

Kansas Register

Vol. 40, No. 47

November 25, 2021

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The Kansas Register (USPS 0662-190) is an official publication of the state of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly and a cumulative index is published annually by the Kansas Secretary of State. One-year subscriptions are \$80 (Kansas residents must include applicable state and local sales tax). Single copies, if available, may be purchased for \$2. Periodicals postage paid at Topeka, Kansas.

POSTMASTER: Send change of address form to Kansas Register, Secretary of State, 1st Floor, Memorial Hall, 120 SW 10th Ave., Topeka, KS 66612-1594.

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Hard copy subscription information and current and back issues of the Kansas Register (PDF Format) can be found at the following link: http://www.sos.ks.gov/publications/kansas-register.html.

Register Office:
1st Floor, Memorial Hall
785-368-8095
kansasregister@ks.gov



Published by
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Secretary of State
1st Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594
785-296-4564
www.sos.ks.gov

Cover Artwork: Refinery, McPherson County
Photo by Todd Caywood

State of Kansas

Legislative Administrative Services

Interim Committee Schedule

The Legislative Research Department gives notice that the following legislative committees plan to meet on the dates listed below based on current information and subject to change. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at 785-296-2391 or TTY 711, or email legserv@las.ks.gov.

Date	Room	Time	Committee	Agenda
Nov. 22	142-S	2:00 p.m.	Kansas Criminal Justice Reform Commission	Discussion and action on Subcommittee Reports
Nov. 22	Virtual-only for Committee members; Atchison, Native American Reservations, Ottawa, and Independence	5:30 p.m.	Joint Meeting of House and Senate Committees on Redistricting	Discussion on Congressional District 2
Nov. 23	Virtual-only for Committee members; Emporia, Great Bend, Liberal, and McPherson	5:30 p.m.	Joint Meeting of House and Senate Committees on Redistricting	Discussion on Congressional District 1
Nov. 29	Virtual-only for Committee members; Newton and El Dorado	5:30 p.m.	Joint Meeting of House and Senate Committees on Redistricting	Discussion on Congressional District 4
Nov. 29-30	548-S	TBD	Special Committee on Taxation	TBD
Nov. 30	Virtual-only for Committee members; Stilwell and Bonner Springs	5:30 p.m.	Joint Meeting of House and Senate Committees on Redistricting	Discussion on Congressional District 3
Nov. 30	112-N	10:00 a.m.	Special Committee on Education	Presentations on: Article 6; The relationship between school finance and student achievement; Understanding the student needs assessment; Examining student achievement post-graduation; and the impact of COVID-19 on student achievement
Dec. 1	112-N	9:00 a.m.	Special Committee on Education	Presentations on: Improving student outcomes from school districts; Contributing factors influencing student achievement; Trends in education; and Virtual schools
Dec. 2	Virtual-only	11:00 a.m.	Special Committee on Kansas Mental Health Modernization and Reform – Telehealth Working Group	Working group discussion on telehealth topics
Dec. 2	Virtual-only	1:00 p.m.	Special Committee on Kansas Mental Health Modernization and Reform – Services and Workforce Working Group	Working group discussion on services and workforce topics
Dec. 2	Virtual-only	TBD	Special Committee on Kansas Mental Health Modernization and Reform – System Capacity and Transformation Working Group	Working group discussion on system capacity and transformation topics
Dec. 6	Virtual-only	11:00 a.m.	Special Committee on Kansas Mental Health Modernization and Reform – Telehealth Working Group	Working group discussion on telehealth topics
Dec. 6	Virtual-only	1:00 p.m.	Special Committee on Kansas Mental Health Modernization and Reform – Services and Workforce Working Group	Working group discussion on services and workforce topics
Dec. 6	Virtual-only	2:00 p.m.	Special Committee on Kansas Mental Health Modernization and Reform – System Capacity and Transformation Working Group	Working group discussion on system capacity and transformation topics

(continued)

Date	Room	Time	Committee	Agenda
Dec. 6	548-S	2:00 p.m.	Senate Confirmation Oversight	Discussion of Senate confirmations
Dec. 6-7	112-N	9:00 a.m.	Kansas Senior Care Task Force	TBD
Dec. 7	582-N	10:00 a.m.	Joint Committee on Fiduciary Financial Institutions Oversight	TBD
Dec. 8	144-S	TBD	Joint Committee on Pensions, Investments and Benefits	TBD
Dec. 8-9	582-N	TBD	Special Committee on the 30x30 Federal Initiative	TBD
Dec. 9	112-N	10:00 a.m.	Special Committee on Federal 340B Drug Program	TBD
Dec. 10	112-N	9:00 a.m.	Special Committee on Kansas Mental Health Modernization and Reform	TBD

Tom Day, Director
Legislative Administrative Services

Doc. No. 049591

State of Kansas
Pooled Money Investment Board
Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

Effective 11-22-21 through 11-28-21

Term	Rate
1-89 days	0.08%
3 months	0.02%
6 months	0.05%
12 months	0.16%
18 months	0.37%
2 years	0.53%

Scott Miller
Director of Investments

Doc. No. 049582

State of Kansas
Children’s Cabinet and Trust Fund

Notice of Meeting

The Kansas Children’s Cabinet and Trust Fund board will be conducting its quarterly board meeting Friday, December 3, 2021 via zoom from 9:00 a.m. to 12:00 p.m. Information about the meeting and a copy of the agenda can be found at <http://www.kschildrencabinet.org>. Any questions can be sent to dadegbore@ksde.org.

Melissa Rooker
Executive Director

Doc. No. 049587

State of Kansas
Department of Administration
Office of Procurement and Contracts

Notice to Bidders

Sealed bids for items listed will be received by the Office of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376:

All bids are to be submitted via email only to procurement@ks.gov. For more information, please visit <https://admin.ks.gov/docs/default-source/ofpm/procurement-contracts/bid-submission-via-email-12-7-2020.pdf>.

12/03/2021	EVT0008304	Elevator Maintenance – Kansas Historical Society
12/06/2021	EVT0008312	Pre-purchase of HVAC Equipment – Data Center
12/16/2021	EVT0008309	Grounds Care, Landscaping, and Snow Removal
12/17/2021	EVT0008303	Vehicle Registration Decal and Receipt
12/22/2021	EVT0008307	Disaster Recovery Plan Assistance
12/22/2021	EVT0008308	Assessment of the Kansas Essential Health Benefit Benchmark Plan
12/23/2021	EVT0008310	Elisa Drug Screening Supplies
12/28/2021	EVT0008305	Licensing Software Migration and Deployment
12/29/2021	EVT0008311	Appointment System

The above referenced bid documents can be downloaded at the following website:

https://supplier.sok.ks.gov/psc/sokfspdprsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL

Additional files may be located at the following website (please monitor this website on a regular basis for any changes/addenda):

<http://admin.ks.gov/offices/procurement-and-contracts/additional-files-for-bid-solicitations>

12/16/2021 A-014209 KDOT; District 2 Office – Stairway Rehab

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <http://admin.ks.gov/offices/ofpm/dcc>.

Richard Beattie, Director
Office of Procurement and Contracts

Doc. No. 049594

State of Kansas

**Department of Revenue
Division of Taxation**

Notice to Bidders

The Director of Taxation will receive bids for the leasing of oil and gas rights in and to the portion of the Arkansas Riverbed, the property of the State of Kansas, described as follows:

That portion of the Arkansas Riverbed as it meanders through Sections 19, 20 and 29, Township 27 South, Range 1 East, Sedgwick County, Kansas; containing 124.29 acres, more or less.

The bidding shall be considered upon the amount of bonus, annual rental, and royalty to be paid. Due to the cost of processing, no bids will be accepted for less than \$100 on small tracts of less than 100 acres.

Bids shall be submitted upon forms obtained from the Director of Taxation, Scott State Office Building, 120 SE 10th Ave., Topeka, KS 66612. Lease shall be made on forms provided by the state for a term of five (5) years. The successful bidder pays publication costs in the local paper and the Kansas Register.

Bids shall be opened at the office of the Director of Taxation at 2:00 p.m. December 14, 2021. The Director of Taxation reserves the right to reject any and all bids and to re-advertise.

Steven A. Stotts, Director
Division of Taxation

Doc. No. 049572

State of Kansas

**Department of Administration
Office of Facilities and Property Management**

Notice of Requested Engineering Services

Notice is hereby given of the commencement of the selection process for mechanical-electrical-plumbing engineering services for the replacement of three, 50-year-old boilers at the University of Kansas Medical Center, Kansas City, Kansas. The boilers are past their useful life and their control systems are also obsolete. Included will be the design and update of the deteriorating energy center exterior. The Medical Center is seeking a qualified MEP

firm to redesign and build the new boiler system as well as design the exterior of the energy center. The project construction budget is \$11,279,295.

An architectural/engineering program is available at <http://admin.ks.gov/offices/ofpm/dcc/arch-eng-programs>. For more information, contact David Rau at drau2@kumc.edu, phone 913-945-5943.

To be considered, one (1) PDF file of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. These forms may be found at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>. State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation, and an abbreviated project name in the title of the PDF document. Proposals should be less than 5 Mb and follow the current State Building Advisory Commission guidelines which can be found in Part B – Chapter 2 of the Building Design and Construction Manual at <http://www.admin.ks.gov/offices/ofpm/dcc/bdcm>. Paper copies and flash drives containing copies of the proposals are not required.

Proposals should be sent to professional.qualifications@ks.gov. Proposals received after the date and time noted below will not be forwarded to the State Building Advisory Commission for review. If you have questions, call 785-296-0749. The PDF proposal submissions shall be delivered to the attention of Randy Riveland by 2:00 p.m. on or before December 10, 2021.

The State of Kansas, as a matter of public policy, encourages anyone doing business with the State of Kansas to take steps to discourage human trafficking. If prospective bidders/vendors/contractors have any policies or participate in any initiatives that discourage human trafficking, then the prospective bidder/vendor/contractor is encouraged to submit same as part of their bid response.

Frank Burnam, Director
Office of Facilities and Property Management

Doc. No. 049589

State of Kansas

**Department of Administration
Office of Facilities and Property Management**

Notice of Requested Architectural Services

Notice is hereby given of the commencement of the selection process for architectural services for a Central Reflection Space at the University of Kansas Medical Center, Kansas City, Kansas. The KU Med community has not had a central reflection space on campus since Spencer Chapel was demolished in January 2020 to make way for the new Proton Therapy Treatment Center. The current project consists of the partial renovation of the Ground Level of Orr Major to create a new contemplative space available for anyone to use for reflection and meditation in the terraced retail space previously occupied by the university bookstore. The new space will cultivate an inclusive environment of traditions and reflection while tending to the sacredness

(continued)

in ourselves, our community, and beyond. The project construction budget is \$1,650,881.

An architectural/engineering program is available at <http://admin.ks.gov/offices/ofpm/dcc/arch-eng-programs>. For more information, contact David Rau at drau2@kumc.edu, phone 913-945-5943.

To be considered, one (1) PDF file of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. These forms may be found at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>. State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation, and an abbreviated project name in the title of the PDF document. Proposals should be less than 5 Mb and follow the current State Building Advisory Commission guidelines which can be found in Part B – Chapter 2 of the Building Design and Construction Manual at <http://www.admin.ks.gov/offices/ofpm/dcc/bdcm>. Paper copies and flash drives containing copies of the proposals are not required.

Proposals should be sent to professional.qualifications@ks.gov. Proposals received after the date and time noted below will not be forwarded to the State Building Advisory Commission for review. If you have questions, call 785-296-0749. The PDF proposal submissions shall be delivered to the attention of Randy Riveland by 2:00 p.m. on or before December 10, 2021.

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Frank Burnam, Director

Office of Facilities and Property Management

Doc. No. 049596

State of Kansas

**Department of Administration
Office of Facilities and Property Management**

Notice of Requested Architectural Services

Notice is hereby given of the commencement of the selection process for architectural services for the Marcus Welcome Center Addition and Interior Finish Upgrade at Wichita State University. This project will bring together the Office of Industry Engagement & Applied Learning and the Career Development Center within an addition to the Marcus Welcome Center on the north end of campus. Locating these services alongside the admissions team will highlight the importance of applied learning and career development to prospective students at the beginning of their higher education journey. The approximately 8,000 gross square foot addition will create a new entry point on the south side of the building and will provide a connection to the Innovation Campus and pedestrian mall. The project also includes an interior finish refresh of the public areas of the building (reception/

lobby/lecture theater) as well as opening up the corridor outside of the existing event rooms to create a “history walk” to feature WSU artifacts from the WSU Alumni Center collection. The project construction budget is \$2,920,000.

An architectural/engineering program is available at <http://admin.ks.gov/offices/ofpm/dcc/arch-eng-programs>. For more information, contact Emily Patterson at emily.patterson@wichita.edu, phone 316-978-3030.

To be considered, one (1) PDF file of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. These forms may be found at <http://admin.ks.gov/offices/ofpm/dcc/f-and-d>. State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation, and an abbreviated project name in the title of the PDF document. Proposals should be less than 5 Mb and follow the current State Building Advisory Commission guidelines which can be found in Part B – Chapter 2 of the Building Design and Construction Manual at <http://www.admin.ks.gov/offices/ofpm/dcc/bdcm>. Paper copies and flash drives containing copies of the proposals are not required.

Proposals should be sent to professional.qualifications@ks.gov. Proposals received after the date and time noted below will not be forwarded to the State Building Advisory Commission for review. If you have questions, call 785-296-0749. The PDF proposal submissions shall be delivered to the attention of Randy Riveland by 2:00 p.m. on or before December 10, 2021.

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Frank Burnam, Director

Office of Facilities and Property Management

Doc. No. 049595

State of Kansas

Department of Health and Environment

**Notice Concerning Kansas/Federal Water
Pollution Control Permits and Applications**

In accordance with Kansas Administrative Regulations 28-16-57a through 63, 28-18-1 through 17, 28-18a-1 through 31 and 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of

Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-21-350/357

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
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Howell Country Feeders, LLC PO Box 1661 Dodge City, KS 67801	Section 16 & N/2 of Section 21 T26S, R26W Ford County	Upper Arkansas River Basin
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Kansas Permit No. A-UAFO-C002
Federal Permit No. KS0115142

The proposed action is to modify and reissue an existing State/NPDES permit for an expanding facility with a proposed maximum capacity 32,500 head (32,500 animal units) of beef cattle weighing more than 700 pounds and 10 head (20 animal units) of horses. This represents an increase in the permitted animal units from the previous permit. This permit is also being modified in part to accommodate KDOT Hwy 50 widening. There is no change in the permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
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Roger Kohman 3665 W. Friend Rd. Scott City, KS 67871	NE/4 of Section 31 T20S, R32W Scott County	Upper Arkansas River Basin
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Kansas Permit No. A-UASC-C024
Federal Permit No. KS0087521

The proposed action is to reissue an existing NPDES permit for an existing facility for 3,400 head (3,400 animal units) of cattle weighing more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
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Box K Ranch, LLC 1663 Road 14 Hugoton, KS 67951	NW/4 of Section 02 T33S, R37W Stevens County	Cimarron River Basin
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Kansas Permit No. A-CISV-C004
Federal Permit No. KS0096555

The proposed action is to reissue an existing NPDES permit for an existing facility for 2,200 head (2,200 animal units) of cattle more than 700 pounds and 2,300 head (1,150 animal units) of cattle 700 pounds or less, for a total of 4,500 head (3,350 animal units) of cattle. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
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Johnston Ranch Von Johnston 54 S. Longhorn Dighton, KS 67839	NE/4 of Section 32 T20S, R28W Lane County	Upper Arkansas River Basin
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Kansas Permit No. A-UALE-B002

The proposed action is to reissue an existing state permit for an existing facility for 75 head (75 animal units) of cattle weighing greater than 700 pounds, and 75 head (37.5 animal units) of cattle weighing less than 700 pounds, for a total of 112.5 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
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Nelson Farms of Windom, Inc. James R. Nelson 905 1st Ave. Windom, KS 67491	NE/4 of Section 19 T20S, R05W McPherson County	Little Arkansas River Basin
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Kansas Permit No. A-LAMP-B001

The proposed action is to reissue an existing state permit for an existing facility for 600 head (600 animal units) of cattle more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
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Manhattan Commission Co., Inc. John Cline 8424 E. US-24 Hwy. Manhattan, KS 66502	SW/4 of Section 10 T10S, R08E Pottawatomie County	Kansas River Basin
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Kansas Permit No. A-KSPT-B006

The proposed action is to reissue an existing state permit for a public livestock market for 144.1 animal units of cattle. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
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Levin Farms, Inc. Steve Levin PO Box 325 Kensington, KS 66951	NE/4 of Section 04 T04S, R15W Smith County	Solomon River Basin
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Kansas Permit No. A-SOSM-B017

The proposed action is to reissue an existing state permit for an existing facility for 990 head (495 animal units) of cattle less than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
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J-Six Enterprises, LLC – Parker Site Jennifer A. Gerety 2155 15th Rd. Greenleaf, KS 66943	SE/4 of Section 16 T03S, R04E Washington County	Big Blue River Basin
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Kansas Permit No. A-BBWS-S055

The proposed action is to reissue an existing state permit for an existing facility for 2,400 head (960 animal units) of swine more than 55 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Public Notice No. KS-Q-21-119/127

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-g), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
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Edgerton, City of PO Box 255 Edgerton, KS 66021	Big Bull Creek (and Hillsdale Lake) via Unnamed Tributary	Treated Domestic Wastewater
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(continued)

Kansas Permit No. M-MC08-0002
Federal Permit No. KS0100374

Legal Description: NW¼, SE¼, SE¼, S9, T15S, R22E, Johnson County, Kansas

Facility Name: Big Bull Creek Wastewater Treatment Facility

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a mechanical plant consisting of off-site and on-site raw sewage pumping stations, mechanical screening and de-gritting, extraneous flow basin, Schreiber Continuously Sequencing Reactor (CSR), chemical precipitation for phosphorus removal, final clarifier with tertiary filtration, ultraviolet disinfection, Parshall flume, reaeration, aerobic sludge digestion and mechanical dewatering. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, E. coli, total nitrogen, whole effluent toxicity, and total phosphorus, as well as monitoring for nitrate + nitrite, priority pollutants, and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Effingham, City of PO Box 94 Effingham, KS 66023-0094	Stranger Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-KS15-0001
Federal Permit No. KS0047279

Legal Description: S½, NW¼, NE¼, S15, T6S, R18E, Atchison County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, and E. coli, as well as monitoring for total phosphorus.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Garden City, City of PO Box 998 Garden City, KS 67846	Arkansas River	Treated Domestic Wastewater

Kansas Permit No. M-UA14-0001
Federal Permit No. KS0038962

Legal Description: S½, NE¼ & N½, SE¼, S21, T24S, R32W, Finney County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a mechanical wastewater treatment plant consisting of a lift station, mechanical bar screen, aerated grit chamber, two CMAS oxidation ditches, three final clarifiers, aerobic sludge digestion basins, four sludge holding tanks, belt filter press, two gravity belt thickeners, and UV disinfection. The proposed permit contains a schedule of compliance stating that the facility has hired a Kansas-Licensed engineering consultant to assist in meeting final ammonia limits. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli, whole effluent toxicity, and pH, as well as monitoring for total Kjeldahl nitrogen, nitrate + nitrite, total nitrogen, total phosphorus, total effluent flow to stream, sulfate, total recoverable boron, total recoverable selenium, flow to off-site irrigation, and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Unified Government of Kansas City/ Wyandotte County 50 Market St. Kansas City, KS 66118	Kansas River	Treated Domestic Wastewater

Kansas Permit No. M-KS27-0020
Federal Permit No. KS0080195

Legal Description: NW¼, NE¼, NE¼, S31, T11S, R24E, Wyandotte County, Kansas

Facility Name: Kansas City Treatment Plant #20

Facility Location: 2443 S. 88th St., Kansas City, KS 66111

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a mechanical treatment plant consisting of a bar screen, two vortex grit removal, two primary clarifiers, activated sludge system, two final clarifiers, sludge storage, belt filter press, and UV disinfection. The proposed permit contains a schedule of compliance for the facility to receive operational training for ammonia and nutrient removal to meet final effluent limits, including a schedule of improvements to meet final effluent limits and the total phosphorus mass loading (TMDL) goal. The proposed permit contains limits biochemical oxygen demand, total suspended solids, ammonia, E. coli, whole effluent toxicity, and pH, as well as monitoring for total Kjeldahl nitrogen, nitrate + nitrite, total nitrogen, total phosphorus, and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Lecompton, City of PO Box 100 Lecompton, KS 66050	Kansas River	Treated Domestic Wastewater

Kansas Permit No. M-KS33-0001
Federal Permit No. KS0055581

Legal Description: E½, SW¼, SW¼, S35, T11S, R18E, Douglas County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell aerated wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, E coli, and pH, as well as monitoring for ammonia, total phosphorus, and chlorides.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Liberty, City of PO Box 15 Liberty, KS 67351	Big Hill Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-VE24-0001
Federal Permit No. KS0086223

Legal Description: SW¼, NW¼, SE¼, S19, T33S, R17E, Montgomery County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell wastewater stabilization lagoon system. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia and E. coli.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Madison, City of PO Box 247 Madison, KS 66860	Verdigris River	Treated Domestic Wastewater

Kansas Permit No. M-VE26-0002
Federal Permit No. KS0093858

Legal Description: NW¼, NW¼, NE¼, S18, T22S, R12E, Greenwood County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a three-cell wastewater stabilization lagoon system. This NPDES discharging lagoon wastewater treatment facility has been reviewed for eligibility for the MDV for ammonia and has been determined to be eligible. Eligibility was determined through analysis of the facility's highest attainable condition (HAC) for ammonia and an Economic Eligibility Determination (EED) that assessed the impact of the cost of a new mechanical facility to the community's rate payers. The ammonia effluent limit was determined on 5/17/2021 by calculating the 99th percentile ammonia value from the facility's discharge monitoring reports resulting in an ammonia limit of 3.8 mg/L for this facility. The EED was completed on 5/24/2021. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, and E. coli, as well as monitoring for total phosphorus, nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, and lead.

NW 4-6: NE¼, SE¼, S22,
T23S, R6W, Reno County, Kansas

Well Number	Location
4-1	Latitude: 38.036278" Longitude: -97.965947"
4-2	Latitude: 38.037158" Longitude: -97.966067"
4-3	Latitude: 38.038039" Longitude: -97.966069"
4-4	Latitude: 38.038861" Longitude: -97.966072"
4-5	Latitude: 38.039736" Longitude: -97.966083"
4-6	Latitude: 38.040564" Longitude: -97.966083"

Facility Description: The proposed action is to reissue six Class III Injection Well permits for the wells listed above. Injection of fresh water and unsaturated brine is to be made into wells NW 4-1, 4-2, 4-3, 4-4, 4-5 and 4-6; into the Hutchinson Salt member of the Wellington formation. The top of the cavity shall be no shallower than 250 feet below the surface. Mining shall not extend into the upper 50 feet of the salt deposit. The maximum operational injection pressure is not to exceed 250 pounds per square inch at the wellhead. The Wellington formation consists of inter-bedded salt and shale deposits with minor amounts of gypsum. The upper portion of the formation is primarily clayey shale with small amounts of gypsum present. The lower portion, which is known as the Hutchinson Salt member, is mainly salt with inter-bedded shale deposits. The salt deposits beneath Morton Salt’s salt mining operations described herein are first encountered about 490 feet below ground surface and extend to a depth of about 820 feet. All construction, monitoring, and operation of these wells shall meet the requirements that apply to Class III Injection wells under the Kansas UIC Regulations, K.A.R. 28-46-1 through 28-46-45 and other requirements of KDHE.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before December 25, 2021, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-21-350/357, KS-Q-21-119/127, KS-PT-21-008/010, KS-EG-21-010) and name of the applicant/permittee when preparing comments.

All comments received will be responded to at the time the Secretary of Health and Environment issues a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). A request for public hearing must be submitted in writing and shall state the nature of the issues proposed to be raised during the hearing.

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Paige Drury, Livestock Waste Management Section at the KDHE, Bureau of Environmental Field Services (BEFS), 1000 SW Jackson, Suite 430, Topeka, KS 66612. Comments or objections for all other proposed permits or actions should

be sent to Michael Beezhold at the KDHE, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Rachel Hammond, BEFS, Livestock Waste Management Section at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at kdhe.feedlots@ks.gov. For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Christopher Zwiener, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone 785-296-3056 or email at Christopher.Zwiener@ks.gov. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available at <http://www.kdheks.gov/feedlots>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Ashley Gross
Acting Secretary

Doc. No. 049588

State of Kansas

Department of Transportation

Notice to Contractors

Electronic copies of the letting proposals and plans are available on the Kansas Department of Transportation (KDOT) website at <https://kdotapp.ksdot.org/Proposal/Proposal.aspx>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the “Bid Holders List,” or to be included on the “Non-Bid Holders List” as a subcontractor/supplier. KDOT’s approval is required to bid as a prime contractor. To bid as a prime contractor, KDOT needs to be notified of the intent to bid no later than the close of business on the Monday preceding the scheduled letting date. Failure to obtain prior approval to bid as a prime contractor on any projects listed below will be reason to reject your bid. The Secretary reserves the right to reject bids that do not comply with all requirements for preparing a bidding proposal as specified in the 2015 edition of the Kansas Department of Transportation *Standard Specifications for State Road and Bridge Construction*.

KDOT will only accept electronic internet proposals using the Bid Express website at <http://www.bidx.com> until 1:00 p.m. (CST) December 15, 2021. The KDOT bid letting will be conducted remotely by audio broadcast ONLY at 3:00 p.m. (CST) Wednesday, December 15, 2021. To join the conference call, dial 866-620-7326 and enter conference code 5895748207. KDOT has tested the process, but in the event of an unforeseen issue, KDOT will provide updates.

Each bidder shall certify that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free

competitive bidding in connection with the submitted bid. This certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when electronically signing the proposal will make the bid nonresponsive and not eligible for award consideration.

District One – Northeast

Brown – 75-7 KA-5284-01 – US-75, from 260th Street north to 300 feet north of K-246 (280th Street) in Sabetha, intersection improvement, 2.1 miles. (Federal Funds)

Doniphan – 36-22 KA-6336-01 – US-36, from 1.4 miles east of the US-36/K-136 junction to the north city limits of Wathena, recycle and overlay, 6.1 miles. (State Funds)

Doniphan – 120-22 KA-6337-01 – K-120, from the K-120/K-20 junction to the south city limits of Highland, milling and overlay, 8.9 miles. (Federal Funds)

Jefferson – 44 C-4983-01 – Wellman Road, from 3,175 feet to 305 feet south of 142nd Street, roadside improvement, 0.6 mile. (Federal Funds)

Johnson – 7-46 KA-5933-01 – K-7, from Harold Street in Olathe north to the K-10/K-7 junction, overlay, 2.7 miles. (Federal Funds)

Osage – 35-70 KA-6075-01 – I-35, from the Rock Creek Bridge located 4.8 miles south of the Osage/Franklin County line north to the Osage/Franklin County line, overlay, 4.8 miles. (Federal Funds)

Osage – 35-70 KA-6126-01 – I-35, bridge #010 over Rock Creek located 0.6 mile east of the east K-31/I-35 junction, bridge repair. (Federal Funds)

Nemaha – 187-66 KA-3875-01 – K-187, bridge #029 over Weyer Creek located 2.8 miles north of the K-187/K-9 junction, bridge replacement. (Federal Funds)

Nemaha – 187-66 KA-3876-01 – K-187, bridge #032 over the Fisher Creek Drainage located 5.5 miles north of the K-187/K-9 junction, bridge replacement. (Federal Funds)

Wabaunsee – 31-99 KA-6316-01 – K-31, from the K-31/K-99 junction to the Wabaunsee/Osage County line, milling and overlay, 10.1 miles. (Federal Funds)

Wabaunsee – 195-99 KA-6339-01 – K-195, from the K-31/K-195 junction to the south city limits of Harveyville, milling and overlay, 0.4 mile. (State Funds)

District Two – North Central

Jewell – 128-45 KA-3947-01 – K-128, bridge #022 over White Rock Creek located 0.3 mile north of State Street in Burr Oak, bridge replacement. (Federal Funds)

Statewide – 106 KA-6106-01 – US-56, K-149, US-77, K-4, K-218 and K-177 in Morris, Chase, Dickinson, Geary, and Lyon counties, signing. (Federal Funds)

District Three – Northwest

Cheyenne – 27-12 KA-3933-01 – K-27, bridge #005 over the North Fork Beaver Creek located 1.3 miles north of the Cheyenne/Sherman County line, bridge replacement. (Federal Funds)

Ellis – 183-26 KA-5418-01 – US-183, from the south city

limits of Hays north to 350 feet south of 13th Street, pavement reconstruction, 0.6 mile. (Federal Funds)

Norton – 9-69 KA-6310-01 – K-9, from the Decatur/Norton County line east approximately 16.2 miles to the west K-9/US-283 junction, milling and overlay, 16.2 miles. (Federal Funds)

Russell – 70-84 KA-6279-01 – I-70 and 200th Boulevard interchange at Exit 199 near Dorrance and K-18/K-232 intersection near Lucas, lighting. (Federal Funds)

Thomas – 83-97 KA-6308-01 – US-83, from the US-83/US-24 junction northeast approximately 11.5 miles to the Thomas/Sheridan County line, milling and overlay, 11.5 miles. (Federal Funds)

District Four – Southeast

Bourbon – 39-6 KA-3912-01 – K-39, bridge #048 and Culvert #547 over Flat Rock Creek located 3.08 miles east of the Neosho/Bourbon County line, bridge replacement. (Federal Funds)

Bourbon – 3-6 KA-6303-01 – K-3, from the west US-54/K-3 junction to the Bourbon/Linn County line, milling and overlay, 10.0 miles. (Federal Funds)

Bourbon – 7-6 KA-6486-01 – K-7, from the east K-31/K-7 junction, north to the Bourbon/Linn County line, sealing, 1.5 miles. (State Funds)

Bourbon – 7-6 KA-6487-01 – K-7, from the west US-54/K-7 junction, north to the east K-7/K-31 junction, sealing, 14.8 miles. (State Funds)

Bourbon – 31-6 KA-6489-01 – K-31, from the east K-7/K-31 junction east to the US-59/K-31 junction, sealing, 7.0 miles. (State Funds)

Franklin – 35-30 KA-6076-01 – I-35, from the Osage/Franklin County line north 11.0 miles, overlay, 11.0 miles. (Federal Funds)

Labette – 400-50 KA-6304-01 – US-400, from the Montgomery/Labette County line to 8.8 miles east of the Montgomery/Labette County line (beginning of Portland Cement Concrete Pavement), milling and overlay, 8.8 miles. (Federal Funds)

Linn – 3-54 KA-6449-01 – K-3, from the Bourbon/Linn County line to the K-3/K-31 junction, milling and overlay, 3.0 miles. (State Funds)

Linn – 7-54 KA-6488-01 – K-7, from the Bourbon/Linn County line north to the south K-52/K-7 junction, sealing, 7.2 miles. (State Funds)

Miami – 68-61 KA-2373-02 – K-68, from Somerset Road (RS-1032) east for 0.8 mile, grading and surfacing, 0.8 mile. (Federal Funds)

Miami – 68-61 KA-2373-03 – K-68, various locations from US-169 east to US-69 junction at Louisburg, grading, bridge, and surfacing, 3.2 miles. (Federal Funds)

Miami – 69-61 KA-6055-01 – US-69, from 1.3 miles south of 359th Street north to 0.6 mile south of the K-68 junction, overlay, 10.8 miles. (Federal Funds)

Miami – 68-61 KA-6230-01 – K-68, from the US-69/K-68 junction east to the Kansas/ Missouri state line, milling and overlay, 4.5 miles. (Federal Funds)

Montgomery – 160-63 KA-6389-01 – US-160, from the east city limits of Independence to 0.37 mile east of north of the US-169/US-160 junction, milling and overlay, 6.3 miles. (State Funds)

(continued)

District Five – South Central

Barber – 4 KA-6289-01 – K-2, from the US-281/K-2 junction to the Barber/Harper County line and K-8, from the Kansas/Oklahoma state line to the K-2/K-8 junction, milling and overlay, 17.6 miles. (State Funds)

Butler – 77-8 KA-6132-01 – US-77, bridge #032 over the West Branch Walnut River/Pedestrian Pass) located 0.65 mile north of the north US-54/ US-77 junction, bridge repair. (Federal Funds)

Cowley – 18 KA-6305-01 – K-15, from the Kansas/Oklahoma state line to the east K-15/US-166 junction and US-166, from the north US-166/US-77 junction to the Cowley/Chautauqua County line, milling and overlay, 36.3 miles. (Federal Funds)

Cowley – 77-18 KA-6333-01 – US-77, from the US-77/Summit Street junction north to the US-77/Madison Avenue junction, milling and overlay, 0.9 mile. (State Funds)

Sedgwick – 96-87 KA-6231-01 – K-96, from 0.60 mile east of N. Webb Road at the transition of the Hot Mill Asphalt and Portland Cement Concrete pavement east to the US-54/K-96 junction, pavement patching, 4.7 miles. (Federal Funds)

Statewide – 106 KA-6378-01 – Routes I-235, US-77, US-54 and K-196 in Sedgwick, Cowley, and Butler counties at various locations, rumble strip installation, 37.1 miles. (State Funds)

District Six – Southwest

Ford – 50-29 KA-2384-01 – US-50, from the Gray/Ford County line east to 1.7 miles east of US-50/US-400 junction, grading, bridge and surfacing, 8.6 miles. (Federal Funds)

Gray – 50-35 KA-2383-01 – US-50, from the east city limits of Cimarron east to the Gray/Ford County line, grading, bridge and surfacing, 6.9 miles. (Federal Funds)

Lane – 23-51 KA-6311-01 – K-23, from the Finney/Lane County line north to the Lane/Gove County line, overlay, 32.1 miles. (Federal Funds)

Lane – 96-51 KA-6334-01 – K-96, from the west city limits of Dighton east to 1st Street in Dighton, milling and overlay, 0.4 mile. (State Funds)

Scott – 83-86 KA-3252-01 – US-83, from the north city limits of Scott City (at the concrete/asphalt pavement transition) north to the Scott/Logan County line, milling and overlay, 15.0 miles. (State Funds)

Julie Lorenz
Secretary

Doc. No. 049570

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking up to five consulting firms which are prequalified in one or more of the relevant transportation planning categories (listed below) for projects which may arise as described below. A PDF (2Mb maximum size) proposal response must be emailed to kdot.designcontracts@kdot.gov

ks.gov, Attn: Marcia Turner, P.E., Assistant Contracts Engineer. Responses are limited to five pages; the subject line of the reply email and the PDF file name must read “Planning-Performance-Data_FIRM NAME.” The letter of interest is required and must be received by 12:00 p.m. (CST), December 9, 2021, for the consulting firm to be considered.

Relevant Prequalification Categories

- 111 Rail Systems Planning
- 121 Aviation Systems/Airport Planning
- 131 Port and Waterway Systems Planning
- 141 Bicycle and Pedestrian Facilities Planning
- 151 Public Transit Facilities and Systems Planning
- 161 Corridor/Project Feasibility Studies
- 162 Long Range Planning
- 163 Congestion Management/ITS
- 171 Environmental Documentation
- 172 Site Assessments
- 173 Noise Impact Analysis
- 181 Corridor Enhancement/Scenic Byways
- 182 Parks and Recreational Planning

If a firm is not currently prequalified by KDOT in one of the categories listed above, a response may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for one or more of the categories listed in this notice for the project. Firms may use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification category definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations. Consultants may create a team to meet the prequalification requirements.

Background and Purpose of Project

KDOT is seeking up to five (5) experienced transportation consulting firms with combined experience in transportation planning, data governance, data science, data analysis, performance management, transportation policy, business intelligence, data visualization, and GIS. KDOT seeks to use the outcomes of these efforts to inform and improve data-driven decision-making and business processes, support the agency’s strategies in evaluating, monitoring, and reporting agency-wide performance of business activities, bolster problem-solving capabilities as we work with communities, and support the agency’s priorities of transparency and accountability. Each selected consultant will come to an agreement for on-call services. KDOT intends that the duration of this agreement will be three years with a potential for annual extensions not to exceed five years.

Overview of the Work to be Performed

Task orders will be issued as-needed by various agency bureaus and divisions for specific work under these on-call agreements. Tasks will fall under the following categories:

- Business process analysis and improvement
- Transportation policy and/or program analysis and recommendations

- Analyzing, evaluating, and implementing a performance management system for the agency
- Implementation of automated collection and management of data for performance management
- Data and trend analysis/forecasting including artificial intelligence and machine learning tools
- Development of data visualizations, scorecards, and interactive dashboards in a variety of formats, including GIS, Tableau, PowerBI, etc.
- Development and implementation of data governance processes

Deliverables and schedule will vary by task order.

Instructions for Proposal

The main text of the consultant’s proposal must not exceed five (5) pages sized 8½ x 11. Any pages in a larger format will be counted as two pages. Cover sheet and special attachments will not be counted against the page total. Proposals shall address and include the following items:

- Provide name(s), qualifications, education, training, and expertise as well as prior relevant experience of project manager and other key consultant personnel who may perform these services.
- Provide a minimum of three (3) and a maximum of six (6) examples of projects completed using relevant experience. At least two examples need to be specific to the transportation industry. If the examples are available for viewing online a link should be provided in addition to brief write-ups in the proposal document.

Questions can be submitted until November 29, 2021; answers will be provided to all prequalified consultants on December 2, 2021.

Qualifications Based Selection Process

No cost or pricing information shall be submitted with the Letter of Interest, such will not be considered in the selection process to rank proposals. Firms will be evaluated on the basis of the factors listed below, weighted as indicated:

1. Qualifications of project manager and consultant team (15%)
2. Demonstrated experience delivering the proposed scope of services, including innovative solutions (30%)
3. Demonstrated understanding of data governance and performance management (30%)
4. Approach to data quality control (15%)
5. Familiarity with existing KDOT data systems (5%)
6. Quality of response (5%)

KDOT will have the right to schedule follow up interviews if deemed necessary. If interviews are used, selection factors and weights will be the same as listed above. The highest ranked firms will be asked to enter into an on-call agreement with KDOT.

Contracts for task orders will be cost plus fixed fee where compensation provisions will be for payment of actual direct costs, indirect costs at approved overhead rate and a fixed fee. Each task order will be subject to an upper limit of compensation. In the event KDOT cannot

reach agreement with the one of the selected firms, it will terminate negotiations with such firm and commence negotiations with the next highest ranked firm, and so on, until either agreement is reached or KDOT decides to pursue other alternatives.

The selected firms’ accounting systems must have the following capabilities before the firm may be awarded a contract.

- Valid, reliable, and current costs must be available within the system to support actual costs and pricing data
- Capability to provide a means of measuring the reasonableness of incurred costs
- Capability to identify and accumulate allowable costs by contract or project records which will reconcile with the general ledger
- Ability to provide supporting documentation of actual expenditures for each billing, based on costs

If you have any questions, please feel free to contact kdot.designcontracts@ks.gov.

Ben Asnicar, P.E.
Interim Contracts Engineer

Doc. No. 049581

(Published in the Kansas Register November 25, 2021.)

Central Valley Ag Cooperative

Request for Proposals

Interested parties are invited to submit a proposal to complete the below scope of repairs for the proposed Central Valley Ag Cooperative project.

Scope of Work

Central Valley Ag Cooperative track rehabilitation at Glen Elder, Kansas. Provide all necessary labor, equipment, and logistical services to supply all materials called for; complete all rehab and track construction work, ties, ballast, etc.

Bid Item	Description	Quantity	Unit
1	Tie Replacement (Install 6" grade 3 ties)	1400	each
2	Switch Tie Replacement (Install "3" No. 9 switch pkgs. evenly between all turn outs)	189	each
3	Anchor Install (Box anchor every new tie and switch tie installed)	6734	each
4	Tamping Installed ties (Tamp every new installed tie)	1589	each
5	Regulate ALL tracks	9700	track ft.
6	Tie Disposal	1589	each
7	Straighten Skewed ties (Correct tight gauge by straightening all skewed ties)	1	lump sum
8	Loadout track repairs (Crib fouled ballast, add new ballast, Raise track 3 inches and machine tamp)	1	lump sum
9	Tighten ALL bolts	1	lump sum
10	Ballast Installation	250	tons
110	Ties (6"X8"X8'6" Grade 3 100 EP)	1400	each
120	Spikes (5/8"X6" Cut Spike)	71	kegs

(continued)

Bid Item	Description	Quantity	Unit
130	Switch Ties (7"x8"xStandard Length) (3-No. 9 Turnout pkgs.)	189	each
140	Anchors (New 90AR)	6734	each
160	Ballast (1 1/2"-2" Arema No. 4 Gradation)	300	tons
170	Mobilization	1	lump sum

Any pre-existing rail, ties, or OTM that is removed must be removed and disposed of according to all local, state, and federal regulations.

Additional details concerning the scope of work needing to be done with each portion of the project will be addressed at the in-person pre-bid meeting.

Minimum Requirements

MSA and Roadway Worker Protection

Contractors must complete, and have on file, a current Master Services Agreement with Central Valley Ag Cooperative prior to submitting a proposal.

- Contractors shall comply with all parts of 49 CFR Part 214 and 219 regarding FRA Roadway Worker Safety at all times. Men and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.
- Contractor, contractor employees, agents, and/or subcontractors must be enrolled and comply with the FRA 219 approved drug testing program.
- Any subcontracted work will need to be approved prior to any work starting.

Work Windows

Impact to current railroad operations must be kept to a minimum. When work must take place that causes an active track to be taken out of service for the purposes of performing work that pertains to the project, the contractor must pre-arrange a defined work window with Central Valley Ag Cooperative. Contractor can anticipate a minimum work window of 8 hours with no more than one schedule of interruption in that time frame between the hours of 7:00 a.m. – 7:00 p.m. This topic will be further discussed and clarified during the pre-proposal meeting.

Standards

All standards referenced by the project plans and specifications, as well as all applicable AREMA standards, must be upheld during all phases of the project work, unless certain standards are excluded from the project with written approval.

Submittals

The following documents shall be submitted by the contractor as part of the project, at the times listed:

- Schedule of Work – submitted with proposal
- Certificate of Insurance – submitted prior to construction
- Safety Plan – submitted prior to construction
- Proof of Roadway Worker Training – submitted prior to construction
- Rail Testing (if AREMA #1 Relay Rail is used) – submitted prior to construction (NOTE: If rail will be replaced)
- Rail Weld UT Test Requirements (all rail comp welds) – submitted with billing (NOTE: If CWR will be installed)

Other Responsibilities

- Permits – contractor is responsible for all federal, state, and local permits required for the work.
- Utilities – contractor is responsible to locate and protect site utilities.
- Site Clean-up – contractor is responsible for proper site restoration and proper disposal of materials removed in accordance with all local, state, and federal laws.

Insurance

Contractor shall purchase required coverage and submit for verification a Certificate of Insurance.

Materials

All materials shall meet the requirements found in the project plans and/or specifications as well as applicable AREMA requirements. Material storage is granted on railroad right of way to the contractor. However, no materials shall be stored closer than 15' from the centerline of any active track at any time. Material and equipment laydown areas and reclaimed materials stockpiling locations shall be discussed and further clarified at the pre-proposal meeting. Contractor is responsible for the removal and disposal of all discarded material.

Non-Project Areas

Central Valley Ag Cooperative has secured access to the project through the railroad right of way. Other access may be obtained by the contractor if he so chooses. All areas (public, private, and railroad right of way) that are used for access to the project, including parts of the railroad right of way which have no proposed work, shall be maintained and/or remediated, incidental to the project, by the contractor to the satisfaction of the property owner if any damage to these areas occurs.

Pre-Proposal Meeting

Central Valley Ag Cooperative shall hold a pre-proposal meeting at the project site, 201 S. Mill, Glen Elder, Kansas, at 1:00 p.m. December 28, 2021, at Central Valley Ag Cooperative. Contractors are required to be present at this meeting to submit a proposal or their proposal can be rejected.

Project Completion

All work pertaining to this project shall be completed by (TBD). Failure to complete work by (TBD), may result in the contractor's removal from the property or charges of \$2000/day until completed to satisfaction.

Submission of a Proposal

All proposals must be submitted no later than January 14, 2022. All submitted proposals shall be reviewed by Jeff Holling. Please ensure your proposal includes all required information. All incomplete proposals shall be rejected.

Contractors who wish to submit a proposal must attend the pre-proposal meeting. The structure of your proposal must be able to be clearly understood, all proposals shall provide the following line items and provide costs as required below:

- Provide a total sum of all line items on the proposal
- Mobilization and demobilization – lump sum, including freight/material delivery costs

3. Material costs (by material, i.e., crossties, ballast, OTM, etc.)
4. Labor costs
5. Tamp and regulate
6. Clean up work site to completion

Work Reporting

Daily work reports must be filled out and submitted to Jeff Holling, Central Valley Ag Cooperative, phone 785-545-6684, email jeff.holling@cvacoop.com. Weekly reports should include updates to project schedules, any delays, or any change in the scope of work. A detailed summary report must be submitted at the completion of the project. Daily Reporting shall consist of daily progress reports emailed to Jeff Holling.

Jeff Holling
Regional Operations Manager

Doc. No. 049590

(Published in the Kansas Register November 25, 2021.)

City of Hill City, Kansas

**Notice of Intent to Seek Private Placement
General Obligation Bonds, Series 2021**

Notice is hereby given that the City of Hill City, Kansas (the "Issuer") proposes to seek a private placement of the above-referenced bonds (the "Bonds"). The maximum aggregate principal amount of the Bonds shall not exceed \$1,200,000. The proposed sale of the Bonds is in all respects subject to approval of a bond purchase agreement between the Issuer and the purchaser of the Bonds and the passage of an ordinance and adoption of a resolution by the governing body authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds.

Dated November 15, 2021.

Apton Giffey
Clerk

Doc. No. 049593

(Published in the Kansas Register November 25, 2021.)

City of Great Bend, Kansas

**Summary Notice of Bond Sale
\$5,440,000*
General Obligation Bonds, Series 2021-A**

**(General Obligation Bonds Payable
from Unlimited Ad Valorem Taxes)**

Bids

Subject to the Notice of Bond Sale dated November 15, 2021 (the "Notice"), email and electronic bids will be received on behalf of the Finance Director of the City of Great Bend, Kansas (the "Issuer") in the case of email bids, at the addresses set forth below, and in the case of electronic bids, through PARITY® until 11:00 a.m. (CST) December 6, 2021, for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 100% of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated December 30, 2021, and will become due on December 1 in the years as follows:

Year	Principal Amount*	Year	Principal Amount*
2022	\$ 30,000	2033	\$285,000
2023	210,000	2034	290,000
2024	220,000	2035	295,000
2025	230,000	2036	300,000
2026	240,000	2037	305,000
2027	250,000	2038	310,000
2028	255,000	2039	320,000
2029	270,000	2040	325,000
2030	270,000	2041	330,000
2031	275,000	2042	150,000
2032	280,000		

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning on December 1, 2022.

Book-Entry-Only System

The Bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of \$108,800.

Delivery

The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about December 30, 2021, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2021 is \$120,505,649. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$12,720,000.

Approval of Bonds

The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, Bond Counsel to the Issuer, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds, and delivered to the successful bidder as and when the Bonds are delivered.

Additional Information

Additional information regarding the Bonds may be obtained from the undersigned or from the Municipal Advisor at the addresses set forth below:

(continued)

Issuer

City of Great Bend, Kansas
 Attn: Shawna Schafer, Finance Director
 City Hall
 1209 Williams
 Great Bend, KS 67530
 620-793-4111
 Fax: 620-793-4108
sschafer@greatbendks.net

Municipal Advisor

Stifel, Nicolaus & Company, Incorporated
 Attn: Dave Arteberry
 Plaza Colonnade
 4801 Main St., Suite 530
 Kansas City, MO 64112
 816-203-8733
 Fax: 816-203-8757
arteberryd@stifel.com

Dated November 15, 2021.

Shawna Schafer
 Finance Director

* Subject to change, see the Notice
 Doc. No. 049585

(Published in the Kansas Register November 25, 2021.)

Rice County, Kansas

**Summary Notice of Bond Sale
 \$5,000,000*
 General Obligation Bonds
 Series 2021**

Details of the Sale

Subject to the terms and requirements of the Official Notice of Bond Sale, dated November 22, 2021, of Rice County, Kansas (the "County"), bids to purchase the County's General Obligation Bonds, Series 2021, (the "Bonds") will be received at the office of the County Clerk at County Courthouse, 101 W. Commercial, Lyons, KS 67554, or electronically as described in the Official Notice of Bond Sale until 10:00 a.m. (CST) Monday, December 6, 2021. The bids will be considered by the governing body at its meeting held at 11:30 a.m. (CST) on the sale date.

No oral or auction bids for the Bonds shall be considered, and no bids for less than 100 percent of the total principal amount of the Bonds and accrued interest to the date of delivery shall be considered.

Good Faith Deposit

Bidders must submit a good faith deposit in the form of a wire transfer or certified or cashier's check made payable to the order of the County, or a financial surety bond (if then available), in an amount equal to 2% of the principal amount of the Bonds.

Details of the Bonds

The Bonds will be dated December 30, 2021 and will be issued as registered bonds in denominations of \$5,000, or any integral multiple thereof. Interest on the Bonds is payable semiannually on February 1 and August 1 of each year, beginning February 1, 2022. Principal of the Bonds becomes due on August 1 in the years and amounts as shown below:

Principal Amount*	Maturity Schedule		
	Maturity Date	Principal Amount*	Maturity Date
\$250,000	2022	\$245,000	2032
220,000	2023	250,000	2033
225,000	2024	255,000	2034
225,000	2025	260,000	2035
225,000	2026	265,000	2036
230,000	2027	270,000	2037
230,000	2028	275,000	2038
235,000	2029	280,000	2039
235,000	2030	280,000	2040
240,000	2031	285,000	2041

Payment of Principal and Interest

The Treasurer of the State of Kansas will serve as the Bond Registrar and Paying Agent for the Bonds.

Book-Entry Bonds

The Bonds will be issued and registered under a book-entry-only system administered by The Depository Trust Company, New York, New York ("DTC").

Delivery of the Bonds

The County will prepare the Bonds at its expense and will deliver the registered Bonds to DTC on or about December 30, 2021. Any bond printing costs will be paid by the County from the proceeds of the Bonds or other County funds.

Legal Opinion

The Bonds will be sold subject to the legal opinion of Triplett Woolf Garretson, LLC, Wichita, Kansas, Bond Counsel, whose fees will be paid by the County.

Financial Matters

The County's current assessed valuation for purposes of calculating statutory debt limitations is \$174,698,595. As of December 30, 2021, the County's total outstanding general obligation debt (including the Bonds), is \$5,000,000*. The County's total indebtedness which is subject to debt limitation, as of December 30, 2021, is estimated to be \$5,000,000*, which is 2.86%* of the assessed valuation of the County.

Additional Information

For additional information contact the County Clerk at the address and telephone number shown below, or the Municipal Advisor, Mr. Greg Vahrenberg, Raymond James & Associates, Inc., 1201 Walnut, 21st Floor, Kansas City, MO 64106, telephone 816-509-5451.

Rice County, Kansas
 Aurelia Garcia, County Clerk
 County Courthouse
 101 W. Commercial
 Lyons, KS 67554
 620-257-2232
 Fax: 620-257-3039

* Principal amount subject to change.
 Doc. No. 049586

(Published in the Kansas Register November 25, 2021.)

**Unified School District No. 282,
Elk County, Kansas (West Elk)**

**Summary Notice of Bond Sale
\$9,900,000
General Obligation Bonds, Series 2021**

**(General Obligation Bonds Payable
from Unlimited Ad Valorem Taxes)**

Bids

Subject to the Notice of Bond Sale dated November 8, 2021 (the "Notice"), facsimile, written, and electronic bids will be received on behalf of the Clerk of Unified School District No. 282, Elk County, Kansas (West Elk) (the "Issuer") in the case of written or facsimile bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 10:00 a.m. (CST) December 13, 2021, for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 100% of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated December 30, 2021, and will become due on September 1 in the years as follows:

Year	Principal Amount*	Year	Principal Amount*
2027	\$250,000	2038	\$475,000
2028	265,000	2039	500,000
2029	280,000	2040	530,000
2030	300,000	2041	560,000
2031	315,000	2042	590,000
2032	335,000	2043	625,000
2033	355,000	2044	660,000
2034	380,000	2045	695,000
2035	400,000	2046	735,000
2036	425,000	2047	775,000
2037	450,000		

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2023.

Book-Entry-Only System

The Bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of \$198,000.

Delivery

The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about December 30, 2021, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2021 is \$27,168,206. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$9,900,000.

Approval of Bonds

The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, Bond Counsel to the Issuer, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds, and delivered to the successful bidder as and when the Bonds are delivered.

Additional Information

Additional information regarding the Bonds may be obtained from the undersigned, or from the Financial Advisor at the addresses set forth below:

Issuer Address

Unified School District No. 282
Attn: Paula McAlister, Clerk
1199 K-99 Hwy.
PO Box 278
Howard, KS 67349
620-374-2147
Fax: 620-374-2116
mcalisterp@westelk.us

Financial Advisor – Written and Facsimile Bid and Good Faith Deposit Delivery Address

Raymond James & Associates, Inc.
Attn: Greg Vahrenberg, Managing Director
1201 Walnut, 21st Floor, Kansas City, MO 64106
816-391-4120
Fax: 833-887-8729
greg.vahrenberg@raymondjames.com

Dated November 8, 2021.

Paula McAlister
Clerk

* Subject to change, see the Notice
Doc. No. 049592

State of Kansas

Department of Health and Environment

**Notice of Hearing on Proposed
Administrative Regulations**

The Kansas Department of Health and Environment (KDHE), Division of Environment, Bureau of Water, will conduct a public hearing at 10:00 a.m. Thursday, February 3, 2022, to receive public comment regarding the
(continued)

adoption of proposed amended surface water quality regulations K.A.R. 28-16-28b, 28-16-28e, 28-16-28f, 28-16-28g, and 28-16-28h.

Due to recent public health concerns, only remote public participation is available. To participate in the teleconference hearing, call 1-866-620-7326 and enter conference code 8141969688#. During the teleconference hearing, all interested individuals will be given a reasonable opportunity to present their comment orally on the proposed regulations. It is requested that each individual giving oral comment provide a written copy of the comment for the record by email or postal mail to the email or postal mailing address listed in this notice or by fax to the fax number also listed in this notice. In order to give each individual an opportunity to present their comment, it may be necessary for the hearing officer to request that each presenter limit an oral presentation of comment to an appropriate time frame.

Individuals also are encouraged to participate in the public hearing by submitting written comment prior to 5:00 p.m. on the day of the hearing. The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comment on the proposed amended regulations. Submit written comment, including a written copy of oral comment, to Dane Boring, KDHE, Division of Environment, Bureau of Water, Planning and Standards Unit Chief, Curtis State Office Bldg., 1000 SW Jackson, Suite 420, Topeka, KS 66612, by email to dane.boring@ks.gov, or by fax to 785-559-4257.

A summary of the proposed regulations and estimated economic impact follows:

Summary of Regulations:

K.A.R. 28-16-28b. Definitions. Updates the date of documents adopted by reference.

K.A.R. 28-16-28e. Surface water quality criteria.

Changes the term “artificial origin” to “artificial sources” as defined in K.A.R. 28-16-28b. Removes redundant language used in the impaired waters list and methodology. Adds reference to adoption of the “Kansas Implementation Procedures: Surface Water Quality Standards.” Adopts the March 2, 2021, “Kansas Surface Water Quality Standards: Tables of Numeric Criteria.”

K.A.R. 28-16-28f. Administration of surface water quality standards. Revises the length of compliance schedules from a three-year limit to a five-year limit. Specifies that extension of compliance schedules can extend beyond permit expiration.

K.A.R. 28-16-28g. Surface water register. Adopts the February 18, 2021, “Kansas Surface Water Register.”

K.A.R. 28-16-28h. Surface water variance register. Adopts the December 30, 2020, “Kansas Surface Water Quality Standards Variance Register.”

Economic Impact:

Cost to the agency: The proposed regulations will not result in increased costs to the agency.

Cost to the regulated community and public: The proposed regulations will not result in increased costs to the regulated community and public.

Cost to other governmental agencies or units: The proposed regulations will not result in increased costs to other governmental agencies or units.

A detailed economic impact is provided in the economic impact statement that is available from the designated KDHE Bureau of Water, Planning and Standards Unit Chief, contact person or at the Surface Water Quality Standards website, as listed below.

Complete copies of the proposed regulations and the corresponding economic impact statement and environmental benefit statement may be obtained from the KDHE Surface Water Quality Standards website at <https://www.kdheks.gov/tmdl/kswqs.htm> or by contacting Dane Boring at dane.boring@ks.gov, phone 785-296-5508, or fax 785-559-4257. Questions pertaining to the proposed regulations should be directed to Dane Boring at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Dane Boring at the contact information above.

Any updated information on how to participate in the remote public hearing will be provided on the KDHE Surface Water Quality Standards website specified in this notice of hearing.

Lee A. Norman, M.D.
Secretary

Doc. No. 049584

State of Kansas

Corporation Commission

Permanent Administrative Regulations

Article 11.—NATURAL GAS PIPELINE SAFETY

82-11-2. Enforcement procedures. Regulations adopted by the commission pursuant to the gas pipeline safety act, and amendments thereto, shall be investigated by the gas pipeline safety section of the commission. As necessary to ensure compliance with this article of the commission’s regulations, commission staff may bring before the commission a show cause proceeding or any other proceeding or action for consideration by the commission. (Authorized by and implementing K.S.A. 66-106 and 66-1,150; effective, T-82-10-28-88, Oct. 28, 1988; effective, T-82-2-25-89, Feb. 25, 1989; revoked, T-82-3-31-89, April 30, 1989; effective May 1, 1989; amended Dec. 10, 2021.)

82-11-3. Transportation of natural and other gas by pipeline; annual reports and incident reports. The federal regulations titled “transportation of natural and other gas by pipeline; annual reports, incident reports, and safety-related condition reports,” 49 C.F.R. Part 191, as in effect on October 1, 2018, are hereby adopted by reference except for the following changes:

(a) The following provisions shall be excluded from adoption:

(1) All portions that include jurisdiction beyond the state of Kansas, including off-shore pipelines, the outer continental shelf, and states other than Kansas;

(2) 49 C.F.R. 191.7;

(3) 49 C.F.R. 191.21; and

(4) all sections labeled "reserved."

(b) The following revisions shall be made to 49 C.F.R. 191.3:

(1) The following sentence shall be deleted: "Administrator means the Administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate."

(2) The definition of "LNG facility" shall be deleted and replaced by the following: "means a pipeline facility that is used for liquefying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas."

(3) The definition of "Underground natural gas storage facility" shall be deleted and replaced by the following: "means an underground natural gas storage facility as defined in 49 C.F.R. 192.3 as adopted by K.A.R. 82-11-4."

(c) The following revisions shall be made to 49 C.F.R. 191.5:

(1) 49 C.F.R. 191.5(b) shall be deleted and replaced by the following: "(b) Each notice required by paragraph (a) of this section shall be made by telephone to the gas pipeline safety section of the commission and to the U.S. department of transportation. Both notices shall include the following information:

"(1) The names of the operator and the person making the report and their telephone numbers;

"(2) the location of the incident;

"(3) the time of the incident;

"(4) the number of fatalities and personal injuries, if any; and

"(5) all other significant facts known by the operator that are relevant to the cause of the incident or extent of the damages."

(2) The following text shall be added to 49 C.F.R. 191.5: "(d) Each operator shall notify the gas pipeline safety section of the commission within one hour following confirmed discovery of any incident, as defined in 49 C.F.R. Part 191 as adopted by this regulation, within the operator's certified areas or operating areas. If an incident occurs outside the commission's working hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, or any other day on which the commission office is not open, the operator shall contact a designated employee of the gas pipeline safety section of the commission. Each operator shall have a copy of the list of designated employees provided by the Commission."

(d) 49 C.F.R. 191.9(a) shall be deleted and replaced by the following: "(a) Except as provided in paragraph (c) of this section, each operator of a distribution pipeline system shall submit U.S. department of transportation form RSPA F 7100.1 to the gas pipeline safety section of the commission as soon as practicable but not more than 30 calendar days after detection of an incident required to be reported under 49 C.F.R. 191.5 as adopted by this regulation."

(e) 49 C.F.R. 191.9(b) shall be deleted and replaced by the following: "(b) If additional relevant information is required after the report is submitted under paragraph

(a), each operator shall submit to the commission a written report providing the additional information pertaining to the incident within 15 calendar days of the commission's request."

(f) 49 C.F.R. 191.11(a) shall be deleted and replaced by the following: "(a) Except as provided in paragraph (b) of this section, each operator of a distribution pipeline system shall submit an annual report in duplicate for that system to the commission on U.S. department of transportation form PHMSA F 7100.1-1. This report shall be submitted to the gas pipeline safety section of the commission not later than March 1 of each year, for the preceding calendar year. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form PHMSA F 7100.1-1 to the U.S. department of transportation."

(g) 49 C.F.R. 191.12 shall be deleted and replaced by the following: "As required by 49 C.F.R. 192.1009, as adopted by K.A.R. 82-11-4, each mechanical fitting failure shall be submitted on a Mechanical Fitting Failure Report Form PHMSA F-7100.1-2. An operator shall submit a mechanical fitting failure report for each mechanical fitting failure that occurs within a calendar year not later than March 1 of the following year. Alternatively, an operator may elect to submit its reports throughout the year. An operator shall report this information to the commission and the Pipeline and Hazardous Materials Safety Administration by the March 1 reporting date. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form PHMSA F-7100.1-2 to the U.S. department of transportation."

(h) 49 C.F.R. 191.15(a) shall be deleted and replaced by the following: "(a) Except as provided in paragraph (c) of this section, each operator of a transmission or a gathering pipeline system shall submit U.S. department of transportation form PHMSA F 7100.2 to the commission as soon as practicable but not more than 30 calendar days after detection of an incident required to be reported under 49 C.F.R. 191.5 as adopted by this regulation."

(i) 49 C.F.R. 191.15 (d) shall be deleted and replaced by the following: "(d) If additional relevant information is required by the commission after the report is submitted under paragraph (a), (b) or (c), each operator shall submit to the commission a written report providing the additional information pertaining to the incident within 15 calendar days of the commission's request."

(j) 49 C.F.R. 191.17(a), (b), and (c) shall be deleted and replaced by the following:

"(a) Each operator of a transmission or gathering pipeline system shall submit an annual report in duplicate for that system to the commission on U.S. department of transportation form PHMSA F 7100.2.1. This report shall be submitted to the gas pipeline safety section of the commission not later than March 1 of each year, for the preceding calendar year. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form PHMSA F 7100.2.1 to the U.S. department of transportation.

(continued)

“(b) Each operator of a liquefied natural gas facility shall submit an annual report in duplicate for that system to the commission on U.S. department of transportation form PHMSA F 7100.3-1. This report shall be submitted to the gas pipeline safety section of the commission not later than March 1 of each year, for the preceding calendar year. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form F 7100.3-1 to the U.S. department of transportation.

“(c) Each operator of an underground natural gas storage facility shall submit an annual report in duplicate for that system to the commission on U.S. department of transportation form PHMSA F 7100.4-1. This report shall be submitted to the gas pipeline safety section of the commission not later than March 1 of each year, for the preceding calendar year. An operator may satisfy this filing requirement by informing the gas pipeline safety section of the commission in writing of the date of submission of form PHMSA F 7100.4-1 to the U.S. department of transportation.”

(k) 49 C.F.R. 191.22(a) shall be deleted and replaced with the following: “(a) OPID request. Effective January 1, 2012, each operator of a gas pipeline, gas pipeline facility, underground natural gas storage facility, LNG plant or LNG facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has a primary responsibility.”

(l) 49 C.F.R. 191.25(a) shall be deleted and replaced with the following: “(a) Each report of a safety-related condition under 49 C.F.R. 191.23, as adopted by K.A.R. 82-11-3, must be filed (received by the gas pipeline safety section of the commission) five business days after the day a representative of the operator first determines that the condition exists, but not later than 10 business days after the day a representative of the operator discovers the condition. Separate conditions may be described in a single report if they are closely related. Reports may be transmitted by electronic mail to: kccpipelinesafety@kcc.ks.gov.” (Authorized by and implementing K.S.A. 66-1,150; effective, T-82-10-28-88, Oct. 28, 1988; effective, T-82-2-25-89, Feb. 25, 1989; revoked, T-82-3-31-89, April 30, 1989; effective May 1, 1989; amended April 16, 1990; amended March 12, 1999; amended July 7, 2003; amended Jan. 25, 2008; amended Dec. 10, 2021.)

82-11-4. Transportation of natural and other gas by pipeline; minimum safety standards. The federal regulations titled “transportation of natural and other gas by pipeline: minimum federal safety standards,” 49 C.F.R. Part 192, including appendices B, C, D, and E, as in effect on October 1, 2018, are hereby adopted by reference with the following changes:

(a) The following provisions shall be excluded from adoption:

- (1) 49 C.F.R. 192.7(a);
- (2) 49 C.F.R. 192.57;
- (3) 49 C.F.R. 192.61;
- (4) 49 C.F.R. 192.117 through 192.119;
- (5) 49 C.F.R. 192.455(b);
- (6) 49 C.F.R. 192.491(b);
- (7) 49 C.F.R. 192.607;

(8) appendix A;

(9) portions that include jurisdictions beyond the state of Kansas;

(10) portions that apply to off-shore pipelines;

(11) portions that apply to the outer continental shelf;

(12) portions that apply to states other than Kansas; and

(13) all sections labeled “reserved.”

(b) The following provisions shall be modified:

(1) The following definitions in 49 C.F.R. 192.3 shall be modified:

(A) The word “administrator” shall be deleted and replaced with “commission.”

(B) The word “municipality” shall mean a city, county, or any other political subdivision of the state of Kansas.

(C) The word “state” shall mean the state of Kansas.

(2) In 49 C.F.R. 192.12(f), “PHMSA” shall be deleted and replaced by “gas pipeline safety section of the commission.”

(3) In 49 C.F.R. 192.14(c), “PHMSA” shall be deleted and replaced by “gas pipeline safety section of the commission.”

(4) In 49 C.F.R. 192.112(h), the phrase “each PHMSA pipeline safety regional office” shall be deleted and replaced by “gas pipeline safety section of the commission.”

(5) 49 C.F.R. 192.181(a) shall be deleted and replaced by the following: “(a) Each high-pressure distribution system shall have valves spaced to reduce the time to shut down a section of main in an emergency. Each operator shall specify in its operation and maintenance manual the criteria as to how valve locations are determined using, as a minimum, the considerations of operating pressure, the size of the mains, and the local physical conditions. The emergency manual shall include instructions on where operating personnel can find maps and other means of locating emergency valves during an emergency. Each area of residential development constructed after May 1, 1989, shall be provided with at least one valve to isolate it from other areas.”

(6) 49 C.F.R. 192.199(e) shall be deleted and replaced by the following: “(e) Have discharge stacks, vents, or outlet ports designed to prevent accumulation of water, ice, or snow, located where gas can be discharged into the atmosphere without undue hazard. At town border stations and district regulator settings, the gas shall be discharged upward at a minimum height of six feet from the ground or past the overhang of any adjacent building, whichever is greater.”

(7) 49 C.F.R. 192.199(h) shall be deleted and replaced by the following: “(h) Except for a valve that will isolate the system under protection from its source of pressure, shall be designed to prevent unauthorized access to or operation of any stop valve that will make the pressure-relief valve or pressure-limiting device inoperative including:

“(1) valves that would bypass the pressure regulator or relief devices; and

“(2) shut-off valves in regulator control lines that, if operated, would cause the regulator to be inoperative.”

(8) The following shall be added to 49 C.F.R. 192.199: “(i) At town border stations and district regulator settings, this section shall require pressure-relief or pressure-limiting devices regardless of installation date.”

(9) 49 C.F.R. 192.307 shall be deleted and replaced by the following: "Inspection of materials. Each length of pipe and each other component shall be visually inspected at the site of installation to ensure that it has not sustained any visually determinable damage that could impair its serviceability. Except for short sections of pipe with external coating applied after installation, each coated length of pipe shall be checked for defects in the coating using an instrument that is calibrated according to manufacturer's specifications prior to lowering the pipe into the ditch."

(10) The following subsection shall be added to 49 C.F.R. 192.317: "(d) Each existing aboveground pipeline shall be placed underground, with the following exceptions:

"(1) Regulator station piping;

"(2) bridge crossings;

"(3) aerial crossings or spans;

"(4) short segments of piping for valves intentionally brought above the ground, including risers, piping at compressor, processing or treating facilities, block gate settings, sectionalizing valves and district regulator sites;

"(5) distribution mains specifically designed to be above the ground and have the approval of the landowner to provide service to commercial customers from the aboveground main and associated service line or lines; or

"(6) pipelines in class 1 locations that were in natural gas service before May 1, 1989."

(11) The following shall be added to 49 C.F.R. 192.317: "(e) Each pipeline constructed after May 1, 1989, shall be placed underground, with the following exceptions:

"(1) Regulator station piping;

"(2) bridge crossings;

"(3) aerial crossings or spans;

"(4) short segments of piping for valves intentionally brought above ground, including risers, piping at compressor, processing or treating facilities, block gate settings, sectionalizing valves and district regulator sites; or

"(5) distribution mains specifically designed to be above ground and have the approval of the landowner to provide service to commercial customers from the aboveground main and associated service line or lines."

(12) 49 C.F.R. 192.453 shall be deleted and replaced by the following: "(a) The corrosion control procedures required by 49 C.F.R. 192.605(b)(2), including those for the design, installation, operation, and maintenance of cathodic protection systems, shall be carried out by, or under the direction of, a person qualified in pipeline corrosion control methods.

"(b) Any unprotected steel service or yard line found to have active corrosion shall be either provided with cathodic protection and monitored annually as required by this regulation or replaced. In areas where there is no active corrosion, each operator shall, at intervals not exceeding three years, reevaluate these pipelines.

"(c) In lieu of conducting electrical surveys on unprotected steel service lines and yard lines, each operator may implement one of the following options:

"(1) Conduct annual leakage surveys at intervals not exceeding 15 months, but at least once each calendar year, on all unprotected steel service lines and yard lines and initiate a program to apply cathodic protection for all unprotected steel service lines and yard lines; or

"(2) conduct annual leakage surveys at intervals not exceeding 15 months, but at least once each calendar year, on all unprotected steel service lines and yard lines and initiate a preventative maintenance program for replacement of service and yard lines. The preventative maintenance program to be used in conjunction with the annual leak survey of unprotected steel service and yard lines shall include the following:

"(A) After the annual leakage survey of all unprotected steel service and yard lines is completed, the operator shall prepare a summary listing of the leak survey results.

"(B) The summary listing shall include the number of leaks found and the number of lines replaced in a defined area.

"(C) An operator's replacement program for all service or yard lines in the defined area shall be initiated no later than when the sum of the number of unprotected steel service or yard lines with existing or repaired corrosion leaks and the number of unprotected steel service or yard lines already replaced due to corrosion equals 25% or more of the unprotected steel service or yard lines installed within that defined area.

"(D) The replacement program, once initiated for a defined area, shall be completed by an operator within 18 months.

"(E) Operators, at their option, may have separate preventative maintenance programs for service lines and yard lines but shall consistently follow their selection.

"(d) For a city of the third class, or a city having a population of 2,000 or less, which is an operator of a natural gas distribution system, a replacement program for unprotected steel yard lines may comply with paragraph (c)(2)(D) of this section or include the following requirements in their replacement plan:

"(1) Perform leakage surveys at six-month intervals;

"(2) Notify all customers in the defined area with a written recommendation that all unprotected steel yard lines should be scheduled for replacement; and

"(3) Replace all unprotected steel yard lines in the defined area that exhibit active corrosion."

(13) 49 C.F.R. 192.455(a) shall be deleted and replaced by the following: "(a) Except as provided in paragraphs (c) and (f) of this section, each buried, submerged pipeline, or exposed pipeline, installed after July 31, 1971, shall be protected against external corrosion by various methods, including the following:

"(1) An external protective coating meeting the requirements of 49 C.F.R. 192.461; and

"(2) A cathodic protection system designed to protect the pipeline in accordance with this subpart, installed and placed in operation within one year after completion of construction."

(14) 49 C.F.R. 192.457(b) shall be deleted and replaced by the following: "(b) Except for cast iron or ductile iron pipelines, each of the following buried, exposed or submerged pipelines installed before August 1, 1971, shall be cathodically protected in accordance with this subpart in areas in which active corrosion is found:

"(1) Bare or ineffectively coated transmission lines;

"(2) bare or coated pipes at compressor, regulator, and measuring stations; and

(continued)

“(3) bare or coated distribution lines.”

(15) 49 C.F.R. 192.465(a) shall be deleted and replaced by the following: “Each pipeline that is under cathodic protection shall be tested at least once each calendar year, but in intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of 49 C.F.R. 192.463. If tests at those intervals are impractical for separately protected short sections of mains or transmission lines not in excess of 100 feet, or separately protected service lines, these pipelines may be surveyed on a sampling basis. At least one-third of the separately protected short sections, distributed over the entire system, shall be surveyed each calendar year, with a different one-third checked each subsequent year, so that the entire system is tested in each three-year period.”

(16) 49 C.F.R. 192.465(d) shall be deleted and replaced by the following: “(d) Each operator shall begin corrective measures within 30 days, or more promptly if necessary as determined by the operator, on any deficiencies indicated by the monitoring.”

(17) 49 C.F.R. 192.465(e) shall be deleted and replaced by the following: “(e) After the initial evaluation required by this regulation, each operator shall, at least every three calendar years at intervals not exceeding 39 months, reevaluate its unprotected pipelines and cathodically protect them in accordance with this subpart in areas in which active corrosion is found. The operator shall determine the areas of active corrosion by electrical survey, where practical.”

(18) The following shall be added to 49 C.F.R. 192.465: “(f) Electrical surveys shall be conducted in all areas, except the following:

“(1) Where the pipe lies under wall-to-wall pavement;

“(2) where the pipe is in a common trench with other utilities;

“(3) in areas with stray current; or

“(4) in areas where the pipeline is under pavement, regardless of depth, and more than two feet away from an un paved area.

“(g) Where an electrical survey is excepted as listed in paragraph (f) of this section, the operator shall conduct leakage surveys using leak detection equipment in accordance with this regulation and evaluate for areas of active corrosion. The evaluation for active corrosion shall include review and analysis of leak repair records, corrosion monitoring records, exposed pipe inspection records, and the analysis of the pipeline environment.

“(h) For unprotected steel transmission lines and mains, a repair/replacement program shall be established based upon the number of leaks in a defined area.”

(19) 49 C.F.R. 192.491(a) shall be deleted and replaced by the following: “(a) For as long as the pipeline remains in service, each operator shall maintain records and maps to show the locations of all cathodically protected piping, cathodic protection facilities other than unrecorded galvanic anodes installed before August 1, 1971, and neighboring structures bonded to the cathodic protection system.”

(20) 49 C.F.R. 192.509(b) shall be deleted and replaced by the following: “(b) Each steel main that is to be operated at less than 1 p.s.i. gage shall be tested to at least 10 p.s.i. gage and each main to be operated at or above 1 p.s.i. gage shall be tested to at least 100 p.s.i. gage.”

(21) The following shall be added to 49 C.F.R. 192.517(a): “(8) Test date. (9) Description of facilities being tested.”

(22) 49 C.F.R. 192.517(b) shall be deleted and replaced by the following: “(b) For any pipeline installed after May 1, 1989, each operator shall make, and retain for the useful life of the pipeline, a record of each test performed under §§ 192.509 as modified by this regulation, 192.511 and 192.513.”

(23) 49 C.F.R. 192.553(a)(1) shall be deleted and replaced by the following: “(1) At the end of each incremental increase, the pressure shall be held constant while the entire segment of pipeline that is affected is checked for leaks. This leak survey by flame ionization shall be conducted within eight hours after the stabilization of each incremental pressure increase provided in the uprating procedure. If the operator elects to not conduct the leak survey within the specified time frame because of night-fall or other circumstance, the pressure increment in the line shall be reduced that day with repetition of that particular increment during the next day that the uprating procedure is continued.”

(24) 49 C.F.R. 192.603(b) shall be deleted and replaced by the following: “(b) Each operator shall establish a written operating and maintenance plan meeting the requirements of this part and keep records necessary to administer the plan. This plan and future revisions shall be submitted to the gas pipeline safety section of the commission.”

(25) 49 C.F.R. 192.603(c) shall be deleted and replaced by the following: “(c) The PHMSA designee or the commission, with respect to pipeline facilities governed by an operator’s plans and procedures may, after notice and opportunity for hearing as provided in 49 C.F.R. 190.206 for actions brought by the PHMSA designee or K.A.R. 82-11-6, K.A.R. 82-1-230, and K.A.R. 82-1-232(b) for actions brought by the commission, require an operator to amend its plans and procedures as necessary to provide a reasonable level of safety.”

(26) The following shall be added to 49 C.F.R. 192.603:

“(d) Each operator shall have regulator and relief valve test, maintenance and capacity calculation records in its possession whether the town border station is owned by the operator or by a wholesale supplier, if the supplier’s relief valve capacity is utilized to provide protection for the operator’s system.

“(e) Each operator shall be responsible for ensuring that all work completed by its consultants and contractors complies with this part.”

(27) The following shall be added to 49 C.F.R. 192.605(b):

“(13) Classifying underground leaks according to this regulation.

“(14) Performing leakage surveys of underground pipelines.

“(15) Identifying conditions which will require patrols of a distribution system at intervals shorter than the maximum intervals listed in this regulation.”

(28) In 49 C.F.R. 192.616(h), “PHMSA” shall be deleted and replaced by “gas pipeline safety section of the commission.”

(29) 49 C.F.R. 192.617 shall be deleted and replaced by the following: “Investigation of failures. (a) Each operator shall establish procedures for analyzing accidents and failures, including:

“(1) The maintenance of records that contain information for each pipeline failure, including the type of pipe and the reason for failure.

“(2) The selection of samples of the failed facility or equipment for laboratory examination, where appropriate, for the purpose of determining the causes of the failure and minimizing the possibility of recurrence.

“(b) Each operator shall investigate each accident and failure.”

(30) The following changes shall be made to 49 C.F.R. 192.620:

(A) The first sentence of 49 C.F.R. 192.620(a), (b), (c), (d), and (e) shall be deleted.

(B) All references to “PHMSA” shall be deleted and replaced by “gas pipeline safety section of the commission.”

(C) Each instance of the phrase “each PHMSA pipeline safety regional office” shall be deleted and replaced by “gas pipeline safety section of the commission.”

(31) 49 C.F.R. 192.625(f) shall be deleted and replaced by the following:

“(f) Each operator shall ensure the proper concentration of odorant and shall maintain records of these samplings for at least two years in accordance with this section. Proper concentration of odorant shall be ensured by conducting periodic sampling of combustible gases as follows:

“(1) Conduct monthly odorometer sampling of combustible gases at selected points in the system; and

“(2) Conduct sniff tests during each service call where access to a source of gas in the ambient air is readily available.

“(g) Operators of master meter systems may comply with this requirement by the following:

“(1) Receiving written verification from their gas source that the gas has the proper concentration of odorant; and

“(2) Conducting periodic sniff tests at the extremities of the system to confirm that the gas contains odorant.”

(32) 49 C.F.R. 192.703 shall be deleted and replaced by the following: “General. (a) No person shall operate a segment of pipeline unless it is maintained in accordance with this subpart.

“(b) Odorometers and leak detection equipment shall be calibrated according to manufacturer’s specifications. Leak detection equipment shall be tested monthly with a calibration gas of known hydrocarbon concentration, except that if equipment is not used, then testing with calibration gas shall be performed prior to the next use.

“(c) Each segment of pipeline that becomes unsafe shall be replaced, repaired or removed from service within five days of the operator being notified of the existence of the unsafe condition. Minimum requirements for response to each class of leak are as follows:

“(1) A class 1 leak requires immediate repair or continuous action until the conditions are no longer hazardous.

“(2) A class 2 leak shall be repaired within six months after detection. When the ground is frozen, a class 2 leak shall be monitored weekly to ensure that the leak will not represent a probable hazard and that it reasonably can be expected to remain nonhazardous.

“(3) A class 3 leak shall be rechecked at least every six months and repaired or replaced within 30 months.

“(d) Each operator shall inspect and classify all reports of gas leaks within two hours of notification.

“(e) Each underground leak shall be classified using the operator’s underground leak classification procedure as follows:

“(1) A class 1 leak means a leak that represents an existing or probable hazard to persons or property, and requires immediate repair or continuous action until the conditions are no longer hazardous. This class of leak may include the following conditions:

“(A) Any leak which, in the judgment of operating personnel at the scene, is regarded as an immediate hazard;

“(B) any leak in which escaping gas has ignited;

“(C) any indication that gas has migrated into or under a building, or into a tunnel;

“(D) any percentage reading gas in air at the outside wall of a building, or where gas would likely migrate to an outside wall of a building;

“(E) any reading of 4% gas in air, or greater, in a confined space;

“(F) any reading of 4% gas in air, or greater, in a small substructure from which gas would likely migrate to the outside wall of a building; or

“(G) any leak that can be seen, heard, or felt, and which is in a location that may endanger the general public or property.

“(2) A class 2 leak means a leak that is nonhazardous at the time of detection, but justifies scheduled repair based on probable future hazard. This class of leak may include the following conditions:

“(A) any reading of 2% gas in air, or greater, under a sidewalk in a wall-to-wall paved area that does not qualify as a class 1 leak;

“(B) any reading of 5% gas in air, or greater, under a street in a wall-to-wall paved area that has significant gas migration and does not qualify as a class 1 leak;

“(C) any reading less than 4% gas in air in a small substructure from which gas would likely migrate creating a probable future hazard;

“(D) any reading between 1% gas in air and 4% gas in air in a confined space;

“(E) any reading on a pipeline operating at 30% SMYS, or greater, in a class 3 or 4 location, which does not qualify as a class 1 leak;

“(F) any reading of 4% gas in air, or greater, in a gas-associated substructure; or

“(G) any leak which, in the judgment of operating personnel at the scene, is of significant magnitude to justify scheduled repair.

“(3) A class 3 leak means a leak that is nonhazardous at the time of detection and can reasonably be expected to remain nonhazardous. This class of leak may include the following conditions:

“(A) any reading of less than 4% gas in air in a small gas-associated substructure;

“(B) any reading under a street in areas without wall-to-wall paving where it is unlikely the gas could migrate to the outside wall of a building; or

“(C) any reading of less than 1% gas in air in a confined space.”

(33) 49 C.F.R. 192.721 shall be deleted and replaced

(continued)

by the following three paragraphs: “(a) The frequency with which pipeline facilities are patrolled shall be determined by the severity of the conditions which could cause failure or leakage, and the consequent hazards to public safety.

“(b) Intervals between patrols shall not be longer than those prescribed in the following table:

Maximum Intervals Between Patrols

Location of Line	Mains in places or on structures where anticipated physical movement or external loading could cause failure or leakage	Mains at all other locations
Inside Business Districts	4 ½ months, but at least four times each calendar year	7 ½ months, but at least twice each calendar year
Outside Business Districts	7 ½ months, but at least twice each calendar year	18 months, but at least once each calendar year

“(c) Service lines and yard lines shall be patrolled at least once every three calendar years at intervals not exceeding 42 months.”

(34) 49 C.F.R. 192.723 shall be deleted and replaced by the following:

“Distribution systems: leak surveys and procedures.

“(a) Each operator of a distribution system shall conduct periodic leakage surveys using leak detection equipment in accordance with this section. The leak detection equipment used for this survey shall utilize a continuously sampling technology.

“(b) The type and scope of the leakage control program shall be determined by the nature of the operations and the local conditions. A leakage survey using leak detection equipment shall be conducted on all distribution mains and shall meet the following minimum requirements:

“(1) In business districts, a leakage survey shall include tests of the atmosphere in gas, electric, telephone, sewer and water system manholes, at cracks in pavement and sidewalks, and at other locations providing an opportunity for finding gas leaks. This survey shall be conducted at intervals on the distribution mains within the business district as frequently as necessary as determined by the operator with the maximum interval between surveys not exceeding 15 months, but at least once each calendar year.

“(2) A leakage survey with leak detection equipment shall be conducted on the distribution mains outside the business areas. The survey shall be made as frequently as necessary, but it shall meet the following minimum requirements:

“i. Cathodically unprotected steel mains and ductile iron mains located in class 2, 3, and 4 areas shall be surveyed at least once each calendar year at intervals not exceeding 15 months.

“ii. Cathodically unprotected steel mains and ductile iron mains located in class 1 areas, cathodically protected bare steel mains, cast iron mains, and mains constructed of PVC plastic shall be surveyed at least once every three calendar years at intervals not exceeding 39 months.

“iii. Cathodically protected externally coated steel mains and mains constructed of polyethylene plastic

shall be surveyed at least once every five calendar years at intervals not exceeding 63 months.

“(c) Except for the service lines and yard lines described in paragraph (d) of this section, a leakage survey using leak detection equipment shall be conducted for all service lines and yard lines as follows:

“(1) In business districts, this survey shall be conducted as frequently as necessary, as determined by the operator, with the maximum interval between surveys not exceeding 15 months, but at least once each calendar year.

“(2) Outside business districts, the survey shall be made as frequently as necessary, as determined by the operator, but it shall meet the following minimum requirements:

“i. Cathodically unprotected steel service or yard lines and service or yard lines constructed of PVC plastic, cast iron, or copper shall be surveyed at least once each calendar year at intervals not exceeding 15 months.

“ii. Cathodically protected bare steel service or yard lines shall be surveyed at least once every three years at intervals not exceeding 39 months.

“iii. Cathodically protected externally coated steel service or yard lines and service or yard lines constructed of polyethylene plastic shall be surveyed at least once every five calendar years at intervals not exceeding 63 months.

“(d) For yard lines more than 300 feet in length and operating at a pressure less than 10 p.s.i. gage, only the portion within 300 feet of a habitable dwelling shall be leak surveyed in accordance with these regulations.

“(e) Each operator’s operations and maintenance manual shall state that company-designated employees are to be trained in and conduct vegetation leak surveys where vegetation is suitable to such analysis.

“(f) Each leakage survey record shall be kept for at least six years.”

(35) The following shall be added to 49 C.F.R. 192.755:

“(c) Each operator with cast iron piping shall institute all of the following for the purposes of evaluation and replacement of cast iron pipelines:

“(1) Each time a leak in the body of a cast iron pipe is discovered, collect a coupon from the joint of pipe that is leaking within five feet of the leak site.

“(2) Conduct laboratory analysis on all coupons to determine the percentage of graphitization. Using the following equation:

$$\text{Percent of Graphitization} = \frac{(\text{Maximum Depth of Graphitization})}{(\text{Wall Thickness})} \times 100$$

“(3) Replace at least one city block (approximately 500 feet) within 120 days of the operator’s discovery of a leak in cast iron pipe due to external corrosion or each time the laboratory analysis of a coupon shows graphitization equal to or greater than the following:

Diameter	Percent Graphitization
2.0 inch	25%
3.0 inch and 4.0 inch	60%
6.0 inch and 8.0 inch	75%
10.0 inch or greater	90%

“(4) Submit coupons for analysis within 30 days of collection. Retain all sampling records for the life of the facility, but not less than five years.

(5) For each operator with cast iron piping that is 3 inches or less in nominal diameter, have a replacement program that will remove all cast iron piping with nominal diameter of 3 inches and smaller from natural gas service by January 1, 2013."

(36) 49 C.F.R. 192.801(b)(3) shall be deleted and replaced by the following: "(3) Is performed as a requirement of this regulation; and."

(37) 49 C.F.R. 192.805(i) shall be deleted and replaced by the following: "(i) Notify the commission if the operator significantly modifies the program after the commission has verified that it complies with this regulation. Notifications to the commission may be submitted by electronic mail to kccpipelinesafety@kcc.ks.gov or by mail to ATTN: Gas Pipeline Safety Section, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604."

(38) 49 C.F.R. 192.909(b) shall be deleted and replaced with the following: "*Notification.* An operator must notify the gas pipeline safety section of the commission in accordance with 49 C.F.R. 192.949 as adopted by this regulation, of any change to the program that may substantially affect the program's implementation or may significantly modify the program or schedule for carrying out the program elements. Notifications to the commission may be submitted by electronic mail to kccpipelinesafety@kcc.ks.gov or by mail to ATTN: Gas Pipeline Safety Section, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604."

(39) 49 C.F.R. 192.911(m)(1) and (n)(1) shall be deleted and replaced with the following: "The gas pipeline safety section of the commission."

(40) In 49 C.F.R. 192.913(b)(1)(vii), "OPS" shall be replaced with "gas pipeline safety section of the commission."

(41) 49 C.F.R. 192.921(a)(4) shall be deleted and replaced with the following: "Other technology that an operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify the gas pipeline safety section of the commission 180 days before conducting the assessment, in accordance with 49 C.F.R. 192.949 as adopted by this regulation. Notifications to the commission may be submitted by electronic mail to kccpipelinesafety@kcc.ks.gov or by mail to ATTN: Gas Pipeline Safety Section, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604."

(42) In 49 C.F.R. 192.933, all references to "PHMSA" shall be replaced with "gas pipeline safety section of the commission."

(43) 49 C.F.R. 192.937(c)(4) shall be deleted and replaced with the following: "Other technology that an operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify the gas pipeline safety section of the commission 180 days before conducting the assessment, in accordance with 49 C.F.R. 192.949 as adopted by this regulation. Notifications to the commission may be submitted by electronic mail to kccpipelinesafety@kcc.ks.gov or by mail to ATTN: Gas Pipeline Safety Section, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604."

(44) In 49 C.F.R. 192.943(a), "OPS" shall be replaced with "gas pipeline safety section of the commission."

(45) 49 C.F.R. 192.947(i) shall be deleted and replaced with the following: "Verification that an operator has provided any documentation or notification required by this subpart to be provided to the gas pipeline safety section of the commission. Verifications to the commission may be submitted by electronic mail to kccpipelinesafety@kcc.ks.gov or by mail to ATTN: Gas Pipeline Safety Section, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604."

(46) 49 C.F.R. 192.949 shall be deleted and replaced with the following: "Notifications to the commission may be submitted by electronic mail to kccpipelinesafety@kcc.ks.gov or by mail to ATTN: Gas Pipeline Safety Section, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604."

(47) 49 C.F.R. 192.1013(b) shall be deleted and replaced with the following: "An operator must submit its proposal to the gas pipeline safety section of the commission. The commission may accept the proposal with or without conditions and limitations, on a showing that the operator's proposal, which includes the adjusted interval, will provide an equal or greater overall level of safety." (Authorized by and implementing K.S.A. 66-106 and 66-1,150; effective, T-82-10-28-88, Oct. 28, 1988; effective, T-82-2-25-89, Feb. 25, 1989; revoked, T-82-3-31-89, April 30, 1989; effective May 1, 1989; amended April 16, 1990; amended March 12, 1999; amended July 7, 2003; amended Jan. 25, 2008; amended June 26, 2009; amended Aug. 5, 2011; amended Jan. 9, 2015; amended Dec. 10, 2021.)

82-11-6. Procedures to ensure compliance with minimum safety standards. The following procedures may be utilized by the commission to ensure compliance with the minimum safety standards of this article of the commission's regulations:

(a) Annual audit-inspection. Inspectors from the gas pipeline safety section of the commission may visit each operator annually, or as needed, to inspect the operator's operation and maintenance records and to perform field surveys and tests as required by this article of the commission's regulations. Audit-inspection evaluation forms shall be used to record information and test results obtained in each field inspection. The inspector shall record the observations, findings, and test results on an audit-inspection evaluation form. The inspector shall provide a copy of the audit-inspection evaluation form to the operator following the audit-inspection if the operator so requests. If the results of the audit-inspection indicate that the operator does not meet the requirements of this article of the commission's regulations, the gas pipeline safety section of the commission may issue a notice of probable violation as described in subsection (b).

(b) Issuance of notice of probable violation. If after an annual audit-inspection or any other audit, inspection, or review conducted by commission staff, the commission staff believes that an operator has violated any regulations adopted pursuant to K.S.A. 66-1,150 and amendments thereto, the minimum safety standards adopted by this article of the commission's regulations, or any regulation or commission order, commission staff may

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serve a notice of probable violation against the operator. Service of a notice of probable violation may be conducted by standard U.S. mail, certified mail, hand delivery, or, if the operator consents to electronic service, electronic mail.

(c) Notice. Each notice of probable violation issued pursuant to subsection (b) shall include the following:

(1) A statement of each provision of statute, regulation, or commission order that the operator is alleged to have violated;

(2) a statement of the evidence upon which the allegations are made; and

(3) the recommended civil penalty or remedial action.

(d) Response to notice of probable violation. Within 30 days of receipt of a notice of probable violation, the operator shall respond by U.S. mail or electronic mail. Hard-copy responses shall be sent by U.S. mail to the commission's Topeka headquarters, gas pipeline safety section. Responses by electronic mail shall be electronically mailed to the address listed on the notice of probable violation. An operator's response to a notice of probable violation shall be made in at least one of the following ways:

(1) Submit written explanations, a statement of general denial, or other materials contesting the allegations. The written explanations, statements of general denial, or other materials contesting the allegations shall be verified by a signed statement from an authorized representative of the operator. An operator may verify the written explanations, statements of general denial, or other materials contesting the allegations with an electronic signature;

(2) submit a signed acknowledgment of commission staff's findings of violations or instances of noncompliance. An operator may verify its acknowledgment of commission staff's findings of violations or instances of noncompliance with an electronic signature from an authorized representative of the operator; or

(3) submit a signed proposal for the completion of any remedial action that addresses the commission staff's findings of violations or noncompliance. An operator may verify its proposal of remedial action with an electronic signature from an authorized representative of the operator.

(e) Follow-up inspection. If the inspection specified in subsection (a) reveals any instances of noncompliance or violations, the inspector shall return to the operator's premises within 90 calendar days of the date of the inspection, or as soon as is practicable, to perform a follow-up inspection. The inspector shall reinspect the operator's system and record any instances of noncompliance or violations. A follow-up audit-inspection evaluation form shall then be sent to the operator specifying any further action required by the operator.

(f) Amendment. Commission staff may amend a notice of probable violation at any time before the commission issues a civil penalty assessment. If an amendment includes any new material allegations of fact or proposes an increased civil penalty assessment or additional remedial action, the operator shall have 30 days from service of the amended notice of probable violation to respond in accordance with subsection (d).

(g) Meeting with commission staff. If the inspector determines during the follow-up inspection that the vi-

olations or instances of noncompliance have not been corrected, the operator may be requested to attend an informal meeting at the commission offices or by telephone to discuss the operator's violations or instances of noncompliance with the minimum safety standards of this article of the commission's regulations, regulations adopted pursuant to K.S.A. 66-1,150 and amendments thereto, or any applicable regulation or commission order.

(h) Default admissions. Unless good cause is shown or a consent agreement is executed by commission staff and the operator before the expiration of the 30-day time limit specified in subsection (d), the failure of an operator to timely respond to a notice of probable violation shall constitute an admission to all factual allegations made by commission staff and may be used against the operator in future proceedings.

(i) Consent agreement. Commission staff and an operator may agree to modify a proposed civil penalty assessment or remedial action by joint execution of a consent agreement. Modifications to a civil penalty assessment may include a reduction in the civil penalty assessment or nonmonetary remedial action in lieu of monetary penalties. The consent agreement shall become effective if the commission issues an order approving the consent agreement. Each consent agreement shall include the following:

(1) An admission by the operator of all jurisdictional facts;

(2) an express waiver of any further procedural steps and of the right to seek judicial review or otherwise challenge or contest the validity of the commission's order approving the consent agreement;

(3) an acknowledgment that the notice of probable violation may be used to construe the terms of the order approving the consent agreement; and

(4) a statement of the actions required of the operator and the date by which the actions shall be completed.

(j) Issuance of order. No sooner than 30 days after service of a notice of probable violation upon an operator, an order against an operator may be issued by the commission. The order may impose a monetary civil penalty or require the operator to undertake remedial action or impose any other obligation or combination thereof for violating the minimum safety standards as adopted by this article of the commission's regulations, regulations adopted pursuant to K.S.A. 66-1,150 and amendments thereto, or any regulation or commission order identified in the notice of probable violation.

(k) Time to remit payment for penalty assessment. If an operator does not request a hearing and the commission issues a penalty order, the operator shall remit payment for any civil penalty assessment imposed by the commission within 20 days of service of a penalty order imposing the civil penalty assessment.

(l) Orders and hearings. Each order issued pursuant to this article of the commission's regulations shall comply with K.A.R. 82-1-232. Any operator may request a hearing on an order issued pursuant to this article of the commission's regulations by filing a request for hearing with the commission within 15 days of service of the order. Each hearing shall be conducted in accordance the

commission's rules of practice and procedure. Except for orders approving a consent agreement, each order issued by the commission pursuant to this article of the commission's regulations shall include information detailing how an operator may request a hearing. Failure to request a hearing within 15 days from service of an order shall be deemed an admission of the alleged violations or instances of noncompliance in the order.

(m) Show cause hearings. A show cause hearing may be held by the commission regarding violations or instances of noncompliance of regulations adopted pursuant to K.S.A. 66-1,150, and amendments thereto, or any regulation or commission order. If the commission issues a show cause order before or during the course of an investigation, the gas pipeline safety section of the commission shall not be required to issue a notice of probable violation before the commission issues an order regarding any actual or potential violations or instances of noncompliance.

(n) Waiver of procedures. The requirements of this regulation may be waived by the commission and an interim order issued pursuant to K.A.R. 82-1-232 if any violations or instances of noncompliance with the safety standards of this article of the commission's regulations present a probable danger to persons or property. (Authorized by and implementing K.S.A. 66-106 and 66-1,150; effective, T-82-10-28-88, Oct. 28, 1988; effective, T-82-2-25-89, Feb. 25, 1989; revoked, T-82-3-31-89, April 30, 1989; effective May 1, 1989; amended Dec. 10, 2021.)

82-11-7. Reporting requirements. (a) Small gas operators.

(1) Each small gas operator shall notify the gas pipeline safety section when the small gas operator has contracted with a consultant to perform a survey or inspection in order to comply with the minimum safety standards. Each small gas operator shall forward electronic or written notice indicating the probable month of the inspection or survey at the time the consultant is authorized to conduct the survey or inspection. In addition, each small gas operator shall forward electronic or written notice to the gas pipeline safety section at least 10 business days before the survey or inspection is to be conducted by the consultant. The form for each type of notification shall be available from the gas pipeline safety section. Written notices shall be mailed to the commission's Topeka, Kansas office, attention: pipeline safety division. Electronic notices shall be electronically mailed to the address listed on the commission-provided form.

(2) Each small gas operator shall maintain complete records relating to the gas system for the life of the system for the purposes of ensuring compliance with the minimum safety standards. Each record shall be made available when an inspector conducts a field inspection.

(b) Construction notices. Each operator shall submit to the gas pipeline safety section electronic notice or written notice using a format substantially similar to the form posted on the commission's web site, at least 10 business days before the commencement of the construction project. Construction notices for each project not started by year-end or in progress at year-end shall be resubmitted to the commission for the subsequent year. Electronic notices shall be electronically mailed to the address listed

on the form posted on the commission's web site. Written notices shall be mailed to the commission's Topeka, Kansas office, attention: pipeline safety division. (Authorized by and implementing K.S.A. 66-1,150; effective, T-82-10-28-88, Oct. 28, 1988; effective, T-82-2-25-89, Feb. 25, 1989; revoked, T-82-3-31-89, April 30, 1989; effective May 1, 1989; amended Jan. 25, 2008; amended Dec. 10, 2021.)

82-11-10. Drug and alcohol testing. The federal regulations titled "drug and alcohol testing," 49 C.F.R. Part 199 as in effect October 1, 2018, excluding sections labeled "reserved," are hereby adopted by reference only as they apply to operators of pipeline facilities that deal in the transportation of natural gas by pipeline, with the following modifications:

(a) All references to "DOT agency" shall be replaced with "federal or state agency."

(b) 49 C.F.R. 199.1 shall be deleted and replaced by the following: "This regulation requires operators of pipeline facilities subject to K.A.R. 82-11-4 to test covered employees for the presence of prohibited drugs and alcohol."

(c) 49 C.F.R. 199.2 shall be deleted and replaced by the following:

"(a) This part applies to operators of intrastate natural gas pipelines within the state of Kansas.

"(b) This part does not apply to covered functions performed on:

"(1) Master meter systems, as defined in K.A.R. 82-11-3; or

"(2) pipeline systems that transport only petroleum gas or petroleum gas/air mixtures."

(d) 49 C.F.R. 199.3 shall be deleted and replaced by the following: "As used in this part:

"(a) 'accident' means an incident involving gas pipeline facilities or liquefied natural gas facilities reportable under K.A.R. 82-11-3;

"(b) 'administrator' means the Administrator, Pipeline and Hazardous Materials Safety Administration;

"(c) 'covered employee, employee, or individual to be tested' means a person who performs a covered function, including persons employed by operators, contractors engaged by operators, and persons employed by such contractors;

"(d) 'covered function' means an operations, maintenance, or emergency response function regulated by K.A.R. 82-11-4 and K.A.R. 82-11-8 that is performed on a pipeline or on a liquefied natural gas facility;

"(e) 'DOT Procedures' means the Procedures for Transportation Workplace Drug and Alcohol Testing Programs published by the Office of the Secretary of Transportation in 49 C.F.R. Part 40 as in effect on October 1, 2018;

"(f) 'fail a drug test' means that the confirmation test results show positive evidence under DOT Procedures of a prohibited drug in the employee's system;

"(g) 'operator' means a person who owns or operates pipeline facilities subject to K.A.R. 82-11-1 through K.A.R. 82-11-11;

"(h) 'pass a drug test' means that initial testing or confirmation testing under DOT Procedures does not show evidence of the presence of a prohibited drug in the person's system;

"(i) 'performs a covered function' includes actually

(continued)

performing, ready to perform, or immediately available to perform a covered function;

“(j) ‘positive rate for random drug testing’ means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the total number of random drug tests results (i.e., positives, negatives, and refusals) under this part;

“(k) ‘prohibited drug’ means any of the following substances specified in Schedule I or Schedule II of the Controlled Substances Act, 21 U.S.C. § 812 — marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP);

“(l) ‘refuse to submit, refuse, or refuse to take’ means behavior consistent with DOT Procedures concerning refusal to take a drug test or refusal to take an alcohol test;

“(m) ‘state agency’ means the state corporation commission of the state of Kansas.”

(e) 49 C.F.R. 199.5 shall be deleted and replaced by the following: “The antidrug and antialcohol programs required by this part shall be conducted according to the requirements of this part and K.A.R. 82-4-3b. Terms and concepts used in this part shall have the same meaning as in K.A.R. 82-4-3b. Violations of K.A.R. 82-4-3b with respect to antidrug and antialcohol programs required by this part shall be violations of this part.”

(f) 49 C.F.R. 199.7 shall be deleted and replaced by the following:

“(a) Each operator who seeks a waiver under 49 C.F.R. 40.21 from the stand-down restriction shall submit an application for waiver in duplicate to the gas pipeline safety section of the state agency and the Associate Administrator for Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001;

“(b) If the applicant is granted a waiver pursuant to 49 C.F.R. 40.21, a copy of the waiver shall be submitted to the gas pipeline safety section of the state agency.

“(c) Each operator who seeks a waiver under 49 C.F.R. 40.21 from the stand-down restriction shall provide the gas pipeline safety section of the commission a copy of the associate administrator’s decision regarding the waiver within 10 days from the date the operator receives the associate administrator’s decision.”

(g) 49 C.F.R. 199.9 shall be deleted.

(h) 49 C.F.R. 199.100 shall be deleted.

(i) 49 C.F.R. 199.101(b) shall be deleted and replaced with the following: “After notice and opportunity for hearing as provided in 49 C.F.R. 190.206 or K.A.R. 82-11-6, K.A.R. 82-1-230, and K.A.R. 82-1-232(b), the associate administrator or the state agency, with respect to pipeline facilities governed by an operator’s plans and procedures may require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.”

(j) The last sentence in 49 C.F.R. 199.225(b)(4)(i) shall be deleted and replaced with the following: “Records shall be submitted to PHMSA upon request of the administrator or the gas pipeline safety section upon request from the staff of the gas pipeline safety section of the state agency.”

(k) 49 C.F.R. 199.229(d) shall be deleted and replaced with the following: “A service agent (e.g., Consortia/Third Party Service Administrator as defined in 49 C.F.R. Part 40.3) may prepare the MIS report on behalf of an operator. However, each report shall be certified by the operator’s antidrug manager or designated representative for accuracy and completeness.” (Authorized by and implementing K.S.A. 66-1,150; effective April 16, 1990; amended March 12, 1999; amended July 7, 2003; amended June 26, 2009; amended Aug. 5, 2011; amended Dec. 10, 2021.)

Lynn M. Retz
Executive Director

Doc. No. 049583

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2021 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at http://www.sos.ks.gov/pubs/pubs_kar.aspx.

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4-8-28	Amended	V. 40, p. 320
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4-8-30	Amended	V. 40, p. 320
4-8-31	Amended	V. 40, p. 320
4-8-32	Amended	V. 40, p. 320
4-8-33	Amended	V. 40, p. 320
4-8-34	Amended	V. 40, p. 321
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4-8-44	New	V. 40, p. 321
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4-8-46	New	V. 40, p. 322
4-8-47	New	V. 40, p. 322
4-8-48	New	V. 40, p. 322
4-34-1	Amended	V. 40, p. 191
4-34-24	Amended (T)	V. 40, p. 1322
4-34-25	Amended (T)	V. 40, p. 1323
4-34-29	Amended (T)	V. 40, p. 1324

AGENCY 7: SECRETARY OF STATE

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AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION

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AGENCY 21: HUMAN RIGHTS COMMISSION

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21-41-3	Amended	V. 40, p. 265

21-41-4	Revoked	V. 40, p. 265
21-41-6	Amended	V. 40, p. 265
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22-26-2	New	V. 40, p. 1445
22-26-3	New (T)	V. 40, p. 1035
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22-26-4	New (T)	V. 40, p. 1036
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22-26-16	New	V. 40, p. 1449

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AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December

31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 *Kansas Register*.

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Kansas Register
Secretary of State
1st Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594
