

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Legislature
Interim Committee Schedule

The following committee meetings have been scheduled during the period of July 19 through August 1:

Date	Room	Time	Committee	Agenda
July 21	514-S	10:00 a.m.	Joint Committee on State Building Construction	Agenda not available.
July 22	514-S	9:00 a.m.	Special Committee on Education	Committee discussion and information on school finance litigation, special education accountability.
July 21	519-S	10:00 a.m.		
July 26	Canceled		Joint Committee on Special Claims Against the State	Canceled.
July 27	Canceled			Canceled.
July 27	220-S	2:00 p.m.	State Finance Council	Agenda not available.

Jeff Russell
Director of Legislative
Administrative Services

Doc. No. 024052

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State of Kansas

**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. The Belleville Municipal Power Plant (City of Belleville) has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

The Belleville Municipal Power Plant (City of Belleville) owns and operates a municipal power plant located at 9th and M Streets, Belleville, KS 66935.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE North Central District Office, 2501 Market Street, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact John Ramsey, (785) 296-1992, at the central office of the KDHE, or Joan Ratzlaff, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to John Ramsey, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received not later than the close of business on August 16.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business on August 16 in order for the Secretary of Health and Environment to consider the request.

The United States Environmental Protection Agency has 45 days after receipt of the proposed Class I operating permit within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA within 60 days after the expiration of the 45-day review period to review the permit. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th Street,

Kansas City, KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024051

State of Kansas

**Department of Health
and Environment****Notice of Hearings**

The Kansas Department of Health and Environment is inviting all advocacy/interest groups with concerns, questions or ideas about the KDHE State Fiscal Year 2001 budget to attend and/or participate in an advocacy hearings on July 26-27. KDHE Secretary Clyde D. Graeber will accept written and oral testimony on legislative and budgetary policies and procedures with regard to funding requests.

The advocacy hearings will be held July 26 at 1:30 p.m. and July 27 at 9 a.m. at the Department of Health and Environment, Capitol Tower, 400 S.W. 8th Avenue, Suite 200, Administrative Appeals Hearing Room, Topeka. Please contact Frances Lane at (785) 296-1522 by Thursday, July 22 to be placed on the schedule.

Any individual with a disability may request accommodation in order to participate in the public meeting. Requests for accommodation should be made by contacting Frances Lane at (785) 296-1522 or the Kansas Relay Center at 1-800-766-3777.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024050

State of Kansas

Board of Technical Professions**Notice of Meetings**

The Kansas Board of Technical Professions will hold its regular board meeting Tuesday, July 20, at the Shawnee Country Club, 913 S.E. 29th, Topeka. The Professional Engineer and Land Surveyor Committee will meet in the President's Room at 8:30 a.m., and the Architect and Landscape Architect Committee will meet in the PDR West Room at 10 a.m. The full board meeting will start at approximately 11 a.m., at the conclusion of the committee meetings, and will meet in the PDR West Room. All meetings are open to the public.

Betty L. Rose
Executive Director

Doc. No. 024044

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 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, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the Environmental Protection Agency, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-99-86/90

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Maurice Flavin and/or Gary Kriley P.O. Box 115 Esbon, KS 66941	SE/4 of Section 15, T1S, R10W, Jewell County	Republican River

Kansas Permit No. A-LR JW-B003

This is a permit renewal for an existing facility for 500 head (400 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan, to become part of the permit, shall be developed and submitted to the department within six (6) months following permit issuance. Dewatering equipment shall be obtained within four (4) months after issuance of permit.

Name and Address of Applicant	Legal Description	Receiving Water
Oak Ridge Farm Willis R. Poppe Route 1, Box 122 Chester, KS 68327	SW/4 of Section 2, T1S, R3W, Republic County	Big Blue River

Kansas Permit No. A-BBRP-S001 Federal Permit No. KS-0080802

This is a revision of existing Permit (No. A-BBRP-H001) for an existing facility reducing the maximum capacity from 3,000 head (1,200 animal units) of swine to 3,152 head (990.8 animal units).

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan, to become part of the permit, shall be developed and submitted to the department by January 1, 2000.

Name and Address of Applicant	Legal Description	Receiving Water
Schering-Plough Animal Health Corp. 1201 Idaho Road Williamsburg, KS 66095	N/2 of SE/4 & S/2 of N/2 of Section 23, T18S, R18E, Franklin County	Marais des Cygnes River

Kansas Permit No. A-MCFR-B003

This is a change of owner of an existing facility for 360 head (333 animal units) of cattle, horses, sheep and goats.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls are adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Maple Creek Farms, LLC, Spradling Site P.O. Box 718 Leoti, KS 67861	SW/4 of Section 23, T20S, R38W, Wichita County	Upper Arkansas River Basin

Kansas Permit No. 282

Federal Permit No. KS-0095109

This is a new facility for 43,200 head (17,280 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The planned controls meet KDHE requirements. For each year that the facility is in operation, wastewater samples from each retention structure shall be collected and analyzed in the spring and the fall. Permeability/liner information shall be used to determine the need for groundwater monitoring wells. Permeability tests shall be conducted on each of the retention structures. Within six (6) months of permit issuance the facility shall provide KDHE with a listing of the on-site dewatering equipment. The anaerobic lagoons shall be pre-filled to a minimum of 50 percent of the required biological volume. The facility plans shall be updated as needed to comply with any applicable regulations, changes in the facility or its operation and/or environmental protection requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Davis Family Livestock, L.L.C. Kenneth Davis HCR 3, Box 34 Lakin, KS 67860	N/2 of Section 2, T23S, R37W, Kearney County	Upper Arkansas River Basin

Kansas Permit No. A-UAKE-H001

Federal Permit No. KS-0094943

This is a re-notification for a proposed permit for the construction and operation of a waste control system for 16,200 head of swine weighing more than 55 pounds each (6,480 animal units). Previously this application was submitted for Davis Finisher. The name has been changed to Davis Family Livestock, L.L.C. The permit applicant has submitted revisions to their land application plan on June 7, 1999 and an executed agreement with the owner of the swine on June 16, 1999.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The planned waste controls meet KDHE requirements. Permeability tests shall be conducted on the retention structure. Within six (6) months of permit issuance, the owner/operator of the facility shall provide KDHE with a listing of the on-site dewatering equipment. The anaerobic lagoons shall be pre-filled to a minimum of 50 percent of the required biological volume. The facility shall be constructed, operated and maintained in compliance with the applicable K.S.A.'s.

Public Notice No. KS-99-133/149

Name and Address of Applicant	Waterway	Type of Discharge
City of Alta Vista P.O. Box 44 Alta Vista, KS 66834	Kansas River via Mill Creek via Timber Creek	Treated domestic wastewater
Kansas Permit No. M-KS02-0001	Federal Permit No. KS0051659	
Legal: SE¼, S35, T13S, R8E, Wabaunsee Co.		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia and fecal coliform will be required monthly. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria and are technology based.

Name and Address of Applicant	Legal Location	Type of Discharge
City of Bucklin 117 West Oak P.O. Box 458 Bucklin, KS 67834	Rattlesnake Creek via West Fork Rattlesnake Creek	Treated domestic wastewater
Kansas Permit No. M-AR13-0001	Federal Permit No. KS0026166	
Legal: SW¼, S4, T29S, R21W, Ford Co.		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia and fecal coliform will be required annually. A Schedule of Compliance is included requiring the permittee to complete the construction of a lagoon expansion by July 1, 2000. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Chapman c/o City Clerk 402 Marshall Chapman, KS 67431	Smoky Hill River	Treated domestic wastewater
Kansas Permit No. M-SH04-0001	Federal Permit No. KS0029114	
Legal: SW¼, S32, T12S, R4E, Dickinson Co.		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform, and pH. Also, monitoring for ammonia, chlorides, sulfates, and weekday flow is included. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Cherokee City Hall P.O. Box 34 Cherokee, KS 66724	Lightning Creek via Limestone Creek via Wolf Creek	Treated domestic wastewater
Kansas Permit No. M-NE12-0001	Federal Permit No. KS0081230	
Legal: SE¼, S13, T31S, R23E, Crawford Co.		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform, and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Northern Natural Gas Company 2930 Gas City Road Clifton, KS 66937	Republican River	Treated process wastewater
Facility name: Clifton Compressor Station		
Kansas Permit No. I-LR06-PO01	Federal Permit No. KS0001988	
Legal: SW¼, S7, T6S, R2E, Clay Co.		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating process wastewater. This facility is a natural gas transmission system booster station. A minimal discharge (into a concrete basin) of about 10 gallons per day is generated which includes boiler blowdown and a small amount of groundwater leakage. The proposed permit includes limits for total suspended solids, oil and grease, and pH. Monitoring for chlorides will be required monthly and flow will be required weekly. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant	Waterway	Type of Discharge
City of Conway Springs 208 W. Spring P.O. Box 187 Conway Springs, KS 67031	Arkansas River via Slate Creek	Treated domestic wastewater
Kansas Permit No. M-AR25-0001	Federal Permit No. KS0030651	
Legal: SW¼, S34, T30S, R3W, Sumner Co.		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Delphos City Hall P.O. Box 223 Delphos, KS 67436	Solomon River	Treated domestic wastewater
Kansas Permit No. M-SO11-0002	Federal Permit No. KS0092169	
Legal: NE¼, S21, T9S, R4W, Ottawa Co.		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Erie P.O. Box 196 Erie, KS 66733	Neosho River	Treated domestic wastewater
Kansas Permit No. M-NE25-IO01	Federal Permit No. KS0045977	
Legal: NE¼, S5, T29S, R20E, Neosho Co.		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria and are technology based.

(continued)

Name and Address of Applicant
 City of Geuda Spring
 City Hall - c/o City Clerk
 P.O. Box 6
 Geuda Springs, KS 67051
 Kansas Permit No. M-AR36-0001 Federal Permit No. KS0116807
 Legal: NW¼, S7, T34S, R3E, Cowley Co.

Waterway
 Arkansas River via Salt Creek

Type of Discharge
 Treated domestic wastewater

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria and are technology based.

Name and Address of Applicant
 Hillsdale Improvement District
 P.O. Box 147
 Hillsdale, KS 66036
 Kansas Permit No. M-MC60-0001 Federal Permit No. KS0081396
 Legal: SE¼, S15, T16S, R23E, Miami Co.

Waterway
 Ten Mile Creek

Type of Discharge
 Treated domestic wastewater

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria and are technology based.

Name and Address of Applicant
 Johnson County Unified Wastewater Districts
 7311 W. 130th, Suite 100
 Overland Park, KS 66213
 Kansas Permit No. M-KS68-0004 Federal Permit No. KS0088269
 Legal: WWTF SITE: NE¼, S2, T12S, R23E, Johnson Co.
 EFF. DISCH SITE: SW¼, S32, T11S, R24E, Wyandotte Co.

Waterway
 Kansas River

Type of Discharge
 Treated domestic wastewater

Facility name: Mill Creek Regional WWTF

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The current facility is rated at 9 MGD (average). The facility consists of an eight cell aerated lagoon. This permit retains the existing limitations for biochemical oxygen demand, total suspended solids, and pH. New limitations are established for ammonia and fecal coliform. Flow monitoring will continue to be required. The permittee is required to conduct Chronic Whole Effluent Toxicity and heavy metals testing quarterly, and a Priority Pollutant Scan will be required once during the life of the permit. The requirements of the proposed permit are pursuant to the proposed 1999 Kansas Surface Water Quality Standards and Federal Surface Water Criteria and are water quality based.

Name and Address of Applicant
 Norma Bergquist
 4415 Greenwich Road, #28
 Derby, KS 67037
 Kansas Permit No. C-AR29-0001 Federal Permit No. KS0119351
 Legal: SE¼, S16, T28S, R2E, Sedgwick Co.

Waterway
 Arkansas River via Spring Creek

Type of Discharge
 Treated domestic wastewater

Facility name: Lee's Mobile Home Court

Facility Description: Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pur-

suant to the Kansas Surface Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria and are technology based.

Name and Address of Applicant
 City of Meade
 132 S. Fowler
 Meade, KS 67864
 Kansas Permit No. M-CI12-0001 Federal Permit No. KS0022802
 Legal: SE¼, S11, T32S, R28W, Meade Co.

Waterway
 Cimarron River via Crooked Creek

Type of Discharge
 Treated domestic wastewater

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This permit retains the existing limitations for total suspended solids and pH. New limitations are established for biochemical oxygen demand, ammonia, fecal coliform, and total residual chlorine. Flow monitoring will continue to be required. The proposed permit contains a schedule of compliance to address improvements to the facility to meet final fecal coliform and ammonia limits. The requirements of the proposed permit are pursuant to the proposed 1999 Kansas Surface Water Quality Standards and Federal Surface Water Criteria and are water quality based.

Name and Address of Applicant
 City of Melvern
 P.O. Box 116
 Melvern, KS 66510
 Kansas Permit No. M-MC23-0001 Federal Permit No. KS0046027
 Legal: SW¼, S3, T18S, R16E, Osage Co.

Waterway
 Marais des Cygnes River via Long Creek

Type of Discharge
 Treated domestic wastewater

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. In addition, monitoring for ammonia and fecal coliform will be required. The proposed permit contains a schedule of compliance to address improvements to the facility to meet final limitations. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria and are technology based.

Name and Address of Applicant
 National Gypsum Company
 R.R.1, P.O. Box A
 Medicine Lodge, KS 67104
 Kansas Permit No. I-AR86-PO01 Federal Permit No. KS0092495
 Legal: SW¼, S9, T31S, R15W, Barber Co.

Waterway
 Arkansas River via Medicine Lodge River via unnamed tributary

Type of Discharge
 Treated process wastewater

Facility name: Sun City Mine

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. This facility mines gypsum rock with no washing. Underground mines are de-watered and the water is pumped to an evaporative pond. This pond only discharges after heavy rains. Three other ponds on-site also collect stormwater runoff and have the potential to discharge after a heavy rain. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, BAR 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant
 City of Plainville
 222 W. Mill
 P.O. Box 266
 Plainville, KS 67663-0266
 Kansas Permit No. M-SA14-0002 Federal Permit No. KS0093165
 Legal: NW¼, S1, T10S, R18W, Rooks Co.

Waterway
 Paradise Creek via unnamed tributary

Type of Discharge
 Treated domestic wastewater

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas Surface

Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Scranton City Hall P.O. Box 96 Scranton, KS 66537	Dragoon Creek via School Creek	Treated domestic wastewater
Kansas Permit No. M-MC44-0001		Federal Permit No. KS0031283
Legal: NE¼, S9, T15S, R15E, Osage Co.		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, and pH. Monitoring for ammonia and fecal coliform will be required annually. Also, the permittee shall provide KDHE the name of an Operator-in-Training to begin the process of becoming a KDHE-certified wastewater treatment plant operator. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, KAR 28-16-28(b-f), and Federal Surface Water Criteria and are technology based.

Public Notice No. KS-ND-99-012

Name and Address of Applicant	Legal Location	Type of Discharge
Norton Correctional Facility P.O. Box 546 Norton, KS 67654	SW¼, S28, T2S, R23W, Norton Co.	Non-overflowing
Kansas Permit No. M-UR16-NO02		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. This facility is a five cell non-discharging lagoon system. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, BAR 28-16-28(b-f).

Public Notice No. KS-EG-99-007/010

The proposed action is to reissue a permit to authorize the injection of non-hazardous liquid consisting of treated recovered groundwater for the purpose of remediation of the soil and aquifer, maintain hydraulic control of the site, and to return treated groundwater to the aquifer. The construction, operation, and monitoring of the injection wells will meet requirements that apply to Class V injection wells under KAR 28-46-1 through 28-46-42 and KAR 28-30-1 through KAR 28-30-10.

Name and Address of Applicant	Well Location
The Coleman Company, Inc. 5605 North 119th West Maize, KS 67101	
Facility name: Coleman Beacon Plant	
Well Identification IW-1, IW-2, IW-3 and IW-4	SE¼, S13, T26S, R2W, Sedgwick County
KS permit No. KS-05-173-002	

Description of Facility: This site is an area contaminated as a result of a release of trichlorethylene (TCE). In accordance with K.A.R. 28-46-7 and the authority vested with the State by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for the continued use of a salt solution mining gallery initially consisting of three wells within the State of Kansas, for the applicant described below.

Name and Address of Applicant	Well Location
IMC Salt, Inc. 1800 Carey Bouleyard Hutchinson, KS 67501	

Well Identification 116 KS Permit No. KS-03-155-192	NW¼, NW¼, NE¼, S20, T23S, R5W, Reno County 4960' fsl and 2115' fel from SE corner of section
Well Identification 122 KS Permit No. KS-03-155-193	NW¼, NW¼, NE¼, S20, T23S, R5W, Reno County 4660' fsl and 1990' fel from SE corner of section
Well Identification 123 KS Permit No. KS-03-155-194	NE¼, NW¼, NE¼, S20, T23S, R5W, Reno County 4660' fsl and 1665' fel from SE corner of section

Description of Facility: This facility is designed for the production of salt by solution mining activities.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Dena Endsley for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620.

All comments regarding the draft permit or application notice postmarked or received on or before August 14 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-99-86/90, KS-99-133/149, KS-ND-99-012, KS-EG-99-007/010) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation, and a KDHE developed fact sheet checklist are available for review at the appropriate district office:

- Northwest District Office, 2301 E. 13th, Hays, 67601-2651, (785) 625-5664
- North Central District Office, 2501 Market Place, Salina, 67401-7699, (785) 827-9639
- Northeast District Office, 800 W. 24th, Lawrence, 66046-4417, (785) 842-4600
- Southwest District Office, 302 W. McArtor Road, Dodge City, 67801-6098, (316) 225-0596
- South Central District Office, 130 S. Market, 6th Floor, Wichita, 67202-3802, (316) 337-6020
- Southeast District Office, 1500 W. 7th, Chanute, 66720, (316) 431-2390

Plans and documents for all new and expansions of existing swine facilities may also be reviewed on the Internet at www.kdhe.state.ks.us.

(continued)

For all other proposed permits, the draft permits, including proposed effluent limitations and special conditions, fact sheets, if appropriate, comments received, and other information, are on file and may be inspected at the address given above.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice may also be obtained at the Division of Environment.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024048

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. The City of Holton has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install two new dual fuel generating engines. Emissions of oxides of nitrogen (NO_x), carbon monoxide (CO), volatile organic compounds (VOC), particulate matter less than 10 micrometers (PM-10), and sulfur dioxide (SO₂) were evaluated during the permit review process.

The City of Holton, 430 Pennsylvania Avenue, Holton, KS 66436, owns and operates the stationary source located at 1012 New Jersey Avenue, Holton, KS 66436, at which the two new generating engines are to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Alan W. Brooks, (785) 296-6281, at the central office of the KDHE, or Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Alan W. Brooks, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received not later than the close of business on August 16.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business on August 16 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024047

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Hamm Asphalt, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of particulate matter less than 10 micrometers (PM₁₀), nitrogen oxides (NO_x), and volatile organic compounds (VOC) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Hamm Asphalt, Inc., P.O. Box 17, Perry, KS 66073, owns and operates a new 1999 Astec, model Turbo 400, portable hot-mix asphalt plant with a maximum rated capacity of 40 tons per hour.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Alan W. Brooks, (785) 296-6281, at the central office of the KDHE, or Lynelle Stranghoner, (316) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Alan W. Brooks, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received not later than the close of business on August 16.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business on August 16 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024049

**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. 1998 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 7-12-99 through 7-18-99	
Term	Rate
1-89 days	4.95%
3 months	4.80%
6 months	5.12%
9 months	5.18%
12 months	5.20%
18 months	5.50%
24 months	5.58%

Derl S. Treff
Director of Investments

Doc. No. 024040

**State of Kansas
Department of Administration
Division of Purchases**

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 Jackson, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Tuesday, July 27, 1999

183

Department of Transportation—Furnish and/or install pavement marking, various locations

Thursday, July 29, 1999

193

Emporia State University—Compact kitchen units

Friday, July 30, 1999

181

Wichita State University—Moving services

189

Kansas Highway Patrol—Law enforcement vehicles

Wednesday, August 4, 1999

A-7483(a), A-7484(a), A-7485(a), A-7486(a)

Department of Transportation—Insulate equipment wash buildings, Iola, Independence, Garnett, Yates Center

John T. Houlihan
Director of Purchases

Doc. No. 024056

**State of Kansas
State Fair Board**

Notice of Meeting

The Kansas State Fair Board will meet at 1 p.m. Thursday, July 22, in the administration office on the fairgrounds in Hutchinson. The meeting will reconvene at 9 a.m. Friday, July 23, and will address the master plan for the fairgrounds. For further information, contact Deana Novak at (316) 669-3612.

Mike Gaskill
President

Doc. No. 024055

**State of Kansas
Criminal Justice Coordinating Council**

Notice of Meeting

The meeting of the Kansas Criminal Justice Coordinating Council previously scheduled for Wednesday, July 7, has been rescheduled for Thursday, July 22, from 10 a.m. to noon. The meeting will be held in Court of Appeals Courtroom, 2nd Floor, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka.

Barbara S. Tombs
Executive Director

Doc. No. 024042

**State of Kansas
Department of Administration
Division of Architectural Services**

**Notice of Commencement of
Negotiations for "On-Call" Architectural Services**

Notice is hereby given of the commencement of negotiations for "on-call" architectural services for small projects for Wichita State University.

For information regarding the scope of services, contact John Gist, Director of Facilities Planning, Wichita State University, (316) 978-5826.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 1020 S. Kansas, Topeka, 66612-1311, (785) 296-8899. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. July 30.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 024045

State of Kansas

Kansas Insurance Department

Permanent Administrative
Regulations

Article 3.—FIRE AND CASUALTY INSURANCE

40-3-33. Fire and casualty insurance; basic property insurance; inspection; placement; procedures; requirements. (a) Each insurer, as defined in this program, shall file a statement with the commissioner, pledging its full participation and cooperation in carrying out the program established by this regulation.

(b) Definitions.

(1) "All-industry placement facility" or "facility" means the organization formed by insurers to assist applicants in securing basic property and casualty insurance and to administer the fair access to insurance requirements (FAIR) plan and the joint reinsurance association.

(2) "Basic property insurance" means the coverage for eligible risks against direct loss to real and tangible personal property at a fixed location that is provided in a basic fire policy including builder's risk. Extended coverage perils, including vandalism and theft insurance, may also be added at the discretion of the governing committee. Basic property insurance shall not include farm risks, automobile risks, types of manufacturing risks, or other risks excluded by the governing committee with the approval of the commissioner.

(3) "Casualty insurance" means the coverage for eligible risks for covered losses because of bodily injury or property damage or medical payments to others as a result of an accident caused by an occurrence to which coverage applies as proved by the governing committee with the approval of the commissioner. Casualty shall not include automobile, workers compensation, health, fidelity, surety, boiler and machinery, credit, aircraft, or other kinds of casualty insurance excluded by the governing committee with the approval of the commissioner.

(4) "Commercial" means basic property insurance included under the commercial lines statistical record other than automobile.

(5) "Commissioner" means the commissioner of insurance of the state of Kansas.

(6) "Fire division" means a building or structure eligible for separate rating in accordance with the rules filed with the commissioner by a licensed rating organization.

(7) "Habitational" means basic property and casualty insurance included under the personal lines statistical record other than automobile.

(8) "Inspection bureau" means the rating bureau or other organization designated by the facility with the approval of the commissioner to make inspections as required under the program and to perform other duties authorized by the facility.

(9) "Insurer" means any insurance company or other organization licensed to write and engage in writing property or casualty insurance business in this state on a direct basis, including the property insurance components of multi-peril policies. This definition shall not include insurers who elect not to participate.

(10) "Joint reinsurance association" means the association formed by the insurers that provides for the equitable distribution of risks.

(11) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons.

(12) "Premiums written" means gross direct premiums, excluding that portion of premium on risks ceded to the joint reinsurance association, charged during the second preceding calendar year with respect to property in this state on all policies of basic property and casualty insurance, and the basic property and casualty premium components of all multi-peril policies, as computed by the facility, less return premiums, dividends paid or credited to policyholders, or the unused or unabsorbed portions of premium deposits.

(13) "Program" means the system of providing insurance coverage through the all-industry placement facility and joint reinsurance association.

(14) "Property owner," with respect to any real, personal, or mixed real and personal property, means any person having an insurable interest in the property.

(15) "Servicing insurer" means an insurer designated by the governing committee to issue policies on behalf of the facility.

(c) The manner and scope of the inspections of facility business shall be prescribed by the facility with the approval of the commissioner.

(d) An inspection report shall be made for each risk inspected. The report shall cover pertinent structural and occupancy features as well as the general condition of the building, its premises, and surrounding structures. Representative photographs of the property may be taken during the inspection.

(e) Within 12 business days after the inspection, a copy of the completed inspection report and any photographs shall be sent promptly to the facility. A copy of the inspection report shall be made available to the applicant.

(f) If, upon receipt of an application for coverage, the facility finds that the risk is eligible for insurance under the program, the facility shall assign the risk to the servicing insurer.

(g) After assignment of a risk to the servicing insurer, the facility shall apportion the liability so assumed to the insurers in the manner provided in this program.

(h) Assessments upon each insurer in the program for expenses in connection with facility business shall be levied and assessed by the governing committee of the facility in the manner provided in this program, subject to any minimum assessment that may be established by the governing committee.

(i) All servicing expenses of the servicing insurer shall be recoverable from the facility in the manner and to the extent determined by the governing committee.

(j) The maximum limits of liability that may be placed through the program shall be as follows:

(1) On any habitational property in one fire division under one ownership, its insurable market value, actual cash value, or \$200,000, whichever is less. This limit of liability shall apply jointly to real and personal property. In addition, the program may offer a maximum of \$10,000 theft coverage on personal property, and \$100,000 liabil-

ity coverage with an aggregate limit of \$200,000, and \$1,000 medical payments; and

(2) on any commercial property in one fire division under one ownership, its insurable market value, actual cash value, or \$1,000,000, whichever is less. Maximum limits shall apply jointly to real and personal property.

(k) The facility shall, within 10 business days after receipt of all required documentation, advise the applicant of one of the following:

(1) The risk is acceptable.

(2) The risk is acceptable at a surcharged rate, and the facility shall advise the applicant of any specific conditions and charges.

(3) The risk is declined but will be acceptable if the actions or improvements noted in the declination notice are made by the applicant and acknowledged by the facility.

(4) The risk is not eligible for the reasons stated in the declination notice.

(1) If a risk is declined because it fails to meet reasonable underwriting standards, the facility shall so notify the applicant. Factors to be considered when assessing whether or not a risk meets reasonable underwriting standards shall include the following:

(1) The physical condition of the property, including its construction, heating, wiring, evidence of previous fires, or general deterioration;

(2) its present use or housekeeping;

(3) any other exposure determined by the governing committee and approved by the commissioner; or

(4) any combination of (1)(1), (2), and (3).

(m) If the risk is acceptable to the facility, the facility shall notify the applicant and the licensed producer designated by the applicant, of the name of the servicing insurer and the premium to be charged. Upon receipt of adequate premium, a policy shall be issued within five business days.

(n) In the event that all or part of the risk is conditionally declined because the risk does not meet reasonable underwriting standards but can be improved to meet the standards, the facility shall promptly advise the applicant of what actions or improvements noted in the declination notice should be made. Upon satisfactory completion of the improvements and notification to the facility, the facility may have the property reinspected and shall then process the application in the manner described in this program.

(o) If the inspection of the risk reveals that there are one or more substandard conditions, surcharges may be imposed in conformity with filings approved by the commissioner.

(p) If the facility declines all or part of the risk, the facility shall promptly send a declination notice to the applicant. At the time the facility sends this notice to the applicant, it shall also advise the applicant of the right to appeal the decision of the facility to the commissioner and shall set forth in writing the procedures to be followed for the appeal.

(q) Any insurer who is a member of a group of insurers under the same management or ownership shall have the option of designating the insurer within the group to whom assignments shall be made as a servicing insurer.

(r) The servicing insurer shall cede to and the joint reinsurance association shall assume 100 percent of all policies written under the program.

(s) A joint reinsurance association shall be created consisting of all insurers who elect to participate.

(t) Each insurer shall participate in the writings, expenses, profits, and losses of the association in the following manner:

(1) For habitational risks, in the same proportion as its habitational premiums written bear to the aggregate habitational premiums written by all insurers in the program; and

(2) for commercial risks, in the same proportion as its commercial premiums written bear to the aggregate commercial premiums written by all insurers in the program.

(u) The association shall adopt a plan of operation and rules of procedure that, before being placed into effect, shall be filed with and approved by the commissioner. Any amendments to the plan of operation or rules of procedure so adopted shall also be filed and approved by the commissioner before being placed into effect.

(v) All policies shall be issued on the forms and in accordance with the rates and rating procedures approved by the commissioner for use with the program. The policies shall be issued for a term of one year.

(w) The servicing insurer shall not cancel a policy issued under the program without approval of the facility.

(x) A notice of cancellation of a policy issued under the plan, together with a statement of the reason for it, shall be sent no fewer than 30 days before the cancellation date. However, in cases of nonpayment of premium, the cancellation notice shall be sent no fewer than 10 days before the cancellation date. Any declination at expiration of a policy shall be sent no fewer than 30 days before expiration for habitational risks and no fewer than 60 days before expiration for commercial risks.

(y) Each notice of cancellation or declination at expiration sent to the insured relating to a policy issued under the program shall contain the procedures for reconsideration by the facility and shall be accompanied by a statement that the insured has a right of appeal.

(z) Any applicant may make a written appeal of a decision of the facility relating to the conditions for acceptance of coverage. This appeal shall be made to the commissioner within 30 days from the decision of the facility.

(aa) Other than as provided elsewhere in the program, any applicant or insurer shall have the right of appeal to the governing committee. A decision of the committee may be appealed in writing to the commissioner within 30 days from the action or decision of the committee.

(bb) Commissions under the program shall be as determined by the governing committee and shall be paid to the licensed producer designated by the applicant. The facility shall pay the applicable commission to an agent licensed to write property and casualty insurance in the state of Kansas.

(cc) This program shall be administered by a governing committee of the facility, subject to the supervision of the commissioner, and operated by a manager appointed by the committee.

(continued)

(dd) The governing committee shall have the authority to make and issue the operating rules necessary to implement this program. The operating rules shall be subject to approval by the commissioner before their use.

(ee) The governing committee shall consist of seven insurers and two agents, who shall be selected from each of the following:

- (1) Kansas association of property and casualty companies;
- (2) other non-stock companies;
- (3) other stock companies;
- (4) Kansas stock insurers;
- (5) alliance of American insurers;
- (6) American insurance association;
- (7) national association of independent insurers; and
- (8) Kansas association of insurance agents.

The three insurer associations shall designate their representatives to the committee. The two Kansas insurer groups shall designate their representatives in the manner mutually agreed upon by their respective companies. The agents' association shall designate its representatives to the committee. The "other stock companies" and "other non-stock companies" members of the committee shall be selected by the other seven representatives.

(ff) Representatives on the governing committee shall serve for a period of one year or until successors are elected or designated.

(gg) There shall be an annual meeting of the insurers and members of the governing committee on a date fixed by the committee.

(hh) A special meeting may be called at a time and place designated by the committee or upon the written request to the committee by 10 insurers, not more than one of which may be in a group under the same management or ownership.

(ii) Twenty days' written notice of the annual or special meeting shall be given by the committee to the insurers. A majority of the insurers shall constitute a quorum. Voting by proxy shall be permitted. Notice of any meeting shall be accompanied by an agenda for the meeting.

(jj) Any matter, including amendment of this program, may be proposed and voted upon by mail if this procedure is unanimously authorized by the members of the governing committee. If so approved by the committee, notice of any proposal shall be mailed to the insurers no fewer than 20 days before the final date fixed by the committee for voting on it.

(kk) At any regular or special meeting at which the vote of the insurers is or may be required on any proposal including amendment to this program, or any vote of the insurers that may be taken by mail on any proposal, the votes shall be cast and counted on a weighted basis in accordance with each insurer's premiums written. On any proposal deemed by the governing committee to relate exclusively to habitation or exclusively to commercial business, the votes shall be cast and counted on a weighted basis in accordance with each insurer's respective habitation or commercial premiums written. A proposal shall become effective when approved by at least two-thirds of the votes cast on this weighted basis.

(ll) Each amendment of the program shall be subject to approval by the commissioner.

(mm) The committee shall meet as often as may be required to perform the general duties of administration of the facility or on the call of the commissioner.

(nn) The governing committee shall be empowered to appoint a manager, who shall serve at the pleasure of the committee, to budget expenses, levy assessments, disburse funds, and perform all other duties necessary or incidental to the proper administration of the facility.

(oo) Annually, the manager shall prepare an operating budget that shall be subject to approval of the governing committee. This budget shall be furnished to the insurers after approval.

(pp) The governing committee shall furnish to all insurers and to the commissioner an annual written report of operations. The form and detail of the report shall be determined by the committee.

(qq) The presence of seven members of the governing committee, at least five of whom shall be insurers, shall constitute a quorum.

(rr) The governing committee shall appoint any committees that it may deem advisable.

(ss) The servicing insurer shall maintain records by policyholder, producer of record, and dates of coverage for each application received and maintain any other records that may be required by the governing committee or the commissioner.

(tt) The servicing insurer shall separately code and maintain separate statistics on business written in accordance with the foregoing program and shall make reports thereon as may be required by the governing committee or the commissioner.

(uu) The manager shall submit annually, or at any other periods that may be designated by the commissioner, to the governing committee and the commissioner a report setting forth the number of new applications received, renewal policies paid, the number of risks inspected, the number of policies issued, and any other information that the commissioner may request. (Authorized by K.S.A. 40-103, 40-2116; implementing K.S.A. 40-2101; effective, E-69-3, Oct. 7, 1968; amended, E-69-5, Jan. 8, 1969; effective, Jan. 1, 1970; amended, E-70-41, Sept. 1, 1970; amended Jan. 1, 1970; amended May 1, 1988; amended Nov. 29, 1993; amended July 30, 1999.)

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 024043

State of Kansas

Board of Pharmacy

Permanent Administrative Regulations

Article 14.—WHOLESALE DISTRIBUTORS

68-14-1. Wholesale distributors. "Wholesale distributor" means any person, partnership, corporation, or business firm licensed or registered in this state and engaging in the wholesale distribution of prescription-only drugs. (Authorized by K.S.A. 65-1630; implementing K.S.A. 1998 Supp. 65-1643; effective June 15, 1992; amended March 20, 1995; amended July 30, 1999.)

Larry Froelich
Executive Director

Doc. No. 024054

State of Kansas

Department of Wildlife and Parks

Permanent Administrative Regulations

Article 2.—FEES, REGISTRATIONS AND OTHER CHARGES

115-2-1. Amount of fees. The following fees shall be in effect for the following licenses, permits, and other issues of the department: (a) Hunting licenses and permits.

Resident hunting license	15.00
Nonresident hunting license	65.00
Nonresident junior hunting license (under 16 years of age) ...	30.00
Resident big game hunting permit:	
General resident; elk permit	100.00
Landowner/tenant; elk permit	50.00
Hunt-on-your-land; elk permit	30.00
General resident; deer permit	30.00
Landowner/tenant; deer permit	15.00
Hunt-on-your-own-land; deer permit	10.00
Special hunt-on-your-own-land; deer permit	10.00
General resident; antelope permit	40.00
Landowner/tenant; antelope permit	20.00
Hunt-on-your-own-land; antelope permit	10.00
General resident; turkey permit (1-bird limit)	20.00
General resident; turkey permit (2-bird limit)	25.00
Landowner/tenant; turkey permit (1-bird limit)	10.00
Landowner/tenant; turkey permit (2-bird limit)	15.00
Hunt-on-your-own-land; turkey permit (1-bird limit)	10.00
Hunt-on-your-own-land; turkey permit (2-bird limit)	15.00
Antelope preference point service charge	5.00
Game tag:	
Second and subsequent deer tag	10.00
Second and subsequent turkey tag	10.00
Nonresident big game hunting permit:	
Nonresident; turkey permit (1-bird limit)	30.00
Nonresident; turkey permit (2-bird limit)	35.00
Nonresident hunt-on-own-land; deer permit	50.00
Nonresident; deer permit (buck only or any deer)	200.00
Nonresident; deer permit (antlerless only)	50.00
Nonresident; deer permit (application fee)	5.00
48-hour waterfowl hunting permit	20.00
Field trial permit; game birds	20.00

Lifetime hunting license	240.00
or eight quarterly installment payments of	35.00
Migratory waterfowl habitat stamp	3.00
Special dark goose hunting permit	5.00
Sandhill crane hunting permit—validation fee	5.00
Disabled person hunt-from-a-vehicle permit	0

(b) Fishing licenses and permits.

Resident fishing license	15.00
Nonresident fishing license	35.00
24-hour fishing license	3.00
Lifetime fishing license	240.00
or eight quarterly installment payments of	35.00
Five-day nonresident fishing license	15.00
Institutional group fishing license	100.00
Special nonprofit group fishing license	50.00
Trout permit	7.50

(c) Combination hunting and fishing licenses and permits.

Resident combination hunting and fishing license	30.00
Resident lifetime combination hunting and fishing license	440.00
or eight quarterly installment payments of	60.00
Nonresident combination hunting and fishing license	90.00

(d) Furharvester licenses.

Resident furharvester license	15.00
Resident junior furharvester license	7.50
Lifetime furharvester license	240.00
or eight quarterly installment payments of	35.00
Nonresident furharvester license	250.00
Resident fur dealer license	100.00
Nonresident fur dealer license	400.00
Field trial permit; furbearing animals	20.00

(e) Commercial licenses and permits.

Controlled shooting area hunting license	13.00
Resident mussel fishing license	75.00
Nonresident mussel fishing license	1,000.00
Mussel dealer permit	200.00
Missouri river fishing permit	25.00
Game breeder permit	10.00
Controlled shooting area operator license	200.00
Commercial dog training permit	20.00
Commercial guide permit	50.00
Associate guide permit	25.00
Commercial fish bait permit	20.00
Commercial prairie rattlesnake harvest permit (without a valid Kansas hunting license)	20.00
Commercial prairie rattlesnake harvest permit (with a valid Kansas hunting license or exempt from this license requirement)	5.00
Commercial prairie rattlesnake dealer permit	50.00
Prairie rattlesnake round-up event permit	25.00

(f) Collection, scientific, importation, rehabilitation, and damage-control permits.

Scientific, educational or exhibition permit	10.00
Raptor propagation permit	0
Rehabilitation permit	0
Wildlife damage-control permit	0
Wildlife importation permit	10.00
Threatened or endangered species—special permits	0

(g) Falconry.

Apprentice permit	100.00
General permit	200.00
Master permit	300.00
Testing fee	50.00

(h) Miscellaneous fees.

Duplicate license, permit, stamp, and other issues of the department	5.00
Special departmental services, materials, or supplies	At cost

(continued)

Vendor bond

For bond amounts of \$5,000 & less	50.00
For bond amounts of more than \$5,000	50.00
plus \$6.00 per additional \$1,000.00 coverage or any fraction thereof.	

(Authorized by and implementing K.S.A. 32-807, K.S.A. 32-941, and K.S.A. 1998 Supp. 32-988, as amended by 1999 SB 70, § 2, and 1999 HB 2492, § 4; effective Dec. 4, 1989; amended Sept. 10, 1990; amended Jan. 1, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended April 11, 1994; amended Aug. 29, 1994; amended June 5, 1995; amended Aug. 21, 1995; amended Feb. 28, 1997; amended July 30, 1999.)

Article 4.—BIG GAME

115-4-13. Deer permits; descriptions and restrictions. Except as otherwise specified or further restricted by law or regulation, the following deer permit descriptions, provisions, and restrictions shall be in effect.

(a) Primary deer permits.

(1) Statewide archery deer permit. This permit shall be valid for the statewide hunting of deer during the established archery deer season using equipment that is legal during the archery deer season.

(2) Firearm deer permit. This permit shall be valid for the hunting of deer during the established firearms deer season within a prescribed management unit, using equipment that is legal during the firearms deer season.

(3) Muzzleloader deer permit. This permit shall be valid for the hunting of deer during the established muzzleloader and firearms deer seasons within a prescribed management unit, using muzzleloader equipment that is legal during the muzzleloader or firearms deer season.

(4) Hunt-on-your-own-land (HOYL) deer permit. This permit shall be available to resident individuals who qualify as landowners or as tenants or as family members domiciled with the landowner or with the tenant. This permit shall be valid during the muzzleloader, archery, and firearms deer seasons, using equipment that is legal during the established season. It shall be valid only on lands owned or operated by the landowner or tenant.

(5) Special hunt-on-your-own-land (SHOYL) deer permit. This permit shall be available to resident individuals who qualify as landowners or as tenants or as family members domiciled with the landowner or with the tenant. This permit shall be valid during the muzzleloader, archery, and firearms deer seasons, using equipment that is legal during the established season. This permit shall be valid only on lands owned or operated by the landowner or tenant. This permit shall be transferable to family members who are lineal or collateral ascendants or descendants of the landowner or of the tenant. These family members shall include the spouses of lineal or collateral ascendants or descendants of the landowner or of the tenant.

(b) Nonresident deer permits.

(1) Nonresident archery deer permit. This permit shall be valid for the hunting of deer during the established archery deer season within a prescribed management unit, using equipment that is legal during the archery deer season.

(2) Nonresident firearm deer permit. This permit shall be valid for the hunting of deer during the established firearms deer season within a prescribed management unit, using equipment that is legal during the firearms deer season.

(3) Nonresident muzzleloader deer permit. This permit shall be valid for the hunting of deer during the established muzzleloader and firearms deer seasons within a prescribed management unit, using muzzleloader equipment that is legal during the muzzleloader or firearms deer season.

(4) Nonresident hunt-on-your-own-land (NHOYL) deer permit. This permit shall be available to nonresident individuals who qualify as Kansas landowners or tenants. This permit shall be valid during the muzzleloader, archery, and firearms deer seasons, using equipment that is legal during the established season. This permit shall be valid only on lands owned or operated by the nonresident landowner or tenant.

(c) Secondary deer permits.

(1) Unit archery deer permit. This permit shall be valid for the hunting of deer during the established archery deer season within a prescribed management unit, using equipment that is legal during the archery deer season.

(2) Leftover firearm deer permit. Leftover firearm deer permits shall be those firearm permits that remain unissued after the first drawing process is completed. This permit shall be valid for the hunting of deer within a prescribed management unit during the archery, muzzleloader, or firearms deer season, using equipment that is legal during the established season.

(3) Leftover muzzleloader deer permit. Leftover muzzleloader deer permits shall be those muzzleloader permits that remain unissued after the first drawing process is completed. This permit shall be valid for the hunting of deer within a prescribed management unit during the archery, muzzleloader, or firearms deer seasons, using equipment that is legal during the established season.

(4) Bonus deer permit. This permit shall be valid for the hunting of deer within a prescribed management unit during the archery and firearms deer seasons, using equipment that is legal during the established season.

(d) Special deer season permit. This permit shall retain distinctions as specified in subsections (a), (b), and (c) of this regulation and shall be valid within a prescribed management unit during a special deer season.

(e) Legal equipment shall be as established under K.A.R. 115-4-5. (Authorized by K.S.A. 32-807 and K.S.A. 1998 Supp. 32-937, as amended by 1999 SB 70, § 1; implementing K.S.A. 32-807, K.S.A. 1998 Supp. 32-937, as amended by 1999 SB 70, § 1, and K.S.A. 32-1002; effective Jan. 30, 1995; amended June 6, 1997; amended July 30, 1999.)

Steven A. Williams
Secretary of Wildlife
and Parks

Doc. No. 024046

State of Kansas

Department of Health
and EnvironmentPermanent Administrative
RegulationsArticle 16.—SURFACE WATER
QUALITY STANDARDS

28-16-28b. Definitions. As used in these regulations, the following terms shall have these meanings: (a) "Alluvial aquifer" means the sediment that is associated with and deposited by a stream and that contains water capable of being produced from a well.

(b) "Alternate low flow" means a low flow, alternate to the 7Q10 flow, based seasonally, hydrologically, or biologically, or a low flow determined through a water assurance district. Wherever used in this regulation in the context of mixing zones, the term shall refer to a minimum amount of stream flow occurring immediately upstream of a wastewater discharge and available, in whole or in part, for dilution and assimilation of wastewater discharges.

(c) "Antidegradation" means the regulatory actions and measures taken to prevent or minimize the lowering of water quality in surface waters of the state, including those streams, lakes, and wetlands in which existing water quality exceeds the level required for maintenance and protection of the existing uses.

(d) "Artificial sources" means sources of pollution that result from human activities that can be abated by construction of control structures, modification of operating practices, complete restraint of activities, or some combination of these methods.

(e) "Background concentration" means the concentration of any elemental parameter listed in tables 1a, 1b, and 1c of K.A.R. 28-16-28e, or any elemental substance meeting the definition of pollutant in K.A.R. 28-16-28b(qq), that occurs in a surface water immediately upstream of a point source or nonpoint source under consideration and is from predominantly natural, non-anthropogenic sources.

(f) "Base flow" means that portion of a stream's flow contributed by sources of water other than precipitation runoff. Wherever used in this regulation in the context of stream classification, the term shall refer to a fair weather flow sustained primarily by springs or groundwater seepage, wastewater discharges, irrigation return flows, releases from reservoirs, or some combination of these factors.

(g) "Bioaccumulation" means the accumulation of toxic substances in plant or animal tissue through either bioconcentration or biomagnification.

(h) "Bioassessment methods and procedures" means the use of biological methods of assessing surface water quality including field investigations of aquatic organisms and laboratory or field aquatic toxicity tests.

(i) "Bioconcentration" means the concentration and incorporation of toxic substances into body tissues from ambient sources.

(j) "Biomagnification" means the transport of toxic substances through the food chain through successive cy-

cles of eating and being eaten, and through the subsequent accumulation and concentration of these substances in higher-order consumers and predators.

(k) "Biota" means the animal and plant life and other organisms of a given geographical region.

(l) "Carcinogenic" means having the property of inducing the production of cancerous cells in organisms.

(m) "Classified surface water" means any surface water or surface water segment that supports or, in the absence of artificial sources of pollution, would support one or more of the designated uses of surface water defined in K.A.R. 28-16-28d(a), or that otherwise meets the criteria for classification given in K.A.R. 28-16-28d(b).

(n) "Compliance schedule" means any provision in a discharge permit, license, or enforceable order issued by the department pursuant to the federal clean water act or K.S.A. 65-165, and amendments thereto, that, for the purposes of meeting water quality-based effluent limitations, technology-based limits, effluent limitations determined through best professional judgement, or other requirements in the Kansas statutes and regulations, provides a specified period of time for the construction or renovation of a wastewater treatment facility and the completion of any related scientific or engineering studies, reports, plans, design specifications, or other submittals required by the department.

(o) "Condition of acute toxicity" means any concentration of a toxic substance that exceeds the applicable acute criterion for aquatic life support presented in K.A.R. 28-16-28e or, for substances not listed in K.A.R. 28-16-28e or for mixtures of toxic substances, any concentration that exceeds 0.3 times the median lethal concentration. The concentration at which acute toxicity exists shall be determined through laboratory toxicity tests conducted in accordance with the United States environmental protection agency's "methods for measuring the acute toxicity of effluents and receiving waters to freshwater and marine organisms," fourth edition, as published in August 1993, which is hereby adopted by reference.

(p) "Condition of chronic toxicity" means any concentration of a toxic substance that exceeds the applicable chronic criterion for aquatic life support presented in K.A.R. 28-16-28e or, for substances not listed in K.A.R. 28-16-28e or for mixtures of toxic substances, any concentration that exceeds the no-observed-effect level. The concentration at which chronic toxicity exists shall be determined through laboratory toxicity tests conducted in accordance with the United States environmental protection agency's "short-term methods for estimating the chronic toxicity of effluents and receiving waters to freshwater organisms," third edition, as published in July 1994, which is hereby adopted by reference.

(q) "Criterion" means any numerical element or narrative provision of the surface water quality standards representing an enforceable water quality condition.

(r) "Department" means the Kansas department of health and environment.

(s) "Designated use" means any of the beneficial uses specifically attributed to surface waters of the state in K.A.R. 28-16-28d.

(continued)

(t) "Discharge" means the release of effluent, either directly or indirectly, into surface waters of the state.

(u) "Ecological integrity" means the natural or unimpaired structure and functioning of an aquatic or terrestrial ecosystem.

(v) "Effluent" means the sewage or other wastewater discharged from an artificial source.

(w) "Exceptional state waters" means any of the surface waters or surface water segments that are of remarkable quality or of significant recreational or ecological value, are listed in the surface water register, as defined in K.A.R. 28-16-28b (zz), and are afforded the level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

(x) "Existing use" means any of the beneficial uses described in K.A.R. 28-16-28d known to have occurred in, or to have been made of, a surface water or surface water segment on or after November 28, 1975.

(y) "Fecal coliform bacteria" means facultatively anaerobic, gram negative, non-spore forming, rod-shaped bacteria that, when cultured under specific laboratory conditions, will ferment lactose, thereby producing acid, gas, or both.

(z) "Federal clean water act" means the federal water pollution control act, 33 U.S.C. 1251 et seq., as amended on February 4, 1987.

(aa) "General purpose waters" means any classified surface water that is not classified as an outstanding national resource water or an exceptional state water.

(bb) "Groundwater" means water located under the surface of the land that is or can be the source of supply for wells, springs, or seeps, or that is held in aquifers or the soil profile.

(cc) "Kansas implementation procedures: surface water" dated June 1, 1999, means written departmental procedures used for carrying out specific provisions of surface water quality standards, available upon request from KDHE's division of environment, which is hereby adopted by reference.

(dd) "Maximum contaminant level" means any of the enforceable standards for finished drinking water quality promulgated by the United States environmental protection agency pursuant to section 300g-1(b)(3) of the federal safe drinking water act, 42 U.S.C. 300f through 300j-9, as amended on August 6, 1996, which is hereby adopted by reference.

(ee) "Median lethal concentration" means the concentration of a toxic substance or a mixture of toxic substances calculated to be lethal to 50 percent of the population of test organisms in an acute toxicity test.

(ff) "Microfibers per liter (μ fibers/L)" means the number of microscopic particles with a length-to-width ratio of 3:1 or greater present in a volume of one liter.

(gg) "Microgram per liter (μ g/L)" means the concentration of a substance at which one one-millionth of a gram (10^{-6} g) of the substance is present in a volume of one liter.

(hh) "Milligram per liter (mg/L)" means the concentration of a substance at which one one-thousandth of a gram (10^{-3} g) of the substance is present in a volume of one liter.

(ii) "Mixing zone" means the designated portion of a stream or lake where a discharge is incompletely mixed with the receiving surface water and where, in accordance with K.A.R. 28-16-28e, concentrations of certain pollutants may legally exceed chronic water quality criteria associated with the established designated uses that are applied in most other portions of the receiving surface water.

(jj) "Mutagenic" means having the property of directly or indirectly causing a mutation.

(kk) "Nonpoint source" means any activity that is not required to have a national pollutant discharge elimination system permit and that results in the release of pollutants to waters of the state. This release may result from precipitation runoff, aerial drift and deposition from the air, or the release of subsurface brine or other contaminated groundwaters to surface waters of the state.

(ll) "No-observed-effect level" means the highest concentration of a toxic substance, or a mixture of toxic substances, that has no statistically significant adverse effect on the population of test organisms in a chronic toxicity test.

(mm) "Outstanding national resource water" means any of the surface waters or surface water segments of extraordinary recreational or ecological significance identified in the surface water register, as defined in K.A.R. 28-16-28b(zz), and afforded the highest level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

(nn) "pH" means the common logarithm of the reciprocal of the hydrogen ion concentration measured in moles per liter, expressed on a scale that ranges from zero to 14, with values less than seven being more acidic and values greater than seven being more alkaline.

(oo) "Picocurie per liter (pCi/L)" means a volumetric unit of radioactivity equal to 2.22 nuclear transformations per minute per liter.

(pp) "Point source" means any discernible, confined, and discrete conveyance including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or floating craft, from which pollutants are or may be discharged. This term may include structures or site conditions that act to collect and convey stormwater runoff from roadways, urban areas, or industrial sites. This term shall not include agricultural stormwater discharges or return flows from irrigated agricultural land.

(qq) "Pollutant" means any physical, biological, or chemical conditions, substances, or combination of substances released into surface waters of the state that result in surface water pollution, as defined in K.A.R. 28-16-28b(rr).

(rr) "Pollution" means either of the following:

(1) Contamination or other alteration of the physical, chemical, or biological properties of the surface waters of the state, including changes in temperature, taste, odor, turbidity, or color of the waters, or discharges of gaseous, liquid, solid, radioactive, microbiological, or other substances into surface waters in a manner that may create a nuisance or render these waters harmful, detrimental, or injurious to public health, safety, or welfare; to do-

mestic, industrial, agricultural, recreational, or other beneficial uses; or to livestock, domestic animals, or native or naturalized plant or animal life; or

(2) any discharge that will or is likely to exceed state effluent limitations predicated upon technology-based effluent standards, or water quality-based standards.

(ss) "Potable water" means water that is suitable for drinking and cooking purposes in terms of both human health and aesthetic considerations.

(tt) "Precipitation runoff" means the rainwater, or the meltwater derived from snow, hail, sleet, or other forms of atmospheric precipitation, that flows by gravity over the surface of the land and into streams, lakes, or wetlands.

(uu) "Presedimentation sludge" means a slurry or suspension of residual solid materials derived from an initial step in the production of potable water. Presedimentation sludge shall also include residual solids originating from the raw water supply used for industrial or other non-potable water purposes, before the addition of any artificial materials. The solid materials shall include sand, silt, and other easily settleable particles originating from the raw water supply.

(vv) "Private surface water" means any freshwater reservoir or pond that is both located on and completely bordered by land under common private ownership.

(ww) "Seven-day, ten-year low flow (7Q10 flow)" means the seven-day average low flow having a recurrence frequency of once in 10 years, as statistically determined from historical flow data. Where used in this regulation in the context of mixing zones, the term shall refer to the minimum amount of stream flow occurring immediately upstream of a wastewater discharge and available, in whole or in part, for dilution or assimilation of wastewater discharges.

(xx) "Site-specific criterion" means any criterion applicable to a given classified surface water segment and developed for the protection of the designated uses of that segment alone.

(yy) "Stream flow" means the volume of water moving past a stream cross-sectional plane per unit of time.

(zz) "Surface water register" means a list of the state's major classified surface waters, including a listing of waters recognized as outstanding national resource waters or exceptional state waters, and the surface water use designations for each classified surface water, periodically updated and published by the department pursuant to the requirements of K.A.R. 28-16-28d(c)(2) and K.A.R. 28-16-28f(a).

(aaa) "Surface water segment" means a delineated portion of a stream, lake, or wetland.

(bbb) "Surface waters" means all of the following:

(1) Streams, including rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps, and cavern streams, and any alluvial aquifers associated with these surface waters;

(2) lakes, including oxbow lakes and other natural lakes and man-made reservoirs, lakes, and ponds; and

(3) wetlands, including water bodies meeting the technical definition for jurisdictional wetlands given in the "corps of engineers wetlands delineation manual," as

published in January 1987, which is hereby adopted by reference.

(ccc) "Surface waters of the state" means all surface waters occurring within the borders of the state of Kansas or forming a part of the border between Kansas and one of the adjoining states.

(ddd) "Teratogenic" means having the property of causing abnormalities that originate from impairment of an event that is typical in embryonic or fetal development.

(eee) "Toxic substance" means any substance that produces deleterious physiological effects in humans, animals, or plants.

(fff) "Turbidity" means the cloudiness of water as measured by optical methods (nephelometry) and expressed in standard nephelometric units.

(ggg) "Use attainability analysis" means a study conducted or accepted by the department that is designed to determine whether or not a surface water or surface water segment supports, or is capable of supporting in the absence of artificial sources of pollution, one or more of the designated uses defined in K.A.R. 28-16-28d(a).

(hhh) "Variance" means the department's written approval and authorization of a proposed action that knowingly will result in a lack of conformity with one or more of the criteria of K.A.R. 28-16-28e(c) but that is deemed necessary based on the provisions of 40 C.F.R. 131.10(g), as in effect on July 1, 1996, which is hereby adopted by reference. Variances shall be administered by the department in accordance with K.A.R. 28-16-28f(e).

(iii) "Water-effect ratio (WER)" means the numerical toxicity (median lethal concentration or no-observed-effect level) of a chemical pollutant diluted in water from a given stream, lake, or wetland divided by the numerical toxicity of the same pollutant diluted in laboratory water.

(jjj) "Water quality certification" means the department's written finding that a proposed action that impacts upon water quality will comply with the terms and conditions of the surface water quality standards.

(kkk) "Whole-effluent toxicity limitation" means any restriction imposed by the department on the overall acute or chronic toxicity of an effluent discharged to a surface water.

(lll) "Zone of initial dilution" means the region of a surface water in the immediate vicinity of a discharge where acute and chronic criteria may be exceeded. The zone shall comprise, in terms of volume, no more than 10 percent of the mixing zone. (Authorized by K.S.A. 1998 Supp. 65-171d and K.S.A. 65-171m; implementing K.S.A. 1998 Supp. 65-165 and 65-171d, and K.S.A. 65-171m; effective May 1, 1986; amended Aug. 29, 1994; amended July 30, 1999.)

28-16-28c. General provisions. (a) Antidegradation.

(1) General purpose waters.

(A) Levels of water quality in surface waters of the state shall be maintained to protect the existing uses of those surface waters.

(B) For all surface waters of the state, if existing water quality is better than applicable water quality criteria es-

(continued)

established in these regulations, that existing water quality shall be fully maintained and protected. Water quality may be lowered only if the department finds, after full satisfaction of the intergovernmental coordination and public participation requirements on antidegradation, contained in the Kansas implementation procedures, and defined in K.A.R. 28-16-28b (cc), that a lowering of water quality is needed to allow for important social and economic development in the geographical area in which the waters are located. In allowing the lowering of water quality, the maintainance and protection of existing uses shall be ensured by the department, and the highest statutory and regulatory requirements for all new and existing point sources of pollution and all cost-effective and reasonable best management practices for nonpoint sources of pollution shall be achieved.

(2) Wherever state surface waters constitute exceptional state waters, discharges shall be allowed only if existing uses and existing water quality are maintained and protected.

(3) Wherever state surface waters constitute an outstanding national resource water, existing uses and existing water quality shall be maintained and protected. New or expanded discharges shall not be allowed into outstanding national resource waters.

(4) No degradation of surface water quality by artificial sources of pollution shall be allowed if the degradation will result in harmful effects on populations of any threatened or endangered species of aquatic or semiaquatic life or terrestrial wildlife or its critical habitat as defined in the federal endangered species act, 16 U.S.C. 1531 et seq., as amended on October 7, 1988, or in K.S.A. 32-960, and amendments thereto, and K.A.R. 115-15-3.

(5) Temporary sources of pollution complying with the provisions of K.A.R. 28-16-28c(d) and K.A.R. 28-16-28e(b), and producing only ephemeral surface water quality degradation not harmful to existing uses, may be allowed by the department.

(6) Implementation of these antidegradation provisions for thermal discharges shall be consistent with the requirements of the federal clean water act.

(7) Implementation of these antidegradation provisions shall be consistent with the guidelines provided in the Kansas implementation procedures, available upon request from the department.

(b) Mixing zones.

(1) General limitations. Mixing zones shall not extend across public drinking water intakes, stream tributary mouths, or swimming or boat ramp areas, nor shall mixing zones exist in locations that preclude the normal upstream or downstream movement or migration of aquatic organisms. Mixing zones associated with separate discharges shall not overlap unless it is demonstrated, to the department's satisfaction, that the overlapping will not result in a violation of the general water quality criteria set forth in K.A.R. 28-16-28e(b) or in an impairment of the existing uses of the receiving surface water.

(2) Discharges into classified streams. No mixing zone within a classified stream shall extend beyond the middle of the nearest downstream current crossover point, where the main current flows from one bank to the opposite

bank, or more than 300 meters downstream from the point of effluent discharge.

(3) If the ratio of the receiving stream 7Q10 flow to the discharge design flow is less than 3:1, then the mixing zone shall not exceed the cross-sectional area or the volumetric flow of the stream during 7Q10 conditions, as measured immediately upstream of the discharge during the 7Q10 flow.

(4) Mixing zones shall be applied in accordance with K.A.R. 28-16-28c (b)(7) and (b)(8)(A), (B), (C), and (D), based on the classification and designated uses of a stream segment for individual pollutants. For surface waters classified as outstanding national resource waters, exceptional state waters, or designated as special aquatic life use waters, mixing zones for specific discharges may be allowed by the department. Mixing zones also may be allowed where there is no aquatic life criteria for an individual pollutant.

(5) Wherever site conditions preclude the rapid dispersion and dilution of effluent within the receiving surface water or if, in the judgement of the department, the presence of a mixing zone would unduly jeopardize human health or any of the existing uses of the receiving surface water, the right to prohibit the use of mixing zones or to place more stringent limitations on mixing zones than those stipulated in K.A.R. 28-16-28c(b)(2), (3), and (12) shall be reserved by the department.

(6) Outstanding national resource waters. Mixing zones may be allowed by the department for existing permitted discharges in stream segments classified in the future as outstanding national resource waters but shall be evaluated on a case-by-case basis.

(7) Exceptional state waters. If the ratio of the receiving stream 7Q10 flow to the discharge design flow is equal to or greater than 3:1, the mixing zone shall not exceed 25 percent of the cross-sectional area or volumetric flow of the receiving stream during 7Q10 conditions, measured immediately upstream of the discharge during the 7Q10 flow. In the calculation of the mixing zone cross-sectional area or volumetric flow, the greater of the 7Q10 flow or 0.003 cubic meters per second shall be applied to any surface waters classified as exceptional state waters.

(8) General purpose waters.

(A) Special aquatic life use waters. If the ratio of the receiving stream 7Q10 flow to the discharge design flow is equal to or greater than 3:1, the mixing zone shall not exceed 25 percent of the cross-sectional area or volumetric flow of the receiving stream during 7Q10 conditions, measured immediately upstream of the discharge during the 7Q10 flow. In the calculation of the mixing zone cross-sectional area or volumetric flow, the greater of the 7Q10 flow or 0.003 cubic meters per second shall be applied to any surface waters designated as special aquatic life use waters.

(B) Expected aquatic life use waters. If the ratio of the receiving stream 7Q10 flow to the discharge design flow is equal to or greater than 3:1, the mixing zone shall not exceed 50 percent of the cross-sectional area or volumetric flow of the receiving stream during 7Q10 conditions, measured immediately upstream of the discharge during the 7Q10 flow. In the calculation of the mixing zone cross-sectional area or volumetric flow, the greater of the 7Q10

flow or 0.03 cubic meters per second shall be applied to any surface waters designated as expected aquatic life use waters.

(C) Restricted aquatic life use waters. If the ratio of the receiving stream 7Q10 flow to the discharge design flow is equal to or greater than 3:1, the mixing zone shall not exceed 100 percent of the cross-sectional area or volumetric flow of the receiving stream during 7Q10 conditions, measured immediately upstream of the discharge during the 7Q10 flow. In the calculation of the mixing zone cross-sectional area or volumetric flow, the greater of the 7Q10 flow or 0.03 cubic meters per second shall be applied to any surface waters designated as restricted aquatic life use waters.

(D) Recreational uses. If the ratio of the receiving stream 7Q10 flow to the discharge design flow is equal to or greater than 3:1, the mixing zone shall not exceed 25 percent of the cross-sectional area or volumetric flow of the receiving stream at 7Q10 conditions, measured immediately upstream of the discharge during the 7Q10 flow. In the application of this regulation, the 25 percent mixing zone shall apply only to recreational criteria. In the calculation of the mixing zone cross-sectional area or volumetric flow, the greater of the 7Q10 flow or 0.03 cubic meters per second shall be applied to surface waters designated for primary or secondary contact recreational use. If the ratio of the receiving stream 7Q10 flow to the discharge design flow is less than 3:1, then the mixing zone shall not exceed the cross-sectional area or volumetric flow of the receiving stream at 7Q10 conditions.

(9) Alternate low flows, as defined in K.A.R. 28-16-28b(d), may be utilized by the department in the calculation of mixing zone cross-sectional area or volumetric flow for specific water quality criteria. The 30Q10 flow for ammonia or the guaranteed minimum flow provided by a water assurance district, if applicable, shall be used by the department in the calculation of the mixing zone cross-sectional area or volumetric flow. Other alternate low flows, with a specific recurrence frequency and averaging period, shall be considered by the department if those flows will not result in excursions above aquatic life criteria more frequently than once every three years. The right to approve or disapprove any proposed alternate low flow shall be reserved by the department.

(10) Alternate mixing zones employing specific linear distances for mixing zones or alternate stream dilution volumes or cross-sectional areas, or both, may be allowed by the department. Site-specific mixing zones may be allowed if data generated from a site-specific study supports the use of an alternate mixing zone, but still maintains a zone of passage for aquatic life.

(11) Discharges into classified lakes. Mixing zones shall be prohibited by the department from extending into any lake classified as an outstanding national resource water, exceptional state water, or designated as a special aquatic life use water pursuant to K.A.R. 28-16-28d(c). Mixing zones in lakes designated as expected aquatic life use water or restricted aquatic life use waters may be allowed by the department if the mixing zones do not extend farther than 50 meters from the point of effluent discharge or do not comprise more than one per-

cent of the total volume of the receiving lake as measured at conservation pool.

(12) Discharges into classified wetlands. Mixing zones shall be prohibited by the department from extending into any classified lacustrine or palustrine wetland as defined in the "corps of engineers wetlands delineation manual," as published in January 1987.

(c) Special conditions. The following special conditions shall not remove the obligation to design, build, or use pollution control structures or methods to control point and nonpoint sources of pollution as defined in K.A.R. 28-16-28b(kk) and (pp).

(1) Low flow. Classified streams may be excluded by the department from the application of some or all of the requirements of K.A.R. 28-16-28e(c) when stream flow is less than the 7Q10 flow, alternate low flow, or the minimum low flow, as described in K.A.R. 28-16-28c(b) (7) and (b) (8) (A), (B), (C), and (D).

(2) High flow. Classified streams may be excluded by the department from the application of the numerical criteria for fecal coliform bacteria in K.A.R. 28-16-28e(c) when actual stream flow exceeds the flow that is, over the long term, surpassed only 10% of the time.

(3) Effluent-created flow. For any current classified stream segment in which continuous flow is sustained primarily through the discharge of treated effluent and, as demonstrated by a use attainability analysis, does not meet the requirements of a classified stream in 28-16-28d(b), the discharger shall not be required to provide treatment beyond that treatment required in the federal secondary treatment regulation, 40 C.F.R. 133.102, as in effect on July 1, 1996. This discharge shall not violate the general surface water quality criteria listed in K.A.R. 28-16-28e(b) or impair any of the existing or attained designated uses of a downstream classified stream surface water segment. If a use attainability analysis demonstrates that the designated uses of a surface water segment are not attainable, then the new use designations shall be adopted into the regulations at the next systematic review or subsequent triennial review.

(d) Treatment requirements.

(1) All effluent shall receive appropriate minimum levels of treatment as required by the federal clean water act.

(2) Effluent shall receive a higher level of treatment than that stipulated in K.A.R. 28-16-28c(d)(1), if the department determines that this higher level of treatment is needed to fully comply with the terms and conditions of K.A.R. 28-16-28c(a) or K.A.R. 28-16-28e.

(e) Analytical testing. All methods of sample collection, preservation, and analysis used in applying any of these regulations shall be in accordance with those methods prescribed by the department.

(f) Application of standards to privately owned surface waters. The application of water quality standards to privately owned water bodies shall be subject to the provisions of K.S.A. 65-171d, and amendments thereto. (Authorized by K.S.A. 1998 Supp. 65-171d and K.S.A. 65-171m; implementing K.S.A. 1998 Supp. 65-165 and 65-171d, and K.S.A. 65-171m; effective May 1, 1986; amended, T-87-8, May 1, 1986; amended May 1, 1987; amended Aug. 29, 1994, amended July 30, 1999.)

(continued)

28-16-28d. Surface water use designation and classification. (a) Designated uses of surface waters shall be defined as follows.

(1) "Agricultural water supply use" means the use of surface water for agricultural purposes, including the following:

(A) "Irrigation," which means the withdrawal of surface water for application onto land; and

(B) "livestock watering," which means the provision of surface water to livestock for consumption.

(2) "Aquatic life support use" means the use of surface water for the maintenance of the ecological integrity of streams, lakes, and wetlands, including the sustained growth and propagation of native aquatic life; naturalized, important, recreational aquatic life; and indigenous or migratory semiaquatic or terrestrial wildlife directly or indirectly dependent on surface water for survival.

(A) "Special aquatic life use waters" means surface waters that contain combinations of habitat types and indigenous biota not found commonly in the state, or surface waters that contain representative populations of threatened or endangered species.

(B) "Expected aquatic life use waters" means surface waters containing habitat types and indigenous biota commonly found or expected in the state.

(C) "Restricted aquatic life use waters" means surface waters containing indigenous biota limited in abundance or diversity by the physical quality or availability of habitat, due to natural deficiencies or artificial modifications, compared to more suitable habitats in adjacent waters.

(3) "Domestic water supply use" means the use of surface water, after appropriate treatment, for the production of potable water.

(4) "Food procurement use" means the use of surface water for the obtaining of edible forms of aquatic or semiaquatic life for human consumption.

(5) "Groundwater recharge use" means the use of surface water for the replenishing of fresh or usable groundwater resources. This use may involve the infiltration and percolation of surface water through sediments and soils or the direct injection of surface water into underground aquifers.

(6) "Industrial water supply use" means the use of surface water for nonpotable purposes by industry, including withdrawals for cooling or process water.

(7) "Recreational use" means the use of surface water for primary or secondary contact recreation.

(A) "Primary contact recreational use" means recreation during which the body is immersed in surface water to the extent that some inadvertent ingestion of water is probable. This use shall include boating, mussel harvesting, swimming, skin diving, waterskiing, and windsurfing.

(B) "Secondary contact recreational use" means recreation during which ingestion of surface water is not probable. This use shall include wading, fishing, trapping, and hunting.

(b) Surface water classification. Surface waters shall be classified as follows:

(1) Classified streams shall include all streams with mean summer base flows exceeding 0.003 cubic meters per second. Regardless of flow, a stream shall be classified

if studies conducted or accepted by the department show that pooling of water during periods of zero flow provides important refuges for aquatic life and permits biological recolonization of intermittently flowing segments.

(2) Classified lakes shall be all lakes owned by federal, state, county, or municipal authorities and all privately owned lakes that serve as public drinking water supplies or that are open to the general public for primary or secondary contact recreation.

(3) Classified wetlands shall be all wetlands owned by federal, state, county, or municipal authorities, all privately owned wetlands open to the general public for hunting, trapping, or other forms of secondary contact recreation, and all wetlands classified as outstanding national resource waters or exceptional state waters, or designated as special aquatic life use waters pursuant to K.A.R. 28-16-28d(c). Wetlands created for the purpose of wastewater treatment shall not be considered classified wetlands.

(c) Assignment of uses to surface waters.

(1) At a minimum, all classified surface waters shall be designated for secondary contact recreational use and one of the three designations of aquatic life support use described in K.A.R. 28-16-28d(a)(2). Classified surface waters shall be designated for uses based upon the results of use attainability analyses conducted or accepted by the department. The provisions of the federal water quality standards regulation, 40 C.F.R. Part 131, as in effect on July 1, 1996, shall be followed and are hereby adopted by reference.

(2) A register of surface water classifications and use designations shall be maintained by the department. This register shall identify the designated uses of all listed major classified streams, lakes, and wetlands and list those streams, lakes, and wetlands recognized by the department as outstanding national resource waters or exceptional state waters. In the application of the current regulations, use designations of listed surface waters and waterbodies recognized as outstanding national resource waters, or exceptional state waters shall be those identified in the "Kansas surface water register," dated June 1, 1999, which is hereby adopted by reference.

(3) Beneficial use designations for classified streams, lakes, and wetlands not listed in the surface water register shall be determined by the department on a case-by-case basis in accordance with the requirements of K.A.R. 28-16-28d(c)(1). (Authorized by K.S.A. 1998 Supp. 65-171d and K.S.A. 65-171m; implementing K.S.A. 1998 Supp. 65-165 and 65-171d, and K.S.A. 65-171m; effective May 1, 1986; amended, T-87-8, May 1, 1986; amended May 1, 1987; amended Aug. 29, 1994; amended July 30, 1999.)

28-16-28e. Surface water quality criteria. (a) Criteria development guidance. The development of surface water quality criteria for substances not listed in these standards shall be guided by water quality criteria published by the United States environmental protection agency. When the department finds that the criteria listed in this regulation are underprotective or overprotective for a given surface water segment, appropriate site-specific criteria may be developed and applied by the department, in accordance with K.A.R. 28-16-28d(f), using

bioassessment methods or other related scientific procedures, including those procedures described in the United States environmental protection agency's "water quality standards handbook," second edition, as published in August 1994.

(b) General criteria for surface waters. The following criteria shall apply to all surface waters, regardless of classification.

(1) Surface waters shall be free, at all times, from the harmful effects of substances that originate from artificial sources of pollution and that produce any public health hazard, nuisance condition, or impairment of a designated use.

(2) Hazardous materials derived from artificial sources, including toxic substances, radioactive isotopes, and infectious microorganisms derived directly or indirectly from point or nonpoint sources, shall not occur in surface waters at concentrations or in combinations that jeopardize the public health or the survival or well-being of livestock, domestic animals, terrestrial wildlife, or aquatic or semiaquatic life.

(3) Surface waters shall be free of all discarded solid materials, including trash, garbage, rubbish, offal, grass clippings, discarded building or construction materials, car bodies, tires, wire, or other unwanted or discarded materials. The placement of stone and concrete rubble for bank stabilization shall be acceptable to the department, if all other required permits are obtained before placement.

(4) Surface waters shall be free of floating debris, scum, foam, froth, or other floating materials directly or indirectly attributable to artificial sources of pollution.

(5) Oil and grease from artificial sources shall not cause any visible film or sheen to form upon the surface of the water or upon submerged substrate or adjoining shorelines, nor shall these materials cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.

(6) Surface waters shall be free of deposits of sludge or fine solids attributable to artificial sources of pollution.

(7) Taste-producing and odor-producing substances of artificial origin shall not occur in surface waters at concentrations that interfere with the production of potable water by conventional water treatment processes, or that impart an unpalatable flavor to edible aquatic or semiaquatic life or terrestrial wildlife, or that result in noticeable odors in the vicinity of surface waters.

(8) The natural appearance of surface waters shall not be altered by the addition of color-producing or turbidity-producing substances of artificial origin.

(9) In stream segments where background concentrations of naturally occurring substances, including chlorides and sulfates, exceed the water quality criteria listed in Table 1a of K.A.R. 28-16-28e(d), at ambient flow, the existing water quality shall be maintained, and the newly established numeric criteria shall be the background concentration, as defined in K.A.R. 28-16-28b(f). Background concentrations shall be established using the methods outlined in the "Kansas implementation procedures: surface water," dated June 1, 1999, and available upon request from the department.

(c) Criteria for designated uses of surface waters. The following criteria shall apply to all classified surface waters designated for the indicated beneficial uses.

(1) Agricultural water supply use. The water quality criteria for irrigation and livestock watering set forth in Table 1a of K.A.R. 28-16-28e(d) shall not be exceeded outside of mixing zones due to artificial sources of pollution.

(2) Aquatic life support use.

(A) Dissolved oxygen. The concentration of dissolved oxygen in surface waters shall not be lowered below 5.0 mg/L by the influence of artificial sources of pollution.

(B) Nutrients. The introduction of plant nutrients into streams, lakes, or wetlands from artificial sources shall be controlled to prevent the accelerated succession or replacement of aquatic biota or the production of undesirable quantities or kinds of aquatic life.

(C) pH. Artificial sources of pollution shall not cause the pH of any surface water outside of a zone of initial dilution to be below 6.5 or above 8.5.

(D) Suspended solids. Suspended solids added to surface waters by artificial sources shall not interfere with the behavior, reproduction, physical habitat, or other factors related to the survival and propagation of aquatic or semiaquatic life or terrestrial wildlife. In the application of this provision, suspended solids associated with discharges of presedimentation sludge from water treatment facilities shall be deemed noninjurious to aquatic and semiaquatic life and terrestrial wildlife, if these discharges comply fully with the requirements of K.A.R. 28-16-28e(b) (6) and (8) and K.A.R. 26-16-28e(c) (2) (F).

(E) Temperature.

(i) Except as provided in K.A.R. 28-16-28e(c) (2) (E) (ii), a discharge shall not elevate the temperature of a receiving surface water beyond the zone of initial dilution above 32° C (90° F). Heat of artificial origin shall not be added to a surface water in excess of the amount that will raise the temperature of the water beyond the mixing zone more than 3° C above natural conditions. Additionally, a discharge to a receiving water shall not lower the temperature of the water beyond the mixing zone more than 3° C below natural conditions. The normal daily and seasonal temperature variations occurring within a surface water before the addition of heated or cooled water of artificial origin shall be maintained.

(ii) Temperature criteria applicable to industrial cooling water recycling reservoirs that meet the requirements for classification presented in K.A.R. 28-16-28d(b) (2) shall be established by the department on a case-by-case basis.

(F) Toxic substances.

(i) Conditions of acute toxicity shall not occur in classified surface waters outside of zones of initial dilution, nor shall conditions of chronic toxicity occur in classified surface waters outside of mixing zones.

(ii) Acute criteria for the aquatic life support use given in tables 1a, 1b, and 1c of K.A.R. 28-16-28e(d) shall apply beyond the zone of initial dilution. Chronic criteria for the aquatic life support use given in tables 1a, 1b, and 1c of K.A.R. 28-16-28e(d) shall apply beyond the mixing zone.

(iii) When a discharge contains a toxic substance that lacks any published criteria for the aquatic life support

(continued)

use, or when a discharge contains a mixture of toxic substances capable of additive or synergistic interactions, bioassessment methods and procedures shall be used by the department to establish whole-effluent toxicity limitations that are consistent with paragraph (2) (F) (i) of this subsection.

(3) Domestic water supply use.

(A) Except as provided in K.A.R. 28-16-28e(c) (3) (B), criteria listed in Table 1a of K.A.R. 28-16-28e(d) for domestic water supply use shall not be exceeded at any point of domestic water supply diversion.

(B) In stream segments where background concentrations of naturally occurring substances, including chlorides and sulfates, exceed the domestic water supply criteria listed in Table 1a of K.A.R. 28-16-28e(d), at ambient flow, due to intrusion of mineralized groundwater, the existing water quality shall be maintained, and the newly established numeric criteria for domestic water supply shall be the background concentration, as defined in K.A.R. 28-16-28b(f). Background concentrations shall be established using the methods outlined in the "Kansas implementation procedures: surface water," dated June 1, 1999, available upon request from the department.

(C) Any substance derived from an artificial source that, alone or in combination with other synthetic or naturally occurring substances, causes toxic, carcinogenic, teratogenic, or mutagenic effects in humans shall be limited to nonharmful concentrations in surface waters. Unless site-specific water quality conditions warrant the promulgation of more protective criteria under the provisions of K.A.R. 28-16-28e(a) and K.A.R. 28-16-28f(f), maximum contaminant levels for toxic, carcinogenic, teratogenic, or mutagenic substances promulgated by the United States environmental protection agency pursuant to section 300g-1 of the federal safe drinking water act, 42 U.S.C. 300f to 300j-9, as amended on August 6, 1996, shall be deemed nonharmful by the department and adopted as domestic water supply criteria.

(4) Food procurement use.

(A) Criteria listed in Table 1a of K.A.R. 28-16-28e(d) for food procurement use shall not be exceeded outside of a mixing zone due to any artificial source of pollution.

(B) Substances that can bioaccumulate in the tissues of edible aquatic or semiaquatic life or wildlife through bioconcentration or biomagnification shall be limited in surface waters to concentrations that result in no harm to human consumers of these tissues. For bioaccumulative carcinogens, surface water concentrations corresponding to a cancer risk level of less than 0.000001 (10^{-6}) in human consumers of aquatic or semiaquatic life or wildlife shall be deemed nonharmful by the department and adopted as food procurement criteria. Average rates of tissue consumption and lifetime exposure shall be assumed by the department in the estimation of the cancer risk level.

(5) Groundwater recharge use. In surface waters designated for the groundwater recharge use, water quality

shall be such that, at a minimum, degradation of groundwater quality does not occur. Degradation shall include any statistically significant increase in the concentration of any chemical or radiological contaminant or infectious microorganism in groundwater resulting from surface water infiltration or injection.

(6) Industrial water supply use. Surface water quality criteria for industrial water supplies shall be determined by the department on a case-by-case basis.

(7) Recreational use.

(A) General. The introduction of plant nutrients into surface waters designated for primary or secondary contact or recreational use shall be controlled to prevent the development of objectional concentrations of algae or algal by-products or nuisance growths of submersed, floating, or emergent aquatic vegetation.

(B) Primary contact recreation. Artificial sources of pollution shall not cause concentrations of fecal coliform bacteria in surface waters designated for primary contact recreational use to exceed a geometric mean of 200 organisms per 100 milliliters beyond the mixing zone. Calculation of the geometric mean shall be based on the analysis of at least five consecutive samples collected during separate 24-hour periods. No sample shall exceed 900 organisms per 100 milliliter sample. These criteria shall be in effect from April 1 through October 31 of each year. The concentration of fecal coliform bacteria in surface waters designated for primary contact recreation shall not exceed 2,000 organisms per 100 milliliters beyond the mixing zone, from November 1 through March 31 of each year.

(C) Secondary contact recreation. Artificial sources of pollution shall not cause concentrations of fecal coliform bacteria in surface waters designated for secondary contact recreational use to exceed 2,000 organisms per 100 milliliters beyond the mixing zone. This criterion shall be in effect from January 1 through December 31 of each year.

(D) Wastewater effluent shall be disinfected if it is determined by the department that the discharge of non-disinfected wastewater constitutes an actual or potential threat to public health. Situations that constitute an actual or potential threat to public health shall include instances in which there is a reasonable potential for the discharge to exceed the applicable criteria supporting the assigned recreational use designation or if a water body is known or likely to be used for either of the following:

- (i) Primary or secondary contact recreation; or
- (ii) any domestic water supply.

(8) Multiple uses. If a classified surface water or surface water segment is designated for more than one beneficial use pursuant to K.A.R. 28-16-28d(c), the water quality of the surface water or surface water segment shall comply with the most stringent of the applicable water quality criteria.

(d) Tables.

Table 1a. Numeric criteria.

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
RADIONUCLIDES (pCi/L)						
gross beta radioactivity	a	a	a	a	a	50
gross alpha particles including radium-226, but not radon or uranium	a	a	a	a	a	15
radium 226 and 228 combined	a	a	a	a	a	5
strontium 90	a	a	a	a	a	8
tritium	a	a	a	a	a	20,000
METALS (µg/L)						
antimony, total	88	30	a	a	4,300	6
arsenic, total	a	50	200	100	20.5	b
arsenic (III)	360	50	a	a	b	b
arsenic (V)	850	48	a	a	a	a
barium	a	a	a	a	a	2,000
beryllium, total	130	5.3	a	100	0.13	4
boron, total	a	a	5,000	750	a	a
cadmium, total	table 1b	table 1b	20	10	170	5
chromium, total	a	40	1,000	100	a	100
chromium (III)	table 1b	table 1b	a	a	3,433,000	50
chromium (VI)	15	10	a	a	3,400	50
copper, total	table 1b	table 1b	500	200	a	1,300
lead, total	table 1b	table 1b	100	5,000	a	15
mercury, total	2.1	0.012	10	a	0.146	b
nickel, total	table 1b	table 1b	500	200	100	100
selenium, total	20	5	50	20	6,800	50
selenium (V)	11.2	a	a	a	a	a
silver, total	table 1b	a	a	a	a	50
thallium, total	1,400	40	a	a	b	2
zinc, total	table 1b	table 1b	25,000	2,000	a	a
OTHER INORGANIC SUBSTANCES (µg/L)						
ammonia	table 1c	table 1c	a	a	a	a
asbestos (µfibers/L)	a	a	a	a	a	7,000,000
chloride	860,000	352,000	a	a	a	250,000
chlorine, total residual	19	11	a	a	a	a
cyanide (free)	22	5.2	a	a	220,000	200
fluoride	a	a	2,000	1,000	a	2,000
nitrate (as N)	a	a	a	a	a	10,000
nitrite + nitrate (as N)	a	a	100,000	a	a	10,000
phosphorus, elemental (white)	a	0.1	a	a	a	a
sulfate	a	a	1,000,000	a	a	250,000
ORGANIC SUBSTANCES (µg/L)						
Benzenes						
aminobenzene (aniline)	14	6.7	a	a	a	a
benzene	5,300	a	a	a	40	b
chlorobenzene	250	50	a	a	21,000	100
dichlorobenzenes, total	1,120	763	a	a	2,600	a
o-dichlorobenzene	1,120	763	a	a	2,600	600
m-dichlorobenzene	1,120	763	a	a	2,600	b
p-dichlorobenzene	a	a	a	a	2,600	75
other chlorinated benzenes, total	250	50	a	a	a	a
1,2,4-trichlorobenzene	250	a	a	a	a	70
1,2,4,5-tetrachlorobenzene	250	50	a	a	48	a
pentachlorobenzene	250	50	a	a	85	a
hexachlorobenzene	6.0	3.7	a	a	0.00074	b
ethylbenzene	32,000	a	a	a	28,718	700
nitrobenzene	27,000	a	a	a	1,900	b
pentachloronitrobenzene	250	50	a	a	a	a
vinylbenzene (styrene)	a	a	a	a	a	100
Ethers						
chloroalkyl ethers, total	238,000	a	a	a	a	a
bis(2-chloroethyl)ether	238,000	a	a	a	1.36	b
bis(2-chloroisopropyl)ether	238,000	a	a	a	0.00184	b
bis(chloromethyl)ether	238,000	a	a	a	0.00184	a
2-chloroethyl vinyl ether	360	120	a	a	a	a
halogenated ethers, total	360	122	a	a	a	a
chloromethyl methyl ether	238,000	a	a	a	0.00184	a
4,4'-dibromodiphenyl ether	360	120	a	a	a	a

(continued)

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
hexabromodiphenyl ether	360	120	a	a	a	a
nonabromodiphenyl ether	360	120	a	a	a	a
pentabromodiphenyl ether	360	120	a	a	a	a
tetrabromodiphenyl ether	360	120	a	a	a	a
tribromodiphenyl ether	360	120	a	a	a	a
Halogenated Hydrocarbons						
chlorinated ethanes						
1,2-dichloroethane	18,000	2,000	a	a	b	b
1,1,1-trichloroethane	18,000	a	a	a	173,077	200
1,1,2-trichloroethane	18,000	9,400	a	a	41.8	b
tetrachloroethanes, total	9,320	a	a	a	a	a
1,1,1,2-tetrachloroethane	9,320	a	a	a	a	a
1,1,2,2-tetrachloroethane	9,320	2,400	a	a	10.7	b
pentachloroethane	7,240	1,100	a	a	a	a
hexachloroethane	980	540	a	a	8.74	b
chlorinated ethylenes, total	11,600	a	a	a	1.85	a
1,1-dichloroethylene	11,600	a	a	a	1.85	b
cis-1,2-dichloroethylene	11,600	a	a	a	1.85	70
trans-1,2-dichloroethylene	11,600	a	a	a	140,000	100
trichloroethylene	45,000	21,900	a	a	80.7	b
tetrachloroethylene	5,280	840	a	a	8.85	b
chlorinated propanes/propenes						
1,2-dichloropropane	23,000	5,700	9.0	a	39	5
1,3-dichloropropene	6,600	244	a	a	14.1	b
Other Halogenated Hydrocarbons						
halogenated methanes, total	11,000	a	a	a	15.7	100
bromomethane	11,000	a	a	a	15.7	b
1,2-dibromoethane	a	a	a	a	a	0.05
tribromomethane (bromoform)	11,000	a	a	a	15.7	b
bis(2-chloroethoxy) methane	11,000	a	a	a	15.7	a
bromodichloromethane	11,000	a	a	a	15.7	b
bromochloromethane	11,000	a	a	a	15.7	a
bromotrichloromethane	11,000	a	a	a	15.7	a
dibromochloromethane	11,000	a	a	a	15.7	b
dibromochloropropane	a	a	a	a	15.7	0.2
dibromodichloromethane	11,000	a	a	a	15.7	a
dichlorodifluoromethane	11,000	a	a	a	15.7	a
dichloromethane (methylene chloride)	11,000	a	a	a	1,600	47
trichloromethane (chloroform)	28,900	1,240	a	a	15.7	b
tribromochloromethane	11,000	a	a	a	15.7	a
trichlorofluoromethane	11,000	a	a	a	15.7	a
tetrachloromethane (carbon tetrachloride)	35,200	a	a	a	b	b
di(2-ethylhexyl)adipate	a	a	a	a	a	500
hexachlorobutadiene	90	9.3	a	a	50	b
hexachlorocyclopentadiene	7	5.2	a	a	206	50
vinyl chloride	a	a	a	a	525	2
Miscellaneous Organics						
dioxin (2,3,7,8 TCDD)	0.01	0.00001	a	a	0.000000014	b
isophorone	117,000	a	a	a	b	b
polychlorinated biphenyls, total	2	0.014	a	a	0.0000079	b
tributyltin oxide	0.149	0.026	a	a	a	a
Nitrogen Compounds						
nitrosamines, total	5,850	a	a	a	1.24	a
N-nitrosodibutylamine	5,850	a	a	a	0.587	a
N-nitrosodiethanolamine	5,850	a	a	a	1.24	a
N-nitrosodiethylamine	5,850	a	a	a	1.24	a
N-nitrosodimethylamine	5,850	a	a	a	1.6	b
N-nitrosodiphenylamine	5,850	a	a	a	16.0	b
N-nitrosodi-n-propylamine	a	a	a	a	1.24	a
N-nitrosopyrrolidine	5,850	a	a	a	91.9	a
acrylonitrile	7,550	2,600	a	a	0.65	b
benzidene	2,500	a	a	a	0.000535	b
3,3'-dichlorobenzidine	a	a	a	a	0.02	b
1,2-diphenyl hydrazine	270	a	a	a	0.54	b
Polynuclear Aromatic Hydrocarbons, total	a	a	a	a	0.0311	0.2
acenaphthene	1,700	520	a	a	a	1200
acenaphthylene	a	a	a	a	0.0311	a
anthracene	a	a	a	a	0.0311	b
benzo(a)anthracene	a	a	a	a	0.0311	b
benzo(a)pyrene	a	a	a	a	0.0311	b
benzo(b)fluoranthene	a	a	a	a	0.0311	b
benzo(g,h,i)perylene	a	a	a	a	0.0311	a
benzo(k)fluoranthene	a	a	a	a	0.0311	b

PARAMETER	USE CATEGORY						
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH		
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY	
chrysene	a		a	a	a	0.0311	b
dibenzo(a,h)anthracene	a		a	a	a	0.0311	b
fluoranthene	3,980		a	a	a	b	b
fluorene	a		a	a	a	0.0311	b
ideno(1,2,3-cd)pyrene	a		a	a	a	0.0311	b
naphthalene	2,300		620	a	a	a	a
phenanthrene	30		6.3	a	a	0.0311	a
pyrene	a		a	a	a	0.0311	b
Phthalate Esters							
phthalates, total	940		3	a	a	a	a
butylbenzyl phthalate	a		a	a	a	5,200	100
di(2-ethylhexyl)phthalate	400		360	a	a	b	b
dibutyl phthalate	940		3	a	a	b	b
diethyl phthalate	a		a	a	a	b	5
dimethyl phthalate	940		3	a	a	2,900,000	b
Phenolic Compounds							
phenol	10,200		2,560	a	a	4,600,000	b
2,4-dimethyl phenol	1,300		530	a	a	2,300	540
chlorinated phenols							
2-chlorophenol	4,380		2,000	a	a	400	120
3-chlorophenol	a		a	a	a	29,000	a
2,4-dichlorophenol	2,020		365	a	a	b	b
2,4,5-trichlorophenol	100		63	a	a	a	a
2,4,6-trichlorophenol	a		970	a	a	3.6	b
pentachlorophenol	table 1b		table 1b	a	a	8.2	b
3-methyl-4-chlorophenol	30		a	a	a	a	a
nitrophenols, total	230		150	a	a	a	a
2,4-dinitrophenol	a		a	a	a	765	b
4,6-dinitro-o-cresol	a		a	a	a	765	b
Toluenes							
toluene	17,500		a	a	a	b	1,000
dinitrotoluenes, total	330		230	a	a	9.1	a
2,4-dinitrotoluene	330		230	a	a	9.1	b
xylene	a		a	a	a	a	10,000
PESTICIDES (µg/L)							
acrolein	68		21	a	a	780	320
acrylamide	a		a	a	a	a	0.01
alachlor (lasso)	760		76	100	a	a	2
aldicarb	a		a	a	a	a	3
aldicarb sulfone	a		a	a	a	a	2
aldicarb sulfoxide	a		a	a	a	a	3
aldrin	3		0.001	1	a	0.000079	b
atrazine (aatrex)	170		3	a	a	a	3
bromoxynil (MCPA)	a		a	20	a	a	a
carbaryl (sevin)	a		0.02	100	a	a	a
carbofuran (furan)	a		a	100	a	a	40
chlordane	2.4		0.0043	3	a	0.00048	b
chlorpyrifos	0.083		0.041	100	a	a	a
2,4-D	a		a	a	a	a	70
dacthal (DCPA)	a		14,300	a	a	a	a
dalapon	a		110	a	a	a	200
diazinon (spectracide)	a		0.08	100	a	a	a
DDT and Metabolites							
4,4'-DDE (p,p'-DDE)	1,050		a	a	a	0.00059	b
4,4'-DDD (p,p'-DDD)	a		a	a	a	0.00084	b
DDT, total	1.1		0.001	50	a	0.000024	b
dieldrin	1.0		0.0019	1	a	0.000076	b
dinoseb (DNBP)	a		a	a	a	a	7
diquat	a		a	a	a	a	20
disulfoton (disyston)	a		a	100	a	a	a
endosulfan, total	0.22		0.056	a	a	159	b
alpha-endosulfan	0.22		0.056	a	a	2	b
beta-endosulfan	0.22		0.056	a	a	2	b
endosulfan sulfate	a		a	a	a	b	b
endothall	a		a	a	a	a	100
endrin	0.18		0.0023	0.5	a	0.76	b
endrin aldehyde	a		a	a	a	0.81	b
epichlorohydrin	a		a	a	a	a	4
ethylene dibromide	a		a	a	a	a	0.05
fenchlorfos (ronnel)	a		a	100	a	a	a
glyphosate (roundup)	a		a	a	a	a	700
guthion	a		0.010	100	a	a	a

(continued)

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
heptachlor	0.52	0.0038	0.1	a	0.00021	b
heptachlor epoxide	0.52	0.0038	0.1	a	b	b
hexachlorocyclohexane	100	a	a	a	a	a
alpha-HCH	100	a	a	a	0.0031	b
beta-HCH	100	a	a	a	b	b
delta-HCH	100	a	a	a	a	a
gamma-HCH (lindane)	2	0.08	5	a	0.0625	b
technical-HCH	a	a	a	a	0.0414	a
malathion	a	0.10	100	a	a	a
methoxychlor	a	0.03	1,000	a	a	40
methyl parathion	a	a	100	a	a	a
metribuzin (sencor)	a	100	a	a	a	a
mirax	a	0.001	a	a	0.000097	a
oxamyl (vydate)	a	a	a	a	a	200
parathion	0.065	0.013	100	a	a	a
picloram (tordon)	a	a	a	a	a	500
propachlor (ramrod)	a	8	a	a	a	a
simazine (princep)	a	a	10	a	a	4
toxaphene	0.73	0.0002	5	a	0.00073	b
2,4,5-T	a	a	2	a	a	a
2,4,5-TP (silvex)	a	a	a	a	a	50

a - criterion not available.

b - US EPA has promulgated criterion for Kansas under the Code of Federal Regulations, Title 40, Part 131.36

Table 1b. Formulae for calculation of hardness-dependent aquatic life support criteria for chromium III and total cadmium, total copper, total lead, total nickel, total silver and total zinc and pH-dependent aquatic life support criteria for pentachlorophenol. A WER value of 1.0 is applied in the hardness-dependent equations for total metals unless a site-specific WER has been determined and adopted by the department in accordance with K.A.R. 28-16-28e(a) and K.A.R. 28-16-28f(f). Hardness values in metal formulae are entered in units of mg/L as CaC₃. Pentachlorophenol formulae apply only over the pH range 6.5-8.5.

CADMIUM (ug/L):

acute criterion = $WER [EXP\{(1.1280 * LN(hardness)) - 3.6867\}]$
 chronic criterion = $WER [EXP\{(0.7852 * LN(hardness)) - 2.715\}]$

CHROMIUM III (ug/L):

acute criterion = $WER [EXP\{(0.819 * LN(hardness)) - 3.7256\}]$
 chronic criterion = $WER [EXP\{(0.819 * LN(hardness)) + 0.6848\}]$

COPPER (ug/L):

acute criterion = $WER [EXP\{(0.9422 * LN(hardness)) - 1.700\}]$
 chronic criterion = $WER [EXP\{(0.8545 * LN(hardness)) - 1.702\}]$

LEAD (ug/L):

acute criterion = $WER [EXP\{(1.273 * LN(hardness)) - 1.460\}]$
 chronic criterion = $WER [EXP\{(1.273 * LN(hardness)) - 4.705\}]$

NICKEL (ug/L):

acute criterion = $WER [EXP\{(0.846 * LN(hardness)) + 2.255\}]$
 chronic criterion = $WER [EXP\{(0.846 * LN(hardness)) + 0.0584\}]$

PENTACHLOROPHENOL (ug/L):

acute criterion = $EXP\{(1.005 * pH) - 4.830\}$
 chronic criterion = $EXP\{(1.005 * pH) - 5.290\}$

SILVER (ug/L):

acute criterion = $WER [EXP\{(1.72 * LN(hardness)) - 6.52\}]$

ZINC (ug/L):

acute criterion = $WER [EXP\{(0.8473 * LN(hardness)) + 0.884\}]$
 chronic criterion = $WER [EXP\{(0.8473 * LN(hardness)) + 0.884\}]$

Table 1c. pH-dependent acute and chronic aquatic life support criteria for total ammonia. (Total Ammonia as N, mg/L)

pH	Acute criteria	Chronic criteria
6.50	48.8	3.480
6.75	43.3	3.330
7.00	36.1	3.080
7.25	27.9	2.700
7.50	19.9	2.280
7.75	13.3	1.760
8.00	8.40	1.270
8.25	5.20	0.863
8.50	3.20	0.568
8.75	2.01	0.374
9.00	1.32	0.254

Refer to Kansas Implementation Procedures for application of wintertime criteria and default low flow related to ammonia.

(Authorized by K.S.A. 1998 Supp. 65-171d and K.S.A. 65-171m; implementing K.S.A. 1998 Supp. 65-165 and 65-171d, and K.S.A. 65-171m; effective May 1, 1986; amended, T-87-8, May 1, 1986; amended May 1, 1987; amended Aug. 29, 1994; amended July 30, 1999.)

28-16-28f. Administration of surface water quality standards. (a) Review and revision. At least once every three years, a public hearing shall be held for the purpose of reviewing and, as appropriate, modifying the surface water quality standards and the surface water register.

(b) Application of modified surface water quality standards. A modification to the surface water quality standards, the surface water register, or both, shall have no effect on the requirements of any existing enforceable discharge permit issued under K.S.A. 65-165, and amendments thereto, unless the discharge fails to meet the requirements of the permit or the department has reason to believe that continuation of the discharge will result in a potential or actual public health hazard or in irreversible water use impairments.

(c) Water quality certification. No action identified below shall be taken unless the department has issued a water quality certification for the following:

(1) Any action requiring a federal license or permit pursuant to the federal clean water act;

(2) any action subject to the permitting provisions of K.S.A. 65-165, and amendments thereto;

(3) any water development project subject to the provisions of K.S.A. 82a-325 *et seq.*, and amendments thereto; and

(4) any action undertaken by any Kansas state agency that, in the opinion of the department, has a potential water quality impact.

(d) Compliance schedules.

(1) Except as provided in K.A.R. 28-16-28f(d)(2), compliance schedules contained in any discharge permit or license issued by the department pursuant to the federal clean water act or K.S.A. 65-165, and amendments thereto, shall not extend more than three years beyond the date of permit issuance.

(2) Compliance schedules of up to five years in total duration may be granted if it is demonstrated, to the department's satisfaction, that the strict application of

K.A.R. 28-16-28f(d)(1) is not feasible due to construction scheduling constraints or other technical limitations.

(e) Variances. If, upon written application by any person, the department finds that by reason of substantial and widespread socioeconomic impact the strict enforcement of the water quality criteria of K.A.R. 28-16-28e(c) is not feasible, a variance may be permitted by the department.

(1) The provisions of 40 C.F.R. 131.10(g), as in effect on July 1, 1996 and hereby adopted by reference, shall be considered by the department in reviewing the need for a variance.

(2) In granting a variance, conditions and time limitations may be set by the department with the intent that progress be made toward improvements in surface water quality.

(3) Each variance shall be granted only after public notification and opportunity for public comment. Each variance, once granted, shall be adopted into the regulations at the next systematic review or subsequent triennial review.

(4) No action that impacts upon water quality shall be granted a variance from the terms and conditions of K.A.R. 28-16-28e(b).

(f) Site-specific criteria. Whenever the department proposes to use any site-specific criterion, a public notice stating the intention to use a site-specific criterion shall be issued by the department. The public notice shall include a description of the affected surface water or surface water segment and the reasons for applying the proposed criterion. If the department determines that there is significant public interest, a public hearing shall be held in the geographical vicinity of the affected surface water or surface water segment. A public notice of the final site-specific criterion shall be published in the Kansas register. Each site-specific criterion, once developed, shall be adopted into the regulations at the next systematic review or subsequent triennial review.

(g) Enforcement. Upon finding a violation of the surface water quality standards, an investigation to determine the cause of the violation shall be conducted by the department. If the department finds the violation to be caused by an artificial source of pollution, the person or persons responsible for the source of pollution shall be required by the department to initiate corrective actions that restore the designated uses of the affected surface water or surface water segment impaired by the violation and provide for the return of the original surface water quality conditions. Nothing in this regulation shall abridge the right of the department to proceed with enforcement actions as provided in other Kansas statutes, or regulations, or both. (Authorized by K.S.A. 1998 Supp. 65-171d and K.S.A. 65-171m; implementing K.S.A. 1998 Supp. 65-165 and 65-171d, and K.S.A. 65-171m; effective May 1, 1986; amended Aug. 29, 1994; amended July 30, 1999.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 024020

State of Kansas

Kansas Parole Board

**Temporary Administrative
Regulations**

Article 9.—PAROLE VIOLATORS

45-9-4. Waiver of final revocation hearing. (a) Supervised offenders who are serving only a determinate sentence shall be eligible to waive their final revocation hearing before the board if they meet the following conditions:

- (1) Are not charged with a condition violation alleging conviction of a new crime;
- (2) are not the subject of pending criminal charges or other detainers; and
- (3) are detained in a Kansas correctional facility, jail, or detention center.

Supervised offenders serving an indeterminate sentence shall not be permitted to waive their final revocation hearing before the board.

(b) Eligible offenders may waive their final revocation hearing at the time of service of the statement of condition violations, if they simultaneously waive the preliminary hearing on those violations provided by K.A.R. 44-9-105. If the offender elects not to waive the preliminary hearing, the revocation proceeding shall advance to a preliminary hearing. If, after that hearing, probable cause is established in regard to at least one of the alleged condition violations, the offender shall again be afforded the opportunity to waive the final revocation hearing before the board.

(c) At the time of presentation of the written waiver form by parole services staff, the offender shall be orally advised of the following:

- (1) Of the fact that execution of the waiver form signifies that the offender admits to guilt on all condition violations charged, unless the hearing officer specifically finds that a condition violation is not supported by probable cause; and
- (2) of the rights that the offender is waiving by execution of the written waiver form.

If the offender refuses to accept the waiver form or to execute it, the waiver shall be deemed to be rejected, and the revocation proceeding shall advance to the final hearing before the board.

(d) The offender shall make election by indicating in writing upon the waiver form whether or not the offender desires to accept the offer of waiver. The waiver shall be executed in the presence of parole services staff, or the offender shall acknowledge to parole services staff the authenticity of the offender's signature upon the form, which shall then be executed by parole services staff in the capacity of witness.

(e) Upon execution of the waiver form, the penalty period of incarceration prescribed by K.S.A. 75-5217(b), and amendments thereto, shall commence. The day upon which the waiver form is executed shall not be included in the computation.

(f) Offenders supervised in foreign jurisdictions under terms of the uniform act for out-of-state parolee super-

vision at K.S.A. 22-4101, and amendments thereto, who meet the criteria of subsection (a) above shall be afforded the opportunity to waive their final revocation hearing before the board upon their return to a Kansas correctional facility. Presentation of the waiver form, the formalities of its execution, and its effect shall be governed in all respects by the provisions of subsections (c), (d), and (e) above.

(g) An offender shall not rescind a written waiver of final revocation hearing before the board unless the offender petitions the board in writing and proves any of the following to the satisfaction of the board in the form that the board may direct:

- (1) The offender was under duress at the time of execution of the waiver form.
- (2) The offender's execution of the waiver form was procured through fraud.
- (3) The offender was not advised that execution of the waiver form constitutes admission of guilt of the charged condition violation or violations.

(4) The offender was not advised of the rights that the offender would forego by execution of the waiver form.

The petition for rescission shall be submitted to the board postmarked by a date no later than 14 calendar days after the date of the allegedly defective waiver. If the board grants the offender's petition, the charge of any condition violation shall be rescheduled for a preliminary hearing or a final revocation hearing, as applicable. If postrelease supervision is revoked by the board at the final hearing and the offender is ordered to serve an incarceration penalty period, this penalty period shall commence on the date of the revocation. The day upon which postrelease supervision is revoked shall not be included in the computation of the incarceration penalty period.

(h) Offenders who are held in a detention status, whether in a Kansas correctional facility, jail, or detention center, or in a jail or correctional facility in a foreign jurisdiction, pursuant to a conditions violation warrant or a finding of probable cause of violation of a condition of supervision, as of the effective date of this regulation, and who meet the criteria set forth in subsection (a) above, shall be afforded opportunity to waive their final revocation hearing before the board in accordance with subsections (b), (c), and (d) above. In the case of an offender detained in a foreign jurisdiction pursuant to a conditions violation warrant or a finding of probable cause of violation of a condition of supervision, the waiver form shall be presented to the offender upon the offender's return to a Kansas correctional facility and, if executed by the offender, shall be effective as set forth in subsection (e) above. (Authorized by K.S.A. 1998 Supp. 22-3717, as amended by L. 1999, Ch. 164, Sec. 20 and K.S.A. 1998 Supp. 75-5217, as amended by L. 1999, Ch. 54, Sec. 1, as further amended by L. 1999, Ch. 164, Sec. 35; implementing K.S.A. 1998 Supp. 75-5217, as amended by L. 1999, Ch. 54, Sec. 1, as further amended by L. 1999, Ch. 164, Sec. 35; effective, T-45-7-8-99, July 8, 1999.)

Marilyn Scafe
Chairperson

Doc. No. 024053

State of Kansas

Behavioral Sciences Regulatory Board

Temporary Administrative
Regulations

Article 4.—MASTERS LEVEL PSYCHOLOGISTS

102-4-10a. Continuing education for licensees. (a) Continuing education requirements. Before January 1, 2000, each licensee shall complete 25 clock hours of documented and approved continuing education during each two-year renewal period. After December 31, 1999, each licensee shall complete 60 clock hours of documented and approved continuing education during each two-year renewal period. Continuing education hours accumulated in excess of the requirements shall not be carried over to the next renewal period.

(b) Professional ethics continuing education requirement. During each two-year renewal period and as a part of the required continuing education hours, each licensee shall complete a program on professional ethics consisting of at least three clock hours of formal training in ethics. This program shall meet the definition of continuing education contained in K.A.R. 102-4-1a(f) and focus on ethical issues of the psychology profession.

(c) Continuing education requirements by category. Before January 1, 2000, the continuing education credit counting toward the required 25 hours shall be distributed over the following categories so that at least two categories are represented, with a maximum of 15 hours in category one, a maximum of 10 hours in category two, and a maximum of 10 hours in category three. Effective on and after January 1, 2000, the continuing education credit counting toward the required 60 hours shall be distributed over the following categories so that at least two categories are represented, with a maximum of 45 hours in category one, a maximum of 24 hours in category two, and a maximum of 24 hours in category three.

(d) Counting continuing education credits. Credit for approved programs shall be awarded on the basis of one credit hour for each 50 minutes actually spent in attendance at instructional activities. One-quarter credit hour shall be awarded for attendance of at least 15 but fewer than 30 minutes. Credit shall not be granted for fractional units of fewer than 15 minutes.

(e) Category one continuing education credits and subcategory limits. Category one continuing education activities countable during each renewal period shall not exceed 45 credit hours. Category one credits and any limits by subcategory shall include the following:

(1) Activities that are sponsored, accredited, or conducted by educational institutions, by professional associations, or by private institutions that are nationally or regionally accredited for education or training;

(2) activities conducted by agencies, groups, and continuing education providers that do not meet the requirements of national or regional accreditation, if the content is clearly related to the enhancement of psychology practice, skills, knowledge, values, or ethics;

(3) academic psychology courses that are either taken for academic credit or audited. For courses taken for ac-

ademic credit, 15 continuing education hours shall be granted for each academic credit hour that is successfully completed. For academic courses that are audited, one continuing education hour shall be granted for each hour of actual classroom attendance and participation;

(4) seminars, institutes, workshops, or mini-courses that are oriented to the enhancement of psychology practice, values, skills, ethics, or knowledge;

(5) cross-disciplinary offerings from medicine, law, the behavioral sciences, or any other discipline, if the offerings are clearly related to the enhancement of a master's level psychologist's practice, values, skills, ethics, or knowledge;

(6) approved-provider programs or approved single-program provider programs, as long as these programs are oriented toward the enhancement of a master's level psychologist's practice, values, skills, ethics, or knowledge; and

(7) cross-disciplinary offerings in foreign or sign languages, computer science, professional or technical writing skills, business administration, or management sciences, if these offerings are clearly related to the enhancement of psychology practice, values, skills, ethics, or knowledge. A maximum total of 10 clock hours of credit per each two-year renewal period may be approved in this subcategory.

(f) Category two continuing education credits and subcategory limits. Category two continuing education activities countable during each renewal period shall not exceed 24 credit hours. Category two credits and any limits by subcategory shall include the following:

(1) First-time presentation of courses, workshops, or other formal training activities, if the content is clearly related to the enhancement of psychology practice, values, skills, ethics, or knowledge. For each first-time presentation, a maximum of 10 clock hours of credit may be approved in this subcategory. If more than one master's level psychologist or other professional gave the presentation, the continuing education credit shall be prorated among the presenters;

(2) first-time publication of a psychology article in a juried professional journal or first-time publication of a book chapter in a psychology text. For each first-time publication, a maximum of 10 clock hours of credit may be approved in this subcategory. If more than one master's level psychologist or other professional authored the article or book chapter, the continuing education credit shall be prorated among the authors; and

(3) supervision of undergraduate or graduate practicum or intern students, applicants for licensure as master's level psychologists, or other professional mental health practitioners. A maximum total of 20 continuing education credits may be approved in this subcategory per each two-year renewal period. Continuing education credit for providing this supervision shall not exceed a total of five hours per semester.

(g) Category three continuing education credits and subcategory limits. Category three continuing education activities countable during each renewal period shall not exceed 24 credit hours. Category three credits and any limits by subcategory shall include the following:

(continued)

(1) Self-directed professional reading. A maximum total of five continuing education credits per each two-year renewal period may be approved in this subcategory;

(2) self-directed learning projects preapproved by the board. A maximum total of 20 continuing education credits per each two-year renewal period may be approved in this subcategory;

(3) computerized interactive learning modules, telecasts, audiotapes, or videotapes oriented to the enhancement of psychology practice, knowledge, values, ethics, or skills. A maximum total of five continuing education credits per each two-year renewal period may be approved in this subcategory;

(4) professional psychology home-study continuing education activities that include a proficiency examination and are sponsored, endorsed, or approved by an academic institution or professional membership organization acceptable to the board. A maximum total of five continuing education credits per each two-year renewal period may be approved in this subcategory;

(5) participation in quality care activities that may include client diagnosis review conferences, client staffings, treatment utilization review, peer or supervisory reviews, case consultations with other professional staff, or participation in formal quality-assurance activities. A maximum total of five continuing education credits per each two-year renewal period may be approved in this subcategory;

(6) holding office or serving on a committee in a professional organization, if the organization's goals are clearly related to the enhancement of psychology practice, values, skills, ethics, or knowledge. A maximum total of 15 continuing education credits per each two-year renewal period may be approved in this subcategory; and

(7) receiving personal psychotherapy from a licensed, registered, or certified mental health provider. A maxi-

imum total of five continuing education credits per each two-year renewal period may be approved in this subcategory.

(h) In determining whether or not a claimed continuing education activity shall be allowed, the master's level psychologist may be required by the board to satisfactorily demonstrate that the content was clearly related to psychology, or to provide verification of the master's level psychologist's participation in any claimed or reported activity. If a master's level psychologist fails to comply with this requirement, the claimed credit may be disallowed by the board.

(i) Continuing education approval shall not be granted for any of the following activities:

(1) First aid, infection control, or occupational health and safety courses;

(2) in-service training if the training is for job orientation or job training, or is specific to the employing agency; or

(3) any activity for which the licensee cannot demonstrate to the board's satisfaction that the program's goals and objectives are to enhance the licensee's psychology practice, values, skills, ethics, or knowledge.

(j) Each licensee shall maintain individual continuing education records. Continuing education records shall document the licensee's continuing education activity attendance, participation, or completion as defined by K.A.R. 102-4-11a. These records may be required to be submitted to the board at least 30 days before the expiration date of each current licensure period. (Authorized by K.S.A. 1998 Supp. 74-7507; implementing K.S.A. 1998 Supp. 74-5365 and 74-5366; effective Dec. 19, 1997; amended, T-102-7-8-99, July 8, 1999.)

Mark W. Stafford
Interim Executive Director

Doc. No. 024041

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 index to the 1997 Volumes of the *Kansas Administrative Regulations* and the 1998 Supplement to the *Kansas Administrative Regulations*.

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1-5-9	Amended	V. 17, p. 1370
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1-16-18	Amended	V. 18, p. 869
1-16-18a	Amended	V. 18, p. 869
1-18-1a	Amended (T)	V. 18, p. 356
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28-29-25d	New	V. 17, p. 1931
28-29-26	Revoked	V. 18, p. 673
28-29-27	Amended	V. 17, p. 1026
28-29-98	Amended	V. 17, p. 1087
28-29-108	Amended	V. 17, p. 1027
28-29-109	New	V. 17, p. 1031
28-31-1	Amended	V. 18, p. 673
28-31-2	Amended	V. 18, p. 673
28-31-3	Amended	V. 18, p. 674
28-31-4	Amended	V. 18, p. 674
28-31-6	Amended	V. 18, p. 678
28-31-8	Amended	V. 18, p. 679
28-31-8b	Amended	V. 18, p. 680
28-31-9	Amended	V. 18, p. 680

28-31-10	Amended	V. 18, p. 681
28-31-12	Amended	V. 18, p. 681
28-31-13	Amended	V. 18, p. 682
28-31-14	Amended	V. 18, p. 682
28-31-15	New	V. 18, p. 682
28-31-16	New	V. 18, p. 682
28-36-30	Amended	V. 17, p. 1679
28-52-2	New	V. 17, p. 168
28-52-3	New	V. 17, p. 168
28-52-4	New	V. 17, p. 168
28-65-1	Amended	V. 18, p. 682
28-65-2	Amended	V. 18, p. 683
28-65-3	Amended	V. 18, p. 683
28-68-3	Amended	V. 17, p. 547
28-70-1	New	V. 17, p. 168
28-70-2	New	V. 17, p. 168
28-70-3	New	V. 17, p. 169
28-71-1 through 28-71-12	New	V. 17, p. 959-964

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-12	Amended	V. 18, p. 271
30-2-16	Amended	V. 18, p. 895
30-4-39	Amended	V. 17, p. 932
30-4-50	Amended	V. 17, p. 933
30-4-52	Amended	V. 17, p. 933
30-4-54	Amended	V. 17, p. 933
30-4-55	Amended	V. 17, p. 934
30-4-64	Amended	V. 18, p. 271
30-4-70	Amended	V. 17, p. 935
30-4-110	Amended	V. 17, p. 936
30-4-111	Amended	V. 17, p. 1837
30-4-140	Amended	V. 17, p. 938
30-5-64	Amended	V. 17, p. 1838
30-5-70	Amended	V. 17, p. 1376
30-5-78	Amended	V. 17, p. 1378
30-5-82	Amended	V. 17, p. 1839
30-5-82a	Amended	V. 17, p. 1840
30-5-88	Amended	V. 17, p. 938
30-5-118	Amended	V. 17, p. 1840
30-5-118a	Amended	V. 17, p. 1841
30-5-118b	New	V. 17, p. 1842
30-5-300	Amended	V. 17, p. 300
30-5-310	New	V. 17, p. 302
30-6-35	Amended	V. 17, p. 1580
30-6-36	Amended	V. 17, p. 1580
30-6-41	Amended	V. 17, p. 1581
30-6-52	Amended	V. 17, p. 939
30-6-54	Amended	V. 17, p. 940
30-6-59	Revoked	V. 18, p. 895
30-6-65	Amended	V. 17, p. 940
30-6-70	Amended	V. 17, p. 941
30-6-77	Amended	V. 17, p. 1581
30-6-86	Amended	V. 18, p. 895
30-6-103	Amended	V. 18, p. 896
30-6-111	Amended	V. 17, p. 1844
30-6-112	Amended	V. 17, p. 943
30-10-1a	Amended	V. 17, p. 1845
30-10-2	Amended	V. 17, p. 1847
30-10-14	Amended	V. 17, p. 1168
30-10-15a	Amended	V. 17, p. 1848
30-10-15b	Amended	V. 17, p. 1850
30-10-17	Amended	V. 17, p. 1850
30-10-18	Amended	V. 17, p. 1852
30-10-25	Amended	V. 17, p. 1854
30-10-26	Amended	V. 17, p. 1855
30-10-28	Amended	V. 17, p. 1856
30-10-209	Amended	V. 17, p. 1168
30-14-1	New	V. 17, p. 1583
30-14-2	New	V. 17, p. 1583
30-14-3	New	V. 17, p. 1583
30-14-20 through 30-14-31	New	V. 17, p. 1584-1586
30-14-30	Amended	V. 18, p. 896
30-14-50	New	V. 17, p. 1586
30-63-1	Amended	V. 17, p. 1378
30-63-10	Amended	V. 17, p. 1378
30-63-13	Amended	V. 17, p. 1379
30-63-20 through 30-63-25	Amended	V. 17, p. 1380-1382

(continued)

30-63-28	Amended	V. 17, p. 1383
30-63-30	Amended	V. 17, p. 1383
30-64-12	Amended	V. 17, p. 1384
30-64-22	Amended	V. 17, p. 1384
30-64-23	Amended	V. 17, p. 1385
30-64-24	Amended	V. 17, p. 1385
30-64-25	Amended	V. 17, p. 1386
30-64-27	Amended	V. 17, p. 1386
30-64-28	Amended	V. 17, p. 1386
30-64-29	Amended	V. 17, p. 1387
30-64-31	Amended	V. 17, p. 1387
30-64-32	Amended	V. 17, p. 1387

AGENCY 39: KANSAS TURNPIKE AUTHORITY

Reg. No.	Action	Register
39-1-1	Amended	V. 17, p. 1935
39-1-8	Revoked	V. 17, p. 1935
39-1-9	Amended	V. 17, p. 1935
39-1-14	Revoked	V. 17, p. 1936
39-1-19	Amended	V. 17, p. 1936
39-3-1		
through		
39-3-8	Revoked	V. 17, p. 1936
39-5-1	Revoked	V. 17, p. 1936
39-6-1	Revoked	V. 17, p. 1936
39-6-2	Revoked	V. 17, p. 1936

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-35	Revoked	V. 17, p. 1837
40-1-45	New	V. 17, p. 1211
40-2-25	Amended	V. 17, p. 1546
40-4-34	Amended	V. 18, p. 124
40-4-35	Amended (T)	V. 18, p. 358
40-4-36	Amended	V. 17, p. 689
40-5-10	Amended	V. 17, p. 1578
40-9-118	Amended	V. 17, p. 1033
40-15b-1	Amended	V. 17, p. 1547

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-1-103	Amended (T)	V. 18, p. 131
44-1-103	Amended	V. 18, p. 390
44-12-601	Amended	V. 17, p. 424

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-9-2	Amended	V. 17, p. 143

AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT (MINED-LAND CONSERVATION AND RECLAMATION)

Reg. No.	Action	Register
47-2-53	Amended	V. 17, p. 1108
47-2-75	Amended	V. 17, p. 1108
47-3-42	Amended	V. 17, p. 1109
47-5-3a	Amended	V. 17, p. 1110
47-6-4	Amended	V. 17, p. 1112
47-6-6	Amended	V. 17, p. 1112
47-6-8	Amended	V. 17, p. 1113
47-7-2	Amended	V. 17, p. 1113
47-8-9	Amended	V. 17, p. 1113
47-9-1	Amended	V. 17, p. 1114
47-16-6	Amended	V. 17, p. 1117
47-16-9	Amended	V. 17, p. 1117
47-16-10	Amended	V. 17, p. 1117
47-16-11	Amended	V. 17, p. 1117

AGENCY 48: DEPARTMENT OF HUMAN RESOURCES—EMPLOYMENT SECURITY BOARD OF REVIEW

Reg. No.	Action	Register
48-1-4	Amended	V. 17, p. 628

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-1-22	Revoked	V. 17, p. 628
51-2-4	Amended	V. 17, p. 628
51-2-5	Amended	V. 17, p. 629
51-3-1	Amended	V. 17, p. 629

51-3-5	Amended	V. 17, p. 629
51-3-5a	Amended	V. 17, p. 629
51-3-6	Amended	V. 17, p. 630
51-3-8	Amended	V. 17, p. 630
51-3-17	Revoked	V. 17, p. 631
51-4-1	Revoked	V. 17, p. 631
51-7-5	Revoked	V. 17, p. 631
51-7-6	Revoked	V. 17, p. 631
51-7-8	Amended	V. 17, p. 631
51-8-2		
through		
51-8-7	Revoked	V. 17, p. 631
51-8-9	Revoked	V. 17, p. 631
51-8-10	Revoked	V. 17, p. 631
51-9-5	Amended	V. 17, p. 632
51-9-10	Amended	V. 17, p. 632
51-9-11	Amended	V. 17, p. 632
51-9-12	New	V. 17, p. 632
51-9-13	New	V. 17, p. 633
51-9-14	New	V. 17, p. 634
51-10-6	Amended	V. 17, p. 634
51-12-2	New	V. 17, p. 635
51-13-1	Amended	V. 17, p. 635
51-15-2	Amended	V. 17, p. 635
51-17-2	New	V. 17, p. 635
51-18-2	Amended	V. 17, p. 636
51-18-3		
through		
51-18-6	New	V. 17, p. 637
51-19-1	Amended	V. 17, p. 637
51-21-1	Amended	V. 17, p. 637
51-24-1	Amended	V. 17, p. 637
51-24-2	Revoked	V. 17, p. 637
51-24-7	Revoked	V. 17, p. 637

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-101	Amended	V. 18, p. 51
60-3-106	Amended	V. 17, p. 51
60-3-106a	Amended	V. 17, p. 357
60-3-107	Amended	V. 17, p. 357
60-3-112	New	V. 17, p. 357
60-4-101	Amended	V. 17, p. 358
60-7-101	Amended	V. 18, p. 52
60-7-109	New	V. 17, p. 358
60-7-110	New	V. 17, p. 358
60-8-101	Amended	V. 17, p. 358
60-9-105	Amended	V. 17, p. 358
60-9-106	Amended	V. 17, p. 359
60-9-107	Amended	V. 17, p. 360
60-11-119	Amended	V. 17, p. 361
60-11-120	New	V. 17, p. 361
60-11-121	New	V. 17, p. 361
60-15-101		
through		
60-15-104	Amended	V. 17, p. 1321-1323
60-16-101	Amended	V. 17, p. 796
60-16-102	Amended	V. 17, p. 796

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 17, p. 1270
65-9-1	Amended	V. 18, p. 357
65-10-2	Amended	V. 18, p. 357
65-11-3	Amended	V. 18, p. 357

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 17, p. 102
66-7-2	Amended	V. 18, p. 79
66-10-1	Amended	V. 17, p. 102

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 17, p. 1107
68-2-20	Amended	V. 17, p. 1167
68-2-22	New	V. 18, p. 81
68-5-15	New	V. 18, p. 993
68-7-12	Amended	V. 17, p. 170
68-7-18	Amended	V. 18, p. 994
68-7-19	Amended	V. 18, p. 994
68-11-1	Amended	V. 18, p. 81

68-14-2		
through		
68-14-5	Amended	V. 18, p. 996, 997
68-14-7	Amended	V. 18, p. 997
68-14-8	New	V. 18, p. 998
68-15-1	New	V. 18, p. 998
68-20-10a	New	V. 18, p. 81
68-20-15a	Amended	V. 18, p. 82
68-20-16	Amended	V. 17, p. 1107
68-20-17	Amended	V. 18, p. 83
68-20-19	Amended	V. 18, p. 83

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-11-1	Amended	V. 17, p. 1622

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-3-7	New	V. 18, p. 104
71-6-1		
through		
71-6-6	New	V. 18, p. 104, 105

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-7	Amended	V. 17, p. 1415
74-4-1	Amended	V. 17, p. 1415
74-4-4	Amended	V. 17, p. 1415
74-4-7	Amended	V. 17, p. 1415
74-4-8	Amended	V. 17, p. 1416
74-4-9	Amended	V. 17, p. 1416
74-4-10	Amended	V. 17, p. 1416
74-5-2	Amended	V. 17, p. 1932
74-5-103	Amended	V. 17, p. 1933
74-5-104	Amended	V. 17, p. 1934
74-5-202	Amended	V. 17, p. 1417
74-5-203	Amended	V. 17, p. 1417
74-5-301	Amended	V. 17, p. 1417
74-5-404	New	V. 17, p. 1934
74-5-406	Amended	V. 17, p. 1417
74-5-407	Amended	V. 17, p. 1418
74-6-2	Amended	V. 17, p. 1418
74-11-6		
through		
74-11-14	Amended	V. 17, p. 1418-1422
74-12-1	Amended	V. 18, p. 581

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-24	Amended	V. 17, p. 738

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-221a	New	V. 18, p. 231
82-1-221b	New	V. 18, p. 232
82-1-228	Amended	V. 18, p. 232
82-1-235	Amended	V. 18, p. 233
82-3-101	Amended	V. 18, p. 273
82-3-401b	New	V. 18, p. 276
82-3-408	Amended	V. 18, p. 276
82-3-800		
through		
82-3-804	New	V. 17, p. 362, 363
82-3-900		
through		
82-3-908	New	V. 18, p. 276, 277
82-4-1	Amended	V. 17, p. 1887
82-4-3	Amended	V. 17, p. 1888
82-4-6d	Amended	V. 17, p. 1888
82-4-20	Amended	V. 17, p. 1889
82-4-21	Amended	V. 17, p. 1889
82-4-22	Amended	V. 17, p. 1890
82-4-23	Amended	V. 17, p. 1890
82-4-24a	Amended	V. 17, p. 1890
82-4-26	Amended	V. 17, p. 1890
82-4-27	Amended	V. 17, p. 1891
82-4-27a	Amended	V. 17, p. 1891
82-4-27c	Amended	V. 17, p. 1892
82-4-27e	Amended	V. 17, p. 1892
82-4-27f	Amended	V. 17, p. 1893
82-4-27g	Amended	V. 17, p. 1893
82-4-28	Amended	V. 17, p. 1893
82-24-28a	Amended	V. 17, p. 1894

82-4-28b	Amended	V. 17, p. 1894
82-4-29a	Amended	V. 17, p. 1894
82-4-30a	Amended	V. 17, p. 1894
82-4-30b	Revoked	V. 17, p. 1895
82-4-31	Amended	V. 17, p. 1895
82-4-32	Amended	V. 17, p. 1895
82-4-33	Amended	V. 17, p. 1895
82-4-35a	Amended	V. 17, p. 1895
82-4-37	Amended	V. 17, p. 1895
82-4-42	Amended	V. 17, p. 1896
82-4-46	Amended	V. 17, p. 1896
82-4-48	Amended	V. 17, p. 1896
82-4-48a	New	V. 17, p. 1896
82-4-49c	Amended	V. 17, p. 1897
82-4-53	Amended	V. 17, p. 1897
82-4-54	Amended	V. 17, p. 1897
82-4-55	Amended	V. 17, p. 1897
82-4-56a	Amended	V. 17, p. 1898
82-4-57	Amended	V. 17, p. 1898
82-4-58a	Revoked	V. 17, p. 1898
82-4-58b	Revoked	V. 17, p. 1898
82-4-58c	Revoked	V. 17, p. 1899
82-4-58d	Amended	V. 17, p. 1899
82-4-59	Revoked	V. 17, p. 1899
82-4-62	Amended	V. 17, p. 1899
82-4-63	Amended	V. 17, p. 1899
82-4-64	Revoked	V. 17, p. 1899
82-4-65	Amended	V. 17, p. 1899
82-4-67	Revoked	V. 17, p. 1899
82-4-68	Amended	V. 17, p. 1899
82-4-69	Amended	V. 17, p. 1900
82-4-85	Amended	V. 17, p. 1900
82-11-3	Amended	V. 18, p. 234
82-11-4	Amended	V. 18, p. 234
82-11-9	Amended	V. 18, p. 238
82-11-10	Amended	V. 18, p. 239
82-11-11	New	V. 18, p. 239
82-12-2	Amended	V. 18, p. 239

AGENCY 86: KANSAS REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-5	Amended	V. 17, p. 246

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-2-1	Amended	V. 17, p. 1087
88-3-1	Amended	V. 17, p. 1087
88-3-2	Amended	V. 17, p. 1087
88-3-5	Revoked	V. 17, p. 1088
88-3-9	Amended	V. 17, p. 208
88-3-11	Amended	V. 17, p. 1088
88-3-13	New	V. 17, p. 1088

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-5-1	Amended	V. 17, p. 1802
91-5-1a	Amended	V. 17, p. 1802
91-5-2	Revoked	V. 17, p. 1803
91-5-4	Amended	V. 17, p. 1803
91-5-8	Revoked	V. 17, p. 1803
91-5-9	Amended	V. 17, p. 1803
91-5-10	Revoked	V. 17, p. 1803
91-5-11	Revoked	V. 17, p. 1803
91-5-13	Amended	V. 17, p. 1803

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-1a	Revoked	V. 17, p. 949
92-19-1b	New	V. 17, p. 949
92-19-3	Amended	V. 17, p. 949
92-19-8	Revoked	V. 17, p. 950
92-19-13	Revoked	V. 17, p. 950
92-19-13a	New	V. 17, p. 950
92-19-16	Revoked	V. 17, p. 950
92-19-18	Revoked	V. 17, p. 950
92-19-18a	New	V. 17, p. 950
92-19-19	Revoked	V. 17, p. 950
92-19-25a	Revoked	V. 17, p. 951
92-19-25b	New	V. 17, p. 951
92-19-27a	Revoked	V. 17, p. 952
92-19-30	Amended	V. 17, p. 952
92-19-32	Revoked	V. 17, p. 954
92-19-34	Revoked	V. 17, p. 954
92-19-35	Revoked	V. 17, p. 954

92-19-39	Revoked	V. 17, p. 954
92-19-49	Revoked	V. 17, p. 954
92-19-49a	New	V. 17, p. 954
92-19-66a	Revoked	V. 17, p. 956
92-19-66b	Amended	V. 17, p. 956
92-19-66d	Revoked	V. 17, p. 957
92-19-66e	New	V. 17, p. 957
92-19-68	Revoked	V. 17, p. 959
92-19-78	Revoked	V. 17, p. 959
92-21-18	Revoked	V. 17, p. 959
92-21-21	Revoked	V. 17, p. 959

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-3-1	through	
93-3-4	Revoked	V. 17, p. 948
93-4-1	Revoked	V. 17, p. 948
93-4-2	through	
93-4-6	New	V. 17, p. 948, 949

AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-25-1	Amended	V. 18, p. 189
99-25-2	Revoked	V. 17, p. 209
99-25-4	through	
99-25-8	New	V. 17, p. 209, 210
99-27-1	through	
99-27-5	New	V. 17, p. 210-212
99-30-5	Amended	V. 17, p. 212
99-30-6	Amended	V. 17, p. 212
99-31-5	Amended	V. 17, p. 212
99-31-6	Amended	V. 17, p. 213
99-40-47	New	V. 17, p. 213

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 17, p. 509
100-15-1	Amended	V. 16, p. 1176
100-22-1	Amended	V. 17, p. 1644
100-23-1	Amended	V. 17, p. 299
100-24-1	Amended	V. 17, p. 1644
100-24-2	New	V. 17, p. 1644
100-24-3	New	V. 18, p. 483
100-29-3a	New	V. 17, p. 1323
100-29-7	Amended	V. 17, p. 510
100-49-4	Amended	V. 17, p. 510
100-54-1	Amended	V. 17, p. 1969
100-54-2	Amended	V. 17, p. 1969
100-54-3	Amended	V. 17, p. 1969
100-54-4	Amended	V. 17, p. 510
100-54-5	Amended	V. 17, p. 1969
100-54-6	Amended	V. 17, p. 1970
100-54-8	Amended	V. 17, p. 1970
100-54-9	Amended	V. 17, p. 1970
100-55-4	Amended	V. 17, p. 510
100-55-10	Revoked	V. 17, p. 510
100-60-1	Amended	V. 17, p. 510
100-69-5	Amended	V. 17, p. 510

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 17, p. 1799
102-1-8	Amended	V. 17, p. 1800
102-1-12	Amended	V. 17, p. 1800
102-3-7	Revoked	V. 17, p. 426
102-3-7a	New	V. 17, p. 426
102-4-7a	New	V. 17, p. 318
102-5-7	Revoked	V. 17, p. 427
102-5-7a	New	V. 17, p. 427

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-2	New	V. 17, p. 462

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery can be found in the Vol. 17, No. 53, December 31, 1998 issue of the Kansas Register. The Kansas Lottery regulations listed below were published after December 31, 1998.

Reg. No.	Action	Register
111-1-5	Amended	V. 18, p. 451
111-2-43	through	
111-2-65	Revoked	V. 18, p. 330

111-2-67	through	
111-2-71	Revoked	V. 18, p. 330, 331
111-2-74	Revoked	V. 18, p. 331
111-2-75	Revoked	V. 18, p. 331
111-2-76	Revoked	V. 18, p. 331
111-2-80	New	V. 18, p. 54
111-2-81	New	V. 18, p. 14
111-2-82	New	V. 18, p. 55
111-2-83	New	V. 18, p. 55
111-2-84	Amended	V. 18, p. 773
111-2-85	New	V. 18, p. 125
111-2-86	New	V. 18, p. 125
111-2-87	New	V. 18, p. 331
111-2-88	through	
111-2-93	New	V. 18, p. 451-453
111-3-1	Amended	V. 18, p. 956
111-3-14	Amended	V. 18, p. 957
111-3-21	Amended	V. 18, p. 958
111-3-22	Amended	V. 18, p. 958
111-4-1364	through	
111-4-1380	New	V. 18, p. 14-19
111-4-1381	through	
111-4-1396	New	V. 18, p. 55-59
111-4-1384	Amended	V. 18, p. 958
111-4-1397	through	
111-4-1412	New	V. 18, p. 125-129
111-4-1413	through	
111-4-1430	New	V. 18, p. 332-336
111-4-1423	Amended	V. 18, p. 453
111-4-1431	through	
111-4-1443	New	V. 18, p. 454-457
111-4-1444	through	
111-4-1468	New	V. 18, p. 773-779
111-4-1457	Amended	V. 18, p. 958
111-4-1469	through	
111-4-1485	New	V. 18, p. 959-963
111-5-24	Amended	V. 18, p. 130
111-5-28	Amended	V. 18, p. 130
111-5-31	Amended	V. 18, p. 457
111-7-66	Amended	V. 18, p. 963
111-5-75	New	V. 18, p. 59
111-5-76	New	V. 18, p. 457
111-7-134	Amended	V. 18, p. 336
111-9-97	through	
111-9-102	New	V. 18, p. 337
111-9-103	through	
111-9-108	New	V. 18, p. 963, 964

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 17, p. 511
112-4-22	Amended	V. 17, p. 512
112-4-22a	New	V. 17, p. 512
112-4-23	Amended	V. 17, p. 590
112-7-7	Amended	V. 17, p. 512
112-10-6	Amended	V. 18, p. 954
112-10-8	Amended	V. 17, p. 1968
112-12-9	Amended	V. 17, p. 213
112-16-11	Amended	V. 17, p. 590
112-18-21	Amended	V. 17, p. 60

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-3	Amended	V. 17, p. 462
115-2-6	New	V. 17, p. 462
115-4-1	Amended	V. 17, p. 463
115-4-7	Amended	V. 17, p. 464
115-11-2	Amended	V. 18, p. 484
115-16-4	Amended	V. 18, p. 780
115-17-1	Amended	V. 17, p. 1707

(continued)

115-17-2	Amended	V. 17, p. 1707
115-17-4	Amended	V. 17, p. 1708
115-17-5	Amended	V. 17, p. 1708
115-17-6	Amended	V. 17, p. 1708
115-17-14	Amended	V. 17, p. 1709
115-17-21	New	V. 18, p. 781
115-18-12	Amended	V. 17, p. 1086
115-18-13	Amended	V. 17, p. 1414
115-20-2	Amended	V. 17, p. 1709
115-30-10	Amended	V. 18, p. 781
115-35-1	New	V. 17, p. 1710

AGENCY 117: REAL ESTATE APPRAISAL BOARD

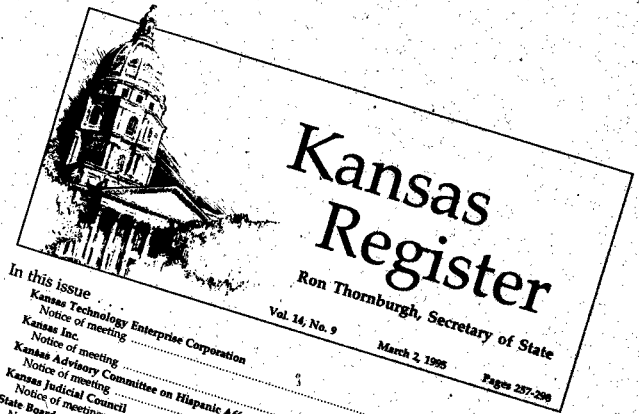
Reg. No.	Action	Register
117-2-1	Amended	V. 18, p. 294
117-2-2	Amended	V. 18, p. 295
117-3-1	Amended	V. 18, p. 296
117-3-2	Amended	V. 18, p. 296
117-4-1	Amended	V. 18, p. 297
117-4-2	Amended	V. 18, p. 298
117-5-1	Amended	V. 17, p. 465
117-5-2	New	V. 17, p. 465
117-5-3	New	V. 17, p. 465
117-6-1	Amended	V. 18, p. 955
117-6-3	Amended	V. 17, p. 1706

117-8-1	Amended	V. 18, p. 995
117-8-2	New	V. 17, p. 1707

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-1-1 through		
118-1-4	Amended	V. 17, p. 1547, 1548
118-3-1 through		
118-3-16	New	V. 17, p. 1549-1553
118-4-1 through		
118-4-4	New	V. 18, p. 672, 673

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