



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

**Department of Revenue
Division of Vehicles**

**Notice of Intent to Establish a New
Motor Vehicle Dealer License**

Notice has been received from DaimlerChrysler Motors Corporation that West Wichita Chrysler Jeep, Inc., dba West Wichita Jeep, will be establishing Jeep as its line-make at its dealership located at 11028 W. Kellogg, Wichita.

Pursuant to K.S.A. 2000 Supp. 8-2430(c), any new motor vehicle dealer may protest the proposed addition of a new line-make at West Wichita Chrysler Jeep, Inc., dba West Wichita Jeep, if that new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be added by West Wichita Chrysler Jeep, Inc., dba West Wichita Jeep, at the current location, and provided that the new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 2000 Supp. 8-2430 (e), includes the location where the new Jeep dealership will be located.

Pursuant to K.S.A. 2000 Supp. 8-2430(a), any petition or complaint must be filed with Sheila Walker, Director, Division of Vehicles, Room 162-S, Docking State Office Building, 915 S.W. Harrison, Topeka, 66626, within 30 days of this published notice.

Stephen Richards
Secretary of Revenue

Doc. No. 026955

State of Kansas

**Department of Administration
Division of Architectural Services**

**Notice of Commencement of
Negotiations for Engineering Services**

Notice is hereby given of the commencement of negotiations for "on-call" mechanical, electrical and civil engineering services for Wichita State University. Services will include work on small projects for a one-year period, renewable for two additional years.

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 Ave., 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. August 31.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 026939

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State of Kansas

Legislature
Interim Committee Schedule

The following committee meetings have been scheduled during the period of August 20-September 2. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/klrd.html>.

Date	Room	Time	Committee	Agenda
August 20	526-S	10:00 a.m.	Joint Committee on Utilities	20th: Hearings on Topic 1—Electric Service Territories and Municipal Annexation.
August 21	526-S	9:00 a.m.		21st: National energy plans and planning process.
August 21	123-S	10:00 a.m.	Joint Committee on Pensions, Investments and Benefits	a.m. —KPERS reports; p.m. —Hearing on HB 2218, HB 2352, ERIPs, 403(b) employer contributions.
August 22	Canceled			
August 21	Canceled		Joint Committee on State-Tribal Relations	Tour of Prairie Band Potawatomi Reservation.
August 22	Mayetta	9:30 a.m.		
August 21	519-S	10:00 a.m.	Joint Committee on Judiciary	21st: Driver's license privileges for immigrants.
August 22	519-S	9:00 a.m.		22nd: Use of independent hearing examiners by agencies subject to the Kansas Administrative Procedures Act.
August 22	531-N	10:00 a.m.	Joint Committee on Information Technology	a.m. —Review KDOT and KHP projects; p.m. —Review other projects, including state financial systems.
August 23	Canceled			
August 23	123-S	10:30 a.m.	Legislative Coordinating Council	Legislative matters.
August 23	231-N	10:00 a.m.	Special Committee on Commercial and Financial Institutions/Insurance	Hearings: 23rd, a.m. —Fair credit score disclosure; p.m. —Public insurance consolidation in SRS—Medicaid and HealthWave.
August 24	231-N	9:00 a.m.		24th, a.m. —Prescription drug information card; p.m. —Public adjusters licensing.
August 23	519-S	10:00 a.m.	Special Committee on Assessment and Taxation	23rd: Topic 4—Investment Service Company Apportionment; Topic 9—Shortline RR Income Tax Credits; Topic 5—Local Sales Tax on Natural Gas.
August 24	519-S	9:00 a.m.		24th: Topic 2—Streamlined Sales Tax; Topic 10—Professional Employer Organizations.
August 27	519-S	10:00 a.m.	Legislative Educational Planning Committee	Agenda not available.
August 28	519-S	9:00 a.m.		
August 27	526-S	10:00 a.m.	Joint Committee on Energy and Natural Resources	Nebraska water litigation progress report; Army Corps of Engineers' maintenance plans for federal reservoirs affected by fault lines.
August 28	514-S	10:00 a.m.	Special Committee on Ways and Means/Appropriations	Agenda not available.
August 29	514-S	9:00 a.m.		
August 29	519-S	10:00 a.m.	Legislative Post Audit	Agenda not available.
August 30	519-S	9:00 a.m.	Special Committee on Agriculture	Agenda not available.

Jeff Russell
Director of Legislative
Administrative Services

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information:

Friday, September 14, 2001

#40050

Marketing and Multimedia Broadcast Rights

William H. Sesler
Director of Purchasing

Doc. No. 026941

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, Landon State Office Building, 900 S.W. Jackson, Room 102, 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, August 28, 2001

03216

Kansas Bureau of Investigation—UPS System and Maintenance Service

03878

University of Kansas Medical Center—High Efficiency Air Filters

A-9365

Kansas State University—New Metal Building, Southeast Research Center, Parsons

Wednesday, August 29, 2001

A-8612

Wichita State University—Renovation of Campus Restrooms, Morrison Hall

Thursday, August 30, 2001

03849

Statewide—Motor Vehicles

03868

Department of Transportation—Pre-Engineered Wood Frame Building

A-9094

Emporia State University—Roof Replacement, Earl Center

A-9314

Department of Human Resources—Light Fixture and Wiring Replacement, Salina Job Center

Friday, August 31, 2001

03869

Department of Wildlife and Parks—Construct Boat Ramp and Jetty, Fall River State Park

Wednesday, September 5, 2001

03886

Adjutant General's Department—Replace HVAC and Lighting System

A-9183

University of Kansas—Clean and Seal, Green Hall

A-9029

Department of Transportation—KDOT Materials Lab HVAC Renovation, Phase 2

Thursday, September 6, 2001

A-9318

Lansing Correctional Facility—Exterior Wall Repair, Various Buildings

A-9319

Hutchinson Correctional Facility—Exterior Wall Repair, Various Buildings

A-9321

University of Kansas—Reroof, Lindley Hall

Tuesday, September 11, 2001

A-9276

University of Kansas—Replace Air Handling Unit Animal Care, Phase 1, Malott Hall

A-9280, A-9281

Department of Transportation—Reroof Old District Shop and District Three Office, Norton

Request for Proposals

Wednesday, September 5, 2001

03847

Parking Management and Enforcement System for Kansas State University

03843

Kansas Statewide Aerial Photo Basemap Project for Division of Information System and Communications Kansas Information Technology Office

Thursday, September 6, 2001

03753

Water Assessment and Related Services for Kansas Department of Health and Environment

Monday, September 10, 2001

03736

Alcohol and Drug Screening Services for Division of Personnel Services

Thursday, September 27, 2001

03845

Complete Banking Services for State Treasurer

John T. Houlihan
Director of Purchases

Doc. No. 026958

State of Kansas

Criminal Justice Coordinating Council

Notice of Available Grant Funding

The State of Kansas has been awarded \$452,042 in state fiscal year 2002 Local Law Enforcement Block Grant Program funding. Funding will be made available to state agencies, counties, cities and Indian Tribes. A 10 percent local match is required. Grants of up to \$9,000 in federal funding will be awarded. Entities that received a direct FY 2001 Local Law Enforcement Block Grant from the federal government are not eligible to receive state funding under this grant program. Entities can submit only one application for funding. Grant applications must be postmarked not later than September 28.

To obtain a grant application for the SFY 2002 Local Law Enforcement Block Grant Program, send a letter requesting a grant application to the Kansas Criminal Justice Coordinating Council, Suite 501, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603. Requests for grant applications must be made in writing and cannot be obtained by calling the office. The application also can be downloaded from the council's Web site at <http://www.ink.org/public/ksc/federal.htm#l1ebg>.

For further information regarding the Local Law Enforcement Block Grant Program, call (785) 296-0923.

Barbara S. Tombs
Executive Director

Doc. No. 026960

State of Kansas

State Corporation Commission

Notice of Motor Carrier Tariff Filing/Rate Increase

The following motor carrier(s) have filed with the commission a tariff and/or a rate increase, which will be approved and filed by the commission and shall become effective 30 days from date of this publication, unless a written protest is received by the commission not later than 12 days before that date. To file such a protest or to obtain a full copy of the filed tariff and/or rate increase, contact the State Corporation Commission, Motor Carrier Division, 1500 S.W. Arrowhead Road, Topeka, 66604, (785) 271-3148.

Requests to inspect and copy the notices provided to the parties and questions in regard to these tariffs should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. For general inquiries contact Mike Hoeme at (785) 271-3151. To lodge an official complaint, submit your protest in writing, supported by relevant facts, to Mike Hoeme, Acting Director of Transportation, to the address above within 20 days of the publication of this notice.

Application for Rate Increase:

Timesaver Unlimited, L.L.C., dba Time Saver, 203 N. Main, Galva, KS 67443; MC ID No. 152974

Mike J. Hoeme
Acting Director
Transportation Division

Doc. No. 026950

State of Kansas

Department of Transportation

Request for Comments

Pursuant to Title 49, Code of Federal Regulations, Part 26.45, the Kansas Department of Transportation has established an overall Disadvantaged Business Enterprise goal of 9.87 percent of federal funds received from October 1, 2001 to September 30, 2002. The methodology used to establish this goal can be viewed in the Office of Engineering Support, Room 761-South, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Written comments on the methodology will be accepted through September 30, 2001, at the address above.

Any business may apply for certification as a disadvantaged business. A business must meet the criteria of 49 CFR, Part 26, Subpart D to be eligible. For further information or an application, call (785) 296-7940.

E. Dean Carlson
Secretary of Transportation

Doc. No. 026957

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. September 4 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistant General Counsel, (785) 271-3279. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Application for Certificate of Convenience and Necessity:

Silvio Santos, dba Caribe Tours, 1216 Osage Ave., Kansas City, KS 66105; MC ID No. 159707; Passengers and their baggage

Application for Abandonment of Certificate of Public Service:

Paul David Dewitt, 508 S. 8th St., Fredonia, KS 66756; MC ID No. 155198

Mike J. Hoeme
Acting Director
Transportation Division

Doc. No. 026951

State of Kansas

State Corporation Commission

Notice of Motor Carrier Applications

The following motor carriers have filed various applications. All applications listed herein are for statewide authority, unless otherwise stated.

Requests to inspect and copy the notices provided to the parties and questions in regard to these applications should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. For general inquiries, contact Vickie Berg at (785) 271-3225. To lodge an official complaint, submit your protest in writing, supported by relevant facts, to Mike J. Hoeme, Acting Director of Transportation, at the address above within 20 days of the date of publication of this notice.

Applications for Certificate of Public Service:

Chemical Services, Inc., 32 N.E. 40th Ave., Great Bend, KS 67530; MC ID No. 159703; Joseph Weiler, Attorney; General commodities (except Classes A and B explosives and household goods)

DB Grain, Inc., 116 E. 6th, Ford, KS 67842; MC ID No. 159704; General commodities (except household goods and hazardous materials)

Steve Derr, dba Heartland Recovery, 304½ S.E. 21st, Topeka, KS 66604; MC ID No. 159705; Wrecked, disabled, repossessed and replacement vehicles

Judith Dunn, 325 Ellis, Boise City, OK 73933; MC ID No. 155240; General commodities (except household goods and hazardous materials)

Lynn C. Kravik, dba Lynn Kravik Trucking, 109 3rd Ave. South, Marietta, MN 56257; MC ID No. 159706; General commodities (except household goods and hazardous materials)

Rex and Myra Oliver, dba Oliver Trucking, Route 2, Box 23, Lebanon, KS 66952; MC ID No. 159701; General commodities (except household goods and hazardous materials)

Abraham Peters, dba Peters Trucking, 107 Moore St., Copeland, KS 67837; MC ID No. 157856; General commodities (except household goods and hazardous materials)

Doug Smethwick, dba Smethwick and Sons Wrecker Service, 3106 Boyd, Parsons, KS 67357; MC ID No. 159709 Wrecked, disabled, repossessed and replacement vehicles

TAD bit, Inc., 213 E. Wertz, Utica, KS 67584; MC ID No. 159708; William Barker, Attorney; General commodities (except household goods and hazardous materials)

T. S. Expediting Services, Inc., 27681 Cummings Road, Millbury, OH 43447; MC ID No. 122758; General commodities (except household goods)

C H Watson, dba C H Watson Trucking, 1213 S. Malang Road, Joplin, MO 64804; MC ID No. 135291; General commodities (except household goods and hazardous materials)

Applications for Extension of Certificate of Public Service:

Kevin Blackwell Trucking, Inc., 702 W. Railroad, Canton, KS 67428; MC ID No. 158520; William Barker, Attorney; General commodities (except household goods)

Charles Holmes, dba Charles Holmes Trucking Co., 4861 N. Broadway, Wichita, KS 67219-2722; MC ID No. 100327; General commodities (except household goods and hazardous materials)

Application for Transfer of Certificate of Public Service:

Larry Baccus, dba Baccus Repair, 262 Navajo Road, Ada, KS 67467-7029, MC ID No. 100346, to: Janice Baccus, dba Baccus

Repair, 262 Navajo Road, Ada, KS 67467-7029; Wrecked and disabled cars and trucks, new and used farm machinery and LP gas tanks

Mike J. Hoeme
Acting Director
Transportation Division

Doc. No. 026949

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. Mid Continent Market Center has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install two compressor engines along with catalytic converters. Emissions of oxides of nitrogen (NOx), carbon monoxide (CO) and nonmethane hydrocarbons (NMHCs) were evaluated during the permit review process.

Mid Continent Market Center, Tulsa, Oklahoma, owns and operates the stationary source located at the SE ¼ of Section 4, Township 30 South, Range 35 West, Grant County, Kansas, at which the 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 for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE South Central District Office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Daizy Dandass, (785) 296-6427, at the KDHE central office, or David Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Daizy Dandass, 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 by the close of business September 17.

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 September 17 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026938

State of Kansas**State Employees Health Care Commission****Request for Proposals**

The Kansas State Employees Health Care Commission will issue Request for Proposals (RFP) #3885 for a third party administrator to administer a self-funded preferred provider organization (PPO) component of its health plan. Responses should be based on a self-funded and third party administrator arrangement only.

Currently, 34,723 active employees and 9,451 retirees participate in the health plan. Total covered lives are 82,756. Membership is increasing due to inclusion of educational groups.

If interested in receiving a copy of the RFP, contact Bonnie Long, Department of Administration, Health Benefits Administration, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1251, (785) 296-6280, fax (785) 368-7180, e-mail benefits@state.ks.us.

Dan Stanley
Secretary of Administration

Doc. No. 026959

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

The Kansas Department of Health and Environment is soliciting comments regarding the amendment of a previously-issued air quality construction permit. Jayhawk Fine Chemicals, Inc., Galena, owns and operates the stationary source located 22 miles south of Pittsburg on Alternate U.S. Highway 69. Certain requirements were found to no longer be appropriate in the construction permit dated September 10, 1996, for a new chemical reactor. These requirements are being modified by an applicability determination.

A copy of the applicability determination is available for public inspection for a period of 30 days from the date of publication 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 applicability determination, contact David A. Peter, (785) 296-1615, at the KDHE central office, or Lynelle Stranghoner, (620) 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 applicability determination to David A. Peter, 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 by the close of business September 17.

A person may request a public hearing be held on the proposed applicability determination. 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 September 17 in order for the

Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026947

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 Donahue Corporation has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of hazardous air pollutants 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.

The Donahue Corporation, Lincolnville, owns and operates a trailer manufacturing facility located at 946 E. 290th St., Durham.

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 for a period of 30 days from the date of publication 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 Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact David A. Peter, (785) 296-1615, at the KDHE central office, 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 David A. Peter, 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 by the close of business September 17.

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 September 17 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026954

State of Kansas
State Employees Health Care Commission

Notice of Meeting

The State Employees Health Care Commission will meet at 1:30 p.m. Wednesday, August 22, in the boardroom of the offices of the Kansas Public Employees Retirement System, 611 S. Kansas Ave., Topeka. An agenda may be viewed by accessing the commission's Web site at <http://da.state.ks.us/hcc/meetings/htm>. For further information, contact the Benefits Office at (785) 296-6280.

Dan Stanley
Chair

Doc. No. 026940

State of Kansas
Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment has drafted a permit for the Stericycle, Inc. medical waste transfer station, located in the Southeast 1/4 of Section 11, Township 28S, Range 1W, 3901 S. West St., Wichita. KDHE is providing public notice of its intent to issue a medical waste transfer station permit for Stericycle, Inc. The perspective permittee recently made submittals that place this medical waste transfer station in compliance with state regulations for solid waste processing facilities.

A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review until September 17 during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment
Permits Section
Bureau of Waste Management
Forbes Field, Building 740
Topeka, 66620
Contact: Ken Powell
(785) 296-1121

Sedgwick County Environmental Resources Office
Pawnee Prairie Nature Center
2625 S. Tyler
Wichita, 67215-8621
Contact: Susan Erlenwine
(316) 721-9418

Anyone wishing to comment in writing on the draft permit information should submit written statements postmarked not later than September 17 to Ken Powell (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final decision on whether to issue the permit. Notice of the decision will be given to anyone who submitted written comments during the comment period and to those who requested notice of the final permit decision.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026948

State of Kansas
State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 16,290 cubic yard detention dam, Site 213 in Nemaha County, will be received by the Upper Black Vermillion Creek Watershed Joint District No. 37 at the watershed district office, 404 Commercial St., Centralia, 66415, until 10 a.m. August 28, and then opened. A copy of the invitation for bids and the plans and specifications can be reviewed at and/or obtained from the watershed district office, (785) 857-3347. A \$25 fee will be required for each set of plans and specifications.

Tracy D. Streeter
Executive Director

Doc. No. 026952

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 EPA, 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-01-243/261
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Donald N. Koster 532 K106 Minneapolis, KS 67467	SW/4 of Section 1, T12S, R4W, Ottawa County	Solomon River Basin via Battle Creek

Kansas Permit No. A-SOOT-B004

This is a permit modification for an existing facility for a maximum of 100 head of cattle weighing greater than 700 pounds [100 animal units (a.u.)], 400 head of cattle weighing less than 700 pounds (200 a.u.), and 200 head of canine (0 a.u.) for a total of 500 head of cattle and 200 head of canine (300 a.u.).

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Alvin Selland 1695 2nd Ave. Horton, KS 66439	NW/4 of Section 5, T5S, R18E, Atchison County	Kansas River Basin

Kansas Permit No. A-KSAT-S005

This is a permit renewal for an existing facility for 470 head (188 animal units) of swine greater than 55 pounds and 200 head (20 animal units) of swine 55 pounds or less for a total of 208 animal units.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Ladder Creek Dairy c/o Joe Segura Route 1, P.O. Box 300 Tribune, KS 67879	SE/4 of Section 3, T16S, R40W, Greeley County	Smoky Hill River Basin

Kansas Permit No. A-SHGL-D001

This is a new permit for an existing, expanding facility for a maximum of 3,000 head (4,200 animal units) of dairy cows.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Test procedures and readings shall be viewed and recorded by a KDHE representative or the test results will not be accepted. Dewatering equipment shall be obtained within three months after issuance of the permit. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Winchester Hog Building c/o David G. Halling 349 180th Road Severence, KS 66087	NW/4 of Section 11, T4S, R19E, Doniphan County	Missouri River Basin

Kansas Permit No. A-MODP-S012

This is a permit renewal and change of ownership of an existing facility for 900 head (360 animal units) of swine greater than 55 pounds.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Dekalb Choice Genetics Farms 3, 4 & Boar Holding 23179 #5 Road Plains, KS 67869	N/2 of Section 21, T33S, R31W, Seward County	Cimarron River Basin

Kansas Permit No. A-CISW-H002 Federal Permit No. KS0118559

This is a renewal permit for an existing facility for 31,452 head (10,151 animal units) of swine.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Larry Goodman 2547 15th Road Barnes, KS 66933	SW/4 of Section 18, T3S, R5E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-S050

This is a new permit for an existing facility for a maximum of 2,000 head of swine weighing greater than 55 pounds (800 animal units) and 1,000 head of swine weighing less than 55 pounds (100 animal units) for a total of 3,000 head (900 animal units) of swine.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Macek's Farm c/o Joseph Macek 39150 W. 311th Paola, KS 66071	SE/4 of Section 13, T17S, R21E, Miami County	Marais des Cygnes River Basin

Kansas Permit No. A-MCMI-S020

This is a permit renewal for an existing facility for 195 head (78 animal units) of swine greater than 55 pounds and 200 head (20 animal units) of swine 55 pounds or less for a total of 98 animal units.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan most recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Daniel D. Pfizenmaier 2236 Frontier Road Morganville, KS 67468	SW/4 of Section 13, T7S, R1E, Clay County	Republican River Basin

Kansas Permit No. A-LRCY-S048

This is a permit for expansion of an existing facility for 678 head (271.2 animal units) of swine weighing more than 55 pounds and 420 head of swine (42 animal units) weighing less than 55 pounds for a total of 1,098 head (313.2 animal units) of swine. Some open lots are going to be abandoned and a new nursery is being added.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Doran Feedyard c/o James V. Doran P.O. Box 335 St. John, KS 67576	NW/4 of Section 14, T24S, R15W, Stafford County	Lower Arkansas River Basin

Kansas Permit No. A-ARSF-C004 Federal Permit No. KS0089117

This is a renewal permit for an existing facility for 1,500 head (1,500 animal units) of cattle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Danbred USA, Inc. c/o Sid Burkey 3408 Rokeby Road Dorchester, NE 68327	SW/4 of Section 2, NW/4 of Section 11, T1S, R3W, Republic County	Lower Republican River Basin

Kansas Permit No. A-BBRP-S001
This permit is for transfer ownership, modification/change of operation, and downsizing of an existing facility from a maximum capacity of 2,252 head of swine greater than 55 pounds (900.8 animal units) and 900 swine less than 55 pounds (90 animal units) for a total of 3,152 head (990.8 animal units) of swine, to a maximum capacity of 1,744 head of swine greater than 55 pounds (697.6 animal units) and 1,940 swine less than 55 pounds (194 animal units) for a total of 3,684 head (891.6 animal units) of swine.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
CJ Beef & Grain Inc. 54 S. Longhorn Road Dighton, KS 67839	NE/4 of Section 32, T20S, R28W, Lane County	Upper Arkansas River Basin

Kansas Permit No. A-UALE-B002
This is a renewal permit for an existing facility for 400 head (400 animal units) of beef cattle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
K. Hineman Co. Inc. 116 S. Longhorn Road Dighton, KS 67839	SW/4 of Section 31, T18S, R28W, Lane County	Upper Arkansas River Basin

Kansas Permit No. A-UALE-B001
This is a renewal permit for an existing facility for 750 head (750 animal units) of beef cattle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Premier Pork Inc. Shields Unit 440 N. Eagle Road Scott City, KS 67871	SE/4 of Section 2, T17S, R29W, Lane County	Upper Arkansas River Basin

Kansas Permit No. A-UALE-S002
This is a renewal permit for an existing facility for 2,100 head (840 animal units) of swine.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
HRC Feedyards Inc. P.O. Box 186 Scott City, KS 67871	S/2 of Section 13, T18S, R34W, Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C004 Federal Permit No. KS0039292
This is a renewal permit for an existing facility for 22,000 head (22,000 animal units) of beef cattle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Dekalb Choice Genetics Farm 5, 6, & 7 P.O. Box 429 Plains, KS 67869	E/2 of Section 28, T33S, R30W, Meade County	Cimarron River Basin

Kansas Permit No. A-CIME-H001 Federal Permit No. KS0079375
This is a renewal permit for an existing facility for 44,862 head (11,967 animal units) of swine.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Wea Creek Boarding Kennel c/o P.K. Crouch 31760 Hedge Lane Paola, KS 66071	SW/4 of Section 22, T17S, R23E, Miami County	Marais des Cygnes River Basin

Kansas Permit No. A-MCMI-K001
This is a permit renewal and name change of an existing facility for 400 canines and 20 felines for a total of 2 animal units.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan recently approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Meier Dairy, Inc. c/o Duane Meier 1537 3rd Road Palmer, KS 66962	SE/4 of Section 16, T5S, R3E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-D001 Federal Permit No. KS0093815
This is a permit renewal and modification of an existing facility for a maximum of 720 head of dairy milking cows (1,008 animal units), 20 head of calves weighing less than 700 pounds (10 animal units), and 170 head of dry cows weighing greater than 700 lbs (170 animal units) for a total of 910 head (1,188 animal units) of dairy livestock. The permit is being modified to allow use of the original permitted dairy facilities and an on-site farm pond for dairy replacement livestock.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Mid America Feedyard, Inc. 251 N.W. 10th Ave., #4 Great Bend, KS 67530	Section 18, T19S, R13W, Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-C001 Federal Permit No. KS0040606
This is a permit renewal and modification for an existing facility for 28,000 head (28,000 animal units) of beef cattle weighing greater than

700 pounds. The permit reflects modification to the water pollution controls for the northeast section of the facility.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure #1. Should the retention structure not meet the maximum allowable seepage rate of 0.125 inches per day, additional sealing will be required. The manure/waste management plan approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Wilroads Feedyard c/o Steve Doll 11449 Lariat Way Dodge City, KS 67801	W/2 of Section 9, T27S, R24W, Ford County	Upper Arkansas River Basin

Kansas Permit No. A-UAFO-C014 Federal Permit No. KS0080373
This is a renewal permit for an existing facility for 11,500 head (11,500 animal units) of beef cattle weighing greater than 700 pounds.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: Permeability tests shall be conducted on all existing earthen wastewater retention structure(s). Should any structure not meet the permeability requirements, additional sealing will be required. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Public Notice No. KS-01-121/122

Name and Address of Applicant	Waterway	Type of Discharge
El Dorado, City of 1550 S. High St. El Dorado, KS 67042	Walnut River	Treated Domestic Wastewater

Kansas Permit No. M-WA09-OO01 Federal Permit No. KS0036676
Legal: SW¼, S11, T26S, R5E, Butler County

Facility Description: The proposed action is to modify and reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed action is to modify the existing permit to update the ammonia limits to current Kansas Water Quality Standards. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, chronic whole effluent toxicity and pH. Monitoring for total phosphorus, total Kjeldahl nitrogen, nitrate, nitrite, effluent flow and priority pollutants also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Herington, City of 17 N. Broadway Herington, KS 67449	Lyon Creek via Lime Creek	Treated Domestic Wastewater

Kansas Permit No. M-SH17-OO01 Federal Permit No. KS0022811
Legal: NW¼, S12, T16S, R4E, Dickinson County

Facility Description: The proposed action is to modify and reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed action is to modify the existing permit to update the ammonia limits to current Kansas Water Quality Standards. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia and pH. Monitoring for fecal coliform, effluent flow and dissolved oxygen also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its NPDES permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

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 Shonda Domme 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 September 15 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-243/261, KS-01-121/122) 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, if appropriate, is 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

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots/stindex.html>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

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 also may be obtained at the Division of Environment.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026953

State of Kansas

**Department of Commerce
and Housing**

**Notice of Annual Performance Report
on the Kansas Consolidated Plan**

The Department of Commerce and Housing will publish a preliminary draft of the "Annual Performance Report on the Kansas Consolidated Plan, Revised" for community and housing development for federal fiscal year 2000. The "Annual Performance Report on the 2000 Kansas Consolidated Plan, Revised" will be available for public review and comment from August 28 to September 14. To obtain a copy of the Annual Performance Report, contact the Kansas Department of Commerce and Housing, 700 S.W. Harrison, Suite 1300, Topeka, 66603-3712, (785) 296-5865, TTY (785) 296-3487, fax (785) 296-8985, e-mail housing@kdoch.state.ks.us, or visit the department's Web site at www.kansascommerce.com.

Gary Sherrer
Secretary of Commerce
and Housing

Doc. No. 026943

State of Kansas

**Department of Commerce
and Housing**

**Notice of Hearing on the Community
Services Block Grant State Plan**

In accordance with the federal Community Services Block Grant Act (P.L. 97-35, as amended), the Community Services Block Grant State Plan for federal fiscal year 2002 is available for public inspection and comment. The Community Services Block Grant Program will conduct a public hearing to receive comments on this plan at 10 a.m. Tuesday, August 28, at the Department of Commerce and Housing, 700 S.W. Harrison, 13th floor, Topeka.

A draft copy of the state plan may be obtained by calling (785) 296-5866 or TTY (785) 296-3487. If special accommodations are needed, contact the Kansas Department of Commerce and Housing at least five business days in advance of the hearing at (785) 296-2994, fax (785) 296-8985 or TTY (785) 296-3487.

Written comments will be accepted and incorporated into the state plan. Written comments should be mailed to Kathy Votaw, Housing Development Division, Department of Commerce and Housing, 700 S.W. Harrison, Suite 1300, Topeka, 66603-3712. Comments must be received by August 28.

Gary Sherrer
Secretary of Commerce
and Housing

Doc. No. 026944

(Published in the Kansas Register August 16, 2001.)

**Notice of Partial Redemption
to the Holders of
City of Lakin, Kansas
First Mortgage Revenue Bonds, Series 1978
(Section 8 Assisted Housing Project)
Dated March 15, 1978**

Notice is hereby given, pursuant to the applicable redemption provisions of the governing documents of the above captioned bonds, that the herein described bonds are called for redemption prior to their maturity and will be redeemed on September 15, 2001. Redemption will be made by payment of the principal amount of each such bond, together with interest accrued to the redemption date plus applicable premium, if any. From and after September 15, 2001, interest on the bonds shall cease to accrue, and any lien or interest in or to any pledge of security or collateral for the bonds hereby called shall also cease and become null on that date.

* CUSIP Number: 512757AW5, 7.4000%
Due September 15, 2008
Redemption Price: 100.00%
Total Amount Called: \$25,000

Bearer Bonds called in the amount of \$5,000 each:
50 53 62 94 105

Payment of bonds called for redemption will be made upon presentation and surrender of such bonds, together with all coupons maturing on and after September 15, 2001, in the case of bearer bonds, at the location shown below. Called bonds should be presented as follows:

By U.S. Mail:
BankOne Trust
Corporate Trust Operations
P.O. Box 710184
Columbus, OH 43271-0184

By Overnight or Carrier Delivery:
BankOne/CTO
Suite I-N (OH1-0184)
1111 Polaris Parkway
Columbus, OH 43240

(Only by hand delivery on business days between 9 a.m. and 3 p.m.)

Certified or registered, insured mail is suggested when submitting bonds for payment.

When inquiring about this redemption notice, please inform the customer service representative of your bond number and the bond CUSIP number. (Customer Service, 1-800-346-5153.)

Please furnish a properly completed and signed Form W-9 when submitting your bonds. Federal law may require the payor to withhold 30.5 percent from the payment if a certified taxpayer (social security) number isn't provided.

* No representation is made as to the accuracy of any CUSIP number either in this notice or as printed on any bond. CUSIP numbers are included solely for the convenience of the bondholders.

Dated August 16, 2001.

By: Bank One Trust Company, N.A.
as Trustee

Doc. No. 026946

State of Kansas

**Office of Judicial Administration
Supreme Court Docket**

(Note: Dates and times of arguments are subject to change.)

Monday, September 10, 2001

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
85,916 85,917	Melinda Skov, et al., Appellants, v. Vance and Mona Wicker, Appellees.	Thomas D. Arnhold Nancy J. Andervich	Reno
86,268	Hartford Underwriters Ins. Co., Appellee, v. Kansas State Dept. of Human Resources and Rick Meier, Appellants.	Mark Beam-Ward Don Doesken	Barton
85,244	State of Kansas, Appellee, v. Corey R. Gholston, Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. Dist. Atty. Randall L. Hodgkinson, Deputy Appellate Defender	Sedgwick
85,914	State of Kansas, Appellee, v. Nancy L. White, Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. Dist. Atty. Shawn Minihan, Asst. Appellate Defender	Sedgwick

1:30 p.m.

86,684	City of Pratt, Appellee, v. Stuart A. Stover, Appellant.	Janice J. Jorns Michael S. Holland II	Pratt
82,471	State of Kansas, Appellee, v. Robert L. Verge, Appellant.	Carla J. Stovall, Atty. Gen. John K. Bork, Asst. Atty. Gen. Richard Ney Bradley P. Sylvester	Dickinson
83,165	State of Kansas, Appellee, v. Virgil S. Bradford, Appellant.	Carla J. Stovall, Atty. Gen. John K. Bork, Asst. Atty. Gen. Janine Cox, Asst. Appellate Defender	Dickinson

Tuesday, September 11, 2001

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
85,191	Janee Marie Comley, Appellee, v. Bill Ray Phillips, Appellee [Triplett, Woolf & Garretson, LLC, Appellant].	John E. Foulston James A. Walker	Sedgwick
84,285	State of Kansas, Appellee, v. Deon Dean, Appellant.	Carla J. Stovall, Atty. Gen. John P. Wheeler, Jr., County Atty. Craig H. Durham, Asst. Appellate Defender	Finney
83,924	State of Kansas, Appellee, v. Gyola Diggs, Appellant.	Carla J. Stovall, Atty. Gen. Stephen D. Maxwell, Asst. Atty. Gen. Mary Curtis, Asst. Appellate Defender	Phillips
85,471	In the Matter of the Care and Treatment of Clayton Saathoff.	Carl E. Cornwell Brenda M. Cameron	Johnson

(continued)

1:30 p.m.

86,406	Marvin L. Canaan, Appellee, v. Michael Bartee, et al., Appellants.	Patrick A. Hamilton Jeffrey D. Morris	Johnson
85,751	Polly Webber, Appellee, v. Automotive Controls Corp., Appellant.	William L. Phalen Garry W. Lassman	Workers Comp Petition for Review
86,334 86,387 86,525	Victoria Acosta, Appellant, v. National Beef Packing, et al., Appellees.	Paul Hasty, Jr. Stephen M. Kerwick Diane F. Barger	Workers Comp
84,275	State of Kansas, Appellee, v. Patricia Lee Leitner, Appellant.	Carla J. Stovall, Atty. Gen. Athena E. Andaya, Asst. Atty. Gen. Mary Curtis, Asst. Appellate Defender	Coffey

Wednesday, September 12, 2001

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
83,217	State of Kansas, Appellee, v. Celester Tyrone McKinney, Appellant.	Carla J. Stovall, Atty. Gen. Nick A. Tomasic, District Atty. Mary Curtis, Asst. Appellate Defender	Wyandotte
84,112	State of Kansas, Appellee, v. Brian Betts, Appellant.	Carla J. Stovall, Atty. Gen. Nick A. Tomasic, District Atty. Cheryl A. Pilate David A. Kelly	Wyandotte
80,937	State of Kansas, Appellee, v. Bryon Greene, Appellant.	Carla J. Stovall, Atty. Gen. Nick A. Tomasic, District Atty. Debra J. Wilson, Asst. Appellate Defender	Wyandotte
84,843	State of Kansas, Appellee, v. John A. Sanders, Appellant.	Carla J. Stovall, Atty. Gen. Nick A. Tomasic, District Atty. Rick Kittel, Asst. Appellate Defender	Wyandotte

1:30 p.m.

85,431	State of Kansas, Appellee, v. Terry Lee Gilbert, Appellant.	Carla J. Stovall, Atty. Gen. Julie A. McKenna, County Atty. Allen B. Angst	Saline
86,522	Trista Rey Yetsko, et al., Appellants, v. Jonathan Moriah Panure, Appellee.	John M. Lindner Thomas W. Young	Rush
85,705	Ronald L. Drake, Appellant, v. Kansas Dept. of Revenue, Appellee.	Michael S. Holland II James G. Keller	Barton
85,621	State of Kansas, Appellee, v. Randy D. Owens, Appellant.	Carla J. Stovall, Atty. Gen. Lawrence M. Wright, County Atty. Peter T. Maharry, Asst. Appellate Defender	Franklin

Thursday, September 13, 2001

9:00 a.m.

Case No.	Case Name	Attorneys	Jurisdiction
85,469	Robert J. Creason, Appellant, v. The Unified Government of Wyandotte County, Kansas, Appellee.	John C. Tillotson Timothy P. Orrick	Wyandotte
86,887	In the Matter of Fred W. Rausch, Jr., Respondent.	Alexander M. Walczak, Deputy Discip. Admin. Charles D. McAtee Fred W. Rausch, Jr., Pro Se	Original

86,746	In the Matter of Bradley W. Johnson, Respondent.	Stanton A. Hazlett, Discip. Admin. Mark A. Rohrbaugh Bradly W. Johnson, Pro Se	Original
86,855	In the Matter of Stephen Paul Flack, Respondent.	Alexander M. Walczak, Deputy Discip. Admin. David R. Buchanan Stephen Paul Flack, Pro Se	Original
86,794	In the Matter of James K. Craig, Respondent.	Frank D. Diehl, Deputy Discip. Admin. G. Craig Robinson James K. Craig, Pro Se	Original

Friday, September 14, 2001

Summary Calendar—No Oral Argument
Pursuant to Supreme Court Rule 7.01(c)

85,434 State v. Jackie Lofton

Summary Disposition of Sentencing Appeals—No Oral Argument
Pursuant to Supreme Court Rule 7.041(a)

85,689	State v. Nikki Stone	86,155	State v. Billy Daryl Jackson	86,326	State v. Vernell Renae Phoenix
85,734	State v. David Bilodeau	86,174	State v. David Bretherton	86,423	Earl G. Selby v. State
85,761	State v. Kenneth A. Richards, Jr.	86,197	State v. Jermaine Jones	86,425	Edward A. Sykes v. State
85,944	State v. Dallas M. Piland	86,209	State v. Rodney D. Roscoe	86,439	State v. Gregory D. Roberts, Sr.
86,007	State v. Dorothy A. Brown	86,211	State v. Larry D. Williams	86,469	State v. Tonisha D. Brown
86,060	State v. James M. Morris	86,244	State v. Johnny L. James, Jr.	86,513	State v. Jeffrey Rasmussen
86,095	State v. David W. Hamm	86,263	State v. Allen P. Harroald	86,528	State v. Troy L. Ghramm
86,144	State v. Paul Coleman	86,292	State v. Juanita A. Yates	86,578	State v. Jeffery A. Sand
86,145	State v. David Heinrich				

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 026919

State of Kansas
Racing and Gaming Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Friday, October 19, in the Kansas Racing and Gaming Commission's conference room, 3400 S.W. Van Buren, Topeka, to consider the adoption of proposed permanent regulations of the Kansas Racing and Gaming Commission. This 60-day notice of the public hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Racing and Gaming Commission, 3400 S.W. Van Buren, Topeka, 66612-2228, (785) 296-5800.

A copy of the full text of the regulations and the economic impact statements may be reviewed or obtained at the commission office. The following is a summary of the proposed regulations:

K.A.R. 112-10-3. Practicing veterinarians. The amendment to this regulation requires that as a condition of possessing an occupation license, the practicing veterinarian shall be in compliance with the regulations of the Kansas Board of Veterinary Medical Examiners.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-10-6. Bleeder list. The amendment to this regulation requires that the third time a horse is observed bleeding within a 12-month period, the horse shall be barred from parimutuel racing in Kansas for a minimum of one year or any additional time as determined by the animal health officer or designee after an endoscopic examination of the horse's respiratory tract.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-17-4. Financial resources, fair association and horsemen's nonprofit organization applicant. The amendment to this regulation removes the requirement previously set forth in K.S.A. 2-128, which required fair associations to provide copies of the past five annual reports of the fair association to be filed with the Board of Agriculture.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

Tracy T. Diel
Acting Executive Director

Doc. No. 026942

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. 2000 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 8-13-01 through 8-19-01

Term	Rate
1-89 days	3.72%
3 months	3.29%
6 months	3.26%
1 year	3.39%
18 months	3.59%
2 years	3.75%

Derl S. Treff
Director of Investments

Doc. No. 026935

State of Kansas

Department of Health
and EnvironmentPermanent Administrative
Regulations

Article 16.—WATER POLLUTION CONTROL

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 value, which is an alternate to the 7Q10 flow, that is 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 and that can be abated by construction of control structures, modification of operating practices, complete restraint of activities, or any combination of these methods.

(e) "Background concentration" means the concentration of any elemental parameter listed in tables 1a, 1b, 1c, 1d, and 1e of K.A.R. 28-16-28e, or any elemental substance meeting the definition of pollutant in K.A.R. 28-16-28b(ss), that occurs in a surface water immediately upstream of a point source or nonpoint source under consideration and is from natural 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 any 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 cycles 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 et seq., 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) "Critical low flow" means the minimum amount of stream flow immediately upstream of a point source discharge that will be used to calculate the quantity of pollutants the point source discharge may be permitted to discharge without exceeding water quality criteria set out by these regulations. The critical low flow may be the 7Q10 flow or the alternate low flow as defined in subsection (b) of this regulation.

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

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

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

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

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

(x) "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 (bbb), 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).

(y) "Existing use" means any of the designated 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.

(z) "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.

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

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

(cc) "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.

(dd) "Kansas antidegradation policy," dated August 6, 2001 and hereby adopted by reference, means the writ-

ten departmental policy used to prevent or minimize the lowering of water quality in surface waters of the state.

(ee) "Kansas implementation procedures: surface water quality standards," dated August 6, 2001, means the 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.

(ff) "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.

(gg) "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.

(hh) "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.

(ii) "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.

(jj) "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.

(kk) "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.

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

(mm) "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.

(nn) "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.

(oo) "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(bbb), 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).

(pp) "pH" means the common logarithm of the reciprocal of the hydrogen ion concentration measured in

(continued)

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.

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

(rr) "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.

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

(tt) "Pollution" means any 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;

(2) 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 any of the following:

(A) Public health, safety, or welfare;

(B) domestic, industrial, agricultural, recreational, or other designated uses; or

(C) livestock, domestic animals, or native or naturalized plant or animal life; or

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

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

(vv) "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.

(ww) "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 nonpotable water purposes, before the addition of any artificial materials not typically used in the production of potable water. The solid materials shall include sand, silt, and other easily settleable particles originating from the raw water supply.

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

(yy) "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 deter-

mined 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.

(zz) "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.

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

(bbb) "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).

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

(ddd) "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.

(eee) "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.

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

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

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

(iii) "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).

(jjj) "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, 2000, which is hereby adopted by reference. Variances shall be administered by the department in accordance with K.A.R. 28-16-28f(e).

(kkk) "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.

(lll) "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.

(mmm) "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.

(nnn) "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. 2000 Supp. 65-171d, as amended by L. 2001, Ch. 160, Sec. 15 and L. 2001, Ch. 191, Sec. 15, and K.S.A. 65-171m; implementing K.S.A. 2000 Supp. 65-165 and 65-171d, as amended by L. 2001, Ch. 160, Sec. 15 and L. 2001, Ch. 191, Sec. 15, and K.S.A. 65-171m; effective May 1, 1986; amended Aug. 29, 1994; amended July 30, 1999; amended Nov. 3, 2000; amended Aug. 31, 2001.)

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 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 antidegradation policy, as defined in K.A.R. 28-16-28b (dd), 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 surface waters of the state constitute exceptional state waters, discharges shall be allowed only if existing uses and existing water quality are maintained and protected.

(3) Wherever surface waters of the state 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 antidegradation policy, 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 a department-approved demonstration indicates 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 critical low 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 critical low flow conditions, as measured immediately upstream of the discharge during the critical low 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 (13) shall be reserved by the department.

(continued)

(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 critical low 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 critical low flow conditions, measured immediately upstream of the discharge during the critical low flow.

(8) General purpose waters.

(A) Special aquatic life use waters. If the ratio of the receiving stream critical low 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 critical low flow conditions, measured immediately upstream of the discharge during the critical low flow.

(B) Expected aquatic life use waters. If the ratio of the receiving stream critical low 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 critical low flow conditions, measured immediately upstream of the discharge during the critical low flow.

(C) Restricted aquatic life use waters. If the ratio of the receiving stream critical low 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 critical low flow conditions, measured immediately upstream of the discharge during the critical low flow.

(D) Recreational uses. If the ratio of the receiving stream critical low 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 critical low flow conditions, measured immediately upstream of the discharge during the critical low flow. In the application of this regulation, the 25 percent mixing zone shall apply only to recreational criteria. If the ratio of the receiving stream critical low 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 critical low flow conditions.

(9) Alternate low flows, as defined in K.A.R. 28-16-28b(b), may be utilized by the department as the critical low flow 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 according 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 percent of the total volume of the receiving lake as measured at conservation pool.

(12) Discharges into classified ponds. Mixing zones extending into any classified pond shall be prohibited by the department.

(13) 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(rr) and (mm).

(1) Low flow. Classified streams may be excluded by the department from the application of some or all of the numeric surface water criteria as specified in K.A.R. 28-16-28e(c) when stream flow is less than the critical low flow.

(2) Effluent-created flow. For any current classified stream segment in which continuous flow is sustained primarily through the discharge of treated effluent and the segment does not otherwise meet the requirements of a classified stream in K.A.R. 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, 1985. 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 for effluent-created flow shall be adopted as specified in K.A.R. 28-16-28d(c)(2) and approved by the environmental protection agency before serving as a basis for limitations in any new, reissued, or modified permit.

(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. 2000 Supp. 65-171d, as amended by L. 2001, Ch. 160, Sec. 15 and L. 2001, Ch. 191, Sec. 15, and K.S.A. 65-171m; implementing K.S.A. 2000 Supp. 65-165 and 65-171d, as amended by L. 2001, Ch. 160, Sec. 15 and L. 2001, Ch. 191, Sec. 15, as amended by L. 2001, Ch. 160, Sec. 15 and L. 2001, Ch. 191, Sec. 15, 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; amended Aug. 31, 2001.)

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, wetlands, and ponds, 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 either 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 obtaining edible forms of aquatic or semiaquatic life for human consumption.

(5) "Groundwater recharge use" means the use of surface water for replenishing 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 deemed classified if studies conducted or approved 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 the following:

(A) All wetlands owned by federal, state, county, or municipal authorities;

(B) all privately owned wetlands open to the general public for hunting, trapping, or other forms of secondary contact recreation; and

(C) all wetlands classified as outstanding national resource waters or exceptional state waters, or designated as special aquatic life use waters according to K.A.R. 28-16-28d(c).

Wetlands created for the purpose of wastewater treatment shall not be considered classified wetlands.

(4) Classified ponds shall be all ponds owned by federal, state, county, or municipal authorities and all privately owned ponds that impound water from a classified stream segment as defined in K.A.R. 28-16-28d(b)(1).

(c) Assignment of uses to surface waters.

(1) Classified surface waters shall be designated for uses based upon the results of use attainability analyses conducted or approved by the department. The provisions of the federal water quality standards regulation, 40 C.F.R. 131.10 as in effect on July 1, 2000, 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, wetlands, and ponds and shall list those streams, lakes, wetlands, and ponds recognized by the department as outstanding national resource waters or exceptional state waters. Use designations of listed surface waters or water bodies recognized

(continued)

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) Use designations for classified streams, lakes, wetlands, and ponds 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. 2000 Supp. 65-171d, as amended by L. 2001, Ch. 160, Sec. 15 and L. 2001, Ch. 191, Sec. 15, and K.S.A. 65-171m; implementing K.S.A. 2000 Supp. 65-165 and 65-171d, as amended by L. 2001, Ch. 160, Sec. 15 and L. 2001, Ch. 191, Sec. 15, 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; amended Aug. 31, 2001.)

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. If 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. 28-16-28f(f), using bioassessment methods or other related scientific procedures, including those procedures consistent with the United States environmental protection agency's "water quality standards handbook," second edition, as published in August 1994 or other department-approved methods.

(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, and 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, and 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 shore-

lines, 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, 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(e). Background concentrations shall be established using the methods outlined in the "Kansas implementation procedures: surface water quality standards," dated August 6, 2001, and available upon request from the department.

(c) Criteria for designated uses of surface waters. The numeric criteria in tables 1a, 1b, 1c, 1d, and 1e shall not apply if the critical low flow is less than 0.03 cubic meters per second for waters designated as expected aquatic life use waters and restricted aquatic life use waters, unless studies conducted or approved by the department show that water present during periods of no flow, or flow below critical low flow, provides important refuges for aquatic life and permits biological recolonization of intermittently flowing segments. The numeric criteria in tables 1a, 1b, 1c, 1d, and 1e shall not apply if the critical low flow is less than 0.003 cubic meters per second for waters designated as special aquatic life use waters, unless studies conducted or approved by the department show that water present during periods of no flow, or flow below critical low flow, provides important refuges for aquatic life and permits biological recolonization of intermittently flowing segments. The following criteria shall apply to all classified surface waters for the indicated designated 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 specified 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 specified 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, 1d, and 1e of K.A.R. 28-16-28e(d) shall apply beyond the mixing zone.

(iii) If a discharge contains a toxic substance that lacks any published criteria for the aquatic life support use, or if a discharge contains a mixture of toxic substances capable of additive or synergistic interactions, bioassessment methods and procedures shall be specified 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(e). Background concentrations shall be

established using the methods outlined in the "Kansas implementation procedures: surface water quality standards," dated August 6, 2001, 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 through 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 recreational use shall be controlled to prevent the development of objectionable 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 within a 30-day period. These

(continued)

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 designated use according 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	340	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	c	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

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
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	940	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
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-dichloropropane	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	4.7
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
isosphorone	117,000	a	a	a	b	b

(continued)

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
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	.005
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	2,700	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
2-chloronaphthalene	a	a	a	a	4,300	1,700
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 (furadan)	a	a	100	a	a	40

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
chlordan	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	240	110
beta-endosulfan	0.22	0.056	a	a	240	110
endosulfan sulfate	a	a	a	a	b	b
endothall	a	a	a	a	a	110
endrin	0.18	0.0023	0.5	a	0.81	0.76
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
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
mirex	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
 c - criterion under investigation

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 CaCO₃. 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]

(continued)

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 aquatic life support criteria for total ammonia (total ammonia as N, mg/L).

Acute Aquatic Life Criteria for Ammonia, mg/L	
pH	Criteria
6.5	48.8
6.6	46.8
6.7	44.6
6.8	42.0
6.9	39.1
7.0	36.1
7.1	32.8
7.2	29.5
7.3	26.2
7.4	23.0
7.5	19.9
7.6	17.0
7.7	14.4
7.8	12.1
7.9	10.1
8.0	8.40
8.1	6.95
8.2	5.72
8.3	4.71
8.4	3.88
8.5	3.20
8.6	2.65
8.7	2.20
8.8	1.84
8.9	1.56
9.0	1.32

Table 1d. pH- and temperature-dependent chronic aquatic life criteria for total ammonia (total ammonia as N, mg/L) with early life stages of fish present.

Chronic Aquatic Life Criteria for Ammonia, Early Life Stages Present, mg/L										
pH	Temperature, °C									
	0	14	16	18	20	22	24	26	28	30
6.5	6.67	6.67	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46
6.6	6.57	6.57	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42
6.7	6.44	6.44	5.86	5.15	4.52	3.98	3.50	3.07	2.70	2.37
6.8	6.29	6.29	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32
6.9	6.12	6.12	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25
7.0	5.91	5.91	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18
7.1	5.67	5.67	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09
7.2	5.39	5.39	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99
7.3	5.08	5.08	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.4	4.73	4.73	4.30	3.78	3.32	2.92	2.57	2.26	1.98	1.74
7.5	4.36	4.36	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.6	3.98	3.98	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.7	3.58	3.58	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.8	3.18	3.18	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.9	2.80	2.80	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8.0	2.43	2.43	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.897
8.1	2.10	2.10	1.91	1.68	1.47	1.29	1.14	1.00	0.879	0.773
8.2	1.79	1.79	1.63	1.43	1.26	1.11	0.973	0.855	0.752	0.661
8.3	1.52	1.52	1.39	1.22	1.07	0.941	0.827	0.727	0.639	0.562
8.4	1.29	1.29	1.17	1.03	0.906	0.796	0.700	0.615	0.541	0.475
8.5	1.09	1.09	0.990	0.870	0.765	0.672	0.591	0.520	0.457	0.401
8.6	0.920	0.920	0.836	0.735	0.646	0.568	0.499	0.439	0.386	0.339

8.7	0.778	0.778	0.707	0.622	0.547	0.480	0.422	0.371	0.326	0.287
8.8	0.661	0.661	0.601	0.528	0.464	0.408	0.359	0.315	0.277	0.244
8.9	0.565	0.565	0.513	0.451	0.397	0.349	0.306	0.269	0.237	0.208
9.0	0.486	0.486	0.442	0.389	0.342	0.300	0.264	0.232	0.204	0.179

Table 1e. pH- and temperature-dependent chronic aquatic life criteria for total ammonia (total ammonia as N, mg/L) with early life stages of fish absent.

Chronic Aquatic Life Criteria for Ammonia, Early Life Stages Absent*, mg/L								
pH	Temperature, °C							
	0-7	8	9	10	11	12	13	14**
6.5	10.8	10.1	9.51	8.92	8.36	7.84	7.35	6.89
6.6	10.7	9.99	9.37	8.79	8.24	7.72	7.24	6.79
6.7	10.5	9.81	9.20	8.62	8.08	7.58	7.11	6.66
6.8	10.2	9.58	8.98	8.42	7.90	7.40	6.94	6.51
6.9	9.93	9.31	8.73	8.19	7.68	7.20	6.75	6.33
7.0	9.60	9.00	8.43	7.91	7.41	6.95	6.52	6.11
7.1	9.20	8.63	8.09	7.58	7.11	6.67	6.25	5.86
7.2	8.75	8.20	7.69	7.21	6.76	6.34	5.94	5.57
7.3	8.24	7.73	7.25	6.79	6.37	5.97	5.60	5.25
7.4	7.69	7.21	6.76	6.33	5.94	5.57	5.22	4.89
7.5	7.09	6.64	6.23	5.84	5.48	5.13	4.81	4.51
7.6	6.46	6.05	5.67	5.32	4.99	4.68	4.38	4.11
7.7	5.81	5.45	5.11	4.79	4.49	4.21	3.95	3.70
7.8	5.17	4.84	4.54	4.26	3.99	3.74	3.51	3.29
7.9	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89
8.0	3.95	3.70	3.47	3.26	3.05	2.86	2.68	2.52
8.1	3.41	3.19	2.99	2.81	2.63	2.47	2.31	2.17
8.2	2.91	2.73	2.56	2.40	2.25	2.11	1.98	1.85
8.3	2.47	2.32	2.18	2.04	1.91	1.79	1.68	1.58
8.4	2.09	1.96	1.84	1.73	1.62	1.52	1.42	1.33
8.5	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13
8.6	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.951
8.7	1.26	1.18	1.11	1.04	0.976	0.915	0.858	0.805
8.8	1.07	1.01	0.944	0.885	0.829	0.778	0.729	0.684
8.9	0.917	0.860	0.806	0.456	0.709	0.664	0.623	0.584
9.0	0.790	0.740	0.694	0.651	0.610	0.572	0.536	0.503

* Early life stage absent criteria will apply to all Kansas surface waters during the months November through February except in surface water segments listed in Table 1f. The application of early life stage absent criteria outside of the months November through February shall require a segment-specific examination of the surface water for the presence of early life stages of fish.

** At 15° C and above, the criterion for early life stages absent is equivalent to the criterion for early life stages present.

Table 1f. Surface Water Segments where early life stages absent chronic aquatic life criteria are not applicable.

Surface Water	Basin	Subbasin	Hydrologic Unit Code	Segment Number
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	1
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	2
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	3
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	4
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	5
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	18
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	19
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	21
				From Bowersock dam east to segment 19
Missouri River	Missouri	Tarkio-Wolf	10240005	1
Missouri River	Missouri	Tarkio-Wolf	10240005	2
Missouri River	Missouri	Tarkio-Wolf	10240005	19
Missouri River	Missouri	Tarkio-Wolf	10240005	20
Missouri River	Missouri	Tarkio-Wolf	10240005	21
Missouri River	Missouri	Independence-Sugar	10240011	1

Missouri River	Missouri	Independence-Sugar	10240011	2
Missouri River	Missouri	Independence-Sugar	10240011	4
Missouri River	Missouri	Independence-Sugar	10240011	5
Missouri River	Missouri	Independence-Sugar	10240011	7
Missouri River	Missouri	Independence-Sugar	10240011	9
Missouri River	Missouri	Independence-Sugar	10240011	11
Missouri River	Missouri	Independence-Sugar	10240011	13
Missouri River	Missouri	Independence-Sugar	10240011	15
Missouri River	Missouri	Independence-Sugar	10240011	19

High school graduation (GED or equivalent)	12.0
Each full year of college (30 hours credit)	1.0
Each department-approved educational course (10 consecutive contact hours)	0.25
Successful completion of California State University correspondence courses (each volume)	1.0
Department-approved semester courses (60 contact hours) ...	1.5
Department-approved two-year environmental technology degree	6.0

(Authorized by K.S.A. 2000 Supp. 65-171d, as amended by L. 2001, Ch. 160, Sec. 15 and L. 2001, Ch. 191, Sec. 15, and K.S.A. 65-171m; implementing K.S.A. 2000 Supp. 65-165 and 65-171d, as amended by L. 2001, Ch. 160, Sec. 15 and L. 2001, Ch. 191, Sec. 15, 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; amended Nov. 3, 2000; amended Aug. 31, 2001.)

28-16-30. Requirements for water and wastewater operator certification. (a) Each operator who desires or is required to obtain a water supply system or wastewater treatment facility operator certificate shall meet the following requirements:

(1) Each applicant shall own or be either employed by or under contract to persons having a water supply system or wastewater treatment facility and shall be engaged in the daily operation, maintenance, or both, of the system or facility.

(2) Each applicant shall submit a completed and approved examination application and the appropriate fee to the department. The application shall be received by the department at least two weeks before the test date. Late applications shall not be accepted for any test date.

(3) Each applicant shall be a high school graduate or shall have a general education development (GED) diploma.

(b) If an applicant provides false information on the application, the applicant shall not be accepted for examination and the fee shall not be returned. The applicant shall be notified of this decision and shall not be allowed to take the examination for two years.

(c) The applicant who previously held a Kansas water supply system or wastewater treatment facility certificate that was revoked pursuant to K.S.A. 65-4507, and amendments thereto, shall not be eligible to submit an application for examination for a period of one year from the date of the final action revoking the certificate or for the period of time specified in the final action. (Authorized by and implementing K.S.A. 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-31. Eligibility for water and wastewater operator certification. (a) Each applicant for certification shall meet eligibility requirements as noted in the following table.

CERTIFICATE CLASS	POINTS	EXPERIENCE
Small System	12.5	6 months
I	13.0	1 year
II	14.0	1 year
III	16.0	2 years
IV	18.0	2 years

(1) Point totals shall be determined using the following table.

EXPERIENCE OR EDUCATION	POINTS
Each year of operating experience	1.0

(2) Completion of an approved two-year environmental technology degree shall fulfill the one year of experience requirement for taking a Class I examination.

(b) Minimum training requirements. Each operator who holds a certificate of competency shall be required to meet minimum training requirements before certificate renewal. All Class I, II, III, and IV certified operators shall acquire at least 10 hours of approved training every two years. Small system operators shall acquire five hours of approved training every two years.

(c) Each operator who conducts approved training for water supply system operators and wastewater treatment facility operators may receive credit equal to the number of hours of training provided. Credit shall be granted for teaching a department-approved course or seminar only in its initial presentation. (Authorized by and implementing K.S.A. 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-32. Operator certification examinations. (a) To be certified, each applicant shall pass the appropriate written examination. A score of 70% or higher shall be considered a passing score.

(b) Examinations shall be given at least twice each year at times and locations set by the department. Notice of examinations shall be sent to certified operators and either communities or districts having a water supply system or wastewater treatment facility, or both, at least 30 days before the date of examination.

(c) The written examinations shall be graded by the department or by a department-approved contractor, and the applicant shall be notified of the results. Examinations shall not be returned to the applicant. Upon receiving a written request, an analysis of the failed examination shall be provided to the applicant. The analysis shall indicate areas in which the applicant needs further study.

(d) Any operator meeting the requirements of K.A.R. 28-16-30 and K.A.R. 28-16-31 may take the same level of examination a maximum of three times per calendar year.

(e) Each operator earning a score of 50% or lower shall provide proof of having attained department-approved training before sitting for a subsequent examination.

(f) An applicant who commits any of the following acts on a written examination shall be deemed guilty of misconduct:

(1) Utilizes text materials, notes, computer-stored materials, or other unauthorized materials while taking an examination; or

(2) without express authorization from examination officials, undertakes any of the following:

(A) Removes or attempts to remove examination materials furnished by the department from the examination room;

(continued)

(B) aids another applicant, or accepts aid from another applicant in answering examination questions during a written examination; or

(C) makes or attempts to make a manual or electronic copy of the written examination.

(g) If an applicant is guilty of misconduct on a written examination, as determined by the department, both of the following penalties shall apply:

(1) The applicant shall be denied a certificate of competency.

(2) The applicant shall be ineligible to reapply for certification in any operator classification for a period of one year from the date on which the determination of misconduct becomes final.

(h) A hearing for each denial of a certificate of competency shall be held in accordance with the Kansas administrative procedure act upon written notice of the department's intention to deny any certificate. (Authorized by and implementing K.S.A. 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-33. Operator responsible for the operation and management of a water supply system or wastewater treatment facility, or both. (a) (1) Each system or facility shall have an individual or individuals in responsible charge at the system or facility site, or available at all times.

(2) For the purposes of this regulation, "individual or individuals in responsible charge" shall be defined as the person or persons designated by the owner to be the certified operator or operators who make decisions regarding the daily operational activities of a water supply system or wastewater treatment facility that will directly impact the quality or quantity of drinking water for human consumption or the quality of wastewater effluent.

(b) Except as provided in K.A.R. 28-16-33(f), each individual in responsible charge of a system shall be a certified operator for that class or a higher class of system.

(c) When a new operator responsible for the operation or management of a system or facility classified as small system, class I, or class II is hired, the owner of the system or facility shall, on a form provided by the department, notify the department within 30 days. The person named on the form shall be issued an operator-in-training (OIT) certificate subject to both of the following requirements:

(1) Within six months after completing one full year of operation as an OIT, the operator-in-training shall take the appropriate certification examination.

(2) If the OIT fails the initial examination, the OIT shall make additional preparation and take the examination again at the next time that the department offers the examination.

(d) An OIT certificate shall be valid for one year from the date of issuance. The OIT certificate may be renewed for up to an additional year if the operator demonstrates to the department that the operator is attending training sessions, studying correspondence courses, or otherwise preparing to pass the operator certification examination.

(e) The owner of a system or facility shall not be allowed to utilize an OIT for more than two consecutive years.

(f) An operator with an OIT certificate may be the individual in responsible charge of a system subject to the following:

(1) A written request submitted to the department by the system owner and verification by the owner that the system is unable to employ a currently certified operator; and

(2) a finding by the department that the operator has the basic knowledge necessary to operate the system. The following items shall be the basis for the department's decision:

(A) The results of any on-site inspection of the system;

(B) a review of the operational history of the system; and

(C) an examination of other available information. (Authorized by and implementing K.S.A. 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-34. Issuance and renewal of certificate of competency. (a) Upon satisfactory fulfillment of the requirements specified in K.A.R. 28-16-30, a certificate of competency shall be issued to the applicant. The certificate shall designate the class or classes of either water supply systems or wastewater treatment facilities for which the applicant has received certification to operate. The certificate shall be valid for two years from date of issuance.

(b) The certificate shall expire unless renewed as specified in this regulation before the expiration date. A renewal notice and application form shall be mailed to the last address of record approximately 45 calendar days before the expiration date of the certificate. Failure to receive the notice shall not relieve the certified operator of the responsibility to renew the certificate.

(c) In order to renew a certificate before it expires, the certified operator shall complete the following requirements before the expiration date of the certificate:

(1) Meet the training requirements specified in K.A.R. 28-16-31(b);

(2) submit an application for renewal on a form provided by the department; and

(3) submit the nonrefundable two-year renewal fee specified in K.A.R. 28-16-35 to the department.

(d) An expired certificate may be reinstated within two years of the expiration date, subject to K.A.R. 28-16-34(c)(1) through (3) and the reinstatement fee specified in K.A.R. 28-16-35. In each case of reinstatement, the expiration date of the reinstated operator certificate shall be the same as if the renewal requirements had been met on or before the date of expiration.

(e) Each operator certificate that is expired and is not reinstated within two years after the expiration date shall not be reinstated. Each operator failing to reinstate an expired certificate within two years after the date of expiration shall meet the requirements of K.A.R. 28-16-30, apply for examination, pay all required fees, and pass the examination in order to obtain certification. (Authorized by and implementing K.S.A. 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-35. Operator certification fees. (a) Fees for certification shall be the following:

OIT (one-year certificate)	No charge
OIT (renewal for one year)	\$5.00
Examination fee.....	\$25.00
Two-year renewal for all classes except OIT	\$20.00

Reinstatement of lapsed certificate	
up to and including one year after renewal date	\$15.00
between one and two years after renewal date	\$25.00
One-year reciprocity fee	\$25.00

(b) Fees from applicants who are ineligible to take the certification examination shall be returned. No other fees shall be returned. Fees for department-sponsored training sessions shall be established by the department. (Authorized by and implementing K.S.A. 65-4512 and 65-4513; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-36. Classification of water supply systems and wastewater treatment facilities. (a) The owner of each water supply system and wastewater treatment facility shall designate an operator in responsible charge of the system or facility, or both, whose qualifications are commensurate with the following:

SYSTEM OR FACILITY CLASS	OPERATOR CLASS
Small System	Small System, I, II, III, or IV
I	I, II, III, or IV
II	II, III, or IV
III	III or IV
IV	IV

(b) Classification of water supply systems shall be as follows:

CLASS	POPULATION SERVED
Small System	
Distribution system only	All, no limit or
Chlorination of groundwater only	less than 501
Class I	
Chlorination of groundwater only	501-1,500 or
Treatment of groundwater	less than 501
Class II	
Chlorination of groundwater only	1,501-5,000 or
Treatment of groundwater	501-2,500 or
Treatment of surface water	less than 2,501
Class III	
Chlorination of groundwater only	5,001-20,000 or
Treatment of groundwater or surface water	2,501-10,000
Class IV	
Chlorination of groundwater only	over 20,000 or
Treatment of groundwater or surface water	over 10,000

(c) Classification of commercial, industrial, and municipal wastewater treatment facilities shall be as follows:

CLASS	POPULATION SERVED
Small Systems	
Nonoverflowing municipal wastewater ponds	All, no limit
Class I	
Any secondary treatment facility	less than 1,000 or
Overflowing wastewater ponds	All, no limit
Class II	
Any secondary treatment facility	1,001-5,000
Class III	
Any secondary treatment facility	5,001-25,000 or
Advanced or specialized treatment facility	less than or equal to 5,000

Class IV	
Any secondary treatment facility	over 25,000 or
Advanced or specialized treatment facility	over 5,000

(d) For purposes of this regulation, "treatment," as it applies to water supply systems, shall include the following processes:

- (1) Iron and manganese removal;
- (2) membrane filtration;
- (3) softening;
- (4) coagulation, sedimentation, and filtration;
- (5) recarbonation; and
- (6) addition of chemicals other than chlorine for improved water quality.

(e) For purposes of this regulation, "secondary treatment facility" shall be any department-permitted biological treatment facility, including the following:

- (1) Waste stabilization ponds;
- (2) trickling filter plants;
- (3) rotating biological contactor plants; and
- (4) activated sludge plants.

A secondary treatment facility may include biological, physical, or chemical disinfection.

(f) For purposes of this regulation "advanced or specialized treatment facility" shall include facilities utilizing selected biological, physical, and chemical separation processes to remove organic and inorganic substances that resist conventional treatment practices. Biological, physical, and chemical disinfection shall not be considered advanced or specialized treatment. (Authorized by K.S.A. 65-4512; implementing K.S.A. 65-4505 and 65-4512; effective Sept. 28, 1992; amended Aug. 31, 2001.)

28-16-58. Definitions. (a) (1) "Administrator" means the administrator of the United States environmental protection agency.

(2) "Application" means all documents required by the division that are necessary for obtaining a permit.

(3) "Department" and "KDHE" mean the Kansas department of health and environment.

(4) "Director" means the director of the division of environment, Kansas department of health and environment.

(5) "Division" means the division of environment, Kansas department of health and environment.

(6) "Draft permit" means a permit that has not been issued as a final action of the agency.

(7) "EPA" means the United States environmental protection agency.

(8) "Kansas implementation procedures: wastewater permitting," dated August 6, 2001 and hereby adopted by reference, means the written departmental procedures used for the development of national pollutant discharge elimination system permit limitations, available upon request from the division of environment.

(9) "Minimum standards of design, construction, and maintenance" means effluent standards, effluent limitations, pretreatment requirements, other performance standards, and other standards of design, construction, and maintenance for wastewater control facilities published by the department in 1978 as "minimum standards of design for water pollution control facilities."

(continued)

(10) "Municipal system" means a system under the jurisdiction of a city, county, township, district, or other governmental unit.

(11) "National pollutant discharge elimination system" and "NPDES" mean the national system for the issuance of permits under 33 U.S.C. Section 1342 and shall include any state or interstate program that has been approved by the administrator, in whole or in part, pursuant to 33 U.S.C. Section 1342.

(12) "Refuse act application" means an application for a permit under 33 U.S.C. Section 407 et seq.

(13) "Regional administrator" means the regional administrator for region VII of the United States environmental protection agency.

(14) "Secretary" means the secretary of the Kansas department of health and environment.

(15) "Water quality standards" means all water quality standards, as specified in K.A.R. 28-16-28b through K.A.R. 28-16-28f, to which a discharge is subject.

(16) "Waters of the state" means all surface and subsurface waters occurring within the border of the state, or forming part of the border between Kansas and one of the adjoining states.

(b) The definitions of the following terms contained in 33 U.S.C. Section 1251 et seq., as amended February 4, 1987, shall be applicable to these terms as used in K.A.R. 28-16-57 through K.A.R. 28-16-63, unless the context requires otherwise:

- (1) "Biological monitoring";
- (2) "effluent limitations";
- (3) "industrial user";
- (4) "municipality";
- (5) "person";

(6) "state"; and

(7) "toxic pollutant." (Authorized by K.S.A. 2000 Supp. 65-171d, as amended by L. 2001, Ch. 160, Sec. 15 and L. 2001, Ch. 191, Sec. 15; implementing K.S.A. 2000 Supp. 65-165 and K.S.A. 65-166; effective, E-74-32, June 14, 1974; effective May 1, 1975; amended May 1, 1987; amended Aug. 31, 2001.)

28-16-60. Development of draft permit. (a) Each application and any other relevant facts shall be reviewed by the director to determine one of the following:

(1) A permit shall be issued allowing the discharge.

(2) A permit shall be issued providing for no discharge.

(3) A permit shall not be issued.

(b) If the issuance of a permit is deemed advisable, the proposed permit conditions shall be formulated by the director, including all of the following:

(1) Effluent limitations developed according to the "Kansas implementation procedures: wastewater permitting";

(2) a schedule of compliance, including any necessary interim dates;

(3) any special conditions; and

(4) a monitoring program, if appropriate. (Authorized by K.S.A. 2000 Supp. 65-171d, as amended by L. 2001, Ch. 160, Sec. 15 and L. 2001, Ch. 191, Sec. 15; implementing K.S.A. 2000 Supp. 65-165 and K.S.A. 65-166; effective, E-74-32, June 14, 1974; effective May 1, 1975; amended May 1, 1987; amended Aug. 31, 2001.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 026936

INDEX TO ADMINISTRATIVE REGULATIONS

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1-18-1a	Amended (T)	V. 20, p. 1123

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91-1-106m	Revoked	V. 19, p. 1437, 1438
91-1-107a	Revoked	V. 19, p. 1438
91-1-108a	Revoked	V. 19, p. 1438
91-1-108b	Revoked	V. 19, p. 1438
91-1-108c	Revoked	V. 19, p. 1438
91-1-109a	Revoked	V. 19, p. 1438
91-1-110a	Revoked	V. 19, p. 1438
91-1-110c	Revoked	V. 19, p. 1438
91-1-111a	Revoked	V. 19, p. 1438
91-1-112c	Revoked	V. 19, p. 1438
91-1-112d	Revoked	V. 19, p. 1438
91-1-113b	Revoked	V. 19, p. 1438
91-1-114a	Revoked	V. 19, p. 1438
91-1-115a	Revoked	V. 19, p. 1438
91-1-117a	Revoked	V. 19, p. 1438
91-1-118a	Revoked	V. 19, p. 1438
91-1-119a		
through		
91-1-119g	Revoked	V. 19, p. 1438, 1439
91-1-120	Revoked	V. 19, p. 1439
91-1-121	Revoked	V. 19, p. 1439
91-1-122	Revoked	V. 19, p. 1439
91-1-123a	Revoked	V. 19, p. 1439
91-1-125	Revoked	V. 19, p. 1439
91-1-127a	Revoked	V. 19, p. 1439
91-1-128b	Revoked	V. 19, p. 1439
91-1-129a	Revoked	V. 19, p. 1439
91-1-130	Revoked	V. 19, p. 1439
91-1-131	Revoked	V. 19, p. 1439
91-1-132a	Revoked	V. 19, p. 1439
91-1-135a	Revoked	V. 19, p. 1439
91-1-137a	Revoked	V. 19, p. 1439
91-1-138a	Revoked	V. 19, p. 1439
91-1-140a	Revoked	V. 19, p. 1439
91-1-141	Revoked	V. 19, p. 1439
91-1-143	Revoked	V. 19, p. 1439
91-1-144	Revoked	V. 19, p. 1439
91-1-145	Revoked	V. 19, p. 1439
91-1-146a	Amended	V. 19, p. 1593
91-1-146e	Amended	V. 19, p. 1593
91-1-148a	Revoked	V. 19, p. 1439
91-1-149	Revoked	V. 19, p. 1439
91-1-150	Revoked	V. 19, p. 1439
91-1-153	Revoked	V. 19, p. 1439
91-1-200		
through		
91-1-211	New	V. 19, p. 1439-1449
91-5-14	Amended	V. 20, p. 108
91-12-22	Revoked	V. 19, p. 680

91-12-23	Revoked	V. 19, p. 680
91-12-24a	Revoked	V. 19, p. 680
91-12-25	Revoked	V. 19, p. 680
91-12-27	Revoked	V. 19, p. 680
91-12-28	Revoked	V. 19, p. 680
91-12-30		
through		
91-12-33	Revoked	V. 19, p. 680
91-12-35		
through		
91-12-42	Revoked	V. 19, p. 680, 681
91-12-44		
through		
91-12-69	Revoked	V. 19, p. 681
91-12-71		
through		
91-12-74	Revoked	V. 19, p. 682
91-22-1a	New	V. 19, p. 682
91-22-2	Amended	V. 19, p. 683
91-22-3	Revoked	V. 19, p. 683
91-22-4	Amended	V. 19, p. 683
91-22-5a	Amended	V. 19, p. 683
91-22-7	Amended	V. 19, p. 683
91-22-8	Revoked	V. 19, p. 683
91-22-9	Amended	V. 19, p. 683
91-22-10		
through		
91-22-18	Revoked	V. 19, p. 684
91-22-19	Amended	V. 19, p. 684
91-22-21	Revoked	V. 19, p. 684
91-22-22	Amended	V. 19, p. 684
91-22-23	Revoked	V. 19, p. 684
91-22-24	Revoked	V. 19, p. 684
91-22-25	Amended	V. 19, p. 684
91-22-26	Revoked	V. 19, p. 685
91-37-2	Amended	V. 20, p. 724
91-37-3	Amended	V. 20, p. 724
91-37-4	Amended	V. 20, p. 724
91-40-1		
through		
91-40-5	New	V. 19, p. 685-691
91-40-2	Amended	V. 20, p. 541
91-40-7		
through		
91-40-12	New	V. 19, p. 692-695
91-40-7	Amended	V. 20, p. 541
91-40-9	Amended	V. 20, p. 542
91-40-10	Amended	V. 20, p. 542
91-40-16		
through		
91-40-19	New	V. 19, p. 695-697
91-40-17	Amended	V. 20, p. 543
91-40-18	Amended	V. 20, p. 544
91-40-21	New	V. 19, p. 697
91-40-22	New	V. 19, p. 697
91-40-24		
through		
91-40-31	New	V. 19, p. 698-700
91-40-27	Amended	V. 20, p. 544
91-40-33		
through		
91-40-39	New	V. 19, p. 700-702
91-40-33	Amended	V. 20, p. 544
91-40-36	Amended	V. 20, p. 545
91-40-37	Amended	V. 20, p. 545
91-40-38	Amended	V. 20, p. 545
91-40-41		
through		
91-40-48	New	V. 19, p. 702-704
91-40-50		
through		
91-40-53	New	V. 19, p. 705, 706
91-40-52	Amended	V. 20, p. 545
91-40-53	Amended	V. 20, p. 546
91-41-1		
through		
91-41-4	New (T)	V. 20, p. 137
91-41-1		
through		
91-41-4	New	V. 20, p. 546, 547

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-9-8	Revoked	V. 20, p. 1124
92-12-66	Revoked	V. 20, p. 1124

92-12-66a	New	V. 20, p. 1124
92-15-6	Amended	V. 20, p. 1126
92-19-4a	Revoked	V. 20, p. 1126
92-19-4b	New	V. 20, p. 1126
92-19-16a	New	V. 20, p. 1128
92-19-24	Amended	V. 20, p. 1129
92-19-33	Amended	V. 20, p. 1129
92-19-64	Revoked	V. 20, p. 1129
92-19-64a	New	V. 20, p. 1129
92-19-73	Amended	V. 20, p. 1130
92-19-75	Revoked	V. 20, p. 1130
92-25-1	Amended	V. 20, p. 1130
92-51-33	Revoked	V. 20, p. 1130
92-51-50	Revoked	V. 20, p. 1130
92-51-51	Revoked	V. 20, p. 1130
92-51-52	Revoked	V. 20, p. 1130
92-51-54	Revoked	V. 20, p. 1130
92-51-55	Revoked	V. 20, p. 1131
92-52-9	Amended (T)	V. 20, p. 1124
92-52-9a	Amended (T)	V. 20, p. 1188
92-53-1		
through		
92-53-7	Revoked	V. 20, p. 1131
92-54-1		
through		
92-54-5	Revoked	V. 20, p. 1131

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-1-1		
through		
93-1-4	Revoked	V. 20, p. 452
93-4-6	Amended	V. 20, p. 452
93-6-1		
through		
93-6-4	Amended	V. 20, p. 452, 453

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

Reg. No.	Action	Register
99-26-1	Amended	V. 19, p. 840
99-27-1	Amended	V. 19, p. 840

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-2	Amended	V. 19, p. 241
100-7-1	Amended	V. 19, p. 1044
100-10a-1	Amended	V. 19, p. 241
100-10a-3	Amended	V. 19, p. 241
100-11-1	Amended	V. 19, p. 1190
100-15-1	Amended	V. 20, p. 1093
100-22-3	New	V. 19, p. 571
100-27-1	New	V. 20, p. 773
100-28a-1		
through		
100-28a-16	New (T)	V. 20, p. 247-251
100-28a-1		
through		
100-28a-16	New	V. 20, p. 774-778
100-29-7	Amended	V. 19, p. 1547
100-49-4	Amended	V. 19, p. 1190
100-54-4	Amended	V. 19, p. 1547
100-55-1		
through		
100-55-9	Amended	V. 19, p. 1017-1020
100-55-4	Amended	V. 19, p. 1547
100-55-11	New	V. 19, p. 1020
100-60-1	Revoked (T)	V. 20, p. 251
100-60-1	Revoked	V. 20, p. 778
100-60-2	Revoked (T)	V. 20, p. 251
100-60-2	Revoked	V. 20, p. 778
100-60-4	Revoked (T)	V. 20, p. 251
100-60-4	Revoked	V. 20, p. 778
100-60-5	Revoked (T)	V. 20, p. 251
100-60-5	Revoked	V. 20, p. 778
100-60-6	Revoked (T)	V. 20, p. 251
100-60-6	Revoked	V. 20, p. 779
100-60-8		
through		
100-60-15	Revoked (T)	V. 20, p. 251

(continued)

100-60-8		
through		
100-6-15	Revoked	V. 20, p. 779
100-60-10	Amended	V. 19, p. 571
100-60-13	Amended	V. 19, p. 572
100-69-5	Amended	V. 19, p. 1547

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-3	Revoked	V. 19, p. 1681
102-1-3a	New	V. 19, p. 1681
102-1-5	Revoked	V. 19, p. 1683
102-1-5a	New	V. 19, p. 1683
102-1-12	Amended	V. 19, p. 1684
102-1-15	Amended	V. 19, p. 1686
102-1-17	New	V. 19, p. 1687
102-1-18	New	V. 19, p. 1687
102-1-19	New	V. 20, p. 572
102-2-1a	Amended	V. 19, p. 1192
102-2-2a	Amended	V. 19, p. 1194
102-2-3	Amended	V. 19, p. 1194
102-2-4a	Amended	V. 19, p. 1195
102-2-5	Amended	V. 19, p. 1196
102-2-7	Amended	V. 19, p. 1196
102-2-8	Amended	V. 19, p. 1198
102-2-11	Amended	V. 19, p. 1200
102-2-12	Amended	V. 19, p. 1201
102-2-13	New	V. 19, p. 1202
102-2-14	New	V. 19, p. 1202
102-2-15	New	V. 20, p. 572
102-3-1a	Amended	V. 19, p. 1202
102-3-2	Amended	V. 19, p. 1204
102-3-5a	Amended	V. 19, p. 1205
102-3-7a	Amended	V. 19, p. 1206
102-3-14	New	V. 19, p. 1207
102-3-15	New	V. 19, p. 1207
102-3-16	New	V. 20, p. 572
102-4-1a	Amended	V. 19, p. 1208
102-4-2	Amended	V. 19, p. 1209
102-4-4a	Amended	V. 19, p. 1209
102-4-5a	Amended	V. 19, p. 1211
102-4-7a	Amended	V. 19, p. 1211
102-4-14	New	V. 19, p. 1212
102-4-15	New	V. 19, p. 1213
102-4-16	New	V. 20, p. 572
102-5-1	Amended	V. 19, p. 1213
102-5-2	Amended	V. 19, p. 1214
102-5-4a	Amended	V. 19, p. 1215
102-5-5	Amended	V. 19, p. 1216
102-5-7a	Amended	V. 19, p. 1216
102-5-13	New	V. 19, p. 1218
102-5-14	New	V. 19, p. 1218
102-5-15	New	V. 20, p. 572

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 19, p. 2022
108-1-3	New	V. 19, p. 68

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-2-2	Amended	V. 19, p. 1949
109-5-1	Amended	V. 19, p. 1749

109-5-4	Amended	V. 19, p. 1750
109-6-2	Amended	V. 19, p. 1750
109-6-3	New	V. 19, p. 1751
109-7-1	Amended	V. 19, p. 1751
109-10-1	Amended	V. 19, p. 1751
109-11-6	Amended	V. 19, p. 1753
109-13-1	Amended	V. 19, p. 1754

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-4-1	Amended (T)	V. 20, p. 934
110-6-1	Amended	V. 20, p. 177
110-6-1a	Amended	V. 20, p. 178
110-6-2	Amended	V. 20, p. 178
110-6-3	Amended	V. 20, p. 178
110-6-4	Amended	V. 20, p. 179
110-6-5	Amended	V. 20, p. 180

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. The regulations listed below were published after December 31, 2000.

Reg. No.	Action	Register
111-2-4	Amended	V. 20, p. 1094
111-2-119		
through		
111-2-124	New	V. 20, p. 416-419
111-2-120	Amended	V. 20, p. 1094
111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573
111-2-127	Amended	V. 20, p. 937
111-2-128	New	V. 20, p. 1188
111-3-12	Amended	V. 20, p. 40
111-3-35	Amended	V. 20, p. 1189
111-4-1795		
through		
111-4-1813	New	V. 20, p. 40-47
111-4-1801	Amended	V. 20, p. 1095
111-4-1803	Amended	V. 20, p. 1095
111-4-1805a	New	V. 20, p. 1095
111-4-1814		
through		
111-4-1823	New	V. 20, p. 419-427
111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-4-1825		
through		
111-4-1839	New	V. 20, p. 937-942
111-4-1828	Amended	V. 20, p. 1096
111-4-1832	Amended	V. 20, p. 1096
111-4-1840		
through		
111-4-1844	New	V. 20, p. 1096-1100
111-4-1845		
through		
111-4-1850	New	V. 20, p. 1189-1193
111-5-23	Amended	V. 20, p. 428
111-5-24	Amended	V. 20, p. 428
111-5-27	Amended	V. 20, p. 429
111-7-123	Amended	V. 20, p. 48
111-7-134	Amended	V. 20, p. 429
111-7-152	Amended	V. 20, p. 49

111-7-158		
through		
111-7-162	New	V. 20, p. 577
111-7-159	Amended	V. 20, p. 1101
111-7-162	Amended	V. 20, p. 944
111-7-163		
through		
111-7-170	New	V. 20, p. 1101-1103
111-7-165	Amended	V. 20, p. 1194

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 20, p. 765
112-7-19	Amended	V. 20, p. 547
112-7-21	Amended	V. 19, p. 118
112-10-38	Amended	V. 19, p. 119
112-11-20	Amended	V. 20, p. 945
112-18-21	Amended	V. 19, p. 1308
112-18-22	Amended	V. 19, p. 119

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-2	Amended	V. 19, p. 1875
115-2-3	Amended	V. 19, p. 1875
115-3-1	Amended	V. 20, p. 766
115-3-2	Amended	V. 20, p. 767
115-4-1	Revoked	V. 20, p. 767
115-4-2	New	V. 20, p. 767
115-4-3	Revoked	V. 20, p. 768
115-4-4	New	V. 20, p. 768
115-4-5	Revoked	V. 20, p. 769
115-4-6	Amended	V. 19, p. 1140
115-4-7		
through		
115-4-10	Revoked	V. 20, p. 769
115-4-11	Amended	V. 20, p. 769
115-4-12	Revoked	V. 20, p. 770
115-4-13	Amended	V. 20, p. 770
115-7-1	Amended	V. 19, p. 1876
115-8-1	Amended	V. 20, p. 1061
115-8-5	Revoked	V. 20, p. 1061
115-8-8	Amended	V. 20, p. 1061
115-8-12	Amended	V. 20, p. 1062
115-8-16	Revoked	V. 20, p. 1062
115-8-18	Revoked	V. 20, p. 1062
115-8-20	Amended	V. 20, p. 1062
115-8-21	Amended	V. 20, p. 1062
115-18-10	Amended	V. 19, p. 1474
115-18-13	Amended	V. 19, p. 1475
115-18-16	New	V. 19, p. 1475
115-18-17	New	V. 20, p. 1062
115-20-1	Amended	V. 20, p. 1063
115-20-2	Amended	V. 20, p. 1063

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-6-3	Amended	V. 20, p. 862
117-6-4	New	V. 20, p. 863
117-7-1	Amended	V. 20, p. 863
117-8-1	Amended	V. 20, p. 1020
117-9-1	Amended	V. 19, p. 41

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