

# Kansas Register

Ron Thornburgh, Secretary of State

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## State of Kansas

## Department of Transportation

## Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) fiscal years 2003-2005 by adding the following projects:

**Project C-3857-01**—Preliminary engineering for a noise study, 1.3 miles north of Rose Hill from county route 71 to the Butler-Sedgwick county line.

**Project K-9243-01**—Construction of a roundabout intersection at the north junction of U.S. 59 and U.S. 169, 1.3 miles south of Garnett in Anderson County.

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (785) 296-7916, fax (785) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude May 19.

Deb Miller  
Secretary of Transportation

Doc. No. 029210

## State of Kansas

## State Corporation Commission

## Notice of Motor Carrier Tariff Filing/Rate Increase

The following motor carrier(s) have filed with the commission a tariff /rate increase, which will be approved and filed by the State Corporation Commission and shall become effective 30 days from date of this publication, unless a written protest is received by the commission not later than 12 days before that date. To file such a protest or to obtain a full copy of the filed tariff/rate increase, contact the State Corporation Commission, Motor Carrier Division, 1500 S.W. Arrowhead Road, Topeka, 66604, (785) 271-3151.

Requests to inspect and copy the notices provided to the parties and questions in regard to these tariffs should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. For general inquiries, contact Dale Moore at (785) 271-3151. To lodge an official complaint, submit your protest in writing, supported by relevant facts, to Mike Hoeme, Director of Transportation, at the address above within 18 days of the publication of this notice.

## Application for Rate Increase:

Elite Limousine, L.L.C., 1537 S.W. Village Drive, Topeka, KS 66604; MC ID No. 159567

Mike J. Hoeme, Director  
Transportation Division

Doc. No. 029224

## State of Kansas

Kansas Public Employees  
Retirement System

## Request for Proposals

The Kansas Public Employees Retirement System is conducting a search for an investment firm providing core real estate asset and portfolio management services. Candidate firms must manage at least \$500 million in assets dedicated as core real estate.

Details regarding the assignment are available via the RFP document. To obtain a copy of the RFP, please visit [www.kpers.com](http://www.kpers.com). The deadline for returning completed questionnaires is April 28. All related questions should be in writing and directed to Robert Schau, Real Estate Investment Officer, Kansas Public Employees Retirement System, 611 S. Kansas Ave., Suite 100, Topeka, 66603-3803, (785) 296-1018, fax (785) 296-1489, e-mail: [rschau@kpers.org](mailto:rschau@kpers.org).

Glenn Deck  
Executive Director

Doc. No. 029174

## State of Kansas

Department of Administration  
Division of Facilities ManagementNotice of Commencement of  
Negotiations for Engineering Services

Notice is hereby given of the commencement of negotiations for engineering services for the main air handler replacement at the Butcher Building at Emporia State University. The project will include the replacement of the three main air handlers (7,315 cfm., 4,640 cfm. and 24,500 cfm.) with new units. Four existing exhaust fans also will be replaced and new controls installed. The estimated construction cost is \$180,000.

For information regarding the scope of services, contact Mark Runge, Director of Facility Planning, Emporia State University, (620) 341-5331.

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. May 2.

Stuart D. Lighty  
Director, Division of  
Facilities Management

Doc. No. 029203

## State of Kansas

**Department of Administration  
Division of Facilities Management**

**Notice of Commencement of  
Negotiations for Architectural Services**

Notice is hereby given of the commencement of negotiations for "on-call" architectural services for the Kansas Main Street Program administered by the Kansas Department of Commerce and Housing.

For information regarding the scope of services, contact Jeanne Stinson, State Coordinator, Kansas Main Street Program, (785) 296-3485.

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. May 2.

Stuart D. Leighty  
Director, Division of  
Facilities Management

Doc. No. 029204

## State of Kansas

**State Corporation Commission**

**Notice of Motor Carrier Applications**

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

Requests to inspect and copy the notices provided to the parties and questions in regard to these applications should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. For general inquiries, contact Vickie Berg at (785) 271-3225. To lodge an official complaint, submit your protest in writing, supported by relevant facts, to Mike Hoeme, Director of Transportation, at the address above within 10 days of the date of publication of this notice.

**Applications for Certificate of Public Service:**

**BCK Transport LLC**, Route 1, Box 31, Grenola, KS 67346; MC ID 260210; General commodities (except household goods and hazardous materials)

**Shane K. Brown, dba Shane's Tank Service**, 917 Paul, Russell, KS 67665; MC ID No. 160065; Salt water and tank bottom sediment

**Bulldog Tow L.L.C.**, 837 W. 22nd St., Lawrence, KS 66046; MC ID No. 160074; Wrecked, disabled, repossessed and replacement vehicles

**D & D Express, L.L.C.**, 14541 E. 75th St. South, Derby, KS 67037; MC ID No. 160067; Vernon Just, Attorney; General commodities (except household goods and hazardous materials)

**Donald L. and Janice Goetz, dba Donja Farms**, Route 1, Box 12, Park, KS 67751; MC ID No. 160064; William Barker, At-

torney; General commodities (except household goods and hazardous materials)

**Gunther Oil Transport, LLC**, 604 Church, Scott City, KS 67871; MC ID No. 160077; William Barker, Attorney; General commodities (except household goods and explosives)

**Carlos Heredia, dba Heredia Trucking**, 807 Burnside Drive, Garden City, KS 67846; MC ID No. 160060; General commodities (except household goods and hazardous materials)

**K.C. and D. Enterprises, L.L.C.**, 902 California, Osage City, KS 66523; MC ID No. 160076; General commodities (except household goods and hazardous materials)

**Kent Stones, Inc.**, Route 1, Box 92, Lebanon, KS 66952; MC ID No. 151675; General commodities (except household goods and hazardous materials)

**Kramer Trucking, Inc.**, 3810 S. 183rd St. West, Goddard, KS 67052; MC ID No. 160070; Paul Dugan, Attorney; General commodities (except household goods and hazardous materials)

**L & L Hauling LLC**, 2196 N. 600 Road, Eudora, KS 66025; MC ID No. 162575; General commodities (except household goods and hazardous materials)

**Less Trucking, Inc.**, 700 S. Daily, Mount Hope, KS 67108; MC ID No. 160063; William Barker, Attorney; General commodities (except household goods and hazardous materials)

**Mirage Trucking L.L.C.**, 715 N. Main St., Sharon Springs, KS 67758; MC ID No. 260205; General commodities (except household goods and hazardous materials)

**Paulsen Farms, Inc.**, 619 N. Main, Stafford, KS 67578; MC ID No. 160078; William Barker, Attorney; General commodities (except household goods and hazardous materials)

**Smith Bureau of Investigative Services, L.L.C., dba S.B.I. Services**, 526 S. Front St., Russell, KS 67665; MC ID No. 160071; Wrecked, disabled, repossessed and replacement vehicles

**Trinity Trucking, Inc.**, 23810 W. 85th St. North, Mount Hope, KS 67108; MC ID No. 160062; William Barker, Attorney; General commodities (except household goods and hazardous materials)

**Truck Transport, Inc.**, 2280 Cassens Drive, Fenton, MO 63026; MC ID No. 160072; General commodities (except household goods and hazardous materials)

**Michael E. Williams, dba Mike's Towing**, 14724 E. 111th St. South, Mulvane, KS 67110; MC ID No. 160066; Wrecked, disabled, repossessed and replacement vehicles

**Michael E. Yoho, dba Yoho Trucking**, 136 Hwy. 39, Savonburg, KS 66772; MC ID No. 160068; General commodities (except household goods and hazardous materials)

**Applications for Transfer of Certificate of Public Service:**

**Bill Bowman, dba Bowman Trucking**, 730 S.W. 80th St., El Dorado, KS 67010, MC ID No. 159359, to: Bowman Trucking, LLC, 730 S.W. 80th St., El Dorado, KS 67042; Michael Coash, Attorney; General commodities (except household goods and hazardous materials)

**Loren D. Haresnape, dba Haresnape Trucking**, 301 N. Park St., Smith Center, KS 66967, MC ID No. 153902, to: Haresnape Trucking, L.L.C., 301 N. Park St., Smith Center, KS 66967; General commodities (except household goods and hazardous materials)

**Application for Extension of Certificate of Public Service:**

**Charles Burns**, 18301 E. Highway 50, Cimarron, KS 67835; MC ID No. 130747; General commodities (except household goods and hazardous materials)

Mike J. Hoeme, Director  
Transportation Division

Doc. No. 029222



## State of Kansas

## Department of Transportation

## Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms in the area of Intelligent Transportation Systems (ITS). Firms will perform ITS-related work in the areas of research, planning, design, deployment, integration, management and operations on an as-needed basis, according to guidelines provided by KDOT's Bureau of Transportation Planning, ITS Unit. Two or three firms will be selected for this work.

A response may be submitted by e-mail at Neil@ksdot.org, or seven signed copies of the response can be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages. Responses must be received in Room 1084-West by 5 p.m. May 14 for the consulting engineering firm to be considered.

The Consultant Selection Committee will select a list of the most highly-qualified firms and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short-listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct discussions with the firms invited to the individual interview conferences. The committee will select the firms to perform the professional services required for completing the advertised project. After the selection of the firms, the remaining firms will be notified by letter of the outcome.

Examples of project areas that KDOT will assign to the ITS on-call consultant are as follows:

- Kansas City Scout Project Expansions
- Commercial Vehicle Operations ITS/CVISN
- ITS Communications
- Statewide ITS Operations and Management
- Advanced Traveler Information Systems
- Statewide Traffic Operations Center Early Deployment Study
- Transit ITS
- Maintenance Fleet ITS
- ITS Software Integration
- Work Zone/Special Event Management
- Project Architecture
- ITS Research

Details on KDOT's ITS program can be found on the Internet at <http://kdot1.ksdot.org/public/kdot/burtransport/burovr/intransy.html>.

It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

- Size and professional qualifications.
- Experience of staff.

- Location of firm with respect to proposed project.
- Work load of firm.
- Firm's performance record.

Deb Miller  
Secretary of Transportation

Doc. No. 029202

## State of Kansas

## Behavioral Sciences Regulatory Board

Notice of Hearing on Proposed  
Administrative Regulations

The Behavioral Sciences Regulatory Board will conduct a public hearing from 9 to 11 a.m. Wednesday, June 18, in the board conference room at 712 S. Kansas Ave., Topeka, to consider adopting proposed amendments to a permanent rule and regulation for professional counseling.

This 60-day notice of the public hearing constitutes a public comment period for purposes of receiving written public comments on the proposed amendments. All interested parties may submit written comments prior to the hearing to Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, 712 S. Kansas Ave., Topeka, 66603-3817. All interested parties will be given a reasonable opportunity to present their views orally at the hearing. In order to give all parties an opportunity to present their views, 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 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 Phyllis Gilmore at (785) 296-3240 or the Kansas Relay Center at 1-800-766-3777. There is designated accessible parking on Kansas Avenue, and the front entrance to the board office also is accessible.

A copy of the full text of the regulation and the economic impact statement may be reviewed or obtained at the board office or from the board's Web site at [www.ksbsrb.org](http://www.ksbsrb.org). The following is a summary of the proposed amendment and economic statement. The board does not have a less costly or less intrusive method for achieving the stated purpose of the regulation.

**K.A.R. 102-3-3a** contains the educational requirements for professional counselor licensure. The changes are clarifications primarily related to the completion of 15 graduate credit hours supporting diagnosis and treatment of mental disorders.

**Economic Impact:** There would be no economic impact to the Kansas Behavioral Sciences Regulatory Board. There would be no economic impact to other governmental agencies. Out-of-state applicants could be required to take college credit hours at an out-of-state tuition fee.

Phyllis Gilmore  
Executive Director

Doc. No. 029200

## State of Kansas

## Natural Resources Legacy Alliance

## Notice of Meeting

The Kansas Natural Resources Legacy Alliance will meet at noon Monday, April 28, in Suite 530, Curtis State Office Building, 1000 S.W. Jackson, Topeka. All meetings are open to the public. If special accommodations are needed, individuals should contact the State Conservation Commission at (785) 296-3600 at least three days prior to the meeting.

Tracy Streeter  
Executive Director  
State Conservation Commission

Doc. No. 029176

## State of Kansas

Department of Administration  
Division of Purchases

## Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated:

04/28/2003	06086	Digital Simulators for Breath Testing
04/29/2003	06077	Rental of Agricultural Tractors
04/29/2003	06094	Photographic (35mm) Camera Equipment
05/06/2003	06082	Tires and Tubes
05/14/2003	06078	Printing of 2004 Undergraduate Viewbook

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

<http://da.state.ks.us/purch/rfq/>

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

<http://da.state.ks.us/purch/adds/default/htm>

The following bid documents may be obtained by calling (785) 296-8899:

04/29/2003	A-9554R	McMindes Hall Renovations
05/01/2003	A-9145(E)	Asbestos Abatement (Corrections)
05/06/2003	A-9518	Roof Replacement—Staff Res. & Activity Therapy
05/06/2003	A-9519	Replace Floor Covering—Various Buildings
05/06/2003	A-9558	Storm Water Drainage Improvements
05/06/2003	A-9618	NTS Battery Backup System—Phase II & III
05/08/2003	A-9589(B)	Electrical Service & Distribution Replacement, Phase II

Stuart Leighty  
Director of Purchases

Doc. No. 029229

## State of Kansas

## State Corporation Commission

## Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. May 6 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

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

Attention should be directed to Kansas Administrative Regulation 82-1-228, rules of practice and procedure before the commission.

## Applications for Certificate of Convenience and Necessity:

Vassiea Bradberry, dba Afterschool Activity Express (AAE), 1533 S.W. Tyler, #2, Topeka, KS 66612; MC ID No. 160061; Passengers

Father & Son Moving & Storage of Kansas City, Missouri, Inc., 1924-30 Linn St., North Kansas City, MO 64116; MC ID No. 160075; Joseph Weiler, Attorney; Household goods

## Applications for Abandonment of Certificate of Public Service:

Advanced Plastic Coating Services, Inc., 1407 Corporate Drive, Parsons, KS 67357; MC ID No. 157186

Farmers Repair, Inc., 10137 N.W. Indianola Road, Whitewater, KS 67154; MC ID No. 154117

Tiffin D. Fritz, dba Hounddog Express, 118 Hillview, Burlington, KS 66839; MC ID No. 159876

Joseph L. Getman and Jackson L. Getman, dba Getman Brothers Trucking & Farming, 1383 S.W. 90th St., Columbus, KS 66725; MC ID No. 161417

Scott Herlinger, dba Salon Scot T. Style, 713 Oregon St., Hiawatha, KS 66434; MC ID No. 159733;

James R. Rice III, dba Great Plains Towing, 4204 S.W. Windsor Court, Topeka, KS 66604; MC ID No. 136044

Ross A. Spohn, dba Ag. Lines Trucking, 211 Washington St., Scott City, KS 67871; MC ID No. 157419

Lester M. Stieben and Norman W. Stieben, dba Stieben Service and Garage, Kansas Hwy. 4 & Main, Otis, KS 67565; MC ID No. 106636

Syracuse Motor Lines, Inc., Road 13, Syracuse, KS 67878; MC ID No. 153500

The Golden Belt Cooperative Association, Inc., 10th & Monroe, Ellis, KS 67637; MC ID No. 115057

Donalee Wilson, dba Wilson Truck Line, 501 Main St., Wilsonville, NE 69046; MC ID No. 100649

Wittwer Transportation Services, Inc., 3919 S. West St., Wichita, KS 67217; MC ID No. 150076

Mike J. Hoeme, Director  
Transportation Division

Doc. No. 029223

## State of Kansas

## Wichita State University

## Request for Proposals

Sealed proposals for the following projects will be received by the Office of Purchasing, Room 021, Morrison Hall, 1845 Fairmount, Wichita, 67260-0012, until 2 p.m. on the date indicated and then will be publicly opened:

Friday, May 2, 2003

## Request for Proposal Number 030149

Provide and Install a New Mezzanine and Inplant Modification in the Aging Aircraft Research Laboratory (Interested bidders may call (316) 978-3784 for additional information)

Friday, May 2, 2003

## Request for Proposal Number 030150-4

Provide and Install Hydraulic Hard-line in Composites Laboratory (Interested bidders may call (316) 978-3784 for additional information)

Wednesday, May 14, 2003

## Request for Proposal Number 030118-2

Two-Handed Force-Feedback System for Virtual Reality Lab (Interested bidders may call (316) 978-3782 for additional information)

Margaret A. Haddock  
Interim Director of Purchasing

Doc. No. 029201

## State of Kansas

Department of Administration  
Division of Personnel ServicesNotice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, June 17, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a proposed rule and regulation of the Department of Administration, Division of Personnel Services, on a permanent basis.

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 rule and regulation. All interested parties may submit written comments prior to the hearing to the Secretary of Administration, 1000 S.W. Jackson, Suite 500, Topeka, 66612, or via e-mail to [Kraig.Knowlton@da.state.ks.us](mailto:Kraig.Knowlton@da.state.ks.us). 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 request that each participant 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 im-

pact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Faith Loretto at (785) 296-6000 or TTY (785) 296-4798. The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the south end of building, across the street from the north entrance to the building, and on Ninth Street just around the corner from the north entrance.

A summary of the proposed regulation and its economic impact follows.

**K.A.R. 1-6-23. Reemployment.** This regulation is being amended on a permanent basis to implement the Kansas Employee Preference Program as directed by Governor's Executive Order 03-07. The amendments took effect on a temporary basis April 1, 2003. Individuals who received a written notice of layoff on or after July 1, 2002, are eligible for the Kansas Employee Preference Program, if their most recent performance rating before their layoff notice was satisfactory or better and they were not suspended or demoted for disciplinary reasons within the 12 months preceding the date they received their layoff notice. Each individual who meets these requirements is eligible for the program for a period of 12 consecutive months from the effective date of the individual's layoff or the effective date of this regulation, whichever date is later. Eligibility for the preference expires if the individual is appointed to a classified or unclassified, benefits-eligible position during the 12-month period the person is eligible. If an eligible individual has not been reemployed at the end of the 12-month period, he or she will be placed in the reemployment pool as currently provided in K.A.R. 1-6-23(a).

Eligible individuals may exercise the preference on any announced vacancy for a classified, benefits-eligible position that is at the same pay grade or lower than the pay grade of the position from which they were laid off or are scheduled to be laid off. The position must be one for which a notice of vacancy is posted and includes those positions for which notice is otherwise limited to current employees of the agency. When an eligible individual applies for a position that meets these criteria and the individual meets the minimum requirements for the position, the appointing authority of the agency in which the vacancy exists must schedule an interview with the individual. If the individual feels that he or she is not suitable for the position or is not interested in the position following the interview, the individual may decline the position without losing eligibility for the preference. Likewise, if an appointing authority determines from the interview process that the individual could not successfully manage the duties and responsibilities of the position, the appointing authority may submit written documentation to the Director of Personnel Services. If the director concurs, the director will confirm that determination in writing, and the appointing authority shall not be required to offer the position to that individual.

If only one individual eligible for the preference has applied for the position and expresses interest in the position, and if the appointing authority believes that the

(continued)

individual can successfully manage the duties and responsibilities of the position, the individual shall be offered the position. If the individual declines the offer, the agency can then consider other applicants not exercising the preference. The proposed amendments also provide procedures to be followed if more than one individual eligible for the preference applies for the same job.

Since the beginning of fiscal year 2003, just over 200 positions have been designated for layoff statewide. Since there is no way to estimate how many employees will be laid off or scheduled to be laid off in the future or how many vacancies will be posted by agencies after the effective date of this regulation, there is no way to estimate how many additional employees and positions would be affected by this program. There will be no specific economic impact on the Department of Administration since agencies will be responsible for notifying their employees of their rights under this program. The Division of Personnel Services will track and maintain records of this program using current staff and at no additional cost. It is not anticipated that state agencies will experience any measurable economic impact as a result of this program.

Any agency hiring an individual exercising the preference that chooses to hire the individual at the same rate of pay that the individual received before being laid off may notice an economic impact because this rate of pay may be higher than what the agency would have paid a new employee. In addition, an individual exercising the preference will start work with a sick leave balance, whereas a new employee would not. However, any economic impact is really no more than the agency could incur if the agency filled its vacant position with any current state employee. There may be an adverse economic impact on applicants for classified positions who are not eligible for the preference since they will not be considered for any vacancy for which an eligible individual exercises the preference. This will affect the applicants from the general public as well as current state employees who have not been laid off.

However, this program will have a very positive effect on current state employees who are affected by layoffs. The State of Kansas has a significant investment in many of these employees, and this program will allow the state to retain its investment in its workforce as well as recognize the service and contributions of these employees. This program will provide an effective means for these employees to regain or retain employment with the state and will demonstrate the commitment of the State of Kansas to its workforce.

Copies of the proposed regulation and the associated economic impact statement may be obtained from the Division of Personnel Services, Room 901-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1251, (785) 296-4278, or by accessing the following Web site: <http://da.state.ks.us/ps/documents/regs/proposed.htm>.

Howard R. Fricke  
Secretary of Administration

Doc. No. 029195

## State of Kansas

### Department of Corrections

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, June 17, in the Department of Corrections' main conference room, fourth floor, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed permanent amendments to the following Kansas Department of Corrections administrative regulations: K.A.R. 44-6-115a, 44-12-1002 and 44-13-201b.

This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed amendments. All interested parties may submit written comments prior to the hearing to Linden G. Appel, Chief Legal Counsel, Kansas Department of Corrections, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1284. All interested parties will be given a reasonable opportunity at the hearing to present their views orally on the adoption of the proposed amendments. In order to give all parties an opportunity to express their views, it may be necessary to request each participant to limit 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 amendments 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 Linden Appel at (785) 296-4508, TDD (785) 296-8157, or fax (785) 296-0014. Handicapped parking is located at the south end of Landon State Office Building, and the north entrance to the building, which is the public access entrance, is accessible to individuals with disabilities.

The amendments are proposed for adoption on a permanent basis. A summary of the proposed amendments and their economic impact follows.

**K.A.R. 44-6-115a. Awarding and withholding good time credits for incarcerated offenders.** It is proposed to amend this regulation in conjunction with a proposed amendment of K.A.R. 44-13-201b, summary judgment procedure, as set forth below. Amendment of the latter regulation would permit all Class II inmate disciplinary offenses to be eligible for discretionary disposition through the issuance of summary judgment citations, rather than formal disciplinary reports leading to a full disciplinary hearing with all attendant due process rights provided. Currently, under the instant regulation, Class III summary judgment dispositions are not considered to be the equivalent of a guilty finding for purposes of applying mandatory withholding of a percentage of good time credits to be awarded during the program review period in which the disciplinary offense occurred. It is now proposed to amend the regulation to extend the same treatment to Class II offenses disposed of under the summary judgment procedure. Convictions of Class I offenses, which are not subject to summary judgment disposition, would remain subject to mandatory withholding of good time credits.

Uniform treatment of inmates and increased ease of administration for unit team counselors, facility records office staff and other department staff involved in award of good time credits and attendant sentence computation are the purposes of the proposed amendment.

A slightly favorable economic impact upon the operations of the department is anticipated as a result of adoption of the amendment described above, through lessened mandatory withholding of good time credits, resulting in earlier releases. Only costs that reflect immediately relatively small reductions in inmate population numbers will be affected.

**K.A.R. 44-12-1002. Violation of published internal management policies and procedures or of published orders.** This regulation is amended by recognition and inclusion within its scope of the department-wide policies promulgated by the Secretary of Corrections, known as "internal management policies and procedures," or "IMPP's," that are not formal rules and regulations, but nonetheless have legally binding effect upon offenders under the jurisdiction and supervision of the secretary. Its purpose is to provide a general enforcement mechanism for such policies and procedures as they relate to inmates of the department's correctional facilities; and to simultaneously recognize that the secretary has authority to prescribe sanctions for their violation apart from those sanctions set forth in Article 12, Chapter 44 of the Kansas Administrative Regulations.

No appreciable economic impact upon the operations of the department is anticipated as a result of adoption of the amendment described above. Any impact realized would only be favorable due to the resulting increase in efficiency and decrease in delay in implementing future policy changes.

**K.A.R. 44-13-201b. Summary judgment procedure.** It is proposed to amend this regulation in a number of regards. First, its scope is now expanded to include all Class II offenses as offenses eligible for treatment under its provisions, rather than all Class III and only selected Class II offenses, as is the case under the current version of the regulation. Secondly, it is now required that all summary judgment citations be notarized, rather than leaving that matter optional with the reporting officer. Thirdly, the current prohibition of confiscation and seizure of evidence of violations except in case of perishable items is deleted in favor of disposition in accordance with another department regulation governing disposition of contraband items. Finally, the last sentence of the regulation, relating to the effective date of its last amendment, is stricken.

The respective purposes of those amendments are: (1) to increase efficiency in processing less-serious infractions of the inmate behavior code by reducing the number of inmate disciplinary hearings necessary; (2) to assure that any summary judgment citation will be duly sworn and thereby carry the legal force and effect of an affidavit in the event of future litigation as well as consideration by department staff, the Kansas Parole Board or other administrative bodies or agencies in collateral proceedings; (3) to clarify policy and resolve confusion among department staff as to authority to invoke ordinary department policy, in the form of K.A.R. 44-5-111, disposi-

tion of contraband, to guide disposition of evidence of violations of disciplinary rules that are processed under the summary judgment procedure; and (4) to update the regulation.

No appreciable economic impact upon the operations of the department is anticipated as a result of adoption of the amendments described above. Any impact realized would only be favorable, due to the resulting increase in efficiency in processing less-serious disciplinary violations through decrease in amount of staff time devoted to the inmate disciplinary hearing process.

A complete copy of the proposed amendments of existing regulations, and complete economic impact statements, may be obtained by contacting Linden G. Appel at the address and phone numbers listed above between 8 a.m. and 5 p.m. Monday through Friday.

Roger K. Werholtz  
Secretary of Corrections

Doc. No. 029205

State of Kansas

## Office of the Governor

### Notice of Available Grant Funding

Grant funds are available from the Federal Family Violence Prevention and Services Act (FVPSA) pursuant to Title III, Public Law 98-457, as amended by the Violence Crime Control and Law Enforcement Act of 1994, Public Law 103-322, for fiscal year 2004. FVPSA grant funds will be distributed to local not-for-profit private organizations for programs and grant projects within the state to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents in order to prevent future incidents.

Not less than 70 percent of the funds distributed shall be used for immediate shelter and related assistance to victims of family violence and their dependents, and not less than 25 percent of the funds distributed shall be used to provide prevention/awareness services. Special emphasis will be given to support community-based grant projects of demonstrated effectiveness carried out by not-for-profit private organizations, whose primary purpose of which is to operate shelters for victims of family violence and their dependents and to provide counseling, advocacy and self-help services to domestic violence victims and their children.

Federal Family Violence Prevention and Services Act grant applications may be obtained by contacting the Office of the Governor's Federal Grants Program, Room 252-E, State Capitol, 300 S.W. 10th Ave., Topeka, 66612-1590, (785) 291-3205.

All grant applications are to be postmarked by May 5. No applications will be accepted after that date.

Juliene A. Maska  
Federal Grants Program Administrator

Doc. No. 029199

## State of Kansas

## Legislature

## Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced April 3-4 by the 2003 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at [www.kslegislature.org](http://www.kslegislature.org).

## House Bills

**HB 2467**, An act concerning adult care homes; transferring certain licensure and other powers, duties and functions from the department of health and environment to the department on aging; amending K.S.A. 39-924, 39-925, 39-926, 39-930, 39-938, 39-940, 39-944, 39-945, 39-946, 39-947, 39-948, 39-950, 39-951, 39-952, 39-953a, 39-954, 39-958, 39-961, 39-963, 39-965, 39-969, 39-1404, 39-1405, 39-1406, 39-1409 and 39-1411 and K.S.A. 2002 Supp. 32-906, 39-923, 39-936 and 39-1402 and repealing the existing sections, by Committee on Appropriations.

**HB 2468**, An act concerning the school district finance and quality performance act; relating to certain general state aid payments; amending K.S.A. 72-6417 and repealing the existing section, by Committee on Appropriations.

**HB 2469**, An act concerning postsecondary education; relating to tuition waivers for foster care children; amending K.S.A. 74-32,151 and 74-32,161 and repealing the existing sections, by Representative Landwehr.

## House Resolutions

**HR 6023**, A resolution congratulating and commending the Hays High School "We the People" team.

**HR 6024**, A resolution urging nonattendance at the International Turnpike Authority Convention in Paris, France.

## Senate Bills

**SB 282**, An act concerning adult care homes; transferring certain licensure and other powers, duties and functions from the department of health and environment to the department on aging; amending K.S.A. 39-924, 39-925, 39-926, 39-930, 39-938, 39-940, 39-944, 39-945, 39-946, 39-947, 39-948, 39-950, 39-951, 39-952, 39-953a, 39-954, 39-958, 39-961, 39-963, 39-965, 39-969, 39-1404, 39-1405, 39-1406, 39-1409 and 39-1411 and K.S.A. 2002 Supp. 32-906, 39-923, 39-936 and 39-1402 and repealing the existing sections, by Committee on Ways and Means.

**SB 283**, An act concerning lotteries; authorizing electronic gaming machines and other lottery games at certain locations; amending K.S.A. 74-8702, 74-8705, 74-8710, 74-8711 and 74-8723 and K.S.A. 2002 Supp. 19-101a and 79-4805 and repealing the existing sections, by Committee on Ways and Means.

## Senate Resolutions

**SR 1841**, A resolution congratulating and commending the 2003 Kansas Master Teachers.

**SR 1842**, A resolution establishing a long-range revenue structure planning group to review tax and revenue structure.

**SR 1843**, A resolution recognizing Emporia veterans and honoring Veterans Day.

**SR 1844**, A resolution congratulating Curtis R. McClinton, Sr. upon his 90th birthday.

**SR 1845**, A resolution congratulating and commending Joe Schrag.

**SR 1846**, A resolution recognizing the centennial anniversary of the commemoration of Constitution Hall-Topeka, presented July 4, 1903, by the Topeka Chapter of the Daughters of the American Revolution and dedicated by Miss Zu Adams, who was the daughter of Franklin G. Adams, the first executive secretary of Kansas State Historical Society, and its long-time employee.

**SR 1847**, A resolution congratulating and commending the Bethany College mens basketball team and Coach R. Clair Oleen.

**SR 1848**, A resolution congratulating and commending the Bethany College womens basketball team and Coach Trent May.

**SR 1849**, A resolution congratulating and commending Daniel James Wilson upon becoming an Eagle Scout.

**SR 1850**, A resolution congratulating and commending John G. Porter upon becoming an Eagle Scout.

**SR 1851**, A resolution congratulating and commending the Hays High School "We the People" team.

**SR 1852**, A resolution congratulating and commending Ringneck Ranch.

**SR 1853**, A resolution congratulating and commending the Hays Kiwanis Club upon its 50th anniversary.

**SR 1854**, A resolution congratulating and commending Kansas Alpha Chapter of Sigma Alpha Epsilon Fraternity.

Doc. No. 029170

## State of Kansas

## Attorney General

## Opinion 2003-1

**State Departments; Public Officers and Employees—Information Technology—KAN-ED; Purpose of Act; Purposes for Which Network Not a Provider; Faxing.** Senator Karin Brownlee, 23rd District, Olathe, January 6, 2003.

Until such time as the Kansas Board of Regents adopts regulations stating otherwise, communications, materials and information related to distance learning may be faxed through the KAN-ED network. Cited herein: K.S.A. 2001 Supp. 75-7221; 75-7223; 75-7224; 47 U.S.C.A. § 227. RDS

## Opinion 2003-2

**Cities and Municipalities—Buildings, Structures and Grounds—Transportation Development District Act; Constitutionality.** Gary A. Anderson, Bond Counsel for City of Manhattan, Wichita, January 6, 2003.

The portions of the Transportation Development District Act that create a transportation district and impose an excise tax for the purpose of financing transportation infrastructure improvements are constitutionally valid and would survive an Equal Protection Clause challenge. The special assessment references and sections of the legislation may be severed and the remainder of the bill will remain valid as drafted. Cited herein: L. 2002, Ch. 105, §§ 3, 4, 6, 7, 8, 10. NLU

## Opinion 2003-3

**Schools—Boards of Education in Cities of First and Second Classes—Powers and Duties of Board; Cities of the First Class; Publication; Name, Position and Salary of Superintendent and Department Heads.** Richard R. Yoxall, Counsel, Unified School District No. 480, Liberal, February 18, 2003.

A board of education of a unified school district is obligated under K.S.A. 72-1623 to publish the names, positions and salaries of the superintendent and department heads of the school district. The obligation is independent of any duty to provide public information pursuant to the Kansas Open Records Act. Cited herein: K.S.A. 12-16,102; 45-215; 45-216; 45-217; 45-218; 45-219; 72-1623; 72-6734; 72-8202e; 72-8205; K.S.A. 2001 Supp. 77-201, as amended by L. 2002, Ch. 114, § 79; K.S.A. 72-1611 (repealed); L. 1990, Ch. 73, § 1; L. 1957, Ch. 385, § 1; L. 1951, Ch. 395, §§ 25, 37. RDS



## Opinion 2003-4

**Counties and County Officers—County Attorney—Absence or Disability of County Attorney; Appointment of Attorney or District/County Attorney from Another Judicial District.**

**District Officers and Employees—District Attorneys—Absence or Disability of District Attorney; Appointment of Attorney or District/County Attorney from Another Judicial District.** Michael J. Malone, District Judge, Douglas County District Court, Lawrence, February 18, 2003.

A court may appoint a special prosecutor when a district attorney's office is ethically disqualified from prosecuting a matter. If an attorney employed by another county or district attorney's office accepts the appointment, K.S.A. 19-705 does not preclude acceptance of a fee for services rendered. Any such fees shall be paid by the county. Cited herein: K.S.A. 19-702, 19-703, 19-705, 19-711, 20-348, 22a-104, 22a-106; K.S.A. 2001 Supp. 22a-107; K.S.A. 28-175. MF

## Opinion 2003-5

**State Departments; Public Officers and Employees—Department of Administration; Division of the Budget—Governor's Budget Report; Contents; Whether Ending Balance Requirement of K.S.A. 75-6702 Applies to Budget Plan for Current Fiscal Year.** Senator Karin Brownlee, 23rd District, Olathe, February 27, 2003.

K.S.A. 75-3721 and 75-6702 require recognition of a 7% ending balance in the governor's budget report only in the portion dealing with the ensuing fiscal year; there is no requirement in these statutes that the portion of the governor's report dealing with the current fiscal year maintain a 7% ending balance. Cited herein: K.S.A. 75-3721; 75-6702. JLM

## Opinion 2003-6

**Automobiles and Other Vehicles—Uniform Act Regulating Traffic; Equipment of Vehicle Lamps and Other Lighting Equipment—Lights and Signals; Restrictions; Exceptions for Certain Vehicles Including School, Church and Day Care Buses; "Ground Effect" or "Auto Neon" Lights.** Allyson Christman, Legal Counsel, Kansas Highway Patrol, Topeka, February 27, 2003.

It is our opinion that K.S.A. 8-1729(b) prohibits the highway use of any lights on a motor vehicle that display any color other than white or amber showing from directly in front of the center of the vehicle. In the proper circumstances, this may include neon or ground lights on a vehicle. Cited herein: K.S.A. 8-1720; 8-1722; 8-1723; 8-1729; 8-1730. TMN

## Opinion 2003-7

**State Institutions and Agencies; Historical Property—State Educational Institutions; Management and Operations—Administration of State Educational Institutions.** Representative Tom Sloan, 45th District, Lawrence, March 7, 2003.

Neither Kansas statutes nor Board of Regents regulations or policies require the Board of Regents or the chief

executive officer of regents institutions to seek legislative approval or to notify the Legislature should a sale of publicly owned intangible property, such as a public radio station, be contemplated or consummated. Cited herein: K.S.A. 76-725. CN

## Opinion 2003-8

**Bonds and Warrants—Cash-Basis Law—Cash Basis for Municipalities; Creating Indebtedness in Excess of Funds Unlawful; Community College; President; Employment Contract; Roll-Over Provision.**

**Schools—Community Colleges—Organization, Powers and Finances of Boards of Trustees—Boards of Trustees; Powers and Duties; President or Chief Administrative Officer; Employment Contract; Roll-Over Provision; Cash-Basis Law.** Representative Jerry D. Williams, 8th District, Chanute, March 7, 2003.

The Board of Trustees for Neosho County Community College is authorized under K.S.A. 2002 Supp. 71-201 to include in an employment contract with a person who is to serve as President of the College a provision that the term of employment is three years and that at the expiration of each year of service during that term, the Board may take action such that the term of employment continues to be three years. Such an employment contract does not violate the cash basis law provided Neosho County Community College does not incur an indebtedness or obligation to compensate the President for services until the end of the payroll period for which the work was done, and funds necessary to cover the compensation due the President are available at that time. Cited herein: K.S.A. 10-1101; K.S.A. 2002 Supp. 71-201; K.S.A. 71-701; 72-8202b. RDS

## Opinion 2003-9

**Counties and County Officers—Law Enforcement in Certain Counties—Law Enforcement System Board; Membership; Terms; Elections; Vacancies.**

**Counties and County Officers—General Provisions—Home Rule Power; Limitations, Restrictions and Prohibitions; Procedure.** Kevin N. Berens, Cheyenne County Attorney, St. Francis, March 7, 2003.

The 1974 Consolidated Law Enforcement Act (Act) does not apply uniformly to all counties. Therefore, a county may charter out of K.S.A. 19-4471, which governs the size and qualifications of the county law enforcement system board. However, because Cheyenne County is subject to the election provisions of K.S.A. 19-4471, it cannot create more than two elected positions on the board. Cited herein: K.S.A. 2002 Supp. 19-101a; K.S.A. 19-101b; 19-4468, 19-4470, 19-4471, 19-4481, 19-4482, 19-4483; Kan. Const., Art. 12, § 5. MF

Phill Kline  
Attorney General

Doc. No. 029171

## State of Kansas

## Governmental Ethics Commission

## Opinion No. 2003-06

Written March 20, 2003, to Adrian J. Polansky, Secretary of Agriculture, Topeka.

This opinion is in response to your letter of February 24, 2003, in which you request an advisory opinion from the Kansas Governmental Ethics Commission concerning the application of the governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

**Factual Statement**

We understand you request this opinion in your capacity as the Secretary of Agriculture. You have explained that you own Polansky Seed Company and that your agency is responsible for some regulations regarding seed companies. You have made arrangements to re-use yourself from all regulatory functions relating to Polansky Seed Company.

**Question**

May the Kansas Secretary of Agriculture continue to own a company regulated by his agency?

**Opinion**

Several sections of the state conflict of interest laws must be reviewed to answer your question: K.S.A. 46-286, which involves participation in licensure or regulation of a business in which the state employee holds a position, K.S.A. 46-233, which involves participation in the making of contracts, and K.S.A. 46-241, involving the use of confidential information. Each will be addressed in turn.

K.S.A. 46-286 states in pertinent part:

(a) No state officer or employee, in the officer's or employee's official capacity, shall participate directly in the licensure, inspection or administration or enforcement of any regulation of or in any contract with any outside organization with which the officer or employee holds a position.

You have stated that you will not be directly involved in the licensure, inspection or administration or enforcement of any regulation involving the seed company, and, therefore, you will not be in violation of this statute.

K.S.A. 46-233 states in pertinent part:

(a) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest. . . .

(d) Subsections (a) and (b) shall not apply to the following:

(1) Contracts let after competitive bidding has been advertised for by published notice . . .

Pursuant to this statute, you would be prohibited, as a state employee, from being substantially involved in the

preparation of or from participating in the making of a negotiated contract with the seed company.

Finally, K.S.A. 46-241 should be considered. It states:

No state officer or employee shall disclose or use confidential information acquired in the course of his or her official duties in order to further his or her own economic interest or those of any other person.

Therefore, as long as you, in your official capacity, do not participate in the regulation of or the making of a contract with the seed company, or misuse confidential information, you will not be violating the conflict of interest laws.

## Opinion No. 2003-07

Written March 20, 2003, to Robert E. North, Senior Staff Attorney, Department of Administration, Legal Section, Topeka.

This opinion is in response to your letter of March 3, 2003, in which you request an advisory opinion from the Kansas Governmental Ethics Commission concerning the application of the governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

**Factual Statement**

We understand you request this opinion in your capacity as a Senior Staff Attorney with the Department of Administration's Legal Section (Department). You have explained that the Department is considering entering into a contract with a current state employee who plans to retire in the near future. This employee is currently the State Architect and has significant knowledge beneficial to litigation in which the State is involved. The Department intends to enter into a contract with this employee to perform independent consulting work on an hourly basis. You have informed a member of our staff that this employee, in his official capacity, is not involved in the making of this contract.

**Question**

May the Department of Administration enter into a written contract with a current state employee for services to be performed after the employee leaves full-time employment with the State, without violating the state conflict of interest laws?

**Opinion**

In order to fully address this question, K.S.A. 46-233 should be considered. It states in pertinent part:

(a) (1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest. . . .

(2) Except as otherwise provided in this subsection, whenever any individual has participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment



with such person or business as an employee, independent contractor or subcontractor until two years after performance of the contract is completed or until two years after the individual terminates employment as a state officer or employee, whichever is sooner.

While K.S.A. 46-233(a)(2) places some restrictions on a state employee's ability to accept employment after terminating their employment with the State, it does not apply to the situation where a state employee terminates state employment and then wishes to accept employment with the same agency. This is because the employee has not participated in their capacity as a state employee in the making of a negotiated contract with their state agency. They may have been involved in making negotiated contracts for their state agency (acting on the agency's behalf), but not with that agency as an opposite party. It should be noted that an employee of one agency who has been involved in the making of a negotiated contract with another state agency, is prohibited from accepting employment with the second state agency until two years after the performance of the contract is completed or until two years after the individual initially terminates state employment, whichever is sooner. See Commission Opinion 1996-29.

K.S.A. 46-233(a)(1), however, may apply in certain limited situations. Where the employee's job requires them to participate in the making of a negotiated contract for the agency (acting on the agency's behalf) and they intend to hire themselves or somehow accept the contract when they leave state employment, a violation of K.S.A. 46-233(a)(1) would occur.

In the situation you have described, however, the employee would not be involved in negotiating this contract on behalf of the State. Any discussions in which he will be involved will be held in his private capacity as a potential employee, not as a representative of the State. Therefore, so long as he does not participate in his official capacity in the making of this contract, he would not be prohibited from accepting the contract after his retirement.

Daniel Severt  
Chairman

Doc. No. 029168

(Published in the Kansas Register April 17, 2003.)

**Summary Notice of Bond Sale**  
**City of Minneapolis, Kansas**  
**\$300,000**  
**General Obligation Bonds, Series 2003-1**  
**(General obligation bonds payable from**  
**unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated April 8, 2003, written bids will be received by the clerk of the City of Minneapolis, Kansas (the issuer), on behalf of the governing body at 218 N. Rock, Minneapolis, KS 67467, until 5 p.m. May 13, 2003, for the purchase of \$300,000 principal amount of General Obligation Bonds, Series 2003-1. No bid of less than 98.5 percent of the principal amount of

the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 15, 2003, and will become due on May 1 in the years as follows:

Year	Principal Amount
2006	\$75,000
2007	75,000
2008	75,000
2009	75,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning November 1, 2003.

**Book-Entry-Only System**

The bonds will be registered under a book-entry-only system administered through DTC.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$6,000 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about May 28, 2003, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2002 is \$9,707,681. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$1,050,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the clerk, (785) 392-2176, fax (785) 392-2177; or from the financial advisor, Chapman Securities, Inc., 800 E. First St., Suite 400, Wichita, KS 67202, Attention: Dave Warren, (316) 265-3331, fax (316) 265-6178, e-mail: dwarren@teleteam.net.

Dated April 8, 2003.

City of Minneapolis, Kansas

Doc. No. 029221

(Published in the Kansas Register April 17, 2003.)

**Summary Notice of Bond Sale**  
**City of Hillsboro, Kansas**  
**\$400,000**  
**General Obligation Bonds**  
**Series 2003**

(General obligation bonds payable from  
 unlimited ad valorem taxes)

**Details of the Sale**

Subject to the terms and conditions of the complete official notice of bond sale dated as of April 1, 2003, of the City of Hillsboro, Kansas, in connection with the city's General Obligation Bonds, Series 2003, hereinafter described, written bids for the purchase of the bonds shall be received at the office of the city clerk at City Hall, 118 E. Grand, Hillsboro, KS 67063, or by telefacsimile (if accompanied by a timely delivered original executed bid form and the required good faith deposit or evidence of surety bond) at (620) 947-3482, until 4 p.m. Tuesday, May 6, 2003. All bids shall be disclosed publicly and tabulated or compared on said date at 4 p.m. at the Hillsboro City Hall and shall thereafter be immediately considered and acted upon by the city.

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

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city clerk or the city's financial advisor. Bids may be submitted by mail, delivered in person or submitted by telefacsimile at (620) 947-3482, but only if the city or city's financial advisor is in possession of both an original executed bid form and the required good faith deposit or evidence of surety bond. All bids must be received at the place and not later than the date and time hereinbefore specified. Neither the city, its bond counsel, its financial advisor, nor any officer or employee of the city shall be deemed to have any liability whatsoever in connection with the failure of any electronic or telefacsimile equipment or any other occurrence resulting in disqualification or failure by the city to receive a bid. 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 bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

**Details of the Bonds**

The bonds to be sold are in the aggregate principal amount of \$400,000, and shall bear a dated date of May 15, 2003. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of the bonds maturing in any year. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified in even multiples of 1/8th or 1/20th of 1 percent by the successful bidder for the bonds. The difference between

the highest and lowest interest rate shall not exceed 3 percent. Interest on the bonds shall be payable semiannually on April 1 and October 1 of each year, commencing April 1, 2004, and the bonds shall mature serially on October 1 in each of the years and principal amounts as follows:

**Maturity Schedule**

Principal Amount	Maturity Date
\$30,000	2004
35,000	2005
40,000	2006
40,000	2007
40,000	2008
40,000	2009
40,000	2010
45,000	2011
45,000	2012
45,000	2013

**Redemption of Bonds**

Certain of the bonds are subject to optional redemption prior to their maturities as set forth in the official notice of bond sale. (Reference is made to the official notice of bond sale for complete details regarding redemption of the bonds.)

**Payment of Principal and Interest**

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be paid upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

**Book-Entry Option**

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through the Depository Trust Company, New York, New York (DTC).

**Security for the Bonds**

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. The bonds shall be payable as to both the principal of and the interest thereon from ad valorem taxes levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon.

**Delivery of the Bonds**

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about May 28, 2003, at such bank or trust company or other qualified depository in the contiguous United States, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

**Legal Opinion**

The bonds will be sold subject to the legal opinion of Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond coun-

sel's approving legal opinion as to the validity of the bonds will be printed on the bonds and delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

**Financial Matters**

The city's current equalized assessed tangible valuation is as follows:

Assessed Tangible Valuation of Taxable	
Tangible Property	\$12,360,3250
Taxable Value of Motor Vehicles	2,157,727
Assessed Tangible Valuation for Debt	
Limit Computation	<u>\$14,518,052</u>

K.S.A. 10-308 provides that the authorized and outstanding bonded indebtedness of any city shall not exceed 30 percent of the assessed valuation of the city. As of May 15, 2003, the city's gross outstanding debt, including the bonds, will be \$5,280,000. The city's total indebtedness that is subject to debt limitation, as of May 15, 2003, will be \$2,307,639.90, which is 15.89 percent of the assessed valuation of the city.

**Official Statement**

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's financial advisor. The preliminary official statement is in a form "deemed final" by the city for the purpose of Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered by the successful bidder at its expense.

**Continuing Disclosure**

Securities and Exchange Commission Rule 15c2-12 provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

**Additional Information**

For additional information regarding the city, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond sale and the official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below, or from the financial advisor, Jerry

D. Rayl, Gold Capital Management, Inc., 245 N. Waco, Suite 525, Wichita, KS 67202, (316) 265-9411.

City of Hillsboro, Kansas  
 By Janice K. Meisinger  
 City Clerk  
 City Hall, 118 E. Grand  
 Hillsboro, KS 67063  
 (620) 947-3162  
 Fax (620) 947-3482

Doc. No. 029226

(Published in the Kansas Register April 17, 2003.)

**Notice of Redemption  
 to the Owners of**

**City of Newton, Kansas**

**Waterworks System Revenue Bonds, Series 1978  
 CUSIP Number: 653046BT8**

Notice is hereby given that pursuant to the applicable provisions of the governing documents of the above captioned bonds, \$985,000 principal amount of the bonds will be redeemed on May 15, 2003, at the price indicated below, together with interest accrued to May 15, 2003. From and after May 15, 2003, interest on the bonds shall cease to accrue.

The following bonds will be redeemed and paid upon presentation to the offices shown below:

CUSIP Number:	653046BT8, Due November 15, 2007
Redemption Price:	100.00%
Principal Amount of Redemption:	\$985,000
Bond Numbers:	186 through 382

Payments of the bonds called for redemption will be made upon presentation and surrender of said bonds at the location shown below.

Called bonds should be presented as follows:

**By Hand:**

The Bank of New York  
 101 Barclay St.  
 Debt Processing Window  
 New York, NY 10286

**By Mail:**

The Bank of New York  
 P.O. Box 11265  
 New York, NY 10286  
 Attn: Fiscal Agency Department

Withholding of 30 percent of gross redemption proceeds of any payment made within the United States may be required by the Economic Growth and Tax Relief Reconciliation Act of 2001 unless the paying agent has the correct taxpayer identification number (social security or employer identification number) or exemption certificate of the payee. Please furnish a properly completed Form W-9 or exemption certificate or equivalent when presenting your securities.

The issuer and paying agent shall not be responsible for the use of the CUSIP number(s) selected, nor is any representation made as to their correctness indicated in the notice or as printed on any bond. They are included solely for the convenience of the holders.

City of Newton, Kansas

Doc. No. 029225

(Published in the Kansas Register April 17, 2003.)

**Summary Notice of Sale  
City of Lawrence, Kansas**

\$12,045,000\*

**General Obligation Temporary Notes  
Series 2003-I**

\$2,910,000\*

**General Obligation Bonds  
Series 2003-C**

**(General obligations payable from  
unlimited ad valorem taxes)**

**Bonds**

Maturity	Principal Amount*
09/01/03	\$270,000
09/01/04	205,000
09/01/05	210,000
09/01/06	215,000
09/01/07	220,000
09/01/08	230,000
09/01/09	235,000
09/01/10	245,000
09/01/11	255,000
09/01/12	265,000
09/01/13	275,000
09/01/14	285,000

**Bids**

Subject to the notice of sale and preliminary official statement, sealed, facsimile and electronic bids for the purchase of General Obligation Temporary Notes, Series 2003-I, and General Obligation Bonds, Series 2003-C, of the City of Lawrence, Kansas, will be received (1) in the case of sealed bids and facsimile bids, by the city's finance director at the address and facsimile number hereinafter set forth, and (2) in the case of electronic bids, through the *PARITY* electronic bid submission system, until 11 a.m. local time for the notes and until 11:30 a.m. local time for the bonds, on Tuesday, April 29, 2003, at which time such bids will be publicly read. No bid will be considered of (a) less than 99.50 percent of the principal amount of the notes and accrued interest to the date of delivery, and (b) less than 100 percent of the principal amount of the bonds 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. Notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payment 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 May 15, 2003. The notes will become due on June 1, 2004. Notes will bear interest from the dated date at the rate determined when the notes are sold. Interest on the notes will be payable on December 1, 2003, and June 1, 2004. The Lawrence city treasurer will be the paying agent and note registrar for the notes.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payment of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated May 15, 2003, and will become due on the stated maturities as follows, subject to redemption as set forth in the preliminary official statement:

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on March 1 and September 1 in each year, beginning September 1, 2003.

The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and bond registrar for the bonds.

**Redemption Prior to Maturity**

The bonds will be subject to optional redemption prior to maturity as provided in the notice of sale and preliminary official statement.

**Good Faith Deposit**

A good faith deposit is not required for bids on the notes. Each bid for the bonds shall be accompanied by a good faith cashier's or certified check or financial surety bond in the amount of 2 percent of the principal amount of the bonds.

**Delivery**

The city will pay for the preparation of the notes and the bonds. The city will deliver the notes and the bonds in book-entry form only through the facilities of the Depository Trust Company, New York, New York, on or about May 27, 2003.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations is \$696,271,456. The total general obligation bonded indebtedness of the city as of the date of the bonds and notes, including the bonds and notes being sold, but excluding the temporary notes to be retired with the proceeds of the bonds and the notes being sold, is \$ 94,215,000.

**Approval of Bonds**

The bonds and 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 bonds/notes will be furnished and paid for by the city and delivered to the successful bidder when the bonds/notes are delivered.

**Additional Information**

Additional information regarding the bonds and notes may be obtained from the city clerk or the city's director of finance, or from bond counsel, Gilmore & Bell, P.C., 2405 Grand Blvd., Suite 1100, Kansas City, MO 64108, (816) 221-1000.

Dated April 8, 2003.

City of Lawrence, Kansas  
By A. Ed Mullins  
Director of Finance  
Lawrence City Hall  
6 E. 6th St.  
Lawrence, KS 66044  
(785) 832-3000  
Fax (785) 832-3231 or  
(785) 832-3405

Doc. No. 029206

State of Kansas

## Department of Health and Environment

### Notice of Hearings on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Division of Environment, will conduct two public hearings to consider regulations concerning the underground liquid hydrocarbon storage and associated brine ponds and natural gas storage in bedded salt. The regulations being considered are:

Revoked: 28-45-2, 3, 4, 5, 6, 7, 8, 9, 10, and 11

New: Underground Hydrocarbon Storage Wells  
and Association Brine Ponds:  
28-45-2a, 3a, 4a, 5a, 6a, 7a, 8a, 9a, 10a, 11a,  
and 12 thru 30  
Natural Gas Storage Wells:  
28-45a-1 thru 19

The first hearing will be from 7 to 10 p.m. Wednesday, June 18, at the VFW, 120 S. Taft, McPherson. The second hearing will be from 7 to 10 p.m. Thursday, June 19, in the Gallery Room of the Stringer Fine Arts Center, Hutchinson Community College, 600 E. 11th, Hutchinson. A public informational session will be conducted from 3 to 5 p.m. prior to each of the public hearings.

These proposed regulations were adopted as temporary regulations April 1, 2003. A summary of the proposed regulations and the regulatory impact statement follows.

In 2001, the Kansas Legislature mandated that the Kansas Department of Health and Environment reevaluate existing regulations for underground storage caverns to ensure that they are sufficiently protective of public health, safety and the environment. The proposed regulations require an emergency response plan and the establishment of a public education program by the underground storage facilities to increase community awareness of facility operations and safety procedures. Additional safety requirements include the installation of warning systems and alarms at the wellhead, a maximum allowable operating pressure that is protective of cavern integrity, and criteria for closure of the facility. The proposed regulations require additional monitoring and testing to ensure that the integrity of the storage wells and caverns is being maintained.

### Regulatory Impact Statement—Environmental Benefit:

The proposed regulations require industry to minimize adverse impacts to the environment that could result in contamination by hydrocarbon or brine. The regulations require safety measures for the safe operation and maintenance of the storage facility.

### Regulatory Impact Statement—Economic Impact Statement:

The underground storage industry will bear the costs of the proposed regulations. The capital and annual costs will vary due to differences in facility size, well construction, cavern characteristics and facility operations. The industry will bear the costs of additional testing, monitoring and required safety instrumentation. The regulations allow a phase-in period to address the logistics in implementing the proposed regulations. Fees assessed on the facility operators will fund the regulatory oversight for the underground storage industry. An annual fee of \$18,890 per facility and \$305 per unplugged well will be required to meet estimated regulatory program expenses of \$340,000 per year. Additionally, a one-time fee of \$700 per unplugged storage well will be assessed to repay the legislative loan for program administration of \$291,000.

The time between publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulatory action. Interested parties may submit written comments prior to the hearing to Cina Poyer, Geology Section, Bureau of Water, Kansas Department of Health and Environment, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367, or by e-mail at [cpoyer@kdhe.state.ks.us](mailto:cpoyer@kdhe.state.ks.us). Interested parties will be given a reasonable opportunity to orally present their views on the proposed regulatory action during the hearing. To give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

A copy of the proposed regulations and the economic regulatory impact statement may be obtained by contacting Cina Poyer at (785) 296-5277. The proposed regulations and the regulatory impact statement are located on the Kansas Department of Health and Environment's Web site at <http://www.kdhe.state.ks.us/geo/uhs.html>. Questions pertaining to the proposed regulations also should be directed to Cina Poyer.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request a copy of the proposed regulations and the regulatory impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Cina Poyer.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029177

## 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 4-14-03 through 4-20-03

Term	Rate
1-89 days	1.24%
3 months	1.12%
6 months	1.15%
1 year	1.24%
18 months	1.43%
2 years	1.63%

Derl S. Treff  
Director of Investments

Doc. No. 029169

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment has reviewed an application from Waste Connections of Kansas, Inc. to establish and operate a new municipal solid waste landfill known as Plumb Thicket Landfill. The application is posted on the Bureau of Waste Management's Web site at [www.kdhe.state.ks.us/waste](http://www.kdhe.state.ks.us/waste). The proposed landfill site is located in the West Half of Section 3 and the East Half of Section 4, Township 31 South, Range 6 West in Harper County. The proposed facility access will be from Highway 2 at Runnymede, north approximately 1 mile on N.E. 60th Ave. and west approximately 2 miles on N.E. 150th Road.

The proposed landfill will cover approximately 229 acres on the 958-acre property, which is currently undeveloped. The proposed landfill is designed with approximately 44 million cubic yards of capacity for municipal solid waste and daily/intermediate cover materials, and the period of active landfill operation is projected to be approximately 63 years. The bottom of the landfill is proposed at elevations ranging from approximately 1,430 feet to 1,530 feet, with a maximum excavated depth of approximately 70 feet below the existing ground surface. The highest final landfill elevation (including the final cover) is proposed at elevation 1,700 feet, with a maximum height of approximately 200 feet above the existing ground surface.

Wetlands and a state-listed threatened/federal-listed candidate species, the Arkansas darter, exist on parts of the 958-acre property. Approximately 0.3 acres of isolated wetlands will be lost as a result of the proposed landfill, and this impact will be offset by improvements to other wetlands on the property collectively known as the Freeman Canyon drainage system. The existing Arkansas darter presence and habitat, which is located within the Freeman Canyon drainage system, will not be impacted by the landfill development.

Harper County has certified that the application described herein is consistent with local land use restrictions/zoning, and that the application is consistent with the Gyp Hills Regional Solid Waste Management Plan. KDHE has reviewed the application and found it to be in conformance with the state solid waste statutes and regulations.

KDHE has previously provided public notice of its intent to issue a permit to Waste Connections for the proposed landfill described herein. A copy of the administrative record, which includes the permit application, engineering drawings, draft permit and other information with respect to this permit action, has been available for public review since February 24, 2003. KDHE held a public meeting and public hearing on this matter at Chaparral High School in Harper County April 2-3. At the public hearing, KDHE extended the public review and comment period through May 16. Documents are available for review during normal business hours at the following locations:

Kansas Department of Health and Environment  
Bureau of Waste Management  
1000 S.W. Jackson, Suite 320  
Topeka, 66612-1366  
Contact: Paul Graves  
(785) 296-1596

Harper County Clerk's Office  
Harper County Courthouse  
201 N. Jennings  
Anthony, 67003  
Contact: Cheryl Adelhardt  
(620) 842-5555

Anyone wishing to comment on the proposed facility should submit written statements by May 16 to Paul Graves of KDHE at the address listed above, by fax at (785) 296-1592, or via e-mail to [pgraves@kdhe.state.ks.us](mailto:pgraves@kdhe.state.ks.us). Comments postmarked by May 16 and received within one week thereafter also will be considered. Written comments on this proposed facility that have already been received by the Bureau of Waste Management during 2002 and 2003 prior to the public comment period also will be considered. KDHE will subsequently issue written responses to all formal comments, including written comments received during 2002 and 2003 through the end of the public comment period and verbal comments recorded during the public hearing.

After consideration of all formal comments as described above, KDHE will make a final decision on whether to issue the permit. Notice of the decision will be given to the applicant, to anyone who submitted formal comments, and to those who requested notice of the final permit decision.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029196



## 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. Duke Energy Field Services 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.

Duke Energy Field Services, Denver, Colorado, owns and operates Cognac booster station located at Section 36, Township 28 South, Range 37 West, Grant 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 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029178

## State of Kansas

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. The City of Erie has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 for the Erie Power Plant. Emissions of oxides of nitrogen, carbon monoxide, sulfur dioxide and volatile organic compounds were evaluated during the permit review process.

The City of Erie owns and operates the stationary source located at 618 E. 2nd, Erie, at which new engines driving electric generators are to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Rick Bolfig, (785) 296-1576, at the KDHE central office; or Lynelle Stranghoner, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rick Bolfig, 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 May 19.

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 May 19 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029194

## 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. Natural Gas Pipeline Company of America, a subsidiary of Kinder Morgan, Inc. 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.

Natural Gas Pipeline Company of America, Lakewood, Colorado, owns and operates Haddam natural gas compressor station 195 located at Section 16, Township 03 South, Range 01 East, Washington 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, North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Mike Parhomek, (785) 296-1580, at the KDHE central office; or Craig Forsberg, (785) 827-9639, at the KDHE, North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Mike 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029175

## 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, Houston, Texas, owns and operates Stevens County #3 station located at Section 3, 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 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029179

#### 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 Finney County #2 Natural Gas Compressor Station located at Section 15, Township 25 South, Range 34 West, Finney 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, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael 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 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029180

#### 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. Aquila, Inc., 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.

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Aquila, Inc., Kansas City, Missouri, owns and operates Trenton natural gas compressor station located at Section 35, Township 29 South, Range 7 West, Kingman 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, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Mike Parhomek, (785) 296-1580, at the KDHE central office; or Dave Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Mike 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029181

## 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 Pipeline 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 Pipeline, Houston, Texas, owns and operates Haven Natural Gas Compressor Station located at 12610 S. Kent Road, Haven, Kansas, Section 6, Township 25 South, Range 4 West, Reno 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, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; or Dave Butler, (316) 337-6020, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029182

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. Southern Star Central Gas Pipeline, Inc. 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.

Southern Star Central Gas Pipeline, Inc., Owensboro, Kentucky, owns and operates the Levant Natural Gas Compressor Station located at Section 24, Township 5 South, Range 35 West, Rawlins 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 Northwest District Office, 2301 E. 13th, Hays. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; or Richard Robinson, (785) 625-5663, at the KDHE Northwest 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029183

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. Southern Star Central Gas Pipeline, Inc. 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.

Southern Star Central Gas Pipeline, Inc., Owensboro, Kentucky, owns and operates the Craig Natural Gas Compressor Station located at Section 25, Township 28 South, Range 29 West, Gray 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, Suite 6050, 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.

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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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029184

#### 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 and amending a previously-issued construction approval. IBP, Inc., Holcomb Plant 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. Notice also is given that certain requirements in the construction approval dated January

7, 1980, are being modified by a modification of approval conditions.

IBP, Inc., Holcomb Plant, Dakota Dunes, South Dakota, owns and operates a cattle processing plant and tannery located at 3105 N. IBP Road, Holcomb, Kansas.

A copy of the proposed permit, permit application, all supporting documentation, all information relied upon during the permit application review process and a copy of the modification of approval conditions are 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, Suite 6050, Wichita. To obtain or review either document, contact William Stone, (785) 296-6427, 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 documents to William Stone, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating final document decisions, written comments must be received by the close of business May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029186

## 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 the Stevens County #4 Natural Gas Compressor Station located at Section 25, Township 34 South, Range 36 West, Stevens 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, Suite 6050, 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029187

## 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. Duke Energy Field Services 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.

Duke Energy Field Services, Denver, Colorado, owns and operates the Light Booster Station located at NE 1/4, Section 2, Township 35 South, Range 32 West, Seward 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, Suite 6050, 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 May 19.

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 May 19 in order for the Secretary of Health and Environment to consider the request.

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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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029189

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. Duke Energy Field Services 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.

Duke Energy Field Services, Denver, Colorado, owns and operates the Light Booster Station located at the NE 1/4, Section 2, Township 35 South, Range 32 West, Seward 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, Suite 6050, 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 May 19.

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 Carréno, Bureau of Air and Radiation, not later than the close of business May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029190

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 and amending a previously-issued construction approval. Phillips Pipe Line Company (Paola Terminal) 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.



Notice also is given that certain requirements in the construction approval dated August 5, 1992, are being modified by a modification of approval conditions.

Phillips Pipe Line Company (Paola Terminal), Bartlesville, Oklahoma, owns and operates a bulk storage and transportation facility located at 25760 W. 343rd St., Paola, Kansas.

A copy of the proposed permit, permit application, all supporting documentation, all information relied upon during the permit application review process and a copy of the modification of approval conditions are 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 Northeast District Office, 800 W. 24th, Lawrence. To obtain or review either document, contact Rasha Allen, (785) 296-1693, at the KDHE central office; or Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the documents to Rasha Allen, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating final document decisions, written comments must be received by the close of business May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

## 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. Anadarko Gathering 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.

Anadarko Gathering Company, Houston, Texas, owns and operates the Santa Fe Booster Station located at Section 27, Township 33 South, Range 33 West, Seward 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, Suite 6050, 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 May 19.

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 May 19 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

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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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029191

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. Natural Gas Pipeline Company of America 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.

Natural Gas Pipeline Company of America, Lakewood, Colorado, owns and operates the Glasco Natural Gas Compressor Station #105 located at Section 7, Township 8 South, Range 4 West, Cloud 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 North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; or Rick Brunetti, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029192

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. Duke Energy Field Services 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.

Duke Energy Field Services, Tulsa, Oklahoma, owns and operates the Liberal Compressor Station located at Section 14, Township 34 South, Range 34 West, Seward 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, Suite 6050, 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029197

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. ExxonMobil Production 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.

ExxonMobil Production Company, Houston, Texas, owns and operates the Lateral H Natural Gas Compressor Station located at Section 9, Township 27 South, Range 35 West, Grant 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, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Amer Safadi, (785) 296-1993, 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 Amer Safadi, 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029198

## 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. OXY USA Inc. 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.

OXY USA Inc., Liberal, owns and operates Ulysses compressor station located at the Southeast 1/4, Section 29, Township 28 South, Range 35 West, Grant 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029207

## 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. Anadarko Gathering 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.

Anadarko Gathering Company, Houston, Texas, owns and operates the East Woods Booster Station located at Section 22, Township 33 South, Range 34 West, Seward, 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, Suite 6050, 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029208

#### 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 Morton County #1 natural gas compressor station located at Section 25, Township 34 South, Range 40 West, Morton 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, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael 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 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029209

#### 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. Pioneer Natural Resources 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.

Pioneer Natural Resources, Irving, Texas, owns and operates the Santana "A" Compressor Station located at

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Section 26, Township 29 South, Range 35 West, Grant 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, Suite 6050, 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029211

## 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 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, Houston, Texas, owns and operates the Olpe natural gas compressor station located at 985 County Road 90, Olpe, Kansas, Section 21, Township 20 South, Range 11 East, Lyon 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 Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Michael Parhomek, (785) 296-1580, at the KDHE central office; or Lynelle Stranghoner, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029212

#### 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. ExxonMobil Production 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.

ExxonMobil Production Company, Houston, Texas, owns and operates the Lateral G Natural Gas Compressor Station located at Section 4, Township 28 South, Range 36 West, Grant 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, Suite 6050, 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029213

#### 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 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, Houston, Texas, owns and operates the Borchers Natural Gas Compressor Station located at Section 3, Township 33 South, Range 28 West, Meade 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, Suite 6050, 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.

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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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029214

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. Duke Energy Field Services 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.

Duke Energy Field Services, Denver, Colorado, owns and operates the Southwest Woods Booster Station located at Section 16, Township 34 South, Range 35 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, Suite 6050, 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029215



## 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 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, Houston, Texas, owns and operates the Liberal/Seward Natural Gas Compressor Station located at Sections 23, 24 and 25, Township 33 South, Range 32 West, Seward 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, Suite 6050, 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029216

## 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. ExxonMobil Production 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.

ExxonMobil Production Company, Houston, Texas, owns and operates the Main Hickok Natural Gas Compressor Station located at Section 31, Township 28 South, Range 35 West, Grant 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, Suite 6050, 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 May 19.

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 May 19 in order for the Secretary of Health and Environment to consider the request.

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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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029217

#### 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. Mid Continent Market Center, a subsidiary of ONEOK, Inc., 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.

Mid Continent Market Center, a subsidiary of ONEOK, Inc., Tulsa, Oklahoma, owns and operates Wellsford natural gas compressor station located at Section 25, Township 27 South, Range 16 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, Suite 6050, 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029218

#### 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. Natural Gas Pipeline of America, a subsidiary of Kinder Morgan, Inc., 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.



Natural Gas Pipeline Company of America, Lakewood, Colorado, owns and operates the Minneola Natural Gas Compressor Station 103 located at Section 17, Township 29 South, Range 24 West, Ford 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, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael 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 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 May 19.

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 May 19 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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029219

## State of Kansas

### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction approval. The air emission source listed below applied for an air quality construction approval in accordance with K.A.R. 28-19-300(b)(4) because the owner or operator is seeking an approval with operational restrictions pursuant to K.A.R. 28-19-302(b). Emissions of volatile organic compounds and hazardous air pollutants were evaluated during the permit review process. Notice is given that a federally-enforceable limitation in the construction approval dated June 11, 2002, is being modified.

Northern Natural Gas owns and operates the Cunningham Natural Gas Compressor Station located at Section 24, Township 27 South, Range 11 West, Pratt County, at which the glycol dehydrator operates.

A copy of the proposed approval, approval application, all supporting documentation and all information relied upon during review of the approval application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed approval and supporting documentation, contact Michael Stewart, (785) 296-1994, 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 approval to Connie Carreno at the KDHE central office, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final approval decision, written comments must be received by the close of business May 19.

A person may request a public hearing be held on the proposed approval. 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 not later than the close of business May 19 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029185

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-03-086  
Application(s) for New or Expansion of Existing Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Legal Description	Receiving Water
Seaboard Farm, Inc. Thurrow Sites 9000 W. 67th St., Suite 200 Shawnee Mission, KS 66202	Seaboard Farms, Inc. Stephen Summerlin 9000 W. 67th St., Suite 200 Shawnee Mission, KS 66202	Sections 27, 28, 29, T30S, R36W, Grant County Kansas Permit No. A-CIGT-H001	Federal Permit No. KS0095427 Cimarron River Basin

This is an application for a modification of an existing swine facility to operate either up to the current maximum of 64,800 head (25,920 animal units) of swine weighing greater than 55 pounds (average weight during cycle 150 pounds/head) or up to a maximum of 129,600 head (51,840 animal units) of weaned swine weighing up to 70 pounds. After the weaned pigs have reached 70 pounds, any quantity over 64,800 head will be transferred out of the facility. The existing waste control system will not be modified. No additional buildings or waste control facilities are being proposed. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-03-087/101  
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Double B & S Cattle Co. 10320 Wrangler Road Fowler, KS 67844	NW/4 of Section 22 & SW/4 of Section 15, T29S, R26W, Ford County	Cimarron River Basin

Kansas Permit No. A-CIFO-C001 Federal Permit No. KS0115100  
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 each. 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
Ron McPherson 6032 County Road 4900 Cherryvale, KS 67335	SW/4 of Section 13, T31S, R16E, Montgomery County	Verdigris River Basin

Kansas Permit No. A-VEMG-S017  
This is a renewal permit for an existing facility for 900 head (360 animal units) of swine weighing greater than 55 pounds. Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. 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
Poky Feeders, Inc. 600 E. Road 30 Scott City, KS 67871	NE/4 & S/2 of Section 18, NE/4 of Section 19 & NE/4 of Section 8, T20S, R32W, Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C017 Federal Permit No. KS0086576  
This is a permit modification for an existing facility to remove the sheep animal units and add beef cattle weighing less than 700 pounds. The permit is decreasing the permitted animal units from 52,450 head (52,450 animal units) of beef cattle, 8,980 head (1,960 animal units) of swine and 9,000 head (900 animal units) sheep, for a total of 55,310 animal units to 53,450 head (52,950 animal units) of beef cattle and 8,980 head (1,960 animal units) of swine, for a reduced total of 54,910 animal units.

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 from the cattle facility within the five-year permit cycle.

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.

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
Stanley Starter Yard 10763 106 Road Dodge City, KS 67801	SW/4 of Section 06, T26S, R25W, Ford County	Upper Arkansas River Basin

Kansas Permit No. A-UAFO-B007  
This is a renewal permit for an existing facility for 999 head (999 animal units) of beef cattle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. 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
Twin Cedars Ranch Sheryl Farney, owner 11963 S.W. Roundup Road Kiowa, KS 67070	SE/4 of Section 34, T33S, R12W, Barber County	Arkansas River Basin

Kansas Permit No. A-ARBA-B002  
This is a renewal permit for an existing facility for 950 head (950 animal units) of beef cattle.

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.

Dewatering equipment shall be obtained within 6 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.

When construction of the lagoon in the west feeding area is completed, a permeability test must be conducted before the lagoon can be put in use.

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
Kenneth Aberle 156 270th St. Sabetha, KS 66534	SE/4 of Section 06, T02S, R15E, Brown County	Kansas River Basin

Kansas Permit No. A-KSBR-B001

This is a permit renewal for an existing facility for 300 head (300 animal units) of cattle greater than 700 pounds and 250 head (125 animal units) of cattle 700 pounds or less for a total of 425 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
Les Baumgartner Route 3, Box 154 Sabetha, KS 66534	SW/4 of Section 18, T01S, R14E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S054

This is a permit renewal for an existing facility for 300 head (120 animal units) of swine greater than 55 pounds.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. 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
Circle M Jerseys Route 1, Box 127A Baileyville, KS 66404	SW/4 of Section 22, T03S, R11E, Nemaha County	Big Blue River Basin

Kansas Permit No. A-BBNM-M012

This is a permit renewal and expansion for an existing facility of 40 head milking dairy cows (56 animal units) and 12 head (4.8 animal units) of swine greater than 55 pounds and 120 head (12 animal units) of swine 55 pounds or less by adding 16 head (22.4 animal units) of dairy cows and 23 head (23 animal units) of dry cows, dairy bulls and replacement heifers greater than 700 pounds and 70 head (35 animal units) of dairy calves, for a new total of 153.2 animal units.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. 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
Double TT Pork Farm Percy L. Toews 1396 Cimarron Road McPherson, KS 67460	NW/4 of Section 31, T20S, R03W, McPherson County	Little Arkansas River Basin

Kansas Permit No. A-LAMP-S032

This is a permit renewal for an existing facility for a maximum of 2,000 head of swine weighing more than 55 pounds (800 animal units) of swine.

Dewatering equipment shall be obtained within three 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
Melvin Heiman Box 130 Baileyville, KS 66404	NW/4 of Section 10, T03S, R11E, Nemaha County	Big Blue River Basin

Kansas Permit No. A-BBNM-M009

This is a permit renewal and expansion for an existing facility of 70 head milking dairy cows (98 animal units) by including 30 head (30 animal units) of dry dairy cows and dairy heifers greater than 700 pounds and 40 head (20 animal units) of dairy calves, for a new total of 148 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
Raymond J. Mueting Route 1, Box 74A Axtell, KS 66403	NW/4 of Section 18, T02S, R11E, Nemaha County	Big Blue River Basin

Kansas Permit No. A-BBNM-S003

This is a permit renewal for an existing facility for 481 head (192.4 animal units) of swine greater than 55 pounds, 160 head (16 animal units) of swine 55 pounds or less, for a total of 208.4 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
Carroll Shields 2524 300 St. Lincolnville, KS 66858	SW/4 of Section 06, T18S, R05E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-B016

This is a new permit for a facility that is currently certified, and an expansion of an existing operation to reflect actual operating practices. The facility has increased the stocking density of the existing facility. The facility was previously certified for 300 head of lightweight cattle. The previous certification did not include the earthen retention structure utilized for the silage pit runoff. The draft permit includes the wastewater lagoon used for controlling runoff from the silage pit area. In addition, the site is used for about two months each year for weaning, at which time 150 cows with their calves are on-site, along with an additional 150 head of lightweight cattle. Therefore, during this time a total of 150 head of cattle weighing over 700 pounds and 300 head of cattle weighing less than 700 pounds are confined at the site. The operation has a capacity for a maximum of 300 head of cattle weighing less than 700 pounds [150 animal units (a.u.)] and 150 head of cattle weighing more than 700 pounds (150 a.u.), for a total of 450 head (300 a.u.) of cattle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

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Name and Address of Applicant	Legal Description	Receiving Water
3 F Feeders, Inc. HC 2, Box 100 McDonald, KS 67745	SW/4 of Section 33, T03S, R36W, Rawlins County	Upper Republican River Basin

Kansas Permit No. A-URRA-C001 Federal Permit No. KS0087726

This is a permit renewal for an existing facility downsizing from 30,000 head (30,000 animal units) of cattle weighing greater than 700 pounds to 7,500 head (7,500 animal units) of 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 developed by the designer and 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
Wray Farms c/o Dennis Wray 4750 Georgia Terrace Ottawa, KS 66067	SE/4 of Section 23, T15S, R18E, Franklin County	Marais des Cygnes River Basin

Kansas Permit No. A-MCFR-M008

This is a new permit for an existing facility that is modifying the operation by eliminating the 80 head dairy herd (112 animal units) and expanding by adding 150 head (150 animal units) of dairy heifers greater than 700 pounds and 150 head (75 animal units) of dairy heifers 700 pounds or less, for a new total of 225 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
Joseph F. Wetter 1308 Pony Express Hwy. Marysville, KS 66508	SW/4 of Section 30, T02S, R08E, Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-S050

This is a new permit for a confined feeding facility for 520 head (208 animal units) of swine greater than 55 pounds and 250 head (25 animal units) of swine 55 pounds or less, for a total of 233 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.

### Public Notice No. KS-03-041/045

Name and Address of Applicant	Waterway	Type of Discharge
Kansas Turnpike Authority 3939 S. W. Topeka Blvd. Topeka, KS 66609	Stranger Creek via Nine Mile Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. C-KS31-0002 Federal Permit No. KS0053694

Legal: N $\frac{1}{2}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , S12, T12S, R20E, Leavenworth County

Facility Name: KTA - Lawrence Service Area

Facility Description: The proposed action is to modify and reissue the existing permit for operation of an existing wastewater treatment facility to treat primarily domestic wastewater. The facility is being upgraded with the addition of a fourth cell. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Sampling for ammonia also is required. The permit contains a schedule of compliance requiring the permittee to complete plant improvements by December 31, 2003. 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
Darrell and Patricia Breusing 1912 Indiana Lane Manhattan, KS 66502	Kansas River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. C-KS66-0002 Federal Permit No. KS0092053

Legal Description: N $\frac{1}{2}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , S7, T10S, R9E, Pottawatomie County

Facility Name: Walnut Grove Mobile Home Park-Breusing Subdivision

Facility Location: E. Highway 24 & Hopkins Road, St. George, KS 66535

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility to treat primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform, total residual chlorine and pH. Sampling for ammonia and effluent flow also is required. The permit contains a schedule of compliance requiring the permittee to make plant improvements to achieve consistent compliance with the final limits. 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
Miles and Marlene Brooks Trust 1325 La Fayette Drive Manhattan, KS 66502	Kansas River via Unnamed Tributary	Treated Domestic Wastewater

1325 La Fayette Drive  
Manhattan, KS 66502

Kansas Permit No. C-KS66-0003 Federal Permit No. KS0092061

Legal Description: N $\frac{1}{2}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , S7, T10S, R9E, Pottawatomie County

Facility Name: Walnut Grove Mobile Home Park - Brooks Subdivision

Facility Location: 10815 Walnut Drive, St. George, KS 66535

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility to treat primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform, total residual chlorine and pH. Sampling for ammonia and effluent flow also is required. The permit contains a schedule of compliance requiring the permittee to make plant improvements to achieve consistent compliance with the final limits. 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
Winfield, City of 200 E. Ninth Winfield, KS 67156-0646	Walnut River via Timber Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. I-WA17-PO03 Federal Permit No. KS0097071

Legal: SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , S14, T32S, R4E, Cowley County

Facility Description: The proposed action is to issue a new permit for operation of an existing wastewater treatment facility. This is an existing potable water treatment plant. Wastewater from the sedimentation basins and filter backwash water are discharged to an existing two-cell wastewater treatment lagoon system. The proposed permit includes limits for total suspended solids, and pH and monitoring for total residual chlorine. 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
Woodson County Imp. Dist. No. 2 P.O. Box 84 Piqua, KS 66761	Owl Creek via Cherry Creek via Plum Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE72-0002 Federal Permit No. KS0084085

Legal: SW¼, S28, T24S, R17E, Woodson County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility to treat primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Annual sampling for ammonia also is required. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with the 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.

**Public Notice No. KS-ND-03-009**

Name and Address of Applicant	Legal Location	Type of Discharge
Gerald A. Schmidt P.O. Box 22357 Hilton Head Island, SC 29925	NE¼, NW¼, NW¼, S 6, T23S, R1E, Harvey County, KS	Nonoverflow

Kansas Permit No. C-LA13-NO10

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. Discharge of wastewater from this treatment facility to surface waters of the State of Kansas is prohibited by this permit. The permit contains a schedule of compliance requiring the permittee to complete general maintenance items needed to bring facility into compliance with the Kansas Minimum Standards for wastewater treatment lagoons. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-f).

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 May 17 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-03-086/101, KS-03-041/045, KS-ND-03-009) 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.

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.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029220

**State of Kansas**

**Department of Health  
and Environment**

**Temporary Administrative  
Regulations**

**Article 45.—HYDROCARBON STORAGE WELLS  
AND WELL SYSTEMS**

**28-45-2.** (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-171d; effective May 1, 1981; amended May 1, 1984; revoked, T-28-4-1-03, April 1, 2003.)

**28-45-2a. Definitions.** (a) "Active well" means an unplugged well that is in service or in monitoring status.  
(b) "Brine" means saline water with a sodium chloride concentration equal to or greater than 90 percent.

(c) "Brine pond" means the excavated or diked structure used for the surface containment of brine used in the creation, maintenance, and operation of an underground hydrocarbon storage well.

(d) "Cavern" and "storage cavern" mean the storage space created in a salt formation by solution mining.

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

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

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(g) "Draft permit" means a document that is pending approval by the secretary to be issued as a final permit.

(h) "Existing storage well" means a well authorized or permitted by the secretary before the effective date of these regulations.

(i) "Existing brine pond" means a brine pond authorized or permitted by the secretary before the effective date of these regulations.

(j) "Fracture gradient" means the pressure gradient, measured in pounds per square inch per foot, that will cause the geological formations to physically fracture.

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

(l) "Hydrocarbon storage well," "underground hydrocarbon storage well," and "storage well" mean a well used for the injection or withdrawal of hydrocarbon or liquified petroleum gas into or out of an underground hydrocarbon storage cavern.

(m) "Licensed geologist" means a geologist licensed to practice geology in Kansas by the Kansas board of technical professions.

(n) "Licensed professional engineer" means a professional engineer licensed to practice engineering in Kansas by the Kansas board of technical professions.

(o) "Licensed professional land surveyor" means a professional land surveyor licensed to practice land surveying in Kansas by the Kansas board of technical professions.

(p) "Liquified petroleum gas" and "LPG" mean crude oil and products, by-products, or derivatives of oil and gas, including propane, butane, isobutane, and ethane, maintained in a liquid state under pressure.

(q) "Maximum allowable operating pressure" means the maximum pressure authorized by the department and measured at the product side of the wellhead.

(r) "Maximum allowable synthetic membrane liner leakage rate" means a monitored or a calculated leakage rate of 10 percent of leak return system capacity that shall not exceed 1,000 gallons per day per acre.

(s) "Maximum operating pressure" means the maximum pressure monitored during a 24-hour period and measured at the product side of the wellhead.

(t) "Monitoring status" means temporary status for a well that has been placed out of service by removing the product and filling the cavern with brine.

(u) "Municipal population center" means an incorporated city.

(v) "Operator" means the person recognized by the secretary as being responsible for the physical operation of an underground hydrocarbon storage facility or a brine pond.

(w) "Owner" means the person owning all or part of any underground hydrocarbon storage facility or brine pond.

(x) "Permit" means an authorization, license, or equivalent control document issued to the owner and the operator by the secretary.

(y) "Person" means any individual, company, corporation, institution, association, partnership, municipality, township, and local, state, or federal agency.

(z) "Porosity storage" and "underground porosity storage" mean the storage of hydrocarbon gas in under-

ground porous and permeable strata that have been converted to hydrocarbon gas storage.

(aa) "Pressure gradient" means the ratio of pressure per unit depth expressed as pounds per square inch per foot of depth.

(bb) "Product" means any hydrocarbon, including products and by-products from crude oil, derivatives of oil and gas, and liquefied petroleum gas.

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

(dd) "Solutioning" means the process of injecting fluid into a well to dissolve salt or any other readily soluble rock or mineral.

(ee) "Supervisory control and data acquisition" means an automated surveillance system in which the monitoring and control of storage activities are accomplished at a central or remote location.

(ff) "Underground hydrocarbon storage cavern" means the storage of any hydrocarbon, including liquid petroleum gas and excluding natural gas, in caverns formed by solutioning in bedded salt.

(gg) "Underground hydrocarbon storage facility" and "facility" mean the acreage associated with the storage field with facility boundaries approved by the secretary. This term shall include the brine ponds, wells, wellbore tubular goods, the wellhead, and any related equipment, including any appurtenances associated with the well field.

(hh) "Unsaturated brine" means saline water with a sodium chloride concentration less than 90 percent.

(ii) "Variance" means the secretary's written approval authorizing an alternative action to the requirements of these regulations and incorporated into the temporary or final permit. (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-171d and K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-3.** (Authorized by and implementing K.S.A. 65-171d; effective May 1, 1981; revoked, T-28-4-1-03, April 1, 2003.)

**28-45-3a. Permit required.** (a) No person shall create, operate, or maintain an underground storage well for liquified petroleum gas or hydrocarbon in bedded salt without obtaining a permit from the secretary. The requirements for permit issuance shall be as follows:

(1) Each operator of an existing underground hydrocarbon storage facility shall initially obtain a temporary facility permit as specified in K.A.R. 28-45-5a.

(2) Each operator of an existing underground storage well shall obtain a final permit as specified in K.A.R. 28-45-6a.

(3) The existing permit or authorization for the underground hydrocarbon storage facility shall remain in effect until a temporary facility permit is issued.

(4) The storage of liquified hydrocarbons in caverns constructed in any rock formations other than bedded salt shall be prohibited.

(b) A variance may be granted by the secretary if both of the following conditions are met:

(1) The variance is protective of public health, safety, and the environment.



(2) The operator agrees to perform any additional testing, monitoring, or well improvements, or any combination, if required by the secretary.

(c) Each operator seeking a variance shall submit a written request, including justification for the variance and any supporting data, to the secretary for review and consideration for approval. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-4.** (Authorized by and implementing K.S.A. 65-171d; effective May 1, 1981; revoked, T-28-4-1-03, April 1, 2003.)

**28-45-4a. Well conversions and reentry.** (a) The conversion of an existing well to underground hydrocarbon storage shall be prohibited if the well was not originally designed for hydrocarbon storage, unless the secretary determines that the conversion is protective of public health, safety, and the environment.

(b) The conversion of an underground hydrocarbon storage well for other purposes shall be prohibited, unless the secretary determines that the conversion is protective of public health, safety, and the environment.

(c) The reentry of a plugged liquified petroleum gas or hydrocarbon storage well for the purpose of reactivating activities associated with the underground storage of natural gas, liquified petroleum gas, or liquid hydrocarbons shall be prohibited, unless the secretary determines that the reentry is protective of public health, safety, and the environment.

(d) An operator may convert an unplugged underground hydrocarbon storage well to monitoring status if the secretary determines that monitoring status is protective of public health, safety, and the environment. The following requirements shall apply:

(1) Each operator shall verify the integrity of the storage well and cavern with the monitoring and testing required by this article of regulations before converting the well to monitoring status.

(2) Each operator shall meet the requirements specified in the department's document titled "procedure for converting a hydrocarbon storage well to monitoring status, procedure #:UICLPG-4," dated March 2003, which is hereby adopted by reference.

(3) Each operator of a well in monitoring status shall continue to meet the testing, monitoring, construction, and design requirements specified in this article of regulations. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-5.** (Authorized by and implementing K.S.A. 65-171d; effective May 1, 1981; revoked, T-28-4-1-03, April 1, 2003.)

**28-45-5a. Temporary facility permit.** (a) Each operator of an existing underground hydrocarbon storage facility shall be required to have a temporary facility permit issued by the secretary.

(b) The temporary facility permit shall supersede any authorization or permit previously issued by the secretary.

(c) The operator shall submit a completed temporary facility permit application, on a form furnished by the

department, within 60 days after the effective date of this article of regulations.

(d) Each temporary facility permit application shall include the following information:

(1) The name and location of the facility;

(2) a site map of the facility showing the following:

(A) The facility boundaries and the location and well number of each well, including storage, observation, disposal, and any abandoned wells; and

(B) the location of buildings, roads, railways, right-of-ways, utilities, and any other appurtenances;

(3) the following information for each cavern:

(A) The depth of the top of the salt formation;

(B) the depth of the top of the underground storage cavern;

(C) the total depth of the underground storage cavern;

(D) a schematic of the well construction;

(E) the storage capacity;

(F) the type of product stored;

(G) the operating pressures; and

(H) a list of dates on which the required tests, logs, or monitoring reports for each underground hydrocarbon storage well were completed; and

(4) a list of requests for variances from the requirements of this article of regulations.

(e) Each operator shall submit a compliance schedule with the temporary facility permit, subject to the approval of the secretary, for conducting sonar surveys, integrity tests, and casing evaluations and for the installation of equipment. The following requirements shall apply:

(1) The modification or installation of equipment associated with the wellhead, storage well, storage well system, or storage cavern shall be completed within five years after the effective date of this article of regulations for existing underground hydrocarbon storage wells.

(2) The installation of warning and emergency response devices shall be completed according to a schedule approved by the secretary that ensures the protection of public health, safety, and the environment.

(3) Each operator shall conduct a sonar survey for each underground hydrocarbon storage cavern. The following requirements shall apply:

(A) Each operator of an underground hydrocarbon storage cavern that does not have a sonar survey or that had a sonar survey conducted before January 1, 1998 shall conduct a sonar survey within five years after the effective date of this article of regulations.

(B) Each operator of an underground hydrocarbon storage cavern that had a sonar survey conducted on or after January 1, 1998 shall conduct a sonar survey 10 years after the date on which the sonar survey was previously conducted.

(4) A mechanical integrity test and a casing inspection evaluation for each underground hydrocarbon storage well shall initially be conducted within seven years after the effective date of these regulations.

(f) Each operator of an underground hydrocarbon storage facility either shall be required to have a final permit for each underground hydrocarbon storage well within five years after the effective date of this article of regulations or shall cease well operations and shall comply

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with abandonment and plugging requirements as specified in K.A.R. 28-45-20. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-6.** (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-171d; effective May 1, 1981; amended May 1, 1984; revoked, T-28-4-1-03, April 1, 2003.)

**28-45-6a. Final permit.** (a) Each operator shall submit a completed application for a final permit for each existing underground hydrocarbon storage well to the secretary, on a form furnished by the department, within three years of the effective date of this article of regulations.

(b) Each applicant who wishes to construct an underground hydrocarbon storage well shall submit a completed application to the secretary, on a form furnished by the department, at least 180 days before the proposed commencement date for the construction of the new underground hydrocarbon storage well. Well construction shall not begin until the secretary has issued the final permit.

(c) Upon review of each application, one of the following shall be issued by the secretary:

- (1) A final permit, if the application is approved; or
- (2) a notice that the final permit has been denied.

(d) Each temporary permit shall terminate on the effective date of the final permit.

(e) Each operator of an underground storage well shall submit a compliance audit every 10 years, on a form furnished by the department, for review and consideration for approval for the continued operation of the underground hydrocarbon storage well.

(f) Each application for a final permit shall include a report prepared by a licensed geologist and shall include the following:

(1) An evaluation of the geology and hydrogeology, including cross-sections, isopach and structure maps of the salt formation, and water-level or potentiometric maps;

(2) a regional stratigraphic evaluation;

(3) local and regional structural analyses, including maps, cross-sections, and available geophysical data; and

(4) an assessment of the potential for ground subsidence.

(g) Each operator shall submit the following information with the application:

(1) A plan view map showing locations of all water, solution-mining, monitoring, disposal, injection, oil, and gas wells within a one-mile perimeter of the facility's boundary; and

(2) a plan view map of man-made surface structures and activities within a one-mile perimeter of the facility's boundary.

(h) Each operator shall submit a sample log of well cuttings from any new well drilled at the facility, including new underground hydrocarbon storage wells, monitoring wells, and stratigraphic test holes.

(1) Cuttings shall be collected at 10-foot intervals from surface to total well depth or at an interval approved by the department.

(2) Well cuttings shall be collected, described and logged as specified in the department's document titled "procedure for sample logging, procedure #: UICLPG-9," dated July 2002, which is hereby adopted by reference.

(3) The collection of cuttings shall be supervised by a licensed geologist or a licensed geologist's designee.

(4) The description and logging of the sample cuttings shall be performed by a licensed geologist.

(5) Each operator shall submit a sample log and a dry sample set to the department within 45 days after the completion of the well.

(i) Each operator shall provide a minimum of one core from each facility. The following provisions shall apply:

(1) Each operator shall submit a plan describing the coring interval, coring procedures, and core testing to the secretary for review and consideration for approval, at least 60 days before the coring event.

(2) Each operator shall make the core available for inspection upon request by the secretary.

(3) Any operator may submit existing core data if the secretary determines that the core is representative of the geology of the area.

(j) Each operator shall submit a water analysis for any water-bearing formation encountered in drilling a new monitoring well. The water shall be analyzed for the following parameters:

(1) Chloride;

(2) total dissolved solids; and

(3) any parameter that the secretary determines could pose a potential threat to public health, safety, and the environment.

(k) Each operator shall ensure that the stored hydrocarbons, formation water, lithology, and substances used in the solutioning of the storage caverns are compatible.

(l) Each operator shall submit open-hole logs for any new underground hydrocarbon storage well. The logging interval shall be from the surface to 100 feet below the top of the salt section. At a minimum, the following logs shall be run:

(1) A gamma ray log;

(2) a neutron log if the source is registered in Kansas, or a sonic log;

(3) a density log; and

(4) a caliper log.

(m) Any operator may use an alternative log if the secretary determines that the alternative log is substantially equivalent to one of the logs specified in subsection (l). The operator shall submit the following information:

(1) A description of the log and the theory of operation for that log;

(2) a description of the field conditions under which the log can be used;

(3) the procedure for interpreting the log; and

(4) an interpretation of the log.

(n) Each operator of a new underground hydrocarbon storage cavern shall maintain a minimum salt roof thickness of 100 feet above the washed storage cavern.

(o) Each operator of an existing underground hydrocarbon storage cavern with a salt roof thickness greater than 50 feet but less than 100 feet shall meet the following provisions:

(1) Freshwater or unsaturated brine shall be prohibited for product transfer as specified in K.A.R. 28-45-12.

(2) The operator shall submit a schedule for monitoring brine salinity.

(3) The salt roof thickness shall be monitored with gamma ray and density logs, or any other log specified in subsection (m), every three years.

(4) Additional information, including a geomechanical study from core analysis, may be requested by the secretary to verify the integrity of the salt roof.

(p) Underground hydrocarbon storage caverns with a salt roof thickness of 50 feet or less shall be prohibited.

(q) Underground communication between underground hydrocarbon storage caverns in the upper 50 feet of the salt formation shall be prohibited.

(r) Underground communication between underground hydrocarbon storage caverns below the upper 50 feet of the salt formation shall be prohibited, unless the secretary determines that the communication is protective of public health, safety, and the environment. The operator shall submit the following:

(1) A sonar survey for each cavern that is in communication with another cavern; and

(2) a plan describing the monitoring and testing that the operator will conduct to ensure that the integrity of the underground hydrocarbon storage wells and caverns will be maintained.

(s) The horizontal distance separating new underground hydrocarbon storage caverns shall be at least 100 feet between cavern boundaries.

(t) Any existing underground hydrocarbon storage cavern with horizontal separation less than 100 feet may operate if the following requirements are met:

(1) Each operator shall submit a justification for each existing underground hydrocarbon storage cavern with horizontal separation less than 100 feet. The following requirements shall apply:

(A) The justification shall include spacing-to-diameter ratios, cavern pressure differentials, and analyses of cavern shape, size, and depth.

(B) The horizontal spacing shall be reevaluated every five years.

(2) Horizontal spacing of less than 50 feet between caverns shall be prohibited.

(u) The maximum horizontal diameter of each cavern shall not exceed 300 feet.

(v) Each operator shall ensure the integrity of the underground hydrocarbon storage wellhead, casing, and storage cavern before commissioning any new storage cavern into service. Storage operations may commence when the following requirements are met:

(1) Each operator shall submit a notice of completion of construction on a form furnished by the department.

(2) Each new storage well shall be inspected by the secretary before storage operations commence. If the well fails the inspection, the operator shall not commence storage operations. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-7.** (Authorized by and implementing K.S.A. 65-171d; effective May 1, 1981; revoked, T-28-4-1-03, April 1, 2003.)

**28-45-7a. Public notice.** (a) Public notice shall be given by the secretary for any of the following permit actions:

(1) Any final permit application for an underground hydrocarbon storage well;

(2) any modifications that require a draft permit as specified in K.A.R. 28-45-8a;

(3) any modifications for an existing facility as specified in K.A.R. 28-45-8a;

(4) the denial of a permit; or

(5) a scheduled hearing.

(b) Public notice and, if applicable, a copy of the draft permit shall be mailed by the department to the permit applicant.

(c) The public notice shall be mailed by the department to the following:

(1) Any person who submits a written request for placement on the mailing list; and

(2) the official county newspaper of each county in which the lands affected by the application are located, for publication in at least two issues.

(d) The public notice shall include the following information:

(1) The name and address of the department processing the permit action for which the notice is being given;

(2) the name and address of the person or company seeking the permit;

(3) a brief description of the business conducted at the facility or the activity described in the permit application;

(4) the name, address, and telephone number of the departmental contact whom interested persons may contact for further information, including copies of the application, draft permit, or any other appropriate information;

(5) a brief description of the comment procedures for public notice; and

(6) a statement of the procedure to request a hearing and other procedures that allow public participation in the final permit decision.

(e) Any interested person may submit written comments to the secretary on any permit action during the 30-day public comment period. The following requirements shall apply:

(1) All comments shall be submitted by the close of the public comment period.

(2) All supporting materials submitted shall be included in full and shall not be incorporated by reference, unless the supporting materials are any of the following:

(A) Part of the administrative record in the same proceeding;

(B) state or federal statutes and regulations;

(C) state or environmental protection agency documents of general applicability; or

(D) other generally available reference materials.

(3) Commentators shall make supporting materials not already included in the administrative record available to the secretary.

(f) The response to all significant comments concerning any permit actions and the reasons for changing any provisions in the draft permit shall be issued when the final permit decision is issued.

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(g) The response to comments shall be made available to the public upon request. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-8.** (Authorized by and implementing K.S.A. 65-171d; effective May 1, 1981; revoked, T-28-4-1-03, April 1, 2003.)

**28-45-8a. Modification and transfer of a final permit.** (a) The automatic transfer of a permit shall be prohibited. The requirements for each permit transfer shall be as follows:

(1) Each person requesting a permit transfer shall submit a completed application to the secretary at least 60 days before the effective date of the proposed transfer.

(2) Each operator shall comply with the conditions of the existing permit until the secretary reissues the permit.

(b) Any final permit for an underground hydrocarbon storage well may be modified by the secretary under any of the following conditions:

(1) The secretary receives information that was not available when the permit was issued.

(2) The secretary receives a request for the modification of a permit.

(3) The secretary conducts a review of the permit file and determines that a modification is necessary.

(c) Only the permit actions subject to modification shall be reopened.

(d) Minor modifications that shall not require public notification include the following, except as otherwise specified:

(1) Correction of typographical errors;

(2) requirements for more frequent monitoring or reporting by the operator;

(3) a date change in a schedule of compliance, if the new date is less than 120 days after the original date specified;

(4) a change in ownership or operational control of the facility, unless the secretary determines that public notification is necessary to protect the public interest;

(5) a change in construction requirements, if the secretary determines that the change is protective of public health, safety, and the environment; and

(6) any amendments to a facility plugging plan.

(e) A draft permit and notification to the public shall be required if any of the following conditions is met:

(1) An operator proposes substantial alterations or additions to the facility or proposes an activity that justifies a change in the permit requirements, including cumulative effects on public health, safety, or the environment.

(2) Information has become available that would have initially justified different permit requirements.

(3) Standards of regulations on which the permit was based have changed due to the promulgation of new or amended standards or due to a judicial decision after the permit was issued.

(4) Changes in the compliance schedule are necessary.

(f) Any operator may request a permit modification within 180 days after any of the following:

(1) The adoption of new regulations or standards;

(2) any deadline to achieve compliance with regulations or standards before the expiration date of the permit; or

(3) any judicial remand and stay of a promulgated regulation if the permit requirement was based on the remanded regulation. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-9.** (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-171d; effective May 1, 1981; amended May 1, 1984; revoked, T-28-4-1-03, April 1, 2003.)

**28-45-9a. Signatories for permit applications and reports.** (a) Each operator of an existing storage well and each applicant for a permit for a proposed storage well shall designate signatories to sign the permit applications and all reports required by the secretary.

(b) Positions that may be approved by the secretary to be signatories shall be the following:

(1) Plant manager;

(2) operator of a well;

(3) superintendent; and

(4) a position with responsibility at least equivalent to that required by the positions listed in this subsection.

(c) Any signatory may submit written notification to the secretary specifying a position having responsibility for the overall operation of the regulated facility or activity to act as a designated signatory.

(d) Each signatory and each signatory's designee shall submit a signature statement, on a form furnished by the department, to the secretary with the temporary and the final permit applications. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-10.** (Authorized by and implementing K.S.A. 65-171d; effective May 1, 1981; revoked, T-28-4-1-03, April 1, 2003.)

**28-45-10a. Siting requirements for new underground hydrocarbon storage wells and facilities.** (a) Each operator shall assess the geographical, topographical, and physical data for any proposed underground hydrocarbon storage well location to determine whether siting requirements have been met. The following siting requirements shall be met:

(1) Each new underground storage facility shall be located at least three miles from the established boundaries of municipal population centers.

(2) Each proposed new facility or boundary expansion for an existing facility shall be located as follows:

(A) Not less than five miles from an active or abandoned conventional shaft mining operation; and

(B) not less than two miles from the facility's boundary of any solution mining operation.

(3) Each operator shall assess the extent and nature of current or past conventional subsurface mining activities within five miles of the underground hydrocarbon storage facility's boundary to determine any potential impact to public health, safety, or the environment resulting from the proposed activities at the facility.

(4) Each operator shall identify and assess all wells, including abandoned wells, from available sources of information, within a one-mile perimeter of the facility's boundary to determine if the following conditions exist:

(A) The wells have been constructed in a manner to protect public health, property, and the environment.

(B) The abandoned wells, including water, oil, gas, monitoring, and underground storage wells, have been properly plugged.

(b) Each operator of a new underground hydrocarbon storage well shall conduct a regional geological evaluation to determine if the integrity of the proposed storage cavern will be adversely affected by either of the following:

- (1) Salt thinning due to any stratigraphic change; or
- (2) a dissolution zone in the bedded salt.

(c) No new underground hydrocarbon storage facility's boundary or the expansion of an existing facility's boundary shall be located less than one mile from any existing underground porosity storage facility.

(d) Each operator shall identify potential risks to the storage operation from activities conducted at adjacent facilities.

(e) Each operator shall identify all utilities having a right-of-way, including pipeline, railway, roadway, and electrical lines, and shall assess the potential impact of the utilities on the location or operation of the facility. If a facility is exposed and subject to hazards, including vehicular traffic, railroads, electrical power lines, and aircraft or shipping traffic, the facility shall be protected from accidental damage, by distance or barricades.

(f) No outer boundary of an underground hydrocarbon storage cavern shall be less than 100 feet from any of the following:

- (1) The property boundary of any owners who have not consented to subsurface storage under their property;
- (2) any existing surface structure not owned by the facility's owner; or
- (3) any public transportation artery. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-11.** (Authorized by and implementing K.S.A. 1984 Supp. 65-171d; effective, T-85-7, Feb. 15, 1984; effective May 1, 1984; amended May 1, 1985; revoked, T-28-4-1-03, April 1, 2003.)

**28-45-11a.** Financial assurance for underground hydrocarbon storage facility closure. (a) Each operator of an underground hydrocarbon storage facility shall establish financial assurance for the following:

- (1) Closure of the facility; and
- (2) the plugging of any hydrocarbon storage well.

(b) Each operator of an existing underground hydrocarbon storage well shall submit proof of financial assurance to the secretary within one year after the effective date of this article of regulations.

(c) Each operator of a new underground hydrocarbon storage well shall submit proof of financial assurance with the final permit application.

(d) Each operator shall submit financial assurance information to the secretary annually on or before January 31 of each year. The following requirements shall apply:

(1) Each operator shall submit a detailed written estimate, in current dollars, of the cost to close all underground storage wells and storage caverns at the facility following the closure procedures specified in K.A.R. 28-

45-20. The estimate shall be reviewed and approved by a professional engineer or licensed geologist.

(2) Each operator shall prepare an estimate of the closure cost for all storage wells and storage caverns at the facility based on the cost charged by a third party to plug the underground storage wells.

(3) Each operator shall increase the closure cost estimate and the amount of financial assurance provided if any change in the facility operation or closure plan increases the maximum cost of closure at any time.

(e) Each operator shall provide continuous financial assurance coverage for closure until the secretary approves the facility closure.

(f) Each operator shall comply with the provisions of the department's document titled "procedure for demonstrating financial assurance for an underground hydrocarbon storage well, procedure #: UICLPG-6," dated March 2003, which is hereby adopted by reference. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-12.** Operations and maintenance plan. (a) Each operator of an underground hydrocarbon storage facility shall submit a plan for the long-term operation and maintenance of the facility with the final permit application.

(b) Each operation and maintenance plan shall include the following information:

(1) A location map of all wells within the facility's boundaries and a listing of the global positioning system coordinates for each well;

(2) a schematic of the gathering line system that connects all wells within the underground hydrocarbon storage facility to a central distribution point;

(3) a schematic of the brine and product lines for each cavern;

(4) a description of the methods to be used to prevent the overpressuring of wells and storage caverns;

(5) a plan view map of the location of any disposal wells and corrosion control wells;

(6) the location, depth, and well construction for all shallow and deep groundwater monitoring and observation wells;

(c) Each operator shall submit a plan for solutioning or washing any cavern to the secretary for review and consideration for approval. The plan shall include the following:

(1) A list of acceptable blanket pad materials;

(2) methods for monitoring the solutioning or washing process; and

(3) a monitoring schedule.

(d) The use of freshwater or unsaturated brine to displace any product shall be prohibited, unless the secretary determines that this use is protective of public health, safety, and the environment. The operator shall submit a justification for the displacement of any product with freshwater or unsaturated brine to the secretary.

(e) The maximum allowable operating pressure and test pressure shall not exceed 0.8 pounds per square inch per foot of depth measured at the higher elevation of either the casing seat or the highest interior elevation of the

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storage cavern roof. The following requirements shall apply:

(1) A maximum allowable operating pressure exceeding 0.75 pounds per square inch per foot of depth shall be prohibited unless the following conditions are met:

(A) Each operator submits a justification to the department for exceeding a maximum allowable operating pressure of 0.75 pounds per square inch per foot of depth.

(B) The well is equipped with a continuous pressure-monitoring system, and a pressure history can be maintained.

(2) The underground hydrocarbon storage cavern shall not be subjected to pressures in excess of the maximum allowable operating pressure, including pressure pulsations and abnormal operating conditions.

(f) Each operator shall maintain a minimum operating pressure that is protective of cavern integrity at each underground hydrocarbon storage well.

(g) Each operator shall give oral notification within two hours and shall submit written notification within one week to the department if any of the following events occurs:

(1) The overpressuring or the overfilling of an underground hydrocarbon storage cavern;

(2) the loss of integrity for an underground hydrocarbon storage well or cavern;

(3) the release of brine, product, or any other chemical parameter that poses a threat to public health, safety, or the environment;

(4) any uncontrolled or unanticipated loss of product or brine that is detectable by any monitoring or testing;

(5) any other condition that could endanger public health, safety, or the environment;

(6) the establishment of communication between underground hydrocarbon storage caverns;

(7) the triggering of any alarms verifying that the permit safety requirements have been exceeded; or

(8) any equipment malfunction or failure that could result in potential harm to public health, safety, or the environment.

(h) Each operator shall notify the secretary of any change in the type of product stored in any underground hydrocarbon storage cavern and shall certify that the compatibility of product types and the effect of pressure changes will not adversely affect the wellhead, casing, tubing, and cavern. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-13. Emergency response plan and safety and security measures.** (a) Each operator of an existing underground hydrocarbon storage facility and each applicant who wishes to operate a facility shall prepare an emergency response plan. The following requirements shall apply:

(1) Each operator of an existing underground hydrocarbon storage facility shall submit the plan to the secretary within one year after the effective date of this article of regulations.

(2) Each applicant for a final permit for a new underground hydrocarbon storage facility shall submit the plan to the secretary with the application.

(3) Each operator shall update the plan annually and also shall update the plan whenever new information becomes available.

(b) Each plan shall include a description of the facility's response to the following events:

(1) Spills and releases;

(2) fires and explosions;

(3) cavern subsidence and collapse; and

(4) any other activity that endangers public health and safety, or that constitutes a threat to the environment.

(c) Each plan shall include the following information:

(1) A description of the warning systems in operation at the facility;

(2) a description of the facility's emergency response communication system that includes the following:

(A) A plat showing the location of all occupied buildings within a two-mile perimeter of the facility's boundaries; and

(B) a list of addresses and telephone numbers for all persons to contact within a two-mile perimeter of the facility's boundaries if a release or emergency condition occurs;

(3) the procedures for coordination of emergency response with local emergency planning committees, including emergency notification and evacuation of citizens and employees;

(4) a description of employee training for emergency response;

(5) a plat of the facility, showing the following locations:

(A) All hydrocarbon storage wells;

(B) all underground injection control wells;

(C) all monitoring wells;

(D) all brine and product lines;

(E) railroad and transportation routes;

(F) brine ponds; and

(G) any other appurtenances at the facility; and

(6) a plan map of man-made surface structures and any construction activities within a one-mile perimeter of the facility's boundaries.

(d) A copy of the plan shall be available at the facility, the company headquarters, and any coordinating agencies or committees involved in the emergency response plan.

(e) Each operator shall establish an educational program for community safety and awareness of the emergency response plan.

(f) Each operator of an underground hydrocarbon storage facility shall provide security measures to protect the public and to prevent unauthorized access. These security measures shall include the following:

(1) Methods for securing the facility from unauthorized entry and for providing a convenient opportunity for escape to a place of safety;

(2) clearly visible, permanent signs at all points of entry and along the facility's boundary, identifying the well or storage facility name, owner, and contact telephone number;

(3) security lighting;

(4) alarm systems;

(5) appropriate warning signs in areas that could contain accumulations of hazardous or noxious vapors or where physical hazards exist; and



(6) a direct communication link with the local control room or any remote control center for service and maintenance crews.

(g) Warning systems and alarms shall consist of the following:

(1) Combustible gas detectors, heat sensors, pressure sensors, and emergency shutdown instrumentation integrated with warning systems audible and visible in the local control room and at any remote control center;

(2) circuitry designed so that the failure of a detector or heat sensor, excluding meltdown and fused devices, will activate the warning; and

(3) a manually operated alarm, audible to facility personnel.

(h) Each wellhead and storage cavern shall be protected with safety devices to prevent pressures in excess of the maximum allowable operating pressure from being exerted on the underground hydrocarbon storage well or cavern and to prevent the backflow of any stored hydrocarbon if a flowline ruptures.

(i) Each wellhead shall be equipped with manual isolation valves. Each port on a wellhead shall be equipped with either a valve or a blind flange. The valve or blind flange shall be rated at the same pressure as that for the wellhead.

(j) Each operator shall install a supervisory control and data acquisition system approved by the secretary to monitor storage operations for individual storage wells. Each of the following instruments shall be connected to an alarm:

- (1) Flow indicators for hydrocarbon;
- (2) combustible gas detection indicators; and
- (3) pressure indicators on both the product and brine lines of the wellhead.

(k) Each operator shall install emergency shutdown valves on all hydrocarbon, brine, and water lines. Criteria for emergency shutdown valves shall include the following:

(1) (A) Be rated at least equivalent to 125% of the maximum pressure that could be exerted at the surface; or

(B) meet a pressure-rating standard equivalent to that specified to that in paragraph (k)(1)(A) and determined by the secretary to be protective of public health, safety, and the environment;

(2) fail to the closed position;

(3) be capable of remote and local operation; and

(4) be activated by the following:

(A) Overpressuring;

(B) underpressuring; and

(C) gas and heat detection.

(l) Each operator shall conduct annual inspections of all wellhead instrumentation.

(m) Each operator shall function-test each critical control system and emergency shutdown valve semiannually.

(n) Trip testing of each loop shall include the instrumentation, valves, shutdown equipment, and all wiring connections to ensure the integrity of the circuit and to ensure that the valve closure times meet design limits.

(o) Each operator shall ensure that the equipment automatically closes all inlets and outlets to the storage cavern and safely shuts down or diverts any operation as-

sociated with the storage cavern, in case of overfilling or an emergency.

(p) Each operator shall cease operations or shall comply with the instructions from the secretary if the secretary determines that an imminent threat to public health, safety, or the environment exists due to any unsafe operating condition. The operator may resume operations if the secretary determines that the facility's operations no longer pose a risk to public health, safety, or the environment. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-14. Design and construction of underground hydrocarbon storage wells.** (a) Each operator shall ensure that each underground hydrocarbon storage well is constructed with surface casing. The following requirements shall apply:

(1) The surface casing shall be set through all fresh and usable water formations and into competent bedrock.

(2) The surface casing shall be cemented by circulating cement through the bottom of the casing to the surface.

(3) The annular space between the casing and the formation shall be filled with cement.

(b) Each operator of any existing underground hydrocarbon storage well without a surface casing shall perform one of the following:

(1) Verify the integrity of the existing casing with a casing inspection tool specified in K.A.R. 28-45-16;

(2) provide double protection by installing either of the following:

(A) An intermediate casing and a production casing; or

(B) a production casing with a tubing and packer assembly; or

(3) plug the well if double protection cannot be provided.

(c) Each operator of a new underground hydrocarbon storage well shall install double casing protection with an intermediate casing and a production casing set into the upper part of the salt formation. The following provisions shall apply:

(1) The intermediate casing shall extend a minimum of 105 feet into the salt formation. The production casing shall extend at least to the depth of the intermediate casing.

(2) The annular space between the intermediate and production casings and between the intermediate casing and formation shall be filled with cement by circulating cement through the bottom of the casing to the surface.

(3) A tubing and mechanical packer assembly may be installed with the production casing as an alternative to the use of cemented intermediate and production casings.

(d) Each operator of an existing underground hydrocarbon storage well that does not have double casing protection shall enhance casing monitoring by providing a casing inspection evaluation as specified in K.A.R. 28-45-16.

(e) The casing and tubing shall meet the performance standards for collapse resistance, internal yield pressure, and pipe body yield strength for the well's setting depths using criteria specified in the American petroleum insti-

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tute's bulletin 5C2, twenty-first edition, dated October 1999, which is hereby adopted by reference.

(f) The brine tubing in each underground hydrocarbon storage well shall have a weep hole located a minimum of one foot above the bottom of the brine tubing. The following requirements shall apply:

(1) The brine tubing in a new underground hydrocarbon storage well shall have a weep hole before storage operations begin.

(2) The weep hole shall be added to the brine tubing in an existing underground hydrocarbon storage well when the brine tubing is pulled for any well work.

(g) Only new steel casing shall be installed in a new underground hydrocarbon storage well. Used parts, materials, and equipment that have been tested and certified for continued service may be used for repairs.

(h) Liners shall extend from the surface to a depth near the bottom of the production casing that allows room for workover operations.

(i) The following cementing requirements shall be met:

(1) The cement shall be compatible with the rock formation water and the drilling fluids. Salt-saturated cement shall be used when cementing through the salt section.

(2) The cement across the confining zone and to the surface shall have a compressive strength of not less than 1,000 pounds per square inch.

(3) Remedial cementing shall be completed if there is evidence of either of the following:

(A) Communication between the confining zone and other horizons; or

(B) annular voids that would allow either fluid contact with the casing or channeling across the confining zone or above the confining zone.

(4) The following requirements for cement evaluation shall apply:

(A) Samples shall be obtained at the start and end of the cementing operation for evaluation of cement properties. All cement samples collected shall be representative of the cement being utilized.

(B) All samples shall be tested for compressive strength.

(C) A cement bond log shall be run on the surface casing, intermediate casing, and cemented production casing after the neat cement has cured for a minimum of 72 hours.

(j) Casing patches shall be prohibited, unless the secretary determines that the use of casing patches is protective of public health, safety, and the environment. The following requirements shall apply:

(1) Each operator shall submit a plan for the installation of the casing patch to the secretary.

(2) Each operator shall meet the requirements specified in the department's document titled "procedure for internal casing repair, procedure #: UICLPG-12," dated February 2003, which is hereby adopted by reference.

(k) Each operator shall pressure-test each production casing for leaks when the well construction is completed.

(l) Each operator shall submit a casing inspection base log for the entire cased interval for the innermost casing string or for the cemented liner that extends the entire

length of the casing after the well construction is completed.

(m) Each operator shall contain, in a tank, all workover wastes, drilling fluids, drilling mud, and drill cuttings from any drilling operation or workover. Drilling fluids, drilling mud, and drill cuttings shall be disposed of in a manner determined by the secretary to be protective of public health, safety, and the environment.

(n) A licensed professional engineer, licensed geologist, or the designee shall supervise the installation of each underground hydrocarbon storage well.

(o) Each operator shall install and maintain a corrosion control system. The following requirements shall apply:

(1) The corrosion control system shall be capable of protecting deep well casing.

(2) The corrosion control system shall be assessed according to the protocol and time schedule recommended by the corrosion control system manufacturer, and the results shall be reported to the secretary. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-15. Monitoring.** (a) Each operator shall install pressure sensors to continuously monitor wellhead pressures for both the product and brine sides of the wellhead for each underground hydrocarbon storage well, as specified in K.A.R. 28-45-5a (f) (1). The following requirements shall apply:

(1) The pressure sensor shall be capable of recording the maximum and minimum operating pressures during a 24-hour period.

(2) The pressure sensor shall be capable of recording operating pressures at an interval approved by the secretary.

(3) Each operator shall provide pressure data, including historic continuous monitoring, to the secretary upon request.

(4) Each underground hydrocarbon storage well shall have pressure gauges on both the product and brine sides at the wellhead, until continuous monitoring pressure sensors are installed.

(b) Each operator of an underground hydrocarbon well equipped with a production casing with a tubing and packer assembly shall monitor the annular space. Each operator shall submit the following to the secretary for review and consideration for approval:

(1) A diagram of the well construction; and

(2) a plan for monitoring the annulus that includes the following:

(A) A diagram of the instrumentation for monitoring the annular pressure and fluid levels;

(B) a description of how the annular pressure and fluid levels will be recorded; and

(C) a description of, and justification for, the testing methods to demonstrate the mechanical integrity of the system.

(c) Each operator shall submit a plan for any monitoring activity, including logging and sonar surveys, to the secretary for review and consideration for approval to ensure the protection of public health, safety, and the environment, at least 60 days before the commencement of these monitoring activities.

(d) Each operator shall submit a summary and the results of the monitoring activity to the secretary within 30 days after completion of the monitoring activity.

(e) Each operator shall monitor the thickness of the salt roof for each cavern with a gamma ray log and a density log, or with another log as specified in K.A.R. 28-45-6a (m), as follows:

(1) Every five years;  
 (2) every three years, if the cavern meets criteria specified in K.A.R. 28-45-6a;

(3) at any time that the secretary determines that cavern integrity is suspect; and

(4) before plugging the well.

(f) Each operator shall monitor the cavern storage capacity and the cavern geometry with a sonar survey. The sonar survey shall be conducted as follows:

(1) Before placing the underground hydrocarbon storage cavern in service;

(2) every 10 years;

(3) for determining the capacity of the hydrocarbon storage cavern, if the capacity determined by the volume of hydrocarbons injected into and withdrawn from the underground hydrocarbon storage cavern does not correspond with the reported cavern capacity;

(4) for determining the stability of the cavern and the overburden if the salt roof thickness and cavern geometry indicate that the stability of the cavern or overburden is at risk;

(5) after any solutioning of the cavern that results in a solution volume increase of 20 percent or more of cavern capacity; and

(6) before plugging the well if a sonar survey has not been run in the past five years.

(g) Any operator may use an alternative method for the sonar survey if the secretary determines that the alternative method is substantially equivalent to the method specified in subsection (f). The operator shall submit the following information for the secretary's consideration:

(1) A description of the proposed method and the theory for its operation;

(2) a description of the storage well and cavern conditions under which the log can be used;

(3) the procedure for interpreting the survey results; and

(4) an assessment of the capacity and stability of the cavern.

(h) Each operator shall submit a ground subsidence monitoring plan to the secretary. The following requirements shall apply:

(1) Each operator shall submit the plan at either of the following times:

(A) When the final permit application is submitted; or

(B) when the operator conducts an elevation survey that is due before submittal of the final permit application.

(2) The ground subsidence monitoring plan shall include the following information:

(A) A description of the method for conducting an elevation survey; and

(B) the criteria for establishing monuments, benchmarks, and wellhead survey points.

(3) The criteria for subsidence monitoring shall be as follows:

(A) Level measurements to the accuracy of 0.01 foot shall be made.

(B) Surface elevation changes in excess of 0.10 foot shall be reported within 24 hours to the secretary.

(C) No established benchmark shall be changed, unless the operator submits a justification that the change is protective of public health, safety, and the environment.

(D) If a benchmark is changed, the elevation change from the previous benchmark shall be noted in the elevation survey report.

(E) Each operator shall submit the elevation before and after any wellhead work that results in a change in the survey point at the wellhead.

(4) The elevation survey shall be conducted by a professional land surveyor.

(5) Biennial survey results, including certified and stamped field notes, shall be submitted to the department within 30 days after completion of the survey.

(i) Each operator shall submit a plan for measuring the volume of hydrocarbons injected into or withdrawn from each underground hydrocarbon storage well, including methods for measuring and verifying volume, with the permit application to the secretary for review and consideration for approval. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-16. Testing and inspections.** (a) Each operator shall submit a plan to the secretary for review and consideration for approval to ensure the protection of public health, safety, and the environment, before conducting any underground hydrocarbon storage well or cavern testing. Testing shall not commence without prior approval from the secretary.

(b) Each operator shall submit a summary of the testing to the secretary within 45 days after completing the test. The summary shall include the following:

(1) A chronology of the test;

(2) copies of all logs and readings;

(3) storage well completion information;

(4) pressure readings;

(5) volume measurements; and

(6) an explanation of the test results.

(c) Each operator shall test each unplugged underground hydrocarbon storage well and cavern for mechanical integrity. The following requirements shall apply:

(1) Integrity tests shall be conducted on the storage well and cavern as follows:

(A) Before the cavern is initially placed in service;

(B) every five years, if the well is unplugged or is in monitoring status;

(C) before the underground hydrocarbon storage cavern is placed back in service after being in monitoring status; and

(D) before the well is plugged.

(2) Integrity tests shall be conducted on the underground hydrocarbon storage well after each workover that involves physical changes to any cemented casing string.

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(3) Each underground hydrocarbon storage well shall be tested for mechanical integrity using the nitrogen-brine interface method.

(4) Each underground hydrocarbon storage cavern shall be tested for integrity by using the hydrostatic brine test.

(5) Each operator shall submit a test procedure plan, on a form furnished by the department, to the secretary for review and consideration for approval, at least 30 days before test commencement. The plan shall include the following information:

- (A) The justification for test parameters;
- (B) the test sensitivities; and
- (C) the pass and fail criteria for the test.

(6) Each operator shall notify the secretary at least five days before conducting any integrity test.

(7) The integrity test shall be conducted at the maximum allowable operating pressure.

(8) All test procedures shall use certified gauges and pressure transducers that have been calibrated annually.

(d) Any operator may use an alternative integrity test if the secretary determines that the alternative integrity test is substantially equivalent to the integrity tests specified in subsection (c). The operator shall submit the following information for the secretary's consideration:

(1) A description of the test method and the theory of operation, including the test sensitivities, a justification for the test parameters, and the pass and fail criteria for the test;

(2) a description of the well and cavern conditions under which the test can be conducted;

(3) the procedure for interpreting the test results; and

(4) an interpretation of the test.

(e) No underground hydrocarbon storage well and cavern shall be used for storage if the mechanical integrity is not verified.

(f) Each operator shall submit a casing evaluation for each underground hydrocarbon storage well. Acceptable casing evaluation methods shall include magnetic flux and ultrasonic imaging.

(g) Any operator may use an alternative casing evaluation method if the secretary determines that the alternative casing evaluation method is substantially equivalent to the casing evaluation methods specified in subsection (f). The operator shall meet the following requirements:

(1) Each operator shall submit a description of the logging method, including the theory of operation and the well conditions suitable for log use.

(2) Each operator shall submit the specifications for the logging tool, including tool dimensions, maximum temperature and pressure rating, recommended logging speed, approximate image resolution, and hole size range.

(3) Each operator shall describe the capabilities of the log for determining the following:

(A) The presence of any metal loss due to either of the following:

- (i) Internal or external corrosion; or
- (ii) internal wear;

(B) the degree of penetration of the corrosion or the casing defect; and

(C) the circumferential extent of the corrosion or the casing defect.

(4) Each operator shall submit a log and an interpretation of the log to the secretary.

(h) Each operator shall submit a casing evaluation according to the following time schedule:

(1) Every 10 years, for either of the following conditions:

(A) The underground hydrocarbon storage well has double casing protection; or

(B) an existing well has a liner and a production casing.

(2) after any workover in which the injection string is pulled; and

(3) every five years, if the underground hydrocarbon well does not have double casing protection or if a determination is made by the secretary that the integrity of the long string casing could be adversely affected by any naturally occurring condition or man-made activity.

(i) A variance for submitting a casing evaluation may be considered by the director if the well has a tubing and packer assembly in place.

(j) Each operator shall submit a cement bond log with the casing evaluation if a cement bond log has not been previously submitted.

(k) A licensed professional engineer, licensed geologist, or the designee shall supervise all test procedures and associated field activity.

(l) Each operator shall have a licensed professional engineer or licensed geologist review all test results.

(m) Each operator shall visually inspect the wellhead monthly for any leakage.

(n) Each operator shall conduct an inspection of facility records, using a form furnished by the department, every two years to ensure that the required records are being properly maintained. The operator shall maintain these records at the facility and shall make the records available to the secretary upon request. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-17. Groundwater monitoring.** (a) Each operator of an underground hydrocarbon storage facility shall submit a groundwater monitoring plan with the final permit application to the secretary for review and consideration for approval to ensure the protection of public health, safety, and the environment.

(b) Each operator shall ensure that the groundwater monitoring wells meet the following requirements:

(1) Each operator shall set the screen in each shallow monitoring well at a depth that is inclusive of the seasonal fluctuation of the water table.

(2) Each operator shall ensure that all deep groundwater monitoring wells extend a minimum of 25 feet into the bedrock, or to a depth based on the geology and hydrogeology at the facility and approved by the secretary to ensure the protection of public health, safety, and the environment.

(c) All well locations and spacing between all well locations shall be based on the geology and the hydrogeology at the facility and shall be required to be approved by the secretary to ensure the protection of public health, safety, and the environment.

(d) Each operator of a facility shall submit a quality assurance plan, including techniques for sampling and analysis, with the final permit application to the secretary for review and consideration for approval to ensure the protection of public health, safety, and the environment.

(e) Each operator shall collect groundwater samples and analyze the samples for chlorides and any other parameter determined by the secretary to pose a threat to public health, safety, and the environment. The reporting format shall be determined by the secretary.

(f) Each operator shall submit the results for chloride analyses from groundwater samples to the department on a quarterly basis.

(g) Each operator shall monitor monthly for the presence of combustible gas in the headspace in monitoring wells and shall submit the results to the department quarterly.

(h) Each operator shall submit a static groundwater level measurement for each monitoring well with the quarterly chloride analyses results specified in subsection (f).

(i) Any operator of a facility with chloride concentrations in the groundwater either that are three times the background concentration or that exceed 500 milligrams per liter may be required by the secretary to submit a work plan to the secretary, for review and consideration for approval, that describes the methods to delineate potential source areas and to control migration of the chloride contamination.

(j) Each operator of a well in which combustible gas is detected shall submit a work plan to the secretary for review and consideration for approval. Each operator shall describe the proposed methods to eliminate any source areas and return the combustible gas levels to levels that do not pose a potential threat to public health, safety, or the environment. The plan shall be approved if the secretary determines that the plan is protective of public health, safety, and the environment. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-13. Record requirements and retention.** (a) Each operator shall complete and submit an annual report, on a form furnished by the department, on or before April 1 of each year. The annual report shall include the following:

- (1) A description of any incident of uncontrolled or unanticipated product loss;
- (2) the well number and date of any logs or sonar surveys conducted;
- (3) the estimated storage capacity for all unplugged caverns;
- (4) a list of any caverns being washed;
- (5) a list of the volume of product injected and withdrawn for each well;
- (6) a list, by well number, of the type of product stored; and
- (7) a list, by well number, of the maximum and minimum product storage pressures encountered during the report year.

(b) Each operator shall maintain facility records at the facility or at a location approved by the secretary for the following time periods:

(1) A period of 10 years, for the following records:

- (A) The maximum and minimum operating pressures for each well; and
- (B) the annual inspections required by the secretary;
- (2) the life of the well, for the following records:
  - (A) The casing records for each well;
  - (B) the cementing records for each well;
  - (C) the workover records;
  - (D) monitoring information, including calibration and maintenance records; and
  - (E) continuous monitoring data; and
- (3) the life of the facility, for the following records:
  - (A) All logging events;
  - (B) all mechanical integrity tests and other testing;
  - (C) all groundwater monitoring data; and
  - (D) all correspondence relating to the permit, including electronic mail.

(c) Surface elevation surveys shall be maintained and retained for the life of facility plus 20 years after the facility's closure.

(d) All required facility records, reports, and documents shall be transferred to the new owner, operator, or both, with the transfer of the permit. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-19. Well workovers.** (a) Each operator shall submit a workover plan to the secretary for review and consideration for approval to ensure the protection of public health, safety, and the environment. The following provisions shall apply:

(1) Each operator shall submit the workover plan at least 30 days before performing any downhole or well-head work that involves dismantling or removal of the wellhead.

(2) An operator shall not be required to submit a workover plan for routine maintenance or replacement of gauges, sensors, or valves.

(3) Verbal authorization to initiate downhole or well-head work may be issued by the secretary if the operator has fulfilled the requirements of this subsection.

(b) Each operator shall ensure that a blowout preventer with a pressure rating greater than the pressures anticipated to be encountered is used during each workover.

(c) Each operator shall ensure that all logging procedures are conducted through a lubricator unit with a pressure rating greater than the pressures anticipated to be encountered.

(d) Each operator shall provide to the person logging the well or performing a well workover all relevant information concerning the status and condition of the well and storage cavern before initiating any work. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-20. Plugging requirements.** (a) Each operator shall submit a plugging plan, including monitoring and testing requirements, to the secretary for review and consideration for approval at least 60 days before the plugging event.

(b) Each operator shall follow the plugging procedure specified in the department's document titled "procedure

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for the plugging and abandonment of a hydrocarbon storage well, procedure #:UICLPG-3," dated March 2003, which is hereby adopted by reference.

(c) Each operator shall restore and preserve the integrity of the site as follows:

- (1) Dispose of all liquid waste in an environmentally safe manner;
- (2) clear the area of debris;
- (3) drain and fill all excavations;
- (4) remove all unused concrete bases, machinery, and materials; and
- (5) level and restore the site. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-21. Underground hydrocarbon storage fees.**

(a) Effective on and after January 1, 2004, each operator shall submit an annual permit fee of \$18,890 per facility and \$305 per unplugged storage well on or before April 1 of each year.

(b) Each operator shall submit the permit fees for the year 2003 within 60 days after the effective date of this article of regulations. The permit fees shall be \$18,890 per facility and \$305 per unplugged storage well.

(c) In addition to the fees specified in subsection (b), each operator shall submit a one-time fee of \$700 for each existing underground hydrocarbon storage well with the temporary permit application.

(d) Each applicant for a permit for a proposed new underground hydrocarbon storage well shall submit a fee of \$700 with the permit application.

(e) Fees shall be made payable to the "Kansas department of health and environment—subsurface hydrocarbon storage fund."

(f) The fees collected under the provisions of this regulation shall not be refunded.

(g) If ownership of an underground hydrocarbon storage well or underground hydrocarbon storage facility changes during the term of a valid permit, no additional fee shall be required unless a change occurs that results in a new storage well or an expanded facility operation. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,118; effective, T-28-4-1-03, April 1, 2003.)

**28-45-22. Permit required for a brine pond.**

(a) Since the underground storage of hydrocarbons and the access to and transfer of hydrocarbons is dependent on the safe and secure operation and maintenance of associated brine ponds, no person shall construct, operate, or maintain any brine pond associated with an underground hydrocarbon storage facility without obtaining a brine pond permit from the secretary.

(b) Each operator of a brine pond in existence on the effective date of this article of regulations shall meet the requirements for liner construction if either of the following conditions exists:

- (1) A potential threat to public health, safety, or the environment exists.
- (2) An existing brine pond is dewatered due to the repair, replacement, or expansion of the brine pond.
- (c) A variance may be granted by the secretary if both of the following conditions are met:

(1) The variance is protective of public health, safety, and the environment.

(2) The operator agrees to perform any additional monitoring or brine pond improvements, or both, if required by the secretary.

(d) Each operator seeking a variance shall submit a written request, including a justification for the variance and any supporting data, to the secretary for review and consideration for approval. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-23. Brine pond application and permit.**

(a) Each operator of an existing brine pond and each applicant for a permit for a new brine pond shall submit an application for a permit to the secretary. Upon review of the application, either of the following shall be issued by the secretary:

- (1) A final permit if the application is approved; or
- (2) a notice that the permit has been denied if the application is not approved.

(b) Each permit for a brine pond shall be authorized for a term not to exceed 10 years.

(c) Each operator of an existing brine pond shall submit an application, on a form furnished by the department, to the secretary within six months after the effective date of this article of regulations.

(d) Each operator shall submit a completed application to renew a permit not less than 90 days before the expiration date of the permit in effect.

(e) Each applicant for a permit for a new brine pond shall submit a completed application to the secretary not less than 90 days before the construction of the new brine pond commences. Brine pond construction shall not begin until the secretary has issued the permit.

(f) Each permit application for a new brine pond shall include a hydrogeological investigation conducted under the direction of a licensed geologist or a licensed professional engineer.

(g) Each hydrogeological investigation for a new brine pond shall include the following information:

(1) A site characterization for brine pond construction shall meet the following requirements:

(A) The bottom of the brine pond shall be determined by the lowest surface elevation of compacted or excavated soils used in creating the pond structure.

(B) All required excavations or boreholes shall be drilled to a depth of at least 10 feet below the bottom of the brine pond.

(C) A separation distance of at least 10 feet shall be maintained between the brine pond bottom and the water table.

(D) The surface area shall be measured at the interior top dike elevation.

(2) The location and elevation of each borehole or excavation, based on surface area, shall be determined by the following criteria:

(A) A minimum of two boreholes or excavations for each five acres of proposed brine pond surface area; or

(B) a minimum of two boreholes or excavations if the brine pond surface area is less than five acres.

(3) The following information shall be submitted for each borehole or excavation:



(A) A log of soil types encountered in each borehole or excavation; and

(B) a groundwater level measurement at each borehole or excavation.

(h) Each operator shall notify the department at least five days before conducting any field activities for the hydrogeological investigation. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-24. Public notice for a brine pond.** (a) Public notice shall be given for the following permit actions:

(1) A permit application for any new brine pond associated with an underground hydrocarbon storage well;

(2) modifications that require a draft permit;

(3) modifications to an existing brine pond;

(4) a denied permit; and

(5) a scheduled hearing.

(b) The public notice and, if applicable, a copy of the draft permit shall be mailed by the department to the permit applicant.

(c) The public notice shall be mailed by the department to the following:

(1) Any person who submits a written request for placement on the mailing list; and

(2) the official county newspaper of each county in which the lands affected by the application are located, for publication in at least two issues.

(d) The public notice shall include the following information:

(1) The name and address of the department processing the permit action for which the notice is being given;

(2) the name and address of the person seeking the permit;

(3) a brief description of the activity described in the permit application;

(4) the name, address, and telephone number of the person that interested persons may contact for further information, including copies of the application, draft permit, or other appropriate information;

(5) a brief description of the comment procedures for public notice; and

(6) a statement of the procedure to request a hearing and other procedures that allow public participation in the final permit decision.

(e) Any interested person may submit written comments to the secretary on any permit action during the 30-day public comment period. The following requirements shall apply:

(1) Comments shall be submitted by the close of the public comment period.

(2) All supporting materials submitted shall be included in full and shall not be incorporated by reference, unless the supporting materials are any of the following:

(A) Part of the administrative record in the same proceeding;

(B) state or federal statutes and regulations;

(C) state or environmental protection agency documents of general applicability; or

(D) other generally available reference materials.

(3) Commentators shall make available to the secretary all supporting materials not already included in the administrative record.

(f) The response to all significant comments concerning any permit actions and the reasons for changing any provisions in the draft permit shall be issued at the time that the final permit decision is issued.

(g) The response to comments shall be made available to the public upon request. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-25. Renewal, modification, and transfer of a brine pond permit.** (a) The issuance or modification of a brine pond permit or the variance of the specific requirements of a brine pond permit may be authorized by the secretary for a term of less than 10 years.

(b) The automatic transfer of a brine pond permit shall be prohibited. The terms of a permit transfer shall include the following:

(1) Each person requesting a permit transfer shall submit a completed application to the secretary at least 60 days before the proposed effective date of the transfer.

(2) Each operator shall comply with the conditions of the existing permit until the secretary reissues the permit.

(c) Any permit for a brine pond may be modified by the secretary for any of the following reasons:

(1) The secretary receives information not available when the permit was issued.

(2) The secretary receives a request for a modification.

(3) The secretary conducts a review of the permit file and determines that a modification is necessary.

(d) Only the permit actions subject to modification shall be reopened.

(e) Minor modifications that shall not require public notification shall include the following:

(1) Correction of typographical errors;

(2) requirements for more frequent monitoring or reporting by the operator;

(3) date change in a schedule of compliance, if the new date is less than 120 days after the date specified;

(4) change in ownership or operational control of the facility, unless the secretary determines that public notification is necessary to protect the public interest;

(5) change in construction requirements, if approved by the secretary; and

(6) amendments to a brine pond closure plan.

(f) A draft permit and notification to the public shall be required if any of the following conditions is met:

(1) An operator proposes substantial alterations to the brine ponds or proposes any activity that justifies a change in permit requirements, including cumulative effects on public health, safety, or the environment.

(2) Information has become available that would have initially justified different permit conditions.

(3) The standards or regulations on which the permit was based have changed because of the promulgation of new or amended standards or because of a judicial decision.

(4) A change in the compliance schedule is necessary.

(g) Any operator may request a permit modification within 180 days after any of the following:

(1) The adoption of any new regulations or standards;

(2) any deadline to achieve compliance with regulations or standards before the expiration date of the permit; or

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(3) any judicial remand and stay of a promulgated regulation, if the permit condition was based on the remanded regulation. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-26. Signatories for brine pond permit applications and reports.** (a) Each operator of an existing brine pond and each applicant for a permit for a new brine pond shall designate signatories to sign the permit applications and reports required by the secretary.

(b) Positions that may be approved by the secretary as signatories shall include either of the following:

- (1) Operator of a brine pond; or
- (2) a position with responsibility at least equivalent to that required by the position specified in paragraph (b)(1).

(c) Any signatory may submit written notification to the secretary specifying a position having responsibility for the overall operation of the regulated facility or activity to act as a designated signatory.

(d) Each signatory and each signatory's designee shall submit a signature statement, on a form furnished by the department, to the secretary with the brine pond permit application. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-27. Financial assurance for brine pond closure.** (a) Each operator of a brine pond shall establish financial assurance for the decommissioning and abandonment of any brine pond permitted by the secretary under this article of regulations.

(b) Each operator of an existing brine pond shall submit proof of financial assurance within one year after the effective date of these regulations.

(c) Each operator shall submit proof of financial assurance information to the secretary annually on or before January 31 of each year. The following requirements shall apply:

(1) Each operator shall submit a detailed written estimate, in current dollars, of the cost to close any brine pond at the facility. The estimate shall be reviewed and approved by a licensed professional engineer or licensed geologist.

(2) Each operator shall develop an estimate of the closure cost for each brine pond at the facility as follows:

(A) The estimate shall be based on the cost charged by a third party to properly decommission the brine pond.

(B) The brine pond shall be assumed to be at maximum storage capacity.

(3) Each operator shall increase the closure cost estimate and the amount of financial assurance provided if any change in the brine pond closure plan or in the operation increases the maximum cost of brine pond closure at any time.

(d) Each operator shall provide continuous financial assurance coverage for closure until the secretary approves the brine pond closure.

(e) Each operator shall comply with the provisions of the department's document titled "procedure for demonstrating financial assurance for a brine pond associated with a storage facility, procedure #: UICLPG-11," dated March 2003, which is hereby adopted by reference. (Au-

thorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-28. Design, construction, and maintenance of brine ponds.** (a) Each operator shall submit a design and construction plan for each brine pond associated with an underground hydrocarbon storage facility to the secretary. The design and construction plan shall be approved if the secretary determines the plan is protective of public health, safety, and the environment. Each brine pond shall be designed by a licensed professional engineer.

(b) Each operator shall ensure that the impermeable synthetic membrane liner system for each brine pond is comprised of primary and secondary impermeable synthetic membrane liners with an intermediate leak detection system. The following requirements shall apply:

(1) The primary and secondary liners shall be at least 30 mils in thickness.

(2) The engineer designing the brine pond shall obtain a certification from the liner manufacturer providing the following information:

(A) Confirmation that the specified liner is compatible for use with the brine;

(B) confirmation that the specified liner is ultraviolet-resistant; and

(C) data for the manufacturer's estimated leakage, permeability, or transmissivity rate for specific liners, including the rate of movement of fluids through the synthetic membrane liner due to the properties and thickness of the liner material, expressed in units of volume per area per time;

(D) any normally expected manufacturing defects in the liner material; and

(E) any normally expected defects associated with the seaming and installation process.

(c) Each operator of a brine pond shall submit a contingency plan to the secretary that outlines procedures for brine containment issues associated with brine pond maintenance and dewatering due to liner failure, repair, replacement, or expansion of the brine pond. The contingency plan shall be approved if the secretary determines that the plan is protective of public health, safety, and the environment.

(d) Each operator shall immediately cease operations or shall comply with instructions from the secretary if the secretary determines that an imminent threat to public health, safety, or the environment exists due to any unsafe operating condition. The operator may resume operations if the secretary determines that the brine pond operations no longer pose a risk to public health, safety, or the environment.

(e) Each operator shall ensure that the primary and secondary liners for each brine pond are separated to provide a conduit for the movement of any fluid between the liners to the leak detection monitoring location for detection and removal.

(f) Each operator shall ensure that all materials between the primary and secondary liners are capable of transmitting a minimum of 1/64 inch per acre per day of flow with a head of no more than two feet placed on the secondary liner. Acceptable materials shall include the following:

(1) Clean sand;  
(2) pea gravel;  
(3) geotextile fabric;  
(4) geonet-type material; and  
(5) any alternatives recommended by the liner manufacturer, if the secretary determines that the alternatives are substantially equivalent to materials listed in this subsection.

(g) Each operator shall ensure that the leak detection system design for each brine pond limits the maximum travel time required for fluid penetrating the liner to reach the leak detection monitoring location to 24 hours or less.

(h) Each operator shall ensure that each brine pond bottom has a slope adequate for the proper operation of the leak detection system with not less than 0.5 percent for the slope for the collection pipes and 1.0 percent for all other slopes.

(i) Each operator shall ensure that the dewatering system design for each brine pond is capable of the following:

(1) Monitoring the volume of fluid removed from the intermediate space between the primary and secondary liners; and

(2) pumping the volume of fluid generated equal to 10 times the maximum allowable liner leakage rate.

(j) Each operator shall ensure that the compaction of all brine pond embankments and of the upper six inches of the interior lagoon bottom below the secondary liner meets all of the following criteria:

(1) The maximum standard proctor density shall be a minimum of 95 percent at optimum moisture to optimum moisture plus three percent.

(2) The maximum thickness of the compacted material shall not exceed six inches.

(3) The moisture content range of the compacted soils shall be optimum moisture to optimum moisture plus three percent.

(4) The maximum size of dirt clods in the compacted soil shall be less than one inch in diameter.

(k) Each operator shall ensure that the following requirements for the installation of the liners at each brine pond are met:

(1) The primary and secondary liners shall be anchored at the top of the brine pond dike in accordance with the liner manufacturer's instructions.

(2) Installation shall be performed in accordance with the liner manufacturer's instructions.

(3) Installation shall be performed by a contractor experienced in the installation of impermeable synthetic membrane liners.

(4) On-site supervision of the liner installation shall be provided by an individual that has experience in liner installation practices.

(l) Each operator shall ensure that the volume of fluid monitored from the intermediate leak detection system at the brine pond is based on a rate of 10 percent of leak return system capacity and does not exceed 1,000 gallons per day per acre of pond area.

(m) Each operator shall submit, to the secretary, a seam testing method to verify the adequacy of the seaming pro-

cess for the liners at each brine pond. The following requirements shall apply:

(1) The testing method shall include the following:

(A) The methods for destructive and nondestructive seam testing;

(B) the protocol describing the number of tests per lineal foot of field seam;

(C) the size of the destructive test specimen required; and

(D) other pertinent quality control provisions recommended by the liner manufacturer.

(2) All field seams shall be subjected to nondestructive testing.

(n) Each operator shall install a gas vapor control system to ignite or capture hydrocarbon vapors at each brine pond within five years after the effective date of this article of regulations. The gas vapor control system shall consist of one of the following:

(1) A hydrocarbon liquid knockout vessel and degassifier; or

(2) an alternative method if the secretary determines that the alternative method is substantially equivalent to the hydrocarbon liquid knockout vessel and degassifier. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-29. Groundwater monitoring for brine ponds.** (a) Each operator shall submit a groundwater monitoring plan with the brine pond permit application to the secretary for review and consideration for approval. The monitoring plan shall be approved if the secretary determines that the plan is protective of public health, safety, and the environment.

(b) Each operator shall ensure that the groundwater monitoring plan meets the following requirements:

(1) Each operator shall install monitoring wells around the perimeter of the brine pond. The well spacing shall be based on the geology and hydrogeology at the facility and shall be approved by the secretary if the secretary determines that the well spacing is protective of public health, safety, and the environment.

(2) Each operator shall set the screen in all shallow groundwater monitoring wells at a depth that is inclusive of the seasonal fluctuation of the water table.

(c) Each operator shall submit, with the groundwater monitoring plan, a quality assurance plan to the secretary for review and consideration for approval to ensure the protection of public health, safety, and the environment.

(d) Each operator shall collect groundwater samples and analyze the samples for chloride and any other parameter determined by the secretary as posing a potential threat to public health, safety, and the environment. The reporting format shall be determined by the secretary.

(e) Each operator shall submit the results for the chloride analyses from groundwater samples to the department on a quarterly basis.

(f) Each operator shall monitor for the presence of combustible gas in the headspace in monitoring wells and submit the results to the department on a monthly basis.

(g) Each operator shall submit a static groundwater level measurement for each monitoring well with the quarterly chloride analyses specified in subsection (e).

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(h) Any operator of a brine pond where chloride levels either are three times the background concentration or exceed 500 milligrams per liter may be required by the secretary to submit a work plan that describes proposed methods to delineate the extent of the contamination and to control migration of the chloride contamination. The work plan shall be approved if the secretary determines that the plan is protective of public health, safety, and the environment. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45-30. Brine pond closure requirements.** (a) Each brine pond operator shall submit a closure plan, including monitoring and testing requirements, to the secretary for review and consideration for approval at least 60 days before the closure of a brine pond. The closure plan shall be approved if the secretary determines that the closure plan is protective of public health, safety, and the environment.

(b) The operator shall not commence closure activities without the secretary's approval.

(c) Each operator shall include the following information in the brine pond closure plan:

(1) The procedure for deactivating the various brine lines employed at the facility;

(2) the procedures for the remediation, removal, or disposal of brine, accumulated sludge in the brine pond, contaminated soils, and contaminated groundwater;

(3) a description regarding the proposed maintenance, deactivation, conversion, or demolition of the brine pond structure; and

(4) procedures addressing the plugging of any water wells or groundwater monitoring wells associated with the brine pond. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

#### Article 45a.—UNDERGROUND NATURAL GAS STORAGE WELLS IN BEDDED SALT

**28-45a-1. Definitions.** (a) "Base gas" and "cushion gas" mean the volume of gas required as permanent storage inventory to maintain adequate storage cavern pressure for meeting minimum gas deliverability demands throughout the withdrawal season or for structural integrity of the storage cavern.

(b) "Brine" means saline water with a sodium chloride concentration equal to or greater than 90 percent.

(c) "Brine pond" means the excavated or diked structure used for the surface containment of brine used in the creation, maintenance, or operation of an underground storage well.

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

(e) "Director" means the director of the division of environment of the department of health and environment.

(f) "Draft permit" means a document that is pending approval by the secretary to be issued as a permit.

(g) "In existence" and "existing," when used to describe an underground natural gas storage well, mean a natural gas storage well that has been authorized or permitted by the Kansas department of health and environment before the effective date of these regulations.

(h) "Kansas board of technical professions" means the state board responsible for licensing persons to practice engineering, geology, or land surveying in Kansas.

(i) "Licensed geologist" means a geologist licensed to practice geology in Kansas by the Kansas board of technical professions.

(j) "Licensed professional engineer" means a professional engineer licensed to practice engineering in Kansas by the Kansas board of technical professions.

(k) "Licensed professional land surveyor" means a professional land surveyor licensed to practice land surveying in Kansas by the Kansas board of technical professions.

(l) "Liquified petroleum gas" and "LPG" mean crude oil and products, by-products, or derivatives of oil and gas, including propane, butane, isobutane, and ethane, maintained in a liquid state under pressure.

(m) "Maximum allowable operating pressure" means the maximum pressure authorized by the department and measured at the wellhead.

(n) "Maximum operating pressure" means the maximum pressure recorded during a 24-hour period and measured at the product side of the wellhead.

(o) "Municipal population center" means an incorporated city.

(p) "Natural gas" means the gaseous form of hydrocarbons consisting primarily of methane.

(q) "Operator" means the person recognized by the secretary as being responsible for the physical operation of an underground natural gas storage facility.

(r) "Owner" means the person owning all or part of any underground natural gas storage facility.

(s) "Permit" means an authorization, license, or equivalent control document issued by the secretary to the operator and owner.

(t) "Person" means any individual, company, corporation, institution, partnership, municipality, township, or federal agency.

(u) "Product" means natural gas.

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

(w) "Solutioning" means the process of injecting fluid into a well to dissolve salt or any other readily soluble rock or mineral.

(x) "Supervisory control and data acquisition" means an automated surveillance system in which monitoring and control of storage activities are accomplished at a central or remote location.

(y) "Underground natural gas storage cavern" means a cavern formed by solutioning in bedded salt in which natural gas is stored.

(z) "Underground natural gas storage facility" means the acreage associated with the storage field with facility boundaries approved by the secretary. This term shall include the wells, wellbore tubular goods, wellhead, and any related equipment, including any appurtenances associated with the well field.

(aa) "Underground natural gas storage well" means a well used for the injection or withdrawal of natural gas into or out of an underground natural gas storage cavern.

(bb) "Variance" means the secretary's written approval authorizing an alternative action to the requirements of

these regulations or the standards adopted by these regulations and incorporated into the permit.

(cc) "Working gas" means the gas placed in the storage cavern above the base gas. (Authorized by and implementing K.S.A. 65-171d; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-2. Permit required.** (a) No person shall create, operate, or maintain an underground storage well for natural gas in bedded salt without obtaining a permit from the secretary.

(b) Underground storage caverns for natural gas shall be constructed only in bedded salt.

(c) A variance may be granted by the secretary if both of the following conditions are met:

(1) The variance is protective of public health, safety, and the environment.

(2) The operator agrees to perform additional testing, monitoring, or well improvements, or any combination of these, if required by the secretary.

(d) Each operator seeking a variance shall submit a written request, including justification for the variance and any supporting data, to the secretary for review and consideration for approval. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-3. Well conversions and reentry.** (a) The conversion of an existing well to underground natural gas storage shall be prohibited if the well was not originally designed for the underground storage of natural gas, unless the secretary determines that the conversion is protective of public health, safety, and the environment.

(b) The conversion of an underground natural gas storage well for other purposes shall be prohibited, unless the secretary determines that the conversion is protective of public health, safety, and the environment.

(c) The reentry of a plugged underground natural gas storage well for the purpose of reactivating activities associated with the underground storage of natural gas or liquid hydrocarbons shall be prohibited, unless the secretary determines that the reentry is protective of public health, safety, and the environment. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-4. Application for permit.** (a) Each applicant shall submit a completed application for a permit to create, operate, and maintain an underground natural gas storage well, on an application form furnished by the department. Upon review of the application, one of the following shall be issued by the secretary:

(1) A permit, if the application is approved; or

(2) a notice that the permit has been denied.

(b) Each operator of an existing underground natural gas storage well shall submit to the secretary, within one year after the effective date of this article of regulations, either of the following:

(1) A permit application for the continued operation of the storage well; or

(2) a plan and schedule for plugging the well.

(c) Each operator of any existing underground natural gas storage cavern shall comply with the provisions of

this article of regulations before injecting any working gas into the underground storage cavern.

(d) Each applicant for a permit for a new underground natural gas storage well shall submit a completed application to the secretary at least 180 days before the proposed commencement date for the construction of the new storage well. Construction shall not begin until the secretary has approved the permit application.

(e) Each operator of an existing facility and each applicant for a proposed facility shall ensure that the underground natural gas storage facility will be operated and maintained in a manner that will preserve the integrity of the storage cavern and storage well and minimize any potential threat to public health, safety, and the environment.

(f) Each application for a permit shall include a report prepared by a licensed geologist that includes the following:

(1) An evaluation of the geology and hydrogeology, including cross-sections, isopach and structure maps of the salt formation, and water-level or potentiometric maps;

(2) a regional stratigraphic evaluation;

(3) local and regional structural analyses, including maps, cross-sections and available geophysical data; and

(4) an assessment of potential for ground subsidence.

(g) Each applicant shall submit the following information with the permit application:

(1) A plan view map showing locations of all water, solution mining, monitoring, disposal, injection, oil, and gas wells within a one-mile perimeter of the facility's boundary; and

(2) a plan map view of man-made surface structures and construction activities within a one-mile perimeter of the facility's boundary.

(h) Each operator shall submit a sample log of cuttings from each newly installed well at the facility to the secretary. The sample log shall be incorporated into the permit.

(1) Cuttings shall be collected at 10-foot intervals or an interval approved by the secretary from surface to total well depth.

(2) Well cuttings shall be collected, described, and logged as specified in department's document titled "procedure for sample logging, procedure #: UICLPG-9," dated July 2002, as adopted by reference in K.A.R. 28-45-6a.

(3) The collection of cuttings shall be supervised by a licensed geologist or a licensed geologist's designee.

(4) The description and logging of the sample cuttings shall be performed by a licensed geologist.

(5) Each operator shall submit a sample log and a dry sample set to the department within 45 days after well completion.

(i) Each operator shall provide a minimum of one core from each facility. The following provisions shall apply:

(1) The operator shall submit a plan describing the coring interval, coring procedure, and core testing to the secretary for review and consideration for approval at least 60 days before the coring event.

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(2) Each operator shall make the core available for inspection upon request by the secretary.

(3) The operator may submit existing core data if the secretary determines that the core is representative of the geology of the area.

(j) Each operator shall submit open hole logs for any new underground natural gas storage well. The logging interval shall be from the surface to 100 feet below the top of the salt section. At a minimum, the following logs shall be run:

- (1) A gamma ray log;
- (2) a neutron log if the source is registered in Kansas, or a sonic log;
- (3) a density log; and
- (4) a caliper log.

(k) Any operator may use an alternative log if the secretary determines that the alternative log is substantially equivalent to the logs specified in subsection (j). The operator shall submit the following information:

- (1) A description of the log and the theory of operation for that log;
- (2) a description of the field conditions under which the log can be used;
- (3) the procedure for interpreting the log; and
- (4) an interpretation of the log.

(l) Each operator shall meet the following design requirements for each underground natural gas storage cavern:

- (1) A minimum salt roof thickness of 100 feet above the washed storage cavern shall be maintained at all times.
- (2) Underground communication between caverns through fracturing or coalescence shall be prohibited. Underground natural gas storage caverns where communication between caverns exists shall be plugged.
- (3) The horizontal distance separating underground natural gas storage caverns shall be no less than 100 feet between cavern boundaries.
- (4) The maximum horizontal diameter of each underground natural gas storage cavern shall not exceed 300 feet.

(m) Each operator shall ensure the integrity of the storage well casing and the storage cavern before commissioning the storage cavern into service. Storage operations may commence when both of the following requirements are met:

- (1) Each operator shall submit a notice of completion of construction, on a form furnished by the department.
- (2) Each new underground natural gas storage well shall be inspected by the secretary before storage operations commence. Storage operations shall not commence if the underground natural gas storage well fails the inspection. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-5. Public notice.** (a) Public notice shall be given for any of the following permit actions:

- (1) A permit application for an underground natural gas storage well;
- (2) any modifications that require a draft permit;
- (3) any modifications for an existing storage facility;
- (4) the denial of a permit; or
- (5) a scheduled hearing.

(b) The public notice and, if applicable, a copy of the draft permit shall be mailed by the department to the permit applicant.

(c) The public notice shall be mailed by the department to the following:

- (1) Any person who submits a written request for placement on the mailing list; and
  - (2) the official county newspaper of each county in which the lands affected by the application are located, for publication in at least two issues.
- (d) The public notice shall include the following information:

- (1) The name and address of the department processing the permit action for which the notice is being given;
- (2) the name and address of the person or company seeking the permit;
- (3) a brief description of the business conducted at the facility or the activity described in the permit application;
- (4) the name, address, and telephone number of the person that interested persons may contact for further information, including copies of the application, draft permit, or any other appropriate information;
- (5) a brief description of the comment procedures for public notice; and
- (6) a statement of the procedure to request a hearing and other procedures that allow public participation in the final permit decision.

(e) Any interested person may submit written comments to the secretary on any of the permit actions during the 30-day public comment period. The following requirements shall apply:

- (1) All comments shall be submitted by the close of the public comment period.
- (2) All supporting materials submitted shall be included in full and shall not be incorporated by reference, unless the supporting materials are any of the following:
  - (A) Part of the administrative record in the same proceeding;
  - (B) state or federal statutes and regulations;
  - (C) state or environmental protection agency documents of general applicability; or
  - (D) other generally available reference materials.

(3) Commentators shall make supporting materials not already included in the administrative record available to the secretary.

(f) The response to all significant comments concerning any permit actions and the reasons for changing any provisions in the draft permit shall be issued when the final permit decision is issued.

(g) The response to comments shall be made available to the public upon request. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-6. Modification and transfer of a permit.**

(a) The automatic transfer of a permit shall be prohibited. The requirements for each permit transfer shall be as follows:

- (1) Each person requesting a permit transfer shall submit a completed application to the secretary at least 60 days before the effective date of the proposed transfer.



(2) Each person shall comply with the requirements of the existing permit until the secretary reissues the permit.

(b) Any permit for an underground natural gas storage well may be modified by the secretary under any of the following conditions:

(1) The secretary receives information that was not available when the permit was issued.

(2) The secretary receives a request for a modification.

(3) The secretary conducts a review of the permit file and determines that modification is necessary.

(c) Only the permit actions subject to modification shall be reopened.

(d) Minor modifications that shall not require public notification include the following, except as otherwise specified:

(1) Correction of typographical errors;

(2) requirements for more frequent monitoring or reporting by the operator;

(3) a date change in a schedule of compliance, if the new date is less than 120 days after the original date specified;

(4) a change in ownership or operational control of the facility, unless the secretary determines that public notification is necessary to protect the public interest;

(5) a change in construction requirements, if approved by the secretary; and

(6) any amendments to a plugging plan.

(e) A draft permit and notification to the public shall be required if any of the following conditions is met:

(1) An operator proposes substantial alterations or additions to the facility or proposes an activity that justifies a change in the permit requirements, including cumulative effects on public health, safety, and the environment.

(2) Information has become available that would have initially justified different permit conditions.

(3) Standards or regulations on which the permit was based have changed due to the promulgation of new or amended standards or due to a judicial decision after the permit was issued.

(4) A change in a compliance schedule is necessary.

(f) Any operator may request a permit modification within 180 days after any of the following:

(1) The adoption of new regulations or standards;

(2) any deadline to achieve compliance with regulations or standards before the expiration date of the permit; or

(3) any judicial remand and stay of a promulgated regulation if the permit condition was based on the remanded regulation. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-7. Signatories for permit applications and reports.** (a) Each operator of an existing storage well and each applicant for a proposed storage well shall designate signatories to sign the permit applications and all reports required by the secretary.

(b) Positions that may be approved by the secretary to be signatories shall include the following:

(1) Plant manager;

(2) the operator of a well;

(3) superintendent; and

(4) a position with responsibility at least equivalent to that required by the positions listed in this subsection.

(c) Any signatory may submit written notification to the secretary specifying a position having responsibility for the overall operation of the regulated facility or activity to act as a designated signatory.

(d) Each signatory and each signatory's designee shall submit a signature statement, on a form furnished by the department, with the permit application. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-8. Siting requirements for new underground natural gas storage wells.** (a) Each operator shall assess the geographical, topographical, and physical data for any proposed natural gas storage well location to determine whether the siting requirements have been met. The following siting requirements shall be met:

(1) Each new underground natural gas storage facility shall be located at least three miles from the established boundaries of municipal population centers.

(2) Each proposed new facility or boundary expansion for any existing facility shall be located as follows:

(A) Not less than five miles from an active or abandoned conventional shaft mining operation; and

(B) not less than two miles from the facility's boundary of any solution mining operation.

(3) Each operator shall assess the extent and nature of current or past conventional subsurface mining activities within five miles of the underground natural gas storage facility boundary to determine any potential impact to public health, safety, or the environment resulting from proposed activities at the facility.

(4) Each operator shall identify and assess all wells, including abandoned wells, from available sources of information, within a one-mile perimeter of the facility's boundary to determine if the following conditions exist:

(A) Wells have been constructed in a manner to protect public health, safety, and the environment.

(B) All abandoned wells, including oil, gas, water, and monitoring wells, have been properly plugged.

(b) Each operator of a new underground natural gas storage well shall conduct a regional geological evaluation to determine if the integrity of the proposed storage cavern will be adversely affected by either of the following:

(1) Salt thinning due to any stratigraphic change; or

(2) a dissolution zone in the salt.

(c) No new underground natural gas storage facility boundary or the expansion of an existing facility's boundary shall be located less than one mile from any existing underground porosity storage facility.

(d) Each operator shall identify potential risks to the storage operation from activities conducted at adjacent facilities.

(e) Each operator shall identify all utilities having right-of-way, including pipeline, railway, roadway, and electrical lines, and shall assess the potential impact of the utilities on the location or operation of the storage facility. If facilities are exposed and subject to hazards, including vehicular traffic, railroads, electrical power lines, and air-

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craft or shipping traffic, the facility shall be protected from accidental damage, by distance or barricades.

(f) No outer boundary of an underground natural gas storage cavern shall be less than 100 feet from any of the following:

(1) The property boundary of any owners who have not consented to subsurface storage under their property;

(2) any existing surface structure not owned by the facility's owner; or

(3) any public transportation artery. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-9. Financial assurance for underground natural gas storage facility closure.** (a) Each operator of an underground natural gas storage facility shall establish financial assurance for the following:

(1) Closure of the facility; and

(2) the plugging of any underground natural gas storage well.

(b) Each operator of an underground natural gas storage well shall submit proof of financial assurance with the permit application.

(c) Each operator shall submit proof of financial assurance information annually to the secretary on or before January 31 of each year. The following requirements shall apply:

(1) Each operator shall submit a detailed written estimate, in current dollars, of the cost to close all underground natural gas storage wells and storage caverns at the facility with closure procedures specified in K.A.R. 28-45a-18. The estimate shall be reviewed and approved by a professional engineer or licensed geologist.

(2) Each operator shall develop an estimate of the closure cost for all underground natural gas storage wells and storage caverns at the facility based on the cost charged by a third party to plug the underground natural gas storage wells.

(3) Each operator shall increase the closure cost estimate and the amount of financial assurance provided if any change in the facility operation or closure plan increases the maximum cost of closure at any time.

(d) Each operator shall provide continuous financial assurance coverage for closure until the secretary approves the facility closure.

(e) Each operator shall comply with the provisions of the department's document titled "procedure for demonstrating financial assurance for an underground natural gas storage well, procedure #: UICLPG-7," dated March 2003, which is hereby adopted by reference. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-10. Operations and maintenance plan.** (a) Each operator of an underground natural gas storage facility shall submit a plan for the long-term operation and maintenance of the facility with the permit application.

(b) Each operation and maintenance plan shall include the following:

(1) A location map of all wells within the facility's boundaries and a listing of the global positioning system coordinates for each well;

(2) a schematic of the gathering line system that connects all wells within the underground storage facility to a central distribution point;

(3) a schematic of the product lines for each cavern;

(4) a description of the methods to be used to prevent the overpressuring of wells and storage caverns;

(5) a plan map view of the location of any disposal wells or corrosion control wells; and

(6) the location, depth, and construction details for all shallow and deep groundwater monitoring wells.

(c) Each operator shall utilize a blanket pad to prevent the uncontrolled leaching of the storage cavern roof during solutioning or washing. Each operator shall submit the description of a procedure for solutioning or washing the cavern, with the operations and maintenance plan, to the secretary for review and consideration for approval. The procedure description shall include the following:

(1) A list of acceptable blanket pad materials;

(2) the methods for monitoring the solutioning or washing process; and

(3) a monitoring schedule.

(d) The criteria for determining the maximum allowable operating pressure shall be as follows:

(1) The maximum allowable operating pressure and test pressure shall not exceed 0.75 pounds per square inch per foot of depth measured at the higher elevation of either the casing seat or the highest interior elevation of the storage cavern roof.

(2) The storage cavern shall not be subjected to pressures in excess of the maximum allowable operating pressure, including pressure pulsations and abnormal operating conditions.

(e) The operator shall maintain a minimum operating pressure that is protective of cavern integrity at each underground natural gas cavern.

(f) Each operator shall give oral notification within two hours and shall submit written notification within one week to the department if any of the following events occurs:

(1) The overpressuring of a storage cavern;

(2) the loss of integrity for the underground natural gas storage well;

(3) the release of product or any other parameter that poses a threat to public health, safety, or the environment;

(4) any other condition that may pose a risk to public health, safety, or the environment;

(5) the establishment of communication between caverns;

(6) the triggering of any alarms verifying that permit safety requirements have been exceeded; or

(7) any equipment malfunction or failure that could result in potential harm to public health, safety, or the environment. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-11. Emergency response plan and safety and security measures.** (a) Each operator of an existing underground natural gas storage facility and each applicant for a proposed underground natural gas storage facility shall submit an emergency response plan with the permit application.

(b) Each operator shall update the plan annually and also shall update the plan whenever new information becomes available.

(c) Each plan shall include a description of the facility's response to the following events:

- (1) Spills and releases;
- (2) fires and explosions;
- (3) cavern subsidence and collapse; and
- (4) any other activity that endangers public health and safety, or that constitutes a threat to the environment.

(d) Each plan shall include the following information:

(1) A description of the warning systems in operation at the facility;

(2) a description of the facility's emergency response communication system that includes the following:

(A) A plat showing the location of all occupied buildings within two miles of the facility's perimeter; and

(B) a list of addresses and telephone numbers for all persons to contact within two miles of the facility's perimeter if a release or emergency condition occurs;

(3) the procedures for coordination of emergency response with local emergency planning committees, including emergency notification and evacuation of citizens and employees;

(4) a description of employee training for emergency response;

(5) a plat of the facility, showing locations for the following:

- (A) All underground storage wells;
- (B) all underground injection control wells;
- (C) all monitoring wells;
- (D) all brine and product lines, if present;
- (E) railroad and transportation routes;
- (F) all brine ponds, if present; and
- (G) any other appurtenances at the facility; and

(6) a plan map of all man-made surface structures and any construction activities within one mile of the facility's perimeter.

(e) A copy of the plan shall be available at the facility, the company headquarters, and any coordinating agencies or committees involved in the emergency response plan.

(f) Each operator shall establish an educational program for community safety and awareness of the emergency response plan.

(g) Each operator of an underground natural gas storage facility shall provide security measures to protect the public and to prevent unauthorized access. These security measures shall include the following:

(1) Methods for securing the facility from unauthorized entry and for providing a convenient opportunity for escape to a place of safety;

(2) clearly visible, permanent signs at all points of entry and along the facility's boundary, identifying the well or storage facility name, owner, and contact telephone number;

(3) security lighting;

(4) alarm systems;

(5) appropriate warning signs in areas that may contain accumulations of hazardous or noxious vapors or where physical hazards exist; and

(6) a direct communication link with the control room or remote control center for service and maintenance crews.

(h) Warning systems and alarms shall consist of the following:

(1) Leak detectors, fire detectors, heat sensors, pressure sensors, and emergency shutdown instrumentation shall be integrated with warning systems audible and visible in the local control room and at any remote control center;

(2) circuitry designed so that the failure of a detector or heat sensor, excluding meltdown and fused devices, will activate the warning; and

(3) a manually operated alarm, audible to facility personnel.

(i) Each wellhead and storage cavern shall be protected with safety devices to prevent pressures in excess of the maximum allowable operating pressure from being exerted on the storage well or storage cavern and to prevent backflow if a flowline ruptures.

(j) Each wellhead shall be equipped with manual isolation valves. Each port on each wellhead shall be equipped with either a valve or a blind flange. The valve or blind flange shall be rated at the same pressure as that for the wellhead.

(k) Each operator shall install a supervisory control and data acquisition monitoring system approved by the secretary to monitor storage operations for individual storage caverns. Each of the following instruments shall be connected to an alarm:

(1) Flow indicators for natural gas;

(2) gas indicators; and

(3) pressure indicators on the product lines of the wellhead.

(l) Each operator shall install emergency shutdown valves on all natural gas lines and, if present, brine or water lines. Each emergency shutdown valve shall meet the following requirements:

(1) Meet either of the following pressure-ratings:

(A) Be rated at least equivalent to 125% of the maximum pressure that could be exerted at the surface; or

(B) meet a pressure-rating standard equivalent to that specified in paragraph (l)(1)(A) and determined by the secretary to be protective of public health, safety, and the environment;

(2) fail to a closed position;

(3) be capable of remote and local operation; and

(4) be activated by any overpressuring in the natural gas system.

(m) Each operator shall conduct annual inspections of all wellhead instrumentation.

(n) Each operator shall function-test each critical control system and emergency shutdown valve semiannually.

(o) Trip testing of each loop shall include the instrumentation, valves, shutdown equipment, and all wiring connections to ensure the integrity of the circuit and to ensure that the valve closure times meet the design limits.

(p) Each operator shall ensure that the equipment automatically closes all inlets and outlets to the storage cavern and safely shuts down or diverts any operation as

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sociated with the storage cavern in case of overfilling or emergency.

(q) Each operator shall cease operations or shall comply with the instructions from the secretary if the secretary determines that an imminent threat to public health, safety, or the environment exists due to any unsafe operating condition. The operator may resume operations if the secretary determines that the facility's operations no longer pose a risk to public health, safety, or the environment. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-12. Design and construction of underground natural gas storage wells.** (a) Each operator shall ensure that each underground natural gas storage well is constructed with surface casing. The following requirements shall apply:

(1) Surface casing shall be set through all fresh and usable water formations and into competent bedrock.

(2) Surface casing shall be cemented by circulating cement through the bottom of the casing to the surface.

(3) The annular space between the casing and the formation shall be filled with cement.

(b) Each new and each existing underground natural gas storage well shall have an intermediate casing and a production casing set into the upper part of the salt formation. The following provisions shall apply:

(1) The intermediate casing shall extend a minimum of 105 feet into the salt formation. The production casing shall extend, at a minimum, to at least the depth of the intermediate casing.

(2) The annular space between the intermediate casing and production casing and between the intermediate casing and the formation shall be filled with cement by circulating cement through the bottom of the casing to the surface.

(3) A tubing and mechanical packer assembly may be installed with the production casing as an alternative to the use of cemented intermediate and production casings.

(c) Each operator of an underground natural gas storage facility shall install and maintain a corrosion control system. The following requirements shall apply:

(1) The corrosion control system shall be capable of protecting deep well casing.

(2) The corrosion control system shall be assessed according to the protocol and time schedule recommended by the corrosion control system manufacturer, and the results reported to the secretary.

(d) The casing and tubing shall meet the performance standards for collapse resistance, internal yield pressure, and pipe body yield strength for the well's setting depths using criteria specified in the American petroleum institute's bulletin 5C2, twenty-first edition, dated October 1999, as adopted by reference in K.A.R. 28-45-15.

(e) Only new steel casing shall be installed in new underground natural gas wells. Used parts, materials, and equipment that have been tested and certified for continued service may be used for repairs.

(f) Liners shall extend from the surface to a depth near the bottom of the production casing allowing room for any workover operations.

(g) The following cementing requirements shall be met:

(1) The cement shall be compatible with the rock formation waters and the drilling fluids. Salt-saturated cement shall be used when cementing through the salt section.

(2) The cement across the confining zone and to the surface shall have a compressive strength of not less than 1,000 pounds per square inch.

(3) Remedial cementing shall be completed if there is evidence of either of the following:

(A) Communication between the confining zone and other horizons; or

(B) annular voids that would allow either fluid contact with the casing or channeling across the confining zone or above the confining zone.

(4) The following requirements for cement evaluation shall apply:

(A) Samples shall be obtained at the start and end of the cementing operation for evaluation of cement properties. All cement samples collected shall be representative of the cement being utilized.

(B) All samples shall be tested for compressive strength.

(C) A cement bond log shall be run on the surface casing, intermediate casing, and cemented production casing after the neat cement has cured for a minimum of 72 hours.

(h) Casing patches shall be prohibited, unless the secretary determines that the casing patches are protective of public health, safety, and the environment.

(i) Each operator shall pressure-test the production casing for leaks when the well construction is completed.

(j) Each operator shall submit a casing inspection base log for the entire cased interval for the innermost casing string or for the cemented liner that extends the entire length of the casing after the well construction is completed.

(k) Each container utilized in drilling or workover operations to contain workover wastes, drilling fluids, drilling mud, and drill cuttings shall be required to be approved in advance by the secretary. Drilling fluids, drilling mud, and drill cuttings shall be disposed of in a manner determined by the secretary to be protective of public health, safety, and the environment.

(l) A licensed professional engineer, licensed geologist, or the designee shall supervise the installation of each underground natural gas storage well. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-13. Monitoring.** (a) Each operator shall ensure that each underground natural gas storage well is equipped with pressure sensors to continuously monitor wellhead pressures on the product line at the wellhead. The following requirements shall apply:

(1) The pressure sensor shall be capable of recording the maximum and minimum operating pressures during a 24-hour period.

(2) The pressure sensor shall be capable of recording operating pressures at an interval approved by the secretary.

(3) The operator shall provide pressure data, including historic continuous monitoring, to the secretary upon request.

(b) Each operator shall submit a plan for any monitoring activity, including logging and sonar surveys, to the secretary for review and consideration for approval to ensure the protection of public health, safety, and the environment, at least 60 days before the commencement of these monitoring activities.

(c) Each operator shall submit a summary and the results of the monitoring activity to the secretary within 30 days after completion of the monitoring activity.

(d) Each operator shall monitor the thickness of the salt roof for each cavern with gamma ray and density logs or other log specified in K.A.R. 28-45a-4 (k) as follows:

- (1) Every five years;
- (2) at any time that the secretary determines that cavern integrity is suspect; and
- (3) before plugging the well.

(e) Each operator shall determine the cavern storage capacity and the cavern geometry with a sonar survey. The sonar survey shall be conducted as follows:

(1) Before placing the natural gas storage cavern in service;

(2) for determining the capacity of the natural gas storage cavern, if the capacity determined by the volume of gas injected into and withdrawn from the storage cavern does not correspond with the reported cavern capacity;

(3) before plugging the well, if a sonar survey has not been run in the past five years;

(4) for determining the stability of the cavern and the overburden, if the salt roof thickness and cavern geometry indicate that the stability of the cavern or overburden is at risk; and

(5) after any solutioning that results in a solution volume increase of 20 percent or more of cavern capacity.

(f) Any operator may use an alternative method for the sonar survey if the secretary determines that the alternative method is substantially equivalent to the method specified in subsection (e). The operator shall submit the following information:

(1) A description of the proposed method and the theory for its operation;

(2) a description of the storage well and cavern conditions under which the log can be used;

(3) the procedure for interpreting the survey results; and

(4) an interpretation of the capacity and stability of the cavern.

(g) Each operator shall submit a survey plan for monitoring ground subsidence, with the permit application, to the secretary for review and consideration for approval.

(1) The survey plan shall include the following information:

(A) A description of the method for conducting the elevation survey; and

(B) the criteria for establishing monuments, benchmarks, and wellhead survey points.

(2) The criteria for subsidence monitoring shall be the following:

(A) Level measurements to the accuracy of 0.01 foot shall be made.

(B) Surface elevation changes in excess of 0.10 foot shall be reported within 24 hours to the department.

(C) No established benchmark shall be changed unless the operator submits a justification that the change is protective of public health, safety, and the environment.

(D) If a benchmark is changed, the elevation change from the previous benchmark shall be noted in the elevation survey report.

(E) Each operator shall submit the elevation before and after any wellhead work that results in a change in the survey point at the wellhead.

(3) The survey shall be conducted by a professional land surveyor.

(4) Biennial survey results, including certified and stamped field notes, shall be submitted to the department within 30 days after completion of the survey.

(h) Each operator shall submit a plan for measuring the volume of natural gas injected or withdrawn from each underground natural gas storage well, including methods for measuring and verifying volume, to the secretary for review and consideration for approval. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-14. Testing and inspections.** (a) Each operator shall submit a plan to the secretary for review and consideration for approval to ensure the protection of public health, safety, and the environment before conducting any underground natural gas storage well or cavern testing. Testing shall not commence without prior approval from the secretary.

(b) Each operator shall submit a summary of the test to the secretary within 45 days after completion of the test. The summary shall include the following:

- (1) A chronology of the test;
- (2) copies of all logs and readings;
- (3) storage well completion information;
- (4) pressure readings;
- (5) volume measurements; and
- (6) an explanation of the test results.

(c) Each operator shall test each underground natural gas storage well and cavern for integrity. The following requirements shall apply:

(1) Each operator of any new underground natural gas storage cavern shall test for integrity using a nitrogen interface test before the cavern is initially placed in service.

(2) Integrity tests shall be conducted as follows:

(A) Every five years;

(B) after each workover;

(C) before injecting working gas into underground natural gas storage wells; and

(D) before plugging the well.

(3) Each operator shall submit a test procedure plan to the secretary, on a form furnished by the department, for review and consideration for approval, at least 60 days before test commencement. The plan shall include the following:

(A) The justification for the test parameters;

(B) the test sensitivities; and

(C) the pass and fail criteria for the test.

(4) Each operator shall notify the secretary at least five days before conducting any integrity test.

(5) The integrity test shall be conducted at the maximum allowable operating pressure.

(continued)

(6) All test procedures shall use certified gauges and pressure transducers that are calibrated annually.

(d) Any operator may use an alternative integrity test method if the secretary determines that the alternative test method is substantially equivalent to the integrity test specified in subsection (c). The operator shall submit the following information:

(1) A description of the test method and the theory of operation including the test sensitivities, a justification for the test parameters, and the pass and fail criteria for the test;

(2) a description of the well and cavern conditions under which the test can be conducted;

(3) the procedure for interpreting the test results; and

(4) an interpretation of the test.

(e) Each operator shall ensure the mechanical integrity of the underground natural gas storage cavern and well before placing the cavern and well into service.

(f) Each operator shall submit a casing evaluation for each underground natural gas storage well. Acceptable casing evaluation methods shall include magnetic flux and ultrasonic imaging.

(g) Any operator may use an alternative casing evaluation method if the secretary determines that the alternative casing evaluation method is substantially equivalent to the casing evaluation methods specified in subsection (f). The operator shall meet the following requirements:

(1) Each operator shall submit a description of the logging method, including the theory of operation and the well conditions suitable for log use.

(2) Each operator shall submit the specifications for the logging tool, including tool dimensions, maximum temperature and pressure rating, recommended logging speed, approximate image resolution, and hole size range.

(3) Each operator shall describe the capabilities of the log for determining the following:

(A) The presence of any metal loss due to either of the following:

(i) Internal or external corrosion; or

(ii) internal wear;

(B) the degree of penetration of the corrosion or the casing defect; and

(C) the circumferential extent of the corrosion or the casing defect.

(4) Each operator shall submit a log and an interpretation of the log to the secretary.

(h) Each operator shall submit a casing evaluation according to the following schedule:

(1) Every 10 years;

(2) before the injection of working gas in an existing underground natural gas storage well; and

(3) after any workover in which the injection string is pulled, if present.

(i) A variance for the required casing evaluation may be considered by the secretary if the well has a tubing and packer assembly in place.

(j) A licensed professional engineer, a licensed geologist, or the designee shall supervise all test procedures and associated field activity.

(k) A licensed professional engineer or a licensed geologist shall review all test results.

(l) Each operator shall visually inspect the wellhead monthly for any leakage.

(m) Each operator shall conduct an inspection of facility records, using a form furnished by the department, every two years to ensure that the required records are being properly maintained. The operator shall maintain these records at the facility and shall make the records available to the secretary upon request. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-15. Groundwater monitoring.** (a) Each operator of an underground natural gas storage facility shall submit a groundwater monitoring plan with the permit application to the secretary for review and consideration for approval to ensure the protection of public health, safety, and the environment.

(b) Each operator shall ensure that each groundwater monitoring well meets the following requirements:

(1) Each operator shall set the screen in each shallow monitoring well at a depth that is inclusive of the seasonal fluctuation of the water table.

(2) Each operator shall ensure that all deep groundwater monitoring wells extend a minimum of 25 feet into the bedrock, or to a depth based on the geology and hydrogeology at the facility and approved by the secretary.

(c) Each well location and the spacing between all well locations shall be based on the geology and the hydrogeology at the facility and approved by the secretary.

(d) Each operator shall submit a quality assurance plan, including techniques prescribed for sampling and analysis, with the permit application to the secretary for review and consideration for approval to ensure protection of public health, safety, and the environment.

(e) Each operator shall collect groundwater samples and analyze the samples for chlorides and any other parameter determined by the secretary to pose a threat to public health, safety, and the environment. The reporting format shall be determined by the secretary.

(f) Each operator shall submit the results for chloride analyses from groundwater samples to the department on a quarterly basis.

(g) Each operator shall monitor monthly for the presence of combustible gas in the headspace in monitoring wells and shall submit the results to the department on a quarterly basis.

(h) Each operator shall submit a static groundwater level measurement for each monitoring well with the quarterly chloride results specified in subsection (f).

(i) Any operator of an underground storage facility where groundwater chloride levels either are three times the background concentration or exceed 500 milligrams per liter may be required by the secretary to submit a work plan that describes methods to delineate any potential source areas and to control migration of the chloride contamination, to the secretary for review and consideration for approval.

(j) Each operator of a facility with any detection of combustible gas shall submit a work plan that describes the methods to eliminate any source areas and return the combustible gas levels to levels that do not pose a risk to public health, safety, and the environment. The plan shall be approved if the secretary determines that the plan is protective of public health, safety, and the environment. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-16. Record requirements and retention.** (a) Each operator shall complete and submit an annual re-



port, on a form furnished by the department, on or before April 1 of each year. The annual report shall include the following:

- (1) A description of any incident of uncontrolled or unanticipated product loss;
- (2) the well number and date of any logs or sonar surveys conducted;
- (3) the estimated storage capacity for all unplugged caverns;
- (4) a list of any caverns being washed;
- (5) a list of the product volume injected and withdrawn for each well; and
- (6) a list, by well number, of the maximum and minimum product storage pressures encountered during the report year.

(b) Each operator shall retain and maintain the following records at the facility for the following time periods:

- (1) For 10 years, the following records:
  - (A) The maximum and minimum operating pressures for each well; and

- (B) the annual inspections required by the secretary;
- (2) for the life of the underground natural gas storage well, the following records:

- (A) The casing records for each well;
- (B) the cementing records for each well; and
- (C) all workover records; and
- (3) for the life of the facility, the following records:
  - (A) All logging events;
  - (B) all mechanical integrity tests and other testing;
  - (C) all groundwater monitoring data; and
  - (D) all correspondence relating to the permit, including electronic mail.

(c) Surface elevation surveys shall be maintained and retained for the life of facility plus 20 years after the facility's closure.

(d) All required facility records, reports, and documents shall be transferred to the new owner, operator, or both, with the transfer of the permit. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-17. Well workovers.** (a) Each operator shall submit a workover plan to the secretary for review and consideration for approval to ensure the protection of public health, safety, and the environment. The following provisions shall apply:

(1) Each operator shall submit the workover plan at least 30 days before performing any downhole or wellhead work that involves dismantling or removal of the wellhead.

(2) The operator shall not be required to submit a workover plan for routine maintenance or replacement of gauges, sensors, or valves.

(3) Verbal authorization to initiate downhole or wellhead work may be issued by the secretary.

(b) Each operator shall ensure that a blowout preventer with a pressure rating greater than the pressures to be encountered is used during each workover.

(c) Each operator shall ensure that logging procedures are conducted through a lubricator unit with a pressure rating greater than the pressures anticipated to be encountered.

(d) Each operator shall provide the person performing the logging or well workover with all relevant information concerning the status and condition of the well and storage cavern before initiating any work. (Authorized by

and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-18. Plugging requirements.** (a) Each operator shall submit a plugging plan to the secretary for review and consideration for approval to ensure the protection of public health, safety, and the environment, at least 60 days before the plugging event.

(b) Each operator shall follow plugging procedures specified in the department's document titled "procedure for the plugging and abandonment of a natural gas storage well, procedure #: UICLPG-8," dated March 2003, which is hereby adopted by reference.

(c) Each operator shall restore and preserve the integrity of the site as follows:

(1) Dispose of all liquid waste in an environmentally safe manner;

(2) clear the area of debris;

(3) drain and fill all excavations;

(4) remove all unused concrete bases, machinery, and materials; and

(5) level and restore the site. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,117; effective, T-28-4-1-03, April 1, 2003.)

**28-45a-19. Underground natural gas storage fees.** (a) Effective on and after January 1, 2004, each operator shall submit an annual permit fee of \$18,890 per facility and \$305 per unplugged storage well on or before April 1 of each year.

(b) Each operator shall submit the permit fees for the year 2003 within 60 days after the effective date of these regulations. The permit fees shall be \$18,890 per facility and \$305 per unplugged storage well.

(c) In addition to the fees specified in subsection (b), each operator shall submit a one-time fee of \$700 for each existing underground natural gas storage well within 60 days after the effective date of these regulations.

(d) Each applicant for a permit for a proposed new storage well shall submit a fee of \$700 with the permit application.

(e) Fees shall be made payable to the "Kansas department of health and environment—subsurface hydrocarbon storage fund."

(f) The fees collected under the provisions of this regulation shall not be refunded.

(g) If the ownership of a storage well or storage facility changes during the term of a valid permit, no additional fee shall be required, unless a change occurs that results in a new storage well or an expanded facility operation. (Authorized by and implementing K.S.A. 2002 Supp. 55-1,118; effective, T-28-4-1-03, April 1, 2003.)

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029141

## State of Kansas

## Secretary of State

## Certification of New State Laws

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Ron Thornburgh  
Secretary of State

(Published in the Kansas Register April 17, 2003.)

## SENATE BILL No. 240

AN ACT repealing K.S.A. 48-323; concerning the adjutant general; relating to insurance coverage for armories.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 48-323 is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 17, 2003.)

## HOUSE BILL No. 2055

AN ACT concerning agriculture; relating to agricultural production loan deposit agreements; interest rate; amending K.S.A. 2002 Supp. 75-4272 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2002 Supp. 75-4272 is hereby amended to read as follows: 75-4272. (a) The state treasurer may accept or reject an agricultural production loan deposit loan package based on the state treasurer's evaluation of whether the loan to the eligible agricultural borrower meets the purposes of this act. If sufficient funds are not available for an agricultural production loan deposit, then the applications may be considered in the order received when funds are once again available subject to a review by the lending institution.

(b) Upon acceptance, the state treasurer shall certify to the director of investments the amount required for such agricultural production loan deposit loan package and the director of investments shall place an agricultural production loan deposit in the amount certified by the state treasurer with the eligible lending institution at an interest rate, which is 2% below the market rate provided in K.S.A. 75-4237, and amendments thereto, and which shall be recalculated on the first business day of January and July of each year using the market rate then in effect. When necessary, the state treasurer may request the director of investments to place such agricultural production loan deposit prior to acceptance of an agricultural production loan deposit loan package.

(c) The eligible lending institution shall enter into an agricultural production loan deposit agreement with the state treasurer, which shall include requirements necessary to implement the purposes of the Kansas agricultural production loan deposit program. Such requirements shall include an agreement by the eligible lending institution to lend an amount equal to the agricultural production loan deposit to eligible agricultural borrowers at an interest rate which is not more than 2% above the market rate as determined under K.S.A. 75-4237, and amendments thereto, and which 4% greater than the interest rate on agricultural production loan deposits as provided in subsection (b), except that for agricultural production loans made commencing on the effective date of this act and ending June 30, 2003, such interest rate shall be 4%. Such rate shall be recalculated on the first business day of January and July of each year using the market rate then in effect. The agreement shall include provisions for the agricultural production loan deposit to be placed for a maturity considered appropriate in coordination with the underlying agricultural production loan. The agreement shall include provisions for the reduction of the agricultural production loan deposit in an amount equal to any payment of loan principal by the eligible agricultural borrower.

Sec. 2. K.S.A. 2002 Supp. 75-4272 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 17, 2003.)

## HOUSE BILL No. 2118

AN ACT relating to antique vehicles; concerning the registration thereof; amending K.S.A. 8-172 and K.S.A. 2002 Supp. 8-170 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2002 Supp. 8-170 is hereby amended to read as follows: 8-170. (a) Upon the transfer of ownership of any vehicle registered under the foregoing provisions of this act, its registration and right to use the license plates thereon shall expire and thereafter there shall be no transfer of any registration, and the license plates shall be removed by the owner thereof and it shall be unlawful for any person other than the person to whom such license plates were originally issued to have the same in possession. In case of a transfer of ownership of a registered vehicle the original owner of the license plates may register another antique vehicle under the same license plate designation, upon application therefor and the payment of a fee of \$1.50. On and after January 1, 2000, any model year license plate transferred shall comply with the provisions of subsection (c) of K.S.A. 8-172, and amendments thereto.

(b) Upon the transfer and sale of a registered vehicle by any person, the new owner thereof, before using a vehicle on the highways of this state, shall make application to the division for registration of the vehicle.

(c) Certificate of title:

(1) Application for certificate of title on an antique vehicle shall be made by the owner or the owner's agent upon a blank form to be furnished by the division and shall contain such information as the division shall determine necessary. The division may waive any information requested on the form if it is not available. For any antique vehicle having a model year prior to 1950, the application together with a bill of sale for the antique vehicle shall be accepted as prima facie evidence that the applicant is the owner of the vehicle and the certificate of title shall be issued for such vehicle. If the application and bill of sale are used to obtain a certificate of title for any antique vehicle having a model year of 1950 or later, the certificate of title shall not be issued until an inspection in accordance with subsection (a) of K.S.A. 8-116, and amendments thereto, has been completed. The certificate of title shall be delivered to the applicant. The certificate shall contain the words "antique vehicle."

(2) The certificate of title shall contain upon the reverse side a form for assignment of title to be executed by the owner before a notary public or some other officer authorized to administer an oath. A certificate of title may be issued under the provisions of this act without an application for registration.

(3) The fee for each original certificate of title so issued shall be \$8 until July 1, 2004, and \$3.50 thereafter. The certificate of title shall be good for the life of the antique vehicle, so long as the same is owned or held by the original holder of the certificate of title, and shall not have to be renewed. In the event of a sale or transfer of ownership of an antique vehicle for which a certificate of title has been issued under the provisions of this subsection, the holder of such certificate of title shall endorse on the same an assignment thereof, with warranty of title in form printed thereon, as prescribed by the director, and the transferor must deliver the same to the buyer at the time of delivery of the vehicle. The buyer shall then present such certificate of title, assigned as aforesaid, to the director or an authorized agent of the director, whereupon a new certificate of title shall be issued to the buyer, the fee therefor being \$8 until July 1, 2004, and \$3.50 thereafter.

Sec. 2. K.S.A. 8-172 is hereby amended to read as follows: 8-172. (a) Except as provided in subsection (c), license plates issued for antique vehicles shall be distinctive and shall contain the words "Kansas" and "antique" and there shall be no year date thereon. The numbering system shall consist of combinations of not more than seven letters of the alphabet or numerals or a combination of such letters and numerals. The combinations of such letters and numerals shall be at the direction of the director of vehicles, except that any person owning an antique vehicle, other than an antique motorcycle, may make application for a special combination of letters and numerals not exceeding seven. Antique motorcycle license plates shall be the same as other antique vehicle license plates, except the numbering system shall consist of not more than five letters of the alphabet or numerals or a combination of letters and nu-

merals. Such application shall be made in a manner prescribed by the director of vehicles and shall be accompanied by a special combination fee of \$40. Unless the combination of letters or numerals designated by the applicant have been assigned to another antique vehicle registered in this state, or unless the combination of letters or numerals designated by the applicant have a profane, vulgar, lewd or indecent meaning or connotation, as determined by the director, the division shall assign such combination of letters to the applicant's vehicle.

(b) In addition to the fees required under subsection (b) of K.S.A. 8-167, and amendments thereto, and subsection (a) or (c) of this section, the registration fee for any antique vehicle shall be \$40 and once paid shall not be required to be renewed.

(c) ~~On and after January 1, 2000,~~ In lieu of the license plate issued under subsection (a), a person who owns an antique vehicle who wants to display a model year license plate on the vehicle shall make application in a manner prescribed by the director of vehicles, including the execution of an affidavit setting forth that the model year license plate the person wants to display on the person's antique vehicle is a legible and serviceable license plate that originally was issued by this state. *Except for license plates issued prior to 1921*, such license plate shall be inscribed with the date of the year corresponding to the model year when the vehicle was manufactured. *For license plates issued prior to 1921, such license plate shall be the license plate issued by the state corresponding to the model year when the vehicle was manufactured.* Duplicate numbers for any year shall not be allowed for any model year license plate under the provisions of this subsection. The model year license plate fee shall be \$40.

(d) In addition to the license plates authorized under subsection (a) or (c), a person who owns an antique vehicle may display a model year license plate originally issued by the state of Kansas on the front of an antique vehicle. *Except for license plates issued prior to 1921*, such license plate shall be inscribed with the date of the year corresponding to the model year when the vehicle was manufactured. *For license plates issued prior to 1921, such license plate shall be the license plate issued by the state corresponding to the model year when the vehicle was manufactured.*

Sec. 3. K.S.A. 8-172 and K.S.A. 2002 Supp. 8-170 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 17, 2003.)

#### HOUSE BILL No. 2220

AN ACT amending the uniform commercial drivers' license act; amending K.S.A. 8-2,128, 8-2,132, 8-2,133, 8-2,135 and 8-2,142 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. (a) Until September 30, 2005, the driving skills test required under 49 C.F.R. 383.123 may be waived for an applicant for a school bus endorsement, if such applicant is currently licensed, has experience driving a school bus, has a good driving record and meets the conditions contained in subsection (b).

(b) An applicant must certify and the division must verify that, during the two-year period immediately prior to applying for the school bus endorsement, the applicant:

(1) Held a valid commercial driver's license with a passenger vehicle endorsement to operate a school bus representative of the group the application will be driving;

(2) has not had such applicant's driver's license or commercial driver's license suspended, revoked or canceled or been disqualified from operating a commercial motor vehicle;

(3) has not been convicted of any of the disqualifying offenses in subsection (a) or (e) of K.S.A. 8-2,142, and amendments thereto;

(4) has not had more than one conviction of any of the serious traffic violations defined in K.S.A. 8-2,128, and amendments thereto, while operating any type motor vehicle;

(5) has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident;

(6) has not been convicted of any motor vehicle traffic violation that resulted in an accident; and

(7) has been regularly employed as a school bus driver, has operated a school bus representative of the group the applicant seeks to drive and provides evidence of such employment.

(c) The provisions of this section shall be a part of and supplemental to the Kansas uniform commercial drivers' license act.

New Sec. 2. (a) A driver may not enter into a diversion agreement in lieu of further criminal proceedings that would prevent such driver's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law, except a parking violation, from appearing on the driver's record, whether the driver was convicted for an offense committed in the state where the driver is licensed or another state.

(b) The provisions of this section shall be a part of and supplemental to the Kansas uniform commercial drivers' license act.

Sec. 3. K.S.A. 8-2,128 is hereby amended to read as follows: 8-2,128. As used in this act:

(a) "Alcohol" means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol and isopropanol;

(b) "alcohol concentration" means:

(1) The number of grams of alcohol per 100 milliliters of blood; or

(2) the number of grams of alcohol per 210 liters of breath;

(c) "commercial driver's license" means a commercial license issued pursuant to K.S.A. 8-234b, and amendments thereto;

(d) "commercial driver license system" means the information system established pursuant to the commercial motor vehicle safety act of 1986 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

(e) "instruction permit" means a permit issued pursuant to K.S.A. 8-294, and amendments thereto;

(f) "commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property, if:

(1) The vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary, but shall not be more restrictive than the federal regulation;

(2) the vehicle is designed to transport 16 or more passengers, including the driver; or

(3) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. 172, subpart F, effective January 1, 1991;

(g) "controlled substance" means any substance so classified under K.S.A. 65-4101, and amendments thereto;

(h) "conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law and in a court of original jurisdiction or an administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated;

(i) "disqualification" means a prohibition against driving a commercial motor vehicle, including the suspension, revocation or cancellation of the privilege to drive a commercial motor vehicle;

(j) "drive" means to drive, operate or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of K.S.A. 8-2,144 and 8-2,145 and K.S.A. 8-2,137, 8-2,138 and 8-2,142, 8-2,144 and 8-2,145, and amendments thereto, "drive" includes operation or physical control of a motor vehicle anywhere in the state;

(k) "driver" means any person who drives, operates or is in physical control of a commercial motor vehicle, in any place open to the general public for purposes of vehicular traffic, or who is required to hold a commercial driver's license;

(l) "driver's license" means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

(1) Any temporary license or instruction;

(2) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; or

(3) any nonresident's operating privilege;

(continued)

(m) "employer" means any person, including the United States, a state or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle;

(n) "endorsement" means an authorization to an individual's commercial driver's license required to permit the individual to operate certain types of commercial motor vehicles;

(o) "felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

(p) "gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle. The gross vehicle weight rating of a combination (articulated) vehicle (commonly referred to as the "gross combination weight rating") is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of the towed unit or units;

(q) "hazardous materials" has the meaning as that found in section 103 of the hazardous materials transportation act, 49 U.S.C. 1801 *et seq.*;

(r) "motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs;

(s) "out-of-service order" means a temporary prohibition against driving a commercial motor vehicle, which is imposed when a driver has any measured or detected alcohol concentration while on duty, or operating, or in physical control of a commercial motor vehicle or a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle or a motor carrier operation, is out-of-service pursuant to 49 C.F.R. Part 386.72, 392.5, 395.13, 396.9 or such compatible laws, or the North American out-of-service criteria;

(t) "residence" means the place which is adopted by a person as the person's place of habitation and to which, whenever the person is absent, the person has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's residence;

(u) "secretary" means the secretary of the Kansas department of revenue;

(v) "serious traffic violation" means:

(1) Excessive speeding, is defined as 15 miles per hour or more over the posted speed limit;

(2) reckless driving, as defined under K.S.A. 8-1566, and amendments thereto;

(3) a violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;

(4) changing lanes of traffic illegally or erratically, as defined under K.S.A. 8-1548, and amendments thereto;

(5) following another vehicle too closely, as defined under K.S.A. 8-1523, and amendments thereto; or

(6) a violation of subsection (a) of K.S.A. 8-2,132, and amendments thereto; or

(7) any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, which the secretary determines by rule and regulation to be serious;

(w) "state" means a state of the United States and the District of Columbia;

(x) "state of domicile" means that state where a person has such person's true, fixed and permanent home and principal residence and to which such person has the intention of returning whenever such person is absent;

(y) "tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks, as defined in 49 C.F.R. 171 in effect on January 1, 1991. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons;

(z) "United States" means the 50 states and the District of Columbia;

(aa) "division" means the division of vehicles of the Kansas department of revenue;

(bb) "director" means the director of the division of vehicles of the Kansas department of revenue;

(cc) "foreign country" means any jurisdiction other than the United States;

(dd) "nonresident commercial driver's license" means a license issued pursuant to K.S.A. 8-2,148, and amendments thereto;

(ee) "fatality" means the death of a person as a result of a motor vehicle accident;

(ff) "noncommercial motor vehicle" means a motor vehicle or combination of motor vehicles not defined by the term commercial motor vehicle in subsection (f);

(gg) "school bus" means a commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events. School bus does not include a bus used as a common carrier.

Sec. 4. K.S.A. 8-2,132 is hereby amended to read as follows: 8-2,132. (a) On and after April 1, 1992, except when driving under a commercial class A, B or C or class A or B instruction permit or a valid class C license and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person has a valid commercial driver's license and is in immediate possession thereof and applicable endorsements valid for the vehicle they are driving, except that no person charged with violating this subsection shall be convicted if such person produces in court or the office of the arresting officer a commercial driver's license issued to such person and valid at the time of the arrest.

(b) No person shall drive a commercial motor vehicle while their driving privilege is suspended, revoked or canceled; or while subject to a disqualification or in violation of an out-of-service order.

(c) No person shall drive a commercial motor vehicle in violation of an out-of-service order.

(e)(d) Any commercial driver in violation of this section shall be guilty of a class B misdemeanor.

Sec. 5. K.S.A. 8-2,133 is hereby amended to read as follows: 8-2,133.

(a) Except as provided in K.S.A. 8-2,146, and amendments thereto, or as provided in K.S.A. 8-2,148, and amendments thereto, no person may be issued a commercial driver's license unless that person is a resident of this state and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by 49 C.F.R. 383, subparts G and H, effective January 1, 1991, and has satisfied all other requirements of the commercial motor vehicle safety act in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the secretary, except that the secretary may accept the results of a person's knowledge test conducted in another state if such test complies with minimum federal standards;

(b) the secretary may authorize a person, including an agency of this or another state, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of local government, to administer the skills test specified by this section, if:

(1) The test is the same which would otherwise be administered by the state; and

(2) the third party has entered into an agreement with the state which complies with requirements of 49 C.F.R. 383.75, effective January 1, 1991.

(c) A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked or canceled in any state; nor shall a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

Sec. 6. K.S.A. 8-2,135 is hereby amended to read as follows: 8-2,135.

(a) The commercial driver's license shall be marked "commercial driver's license" or "CDL," and must be, to the maximum extent practicable, tamper proof. It shall include, but not be limited to, the following information:

(1) The requirements set out in K.S.A. 8-243, and amendments thereto;

(2) the person's social security number or any number or identifier deemed appropriate by the state licensing authority;

(3) the class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restriction;

(4) the name of this state; and

(5) the dates between which the license is valid.

(b) Commercial drivers' licenses issued pursuant to K.S.A. 8-234b, and amendments thereto, may be issued with the following endorsements

or restrictions; and the holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles, except motorcycles and vehicles which require an endorsement, unless the proper endorsement appears on the license;

(1) "H"—authorizes the driver to drive a vehicle transporting hazardous materials;

(2) "L"—restricts the driver to vehicles not equipped with airbrakes;

(3) "T"—authorizes driving double and triple trailers;

(4) "P"—authorizes driving vehicles carrying passengers;

(5) "N"—authorizes driving tank vehicles;

(6) "X"—represents a combination of hazardous materials and tank vehicle endorsements;

(7) "S"—authorizes driving school buses.

(c) Before issuing a commercial driver's license, the division must obtain driving record information through the commercial driver license information system, the national driver register and from each state in which the person has been licensed.

(d) Within 10 days after issuing a commercial driver's license, the division shall notify the commercial driver license information system of that fact, providing all information required to ensure identification of the person.

(e) All original licenses issued after April 1, 1992, shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application. All renewals thereof shall expire on every fourth anniversary of the date of birth of the licensee. No driver's license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire at midnight on every fourth anniversary of the date of birth of the applicant. At least 30 days prior to the expiration of a person's license, the division shall mail a notice of expiration or renewal application to such person at the address shown on the license.

(f) When applying for renewal of a commercial driver's license, the applicant must complete the test required in subsection (e) of K.S.A. 8-247, and amendments thereto, and the application form required by subsection (b) of K.S.A. 8-2,134, and amendments thereto, providing updated information and required certifications and if the applicant wishes to retain a hazardous materials endorsement, the applicant must take and pass the test for such endorsement.

Sec. 7. K.S.A. 8-2,142 is hereby amended to read as follows: 8-2,142.

(a) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year upon a first occurrence of any one of the following:

(1) The person's conviction of a violation of K.S.A. 8-2,144;

(2) leaving the scene of an accident involving a commercial motor vehicle driven by the person;

(3) the person's conviction of using a commercial motor vehicle in the commission of any felony as defined in this act; or

(4) the person's test refusal or test failure, as defined by subsection (4).

(1) While operating a commercial motor vehicle:

(A) The person is convicted of violating K.S.A. 8-2,144, and amendments thereto;

(B) the person is convicted of violating subsection (b) of K.S.A. 8-2,132, and amendments thereto;

(C) the person has caused a fatality through the negligent operation of a commercial motor vehicle; or

(D) the person's test refusal or test failure, as defined in subsection (k); or

(2) while operating a noncommercial motor vehicle:

(A) The person is convicted of a violation of K.S.A. 8-1567, and amendments thereto; or

(B) the person's test refusal or test failure, as defined in K.S.A. 8-1013, and amendments thereto; or

(3) while operating any motor vehicle:

(A) The person is convicted of leaving the scene of an accident; or

(B) the person is convicted of a felony, other than a felony described in subsection (e), while using a motor vehicle to commit such felony.

(b) If any offenses, test refusal or test failure specified in subsection (a) occurred in a commercial motor vehicle while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three years.

(c) A person shall be disqualified for life upon the second or a subsequent occurrence of any offense, test refusal or test failure specified in subsection (a), or any combination thereof, arising from two or more separate incidents.

(d) The secretary of revenue may adopt rules and regulations establishing guidelines, including conditions, under which a disqualification for life under subsection (c) may be reduced to a period of not less than 10 years.

(e) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle or noncommercial motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance.

(f) A person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if convicted of two serious traffic violations, or 120 days if convicted of three or more serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period.

(g) A person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if convicted of two serious traffic violations, or 120 days if convicted of three or more serious traffic violations, committed in a noncommercial motor vehicle arising from separate incidents occurring within a three-year period, if such convictions result in the revocation, cancellation or suspension of the person's driving privileges.

(h) (1) A person who is convicted of operating a commercial motor vehicle in violation of an out-of-service order shall be disqualified from driving a commercial motor vehicle for a period of not less than:

(A) Ninety days nor more than one year, if the driver is convicted of a first violation of an out-of-service order;

(B) one year nor more than five years if, during any 10-year period, the driver is convicted of two violations of out-of-service orders in separate incidents; or

(C) three years nor more than five years if, during any 10-year period, the driver is convicted of three or more violations of out-of-service orders in separate incidents.

(2) A person who is convicted of operating a commercial motor vehicle in violation of an out-of-service order while transporting a hazardous material required to be placarded under 49 U.S.C. 5101 et seq. or while operating a motor vehicle designed to transport more than 15 passengers, including the driver, shall be disqualified from driving a commercial motor vehicle for a period of not less than:

(A) One hundred and eighty days nor more than two years if the driver is convicted of a first violation of an out-of-service order; or

(B) three years nor more than five years if, during any 10-year period, the driver is convicted of any subsequent violations of out-of-service orders in separate incidents.

(i) (1) A person who is convicted of operating a commercial motor vehicle in violation of a federal, state or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing shall be disqualified from driving a commercial motor vehicle for the period of time specified in paragraph (2):

(A) For persons who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(B) For persons who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;

(C) for persons who are always required to stop, failing to stop before driving onto the crossing;

(D) for all persons failing to have sufficient space to drive completely through the crossing without stopping;

(E) for all persons failing to obey a traffic control device or the directions of an enforcement official at the crossing; or

(F) for all persons failing to negotiate a crossing because of insufficient undercarriage clearance.

(2) A driver shall be disqualified from driving a commercial motor vehicle for not less than:

(A) Sixty days if the driver is convicted of a first violation of a railroad-highway grade crossing violation;

(B) one hundred and twenty days if, during any three-year period, the driver is convicted of a second railroad-highway grade crossing violation in separate incidents; or

(continued)



(C) one year if, during any three-year period, the driver is convicted of a third or subsequent railroad-highway grade crossing violation in separate incidents.

(j) After suspending, revoking or canceling a commercial driver's license, the division shall update its records to reflect that action within 10 days. After suspending, revoking or canceling a nonresident commercial driver's privileges, the division shall notify the licensing authority of the state which issued the commercial driver's license or nonresident commercial driver's license within 10 days.

(k) Upon suspension, revocation, cancellation or disqualification of a commercial driver's license under this act, the license shall be immediately surrendered to the division if still in the licensee's possession. If otherwise eligible, and upon payment of the required fees, the licensee

may be issued a noncommercial driver's license for the period of suspension, revocation, cancellation or disqualification of the commercial driver's license under the same identifier number.

(l) As used in this section, "test refusal" means a person's refusal to submit to and complete a test requested pursuant to K.S.A. 8-2,145, and amendments thereto; "test failure" means a person's submission to and completion of a test which determines that the person's alcohol concentration is .04 or greater, pursuant to K.S.A. 8-2,145, and amendments thereto.

Sec. 8. K.S.A. 8-2,128, 8-2,132, 8-2,133, 8-2,135 and 8-2,142 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

**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
1-6-23	Amended (T)	V. 22, p. 466
1-6-26a	New	V. 21, p. 768
1-9-4	Amended	V. 21, p. 768
1-9-5	Amended	V. 21, p. 769
1-9-7b	Amended	V. 21, p. 2048
1-11-1	Amended	V. 21, p. 770
1-14-12a	Revoked	V. 21, p. 770
1-16-18	Amended	V. 21, p. 146
1-45-1		
through		
1-45-7	Revoked	V. 22, p. 226
1-45-7a	Revoked	V. 22, p. 226
1-45-8		
through		
1-45-14	Revoked	V. 22, p. 226
1-45-15	Amended (T)	V. 21, p. 1942
1-45-15	Revoked	V. 22, p. 226
1-45-16	Amended (T)	V. 21, p. 1942
1-45-16	Revoked	V. 21, p. 226
1-45-17	Revoked	V. 22, p. 226
1-45-18		
through		
1-45-24	New	V. 22, p. 226-228

**AGENCY 3: KANSAS STATE TREASURER**

Reg. No.	Action	Register
3-2-2	Amended	V. 21, p. 1944
3-2-3	Amended	V. 21, p. 1944

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-1-17	Amended (T)	V. 21, p. 1174
4-1-17	Amended	V. 21, p. 1749
4-4-2	Amended	V. 21, p. 1749
4-7-2	Amended	V. 21, p. 2020
4-7-3	Amended	V. 21, p. 2020

4-7-4	Amended	V. 21, p. 2020
4-7-6	Amended	V. 21, p. 2021
4-7-213	Amended	V. 21, p. 2021
4-7-213a	Revoked	V. 21, p. 2021
4-7-214	Amended	V. 21, p. 2021
4-7-216	Amended	V. 21, p. 2021
4-7-408	Revoked	V. 21, p. 2021
4-7-507	Amended	V. 21, p. 2021
4-7-510	Amended	V. 21, p. 2021
4-7-511	Revoked	V. 21, p. 2021
4-7-512	Revoked	V. 21, p. 2022
4-7-513	Revoked	V. 21, p. 2022
4-7-530	Amended	V. 21, p. 2022
4-7-531	Amended	V. 21, p. 2022
4-7-532	Amended	V. 21, p. 2022
4-7-533	Amended	V. 21, p. 2022
4-7-715	Amended	V. 21, p. 2022
4-7-716	Amended	V. 21, p. 2022
4-7-717	Amended	V. 21, p. 2023
4-7-718	Amended	V. 21, p. 2023
4-7-719	Amended	V. 21, p. 2023
4-7-720	Revoked	V. 21, p. 2023
4-7-721	Revoked	V. 21, p. 2023
4-7-722	Revoked	V. 21, p. 2023
4-7-802	Revoked	V. 21, p. 2023
4-7-804	New	V. 21, p. 2023
4-7-900	Amended	V. 21, p. 2024
4-7-901	Amended	V. 21, p. 2024
4-7-902	Amended	V. 21, p. 2024
4-7-903	Amended	V. 21, p. 2024
4-7-904	Amended	V. 21, p. 2024
4-7-905	Revoked	V. 21, p. 2024
4-7-1000	Amended	V. 21, p. 2024
4-7-1001	Revoked	V. 21, p. 2025
4-8-43	New (T)	V. 22, p. 82
4-8-43	New	V. 22, p. 432
4-13-9	Amended (T)	V. 21, p. 1174
4-13-9	Amended	V. 21, p. 1749
4-13-20		
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4-13-24	Amended (T)	V. 21, p. 1174, 1175
4-13-20		
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4-13-24	Amended	V. 21, p. 1749, 1750
4-13-25	Amended	V. 21, p. 2043
4-13-25a		
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4-13-25l	New	V. 21, p. 2044-2047
4-13-33	Amended (T)	V. 21, p. 1175
4-13-33	Amended	V. 21, p. 1750
4-14-1	Revoked	V. 21, p. 1705
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4-15-2	Revoked	V. 21, p. 1705
4-15-3	Revoked	V. 21, p. 1705
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4-15-14	New	V. 21, p. 1705-1708
4-16-7a	Amended	V. 22, p. 12
4-18-1	Revoked	V. 21, p. 1708
4-19-1	Amended (T)	V. 21, p. 1175
4-19-1	Amended	V. 21, p. 1750
4-20-11	Amended	V. 22, p. 385
4-20-15	Amended	V. 22, p. 385
4-21-1	Amended	V. 22, p. 385

4-21-3	Amended	V. 22, p. 386
4-21-4	Amended	V. 22, p. 386
4-21-5	Amended	V. 22, p. 387
4-21-6	Amended	V. 22, p. 387
4-21-7	New	V. 22, p. 387
4-25-2		
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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
5-21-6	New	V. 22, p. 41
5-21-7	New	V. 22, p. 42
5-22-2	Amended	V. 21, p. 2133
5-22-4	Amended	V. 21, p. 2133
5-22-4a	New	V. 21, p. 2134
5-22-5	Revoked	V. 21, p. 2134
5-22-12	New	V. 21, p. 2134
5-23-6	Amended	V. 21, p. 2134
5-24-5	Amended	V. 21, p. 2135
5-24-7	Amended	V. 21, p. 2135
5-24-8	New	V. 21, p. 2135
5-24-9	New	V. 21, p. 2136
5-24-10	New	V. 21, p. 2136

**AGENCY 7: SECRETARY OF STATE**

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7-23-13	Amended	V. 21, p. 1056
7-37-2	Amended	V. 21, p. 1056

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

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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
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10-21-6	Amended	V. 21, p. 454-456

**AGENCY 11: STATE CONSERVATION COMMISSION**

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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
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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
14-12-1 through 14-12-18	Revoked	V. 21, p. 2095
14-13-14	New	V. 21, p. 1054
14-13-15	New	V. 21, p. 1055
14-14-6	Revoked	V. 21, p. 2095
14-14-6a	New	V. 21, p. 2095
14-15-1	New	V. 22, p. 123
14-15-2	New	V. 22, p. 123

**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
26-8-1	Amended	V. 21, p. 1747
26-8-2	Amended (T)	V. 21, p. 1172
26-8-2	Amended	V. 21, p. 1747
26-8-3	Revoked (T)	V. 21, p. 1173
26-8-3	Revoked	V. 21, p. 1748
26-8-5	Amended (T)	V. 21, p. 1173
26-8-5	Amended	V. 21, p. 1748
26-8-6	Revoked (T)	V. 21, p. 1173
26-8-6	Revoked	V. 21, p. 1748
26-8-7	Amended (T)	V. 21, p. 1173
26-8-7	Amended	V. 21, p. 1748
26-8-8	Amended (T)	V. 21, p. 1173
26-8-8	Amended	V. 21, p. 1748
26-8-9	Revoked (T)	V. 21, p. 1173
26-8-9	Revoked	V. 21, p. 1748
26-8-12	Revoked (T)	V. 21, p. 1173
26-8-12	Revoked	V. 21, p. 1748
26-8-13	Revoked (T)	V. 21, p. 1173
26-8-13	Revoked	V. 21, p. 1748
26-8-14	Revoked (T)	V. 21, p. 1173
26-8-14	Revoked	V. 21, p. 1748
26-8-15	New (T)	V. 21, p. 1173
26-8-15	New	V. 21, p. 1748
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
28-1-18	Amended	V. 21, p. 1920
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
28-4-576 through 28-4-596	New	V. 21, p. 2138-2156
28-14-1	Amended	V. 21, p. 1791
28-14-2	Amended	V. 21, p. 1791
28-16-28b through 28-16-28e	Amended	V. 21, p. 2096-2012
28-17-6	Amended (T)	V. 21, p. 1171
28-17-6	Amended	V. 21, p. 1704
28-19-17	Amended	V. 21, p. 1892
28-19-17a through 28-19-17q	Revoked	V. 21, p. 1892
28-19-75	Revoked	V. 21, p. 1325
28-19-350	New	V. 21, p. 1892
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
28-38-18 through 28-38-23	Amended	V. 22, p. 7-9
28-38-28	Amended	V. 22, p. 10
28-38-29	Amended	V. 22, p. 10
28-38-30	Amended	V. 22, p. 11

28-55-3	Amended	V. 21, p. 311
28-55-5	Amended	V. 21, p. 311
28-72-1 through 28-72-4	Amended	V. 21, p. 1944-1948
28-72-4a	Amended	V. 21, p. 1952
28-72-4b	Amended	V. 21, p. 1954
28-72-4c	Amended	V. 21, p. 1955
28-72-5 through 28-72-18	Amended	V. 21, p. 1957-1971
28-72-18e	Amended	V. 21, p. 1973
28-72-19	Amended	V. 21, p. 1974
28-72-21	Amended	V. 21, p. 1974

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-90	Amended	V. 21, p. 1005
30-4-96	Revoked	V. 22, p. 249
30-5-64	Amended	V. 22, p. 196
30-5-81u	Amended (T)	V. 22, p. 83
30-5-81u	Amended	V. 22, p. 432
30-5-94	Amended	V. 21, p. 2049
30-5-101	Revoked	V. 21, p. 1007
30-5-101a	Revoked	V. 21, p. 2049
30-5-102	Amended (T)	V. 22, p. 83
30-5-102	Amended	V. 22, p. 432
30-5-105	Amended (T)	V. 22, p. 83
30-5-105	Amended	V. 22, p. 433
30-5-108a	Amended	V. 21, p. 2049
30-5-300	Amended	V. 21, p. 1007
30-5-308	Amended	V. 21, p. 2049
30-6-86	Amended	V. 21, p. 2049
30-6-88	New	V. 21, p. 1010
30-6-94	Amended	V. 21, p. 506
30-6-103	Amended (T)	V. 22, p. 84
30-6-103	Amended	V. 22, p. 433
30-6-106	Amended	V. 22, p. 249
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. 1013
30-10-15a	Amended	V. 21, p. 1017
30-10-15b	Amended	V. 21, p. 1018
30-10-17	Amended	V. 21, p. 2050
30-10-18	Amended	V. 21, p. 2052
30-10-19	Amended	V. 21, p. 1023
30-10-21	Amended	V. 21, p. 1024
30-10-23a	Amended	V. 21, p. 2055
30-10-24	Amended	V. 21, p. 1025
30-10-25	Amended	V. 21, p. 1026
30-10-27	Amended	V. 21, p. 1027
30-10-29	Revoked	V. 21, p. 1028
30-12-16 through 30-12-22	Revoked	V. 21, p. 331
30-13-17 through 30-13-26	Revoked	V. 21, p. 331
30-14-28	Amended (T)	V. 22, p. 84
30-14-28	Amended	V. 22, p. 434
30-64-20	Amended	V. 21, p. 80
30-64-22	Amended	V. 21, p. 80
30-64-23	Amended	V. 21, p. 80
30-64-24	Amended	V. 21, p. 1310
30-64-30	Amended	V. 21, p. 81
30-64-31	Amended	V. 21, p. 81
30-64-32	Amended	V. 21, p. 82
30-64-34	Revoked	V. 21, p. 82

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-34	Amended	V. 21, p. 2131
40-1-43	Amended	V. 21, p. 451
40-1-46	Amended	V. 21, p. 212
40-1-47	New	V. 21, p. 588

(continued)

40-1-48	Amended	V. 21, p. 1056
40-1-49	New	V. 21, p. 1703
40-2-22	Revoked	V. 21, p. 589
40-4-36	Amended	V. 22, p. 465
40-4-37	Amended	V. 21, p. 741
40-4-37k	Amended	V. 21, p. 1272
40-4-37q	New	V. 21, p. 1272
40-4-37s	New	V. 21, p. 743
40-4-37t	New	V. 21, p. 1272
40-4-37u	New	V. 21, p. 1370

44-11-133	Amended	V. 21, p. 339
44-11-135	Amended	V. 21, p. 339
44-12-103	Amended	V. 21, p. 117
44-12-105	Amended	V. 21, p. 117
44-12-106	Amended	V. 21, p. 117
44-12-107	Amended	V. 21, p. 117
44-12-201		
through		
44-12-205	Amended	V. 21, p. 118
44-12-210	Amended	V. 21, p. 118
44-12-303	Amended	V. 21, p. 118
44-12-305	Amended	V. 21, p. 118
44-12-306	Amended	V. 21, p. 119
44-12-307	Amended	V. 21, p. 119
44-12-309	Amended	V. 21, p. 119
44-12-310	Amended	V. 21, p. 119
44-12-312	Amended	V. 21, p. 119
44-12-313	Amended	V. 21, p. 119
44-12-314	Amended	V. 21, p. 119
44-12-318	Amended	V. 21, p. 120
44-12-320	Revoked	V. 21, p. 120
44-12-321	Amended	V. 21, p. 120
44-12-325	Amended	V. 21, p. 120
44-12-326	Revoked	V. 21, p. 120
44-12-327	Amended	V. 21, p. 120
44-12-328	Amended	V. 21, p. 120
44-12-401	Amended	V. 21, p. 120
44-12-501	Amended	V. 21, p. 121
44-12-503	Amended	V. 21, p. 121
44-12-504	Amended	V. 21, p. 121
44-12-505b	Amended	V. 21, p. 121
44-12-601	Amended	V. 21, p. 121
44-12-602	Amended	V. 21, p. 123
44-12-702	Amended	V. 21, p. 123
44-12-801	Amended	V. 21, p. 123
44-12-902	Amended	V. 21, p. 123
44-12-1002	Amended	V. 21, p. 123
44-12-1002	Amended (T)	V. 22, p. 384
44-12-1306	Amended	V. 21, p. 123
44-12-1307	Amended	V. 21, p. 124
44-13-101	Amended	V. 21, p. 151
44-13-104	Revoked	V. 21, p. 151
44-13-105	Amended	V. 21, p. 151
44-13-106	Amended	V. 21, p. 151
44-13-201	Amended	V. 21, p. 152
44-13-201b	Amended	V. 21, p. 153
44-13-201b	Amended (T)	V. 22, p. 384
44-13-202	Amended	V. 21, p. 153
44-13-302a	Revoked	V. 21, p. 153
44-13-304	Revoked	V. 21, p. 153
44-13-306	New	V. 21, p. 154
44-13-307	New	V. 21, p. 154
44-13-401	Amended	V. 21, p. 154
44-13-401a	Revoked	V. 21, p. 154
44-13-402	Amended	V. 21, p. 154
44-13-403	Amended	V. 21, p. 155
44-13-404	Amended	V. 21, p. 156
44-13-405a	Amended	V. 21, p. 157
44-13-406	Amended	V. 21, p. 158
44-13-408	Amended	V. 21, p. 158
44-13-409	Amended	V. 21, p. 158
44-13-501	Amended	V. 21, p. 158
44-13-502a	Amended	V. 21, p. 158
44-13-506		
through		
44-13-509	Amended	V. 21, p. 158, 159
44-13-601	Amended	V. 21, p. 159
44-13-603	Amended	V. 21, p. 159
44-13-610	Amended	V. 21, p. 159
44-13-701		
through		
44-13-704	Amended	V. 21, p. 159, 160
44-13-705	Revoked	V. 21, p. 161
44-13-706	Amended	V. 21, p. 161
44-13-707	Amended	V. 21, p. 161
44-14-101	Revoked	V. 21, p. 83
44-14-102	Revoked	V. 21, p. 83
44-14-201	Revoked	V. 21, p. 83
44-14-202	Revoked	V. 21, p. 83
44-14-301		
through		
44-14-318	Revoked	V. 21, p. 83
44-15-101	Amended	V. 21, p. 84
44-15-101a	Amended	V. 21, p. 84
44-15-102	Amended	V. 21, p. 85

44-15-201	Amended	V. 21, p. 86
44-16-102	Amended	V. 21, p. 86
44-16-103	Revoked	V. 21, p. 86
44-16-104	Revoked	V. 21, p. 86
44-16-105	Amended	V. 21, p. 86
44-16-106	Revoked	V. 21, p. 86
44-16-107	Revoked	V. 21, p. 86
44-16-108	Revoked	V. 21, p. 86

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-4-103	Revoked	V. 21, p. 309
44-4-104	Revoked	V. 21, p. 309
44-4-106		
through		
44-4-109	Revoked	V. 21, p. 309
44-5-101	Revoked	V. 21, p. 309
44-5-103	Revoked	V. 21, p. 309
44-5-107		
through		
44-5-110	Revoked	V. 21, p. 309
44-5-113	Revoked	V. 21, p. 309
44-5-114	Revoked	V. 21, p. 309
44-6-101	Amended	V. 21, p. 1406
44-6-106	Amended	V. 21, p. 1407
44-6-107	Amended	V. 21, p. 1407
44-6-108	Amended	V. 21, p. 1408
44-6-114c	Amended	V. 21, p. 1408
44-6-114d	New	v. 21, p. 1409
44-6-114e	New	V. 21, p. 1409
44-6-115	Revoked	V. 21, p. 1415
44-6-115a	New	V. 21, p. 1415
44-6-115a	Amended (T)	V. 22, p. 383
44-6-115b	New	V. 21, p. 1415
44-6-115c	New	V. 21, p. 1417
44-6-117	Revoked	V. 21, p. 1418
44-6-120	Revoked	V. 21, p. 1418
44-6-124	Revoked	V. 21, p. 1418
44-6-125	Amended	V. 21, p. 1418
44-6-126	Amended	V. 21, p. 1419
44-6-133	Revoked	V. 21, p. 1419
44-6-134	Amended	V. 21, p. 1419
44-6-136	Amended	V. 21, p. 1419
44-6-136a	Amended	V. 21, p. 1420
44-6-137	Amended	V. 21, p. 1420
44-6-138	Amended	V. 21, p. 1420
44-6-140	Amended	V. 21, p. 1421
44-6-140a	Amended	V. 21, p. 1421
44-6-141	Amended	V. 21, p. 1421
44-6-142	Revoked	V. 21, p. 1421
44-6-143	Amended	V. 21, p. 1421
44-6-146	Revoked	V. 21, p. 1422
44-7-102	Revoked	V. 21, p. 309
44-7-103	Revoked	V. 21, p. 309
44-7-105	Revoked	V. 21, p. 309
44-7-106	Revoked	V. 21, p. 309
44-7-107	Revoked	V. 21, p. 309
44-7-109	Revoked	V. 21, p. 309
44-7-112	Revoked	V. 21, p. 309
44-7-114	Revoked	V. 21, p. 309
44-7-115	Revoked	V. 21, p. 309
44-7-116	Revoked	V. 21, p. 309
44-8-110		
through		
44-8-114	Revoked	V. 21, p. 309
44-11-111	Amended	V. 21, p. 335
44-11-112	Revoked	V. 21, p. 336
44-11-113	Amended	V. 21, p. 336
44-11-114	Revoked	V. 21, p. 336
44-11-115	Revoked	V. 21, p. 336
44-11-119	Amended	V. 21, p. 336
44-11-120	Amended	V. 21, p. 336
44-11-121	Amended	V. 21, p. 337
44-11-122	Revoked	V. 21, p. 337
44-11-123	Amended	V. 21, p. 337
44-11-124	Revoked	V. 21, p. 337
44-11-127	Amended	V. 21, p. 337
44-11-129	Amended	V. 21, p. 338
44-11-130	Amended	V. 21, p. 338
44-11-131	Amended	V. 21, p. 339
44-11-132	Amended	V. 21, p. 339

**AGENCY 45: KANSAS PAROLE BOARD**

Reg. No.	Action	Register
45-1-1	Revoked	V. 21, p. 1894
45-4-4		
through		
45-4-7	Revoked	V. 21, p. 1894
45-4-9	Revoked	V. 21, p. 1894
45-6-1	Revoked	V. 21, p. 1894
45-6-2	Revoked	V. 21, p. 1894
45-6-3	Revoked	V. 21, p. 1894
45-6-5	Revoked	V. 21, p. 1894
45-7-1		
through		
45-7-5	Revoked	V. 21, p. 1894
45-9-1		
through		
45-9-4	Revoked	V. 21, p. 1894
45-10-1	Revoked	V. 21, p. 1894
45-11-1	Revoked	V. 21, p. 1895
45-14-1	Revoked	V. 21, p. 1895
45-16-2	Revoked	V. 21, p. 1895
45-16-3	Revoked	V. 21, p. 1895
45-16-4	Revoked	V. 21, p. 1895
45-100-1	New	V. 21, p. 1895
45-200-1	New	V. 21, p. 1895
45-200-2	New	V. 21, p. 1896
45-300-1	New	V. 21, p. 1896
45-300-2	New	V. 21, p. 1896
45-400-1		
through		
45-400-4	New	V. 21, p. 1896, 1897
45-500-1		
through		
45-500-4	New	V. 21, p. 1897, 1898
45-600-1	New	V. 21, p. 1899
45-700-1	New (T)	V. 21, p. 1328
45-700-1	New	V. 21, p. 1900
45-700-2	New (T)	V. 21, p. 1328
45-700-2	New	V. 21, p. 1900
45-800-1	New	V. 21, p. 1900
45-900-1	New	V. 21, p. 1901
45-1000-1	New	V. 21, p. 1901
45-1000-2	New	V. 21, p. 1901
45-1000-3	New	V. 21, p. 1901

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

Reg. No.	Action	Register
51-2-6	New	V. 21, p. 864
51-3-1		
through		
51-3-4	Amended	V. 21, p. 864-865
51-9-12		
through		
51-9-14	Revoked	V. 21, p. 865
51-9-15	New	V. 21, p. 1224
51-9-16	New	V. 21, p. 1271
51-10-6	Revoked	V. 21, p. 865
51-17-1	Revoked	V. 21, p. 865
51-24-1	Amended	V. 21, p. 865
51-24-3	Amended	V. 21, p. 865
51-24-4	Amended	V. 21, p. 866

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-1-104	Amended	V. 22, p. 42
60-2-101		
through		
60-2-106	Amended	V. 22, p. 43-47
60-2-108	Amended	V. 22, p. 47
60-3-106	Amended	V. 21, p. 840
60-3-110	Amended	V. 21, p. 1764
60-3-112	Amended	V. 21, p. 1764

60-4-103	Amended	V. 21, p. 841
60-9-105	Amended	V. 21, p. 1765
60-9-107	Amended	V. 21, p. 1765
60-11-116	Amended	V. 21, p. 316
60-11-121	Amended	V. 21, p. 1767
60-13-103	Amended	V. 21, p. 316
60-13-110	Amended	V. 21, p. 317
60-16-101	Amended	V. 21, p. 841
60-16-102	Amended	V. 22, p. 47
60-16-103	Amended	V. 21, p. 842
60-16-104	Amended	V. 21, p. 842

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-23	New	V. 21, p. 659
63-3-22	New	V. 21, p. 659
63-3-23	New	V. 21, p. 659
63-4-1	Amended	V. 21, p. 659
63-7-1		
through		
63-7-8	New	V. 21, p. 660-662

**AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY**

Reg. No.	Action	Register
65-4-3	Amended	V. 21, p. 183

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-8-4	Amended	V. 21, p. 1789
66-9-5	Amended	V. 21, p. 1789
66-10-1	Amended	V. 21, p. 1789
66-10-9	Amended	V. 21, p. 1789
66-10-10b	New	V. 21, p. 1789
66-10-13	Amended	V. 21, p. 1790
66-11-1a	New	V. 21, p. 1790
66-11-1b	New	V. 21, p. 1790
66-11-5	New	V. 21, p. 1790
66-14-6	Amended	V. 21, p. 1790

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-1-1a	Amended	V. 21, p. 746
68-1-1e	Revoked	V. 21, p. 308
68-1-2a	Amended	V. 21, p. 746
68-1-3	Revoked	V. 21, p. 308
68-1-3a	Amended	V. 21, p. 746
68-2-5	Amended	V. 21, p. 308
68-2-9	Amended	V. 22, p. 118
68-2-10	Amended	V. 22, p. 118
68-2-11	Amended	V. 22, p. 118
68-2-12a	Amended	V. 22, p. 118
68-2-15	Amended	V. 22, p. 430
68-2-20	Amended	V. 22, p. 119
68-7-12	Amended	V. 22, p. 119
68-7-12a	Amended	V. 22, p. 120
68-7-12b	New	V. 22, p. 120
68-8-1	Amended	V. 22, p. 431
68-9-1	Amended	V. 21, p. 308
68-9-2	Amended	V. 22, p. 121
68-11-1	Amended	V. 22, p. 122
68-11-2	Amended	V. 22, p. 122
68-12-2	Amended	V. 22, p. 122
68-13-1	Amended	V. 22, p. 122

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-7	Amended	V. 21, p. 1867
74-4-8	Amended	V. 21, p. 1867
74-4-9	Amended	V. 21, p. 1901
74-5-101	Amended	V. 21, p. 1868
74-5-102	Amended	V. 21, p. 1868
74-5-202	Amended	V. 21, p. 1869
74-5-302	Amended	V. 21, p. 1869
74-5-401	Amended	V. 21, p. 1869
74-5-406	Amended	V. 21, p. 1869
74-7-4	New	V. 21, p. 1870
74-11-6	Amended	V. 21, p. 1870
74-11-7	Amended	V. 21, p. 1870

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-1-220a	New	V. 22, p. 39
82-3-105	Amended (T)	V. 21, p. 1175
82-3-105	Amended	V. 21, p. 1750
82-3-113	Amended (T)	V. 21, p. 1175
82-3-113	Amended	V. 21, p. 1750
82-3-114	Amended (T)	V. 21, p. 1176
82-3-114	Amended	V. 21, p. 1751
82-3-117	Amended (T)	V. 21, p. 1176
82-3-117	Amended	V. 21, p. 1751
82-3-120	Amended (T)	V. 21, p. 1176
82-3-120	Amended	V. 21, p. 1751
82-3-311	Amended (T)	V. 21, p. 1178
82-3-311	Amended	V. 21, p. 1753
82-3-312	Amended	V. 21, p. 117
82-3-400	Amended	V. 21, p. 383
82-3-401	Amended	V. 21, p. 383
82-3-401a	Revoked	V. 21, p. 384
82-3-401b	Revoked	V. 21, p. 384
82-3-402		
through		
82-3-410	Amended	V. 21, p. 384-389
82-3-411	New	V. 21, p. 389
82-3-412	New	V. 21, p. 390
82-3-1000		
through		
82-3-1012	New (T)	V. 21, p. 1178-1188
82-3-1000		
through		
82-3-1012	New	V. 21, p. 1753-1763
82-4-2	Amended	V. 22, p. 86
82-4-20	Amended	V. 22, p. 86
82-4-21	Amended	V. 22, p. 87
82-4-22	Amended (T)	V. 21, p. 1329
82-4-22	Amended	V. 21, p. 1702
82-4-23	Amended	V. 22, p. 87
82-4-26	Amended	V. 22, p. 87
82-4-26a	Amended	V. 22, p. 88
82-4-27	Amended	V. 22, p. 88
82-4-27a	Amended	V. 22, p. 88
82-4-27e	Amended	V. 22, p. 89
82-4-28	Amended	V. 22, p. 89
82-4-28a	Amended	V. 22, p. 89
82-4-29	Amended	V. 22, p. 90
82-4-29a	Amended	V. 22, p. 90
82-4-30a	Amended	V. 22, p. 90
82-4-32	Amended	V. 22, p. 90
82-4-35	Amended	V. 22, p. 91
82-4-46	Amended	V. 22, p. 91
82-4-49b		
through		
82-4-49e	Revoked	V. 22, p. 91
82-7-2		
through		
82-7-5	Revoked	V. 22, p. 91
82-8-1	Amended	V. 22, p. 91
82-8-2	Amended	V. 22, p. 91
82-8-3	Amended	V. 22, p. 92
82-13-1	New	V. 22, p. 40
82-13-2	New	V. 22, p. 40

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-19	New	V. 21, p. 1814
86-3-15	Amended	V. 21, p. 1814

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-5-1		
through		
88-5-4	Revoked	V. 21, p. 1705
88-6-1	Revoked	V. 21, p. 1705
88-6-2	Revoked	V. 21, p. 1705
88-6-3	Revoked	V. 21, p. 1705
88-16-1a	Revoked (T)	V. 21, p. 501
88-16-1a	Revoked	V. 21, p. 1166
88-16-1b	New (T)	V. 21, p. 501
88-16-1b	New	V. 21, p. 1166
88-24-1	New	V. 21, p. 1705
88-24-2	New	V. 21, p. 1705

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-146a		
through		
91-1-146e	Revoked	V. 21, p. 178
91-1-200		
through		
91-1-204	Amended	V. 21, p. 1445-1453
91-1-205	Amended	V. 21, p. 1583
91-1-206	Amended	V. 21, p. 178
91-1-207	Amended	V. 21, p. 1453
91-1-212		
through		
91-1-214	New	V. 21, p. 1453-1456
91-1-215		
through		
91-1-219	New	V. 21, p. 178-180
91-10-1a*	Revoked	V. 21, p. 1705
91-10-2*	Revoked	V. 21, p. 1705
	(*By Board of Regents)	
91-31-16		
through		
91-31-30	Revoked	V. 22, p. 124
91-31-31		
through		
91-31-42	New	V. 22, p. 124-128
91-32-1		
through		
91-32-9	Revoked	V. 21, p. 1867
91-38-1	Amended	V. 22, p. 356
91-38-2	Amended	V. 22, p. 356
91-38-3	Amended	V. 22, p. 357
91-38-5	Amended	V. 22, p. 357
91-38-6	Amended	V. 22, p. 358
91-38-7	Amended	V. 22, p. 360

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-1-1	Revoked	V. 21, p. 332
92-1-2	Revoked	V. 21, p. 332
92-1-3	Revoked	V. 21, p. 332
92-5-4	Revoked	V. 21, p. 312
92-5-5		
through		
92-5-10	Amended	V. 21, p. 312, 313
92-5-11	Revoked	V. 21, p. 313
92-5-12	Amended	V. 21, p. 313
92-5-13	Amended	V. 21, p. 313
92-8-20	Revoked	V. 21, p. 332
92-9-1	Amended	V. 21, p. 332
92-9-3	Amended	V. 21, p. 332
92-9-4	Amended	V. 21, p. 332
92-9-5	Amended	V. 21, p. 332
92-9-7	Revoked	V. 21, p. 332
92-11-1		
through		
92-11-16	Revoked	V. 21, p. 332, 333
92-12-4	Amended	V. 21, p. 586
92-12-11	Amended	V. 21, p. 586
92-12-29	Revoked	V. 21, p. 586
92-12-47	Amended	V. 21, p. 586
92-12-56	Revoked	V. 21, p. 587
92-12-58	Amended	V. 21, p. 587
92-12-67	Amended	V. 21, p. 587
92-12-68	Revoked	V. 21, p. 587
92-12-105	Amended	V. 21, p. 587
92-12-106	Amended	V. 21, p. 587
92-12a-1		
through		
92-12a-23	Revoked	V. 21, p. 333, 334
92-14-4		
through		
92-14-9	Amended	V. 21, p. 334, 335
92-15-3	Amended	V. 21, p. 335
92-15-4	Amended	V. 21, p. 335
92-15-8	Amended	V. 21, p. 335
92-17-1		
through		
92-17-6	Amended	V. 21, p. 313, 314
92-18-1		
through		
92-18-7	Revoked	V. 21, p. 1307

(continued)

92-19-2	Revoked	V. 21, p. 1311
92-19-2a	New	V. 21, p. 1311
92-19-5	Revoked	V. 21, p. 1997
92-19-5a	New	V. 21, p. 1997
92-19-6	Revoked	V. 21, p. 1312
92-19-6a	New	V. 21, p. 1312
92-19-22	Revoked	V. 21, p. 1998
92-19-22a	New	V. 21, p. 1998
92-19-22b	New	V. 21, p. 1999
92-19-23	Revoked	V. 21, p. 2000
92-19-23a	New	V. 21, p. 2000
92-19-35a	New	V. 21, p. 1312
92-19-50	Revoked	V. 21, p. 2000
92-19-55	Revoked	V. 21, p. 1313
92-19-55a	New	V. 21, p. 1313
92-19-57	Amended	V. 21, p. 2000
92-19-61	Revoked	V. 21, p. 1315
92-19-61a	New	V. 21, p. 1315
92-19-81	New	V. 21, p. 2001
92-19-82	New	V. 21, p. 1316

92-19-200 through		
92-19-203	New	V. 22, p. 431
92-20-11	Revoked	V. 21, p. 1318
92-22-4	Amended	V. 21, p. 450
92-22-19	Revoked	V. 21, p. 450
92-22-22	Revoked	V. 21, p. 450
92-22-23	Amended	V. 21, p. 450
92-22-24	Revoked	V. 21, p. 450
92-22-25	Amended	V. 21, p. 450
92-22-33	New	V. 21, p. 450
92-22-34	New	V. 21, p. 450
92-23-10	Amended	V. 21, p. 180
92-23-15	Amended	V. 21, p. 180
92-23-16	Amended	V. 21, p. 180
92-23-17 through		
92-23-23	New	V. 21, p. 181
92-23-25	New	V. 21, p. 181
92-23-30	New	V. 21, p. 181
92-23-31	New	V. 21, p. 182
92-23-38	Amended	V. 21, p. 182
92-23-38a	Amended	V. 21, p. 182
92-23-40	Amended	V. 21, p. 182
92-24-9 through		
92-24-15	Amended	V. 21, p. 314, 315
92-24-18	Amended	V. 21, p. 315
92-24-22	Amended	V. 21, p. 316
92-24-24	Amended	V. 21, p. 316
92-51-21	Amended	V. 21, p. 2092
92-51-23	Amended	V. 21, p. 2092
92-51-24	Amended	V. 21, p. 2092
92-51-27	Amended	V. 21, p. 2092
92-51-34	Revoked	V. 21, p. 2093
92-51-38	Amended	V. 21, p. 2093
92-51-39	Amended	V. 21, p. 2093
92-51-41	Amended	V. 21, p. 2093
92-51-53	Amended	V. 21, p. 2093
92-51-56	Amended	V. 21, p. 2093
92-51-57	Revoked	V. 21, p. 2094
92-51-58	Revoked	V. 21, p. 2094
92-51-60	Revoked	V. 21, p. 2094
92-51-61	Revoked	V. 21, p. 2094
92-52-2	Revoked	V. 21, p. 2094
92-52-3	Amended	V. 21, p. 2094
92-52-8	Revoked	V. 21, p. 2094
92-52-11	Revoked	V. 21, p. 2094
92-56-1 through		
92-56-5	Amended	V. 21, p. 1057-1059

## AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-1 through		
94-2-18	Amended	V. 21, p. 703-708
94-2-19	New	V. 21, p. 708
94-2-20	New	V. 21, p. 708
94-3-1	Amended	V. 21, p. 709
94-3-2	Amended	V. 21, p. 709
94-4-1	New	V. 21, p. 710
94-4-2	New	V. 21, p. 710

## AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 21, p. 1131
100-11-1	Amended	V. 21, p. 1864
100-27-1	Amended	V. 21, p. 307
100-28a-1	Amended	V. 21, p. 1864
100-29-7	Amended	V. 21, p. 1864
100-49-1	Amended	V. 21, p. 2137
100-49-4	Amended (T)	V. 21, p. 1131
100-49-4	Amended	V. 21, p. 1864
100-49-6 through		
100-49-9	New	V. 21, p. 2137
100-54-4	Amended	V. 21, p. 2138
100-55-4	Amended	V. 21, p. 2138
100-69-3	Amended	V. 21, p. 1864
100-69-9	Amended	V. 21, p. 1865
100-69-10	Amended	V. 21, p. 1865
100-69-11	Amended	V. 21, p. 1866
100-72-1 through		
100-72-7	New (T)	V. 22, p. 79-81
100-75-1	New (T)	V. 22, p. 82

## AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-2-3	Amended	V. 21, p. 237
102-2-4b	Amended	V. 21, p. 238
102-3-3a	Amended	V. 21, p. 1132
102-3-4a	Amended	V. 21, p. 1133
102-3-6a	Revoked	V. 21, p. 1134
102-3-12a	Amended	V. 21, p. 1134
102-3-17	New	V. 21, p. 1137

## AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-2	Amended	V. 21, p. 1055
108-1-4	Amended	V. 22, p. 360

## AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-5-1	Amended	V. 21, p. 1368
109-6-3	Amended	V. 21, p. 1369

## AGENCY 111: KANSAS LOTTERY

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

Reg. No.	Action	Register
111-2-4	Amended	V. 20, p. 1094
111-2-119 through		
111-2-124	New	V. 20, p. 416-419
111-2-120	Amended	V. 20, p. 1094
111-2-124	Amended	V. 21, p. 590
111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573
111-2-127	Amended	V. 20, p. 937
111-2-128	New	V. 20, p. 1188
111-2-129	New	V. 20, p. 1343
111-2-130	New	V. 20, p. 1394
111-2-131	New	V. 20, p. 1778
111-2-132	New	V. 20, p. 1901
111-2-133	New	V. 20, p. 1901
111-2-134	New	V. 20, p. 1901
111-2-135	New	V. 21, p. 590
111-2-136	New	V. 21, p. 590
111-2-137	New	V. 21, p. 649
111-2-138	New	V. 21, p. 692
111-2-139	New	V. 21, p. 747
111-2-140	New	V. 21, p. 1521
111-2-141	New	V. 21, p. 1852
111-2-142	New	V. 21, p. 1852
111-3-12	Amended	V. 20, p. 40
111-3-35	Amended	V. 20, p. 1189
111-4-1448	Amended	V. 21, p. 1521

111-4-1795 through		
111-4-1813	New	V. 20, p. 40-47
111-4-1801	Amended	V. 20, p. 1095
111-4-1803	Amended	V. 20, p. 1095
111-4-1805a	New	V. 20, p. 1095
111-4-1814 through		
111-4-1823	New	V. 20, p. 419-427
111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-4-1825 through		
111-4-1839	New	V. 20, p. 937-942
111-4-1828	Amended	V. 20, p. 1096
111-4-1832	Amended	V. 20, p. 1344
111-4-1840 through		
111-4-1844	New	V. 20, p. 1096-1100
111-4-1845 through		
111-4-1850	New	V. 20, p. 1189-1193
111-4-1849	Amended	V. 20, p. 1344
111-4-1851	New	V. 20, p. 1345
111-4-1852	New	V. 20, p. 1346
111-4-1853	New	V. 20, p. 1347
111-4-1854 through		
111-4-1870	New	V. 20, p. 1395-1405
111-4-1864	Amended	V. 20, p. 1569
111-4-1866	Amended	V. 20, p. 1570
111-4-1867	Amended	V. 20, p. 1601
111-4-1869	Amended	V. 20, p. 1601
111-4-1871	New	V. 20, p. 1571
111-4-1872	New	V. 20, p. 1572
111-4-1873	New	V. 20, p. 1572
111-4-1874 through		
111-4-1877	New	V. 20, p. 1779-1781
111-4-1877	Amended	V. 20, p. 1902
111-4-1878 through		
111-4-1885	New	V. 20, p. 1902-1906
111-4-1886 through		
111-4-1889	New	V. 21, p. 183-185
111-4-1890 through		
111-4-1893	New	V. 21, p. 591-593
111-4-1894 through		
111-4-1900	New	V. 21, p. 649-655
111-4-1894	Amended	V. 21, p. 1276
111-4-1901 through		
111-4-1921	New	V. 21, p. 692-702
111-4-1910	Amended	V. 21, p. 747
111-4-1911	Amended	V. 21, p. 747
111-4-1913	Amended	V. 21, p. 748
111-4-1922	New	V. 21, p. 748
111-4-1923	New	V. 21, p. 749
111-4-1924 through		
111-4-1932	New	V. 21, p. 1329-1337
111-4-1929	Amended	V. 21, p. 1522
111-4-1933 through		
111-4-1938	New	V. 21, p. 1523-1526
111-4-1938	Amended	V. 21, p. 1852
111-4-1939 through		
111-4-1945	New	V. 21, p. 1854-1857
111-4-1946 through		
111-4-1951	New	V. 22, p. 48-52
111-4-1952 through		
111-4-1964	New	V. 22, p. 439-448
111-5-22	Amended	V. 21, p. 1758
111-5-23	Amended	V. 21, p. 1858
111-5-24	Amended	V. 21, p. 1858
111-5-26	Amended	V. 21, p. 1859
111-5-27	Amended	V. 21, p. 1860
111-5-28	Amended	V. 21, p. 1860
111-5-30	Amended	V. 21, p. 1529

111-5-32	Amended	V. 21, p. 1861
111-5-33	Amended	V. 21, p. 1861
111-5-78	Amended	V. 21, p. 751
111-5-79		
through		
111-5-91	New	V. 21, p. 1278-1281
111-5-82	Amended	V. 21, p. 1529
111-5-83	Amended	V. 21, p. 1529
111-5-92		
through		
111-5-98	New	V. 21, p. 1339-1341
111-5-96	Amended	V. 21, p. 1530
111-5-97	Amended	V. 21, p. 1531
111-6-5	Amended	V. 21, p. 1531
111-7-119		
through		
111-7-127	Amended	V. 21, p. 594-597
111-7-123	Amended	V. 21, p. 1531
111-7-126	Amended	V. 21, p. 1532
111-7-134	Amended	V. 20, p. 429
111-7-152	Amended	V. 20, p. 49
111-7-158		
through		
111-7-162	New	V. 20, p. 577
111-7-159	Amended	V. 20, p. 1101
111-7-162	Amended	V. 20, p. 944
111-7-163		
through		
111-7-170	New	V. 20, p. 1101-1103
111-7-165	Amended	V. 20, p. 1194
111-7-171		
through		
111-7-175	New	V. 20, p. 1782, 1783
111-7-176		
through		
111-7-180	New	V. 21, p. 656, 657
111-7-181	New	V. 21, p. 1563
111-7-182		
through		
111-7-186	New	V. 21, p. 1861-1862
111-7-182	Amended	V. 22, p. 53

111-7-184	Amended	V. 22, p. 53
111-8-101		
through		
111-8-126	New	V. 20, p. 1573-1579
111-9-111	New	V. 20, p. 1406
111-9-112	Amended	V. 20, p. 1579
111-9-113	Amended	V. 21, p. 186
111-9-114	New	V. 21, p. 657
111-9-115	New	V. 21, p. 702
111-9-116	New	V. 21, p. 703
111-9-117	New	V. 21, p. 1533
111-9-118	New	V. 22, p. 54
111-9-119	New	V. 22, p. 54

115-7-7	New	V. 21, p. 1559
115-9-4	Amended	V. 21, p. 177
115-11-1	Amended	V. 21, p. 177
115-11-2	Amended	V. 21, p. 177
115-13-3	Amended	V. 21, p. 1560
115-13-4	Amended	V. 21, p. 1560
115-16-5	New	V. 21, p. 1138
115-16-6	New	V. 21, p. 1139
115-17-6		
through		
115-17-9	Amended	V. 22, p. 437-439
115-17-11	Amended	V. 21, p. 1561
115-17-12	Amended	V. 21, p. 1562
115-17-13	Amended	V. 21, p. 1562
115-17-14	Amended	V. 21, p. 1890
115-18-7	Amended	V. 21, p. 453
115-18-10	Amended	V. 22, p. 439
115-18-13	Amended	V. 21, p. 1562
115-18-14	Amended	V. 21, p. 1563
115-20-2	Amended	V. 21, p. 1891
115-30-8	Amended	V. 21, p. 1891

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-4-1a	New	V. 22, p. 278
112-4-1b	New	V. 22, p. 279
112-6-4	Amended	V. 22, p. 85
112-9-44	Amended	V. 22, p. 279
112-10-2	Amended	V. 22, p. 85
112-11-20	Amended	V. 22, p. 281
112-12-10	Amended	V. 22, p. 86

**AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-1	Amended	V. 21, p. 1557
115-2-2	Amended	V. 21, p. 1558
115-2-3	Amended	V. 21, p. 1558
115-2-6	Amended	V. 21, p. 451
115-4-4	Amended	V. 21, p. 452
115-4-6	Amended	V. 22, p. 434
115-4-11	Amended	V. 22, p. 436
115-5-1	Amended	V. 21, p. 1137
115-5-2	Amended	V. 21, p. 1138
115-5-3	Amended	V. 21, p. 1138
115-7-1	Amended	V. 21, p. 1558
115-7-2	Amended	V. 21, p. 1559

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

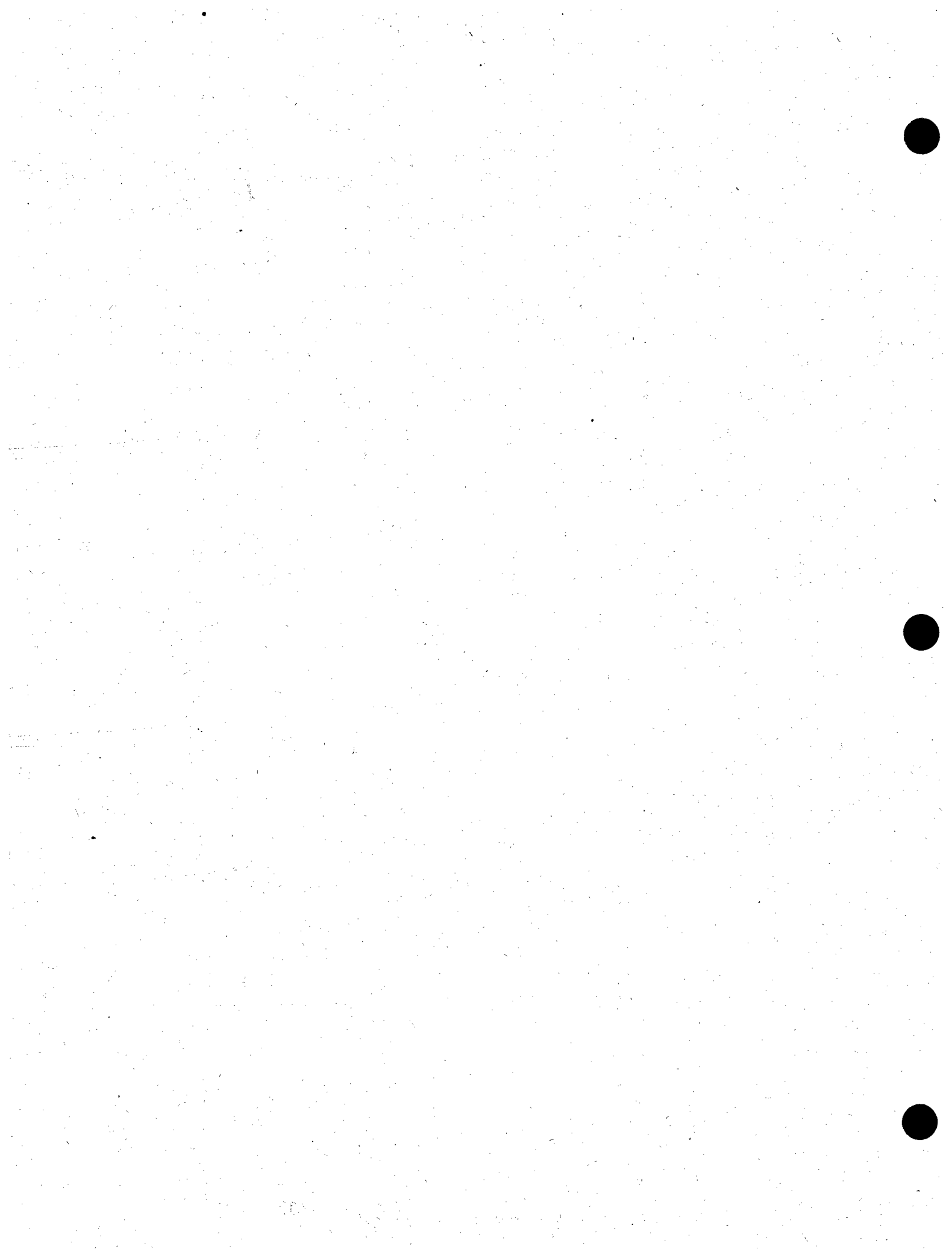
Reg. No.	Action	Register
117-6-1	Amended	V. 21, p. 658
117-8-1	Amended	V. 21, p. 659

**AGENCY 118: STATE HISTORICAL SOCIETY**

Reg. No.	Action	Register
118-5-1		
through		
118-5-10	New	V. 21, p. 1205-1208

**AGENCY 126: UNMARKED BURIAL SITES PRESERVATION BOARD**

Reg. No.	Action	Register
126-1-1	New	V. 21, p. 1792
126-1-2	New	V. 21, p. 1792



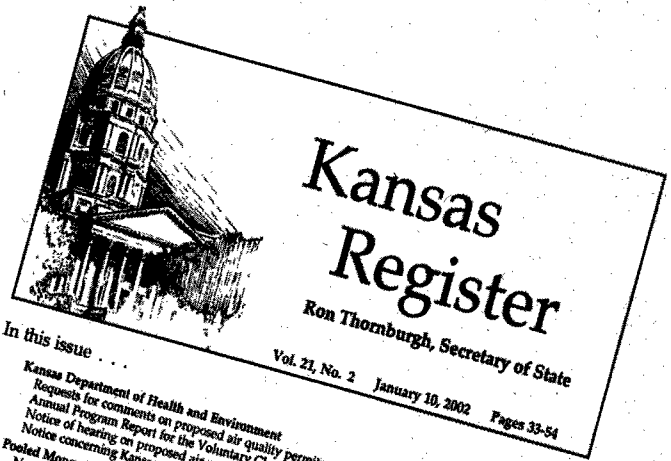


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