



Kansas Register

Ron Thornburgh, Secretary of State

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In this issue . . .	Page
Information Network of Kansas	
Notice of meeting.....	1730
State Records Board	
Notice of meeting.....	1730
Department of Administration	
Public notice.....	1730
Board of Adult Care Home Administrators	
Notice of meeting.....	1730
Legislative interim committee schedule.....	1731
Kansas Racing and Gaming Commission	
Notice of hearing on proposed administrative regulations	1732
Social and Rehabilitation Services	
Notice of hearing on proposed administrative regulations	1732
Notice of Medicaid State Plan amendment.....	1733
Request for proposals for supported employment programs.....	1733
Department of Administration—Division of Facilities Management	
Notice of commencement of negotiations for engineering services	1733
Notice of commencement of negotiations for surveying services	1734
Department of Agriculture—Division of Water Resources	
Notices of hearing on proposed administrative regulations	1734, 1735, 1736
Pooled Money Investment Board	
Notice of investment rates.....	1735
Office of the State Bank Commissioner	
Notice of hearing on proposed administrative regulations	1737
Notice of Bond Sale	
City of El Dorado.....	1737
Notice of Note Sale	
City of Olathe	1739
Secretary of State	
Executive appointments	1739
Department of Health and Environment	
Requests for comments on proposed air quality permits.....	1740, 1741, 1742
Notice concerning Kansas water pollution control permits.....	1743
Wildlife and Parks Commission	
Notice of meeting.....	1742
Department of Revenue	
Notice of available publications	1746
Department of Administration—Division of Purchases	
Notice to bidders for state purchases	1746
Permanent Administrative Regulations	
Department on Aging.....	1747
Department of Agriculture.....	1749
State Corporation Commission	1750
Board of Nursing	1764
Index to administrative regulations.....	1768

**State of Kansas
Information Network of Kansas**

Notice of Meeting

The Information Network of Kansas Board of Directors will meet at 2 p.m. Thursday, October 17, at Kansas, Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Jim Hollingsworth
Executive Director

Doc. No. 028518

**State of Kansas
State Records Board**

Notice of Meeting

The Kansas State Records Board will meet at 8:30 a.m. Thursday, October 17, at the Kansas History Center, 6425 S.W. 6th Ave., Topeka. The board will consider requests from state agencies submitting proposals for retention and disposition of noncurrent government records. In addition, general administrative matters and other business will be discussed.

Patricia A. Michaelis
State Archivist

Doc. No. 028494

**State of Kansas
Department of Administration**

Public Notice

Under requirements of K.S.A. 2001 Supp. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$3,457,246.45 in the underground petroleum storage tank release trust fund and \$771,539.93 in the aboveground petroleum storage tank release trust fund at September 30, 2002.

Joyce Glasscock
Secretary of Administration

Doc. No. 028495

**State of Kansas
Board of Adult Care Home Administrators**

Notice of Meeting

The Complaint Investigatory Committee of the Board of Adult Care Home Administrators will meet at 11 a.m. Friday, December 13, in Classroom D of the Kansas National Education Association (KNEA) Building, 715 S.W. 10th Ave., Topeka. The regular quarterly meeting of the Board of Adult Care Home Administrators will follow at 1 p.m.

Marla Rhoden, Director
Health Occupations Credentialing

Doc. No. 028503

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State of Kansas

Legislature
Interim Committee Schedule

The following committee meetings have been scheduled during the period of October 14-27. 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
October 14	Wichita	10:00 a.m.	Joint Committee on Arts and Cultural Resources	Presentations by Arts & Cultural Organizations; Tour of Various Sites.
October 15	Hutchinson	9:00 a.m.		
October 15	519-S	11:00 a.m.	Senate Confirmations Oversight	Agenda not available.
October 17	123-S	10:00 a.m.	Joint Committee on Economic Development	17th: Attend the Kansas Economic Policy Conference. Meet at 3 p.m. in the KU Union for discussion & recommendations on past topics & review of investigation of Kansas Venture Capital, Inc. 18th: Update on the implementation of HB 2505 regarding venture capital. Hearings and discussion on the Kansas business tax structure and the creation of a Kansas business incentive program (SB 617).
October 18	123-S	9:00 a.m.		
October 17	531-N	10:00 a.m.	Joint Committee on Special Claims Against the State	Claims filed to date.
October 18	531-N	9:00 a.m.		
October 21	123-S	10:30 a.m.	Legislative Coordinating Council	Legislative matters.
October 21	531-N	10:00 a.m.	Joint Committee on Information Technology	Agenda not available.
October 22	531-N	9:00 a.m.		
October 24	313-S	10:00 a.m.	Special Committee on Judiciary	Agenda not available.
October 25	313-S	9:00 a.m.		
October 24	519-S	10:00 a.m.	Special Committee on Assessment and Taxation	24th: Topic 2—Legal Issues re Expansion of Tax Credits to State Assessed Property (public hearing); Topic 4—Family Development Account Program (balloon amendments); Topic 1—Sunsetting Sales Tax Exemptions (public hearing); Topic 6—Sales Tax Parity for Firearms (public hearing). 25th: Topic 3—Motor Fuels Tax (draft committee report and policy options); Topic 5—Property Tax Exemptions (draft committee report and policy options).
October 25	519-S	9:00 a.m.		

Jeff Russell
Director of Legislative
Administrative Services

State of Kansas

Social and Rehabilitation Services

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, November 13, in Conference Room 481-West, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the adoption of amendments to an existing rule and regulation on a permanent basis effective 15-days after publication in the Kansas Register. Telephone conference will not be available.

This 30-day notice of the public hearing shall constitute a public comment period for the proposed regulation as stated in the 2002 *Session Laws of Kansas*, Chapter 180. All interested parties may submit written comments prior to or during the public hearing to Hope Burns, Office of the Secretary for SRS, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views, but it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Hope Burns at (785) 296-3274 or by calling the Kansas Relay Center at 1-800-766-3777.

The adoption of the regulations will take place at 9 a.m. Friday, November 15, in the SRS executive conference room, 603-N, Docking State Office Building. Telephone conference will not be available.

Copies of the regulation and the economic impact statement may be obtained by contacting Hope Burns. A summary of the proposed regulations and the economic impact follows:

**Article 5.—PROVIDER PARTICIPATION,
SCOPE OF SERVICES, AND REQUIREMENTS
FOR THE MEDICAID
(MEDICAL ASSISTANCE) PROGRAM**

30-5-64. Prior authorization. This regulation is being amended to make the following changes:

- Three of the proton pump inhibitors will be placed on prior authorization for all doses and indications and the other two proton pump inhibitors will still require prior authorization at maintenance doses for longer than 60 days.
- Sildenafil has been taken off prior authorization which is under the drugs for treatment of impotence.
- Pravastatin has been added to the prior authorization list under the class of HMG-COA reductase inhibitors.
- Three of the nonsedating antihistamines will now be placed on prior authorization.
- One of the H2 antagonists will be placed on prior authorization.

Economic Impact: It is expected there would be a fiscal impact of \$4,600,000 in all funds and \$1,840,000 in state general funds per year.

Bearer of Cost: None.

Affected Parties: Medicaid recipients.

Other Methods: There were no other appropriate methods for the desired outcome.

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 028491

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, January 3, in the conference room in the Kansas Racing and Gaming Commission office, 3400 Van Buren, Topeka, to consider the adoption of proposed permanent regulations of the Kansas Racing and Gaming Commission. This 60-day notice 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 Van Buren, Topeka, 66611-2228, (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. 112-6-4. The paddock judge and the kennel master. The amendment to this regulation allows for the inclusion of the licensed kennel helper to be designated on the kennel roster to present a greyhound for weigh-in at an official schooling or an official race.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units.

K.A.R. 112-10-2. Assistant animal health officers. This regulation amendment allows a horse to enter into a race before its name is removed from the veterinarian's list.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units.

K.A.R. 112-12-10. Kansas-bred or Kansas-foaled races. This regulation amendment sets forth the requirements for conducting Kansas-bred or Kansas-foaled races specifically eliminating the Kansas-owned category and lowering the requirement of a seven-horse field to a five-horse field to conduct a Kansas-bred or Kansas-foaled race.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units.

Tracy T. Diel
Acting Executive Director

Doc. No. 028510

State of Kansas

Social and Rehabilitation Services

Notice of Medicaid State Plan Amendment

The public comment period has expired for the proposed ICF/MR cost center limitations; the final notice will be submitted as a Medicaid State Plan Amendment. An amendment to the Kansas Medicaid State Plan, attachment 4.19D, will be submitted to the federal Department of Health and Human Services Centers for Medicaid and Medicare Services, changing the cost center limitations for intermediate care facilities for the mentally retarded (ICFs/MR). Social and Rehabilitation Services, through the Division of Health Care Policy, Community Supports and Services (SRS/HCP/CSS), proposes to increase cost center limitations for ICFs/MR effective October 1, 2002. The approved Kansas Medicaid State Plan requires that ICF/MR cost center limitations be reviewed annually before October 1 and, if less than 75 percent of all ICFs/MR are reimbursed less than 95 percent of their reported allowable Medicaid costs, cost center limits must be adjusted.

SRS/HCP/CSS staff compared the reported allowable costs of all ICFs/MR with the current cost center limitations for habilitation and administration, the two cost centers with caps, and determined adjustments to all cost center limitations were justified. The cost center limitation adjustments and justifications are as follows:

Administration (per diem)

- Size A from \$9.50 to \$10.00
- Size B from \$19.00 to \$23.00
- Size C from \$25.75 to \$28.00

The respective increases are: 5.3%; 21.0%; and 8.7%.

Habilitation (per diem)

- Size A, LOC 2 from \$115.25 to \$118.35
- Size B, LOC 1 from \$137.50 to \$148.00
- Size B, LOC 3 from \$127.00 to \$133.40
- Size B, LOC 4 from \$112.00 to \$123.00
- Size C, LOC 1 from \$185.50 to \$191.00
- Size C, LOC 2 from \$153.00 to \$158.00
- Size C, LOC 3 from \$140.50 to \$151.00

The respective percent increases are: 3.0%; 8.0%; 5.0%; 10.0%; 3.0%; 3.0%; and 7.0%.

These adjustments meet the threshold: 24 facilities out of a total of 31 (77 percent) have 95 percent reimbursement of allowable costs.

Inflation Factor

The inflation factor is based on the DRI index and is 2.7 percent.

Financial Impact

The fiscal impact of the above adjustments is \$443,694 in all funds, \$176,768 in state general funds and \$266,926 in federal financial participation.

Copies of this notice will be sent to all licensed and Medicaid-certified ICFs/MR.

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 028501

State of Kansas

Social and Rehabilitation Services

Request for Proposals

The Department of Social and Rehabilitation Services announces the release of a request for proposals by Rehabilitation Services for Integrated Service Delivery to provide supported employment programs for individuals with severe and persistent mental illness. Supported employment services will assist clients of Rehabilitation Services to prepare for, engage in and maintain competitive employment. The grant period is January 1, 2003 through December 31, 2003. Multiple grants will be awarded statewide totaling \$1,476,432.

To request a copy of the request for proposal, contact Mike Ahlers, Kansas Rehabilitation Services/ISD, 901 Westchester Drive, Salina, 67401-7441, phone/TTY (785) 826-8000, extension 273, fax (785) 827-4187, or e-mail smxa@srskansas.org. Proposals must be received not later than 5 p.m. November 20.

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 028502

State of Kansas

Department of Administration
Division of Facilities Management

Notice of Commencement of
Negotiations for Engineering Services

Notice is hereby given of the commencement of negotiations for "on-call" electrical engineering services for the Kansas State Fair. 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 Larry Ankerholz, Physical Plant Manager, (620) 669-3633.

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 Facilities Management, Room 152, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 368-7471. 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. October 25.

Joe Fritton, P.E.
Director, Division of
Facilities Management

Doc. No. 028509

State of Kansas

**Department of Agriculture
Division of Water Resources**

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 4 p.m. Tuesday, December 10, at 313 Spruce, Halstead, to consider the revocation of an existing regulation and the adoption of new regulations recommended by the Equus Beds Groundwater Management District No. 2 board to the chief engineer, Division of Water Resources, Kansas Department of Agriculture. The proposals are summarized as follows:

K.A.R. 5-22-2. Well spacing requirements. Sets minimum spacing distances between wells, groundwater pits and baseflow nodes. Minimum spacing requirements have been increased in some areas within Reno County. Spacing requirements do not apply to changes in point of diversion of 300 feet or less, standby wells and bank storage wells.

K.A.R. 5-22-4. Metering. All water flowmeters, gauges or other measuring devices required by the Groundwater Management District are required to meet the water flowmeter and installation specifications of the chief engineer. It is the owner's responsibility to ensure that the meter and the installation meet the required specifications.

K.A.R. 5-22-4a. Water flowmeter requirement. Water flowmeters are required on all new wells and changes in point of diversion approved on or after September 1, 1987; standby wells, wells certified after July 1, 1995; and certain other wells.

K.A.R. 5-22-5. Reporting water use. Revoked.

K.A.R. 5-22-12. Application processing requirements. All nondomestic, nontemporary applications shall be reviewed by the Groundwater Management District staff that shall make a recommendation to the chief engineer for approval, denial or modification of the application. Findings and a basis for the recommendation shall accompany the recommendation to the chief engineer. The recommendation may be appealed to the board.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the chief engineer, Division of Water Resources, Kansas Department of Agriculture, Attention: Annita Meyer, 109 S.W. 9th, 2nd Floor, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to limit any oral presentation to five minutes.

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 statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Annita Meyer at (785) 296-4621.

Copies of the regulations and the economic impact statement may be obtained by contacting the Department of Agriculture.

Jamie Clover Adams
Secretary of Agriculture

Doc. No. 028506

State of Kansas

**Department of Administration
Division of Facilities Management**

**Notice of Commencement of
Negotiations for Surveying Services**

Notice is hereby given of the commencement of negotiations for a detailed topographic and utility survey of a portion of the Atchison Juvenile Correctional Facility, Atchison. The survey is to establish benchmarks and show locations and elevations of existing roads, drives, parking areas, curbs and gutters, drainage structures, loading/unloading docks and ramps, buildings, building entrances, sidewalks, trees, underground and overhead utilities, utility tunnels, and other features required for the development of comprehensive construction documents for future maintenance repairs and new construction at the facility. The survey shall establish and clearly mark benchmarks at three separate locations and tie to sea level datum, horizontal control points and Kansas State Plane Coordinate System; note elevations of the ground or first floor of all buildings; show topographic contours at intervals for each one-foot change in elevation; show all easements on the property and mark the west and south boundary lines along the surveyed portion of the property; and place iron pins indicating the location of the property lines. Electronic media copies as required by the Division of Architectural Services' Policy and Procedures Manual shall be provided.

For additional information regarding the scope of services and an Extent of Survey Plan, contact Jim McKinley, Agency Architect, Juvenile Justice Authority, (785) 296-4213.

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 Facilities Management, Room 152, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 368-7471. 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. October 25.

Joe Fritton, P.E.
Director, Division of
Facilities Management

Doc. No. 028519

State of Kansas

Department of Agriculture
Division of Water Resources

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9:30 a.m. Tuesday, December 17, at 906 W. 5th, Scott City, to consider the adoption of new regulations recommended by the Western Kansas Groundwater Management District No.1 board to the chief engineer, Division of Water Resources, Kansas Department of Agriculture. The proposals are summarized as follows:

K.A.R. 5-21-6. Water measuring devices. All wells approved after the effective date of this regulation are required to install a water flowmeter, with certain exceptions. Water flowmeters and installations must meet the requirements adopted by the chief engineer.

K.A.R. 5-21-7. Change in use made of water from irrigation use to any other type of beneficial use. Sets the criteria for limits on the annual quantity and rate of diversion allowable for changes from irrigation to another type of beneficial use. Changes are generally limited to an annual quantity of water equal to the net irrigation requirement for the 50 percent chance rainfall multiplied times the maximum acres irrigated during the perfection period. The diversion rate also will be limited to the tested pumping rate of the well in the last three years.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the chief engineer, Division of Water Resources, Kansas Department of Agriculture, Attention: Annita Meyer, 109 S.W. 9th, 2nd Floor, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to limit any oral presentation to five minutes.

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 statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Annita Meyer at (785) 296-4621.

Copies of the regulations and the economic impact statement may be obtained by contacting the Department of Agriculture.

Jamie Clover Adams
Secretary of Agriculture

Doc. No. 028505

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 10-7-02 through 10-13-02

Term	Rate
1-89 days	1.77%
3 months	1.50%
6 months	1.49%
1 year	1.50%
18 months	1.66%
2 years	1.77%

Derl S. Treff
Director of Investments

Doc. No. 028488

State of Kansas

Department of Agriculture
Division of Water Resources

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1 p.m. Wednesday, December 11, at the Wheat Lands Hotel & Conference Center, 1311 E. Fulton St., Garden City, to consider the revocation of existing regulations and the adoption of new regulations recommended by the Southwest Kansas Groundwater Management District No. 3 board to the chief engineer, Division of Water Resources, Kansas Department of Agriculture. The proposals are summarized as follows:

K.A.R. 5-23-4. Allowable annual appropriation; high plans aquifer. Revoked.

K.A.R. 5-23-4a. Criteria for closing townships to new appropriations. Revoked.

K.A.R. 5-23-4b. Township closures. Revoked.

K.A.R. 5-23-5. Applications and water use limitations. Revoked.

K.A.R. 5-23-6. Water measuring devices. Each diversion works for a nontemporary, nondomestic well shall be equipped with a water flowmeter that meets or exceeds the standards of the chief engineer. It is the responsibility of the owner to ensure that meters and installations meet the standards of the chief engineer.

K.A.R. 5-23-16. Well construction requirements due to high chloride. Each application for a well located in certain areas of Meade and Seward counties where high chloride concentrations exist, must provide a driller's log, electric log and a laboratory sample analysis. Wells shall be drilled only into that portion of the saturated thickness where the chloride concentrations are less than 250 milligrams per liter.

K.A.R. 5-23-17. Water appropriation limits. This regulation will close the district to further new appropriations except for domestic, temporary and term permits. An exemption also is allowed for quantities up to 15 acre-

(continued)

feet per year provided the combined quantity of exemptions within a radius of .5 mile surrounding the proposed diversion does not exceed 15 acre-feet, and other basic requirements are met.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the chief engineer, Division of Water Resources, Kansas Department of Agriculture, Attention: Annita Meyer, 109 S.W. 9th, 2nd Floor, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to limit any oral presentation to five minutes.

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 statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Annita Meyer at (785) 296-4621.

Copies of the regulations and the economic impact statement may be obtained by contacting the Department of Agriculture.

Jamie Clover Adams
Secretary of Agriculture

Doc. No. 028507

State of Kansas

Department of Agriculture Division of Water Resources

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 2 p.m. Thursday, December 12, at 1175 S. Range, Colby, to consider the adoption of new regulations recommended by the Northwest Kansas Groundwater Management District No. 4 board to the chief engineer, Division of Water Resources, Kansas Department of Agriculture. The proposals are summarized as follows:

K.A.R. 5-24-5. Allowable appropriation-reasonable use. Maximum allowable quantities for beneficial use for irrigation are the same as set by regulations of the chief engineer for each county, which is approximately 1.5 acre-feet per acre in this area of the state. Maximum allowable quantities for livestock are the same as those set by regulations of the chief engineer. Maximum allowable quantities for municipal use are based on a 20-year population projection.

K.A.R. 5-24-7. Well construction criteria. All non-domestic wells must have a check valve installed to prevent water and contaminant from flowing back into the well. All wells must be constructed in such a way as to prevent water in a cretaceous formation from mixing with an adjacent formation that has no natural hydraulic connection.

K.A.R. 5-24-8. Resource development plans. A resource development plan may be required by the district for a new application or an application for a change to an existing water right. Each resource development plan shall include a description of the proposed operation, including the diversion works, the distribution system, and all other matters necessary to determine whether the proposed annual quantity of water will be reasonable and not wasteful.

K.A.R. 5-24-9. Water flowmeters. Any nondomestic, nontemporary well permitted or drilled after May 1, 1980, or a nondomestic, nontemporary well actually drilled after May 1, 1980, pursuant to an approval of an application for a change in point of diversion, is required to have a water flowmeter. There are certain exemptions to this requirement. The water flowmeter and installation must meet meter requirements of the chief engineer. The district also will be adopting by reference a statewide regulation requiring water use reporting so that those requirements can be enforced by the district.

K.A.R. 5-24-10. Exemptions for up to 15 acre-feet of ground water. An exemption to the safe yield requirement of up to 15 acre-feet will be allowed provided the sum of the exempted permits does not exceed 15 acre-feet within one mile surrounding the location of the application. The exemption will not be allowed in areas closed to further appropriations by specific order of the chief engineer or specifically restricted by an intensive use control area established by the chief engineer.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the chief engineer, Division of Water Resources, Kansas Department of Agriculture, Attention: Annita Meyer, 109 S.W. 9th, 2nd Floor, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to limit any oral presentation to five minutes.

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 statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Annita Meyer at (785) 296-4621.

Copies of the regulations and the economic impact statement may be obtained by contacting the Department of Agriculture.

Jamie Clover Adams
Secretary of Agriculture

Doc. No. 028508

State of Kansas

Office of the State Bank Commissioner

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Monday, December 16, in the conference room of the Office of the State Bank Commissioner, Suite 300, 700 S.W. Jackson, Topeka, to consider the adoption of a change to Kansas Administrative Regulation 17-11-18, which governs activities of state-chartered banks.

K.A.R. 17-11-18 is proposed to be amended to allow banks to use a type of insurance product that is relatively new to the market for real estate loans between \$25,000 and \$50,000. Most real estate loans in this dollar range are second mortgages or home equity loans. The Office of the State Bank Commissioner is proposing to amend subsection (b) to allow a mortgage insurance policy that protects the bank's priority position on the loan, to be used for real estate loans between \$25,000 and \$50,000. Title insurance or a title opinion will still be required for loans in excess \$50,000. While the protection provided by this insurance product is not as broad as that of title insurance, the agency believes that for loans between \$25,000 and \$50,000, this product provides an adequate level of protection from a regulatory perspective because it will pay off the bank's lien amount in the event there is some problem with the title. Also, the regulation would still allow a bank to make the decision to obtain a full title insurance policy if it chose to do so for any particular loan. The proposed amendment will provide a benefit to banks, as the cost of this type of insurance is generally less than the cost of a title insurance policy. And, as these types of costs have often been passed on to the borrower, the amendment should result in a reduction in fees paid by consumers.

A dollar figure in terms of savings to the banks or consumers cannot be ascertained, as the savings will vary based on whether banks choose to use this type of insurance and whether the associated cost is paid by the bank or passed on to consumers. There is no economic impact to the Office of the State Bank Commissioner in connection with this proposed regulatory change.

A copy of the proposed regulation and the economic impact statement may be obtained by contacting Brenda Block, the designated Freedom of Information Officer for the Office of the State Bank Commissioner, 700 S.W. Jackson, Suite 300, Topeka, 66603, (785) 296-2266. The standard departmental cost will be assessed for any copies requested.

This 60-day notice of hearing shall constitute a public comment period for the purpose of receiving public comments on the proposed regulation. Written comments should be submitted prior to the hearing to Franklin W. Nelson, State Bank Commissioner, at the address listed above. Interested persons will be given reasonable opportunity at the hearing to present their views on the adoption of the proposed regulation. Presentations should be in writing whenever possible.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic im-

pact statement in an accessible format. Requests for accommodation should be made at least five working days before the hearing by contacting Brenda Block at (785) 296-2266, fax (785) 296-0168.

Franklin W. Nelson
State Bank Commissioner

Doc. No. 028490

(Published in the Kansas Register October 10, 2002.)

Summary Notice of Bond Sale
City of El Dorado, Kansas
\$1,940,000
Aggregate Principal Amount
General Obligation Bonds
Series 2002

Subject to the terms and conditions of the complete official notice of sale dated September 16, 2002, of the City of El Dorado, Kansas, in connection with the city's hereinafter described general obligation bonds, sealed, facsimile and electronic bids for the purchase of the bonds shall be received at City Hall, 220 E. First, P.O. Box 792, El Dorado, KS 67042, until 4 p.m. Monday, October 21, 2002. All bids shall be publicly read and tabulated on said date and at said time and place. The bids will be considered and the bonds will be awarded by the city council at its regular meeting place at City Hall at 7:30 p.m. October 21, 2002.

No oral or auction bid for the bonds shall be considered, and no bid for less than the entire principal amount of the bonds shall be considered. Sealed and facsimile bids will be accepted only on the official bid forms that have been prepared for each series of bonds, which may be obtained from either the city clerk or the city's financial advisor. Bids may be submitted by mail or delivered in person to the address stated above, may be submitted by telefacsimile at (316) 321-6282, or may be electronically bid through BiDCOMP/PARITY Electronic Bid Submission System (PARITY). To the extent any instruction or directions set forth in PARITY conflict with the official notice of sale, the terms of the official notice of sale shall control. The city shall not be responsible for any failure, misdirection or error in the means of transmission selected by any bidder. For further information about the electronic bidding services of PARITY, potential bidders may contact Dalcomp at 395 Hudson St., New York, NY 10014, (212) 806-8304. All bids must be received at the place and not later than the date and time herein specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Description of the Bonds

The Series 2002 Bonds will be issued in the aggregate principal amount of \$1,940,000; shall be issued as fully registered bonds in the denomination of \$5,000 or any integral multiple thereof not exceeding the principal

(continued)

amount maturing in each year; shall bear a dated date of November 1, 2002; and shall mature serially on November 1 in each of the years and principal amounts as follows:

Maturity Schedule	
Principal Amount	Maturity Date
\$125,000	11/01/03
135,000	11/01/04
140,000	11/01/05
145,000	11/01/06
150,000	11/01/07
160,000	11/01/08
160,000	11/01/09
170,000	11/01/10
175,000	11/01/11
185,000	11/01/12
70,000	11/01/13
75,000	11/01/14
80,000	11/01/15
85,000	11/01/16
85,000	11/01/17

The bonds shall bear interest at the rates specified by the successful bidder, and interest shall be payable semi-annually on May 1 and November 1 of each year, commencing May 1, 2003.

Form of Bonds

The bonds will be issued in book-entry-only form.

Paying Agent and Bond Registrar; Payment of Principal and Interest

The Kansas State Treasurer, Topeka, Kansas, shall serve as bond registrar and paying agent for the bonds. The principal amount of and the interest on the bonds shall be paid by the paying agent from funds made available by the city by wire transfer of same day funds to Cede & Co., nominee for the Depository Trust Company, New York, New York (DTC). The transfer of principal and interest payments to the participants of DTC will be the responsibility of DTC, and the transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Reference is made to the official notice of sale for additional information regarding payment of principal and interest to owners of the bonds.

Redemption

Certain of the bonds are subject to redemption as set forth in the official notice of sale.

Delivery

The bonds shall be delivered at the expense of the city on or about November 20, 2002. As a condition to delivery, the successful bidders shall be required to deposit the bonds with DTC. Reference is made to the official notice of sale for additional information regarding delivery.

Legal Opinion

Hinkle Elkouri Law Firm L.L.C., Wichita, Kansas. All fees and expenses of bond counsel shall be paid by the city. Reference is made to the official notice of sale and

the city's preliminary official statement for additional information regarding legal matters.

Security

The bonds and the interest thereon constitute general obligations of the city, and the full faith, credit and resources of the city will be pledged to the payment thereof. Reference is made to the official notice of sale and the city's preliminary official statement for a further discussion of the security for the bonds.

Optional Municipal Bond Insurance

Applications have been submitted to AMBAC Assurance Corporation, MBIA Insurance Corporation, Financial Securities Assurance Inc. and Financial Guaranty Insurance Company for municipal bond insurance relating to the bonds. The bonds may be purchased with or without this insurance at the option of the successful bidder. All expenses associated with the purchase of said insurance, including any additional rating agency fees related thereto, will be the responsibility of the successful bidder. The amount of such premium and fees may be obtained from the above-named insurers. The insurance policy, if purchased, will insure the timely payment of the principal of and interest on each series of bonds. Bidders desiring to purchase the optional municipal bond insurance must so indicate on the official bid form.

Financial Matters

The city's equalized assessed tangible valuation for computation of bonded debt limitations is \$68,870,052. The total outstanding general obligation bonded indebtedness of the city at October 1, 2002, will be \$13,550,000. This amount includes the within described series of bonds.

Official Statement

The city has authorized and directed preparation of a preliminary official statement in connection with the bonds. Said preliminary official statement is in a form "deemed final" by the city for purposes of the Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Not later than seven business days after the date of the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without cost.

Continuing Disclosure

The city has adopted an ordinance establishing a master undertaking to provide ongoing disclosure concerning the city in connection with its general obligation bonds for the benefit of owners of the bonds, as required under Section (b)(5)(i) of Securities and Exchange Commission Rule 15c2-12.

Additional Information

Copies of the official notice of sale, official bid form and preliminary official statement may be obtained from the city's financial advisor, Charles M. Bouilly, Senior Vice President, George K. Baum & Company, 100 N. Main St., Suite 810, Wichita, KS 67202-1375.

City of El Dorado, Kansas
by Shaunna Johnson
Interim City Clerk

Doc. No. 028513

(Published in the Kansas Register October 10, 2002.)

Summary Notice of Sale
City of Olathe, Kansas
\$3,640,000*
General Obligation Temporary Notes
Series 2002-C
(General obligations payable from
unlimited ad valorem taxes)

Bids

Subject to the notice of sale and preliminary official statement, sealed, facsimile and electronic bids for the purchase of \$3,640,000* of General Obligation Temporary Notes, Series 2002-C, of the City of Olathe, Kansas, will be received (1) in the case of sealed and facsimile bids, by the acting director of financial services at the address and fax number hereinafter set forth, and (2) in the case of electronic bids, through *PARITY* electronic bid submission system, until 11 a.m. Tuesday, October 15, 2002, at which time such bids will be publicly read. No bid will be considered of less than 99.50 percent of the principal amount of the notes and accrued interest to the date of delivery.

Note Details

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. The notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The notes will be dated October 15, 2002, and will become due on June 1, 2003. The notes will bear interest from the dated date at a rate to be determined when the notes are sold, which interest will be payable at maturity on June 1, 2003. The city treasurer will be the note paying agent and note registrar for the notes.

Redemption Prior to Maturity

The notes are not subject to optional redemption prior to maturity.

Good Faith Deposit

Each bid for the notes shall be accompanied by a good faith deposit in the form of a cashier's or certified check or a financial surety bond in the amount of 1 percent of the principal amount of the notes.

Delivery

The city will pay for preparing the notes. The city will deliver the notes in book-entry form only through the facilities of the Depository Trust Company, New York, New York, on or about October 30, 2002.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2001 is \$992,569,521. The total general obligation indebtedness of the city as of the date of the notes, including the notes, is \$116,605,000, and the total general obligation indebtedness of the city as of December 31, 2001, for debt limitation purposes was \$60,052,466.

Approval of Notes

The notes will be sold subject to the legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the notes will be furnished and paid for by the city, will accompany the notes and will be delivered to the successful bidder when the notes are delivered.

Additional Information

Additional information regarding the notes may be obtained from Alan Shorthouse, the acting director of financial services, (913) 393-6425, fax (913) 393-6283; or from the city's financial advisor, George K. Baum & Company, Kansas City, Missouri, Attention: Dave Arteberry, (816) 474-1100.

Dated October 4, 2002.

City of Olathe, Kansas
 Alan Shorthouse
 Acting Director of Financial Services
 201 N. Cherry St.
 Olathe, KS 66061

* Preliminary, Subject to Change.

Doc. No. 028514

State of Kansas**Secretary of State****Executive Appointments**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions, and county officials are included in the Kansas Directory, published by the Secretary of State. The directory also is available on the Secretary of State's Web site at www.kssos.org. The following appointments were recently filed with the Secretary of State:

Commission on Autism

Karen J. Frye, 2402 Apple Drive, Emporia, 66801. Serves at the pleasure of the Governor. Succeeds Sali Helvey.

Dr. Michael L. Wasmer, 6508 W. 101st Place, Overland Park, 66212. Serves at the pleasure of the Governor. Succeeds Lew Faust, resigned.

Kansas Children's Cabinet

Patti Hayden, 5809 Sagamore Court, Lawrence, 66047. Term expires June 30, 2006. Succeeds Carla Stovall.

Reginald L. Robinson, 4210 W. 13th St., Lawrence, 66049. Term expires June 30, 2006. Reappointed.

Acting Secretary of Corrections

Roger Werholtz, Department of Corrections, Room 404-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. Serves at the pleasure of the Governor. Succeeds Charles Simmons, resigned.

Kansas Council on Developmental Disabilities

Askia Adams, 3149 N. 61st, Kansas City, KS 66104. Term expires August 31, 2005. Reappointed.

(continued)

Dale Barnum, 3640 S.W. Topeka Blvd., Suite 150, Topeka, 66611. Reappointed.

Donna L. Beauchamp, 5801 Riggs, Mission, 66202. Term expires August 31, 2005. New position.

James L. Germer, 730 Willow, Concordia, 66901. Reappointed.

Meri L. Gifford, 235 S. Main, Apt. 205, Ottawa, 66067. Term expires August 17, 2004. New position.

David R. Hederstedt, 1304 Bristol Road, Hutchinson, 67502. Term expires August 17, 2004. Reappointed.

Donna Ireland, 403 Iowa, #12, Hiawatha, 66434. Term expires August 31, 2003. Reappointed.

Linda R. Kenney, 100 S.W. Jackson, #1052, Topeka, 66612. New position.

Penelope Massa, 1017 S. Olive, Pittsburg, 66762. Term expires August 17, 2005. Succeeds Sharon Lob Johnson, resigned.

Patricia L. Morgan, 212 S. Cypress, Stockton, 67669. Term expires August 17, 2004. Reappointed.

Ganesh Nayak, 550 Nims Blvd., #331, Wichita, 67203. Term expires August 17, 2005. Succeeds Lorna Ford, resigned.

Traci Porteous, 707 N. Cherry, #2, Ottawa, 66067. Term expires August 17, 2004. New position.

Thomas C. Rose, 6918 W. 101st St., Shawnee Mission, 66212. Reappointed.

Elaine L. Schwartz, 1736 S.W. Cheyenne, Topeka, 66604. Succeeds Darvin Hirsch.

Alice Sutton, 309 W. Mary, Apt. D, Garden City, 67846. Term expires August 31, 2003. Reappointed.

Kim Swink, 4244 S. Hydraulic, Apt. 220, Wichita, 67216. Term expires August 31, 2005. Reappointed.

ZoAnn Torrey, Kansas Department of Education, 120 S.E. 10th Ave., Topeka, 66612. Succeeds Bruce Passman.

Dr. Michael Wehmeyer, 12517 Slater St., Overland Park, 66213. Reappointed.

Virginia Zimmerman, 21195 139th St., Basehor, 66007. Term expires August 31, 2003. Reappointed.

Coordinating Council on Early Childhood Developmental Services

Susan Kunard, 17350 W. 156th Terrace, Olathe, 66062. Term expires June 30, 2006. Succeeds Cheryl Coleman.

Mark A. Tremaine, 11748 98th St., Oskaloosa, 66066. Term expires June 30, 2006. Succeeds Pamela Chapin.

Fire Service Training Commission

(Established by 2002 Session Laws of Kansas, Chapter 174. Terms will be determined at the first meeting of the commission.)

James R. Behan, 514 Campus View Drive, Garden City, 67846.

Bruce Brazzle, Route 3, Wamego, 66547.

Darrell W. Eastin, 222 W. Elm St., Salina, 67401.

Kathy L. Elkins, 2001 Rhode Island St., Lawrence, 66046.

Gale Haag, State Fire Marshal, Suite 600, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603.

Joseph F. Harkins, 1713 Troon Lane, Lawrence, 66047.

Jim Keating, P.O. Box 56, St. Marys, 66536.

John M. Lloyd, 200 N. C St., Suite 200, Wellington, 67152.

John W. Mattox, 14703 W. 90th Terrace, Lenexa, 66215.

Casey McCoy, 1519 Campus Road, Manhattan, 66502.

Jim McDuffett, 2140 Griffith Terrace, Manhattan, 66502.

Mark A. Saylor, 1300 N. Plum, Hutchinson, 67501.

Governor's Mental Health Planning Council

Gary J. Parker, 1170 S. Franklin Ave., #10, Colby, 67701. Term expires June 30, 2003. Succeeds Chris Shore, resigned.

Kansas Statewide Independent Living Council

Shari J. Coatney, 424 Neosho, Thayer, 66776. Term expires August 17, 2005. Reappointed.

Jim Johaneck, 501 W. 3rd, #32, Smith Center, 66967. Term expires August 17, 2005. Succeeds Howard Moses.

Marilyn Kubler, 5930 Albervan St., Shawnee, 66216. Term expires August 17, 2005. Reappointed.

Serena Nickell, 101 B E. Ave. B, South Hutchinson, 67505. Term expires August 17, 2005. Succeeds Jessica Moss.

Mary Jane Sandoval, 1503 Ave. H, Dodge City, 67801. Term expires August 17, 2005. Reappointed.

Kelly K. Smith, 2125 Clinton Parkway, #216, Lawrence, 66047. Term expires August 17, 2005. Reappointed.

Ron Thornburgh
Secretary of State

Doc. No. 028516

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. Northern Natural Gas Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Northern Natural Gas Company, Liberal, owns and operates a natural gas compressor station located at Section 32, Township 26 South, Range 36 West, Kearny County.

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 a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, 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 Michael J. Parhomek, (785) 296-1580, at the KDHE central office; or Don Mies,

(316) 337-6107, 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 Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 12.

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 November 12 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028496

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. Dorchester Hugoton, Ltd. - James Ford Compressor Station has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applica-

ble to each source as of the effective date of permit issuance.

Dorchester Hugoton, Ltd. - James Ford Compressor Station, Dorchester Hugoton, Ltd., Garland, Texas, owns and operates the James Ford Gas Compressor Station located at Section 17, Township 34 South, Range 38 West, Stevens County, Kansas.

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 a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, 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 Julie Ingoli, (785) 368-6683, at the KDHE central office; or Don Mies, (316) 337-6107, 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 Julie Ingoli, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 12.

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 November 12 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028497

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. Panhandle Eastern Pipe Line Company - Greensburg Compressor Station has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Panhandle Eastern Pipe Line Company - Greensburg Compressor Station, Houston, Texas, owns and operates a natural gas compressor station located at Section 18, Township 28 South, Range 18 West, Kiowa County, Kansas.

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 a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, 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 Julie Ingoli, (785) 368-6683, at the KDHE central office; or Don Mies, (316) 337-6107, 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 Julie Ingoli, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 12.

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 November 12 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028504

State of Kansas

Wildlife and Parks Commission

Notice of Meeting

A public meeting will be conducted by the Wildlife and Parks Commission at 1:30 p.m. Thursday, December 12, at Cabela's, 10300 Cabela's Drive, Kansas City, Kansas, to consider the recommendations of the Kansas Department of Wildlife and Parks' Deer Management Work Group and potential legislative and regulatory changes necessary to implement the proposals.

A meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. December 12 at the same location. The meeting will recess at 5 p.m., then resume at 7 p.m. at the same location for the remainder of the proposals. There will be a public comment period at the beginning of the afternoon meeting for issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. If necessary to complete the meeting or other business matters, the commission will reconvene at 9 a.m. December 13 at the same location.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the proposals of the Deer Management Work Group in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the TDD service at 1-800-766-3777 to request special accommodations.

This 60-day notice period prior to the meeting constitutes a public comment period for the purpose of receiving written public comments. All interested parties may submit written comments prior to the meeting to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the recommendations.

John R. Dykes
Chairman

Doc. No. 028511

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-02-261/271

Pending Permits for Confined Feeding Facilities

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Dan Bacon, 418 DD Ave., Council Grove, KS 67846; E/2 of Section 35, & W/2 of Section 36, T17S, R09E, Morris County; Neosho River Basin.

Kansas Permit No. A-NEMR-B005

This is a modification and expansion of an existing facility. Modification is the elimination of swine and the expansion of formerly unpermitted cattle pens, for a maximum of 999 head (499.5 animal units) of cattle weighing less than 700 pounds.

Annually, two composite soil samples shall be prepared for each of the two grassland buffer areas serving Pen One. Two additional composite soil samples shall be prepared for the crop land buffer area serving Pen Three.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the previous five years.

Permeability tests shall be conducted on the earthen wastewater retention structure(s). Permeability tests shall be completed after the soil liner(s) have been compacted and prior to placing the earthen wastewater retention structure(s) into service.

The approved plan includes consolidating and connecting two existing waste control structures. Construction and testing of the consolidated lagoon shall be performed in accordance with the requirements for new construction.

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

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Larry Bontrager, 22106 N.W. Yoder St., Welda, KS 66091; SW/4 of Section 18, T21S, R19E, Anderson County; Marais des Cygnes River Basin.

Kansas Permit No. A-MCAN-S030

This is a permit renewal for an existing facility with a revised animal unit and head count due to changes in the law or method of counting

the total maximum capacity for a maximum number of 222 head (89 animal units) of swine weighing greater than 55 pounds and a maximum of 150 head (15 animal units) of swine weighing less than 55 pounds.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that is less than the KDHE minimum requirements, however, it has been demonstrated that over the past years that through good management, the pit can be maintained in a nonoverflowing status and avoid water pollution problems. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Goetz & Sons Feedlot, Route 1, Box 26, Park, KS 67751; NE/4 of Section 30, T10S, R27W, Sheridan County; Saline River Basin.

Kansas Permit No. A-SASD-C002

Federal Permit No. KS0092371

This is permit renewal and modification for an existing facility for 3,000 head (3,000 animal units) of cattle weighing greater than 700 pounds each. Modification is for an additional earthen retention structure.

Additional dewatering equipment shall be obtained within six months after issuance of the permit through purchase, rental or custom application agreement. Written verification of the acquisition of the additional equipment shall be submitted to the department.

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. The most current manure/waste management plan approved by the department shall be adhered to pursuant to K.A.R. 28-18-12 and 13.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Fred Henry, Route 2, Box 67, Goff, KS 66428; NE/4 of Section 05, T04S, R13E, Nemaha County; Missouri River Basin.

Kansas Permit No. A-MONM-S053

This is a permit renewal of a current permit for an existing facility for 4,000 head (400 animal units) of swine 55 pounds or less.

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

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Kan-Tex Feeders, Inc., 10925 S. Road P, Ulysses, KS 67880; SE/4 & E/2 of SW/4 of Section 16, NE/4 of Section 21, & NW/4 of Section 22, T30S, R36W, Grant County; Cimarron River Basin.

Kansas Permit No. A-CIGT-C002

Federal Permit No. KS0036749

This is a permit renewal for an existing facility for 56,000 head (56,000 animal units) of beef cattle.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the previous five-year permit cycle.

Permeability tests shall be conducted on the earthen wastewater retention structure(s) that are altered by clean out and/or reconstruction and on all new construction. Permeability tests shall be completed after the soil liner(s) have been compacted and prior to placing the earthen wastewater retention structure(s) into service.

Dewatering equipment shall be obtained within six months after issuance of the permit through purchase, rental or custom application agreement. Written verification of the acquisition of the equipment shall be submitted to the department.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided

(continued)

that meets or exceeds KDHE minimum requirements. 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
J.L. Livengood Farms, Inc. 6020 Road 3 Kanorado, KS 67741	N/2 of Section 08, T09S, R42W, Sherman County	Upper Republican River Basin

Kansas Permit No. A-URSH-C006 Federal Permit No. KS0094005
This is a permit renewal for an existing facility for 4,999 head (4,999 animal units) of cattle weighing greater than 700 pounds each.

Additional dewatering equipment shall be obtained within 60 days of the issuance of the permit through purchase, rental or custom application agreement. Written verification of the acquisition of the pumping equipment shall be submitted to the department.

Permeability tests shall be conducted on the two single-cell earthen lagoons. A minimum of one sample site per acre of surface area shall be tested.

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. The manure/waste management plan approved by the department shall be adhered to as pursuant to K.A.R. 28-18-13.

Name and Address of Applicant	Legal Description	Receiving Water
R & L Feeders 1018 W. 160th Drive Osborne, KS 67473	SW/4 of Section 21, T08S, R12W, Osborne County	Solomon River Basin

Kansas Permit No. A-SOOB-C001 Federal Permit No. KS0085847
This is a renewal permit for an existing facility for 3,000 head (3,000 animal units) of beef cattle weighing greater than 700 pounds. A 1.5 acre section of pens has been abandoned that decreased the amount of runoff to be controlled at the facility, but the facility's total animal capacity will remain the same.

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. The manure/waste management plan approved by the department shall be adhered to pursuant to K.A.R. 28-18-12 and 13.

Name and Address of Applicant	Legal Description	Receiving Water
Setter's Farm, c/o Paul Setter 2391 Hawaii Road Humboldt, KS 66748	NW/4 of Section 03 & SE/4 of Section 33, T26S & 25S, R19E, Allen County	Neosho River Basin

Kansas Permit No. A-NEAL-B001
This is a permit for a modification to an existing facility. The facility is now being operated as a beef facility with 200 head of beef cattle weighing less than 700 pounds (100 animal units) and 100 head of cattle weighing more than 700 pounds (100 animal units), for a total of 200 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. 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
Supreme Cattle Feeders, L.L.C Route 1, Box 64 Kismet, KS 67859	Section 16, T32S, R33W, Seward County	Cimarron River Basin

Kansas Permit No. A-CISW-C002 Federal Permit No. KS0041599
This is a permit modification for an existing facility for the addition of a composting area for manure and feedlot mortality. There will be no change in the number of cattle on the facility. This is a confinement facility for a maximum of 85,000 head (85,000 animal units) of beef cattle.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater

area and that have received manure or wastewater within the five-year permit cycle.

Permeability tests shall be conducted on the earthen floor established for livestock composting. The "core sample" shall be utilized. Permeability tests shall be completed after the soil liner(s) have been compacted.

Composting of the dead shall be conducted in accordance with the approved composting or dead animal handling plan.

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. 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
Turkey Red Farm Clyde Goering & Dietrich Bergen 1840 Cherokee Moundridge, KS 67107	SW/4 of Section 07, T21S, R02W, McPherson County	Little Arkansas River Basin

Kansas Permit No. A-LAMP-S029
This is a new permit for an expansion of an existing facility from a maximum capacity of 3,000 head [300 animal units (a.u.)] of swine weighing less than 55 pounds to a maximum of 3,500 head (350 a.u.) of swine weighing less than 55 pounds. This is an operational change allowing additional stocking capacity within the existing units. No change in facility footprint or addition to the existing building units is proposed.

Dewatering equipment shall be obtained within six months after issuance of the permit through purchase, rental or custom application agreement. Written verification of the acquisition of the equipment shall be submitted to the department.

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. 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
Howard C. Wilson Trust P.O. Box 638 Sharon Springs, KS 67758	SW/4 of Section 20, T15S, R39W, Wallace County	Smoky Hill River Basin

Kansas Permit No. A-SHWA-C002 Federal Permit No. KS0088820
This is a renewal permit for an existing facility for 2,000 head (2,000 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. The manure/waste management plan approved by the department shall be adhered to pursuant to K.A.R. 28-18-12 and 13.

Public Notice No. KS-02-147/151

Name and Address of Applicant	Waterway	Type of Discharge
FABPRO Oriented Polymers, Inc. P.O. Box 517 Kingman, KS 67068	Arkansas River via Ninnescah River (South Fork) via Unnamed Tributary	Contact and Noncontact Cooling Water

Kansas Permit No. I-AR52-PO03 Federal Permit No. KS0117838
Legal: NE¼, S5, T28S, R7W, Kingman County

Facility Description: The proposed action is to reissue an existing permit for a discharge of contact and noncontact cooling water. The principal activity of this facility is the extrusion of polypropylene into twine. About 83,900 gpd of on-site well water is used for direct contact quenching of the plastic filaments, as they are extruded, and another 38,600 gpd of well water is used for noncontact cooling of equipment. Approximately 50,400 gpd is recirculated through filters to separate out solids. Approximately 72,000 gpd is discharged to the receiving stream. No cooling water additives are used. Domestic waste is connected to the city sanitary sewer. The proposed permit

includes limits for BOD, TSS, oil and grease, and pH. Monitoring for chloride, sulfate, total nitrogen, heavy metals and flow 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
Iola, City of 2 W. Jackson Iola, KS 66749	Neosho River	Treated Process Wastewater
Kansas Permit No. I-NE37-PO02		Federal Permit No. KS0078905
Legal: SW ¹ / ₄ , S27, T24S, R18E, Allen County		
Facility Name: Iola Municipal Power Plant		

Facility Description: The proposed action consists of modification of a recently reissued water pollution control permit. Modifications include dropping the TSS, oil and grease, and pH limits from outfall 001; and adding a new sub-outfall 001a for zeolite softener backwash and R.O. reject before entering the 42" discharge line. The sub-outfall 001a is the point of compliance for federal effluent guideline-based limits for low volume power plant wastes including TSS, oil and grease, and pH. 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
Hartford, City of P.O. Box 176 Hartford, KS 66854	Neosho River via Unnamed Tributary	Treated Domestic Wastewater
Kansas Permit No. M-NE33-OO01		Federal Permit No. KS0025682
Legal: W ¹ / ₂ , NE ¹ / ₄ , NE ¹ / ₄ , and E ¹ / ₂ , NW ¹ / ₄ , NE ¹ / ₄ , S22, T20S, R13E, Lyon 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 facility is being expanded from a two-cell to a three-cell lagoon. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform 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 technology based.

Name and Address of Applicant	Waterway	Type of Discharge
LaCrosse, City of P.O. Box 339 LaCrosse, KS 67548	Sand Creek	Treated Domestic Wastewater
Kansas Permit No. M-UA23-OO01		Federal Permit No. KS0024643
Legal: NW ¹ / ₄ , SE ¹ / ₄ , SE ¹ / ₄ , S34, T17S, R18W, Rush County		

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and effluent flow also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements if needed pursuant to a KDHE use attainability analysis of the receiving stream to achieve compliance with its 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.

Name and Address of Applicant	Waterway	Type of Discharge
Willowbrook, City of P.O. Box 1067 Willowbrook, KS 67504-1067	Cow Creek	Treated Domestic Wastewater
Kansas Permit No. M-AR95-OO01		Federal Permit No. KS0117641
Legal: NW ¹ / ₄ , SE ¹ / ₄ , NW ¹ / ₄ , S33, T22S, R6W, Reno County		

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

cluded in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its 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 Glenda Newquist 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, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before November 9 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-02-261/271, KS-02-147/151) 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, (620) 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, (620) 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>.

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.

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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. 028512

State of Kansas
Department of Revenue
Notice of Available Publications

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&As, Information Guides and Notices published by the Department of Revenue for September 2002. Copies can be obtained by accessing the Policy Information Library located on the Internet at www.ksrevenue.org or by calling the Office of Policy and Research at (785) 296-3081.

Private Letter Rulings

- P-2002-075 Controlled shooting area.
- P-2002-076 Coupon booklet sales tax treatment.
- P-2002-077 Consumed in production; mylar used in the manufacture of fiberglass tanks.

Opinion Letters

No new publications

Final Written Determinations

No new publications

Revenue Rulings

No new publications

Notices

No new publications

Memorandums

No new publications

Property Valuation Division, Directives

No new publications

Q&As

- Corporate Income Tax; Questions and answers concerning
- Individual Income Tax the carryback of net operating farm losses.

Information Guides

No new publications

Stephen S. Richards
Secretary of Revenue

Doc. No. 028498

State of Kansas
Department of Administration
Division of Purchases
Notice to Bidders

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

Monday, October 21, 2002

05522

State Kansas Corporation Commission—Abandoned Well Plugging, Employers Project

Wednesday, October 23, 2002

05518

Kansas Highway Patrol—SNMP-Managed CSUs

05532

Department of Transportation and Statewide—Automotive Lubricants

Friday, October 25, 2002

05527

Kansas Board of Regents Institutions—Sun Microsystems Computer Workstations, Servers, Upgrades and Accessories

Monday, October 28, 2002

05524

State Kansas Corporation Commission—Abandoned Well Plugging, Mocherman Lease

Tuesday, November 19, 2002

A-9244

Emporia State University—HVAC Replacement Project, King Hall

Wednesday, November 27, 2002

05398

All State of Kansas Agencies (except the Board of Regents)—Public Employee Dishonesty Coverage (including Faithful Performance of Duty)

05495

Kansas State University—Aircraft Insurance, Salina

Request for Proposals

Wednesday, October 30, 2002

05449

Uniform, Linen and Mat Rental and Laundry Services for the University of Kansas

Thursday, October 31, 2002

05510

Tobacco Use Prevention Services for the Department of Health and Environment

Thursday, November 7, 2002

05514

Laboratory Information Management System Software for the Kansas Bureau of Investigation, Various Locations

05526

Imaging Plan Files for the Department of
Transportation

Friday, November 8, 2002

05520

Genetic Paternity Testing Services for the Department
of Social and Rehabilitation Services

John T. Houlihan
Director of Purchases

Doc. No. 028517

State of Kansas

Department on Aging

Permanent Administrative Regulations

Article 8.—SENIOR CARE ACT

26-8-1. Definitions. (a) "Activities of daily living (ADL's)" means those personal, functional activities required by an individual for continued well-being, including eating, dressing, bathing, transferring, walking, retaining mobility, and toileting.

(b) "Assessment" means the completion of a form to determine the initial and ongoing eligibility and need for services.

(c) "Customer" means any older person who meets the eligibility requirements established in K.A.R. 26-8-2 and whose services are being funded at least in part by the senior care act program.

(d) "Family" means one or more adults and children, if any, related by blood or law and residing in the same household. If adults, other than spouses, reside together, each will be considered a separate family. Emancipated minors and children living under the care of individuals not legally responsible for that care shall be considered one-person families.

(e) "Income" means the monthly sum of income received by a family from the following sources:

- (1) Gross wages or salary;
- (2) income from self-employment;
- (3) social security;
- (4) dividends;
- (5) interest;
- (6) income from estate or trusts;
- (7) rental income;
- (8) royalties;
- (9) public assistance or welfare payments;
- (10) pensions and annuities;
- (11) unemployment compensation;
- (12) workers compensation;
- (13) alimony;
- (14) veterans' pensions; and
- (15) adjusted net farm income.

(f) "Instrumental activities of daily living" (IADL's) means meal preparation, shopping, medication management and treatment, housekeeping and laundry, money management, transportation, and telephone communication.

(g) "Level of care" means a measurement of an individual's functional ability level that could temporarily or permanently restrict the individual's ability to function independently.

(h) "Liquid assets" means the following:

- (1) Cash on hand;
- (2) funds in checking, savings, money market, and individual retirement accounts;
- (3) stocks;
- (4) bonds;
- (5) savings bonds;
- (6) certificates of deposit;
- (7) the cash value of life insurance policies; and
- (8) mutual funds.

(i) "One-time service" means an activity that is not intended to be ongoing and that has a unit of service of one dollar.

(j) "Senior care act" means K.S.A. 75-5926 through K.S.A. 75-5936, and amendments thereto, which establishes a program of in-home support services for eligible persons 60 years of age and older. (Authorized by K.S.A. 2001 Supp. 75-5928, as amended by L. 2002, Ch. 65, § 1 and K.S.A. 75-5931, as amended by L. 2002, Ch. 65, § 4; implementing K.S.A. 2001 Supp. 75-5928, as amended by L. 2002, Ch. 65, § 1, K.S.A. 75-5929, as amended by L. 2002, Ch. 65, § 2, K.S.A. 75-5930, as amended by L. 2002, Ch. 65, § 3, K.S.A. 75-5931, as amended by L. 2002, Ch. 65, § 4, and K.S.A. 75-5933, as amended by L. 2002, Ch. 65, § 6; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended, T-26-7-22-93, July 22, 1993; amended Sept. 7, 1993; amended Nov. 7, 1994; amended July 28, 1995; amended, T-26-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

26-8-2. Eligibility criteria. (a) All customers shall be residents of Kansas who are 60 years of age or older.

(b) Customers who receive only assessment or case management shall not be subject to the eligibility criteria below.

(c) Each customer of the senior care act program on June 30, 2002 shall continue to be eligible if the customer meets the following conditions:

(1) Has physical or mental limitations that restrict the ability to perform one or more activities of daily living or instrumental activities of daily living; and

(2) meets the targeting criteria used by the area agency on aging on June 30, 2002.

(d) Each customer of the income eligible program on June 30, 2001 who has remained eligible since July 1, 2001 shall be eligible for the senior care act program if the customer has a level of care score of at least 15, as determined by an assessment.

(e) For individuals that do not meet the criteria in subsection (c) or (d) above, an eligible person shall have a level-of-care score of at least 26, as determined by an assessment.

(f) Each applicant who met the criteria in subsection (c) or (d) and whose services were terminated after July 1, 2002 shall meet the criteria specified in subsection (e).

(g) Medicaid home- and community-based services customers shall be eligible to receive only senior care act

(continued)

services that are not funded through the Medicaid program. (Authorized by and implementing K.S.A. 2001 Supp. 75-5928, as amended by L. 2002, Ch. 65, § 1 and K.S.A. 75-5929, as amended by L. 2002, Ch. 65, § 2; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended, T-26-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

26-8-3. (Authorized by and implementing K.S.A. 75-5928; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended, T-26-7-22-93, July 22, 1993; amended Sept. 7, 1993; amended Nov. 7, 1994; revoked, T-26-6-27-02, July 1, 2002; revoked Oct. 25, 2002.)

26-8-5. Assessment. To determine eligibility for services under the senior care act, the area agency on aging shall complete an assessment before implementation of services and at least once every 365 days thereafter. The assessment instrument shall be a form prescribed by the secretary. (Authorized by and implementing K.S.A. 75-5930, as amended by L. 2002, Ch. 65, § 3; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended Nov. 7, 1994; amended, T-26-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

26-8-6. (Authorized by and implementing K.S.A. 75-5931; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; revoked, T-26-6-27-02, July 1, 2002; revoked Oct. 25, 2002.)

26-8-7. Maximum expenditures per customer and customer fees. (a) The maximum monthly expenditure for services per customer shall be \$1,445.00. This amount shall not include expenditures for assessment, case management, and any one-time service.

(b) The customer's fee shall not include case management or assessment.

(c) Each customer's fee shall be based on the customer's income and liquid assets.

(d) If a customer refuses to disclose the customer's income and liquid assets, then that customer shall pay 100% of the cost of the service.

(Authorized by and implementing K.S.A. 75-5929, as amended by L. 2002, Ch. 65, § 2 and K.S.A. 75-5931, as amended by L. 2002, Ch. 65, § 4; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended, T-26-7-22-93, July 22, 1993; amended Sept. 7, 1993; amended Nov. 7, 1994; amended, T-26-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

26-8-8. Termination. Services provided under this act shall be terminated by the area agency on aging for any of the following reasons:

(a) The customer moved to a nursing facility.

(b) The customer died.

(c) The customer moved out of the service area.

(d) The customer chose to terminate services.

(e) The customer no longer meets the eligibility criteria.

(f) The customer has not paid the fees, and 60 days have passed since the original billing date.

(g) The customer did not accurately report the customer's income and liquid assets and chooses not to pay the applicable fees.

(h) The service was provided one time.

(i) The program or service ended or was terminated.

(j) The service was discontinued due to the lack of service provider or staff.

(k) The customer is determined to be no longer safe in the customer's own home.

(l) The customer's whereabouts are unknown.

(Authorized by and implementing K.S.A. 75-5931, as amended by L. 2002, Ch. 65, § 4; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended July 28, 1995; amended Nov. 14, 1997; amended, T-26-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

26-8-9. (Authorized by and implementing K.S.A. 75-5931; effective, T-26-10-17-89, Oct. 17, 1989; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; amended Nov. 14, 1997; revoked, T-26-6-27-02, July 1, 2002; revoked Oct. 25, 2002.)

26-8-12. (Authorized by and implementing K.S.A. 75-5931; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; revoked, T-26-6-27-02, July 1, 2002; revoked Oct. 25, 2002.)

26-8-13. (Authorized by and implementing K.S.A. 75-5931; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; revoked, T-26-6-27-02, July 1, 2002; revoked Oct. 25, 2002.)

26-8-14. (Authorized by and implementing K.S.A. 75-5931, 75-5933, and 75-5935; effective, T-26-7-30-91, July 30, 1991; effective Aug. 10, 1992; revoked, T-26-6-27-02, July 1, 2002; revoked Oct. 25, 2002.)

26-8-15. Matching funds. (a) To be eligible for funds allocated pursuant to K.S.A. 75-5929 (a)(2) and amendments thereto, each area agency on aging shall provide matching funds for services on the basis of not less than \$1 for every \$2 of state funds.

(b) To be eligible for funds allocated pursuant to K.S.A. 75-5929 (a)(3) and amendments thereto, each area agency on aging shall provide funds from ad valorem property tax levies for services on the basis of not less than \$1 for every \$1 of state funds.

(c) Each area agency on aging providing matching funds shall submit to the department written documentation from the local unit of government or the single entity responsible for ad valorem property tax levies for services for the aging, as designated by a local unit of government, stating that the local unit of government has provided ad valorem property tax levies for services under this act.

(Authorized by and implementing K.S.A. 75-5929, as amended by L. 2002, Ch. 65, § 2; effective, T-26-6-27-02, July 1, 2002; effective Oct. 25, 2002.)

Connie Hubbell
Secretary of Aging

Doc. No. 028500

State of Kansas

Department of Agriculture

Permanent Administrative
Regulations

Article 1.—AGRICULTURAL CHEMICALS

4-1-17. Registration fee. The annual registration fee for each registered agricultural chemical shall be \$150.00 for registration periods beginning on and after July 1, 2002 and through June 30, 2005, regardless of the date when the registration is received. The \$150.00 annual registration fee shall revert to \$130.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2204, as amended by 2002 SB 438, § 2 and K.S.A. 2-2205; implementing K.S.A. 2-2204, as amended by 2002 SB 438, § 2; effective, T-83-35, Nov. 10, 1982; effective May 1, 1983; amended, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-22-89, June 22, 1989; amended Aug. 14, 1989; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

Article 4.—COMMERCIAL FERTILIZERS

4-4-2. Inspection fee. The inspection fee for commercial fertilizers shall be \$1.67 for each 2,000 pounds. (Authorized by and implementing K.S.A. 2-1205, as amended by L. 2002, Ch. 181, § 1; effective, T-83-35, Nov. 10, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-87-6, May 1, 1986; amended May 1, 1987; amended, T-4-6-22-89, June 22, 1989; amended Aug. 14, 1989; amended Oct. 25, 2002.)

Article 13.—PESTICIDES

4-13-9. Report of address, name, or personnel change by business. (a) Each pesticide business licensee shall notify the secretary of any modification of the initial application regarding the business address or business name, and of any change in service personnel involved in the application of pesticides on a provided form or in writing within 30 days of the modification or change made by the pesticide business licensee. Notification shall be required for the following:

- (1) Hiring or terminating, or both, any employees involved in the application of pesticides;
- (2) making any change in certification or technician status, or both; and
- (3) making any change in the manager, operator, authorized representative, or resident agent.

(b) The pesticide business licensee shall submit with each such report the required \$15.00 fee for each previously unreported uncertified individual employed to apply pesticides for a total of more than 10 days or for a period of five or more consecutive days during any 30-day period. This report shall provide the full name, home address, social security number, and birth date of each certified and uncertified applicator of pesticides listed in the report. The \$15.00 fee shall revert to \$10.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2467a; implementing K.S.A. 2-2440, as amended by L. 2002, Ch. 181, § 3; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

4-13-20. Pesticide business license, renewal, and uncertified employee fees. The application fee for a pesticide business license or for the renewal of a pesticide business license shall be \$140.00 for each category in which the applicant applies for a pesticide business license or renewal of that license. An additional fee of \$15.00 for each uncertified individual employed by the applicant to apply pesticides shall also be paid. This regulation shall apply to all pesticide business licenses, or renewals of these licenses, that will be effective on and after July 1, 2002 and through June 30, 2005, regardless of when the application is received by the agency.

The \$140.00 pesticide business license fee shall revert to \$112.00 on and after July 1, 2005, unless the termination date is modified by statute. The \$15.00 uncertified employee fee shall revert to \$10.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2440, as amended by 2002 SB 438, § 3, K.S.A. 2-2467a; implementing K.S.A. 2-2440, as amended by 2002 SB 438, § 3; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

4-13-21. Government agency registration and renewal fees. The application fee for a government agency registration shall be \$50.00. This regulation shall apply to all government agency registrations, or renewals of these registrations, effective on and after July 1, 2002 and through June 30, 2005, regardless of when the application is received by the agency. The \$50.00 government agency registration fee shall revert to \$35.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2440, as amended by 2002 SB 438, § 3, K.S.A. 2-2467a; implementing K.S.A. 2-2440, as amended by 2002 SB 438, § 3; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

4-13-22. Application fee for commercial applicator's certificate. The application fee for a commercial applicator's certificate shall be \$50.00 for each category in which the applicant applies. This regulation shall apply to all commercial applicator certificates, or renewals of these certificates, that will be effective on and after July 1, 2002 and through June 30, 2005, regardless of when the application is received by the agency. The \$50.00 application fee for a commercial applicator's certificate shall revert to \$35.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2441a, as amended by 2002 SB 438, § 5, K.S.A. 2-2467a; implementing K.S.A. 2-2441a, as amended by 2002 SB 438, § 5; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

4-13-23. Examination fees. The examination fee for a commercial applicator's certificate shall be \$35.00 on

(continued)

and after July 1, 2002 and through June 30, 2005, for each category in which the applicant is to be examined. The same fee shall apply if the applicant seeks reexamination. The \$35.00 examination fee shall revert to \$25.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2443a, as amended by 2002 SB 438, § 6, K.S.A. 2-2467a; implementing K.S.A. 2-2443a, as amended by 2002 SB 438, § 6; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

4-13-24. Certified private applicator's certificate fee. The certified private applicator's certificate fee shall be \$25.00. This regulation shall apply to certified private applicator's certificates that will be effective on and after July 1, 2002 and through June 30, 2005, regardless of when the application is received by the agency. The \$25.00 certified private applicator's certificate fee shall revert to \$10.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2445a, as amended by 2002 SB 438, § 7, K.S.A. 2-2467a; implementing K.S.A. 2-2445a, as amended by 2002 SB 438, § 7; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

4-13-33. Pest control technician registration and renewal fees. The application fee for a pest control technician registration or for the renewal of a pest control technician registration shall be \$40.00. Any fee paid by the applicant pursuant to K.A.R. 4-13-9 shall be applied toward payment of the fee required by this regulation. This regulation shall apply to all pest control technician registrations, or renewals of these registrations, that will be effective on and after July 1, 2002 and through June 30, 2005, regardless of when the application is received by the agency. The \$40.00 pest control technician registration fee shall revert to \$25.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2440b, as amended by 2002 SB 438, § 4, and K.S.A. 2-2467a; implementing K.S.A. 2-2440b, as amended by 2002 SB 438, § 4; effective, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

Article 19.—SOIL AMENDMENTS

4-19-1. Registration fee. The registration fee for each soil amendment shall be \$60.00 for each product registered. This regulation shall apply to products registered for registration periods commencing on and after July 1, 2002 and through June 30, 2005. The \$60.00 registration fee shall revert to \$50.00 on and after July 1, 2005, unless the termination date is modified by statute. (Authorized by K.S.A. 2-2805, as amended by 2002 SB 438, § 8, K.S.A. 2-2811; implementing K.S.A. 2-2805, as amended by 2002 SB 438, § 8; effective, T-83-35, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002.)

Jamie Clover Adams
Secretary of Agriculture

Doc. No. 028493

State of Kansas

State Corporation Commission

Permanent Administrative Regulations

Article 3.—PRODUCTION AND CONSERVATION OF OIL AND GAS

82-3-105. Well cementing. The use of cement in setting casing or sealing off producing formations, underground porosity gas storage formations, or fresh and usable water formations shall be required.

This regulation shall be effective on and after October 29, 2002. (Authorized by K.S.A. 55-152 and K.S.A. 2001 Supp. 55-1,115 and 74-623; implementing K.S.A. 55-156 and K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 8, 1989; amended, T-82-6-27-02, July 1, 2002; amended Oct. 29, 2002.)

82-3-113. Notice of intention to plug and abandon a well; supervision; penalty. (a) Notice required; penalty. Before any work is commenced to plug and abandon any well drilled for the discovery of oil or gas, for underground porosity gas storage, or for disposal of salt water, or to plug and abandon any injection well for enhanced recovery, including any well drilled below the fresh and usable water level, the operator shall give written notice to the conservation division of the intention to plug and abandon that well. The notice shall be submitted upon a form furnished by the conservation division and shall contain all of the information requested on it. The failure to file a notice of intention to plug and abandon a well shall be punishable by a \$100 penalty.

(b) Plugging instructions; scheduling.

(1) Upon receipt of the notice, the notice shall be acknowledged by the conservation division by letter to the operator. The letter shall provide instructions to the operator, including the name of the district office that is to be notified, and a requirement that the operator submit a proposed plugging plan.

(2) The operator shall notify the appropriate district office of the operator's proposed plugging plan no later than five days before the plugging.

(c) Exceptions. Exceptions from the notice requirement on the plugging of wells may be granted by the district office if either of the following conditions is met:

(1) A drilling rig already at work on location is ready to commence plugging operations on a dry and abandoned well.

(2) An emergency situation exists. In this case, the operator shall orally notify and present the plugging proposal to the district office.

This regulation shall be effective on and after October 29, 2002. (Authorized by K.S.A. 55-152 and K.S.A. 2001 Supp. 55-1,115 and 74-623; implementing K.S.A. 55-152, 55-159, K.S.A. 2001 Supp. 55-164, K.S.A. 55-173, K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended April 23, 1990; amended, T-82-6-27-02, July 1, 2002; amended Oct. 29, 2002.)

82-3-114. Plugging methods and procedure. (a) Plugging of producing, storage, and injection wells. In addition to any other applicable requirements in these regulations, the methods and procedure for plugging a well drilled for exploration of oil or gas, for underground porosity gas storage, or for injection shall be as follows:

(1) For productive or past-productive oil or gas formations, a cement plug not less than 50 feet in length or a bridge capped with cement shall be placed above each such formation.

(2) Cement plugs of 50 feet or more in length shall be placed both above and below any fresh or usable water horizons. The lower plug shall extend at least 50 feet below the base of water zones, and the upper plug shall extend at least 50 feet above the top of the water zones.

(3) In each well plugged, a cement plug shall be placed near the surface of the ground in a manner that does not interfere with soil cultivation.

(b) Rathole and mousehole plugging. Each rathole and each mousehole shall be plugged by displacing any mud or water with cement from the bottom of the hole to near the surface in a manner that does not interfere with soil cultivation.

(c) Highly permeable formations. If the wellbore has penetrated both a highly permeable formation and an overlying major salt formation, a cement plug of 50 feet or more in length shall be set above the highly permeable formation. Additionally, a cement plug of 50 feet or more in length shall be set in the first formation compatible with cement in each of the following locations:

- (1) Immediately above the salt formation; and
- (2) immediately below the salt formation.

(d) Well location exceptions. In wells located within 330 feet from the lease or unit boundary or located within less than the minimum distance specified in K.A.R. 82-3-108(b), all zones that are perforated or open in the well and that are being produced on the lease adjacent to that boundary shall be plugged. This requirement shall not apply to zones that are not producing within one-half mile of the well to be plugged.

(e) Plugging intervals. All intervals between plugs within the same wellbore shall be filled with an approved heavy, mud-laden fluid of not less than 36 viscosity as measured using the marsh funnel method described in sections 4.1 and 4.2 of the "recommended practice standard procedure for field testing water-based drilling fluids," second edition, dated September 1997 and published by the American petroleum institute. Sections 4.1 and 4.2 of this document are hereby adopted by reference. The approved heavy, mud-laden fluid shall have a weight of not less than nine pounds per gallon. If the requirements of this subsection are not met, a bridge shall be set at all plugging intervals.

(f) Alternative plugging methods; when authorized.

(1) If the procedures specified in this regulation cannot be followed due to conditions in the casing or wellbore, alternative plug placement while ensuring the protection of fresh and usable water may be authorized by a representative of the commission.

(2) The operator, with the approval of the representative of the commission, may place cement in the well by

using a dump bailer, pumping through tubing, or using any other method approved by the commission.

(g) Tagging plugs. Plugs may be tagged by the commission at the direction of the director of the conservation division.

This regulation shall be effective on and after October 29, 2002. (Authorized by K.S.A. 55-152 and K.S.A. 2001 Supp. 55-1,115 and 74-623; implementing K.S.A. 55-152, 55-156, 55-157, 55-159, and K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-87-3; amended May 1, 1986; amended May 1, 1988; amended May 8, 1989; amended, T-82-6-27-02, July 1, 2002; amended Oct. 29, 2002.)

82-3-117. Plugging report; penalty. (a) Within 60 days after plugging any well drilled for discovery of oil or gas, for underground porosity gas storage, for disposal of salt water, or for injection for enhanced recovery, the owner or operator of the well shall file a well plugging report with the conservation division setting forth the following information:

- (1) The date of drilling;
- (2) the location of the well;
- (3) the method used in plugging the well; and
- (4) all other information required by the commission.

The report shall be made on the form furnished by the commission and shall be verified by the operator.

(b) The failure to file a plugging report shall be punishable by a \$100 penalty.

(c) The operator shall be assessed the cost of the plugging as specified in K.A.R. 82-3-118.

(d) Copies of well plugging records shall be furnished to any person requesting that information upon the payment of two dollars per copy.

This regulation shall be effective on and after October 29, 2002. (Authorized by K.S.A. 55-152 and K.S.A. 2001 Supp. 55-1,115 and 74-623; implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-158, K.S.A. 55-159, and K.S.A. 2001 Supp. 55-164, 55-1,115, and 74-623; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1988; amended April 23, 1990; amended, T-82-6-27-02, July 1, 2002; amended Oct. 29, 2002.)

82-3-120. Operator or contractor licenses: application; financial responsibility; denial of application; penalty. (a)(1) No operator or contractor shall undertake any of the following activities without first obtaining or renewing a current license:

(A) Drilling, completing, servicing, plugging, or operating any oil, gas, or injection well;

(B) operating a gas-gathering system, even if the system does not provide gas-gathering services as defined in K.S.A. 55-1,101(a) and amendments thereto; or

(C) constructing or operating an underground porosity gas storage facility.

Each operator in physical control of any such well or gas storage facility shall maintain a current license even if the well or storage facility is shut in or idle.

(2) Each licensee shall annually submit a completed license renewal form on or before the expiration date of the current license.

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(b) To qualify for a license or license renewal, the applicant shall be in compliance with applicable laws, as required in subsection (h), and shall submit the following items to the conservation division:

(1) An application meeting the requirements of subsection (c);

(2) a \$100 license fee, except that an applicant for a license who is operating one gas well used strictly for the purpose of heating a residential dwelling shall pay an annual license fee of \$25;

(3) for each rig as defined in subsection (d), a \$25 fee and copies of property tax receipts on all rigs; and

(4) financial assurance in accordance with subsection (e).

(c) Application. The application for a license or a license renewal shall be verified and filed with the commission showing the following information:

(1) The applicant's full legal name and any other name or names under which the applicant transacts or intends to transact business under the license and the applicant's correct mailing address. If the applicant is a partnership or association, the application shall include the name and address of each partner or member of the partnership or association. If the applicant is a corporation, the application shall contain the names and addresses of the principal officers;

(2) the number of rigs sought to be licensed; and

(3) any other information that the forms provided may require.

Each application for a license shall be signed and verified by the applicant if the applicant is a natural person, by a partner or a member if the applicant is a partnership or association, or by an executive officer if the applicant is a corporation.

(d) "Rig" means any crane machine used for drilling or plugging wells. An identification tag shall be issued by the commission for each rig licensed according to this regulation. The operator shall display a current identification tag on each rig at all times.

(e)(1) Financial assurance shall be provided in accordance with the requirement specified in paragraph (e)(2), if applicable, or in accordance with subsection (g).

(2) The applicant shall pay an annual \$50 nonrefundable fee if the applicant has an acceptable record of compliance, as demonstrated during the preceding 36 months.

(f) For purposes of this regulation, "an acceptable record of compliance" shall mean both of the following:

(1) The operator neither has been assessed by final order of the commission with \$3,000 or more in penalties nor has been cited by final commission order for five or more violations in the preceding 36 months.

(2) The operator has no outstanding undisputed orders or unpaid fines, penalties, or costs assessed by the commission and has no officer or director that has been or is associated substantially with another operator that has any such outstanding orders or unpaid fines, penalties, or costs.

(g) (1) If the applicant does not meet the provisions of paragraph (e)(2) or has not been licensed for at least the preceding 36 months, the applicant shall furnish one of the following, up to \$30,000, on an annual basis:

(A) An individual performance bond or letter of credit on a form prescribed by the commission, in an amount equal to \$.75 times the total aggregate depth, in feet, of all wells for which the operator is responsible;

(B) a blanket performance bond or letter of credit on a form prescribed by the commission, in an amount equal to the following, as applicable:

(i) Wells fewer than 2,000 feet in depth: 1-5 wells, \$5,000; 6-25 wells, \$10,000; over 25 wells, \$20,000; and

(ii) wells 2,000 or more feet in depth: 1-5 wells, \$10,000; 6-25 wells, \$20,000; over 25 wells, \$30,000;

(C) a nonrefundable fee equal to 3% of the amount of the bond or letter of credit required by paragraph (g)(1)(A) or (B); or

(D) a first lien in favor of the state of Kansas on tangible personal property associated with the operator's oil and gas production, having a salvage value equal to not less than the amount of the bond or letter of credit required by paragraph (g)(1)(A) or (B); or

(E) any other financial assurance approved by the commission.

(2) Well inventory. Each operator furnishing financial assurance under paragraph (g)(1)(A) of this regulation shall also furnish a complete inventory of wells and the depth of each well for which the operator is responsible. Each operator furnishing financial assurance under paragraphs (g)(1)(B) through (E) either shall furnish a well inventory or shall be required to furnish the \$30,000 bond, letter of credit, fee, or other financial assurance based on that amount. Falsification of the well inventory shall be punishable by a penalty of up to \$5,000 and possible suspension of the operator's license.

(h) Compliance with applicable laws.

(1) If the applicant is registered with the federal securities and exchange commission, the applicant shall demonstrate to the commission that the applicant complies with all requirements of chapter 55 of the Kansas statutes annotated, all regulations adopted thereunder, and all commission orders and enforcement agreements.

(2) If the applicant is not registered with the federal securities and exchange commission, the applicant shall demonstrate to the commission that the following individuals comply with all requirements of chapter 55 of the Kansas statutes annotated, all regulations adopted thereunder, and all commission orders and enforcement agreements:

(A) The applicant;

(B) any officer, director, partner, or member of the applicant;

(C) any stockholder owning in the aggregate more than 5% of the stock of the applicant; and

(D) any spouse, parent, brother, sister, child, parent-in-law, brother-in-law, or sister-in-law of any of the individuals specified in paragraphs (h)(2)(A) through (C).

(i) Upon approval of the application by the conservation division, a license shall be issued to the applicant. Each license shall be in effect for one year unless suspended or revoked by the commission.

(j) Denial of application. An application or renewal application shall be denied if the applicant has not satisfied the requirements of this regulation. Denial of a license application shall constitute a summary proceeding under

K.S.A. 77-537 and amendments thereto. A denial pursuant to K.S.A. 55-155(c)(3) or (4), and amendments thereto, shall be considered a license revocation.

(k) Upon revocation of a license, no new license shall be issued to that operator or contractor until after the expiration of one year from the date of the revocation.

(l) The failure to obtain or renew an operator or contractor license before operating shall be punishable by a \$500 penalty.

(m) Notification of changes. Each operator shall immediately notify the conservation division in writing of any change in information supplied in conjunction with the license application. If the change involves an increase in the number or depth of the wells listed on the operator's well inventory, the operator's notification shall be accompanied by additional financial assurances to cover the additional number or depth of wells.

This regulation shall be effective on and after October 29, 2002. (Authorized by K.S.A. 55-152 and K.S.A. 2001 Supp. 55-164, 55-1,115, and 74-623; implementing K.S.A. 2001 Supp. 55-155 and K.S.A. 2001 Supp. 55-164, 55-1,115, and 74-623; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 8, 1989; amended April 23, 1990; amended March 20, 1995; amended Aug. 29, 1997; amended Jan. 25, 2002; amended, T-82-6-27-02, July 1, 2002; amended Oct. 29, 2002.)

82-3-311. Drilling through gas storage formations.

(a) Any person, firm, or corporation who, for any purpose, drills or causes the drilling of a well or test hole that penetrates or bores through any underground stratum or formation utilized for the underground storage of natural gas shall seal off the natural gas storage stratum or formation by either of the following:

(1) The methods and materials recommended by the operator of the gas storage facility and approved by the commission or its duly authorized representative; or

(2) any methods and materials that the commission determines to be fair, equitable, and reasonable.

(b) That person, firm, or corporation shall maintain the well or test hole in a manner that protects the stratum or formation at all times against pollution and the escape of natural gas.

(c) Not less than 30 days before commencing or plugging a well or test hole as referred to in subsection (b), the person, firm, or corporation desiring to commence drilling or plugging operations shall give the operator of the gas storage facility and the commission notice in writing, by registered mail, of the date desired for commencement of drilling or plugging the well.

(d) Within 10 days after receipt of notice, the operator of the gas storage facility shall forward to the commission its recommendations as to the manner, methods, and materials to be used in the sealing off or plugging operation. The operator of the gas storage facility shall give notice of the recommendations by mailing or delivering a copy to the person, firm, or corporation who seeks to drill or plug a well or test hole. The notice shall be mailed or delivered on or before the date on which the recommendations are mailed to or filed with the commission.

(e) Any objections or complaints stating why the recommendations proposed by the operator of the gas stor-

age facility are not feasible, practical, or reasonable shall be filed within five days after the recommendation is filed.

(f) If any objections or complaints are filed or if the commission deems that there should be a hearing on the recommendation of the operator of the gas storage facility, a hearing shall be held. Notice of the hearing shall be published according to K.A.R. 82-3-135.

(g) Following receipt of the recommendations proposed by the operator of the gas storage facility or the hearing, the manner, methods, and materials to be used in the sealing off or plugging operation shall be prescribed by the commission. Operations shall not commence until the manner, methods, and materials to be used have been prescribed by the commission.

(h) Any operator of the gas storage facility involved may have a representative present at all times during the drilling, completing, or plugging of the well or test hole and shall have access to all records relating to the drilling, equipping, maintenance, operation, or plugging of the well.

(i) Each operator of the gas storage facility involved, in conjunction with the commission or its representative and the operator of the well, shall have the right to inspect or test the well to discover any leaks or defects that may affect the underground natural gas storage stratum or formation.

(j) Each cost and expense necessarily incurred in sealing off the stratum or formation or in plugging, maintaining, inspecting, or testing the well, as recommended by the operator of the gas storage facility and subsequently approved or independently determined by the commission or its representative, that is over and above the ordinary expense of operations using similar methods, shall be paid upon completion by the operator of the gas storage facility involved.

This regulation shall be effective on and after October 29, 2002. (Authorized by K.S.A. 55-152, K.S.A. 2001 Supp. 55-1,115 and 55-604, K.S.A. 55-704, and K.S.A. 2001 Supp. 74-623; implementing K.S.A. 2001 Supp. 55-1,115, K.S.A. 55-605, 55-706, 55-1203, and K.S.A. 2001 Supp. 74-623; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-85-51, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1988; amended May 8, 1989; amended April 23, 1990; amended, T-82-6-27-02, July 1, 2002; amended Oct. 29, 2002.)

82-3-1000. Definitions: underground porosity gas storage facilities. The following terms, as used in these regulations for underground porosity gas storage facilities, shall have the following meanings: (a) "Cushion gas" means the volume of gas required as permanent storage inventory to maintain adequate reservoir pressure for meeting minimum gas deliverability demands throughout the withdrawal season.

(b) "FERC" means the federal energy regulatory commission.

(c) "Fracture gradient" means the pressure gradient, measured in pounds per square inch per feet, that, if applied to a subsurface formation, will cause that formation to physically fracture.

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(d) "Fresh water" means water containing not more than 1,000 milligrams of total dissolved solids per liter.

(e) "Gas storage injection or withdrawal well" means a well used to inject and withdraw natural gas stored in an underground porous and permeable reservoir.

(f) "Gas storage observation well" means a well either completed or recompleted for the purpose of observing subsurface phenomena, including the presence of hydrocarbon gas, pressure fluctuations, fluid levels and flow, and temperature.

(g) "Gas storage porosity reservoir" means a porous stratum of the earth that is separated from any other similar porous stratum by an impermeable stratum and is capable of being used for underground storage of natural gas.

(h) "Gas storage well" means any gas storage injection or withdrawal well, gas storage withdrawal well, or gas storage observation well completed or recompleted as part of an underground porosity gas storage facility.

(i) "Gas storage withdrawal well" means a well used only for the withdrawal of natural gas stored in an underground porous and permeable reservoir.

(j) "Leak detector" means a device capable of detecting by chemical or physical means the presence of hydrocarbon vapor or the escape of vapor through a small opening.

(k) "Licensed engineer" means an engineer that is licensed or authorized to practice engineering in Kansas by the Kansas state board of technical professions.

(l) "Licensed geologist" means a geologist that is licensed or authorized to practice geology in Kansas by the Kansas state board of technical professions.

(m) "Packer" means an expanding mechanical device used in a well to seal off certain sections of the well when cementing, testing, or isolating the well from the completed interval.

(n) "Small, well-defined outside area" means an area, including a playground, recreation area, outdoor theater, and other place of public assembly, that is occupied by 20 or more persons on at least five days a week for 10 weeks in any 12-month period. The days and weeks shall not be required to be consecutive.

(o) "Underground porosity gas storage" means the storage of hydrocarbon gas in underground porous and permeable geologic strata that have been converted to hydrocarbon gas storage.

(p) "Underground porosity gas storage facility" and "storage facility" mean the leased acreage associated with the storage field. This term shall include the wellbore tubular goods, the wellhead, and any related equipment, including the last positive shutoff valve attached to the flowline.

(q) "Working gas" means the portion of the gas storage volume that can be removed from a gas storage porosity reservoir for deliveries and still maintain pressure sufficient to meet design deliverability.

This regulation shall be effective on and after October 29, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002.)

82-3-1001. Notice of federal energy regulatory commission proceedings. Whenever the operator of an

underground porosity gas storage facility files any application or report concerning the storage facility or operation of the facility with FERC, the operator shall at the same time deliver a copy of this application or report to the commission.

This regulation shall be effective on and after October 29, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002.)

82-3-1002. Provisional operating permits and operating requirements for existing underground porosity storage facilities; penalties. (a) Application deadline; permitting procedure. No underground porosity gas storage facility or gas storage well in existence on or before July 1, 2002 shall continue in operation unless the following conditions are met:

(1) The operator has filed an application for a provisional underground porosity gas storage permit with the conservation division in accordance with subsection (b) on or before January 31, 2003.

(2) The conservation division has issued a written provisional permit or written temporary provisional permit granting the application. The application shall be acted upon by the commission within 90 days of receipt of the application.

(b) Application form; content. The original and two copies of each application shall be signed and verified by the operator, shall be filed with the conservation division on a form furnished by the commission, and shall provide the following information:

(1) The name of the underground porosity gas storage facility;

(2) the name, description, and average depth of the porosity reservoir or reservoirs being utilized for underground porosity storage;

(3) a site map showing the boundaries of the underground porosity gas storage facility, the location and well number of each gas storage well, including any observation wells, the location of cathodic protection boreholes or ground bed systems, and the location of all pertinent surface facilities located within the boundary of the storage facility. This site map shall be verified by the operator;

(4) a statement confirming that the applicant holds the necessary and sufficient property rights for construction and operation of the underground porosity gas storage facility;

(5) a tabular summary showing the location, well number, completion date, elevation, top and bottom depths of the completed interval, casing information, tubing and packer information, and cementing information for each gas storage well located within the boundary of the underground porosity gas storage facility. This tabular summary shall be verified by the operator;

(6) the results of a water quality test of fluid recovered from the underground porosity storage reservoir or reservoirs reporting the amount of chlorides and total dissolved solids for the fluid in milligrams per liter (mg/l). This test shall be conducted by a laboratory that is certified by the state of Kansas. No gas storage shall be permitted in any underground porous stratum with chloride levels less than 5,000 milligrams per liter;

(7) the maximum wellhead injection rate and pressure currently utilized at the underground porosity gas storage facility and, if the facility is regulated by FERC, the maximum rate and pressure approved by FERC. In all cases, the applicant shall provide information showing that the maximum injection rate and pressure utilized at the facility will not exceed the fracture gradient and will not initiate fractures through the overlying strata that could enable stored gas or associated formation fluid to enter fresh and usable water strata or cause the injected gas to leak from the underground porosity gas storage reservoir. The fracture gradient of the formation may be required by the conservation division to be determined by a step rate test or by the calculation of a licensed engineer or a licensed geologist, using a method acceptable to the conservation division;

(8) a tabular summary of any gas storage wells located within the boundary of the underground porosity gas storage facility that have unrepaired casing leaks that are currently controlled with a tubing and packer completion;

(9) a schedule of completed and pending mechanical integrity testing for all gas storage wells utilized at the gas storage facility. All existing gas storage injection and withdrawal wells and gas storage withdrawal wells shall demonstrate mechanical integrity according to K.A.R. 82-3-1005 on or before July 1, 2004. All existing gas storage observation wells shall demonstrate mechanical integrity according to K.A.R. 82-3-1005 on or before July 1, 2007. Pressure testing or alternative tests or surveys conducted in accordance with K.A.R. 82-3-1005 and performed after July 1, 1999 shall be deemed to have demonstrated mechanical integrity on the date of the test or survey. All gas storage wells completed after July 1, 2002 shall demonstrate mechanical integrity according to K.A.R. 82-3-1005 before being placed into service as an active gas storage well;

(10) the current maximum storage volume, including values for cushion gas and working gas for the underground porosity gas storage facility;

(11) a detailed description of the storage facility's current safety plan;

(12) the applicant's license number;

(13) any other information that the conservation division requires; and

(14) payment of the application fee required by K.A.R. 82-3-1012.

(c) Safety plan required. Each operator of an underground porosity gas storage facility shall develop and implement a storage facility safety plan on or before January 31, 2003. This plan shall include current emergency response procedures, provisions to provide security against unauthorized activity, and any current gas release detection and prevention measures utilized by the facility. The emergency response procedures for the storage facility shall include contingency plans for gas storage well leaks and loss of containment from gas storage wells or the gas storage reservoir. The emergency response procedures shall also identify specific contractors and equipment vendors capable of providing necessary services and equipment to respond to any gas storage well leaks or loss of containment from one or more of the gas storage

wells or the gas storage reservoir. Copies of the plan shall be available at the storage facility and the nearest operational office of the operator of the facility.

(d) Gas metering; required. The total volume of gas injected into and withdrawn from an underground porosity gas storage facility that is operating under a provisional permit or temporary provisional permit issued by the conservation division shall be metered according to K.A.R. 82-3-1006.

(e) Gas volume; reporting. The operator of an underground porosity gas storage facility operating under a provisional permit or temporary provisional permit issued by the conservation division shall report monthly, to the conservation division, the volume of gas placed into storage and the volume of gas removed from storage at the facility during the preceding month. The report shall be filed according to K.A.R. 82-3-1006.

(f) Gas leaks; reporting. The operator of an underground porosity gas storage facility operating under a provisional permit issued by the conservation division shall report any pressure changes or other monitoring data that indicate the presence of leaks in a gas storage well or the lack of confinement of the injected gases and any associated fluids to the underground porosity gas storage reservoir. This report shall be submitted according to K.A.R. 82-3-1006.

(g) Maximum term for provisional permits; extensions. The maximum term for provisional underground porosity gas storage permits issued by the conservation division shall not exceed two years from the date of issue. Underground porosity gas storage facilities operating under a provisional permit shall file for a fully authorized operating permit in accordance with K.A.R. 82-3-1003 before the expiration of the provisional permit. The extension of a provisional permit may be granted administratively on a showing of good cause by the operator. If a request for an extension is administratively denied, the operator shall have a right to a hearing upon written request.

(h)(1) Provisional permit amendment. The operator of an existing underground porosity gas storage facility operating under a provisional permit shall file an application with the conservation division on a form furnished by the conservation division for an amendment to that provisional permit under any of the following:

(A) At any time that a material change in conditions has occurred in the operation of the storage facility or in the ability of the facility to operate without causing pollution or the waste of hydrocarbons;

(B) before expanding the areal extent of the underground porosity gas storage facility;

(C) before increasing the underground porosity gas storage facility reservoir pressure above the maximum permitted pressure;

(D) before adding any additional gas storage well within the underground porosity gas storage facility, if the well will be located 1,320 feet or less from the boundary of the storage facility; or

(E) before adding any additional gas storage well within the underground porosity gas storage facility, if

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the well will be located more than 1,320 feet from the boundary of the storage facility.

(2)(A) The applicant for any amendments under paragraphs (h)(1)(A) through (D) of this regulation shall publish notice of the application in at least two issues of the official county newspaper of each county in which the lands affected by the application are located. In addition, notice shall also be published in at least one issue of the Wichita Eagle newspaper. The applicant shall also deliver or publish any notice that the applicant deems necessary to ensure that those persons whose rights may be affected by the application have been sufficiently notified in accordance with applicable due process requirements.

(B) The application shall be held in abeyance for 15 days from the date of last publication or delivery of notice, whichever is later. If during the 15-day period a valid protest is filed according to K.A.R. 82-3-135b or if the commission on its own motion deems that there should be a hearing on the application, a hearing shall be held. The applicant shall publish notice of the hearing in the same manner as that required by paragraph (h)(2)(A) above.

(C) If an application for an amendment is administratively denied, the operator shall have a right to a hearing upon written request.

(i) Penalties.

(1) Operating an underground porosity gas storage facility in violation of this regulation shall be punishable by a penalty of \$1,000, and the underground porosity gas storage facility may be shut down until compliance is achieved.

(2) Each day that the violation continues may be considered a separate violation. The penalties specified in this subsection may be increased by the commission if it finds that aggravating factors exist.

This regulation shall be effective on and after October 29, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002.)

82-3-1003. Fully authorized operating permits and operating requirements for existing and new underground porosity gas storage facilities and underground porosity gas storage wells; penalties. (a) Application and permit required. No underground porosity gas storage facility or gas storage well shall be put into operation and no underground porosity gas storage facility or gas storage well in existence before July 1, 2002 shall continue to operate after its provisional permit has expired, unless the following conditions are met:

(1) The operator has filed an application for a fully authorized underground porosity gas storage facility operating permit with the conservation division in accordance with subsection (b), and the operator has constructed or is operating the storage facility in compliance with provisions of this regulation.

(2) Each application for a fully authorized operating permit for an underground porosity gas storage facility to be constructed after July 1, 2002 also complies with K.A.R. 82-3-1004.

(3) The operator has received from the conservation division a written permit granting the application for full authorization.

(b) Application form; content. The original and two copies of each application for full authorization shall be signed and verified by the operator, filed with the conservation division on a form furnished by the commission, and provide the following information:

(1) The name of the underground porosity gas storage facility and, if applicable, the permit number of the provisional permit for which the operator is requesting full authorization;

(2) the name, description, and average depth of the gas storage porosity reservoir or reservoirs being utilized for underground porosity gas storage;

(3) a geologic and hydrogeologic evaluation of the gas storage porosity reservoir or reservoirs and the surrounding formations. The evaluation shall include any available geophysical data and assessments of any regional tectonic activity, regional or local fault zones, and structural or stratigraphic anomalies. The evaluation shall focus on the gas storage porosity reservoir or reservoirs and adjacent confining layers. The evaluation shall also identify any oil and gas horizons known to be productive in the area of the storage facility and any freshwater-bearing horizons known to be developed in the area of the storage facility. The evaluation shall include exhibits and plan view maps showing the following:

(A) All water, oil, and gas exploration and development wells, and other man-made surface structures and activities within one mile outside of the storage facility boundary;

(B) any regional or local faulting;

(C) an isopach map of the gas storage reservoir or reservoirs;

(D) an isopach map of the adjacent confining layer;

(E) a structure map of the top and base of the storage reservoir or reservoirs;

(F) identification of all structural spill points or stratigraphic anomalies controlling the isolation of stored hydrocarbon gases or associated fluids; and

(G) structural and stratigraphic cross-sections that describe the geologic conditions at the underground porosity gas storage facility.

The geologic and hydrogeologic evaluation required under this paragraph shall be certified by a licensed geologist or licensed engineer. The operator of an underground porosity gas storage facility may submit existing geologic and hydrogeologic studies or evaluations in fulfillment of the requirement of this paragraph if those studies have been updated to reflect current storage facility conditions at the time of the application and have been certified as such by a licensed geologist or licensed engineer;

(4) an area of review evaluation, which shall include a review of the data of public record for wells that penetrate that part of the underground porosity reservoir designated as the gas storage porosity reservoir, and those wells that penetrate the underground porosity gas storage reservoir within one-fourth mile of the boundary of the underground porosity gas storage facility. This review shall determine if all abandoned wells have been

plugged in a manner that prevents the movement of gas or associated fluids from the underground porosity gas storage reservoir. The area evaluation required under this paragraph shall be certified by a licensed geologist or licensed engineer. The applicant shall identify any wells that appear from the review of public records to be unplugged or improperly plugged, and any other unplugged or improperly plugged wells of which the applicant has actual knowledge;

(5) the calculated maximum storage volume for the underground porosity gas storage reservoir or reservoirs using a method acceptable to and filed with the conservation division. Storage volume calculations shall include working gas and cushion gas volumes. Any refinement of actual underground porosity gas storage reservoir volumes determined after continued operation of the facility shall be filed with the conservation division. Storage volume calculations filed according to this paragraph shall be certified by a licensed engineer or licensed geologist;

(6) a report of the maximum operating pressures to be utilized at the underground porosity gas storage facility. The maximum allowed storage reservoir pressure, measured in psig, shall be no greater than 75 percent of the fracture gradient of the formation as determined by a step rate test or as calculated by a licensed engineer or licensed geologist using a method acceptable to the conservation division. The underground porosity gas storage reservoir shall not be subjected to operating pressures in excess of the calculated fracture pressure even for short periods of time. Higher operating pressures may be allowed by the conservation division upon written application by the operator. The application, if approved by the conservation division, shall be subject to any conditions established by the conservation division;

(7) the results of multiple water quality tests of fluid recovered from the gas storage porosity reservoir or reservoirs reporting the amount of chlorides and total dissolved solids for the fluid in milligrams per liter. This test shall be conducted by a laboratory that is certified by the state of Kansas. No porosity gas storage shall be permitted in porous strata with chloride levels less than 5,000 milligrams per liter;

(8) a schedule of completed and pending mechanical integrity testing for all gas storage wells utilized at the storage facility. All existing gas storage injection and withdrawal wells and gas storage withdrawal wells shall demonstrate mechanical integrity according to K.A.R. 82-3-1005 before July 1, 2004. All existing gas storage observation wells shall demonstrate mechanical integrity according to K.A.R. 82-3-1005 on or before July 1, 2007. Pressure testing or alternative tests or surveys conducted in accordance with K.A.R. 82-3-1005 and performed after July 1, 1999 shall be deemed to have demonstrated mechanical integrity on the date of the test or survey. All gas storage wells completed after July 1, 2002 shall demonstrate mechanical integrity according to K.A.R. 82-3-1005 before being placed into service as an active gas storage well;

(9) a current site map showing the boundaries of the underground porosity gas storage facility, the location and well number of all gas storage wells, including any observation wells, the location of cathodic protection

boreholes or ground bed systems, and the location of all pertinent surface facilities within the boundary of the storage facility. This site map shall be verified by the operator;

(10) a statement confirming that the applicant holds the necessary and sufficient property rights for construction and operation of the underground porosity gas storage facility;

(11) a detailed description of the storage facility's current safety plan;

(12) the applicant's license number;

(13) any other information that the conservation division requires; and

(14) payment of the application fee required by K.A.R. 82-3-1012.

(c) Safety plan required. Each operator shall develop and implement a storage facility safety plan. This plan shall include emergency response procedures and provisions to provide security against unauthorized activity. The plan shall detail the safety procedures concerning the residential, commercial, and public land use in the proximity of the storage facility. The emergency response procedures shall include contingency plans for gas storage well leaks and loss of containment from gas storage wells or the gas storage reservoir. The emergency response procedures shall also identify specific contractors and equipment vendors capable of providing necessary services and equipment to respond to such gas storage well leaks or loss of containment from gas storage wells or the gas storage porosity reservoir. The plan shall be updated as changes in safety features at the facility occur, or as the conservation division requires. Copies of the plan shall be available at the storage facility and at the nearest operational office of the operator of the storage facility.

(d) Safety systems required. Leak detectors shall be placed at all gas storage wells located within 330 feet of an inhabited residence, commercial establishment, church, school, small, well-defined outside area, or enclosed compressor site. Leak detectors, where applicable, shall be integrated with automated warning systems. Inspection and testing of these leak detectors shall comply with requirements of K.A.R. 82-3-1005. Identification signs shall be required at each gas storage well and shall comply with signage requirements specified in K.A.R. 82-3-1007.

(e) Well casing and cementing requirements.

(1) Gas storage wells in existence on July 1, 2002 shall comply with appropriate provisions of casing and cementing requirements as outlined in K.A.R. 82-3-104, K.A.R. 82-3-105, and K.A.R. 82-3-106. However, any intermediate or production casing strings or liners that are set in the wellbore shall be cemented with a sufficient volume of cement to fill the annular space to a point 500 feet above the top of the storage reservoir or to the surface, whichever is less.

(2) Gas storage wells completed after July 1, 2002 and completed with a tubing and packer configuration shall comply with appropriate provisions of casing and cementing requirements as outlined in K.A.R. 82-3-104, K.A.R. 82-3-105, and K.A.R. 82-3-106, except as outlined below:

(continued)

(A) Any intermediate or production casing strings or liners that are set in the wellbore shall be cemented with a sufficient volume of cement to fill the annular space to a point 500 feet above the top of the storage reservoir or to the surface, whichever is less.

(B) All surface, intermediate, and production casings shall meet the standards specified in either of the following documents, both of which are hereby adopted by reference:

(i) "Bulletin on performance properties of casing, tubing, and drill pipe," API bulletin 5C2, as published by the American petroleum institute in October 1999; or

(ii) "specification for casing and tubing (U.S. customary units)," API specification 5CT, as published by the American petroleum institute in October 1998.

All surface, intermediate, and production casings shall be new casing or reconditioned casing of equivalent quality that has been pressure-tested in accordance with the requirements of paragraph (e)(2)(B). For new pipe, the pressure test conducted at the manufacturing mill or fabrication plant may be used to fulfill the requirements of paragraph (e)(2)(B).

(C) Emplacement of cement in the setting of the intermediate casing string, production casing string, or any liners shall be verified by a cement bond log, cement evaluation log, or any other evaluation method approved by the conservation division.

(D) (i) All tubing strings shall meet the standards contained in either of the documents adopted in paragraph (e)(2)(B) of this regulation. All tubing shall be new tubing or reconditioned tubing of equivalent quality that has been pressure-tested. For new tubing, the pressure test conducted at the manufacturing mill or fabrication plant may be used to fulfill this requirement.

(ii) For tubing completions, the packer shall be set at a depth at which the packer will be opposite a cemented interval of the long string casing and shall be set no more than 50 feet above the uppermost perforation or open hole for the gas storage reservoir.

(3) Each gas storage well completed after July 1, 2002 and not completed with a tubing and packer configuration shall be permitted only upon a showing of good cause. Each well shall, at a minimum, comply with appropriate provisions of casing and cementing requirements as outlined in K.A.R. 82-3-104, K.A.R. 82-3-105, and K.A.R. 82-3-106, except as outlined below:

(A) Any intermediate or production casing strings or liners that are set in the wellbore shall be cemented with a sufficient volume of cement to fill the annular space to the surface. The proposed cementing plan shall be approved by the conservation division in advance of drilling and cementing operations.

(B) All surface, intermediate, and production casings shall meet the standards contained in either of the documents adopted in paragraph (e)(2)(B) of this regulation.

All surface, intermediate, and production casings shall be new casing or reconditioned casing of equivalent quality that has been pressure-tested. For new pipe, the pressure test conducted at the manufacturing mill or fabrication plant may be used to fulfill this requirement. The proposed casing plan shall be approved by the conser-

vation division in advance of drilling and completion operations.

(C) Emplacement of cement in the setting of the intermediate casing string, production casing string, or any liners shall be verified by a cement bond log, cement evaluation log, or any other evaluation methods approved by the conservation division.

(D) Gas injection or withdrawal wells located within 330 feet of an inhabited residence, commercial establishment, church, school, or small, well-defined outside area shall be equipped with down-hole safety shutoff valves.

(f) Wellhead valves, connections, and flow line requirements. All wellhead components, including the casing-head and tubing head, valves, and fittings, shall be made of steel having operating pressure ratings sufficient to exceed the maximum injection pressures computed at the wellhead. These ratings shall be clearly identified on valves and fittings. The wellhead master valve on each gas storage well shall be fully opening and shall be sized to the diameter of the casing or tubing string to which the valve is attached. Each flow line connected to the wellhead shall be equipped with a manually operated positive shutoff valve located on the wellhead.

(g) Gas metering; required. The total volume of gas injected into and withdrawn from an underground porosity gas storage facility operating under a fully authorized gas storage permit issued by the conservation division shall be metered according to the requirements of K.A.R. 82-3-1006.

(h) Gas volume; reporting. The operator of an underground porosity gas storage facility operating under a fully authorized gas storage permit issued by the conservation division shall report monthly to the conservation division the volume of gas placed into storage and the volume of gas removed from storage at the facility during the preceding month. The report shall be filed according to K.A.R. 82-3-1006.

(i) Gas leaks; reporting. The operator of an underground porosity gas storage facility operating under a fully authorized gas storage permit issued by the conservation division shall report any pressure changes or other monitoring data that indicate the presence of leaks in a gas storage well or the lack of confinement of the injected gases and any associated fluids to the gas storage reservoir. The report shall be filed according to K.A.R. 82-3-1006.

(j) Modification, suspension, or cancellation of permit. A fully authorized operating permit may be modified, suspended, or canceled after notice and opportunity for hearing if a material change in conditions has occurred in the operation of the gas storage facility or if there are material deviations from the information originally furnished to the conservation division that affect the safe operation of the facility or the ability of the facility to operate without causing the waste of hydrocarbons, pollution, or a threat to public safety. All underground porosity gas storage facility operations shall cease upon suspension or cancellation of a permit under this subsection.

(k)(1) Application required to amend permit; fully authorized permit amendment. The operator of a storage facility operating under a fully authorized operating permit shall file an application with the conservation divi-

sion on a form furnished by the conservation division for an amendment to that permit under any of the following:

(A) At any time that a material change in conditions has occurred in the operation of the gas storage facility or in the ability of the facility to operate without causing pollution or the waste of hydrocarbons;

(B) before expanding the areal extent of the underground porosity gas storage facility;

(C) before increasing the underground porosity gas storage reservoir pressure above the maximum permitted pressure;

(D) before adding any additional gas storage well within the underground porosity gas storage facility, if the well will be located 1,320 feet or less from the boundary of the storage facility; or

(E) before adding any additional gas storage well within the underground porosity gas storage facility, if the well will be located more than 1,320 feet from the boundary of the storage facility.

(2)(A) The applicant for any amendments under paragraphs (k)(1)(A) through (D) of this regulation shall publish notice of the application in at least two issues of the official county newspaper of each county in which the lands affected by the application are located. In addition, notice of the application shall also be published in at least one issue of the Wichita Eagle newspaper. The applicant shall also deliver or publish any notice that the applicant deems necessary to insure that those persons whose rights may be affected by the application have been sufficiently notified in accordance with applicable due process requirements.

(B) The application shall be held in abeyance for 15 days from the date of the last publication or delivery of notice, whichever is later. If during that 15-day period a valid protest is filed according to K.A.R. 82-3-135b or if the commission on its own motion deems that there should be a hearing on the application, a hearing shall be held. The applicant shall publish notice of the hearing in the same manner as that required by paragraph (k)(2)(A) above.

(C) If an application for an amendment is administratively denied, the operator shall have a right to a hearing upon written request.

(l) Penalties.

(1) Operating an underground porosity gas storage facility in violation of this regulation shall be punishable by a penalty of \$1,000, and the underground porosity gas storage facility may be shut down until compliance is achieved.

(2) Each day that the violation continues may be considered a separate violation. The penalties specified in this subsection may be increased by the commission if it finds that aggravating factors exist.

This regulation shall be effective on and after October 29, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002.)

82-3-1004. Notice of application for a permit to operate an underground porosity gas storage facility constructed after July 1, 2002. (a) Notice to adjacent prop-

erty owners. Each applicant for an underground porosity gas storage facility operating permit for a facility constructed after July 1, 2002 shall give notice on or before the date the application is filed with the conservation division by mailing or delivering a copy of the application to the following:

(1) Each operator or lessee of record within one-half mile of the boundary of the storage facility;

(2) each owner of record of the minerals in unleased acreage within one-half mile of the boundary of the storage facility; and

(3) the landowner on whose land the well or wells affected by the application is located.

(b) Notice by publication. The applicant shall publish notice of the application in at least two issues of the official county newspaper of each county in which the lands affected by the application are located. In addition, notice of the application shall also be published in at least one issue of the Wichita Eagle newspaper. The applicant shall also deliver or publish any notice that the applicant deems necessary to insure that those persons whose rights may be affected by the application have been sufficiently notified in accordance with applicable due process requirements.

(c) Protest; notice of hearing.

(1) The application shall be held in abeyance for 15 days from the date of last publication or delivery of notice, whichever is later. If during that 15-day period a valid protest is filed according to K.A.R. 82-3-135b or if the commission on its own motion deems that there should be a hearing on the application, a hearing shall be held.

(2) The applicant shall publish notice of the hearing in the same manner as that required by subsection (b).

This regulation shall be effective on and after October 29, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002.)

82-3-1005. Testing and inspection requirements for underground porosity gas storage facilities and underground porosity gas storage wells; penalty. (a) Mechanical integrity testing requirements; existing wells. Each operator of a gas storage injection and withdrawal well or a gas storage withdrawal well completed before July 1, 2002 shall demonstrate the mechanical integrity of each such well according to this regulation before July 1, 2004. Each operator of an existing gas storage observation well shall demonstrate the mechanical integrity of each gas storage observation well according to this regulation on or before July 1, 2007. Each operator of a gas storage well shall subsequently retest each well at least once every five years following the initial mechanical integrity test performed on the well. The operator and a representative of the conservation division shall mutually agree to a date for the mechanical integrity test. Test results shall be verified by the operator's representative. An extension of time to complete or conduct mechanical integrity testing may be granted upon a showing of good cause or as part of an approved alternate testing program. Approved testing procedures for gas storage wells shall include the following:

(continued)

(1) Pressure tests.

(A) Gas storage wells equipped with a tubing and packer completion shall be pressure tested at no less than 300 psig or 100 percent of the maximum authorized injection pressure for the underground porosity gas storage facility, whichever is less. The pressure shall be applied to the tubing casing annulus at the surface for a period of 30 minutes and shall have no decrease in pressure greater than 10 percent of the required minimum test pressure. For tubing completions, the packer shall be set at a depth at which the packer will be opposite a cemented interval of the long string casing and shall be set no more than 50 feet above the uppermost perforation or open hole for the gas storage reservoir.

(B) Gas storage wells not completed with a tubing and packer completion shall be pressure tested at 100 percent of the maximum authorized injection pressure for the underground porosity gas storage facility. The pressure shall be applied to the long string casing at the surface after running a retrievable plug, which shall be set no more than 50 feet above the uppermost perforation or open hole of the gas storage reservoir. The test pressure shall be applied for at least 30 minutes and shall have no decrease in pressure greater than 10 percent of the required minimum test pressure.

(2) Alternate tests. An alternative test method, including a tracer survey, temperature survey, noise log, casing inspection log, or a combination of two or more of these surveys and logs, may be used to demonstrate mechanical integrity if approved in advance by the conservation division.

(b) Mechanical integrity testing requirements; newly constructed wells. Each operator of a gas storage well completed after July 1, 2002 shall demonstrate the mechanical integrity of each well according to the testing procedures established in subsection (a) of this regulation before placing the well into service as an active gas storage well. Each operator of a gas storage well shall subsequently retest each well at least once every five years following the initial mechanical integrity test performed on the well. The date for this mechanical integrity test shall be mutually agreed upon by the operator and a representative of the conservation division. Test results shall be verified by the operator's representative. An extension of time to complete or conduct mechanical integrity testing may be granted upon a showing of good cause or as part of an approved alternate testing program.

(c) Supervision of mechanical integrity testing. Conservation division representatives shall be responsible for witnessing a minimum of 25 percent of all mechanical integrity tests conducted by each storage facility operator. However, the conservation division's inability to witness a minimum of 25 percent of all mechanical integrity tests shall not result in any penalty to the operator of the underground porosity gas storage facility if the operator has complied with subsections (a) and (b) of this regulation.

(d) Requirements upon test failure. If a gas storage well fails to demonstrate mechanical integrity by an approved method, the operator of the well shall immediately isolate the leak or leaks in a manner that contains natural gas and associated fluids in the well or storage reservoir and demonstrates that the well does not pose a threat to fresh

and usable water resources or to public safety. The operator shall, within 90 days, perform one of the following:

(1) Repair and retest the well to demonstrate mechanical integrity;

(2) plug the well; or

(3) file an application with the conservation division for temporary abandonment according to K.A.R. 82-3-1011.

(e) Leak detector inspections and testing. Each leak detector required under K.A.R. 82-3-1003 shall be tested once each calendar year and, if defective, shall be repaired or replaced within 10 days. Each repaired or replaced detector shall be retested if required by the conservation division. An extension of time for repair or replacement of a leak detector may be granted upon a showing of good cause by the operator of the underground porosity gas storage facility. A record of each inspection, which shall include the inspection results, shall be maintained by the operator for at least five years and shall be made available to the conservation division upon request.

(f) Penalties.

(1) The failure to perform a mechanical integrity test on a gas storage well as required under subsection (a) or (b) of this regulation shall be punishable by a \$1,000 penalty.

(2) The failure to comply with the requirements of subsection (d) of this regulation shall be punishable by a \$1,000 penalty.

(3) The failure to comply with the requirements of subsection (e) of this regulation shall be punishable by a \$500 penalty per occurrence.

(4) Each day that a violation of this regulation continues may be considered a separate violation. The penalties specified in this subsection may be increased by the commission if it finds that aggravating factors exist.

This regulation shall be effective on and after October 29, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002.)

82-3-1006. Storage facility monitoring and reporting. (a) Monthly wellhead pressure monitoring; record retention. At the time the application for a provisional or fully authorized permit is submitted, the operator shall begin monitoring and recording the wellhead pressure of each gas storage well, including each annulus of the well, on a monthly basis. However, if the operator has provided sufficient evidence to the conservation division that the annulus has been cemented to the surface, no monitoring and reporting shall be required for that annular space. These records shall be retained by the operator for five years.

(b) Annual report of wellhead pressures. Each operator shall annually report information regarding wellhead pressures for each gas storage well to the commission. This report shall be submitted on a form furnished by the commission.

(c) Report of potential leak. The operator of an underground porosity gas storage facility shall report any pressure changes or other monitoring data that indicate the presence of leaks in the well or the lack of confinement of the injected gases and any associated fluids to the gas

storage reservoir. This report shall be made orally as soon as practicable to the appropriate conservation district field office following the occurrence of the leak and shall be confirmed in writing to the conservation division office within three working days.

(d) Gas metering; record retention. The total volume of gas injected into and withdrawn from a storage facility shall be metered through a master meter. The gas volumes shall be metered with a meter that has sufficient capacity and is approved by the conservation division. The operator of the storage facility shall keep the original field record consisting of magnetic tapes, digital electronic data, meter charts, or records of gas injected or withdrawn for at least five years. This information shall be made available to the conservation division upon request.

(e) Monthly volume report. The operator of an underground porosity gas storage facility shall, on or before the last day of each month, file with the conservation division a report showing the volume of gas placed into storage and the volume of gas removed from storage at the storage facility during the preceding month. The report shall also state the total volume of gas stored on the first and last days of the preceding month.

(f) Penalties.

(1) The failure to file or timely file the annual pressure report required under subsection (b) shall be punishable by a \$100 penalty.

(2) The failure to file or timely file the monthly gas volume report required under subsection (e) shall be punishable by a \$100 penalty.

(3) The failure to comply with the reporting requirements of subsection (c) of this regulation shall be punishable by a penalty of up to \$5,000 per occurrence.

(4) Each day that a violation of this regulation continues may be considered a separate violation. The penalties specified in this subsection may be increased by the commission if it finds that aggravating factors exist.

This regulation shall be effective on and after October 29, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002.)

82-3-1007. Identification signs. (a) Identification signs required. Each operator shall identify each gas storage well and associated compressor site by posting a sign immediately adjacent to the wellhead or compressor site. The sign shall be durable and shall be large enough to be legible under normal daytime conditions at a distance of 50 feet. The sign shall include all of the following information:

(1) The name and license number of the operator;

(2) the name of the storage facility and the gas storage well number or compressor site name or number;

(3) the location of the gas storage well or compressor site by quarter section, section, township, range, and county; and

(4) the emergency contact phone number or numbers for the operator of the storage facility.

(b) Penalty. The failure to comply with the requirements of subsection (a) of this regulation shall be punish-

able by a \$100 penalty per occurrence. Each day that a violation of this regulation continues may be considered a separate violation. The penalties specified in this subsection may be increased by the commission if it finds that aggravating factors exist.

This regulation shall be effective on and after October 29, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002.)

82-3-1008. Safety inspections. (a) Annual safety inspections required. Each operator of an underground porosity gas storage facility shall conduct an annual safety inspection of the facility and shall file with the conservation division a written report consisting of the inspection procedure and results within 30 days following completion of the inspection. The operator shall notify the conservation division at least 10 days before each inspection so that a representative of the conservation division can be present to witness the inspection. An extension of time to conduct an inspection may be granted only upon a showing of good cause.

(b) Inspection criteria. Each inspection shall include verification of all of the following:

(1) All gas storage well manual valves are in normal operating condition.

(2) All surface automatic shut-in safety valves are in normal operating condition.

(3) Wellheads and all related equipment are in normal operating condition.

(4) All warning signs, safety fences or barriers, and security equipment meet the requirements of the operator's safety plan.

(c) Penalty. The failure to comply with the requirements of this regulation shall be punishable by a \$500 penalty per occurrence. Each day that a violation of this regulation continues may be considered a separate violation. The penalties specified in this subsection may be increased by the commission if it finds that aggravating factors exist.

This regulation shall be effective on and after October 29, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002.)

82-3-1009. Transfer of a gas storage permit; penalty. (a) Transfer authority required. Authority to operate an underground porosity gas storage facility under a permit from the conservation division shall not be transferred from one operator to another without the approval of the conservation division. The transferor operator shall notify the conservation division in writing of the intent to transfer authority to operate an underground porosity gas storage facility from one operator to another. The written notice shall contain the following information:

(1) The name and address of the transferor operator and that operator's license number;

(2) a list of all active and inactive gas storage wells on the storage facility authorized under the permit being transferred;

(3) the permit number;

(continued)

- (4) the gas storage reservoir or reservoirs covered by the permit;
- (5) the proposed effective date of transfer;
- (6) the signature of the transferor operator and the date signed;
- (7) the name and address of the transferee operator and that operator's license number; and
- (8) the signature of the transferee operator and the date signed.

(b) License required. Transfers shall not be made to any individual, partnership, corporation, or municipality that is not licensed as a gas storage operator at the time of the proposed transfer or that does not meet the applicable financial responsibility requirements under K.A.R. 82-3-120.

(c) Approval requirements; notification. A copy of the approved transfer shall be mailed by the conservation division to the transferee operator and the transferor operator. As a condition of approval of the transfer, the transferor operator may be required by the commission to show that the storage facility meets the regulatory requirements for mechanical integrity tests and safety inspections. The transferor operator may be required to provide annual pressure-monitoring reports for that operator's period of operation of the facility.

(d) Identification signs. Within 90 days after any approved transfer, the transferee operator shall change the identification signs specified in K.A.R. 82-3-1007 to show the transferee operator information.

(e) Penalties. Each attempted transfer in violation of this regulation shall be void. Additionally, each violation of this regulation shall be punishable by a penalty of up to \$1,000 for the first violation, \$2,000 for the second violation, and \$3,000 plus a license review for the third violation. Each day that a violation of this regulation continues may be considered a separate violation. The penalties specified in this subsection may be increased by the commission if it finds that aggravating factors exist.

This regulation shall be effective on and after October 29, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002.)

82-3-1010. Notice of plugging, plugging methods and procedures, plugging report, and plugging fee for gas storage wells; penalty. (a) Plugging requirements. The plugging of underground porosity gas storage wells shall be accomplished in accordance with K.A.R. 82-3-113, K.A.R. 82-3-114, K.A.R. 82-3-117, and K.A.R. 82-3-118, except as specifically provided below:

(1) To meet the requirement of K.A.R. 82-3-113(b)(2), the operator shall provide a written plugging plan to the conservation division and the appropriate district office no later than 30 days before the planned commencement of plugging operations.

(2) The operator of any gas storage well that shows a positive wellhead shut-in pressure or gas flow at the surface immediately before the commencement of plugging operations shall complete one of the following before commencing plugging operations:

(A) Have a mechanical bridge plug or other approved control device set immediately above the porosity storage

reservoir or reservoirs before commencing cementing operations; or

(B) implement additional cementing procedures as approved by the appropriate district field office to ensure placement of a cement plug across and above the gas storage reservoir.

(3) The operator of each tubingless gas storage well shall plug the well by displacing cement inside the long string and any intermediate casing from the total depth or plug-back total depth of the well to the surface. The operator shall also ensure that there is adequate cement in the annular space between casing strings and the wellbore.

(b) Penalty. The failure of an operator to comply with subsection (a) of this regulation shall be punishable by a \$500 penalty and a requirement that the operator of the underground porosity gas storage well properly plug the well according to this regulation. Each day that a violation of this regulation continues may be considered a separate violation. The penalties specified in this subsection may be increased by the commission if it finds that aggravating factors exist.

This regulation shall be effective on and after October 29, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002.)

82-3-1011. Temporary abandonment of storage wells; well plugging; temporary and permanent abandonment of a storage facility; penalties. (a) Requirements for cessation of well operations. Within 90 days after injection, withdrawal, or observation operations cease on any well completed for the purpose of underground porosity gas storage, the operator of that well shall perform one of the following:

(1) Plug the well; or

(2) file an application with the conservation division requesting temporary abandonment, on a form furnished by the conservation division.

(b) Approval required for temporary abandonment. Each operator shall be required to obtain approval from the commission if the operator desires temporary abandonment status for any underground porosity gas storage well. If the operations on any temporarily abandoned gas storage well are not resumed within one year after the application has been approved, the well shall be deemed a permanently abandoned well, and the operator of the well shall comply with regulations of the commission relating to the plugging of gas storage wells. Upon submitting an application to the conservation division before the expiration of the one-year period and for good cause shown, temporary abandonment status may be extended by the conservation division for one year. Additional one-year extensions may be granted by the conservation division.

(c) Right of denial. After an application for temporary abandonment of an underground porosity gas storage well has been filed, the gas storage well shall be subject to inspection and record review by the conservation division to determine the likelihood that the temporary abandonment of the well might cause pollution, the waste of hydrocarbons, or a threat to public safety. If necessary

to prevent pollution, the waste of hydrocarbons, or a threat to public safety, temporary abandonment may be denied by the conservation division, and the well may be required to be plugged or repaired according to the specifications received from the conservation division and in accordance with its regulations.

(d) Plugging of temporarily abandoned gas storage wells. At the expiration of the temporary abandonment period, the operator of each underground porosity gas storage well that is temporarily abandoned shall plug or repair the well or return the well to operation, in accordance with these regulations.

(e) Temporary abandonment of a storage facility. The operator of an underground porosity gas storage facility may temporarily abandon the storage facility upon submitting written notice to the conservation division. This notice shall include the following:

(1) The date on which the storage facility is to be temporarily abandoned;

(2) the projected temporary abandonment period;

(3) the monitoring procedures to be utilized at the facility during the temporary abandonment period;

(4) the temporary abandonment applications for each gas storage well within the facility filed according to subsection (b) of this regulation, except any gas storage wells for which temporary abandonment has already been approved; and

(5) any other information required by the conservation division.

(f) Permanent abandonment and decommissioning of a storage facility. The operator of an underground porosity gas storage facility may permanently abandon and decommission the storage facility upon submitting written notice to the conservation division. This notice shall include the following:

(1) The anticipated date on which the storage facility is to be permanently abandoned and decommissioned;

(2) the anticipated field pressure at abandonment;

(3) a detailed plan and schedule approved by the conservation division for the orderly and timely abandonment and decommissioning of the facility, which shall address the following:

(A) The identification of all surface and below-ground facilities to be abandoned;

(B) the name or names of the person or persons who will be responsible for any surface facilities abandoned in place;

(C) the surface restoration of all well sites and surface facilities to original grade, including the proper closure of all surface impoundments;

(D) the removal of any unused concrete bases, machinery, operating materials, and other debris;

(E) the disposal of all wastes in accordance with applicable Kansas statutes and regulations;

(F) the plugging of all gas storage wells in conformance with K.A.R. 82-3-1010; and

(G) any other information required by the conservation division; and

(4) a demonstration of compliance with the requirements of K.S.A. 55-1208, and amendments thereto, if applicable to the underground porosity gas storage facility.

(g) Permit revocation upon permanent abandonment of storage facility. The underground porosity gas storage facility operating permit shall be revoked by the conservation division upon the completion of the requirements of the abandonment and decommissioning schedule and the delivery to the conservation division of final shut-in pressure data for each gas storage well plugged.

(h) Penalties.

(1) The failure to comply with subsection (a) or (b) of this regulation shall be punishable by a \$100 penalty per occurrence.

(2) The failure to file a notice of temporary abandonment of an underground porosity gas storage facility in accordance with subsection (e) of this regulation shall be punishable by a \$500 penalty.

(3) The failure to file a notice of permanent abandonment of an underground porosity gas storage facility in accordance with subsection (f) of this regulation shall be punishable by a \$1,000 penalty.

(4) Each day that a violation of this regulation continues may be considered a separate violation. The penalties specified in this subsection may be increased by the commission if it finds that aggravating factors exist.

This regulation shall be effective on and after October 29, 2002. (Authorized by and implementing K.S.A. 55-152, K.S.A. 2001 Supp. 55-162, 55-164, 55-1,115, and 74-623; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002.)

82-3-1012. Assessment of costs for underground porosity gas storage facilities and gas storage wells. (a)

Annual well fee. An annual fee of \$240 shall be assessed for each active or inactive unplugged gas storage well located within the boundary of any underground porosity gas storage facility. The total annual well fee assessment shall be based on the number of the operator's gas storage wells in existence on the first day of November each year. The operator of the storage facility shall remit the total fee based on this well count in a single check to the conservation division on or before the last day of January each year.

(b) Application fees. The following fee or fees shall be submitted with each of the following applications:

(1)(A) For a provisional storage facility operating permit application filed according to K.A.R. 82-3-1002, each applicant shall submit a fee of \$2,000. In addition, for each gas storage well included in this permit application, the applicant shall submit a fee of \$50.

(B) For any application to amend a provisional storage facility operating permit issued according to K.A.R. 82-3-1002, each applicant shall submit a fee of \$250.

(2)(A) For a fully authorized storage facility operating permit application filed according to K.A.R. 82-3-1003, each applicant shall submit a fee of \$2,500. In addition, for each gas storage well included in this permit application, the applicant shall submit a fee of \$75.

(B) For any application to amend a fully authorized storage facility operating permit issued according to K.A.R. 82-3-1003, each applicant shall submit a fee of \$250.

(c) Fees nonrefundable. Each fee shall be nonrefundable.

(continued)

This regulation shall be effective on and after October 29, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 55-1,115 and 74-623; effective, T-82-6-27-02, July 1, 2002; effective Oct. 29, 2002.)

Jeffrey S. Wagaman
Executive Director

Doc. No. 028492

State of Kansas

Board of Nursing

Permanent Administrative Regulations

Article 3.—REQUIREMENTS FOR LICENSURE AND STANDARDS OF PRACTICE

60-3-110. Unprofessional conduct. Any of the following shall constitute "unprofessional conduct": (a) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed;

(b) assuming duties and responsibilities within the practice of nursing without making or obtaining adequate preparation or maintaining competency;

(c) failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient;

(d) inaccurately recording, falsifying, or altering any record of a patient or agency or of the board;

(e) physical abuse, which shall be defined as any act or failure to act performed intentionally or carelessly that causes or is likely to cause harm to a patient. This term may include any of the following:

(1) The unreasonable use of any physical restraint, isolation, or medication that harms or is likely to harm a patient;

(2) the unreasonable use of any physical or chemical restraint, medication, or isolation as punishment, for convenience, in conflict with a physician's order or a policy and procedure of the facility or a state statute or regulation, or as a substitute for treatment, unless the use of the restraint, medication, or isolation is in furtherance of the health and safety of the patient;

(3) any threat, menacing conduct, or other nontherapeutic or inappropriate action that results in or might reasonably be expected to result in a patient's unnecessary fear or emotional or mental distress; or

(4) failure or omission to provide any goods or services that are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm;

(f) commission of any act of sexual abuse, sexual misconduct, or sexual exploitation related to the licensee's practice;

(g) verbal abuse, which shall be defined as any word or phrase spoken inappropriately to or in the presence of a patient that results in or might reasonably be expected to result in the patient's unnecessary fear, emotional distress, or mental distress;

(h) delegating any activity that requires the unique skill and substantial specialized knowledge derived from the biological, physical, and behavioral sciences and judgment of the nurse to an unlicensed individual in violation

of the Kansas nurse practice act or to the detriment of patient safety;

(i) assigning the practice of nursing to a licensed individual in violation of the Kansas nurse practice act or to the detriment of patient safety;

(j) violating the confidentiality of information or knowledge concerning any patient;

(k) willfully or negligently failing to take appropriate action to safeguard a patient or the public from incompetent practice performed by a registered professional nurse or a licensed practical nurse. "Appropriate action" may include reporting to the board of nursing;

(l) leaving an assignment that has been accepted, without notifying the appropriate authority and allowing reasonable time for replacement;

(m) engaging in conduct related to licensed nursing practice that is likely to deceive, defraud, or harm the public;

(n) diverting drugs, supplies, or property of any patient or agency;

(o) exploitation, which shall be defined as misappropriating a patient's property or taking unfair advantage of a patient's physical or financial resources for the licensee's or another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false pretense, or false representation;

(p) solicitation of professional patronage through the use of fraudulent or false advertisements, or profiting by the acts of those representing themselves to be agents of the licensee;

(q) advertising nursing superiority or advertising the performance of nursing services in a superior manner;

(r) failing to comply with any disciplinary order of the board;

(s) failing to complete the requirements of the impaired provider program of the board;

(t) failing to furnish the board, its investigators, or its representatives with any information legally requested by the board;

(u) engaging in nursing practice while using a false or assumed name or while impersonating another person licensed by the board;

(v) practicing without a license or while the license has lapsed;

(w) allowing another person to use the licensee's license to practice nursing; or

(x) knowingly aiding or abetting another in any act that is a violation of any healthcare licensing act. (Authorized by K.S.A. 65-1129; implementing K.S.A. 2001 Supp. 65-1120; effective May 1, 1982; amended Sept. 27, 1993; amended Sept. 6, 1994; amended Oct. 25, 2002.)

60-3-112. Exempt license. (a) An exempt license shall be granted only to a registered professional or practical nurse who meets these requirements:

(1) Is not regularly engaged in nursing practice in Kansas, but volunteers nursing services or is a charitable health care provider as defined by K.S.A. 75-6102 and amendments thereto; and

(2)(A) Has been licensed in Kansas for the five years previous to applying for an exempt license; or

(B) has been licensed in another jurisdiction for the five years previous to applying for an exempt license and meets all requirements for endorsement into Kansas.

(b) The expiration date of the exempt license shall be in accordance with K.A.R. 60-3-107.

(c) Each application for renewal of an exempt license shall be submitted upon a form furnished by the board and shall be accompanied by the fee in accordance with K.A.R. 60-4-101. (Authorized by and implementing K.S.A. 2001 Supp. 65-1115 and K.S.A. 2001 Supp. 65-1116; effective April 3, 1998; amended Oct. 25, 2002.)

Article 9.—CONTINUING EDUCATION FOR NURSES

60-9-105. Definitions. (a) "Approval" means the act of determining that a providership application or course offering meets applicable standards based on review of either the total program or the individual offering.

(b) "Approved provider" means a person, organization, or institution that is approved by the board and is responsible for the development, administration, and evaluation of the continuing nursing education (CNE) program or offering.

(c) "Authorship" means a person's development of a manuscript for print or a professional paper for presentation. Each page of text, formatted according to the American psychological association's guidelines, shall equal three contact hours.

(1) Authorship of a manuscript means a person's development of an original manuscript for a journal article or text accepted by a publisher for statewide or national distribution on a subject related to nursing or health care. Proof of acceptance from the editor or the published work shall be deemed verification of this type of credit. Credit shall be awarded only once per topic per renewal period.

(2) Authorship of a professional research paper means a person's completion of a nursing research project as principal investigator, co-investigator, or project director and presentation to other health professionals. A program brochure, course syllabus, or letter from the offering provider identifying the person as a presenter shall be deemed verification of this type of credit. Credit shall be awarded only once.

(d) "Behavioral objectives" means the intended outcome of instruction stated as measurable learner behaviors.

(e) "Certificate" means a document that is proof of completion of one or more contact hours.

(f) "Clinical hours" means planned learning experiences in a clinical setting. Three clinical hours equal one contact hour.

(g) "College course" means a class taken through a college or university and meeting the definition of CNE in K.S.A. 65-1117 and amendments thereto. One college credit hour equals 15 contact hours.

(h) "Computer-based instruction" means a learning application that provides computer control to solve an instructional problem or to facilitate an instructional opportunity.

(i) "Contact hour" means 50 minutes of participation in a learning experience that meets the definition of CNE in K.S.A. 65-1117, and amendments thereto.

(j) "Distance learning" means the acquisition of knowledge and skills through information and instruction, encompassing a variety of technologies.

(k) "Independent study" means a self-paced learning activity undertaken by the participant in an unstructured setting under the guidance of and monitored by an approved provider. This term may include self-study programs, distance learning, and authorship.

(l) "Individual offering approval (IOA)" means a request for approval of an education offering meeting the definition of CNE but not presented by an approved provider or other acceptable approving body.

(m) "In-service education" and "on-the-job training" mean learning activities in the work setting designed to assist the individual in fulfilling job responsibilities. In-service education and on-the-job-training shall not be eligible for CNE credit.

(n) "Offering" means a single CNE learning experience designed to enhance knowledge, skills, and attitudes related to nursing. Each offering shall consist of at least one contact hour.

(o) "Orientation" means formal or informal instruction designed to acquaint employees with the institution and the position. Orientation shall not be considered CNE.

(p) "Program" means an organized effort to achieve overall CNE goals.

(q) "Refresher course" means a course of study providing review of basic preparation and current developments in nursing practice.

(r) "Total program evaluation" means a systematic process by which an approved provider analyzes outcomes of the overall continuing nursing education program in order to make subsequent decisions. (Authorized by K.S.A. 2001 Supp. 65-4203; implementing K.S.A. 2001 Supp. 65-1117, K.S.A. 2001 Supp. 65-1119, and K.S.A. 2001 Supp. 65-4205; effective Sept. 2, 1991; amended March 9, 1992; amended April 26, 1993; amended April 3, 1998; amended April 20, 2001; amended Oct. 25, 2002.)

60-9-107. Approval of continuing nursing education. (a) Offerings of approved providers shall be recognized by the board.

(1) Long-term provider. A completed application for initial approval or five-year renewal for a long-term continuing nursing education (CNE) providership shall be submitted to the board at least 60 days before a scheduled board meeting.

(2) Single offering provider. The application for a single CNE offering shall be submitted to the board at least 30 days before the anticipated date of the first offering.

(b) Each applicant shall include the following information on the application:

(1)(A) The name and address of the organization; and
(B) the name and address of the department or unit within the organization responsible for approving CNE, if different from the name and address of the organization;

(2) the name, education, and experience of the program coordinator responsible for CNE as specified in subsection (c);

(continued)

(3) written policies and procedures, including at least the following areas:

(A) Assessing the need and planning for CNE activities;

(B) fee assessment;

(C) advertisements or offering announcements. Published information shall contain the following statement: “(name of provider) is approved as a provider of continuing nursing education by the Kansas State Board of Nursing. This course offering is approved for contact hours applicable for RN, LPN, or LMHT relicensure. Kansas State Board of Nursing provider number: _____”;

(D) for long-term providers, the offering approval process as specified in subsection (d);

(E) awarding contact hours, as specified in subsection (e);

(F) verifying participation and successful completion of the offering, as specified in subsections (f) and (g);

(G) recordkeeping and record storage, as specified in subsection (h);

(H) notice of change of coordinator or required policies and procedures. The program coordinator shall notify the board in writing of any change of the individual responsible for the providership or required policies and procedures within 30 days; and

(I) for long-term providers, a copy of the total program evaluation plan; and

(4) the proposed continuing nursing education offering, as specified in subsection (i).

(c) Program coordinator requirements.

(1) Long-term provider. The individual responsible for CNE shall meet these requirements:

(A) Be a licensed professional nurse;

(B) have three years of clinical experience;

(C) have one year of experience in developing and implementing nursing education; and

(D) have a baccalaureate degree, except those individuals exempted under K.S.A. 65-1119(e)(6), and amendments thereto.

(2) Single offering provider. If the offering coordinator is not a nurse, the applicant shall also include the name, education, and experience of the nurse consultant. The individual responsible for CNE or the nurse consultant shall meet these requirements:

(A) Be licensed to practice nursing; and

(B) have three years of clinical experience.

(d) For long-term providers, the policies and procedures for the offering approval process shall include the following:

(1) A summary of the planning;

(2) the behavioral objectives;

(3) the content, which shall meet the definition of CNE in K.S.A. 65-1117, and amendments thereto;

(4) the instructor's education and experience, documenting knowledge and expertise in the content area;

(5) a current bibliography that is reflective of the offering content. The bibliography shall include books published within the past 10 years, periodicals published within the past five years, or both; and

(6) an offering evaluation that includes each participant's assessment of the following:

(A) The achievement of each objective; and

(B) the expertise of each individual presenter.

(e) An approved provider may award any of the following:

(1) Contact hours as documented on an offering agenda for the actual time attended, including partial credit for one or more contact hours;

(2) credit for fractions of hours over one contact hour;

(3) instructor credit, which shall be two contact hours for each hour of first-time preparation and presentation of an approved offering, excluding any standardized, prepared curriculum;

(4) independent study credit that is based on the time required to complete the offering, as documented by the provider's pilot test results; or

(5) clinical hours.

(f) Documentation requirements.

(1) Each provider shall maintain documentation to verify that each participant attended the offering. The provider shall require each participant to sign a daily roster, which shall contain the following information:

(A) The provider's name, address, provider number, and coordinator;

(B) the date and title of the offering, and the presenter or presenters; and

(C) the participant's name and license number, and the number of contact hours awarded.

(2) Each provider shall maintain documentation to verify completion of each independent study offering, if applicable. To verify completion of an independent study offering, the provider shall maintain documentation that includes the following:

(A) The provider's name, address, provider number, and coordinator;

(B) the participant's name and license number, and the number of contact hours awarded;

(C) the title of the offering;

(D) the date on which the offering was completed; and

(E) either the completion of a posttest or a return demonstration.

(g) Certificates.

(1) A certificate of attendance shall be awarded to each participant after completion of an offering.

(2) Each certificate shall be complete before distribution to the participant.

(3) Each certificate shall contain the following information:

(A) The provider's name, address, and provider number;

(B) the title of the offering;

(C) the date or dates of attendance or completion;

(D) the number of contact hours awarded and, if applicable, the designation of any independent study or instructor contact hours awarded;

(E) the signature of the individual responsible for the providership; and

(F) the name and license number of the participant.

(h)(1) For each offering, the approved provider shall retain the following for two years:

(A) A summary of the planning;

(B) a copy of the offering announcement or brochure;

(C) the title and objectives;

(D) the offering agenda or, for independent study, pilot test results;

(E) a bibliography;

(F) a summary of the participant's evaluations;

(G) each instructor's education and experience; and

(H) documentation to verify completion of the offering, as specified in subsection (f).

(2) The record storage system used shall ensure confidentiality and easy retrieval of records by authorized individuals.

(3) Each approved single offering CNE provider shall submit to the board the original signature roster and a typed, alphabetized roster of individuals who have completed an offering, within 15 working days of course completion.

(i)(1) Long-term provider application. The provider shall submit two proposed offerings, including the following:

(A) A summary of planning;

(B) a copy of the offering announcement or brochure;

(C) the title and behavioral objectives;

(D) the offering agenda or, for independent study, pilot test results;

(E) each instructor's education and experience;

(F) a current bibliography, as specified in paragraph (d)(5); and

(G) the offering evaluation form.

(2) Single offering provider application. The provider shall submit the proposed offering, which shall include the information specified in paragraphs (i)(1)(A) through (G).

(j) Approval process.

(1) Long-term provider application. Each prospective coordinator who has submitted an application for a long-term CNE providership that has been reviewed once and found deficient, or has approval pending, shall submit all materials required by this regulation at least two weeks before the next board meeting. If the application does not meet all of the requirements or the prospective coordinator does not contact the board for an extension on or before this deadline, the application process shall be considered abandoned. A new application and fee shall be submitted if a providership is still desired.

(2) Single offering approval application. If the application for a single offering has been reviewed and found deficient, or has approval pending, the CNE coordinator shall submit all materials required by this regulation before the date of offering. If the application does not meet requirements before the offering deadline, the application shall be considered abandoned. There shall be no retroactive approval of single offerings.

(k) Long-term provider annual report.

(1) Each approved long-term provider shall pay a fee for the upcoming year and submit an annual report for the period of July 1 through June 30 of the previous year on or before the deadline designated by the board. The annual report shall contain the following:

(A) An evaluation of all the components of the providership based on the total program evaluation plan;

(B) a statistical summary report; and

(C) for each of the first two years of the providership, a copy of the records for one offering as specified in paragraphs (h)(1)(A) through (H).

(2) If approved for the first time after January 1, a new long-term provider shall submit only the statistical summary report and shall not be required to submit the annual fee or evaluation based on the total program evaluation plan.

(l) Relinquished or withdrawn providerships.

(1) If the long-term provider does not renew the providership, the provider shall notify the board in writing of the location at which the offering records will be accessible to the board for two years.

(2) If a provider does not continue to meet the criteria for current approval established by regulation or if there is a material misrepresentation of any fact with the information submitted to the board by an approved provider, approval may be withdrawn or conditions relating to the providership may be applied by the board after giving the approved provider notice and an opportunity to be heard. These proceedings shall be conducted in accordance with provisions of the Kansas administrative procedures act.

(3) Any approved provider that has voluntarily relinquished the providership or has had the providership withdrawn by the board may reapply as a long-term provider. The application shall be submitted on forms supplied by the board and accompanied by the designated, nonrefundable fees as specified in K.A.R. 60-4-103(a)(3). (Authorized by and implementing K.S.A. 2001 Supp. 65-1117 and K.S.A. 2001 Supp. 65-1119; effective March 9, 1992; amended Sept. 27, 1993; amended April 3, 1998; amended Oct. 25, 2002.)

Article 11.—ADVANCED REGISTERED NURSE PRACTITIONERS

60-11-121. Exempt certificate. (a) An exempt certificate shall be granted only to an advanced registered nurse practitioner who meets these requirements:

(1) Is not regularly engaged in advanced registered nurse practice in Kansas, but volunteers advanced practice registered nurse services or is a charitable health care provider as defined by K.S.A. 75-6102 and amendments thereto; and

(2)(A) Has been certified in Kansas for the five years previous to applying for an exempt certificate; or

(B) has been licensed, authorized, or certified in another jurisdiction for the five years previous to applying for an exempt license and meets all requirements for endorsement into Kansas.

(b) The expiration date of the exempt certificate shall be in accordance with K.A.R. 60-3-107.

(c) Each application for renewal of an exempt certificate shall be submitted upon a form furnished by the board and shall be accompanied by the fee in accordance with K.A.R. 60-11-119. (Authorized by and implementing K.S.A. 2001 Supp. 65-1131; effective April 3, 1998; amended Oct. 25, 2002.)

Mary Blubaugh, MSN, RN
Executive Administrator

Doc. No. 028489

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2000 Volumes and 2002 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-31	Amended	V. 21, p. 767
1-2-42	Amended	V. 21, p. 767
1-2-42a	Amended	V. 21, p. 767
1-2-48	Revoked	V. 21, p. 767
1-5-22	Amended	V. 21, p. 767
1-5-29	Amended	V. 21, p. 767
1-6-3	Amended	V. 21, p. 767
1-6-21	Amended	V. 21, p. 768
1-6-26a	New	V. 21, p. 768
1-9-4	Amended	V. 21, p. 768
1-9-5	Amended	V. 21, p. 769
1-11-1	Amended	V. 21, p. 770
1-14-12a	Revoked	V. 21, p. 770
1-16-18	Amended	V. 21, p. 146

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-1-17	Amended (T)	V. 21, p. 1174
4-13-9	Amended (T)	V. 21, p. 1174
4-13-20		
through		
4-13-24	Amended (T)	V. 21, p. 1174, 1175
4-13-33	Amended (T)	V. 21, p. 1175
4-14-1	Revoked	V. 21, p. 1705
4-14-2	Revoked	V. 21, p. 1705
4-14-3	Revoked	V. 21, p. 1705
4-15-1	Revoked	V. 21, p. 1705
4-15-2	Revoked	V. 21, p. 1705
4-15-3	Revoked	V. 21, p. 1705
4-15-4		
through		
4-15-14	New	V. 21, p. 1705-1708
4-18-1	Revoked	V. 21, p. 1708
4-19-1	Amended (T)	V. 21, p. 1175
4-25-2		
through		
4-25-18	New	V. 21, p. 232-235

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-3-26	Amended (T)	V. 21, p. 1131
5-3-26	Amended	V. 21, p. 1704
5-15-1		
through		
5-15-4	New (T)	V. 21, p. 690-692
5-15-1		
through		
5-15-4	New	V. 21, p. 1307-1309
5-16-1		
through		
5-16-7	New	V. 21, p. 1667-1669

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-23-13	Amended	V. 21, p. 1056
7-37-2	Amended	V. 21, p. 1056

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-7-19	New	V. 21, p. 265

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-12-1	Amended	V. 21, p. 454
10-13-1	Amended	V. 21, p. 454
10-20-2a	New	V. 21, p. 454
10-21-1		
through		
10-21-6	Amended	V. 21, p. 454-456

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-1-6	Amended	V. 21, p. 1318
11-1-7	Amended	V. 21, p. 1318
11-1-8	Amended	V. 21, p. 1318
11-1-9		
through		
11-1-14	New	V. 21, p. 1319-1321
11-2-4		
through		
11-2-6	Revoked	V. 21, p. 1321
11-5-1		
through		
11-5-4	Revoked	V. 21, p. 1321
11-7-6	Amended	V. 21, p. 1321
11-7-7	Amended	V. 21, p. 1321
11-7-12		
through		
11-7-15	Amended	V. 21, p. 1322, 1323
11-7-16	New	V. 21, p. 1323
11-9-2	Amended	V. 21, p. 1323
11-9-5	Amended	V. 21, p. 1323
11-9-10	Amended	V. 21, p. 1323
11-10-1		
through		
11-10-6	New	V. 21, p. 1323-1324

AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-13-14	New	V. 21, p. 1054
14-13-15	New	V. 21, p. 1055

AGENCY 17: STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-24-3	New	V. 21, p. 212

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-24-1		
through		
22-24-18	New	V. 21, p. 147-150

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT (By Department of Agriculture)

Reg. No.	Action	Register
25-1-3		
through		
25-1-6	Revoked	V. 21, p. 235, 236
25-1-12	Revoked	V. 21, p. 236
25-1-15	Revoked	V. 21, p. 236
25-1-19		
through		
25-1-28	Revoked	V. 21, p. 236
25-2-4	Revoked	V. 21, p. 236
25-3-2		
through		
25-3-6	Revoked	V. 21, p. 236
25-3-8	Revoked	V. 21, p. 236
25-3-10		
through		
25-3-13	Revoked	V. 21, p. 236
25-3-15	Revoked	V. 21, p. 236
25-3-16	Revoked	V. 21, p. 236
25-3-17	Revoked	V. 21, p. 236
25-4-4	Revoked	V. 21, p. 236
25-5-1	Revoked	V. 21, p. 236

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-1-1	Amended	V. 21, p. 743
26-1-4	Revoked	V. 21, p. 745
26-1-5	Amended	V. 21, p. 745

26-2-4	Amended	V. 21, p. 745
26-3-2	Revoked	V. 21, p. 745
26-5-1	Revoked	V. 21, p. 745
26-5-6	Amended	V. 21, p. 745
26-8-1	Amended (T)	V. 21, p. 1222
26-8-2	Amended (T)	V. 21, p. 1172
26-8-3	Revoked (T)	V. 21, p. 1173
26-8-5	Amended (T)	V. 21, p. 1173
26-8-6	Revoked (T)	V. 21, p. 1173
26-8-7	Amended (T)	V. 21, p. 1173
26-8-8	Amended (T)	V. 21, p. 1173
26-8-9	Revoked (T)	V. 21, p. 1173
26-8-12	Revoked (T)	V. 21, p. 1173
26-8-13	Revoked (T)	V. 21, p. 1173
26-8-14	Revoked (T)	V. 21, p. 1173
26-8-15	New (T)	V. 21, p. 1173
26-11-1	New	V. 21, p. 1405
26-11-2	New	V. 21, p. 1405
26-11-3	New	V. 21, p. 1405

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-18	Amended (T)	V. 21, p. 1405
28-4-269	Amended (T)	V. 21, p. 497
28-4-269	Amended	V. 21, p. 1167
28-4-331	Amended (T)	V. 21, p. 498
28-4-331	Amended	V. 21, p. 1168
28-4-351	Amended (T)	V. 21, p. 500
28-4-351	Amended	V. 21, p. 1170
28-4-576		
through		
28-4-596	New (T)	V. 21, p. 597-616
28-17-6	Amended (T)	V. 21, p. 1171
28-17-6	Amended	V. 21, p. 1704
28-19-75	Revoked	V. 21, p. 1325
28-19-564	Amended	V. 21, p. 1581
28-19-714	New	V. 21, p. 1325
28-29-18	Revoked	V. 21, p. 310
28-29-29	Amended	V. 21, p. 310
28-29-2201	New	V. 21, p. 310
28-31-1	Amended	V. 21, p. 1511
28-31-2	Amended	V. 21, p. 1512
28-31-3	Amended	V. 21, p. 1512
28-31-4	Amended	V. 21, p. 1512
28-31-6	Amended	V. 21, p. 1517
28-31-8	Amended	V. 21, p. 1518
28-31-8b	Amended	V. 21, p. 1519
28-31-9	Amended	V. 21, p. 1519
28-31-10	Amended	V. 21, p. 1519
28-31-10a	Amended	V. 21, p. 1520
28-31-11	Revoked	V. 21, p. 1520
28-31-14	Amended	V. 21, p. 1520
28-31-15	Amended	V. 21, p. 1520
28-31-16	Amended	V. 21, p. 1520
28-55-3	Amended	V. 21, p. 311
28-55-5	Amended	V. 21, p. 311

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-90	Amended	V. 21, p. 1005
30-5-101	Revoked	V. 21, p. 1007
30-5-300	Amended	V. 21, p. 1007
30-6-88	New	V. 21, p. 1010
30-6-94	Amended	V. 21, p. 506
30-6-103	Amended	V. 21, p. 1010
30-6-107	Amended	V. 21, p. 1011
30-6-109	Amended	V. 21, p. 1011
30-6-112	Amended	V. 21, p. 1013
30-10-1a	Amended	V. 21, p. 506
30-10-2	Amended	V. 21, p. 508
30-10-6	Amended	V. 21, p. 1014
30-10-7	Amended	V. 21, p. 509
30-10-11	Amended	V. 21, p. 1015
30-10-15a	Amended	V. 21, p. 1017
30-10-15b	Amended	V. 21, p. 1018
30-10-17	Amended	V. 21, p. 1019
30-10-18	Amended	V. 21, p. 1020
30-10-19	Amended	V. 21, p. 1023
30-10-21	Amended	V. 21, p. 1024
30-10-23a	Amended	V. 21, p. 1024
30-10-24	Amended	V. 21, p. 1025
30-10-25	Amended	V. 21, p. 1026
30-10-27	Amended	V. 21, p. 1027

68-9-1 Amended V. 21, p. 308

AGENCY 82: STATE CORPORATION COMMISSION

Table with columns: Reg. No., Action, Register. Rows include 82-3-105, 82-3-113, 82-3-114, 82-3-117, 82-3-120, 82-3-311, 82-3-312, 82-3-400, 82-3-401, 82-3-401a, 82-3-401b, 82-3-402, 82-3-410, 82-3-411, 82-3-412, 82-3-1000, 82-3-1012, 82-4-22, 82-4-22.

AGENCY 88: BOARD OF REGENTS

Table with columns: Reg. No., Action, Register. Rows include 88-5-1, 88-5-4, 88-6-1, 88-6-2, 88-6-3, 88-16-1a, 88-16-1a, 88-16-1b, 88-16-1b, 88-24-1, 88-24-2.

AGENCY 91: DEPARTMENT OF EDUCATION

Table with columns: Reg. No., Action, Register. Rows include 91-1-146a, 91-1-146e, 91-1-205, 91-1-206, 91-1-215, 91-1-219, (By Board of Regents), 91-10-1a, 91-10-2.

AGENCY 92: DEPARTMENT OF REVENUE

Table with columns: Reg. No., Action, Register. Rows include 92-1-1, 92-1-2, 92-1-3, 92-5-4, 92-5-5, 92-5-10, 92-5-11, 92-5-12, 92-5-13, 92-8-20, 92-9-1, 92-9-3, 92-9-4, 92-9-5, 92-9-7, 92-11-1, 92-11-16, 92-12-4, 92-12-11, 92-12-29, 92-12-47, 92-12-56, 92-12-58, 92-12-67.

92-12-68 Revoked V. 21, p. 587
92-12-105 Amended V. 21, p. 587
92-12-106 Amended V. 21, p. 587

Table with columns: Reg. No., Action, Register. Rows include 92-12a-1 through 92-12a-23, 92-14-4, 92-14-9, 92-15-3, 92-15-4, 92-15-8, 92-17-1, 92-17-6, 92-18-1, 92-18-7, 92-19-2, 92-19-2a, 92-19-6, 92-19-6a, 92-19-35a, 92-19-55, 92-19-55a, 92-19-61, 92-19-61a, 92-19-82, 92-20-11, 92-22-4, 92-22-19, 92-22-22, 92-22-23, 92-22-24, 92-22-25, 92-22-33, 92-22-34, 92-23-10, 92-23-15, 92-23-16, 92-23-17, 92-23-23, 92-23-25, 92-23-30, 92-23-31, 92-23-38, 92-23-38a, 92-23-40, 92-24-9, 92-24-15, 92-24-18, 92-24-22, 92-24-24, 92-56-1, 92-56-5.

AGENCY 94: BOARD OF TAX APPEALS

Table with columns: Reg. No., Action, Register. Rows include 94-2-1, 94-2-18, 94-2-19, 94-2-20, 94-3-1, 94-3-2, 94-4-1, 94-4-2.

AGENCY 100: BOARD OF HEALING ARTS

Table with columns: Reg. No., Action, Register. Rows include 100-11-1, 100-27-1, 100-49-4.

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Table with columns: Reg. No., Action, Register. Rows include 102-2-3, 102-2-4b, 102-3-3a, 102-3-4a, 102-3-6a.

102-3-12a Amended V. 21, p. 1134
102-3-17 New V. 21, p. 1137

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Table with columns: Reg. No., Action, Register. Rows include 108-1-2, 108-1-4.

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Table with columns: Reg. No., Action, Register. Rows include 109-5-1, 109-6-3.

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.

Table with columns: Reg. No., Action, Register. Rows include 111-2-4, 111-2-119, 111-2-124, 111-2-120, 111-2-124, 111-2-125, 111-2-126, 111-2-127, 111-2-128, 111-2-129, 111-2-130, 111-2-131, 111-2-132, 111-2-133, 111-2-134, 111-2-135, 111-2-136, 111-2-137, 111-2-138, 111-2-139, 111-2-140, 111-3-12, 111-3-35, 111-4-1448, 111-4-1795, 111-4-1813, 111-4-1801, 111-4-1803, 111-4-1805a, 111-4-1814, 111-4-1823, 111-4-1818, 111-4-1824, 111-4-1825, 111-4-1839, 111-4-1828, 111-4-1832, 111-4-1840, 111-4-1844, 111-4-1845, 111-4-1850, 111-4-1849, 111-4-1851, 111-4-1852, 111-4-1853, 111-4-1854, 111-4-1870, 111-4-1864, 111-4-1866, 111-4-1867, 111-4-1869, 111-4-1871, 111-4-1872, 111-4-1873, 111-4-1874, 111-4-1877.

111-4-1877	Amended	V. 20, p. 1902	111-5-83	Amended	V. 21, p. 1529	111-9-117	New	V. 21, p. 1533
111-4-1878			111-5-92			AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS		
through			111-5-98	New	V. 21, p. 1339-1341	Reg. No.	Action	Register
111-4-1885	New	V. 20, p. 1902-1906	111-5-96	Amended	V. 21, p. 1530	115-2-1	Amended	V. 21, p. 1557
111-4-1886			111-5-97	Amended	V. 21, p. 1531	115-2-2	Amended	V. 21, p. 1558
through			111-6-5	Amended	V. 21, p. 1531	115-2-3	Amended	V. 21, p. 1558
111-4-1889	New	V. 21, p. 183-185	111-7-119			115-2-6	Amended	V. 21, p. 451
111-4-1890			through			115-4-4	Amended	V. 21, p. 452
111-4-1893	New	V. 21, p. 591-593	111-7-127	Amended	V. 21, p. 594-597	115-5-1	Amended	V. 21, p. 1137
111-4-1894			111-7-123	Amended	V. 21, p. 1531	115-5-2	Amended	V. 21, p. 1138
through			111-7-126	Amended	V. 21, p. 1532	115-5-3	Amended	V. 21, p. 1138
111-4-1900	New	V. 21, p. 649-655	111-7-134	Amended	V. 20, p. 429	115-7-1	Amended	V. 21, p. 1558
111-4-1894	Amended	V. 21, p. 1276	111-7-152	Amended	V. 20, p. 49	115-7-2	Amended	V. 21, p. 1559
111-4-1901			111-7-158			115-7-7	New	V. 21, p. 1559
through			through			115-9-4	Amended	V. 21, p. 177
111-4-1921	New	V. 21, p. 692-702	111-7-162	New	V. 20, p. 577	115-11-1	Amended	V. 21, p. 177
111-4-1910	Amended	V. 21, p. 747	111-7-159	Amended	V. 20, p. 1101	115-11-2	Amended	V. 21, p. 177
111-4-1911	Amended	V. 21, p. 747	111-7-162	Amended	V. 20, p. 944	115-13-3	Amended	V. 21, p. 1560
111-4-1913	Amended	V. 21, p. 748	111-7-163			115-13-4	Amended	V. 21, p. 1560
111-4-1922	New	V. 21, p. 748	through			115-16-5	New	V. 21, p. 1138
111-4-1923	New	V. 21, p. 749	111-7-170	New	V. 20, p. 1101-1103	115-16-6	New	V. 21, p. 1139
111-4-1924			111-7-165	Amended	V. 20, p. 1194	115-17-11	Amended	V. 21, p. 1561
through			111-7-171			115-17-12	Amended	V. 21, p. 1562
111-4-1932	New	V. 21, p. 1329-1337	through			115-17-13	Amended	V. 21, p. 1562
111-4-1929	Amended	V. 21, p. 1522	111-7-175	New	V. 20, p. 1782, 1783	115-18-7	Amended	V. 21, p. 453
111-4-1933			111-7-176			115-18-13	Amended	V. 21, p. 1562
through			through			115-18-14	Amended	V. 21, p. 1563
111-4-1938	New	V. 21, p. 1523-1526	111-7-180	New	V. 21, p. 656, 657	AGENCY 117: REAL ESTATE APPRAISAL BOARD		
111-5-23	Amended	V. 20, p. 428	111-7-181	New	V. 21, p. 1563	Reg. No.	Action	Register
111-5-24	Amended	V. 20, p. 428	111-8-101			117-6-1	Amended	V. 21, p. 658
111-5-27	Amended	V. 20, p. 429	through			117-8-1	Amended	V. 21, p. 659
111-5-28	Amended	V. 21, p. 1528	111-8-126	New	V. 20, p. 1573-1579	AGENCY 118: STATE HISTORICAL SOCIETY		
111-5-30	Amended	V. 21, p. 1529	111-9-111	New	V. 20, p. 1406	Reg. No.	Action	Register
111-5-78	Amended	V. 21, p. 751	111-9-112	Amended	V. 20, p. 1579	118-5-1		
111-5-79			111-9-113	Amended	V. 21, p. 186	through		
through			111-9-114	New	V. 21, p. 657	118-5-10	New	V. 21, p. 1205-1208
111-5-91	New	V. 21, p. 1278-1281	111-9-115	New	V. 21, p. 702			
111-5-82	Amended	V. 21, p. 1529	111-9-116	New	V. 21, p. 703			