day of the second month of each quarter.

(2) A hospital may request a delay in its assessment payment due date based on unforeseeable circumstances affecting the hospital's ability to pay in a timely manner. Unforeseeable circumstances may include, but are not limited to, substantial disruptions of management or operations from occurrences such as fire, flood, storm, bankruptcy or other demonstrated financial hardship. Simple inability to pay, unless combined with a filing of bankruptcy or other demonstrated financial hardship by the hospital, shall not constitute justification for a delayed payment schedule. If a delay is granted, the delay shall not exceed sixty (60) days. An appeal to the Franklin Circuit Court (or a higher court as appropriate) with regard to the assessment payment amount or the HICAP benefit amount shall be justification for a delay in payment of the assessment until the court case is resolved.

Section 8. Waiver of Late Payment Penalties. The commissioner of the department shall waive the late payment penalty specified in KRS 205.575 ($20,000 per incident of late payment) only when good cause exists. Good cause shall be determined to exist only when an unforeseeable circumstance occurs affecting timely payment. Unforeseeable circumstances may include substantial disruptions of management or operations from occurrences such as fire, flood, storm or similar events. Good cause may also exist when the responsible official of the hospital reasonably anticipated that payment was or should have been made (e.g., payment was mailed timely but lost in the mail). Failure to pay due to insufficient funds shall not be good cause for a waiver of the penalty unless combined with a bankruptcy filing of the hospital. An appeal to the Franklin Circuit Court (or a higher court as appropriate) with regard to the assessment payment amount or the HICAP benefit payment amount shall be considered to meet the criteria for good cause.

Section 9. General. The department shall perform other functions related to implementation of HICAP in accordance with the specific provisions shown in KRS 205.575.

Section 10. Effective Date. The provisions ot his regulation shall be effective with regard to HICAP assessments and payments made on and after July 13, 1990.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: July 27, 1990
FILED WITH LRC: August 7, 1990 at 2 p.m.

REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

GENERAL GOVERNMENT CABINET
Department of Agriculture
(As Amended)

302 KAR 1:070. Corn referendum.

RELATES TO: House Bill 584
STATUTORY AUTHORITY: House Bill 584
NECESSITY AND FUNCTION: House Bill 584 of the 1990 Regular Session authorizes the commissioner to establish and determine the rules and regulations to conduct a referendum among producers of corn for the purpose of promoting and stimulating by utilization research, market maintenance and expansion and education, the existing use and sale, domestic and foreign of corn and corn products.

Section 1. Definitions. As used in these rules and regulations, unless the context requires otherwise:
(1) "Commissioner" means the Commissioner of Agriculture;
(2) "Board" means the State Board of Agriculture;
(3) "Corn" means all kinds and varieties of corn except sweet corn and ornamental corns;
(4) "Producer" means every person who produces and markets corn;
(5) "New producer" means a producer who was not engaged in the business of producing corn at the time the referendum was conducted in accordance with the provisions of this administrative regulation [Act];
(6) "Person" means any individual, corporation, partnership, association, cooperative, or other business entity;
(7) "Marketing year" means the twelve (12) month period from September 1 to August 31 of the following year;
[(8) "Market" means any quantities that are sold, bartered or for which other items of value are exchanged;]
(8) [(9)] "Referendum agent" means an employee of the State Department of Agriculture under the direction of the Commissioner of Agriculture;
(9) [(10)] "County referendum agent" means an appointed person by the Commissioner of Agriculture in a county where the corn referendum is held, as his agent for the conduct of the referendum;
(10) [(11)] "Kentucky Corn Growers Association" means an existing association, representative of the corn producers of Kentucky;
(11) [(12)] "Marketed" means any quantity of corn that is sold, bartered, or for which other items of value are exchanged in the state;
(12) [(13)] "Bushel" means fifty-six (56) pounds of corn by weight or as otherwise defined by the United States Department of Agriculture.

Section 2. State-wide Referendum. The corn producers referendum will be conducted in all of the 120 counties in Kentucky.

Section 3. Who May Vote. (1) Each person engaged in the production of corn on a commercial basis, including owners of farms on which corn is produced, and tenants and sharecroppers sharing in the proceeds of corn shall be eligible to cast one (1) vote in the referendum, provided the producer is eighteen (18) years of age or older.
(2) Without limiting subsection (1) of this section, each person whose name regularly appears on checks issued in payment for the sale of corn is eligible to cast one (1) vote in the referendum regardless of the ownership of the farm upon which corn was produced. No person who certifies to the county referendum agent that he is a producer of corn shall be refused a ballot, but the person may be required to furnish the county referendum agent with information specific enough for the commissioner to verify the person's voting eligibility before the ballot is counted.

Section 4. Voting Place. The commissioner shall establish a voting place in each county within the state where producers of corn reside. The voting place shall be in the county extension service office in each county where the referendum is conducted. The referendum agent shall provide an area where each voter can mark his ballot in privacy. Only one (1) voter shall be permitted in the voting area at one time. One (1) or more county referendum agents shall be permitted in each voting place for the purpose of conducting the referendum. The county referendum agent shall be in charge of and be responsible for the voting area. Campaigning for or against the referendum will not be permitted in the county extension service office during voting hours.

Section 5. Hours of Voting. The voting places will be open from 9 a.m. to 3 p.m. local time and eligible voters will be permitted to vote only during that period of time or by absentee ballot as set forth in Section 6 of this regulation. Voters will be permitted to vote only in the county of their residence or in the case of a corporate producer in the county where its principal place of business is located.

Section 6. Absentee Voting. Voting by absentee ballot will be permissible; provided, that a request for an absentee ballot is made in writing to the commissioner at least ten (10) days in advance of the referendum voting date. The absentee ballot must be signed and returned to the commissioner on or before the referendum voting date.

Section 7. Referendum Voting Date. The corn producers referendum voting date will be set by the commissioner after certification of the referendum. The date determined for the referendum, hours and polling places, the effective date of the assessment, if adopted, the amount and basis of the assessment proposed to be collected, the means by which the assessment will be collected and the general purposes to which the assessment shall be applied will be published by the commissioner through the medium of the public press in the Commonwealth of Kentucky at least thirty (30) days before the date of the referendum, and direct written notice of the referendum date shall be given to each county referendum agent.

Section 8. Supervision of Referendums and Duties of County Referendum Agent. The

commissioner shall provide the county referendum agent with a copy of these rules and regulations. Each county referendum agent shall have in his possession and under his control a ballot box and the appropriate ballot forms, indelible marking pens, and other supplies sufficient to operate each voting place as established in Section 4 of this regulation. Each prospective voter shall identify himself to the county referendum agent; and the voter will be required to sign a registration book giving his name, complete mailing address, and telephone number. The registration book shall be maintained by the county referendum agent. Upon signing the registration book, each prospective voter will receive an approved ballot form from the county referendum agent. The official ballot, after it has been completed by the voter, shall be placed in the ballot box.

Section 9. Approved Ballot Forms. The commissioner shall furnish each county referendum agent in advance with official ballot forms. The official ballot forms shall state the question to be presented to the voters. The question presented shall show that the corn producer is voting on whether or not the corn producer is in favor of the collection by the Kentucky Corn Growers Association of an assessment for the purpose of financing a promotional program to stimulate by utilization research, marketing maintenance and expansion, and education, the increase use and sale, domestic and foreign of corn and corn products and for the prevention, modification, or elimination of trade barriers which obstruct the free flow of corn and corn products to market. The assessment collected by the purchasers of corn or corn products will be sent to the Kentucky Corn Growers Association to be used as provided in House Bill 584. The assessment to be deducted from the payment for corn delivered after October 1, 1990, in the following amount for a marketing year which is September 1 to August 31 of the following year; one-quarter (0.25) percent per bushel.

Section 10. Custody of Ballot Box and Referendum Material. Each county referendum agent shall provide a ballot box large enough to enclose all ballots cast in the referendum and to protect the ballots to ensure that the information on the ballots is held in confidence. The county referendum agent shall mail to the Department of Agriculture, all marked ballots and registration books used for the referendum. The ballots and registration books shall be mailed in a properly secured manila envelope or folder.

Section 11. Confidential Information. All ballots cast, the identity of the person who voted, or the manner in which any person voted, and all information furnished to, compiled by or in the possession of the commissioner, the county referendum agent, shall be regarded as confidential. The commissioner shall retain the records, the ballots, the results of the referendum, and all other information furnished to or compiled by the commissioner in regard to the referendum for a period of twelve (12) months.

Section 12. Counting of Votes. Within five (5) days after the referendum, the commissioner shall designate an area within the department's office to be used for counting the votes cast in the referendum. The vote count shall be conducted by employees of the department, but the Kentucky Corn Growers Association, and any organization actively engaged in the production of corn or corn products in Kentucky, may each have one (1) representative present during the counting of the votes. The organization shall establish, to the satisfaction of the commissioner, that it desires to observe the counting of the ballots for a legitimate purpose.

Section 13. Announcement of Referendum Results. Announcement of the results of the referendum will be made only by the commissioner. The referendum agent or others who assist in the referendum shall not disclose any information in regard to the referendum. The commissioner will announce the results within ten (10) days after the referendum.

Section 14. Referendum Costs. All costs and expenses incurred by the commissioner in connection with the referendum shall be borne by the association conducting the referendum. The commissioner shall notify the association of all documented costs and expenses incurred in conducting the referendum including mailing and shipping costs, within ninety (90) days of the date the results of the referendum are announced by the commissioner.

Section 15. Affirmative Vote. An assessment approved by an affirmative vote as defined by Section 13 of the Act, shall be collected and remitted on or before the fifteenth day of the month following the end of the month in which the corn is sold to the purchaser in the manner determined and announced by the association conducting the referendum.

Section 16. Subsequent Referendum. Any subsequent referendum among the producers which provides that the eligible producers may vote with regard to whether the corn producer assessment approved by affirmative vote should be continued or terminated shall be conducted in accord with the provisions of this regulation. Except that the official ballots shall show that the question to be presented to the voters is whether or not the one-fourth (1/4) of one (1) percent assessment on the gross marketed price per bushel on the corn marketed in the state shall continue after the market year in which the referendum is conducted.

WARD "BUTCH" BURNETTE, Commissioner
APPROVED BY AGENCY: May 29, 1990
FILED WITH LRC: May 30, 1990 at 9 a.m.

JUSTICE CABINET
Office of the Secretary
(As Amended)

500 KAR 9:020. Agency forfeiture policy.

RELATES TO: KRS 218A.435(9)
STATUTORY AUTHORITY: KRS 218A.435(8), 218A.440(4)
NECESSITY AND FUNCTION: KRS 218A.435 provides that each law enforcement agency prior to being eligible to receive grants from the trust fund <u>shall</u> [must] adopt policies relating to

property seized pending forfeiture. This regulation addresses approval of that policy.

Section 1. If a law enforcement agency adopts a policy relating to the seizure, maintenance, storage and care of property pending forfeiture pursuant to the Controlled Substances Act other than the model policy as promulgated by the Department of Criminal Justice Training, a copy shall be forwarded to the program coordinator.

Section 2. If a law enforcement agency adopts the "Model Policy For Forfeiture of Assets by Law Enforcement Agencies" as promulgated by the Department of Criminal Justice Training, it shall so notify the program coordinator by letter, signed by the head of the agency.

Section 3. Within thirty (30) days of receipt of a copy of asset forfeiture policies submitted by a law enforcement agency, the program coordinator shall advise the agency in writing whether it is in substantial compliance with the model policy and if not the specific deficiencies.

Section 4. Any agency which disagrees with the program coordinator's determination that a submitted policy is not in substantial compliance with the model policy may request the secretary to review such determination[, and the secretary's decision shall be final].

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: June 1, 1990
FILED WITH LRC: June 4, 1990 at 2 p.m.

JUSTICE CABINET
Office of the Secretary
(As Amended)

500 KAR 9:040. Grants.

RELATES TO: KRS 218A.435
STATUTORY AUTHORITY: KRS 218A.435(8)
NECESSITY AND FUNCTION: KRS 218A.435(7)(d) provides that a portion of the asset forfeiture trust fund shall be allocated to the cabinet for the purpose of disbursement to law enforcement agencies as grants. This regulation establishes the application mechanism.

Section 1. Law enforcement agencies may apply for receipt of a grant from the trust fund on forms provided by the Division of Grants Management of the Justice Cabinet.

Section 2. When applying a law enforcement agency **shall** [must] certify that one (1) or more currently employed officers has received the approved training required in KRS 218A.435(10). In addition, the applying agency must have on file with the program coordinator an approved policy as required in KRS 218A.435(9) and 500 KAR 9:020.

Section 3. Grant monies are to be used by the agency for programs relative to crime prevention, drug abuse prevention, general law enforcement purposes or other similar purposes relating to drug enforcement. Preference **shall** [will] be give to those applications seeking funding for programs consistent with the annual "Statewide Drug and Violent Crime Strategy" as developed and published by the Division of grants Management of the Justice Cabinet.

W. MICHAEL TROOP, Secretary
APPROVED BY AGENCY: June 1, 1990
FILED WITH LRC: June 4, 1990 at 2 p.m.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
(As Amended)

601 KAR 1:029. Definitions relating to 601 KAR 1:030 through 601 KAR 1:145.

RELATES TO: KRS Chapter 281
STATUTORY AUTHORITY: KRS 281.600
NECESSITY AND FUNCTION: To assure uniformity of all terminology in the administrative regulations relating to motor carriers.

Section 1. (1) KRS 281.010-281.014 Adopted. The definitions set forth in KRS 281.010-281.014 shall have the same meaning and effect in the administrative regulations of the Transportation Cabinet which relate to motor carriers: 601 KAR 1:030 through 601 KAR 1:145.

(2) [Section 3.] Approval. "Approval" shall mean written approval.

(3) [Section 4.] Authorized Carrier. "Authorized carrier" shall mean a person duly qualified with the cabinet to engage in the transportation of persons or property for hire in either interstate commerce, or intrastate commerce in Kentucky, or both.

(4) [Section 5.] Delivery. "Delivery" shall mean handing the legal document or paper to the attorney or to the party; or leaving it at his office with the person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein, or if the office is closed, or the person to be served has no office, leaving it at his dwelling house or his place of abode with some person of suitable age and discretion then residing therein.

(5) [Section 6.] Manifest. "Manifest" shall mean a complete listing of all shipments on a truck. The manifest shall refer to the freight bill of each shipment by individual pro number, and show the weight of each shipment and the origin and destination of each shipment.

(6) [Section 7.] Party. "Party" shall mean either an applicant, complainant, respondent, or a person who has filed a protest in accordance with 601 KAR 1:030.

(7) [Section 8.] Qualified Equipment. "Qualified equipment" shall mean a motor vehicle duly and currently registered and licensed for the transportation of persons or property for hire in intrastate commerce in Kentucky by an authorized carrier who may properly conduct such transportation.

(8) [Section 9.] Service. "Service" when regarding a legal document or paper shall mean the delivery of a copy of a pleading, protest, or other paper to the other party or his attorney, or by mailing it to the other party or his attorney, at the last known address of either.

Section 2. Official Maps Defined for Use. The cabinet, when considering, in any matter, that phase of the authority issued by it involving highways or specific highway routes shall use

photostatic copies of official maps issued by the Kentucky Department of Highways and certified by them for the year in which the authority was issued, or the map issued immediately preceding the year of issuance, if the map for that year will be or was issued subsequent to the authority.

[Section 10. Repealer. 601 KAR 1:035, Definitions, is hereby repealed.]

JEROME L. LENTZ, Commissioner
MILO D. BRYANT, Secretary
APPROVED BY AGENCY: May 23, 1990
FILED WITH LRC: May 30, 1990 at 10 a.m.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
Division of Motor Vehicle Enforcement
(As Amended)

601 KAR 1:160. Motor carrier vehicle identification.

RELATES TO: KRS Chapters 138 and 281
STATUTORY AUTHORITY: KRS 138.665, 281.600, 281.750
NECESSITY AND FUNCTION: This regulation sets forth the requirements for the marking and identification of commercial motor vehicles operating in the Commonwealth of Kentucky. These same requirements have been set forth in 601 KAR 1:150. However, more specific authority for the issuance of the administrative regulation was given the Transportation Cabinet in House Bill 696 [665] passed by the 1990 General Assembly. To insure compliance with KRS Chapter 13A the cabinet is repealing 601 KAR 1:150 and promulgating 601 KAR 1:160. These two (2) administrative regulations are identical because during the 1990 session, Transportation Cabinet officials testified to the Senate Transportation Committee that there would be no change in the requirements to the motor carrier industry.

Section 1. Definitions. (1) "Control number" means either an Interstate Commerce Commission motor carrier (ICC MC) number as required by 49 CFR 1058.2; a U.S. Department of Transportation (DOT) number as required by 49 CFR 390.21; or a Kentucky highway motor fuel use license (KYU) number as required by KRS 138.665;
(2) "Unique vehicle identification number" means the company unit number assigned to an individual vehicle;
(3) "Motor carrier" means as defined in KRS 138.655(5);
(4) "Carrier" means as defined in KRS 281.011(1) except U-drive-its;
(5) "Motor carrier vehicle identification card (cab card)" means that identifying plate, decal, card, sign or paper issued by the Department of Vehicle Regulation under the authority of KRS 281.752; and
(6) "Commercial motor vehicle" means as defined in KRS 138.655(4) and (5)(c). Note, this [except that it] does not include a farm vehicle properly registered under KRS 186.050(4).

Section 2. Identification. All motor carriers shall at all times display on each side of every vehicle employed by them in their operations the name of the company or person conducting the operation as the name appears on the certificate or permit authorizing the operation. An assumed or trade name may be used providing the appropriate statutes and regulations are complied with and the assumed or trade name also appears on the certificate or permit. The letters shall be of sufficient size so as to be readily legible. The motor carrier vehicle identification card (cab card) issued for the vehicle shall at all times be prominently displayed on the inside of the vehicle. The name of the driver operating a vehicle engaged in transportation of persons for-hire shall be prominently displayed in the vehicle.

Section 3. Control Number and Unique Identifier. (1) Every commercial motor vehicle having a declared gross weight above 26,000 pounds with three (3) or more axles, which is subject to any of the taxes in KRS 138.660, shall when operating upon the public highways of the Commonwealth of Kentucky display on the vehicle the control number of the motor carrier under whose authority the vehicle is being operated and a unique vehicle identification number for the vehicle. The motor carrier's control number required by this administrative regulation shall only be accepted by the Department of Vehicle Regulation for the purpose of exterior display on the vehicle and shall not be accepted for any other purpose. These numbers may be permanently affixed to the vehicle or displayed by use of a removable device.
(2) All ICC MC or DOT numbers shall be validated with the Department of Vehicle Regulation prior to their being accepted as control numbers. The control number shall be placed on both sides of the main body of the cab. The number shall be immediately preceded by an Alpha prefix indicating that the number is an ICC MC, ICC, MC, DOT or KYU number. The figures shall be in sharp color contrast to the background of the vehicle and of such size, shape and color as to be readily visible during daylight hours from a distance of fifty (50) feet when the vehicle is not in motion. These numbers shall be placed on the vehicle no higher than the top of the side window and no lower than the top of the front wheel.
(3) The unique vehicle identification number shall be displayed on the front of the vehicle readily visible in daylight hours from a distance of 100 feet when the vehicle is not in motion. This number shall be in sharp color contrast to the background of the vehicle. It shall be placed no higher than the bottom of the windshield and no lower than the bottom of the front bumper.

Section 4. Repealer. 601 KAR 1:150, Identification of motor carrier vehicles, is hereby repealed.

JEROME L. LENTZ, Acting Commissioner
MILO D. BRYANT, Secretary
APPROVED BY AGENCY: May 23, 1990
FILED WITH LRC: May 30, 1990 at 9 a.m.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of School Administration and Finance
(As Amended)

702 KAR 3:200. Management Assistance Program.

RELATES TO: KRS 156.031, 158.780, 158.785
STATUTORY AUTHORITY: KRS 156.070, 158.780
NECESSITY AND FUNCTION: KRS 156.031 requires that regulations relating to statutes amended by the 1990 Kentucky Education Reform Act be reviewed, amended if necessary, and resubmitted to the Legislative Research Commission prior to December 30, 1990; and KRS 158.780 and 158.785 require the Superintendent of Public Instruction to identify to the State Board for Elementary and Secondary [of] Education each year a minimum of five (5) districts with critical management deficiencies and in need of the resources of a management assistance team. This regulation prescribes the selection criteria for such a program.

Section 1. Districts participating in the Management Assistance Program mandated by KRS 158.780 and 158.785 shall be selected based upon the following criteria:

(1) The planning, maintenance and operation of physical plants [(weight 12.3 percent)]:

(a) Percent adjusted operation cost (obtained from local districts' annual financial reports collected by the Division of School District Finance [Management and Audit]). **The annual financial report form (1990) is hereby incorporated by reference. Copies may be reviewed or obtained at the Department of Education, Capital Plaza Tower, Frankfort, Kentucky from 8 a.m. to 4:30 p.m.** The 600 codes (operation of plant) shall be [are] adjusted to exclude utility costs. Total current expense (sum of expenditures for administration, instruction, attendance, health, transportation, plant operation, plant maintenance and fixed charges) is adjusted by excluding transportation expenditures. Adjusted operation cost shall [is] then be divided by adjusted current expense. The most recent three (3) prior years' data shall be used.

(b) Percent maintenance cost. The total of the 700 codes (maintenance of plant) shall be [is] divided by adjusted total current expense. The most recent three (3) prior fiscal years' data shall be used.

(2) The maintenance and operation of student transportation systems [(weight 3.1 percent)]:

(a) Graph adjusted efficiency cost (data shall be [is] obtained from local districts' annual financial reports and the superintendent's annual statistical reports collected by the Division of Pupil Attendance). This factor compares actual expenditures to computer generated density cost analysis to determine efficiency of transportation operation. The most recent three (3) prior fiscal years' data shall be used.

(3) Personnel administration [(weight 12.3 percent)]:

[(a) Percent sick leave. The sum of Codes 223.01 and 223.02 (elementary and secondary substitute teacher - sick leave) is divided by the total expenditures for instruction (annual financial report).]

[(b) Percent of classes out of field (obtained from professional staff data forms and certification files). The total number of classes being taught out of field is divided by the total number of classes offered.]

[(c)] Percent noncertified staff (obtained from school data files collected by the Division of Computer Services and professional staff data forms). The total number of noncertified staff, less noncertified transportation employees, shall be [is] divided by the total number of certified staff. The most recent three (3) prior fiscal years' data shall be used.

(4) Governance and executive leadership [(weight 9.2 percent)]: deficit school districts (obtained from annual financial reports collected by the Division of School District Finance [Management and Audit]).

(5) Fiscal management [(weight 26.2 percent)]:

(a) Percent administrative cost. The total cost of administration (100 codes less lines 117 and 151) is divided by the total adjusted current expense (annual financial report). The most recent three (3) prior fiscal years' data shall be used.

[(b) Percent investment income. Receipt Code 31.00 is divided by total receipts (annual financial report).]

(b) [(c)] Percent instruction expenditures. Total instructional expenditure shall be [is] divided by total adjusted current expense (annual financial report). The most recent three (3) prior years' data shall be used.

(6) Professional performance, staff development and evaluation (the most recent school year data shall be used [weight 24.6 percent]):

[(a) Percent certified staff Rank II and above (obtained from professional staff data forms collected by Division of School Management and Audit). The total number of Rank II and above is divided by the total number of certified staff.]

[(b) Test scores (Normal Curve Equivalent Grade 7);]

[(c) Test scores (Normal Curve Equivalent Grade 10);]

(a) [(d)] Test scores (Normal Curve Equivalent Grade 7) compared to unadjusted anticipated test scores (Normal Curve Equivalent Grade 7);

(b) [(e)] Test scores (Normal Curve Equivalent Grade 10) compared to unadjusted anticipated scores (Normal Curve Equivalent Grade 10).

(7) School-community relations (the most recent prior fiscal years' data shall be used [weight 12.3 percent]):

(a) Percent attendance.

(b) Dropout rate.

Section 2. As soon as practicable in 1990 and prior to August 1 in succeeding years, the chief state school officer [Superintendent of Public Instruction] shall recommend to the State Board for Elementary and Secondary [of] Education for the board's approval a minimum of five (5) local school districts each year identified as being in the listing [lowest decile] of the local school districts which have been either deficit school districts or having at least three (3) indicators more than one and one-half (1 1/2) standard deviations away from the mean, [based on a composite rank resulting in the measurement of management efficiency when school districts are compared on each] of the criteria in Section 1 of this regulation. Districts with average daily attendance of less than 600 or more than 20,000 are exempted provided, however, that any district with a financial deficit shall be

included in the program. [After the first year (1986-87 school year) of the Management Assistance Program, any district identified and selected by the state board which refuses management assistance and which has identified deficiencies and required Master Educational Improvement Plan/subplans according to 704 KAR 3:005 shall not have such Master Educational Improvement Plan approved and shall be assessed under the provisions of 704 KAR 3:005.]

Section 3. The chief state school officer [Superintendent of Public Instruction] shall provide the state board, for its approval, agreements to accept management assistance, signed by respective districts. A plan of action shall be developed and become a part of the agreement. The plan of action shall specify the needs of the district, the personnel involved and the time frame for accomplishment, including an agreement on a procedure for developing the required work program.

Section 4. The chief state school officer [Superintendent of Public Instruction] shall make interim progress reports to the State Board for Elementary and Secondary [of] Education on each district participating in the Management Assistance Program. A final evaluation shall be submitted to the State Board for Elementary and Secondary [of] Education following the completion of the project which shall include an analysis of the effectiveness of the management assistance program in each district. Each team manager shall submit such an evaluation on the district to which a team [he/she] was assigned.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: June 12, 1990
FILED WITH LRC: June 15, 1990 at 10 a.m.

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of Instruction
(As Amended)

704 KAR 3:380. Remediation of basic skills.

RELATES TO: Budget Bill, House Bill 799 (1990 RS), Part I, D., g., p. 39 (appropriation)
STATUTORY AUTHORITY: KRS 156.035, 156.070
NECESSITY AND FUNCTION: The 1990 Budget Bill, in conjunction with the 1990-92 Executive (Branch) Budget, Vol. I, pp. ED and H-22, 23, and 31 and the 1990-92 Budget Memorandum, Part I, Executive, D. Education and Humanities, Conference Report, March 30, 1990, pp. 19-20, provides for an appropriation to operate a remediation program. This regulation provides for a remedial education program and the allotment of available funds to local school districts, pursuant to the State Board for Elementary and Secondary Education's authority to implement acts appropriating funds by the state and to promulgate necessary regulations. This regulation is also promulgated to replace 704 KAR 3:355, which is repealed.

Section 1. Definitions. (1) "Remediation teacher" means a person holding a valid elementary education teaching certificate who provides remedial instruction to eligible students.
(2) "Instructional assistant" means a trained paraprofessional employee of the school district who provides tutorial instruction under the supervision of a teacher.
(3) "Remediation" means a program of instruction designed to correct educational deficiencies.

Section 2. Funding. Funding of the remediation program shall be as follows:
(1) Allocations to local school districts for a remediation program for the 1990-91 school year shall be maintained at least equal to the allocations for the 1989-90 school year.
(2) State funding for the remediation program shall be used for the cost of teacher units, including salaries and current operating expenses, and instructional assistant units not including current operating expenses.

Section 3. Eligibility Criteria. Selection of pupils to be served in the remediation program shall be as follows:
(1) Each school district shall select pupils to be served by the remedial instructional program who are deficient in one (1) or more of the skill areas of reading and mathematics. The following documentation shall be used to determine which students shall be served:
(a) Teacher recommendation;
(b) Academic performance; and
(c) Performance at or below the 20th national percentile on a norm-referenced achievement test.
(2) Pupils who have a greater need as determined by the eligibility criteria shall be selected first for instruction in the remediation program.
(3) No more than fifteen (15) pupils shall be served by a full-time remediation teacher. No more than twenty-two (22) pupils shall be served by a full-time instructional assistant. For part-time teacher or instructional assistant units, the number of pupils served shall be reduced in accordance with the reduction of the unit.
(4) In the event that sufficient funds are available, eligible pupils in the third grade may be selected for participation in the remediation program, but all eligible pupils in the first and second grades shall be provided remediation first. A remedial education program in the third grade shall operate by the same procedures as a program in the first or second grade.
(5) School districts shall notify in writing the parents or guardians of any pupil selected for remediation of the intent to serve the pupil in the remediation program.
(6) With the exception of those pupils who are handicapped only by a speech impairment or physical handicap, as defined in 707 KAR 1:053, pupils who have been appropriately identified as handicapped by an admissions and release committee are not eligible to be served in the remediation program except upon a determination by the admissions and release committee that there is no other appropriate educational placement for such a pupil.

Section 4. Program Operation. (1) The remediation program shall include appropriate student learning activities and teaching techniques. The major emphasis of the remediation program shall be reading and mathematics.
(2) When instruction is in a sef-contained

classroom, content of all required curricula shall be taught with emphasis on reading and mathematics. The remediation program may be operated as a first grade, a second grade, or a combination grade room.

(3) When remedial instruction is provided by an instructional assistant, content of material presented shall be planned and supervised by the regular classroom teacher. The remedial instruction shall be provided in close proximity to the supervising teacher. This provision shall assure that the instructional assistant is not being placed in the position of assuming the duties and responsibilities of a teacher. The use of supplementary instructional materials shall be coordinated with lessons and materials presented in the regular classroom.

(4) Pupils receiving remedial education shall participate equally in all school services provided for other pupils of the same grade in such areas as art, music, physical education, and extracurricular activities in the same manner in which other pupils in the district receive such services.

Section 5. Qualifications of Personnel and Job Descriptions. Personnel qualified to serve in the remediation program shall meet the requirements for the position and fulfill the job description as follows:

(1) Teacher requirements.

(a) Hold valid elementary education teaching certification;

(b) Have demonstrated ability to work with pupils who have not been successful in the regular classroom;

(c) Have at least one (1) year prior experience as a classroom teacher unless waived by the Superintendent of Public Instruction based upon documented evidence of lack of availability of personnel with such experience; and

(d) Participate in program training as specified by the Kentucky Department of Education and local district.

(2) Teacher job description.

(a) Implement instructional techniques and learning activities appropriate for students in need of remediation;

(b) Assess and document pupil progress on a continuous basis and modify instruction as necessary;

(c) Maintain program records as required by the Kentucky Department of Education and local district;

(d) Communicate with and involve parents; i.e., teacher/parent conferences, written communications, and home visits; and

(e) Communicate with other teachers, instructional assistants and supervisors as necessary.

(3) Instructional assistant requirements.

(a) Hold minimum of high school diploma or the equivalent issued pursuant to 709 KAR 1:030;

(b) Demonstrate competent language skills;

(c) Have demonstrated ability to work with pupils who have not been successful in the regular classroom;

(d) Participate in program training as specified by the Kentucky Department of Education and local district; and

(e) Meet the applicable criteria required by KRS 161.044.

(4) Instructional assistant job description. Under the direction of the supervising teacher an instructional assistant shall:

(a) Implement instructional techniques and learning activities appropriate for students in need of remediation;

(b) Provide tutorial instruction to pupils individually or in small groups;

(c) Assist with the documentation of pupil progress on a continuous basis;

(d) Prepare and organize materials and equipment for remedial instruction; and

(e) Participate as an integral member of the remediation instructional team.

Section 6. Facilities. (1) The remediation program shall be housed in facilities which are in compliance with 702 KAR 4:060, 702 KAR 4:070 and 702 KAR 4:080.

(2) In the event facilities are not available which meet the minimum square footage standards, the instructional area shall provide at least twenty-four (24) square feet of instructional space per pupil served or no less than 312 square feet **per classroom unit**.

Section 7. Program Evaluation. (1) The Kentucky Department of Education shall evaluate the effectiveness of the remediation program by compiling pre- and posttest score data on pupils served in the program. As a result of this evaluation, the Department of Education may make necessary modifications in the statewide remediation program to assure the effectiveness of the program.

(2) No later than September of each year, the local board of education shall evaluate the local remediation program and approve a plan of operation and program improvement for the then-current school year based upon a review of the following factors from the previous year's program:

(a) Student pre- and posttest scores;

(b) Methods of instruction;

(c) Promotion and retention rates;

(d) Attendance;

(e) Parent involvement;

(f) Numbers of pupils served;

(g) Adequacy of materials; and

(h) Coordination between the remediation and regular school programs.

(3) On-site monitoring of remediation programs and local board approved plans shall occur as deemed necessary by the chief state school officer.

Section 8. 704 KAR 3:355, basic skills remediation, is hereby repealed.

HENRY E. POGUE, IV, Chairman
APPROVED BY AGENCY: June 12, 1990
FILED WITH LRC: June 15, 1990 at 10 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Financial Institutions
(As Amended)

808 KAR 1:070. Application and hearing procedure.

RELATES TO: KRS 287.061, 288.450, 289.031, 290.015, 291.440

STATUTORY AUTHORITY: KRS 287.020, 288.610, 289.702, 290.070, 291.530

NECESSITY AND FUNCTION: To provide procedures for the handling of applications for new or

branch facilities submitted by financial institutions and for hearings conducted pursuant to KRS Chapters 287, 288, 289, 290, and 291.

Section 1. Notice of Application; Hearing. (1) Notice to the public on the application shall be published in accordance with KRS Chapter 424.

(2) Individual notice of the application shall be afforded as follows:

(a) Upon application for a new bank certificate or approval of a branch bank, to all state and national banks doing business within the county;

(b) Upon application for a small loan license, to all financial institutions doing business within the county.

(c) Upon application for a savings and loan certificate, to all state and federal savings and loan associations doing business within the county;

(d) Upon application for a credit union certificate, to all state and federal credit unions doing business within the county;

(e) Upon application for an industrial loan certificate, to all industrial loan companies doing business within the county.

(3) Each notice shall contain a statement of the applicant's name, the nature and location of proposed business and the address for the filing of protests. The notice shall appraise all parties opposed to the approval of the application of the right to file a written protest with the department. Said protest to be timely filed must be received by the department not later than twenty (20) days after notice is afforded.

[Section 2. At the discretion of the commissioner, the submission of written briefs may satisfy the hearing requirements set forth in KRS Chapters 287, 288, 289, 290 and 291.]

Section 2. [3.] [2.] Hearing. When a hearing is held, then:

(1) The commissioner or someone designated by him shall serve as hearing officer and shall be in charge of the hearing. The hearing officer may be assisted by a departmental attorney as legal officer.

(2) Those parties who have filed timely protests and the department, if it so desires, shall be afforded an opportunity to appear, respond to and present evidence and argument on all issues involved. Such parties may conduct cross-examination required for a full disclosure of the facts. Individuals who fail to file timely protests shall be permitted to make statements for the record and file petitions and/or communications germane to the proceedings, but shall not be permitted to otherwise participate.

(3) All irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Any evidence may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The rules of privilege shall be given effect. Objections to evidentiary offers may be made and shall be noted in the record.

(a) Documentary evidence may be received in the form of copies or excerpts. Upon request, parties shall be given an opportunity to compare the copy and/or excerpt with the original. All documentary evidence shall be presented such that there will be one (1) copy for the hearing officer, one (1) copy for the department, and one (1) for each party. The applicant shall provide a large map (certified as to its correctness) of the relative county(ies). Such map shall be used at the hearing to point out the exact location of the proposed application.

(b) Notice may be taken of judicially cognizable facts within the agency's specialized knowledge. Parties may be notified either before or during the hearing of the material noted, including any staff memorandum or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's expertise may be utilized in the evaluation of the evidence.

(4) Order of proceeding. The following shall be the typical order of the proceeding of any hearing. Variations and additions shall be permitted at the discretion of the hearing officer.

(a) Appearances of all parties shall be entered for the record.

(b) Each party may make a short statement of position and identification of witnesses.

(c) All witnesses shall be sworn.

(d) The department shall introduce any exhibits desired to be included in the record.

(e) The hearing officer shall rule on all motions heretofore made.

(f) The applicant shall produce his evidence. Each protestant and the department may cross-examine each witness upon completion of that witness' testimony.

(g) Upon exhaustion of the applicant's evidence, the protestant(s) shall produce his (their) evidence. Upon completion of each witness' testimony, all other parties (including the department) may cross-examine that witness. Upon completion of the protestants' case, the applicant may offer evidence in rebuttal. The protestant may then have the opportunity to offer rebuttal.

(h) Upon completion of the introduction of evidence, direct and/or rebuttal, the parties may submit or argue the case. In the argument, the protestant shall open and the applicant conclude.

(i) Prior to the final submission of the case, members of the public, deserving to be heard, shall be permitted to make statements for the record and may file petitions or communications germane to the matter of record.

(j) The hearing officer may at his discretion continue the hearing for the purpose of receiving additional evidence for argument in the form of written briefs.

Section 3. If a hearing is not required by statute, the commissioner may require the parties to submit written briefs.

Section 4. [3.] Hearing Officer's Report, Decision and/or Orders where a Hearing has been Held. The final report, decision or order, shall be in writing or stated in the record. It shall include findings of facts and conclusions of law, separately stated. Findings of facts shall be based exclusively on the evidence and on matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If the hearing officer is other than the commissioner, his findings and conclusions together with his recommendations, shall be

presented to the commissioner, who shall make the final decision and disposition of the matter. Parties shall be notified either personally or by mail of any final report, decision or order and a copy of such shall be delivered to each party.

Section 5. [4.] Costs. A hearing reporter shall be arranged for by the hearing officer. The cost of the reporter and the cost of the transcript and one (1) copy thereof for the department shall be borne by the parties on a prorated basis, i.e., the costs above divided by the number of parties.

EDWARD B. HATCHETT, JR., Commissioner
APPROVED BY AGENCY: May 14, 1990
FILED WITH LRC: May 15, 1990 at 9 a.m.

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

815 KAR 10:040. Fire Prevention Code.

RELATES TO: KRS Chapters 198B, 227
STATUTORY AUTHORITY: KRS 227.300
NECESSITY AND FUNCTION: The Commissioner of the Department of Housing, Buildings and Construction is required by KRS 227.300 to establish reasonable regulations based upon good engineering practice and principles providing a reasonable degree of safety for human life against the emergencies of fire and panic, and insuring, as far as practicable, against fire loss. These [Such] regulations shall constitute the fire prevention code for Kentucky which shall be known as the Kentucky Standards of Safety. They shall be used, where applicable, as a supplement to the Kentucky Building Code. This regulation is necessary to establish minimum fire safety standards especially for buildings not constructed in accordance with applicable building codes in existence at time of construction. These standards are enforceable by the State Fire Marshal, pursuant to KRS Chapter 227 and local authorities pursuant to KRS 227.320. This regulation includes the substance of 815 KAR 10:020, which is being repealed.

Section 1. Definitions. Definitions in this section shall apply to this regulation and shall be incorporated into Article 2, Section 201 of the Kentucky Standards of Safety.

(1) "Alternate" or "alternative" means a system, condition, arrangement, materials or equipment submitted to or accepted by the State Fire Marshal or other fire code official as a substitute for another code requirement because the substitute meets the intent of the code.

(2) "Code official" means the State Fire Marshal or other enforcement officer designated by the appointing authority of a local governmental jurisdiction for the enforcement of this code and the codes and standards adopted herein. (See "Fire code official")

(3) "Combustible" means capable of burning or producing flame at ordinary temperatures or being easily ignited.

(4) "Common path of travel" means that portion of exit access that must be traversed before two (2) separate and distinct paths of travel to two (2) exits are available. Paths that merge are common paths of travel. Common path of travel is measured in the same manner as travel distance but terminates at that point where two (2) separate and distinct routes become available.

(5) "Distinct hazard" means any situation, process, material or condition which is likely to cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion which poses a threat to life or the property of others, and including any condition likely to result in collapse of some portion of the structure in case of [such] fire or explosion or other impending disaster that may be a threat to life or property.

(6) "Dwelling or private dwelling" means a single unit providing complete and independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(7) "Fire chief" means the authorized head of a fire department that is recognized by the State Fire Marshal's Office.

(8) "Fire code official" means the State Fire Marshal or other enforcement officer designated by the appointing authority of a local governmental jurisdiction for the enforcement of this regulation and the codes and standards adopted herein. (See "Code official")

(9) "Fire department" means a fire department recognized by the State Fire Marshal's Office.

(10) "Fire lane" means the road, path, or other passageway developed to allow the passage of fire apparatus through congested areas (both built-up and wildland).

(11) "Fire prevention code" means the BOCA National Fire Prevention Code, 1990 edition, as adopted by the Commissioner of the Department of Housing, Buildings and Construction and otherwise known as the Kentucky Standards of Safety.

(12) "Fire suppression system" means a fixed system of approved appliances/devices, valves and piping designed and installed to control/suppress fire either by means of manual or automatic activation.

(13) "Fire suppression system inspector" means any individual having met the minimum requirements adopted by the Office of the State Fire Marshal.

(14) "Floor loading" means forces or other actions that arise on structural systems from the weight of all permanent construction, occupants and their possessions including:

(a) "Dead load" the weight of all permanent structural and nonstructural components of a building, such as walls, floors, roofs, ceilings, stairways and fixed service equipment.

(b) "Live load" the weight superimposed by the use and occupancy of the building, not including the wind load, earthquake load, or dead load.

(15) "Historic building" means an existing building or structure identified and classified as historic property by the Kentucky Heritage Commission or the National Register of Historic Places.

(16) "Kentucky fire incident report" means a form for the reporting of fires which is obtained pursuant to KRS 304.13-380 from the State Fire Marshal for use by fire departments.

(17) "LED" means level of exit discharge.

(18) "NFiPA" means the National Fire Protection Association.

(19) "Occupancy classification" means the various use groups as classified in the Kentucky Building Code and set forth in Section F-202.0

of this regulation.

(20) "Place of assembly" means buildings or portions thereof used for gathering together fifty (50) or more persons for purposes set forth in F-202.0, Use Group A, of this code.

(21) "Process" means the manufacturing, handling, blending, conversion, purification, recovery, separation, synthesis or use or any combination of any commodity or material regulated by this code.

(22) "Single family dwelling" means one (1) unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation, and which is not connected to any other unit or building.

(23) "Smoke barrier" means a continuous membrane, either vertical or horizontal, such as a wall, floor, approved door, or ceiling assembly, that is designed and erected with construction materials to restrict the movement of smoke. A smoke barrier may or may not have a fire resistance rating. These [Such] barriers shall have protected openings.

(24) "Smoking" means a lighting, igniting, holding or possession of any lighted cigar, cigarette or pipe.

(25) "State Fire Marshal" means the administrative head of the Division of Fire Prevention, Department of Housing, Buildings and Construction, Commonwealth of Kentucky, and signified by the abbreviation, "SFM".

(26) "Unfriendly fire" means a fire that is deliberately set (arson) or ignites through carelessness, negligence, or other cause in [such] a manner as to endanger the safety of any person or property.

(27) "Use group" means the classification of a building or structure based on the purpose for which it is intended to be used.

Section 2. Adoption of Fire Prevention Code. The BOCA National Fire Prevention Code/1990, 8th Edition, published by and copies available from Building Officials and Code Administrators International, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60477, is hereby incorporated by reference as it is set forth at length in this regulation, with specific changes set forth in Sections 3 through 17 of this regulation. Copies are available at the Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Frankfort, Kentucky, between 8 a.m. and 4:30 p.m., Monday through Friday.

Section 3. Article 1. (1) Amend subsection F-100.1 to read as follows: "F-100.1 Title: These regulations as set forth herein shall be known as the Kentucky Standards of Safety (Fire Prevention Code) and are herein referred to as same [such] or as "this code"."

(2) Create a new subsection to read as follows: "F-100.5 Intent of Code: It is the express intent of this code to provide a reasonable degree of safety for human life. Therefore, where the purpose of any provision of this regulation can be fulfilled by other means, the specific requirements of this code may be modified by the **fire** code official to allow alternative arrangements that will secure as nearly equivalent safety from fire as practical. Nothing in this code is intended to invalidate any lawfully adopted local government ordinance."

(3) Create a new subsection, "F-100.6 Continuation of Use" to read as follows:

(a) "F-100.6.1 The use and occupancy of any building which was constructed after the implementation of the Kentucky Building Code and for which there has been issued a lawful certificate of use or occupancy by the building code official may be continued without change so long as it is maintained and used as originally permitted and approved."

(b) "F-100.6.2 The use and occupancy of any building, other than a building covered by F-100.6.1, existing on the date of adoption of this code may be continued without change except as may be specifically covered by this code and deemed necessary by written decision of the fire code official for the life safety of the occupants and the public under Article 1 and 4 of this code."

(4) Create a new subsection, "F-100.7 Change in Use" to read as follows:

(a) "F-100.7.1 It shall be unlawful to make any change in the use of any structure or portion thereof with the potential to create a greater hazard to the public because of increased structural or fire loading or inadequate exits for the number of occupants without the written approval of the building official when required by the Kentucky Building Code."

(b) "F-100.7.2 Any proposed new use not subject to the Kentucky Building Code shall comply with the provisions of this code relating to the new use, as required by the fire code official."

(5) Create subsection F-100.8 to read as follows: "F-100.8 Certificate of Use and Occupancy. If the fire code official finds an existing building or facility to be in substantial compliance with the intent of this code and that there are no violations of any order of the building official or State Fire Marshal pending, he may issue a certificate authorizing the legal use and occupancy of the building or facility and that use may continue without change as allowed by F-100.6.1. Upon request, the building code official shall cooperate with the fire code official, pursuant to Section 106 of the Kentucky Building Code, in assessing existing buildings for relative fire safety."

(6) Amend subsection F-101.2 to read as follows: "F-101.2 Existing buildings: Buildings built under and in full compliance with the codes in force at the time of construction or alteration thereof, and that have been properly maintained and used [for such use] as originally permitted, shall be exempt from the requirements of this code pertaining to any of the following matters:

1. Fire protection of structural elements.

2. Exits required, except as provided for existing buildings under this code.

3. Isolation of hazardous operations and mixed uses; provided, however, that the **fire** code official shall require the installation of fire safety devices or systems (fire extinguishers, fire alarms, fire detection devices, sprinklers or similar systems) where they are necessary to provide safety to life and property. In lieu of requiring the installation of safety devices or systems or when necessary to secure safety in addition thereto, the **fire** code official shall prescribe limitations on the handling and storage of materials or substances or upon operations that are liable to cause fire,

contribute to the spread of fire, or endanger life or property."

(7) Amend subsection F-101.3 to read as follows: "F-101.3 Application of building code: The planning, design and construction of new buildings and structures to provide egress facilities, fire protection, and built-in fire protection equipment shall be controlled by the Kentucky Building Code and any alterations, additions or changes in buildings required by the provisions of this code which are within the scope of the Kentucky Building Code shall be made in accordance with the standards set forth therein."

(8) Delete subsections F-101.4 and F-101.4.1 from Article 1 of the 1990 Edition of the BOCA National Fire Prevention Code in their entirety.

(9) Amend subsection F-101.6 to read as follows: "F-101.6 Compliance Alternatives [Amend subsection "F-101.6 Compliance Alternatives" as follows]:

(a) "F-101.6.1 If [Whenever] this code requires a particular system, condition, arrangement, material, equipment, or any other particular provision, the fire **code** official may grant alternatives if he finds that the alternative(s) are consistent with the intent of this code to provide adequate protection for life safety. The decision shall be written and shall provide a reasonable time to comply with the terms of the alternatives."

(b) "F-101.6.2 An application for an alternative may be filed with the fire **code** official by the owner or occupant and shall be accompanied by [such] evidence, letters, statutes, results of tests or other supporting information as may be required to justify the request. The fire **code** official shall keep a record of action on [such] applications and a signed copy of the fire **code** official's decision shall be provided for the applicant. Acceptance of any alternative by the fire **code** official shall signify compliance with this code under the provision for which an alternative is offered. Failure of the property owner or occupant to comply with the alternatives granted shall void the alternative."

(10) Create subsection "F-101.7 Exempted Facilities" to read as follows:

(a) "F-101.7.1 State prisons, day care centers, hospitals, nursing homes and other facilities required to be licensed by the Kentucky Cabinet for Human Resources or the Corrections Cabinet are not required to comply with the provisions of the fire prevention code if they are inspected and approved by the Office of the State Fire Marshal in accordance with federally mandated codes or the edition of NFiPA Pamphlet #101 (The Life Safety Code) under which the facility was initially approved. This regulation makes no change in the standards previously applicable to these facilities. [applicable edition or editions of the Life Safety Code.]"

(b) "F-101.7.2 This code does not apply to single family dwellings."

(11) Amend F-104.1 to read as follows: "F-104.1 Enforcement officer: It shall be the duty and responsibility of the State Fire Marshal, his designee, or local fire code official acting pursuant to lawful ordinance adopting this code to enforce the provisions of the fire prevention code as herein set forth. The designated enforcement officer of this code is herein referred to as the **fire** code official."

(12) Create a new subsection to read as follows: "F-104.9 Interpretations: Formal interpretations of the provisions of this code shall be issued by the State Fire Marshal upon written request, and a record of these interpretations shall be maintained by the State Fire Marshal and regularly communicated to all persons who purchased the Fire Prevention Code book and others who are registered with the State Fire Marshal to be on the mailing list. These interpretations shall be used by all fire code officials to provide consistency in the understanding and enforcement of this Code. Upon adoption of these Standards of Safety by any unit of local government, pursuant to KRS 227.320, all interpretations of the Standards of Safety promulgated by the commissioner shall be interpreted likewise by the State Fire Marshal and the interpretations shall be used by all local fire code officials in the understanding and enforcement of this Code."

(13) Delete subsections F-105.6; F-105.7 and F-105.8 from Article 1 of the 1990 Edition of the BOCA National Fire Prevention Code in their entirety.

(14) Amend subsection F-106.2 to read as follows: "F-106.2 Permits required: Permits, if adopted by city or county ordinance, shall be obtained from the local **fire** code official according to the local adopting legislation. Inspection or permit fees, if any, shall be stipulated in the local adopting legislation. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the **fire** code official."

(15) Create subsection F-106.8 to read as follows: "F-106.8 The State Fire Marshal shall not become involved in the local permit process, and where local permits are required, the State Fire Marshal shall not perform any related inspections. Exception: Permits required by law to be issued by the State Fire Marshal, shall be issued according to state statute or regulations and inspected accordingly."

(16) Amend Section "F-108.0 Means of Appeal" to read as follows:

(a) "F-108.1 Local Appeals: Any party aggrieved by a decision of the local fire code official and any local fire code official desiring a ruling, may appeal to the local appeals body as provided by local ordinance."

(b) "F-108.1.1 State Fire Marshal appeals: Appeals from decisions of the State Fire Marshal or by his authority, pursuant to KRS 227.230, shall be made in accordance with the provisions of KRS Chapter 227."

(17) Amend subsection F-109.3 to read as follows: "F-109.3 Unsafe buildings. All buildings and structures that are or shall hereafter become unsafe or deficient in adequate exit facilities or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or by reason of illegal or improper use, occupancy or maintenance or which have sustained structural damage by reason of fire, explosion, or natural disaster shall be deemed unsafe buildings or structures. A vacant building, or portion of a building, unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this code. The fire code official or authorized fire chief shall order the unsafe conditions to be remedied in accordance with this regulation or

removed."

(18) Amend subsection F-111.2 to read as follows: "F-111.2 Failure to correct violations: If the notice of violation is not complied with within the time specified by the fire code official, the fire code official shall request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate the [such] violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant thereto."

(19) Delete subsections F-112.0 through F-112.7 from Article 1 of the 1990 edition of the BOCA National Fire Prevention Code in their entirety.

Section 4. Article 2. Create a new Section, F-202 and subsections F-202.1 through F-202.12 which shall be entitled, "Use Group Classification" and which shall read as follows:

(1) "F-202.1 General: All buildings and structures shall be classified with respect to use in one (1) of the use groups listed in Table F-202 below.

TABLE F-202

1.	Use Group A	assembly (See Section F-202.2)
2.	Use Group B	business (See Section F-202.3)
3.	Use Group E	educational (See Section F-202.4)
4.	Use Group F	factory and industrial (See Section F-202.5)
5.	Use Group H	high hazard (See Section F-202.6)
6.	Use Group I	institutional (See Section F-202.7)
7.	Use Group M	mercantile (See Section F-202.8)
8.	Use Group R	residential (See Section F-202.9)
9.	Use Group S	storage (See Section F-202.10)
10.	Use Group U	utility and miscellaneous (See Section F-202.11)"

(2) "F-202.2 USE GROUP A, ASSEMBLY USES:"

(a) "F-202.2.1 General. All buildings and structures, or parts thereof, shall be classified in Use Group A which are used or designed for the gathering together of persons for purposes of [such as] civic, social or religious functions, recreation, food or drink consumption or awaiting transportation. Exception: Assembly type uses with a total occupant load of less than fifty (50) shall be classified as Use Group B (Business)."

(b) "F-202.2.2 Use Group A-1, theaters: This use group shall include all theaters and all other buildings and structures, or parts thereof, intended for the production and viewing of the performing arts or motion pictures and usually provided with fixed seats, including theaters, motion picture theaters and television and radio studios admitting an audience. Stages and platforms shall comply with the applicable provisions of the Kentucky Building Code."

(c) "F-202.2.3 Use Group A-2 structures: This use group shall include all buildings and places of public assembly, without theatrical stage accessories, designed for use as dance halls, night clubs and for similar purposes, including all rooms, lobbies and other spaces connected thereto with a common means of egress and entrance."

(d) "F-202.2.4 Use Group A-3 structures: This use group shall include all buildings with or without an auditorium in which persons assemble for amusement, entertainment or recreation, and incidental motion picture, dramatic or theatrical presentations, lectures or other similar purposes without theatrical stage other than a raised platform; and principally used without permanent seating facilities, including art galleries, exhibition halls, museums, lecture halls, libraries, restaurants other than night clubs, and recreation centers; and buildings designed for other similar assembly purposes including passenger terminals."

(e) "F-202.2.5 Use Group A-4 structures: This use group shall include all buildings used as churches and for similar religious purposes."

(f) "F-202.2.6 Use Group A-5, outdoor assembly: This use group shall include structures used for outdoor assembly intended for participation in or reviewing activities including grandstands, bleachers, coliseums, stadiums, amusement park structures and fair or carnival structures. These [Such] structures shall comply with the provisions of the Kentucky Building Code listed in Appendix A for special uses and occupancies."

(3) "F-202.3 USE GROUP B, BUSINESS USES: F-202.3.1 General: All buildings and structures, or parts thereof, shall be classified in Use Group B which are used for the transaction of business, for the rendering of professional services, or for other special services that involve stocks of goods, wares or merchandise in limited quantities for use incidental to office uses or sample purposes."

(4) "F-202.4 USE GROUP E, EDUCATIONAL USES. F-202.4.1 General: All buildings and structures, or parts thereof, other than those used for business training or vocational training, shall be classified in Use Group E which are used by more than five (5) persons at one (1) time for educational purposes including, among others, schools, academies, colleges and universities. Educational type uses with a total occupant load less than fifty (50) shall be classified in Use Group B. School buildings, or parts thereof, for business training or vocational training shall be classified in the same use group as the business or vocation taught."

(5) "F-202.5 USE GROUP F, FACTORY AND INDUSTRIAL USES."

(a) "F-202.5.1 General. All buildings and structures, or parts thereof, in which occupants are engaged in performing work or labor in the fabricating, assembling or processing of products or materials shall be classified in Use Group F, including, among others, factories, assembling plants, industrial laboratories and all other industrial and manufacturing uses, except those of Use Group H involving highly combustible, flammable or explosive products and materials."

(b) "F-202.5.2 Use Group F-1 structures: Factory and industrial use which are not otherwise classified as low hazard Use Group F-2, shall be classified as moderate hazard factory and industrial, Use Group F-1."

(c) "F-202.5.3 Use Group F-2 structures: Factory and industrial uses which involve the fabrication or manufacturing of noncombustible materials which during finishing, packing or processing do not involve a significant fire hazard shall be classified as Use Group F-2."

(6) "F-202.6 USE GROUP H, HIGH HAZARD USES."

(a) "F-202.6.1 General: All buildings and structures, or parts thereof, shall be classified in Use Group H which are used for the manufacturing, processing, generation or storage of corrosive, highly toxic, highly combustible, flammable or explosive materials that constitute a high fire or explosion hazard, including loose combustible fibers, dust and unstable materials."

(b) "F-202.6.2 Exceptions: The following shall not be classified as Use Group H but shall be classified in the usage group which they most nearly resemble:

1. Any building or portion of a building containing less than the exempt amount of those materials shown in Table F-202.6 when maintained in accordance with this code.
2. Buildings containing rooms conforming to the requirements of Article 6 of the Kentucky Building Code listed in Appendix A.
3. Rooms containing flammable liquids in tightly-closed containers of one (1) gallon (0.0038 m^3) capacity or less for retail sale or private use on the premises and in quantities not exceeding two (2) gallons per square foot (0.082 m^3/m^2) of room area.
4. Rooms used for preparation or storage of food products for retail sale on the premises.
5. Retail paint salesrooms with quantities of paint not exceeding two (2) gallons per square foot (0.082 m^3/m^2) of room area.
6. Liquor stores and distributors without bulk storage.
7. The storage or use of materials for agricultural purposes for use on the premises.
8. Closed systems housing flammable or combustible liquids or gases used for the operations of machinery or equipment.
9. Cleaning establishments which utilize combustible liquid solvents having a flash point of 140 degrees F. (60 degrees C.) or higher in closed systems employing equipment listed by an approved testing laboratory, provided this use is separated from all other areas of the building by one (1) hour fire-resistance rated construction.
10. Cleaning establishments which utilize a liquid solvent having a flash point at or above 200 degrees F. (93 degrees C.).
11. Refrigeration systems.
12. Tire retail stores without bulk storage.
13. Any other building or portion thereof which is exempt from this classification by the Kentucky Building Code."

(c) The following table shall apply to this section:

"F-TABLE 202.6
EXEMPT AMOUNTS OF HAZARDOUS MATERIALS, LIQUIDS AND CHEMICALS

Material	Maximum quantities[e]
1. Flammable Liquids	
Class 1-A	30 gal.[b]
Class 1-B	60 gal.[b]
Class 1-C	90 gal.[b]
2. Combustible liquids[c]	
Class II	120 gal.[b]
Class III-A	250 gal.[b]
3. Combination flammable liquids[a]	120 gal.[b]
4. Flammable gases	3,000 cu. ft. at one atmosphere of pressure at 70°F.
5. Liquefied flammable gases	60 gal.
6. Combustible fibers-loose	100 cu. ft.
7. Combustible fibers-baled	1,000 cu. ft.
8. Flammable solids	500 lbs.
9. Unstable material	No exemptions
10. Corrosive liquids	55 gal.
11. Oxidizing material-gases	6,000 cu. ft.
12. Oxidizing material-liquids	50 gal.
13. Oxidizing material-solids	500 lbs.
14. Organic peroxides	10 lbs.
15. Nitromethane (unstable materials)	No exemptions
16. Ammonium nitrate	1,000 lbs.
17. Ammonium nitrate compound mixtures containing more than 60% nitrate and poisonous gas	1,000 lbs.
18. Highly toxic material and poisonous gas	No exemptions
19. Smokeless powder	20 lbs.[d]
20. Black sporting powder	5 lbs.[d]

Note a. Containing not more than the exempt amounts of Class 1-A, 1-B or 1-C flammable liquids.

Note b. The maximum quantities shall be increased by 100 percent in areas which are not accessible to the public. In buildings where automatic fire suppression systems are installed, the maximum quantities shall be increased 100 percent in the areas accessible to the public.

Note c. Tank storage up to 660 gallons for fuel burning equipment meeting the requirements of the mechanical code in Appendix A shall be permitted.

Note d. Maximum quantities in the amount specified by NFiPA 495 shall be permitted when stored in accordance with NFiPA 495 listed in Appendix A.

Note e. 1 gallon = 0.00379 m^3, 1 cubic foot = 0.028 m^3, 1 pound = 0.454 kg."

(d) [(c)] "F-202.6.3 Multiple hazards. Buildings in this category shall be further classified H1 - H4 as set forth in the Kentucky Building Code and materials representing hazards that are classified in one or more of the Use Group H subuses shall conform to the code requirements for each of the use groups so classified."

(7) "F-202.7 USE GROUP I, INSTITUTIONAL USES."

(a) "F-202.7.1 General. Licensed institutional facilities shall conform to Section F-101.2.1."

(b) "F-202.7.2 Jails. Jails shall conform to the requirements of the Corrections Cabinet. State prisons shall conform to the requirements of the Life Safety Code, NFiPA 101."

(8) "F-202.8 USE GROUP M, MERCANTILE USES. F-202.8.1 General: All buildings and structures, or parts thereof, shall be classified in Use Group M which are used for display and sales purposes involving stocks of goods, wares or merchandise incidental to these [such] purposes and accessible to the public; including, among others, retail stores, motor fuel service stations, shops and salesrooms and markets. Highly combustible goods shall be limited to small quantities that do not constitute a high hazard; and if not so limited, the construction shall comply with the requirements for Use Group H as set forth in the provisions of the Kentucky Building Code in appendix A."

(9) "F-202.9 USE GROUP R, RESIDENTIAL USES."
(a) "F-202.9.1 General: All buildings and structures, or parts thereof, shall be classified in Use Group R in which families or households live, or in which sleeping accommodations are provided for individuals with or without dining facilities, excluding those that are classified as institutional buildings."
(b) "F-202.9.2 Use Group R-1 structures. This use group shall include all hotels, motels, boarding houses and similar buildings arranged for shelter and sleeping accommodations and in which the occupants are primarily transient in nature, making use of the facilities for a period of less than thirty (30) days."
(c) "F-202.9.3 Use Group R-2 structures: This use group shall include all multiple-family dwellings (apartment buildings) having more than two (2) dwelling units, except as provided in Section F-202.9.4 and shall also include all boarding houses and similar buildings arranged for shelter and sleeping accommodations in which the occupants are primarily not transient in nature."
(d) "F-202.9.3.1 Dormitories: A dormitory facility which accommodates more than five (5) persons more than two and one-half (2 1/2) years of age shall be classified as Use Group R-2. Exception: Licensed facilities."
(e) "F-202.9.4 Use Group R-3 structures: This use group shall include all buildings arranged for the use of one (1) or two (2) family dwelling units adjacent to or located above one another provided they are completely separated by fire-resistance rating, if required by the Kentucky Building Code, and each unit has independent means of egress."
(f) "F-202.9.5 Use Group R-4 structures: This use group shall include all detached one (1) or two (2) family dwellings not more than three (3) stories in height, and their accessory structures [as indicated in the One and Two Family Dwelling Code listed in Appendix A]."
(10) "F-202.10 USE GROUP S, STORAGE USES."
(a) "F-202.10.1 General: All buildings and structures, or parts thereof, shall be classified in Use Group S which are used primarily for the storage of goods, wares or merchandise, except those of Use Group H that involve highly combustible or explosive products or materials; including, among others, warehouses, storehouses and freight depots."
(b) "F-202.10.2 Moderate hazard uses: Buildings used for the storage of moderate hazard contents which are likely to burn with moderate rapidity, but which do not produce either poisonous gases, fumes or explosives, shall be classified in Use Group S-1."
(c) "F-202.10.3 Low hazard uses: Low hazard uses shall include buildings used for the storage of noncombustible materials, and of low hazard wares that do not ordinarily burn rapidly such as products on wood pallets or in paper cartons without significant amounts of combustible wrappings, but with a negligible amount of plastic trim such as knobs, handles or film wrapping. <u>These</u> [Such] uses shall be classified as Use Group S-2."
(11) "F-202.11 USE GROUP U, UTILITY AND MISCELLANEOUS USES. F-202.11.1 General: All buildings and structures of an accessory character and miscellaneous structures not classified in any specific use group shall be constructed, equipped and maintained to meet the requirements of this code commensurate with the fire and life hazard incidental to their use. Utility and miscellaneous uses shall include fences over six (6) feet (1829 mm) high, tanks, cooling towers, retaining walls and buildings such as private garages, carports, sheds and agricultural buildings."
(12) "F-202.12 Further identification on use group classification shall be found in the <u>Kentucky</u> Building Code listed in Appendix A."

Section 5. Article 3. (1) Amend subsection F-302.1 to read as follows: "F-302.1 General: A person shall not deposit hot ashes or cinders, or smoldering coals, or greasy or oily substances susceptible to spontaneous ignition, into any combustible container or place the same within ten (10) feet (3048 mm) of any combustible materials, except in metal or other noncombustible covered receptacles. <u>These</u> [Such] receptacles, unless resting on a noncombustible floor or on the ground outside of the building, shall be placed on noncombustible stands and in every case shall be kept at least two (2) feet (610 mm) away from any combustible wall or partition, or exterior window or door opening."
(2) Amend subsection F-303.1 to read as follows: "F-303.1 General: Any person using a torch or other flame or heat producing device for removing paint from any building or structure shall provide one (1) approved fire extinguisher or water hose connected to the water supply on the premises where [such] burning is done. In all cases, the person doing the burning shall remain on the premises one (1) hour after each use of the torch, flame or heat producing device."
(3) Create subsection F-304.2 to read as follows: "F-304.2 Dumpsters: Dumpsters that are located adjacent to buildings for collection of trash and debris shall not be placed within ten (10) feet of a combustible portion of a building, including the eave of a roof. Exception: Where approved by the fire code official."
(4) Amend subsection F-305.1 to read as follows: "F-305.1 General: The storage of combustible or flammable material shall conform to the requirements of this code and NFiPA 30, 40, 231, 231C, 231D and 231F, as listed in Appendix A."
(5) Amend subsection F-306.1 as follows: "F-306.1 General: Combustible materials [such] as cotton batting, straw, dry vines, leaves, trees, artificial flowers or shrubbery and foam plastic materials shall not be used for decorative purposes in show windows or other parts of buildings in such a quantity to constitute a fire hazard, unless the materials are flame retardant."
(6) Amend subsection F-306.2.2 to read as follows: "F-306.2.2 Special effects: Any parade float utilizing special effects which are designed to create smoke, flame, heat or sparking conditions shall be approved by the local fire code official prior to utilization."
(7) Create a new subsection, F-306.4, to read as follows: "F-306.4 Decorations. Furnishings or decorations of an explosive or highly combustible character shall not be used."
(8) Amend Section F-307 as follows: "F-307.3 Candles: The use of candles and open flame devices in places of assembly shall conform to the requirements of Subsections F-701.4 and F-701.5."
(9) Delete subsection F-307.3.1 from Article 1

of the 1990 Edition of the BOCA National Fire Prevention Code in its entirety.

(10) Amend Section F-310.1 to read: "F-310.1 Commercial kitchen exhaust systems shall be cleaned at frequent intervals to remove deposits of residue and grease in the system whenever buildup of residue and grease is apparent."

(11) Delete subsection F-310.1.1 from Article 1 of the 1990 Edition of the BOCA National Fire Prevention Code in its entirety.

(12) Create a new subsection, F-310.2, to read as follows: "F-310.2 Maintenance and inspection of commercial kitchen exhaust systems shall be in conformance to this section and Article 5."

(13) Create a new subsection, F-310.3, to read as follows: "F-310.3 An inspection and servicing of the fire extinguishing system shall be made in accordance with F-507.2."

(14) Create a new subsection, "F-310.4 Cleaning", to read as follows:

(a) "F-310.4.1 Flammable solvents or other flammable cleaning aids shall not be used."

(b) "F-310.4.2 At the start of the cleaning process, electrical switches, detection devices and system components that may be accidentally activated shall be locked, pinned, protectively covered or sealed."

(c) "F-310.4.3 Care shall be taken not to apply cleaning chemicals on fusible links or other detection devices of the automatic extinguishing system."

(d) "F-310.4.4 When cleaning procedures are completed, all electrical switches, detection devices, and system components shall be returned to an operable state by qualified personnel. Cover plates shall be replaced and dampers and diffusers shall be positioned for proper air flow."

(15) Amend subsection F-312.2 to read as follows: "F-312.2 Prohibited areas: Smoking shall be prohibited where conditions exist [are such as] to make smoking a fire hazard including areas of piers, wharves, warehouses, stores, industrial plants, institutions, schools, and in spaces where combustible materials are stored or handled. Smoking in places of assembly shall conform to Section F-701.6."

(16) Amend subsection F-312.6 to read as follows: "F-312.6 Ashtrays: Where smoking is permitted, there shall be provided on each table and at other convenient locations noncombustible ashtrays or match receivers. Ashtrays shall be designed with deep grooves or snuffers that hold cigarettes securely. The sides shall be steep enough to force smokers to place cigarettes entirely within the ashtray. Commercial type ashtrays filled with sand or with closing lids shall be used where appropriate."

(17) Amend subsection F-313.1 to read as follows: "F-313.1 Required access for fire apparatus: All premises which the fire department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings and water supplies on the premises are at all times accessible to fire apparatus. The designation, maintenance and marking of fire lanes on private property shall be accomplished as specified by the locally authorized fire department of the jurisdiction. The designation, maintenance and marking of fire lanes on public ways shall be accomplished by local ordinance on recommendation of the local fire department. No person shall park a motor vehicle on, or otherwise obstruct, any required fire lane and no person shall park a motor vehicle within ten (10) feet of a fire hydrant. Enforcement of designated fire lanes and fire hydrant clearance shall be the responsibility of the local police or other authority as determined by local ordinance of the jurisdiction within which the lanes and hydrants are located."

(18) Amend subsection F-313.2 to read as follows: "F-313.2 Vertical clearance. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. Exception: Upon approval, vertical clearance may be reduced, provided the [such] reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance."

(19) Amend subsection F-314.1 to read as follows: "F-314.1 Abatement of electrical hazards: When any electrical hazards are identified, the [such] conditions shall be abated. All identified hazardous electrical conditions in permanent wiring shall be corrected in accordance with NFiPA 70 listed in Appendix A."

(20) Amend subsection F-315.1 to read as follows: "F-315.1 Applicability. This section shall apply to portable equipment, either with or without wheels, used for heating tar, pitch, asphalt, or other similar substances for application on roofs, streets, floors, pipes, or other objects."

(21) Delete subsection F-315.1.1 from Article 1 of the 1990 Edition of the BOCA National Fire Prevention Code in its entirety.

(22) Create a new subsection, F-315.5, to read as follows: "F-315.5 Certain fuels prohibited. No person shall use solid fuel or Class I flammable liquids as fuel for an asphalt (tar) kettle."

(23) Create a new subsection "F-315.6 Asphalt (Tar) Kettles in Transit" to read as follows:

(a) "F-315.6.1 Open flame. Open flame in an asphalt (tar) kettle while in transit is prohibited."

(b) "F-315.6.2 Latching devices. Kettle doors or lids shall be closed and secured while in transit."

(c) "F-315.6.3 Asphalt (tar) kettles on trucks. Kettles not equipped with wheels shall not be fired or used when mounted on a truck, except if the truck body is of all metal construction and the kettle is securely attached to the bed of the truck. Firing of small patch kettles while located in the bed of a truck is prohibited. Tank trucks and trailers used for transportation of asphalt or similar substances shall be constructed and operated in accordance with the NFiPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids."

(24) Amend subsection F-316.2 to read as follows: "F-316.2 Permit required: When required by local legislation, a person shall not store, keep or have on hand more than twenty-five (25) pounds (11.35 kg) of nitrate film without securing a permit from the fire code official for the [such] activity. A person shall not sell, lease or otherwise dispose of any nitrate film to any person not having a permit to handle, use or display the [such] film."

(25) Amend subsection F-317.2 to read as follows: "F-317.2 Permit required: When required by local legislation, all retailers, jobbers and

wholesalers storing or handling more than twenty-five (25) pounds (11.35 kg) of cellulose nitrate (phroxylin) plastics shall obtain a permit from the local fire code official. A permit shall also be obtained from the local fire code official for the manufacture of articles of cellulose nitrate (pyroxylin) plastics, including the use of cellulose nitrate (pyroxylin) plastics in the manufacture or assembling of other articles."

(26) Create a new Section, "F-319.0 Reporting Fires and Hazardous Substances" and subsections F-319.1 through F-319.3.1 to read as follows:

(a) "F-319.1 Reporting emergency conditions. In the event of an unfriendly fire or accidental release of a hazardous gas, liquid or solid in any building or premises, the discoverer shall immediately spread an alarm to all occupants of the building or premises and to all persons who might be endangered by the fire or release and with all reasonable dispatch and diligence call or otherwise notify the fire department legally committed to serve the area."

1. "F-319.1.1 Unfriendly fires. If [In the event that] an unfriendly fire occurs and is extinguished, the discoverer shall immediately notify the fire department legally committed to serve the area."

2. "F-319.1.2 Hazardous materials. Where state or local legislation has been adopted specifying reportable quantities of hazardous materials released, [such] notification shall conform to the provisions of [such] legislation."

(b) "F-319.2 Notification of the State Fire Marshal. The Fire Chief or highest ranking **fire department** officer shall promptly notify the Office of the State Fire Marshal upon becoming aware of any of the following:

1. A hazardous materials incident.

2. A fire or fire related fatality (including vehicles and single family dwellings).

3. A fire or fire related injury serious enough to become a fatality.

4. A fire involving **major** structural damage in a regulated building, including:

a. All institutional, educational, state owned or state leased and high hazard occupancies.

b. All business, mercantile and industrial occupancies having a capacity over 100 persons.

c. All assembly occupancies, except churches, having a capacity over 100 persons.

d. Churches with a capacity over 400 persons and more than 6,000 square feet in floor area.

e. Any other building more than three (3) stories in height or 20,000 square feet of floor area."

(c) "F-319.3 Fire Department Operations at Emergencies. The highest ranking **fire department** officer [of the fire department] conducting operations in connection with the extinguishment of any fire, or control of any explosion or other emergency situation shall have full power and authority to direct all operations for extinguishment or control and to take the necessary precautions to save life, protect property and prevent further injury or damage. In the pursuit of these [such] operations, including the investigation of the cause of the [such] emergency or the situation which required fire department notification, the **highest ranking officer** [senior fire department official] may control or prohibit the approach to the scene of the [such] emergency by any vehicle, vessel, thing or person." "F-319.3.1 Fire scene control. No person shall obstruct the operations of the fire department in connection with the extinguishment of any fire, or the actions relative to other emergencies, or disobey any lawful command of the **highest ranking officer** [senior fire department official] in charge of the emergency or any part thereof, or any lawful order of a police officer assisting the fire department."

Section 6. Article 4. (1) Create a new subsection "F-400.4 Purpose and Intent" to read as follows:

(a) "F-400.4.1 Every building or structure shall be provided with exits of kinds, numbers, location and capacity appropriate to the individual building or structure, with due regard to the character of the occupancy, the number of persons exposed, the fire protection available, and the height and type of construction of the building or structure, to afford all occupants convenient facilities for escape."

(b) "F-400.4.2 In existing buildings, it is not always practical to strictly apply the provisions of this code. Physical limitations may require disproportionate effort or expense with little increase in life safety. In these [such] cases, the **fire** code official shall be satisfied that reasonable safety is assured."

(c) "F-400.4.3 In existing building, it is intended that any condition that represents a serious threat to life be mitigated by application of appropriate safeguards. It is not intended to require modifications for conditions that do not represent a significant threat to life even though the circumstances are not literally in compliance with the code."

(d) "F-400.4.4 The requirements for existing buildings may be modified if their application clearly would be impractical in the judgment of the **fire** code official, but only where it is clearly evident that a reasonable degree of safety is provided."

(2) Create a new subsection F-400.5 to read as follows: "F-400.5 Alternatives and Modifications. Compliance with this section may be used by the fire code official in lieu of other specific provisions of the code to satisfy the intent of the code as it relates to inadequate number of exits, excessive travel distances to exits, unenclosed or improperly enclosed exit stairs, inadequate fire separation or smoke barriers and [lack of protection of openings in exterior walls in existing buildings and] other appropriate circumstances. Because all building systems interact with each other, any consideration of compliance alternatives should take into account all existing and proposed conditions to determine their original or continued acceptability.

These alternatives are not all-inclusive and do not preclude consideration and approval of other appropriate alternatives by the **fire** code official. Buildings with alternative fire protection features accepted by the fire code official shall be considered as conforming with the code."

(a) "F-400.5.1 Inadequate number of exits:

1. Provide connecting fire-exit balconies, acceptable to the enforcement authority, between buildings; or

2. Provide alternate exit or egress facilities leading to safety outside the building or to a place of safe refuge in the building or an

adjoining building, acceptable to the enforcement authority; or

3. Provide an exterior fire escape(s), acceptable to the enforcement authority, where the providing of enclosed interior or enclosed exterior stairs is not practical; or

4. Install approved smoke detectors or fire suppression system."

(b) "F-400.5.2 Excessive travel distances to exits:

1. Install an approved smoke detection system throughout the building; or

2. Install an approved complete automatic fire suppression system; or

3. Subdivide the exit travel route with smoke barriers acceptable to the enforcement authority; or

4. Increase the fire resistance rating of corridor walls and doors acceptable to the enforcement authority; or

5. Provide additional approved means of escape."

(c) "F-400.5.3 Unenclosed or improperly enclosed exit stairs to the satisfaction of the fire code official as follows:

1. Improve enclosure or exit stairway; or

2. Add a partial fire suppression system; or

3. Add a sprinkler draft curtain; or

4. Add a smoke detection system."

(d) "F-400.5.4 Inadequate fire separation walls or smoke barriers to the satisfaction of the fire code official as follows:

1. Improve enclosure or exit stairway; or

2. Add a partial fire suppression system; or

3. Add a sprinkler draft curtain; or

4. Add a smoke detection system."

(e) "F-400.5.5 Acceptance of Alternatives. The acceptance of any alternative(s) shall be in writing and shall be deemed to satisfy the intent of this code as it relates to the provisions for which the alternative(s) is offered as listed below:

1. Any alternative(s) specifically listed in F-400.5.1 through F-400.5.4 and complied with as set forth therein;

2. Any other alternative which is accepted or allowed by the fire code official.

(3) Create a new subsection F-400.6 to read as follows: "F-400.6 Upgrading of Existing Buildings. If, upon inspection, the fire code official finds that enforcement of this code requires alterations to a building, he shall identify the sections of this code which require correction and specify the type of correction necessary in order to achieve compliance. This decision shall be in writing to the owner or occupant and shall include a reasonable time for completion of the corrections. Failure of the owner or occupant to make the corrections described by the fire code official within the time frame specified shall be considered a violation subject to further action pursuant to F-111.2. Any party aggrieved by a decision of the fire code official may appeal in accordance with F-108.

(4) Amend subsection F-401.1 to read as follows: "F-401.1 Number of Means of Egress: Except as accepted in writing by the fire code official pursuant to Section F-101.6 or F-400.5 or as permitted in any Exception No. 1 - 4 of this section, every floor area of all occupancy types shall be provided the minimum number of approved, remote means of egress based on the occupant load as follows:

500 or fewer persons - two (2) means of egress

501 - 1000 persons - three (3) means of egress

1001 or more persons - four (4) means of egress

Exception No. 1 - Living units in Use Group R-2 (apartment buildings, rooming houses and multiple single family dwelling units)

Living Units. A living unit may have a single exit provided:

a. That living unit has an exit door directly to the street or yard at ground level; or

b. That living unit has direct access to an outside stair serving a maximum of two (2) units both located on the same floor; or

c. That living unit has direct access to an interior stair serving that unit only and separated from all other portions of the building with fire barriers having a one (1)-hour fire resistance rating with no opening therein; or

d. Any individual living unit below the fourth story may have an outside window openable from the inside without the use of tools or special knowledge as the second exit.

Building Exits. A building of three (3) stories or less may have a single exit under the following conditions:

a. The stairway is completely enclosed by smoke barriers; and

b. Doors protecting all openings into the stairs are approved solid wood core or steel doors with self-closing devices; and

c. The stairway does not serve more than one-half (1/2) story below the level of exit discharge; and

d. All corridors serving as access to exits are smoke resistant; and

e. There is not more than approximately thirty-five (35) feet of travel distance from the entrance door of any living unit to an exit; and

f. Three-quarter (3/4) hour rated vertical and horizontal separation between living units is provided.

Fire Tower Exits. A building of any height with not more than four (4) living units per floor, with a smokeproof enclosure or outside stair as the exit, immediately accessible to all living units served thereby, may have a single exit. (A unit is immediately accessible if there is not more than 20 ft. (6.1 m) of travel distance from the entrance door of any living unit to an exit.)

Exception No. 2 - Use Group M:

A. Where no part of the store is more than 75 feet from the exit or covered mall, where it is considered a pedestrian way, a single exit is permitted.

B. Where no part of the store is more than 100 feet from the exit or covered mall, where it is considered a pedestrian way and the story on which it is located is protected throughout by an approved automatic sprinkler system, a single exit is permitted.

Exception No. 3 - Use Group B:

A. For a room or area with a total occupant load of less than 100 persons having an exit that discharges directly to the outside at the level of exit discharge of the building with a total distance of travel, including travel within the exit, from any point of not over 100 feet (30 m), a single exit may be permitted. [Such] Travel shall be on the same floor level or, if the traversing of stairs is required, [such] stairs shall not be more than fifteen (15) feet (4.5 m) in height, and they shall be provided with complete enclosures to separate

them from any other part of the building, with no door openings therein. A single outside stairway may serve all floors allowed within the fifteen (15) feet (4.5 m) vertical travel limitation.

B. Any business occupancy not over three (3) stories and not exceeding an occupant load of thirty (30) people per floor may be permitted with a single separate exit to each floor if the total travel distance to the outside of the building does not exceed 100 feet (30 m) and if the [such] exit is enclosed and serves no other levels and discharges directly to the outside. A single outside stairway may serve all floors.

Exception No. 4 - Use Group F:

A. In low and ordinary hazard industrial occupancies, a single means of egress shall be permitted from any story or section, provided that the exit can be reached within seventy-five (75) feet [the distance allowed as common path of travel]

B. There shall be at least two (2) separate means of egress from every high hazard area regardless of size.

Exception No. 5 - Use Group S:

A. In low hazard storage occupancies, a single means of egress shall be permitted from any story or section.

B. In ordinary hazard storage occupancies, a single means of egress shall be permitted from any story or section, provided that the exit can be reached within the distance allowed as common path of travel."

(5) Amend Table F-401.2 to read as follows:

TABLE F-401.2
ENCLOSURE EXCEPTIONS

Building use group	Exception conditions[a]
Business	When connecting not more than two (2) floor levels and less than 3,500 square feet per floor, or when connecting not more than three (3) floor levels and the building is equipped throughout with an approved automatic fire suppression system.
Education	When connecting not more than two (2) floor levels and approved by the State Fire Marshal.
Factory-industrial, storage	When connecting not more than two (2) floor levels, or when connecting not more than three (3) floor levels and the building is equipped throughout with an approved automatic fire suppression system.
Mercantile	When connecting not more than two (2) floor levels and less than 2,000 square feet per floor, or when connecting not more than two (2) floor levels and the building is equipped throughout with an approved automatic fire suppression system.
Residential-hotels	When connecting not more than two (2) floor levels and the building is equipped throughout with an approved automatic fire suppression system.

Note a. 1 square foot = 0.093 m^2.

(6) Create a new subsection F-401.2.2 to read as follows: "F-401.2.2 Increase in Exits. Additional exits shall be provided to satisfy the travel distance requirements found in Section F-401.5."

(7) Amend subsection F-401.3 and create paragraphs F-401.3.1 through F-401.3.9 to read as follows: "F-401.3 Exit capacity: The capacity of the exits serving a floor shall be sufficient for the occupant load thereof determined as follows:

(a) F-401.3.1 Design occupant load: In determining required facilities, the number of occupants for whom exit facilities shall be provided shall be established by the largest number computed in accordance with each of the following:

a. Actual number: The actual number of occupants for whom each occupied space, floor, or building is designed [for].

b. Number by Table F-401.3: The number of occupants computed at the rate of one (1) occupant per unit of area as prescribed in Table F-401.3.

c. Number by combination: The number of occupants of any space as computed in a. and b. above, plus the number of occupants similarly computed for all spaces that discharge through the space in order to gain access to an exit.

(b) F-401.3.2 Increased occupant load: The occupant load permitted in any building or portion thereof is permitted to be increased from that number established for the given use by Table F-401.3 when all other requirements of the code are also met based on the [such] modified number. Where required by the fire code official, an approved aisle, seating, or fixed equipment diagram to substantiate any increase in occupant load shall be submitted. Where required by the fire code official, the [such] diagram shall be posted.

(c) F-401.3.3 Maximum occupant load: The occupant load of any space or portion thereof shall not exceed one (1) occupant per three (3) square feet (0.28 m^2) of occupiable floor space.

(d) F-401.3.4 Fixed seats: The occupant load for an assembly or educational area having fixed seats shall be determined by the number of fixed seats installed. The capacity of fixed seats without dividing arms shall equal one (1) person per eighteen (18) inches (457 mm). For booths, the capacity shall be one (1) person for twenty-four (24) inches (610 mm).

(e) F-401.3.5 Mezzanine levels: The occupant load of a mezzanine level discharging through a floor below shall be added to that floor's occupant load, and the capacity of the exits shall be designed for the total occupant load thus established.

(f) F-401.3.6 Roofs: Roof areas occupied as roof gardens or for assembly, educational, storage or other purposes shall be provided with exit facilities to accommodate the calculated occupant load, but there shall not be less than

two (2) approved means of egress from roof areas of Use Groups A and E.

TABLE F-401.3
MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

Use	Floor area in square feet per occupant
Assembly with fixed seats	See Section 401.3.4
Assembly without fixed seats	
Concentrated (chairs only/ not fixed)	7 net
Standing space	3 net
Unconcentrated (tables & chairs)	15 net
Bowling alleys, allow 5 persons for each alley including 15 feet of runway and for additional areas	7 net
Business areas	100 gross
Court rooms/other than fixed seating areas	4 net
Educational	
Classroom area	20 net
Shops & other vocational room areas	50 net
Industrial areas	100 gross
Institutional areas	
Inpatient treatment areas	240 gross
Outpatient areas	100 gross
Sleeping areas	120 gross
Library	
Reading rooms	50 net
Stack area	100 gross
Mercantile basement & grade floor areas	30 gross
Areas on other floors	60 gross
Storage, stock, shipping areas	300 gross
Parking garages	200 gross
Residential	200 gross
Storage areas, mechanical equipment room	300 gross

Note a. 1 foot = 304.8 mm; 1 square foot = $0.093m^2$

(g) F-401.3.7 Assembly buildings: All buildings used for assembly purposes shall front on at least one (1) street on which the main entrance and exit discharge shall be located. Where there is a single main entrance, the entrance shall be capable of serving as the main exit and shall provide an egress capacity for at least one-half (1/2) of the total occupant load. In addition to having access to a main exit, each level of a building of Use Group A shall be provided with additional exits which shall provide an egress capacity for at least two-thirds (2/3) of the total occupant load served by that level.

(h) F-401.3.8 Exit capacity. The capacity of means of egress for a floor, balcony, tier or other occupied space shall be sufficient for the occupant load thereof.

(i) F-401.3.9 Minimum width: The width of each means of egress component shall computed in accordance with Table 401.3.1 for the required capacity of the component, but shall not be less than the minimum width as prescribed by this code for each [such] component.

TABLE F-401.3.1
EGRESS WIDTH PER OCCUPANT

Use group	Without fire suppression system (inches per person)[a]	
	Stairways	Doors, ramps, corridors
A,B,E,F,M,R,S	0.3	0.2
H	-	-
I-1	0.4	0.2
I-2	1.0	0.7
I-3	0.3	0.2

Use group	With fire suppression system (inches per person)[a]	
	Stairways	Doors, ramps, corridors
A,B,E,F,M,R,S	0.2	0.15
H	0.3	0.2
I-1	0.2	0.2
I-2	0.6	0.5
I-3	0.3	0.2

Note a. 1 inch = 25.4mm"

(8) Amend subsection F-401.4 to read as follows: "F-401.4 Corridor enclosure. All corridors serving as an exit access shall be constructed of materials which provide an effective smoke barrier.

(9) Amend subsection F-401.5 to read as follows: "F-401.5 Travel Distance to Exits: Travel distance to at least one (1) exit shall not exceed 200 feet in nonsprinklered buildings and 250 feet in buildings equipped throughout with an approved automatic sprinkler system.

Exceptions:

1. Use Group F-2, S-2 shall not exceed 300 feet without sprinklers and 400 feet with sprinklers.
2. An additional 200 feet is permitted for travel distance within a covered mall.
3. In a high rise occupancy with a complete automatic fire suppression system, 300 feet travel distance is permitted.
4. In Use Group H and a HPM facility travel distance shall be limited to 75 feet."

(10) Amend Section F-403 by deleting subsections F-403.1, F-403.2 and F-403.3 and replacing with the following new subsections:

(a) "F-403.1. Egress Illumination. Illumination of means of egress shall be provided in accordance with this section for every building and structure. Exception: Means of egress illumination may be eliminated in structures of Use Group F or S occupied only during daylight hours, with skylights or windows arranged to provide, during these hours, the required level of illumination on all portions of the means of egress."

(b) "F-403.1.1 Artificial lighting. Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use. Artificial lighting shall be employed at [such] places and for [such] periods of time as required to maintain the illumination to the minimum foot-candle values herein specified."

(c) "F-403.1.2 Floor lighting. The floors of means of egress shall be illuminated at all points including angles and intersections of corridors and passageways, stairways, landings

of stairs, and exit doors to values of not less than 1.0 foot-candle measured at the floor. Exception: In auditoriums, theatres, concert or opera halls, and other places of assembly, the illumination of the floors of exit access may be reduced during [such] periods of the performances to values not less than one-fifth foot candle."

(d) "F-403.1.3 Any required illumination shall be so arranged that the failure of any single lighting unit, such as the burning out of an electric bulb, will not leave any area in darkness."

(e) "F-403.1.4 The same equipment or units installed to meet the requirements of this Code may also serve the function of illumination of means of egress, provided that all applicable requirements of this section for [such] illumination are also met."

(f) "F-403.4 Sources of Illumination. Illumination of means of egress shall be from a source of reasonably assured reliability, such as public utility electric service."

(g) F-403.4.1 Electricity. Where electricity is used as a source of illumination of means of egress, the installation shall be properly made in accordance with the National Electrical Code, NFiPA 70.

(h) F-403.4.2 Battery powered. No battery operated electric light nor any type of portable lamp or lantern shall be used for primary illumination of means of egress, but may be used as an emergency source to the extent permitted under Emergency Lighting, Section F-403.5.

(i) F-403.4.3 Other lighting sources. No luminescent, fluorescent, or reflective material shall be permitted as a substitute for any of the required illumination herein specified."

(j) "F-403.5 Emergency lighting. Means of egress in all rooms, buildings or spaces with an occupant load of more than 100 persons shall be provided with emergency lighting. Exception: All places of assembly shall have emergency lighting. Churches with an occupant load of 300 persons or less and used only for religious purposes are exempt."

(k) "F-403.5.1 Continuity. Where maintenance of illumination depends upon changing from one energy source to another, there shall be no appreciable interruption of illumination during the changeover. Where emergency lighting is provided by a prime mover-operated electric generator, a delay of not more than ten (10) seconds shall not permitted."

(l) "F-403.5.2 Duration. Emergency lighting facilities shall be arranged to maintain the specified degree of illumination for a period of one and one-half (1 1/2) hours in the event of failure of the normal lighting."

(m) "F-403.5.3 Approved batteries. Emergency lights shall use only reliable types of storage batteries, provided with suitable facilities for maintenance in properly charged condition. Dry batteries shall not be used to satisfy these requirements. Electric storage batteries used in [such] lights or units shall be approved for their intended use and shall comply with the National Electrical Code, NFiPA 70, listed in Appendix A."

(n) "F-403.5.4 Power failure. An emergency lighting system shall be so arranged as to provide the required illumination automatically in the event of any interruption of normal lighting, such as any failure of public utility or other outside electrical power supply, opening of a circuit breaker or fuse, or any manual act(s), including accidental opening of a switch controlling normal lighting facilities."

(o) "F-403.5.5 Automation of system. An emergency lighting system either shall be continuously in operation or shall be capable of repeated automatic operation without manual intervention."

(11) Amend subsection F-404.4 to read as follows: "F-404.4 Single- and multiple-station smoke detectors: A minimum of one (1) approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in buildings of Use Group R-1 [and I-1 and] in dwelling units in the immediate vicinty of the bedrooms in buildings of Use Groups R-2 and R-3. In buildings of Use Group R-3, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels, a smoke detector installed in the upper level shall suffice for the adjacent lower level provided that the lower level is less than one (1) full story below the upper level. If there is an intervening door between the adjacent levels, a smoke detector shall be installed on both levels. All detectors shall be installed in accordance with NFiPA 74 listed in Appendix A; except that the use of smoke detectors installed in existing occupancies prior to the effective date of this Code which are installed and maintained in operable condition according to manufacturer's instructions, may be continued without change."

(12) [(11)] Amend Section F-404.5 to read as follows: "F-404.5 Manual alarms. Fire Protective Signaling Systems (manual alarms) shall be required in all buildings of Use Group E; all buildings of Use Group B when three (3) or more stories in height; all buildings of Use Group R-1; all buildings of Use Group R-2 when four (4) or more stories in height.

Exception No. 1 - Buildings of Use Group B less than seven (7) stories in height equipped with a complete approved automatic sprinkler system.

Exception No. 2 - Buildings of Use Group R-1 where each guest room has exterior exit access and the building is not greater than three (3) stories in height."

(13) [(12)] Create a new Section "F-407.0 Emergency Generators" to read as follows:

(a) "F-407.1 Conduct or Witness Test. The fire code official may conduct or witness a test on the complete system upon installation."

(b) "F-407.2 Tested Periodically. Systems shall be tested periodically on a schedule and in a manner acceptable to the fire code official to assure their maintenance in proper operating condition as required by NFiPA 70 listed in Appendix A."

(c) "F-407.3 Battery Systems Maintenance. Where batteries are used for starting or ignition of prime movers, the fire code official shall require periodic maintenance."

(d) "F-407.4 Written Record. A written record shall be kept on [such] tests and maintenance."

(e) "F-407.5 Testing under Load. Means for testing legally required standby systems under load shall be provided."

(14) [(13)] Create a new Section "F-408.0 Storage Room Separations" to read as follows: "F-408.1 Storage Rooms. Rooms used for storage in quantities deemed hazardous by the fire code official in Use Groups A, B, [M,] E,

R-1 and R-2 in excess of fifty (50) [twenty-four (24)] square feet shall be constructed of materials having a minimum of one (1)-hour fire resistance rating, be protected by an approved automatic fire suppression system or comply with alternatives accepted by the fire code official pursuant to Section F-400.5."

(15) [(14)] Create a new Section "F-409.0 Marking of Means of Egress" to read as follows:

(a) "F-409.1 Where required. Exits in all rooms, buildings or spaces with an occupant load greater than fifty (50) persons shall be clearly marked with approved exit signs.

Exceptions:

1. Main exterior doors that obviously and clearly are identifiable as exits.

2. Previously approved exit signs."

(b) "F-409.2 Marking of Signs. Access to exits shall be marked by readily visible signs in all cases where the exit or way to reach it is not immediately visible to the occupants."

(c) "F-409.3 Location and design of signs. Every required sign designating an exit or way of exit access shall be so located and of [such] size, distinctive color, and design as to be readily visible and shall provide contrast with decorations, interior finish, or other signs. (See, also, Section F-604.0)"

(d) "F-409.4 Size of Signs. Every sign required by this Code shall have the word "EXIT" or other required wording in plainly legible letters not less than six (6) inches high with the principal strokes of letters not less than three-quarters (3/4) inch wide. Exception: Existing signs having the required wording in plainly legible letters not less than four and one-half (4 1/2) inches high may be continued in use."

(e) "F-409.5 Illumination of Signs. Every sign shall be suitably illuminated by a reliable light source giving a value of not less than five (5) foot-candles on the illuminated surface. [Such] Illumination shall be continuous as required under the provisions of Section F-403.0, Illumination and Signs, and where emergency lighting facilities are required, exit signs shall be illuminated from the same source."

(f) F-409.6 Information signs. A sign shall be provided at each floor landing in all interior stairways more than three (3) stories above grade designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels in buildings more than seventy-five (75) feet (22860 mm) above the lowest level of fire department access shall be marked with approved signs reading as follows: Use Stairways in Case of Fire - Do Not Use Elevators."

(16) [(15)] Create a new Section, "F-410.0 Special Occupancy Requirements" to read as follows:

(a) "F-410.0 Special Occupancy Requirements."

(b) "F-410.1 Assembly."

1. "F-410.1.1 Location of Places of Assembly. Places of assembly located above or below the level of exit discharge shall comply with the minimum construction type set forth in Chart F-410.1.1."

CHART F-410.1.1

Use group	Type of Construction: Noncombustible Type 1 Protected 1A	Type 1 Protected 1B	Type 2 Protected 2A	Type 2 Protected 2B	Type 2 Unprotected 2C
A-1 Assembly, theaters	N.L.	N.L.	5 St. 65'	3 St. 40'	2 St. 30'
A-2 Assembly, night clubs and similar uses	N.L.	4 St. 50'	3 St. 40'	2 St. 30'	1 St. 20'
A-3 Assembly; lecture halls, recreation centers, terminals, restaurants other than nightclubs	N.L.	N.L.	5 St. 65'	3 St. 40'	2 St. 30'
A-4 Assembly, churches	N.L.	N.L.	5 St. 65'	3 St. 40'	2 St. 30'

Use group	Type of Construction: Noncombustible/Combustible Type 3 Protected 3A	Type 3 Unprotected 3B	Type 4 Heavy Timber 4	Combustible Type 5 Protected 5A	Type 5 Unprotected 5B
A-1 Assembly, theaters	3 St. 40'	2 St. 30'	3 St. 40'	1 St. 20'	1 St. 20'
A-2 Assembly, night clubs and similar uses	2 St. 30'	1 St. 20'	2 St. 30'	1 St. 20'	1 St. 20'
A-3 Assembly; lecture halls, recreation centers, terminals, restaurants other than nightclubs	3 St. 40'	2 St. 30'	3 St. 40'	1 St. 20'	1 St. 20'
A-4 Assembly, churches	3 St. 40'	2 St. 30'	3 St. 40'	1 St. 20'	1 St. 20'

Exception: i Places of assembly are permitted to be one (1) additional story in height than specified in buildings provided with 100% automatic sprinkler protection.

Exception: ii Places of assembly with an occupant load in excess of fifty (50) may be located on the second story if approved by the fire code official pursuant to F-400.5.

2. "F-410.1.2 Assembly Aisles: Assembly aisles in buildings or portions of buildings of Use Group A shall conform to the requirements of the Kentucky Building Code listed in Appendix A."

(c) "F-410.2 Educational."

1. "F-410.2.1 Corridor Width. Exit access corridors shall be not less than six (6) feet clear width."

2. "F-410.2.2 Closets. Janitor closets shall be protected by an automatic sprinkler or an approved automatic detection device."

3. "F-410.2.3 Smoke resistance of interior corridors. Interior corridors shall be smoke resistant. Classroom doors opening into corridors shall have a minimum twenty (20) minute rating or be one and three-quarter (1 3/4) inch solid bonded wood core doors.

Exception 1. When all classrooms served by the corridor have an exterior exit.

Exception 2. When the building has an approved automatic sprinkler system approved by the State Fire Marshal.

Exception 3. When corridor smoke detection is provided and interconnected to the building alarm system."

4. "F-410.2.4 Windowless rooms. Approved emergency lighting shall be installed in windowless classrooms."

(d) "F-410.3 Hotels and Dormitories."

"F-410.3.1 Separation of corridors. Guest room doors which open onto an interior exit access corridor shall have a minimum twenty (20) minute fire-resistance rating or be solid wood core or steel door and be self-closing. All self-closing devices used for this purpose shall be approved by the fire code official. Spring-loaded hinges are acceptable."

(e) "F-410.4 Apartments."

"F-410.4.1 Protection of corridors. Doors between living units and interior exit access corridors shall have a minimum twenty (20) minute fire-resistance rating or be solid wood core or steel doors. All corridors serving as exit access shall provide an effective smoke barrier.

Exception 1. When the building has an approved sprinkler system in the corridor.

Exception 2. When there are approved interconnected smoke detectors in each corridor on every level. [Such] Detectors shall be spaced not greater than thirty (30) feet on center."

2. "F-410.4.2 Doors. All doors, rated or not, between living units and corridors shall be self-closing. All self-closing devices used for this purpose shall be approved by the **fire** code official. Spring loaded hinges are acceptable. Exception: Where accepted by the fire code official pursuant to Section F-101.6 or F-400.5."

3. "F-410.5 Lodging or Rooming Houses."

4. "F-410.5.1 Required means of egress. Lodging or rooming houses shall conform to the requirements of Use Group R-2 in the Kentucky Building Code listed in Appendix A.

Exception: Lodging or rooming houses which have accommodations for sixteen (16) or fewer persons shall have a primary means of egress available to every sleeping room and a secondary means of escape consisting of one (1) of the following:

a. A door, stairway, passage or hall (independent of and remote from the primary means of escape) which provides an unobstructed way of travel to the exterior at street or ground level, or

b. A passage through an adjacent, nonlockable space to an approved means of escape which is independent of and remote from the primary means of escape, or

c. A window in accordance with Section F-603.0."

(f) "F-410.6 Mercantile."

1. "F-410.6.1 No dwelling unit may have its sole means of egress through any mercantile occupancy in the same building."

2. "F-410.6.2 Dwelling unit above mercantile prohibited. No multiple dwelling occupancy shall be located above a mercantile occupancy.

Exception 1. When the dwelling and their exits are separated from the mercantile occupancy with one (1) hour construction.

Exception 2. When approved by the fire code official."

3. "F-410.6.3 Door swing. Doors which serve only the street floor in mercantile occupancies with 3,000 square feet or less may swing inward."

(g) "F-410.7 Business."

1. "F-410.7.1 Limitation of dwelling unit over business use. A residential occupancy shall not be permitted over a business occupancy unless the residential occupancy and its exits are separated by one (1) hour construction.

Exception: When approved by the fire code official."

2. "F-410.8 Mixed Uses."

3. "F-410.8.1 Dissimilar use groups. When a building is occupied for two (2) or more uses, not of the same use group, it shall comply with the requirements of the Kentucky Building Code listed in Appendix A."

Section 7. Article 5. (1) Amend Section F-500.3 to read as follows: "F-500.3 Acceptance test: All fire protection systems shall be tested in accordance with the requirements of this code and with the Kentucky Building Code listed in Appendix A. The tests shall be the responsibility of the owner or an authorized representative, and the **fire** code official shall be given an opportunity to be present. All tests required by this code and the standards listed in this code shall be conducted at the expense of the owner or the owner's representative."

(2) Create a new subsection to read as follows: "F-500.7 Inspections and Test Requirements: All inspections and tests required by Sections F-503.0, F-504.0, F-505.0, F-506.0, F-507.0, F-508.0, F-509.0, F-511.0, F-512.0, F-514.0 **and F-515.0 shall be** conducted only by persons authorized by the State Fire Marshal's Office and shall be recorded on forms approved by the State Fire Marshal's Office."

(3) Amend the Exception in F-513.2 to read as follows: "Exception: The written log of tests as specified in Section F-504.1 shall not be required in buildings of Use Group R-2 or R-3."

(4) Create a new "Section F-518.0 Commercial Kitchen Exhaust" to read as follows: "F-518.1 Periodic inspection: An approved inspection shall be performed a minimum of once every six (6) months on each commercial kitchen exhaust suppression system. Inspections and tests shall only be made by a licensed rangehood suppression systems contractor. The inspection shall ascertain that the system will cover all the cooking surfaces with the extinguishing agent when manually or automatically actuated. The manual actuation, automatic actuation, and system interconnections shall also be inspected

to determine that they operate as required. All inspections and tests shall be recorded on forms approved by the State Fire Marshal's office; a copy of the inspection report shall be forwarded to the State Fire Marshal's Office within ten (10) working days of the date of inspection."

(5) Create a new "Section F-519.0 Manual Fire Alarm Systems" to read as follows: "F-519.1 Manual fire alarm systems inspection: Manual fire alarm systems within all buildings shall be checked monthly by the owner or owner's representatives. The use of the system for fire drill purposes shall be accepted as a test of only those parts of the system actually used in the drill procedure. Accurate logs shall be maintained on the premises indicating box number, location, data and type of device tested. Any defect, modification or repair shall be logged, and the log shall be available to the fire department."

Section 8. Article 6 is hereby adopted in its entirety.

Section 9. Article 7. (1) Create a new subsection, "F-700.2 Fire Exit Drills" to read as follows:

(a) "F-700.2.1 Fire exit drills conforming to the provisions of this Article shall be regularly conducted in occupancies where specified by the provisions of this Article or by appropriate action of the fire code official. Drills shall be designed in cooperation with the local authorities."

(b) "F-700.2.2 Fire exit drills, where required by this code, shall be held with sufficient frequency to familiarize all occupants with the drill procedure and to have the conduct of the drill a matter of established routine."

(c) "F-700.2.3 Responsibility for the planning and conduct of drills shall be assigned only to competent persons qualified to exercise leadership under the supervision of the owner-operator or administrator."

(d) "F-700.2.4 In the conduct of drills, emphasis shall be placed upon orderly evacuation under proper discipline rather than upon speed."

(e) "F-700.2.5 Drills shall include suitable procedures to make sure that all persons in the building, or all persons subject to the drill, actually participate."

(f) "F-700.2.6 Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in the case of fire."

(g) "F-700.2.7 The fire code official may observe fire exit drills but shall not activate the alarm system."

(h) "F-700.2.8 Records of required drills shall be kept and made available to the fire code official."

(2) Amend subsection F-701.1 to read as follows: "F-701.1 Drills. The employees or attendants of places of public assembly shall be schooled and drilled in the duties they are to perform in case of fire, panic, or other emergency in order to be of greatest service in effecting orderly exit of assemblages."

(3) Amend subsection F-701.2 to read as follows: "F-701.2 Employees or attendants of assembly occupancies shall be instructed in the proper use of portable fire extinguishers and other manual fire suppression equipment if provided. The management shall be responsible for procuring the required training. Training records shall be kept and made available to the fire code official."

(4) Amend subsection F-701.3 to read as follows: "F-701.3 In theaters, motion picture theaters, auditoriums, and other similar assembly occupancies with occupant load of 300 or more, occupancies where there are noncontinuous programs, an audible announcement shall be made prior to the start of each program to notify occupants of the location of the exits to be used in case of fire or other emergency. Exception: Assembly occupancies in schools when used for nonpublic events."

(5) Amend subsection F-701.4 to read as follows: "F-701.4 Open Flame Devices. No open flame devices shall be used in any assembly occupancy.

Exception 1. When necessary for ceremonial, religious, or demonstration purpose, the fire code official may permit open flame devices under [such] restrictions as are necessary to avoid danger of ignition of combustible materials or injury to occupants.

Exception 2. Open flame devices may be used on stages when a necessary part of theatrical performances, provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of any combustible materials.

Exception 3. Gas lights may be permitted provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of any combustible materials.

Exception 4. Candles may be used on tables if securely supported on substantial noncombustible bases so located as to avoid danger of ignition of combustible materials and only if approved by the fire code official. Candle flames shall be protected.

Exception 5. As permitted in F-701.5."

(6) Create new subsection F-701.5 to read as follows: "F-701.5 Special Food Service Devices. Portable cooking equipment, not flue-connected, shall be permitted only as follows:

1. Equipment fueled by small heat sources that can be readily extinguished by water, such as candles or alcohol-burning equipment (including "solid alcohol"), may be used provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of any combustible materials.

2. Candles may be used on tables used for food service if securely supported on substantial noncombustible bases so located as to avoid danger of ignition of combustible materials and only if approved by the fire code official. Candle flame shall be protected by a suitable noncombustible globe.

3. "Flaming Sword" or other equipment involving open flames and flamed dishes, such as cherries jubilee, crepes suzette, etc., may be permitted provided that necessary precautions are taken and subject to the approval of the fire code official.

(7) Create a new subsection "F-701.6 Smoking" to read as follows:

(a) "F-701.6.1 For purposes of abatement of fire, smoking in assembly occupancies shall be regulated by the fire code official of the jurisdiction."

(b) "F-701.6.2 Smoking in rooms or areas where smoking is prohibited, plainly visible "NO SMOKING" signs shall be posted."

(c) "F-701.6.3 No person shall smoke in prohibited areas that are so posted. Exception:

The fire code official may permit smoking on a stage only when it is a necessary and rehearsed part of a performance and only by a regular performing member of the cast."

(d) "F-701.6.4 Where smoking is permitted, suitable ashtrays or receptacles shall be provided in convenient locations. Ashtrays shall conform to the requirements of F-312.6."

(8) Create a new subsection "F-701.7 Furnishings, Decorations, and Stage Scenery" to read as follows:

(a) "F-701.7.1 Draperies, curtains, and other similar furnishings, decorations, and stage settings shall be in accordance with the provisions of F-306.0."

(b) "F-701.7.2 The fire code official shall impose controls on the amount and arrangement of combustible contents, including decorations, in assembly occupancies to provide an adequate level of safety to life from fire."

(c) "F-701.7.3 There shall be no exposed foamed plastics."

(9) Create a new subsection "F-701.8 Coat Racks" to read as follows: "F-701.8.1 Clothing and personal effects shall not be stored in corridors and lobbies."

(10) Create a new subsection F-701.9 to read as follows: "F-701.9 Unvented fuel fired heaters shall not be used in assembly occupancies."

(11) Amend Section F-702.1 and create paragraphs F-702.1.1 through F-702.1.7 to read as follows: "F-702.1 Drills. Exit drills shall be conducted regularly in accordance with the applicable provisions of this section and Section F-700.2."

(a) "F-702.1.1 Drills shall be executed at different hours of the day or evening; during the changing of classes; when the school is at assembly; during the recess or gymnastic periods; etc., so as to avoid distinction between drills and actual fires. If a drill is called when pupils are going up and down the stairways, as during the time classes are changing, the pupils shall be instructed to form in file and immediately proceed to the nearest available exit in an orderly manner."

(b) "F-702.1.2 Every fire exit drill shall be an exercise in school management for principal and teachers, with the chief purpose of every drill being the complete control of the class so that the teacher will form its ranks quickly and silently, may halt it, turn it, or direct it as desired. Great stress shall be laid upon the execution of each drill in a brisk, quiet, and orderly manner. Running shall be prohibited. In case there are pupils incapable of holding their places in a line moving at a reasonable speed, provisions shall be made to have them taken care of by the more sturdy pupils, who will keep them from moving independently from the regular line of march."

(c) "F-702.1.3 Monitors shall be appointed from the more mature pupils to assist in the proper execution of all drills. They shall be instructed to hold doors open in the line of march or to close doors where necessary to prevent spread of fire or smoke. There shall be at least two (2) substitutes for each appointment so as to provide for proper performance in case of absence of the regular monitors. The searching of toilet or other rooms shall be the duty of the teachers or other members of the staff. If the teachers are to search, it should be done after they have joined their classes to the preceding lines."

(d) "F-702.1.4 As all drills simulate an actual fire condition, pupils shall not be allowed to obtain clothing after the alarm is sounded, even when in home rooms, on account of the confusion that would result in forming the lines and the danger of tripping over dragging apparel."

(e) "F-702.1.5 Each class or group shall proceed to a predetermined point outside the building and remain there while a check is made to see that all are accounted for, leaving only when a recall signal is given to return to the building, or when dismissed. <u>These</u> [Such] points shall be sufficiently far away from the building and from each other as to avoid danger from any fire in the building, interference with fire department operations, or confusion between different classes or groups."

(f) "F-702.1.6 Where necessary for drill lines to cross roadways, signs reading "STOP! SCHOOL FIRE DRILL," or equivalent, shall be carried by monitors to the traffic intersecting points in order to stop traffic during the period of the drill."

(g) "F-702.1.7 Fire exit drills in schools shall not include any fire extinguishing operations."

(12) Create a new subsection "F-702.5 Fire Alarm Signals" to read as follows:

(a) "F-702.5.1 All fire exit drill alarms shall be sounded on the fire alarm system."

(b) "F-702.5.2 Whenever any of the school authorities determine that an actual fire exists, they shall notify the fire department using the public fire alarm system or [such] other facilities as are available."

(c) "F-702.5.3 In order to prevent pupils from being returned to a building that is burning, the recall signal shall be one that is separate and distinct from, and cannot be mistaken for, any other signals. <u>These</u> [Such] signals may be given by distinctive colored flags or banners. If the recall signal is electrical, the push buttons or other controls shall be kept under lock, the key for which shall be in the possession of the principal or some other designated person in order to prevent a recall at a time when there is a fire. Regardless of the method of recall, the means of giving the signal shall be kept under a lock."

(d) "F-702.5.4 Inspection."

(e) "F-702.5.4.1 It shall be the duty of principals and teachers to inspect all exit facilities daily in order to make sure that all stairways, doors, and other exits are in proper condition."

(f) "F-702.5.4.2 Open-plan buildings require extra surveillance to ensure that exit paths are maintained clear of obstruction and are obvious."

(13) Delete Section F-703, F-704 and F-705 in their entirety.

(14) Create a new Section, "F-707.0 Residential Occupancies" to read as follows:

(a) "F-707.1 Hotel and Motel Emergency Organization."

1. "F-707.1.1 Hotel and Motel Employee Duties. All employees of hotels shall be instructed and drilled in the duties they are to perform in the event of fire, panic, or other emergency."

2. "F-707.1.2 Monthly drills. Drills of the emergency organization shall be held at monthly intervals, covering [such points as] the operation and maintenance of the available first aid fire appliances, the testing of guest alerting devices, and a study of instructions

for emergency duties."

3. "F-707.1.3 Emergency Duties in Hotels, Motels and Dormitories. The owner or other person in control of the premises shall take immediate action to control any fire on the premises. Upon discovery of fire, some or all of these duties will become immediately imperative, the number and sequence depending upon the exact situation encountered:p

Alarms

Notify office.

Notify public fire department.

Notify private fire brigade.

Guests

Warn guests or others who are or may become endangered.

Assist occupants to safety, with special attention to aged, infirm, or otherwise incapacitated persons.

Search rooms to be sure all occupants have escaped.

Man all elevators, including those of automatic type, with competent operators.

Extinguishment

Extinguish or control the fire using available first aid equipment.

Send messenger to meet public fire department upon arrival in order to direct latter to exact location of fire. (The public fire department is in full command upon arrival.)

Special Equipment

Fire Pumps - stand by for instant operation.

Ventilating Equipment - in case of dense smoke, stand by, operate under proper instructions to clear area affected.

Refrigerating Equipment - if machines are definitely endangered, shut them down and blow refrigerant to sewer or atmosphere to prevent explosion.

Generators and Motors - protect against water damage with tarpaulins - shut down motors not needed - keep generators operating to furnish lights, elevator power, etc.

Boilers - if necessary to abandon boiler room, extinguish or dump fire and lower steam pressure by blowing to sewer or atmosphere to prevent possible explosion.

(b) "F-707.2 Dormitory Drills."

1. "F-707.2.1 Fire exit drills shall be conducted quarterly in accordance with F-701.0."

(c) "F-707.3 Emergency instructions for Residents or Guests <u>of Hotels, Motels or Dormitories</u>."

1. "F-707.3.1 A floor diagram reflecting the actual floor arrangement, exit locations, and room identification shall be posted in a location and manner acceptable to the fire code official on or immediately adjacent to every guest room door in hotels and in every resident room in dormitories."

2. "F-707.3.2 Fire safety information shall be provided to allow guests to make a decision to either: evacuate to the outside; evacuate to an area of refuge; remain in place; or any combination of the three (3)."

(d) "F-707.4 Emergency Instructions for Residents of Apartment Buildings."

1. "F-707.4.1 Emergency instructions shall be provided to each living unit on a yearly basis indicating the location of alarms, exiting paths, and actions to be taken, both in response to a fire in the living unit and in response to the sounding of the alarm system."

(e) "F-707.5 Furnishings and Decorations."

1. "F-707.5.1 New draperies, curtains, and other similar furnishings and decorations in hotels and dormitories shall be in accordance with the provisions of F-306.0."

(f) "F-707.6 Unvented fuel-fired heaters shall not be used in residential occupancies. Exception: Listed and approved unvented fuel-fired heaters in one (1) and two (2) family dwellings."

(g) "F-707.7 Gas Grills on balconies of multifamily dwellings."

1. "F-707.7.1 Gas grills with propane containers shall not be located on balconies above the first floor attached to a multifamily dwelling of three (3) or more living units located one (1) above the other. (See NFiPA 58-1989, Section 3-4.9.2)"

(15) Create a new Section, "F-708.0 Mercantile Occupancies" to read as follows:

(a) "F-708.1 Training. In every mercantile store of more than 3,000 gross square feet, employees shall be regularly trained in fire exit drills."

(b) "F-708.2 Fire extinguishers. Employees of mercantile occupancies shall be instructed in the proper use of portable fire extinguishers."

(16) Create a new Section, "F-709.0 Business Occupancies" to read as follows:

(a) "F-709.1 Drills. In any building subject to occupancy by more than 500 persons or more than 100 above or below the street level, employees and supervisory personnel shall be instructed in fire exit drill procedures and shall hold practice drills periodically where practicable."

(b) F-709.2 Employees of business occupancies shall be instructed in the proper use of portable fire extinguishers."

Section 10. Articles 8 through 16 are adopted in their entirety unchanged.

Section 11. Article 17. Delete subsection F-1700.2 in its entirety.

Section 12. Articles 18 through 26 are adopted in their entirety unchanged.

Section 13. Article 27. (1) Amend Subsection F-2700.1 to read: ""F-2700.1 Scope: See Kentucky Revised Statute 227.750 through 227.810, Title 815, Chapter 30 of Kentucky Administrative Regulations for requirements for fireworks."

(2) Delete Subsections F-2700.2 through F-2701.4 in their entirety.

Section 14. Article 28. (1) Amend Subsection F-2800.3 and create paragraphs F-2800.3.1 through F-2800.3.2 to read as follows:

(a) "F-2800.3 Permit Requirements. A permit shall be obtained as set forth in this Subsection."

(b) "F-2800.3.1 Local Permit Requirements. A permit shall be obtained from an authorized local fire code official for the following:

1. The storage or handling of Class I liquids in excess of one (1) gallon in any building of "residential occupancy," in excess of ten (10) gallons inside any other building, and in excess of fifty (50) gallons outside of any building.

2. Storage and handling of Class II liquids in excess of ten (10) gallons in any buildings of "residential occupancy," in excess of sixty (60) gallons inside any other building, and in excess

of 120 gallons outside of any building.
3. The storage and handling of Class III liquids in excess of 275 gallons inside any building, and in excess of 1,100 gallons outside of any building.
4. Quantities of paints, oil, varnishes, and similar flammable liquids in excess of those given above, for use on the premises, stored for not more than thirty (30) days. For storage exceeding thirty (30) days, a state permit shall be required."
(c) "F-2800.3.2 State Permit Requirements for Flammable Liquids. A permit shall be obtained from the State Fire Marshal for all changes in construction, remodeling or operation of any refinery, bulk storage plant, distributing station, service station, or airports not under jurisdiction of the Kentucky Building Code."

Section 15. Article 29 is adopted in its entirety unchanged.

Section 16. Article 30. (1) Amend Subsection F-3000.2 and create paragraphs F-3000.2.1 through F-3000.2.2 to read as follows:
(a) "F-3000.2 State Permits for Liquefied Petroleum Gas. A permit shall be obtained from the State Fire Marshal prior to:"
(b) "F-3000.2.1 The transportation, selling, storing for resale, or delivering of liquefied petroleum gases, or for engaging in the business of installing or servicing liquefied petroleum gas equipment; or for persons who actually perform [such] installations or servicing operations. Licenses issued under this section shall be in accordance with the provisions of KRS 234.120. Under this section licenses or permits are not required for storage or transportation in quantities of less than one (1) gallon where the gas is an integral part of a device for its utilization, or for use as a motor fuel while in the fuel tank of the motor vehicle."
(c) "F-3000.2.2 The construction or substantial remodeling of any plant or building containing an occupancy for which a license is required under KRS 234.120 relating to the storage and handling of liquefied petroleum gases. This requirement shall be a supplement to any Kentucky Building Code requirement."

Section 17. Articles 31 through 34 and Appendix A are adopted in their entirety unchanged, except Appendix A is amended by adding the following references: "NFiPA 231, 1990; NFiPA 231C, 1986; NFiPA 231D, 1989; NFiPA 231F, 1987; and the Kentucky Building Code as set forth in Title 815, Chapter 7 of the Kentucky administrative regulations".

Section 18. [This regulation repeals] 815 KAR 10:020 **is hereby repealed**.

CHARLES A. COTTON, Commissioner
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: June 26, 1990
FILED WITH LRC: July 5, 1990 at 1 p.m.

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

815 KAR 15:020. Administrative procedures; requirements.

RELATES TO: KRS Chapter 236
STATUTORY AUTHORITY: KRS 236.030, 236.120
NECESSITY AND FUNCTION: KRS 236.030 and 236.120 requires the commissioner, upon advisement of the Board of Boiler Rules, to fix reasonable fees and standards for the safe construction, installation, inspection and repair of boilers and pressure piping. This regulation specifies administrative procedures, fees and requirements of the boiler inspection section. This amendment is necessary to clarify the type of form needed by the department's data processing section and prevent misunderstanding of necessary information. [clarifies the regulation as it applies to welding procedures and clarifies the intent of the regulation to require fees for repairs and new installations based upon the total cost of the installation or repair.]

Section 1. Definitions. "ASME" **as defined in KRS 236.010(5)** [means the American Society of Mechanical Engineers].

Section 2. Administration. (1) Manufacturers data report to be filed:
(a) Manufacturers data report on all boilers of steel construction and all pressure vessels **prior to operation** [which are to be operated] in this state, unless exempted by KRS 236.060, shall be filed with the National Board **of Boiler and Pressure Vessel Inspectors**.
(b) Details of boilers and pressure vessels of special design (not fully complying with ASME Boiler and Pressure Vessel Code) shall be submitted to the boiler section and approval secured before construction or field erection **shall be** [is] started.
(2) When boilers or pressure vessels are designed and fabricated according to the requirements of the applicable sections of the ASME Boiler and Pressure Vessel Code, but are not stamped with the ASME Boiler and Pressure Vessel Code symbol stamp, individual handling **shall be** [is] required for their installation. The prospective owner or user who desires **approval of the boiler installation shall** [jurisdiction authority acceptance must] pursue the following procedure in each individual case:
(a) Prior to construction of the boiler or pressure vessel the proposed owner, user, or his authorized agent shall make written application for permission to install the boiler or pressure vessel in the State of Kentucky. The application **shall** [may] be by letter or application permit form of the jurisdiction and shall be directed to the Chief Boiler Inspector, Office of the State Fire Marshal, Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky 40601.
(b) He shall submit with the application letter or application permit the following data, material and information to establish ASME Boiler and Pressure Vessel Code equivalency:
1. Detailed shop drawings and welding details of the proposed construction. All materials

shall be in the English language and United States units of measurements as used in the ASME Boiler and Pressure Vessel Codes.

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

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

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

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

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

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

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

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

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

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

(3) Installation inspection and stamping [of boilers].

(a) All power boilers shall be inspected annually as required by KRS 236.110 [internally and externally while not under pressure and shall also be inspected annually externally while under pressure. Where the construction of the boiler permits, the internal inspection shall be a certificate inspection].

(b) All low pressure heating boilers shall be inspected biennially as required by KRS 236.110(b) [both internally and externally where construction will permit. One (1) of the above inspections shall be a certificate inspection].

(c) A grace period for [of two (2) months beyond the periods specified in] paragraphs (a) and (b) of this subsection may elapse between inspections as allowed by KRS 236.110(d).

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

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

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

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

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

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

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

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

system piping.

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

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

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

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

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

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

(6) Examinations for commission.

(a) Examinations for commission as an inspector shall be given **as required by KRS 236.090** [by the Department of Housing, Boiler Inspection Section four (4) times each year; namely, the first Wednesday of the months of March, June, September, and December. Special examinations will be held when considered necessary by the department.] Qualifications shall be set forth in KRS 236.070, 236.090 and 815 KAR 15:010, Section 1(8) [(7)].

(b) Application for employment as an inspector shall be in writing, upon a form to be furnished by the commissioner, stating the school education of the applicant, a list of his employers, his period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected. If the applicant's history and experience meet with the approval of the Board of Boiler Rules, he shall be given a written examination, prepared by the National Board of Boiler and Pressure Vessel Inspectors in accordance with their bylaws, Article IV, dealing with the construction, installation, operation, maintenance, and repair of boilers and their appurtenances. The applicant shall have passed the examination before he **shall be** [is] eligible for permanent status as a boiler inspector.

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

(8) Commission.

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

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

(c) **The commission issued to any boier inspector may be suspended or revoked as set forth in KRS 236.100.** [The commission issued to such boiler inspector may be suspended by the commissioner and may be revoked upon ten (10) days notice to the inspector and to the employer of such inspector for incompetency or untrustworthiness; for willful falsification of any matter or statement contained in his application, or in the report of an inspection; or for other sufficient reasons; but the holder of such commission shall be entitled to a hearing before the commissioner before the revocation of said commission.]

(9) Reciprocal commissions.

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

1. A certificate of competency; or

2. A commission issued by a state which has adopted the ASME Boiler and Pressure Code; or

3. A commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

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

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

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

(10) [(11)] Inspection reports. Special inspectors shall submit to the Boiler Inspection Section of the State Fire Marshal's Office inspection reports as required by KRS 236.080(4) on National Board Inspection Code forms. [Inspectors shall submit to the Boiler Inspection Section an inspection report on each boiler or pressure vessel subject to inspection. Reinspection shall be reported on a form suggested by the National Board Inspection Code. Reports shall be submitted within thirty (30) days of the date of inspection. External inspections shall be reported on a form suggested by the National Board Inspection Code immediately when hazardous conditions affecting the safety of the boiler or pressure vessel are found to exist.]

(11) [(12)] Insurance companies shall notify the Boiler Inspection Section of new, cancelled, or suspended risks. All insurance companies shall notify the Boiler Inspection Section within thirty (30) days of all boiler or pressure vessel risks written, cancelled, not renewed, or suspended because of unsafe conditions. All reports shall be reported on the form of the department attached hereto as Appendix A.

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

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

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

(15) [(16)] Inspection certificate fees.

(a) Each boiler complying with the rules of the department shall be issued a certificate as required by KRS 236.120(1). [If a boiler shall, upon inspection, be found to be suitable and to conform to these rules and regulations, the owner or user shall pay directly to the department a fee of five (5) dollars for each boiler required to be inspected under KRS Chapter 236 before an inspection certificate shall be issued.]

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

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

(d) Certificates shall be located as required by KRS 236.120(1). [Certificates shall be posted under glass in the room containing the boiler or pressure vessel inspected or, in the case of a portable boiler, shall be kept in a metal container, either fastened to the boiler or kept in a tool box accompanying the boiler.]

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

(17) [(18)] Suspension of certificate of operations. Certificates may be suspended as required by KRS 236.120. [If, upon inspection, a boiler or pressure vessel is found to be in such condition that it is unsafe to operate, the inspection certificate shall be suspended by the commissioner. Any person, firm, partnership, or corporation causing such objects to be operated shall be subject to the penalties provided for in KRS 236.990.]

(18) [(19)] Condemned boilers.

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

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

(19) [(20)] Nonstandard boilers and pressure vessels.

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

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

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

(21) [(22)] Reinstalled boilers or pressure vessels. In any case where a boiler or pressure vessel within the Commonwealth is moved

and reinstalled, the fittings and appliances **shall** [must] comply with the ASME Boiler and Pressure Vessel Code and the regulations adopted in Title 815, Chapter 15 of the Kentucky Administrative Regulations.

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

(23) [(24)] Major repairs. **Major repairs shall require prior approval of an inspector and permits as required by KRS 236.250.** [Where a major repair is necessary, an inspector shall be called for consultation and advice as to the best method of making such repair; after such repair is made, it shall be subject to the approval of the inspector. Repairs to all boilers, pressure vessels and their appurtenances, shall conform to the requirements of the National Board of Boiler and Pressure Vessel Inspectors Inspection Code.]

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

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

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

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

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

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

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

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

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

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

1. Under normal circumstances, pressure piping inspection **shall** [will] be a "once only" inspection as specified under KRS Chapter 236 and **shall** [will] be conducted generally as set forth under subsection (4)(b) of this section.
2. The fees chargeable for inspection of each boiler and pressure vessel and all pressure piping carrying substantially the same pressures and temperatures as encountered in the boiler shall be based upon the total dollar value covering the combined boiler/pressure vessel and piping installation, either actual or estimated. It **shall be** [is] the obligation of the installing contractor to supply this value which shall include both labor and material costs. No exact figure need be quoted or divulged to the boiler inspector or department; only a designation that the true value lies within certain limits as set forth in the table below. The fees for all new installations of boiler, pressure vessels or pressure piping and fees for repairs are then found in the table's right hand column.

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

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

(e) Inspection of nuclear installations:

Nuclear installation inspections **shall** [will] be charged as set forth under paragraph (a) of this subsection or as determined by contracts between the installer and the department.

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

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

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

INTERNAL INSPECTIONS OF POWER BOILERS

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

EXTERNAL INSPECTIONS OF POWER BOILERS

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

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

HEATING BOILERS

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

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

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

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

(See APPENDIX A on following page)

CHARLES A. COTTON, Commissioner
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: May 9, 1990
FILED WITH LRC: May 11, 1990 at 1 p.m.

APPENDIX A TO 815 KAR 15:020

HBC-BI 220

COMMONWEALTH OF KENTUCKY
DEPT. OF HOUSING, BUILDING AND CONSTRUCTION
OFFICE OF STATE FIRE MARSHAL
BOILER OR PRESSURE VESSEL INSPECTION

( ) ADD
( ) CHANGE
( ) REINSPECTION

INSURANCE NUMBER:

1	INSP DT:	EXP DT:	YR TYPE: 1 ( ) 2 ( )	STATUS	ST OWN ( )	STATE NUMBER: KY	NAT BOARD NUMBER:	
2	OWNER:				ADDRESS:			
	ADDRESS:				CITY:	ST:	ZIP:	
3	USER: ( )				ADDRESS:			
	ADDRESS:				CITY:	ST:	ZIP:	
4	USER PHONE:	NATURE OF BUSINESS:			COUNTY:	SPECIFIC LOCATION IN PLANT:		
5	TYPE: CIS ( ) FT ( ) OTH ( ) HFB ( ) HSM ( ) WT ( )		YR BLT:		MANUFACTURER:			
6	USE: POWER ( ) PROCESS ( ) STEAM ( ) HTG ( ) HWH ( ) HWS ( ) UNFIRED ( )				FUEL:	INSP TYPE: INT ( ) EXT ( )	CERT INSP: YES ( ) NO ( )	
7	PRESSURE ALLOWED: THIS INSP	PREV INSP	SAF RELIEF VALVE: SET AT:		SAF VALVE CAP:	MIM SAF VALVE CAP:		
8	HYDRO TEST PSI:	TEST DATE:						

VIOLATIONS TO BE CORRECTED ARE BELOW		
	CODE	
1		
2		
3		
4		
5		
6		
7		

FEE: INSP. _____ COMP. DATE:_____ KY COMM. _____ CONTACT PERSON

CERT. _____

TOTAL _____ CO. NO. _____ INSPECTOR SIGNATURE

[ ] CHECK BOX IF ADDITIONAL REMARKS ARE ON BACK

_____ EMPLOYED BY

* PRE-PRINT *

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Plumbing
(As Amended)

815 KAR 20:010. Definitions.

RELATES TO: KRS Chapter 318
STATUTORY AUTHORITY: KRS 13A.120, 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the definitions needed to interpret other sections of the subsequent regulations or comprising the State Plumbing Code. This amendment clarifies that piping which carries water or sewage is not a plumbing fixture.

Section 1. Definition of Terms. (1) "Administrative authority" means the Department of Housing, Buildings and Construction or any person or agency authorized by the department to administer and enforce the provisions of the state plumbing code.

(2) "Air break (drainage system)" means a piping arrangement in which a drain from a fixture, appliance, or device discharges indirectly into another fixture, receptacle, or interceptor at a point below the flood level rim.

(3) "Air gap (drainage system)" means the unobstructed vertical distance through the free atmosphere between the outlet of waste pipe and the flood level rim of the receptacle into which it is discharging.

(4) "Air gap (water distribution system)" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.

(5) "Anchors" means "supports".

(6) "Apprentice plumber" as defined in KRS 318.010(7) [means "plumber's apprentice"].

(7) "Approved" means accepted or acceptable under an applicable specification stated [state] or cited in this code.

(8) "Area drain" means a receptacle designed to collect surface or storm water from an open area.

(9) "Aspirator" means a fitting or device supplied with water or other fluid under positive pressure which passes through an integral orifice or "constriction" causing a vacuum. Aspirators are often referred to as "suction" apparatus, and are similar in operation to an ejector.

(10) "Autopsy table" means a fixture or table used for postmortem examination of a body.

(11) "Backflow" means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. back siphonage is one type of backflow.

(12) "Backflow connection" means any arrangement whereby backflow may [can] occur (see cross connection).

(13) "Backflow preventer" means a device or means to prevent backflow.

(14) "Backflow preventer, reduced pressure zone type" means an assembly of differential valves and check valves including an automatically opened spillage port to the atmosphere.

(15) "Back siphonage" means the flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel or other sources into a potable water supply pipe due to a negative pressure in such pipe.

(16)(a) "Basement" means the basement is the lowest level of a dwelling unit which is wholly or partly below the ground level in which the entrance and exit is made by use of a stairway or other mechanical means and which may or may not have an entrance and exit at the basement floor level.

(b) "Basement floor drains" means a basement floor drain is a drain placed in the basement floor of a residence which may or may not receive sanitary waste water.

(17) "Battery of fixtures" means any group of two (2) or more similar adjacent fixtures which discharge into a common horizontal waste or soil branch.

(18) "Bedpan hopper" means "clinical sink".

(19) "Bedpan steamer or boiler" means a fixture used for scalding bedpans or urinals by direct application of steam of boiling water.

(20) "Bedpan unit" means a small workroom in the nursing area designed and equipped for emptying, cleaning, and sometimes for steaming bedpans, and for no other purposes.

(21) "Bedpan washer and sterilizer" means a fixture designed to wash bedpans and to flush the contents into the sanitary drainage system. It may also provide for disinfecting utensils by scalding with steam or hot water.

(22) "Bedpan washer hose" means a device supplied with hot and cold water and located adjacent to a water closet or clinical sink to be used for cleaning bedpans.

(23) "Boiler blow-off" means an outlet on a boiler to permit emptying or discharge of sediment.

(24) "Boiler blow-off tank" means a vessel designed to receive the discharge from a boiler blow-off outlet and to cool the discharge to a temperature which permits its safe discharge to the drainage system.

(25) "Branch" means the branch of any system of piping is that part of the system which extends horizontally, at a slight grade, with or without lateral or vertical extensions or vertical arms, from the main to receive fixture outlets not directly connected to the main.

(26) "Branch, fixture" means "fixture branch".

(27) "Branch interval" means a distance along a soil or waste stack corresponding in general to a story height, but in no case less than eight (8) feet, within which the horizontal branches from one (1) floor or story of a building are connected to the stack.

(28) "Branch vent" means a vent connecting one (1) or more individual vents with a vent stack or stack vent.

(29) "Building" means a structure having walls and a roof designed and used for the housing, shelter, enclosure, or support of persons, animals or property.

(30) "Building classification" means the arrangement of buildings in classes according to occupancy.

(31) "Building drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two (2) feet outside the building wall.

(32) "Building drain; combined" means a

building drain which conveys both sewage and storm water or other drainage.

(33) "Building drain; sanitary" means a building drain which conveys sewage only.

(34) "Building drain; storm" means a building drain which conveys storm water or other drainage but not sewage.

(35) "Building gravity drainage system" means a drainage system which drains by gravity into the building sewer.

(36) "Building sewer" means that part of the drainage system which extends from the end of the building drain and conveys its discharge to a public sewer, private sewer, individual sewage-disposal system, or other point of disposal.

(37) "Building sewer; combined" means a building sewer which conveys both sewage and storm water or other drainage.

(38) "Building sewer; sanitary" means a building sewer which conveys sewage only.

(39) "Building sewer; storm" means a building sewer which conveys storm water or other drainage but no sewage.

(40) "Building subdrain" means that portion of a drainage system which does not drain by gravity into the building sewer.

(41) "Cesspools" means a lined and covered excavation in the ground which receives a discharge of domestic sewage or other organic wastes from a drainage system, so designed as to retain the organic matter and solids, but permitting the liquids to seep through the bottom and sides.

(42) "Circuit vent" means a branch vent that serves two (2) or more traps and extends from the downstream side of the highest fixture connection of a horizontal branch to the vent stack.

(43) "Clinical sink (bedpan hopper)" means a fixture for the rinsing of bedpans and soiled linens. Such fixture shall have a trap size on not less than three (3) inches.

(44) "Code" **as defined in KRS 318.010(11)** [means the State Plumbing Code].

(45) "Combination fixture" means a fixture combining one (1) sink and laundry tray or a two (2) or three (3) compartment sink or laundry tray in one (1) unit.

(46) "Combined building drain" means "building drain; combined".

(47) "Combined building sewer" means "building sewer; combined".

(48) "Combination waste and vent system" means a specially designed system of waste piping embodying the horizontal wet venting of one (1) or more sinks or floor drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the free water surface in the drain.

(49) "Common vent" means a vent connecting at the junction of two (2) fixture drains and serving as a vent for both fixture drains.

(50) "Conductor" means a pipe inside the building which conveys storm water from the roof to a storm or combined building drain.

(51) "Continuous vent" means a vertical vent that is a continuation of the drain to which it connects.

(52) "Continuous waste" means a drain from two (2) or more fixtures connected to a single trap.

(53) "Cross connection" means any physical connection or arrangement between two (2) otherwise separate piping systems, one (1) of which contains potable water and the other either water of unknown or questionable safety or steam, gas, or chemical whereby there may be a flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems. (See backflow and back siphonage.)

(54) "Dead end" means a branch leading from a soil, waste or vent pipe, building drain, or building sewer, and terminating at a developed length of two (2) feet or more by means of a plug, cap, or other closed fitting.

(55) "Developed length" means the length of a pipe line measured along the center line of the pipe and fittings.

(56) "Diameter" means the nominal diameter as designated commercially.

(57) "Domestic sewage" means the waterborne wastes derived from ordinary living processes.

(58) "Double offset" means two (2) changes of direction installed in succession or series in a continuous pipe.

(59) "Downspout" means "leader".

(60) "Drain" means any pipe which carries waste water or waterborne wastes in a building drainage system.

(61) "Drainage pipe" means "drainage system".

(62) "Drainage system" means includes all the piping, within public or private premises, which conveys sewage, rain water, or other liquid wastes to a point of disposal. It does not include the mains of a public sewer system or private or public sewage-treatment or disposal plant. Neither does this apply to plumbing appliances.

(63) "Drainage system (building gravity)" means a drainage system which drains by gravity into the building sewer.

(64) "Drainage system (subbuilding)" means "building subdrain".

(65) "Dry well" means "leaching well".

(66) "Dual vent" means "common vent".

(67) "Durham system" means a term used to describe soil or waste systems where all piping is of threaded pipe, tube, or other such rigid construction, using recessed drainage fittings to correspond to the types of piping.

(68) "Dwelling unit" means one (1) or more rooms with provision for living, sanitary and sleeping facilities arranged for the use of one (1) family or individual.

(69) "DWV" means an abbreviated term for drain, waste and vent piping as used in common plumbing practice.

(70) "Effective opening" means the minimum cross-sectional area at the point of water supply discharge, measured or expressed in terms of (i) diameter of a circle, or (ii) if the opening is not circular, the diameter of a circle of equivalent cross-sectional area.

(71) "Ejector" means "aspirator".

(72) "Existing work" means a plumbing system or any part thereof installed prior to the effective date of this code.

(73) **"Farm" as associated with farmstead which is defined in KRS 318.010(8) means property that shall have a bona fide agricultural or horticultural use as defined by KRS 132.010(9) and (10) and qualified by and registered with the PVA in that county.** ["Farmstead" means as defined in KRS 318.010(8) is determined by the following:

(a) The property shall consist of at least ten (10) acres; and

(b) The property shall have a dwelling together with other buildings and structures

incident to the operation and maintenance of the farm; and

(c) The property shall have a bona fide farm use either agricultural or horticultural in nature as defined by KRS 132.010(9) and (10), qualified by and registered with the PVA in that county; and

(d) The property shall be outside the corporate limits of a municipality.]

(74) "Fire line" means a system of pipes and equipment used exclusively to supply water for extinguishing fires.

(75) "Fixture" means "plumbing fixture".

(76) "Fixture branch" means a fixture branch is the piping distance between a soil, waste and vent stack and the fixture trap.

(77) "Fixture drain" means the drain from the trap of a fixture to the junction of that drain with any other drain pipe.

(78) "Fixture supply" means the water supply pipe connecting a fixture to a branch water supply pipe or directly to a main water supply pipe.

(79) "Fixture unit, drainage (d.f.u.)" means a measure of the probable discharge into the drainage system by various types of plumbing fixtures. The drainage fixture-unit value for a particular fixture depends on its volume rate of drainage discharge, on the time duration of a single drainage operation, and on the average time between successive operations. (Note: In general, on small systems, one (1) drainage fixture unit approximates one (1) cubic foot per minute.)

(80) "Fixture unit, supply (s.f.u.)" means a measure of the probable hydraulic demand on the water supply by various types of plumbing fixtures. The supply fixture-unit value for a particular fixture depends on its volume rate of supply, on the time duration of a single supply operation, and on the average time between successive operations.

(81) "Flood level" means "flood level rim".

(82) "Flood level rim" means the edge of the receptacle from which water overflows.

(83) "Flooded" means the condition which results when the liquid in a container or receptacle rises to the flood-level rim.

(84) "Floor drain" means a floor drain is a drain placed in the floor of a building for the purpose of receiving sanitary waste water.

(85) "Floor pantry" means a workroom in the nursing area designed and equipped to prepare supplemental diets or beverages, and to assemble food trays at meal times if used in conjunction with decentralized food service.

(86) "Flow pressure" means the pressure in the water supply pipe near the faucet or water outlet while the faucet or water outlet is wide-open and flowing.

(87) "Flush valve" means a device located at the bottom of a tank for slushing water closets and similar fixtures.

(88) "Flushing type floor drain" means a drain which is equipped with an integral water supply enabling flushing of the drain receptor and trap.

(89) "Flushometer valve" means a device which discharges a predetermined quantity of water to fixtures for flushing purposes and is closed by direct water pressure.

(90) "Frost-proof closet" means a hopper with no water in the bowl and with the trap and water supply control valve located below frost line.

(91) "Grade" means the fall (slope) of a line of pipe in reference to a horizontal plane. In drainage it is usually expressed as the fall in a fraction of an inch per foot length of pipe.

(92) "Grease interceptor" means "interceptor".

(93) "Grease trap" means "interceptor".

(94) "Hangers" means "supports".

(95) "Horizontal branch drain" means a drain branch pipe extending laterally from a soil or waste stack or building drain, with or without vertical sections or branches, which receives the discharge from one (1) or more fixture drains and conducts it to the soil or waste stack or to the building drain.

(96) "Horizontal pipe" means any pipe or fitting which makes an angle of less than forty-five (45) degrees with the horizontal.

(97) "Hose bibb" means a sill cock, wall hydrant, or similar faucet with a downward angled threaded nozzle.

(98) "Hot water" means water at a temperature of not less than 120 degrees Fahrenheit.

(99) "House drain" means "building drain".

(100) "House sewer" means "building sewer".

(101) "Indirect waste pipe" means a waste pipe **not directly connected** [which does not connect directly] with the drainage system, but which discharges into the drainage system through an air break or air gap into a trap, fixture, receptor or interceptor.

(102) "Individual sewage disposal system" means a system for disposal of domestic sewage by means of a septic tank, cesspool or mechanical treatment, designed for use apart from a public sewer to serve a single establishment or building.

(103) "Individual vent" means a pipe installed to vent a fixture drain. It connects with the vent system above the fixture served or terminates outside the building into the open air.

(104) "Individual water supply" means a supply other than an approved public water supply which serves one (1) or more families.

(105) "Industrial floor drain" means an industrial floor drain is a drain placed in the floor of a building other than in a toilet room or shower room to receive waste water.

(106) "Industrial wastes" means liquid wastes resulting from the processes employed in industrial and commercial establishments.

(107) "Insanitary" means contrary to sanitary principles; injurious to health.

(108) "Interceptor" means a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

(109) "Installed" means altered, changed or a new installation.

(110) "Invert" means the lowest portion of the inside of any horizontal pipe.

(111) "Kitchen sink unit" means a kitchen sink unit is defined as a sink, double or single compartment, food waste disposer, and dishwasher placed in a unit so arranged that the dishwasher abuts the sink.

(112) "Lavatory" means a hand basin such as in a bathroom.

(113) "Leaching well or pit" means a pit or receptacle having porous walls which permit the contents to seep into the ground.

(114) "Leader" means an exterior drainage pipe for conveying storm water from roof or gutter drains.

(115) "Liquid waste" means the discharge from

any fixture, appliance, area or appurtenance, which does not contain fecal matter.

(116) "Load factor" means the percentage of the total connected fixture unit flow which is likely to occur at any point in the drainage system.

(117) "Local vent stack" means a vertical pipe to which connections are made from the fixture side of traps and through which vapor and[/or] foul air may be removed from the fixture or device used on bedpan washers.

(118) "Local ventilating pipe" means a local ventilating pipe is a pipe through which foul air is removed from a room or fixture.

(119) "Loop vent" means a circuit vent which loops back to connect with a stack vent instead of a vent stack.

(120) "Main" means the main of any plumbing system is that part of such system of horizontal, vertical or continuous piping which receives the waste, soil, main or individual vents from fixture outlets, or traps, directly or through branch pipes.

(121) "Main sewer" means "public sewer".

(122) "Main vent" means the principal artery of the venting system to which vent branches may be connected. (Manufacturer's Floor Drain. See industrial floor drain.)

(123) "Multiple dwelling" means building containing more than two (2) dwelling units.

(124) "Nominal pipe size" means a standard expression in inches and fractions thereof to designate the approximate inside diameter of a pipe, conduit or tube.

(125) "Nonpotable water" means water not safe for drinking, personal or culinary use.

(126) "Nuisance" means [public nuisance is known in common law or in equity jurisprudence; whatever is] dangerous to human life or detrimental to health; whatever building, structure, or premise is not sufficiently ventilated, sewered, drained, cleaned or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink or water supply unwholesome.

(127) "Nurses' station" means an area in the nursing unit separated from the corridor by counter or desk, designed to permit nurses to record and file each patient's history and progress, observation and control of corridor, preparation of medicines and maintain contact with patients, the hospital and the outside by local and public means of communication.

(128) "Offset" means a combination of elbows or bends which bring one (1) section of the pipe out of line but into a line parallel with the other section.

(129) "Oil interceptor" means "interceptor".

(130) "Person" as defined in KRS 318.010(9) [means a natural person, his heirs, executors, administrators or assigns; and includes a firm, partnership or corporation, its or their successors or assigns. Singular includes plural; male includes female].

(131) "Pitch" means "grade".

(132) "Plumber's apprentice" means a plumber's apprentice is any person other than a journeyman or master plumber, who, as his principal occupation, is engaged in working as an employee of a master plumber under the immediate and personal supervision of either a master or journeyman plumber in learning and assisting in the installation of plumbing.

(133) "Plumbing" as defined in KRS 318.010(4). [means plumbing means the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing waste water and sewage, together with fittings, appurtenances, and appliances of various kinds, all within or adjacent to the building. It shall not include the installation of on-site sewage disposal systems, except for the piping, fixtures, or other appurtenances needed within the building. It shall include:

(a) The water service pipe which forms the connection between the property line and the building other than piping serving fire fighting equipment;

(b) Private water supply systems;

(c) House sewers which convey the waste water and sewage from the building to the property line or other points of disposal but not including sewers located between manholes and sewers extending five (5) feet from a main or manhole on private property; and

(d) Storm sewers and rain water piping located within a building to a point two (2) feet outside of the building other than those which have a treated effluent.]

(134) "Plumbing appliance" means any one (1) of a special class of plumbing fixture which is intended to perform a special function. Its operation and[/or] control may be dependent upon one (1) or more energized components, such as motors, controls, heating elements, or pressure or temperature-sensing elements. Such fixtures may operate automatically through one (1) or more of the following actions: a time cycle, a temperature range, a pressure range, a measured volume or weight; or the fixture may be manually adjusted or controlled by the user or operator.

(135) "Plumbing appurtenance" means a manufactured device, or a prefabricated assembly of component parts, and which is an adjunct to the basic piping system and plumbing fixtures. An appurtenance demands no additional water supply, nor does it add any discharge load to a fixture or the drainage system. It is presumed that it performs some useful function in the operation, maintenance, servicing, economy, or safety of the plumbing system.

(136) "Plumbing fixture" means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom, or it discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises, or which requires both a water supply connection and a discharge to the drainage system of the premises. Plumbing appliances as a special class of fixture are further defined. This definition does not include the piping which carries water or sewage.

(137) "Plumbing inspector" means a duly authorized employee or agent of the Department of Housing, Buildings and Construction who is charged with the responsibility of inspecting plumbing installations and with the enforcement of the state plumbing laws and code.

(138) "Plumbing repair" means as used in the code to mean replacing a part or putting together that which is torn or broken.

(139) "Plumbing system" means the plumbing system of a building includes: appliances and water heaters; the water supply distributing pipes; the fixtures and fixture traps; the soil, waste and vent pipes; the house drain and house

sewer; the storm water drainage within a building with their devices, appurtenances and connections all within and adjacent to the building.

(140) "Pool" means "swimming pool".

(141) "Potable water" means water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to the requirements of the Division of Water Quality [Public Health Service Drinking Water Standards] or the regulations of the Department of Housing, Buildings and Construction.

(142) "Private or private use" means in the classification of plumbing fixtures, private applies to fixtures in residences and apartments and to fixtures in private bathrooms of hotels as well as similar installations in other buildings where the fixtures are intended for the use of a family or an individual.

(143) "Private sewer" means a sewer, serving two (2) or more buildings, privately owned, and not directly controlled by public authority.

(144) "Public or public use" means in the classification of plumbing fixtures, public applies to fixtures in general toilet rooms of schools, gymnasiums, hotels, railroad stations, public buildings, bars, public comfort stations, and other installations (whether pay or free) where a number of fixtures are installed so that their use is similarly unrestricted.

(145) "Public sewer" means a common sewer directly controlled by public authority.

(146) "Public water main" means a water supply pipe for public use controlled by public authority.

(147) "Receptor" means a fixture or device which receives the discharge from indirect waste pipes.

(148) "Relief vent" means an auxiliary vent which permits additional circulation of air in or between drainage and vent systems.

(149) "Replace" means to put something new or rebuilt in the place of that which was existing.

(150) "Return offset" means a double offset installed so as to return the pipe to its original alignment.

(151) "Revent pipe" means "individual vent".

(152) "Rim" means an unobstructed open edge of a fixture.

(153) "Riser" means a water supply pipe which extends vertically one (1) full story or more to convey water to branches or to a group of fixtures.

(154) "Roof drain" means a drain installed to receive water collecting on the surface of a roof and to discharge it into a leader or a conductor.

(155) "Roughing-in" means the installation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes drainage, water supply, and vent piping, and the necessary fixture supports.

(156) "Safe waste" means "indirect waste".

(157) "Sand interceptor" means "interceptor".

(158) "Sand trap" means "interceptor".

(159) "Sanitary sewer" means a sewer which carries sewage and excludes storm, surface, and ground water.

(160) "Scrub sink" means a device usually located in the operating suite to enable operating personnel to scrub their hands prior to operating procedures. The hot and cold water supply is activated by a knee-action mixing valve or by wrist or pedal control.

(161) "Seepage well or pit" means a covered pit with open-jointed lining into which septic tank effluent is received that will seep or leach into the surrounding porous soil.

(162) "Separator" means "interceptor".

(163) "Setic tank" means a watertight receptacle which receives the discharge of a building sanitary drainage system or part thereof, and is designed and constructed so as to digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through a system of open joint or perforated piping, or a seepage pit.

(164) "Sewage" means any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

(165) "Sewage ejectors" means a device for lifting sewage by entraining it in a high velocity jet of steam air or water.

(166) "Side vent" means a vent connecting to the drain pipe through a fitting at an angle not greater than forty-five (45) degrees to the vertical.

(167) "Size of pipe and tubing" means "diameter".

(168) "Slope" means "grade".

(169) "Soil pipe" means a soil pipe is any pipe which conveys the discharge of water closets or similar fixtures, with or without the discharges from other fixtures, to the house drain.

(170) "Soil vent" means "stack vent".

(171) "Special wastes" means wastes which require special treatment before entry into the normal plumbing system.

(172) "Special waste pipe" means pipes which convey special wastes.

(173) "Stack" means a general term for any vertical line of soil, waste or vent piping.

(174) "Stack group" means a group of fixtures located adjacent to the stack so that by means of proper fittings, vents may be reduced to a minimum.

(175) "Stack vent" means the extension of a soil or waste stack above the highest horizontal drain connected to the stack.

(176) "Stack venting" means a method of venting a fixture or fixtures through the soil or waste stack.

(177) "Sterilizer, boiling type" means a boiling type "sterilizer" is a fixture (nonpressure type), used for boiling instruments, utensils, and[/or] other equipment (used for disinfection). Some devices are portable, others are connected to the plumbing system.

(178) "Sterilizer, instrument" means a device for the sterilization of various instruments.

(179) "Sterilizer, pressure instrument washer-sterilizer" means a pressure instrument washer-sterilizer is a fixture (pressure vessel) designed to both wash and sterilize instruments during the operating cycle of the fixture.

(180) "Sterilizer, pressure (autoclave)" means a fixture (pressure vessel) designed to use steam under pressure for sterilizing. Also called an autoclave.

(181) "Sterilizer, utensil" means a device for the sterilization of utensils as used in hospital services.

(182) "Sterilizer vent" means a separate pipe

or stack, indirectly connected to the building drainage system at the lower terminal, which receives the vapors from nonpressure sterilizers, or the exhaust vapors from the pressure sterilizers, and conducts the vapors directly to the outer air. Sometimes called vapor, steam, atmospheric, or exhaust vent.

(183) "Sterilizer, water" means a water sterilizer is a device for sterilizing water and storing sterile water.

(184) "Still" means a device used in distilling liquids.

(185) "Storm drain" means "building storm drain".

(186) "Storm sewer" means a sewer used for conveying rain water, surface water, condensate, cooling water, or similar liquid wastes.

(187) "Subsoil drain" means a drain which collects subsurface water and conveys it to a place of disposal.

(188) "Sump" means a tank or pit, which receives sewage or liquid waste, located below the normal grade of the gravity system and which must be emptied by mechanical means.

(189) "Sump pump" means a mechanical device other than an ejector or bucket for removing sewage or liquid waste from a sump.

(190) "Supports" means devices for supporting and securing pipe, fixtures, and equipment.

(191) "Swimming pool" means any structure, basin, chamber, or tank containing any artificial body of water for swimming, diving, wading or recreational bathing.

(192) "Trap" means a fitting or device which provides a liquid seal to prevent the emission of sewer gases without materially affecting the flow of sewage or waste water through it.

(193) "Trap arm" means that portion of a fixture drain between a trap and its vent.

(194) "Trap primer" means a device or system of piping to maintain a water seal in a trap, typically installed where infrequent use of the trap would result in evaporation of the trap seal, such as floor drains.

(195) "Trap seal" means the vertical distance between the crown weir and the top of the dip of the trap.

(196) "Utility room" means a workroom in the patient nursing area, designed and equipped to facilitate preparation, cleaning and incidental sterilizing of the various supplies, instruments, utensils, etc., involved in nursing treatment and care, exclusive of medications handled in nurses' stations and bedpan cleaning and sterilizing.

(197) "Vacuum" means any pressure less than exerted by the atmosphere.

(198) "Vacuum breaker" means "backflow preventer".

(199) "Vacuum breaker, nonpressure type (atmospheric)" means a vacuum breaker which is not designed to be subjected to static line pressure.

(200) "Vacuum breaker, pressure type" means a vacuum breaker designed to operate under conditions of static line pressure.

(201) "Vent pipe" means a vent pipe is any pipe provided to ventilate a house drainage system and to prevent tray siphonage and back pressure.

(202) "Vent system" means a pipe or pipes installed to provide a flow of air to or from a drainage system or to provide a circulation of air within such system to protect trap seals from siphonage and back pressure.

(203) "Vertical pipe" means any pipe or fitting which makes an angle of forty-five (45) degrees or less with the vertical.

(204) "Wall hung water closet" means a wall mounted water closet installed in such a way that no part of the water closet touches the floor.

(205) "Waste pipe and special waste" means a waste pipe is any pipe which receives the discharge of any fixture (except water closets or similar fixtures) and discharges to the house drain, soil or waste stacks. When such pipe does not connect directly with a house drain, waste or soil stack, it is termed a special waste.

(206) "Water distributing pipe" means a pipe within the building or on the premises which conveys water from the water-service pipe or meter to the point of usage.

(207) "Water lifts" means "sewage ejector".

(208) "Water outlet" means a discharge opening through which water is supplied to a fixture, into the atmosphere (except into an open tank which is part of the water supply), to a boiler or heating system, to any devices or equipment requiring water to operate but which are not part of the plumbing system.

(209) "Water riser pipe" means "riser".

(210) "Water service pipe" means the pipe from the water main or other source of potable water supply to the water distributing system of the building served.

(211) "Water supply stub" means a vertical pipe less than one (1) story in height supplying one (1) or more fixtures.

(212) "Water supply system" means the water service pipe, the water-distributing pipes, and the necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.

(213) "Well, bored" means a well constructed by boring a hole in the ground with an auger and installing a casing.

(214) "Well, drilled" means a well constructed by making a hole in the ground with a drilling machine of any type and installing casing and screen.

(215) "Well, driven" means a well constructed by driving a pipe in the ground. The drive pipe is usually fitted with a well point and screen.

(216) "Well, dug" means a well constructed by excavating a large diameter shaft and installing a casing.

(217) "Wet vent" means a vent which receives the discharge of wastes other than from water closets.

(218) "Yoke vent" means a pipe connecting upward from a soil or waste stack to a vent stack for the purpose of preventing pressure changes in the stack.

CHARLES A. COTTON, Commissioner
THEODORE T. COLLEY, Secretary
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PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Plumbing
(As Amended)

815 KAR 20:071. Storage and installation of schedule 40, ABS and PVC plastic pipe and fittings.

RELATES TO: KRS Chapter 318
STATUTORY AUTHORITY: KRS 318.130
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the method needed for storage, handling and installation of schedule 40, ABS and PVC plastic pipe and fittings. This amendment to Section 7 of this regulation is necessary to allow for the greater rate of expansion of plastic pipe when plastic pipe is added to a metallic piping system.

Section 1. Storage. (1) Pipe. Pipe shall remain in lifts until ready for use. Lifts shall not be stacked more than three (3) high and shall always be stacked wood-on-wood. Loose pipe shall be stored in racks with a minimum support space of three (3) feet. Pipe shall be shaded but not directly covered when stored outside in high ambient temperatures. This will provide for free circulation of air and reduce the heat buildup due to direct sunlight exposure.

(2) Fittings. Fittings shall be stored in their original cartons to be kept free of dirt and to reduce the possibility of damage. When possible all fittings shall be stored indoors.

(3) Solvent cement and primers. Solvent cement and primers, because of flammability, shall [must] be stored in an area where they will not be exposed to ignition, sparks, open flames or heat. They shall not be used beyond their marked shelf life.

Section 2. Handling. Care shall [must] be exercised to avoid rough handling of pipe and fittings. They shall [must] not be dragged over sharp projections, dropped or have heavy objects dropped on them. Pipe ends shall [must] be inspected for cracks in the event of abuse prior to installation. (When transported by truck or trailer, piping shall [must] be reasonably supported.)

Section 3. Installation. (1) Underneath concrete floors. All pipe and fittings shall be laid on stable earth conditions and have four (4) inches of grillage on its bottom, top and sides. If ground is unstable it shall [must] be removed and the excavation filled with grillage to the underneath side of the piping. No part of a soil or waste pipe shall be placed in a concrete slab except those pipes that pass vertically through it.

(2) Above concrete floors. All horizontal piping shall be properly aligned and installed without strain. Piping shall not be bent or pulled in position either before or after solvent welds have been made. It shall be supported at intervals not to exceed four (4) feet and at the end of the branches and at the change of direction and shall be so installed as to permit freedom of movement. All vertical piping shall be supported at their bases and all upward movement shall not be restricted. Closet flanges shall be securely fastened to the floor through which it passes.

Section 4. Hangers. Hangers and straps **shall** [must] be at least one (1) inch wide and shall not compress, distort, cut or abrade the piping. They shall allow free movement at all times.

Section 5. Making Solvent Cement Joints. (1)(a) Cement shall not be thinned. All cement that has thickened shall be discarded. No cement shall be used beyond its shelf life. It shall not be subject to temperatures below thirty (30) degrees Fahrenheit.

(b) Installers shall avoid prolonged breathing of vapors. Prolonged contact with skin is harmful. Install only with adequate ventilation. Avoid contact with eyes and skin. Solvents are also flammable.

(2) Socket fit. ABS and PVC fittings are manufactured to a close tolerance. All joints shall be an interference fit between pipe and fittings. Additional cement shall not be permitted for the correction of loosely fitted joints.

(3) Joining techniques. Piping shall be cut square with a saw or pipe cutter designed especially for plastic pipe. Pipe and fittings shall be protected from serrated holding devices or abrasions.

(a) Burrs shall be removed from both inside and outside of the pipe. Dust, dirt and moisture shall be removed from the surfaces that are to be cemented.

(b) Solvent chemical cleaner recommended by the company whose product is being installed shall be applied inside the fitting and on the outside of the piping that is to be joined.

(c) A paint brush shall be used to apply the solvent cement. Apply a moderate even coating of cement in the fitting socket as well as covering the pipe on the joining surfaces only.

(d) Joints shall be assembled as quickly as possible before the cement dries. Insert the piping into the fitting socket turning the pipe slightly to **ensure** [insure] even distribution to the cement. Hold the piping in a firm position so it does not "back out" of the joint.

(e) Remove excess solvent cement from the exterior of the joint with a clean dry cloth. The joint shall not be handled for a two (2) minute period. A fifteen (15) minute period shall be allowed for the joint to develop **hanging** [handling] strength.

(f) No cemented pipe joint shall be made in conditions of excessive moisture, humidity or when the temperature is below forty (40) degrees or above ninety (90) degrees Fahrenheit.

Section 6. Commingling of Plastic Pipe. Plastic pipe shall not be commingled except through the use of male and female adapters.

Section 7. Mixing of Plastic and Metal Piping. Plastic and metal piping shall discharge into one another by the use of proper fittings and adapters. If a waste opening or openings using plastic pipe are added to an existing system of metallic piping, the main vent of the added waste opening shall extend through the roof separately to allow for expansion.

Section 8. Thermal Expansion. Each plumbing installation shall [must] be engineered and designed giving due consideration to the expansion characteristics of the material. Below are expansion tables for both PVC and ABS schedule 40 plastic piping.

PVC-DWV TYPE 1
THERMAL EXPANSION TABLE

Chart Shows Length Change in Inches
vs. Degrees Temperature Change

LG. ft.	40°F	50°F	60°F	70°F	80°F	90°F	100°F
20	278	.348	.418	.487	.557	.626	.696
40	.557	.696	.835	.974	1.114	1.235	1.392
60	.835	1.044	1.253	1.462	1.670	1.879	2.088
80	1.134	1.392	1.670	1.949	2.227	2.506	2.784
100	1.392	1.740	2.088	2.436	2.784	3.132	3.480

ABS-DWV TYPE 1
THERMAL EXPANSION TABLE

Chart Shows Length Change in Inches
vs. Degrees Temperature Change

LG. ft.	40°F	50°F	60°F	70°F	80°F	90°F	100°F
20	0.536	0.670	0.80	0.938	1.072	1.206	1.340
40	1.070	1.340	1.610	1.880	2.050	2.420	2.690
60	1.609	2.010	2.410	2.820	3.220	3.620	4.020
80	2.143	2.680	3.220	3.760	4.290	4.830	5.360
100	2.680	3.350	4.020	4.700	5.360	6.030	6.700

CHARLES A. COTTON, Commissioner
THEODORE T. COLLEY, Secretary
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PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Plumbing
(As Amended)

815 KAR 20:076. Installation recommendations for polybutylene (PB) cold water building supply, yard piping and tubing.

RELATES TO: KRS Chapter 318
STATUTORY AUTHORITY: KRS 13A.120 [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 shall govern the installation of polybutylene (PB) pipe and tubing in cold water building supply and yard systems. Installation, materials and inspections shall comply with the current edition of the Kentucky State Plumbing Code and with this standard. This amendment deleting Section 7 of this regulation is necessary to allow the use of polybutylene pipe under concrete and to remove language which conflicts with 815 KAR 20:075.

Section 1. Definitions. (1) ASTM. For the purpose of this regulation, means "American Society of Testing Materials."
(2) KSPCC. For the purpose of this regulation, means "Kentucky State Plumbing Code Committee."
(3) NSF. For the purpose of this regulation, means "National Sanitation Foundation."
(4) PB. For the purpose of this regulation, means "polybutylene."
(5) SDR. For the purpose of this regulation, means "Standard Dimension Ratio."
(6) Approved. For the purpose of this regulation, means approval received from the Kentucky Department of Housing, Buildings and Construction, Division of Plumbing.

Section 2. (1) Material. Tubing is polybutylene (PB).
(2)(a) Tubing shall conform to ASTM D-2666.
(b) Pipe shall conform to ASTM D-2662.
NOTE: Pipe is usually black or blue.
(3) Fittings shall be metal or plastic compression, flare or insert type. (Refer to 815 KAR 20:120, Section 9, Water supply pipes and materials.)
NOTE 1. Manufacturers of fittings shall recommend assembly procedures.
NOTE 2. Manufacturers shall provide test data from an independent testing laboratory, acceptable to the KSPCC, that their PB system or their PB tubing, together with recommended fittings, has a short term working pressure and temperature rating (STWP) or 160 psi at 210°F for forty-eight (48) hours or more.

Section 3. Markings. (1) Tubing. Tubing shall be legibly marked at intervals of not more than five (5) feet with at least the following:
(a) Manufacturers name or trademark.
(b) ASTM D-2662 (pipe) or ASTM D-2666 (tubing).
(c) Size.
(d) PB 2110.
(e) Pressure rating, 160 psi.
(f) NSF seal or marking or other KSPCC acceptable agency.
(g) Manufacturers date and material code.
(2) Fittings. Fittings shall be marked with at least the following:
(a) Manufacturers name or trademark or other acceptable markings.
(b) Plastic fittings shall be labeled with the NSF seal or marking of other KSPCC acceptable agency.
(3) Bands shall be marked with at least the following:
(a) Manufacturers name or trademark.
(b) Model.
(c) Stainless steel series (300).
(4) Position of Markings. Identifying markings shall be visible for inspection without moving materials unless otherwise acceptable to the administrative authority.

Section 4. Protection of Piping. (1) Exposed piping. Vertical piping may extend a maximum of twenty-four (24) inches above grade when located on the exterior of the building or structure and protected from mechanical damage to the satisfaction of the Kentucky Division of Plumbing [administrative authority]. Where exposed to sunlight, the pipe shall be wrapped with at least 0.040 inches of tape.
(2) Protection from damage. Piping coils, as supplied by the manufacturer, shall be adequately protected against damage in shipment. A prominent label shall contain at least the information required in Section 3(1) of this regulation.
(3) Storage. Piping shall be stored in a way

to protect it from mechanical damage (slitting, puncturing, etc.). Tubing **shall** [should] be stored under cover to keep it clean and to avoid long-term exposure to direct sunlight. Exposure to sunlight during normal construction periods is not harmful.

(4) Thermal expansion.

(a) Snaking. Piping shall be "snaked" in the trench bottom with enough slack, at least six (6) inches per 100 feet, to compensate for thermal expansion and contraction before stabilizing piping.

(b) Stabilizing. Stabilize piping by bringing it approximately to operating temperature before testing and backfilling by one of the following methods:

1. Shade backfill. Leave all joints exposed so that they **may** [can] be examined during pressure test.
2. Fill with water at operating temperature.
3. Allow to stand overnight.

Section 5. Trenching, Cover and Backfill. (1) Trenching and cover. Trench bottoms shall be uniformly graded and shall be of either undisturbed soil or shall consist of a layer or layers of compacted backfill so that minimum settlement will take place.

(2) Backfill. Selected backfill shall be used. Tamp the backfill around the pipe so as to provide firm continuous support and proper compaction. Backfill at least twelve (12) inches over pipes, except that joints shall be left exposed. After inspection and pressure test, complete backfill.

Section 6. Joints. Joints shall be made as follows:

(1) Barbed insert fittings. Procedure (pipe only).

Step 1. Cut pipe square.

Step 2. Remove all burrs.

Step 3. Place two (2) strap-type stainless steel clamps over the pipe (see Section 3(3) of this regulation).

Step 4. Check that fittings are properly sized for pipe.

Step 5. Force the end of the pipe over the barbed insert fitting, making contact with the fitting shoulder (the end of the pipe may be softened by placing in hot water.)

Step 6. Position the clamps 180 degrees apart and tighten evenly to seal joint.

(2) Flared joints, procedure (pipe and tubing).

Step 1. Cut pipe or tubing square.

Step 2. Remove all burrs.

Step 3. Place nut over end of piping.

Step 4. Lubricate the point of the flaring tool and the tubing to be flared. Use nontoxic liquid soap or other lubricant recommended by the manufacturer.

Step 5. Flare piping with a listed tool according to the tool manufacturers recommendations.

Step 6. Assembly the joint.

Step 7. Tighten flare nuts according to manufacturers recommendation. DO NOT OVERTIGHTEN.

(3) Mechanical compression joints, procedure (pipe and tubing).

Step 1. Cut piping square.

Step 2. Remove all burrs.

Step 3. Follow manufacturer's recommended procedure.

(4) Prohibited joints. Piping shall not be threaded.

[Section 7. Materials. Location. PB piping shall be installed only outside the foundation of any building or structure or parts thereof. It shall be buried in the ground for its entire length except vertical piping may be extended above grade per Section 4(1) of this regulation. It shall not be installed within or under any building or structure or mobile home or commercial coach or parts thereof. The term "building or structure or parts thereof" shall include structures such as porches and steps, whether covered or uncovered, roofed porte-cocheres, roofed patios, carports, covered walks, covered driveways and similar structures or appurtenances.]

Section **7.** [8.] Installation. (1) Bends. Piping may be bent at a radius of not less than twelve (12) times the nominal diameter.

(2) Identification. A label shall be fastened to the main electrical meter panel stating "This structure has a nonmetallic water service."

(3) Working pressure. Working pressure shall not exceed 160 psi.

Section **8.** [9.] Sizing. Piping shall be sized in accordance with 815 KAR 20:120.

CHARLES A. COTTON, Commissioner
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: May 9, 1990
FILED WITH LRC: May 11, 1990 at 1 p.m.

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Plumbing
(As Amended)

815 KAR 20:120. Water supply and distribution.

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 relates to the types of piping, pipe sizes for a potable water supply system and the methods to be used to protect and control it. This amendment to Section 10 of this regulation allows copper tubing size PE to be smaller than three-fourths (3/4) inch inside diameter if outside compression fittings, instead of insert fittings, are used and allows the use of polybutylene between the diverter spout of a tub and the shower nozzle if the pipe size is increased from one-half (1/2) to three-fourths (3/4) inch. [gives an alternative to discharge relief valves from water heaters to other than floor drains or to outside of building as outlined in Section 14.]

Section 1. Definition of Terms. (1) ASSE - American Society of Sanitary Engineers.

(2) ASTM - American Society for Testing Materials.

(3) Critical level (CL) - the level to which the vacuum breaker may be submerged before backflow will occur. Where CL marking is not shown on the vacuum breaker, the bottom of the device shall be taken as the CL.

(4) DWV - drain, waste and vent piping.

(5) SDR - standard dimensional ratio.

Section 2. Quality. (1) The bacteriological and chemical quality of the water supply shall comply with the regulations of the department and other governing authorities. Toxic materials shall be kept out of the potable water system.

(a) Piping conveying, and all surfaces in contact with potable water shall be constructed of nontoxic materials.

(b) Chemicals or other substances that could produce either toxic conditions, taste, odor, or discoloration in a potable water system shall not be introduced into, or used in, such systems.

(c) The interior surface of a potable water tank shall not be lined, painted, or repaired with any material which will affect either the taste, odor, color, or potability of the water supply when the tank is placed in, or returned to, service. All interior tank coatings shall be from the list approved by the authority having jurisdiction.

(2) Potable water only shall be accessible to plumbing fixtures that supply water for drinking, bathing, culinary use or the processing of medicinal, pharmaceutical or food products.

(3) The potable water supply system shall be designed, installed, and maintained in such manner as to prevent contamination from nonpotable liquids, solids, or gases being introduced into the potable water supply through cross connections or any other piping connections to the system.

(4) Cross connections shall be prohibited except when and where, as approved by the authority having jurisdiction, suitable protective devices are installed.

(5) Cross connections between a private water supply and a public water supply shall not be made.

(6) When cross connection control devices are properly installed, they create a closed water system. A properly sized thermal expansion tank shall be installed in the cold water supply located as near the water heater as possible.

(7) Backflow and back siphonage protection. Means of protection against backflow shall be as required in paragraphs (a) through (1) of this subsection in order of degree of protection provided. Backflow includes both back pressure and back siphonage.

(a) Air gap. Provides the best level of protection in all backflow situations. Minimum required air gap shall be determined as follows:

1. How measured. The minimum required air gap shall be measured vertically from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.

2. Size. The minimum required air gap shall be twice the effective opening of a potable water outlet, unless the outlet is a distance less than three (3) times the effective opening away from a wall or similar vertical surface, in which case the minimum required air gap shall be three (3) times the effective opening of the outlet. The minimum required air gap shall not be less than shown in the following table - Minimum Air Gaps for Plumbing Fixtures.

MINIMUM AIR GAPS FOR PLUMBING FIXTURES

Fixture	Minimum Air Gap When not affected by near wall	Minimum Air Gap When affected by near wall
Lavatories and other fixtures with effective opening not greater than 1/2 inch diameter	1	1 1/2
Sink, laundry trays, gooseneck bath faucets and other fixtures with effective openings not greater than 3/4 inch diameter	1 1/2	2 1/4
Over rim bath fillers and other fixtures with effective openings not greater than 1 inch diameter	2	3
Drinking water fountains - single orifice not greater than 7/16 (0.437) inch diameter or multiple orifices having total area of 0.150 square inches (area of circle 7/16 inch diameter)	1	1 1/2
Effective openings greater than 1 inch	2 x diameter of effective opening	3 x diameter of effective opening

NOTE 1. Side walls, ribs, or similar obstructions do not affect air gaps when spaced from inside edge of spout opening a distance greater than three (3) times the diameter of the effective opening for a single wall, or a distance greater than four (4) times the diameter of the effective opening for two (2) intersecting walls.

NOTE 2. Vertical walls, ribs, or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening require a greater air gap when spaced closer to the nearest inside edge of spout opening than specified in NOTE 1 above. The effect of three (3) or more such vertical walls or ribs has not been determined. In such cases, the air gap shall be measured from the top of the wall.

(b) Reduced pressure principle back pressure backflow preventer. Reduced pressure principle back pressure backflow preventers provide the best mechanical protection against backflow available, and may be considered equivalent to an air gap in most situations.

(c) Double check valve assembly: applicable to low level of hazard back pressure backflow conditions only. These devices are manufactured assemblies consisting of two (2) independently acting check valves and including shutoff valves at each end, and petcocks and test gauges for testing the watertightness of each check valve.

(d) Pressure type vacuum breaker: applicable

to back siphonage conditions only.

(e) Atmospheric type vacuum breaker: applicable to back siphonage conditions only. When applicable, all atmospheric type vacuum breakers shall be installed after the last cutoff valve on the water line. These devices may operate under normal atmospheric pressure when the critical level (CL) is installed at the required height in accordance with the following table:

CRITICAL LEVEL (CL) SETTINGS
FOR ATMOSPHERIC TYPE VACUUM BREAKERS

Fixture or Equipment	Method of Installation
Aspirators, ejectors, and and showers	CL at least 6 in. above flood level of receptacle
Bidets	CL at least 6 in. above flood level of receptacle
Cup beverage vending machines	CL at least 12 in. above flood level of machine
Dental units	On models without built-in vacuum breakers: CL at least 6 in. above flood level rim of bowl.
Dishwashing machines	CL at least 6 in. above flood level of machine
Flushometers (closet & urinal)	CL at least 6 in. above top of fixture supplied
Garbage can cleaning machines	CL at least 6 in. above flood level of machine
Hose bibs (sinks or receptacles)	CL at least 6 in. above flood level of receptacle served
Hose outlets	CL at least 6 in. above highest point on hose line
Laundry machines	CL at least 6 in. above flood level of machine
Lawn sprinklers	CL at least 12 in. above highest sprinkler or discharge outlet
Steam tables	CL at least 12 in. above flood level
Tanks & vats	CL at least 6 in. above flood level rim or line

NOTE 1. Critical level (CL) is defined as the level to which the vacuum breaker may be submerged before backflow will occur. Where CL marking is not shown on the vacuum breaker, the bottom of the device shall be taken as the CL.

(f) Barometric loop: applicable only to back siphonage conditions. The use of a barometric loop shall not be acceptable as the primary back siphonage preventer.

(g) Location of backflow and back siphonage preventers. Backflow and back siphonage preventers shall be in an accessible location, preferable in the same room as the fixture or connection they protect. Devices may be installed in utility or service spaces. Devices and air gaps shall not be subject to flooding or freezing.

(h) Inspection of devices. Periodic inspections shall be made of all backflow and back siphonage preventers to determine whether they are in proper working condition. Reduced pressure principle back pressure backflow preventers shall be tested on at least an annual basis. Records shall be kept on all such inspections.

(i) Approval of devices. Before any device for the prevention of backflow or back siphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the plumbing official. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system.

(j) Protection of potable water system. All potable water openings, outlets, and connections, except those serving residential units, shall be protected against backflow in accordance with one (1) of the following paragraphs, (a) through (l) of this subsection.

(k) Degree of hazard. The protection required at any given outlet or connection shall be determined based on the degree of hazard posed by that outlet or connection as follows:

1. Severe hazard. Potential for contamination by toxic substances or disease-causing organisms.

2. Moderate hazard. Potential for contamination by nontoxic but objectionable substances.

3. Minor hazard. Potential for contamination by generally nontoxic, nonobjectionable substances, but which may cause the consumer to question the quality of water.

(l) Minimum acceptable protection. All openings and outlets shall be protected by an air gap between the opening and floor level rim whenever possible. The acceptable protection for various types of outlets or connections shall be as shown in the following table: