

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 3, No. 50

December 13, 1984

Pages 1493-1508

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State of Kansas

COMMISSIONER OF INSURANCE**NOTICE OF HEARING**

TO THE SHAREHOLDERS OF THE STATESMAN GROUP, INC., THE SHAREHOLDERS OF THE GREAT AMERICAN LIFE INSURANCE COMPANY, AND ALL OTHER INTERESTED PARTIES:

You are hereby notified of a formal hearing to be held in the offices of the Kansas Commissioner of Insurance, 420 S.W. 9th, Topeka, KS, Monday, December 17, 1984, at 10:00 a.m., to determine whether the proposed acquisition of control of The Great American Life Insurance Company, Hutchinson, Kansas, by The Statesman Group, Inc., Des Moines, Iowa, should be approved by the Commissioner of Insurance.

The Great American Life Insurance Company and The Statesman Group, Inc. have requested the Commissioner approve the transaction pursuant to K.S.A. 40-3304.

Any interested parties may attend and will be given the opportunity to hear the details of the proposed acquisition of control, to present oral or written testimony in favor or in opposition to the proposed acquisition of control, and to ask any questions relative to the acquisition.

FLETCHER BELL
Commissioner of Insurance

Doc. No. 002731

(Published in the KANSAS REGISTER, December 13, 1984.)

**NOTICE OF CALL FOR REDEMPTION
TO THE HOLDERS OF
CITY OF MEADE, KANSAS
ELECTRIC LIGHT AND WATERWORKS PLANT
AND SYSTEM REVENUE BONDS
SERIES 1982
DATED FEBRUARY 1, 1982**

Notice is hereby given that pursuant to the Provisions of SECTION 2 of Ordinance No. 665 of the City of Meade, Kansas that the above mentioned Bonds numbered 10 through 130 maturing in the years 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, and 1994 have been called for redemption and payment on February 1, 1985 at the offices of the STATE TREASURER OF THE STATE OF KANSAS, P. O. Box 737, Topeka, Kansas 66601.

On such redemption date there shall become due and payable on each of the above mentioned Bonds the redemption price thereof equal to 102% of the principal amount of each Bond together with interest accrued to the redemption date (upon the presentation and surrender of each such Bond and all appurtenant coupons). Interest shall cease to accrue on the Bonds from and after February 1, 1985.

THE SOUTHWEST NATIONAL BANK
OF WICHITA, KANSAS
AS ESCROW TRUSTEE FOR
THE CITY OF MEADE, KANSAS
By: E. Gordon Johnson
Senior Vice-President and Trust Officer

Doc. No. 002732

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PUBLISHED BY
JACK H. BRIER
Secretary of State
State Capitol
Topeka, Kansas 66612



PHONE: 913/296-2236

State of Kansas

LEGISLATURE
INTERIM AGENDA

Notice is hereby given to interested parties that the following legislative committee meetings have been scheduled during the period of December 17 through January 11, 1985.

DATE	ROOM	TIME	COMMITTEE	AGENDA
Dec. 17	514-S	10:00 a.m.	Joint Committee on	Agenda not available.
Dec. 18	514-S	9:00 a.m.	Administrative Rules and Regulations	
Dec. 17	527-S	10:00 a.m.	Legislative Educational Planning Committee	Report on Job Training Partnership Act by Rod Riffel; other committee business.
Jan. 3	514-S	10:00 a.m.	Joint Committee on	Agenda not available.
Jan. 4	514-S	9:00 a.m.	Administrative Rules and Regulations	
Jan. 7	514-S	10:00 a.m.	Joint Committee on	Agenda not available.
Jan. 8	514-S	9:00 a.m.	Administrative Rules and Regulations	
Jan. 10	123-S	10:00 a.m.	Joint Committee on State	Agenda not available.
Jan. 11	123-S	9:00 a.m.	Building Construction	

THIS IS THE FINAL INTERIM COMMITTEE NOTICE FOR 1984

NOTICE

Legislative Administrative Services provides a document mailing service during the legislative session. The service includes the mailing of every bill, resolution, daily journal and calendar printed by order of either house, together with copies of the Senate and House Actions Report and Subject Index Report. Also included, at the end of the session, is a bound volume of Summary of Legislation. The mailings are sent on a daily basis beginning January 14, 1985. The fees are as follows:

Kansas Residents		Out-of-State Residents	
First Class Mail	\$175	First Class Mail	\$175
Third Class Mail	\$ 95	Third Class Mail	\$140

Also available is a "partial service subscription," which includes calendars, journals of both houses, along with the Actions Report and Subject Index, for a fee of \$50.00.

If interested in subscribing to the above service, please make your check payable to the State of Kansas and forward it prior to January 14 to: Legislative Administrative Services, Room 511-S, Statehouse, Topeka, KS 66612.

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

Doc. No. 002734

State of Kansas**LEGISLATIVE DIVISION OF POST AUDIT****INVITATION FOR BIDS**

Sealed bid proposals on four Legislative Division of Post Audit Invitations for Bids on financial-compliance audit work will be received until 9:00 a.m., Friday, January 4, 1984. These invitations cover the following audit work:

University of Kansas (Lawrence Campus)
University of Kansas Medical Center
Kansas State University
Wichita State University

Copies of the Invitations for Bids may be obtained from the Legislative Division of Post Audit, 109 W. 9th, Suite 301, Topeka, KS 66612, (913) 296-3792.

MEREDITH WILLIAMS
Legislative Post Auditor

Doc. No. 002735

State of Kansas**SOCIAL AND REHABILITATION SERVICES****FAMILY AND CHILDREN
TRUST FUND SOLICITATION**

Notice is hereby given to all interested parties that application kits will be available for the programs listed below from the SRS Area Offices beginning January 2, 1985.

Program I—Continuation Grants. The 27 programs currently receiving first, second or third year Trust Fund grants are eligible to apply for second, third or fourth year grants. All of these grantees will be subject to the new Trust Fund Guidelines being issued January 2, 1985. Each of the existing 27 programs will be notified the maximum amount of funds available to them in 1985.

Program II—New Community Based Child Abuse and Neglect and Family Abuse Prevention Grants. Approximately 5-8 new programs will be funded in dollar amounts ranging from \$500-\$20,000.

Applications for Program I and Program II will be due in the SRS Area Offices on *March 1, 1985*. Successful applicants will be notified about June 1, 1985.

Program III—Comprehensive Community Prevention Project. Up to \$50,000 will be awarded to a single successful applicant to develop and evaluate a comprehensive effort to prevent abuse in a single community. Details of the requirements of applicants for this project are to be found in SRS-Request for Proposal #85-02 which will be available in the SRS Area Offices on January 2, 1985. Potential applicants should be prepared to submit a brief pre-application by February 15, 1985, and a full application by April 19, 1985. Notification to the successful applicant will occur about June 1, 1985.

Applications and pre-applications must be submitted to the SRS Area Offices no later than 5:00 p.m. of the due dates. Late proposals will not be considered.

Final award decisions will be made by the Children and Youth Advisory Committee.

Questions regarding this notification should be directed to the SRS Area Office Social Service Chiefs or to David O'Brien of SRS Youth Services, 913/296-4649.

ROBERT C. BARNUM
Commissioner, Youth Services

Doc. No. 002736

(Published in the KANSAS REGISTER, December 13, 1984.)

State of Kansas**DEPARTMENT OF TRANSPORTATION****NOTICE OF PUBLIC AUCTION**

AT SITE

JANUARY 4, 1985, 9:00 A.M.

The Kansas Department of Transportation will offer for sale at public auction the following land located and described as follows:

The tract of land is located at the intersection of Highway 281 and a county road located approximately 6.6 miles north of Medicine Lodge, Kansas on the east side of 281. The tract contains 2.5 acres, more or less.

A tract of land in the South half of the Northwest Quarter of Section 2, Township 31 South, Range 12 West of the 6th P.M., described as follows: BEGINNING at the Northeast corner of said South half of the Northwest Quarter Section; thence West, 578.5 feet along the North line of said South half of the Northwest Quarter Section, to a point 75.0 feet North at right angles to the centerline of highway US-281; thence Southeasterly, on a deflection of 142 degrees 18 minutes to the left, 213.5 feet parallel to said centerline; thence Southeasterly on a curve of 5804.7 feet radius to the right, arc distance of 316.0 feet to the existing Westerly right of way line of the county road; thence Northeasterly along said existing right of way line to a point on the East line, 193.8 feet South of the Northeast corner of said South Half of the Northwest Quarter Section; thence North along said East line to the place of beginning. The above contains 2.5 acres, more or less.

BUYER WILL RECEIVE A QUITCLAIM
DEED ONLY

TERMS OF THE SALE: CASH, CERTIFIED
OR CASHIER'S CHECK

SELLER RESERVES THE RIGHT TO REJECT
ANY AND ALL BIDS

NOT RESPONSIBLE FOR ACCIDENTS

JOHN B. KEMP
Secretary of Transportation

Doc. No. 002738

State of Kansas

DEPARTMENT OF HUMAN RESOURCES**NOTICE OF REVIEW
OF GRANT APPLICATIONS**

Below are applications which have been submitted to the Kansas Review Process. For those requiring review, comments should be sent to the Kansas Single Point of Contact, Judy Krueger, Kansas Department of Human Resources, Office of the Secretary, 401 Topeka Ave., Topeka, KS 66603. The due date for comments is indicated.

KS841203-001-15904KS—Consolidated applications—1. \$157,509 (FY 1985 Survey and Planning 50/50). These funds will be used to support the operation of the state preservation office. 2. \$21,100 (FY 1985 Survey and Planning 70/30). These funds will be used to carry out one survey and planning pilot project in Northwest Kansas. Contact Dick Pankratz, Kansas Historical Society, 120 W. 10th, Topeka, KS 66612; 913/296-3251. Comments due by December 30, 1984.

KS841205-001-11302KS—Application for \$66,550 to provide assistance to local units of government in a 14-county district to promote balanced urban/rural growth, and to continue to assist in obtaining federal grant assistance in industrial development which provides increased job opportunities for the underemployed and unemployed. Contact Jack Alumbaugh, South Central Kansas Economic Development District, Inc., 727 N. Waco, Suite 565, Wichita, KS 67203; 316/262-5246. Comments due by January 3, 1985.

KS841206-001-10418GW—Application for \$371,000 to extend to existing rural water district to serve 38 new customers in Greenwood county. Contact Harley Elam, Rural Water District No. 1, 114 S. Myrtle, Eureka, KS 67045; 316/261-6271. Comments due by January 14, 1984.

The following grant has been awarded:

The Kansas Legal Services, Inc. in Topeka, KS was awarded \$2,095,058 to provide basic civil legal services to poor individuals.

LARRY E. WOLGAST, Ed.D.
Secretary of Human Resources

Doc. No. 002739

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Bldg., Topeka, KS, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

WEDNESDAY, DECEMBER 26, 1984

#26354

Statewide—CEREALS

#60110

Kansas Correctional Vocational Training Center,
Topeka—DISHWASHER AND HEATER

#60111

Kansas Correctional Industries, Lansing—PAINT
SPRAY BOOTH

#60118

Kansas Fish and Game Commission, Pratt—WATER
METERS

#60120

Department of Administration, Division of Printing,
Topeka—ENVELOPES-DOUBLE POLY WINDOW

#60121

Kansas Fish and Game Commission, Pratt—
CONSTRUCT ACCESS RAMP, COPAN WILDLIFE
AREA, Caney

#60134

Department of Transportation, various locations;
State Park and Resources Authority, Topeka; and
Kansas Highway Patrol, Topeka—TWO-WAY RADIO
EQUIPMENT

#60148

Department of Social and Rehabilitation Services,
Topeka—POUCHES FOR CHEESE PACKAGING

#60149

Kansas State University, Manhattan—GRAPHICS
SOFTWARE

#60150

Department of Transportation, Hutchinson—
SEALANT, CRACK, HOT APPLIED

#60151

Kansas Department of Economic Development,
Topeka—SOFTWARE PACKAGE

#60169

Kansas State University, Manhattan—
COLONOFIBERSCOPE

#60170

Department of Transportation, various locations—
WOOD SIGN POSTS

#60176

Kansas State University, Manhattan—FERTILIZER

#60177

Adjutant General's Department, Topeka—PROPANE
GAS, Wichita

THURSDAY, DECEMBER 27, 1984

#A-4908

Department of Social and Rehabilitation Services,
Topeka—FURNISH AND INSTALL DOOR
HEATERS, Kansas Industries for the Blind, Kansas
City

#A-5002

Winfield State Hospital and Training Center,
Winfield—CARPET LIVING AREAS

#26350

University of Kansas, Lawrence—AGGREGATE
AND ASPHALT

#26352

Statewide—MEAT PRODUCTS, FEBRUARY (1985)

#26355

University of Kansas Medical Center, Kansas
City—MISCELLANEOUS GROCERIES

#60094

Department of Administration, Division of
Information Systems and Communications,
Topeka—SALE OF USED COURIER EQUIPMENT

#60123

Adjutant General's Department, Topeka—FURNISH
LABOR AND MATERIAL TO CONSTRUCT A
BATTERY ROOM ADDITION, Sabetha

(continued)

#60139
University of Kansas Medical Center, Kansas City—CHROMATOGRAPHY APPARATUS

#60144
Department of Transportation, various locations—STEEL POSTS

#60145
Kansas State Industrial Reformatory, Hutchinson—MISCELLANEOUS MEATS

#60152
University of Kansas, Lawrence—PRINTER/PLOTTER SYSTEMS

#60153
Department of Revenue, Topeka—TAX STAMPS

#60168
Kansas State University, Manhattan—MICRO SOFTWARE

#60171
Kansas Correctional Industries, Lansing—FATTY ACID ALKANOLAMIDE

#60178
Kansas State Industrial Reformatory, Hutchinson and Kansas State Penitentiary, Lansing—AMMUNITION

#60181
Kansas State University, Manhattan—CRYOGENIC APPARATUS

#60185
Kansas Fish and Game Commission, Pratt—CONTINUOUS FORMS—"SAFETY CERTIFICATES" AND "BOATING CERTIFICATES"

FRIDAY, DECEMBER 28, 1984

#A-5012
Youth Center at Topeka, Topeka—RENOVATION OF HEATING AND AIR CONDITIONING, Academic Building

#A-5205
University of Kansas, Lawrence—REPLACE WATER HEATERS AND WATER SOFTENERS, Kansas Union Facility

#26353
University of Kansas, Lawrence—MEAT PRODUCTS, FEBRUARY (1985)

#26356
University of Kansas, Lawrence and statewide—BACTERIOLOGICALS

#60143
Department of Social and Rehabilitation Services, Topeka—TELECOMMUNICATIONS SYSTEM, Concordia

#60154
University of Kansas Medical Center, Kansas City—"PHYSICIANS ORDER FORM"—2 PART-CARBONLESS WITH LABELS

#60172
Wichita State University, Wichita—LUMBER, PLYWOOD AND SHEETROCK

#60175
State Grain Inspection Department, Topeka—SAMPLE PANS, SIEVES, DUST COLLECTOR, various locations

WEDNESDAY, JANUARY 2, 1985

#60114
Department of Transportation, Garden City—LUBRICATING OIL

#60115
Topeka State Hospital, Topeka—RIDING MOWER

#60129
Department of Transportation, Garden City—HERBICIDE

#60146
Wichita State University, Wichita—4 WHEEL SCOOTERS

THURSDAY, JANUARY 3, 1985

#26359
Department of Administration, Division of Accounts and Reports, Topeka—CONSULTANT SERVICES FOR STATEWIDE INDIRECT COST ALLOCATION PLAN

#60119
Department of Administration, Central Motor Pool, Topeka—VANS AND PICKUPS

#60133
Kansas Fish and Game Commission, Pratt—GRASS SEED DRILL-HARROW-CULTIVATOR, various locations

#60147
Department of Revenue, Topeka—PORTABLE WHEEL SCALES

#60179
Department of Transportation, Chanute—HERBICIDE

#60180
Department of Transportation, various locations—TRUCKS

FRIDAY, JANUARY 4, 1985

#60132
Kansas Fish and Game Commission, Pratt and Kansas Highway Patrol, Topeka—VEHICLES

#60140
Kansas State University, Manhattan—VEHICLES

#60173
University of Kansas, Lawrence—PAVEMENT TAPE AND PRIMER

MONDAY, JANUARY 7, 1985

#26349
University of Kansas, Lawrence—MAINTENANCE UNIFORM CLEANING AND/OR RENTAL SERVICE

#26351
Adjutant General's Department, Topeka—LICENSED ARM SECURITY GUARD AND SERVICE

#60122
Kansas State University, Manhattan—PRINTED MULTIWALL PAPER BAGS

#60131
Department of Social and Rehabilitation Services, Topeka—VINYL FILM, Kansas Industries for the Blind, Kansas City

#60165
Kansas Fish and Game Commission, Pratt—ROTARY MOWERS, various locations

#60167
Kansas Fish and Game Commission, Pratt—TRAILERS, various locations

TUESDAY, JANUARY 8, 1985

#60166
Kansas Insurance Department, Topeka—SYSTEM 36 UPGRADE

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 002737

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR TECHNICAL SERVICES**

Notice is hereby given of the commencement of negotiations for surveying services for parking lot improvements at Winfield State Hospital and Training Center, Winfield, KS.

The survey will be for a tract of land approximately 600 feet by 200 feet behind the Medical/Surgical and Treatment Buildings at the institution.

Any questions or expressions of interest should be directed to Andrew Huyett, Division of Architectural Services, 625 Polk, Topeka, KS 66603, (913) 233-9367, prior to December 28, 1984.

JOHN B. HIPPI, AIA
Director, Division of
Architectural Services

Doc. No. 002733

State of Kansas

**CRIME VICTIMS
REPARATIONS BOARD**

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board
November 14, 1984. Effective January 1, 1985.
Will expire May 1, 1985.)

Article 6.—DEFINITIONS

20-6-1. Definitions. (a) "Advocacy" means acting, speaking, or writing on behalf of a victim or victims of domestic violence.

(b) "Crisis intervention" means to provide assistance to a person who is in danger of or experiencing domestic violence.

(c) "The board" means the crime victims reparations board.

(d) "Domestic violence" means all acts of emotional, physical, and sexual violence between spouses, parents, children, siblings, and other related persons, present and former cohabitants, ex-spouses, other members of the same household, including elderly and physically handicapped persons.

(e) "Education" means to provide information about domestic violence programs, services, or issues to specific groups or the public at large.

(f) "Emergency shelter" means residential care and protection for persons 18 years or older, children under 18 who are in the care or custody of adult victims, and emancipated minors.

(g) "Existing domestic violence program" means an agency that: (1) provides 24 hour crisis intervention services, shelter or safehouse facilities, advocacy and referral services, and emergency transportation; and (2) was incorporated no later than March 1, 1984.

(h) "Fiscal year (FY)" means a 12 month period that begins on July 1, and ends on June 30.

(i) "Grantee agency" means a program or service that is available to victims of domestic violence and that is receiving funds from the board under L. 1984, ch. 135, sec. 4.

(j) "Grantor" means the board.

(k) "Referral" means directing a victim or victims of domestic violence to available resources for aid or information.

(l) "Safehouse" means a private residence, motel, or hotel used to provide 24-hour care to victims of domestic violence.

(m) "Service" means a specific activity providing assistance to victims of domestic violence.

(n) "Shelter" means a facility which provides 24-hour care for more than seven victims of domestic violence, including dependent children.

(o) "Therapeutic counseling" means professional guidance provided towards the goal of reducing the incidence of domestic violence and diminishing its impact on victims.

(p) "Victim" means a person in danger of or experiencing domestic violence.

This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

Article 7.—FUNDING PRIORITIES

20-7-1. Existing domestic violence programs. The first funding priority shall be the administration and operation of the following services within existing domestic violence programs: (a) 24-hour crisis intervention;

(b) shelter or safehouse facilities;

(c) advocacy and referral for victims; and

(d) emergency transportation.

This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-7-2. Start-up funding for domestic violence services. The second funding priority shall be start-up funding to provide one or more of the following services: (a) 24-hour crisis intervention services;

(b) shelters or safehouse facilities;

(c) advocacy and referral for victims; and

(d) emergency transportation.

This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-7-3. Education and therapeutic counseling services. The third funding priority shall be education and therapeutic counseling services to serve victims of domestic violence and their dependent children. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-7-4. Research and evaluation projects. The fourth funding priority shall be research and evaluation projects with the purpose of furthering quality

(continued)

and innovation within domestic violence programs and services. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

Article 8.—ELIGIBILITY REQUIREMENTS

20-8-1. General requirements. Each applicant agency shall: (a) provide documentation of classification as a non-profit corporation by the United States internal revenue service and provide documentation of registration in Kansas as a not-for-profit corporation; or

(b) be a local unit of government.

This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-8-2. Minimum staff qualifications. Therapeutic counseling services offered by an applicant agency shall be provided or supervised by: (a) A medical doctor licensed by the state board of healing arts pursuant to K.S.A. 65-2801 *et seq.*, and any amendments thereto, who has completed a psychiatric residency;

(b) A certified clinical psychologist licensed by the behavioral sciences regulatory board pursuant to K.S.A. 75-5301 *et seq.*, and any amendments thereto; or

(c) A master social worker licensed by the behavioral sciences regulatory board pursuant to K.S.A. 75-5346 *et seq.*, and any amendments thereto.

This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-8-3. Requirements for existing domestic violence programs. Each applicant agency that is an existing domestic violence program as defined by K.A.R. 20-7-1 shall have and make available to the board: (a) A document which defines organizational structure;

(b) A statement of purpose;

(c) A statement of client rights;

(d) An affirmative action policy;

(e) A governing authority that is representative of the community served and that oversees policy, finance, and general management decisions;

(f) A policy and procedures manual; and

(g) Liability and casualty insurance.

This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-8-4. Local units of government. Each applicant agency that is a local unit of government proposing to offer domestic violence services shall have an advisory board to oversee those services. The advisory board shall be composed of community representatives and professionals who have experience in the area of domestic violence. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

Article 9.—ALLOCATION OF FUNDING

20-9-1. Identification of program and service needs. A statewide domestic violence services needs assessment shall be conducted biannually to provide a basis for funding allocations in each priority area as defined in K.A.R. 20-7-1, 20-7-2, 20-7-3, and 20-7-4. This needs assessment shall provide a data base and analysis of reported incidents of domestic violence, requests for services, and a survey of available resources. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-9-2. Funding allocation announcements. Funding allocations, based on the needs assessment conducted pursuant to K.A.R. 20-9-1, shall be announced during the second quarter of each grant year as defined in K.A.R. 20-12-2. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-9-3. Funding allocations for FY 1985 and FY 1986. For FY 1985 and FY 1986, funds shall be available only to existing domestic violence programs, as defined in K.A.R. 20-7-1, that meet eligibility requirements specified in K.A.R. 20-8-1, 20-8-2, and 20-8-3. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-9-4. Funding allocation in subsequent years. Beginning in FY 1987, funds may be allocated to any of the priorities outlined in K.A.R. 20-7-1, 20-7-2, 20-7-3 and 20-7-4. Funds shall only be allocated to programs that meet the eligibility requirements as specified in K.A.R. 20-8-1, 20-8-2, 20-8-3 and 20-8-4. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-9-5. Funding limits. Domestic violence programs shall not request funds in excess of 50% of their total annual budget. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-9-6. Reallocation of funds. Any funds not obligated within 90 days of the beginning of the grant year may be disbursed at the discretion of the board. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

Article 10.—GRANT APPLICATION REQUIREMENTS

20-10-1. Application deadlines. (a) Grant proposals for FY 1985 shall be received by the board by December 15, 1984.

(b) For all subsequent years, grant proposals shall be submitted to the board no later than 90 days prior to the beginning of each grant year. This regulation shall take effect on and after January 1, 1985. (Authorized

by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-10-2. Grant proposal information requirements. Each complete grant proposal shall include: (a) Information about the applicant agency and staff;

- (b) A needs documentation;
- (c) A description of the project;
- (d) A goals and objectives statement;
- (e) Staffing pattern information;
- (f) A budget narrative;
- (g) Detailed budget information;
- (h) Documentation of other funding sources;
- (i) A monitoring and evaluation component; and
- (j) Documentation of community support. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

Article 11.—GRANT REVIEW AND APPEALS

20-11-1. Proposal review. Each grant proposal shall be evaluated using the following criteria: (a) The degree to which the proposal focuses on the problems of victims of domestic violence;

- (b) The adequacy of the needs documentation;
- (c) Past performance record, relative to stated goals and objectives;
- (d) Adequacy of documentation of community support;
- (e) Adequacy of budget information;
- (f) Adequacy of the monitoring and evaluation component;
- (g) Ability to utilize community resources; and
- (h) Experience in providing services to victims of domestic violence. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-11-2. Notification of decision. The board shall notify each applicant of the grant decision no later than 30 days prior to the beginning of each grant year. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-11-3. Explanation of decision. If a grant request is approved for a level of funding that is less than the original request or if it is denied, the board shall provide written explanation of such a decision to the applicant agency. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-11-4. Appeals. If a grant request is approved for a level of funding that is less than the original request or if it is denied, the applicant may appeal the decision to the board in an open hearing. This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

Article 12.—FUNDING DISBURSEMENT

20-12-1. Grant year duration. (a) For FY 1985, the grant year shall begin by February 15, 1985, and end June 30, 1985.

(b) All subsequent grant years shall begin on July 1 and end June 30.

This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-12-2. Grant awards. (a) Each initial grant award shall be made within 30 days of notification of grant approval.

(b) Grant awards of less than \$5,000 shall be made in one payment at the beginning of the grant year.

(c) Grant awards which are greater than \$5,000 and less than \$10,000 shall be made semiannually.

(d) Grant awards greater than \$10,000 shall be made quarterly.

This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

Article 13.—GRANTEE ACCOUNTABILITY

20-13-1. Quarterly reports. Each grantee agency shall submit a quarterly report on a form provided by the board that shall include: (a) A financial status report; and

(b) Program progress data.

This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

20-13-2. Annual report. Each grantee agency shall submit an annual report in lieu of a fourth quarterly report on a form provided by the board. The annual report shall include: (a) A year-end financial report;

(b) Comprehensive program data; and

(c) Measurement of outcomes relative to stated goals and objectives.

This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

Article 14.—GRANTOR MONITORING RESPONSIBILITIES

20-14-1. Program review. (a) The director of the board or the director's designee shall conduct an on-site visit to each grantee agency at least once biannually.

(b) The board shall review quarterly reports and onsite visit reports and make recommendations as needed.

(c) Technical assistance shall be provided to grantees as needed.

This regulation shall take effect on and after January 1, 1985. (Authorized by and implementing L. 1984, ch. 135, sec. 4; effective, T-85-27, Jan. 1, 1985.)

HOWARD KLINK
Director

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENT

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board
November 14, 1984. Will expire May 1, 1985.)

Article 16.—WATER POLLUTION
CONTROL

28-16-56. (Authorized by K.S.A. 1975 Supp. 65-166a; effective, E-74-7, Nov. 26, 1973; effective, E-76-3, Jan. 1, 1985; effective May 1, 1975; amended, E-76-39, Aug. 1, 1975; amended May 1, 1976; revoked, T-85-30, Nov. 14, 1984.)

28-16-56a. Sewage permit fees; definitions. For the purposes of K.A.R. 28-16-56b: (a) "Sewage" shall be defined as in K.S.A. 65-164.

(b) "Domestic sewage" means sewage originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks.

(c) "Municipal waste treatment facility" means a facility owned or operated by a city, county, township, sewer district or other governmental unit for the purpose of treating primarily domestic sewage by physical, chemical or biological means, or by a combination of those methods.

(d) "Commercial waste treatment facility" means a facility serving and owned by an industrial or commercial enterprise or group, or a combination thereof, for the purposes of treating primarily domestic sewage by physical, chemical or biological means, or by a combination of those methods.

(e) "Industrial waste treatment facility" means a facility serving an industrial or commercial enterprise or group, or a combination thereof, for the purposes of treating sewage or process-generated wastewater other than domestic sewage by physical, chemical or biological means or by a combination of those methods. Industrial waste treatment facility includes municipally-owned electricity generating facilities and water treatment plants.

(f) "Cooling water discharge" means cooling water from a system in which there is no contact with process pollutants and where there is no measured chemical buildup other than chemicals added for biological control. All other cooling water systems shall be classified as industrial waste treatment facilities and the fee shall be based on the design or on measured blowdown (discharge), whichever is greater.

(g) "Dewatering discharge" means a discharge resulting from drainage or removal of water from a lagoon, quarry, pit or any other holding device. Dewatering discharge shall not include discharge in which there is measured chemical buildup or to which chemicals have been added for any purpose.

(h) "Dairy farm waste control facility" means a facility used to treat or retain the sewage from the loafing areas, barns, milking parlor, bulk tank and appurtenances and cattle pens associated with the

operation of a Grade A dairy farm or a dairy farm which produces manufacturing milk. This classification shall not apply to a processing plant which pasteurizes or bottles milk or which manufactures milk products.

(i) "Confined feedlot waste control facility" means a confined cattle, swine, poultry, or sheep feeding waste control facility, or any combination thereof, on land under common ownership with a contiguous boundary, excluding public roadways. Two cattle, swine, sheep or poultry operations on separate pieces of land without a contiguous ownership boundary shall be classified as separate operations and each operation shall be assessed a fee under K.A.R. 28-16-56b. (Authorized by and implementing K.S.A. 65-166a, as amended by L. 1984, ch. 222, sec. 1; effective, T-85-30, Nov. 14, 1984.)

28-16-56b. Sewage permit fees; schedules. (a) Each applicant applying for a permit in conformance with K.S.A. 65-165, and each holder of a permit issued in conformance with K.S.A. 65-165 and amendments thereto, shall submit the appropriate fee in accordance with the following schedule:

Schedule of Fees at Annual Rate

Classification	Unit Rates & Minimum Rates
(1) Municipal or commercial waste treatment facility.	\$185/year/million gallons per day design capacity and for any portion thereof. \$185 minimum fee per year.
(2) Industrial waste treatment facility.	\$320/year/million gallons per day design capacity and for any portion thereof. \$320 minimum fee per year.
(3) Cooling water discharge—surface disposal.	\$60 per year.
(4) Dewatering discharge.	\$60 per year.
(5) Dairy farm waste control facility: 500 cow herd or more	\$30 per year.
(6) Confined cattle feedlot waste control facility: 1,000-4,999 head 5,000-9,999 head 10,000 head or more	\$30/year \$75/year \$150/year
(7) Confined swine feedlot waste control facility: 1,000-4,999 head 5,000-9,999 head 10,000 head or more	\$30/year \$75/year \$150/year
(8) Confined sheep feedlot waste control facility: 1,000-4,999 head 5,000-9,999 head 10,000 head or more	\$30/year \$75/year \$150/year
(9) Poultry waste control facility: 10,000-49,999 fowl 50,000-99,999 fowl 100,000 fowl or more	\$30/year \$75/year \$150/year

(b)(1) Plans and specifications shall not be reviewed and processing and issuance of a permit shall not take place until such fee is paid. Fees shall be made payable to "Kansas department of health and environment—water pollution control permit."

(2) Fees paid in accordance with the above sched-

ule, including fees paid for facilities which are never built or which are abandoned, shall not be refunded.

(3) Applicants operating a facility in which two or more of the wastes identified in the above fee schedule are disposed of shall pay the appropriate fee for each type of waste disposed, even if only one permit has been issued for the facility.

(4) Permit fees shall be based on the minimum rate or unit rate, whichever is greater. The full unit rate shall be applied to any portion of a unit. The fees per unit shall not be prorated.

(5) If, during the term of a valid permit, ownership of the permitted facility changes, no additional fee shall be required unless a change occurs which results in a new or expanded facility or operation.

(6) A permit fee shall be paid annually in accordance with the above schedule for each permit issued or reissued after the effective date of this regulation. Payment shall be due on the month and day of the permit expiration date. Permit modification or revision, during the term of a valid permit, shall not require payment of an additional fee if the permit was issued prior to the effective date of this regulation, so long as the modification or revision is not the result of a new or expanded facility or operation.

(7) If, during the term of a valid permit, a change occurs which results in an expanded capacity of the facility or operation, a new application shall be required. Upon approval, the existing permit shall be amended and shall continue in effect for the remainder of its original term, unless revoked. The fee established shall be based only on the difference between the original permitted capacity and the expanded capacity and such fee shall be based on the annual unit or minimum rate, whichever is greater, for the remainder of the term of the permit. (Authorized by and implementing K.S.A. 65-166a, as amended by L. 1984, ch. 222, sec. 1; effective, T-85-30, Nov. 14, 1984.)

Article 19.—AMBIENT AIR QUALITY STANDARDS AND AIR POLLUTION CONTROL

28-19-7. Definitions. All terms and abbreviations used in these emission and open burning control regulations shall have the following meanings unless otherwise defined in an individual regulation.

(a) *Agricultural-related activity* means processes used in the production of popcorn which is packaged but not popped; ornamental floriculture and nursery products; shortening, table oils and margarine; prepared feeds and feed ingredients for animals and fowl; molasses, which is mixed or blended; cotton ginnings; flour and other grain mill products. Agricultural-related activity also includes sunflower oil reclaiming, seed cleaning and operations related to alfalfa dehydrators, sun-cured alfalfa plants, soybean oil mills and grain elevators.

(b) *Alter* means any physical change to, or any change in the method of operating, any machine, equipment, device, or other article, or combination thereof, which constitutes a source of air contaminant emissions subject to the provisions of these regula-

tions, if that change effects the amount or nature of these emissions. Routine maintenance or parts replacement shall not be considered to be an alteration. Increases or decreases in operating hours or production rates shall not be considered to be an alteration if production rate increases do not exceed the originally approved design capacity of the articles involved and if the increased emissions resulting from these changes do not exceed any emission or operating limitations imposed as a condition to any permit issued under K.A.R. 28-19-14.

(c) *Control device* means any equipment, device or other article that is designed, installed or both for the purpose of reducing or preventing the discharge of contaminant emissions to the air.

(d) *Department* means the Kansas state department of health and environment or an authorized representative of the department.

(e) *Direct heating equipment* means any device in which fuel is burned in direct contact with, and for the purpose of heating, air which comes in direct contact with the material being processed.

(f) *Director* means the secretary of health and environment or a designated representative of the secretary.

(g) *Emission source* means any machine, equipment, device or other article or operation that directly or indirectly releases contaminants into the outdoor atmosphere.

(h) *Existing* means any processing machine, equipment, device or other article, or combination thereof, or any indirect heating equipment or incinerator, that is completed, under construction, or under purchase contract on the effective date of any applicable regulation.

(i) *Indirect heating equipment* means any device in which fuel is burned to produce heat which is transferred through a heat-conducting materials barrier or by a heat storage medium to a material that is to be heated so that the material being heated is not contacted by, and adds no substance to, the products of combustion.

(j) *Incinerator* means any device or structure used for the destruction or volume reduction of garbage, rubbish, or other liquid or solid waste materials by combustion for the purpose of disposal or salvage.

(k) *Modified open burning operation* means an open burning operation in which the contaminants emitted to the ambient air as a result of combustion are reduced, controlled or both through positive regulation of fuel/air ratios, air screens or other control techniques. Combustion devices used solely for the purpose of disposing of flammable gases shall not be considered to be modified open burning operations.

(l) *Official observer* means a designated representative of the department who has been certified by the department as being trained, and qualified on the basis of actual testing, to determine the degree of opacity of visible plumes by direct visual observation. The testing procedure shall be established and published by the department. Such individuals shall be required to be re-tested at least once every six months in order to maintain their certification.

(continued)

(m) *Opacity* means the degree to which a contaminant emission obscures an official observer's view of transmitted light passing through that contaminant. Zero percent opacity is equivalent to perfect transparency and 100 percent opacity is perfectly opaque.

(n) *Open burning operation* means the burning of any materials in which contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purposes of this definition, a chamber shall be considered enclosed when only those apertures, ducts, stacks, flues or chimneys that are required to supply combustion air and to permit the escape of exhaust gases are open during the combustion process.

(o) *Particulate* means any dispersed matter, whether solid or liquid, except uncombined water.

(p) *Potential contaminant emission factor* means the mathematical expression derived by dividing the average value of the amount of air contaminant emissions that have been found to be associated with a specific type of processing or combustion operation by the quantity of material that was being processed at the time the emissions were determined or by some other meaningful parameter.

(q) *Potential contaminant emission rate* means the total weight of a contaminant that is or, in the absence of control equipment, would be emitted from an air contaminant source when that source is operating at its maximum capacity. For the purposes of these regulations, the potential contaminant emission rate shall be determined by:

(1) Sampling in a flue or duct prior to the inlet of any control device serving the flue or duct;

(2) estimating such emissions by performing a "material balance" calculation which indicates the difference between processing input weight and output weight of materials;

(3) using potential contaminant emission factors as recognized by the department; or

(4) by using any other estimating technique mutually agreeable to the department and the person responsible for operation of the source.

(r) *Premises* means one or more contiguous or adjacent parcels of land, and any structures or equipment located on the parcels, that are under one ownership. For the purpose of this definition, a parcel of land that is bordering another parcel solely divided by a public roadway or a railroad right-of-way shall be considered to be adjacent.

(s) *Processing* means any operation related to the handling, storage, treatment or conversion of input materials to produce a salable or usable end product.

(t) *Smoke* means particulate emissions resulting from incomplete combustion, that consist primarily of carbon, ash and other material and that form a visible plume in the ambient atmosphere.

(u) *Waste or wastes* means all discarded solid and liquid materials resulting from industrial, commercial and agricultural operations, and from community activities, that are not intentionally disposed of by means of water-carried systems that empty into the waters of the state. (Authorized by and implementing

K.S.A. 65-3005; effective Jan. 1, 1971; amended Jan. 1, 1972; amended, E-73-8, Dec. 27, 1972; amended Jan. 1, 1974; amended May 1, 1975; amended, T-84-39, Dec. 21, 1983; amended May 1, 1984; amended, T-85-29, Nov. 14, 1984.)

28-19-8. Reporting required. (a)(1) Any person who proposes to construct, alter, use or operate any processing machine, equipment, device or other article, or any combination thereof, that is capable of emitting any potential contaminant emissions equal to or in excess of the levels specified in subsection (b) of this regulation shall report this proposed activity to the department at least 90 days prior to initiating the activity. Reporting required by this section shall be on forms provided by the department and shall contain all information required by the department that is relevant to air pollution and that is available to, or that is reasonably capable of being assembled by, the person that completes the report.

(2) If the construction, alteration, use or operation of any article that is subject to this reporting requirement was not previously required to be reported under these regulations and if the construction, alteration, use or operation was initiated before January 1, 1984, then this alteration, construction, use or operation shall not be considered in violation of this regulation until 60 days after the department has notified the person responsible for the use or operation of the article that this use or operation must be reported. This notification shall be in writing.

(b) The following levels and types of air contaminant emissions shall be reported under the provisions of subsection (a) of this regulation:

(1) One or more pounds of particulate during any hour of operation;

(2) for any agricultural-related activity, five or more pounds of particulate during any hour of operation;

(3) two or more pounds of sulfur dioxide or sulfur trioxide, or a combination of both, during any hour of operation;

(4) 50 or more pounds of oxides of nitrogen, calculated as nitrogen dioxide, during any cumulative 24-hour period;

(5) 50 or more pounds of carbon monoxide during any cumulative 24-hour period;

(6) 50 or more pounds of gaseous hydrocarbons, excluding methane, during any cumulative 24-hour period;

(7) any measurable quantity of lead or lead components;

(8) any air contaminant emissions from any incinerator used to dispose of refuse by burning or for the processing of salvageable materials, except incinerators that are installed on residential premises which contain less than six dwelling units and that are used to burn waste materials that are associated with normal habitation of those dwelling units; and

(9) any other air contaminant emissions that the secretary of health and environment or an authorized representative of the secretary determines may cause or contribute to air pollution within the state because of its specific chemical or physical nature or because

of the quantity discharged. Failure to report sources of a contaminant subject to provisions of this paragraph shall not be considered in violation of the requirement of subsection (a) until 60 days after the person responsible for construction, alteration, use or operation of the source has received written notice from the department requiring that emissions from the source are to be reported.

(c) Construction required for activities that are subject to this regulation shall not be initiated until the department has provided written notice that the activity is approved or until any permit required for this activity has been issued under K.A.R. 28-19-14. (Authorized by K.S.A. 65-3005; implementing K.S.A. 65-3005, 65-3007, 65-3010; effective Jan. 1, 1971; amended Jan. 1, 1972; amended E-73-8, Dec. 27, 1982; amended Jan. 1, 1974; amended May 1, 1975; amended T-84-39, Dec. 21, 1983; amended May 1, 1984; amended T-85-29, Nov. 14, 1984.)

28-19-14. Permits required. (a) Any person who proposes to construct, alter, use, or operate any air contaminant emission source that is required to be reported under K.A.R. 28-19-8 and that has a potential contaminant emission rate in excess of the following limitations shall obtain a permit from the department of health and environment before beginning this activity:

- (1) 10 tons per year or more of particulate;
- (2) for agricultural related activity, 100 tons per year or more of particulate, or 25 tons per year or more of particulate when a review and approval under the provisions of K.A.R. 28-19-16 or 28-19-17 is required;
- (3) 10 tons per year or more of sulfur oxides;
- (4) 10 tons per year or more of carbon monoxide;
- (5) 10 tons per year or more of volatile organic compounds, excluding methane;
- (6) 50 tons per year or more of oxides of nitrogen;
- (7) Any measurable amount of lead or lead compound; and
- (8) Any emission required to be reported under K.A.R. 28-19-8(b)(9).

(b) Application for a permit required by this regulation for the construction, alteration, use or operation of an emission source shall be made on forms provided by the department. The department shall send these forms to the person proposing the activity within 15 days of receipt of a report submitted in accordance with K.A.R. 28-19-8. The department may require the applicant to furnish any additional information that is relevant in determining compliance with these regulations and that is available to or that is reasonably capable of being assembled by the applicant.

(c) The department shall review each completed application that has been submitted in accordance with subsection (b) and shall provide written notice to the applicant of the approval, conditional approval, or denial of the permit within 180 days of receipt of the completed application. The reason for denial of any application shall be specified.

(d) Any permit issued for the construction or alteration of a source under the provisions of this regulation shall become void if the construction or alteration

is not commenced within 18 months after the permit has been issued or if the activities required to complete the alteration or construction have been discontinued for 18 months or more.

(e) Any permit required for the construction or alteration of a source by this regulation shall not be issued if the department determines that the air contaminant emissions from the source will interfere with the attainment and maintenance of any ambient air quality standard that has been established under the provisions of the federal Clean Air Act, and amendments thereto, or under the provisions of state law.

(f) Any permit required by this regulation shall not be issued or renewed unless the fee required by K.A.R. 28-19-14a or 28-19-14b has been paid.

(g) The department shall collect an annual operating permit fee for an approved new or altered source only for each year following the year in which the construction of the new source or the alteration of an existing source has been completed.

(h) Subject to the provisions of subsection (k), the secretary shall issue an operating permit required by this regulation for any source that is operating, under construction, under purchase contract, or that is being altered on January 1, 1984. These sources shall be considered existing sources for the purpose of initially complying with the permit requirements of this regulation and shall only be subject to the provisions that are applicable to the renewal of permits.

(i) Any permit issued or renewed under this regulation may be conditioned upon compliance by the owner or operator with any special restrictions that are deemed necessary to assure compliance with these regulations or otherwise prevent air pollution. These restrictions may include, but need not be limited to, special requirements concerning methods of operation, emissions limitations or control procedures to be implemented. Such restrictions shall be stipulated in writing as a part of, or as an attachment to, the permit.

(j) Any permit issued or renewed under this regulation may stipulate one or more air contaminant emission sources that are approved to be constructed, altered, used, or operated. These sources shall be located on the same premises, shall be under one ownership and shall be considered as part of the same industrial grouping as determined by the department. The industrial grouping shall be identified by using the industrial titles and descriptions provided in the "Standard Industrial Classification Manual 1972," as published by the U.S. Government Printing Office. For the purpose of establishing the annual operating permit fee to be collected under K.A.R. 28-19-14b, the department shall stipulate the industrial grouping that is considered to be the primary activity covered by the permit.

(k) The secretary may refuse to issue or renew any permit that is required by this regulation, or may suspend or revoke any previously issued or renewed permit, if it is determined that the air contaminant emissions from the source are in violation of any of the requirements of these regulations or any applicable provision of state statute. (Authorized by K.S.A. 65-

(continued)

3005; implementing K.S.A. 65-3005, and K.S.A. 1983 Supp. 65-3008, as amended by L. 1984, ch. 313, sec. 126; effective, E-78-8, Dec. 27, 1972; effective Jan. 1, 1974; amended May 1, 1984; amended, T-85-29, Nov. 14, 1984.)

28-19-14b. Operating permit fee. (a) The department of health and environment shall annually collect a fee for permits issued or renewed for the operation of air contaminant emission sources under the provisions of K.A.R. 28-19-14.

(b) The fee collected under subsection (a) shall be established on the basis of the classification of the contaminant source as identified in Table F-1, of this regulation. The annual fee collected for a source in any class shall be determined by multiplying the class number for the source, as determined by Table F-1, by \$20.00.

TABLE F-1—Operating Permit Fee Classification Table

Class Number	Source Type
1.	Incinerators (wire reclaimers only); Incinerators (burnout ovens).
2.	Ready-Mix Concrete Plants, ≥ 12 to < 100 cubic yards per hour capacity; Packaging Fumigants; Concrete Block Plants; Sawmill and Planing Mills; Metal Shredding; Bituminous Coal Loadout Site; Liquid Fertilizer Converters; Pipe Organs; Indirect Heaters $< 5,000,000$ BTU/hr (waste oil fired).
3.	Ready Mix Concrete Plants, ≥ 100 cubic yards per hour capacity; Miscellaneous Plastic Products; Aluminum Extruded Products; Drawing and Insulating of Nonferrous Wire; Heating Equipment, Except Electric and Warm Air Furnaces; Fabricated Structural Metal Products; Farm and Garden Machinery and Equipment; Special Dies and Tools, Die Sets, Jigs and Fixtures and Industrial Molds; General Industrial Machinery and Equipment; Truck and Bus Bodies; Motor Vehicle Parts and Accessories; Games, Toys and Children's Vehicles; Cheese, Natural and Processed; Shortening, Table Oils and Margarine; Fabricated Rubber Products; Boat Building; Municipal Incinerators, with capacity $< 2,000$ lbs/hr; Concrete Slabs, Sewer Pipe and Tie Manufacturing; Sand Drying Operations; Pre-blended Concrete; Furniture Manufacturing; Appliance Manufacturing; Lubricant Blending; Waste Oil Re-refining; Fabricated Pipe Products; Research and Development Laboratories; Mobile Homes (frames); Pharmaceutical Preparations; Surgical and Medical Instruments and Apparatus; Dry Wall Finishing Materials; Signs.
4.	Millwork; Charcoal Manufacturing; Nonferrous Foundries (castings); Metal Forgings and Stampings; Valves and Pipe Fittings; Service, Industry, Machines; Brooms and Brushes; Prepared Feeds and Feed Ingredients for Animals and Fowl; Micronutrient Manufacturing; Rendering Plants; Dog, Cat and Other Pet Food (without can plant); Food Emulsifiers and Conditioners; Macaroni, Spaghetti and Egg Noodles; Kitty Litter; Miscellaneous Janitorial Supplies; Pesticide Mixing, Blending and Packaging; Paperboard Containers and Boxes; Refrigerant Manufacturing; Sunflower Oil Reclaiming; Liquid Nitrogenous Fertilizer Terminal; Granola Processing; Molasses, Mixed or Blended; Coffee Roasting.
5.	Aluminum Dross Processing; Rock Salt Mining; Natural Gas or Petroleum Liquid Transmission, stations total maximum HP rating ≥ 475 HP to < 950 HP; *Crushed and Broken Limestone, maximum capacity of primary crusher < 150 tons per hour; Hot Mix Asphalt Plant, maximum plant capacity < 200 tons per hour; Electric Lamps; Cotton Ginning; Tire Retreading; Heating Equipment; Outdoor Recreation Equipment; Reconditioned Barrels and Drums (without incineration).
6.	Colleges, Universities and Professional Schools; Correctional Institutions; Meat Packing Plants; Sausages and Other Prepared Meat Products; Drilling Mud Manufacturing; Aircraft Parts and Auxiliary Equipment; Railroad Equipment (railcar refurbishing); Baked and Fried Snacks, Potato Chips; Condensed and

- Evaporated Milk Processing; Steam Heat Generation; Hospitals.
7. Secondary Aluminum Foundry; Brass and Bronze Foundry; Gray Iron Foundry; Bituminous Coal and Lignite (crusher); Hot Mix Asphalt Plants, plant maximum capacity ≥ 200 tons per hour; Dog, Cat and Other Pet Foods (with can plant); *Crushed and Broken Limestone, maximum capacity of primary crusher ≥ 150 tons per hour; Perlite and Vermiculite Manufacturing or Handling; Lead Oxide Manufacturing; Railcar Incineration; Detoxification or Destruction of Chlorinated Hydrocarbons.
 8. Alfalfa Dehydrators and Sun Cured Alfalfa Plants; Roofing Granules Processing; Cement Bulk Terminals; Sewerage Systems, (lime burning); Sodium Silicate Processing.
 9. Grain Elevators, storage capacity $\geq 875,000$ bu. to $< 2,500,000$ bu.; Expanded Shale Manufacturing; Commercial Printing; Greeting Card Publishing; Beet Sugar; Electric Power Generation, internal combustion only; Natural Gas or Petroleum Liquid Transmission, stations total maximum HP rating ≥ 950 HP to $< 10,000$ HP; Natural Gas or Petroleum Liquid Storage Only; Electric Power Generation, steam generation only (excluding coal fired); Brick and Structural Clay Tile; Clay Pipe and Refractories; Paperboard Containers and Boxes (with printing); Reconditioned Barrels and Drums (with incineration); Steel Drum Manufacturing; Paperboard Mills; Paints, Varnishes, Lacquers, Enamels and Allied Products.
 10. Salt Mining, Evaporation or Brine Process; Steel Foundries; Gasohol Manufacturing.
 11. Aircraft Manufacturing; National Security; Sewerage Systems, (sludge incineration).
 12. Grain Elevators, storage capacity $\geq 2,500,000$ bu. to $< 10,000,000$ bu.; Electric Power Generation, internal combustion and steam generation (excluding coal fired).
 13. Lubricating Oils and Greases; Petroleum Bulk Terminals; Medicinal Chemicals and Botanical Products; Petroleum Liquid Storage (with pump station).
 14. Ammunition, Except for Small Arms; Storage Batteries.
 15. Grain Elevators, storage capacity $\geq 10,000,000$ bu.; Flour and Other Grain Mill Products; Soybean Oil Mills; Natural Gas or Petroleum Liquid Transmission, stations total maximum HP rating $\geq 10,000$ HP; Natural Gas Liquids; Mixed, Manufactured or Liquefied Petroleum Gas Production and/or Storage and Distribution; Helium Plants; Gypsum Manufacturing.
 16. Carbon Black; Asphalt Felts and Coatings; Electric Power Generation, total plant generating capacity < 1000 MW (coal fired); Soap and Other Detergents.
 17. Sulfuric Acid Manufacturing; Nitrogenous Fertilizer Manufacturing; Phosphoric Acid Manufacturing; Industrial Chemical Manufacturing; Cellophane Manufacturing.
 18. Distilled, Rectified and Blended Liquors; Fiberglass Insulation Manufacturing; Tire Manufacturing.
 19. Explosives: Portland Cement Manufacturing; Motor Vehicles and Passenger Car Bodies.
 20. Electric Power Generation, total plant generating capacity ≥ 1000 MW (coal fired); Petroleum Refinery.

* Primary crusher—initial crushing unit to process quarried rock.

(c) The department shall send written notice to any source that is required to pay a permit fee under this regulation. This notice shall be sent to the owner or operator of the source not later than January 1 of each year, shall specify the source classification and class number assigned to the source, and shall specify the amount of the fee that is to be remitted to the department.

(d) The permit fee shall be received by the department before April 1 of each year.

(e) If any fee is not paid by April 1, the department shall assess and collect an additional permit fee of \$5.00 for each day that the fee is not paid after March 31.

(f) Any source that does not submit the permit fee before June 1 of any year shall be considered to be an inactive source. The department, before July 1 of any

year, shall send written notice to the permit holder of this determination and that the permit will be revoked unless a hearing is requested within 15 days of the notice.

(g) Any source that is deactivated shall not be reactivated or granted an operating permit unless the department has determined that the source complies with the emission and permit requirements of these regulations that pertain to the construction and operation of new sources. The 90 day reporting period required by K.A.R. 28-19-8(a) shall apply to the date that the source is proposed to be reactivated.

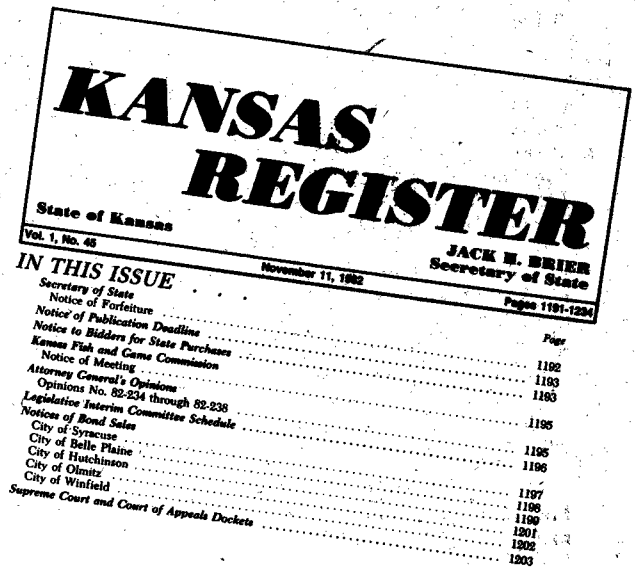
(h) The permit fee required by this regulation shall be remitted in the form of a check or money order

made payable to the Kansas department of health and environment. Any check for the fee that is not covered by sufficient funds shall be considered to not have been received and the operation of the source shall continue to remain subject to the provisions of subsections (d), (e), (f) and (g) of this regulation. (Authorized by and implementing K.S.A. 65-3005, and K.S.A. 1983 Supp. 65-3008, as amended by L. 1984, ch. 313, sec. 126; effective May 1, 1984; amended, T-85-29, Nov. 14, 1984.)

BARBARA J. SABOL
Secretary of Health
and Environment

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