

# Kansas Register

Ron Thornburgh, Secretary of State

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## State of Kansas

## Board of Healing Arts

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, August 18, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider the adoption of one proposed amended rule and regulation, 100-54-1, pertaining to the application requirements for occupational therapists and occupational therapist assistants.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the above-referenced rule and regulation. All interested parties may submit comments prior to the hearing to the Board of Healing Arts, 235 S. Topeka Blvd., Topeka, 66603, or by e-mail to [jmowers@ksbha.ks.gov](mailto:jmowers@ksbha.ks.gov). All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the regulation during the hearing. In order to give all persons an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the regulation being considered and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Barbara Montgomery at (785) 296-8558 or at [bmontgomery@ksbha.ks.gov](mailto:bmontgomery@ksbha.ks.gov). Handicapped parking is located at the west end of the Hutton Building, and the northwest entrance to the building is accessible.

A summary of the proposed amended rule and regulation to be considered at the hearing and the respective economic impact follows:

**K.A.R. 100-54-1.** Application. This regulation states what information must be included in the applications for occupational therapist and occupational therapist assistant to be licensed in the state of Kansas.

The amendment to K.A.R. 100-54-1 will not result in any economic impact to the public or licensees.

The regulation is not mandated by any federal law.

No other methods were considered.

Copies of the proposed regulation and the economic impact statement may be obtained by contacting Julia Mowers, Kansas State Board of Healing Arts, at the address above, (785) 296-0510; from the board's Web site at <http://www.ksbha.org/public.html>; or by e-mail request to [jmowers@ksbha.ks.gov](mailto:jmowers@ksbha.ks.gov).

Jack Confer  
Executive Director

Doc. No. 037155

## State of Kansas

## Kansas Sentencing Commission

## Notice of Meeting

The Kansas Sentencing Commission's (KSC) Proportionality of Sentencing Subcommittee will meet from 9 a.m. to noon Thursday, June 25, in the eighth floor conference room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. Any individual with a disability may request accommodation to attend a KSC meeting. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Brenda Harmon at (785) 296-0923.

Helen Pedigo  
Executive Director

Doc. No. 037176

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State of Kansas

**Department of Revenue  
Division of Motor Vehicles**

**Notice of Intent to Establish a New Line-Make for  
an Existing New Motor Vehicle Dealer**

Notice has been received from Tractor Supply Company Store #572, 1330 N. Main St., McPherson, Kansas, Kansas Dealer #1332, that it will be adding the Baja Heat line-make to its location 1330 N. Main St., McPherson, Kansas 67460. The proposed selling date is immediately upon approval.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed addition of the new line-make at Tractor Supply Company Store #572, if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale at Tractor Supply Company Store #572, at 1330 N. Main St., McPherson, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the new Suzuki dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such petitions or complaints must be directed to the Kansas Department of Revenue, Director of Motor Vehicles, 1st Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Michael J. McLin, Bureau Manager  
Titles & Registrations/  
Dealer Licensing Bureau

Doc. No. 037163

State of Kansas

**Department of Revenue  
Division of Motor Vehicles**

**Notice of Intent to Establish a New Line-Make for  
an Existing New Motor Vehicle Dealer**

Notice has been received from Tractor Supply Company Store #1277, 2420 S. Main St., Fort Scott, Kansas, Kansas Dealer #1367, that it will be adding the Baja Heat line-make to its location at 2420 S. Main St., Fort Scott, Kansas 66701. The proposed selling date is immediately upon approval.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed addition of the new line-make at Tractor Supply Company Store #1277, if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale at Tractor Supply Company Store #1277, at 2420 S. Main St., Fort Scott, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the new Suzuki dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such petitions or complaints must be directed to the Kansas Department of Revenue, Director of Motor Vehicles, 1st Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Michael J. McLin, Bureau Manager  
Titles & Registrations/  
Dealer Licensing Bureau

Doc. No. 037164

State of Kansas

**Facilities Closure and  
Realignment Commission**

**Notice of Hearings**

The Facilities Closure and Realignment Commission will be hosting public hearings in Room 143-N, State Capitol, 300 S.W. 10th Ave., Topeka. The first hearing will begin at 1 p.m. Monday, June 22, to discuss the Kansas State School for the Blind. The second hearing will begin at 9 a.m. Tuesday, June 23, to discuss the Rainbow Mental Health Facility. For more information, contact the commission at [Closure.Commission@ks.gov](mailto:Closure.Commission@ks.gov).

Rochelle Chronister  
Chair

Doc. No. 037136

State of Kansas

**Department of Revenue  
Division of Motor Vehicles**

**Notice of Intent to Establish a New Line-Make for  
an Existing New Motor Vehicle Dealer**

Notice has been received from Tractor Supply Company Store #331, 710 Hwy. 24 East, Topeka, Kansas, Kansas Dealer #433, that it will be adding the Baja Heat line-make to its location 710 Hwy. 24 East, Topeka, Kansas 66608. The proposed selling date is immediately upon approval.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed addition of the new line-make at Tractor Supply Company Store #331, if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale at Tractor Supply Company Store #331, at 710 Hwy. 24 East, Topeka, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the new Suzuki dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such petitions or complaints must be directed to the Kansas Department of Revenue, Director of Motor Vehicles, 1st Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Michael J. McLin, Bureau Manager  
Titles & Registrations/  
Dealer Licensing Bureau

Doc. No. 037165

## State of Kansas

**Department of Credit Unions****Notice of Application for Change  
in Field of Membership**

The Kansas Department of Credit Unions has received an application for a change in field of membership from the McCormick Midwest Employees Credit Union, 625 Commercial St., Suite 6, Atchison, KS 66002. The proposed change in field of membership is as follows:

Adding Free Country Design to its field of membership, which is Berger Company, Bottorff Construction Company, Atchison by BIC, Blish-Mize, McCormick Distillery, MGP Ingredients, Inc., KCIT and Fargo Assembly.

Questions concerning the application may be directed to Cheryl Bishop, Kansas Department of Credit Unions, 400 S. Kansas Ave., Suite B, Topeka, 66603-3438, (785) 296-3021.

John P. Smith  
Administrator

Doc. No. 037140

## State of Kansas

**Department of Revenue  
Division of Motor Vehicles****Notice of Intent to Establish a New Line-Make for  
an Existing New Motor Vehicle Dealer**

Notice has been received from Tractor Supply Company Store #472, 10011 E. Kellogg, Wichita, Kansas, Kansas Dealer #687, that it will be adding the Baja Heat line-make to its location at 10011 E. Kellogg, Wichita, Kansas 67207. The proposed selling date is immediately upon approval.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed addition of the new line-make at Tractor Supply Company Store #472, if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale at Tractor Supply Company Store #472, at 10011 E. Kellogg, Wichita, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the new Suzuki dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such petitions or complaints must be directed to the Kansas Department of Revenue, Director of Motor Vehicles, 1st Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Michael J. McLin, Bureau Manager  
Titles & Registrations/  
Dealer Licensing Bureau

Doc. No. 037166

## State of Kansas

**Department on Aging****Request for Applications for  
PEANE Special Project Grants**

Special Project Grant Applications are now being accepted for the Prevention of Elder Abuse, Neglect and Exploitation (PEANE). The project proposal should address either education, training or research for the prevention of elder abuse, neglect, financial abuse or exploitation of older individuals.

Only project proposals requesting \$7,000 or less will be considered. The grant period is from August 1, 2009 through July 31, 2010. Any Kansas public agency or private not-for-profit corporation registered with the office of the Kansas Secretary of State may apply for these funds.

To request a PEANE Special Project Grant Application, contact Roxanne DeGraw at (785) 368-6665 or (800) 432-3535. The completed application must be returned to the Kansas Department on Aging, 503 S. Kansas Ave., Topeka, 66603-3404, by 5 p.m. July 8.

Kathy Greenlee  
Secretary of Aging

Doc. No. 037158

## State of Kansas

**Department of Revenue  
Division of Motor Vehicles****Notice of Intent to Establish a New Line-Make for  
an Existing New Motor Vehicle Dealer**

Notice has been received from Tractor Supply Company Store #1179, 8110 S. Port Road, Manhattan, Kansas, Kansas Dealer #1352, that it will be adding the Baja Heat line-make to its location 8110 S. Port Road, Manhattan, Kansas 66502. The proposed selling date is immediately upon approval.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed addition of the new line-make at Tractor Supply Company Store #1179, if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale at Tractor Supply Company Store #1179, at 8110 S. Port Road, Manhattan, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the new Suzuki dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such petitions or complaints must be directed to the Kansas Department of Revenue, Director of Motor Vehicles, 1st Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Michael J. McLin, Bureau Manager  
Titles & Registrations/  
Dealer Licensing Bureau

Doc. No. 037167

## State of Kansas

**Department of Revenue  
Division of Motor Vehicles**

**Notice of Intent to Establish a New Line-Make for  
an Existing New Motor Vehicle Dealer**

Notice has been received from Tractor Supply Company Store #325, 9425 W. Kellogg, Wichita, Kansas, Kansas Dealer #1330, that it will be adding the Baja Heat line-make to its location at 9425 W. Kellogg, Wichita, Kansas 67209. The proposed selling date is immediately upon approval.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed addition of the new line-make at Tractor Supply Company Store 325, if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale at Tractor Supply Company Store #325, 9425 W. Kellogg, Wichita, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the new Suzuki dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such petitions or complaints must be directed to the Kansas Department of Revenue, Director of Motor Vehicles, 1st Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Michael J. McLin, Bureau Manager  
Titles & Registrations/  
Dealer Licensing Bureau

Doc. No. 037161

## State of Kansas

**Department of Revenue  
Division of Motor Vehicles**

**Notice of Intent to Establish a New Line-Make for  
an Existing New Motor Vehicle Dealer**

Notice has been received from Tractor Supply Company Store #336, 1203 N. Lorraine St., Hutchinson, Kansas, Kansas Dealer #478, that it will be adding the Baja Heat line-make to its location 1203 N. Lorraine St., Hutchinson, Kansas 67501. The proposed selling date is immediately upon approval.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed addition of the new line-make at Tractor Supply Company Store #336, if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale at Tractor Supply Company Store #336, at 1203 N. Lorraine St., Hutchinson, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the new Suzuki dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such

petitions or complaints must be directed to the Kansas Department of Revenue, Director of Motor Vehicles, 1st Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Michael J. McLin, Bureau Manager  
Titles & Registrations/  
Dealer Licensing Bureau

Doc. No. 037162

## State of Kansas

**University of Kansas**

**Notice to Bidders**

The University of Kansas encourages interested vendors to visit the University of Kansas Purchasing Services Web site at <http://www.purchasing.ku.edu/> for a complete listing of all transactions for which KU Purchasing Services, or one of the consortia commonly utilized by KU, is seeking competitive bids. Paper postings of KU Purchasing Services bid transactions may be viewed at the Purchasing Services office located at 1246 W. Campus Road, Room 7, Lawrence, 66045, or persons may contact Purchasing Services at (785) 864-3790, by fax at (785) 864-3454, or by e-mail at [purchasing@ku.edu](mailto:purchasing@ku.edu) to request a copy of a current bid.

Barry K. Swanson  
Associate Comptroller/  
Director of Purchasing Services

Doc. No. 037143

## 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) FY 2009-2012 by adding the following projects:

**Project KA-0566-10**, Federal Program Coordinator for Statewide FY-2010 Safe Routes to School Program

**Project X-2216-10**, Preliminary Engineering for Statewide FY-2010 Railroad Crossing Inspections

The amendment of the STIP requires a public comment period of 30 days. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

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 July 20.

Deb Miller  
Secretary of Transportation

Doc. No. 037160

(Published in the Kansas Register June 18, 2009.)

**City of Olathe, Kansas****Notice to Bidders**

Sealed bids will be received at the office of the city clerk at City Hall, 100 E. Santa Fe, Olathe, 66061, until 11 a.m. Tuesday, July 21, 2009, for the construction of **Heritage Trail, City Project No. 40403C, KDOT Project No. TEA 46-0225-01**. At said time and place, and promptly thereafter, all bids that have been duly received will be publicly opened and read aloud.

A **mandatory** pre-bid meeting will be held at 10 a.m. Tuesday, July 7, in the City of Governors Room, Olathe City Hall, 100 E. Santa Fe. Attendance at this meeting is mandatory, as key aspects of the project will be discussed. Any bid received by a contractor or their representative not in attendance at this meeting will be determined unqualified to bid.

The work consists of the following:

Construction of approximately 2 miles of pedestrian bicycle trail. Construction shall consist of grading, asphalt trail, sidewalks, modular block retaining walls, pedestrian bridge, storm piping, landscaping and seeding.

Contract documents including drawings and specifications are on file at the office of the Olathe city engineer and are open for public inspection. Copies may be obtained at Drexel Technologies, Inc, 10840 W. 86th St., Lenexa, KS 66214, for \$80, none of which will be refunded.

The entire name of the project must appear on the outside of the bid envelope submitted to the city clerk's office. A satisfactory bid bond executed by the bidder and an acceptable surety, in an amount equal to 5 percent of the total bid for work, shall be submitted with each proposal. The successful bidder will be required to furnish and pay satisfactory performance and payment bond or bonds.

The city of Olathe reserves the right to reject any or all bids or to waive any informalities in the bidding.

Bids may be held by the city of Olathe for a period not to exceed 60 days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidders, prior to awarding the contract.

Effective April 24, 2000, all bidders shall submit in writing to the Director of Human Relations an affirmative action program. No contract will be awarded to any company that has not been issued a Certification of Compliance by the Olathe Human Relations Commission within the past 12 months. A copy of the required form is included in the contract documents. Questions concerning the forms and information required to complete the form should be directed to the Olathe Office of Human Relations at (913) 971-6694.

City of Olathe, Kansas  
By Debra S. Gragg  
City Clerk

Doc. No. 037151

**State of Kansas****Kansas State University****Notice to Bidders**

Kansas State University encourages interested vendors to visit the Kansas State University Controller's Office/Purchasing Web site at <http://www.ksu.edu/purchasing/rfq> for a complete listing of all transactions for which Kansas State University Purchasing, or one of the consortia commonly utilized by K-State, is seeking competitive bids. Paper postings of Kansas State University Purchasing's bid transactions may be viewed at the Purchasing Office, 21 Anderson Hall, Manhattan, or persons may contact Purchasing at (785) 532-6214, by fax at (785) 532-5577, or by e-mail at [cbishop@ksu.edu](mailto:cbishop@ksu.edu) to request a copy of a current bid.

Carla Bishop  
Director of Purchasing

Doc. No. 037144

**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. For more information, call (785) 296-2376:

06/30/2009	12351	Abandoned Well Plugging — Jones #1, Finney County
07/09/2009	12323	Subscription Library of CBT — Computer Based Training
07/10/2009	12356	Utility Tunnel Upgrade and Replacement
07/15/2009	12352	Flags — U.S.
07/16/2009	12349	Avaya Services, Support, Maintenance and Parts

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

<http://www.da.ks.gov/purch/>

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>

Contractors wishing to bid on the projects listed below must be prequalified. Information regarding prequalification, projects and bid documents can be obtained by calling (785) 296-8899 or by visiting [www.da.ks.gov/fp/](http://www.da.ks.gov/fp/).

06/30/2009	A-010882	Electrical Upgrade — Atwood Shop, Department of Transportation, Atwood
07/09/2009	A-011045	Repair and Waterproof Concrete Ledges, University of Kansas, Lawrence

Chris Howe  
Director of Purchases

Doc. No. 037168

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-09-169/173

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Felbush Family Farms Monte Felbush 1331 Flag Road Abilene, KS 67410	SE/4 of Section 31, T14S, R02E, Dickinson County	Smoky Hill River Basin

Kansas Permit No. A-SHDK-B027

This is a new permit for an expanding facility for 900 head (900 animal units) of beef cattle weighing more than 700 pounds. The facility currently consists of 4.4 acres of confinement lots, a silage bunker, two sediment traps and a grassed waterway. The facility is proposing to construct an additional 3.5 acres of confinement pens to be served by a grass buffer area.

Name and Address of Applicant	Legal Description	Receiving Water
Garden City Feed Yard, LLC Mark Boos 1805 W. Annie Scheer Road Garden City, KS 67846	E/2 of Section 23 & S/2 of Section 24, T25S, R33W, Finney County	Upper Arkansas River Basin

Kansas Permit No. A-UAFI-C008 Federal Permit No. KS0115703

This is a reissuance of a permit for an existing facility for 88,000 head (88,000 animal units) of cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
D & D Swine, Inc. Danny Dible 1616 County Road 36 Menlo, KS 67753	SE/4 of Section 14, T08S, R31W, Thomas County	Solomon River Basin

Kansas Permit No. A-SOTH-S004

This permit is being reissued for an existing facility with a maximum capacity of 880 head (352 animal units) of swine more than 55 pounds. This represents a decrease in animal units from the previous permit due to a facility change in operations.

Name and Address of Applicant	Legal Description	Receiving Water
Bartlett Cattle Company, LP-Bartlett III Simon B. Buckner 4900 Main St., Suite 1200 Kansas City, MO 64112	All of Section 36, T28S, R33W, Haskell County	Cimarron River Basin

Kansas Permit No. A-CIHS-C004 Federal Permit No. KS0115291  
This is a reissuance of a permit for an existing facility for 60,000 head (60,000 animal units) of cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
RB Ranch Lorri Cotter 4000 Jackson Road Rantoul, KS 66079	NW/4 of Section 36, T17S, R20E, Franklin County	Marais des Cygnes River Basin

Kansas Permit No. A-MCFR-S029

This permit is being reissued for an existing facility with a maximum capacity of 650 head (260 animal units) of swine more than 55 pounds. There is no change in the permitted animal units from the previous permit.

Public Notice No. KS-Q-09-079/082

Name and Address of Applicant	Receiving Stream	Type of Discharge
Acme Brick Company P.O. Box 425 Fort Worth, TX 76101	Saline River via East Elkhorn Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-SA22-PO03 Federal Permit No. KS0088331

Legal Description: S23, T14S, R7W, Ellsworth County

Facility Name: Remley Mine

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during clay mining. This facility is a clay mining operation for brick manufacturing. Outfalls 001 and 002 consist of stormwater runoff and pit dewatering from two clay pits. The proposed permit requires monitoring of sulfates. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan within one year of the effective date of 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Acme Brick Company P.O. Box 425 Fort Worth, TX 76101	Kanopolis Lake via Alum Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-SH19-PO04 Federal Permit No. KS0088340

Legal Description: SW<sup>1</sup>/<sub>4</sub>, S19, T15S, R6W, Ellsworth County

Facility Name: Sparks Mine

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during clay mining. This facility is a clay mining operation for brick manufacturing. Outfalls 001 and 002 consist of stormwater runoff and pit dewatering from stockpiles and overburden. The proposed permit requires monitoring of sulfates. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan within one year of the effective date of 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Acme Brick Company P.O. Box 425 Fort Worth, TX 76101	Clear Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-SH19-PO02 Federal Permit No. KS0087009

(continued)

Legal Description: S34, T15S, R7W, Ellsworth County

Facility Name: Vondrras Mine

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during clay mining. This facility is a clay mining operation for brick manufacturing. Outfall 001 consists of stormwater runoff and pit dewatering. The proposed permit requires monitoring of sulfates. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a stormwater pollution prevention plan within one year of the effective date of 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.

Name and Address of Applicant	Receiving Stream	Type of Discharge
S&L Holdings, LLC 3425 Mount Vernon Way Plano, TX 75025	Marmaton River via Wolverine Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. C-MC11-0003 Federal Permit No. KS0081094

Legal Description: N½, SW¼, S7, T25S, R25E, Bourbon County

Facility Name: Maple Ridge Mobile Home Park

Facility Address: 1545 - 215th St., Fort Scott, KS 66701

Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring of ammonia, E. coli, pH and the water level in the final cell. 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.

Persons wishing to comment on the draft documents 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 considered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural-related draft documents or applications, or to the Technical Services Section 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 documents or application notices received on or before July 18 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-09-169/173, KS-Q-09-079/082) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdheks.gov/feedlots>. Division of Environ-

ment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 037153

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 Cabinetry has applied for a Class I operating permit renewal 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 Cabinetry, 3020 Denmark Ave., Suite 100, Eagan, Minnesota, owns and operates a wood kitchen and bath cabinet manufacturing facility located at 810 and 831 S. Columbus and 900 S. Meridian, Newton, 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 a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6042, 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 Rasha Allen, 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 before the close of business July 20.

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 Sharon Burrell, Bureau of Air and Radiation, not later than the close of business July 20 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's 45-day review 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 Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 037148

#### 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. Johns Manville International, Inc. has applied for a Class I operating permit renewal 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.

Johns Manville International, Inc., McPherson, owns and operates a fiberglass manufacturing facility located at 1465 17th Ave., McPherson.

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 a copy of the proposed permit can be reviewed at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Lynelle Stranghoner, (785) 296-1719, at the KDHE central office; and to review the proposed permit only, contact Stan Marshall, (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 Lynelle Stranghoner, 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 before the close of business July 20.

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 Sharon Burrell, Bureau of Air and Radiation, not later than the close of business July 20 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's 45-day review 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 Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 037150

#### 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 renewal 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 Hugoton Gathering Plant #3 located at Section 2, T33S, R39W, 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 a copy of the proposed permit can be reviewed at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To ob-

*(continued)*

tain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Ethyl Evans, (620) 225-0596, at the KDHE Southwest 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 before the close of business July 20.

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 Sharon Burrell, Bureau of Air and Radiation, not later than the close of business July 20 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's 45-day review 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 Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 037154

## 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. Rolling Meadows Recycling & Disposal Facility has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applica-

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

Rolling Meadows Recycling & Disposal Facility, 7351 N.W. Highway 75, Topeka, owns and operates Waste Management of Kansas, Inc., a solid waste landfill located at 7351 N.W. Highway 75, Topeka.

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 a copy of the proposed permit can be reviewed at the Shawnee County Health Agency, 1515 N.W. Saline, North Annex, Suite 101, Topeka. To obtain or review the proposed permit and supporting documentation, contact Sergio Guerra, (785) 296-0365, at the KDHE central office; and to review the proposed permit only, contact Tim Simons, (785) 291-2457, at the Shawnee County Health Agency. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Sergio Guerra, 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 before the close of business July 20.

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 Sharon Burrell, Bureau of Air and Radiation, not later than the close of business July 20 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's 45-day review 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 Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 037147

## State of Kansas

**Kansas Guardianship Program****Notice of Meeting**

The Kansas Guardianship Program will conduct its governing board meeting from 3 to 5 p.m. Wednesday, June 24, at the Kansas Bankers Association, 610 Corporate View Drive, Topeka. For more information, call (785) 587-8555.

Jean Krahn  
Executive Director

Doc. No. 037149

## State of Kansas

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

The Kansas Department of Health and Environment has reviewed an amended permit application from Universal Lubricants, LLC, to operate a wastewater treatment plant (WWTP) that will process nonhazardous wastewaters from off-site sources. The WWTP facility will be located at the existing permitted reclamation facility at 2824 N. Ohio St., Wichita. The WWTP was constructed to process wastewaters generated from the permitted reclamation facility. This permit amendment will allow the WWTP to process nonhazardous wastewaters from off-site sources.

The city of Wichita has certified that the application described herein is consistent with local zoning requirements, and the Sedgwick County Commission also certified that the application is consistent with its Solid Waste Management Plan. KDHE has reviewed the application and found it to be in conformance with state solid waste statutes and regulations.

KDHE is providing public notice of its intent to issue a permit amendment to Universal Lubricants, LLC, for the proposed solid waste processing facility (WWTP) described herein. A copy of the administrative record, including the permit application, drawings, draft permit and other information regarding this permit action, will be available for public review through July 20 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: Joe Cronin  
(785) 296-1667

Kansas Department of Health and Environment  
South Central District Office  
130 S. Market St., Suite 6050  
Wichita, 67202-3802  
Contact: Allison Herring  
(316) 337-6020

Additionally, the application form is available for public viewing via the Internet at <http://www.kdheks.gov/waste/index.html>. Anyone wishing to comment on the facility application should submit written statements

postmarked not later than July 20 to Joe Cronin of KDHE (at the address listed above). Comments also will be accepted via facsimile to (785) 296-1592 or e-mail to [jcronin@kdheks.gov](mailto:jcronin@kdheks.gov), provided the comments are received by 5 p.m. July 20. KDHE will subsequently respond to all formal comments in writing.

After consideration of all formal comments received during the public notice period, KDHE will make a final decision on whether to issue the new permit. Notice of the decision will be given to the applicant, to anyone who submitted written comments during the comment period, and to those who requested notice of the final permit decision.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 037156

(Published in the Kansas Register June 18, 2009.)

**City of Gas, Kansas****Notice of Intent to Seek Private Placement  
General Obligation Bonds, Series 2009**

Notice is hereby given that the city of Gas, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$175,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds, the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated June 9, 2009.

Rhonda Hill  
City Clerk

Doc. No. 037159

(Published in the Kansas Register June 18, 2009.)

**City of Minneola, Kansas****Notice of Intent to Seek Private Placement  
General Obligation Bonds, Series 2009**

Notice is hereby given that the city of Minneola, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$607,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated June 9, 2009.

Brenda Stewart  
City Clerk

Doc. No. 037157

## 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. 2008 Supp. 12-1675(b)(c)(d) and K.S.A. 2008 Supp. 12-1675a(g).

## Effective 6-15-09 through 6-21-09

Term	Rate
1-89 days	0.18%
3 months	0.15%
6 months	0.28%
1 year	0.54%
18 months	0.99%
2 years	1.31%

Elizabeth B.A. Miller  
Director of Investments

Doc. No. 037142

## State of Kansas

## Kansas Insurance Department

Permanent Administrative  
Regulations

## Article 1.—GENERAL

**40-1-37. Audited financial reports; filing requirements.** The Kansas insurance department's "policy and procedure requiring annual audited financial reports," dated May 26, 2009, is hereby adopted by reference. (Authorized by K.S.A. 40-103 and K.S.A. 40-225; implementing K.S.A. 40-225; effective July 10, 1989; amended Jan. 4, 1993; amended Sept. 14, 2001; amended Sept. 21, 2007; amended July 6, 2009.)

Sandy Praeger  
Kansas Insurance Commissioner

Doc. No. 037141

## State of Kansas

## Social and Rehabilitation Services

Permanent Administrative  
Regulations

## Article 45.—YOUTH SERVICES

**30-45-20. Foster child educational assistance.** Any individual meeting the definition of foster child in K.S.A. 75-53,112 (b), and amendments thereto, and wanting to receive the benefits of the foster child educational assistance act may obtain an application form from any office of the department of social and rehabilitation services ("department") or from any Kansas educational institution, as defined in K.S.A. 75-53,112 and amendments thereto. The individual shall submit the completed application to the registrar's office at the educational institution where the applicant enrolls. The applicant's eligibility shall be verified by the department upon receipt of the application from the educational institution. Within 30 days after enrollment, the student shall notify the de-

partment of that student's enrollment status and intended program of study. (Authorized by K.S.A. 2008 Supp. 75-53,117; implementing K.S.A. 2008 Supp. 75-53,113 and K.S.A. 2008 Supp. 75-53,120; effective July 6, 2009.)

## Article 46.—CHILD ABUSE AND NEGLECT

**30-46-10. Definitions.** For the purpose of the child abuse and neglect registry, the following definitions shall apply.

(a) "Abuse" means any act specified in K.S.A. 38-2202(x) or (cc), and amendments thereto, involving a child who resides in Kansas or is found in Kansas, regardless of where the act occurred. This term shall include any act that occurred in Kansas, regardless of where the child is found or resides.

(b) "Alleged perpetrator" means the person identified in the initial report or during the investigation as the person suspected of perpetrating an act of abuse or neglect.

(c) "Child" means anyone under the age of 18 or anyone under the age of 21 and in the custody of the secretary pursuant to K.S.A. 38-2255 and amendments thereto.

(d) "Child abuse and neglect registry" means the list of names for individuals identified by the department as substantiated perpetrators.

(e) "Child care facility" has the meaning specified in K.S.A. 65-503 and amendments thereto.

(f) "Department" means the Kansas department of social and rehabilitation services.

(g) "Investigation" means the gathering and assessing of information to determine if a child has been harmed, as defined in K.S.A. 38-2202 (k) and amendments thereto, as the result of abuse or neglect, to identify the individual or individuals responsible, and to determine if the individual or individuals identified should reside, work, or regularly volunteer in a child care facility.

(h) "Mental or emotional abuse" has the meaning specified in K.S.A. 38-2202(x), and amendments thereto, and shall include any act, behavior, or omission that impairs or endangers a child's social or intellectual functioning. This term may include the following:

(1) Terrorizing a child, by creating a climate of fear or engaging in violent or threatening behavior toward the child or toward others in the child's presence that demonstrates a flagrant disregard for the child;

(2) emotionally abandoning a child, by being psychologically unavailable to the child, demonstrating no attachment to the child, or failing to provide adequate nurturance of the child; and

(3) corrupting a child, by teaching or rewarding the child for unlawful, antisocial, or sexually mature behavior.

(i) "Neglect" has the meaning specified in K.S.A. 38-2202(s), and amendments thereto, involving a child who resides in Kansas or is found in Kansas, regardless of where the act or failure to act occurred. This term shall include any act or failure to act that occurred in Kansas, regardless of where the child is found or resides.

(j) "Sexual abuse" has the meaning specified in K.S.A. 38-2202(cc), and amendments thereto, and shall include contact solely between children only if the contact also

involves force, intimidation, difference in maturity, or coercion.

(k) "Substantiated perpetrator" and "perpetrator" mean a person who has been validated by the secretary or designee, using clear and convincing evidence, to have committed an act of abuse or neglect, regardless of where the person resides and who should not be permitted to reside, work, or regularly volunteer in a child care facility. These terms shall replace the term "validated perpetrator." (Authorized by K.S.A. 39-708c; implementing K.S.A. 2008 Supp. 38-2226 and 38-2230; effective Jan. 2, 1989; amended Jan. 2, 1990; amended Oct. 1, 1993; amended Jan. 1, 1997; amended Oct. 3, 1997; amended July 9, 2004; amended July 6, 2009.)

**30-46-17. Expungement of record of perpetrator from central registry.** (a) Application for expungement.

(1) Any perpetrator of abuse or neglect may apply in writing to the secretary to have the perpetrator's record expunged from the central registry when three years have passed since the perpetrator's name was entered on the central registry or when information is presented that was not available at the time of the finding of abuse or neglect.

(2) Each application for expungement shall be referred to the expungement review panel. The panel shall consist of the director of children and family services or the director's designee, the chief legal counsel of the department or the counsel's designee, and a representative of the public appointed by the secretary. The director of children and family services or the director's designee shall chair the panel.

(b) Review hearing.

(1) A review hearing shall be convened by the panel, at which time the applicant may present evidence supporting expungement of the applicant's name from the central registry. The applicant shall have the burden of providing the panel with the basis for granting the application. Evidence in support of or in opposition to the application may be presented by the regional office that conducted the original investigation. An application for expungement from a perpetrator shall be accepted no more than once every 12 months.

(2) Recommendations of the review panel shall be determined by majority vote. The following factors shall be considered by the panel in making its recommendation:

(A) The nature and severity of the act of abuse or neglect;

(B) the number of findings of abuse or neglect involving the applicant;

(C) if the applicant was a child at the time of the findings of abuse or neglect for which expungement is requested, the age of the applicant at the time of this occurrence;

(D) circumstances that no longer exist that contributed to the finding of abuse or neglect by the applicant; and

(E) actions taken by the applicant to prevent the recurrence of abuse or neglect.

(3) The review hearing shall be set within 30 days from the date the application for expungement is received by the department. A written notice shall be sent to the ap-

plicant and the regional office that made the finding by the director of children and family services or the director's designee at least 10 days before the hearing. The notice shall state the day, hour, and place of the hearing. Continuances may be granted only for good cause.

(4) A written recommendation to the secretary shall be rendered by the panel within 60 days from the date of the hearing. The recommendation to the secretary shall be submitted in writing and shall set forth the reasons for the recommendation.

(c) Expungement.

(1) Based upon findings and recommendations of the panel, a record may be expunged or expungement may be denied by the secretary.

(2) Any record may be expunged from the central registry by the secretary or the designee of the secretary when 18 years have passed since the most recent finding of abuse or neglect.

(3) Each record of a perpetrator who was under 18 at the time of abuse or neglect shall be expunged five years after the finding of abuse or neglect is entered in the central registry if the perpetrator has had none of the following after entry in the registry:

(A) A finding of abuse or neglect;

(B) juvenile offender adjudication for any act that, if committed by an adult, would be a class A person misdemeanor or any person felony; or

(C) criminal conviction for a class A person misdemeanor or any person felony.

(4) The decision of the secretary shall be in writing and shall set forth the reasons for the decision. Denial of the application shall be the final agency order. The applicant shall be informed of the right to appeal pursuant to the Kansas judicial review act. (Authorized by K.S.A. 39-708c and 65-516; implementing K.S.A. 65-516; effective Jan. 2, 1989; amended Jan. 1, 1990; amended July 1, 1997; amended July 9, 2004; amended July 6, 2009.)

Don Jordan  
Secretary of Social and  
Rehabilitation Services

Doc. No. 037145

State of Kansas

**State Corporation Commission**

**Permanent Administrative  
Regulations**

**Article 14.—THE KANSAS UNDERGROUND  
UTILITY DAMAGE PREVENTION ACT**

**82-14-1. Definitions.** The following terms as used in the administration and enforcement of the Kansas underground utility damage prevention act, K.S.A. 66-1801 et seq. and amendments thereto, shall be defined as specified in this regulation.

(a) "Backreaming" means the process of enlarging the diameter of a bore by pulling a specially designed tool through the bore from the bore exit point back to the bore entry point.

(continued)

(b) "Commission" means the state corporation commission of Kansas.

(c) "Drill head" means the mechanical device connected to the drill pipe that is used to initiate the excavation in a directional boring operation. This term is sometimes referred to as the drill bit.

(d) "Excavation scheduled start date" means the later of the start date stated in the notice of intent of excavation filed by the excavator with the notification center or the start date filed by the excavator with a tier 2 member or tier 3 member.

(e) "Excavation site" means the area where excavation is to occur.

(f) "Locatable" has the meaning of that word as used in "locatable facility," which is defined in K.S.A. 66-1802 and amendments thereto. In addition to the requirements for locating underground facilities, as specified in K.S.A. 66-1802 and amendments thereto, the operator shall be able to locate underground facilities within 24 inches of the outside dimensions in all horizontal directions of an underground facility using tracer wire, conductive material, GPS technology, or any other technology that provides the operator with the ability to locate the pipelines for at least 20 years.

(g) "Locate" means the act of marking the tolerance zone of the operator's underground facilities by the operator.

(h) "Locate ball" means an electronic marker device that is buried with the facility and is used to enhance signal reflection to a facility detection device.

(i) "Meet on site" means a meeting between an operator and an excavator that occurs at the excavation site in order for the excavator to provide an accurate description of the excavation site.

(j) "Notice of intent of excavation" means the written notification required by K.S.A. 66-1804 and amendments thereto.

(k) "Notification center," as defined in K.S.A. 66-1802 and amendments thereto, means the underground utility notification center operated by Kansas one call, inc.

(l) "Pullback operation" means the installation of facilities in a directional bore by pulling the facility from the bore exit point back to the bore entry point.

(m) "Pullback device" means the apparatus used to connect drilling tools to the facility being installed in a directional bore.

(n) "Reasonable care" means the precautions taken by an excavator to conduct an excavation in a careful and prudent manner. Reasonable care shall include the following:

(1) Providing for proper support and backfill around all existing underground facilities;

(2) using nonintrusive means, as necessary, to expose the existing facility in order to visually determine that there will be no conflict between the facility and the proposed excavation path when the path is within the tolerance zone of the existing facility;

(3) exposing the existing facility at intervals as often as necessary to avoid damage when the proposed excavation path is parallel to and within the tolerance zone of an existing facility; and

(4) maintaining the visibility of the markings that indicate the location of underground utilities throughout the excavation period.

(o) "Tier 1 member" means any operator of a tier 1 facility, as defined in K.S.A. 66-1802 and amendments thereto, or any operator of a tier 2 facility, as defined in K.S.A. 66-1802 and amendments thereto, that elects to be a tier 1 member of the notification center pursuant to K.A.R. 82-14-3.

(p) "Tier 2 member" means any operator of a tier 2 facility, as defined in K.S.A. 66-1802 and amendments thereto, that elects to be a tier 2 member of the notification center.

(q) "Tier 3 member" means any operator of a tier 2 facility, as defined in K.S.A. 66-1802 and amendments thereto, that meets the requirements for a tier 3 facility, as defined in K.S.A. 66-1802 and amendments thereto, and elects to be a tier 3 member of the notification center.

(r) "Tolerance zone" has the meaning specified in K.S.A. 66-1802 and amendments thereto. The tolerance zone shall not be greater than the following:

(1) 25 inches for each tier 1 facility; and

(2) 61 inches for each tier 2 facility.

(s) "Trenchless excavation" means any excavation performed in a manner that does not allow the excavator to visually observe the placement of the new facility. This term shall include underground boring, tunneling, horizontal auguring, directional drilling, plowing, and geoprobing. (Authorized by and implementing K.S.A. 2008 Supp. 66-1815; effective Jan. 19, 2007; amended July 6, 2009.)

**82-14-2. Excavator requirements.** In addition to the provisions of K.S.A. 66-1804, K.S.A. 66-1807, K.S.A. 66-1809, and K.S.A. 66-1810 and amendments thereto, the following requirements shall apply to each excavator:

(a) If an excavator directly contacts a tier 2 member or a tier 3 member, the excavation scheduled start date shall be the later of the following:

(1) The excavation scheduled start date assigned by the notification center; or

(2) two full working days after the day of contact with the tier 2 member or tier 3 member.

(b) Unless all affected operators have provided notification to the excavator, excavation shall not begin at any excavation site before the excavation scheduled start date.

(c) If a meet on site is requested by the excavator, the excavation scheduled start date shall be no earlier than the fifth working day after the date on which the notice of intent of excavation was given to the notification center or to the tier 2 member or tier 3 member.

(d) Each notice of intent of excavation shall include the name and telephone number of the individual who will be representing the excavator.

(e) Each description of the excavation site shall include the following:

(1) The street address, if available, and the specific location of the proposed excavation site at the street address; and

(2) an accurate description of the proposed excavation site using any available designations, including the closest street, road, or intersection, and any additional information requested by the notification center.

(f) If the excavation site is outside the boundaries of any city or if a street address is not available, the description of the excavation site shall include one of the following:

- (1) An accurate description of the excavation site using any available designations, including driving directions from the closest named street, road, or intersection;
- (2) the specific legal description, including the quarter section; or
- (3) the longitude and latitude coordinates.

(g) An excavator shall not claim preengineered project status, as defined in K.S.A. 66-1802 and amendments thereto, unless the public agency responsible for the project performed the following before allowing excavation:

- (1) Identified all operators that have underground facilities located within the excavation site;
- (2) requested that the operators specified in paragraph (g)(1) verify the location of their underground facilities, if any, within the excavation site;
- (3) required the location of all known underground facilities to be noted on updated engineering drawings as specifications for the project;
- (4) notified all operators that have underground facilities located within the excavation site of the project of any changes to the engineering drawings that could affect the safety of existing facilities; and
- (5) complied with the requirements of K.S.A. 66-1804(a), and amendments thereto.

(h) If an excavator wishes to conduct an excavation as a permitted project, as defined in K.S.A. 66-1802 and amendments thereto, the permit obtained by the excavator shall have been issued by a federal, state, or municipal governmental entity and shall have been issued contingent on the excavator's having met the following requirements:

- (1) Notified all operators with facilities in the vicinity of the excavation of the intent to excavate as a permitted project;
- (2) visually verified the presence of the facility markings at the excavation site; and
- (3) complied with the requirements of K.S.A. 66-1804(a) and amendments thereto.

(i) If the excavator requests a meet on site as part of the description of the proposed excavation site given to the notification center, the tier 2 member, or the tier 3 member, then the excavator shall document the meet on site and any subsequent meetings regarding facility locations with a record noting the name and company affiliation for the representative of the excavator and the representative of the operator that attend the meeting. The excavator shall keep this record for at least two years. This documentation shall include the following:

- (1) Verification that the description of the excavation site is understood by both parties;
- (2) the agreed-upon excavation scheduled start date;
- (3) the date and time of the meet on site; and
- (4) the name and company affiliation of each attendee of the meet on site.

(j) Each excavator using trenchless excavation techniques shall develop and implement operating guidelines for trenchless excavation techniques. At a minimum, the guidelines shall require the following:

(1) Training in the requirements of the Kansas underground utility damage prevention act;

(2) training in the use of nonintrusive methods of excavation used if there is an indication of a conflict between the tolerance zone of an existing facility and the proposed excavation path;

(3) calibration procedures for the locator and sonde if this equipment is used by the excavator;

(4) recordkeeping procedures for measurements taken while boring;

(5) training in the necessary precautions to be taken in monitoring a horizontal drilling tool when backreaming or performing a pullback operation that crosses within the tolerance zone of an existing facility;

(6) training in the maintenance of appropriate clearance from existing facilities during the excavation operation and during the placement of new underground facilities;

(7) for horizontal directional drilling operations, a requirement to visually check the drill head and pullback device as they pass through potholes, entrances, and exit pits; and

(8) emergency procedures for unplanned utility strikes.

(k) If any contact with or damage to any underground facility or the facility's associated tracer wire, locate ball, or associated surface equipment occurs, the excavator shall immediately inform the operator. (Authorized by K.S.A. 2008 Supp. 66-1815; implementing K.S.A. 66-1803 and K.S.A. 66-1809; effective Jan. 19, 2007; amended July 6, 2009.)

**82-14-3. Operator requirements.** In addition to the provisions of K.S.A. 66-1806, K.S.A. 66-1807, and K.S.A. 66-1810 and amendments thereto, the requirements specified in this regulation shall apply to each operator.

(a) Each operator shall inform the notification center of its election to be considered as a tier 1 member, tier 2 member, or tier 3 member.

(b) Unless otherwise agreed to between the notification center and the operator, any operator of a tier 2 facility may change its membership election once every calendar year by informing the notification center of the operator's intention on or before November 30 of the preceding calendar year.

(c) Each tier 1 member shall perform the following:

(1) File and maintain maps of the operator's underground facilities or a map showing the operator's service area with the notification center; and

(2) file and maintain, with the notification center, the operator's telephone contact number that can be accessed on a 24-hour-per-day basis.

(d) Each tier 2 member shall perform the following:

(1) Establish telephone or internet service with the ability to receive notification from excavators on a 24-hour-per-day basis;

(2) file with the notification center updated maps of the operator's underground facilities or a map showing the operator's service area;

(3) file with the notification center the operator's current telephone contact number or numbers that can be accessed on a 24-hour-per-day basis;

(continued)

(4) file with the notification center the operator's preferred method of contact for all referrals received from the notification center; and

(5) maintain for at least two years all information provided by the excavator pursuant to K.A.R. 82-14-2(e) and (f).

(e) Each tier 3 member shall perform the following:

(1) File with the notification center updated maps of the operator's underground facilities or a map showing the operator's service area;

(2) file with the notification center the operator's current telephone contact number or numbers that can be accessed on a 24-hour-per-day basis;

(3) file with the notification center the operator's preferred method of contact for all referrals received from the notification center;

(4) maintain for at least two years all information provided by the excavator pursuant to K.A.R. 82-14-2(e) and (f);

(5) develop and operate a locate service web site capable of receiving locate requests;

(6) publish and maintain a dedicated telephone number for locate services;

(7) maintain 24-hour response capability for emergency locates; and

(8) employ at least two technically qualified individuals whose job function is dedicated to the location of underground utilities.

(f) Except in cases of emergencies or separate agreements between the parties, each operator of a tier 1 facility shall perform one of the following, within the two working days before the excavation scheduled start date assigned by the notification center:

(1) Inform the excavator of the location of the tolerance zone of the operator's underground facilities in the area described in the notice of intent of excavation; or

(2) notify the excavator that the operator has no facilities in the area described in the notice of intent of excavation.

(g) Except in cases of emergencies or separate agreements between the parties, the operator of a tier 2 facility shall perform one of the following within the two working days before the excavation scheduled start date assigned by the notification center or the tier 2 member or tier 3 member, whichever is later:

(1) Mark the location of its facilities according to the requirements of subsections (m) and (n) in the area described in the notice of intent of excavation and, if applicable, notify the excavator of the operator's election to require a tolerance zone of 60 inches; or

(2) inform the excavator that the operator's underground facilities are expected to be at least two feet deeper than the excavator's planned excavation depth and that the location of its facilities will not be provided for the affected tier 2 facilities.

(h) Each operator of a tier 2 facility that notifies an excavator of its election to require a tolerance zone of 60 inches shall record and maintain the following records of the notification for at least two years:

(1) The name of the excavator contacted for the notification of a 60-inch tolerance zone;

(2) the date of the notification; and

(3) a description of the location of the excavation site.

(i) Each operator of a tier 2 facility that notifies an excavator of its election not to provide locates for its facilities that are expected to be two feet deeper than the excavator's maximum planned excavation depth shall record and maintain the following records of the notification for at least two years:

(1) The name of the excavator notified that the operator will not provide locates;

(2) the excavator's maximum planned excavation depth;

(3) the date of the notification; and

(4) a description of the location of the excavation site.

(j) If the operator of a tier 2 facility is unable to provide the location of its facilities within a 60-inch tolerance zone, the operator shall mark the approximate location of its facilities to the best of its ability, notify the excavator that the markings could be inaccurate, remain on site or in the vicinity of the excavation, and provide additional guidance to the excavator in locating the facilities as needed during the excavation.

(k) Each tier 2 facility constructed, replaced, or repaired after July 1, 2008 shall be locatable. Location data shall be maintained in the form of maps or any other format as determined by the operator.

(l) The requirement to inform the excavator of the facility location shall be met by marking the location of the operator's facility and identifying the name of the operator with flags, paint, or any other method by which the location of the facility is marked in a clearly visible manner.

(m) In marking the location of its facilities, each operator shall use safety colors substantially similar to five of the colors specified in the American national standards institute standard no. Z535.1-2002, "American national standard for safety color code," not including annex A, dated July 25, 2002 and hereby adopted by reference, according to the following table:

Facility Type	Color
Electric power distribution lines and transmission lines	Safety red
Gas distribution and transmission lines, hazardous liquid distribution and transmission lines	Safety yellow
Telephone, telegraph, and fiber optic system lines; cable television lines; alarm lines; and signal lines	Safety orange
Potable water lines	Safety blue
Sanitary sewer main lines	Safety green

(n) If the facility has any outside dimension that is eight inches or larger, the operator shall mark its facility so that the outside dimensions of the facility can be easily determined by the excavator.

(o) If the facility has any outside dimension that is smaller than eight inches, the operator shall mark its facility so that the location of the facility can be easily determined by the excavator.

(p) The requirement to notify the excavator that the tier 1 operator has no facilities in the area described in the notice of intent of excavation shall be met by performing one of the following:



(1) Marking the excavation site in a manner indicating that the operator has no facilities at that site; or

(2) contacting the excavator by telephone, facsimile, or any other means of communication. Two documented attempts by the operator to reach an excavator by telephone during normal business hours shall constitute compliance with this paragraph.

(q) If the notice of intent of excavation contains a request for a meet on site, the operator shall meet with the excavator at a mutually agreed-upon time within two working days after the day on which the notice of intent of excavation was given.

(r) After attending a meet on site, the operator shall inform the excavator of the tolerance zone of the operator's facilities in the area of the planned excavation within two working days before the excavation scheduled start date that was agreed to at the meet on site.

(s) Any operator may request that the excavator whiten the proposed excavation site.

(t) If the operator requests that the excavator whiten the excavation site, the operator shall have two working days after the whitening is completed to provide the location of the tolerance zone.

(u) If the operator requests that the excavator use whitening at the excavation site, the operator shall document the whitening request and any subsequent meetings regarding the facility location for that excavation site. The operator shall maintain records of the whitening documentation for two years after the excavation scheduled start date. The documentation shall include the following:

(1) A record stating the name and contact information of the excavator contacted for the request for whitening;

(2) verification that both parties understand the description of the excavation site;

(3) the agreed-upon excavation scheduled start date; and

(4) the date and time of the request for whitening.

(v) Each operator that received more than 2,000 requests for facility locations in the preceding calendar year shall file a damage summary report at least semiannually with the Kansas corporation commission. The report shall include information on each incident of facility damage resulting from excavation activity that was discovered by the operator during that period. For each incident, at a minimum the following data, if known, shall be included in the report:

(1) The type of operator;

(2) the type of excavator;

(3) the type of excavation equipment;

(4) the city or county, or both, in which the damage occurred;

(5) the type of facility that was damaged;

(6) the date of damage, specifying the month and year;

(7) the type of locator;

(8) the existence of a valid notice of intent of excavation; and

(9) the primary cause of the damage.

(w) The damage summary report for the first six months of the calendar year shall be due on or before August 1 of the same calendar year. The damage sum-

mary report for the last six months of the calendar year shall be due on or before February 1 of the next calendar year. (Authorized by K.S.A. 2008 Supp. 66-1815; implementing K.S.A. 66-1806, as amended by L. 2008, ch. 122, sec. 8; effective Jan. 19, 2007; amended July 6, 2009.)

**82-14-4. Notification center requirements.** In addition to the provisions of K.S.A. 66-1805 and amendments thereto, the executive director of the notification center shall ensure that the following requirements are met:

(a) Notice shall be provided to each affected operator of a tier 1 facility of any excavation site for which the location has been requested pursuant to K.S.A. 66-1804(e), and amendments thereto, and K.A.R. 82-14-2 (e) or (f) if the affected operator is a tier 1 member and has facilities recorded with the notification center in the area of the proposed excavation site.

(b) If the affected operator is a tier 2 member and has a facility recorded with the notification center in the area of the proposed excavation, the notification center shall provide the excavator with the name of the tier 2 member and contact information for the tier 2 member.

(c) If the affected operator is a tier 3 member and has facilities recorded with the notification center in the area of the proposed excavation, the notification center shall provide the excavator with the name of the tier 3 member and the preferred method of contact for the tier 3 member.

(d) Notice provided by the notification center directly to the operators of tier 2 facilities of any excavation site shall be deemed to meet the requirements of subsections (b) and (c) if the operator agrees to the method of notification.

(e) A record of receipts for each notice of intent of excavation shall be maintained by the notification center for two years, including an audio record of each notice of intent of excavation, if available, and a written or electronic version of the notification sent to each operator that is a tier 1 member.

(f) A copy of the notification center's record documenting the notice of intent of excavation shall be provided to the commission or to the person giving the notice of intent of excavation, upon request.

(g) A quality control program shall be established and maintained by the notification center. The program shall ensure that the employees receiving and recording the notices of intent of excavation are adequately trained. (Authorized by K.S.A. 2008 Supp. 66-1815; implementing K.S.A. 66-1805, as amended by L. 2008, ch. 122, sec. 7; effective Jan. 19, 2007; amended July 6, 2009.)

**82-14-5. Tier 3 member notification requirements.** In addition to meeting the requirements of K.A.R. 82-14-3(e), each tier 3 member shall ensure that the following requirements are met:

(a) A record of receipts for each notice of intent of excavation shall be maintained for at least two years, including an audio record, if available, of each notice of intent of excavation and a written or electronic version of the notification.

(continued)

(b) A copy of the tier 3 member's record documenting the notice of intent of excavation resulting in a response from the member shall be provided to the commission or to the person giving the notice of intent of excavation, upon request.

(c) A quality control program shall be established and maintained. The program shall establish procedures for receiving and recording the notices of intent of excavation. (Authorized by K.S.A 2008 Supp. 66-1815; implementing K.S.A 66-1802, as amended by L. 2008, ch. 122, sec. 5; effective Jan. 19, 2007; amended July 6, 2009.)

**82-14-6. Violation of act; enforcement procedures.**

(a) After investigation, if the commission staff believes that there has been a violation or violations of K.S.A. 66-1801 et seq. and amendments thereto or any regulation or commission order issued pursuant to the Kansas underground utility damage prevention act and the commission staff determines that penalties or remedial action is necessary to correct the violation or violations, the commission staff may serve a notice of probable noncompliance on the person or persons against whom a violation is alleged. Service shall be made by registered mail or hand delivery.

(b) Any notice of probable noncompliance issued under this regulation may include the following:

(1) A statement of the provisions of the statutes, regulations, or commission orders that the respondent is alleged to have violated and a statement of the evidence upon which the allegations are based;

(2) a copy of this regulation; and

(3) any proposed remedial action or penalty assessments, or both, requested by the commission staff.

(c) Within 30 days of receipt of a notice of probable noncompliance, the recipient shall respond by mail in at least one of the following ways:

(1) Submit written explanations, a statement of general denial, or other materials contesting the allegations;

(2) submit a signed acknowledgment of commission staff's findings of noncompliance; or

(3) submit a signed proposal for the completion of any remedial action that addresses the commission staff's findings of noncompliance.

(d) The commission staff may amend a notice of probable noncompliance at any time before issuance of a penalty assessment. If an amendment includes any new material allegations of fact or if the staff proposes an increased civil penalty amount or additional remedial action, the respondent shall have 30 days from service of the amendment to respond.

(e) Unless good cause is shown or a consent agreement is executed by the commission staff and the respondent before the expiration of the 30-day time limit, the failure of a party to mail a timely response to a notice of probable noncompliance shall constitute an admission to all factual allegations made by the commission staff and may be used against the respondent in future proceedings.

(f) At any time before an order is issued assessing penalties or requiring remedial action or before a hearing, the commission staff and the respondent may agree to dispose of the case by joint execution of a consent agree-

ment. The consent agreement may allow for a smaller penalty than otherwise required. The consent agreement may also allow for nonmonetary remedial penalties. Upon joint execution, the consent agreement shall become effective when the commission issues an order approving the consent agreement.

(g) Each consent agreement shall include the following:

(1) An admission by the respondent of all jurisdictional facts;

(2) an express waiver of any further procedural steps and of the right to seek judicial review or otherwise challenge or contest the validity of the commission's show cause order;

(3) an acknowledgment that the notice of probable noncompliance may be used to construe the terms of the order approving the consent agreement; and

(4) a statement of the actions required of the respondent and the time by which the actions shall be completed.

(h) If any violation resulting in a notice of probable noncompliance is not settled with a consent agreement, a penalty order may be issued by the commission no sooner than 30 days after the respondent has been served with a notice of probable noncompliance.

(i) The respondent shall remit payment for any civil assessments imposed by a penalty order within 20 days of service of the order.

(j) The respondent may request a hearing to challenge the allegations set forth in the penalty order by filing a motion with the commission within 15 days of service of a penalty order. The respondent's failure to respond within 15 days shall be considered an admission of noncompliance.

(k) An order may be issued by the commission to open a formal investigation docket regarding any potential noncompliance with the Kansas underground utility damage prevention act, and amendments thereto, or any regulations or orders pursuant to that act. If the commission finds evidence that any party to the investigation docket was not in compliance, a show cause order may be issued by the commission. If a show cause order is issued during the course of a formal investigation, the staff shall not be required to issue a notice of probable noncompliance. (Authorized by K.S.A 66-106 and K.S.A 66-1812; implementing K.S.A 66-1812; effective July 6, 2009.)

Susan K. Duffy  
Executive Director

Doc. No. 037152

## State of Kansas

Department of Health  
and EnvironmentPermanent Administrative  
RegulationsArticle 45b.—UNDERGROUND CRUDE OIL  
STORAGE WELLS AND  
ASSOCIATED BRINE PONDS

**28-45b-1. Definitions.** (a) "Active well" means an unplugged well that is in service or in monitoring status.

(b) "American petroleum institute gravity" and "API gravity" mean the specific gravity scale developed by the American petroleum institute for measuring the relative density of various petroleum liquids, expressed in degrees API.

(c) "Applicant" means the operator and the owner requesting a permit as specified in this article. If the operator and the owner are not the same person, the owner and the operator shall jointly submit an application for a permit.

(d) "Brine" means saline water with a sodium chloride concentration equal to or greater than 90 percent.

(e) "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 crude oil storage well.

(f) "Crude oil" means unrefined, liquid petroleum.

(g) "Crude oil reserve" means the storage of crude oil for future use.

(h) "Crude oil storage well," "underground crude oil storage well," and "storage well" mean a well used for the injection or withdrawal of crude oil into or out of an underground crude oil storage cavern.

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

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

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

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

(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) "Liner" means the casing normally installed within the production casing.

(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 the collection and leak return system capacity.

(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 crude oil storage facility or a brine pond.

(w) "Owner" means the person owning all or part of any underground crude oil 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. A permit may be issued for any of the following:

(1) A new underground crude oil storage facility and the associated crude oil storage wells;

(2) an existing underground crude oil storage facility and the associated crude oil storage wells; or

(3) a brine pond.

(y) "Permittee" means the owner and the operator issued a permit, as defined in this regulation, by the secretary.

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

(aa) "Plugged well" means a storage well that has been plugged or placed into plugging-monitoring status pursuant to K.A.R. 28-45b-18.

(bb) "Plugging-monitoring status" means the status of a storage well that will not be returned to active status but will be filled with brine to monitor cavern stabilization in lieu of plugging.

(cc) "Porosity storage" means the storage of hydrocarbon gas in underground porous and permeable strata that have been converted to hydrocarbon gas storage.

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

(ee) "Product" means crude oil.

(ff) "Saturated brine" means saline water with a sodium chloride concentration that is equal to or greater than 90 percent.

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

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

(ii) "Sour crude oil" means crude oil with a sulfur content greater than 0.5 percent.

(jj) "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.

(kk) "Sweet crude oil" means crude oil with a sulfur content not greater than 0.5 percent by weight.

(continued)

(ll) "Type" means the description of the product that includes American petroleum institute gravity, non-hydrocarbon impurities, and hydrogen sulfide content.

(mm) "Underground crude oil storage cavern," "cavern," and "storage cavern" mean the storage space for crude oil created in a salt formation by solution mining.

(nn) "Underground crude oil 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, storage wells, well-bore tubular goods, the wellheads, and any related equipment, including any appurtenances associated with the well field.

(oo) "Unplugged," when used to describe a well, means a storage well that either is not plugged or is in plugging-monitoring status.

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

(qq) "Usable water formation" means an aquifer or any portion of the aquifer that meets any of the following criteria:

- (1) Supplies any public water system;
- (2) contains a supply of groundwater that is sufficient to supply a public water system and that currently supplies drinking water for human consumption; or
- (3) contains fewer than 10,000 milligrams per liter total dissolved solids and is not an exempted aquifer.

(rr) "Variance" means the secretary's written approval authorizing an alternative action to one or more of the requirements of these regulations. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-2. Permit required for facilities and storage wells; variances.** (a) No person shall create, operate, or maintain an underground crude oil storage facility or any crude oil storage well without first obtaining a permit from the secretary.

(b) The storage of crude oil in caverns constructed in any rock formations other than bedded salt shall be prohibited.

(c) A variance to any requirement of this article 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 applicant or permittee agrees to perform any additional testing, monitoring, or well improvements, or any combination, if required by the secretary.

(d) Each applicant or permittee 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 K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-3. Well conversions and reentry.** (a) The conversion of an existing well that was not originally designed for crude oil storage to an underground crude oil storage well shall be considered for approval if both of the following conditions are met:

- (1) The applicant submits a completed application as required by K.A.R. 28-45b-4.

(2) The secretary determines that the conversion is protective of public health, safety, and the environment.

(b) Any permittee may convert an unplugged underground crude oil storage well to monitoring status if all of the following requirements are met:

(1) Each permittee shall verify the integrity of the storage well and cavern by conducting a mechanical integrity test before converting the well to monitoring status.

(2) Each permittee shall run a gamma-density log, a thermal neutron decay time log, or a pulsed neutron log to verify the roof thickness before converting the well to monitoring status.

(3) Each permittee shall meet the requirements specified in the department's document titled "procedure for converting a crude oil storage well to monitoring status," procedure #UICLPG-27, dated October 2008, which is hereby adopted by reference.

(4) Each permittee of an underground crude oil storage cavern that is in monitoring status shall conduct a casing inspection evaluation before placing the cavern into service. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-4. Permit required for facility and associated storage wells.** (a) Each applicant who intends to construct a new underground crude oil storage well shall submit a completed permit application to the secretary, on a form approved by the department, at least 180 days before the proposed commencement date for the construction of the new crude oil storage well. Well construction shall not begin until the secretary has issued the permit.

(b) Each applicant who intends to convert an existing well to a crude oil storage well shall submit a completed permit application to the secretary, on a form approved by the department, at least 180 days before the proposed date for operation of the crude oil storage well. Well modifications and operations shall not commence until the secretary has issued the permit.

(c) Each applicant who intends to construct a new storage well for the purpose of creating a crude oil reserve shall submit a completed permit application to the secretary at least 180 days before the proposed commencement date for storage well construction. Well construction shall not begin until the secretary has issued the permit.

(d) Each applicant who wishes to convert an existing storage well for the purpose of creating a crude oil reserve shall submit a completed permit application to the secretary at least 180 days before the proposed date for operation of the crude oil storage well. Well modifications and operations shall not commence until the secretary has issued the permit.

(e) Each applicant who intends to create a crude oil reserve shall include the following with the permit application:

- (1) A description of monitoring and testing methods to demonstrate that the quality of the crude oil is maintained during storage;
- (2) a description of methods and a schedule for routinely testing the integrity of the wellhead, casing, and transfer equipment; and

(3) a description of the brine transfer system, including brine source, disposal method, and means of transfer.

(f) Upon review of each 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 if the applicant has not complied with the requirements of this article. The notice shall include justification for the permit denial.

(g) Each application for a 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;

(4) a flood assessment identifying floodplain and flood-prone areas, including the following:

(A) Flood response procedures; and

(B) design criteria for the well and facility equipment; and

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

(h) Each applicant shall submit the following information with the application:

(1) A plan view map showing locations of all water, solution-mining, storage, 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.

(i) Each permittee 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 each storage well.

(j) Each permittee shall submit a sample log of well cuttings from any new well drilled at the facility, including new crude oil 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 specified by the department.

(2) Well cuttings shall be collected, described, and logged as specified in the department's document titled "procedure for sample logging," which is 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 permittee shall submit a sample log and a dry sample set to the department within 45 days after the completion of the well.

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

(1) Each permittee shall submit a plan for a new core describing the coring interval, coring procedures, and core testing with the permit application to the secretary

for review and consideration for approval. The plan shall be submitted at least 60 days before the coring event.

(2) Each permittee shall submit the core analysis for a new core after installing the first storage well and before developing the storage field.

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

(4) Each permittee shall submit the core analysis for an approved existing core with the permit application.

(5) Each permittee shall make the core available for inspection upon request by the secretary.

(l) Each permittee 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.

(m) Each permittee shall ensure that the stored crude oil, formation water, lithology, and substances used in the solutioning of the storage caverns are compatible.

(n) Each permittee shall submit open-hole logs for any new crude oil storage well. The logging interval shall be from the surface to at least 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.

(o) Any permittee may use an alternative log if the secretary determines that the alternative log is substantially equivalent to one of the logs specified in subsection (n). The permittee 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 upon completion of the logging event.

(p) If a facility has a new storage cavern, the permittee shall ensure that a minimum salt roof thickness of 100 feet is maintained above the storage cavern.

(q) Each permittee shall submit supporting data showing that a minimum crude oil inventory in each storage cavern shall be maintained to protect the salt roof during short time periods when changing service, conducting workover activities, or performing surface facility maintenance.

(r) If a facility has an existing cavern approved for crude oil storage with a salt roof thickness greater than 50 feet but less than 100 feet, the permittee shall meet the following requirements:

(1) The permittee shall use only saturated brine to displace product.

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(2) The permittee 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 (o), every three years.

(4) The permittee shall provide any additional information, including a geomechanical study from core analysis, that may be requested by the secretary to verify the integrity of the salt roof.

(s) Underground crude oil storage caverns with a salt roof thickness of 50 feet or less shall be prohibited.

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

(u) Underground communication between underground crude oil 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 permittee 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 permittee will conduct to ensure that the integrity of the underground crude oil storage wells and caverns will be maintained.

(v) The horizontal distance separating new underground crude oil storage caverns shall be at least 100 feet between the cavern boundaries.

(w) Any existing cavern approved for crude oil storage with horizontal separation less than 100 feet may operate if the following requirements are met:

(1) Each permittee shall submit a justification for each existing underground crude oil 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.

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

(y) Each permittee shall ensure the integrity of the storage well, including the wellhead and casing, and storage cavern before commissioning any new storage cavern into service. Storage operations may commence when the following requirements are met:

(1) The permittee 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 permittee shall not commence storage operations. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-5. Public notice.** (a) Public notice shall be given by the secretary for any of the following permit actions:

(1) Any permit application for a crude oil storage well;

(2) the denial of a permit; or

(3) a scheduled hearing.

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

(c) Each 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;

(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; and

(3) the Kansas register.

(d) Each 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 any other procedures that allow public participation in the final permit decision.

(e) Any interested person may submit written comments on any permit action to the secretary 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. The supporting materials 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 relevant comments concerning any permit actions and the reasons for changing any provisions in the draft permit shall be issued when the permit decision is issued.

(g) The response to comments shall be made available to the public upon request. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-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 notify the secretary at least 60 days before the effective date of the proposed transfer.

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

(b) Any permit 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 do not require public notification shall include the following, except as otherwise specified:

(1) Correction of typographical errors;

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

(3) a date change in a schedule of compliance;

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

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

(1) The adoption of new regulations;

(2) any deadline to achieve compliance with regulations; or

(3) any judicial remand and stay of a promulgated regulation if the permit requirement was based on the remanded regulation. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-7. Signatories for permit applications and reports.** (a) Each applicant for a permit shall designate at least one signatory to sign the permit applications and all reports required by the secretary.

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

(1) Plant or operations manager;

(2) cavern specialist;

(3) superintendent; and

(4) any 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 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 each permit application. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-8. Siting requirements for new storage wells and facilities.** (a) Each applicant shall assess the geographical, topographical, and physical data for any proposed underground crude oil storage well location to determine whether siting requirements have been met. The following siting requirements shall be met:

(1) Each new 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 applicant shall assess the extent and nature of current or past conventional subsurface mining activities within five miles of the underground crude oil 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 applicant 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 are met:

(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 applicant shall conduct a regional geological evaluation to determine if the integrity of each proposed storage cavern will be adversely affected by any of the following:

(1) Salt thinning due to any stratigraphic change;

(2) a dissolution zone in the bedded salt; or

(3) abrupt changes in the lithology within the salt interval.

(c) Each applicant shall determine if the facility's location is in a floodplain or flood-prone area.

(d) No new 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.

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

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(f) Each applicant 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 traffic, the facility shall be protected from accidental damage, by distance or barricades.

(g) No outer boundary of an underground crude oil 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 K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-9. Financial assurance for closure of underground crude oil storage facility.** (a) Each applicant shall submit, with the permit application and annually thereafter on or before the permit renewal date, proof of financial assurance to the secretary for the following:

(1) Closure of the facility; and

(2) the plugging of any crude oil storage well.

(b) Each applicant shall meet the following requirements:

(1) Submit a detailed written estimate, in current dollars, of the cost to close all underground storage wells and storage caverns at the proposed facility following the closure procedures specified in K.A.R. 28-45b-18. The estimate shall be reviewed and approved by a licensed professional engineer or licensed geologist; and

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

(c)(1) Each permittee 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.

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

(d) Each permittee shall comply with the provisions of the department's document titled "procedure for demonstrating financial assurance for an underground crude oil storage well," procedure #UICLPG-28, dated October 2008, which is hereby adopted by reference. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-10. Operations and maintenance plan.** (a) Each applicant 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 information:

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

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

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

(c) Each permittee shall maintain at the facility and make available for inspection by the secretary 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 brine and product lines for each cavern; and

(3) a schematic of the gathering line system that connects all wells within the underground crude oil storage facility to a central distribution point.

(d) Each applicant 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.

(e) Only saturated brine shall be used to displace any product.

(f) 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 storage cavern roof.

(g) Each permittee shall submit justification for a minimum operating pressure that is protective of cavern integrity and shall maintain the minimum operating pressure at each storage well.

(h) Each permittee shall meet the notification requirements in the facility's emergency response plan, give oral notification to the department within two hours, and 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 crude oil storage cavern;

(2) the loss of integrity for an underground crude oil 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 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.

(i) Each permittee shall notify the secretary of any change in the type of product stored in any storage cavern and shall certify that the compatibility of product types and the changes in pressure will not adversely affect the wellhead, casing, tubing, and cavern. (Authorized by



K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-11. Emergency response plan and safety and security measures.** (a)(1) Each applicant for a permit for an underground crude oil storage facility shall make the emergency response plan available for inspection by the secretary when the permit application is submitted to the department.

(2) Each permittee shall maintain the emergency response plan at the facility and at the company headquarters and shall make the plan available for inspection by the secretary.

(b) Each permittee shall update the emergency response plan annually and also shall update the plan whenever new information regarding the requirements for the emergency response plan becomes available.

(c) Each emergency response 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 emergency response 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 crude oil 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.

(e) A copy of the emergency response plan shall be available at the facility, the company headquarters, and the office of each coordinating agency or committee involved in the emergency response plan.

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

(g) Each permittee of an underground crude oil 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) at least one visible, permanent sign at each point of entry and along the facility's boundary, identifying the storage well or 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.

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

(1) Combustible gas detectors, hydrogen sulfide 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 that is audible to facility personnel.

(i) Each wellhead 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 cavern and to prevent the backflow of any stored crude oil if a flowline ruptures.

(j) 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.

(k) Each permittee shall ensure that the facility has 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 crude oil;

(2) combustible gas and hydrogen sulfide detection indicators; and

(3) pressure indicators on both the product and brine lines at the wellhead.

(l) Each permittee shall install emergency shutdown valves on all crude oil, brine, and water lines. Criteria for emergency shutdown valves shall include the following:

(1) (A) Be rated at least equivalent to 125 percent 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 (l)(1)(A) and determined by the secretary to be protective of public health, safety, and the environment;

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- (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.
- (m) Each permittee shall conduct annual inspections of all wellhead instrumentation.
- (n) Each permittee shall function-test each critical control system and emergency shutdown valve semiannually.
- (o) Each permittee shall perform trip-testing of each loop, including the instrumentation, valves, shutdown equipment, and all wiring connections, to ensure the integrity of the circuit.
- (p) Each permittee shall ensure that the equipment automatically closes all inlets and outlets to the storage cavern and safely shuts down or diverts any operation associated with the storage cavern, in case of overfilling or an emergency.
- (q) Each permittee shall ensure that the automatic valve closure times meet the valve design limits for closure times.
- (r) Each permittee 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 permittee 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 K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-12. Design and construction of storage wells.** (a) Each permittee shall ensure that each 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 permittee shall install in each storage well double casing protection with an intermediate casing and a production casing set into the upper part of the salt formation. The following requirements shall apply:
  - (1) The intermediate casing shall extend at least 105 feet into the salt formation.
  - (2) The production casing shall extend at least to the depth of the intermediate casing.
  - (3) 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.
  - (c) For each existing storage well that does not have double casing protection, the permittee shall provide a casing protection evaluation as specified in K.A.R. 28-45b-14.
  - (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, which is adopted by reference in K.A.R. 28-45-14.

(e) Each permittee shall designate and maintain a maximum fill level above the bottom of the brine string. The permittee shall submit the following information:

- (1) A schematic of the well construction;
- (2) the cavern capacity as determined from the most recent sonar survey;
- (3) supporting data that shows calculations used to determine the maximum fill level; and
- (4) the method that will be used to maintain the maximum fill level.
- (f) Only new steel casing shall be installed in a new storage well. Used parts, materials, and equipment that have been tested and certified for continued service may be used for repairs.

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

(h) 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 at least 72 hours.

(i) 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 permittee shall submit a plan for the installation of the casing patch to the secretary.

(2) Each permittee shall meet the requirements specified in the department's document titled "procedure for internal casing repair," which is adopted by reference in K.A.R. 28-45-14.

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

(k) Each permittee 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.

(l) Each permittee 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.

(m) A licensed professional engineer shall review and approve the construction plans for the crude oil storage well and cavern system.

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

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

(1) The corrosion control system shall be capable of protecting the well casings.

(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 K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-13. Monitoring.** (a) Each permittee shall ensure that pressure sensors continuously monitor wellhead pressures for both the product and brine sides at the wellhead for each storage well. 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 permittee shall provide pressure data, including historic continuous monitoring, to the secretary upon request.

(b) Each permittee 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 permittee shall submit a summary and the results of the monitoring activity to the secretary within 45 days after completion of the monitoring activity.

(d) Each permittee 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. 28-45b-4, as follows:

(1) Every five years;

(2) every three years, if the cavern meets criteria specified in K.A.R. 28-45b-4;

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

(4) before plugging the well.

(e) Each permittee 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 crude oil storage cavern in service;

(2) every 10 years;

(3) 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;

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

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

(f) Any permittee 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 permittee 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 upon completion of the survey.

(g)(1) Each applicant shall submit a ground subsidence monitoring plan to the secretary with the permit application. 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.

(2)(A) Each permittee shall meet the following requirements:

(i) Ensure level measurements to the accuracy of 0.01 foot;

(ii) report any surface elevation changes in excess of 0.10 foot within 24 hours to the secretary;

(iii) for any change in established benchmarks, submit justification that the change is protective of public health, safety, and the environment; and

(iv) for each change in established benchmarks, note the elevation change from the previous benchmark noted in the elevation survey report.

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

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

(D) Each permittee shall submit biennial survey results to the department within 30 days after completion of the survey.

(h) Before commencing facility operations, each permittee shall submit to the secretary, for review and consideration for approval, an inventory balance plan for measuring the volume of crude oil injected into or withdrawn from each underground crude oil storage well, including methods for measuring and verifying volume. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-

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1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-14. Testing and inspections.** (a) Each permittee 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 testing of a storage well or a cavern. Testing shall not commence without prior approval from the secretary.

(b) Each permittee 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;
- (3) storage well construction information;
- (4) pressure readings;
- (5) volume measurements; and
- (6) an explanation of the test results.

(c) Each permittee shall test each unplugged 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 after the initial service date;
- (C) before the storage well is placed back in service after being in monitoring status; and
- (D) before the well is plugged, unless the mechanical integrity test has been performed in the last five years.

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

(3) Each underground crude oil storage cavern shall be tested for mechanical integrity using a product-brine interface test.

(4) The nitrogen-brine test may be used if the surface equipment is rated for the nitrogen pressure on the upstream side of the well head valves.

(5) Each underground crude oil storage well shall be tested for mechanical integrity using one of the following:

- (A) An interface test capable of identifying the location of a leak in the casing; or
- (B) a hydraulic casing test.

(6) Each permittee 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.

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

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

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

(d) Any permittee may use an alternative integrity test if the secretary determines that the alternative integrity test is substantially equivalent to the integrity tests spec-

ified in subsection (c). The permittee 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 upon completion of the test.

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

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

(g) Any permittee 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 permittee shall meet the following requirements:

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

(2) Each permittee 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 permittee 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 permittee shall submit a log and an interpretation of the log to the secretary.

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

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

- (A) The storage well has double casing protection; or
- (B) an existing storage well has a liner and a production casing;

(2) after any workover involving the cemented casing; and

(3) every five years, if the storage 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) Each permittee shall submit a cement bond log with the casing evaluation if a cement bond log has not been previously submitted.

(j) A licensed professional engineer or licensed geologist, or licensed professional engineer's or licensed geol-

ogist's designee, shall supervise all test procedures and associated field activity.

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

(l) Each permittee shall visually inspect each wellhead monthly for any leakage.

(m) Each permittee 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 maintained in accordance with these regulations. The permittee shall maintain these records at the facility and shall make the records available to the secretary upon request. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-15. Groundwater monitoring.** (a) Each applicant 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 permittee shall ensure that the groundwater monitoring wells meet the following requirements:

(1) Each permittee 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 permittee 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 the 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) Before commencing facility operations, each applicant shall submit a quality assurance plan, including techniques for sampling and analysis, to the secretary for review and consideration for approval to ensure the protection of public health, safety, and the environment.

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

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

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

(i) Any permittee of a facility where chloride concentrations in the groundwater exceed 250 milligrams per liter may be required by the secretary to submit a work plan, for review and consideration for approval, that de-

scribes the methods to delineate potential source areas and to control migration of the chloride contamination.

(j) Each permittee of a well in which combustible gas is detected shall submit a work plan to the secretary for review and consideration for approval. Each permittee 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 K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-16. Record requirements and retention.** (a) Each permittee shall submit an annual report, on a form approved 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 each cavern associated with an unplugged well;

(4) a list of any caverns being washed;

(5) a list of the volume of product injected and withdrawn for each storage 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 permittee 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 storage well; and

(B) the annual inspections required by the secretary;

(2) the life of each storage well, for the following records:

(A) The casing records for each storage well;

(B) the cementing records for each storage 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) If the facility permit is transferred, the former permittee shall provide all required facility records, reports, and documents to the new permittee. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

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**28-45b-17. Well workovers.** (a) Each permittee 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 permittee shall submit the workover plan at least 10 days before performing any downhole or well-head work that involves dismantling or removal of the wellhead.

(2) A permittee 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 permittee has fulfilled the requirements of this subsection.

(b) Each permittee 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 permittee 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 permittee shall provide to the person logging a storage well or performing a well workover all relevant information concerning the status and condition of the storage well and cavern before initiating any work. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-18. Plugging and plugging-monitoring requirements.** (a) Each permittee shall submit a plugging plan, including monitoring and testing requirements, to the secretary for review and consideration for approval at least 60 days before each plugging event.

(b) Each permittee shall follow the plugging procedure for a plugging event specified in the department's document titled "procedure for the plugging and abandonment of a crude oil storage well," procedure #UICLPG-29, dated October 2008, which is hereby adopted by reference.

(c) Each permittee wishing to place a storage well and cavern into plugging-monitoring status shall submit a plugging-monitoring plan to the secretary for review and consideration for approval at least 60 days before the plugging-monitoring event. The plan shall include the following:

(1) A schematic of the storage well configuration;

(2) the most recent results from the gamma-density log, the casing inspection log, the cement bond log, and the sonar survey; and

(3) the procedure for placing the cavern into plugging-monitoring status.

(d) Each permittee of a crude oil storage well to be placed into plugging-monitoring status may be required to perform additional testing or logging before placing the cavern into plugging-monitoring status if either of the following conditions exists:

(1) The required logging and testing are not current.

(2) A lack of storage well or cavern integrity poses a threat to public health, safety, or the environment.

(e) Each permittee of a storage well and cavern placed into plugging-monitoring status shall monitor the cavern pressure with a gauge on a weekly basis or continue to monitor pressures with a pressure transducer connected to a supervisory control and data acquisition system.

(f) Each permittee shall report any unexpected increase or decrease in pressure at a well in plugging-monitoring status to the secretary within 24 hours. Testing, logging, or any other necessary measures may be required by the secretary to determine if a threat to public health, safety, or the environment exists.

(g) Each permittee 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 K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-19. Underground crude oil storage fees.**

(a) Each permit applicant shall submit a fee of \$700 for each proposed storage well with the permit application.

(b) Each permittee 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.

(c) Fees shall be made payable to the "Kansas department of health and environment — subsurface hydrocarbon storage fund."

(d) The fees collected under the provisions of this regulation shall not be refunded.

(e) If ownership of an underground crude oil storage well or underground crude oil 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 K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-20. Permit required for a brine pond.** Since the underground storage of crude oil and the access to and transfer of crude oil are 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 crude oil storage facility without first obtaining a brine pond permit from the secretary. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-21. Brine pond permit application; permit renewal.** (a)(1) Each applicant for a permit for a new brine pond shall submit an application to the secretary at least 90 days before the construction of the new brine pond commences. Brine pond construction shall not begin until the secretary has issued the permit.

(2) Upon review of the application, either of the following shall be issued by the secretary:

(A) A final permit if the application is approved; or

(B) a notice that the permit has been denied if the applicant has not complied with the applicable require-

ments of this article. The notice shall include justification for the permit denial.

(b) Each permit for a brine pond shall be authorized for a term not to exceed 10 years.

(c) Each permittee wanting to renew the permit shall submit a completed renewal application at least 90 days before the expiration date of the permit in effect.

(d) 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. Each hydrogeological investigation for a new brine pond shall include the following information:

(1) A site characterization for brine pond construction, which 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) the separation distance between the bottom of the brine pond and the water table, which shall meet one of the following requirements:

(i) A separation distance of at least 10 feet shall be maintained between the brine pond bottom and the water table; or

(ii) a separation distance of less than 10 feet shall require the installation of a clay tertiary subliner; and

(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, which shall be determined by the following criteria:

(A) At least two boreholes or excavations for each five acres of proposed brine pond surface area; or

(B) at least two boreholes or excavations if the brine pond surface area is less than five acres; and

(3) the following information 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.

(e) Each permittee shall notify the department at least five days before conducting any field activities for the hydrogeological investigation. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-22. Public notice for a brine pond.** (a) Public notice shall be given by the secretary for the following permit actions:

(1) A permit application for any new brine pond associated with an underground crude oil storage well;

(2) a denied permit; and

(3) a scheduled hearing.

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

(c) Each 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;

(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; and

(3) the Kansas register.

(d) Each 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. The supporting materials 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 relevant 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 K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-23. Modification and transfer of a brine pond permit; variance.** (a) Any re-issuance or modification of a brine pond permit and any variance 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.

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(2) Each permittee shall comply with the requirements 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 permittee;

(3) date change in a schedule of compliance;

(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) A permittee 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 regulations on which the permit was based have changed because of the promulgation of new or amended regulations or because of a judicial decision.

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

(1) The adoption of any new regulations;

(2) any deadline to achieve compliance with regulations 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 K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-24. Signatories for brine pond permit applications and reports.** (a) Each applicant for a permit for a new brine pond shall designate at least one signatory to sign the permit applications and reports required by the secretary.

(b) The positions that may be approved by the secretary as signatories shall include any of the following:

(1) Operations manager;

(2) brine pond specialist; or

(3) any 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 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 K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-25. Financial assurance for brine pond closure.** (a) Each applicant for a permit for a new brine pond shall submit, with the application and annually thereafter on or before the permit renewal date, proof of financial assurance to the secretary.

(b)(1) Each brine pond permittee shall establish financial assurance for the decommissioning and abandonment of any brine pond permitted by the secretary under this article.

(2) Each applicant and each permittee shall meet the following requirements:

(A) 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;

(B) develop an estimate of the closure cost for each brine pond at the facility as follows:

(i) The estimate shall be based on the cost charged by a third party to decommission the brine pond in accordance with this article; and

(ii) the brine pond shall be assumed to be at maximum storage capacity; and

(C) 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.

(c) Each permittee shall provide continuous financial assurance coverage for closure until the secretary approves the brine pond closure.

(d) Each permittee 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-30, dated October 2008, which is hereby adopted by reference. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-26. Design, construction, and maintenance of brine ponds.** (a) Each applicant for a brine pond permit shall submit a design and construction plan for each new brine pond associated with an underground crude oil storage facility to the secretary. The design and construction plan shall be approved if the secretary determines that the plan is protective of public health, safety, and the environment. Each brine pond shall be designed by a licensed professional engineer.

(b) Each applicant shall ensure that the impermeable synthetic membrane liner system for each brine pond consists 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 each 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 brine pond permittee shall submit a contingency plan to the secretary that outlines the 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 permittee of an existing brine pond and each applicant for a permit for a new brine pond shall submit a flood response plan if the brine pond is located in a floodplain or a flood-prone area.

(e) Each permittee shall 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 permittee may resume operations if the secretary determines that the brine pond operations no longer pose a risk to public health, safety, or the environment.

(f) Each permittee 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.

(g) Each permittee shall ensure that all materials between the primary and secondary liners are capable of transmitting at least  $\frac{1}{64}$  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.

(h) Each permittee 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.

(i) Each permittee shall ensure that the bottom of each brine pond 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.

(j) Each permittee 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.

(k) Each permittee 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 requirements:

(1) The maximum standard proctor density shall be at least 95 percent at optimum moisture to optimum moisture plus three percent.

(2) The maximum thickness of the layers of material to be compacted 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.

(l) Each permittee 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.

(m) Each permittee 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.

(n) Each permittee shall submit, to the secretary, a seam testing method to verify the adequacy of the seaming process 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) any other pertinent quality control provisions recommended by the liner manufacturer.

(2) All field seams shall be subjected to nondestructive testing.

(o) Each permittee shall install an oil-brine separator to separate entrained product from the brine used to transfer product. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

(continued)

**28-45b-27. Groundwater monitoring for brine ponds.** (a) Each applicant for a permit for a new brine pond shall submit a groundwater monitoring plan with the application for a brine pond permit 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 applicant for a permit for a new brine pond shall meet the following requirements:

(1) 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; and

(2) 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 applicant for a permit for a new brine pond 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 permittee 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.

(1) Each permittee shall submit the following to the department on a quarterly basis:

(A) The results for the chloride analyses from groundwater samples; and

(B) a static groundwater level measurement for each monitoring well.

(2) Each permittee shall monitor monthly for the presence of combustible gas in the headspace in monitoring wells and submit the results to the department on a quarterly basis.

(e) Any permittee of a brine pond where chloride concentrations in the groundwater exceed 250 milligrams per liter may be required by the secretary to submit a work plan, for review and consideration for approval, that describes proposed methods to delineate the extent of the contamination and to control migration of the chloride contamination. (Authorized by K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

**28-45b-28. Brine pond closure requirements.** (a) Each brine pond permittee 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 permittee shall not commence closure activities without the secretary's prior approval.

(c) Each permittee 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 K.S.A. 55-1,117 and K.S.A. 2008 Supp. 55-1,117a; implementing K.S.A. 55-1,117; effective July 6, 2009.)

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 037146

**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 2006 Volumes and the 2008 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 3: KANSAS STATE TREASURER**

Reg. No.	Action	Register
3-3-1	Amended (T)	V. 27, p. 1091
3-3-1	Amended	V. 27, p. 1517
3-3-2	New (T)	V. 27, p. 1091
3-3-2	New	V. 27, p. 1517

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-6-1	New	V. 27, p. 1741
4-6-2	New	V. 27, p. 1741

4-6-3	New	V. 27, p. 1741
4-7-900	Amended	V. 27, p. 1022
4-7-901	Revoked	V. 27, p. 1022
4-7-902	Amended	V. 27, p. 1022
4-7-903	Amended	V. 27, p. 1023
4-7-904	Amended	V. 27, p. 1023
4-13-1	Amended	V. 27, p. 186
4-13-3	Amended	V. 27, p. 187
4-13-9	Amended	V. 27, p. 188
4-13-11	Revoked	V. 27, p. 188
4-13-13	Amended	V. 27, p. 188
4-13-20	Amended	V. 27, p. 190
4-13-21	Amended	V. 27, p. 191
4-13-22	Amended	V. 27, p. 191
4-13-23	Amended	V. 27, p. 191
4-13-24	Amended	V. 27, p. 191
4-13-33	Amended	V. 27, p. 191
4-13-40	Amended	V. 27, p. 1023
4-13-41	Revoked	V. 27, p. 1023
4-13-42	Revoked	V. 27, p. 1023
4-13-60	Amended	V. 27, p. 1023
4-13-61	Revoked	V. 27, p. 1023
4-13-64	Amended	V. 27, p. 1023
4-13-65	Amended	V. 27, p. 1024
4-15-5	Amended	V. 28, p. 690
4-15-11	Amended	V. 27, p. 1024
4-15-12	Revoked	V. 27, p. 1024
4-15-13	Amended	V. 27, p. 1024
4-15-14	Amended	V. 27, p. 1024

4-16-1a	Amended	V. 27, p. 1741
4-16-1c	Amended	V. 27, p. 1742
4-16-7a	Amended	V. 27, p. 1024
4-16-300	Amended	V. 27, p. 1025
4-16-301	Revoked	V. 27, p. 1025
4-16-302	Amended	V. 27, p. 1025
4-16-303	Amended	V. 27, p. 1025
4-16-304	Amended	V. 27, p. 1025
4-16-305	Amended	V. 27, p. 1025
4-17-300	Amended	V. 27, p. 1026
4-17-301	Revoked	V. 27, p. 1026
4-17-302	Amended	V. 27, p. 1026
4-17-303	Amended	V. 27, p. 1026
4-17-304	Amended	V. 27, p. 1026
4-17-305	Amended	V. 27, p. 1027
4-20-11	Amended	V. 27, p. 1027
4-28-5	Amended	V. 27, p. 1742
4-28-8 through 4-28-16	New	V. 27, p. 191-195

**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-1-1	Amended	V. 27, p. 1549
5-1-2	Amended	V. 27, p. 1553
5-1-7	Amended	V. 27, p. 1553
5-2-4	New	V. 27, p. 1554

5-3-3	Amended	V. 27, p. 1554
5-3-4	Amended	V. 27, p. 1555
5-3-4a	Amended	V. 28, p. 241
5-3-5d	Amended	V. 27, p. 1555
5-3-16	Amended	V. 27, p. 1555
5-4-2	New	V. 27, p. 1556
5-5-6c	New	V. 27, p. 1556
5-5-13	Amended	V. 27, p. 1556
5-5-14	Amended	V. 27, p. 1557
5-6-2	Amended	V. 27, p. 1557
5-6-5	Amended	V. 27, p. 1557
5-9-1a		
through		
5-9-1d	New	V. 27, p. 1557, 1558
5-14-3	Amended	V. 28, p. 241
5-14-3a	New	V. 28, p. 242
5-14-10	Amended	V. 27, p. 1558
5-40-24	Amended	V. 27, p. 1438
5-45-1	Amended	V. 27, p. 1439
5-45-4	Amended	V. 27, p. 1440
5-45-19		
through		
5-45-23	New	V. 27, p. 1441, 1442

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-16-1	Amended	V. 27, p. 1548
7-16-2	Amended	V. 27, p. 1548
7-17-1	Amended	V. 27, p. 965
7-17-4	Amended	V. 27, p. 966
7-17-11	Amended	V. 27, p. 966
7-17-19	Amended	V. 27, p. 966
7-17-21	Amended	V. 27, p. 966
7-17-22	Amended	V. 27, p. 966
7-17-24	Amended	V. 27, p. 967
7-21-1	Amended	V. 27, p. 967
7-21-2	Amended	V. 27, p. 967
7-21-3	Revoked	V. 27, p. 967
7-21-4	New	V. 27, p. 967
7-23-13	Revoked	V. 27, p. 968
7-37-2	Revoked	V. 27, p. 968
7-38-2	Revoked	V. 27, p. 968
7-41-1		
through		
7-41-7	Amended	V. 28, p. 193-195
7-41-8	Revoked	V. 28, p. 195
7-41-9	Revoked	V. 28, p. 195
7-41-10		
through		
7-41-17	Amended	V. 28, p. 195, 196
7-41-18		
through		
7-41-29	Revoked	V. 28, p. 196
7-41-30	Amended	V. 28, p. 196
7-41-31	Revoked	V. 28, p. 196
7-41-32	Amended	V. 28, p. 196
7-41-33	Amended	V. 28, p. 197
7-41-34	New	V. 28, p. 197
7-41-35	New	V. 28, p. 197
7-45-1	New	V. 27, p. 968
7-45-2	New	V. 27, p. 968

**AGENCY 11: STATE CONSERVATION COMMISSION**

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11-6-1		
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11-6-6	New	V. 27, p. 1633, 1634
11-12-1	Amended	V. 27, p. 1374
11-12-2	Amended	V. 27, p. 1375
11-12-3	Amended	V. 27, p. 1376
11-12-4	Amended	V. 27, p. 1377
11-12-6	Amended	V. 27, p. 1377

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

Reg. No.	Action	Register
14-8-6	Revoked	V. 27, p. 1214
14-8-7	Amended	V. 27, p. 1214
14-8-8	Revoked	V. 27, p. 1214
14-8-12	Revoked	V. 27, p. 1214
14-17-7	New	V. 27, p. 1214

AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER		
Reg. No.	Action	Register
17-25-1	New	V. 27, p. 356

AGENCY 19: GOVERNMENTAL ETHICS COMMISSION		
Reg. No.	Action	Register
19-20-4	Amended	V. 27, p. 1020
19-20-5	New	V. 27, p. 1021
19-27-2	Amended	V. 27, p. 1021

AGENCY 22: STATE FIRE MARSHAL		
Reg. No.	Action	Register
22-6-1	Amended	V. 27, p. 1834
22-6-2	Revoked	V. 27, p. 1834
22-6-3	Revoked	V. 27, p. 1834
22-6-4	Revoked	V. 27, p. 1834
22-6-5	Amended	V. 27, p. 1834
22-6-6	Revoked	V. 27, p. 1834
22-6-7	Revoked	V. 27, p. 1835
22-6-8	Revoked	V. 27, p. 1835
22-6-9	Amended	V. 27, p. 1835
22-6-12	Amended	V. 27, p. 1835
22-6-13	Revoked	V. 27, p. 1835
22-6-14	Revoked	V. 27, p. 1835
22-6-18		
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22-6-27	New	V. 27, p. 1835-1837

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26-39-105	New	V. 28, p. 615-623
26-39-144	Revoked	V. 28, p. 623
26-39-243	Revoked	V. 28, p. 649
26-39-278	Revoked	V. 28, p. 649
28-39-427	Revoked	V. 28, p. 649
26-41-101		
through		
26-41-106	New	V. 28, p. 649-651
26-41-200		
through		
26-41-207	New	V. 28, p. 652-657
26-42-101	New	V. 28, p. 657
26-42-102	New	V. 28, p. 658
26-42-104	New	V. 28, p. 659
26-42-105	New	V. 28, p. 659
26-42-200		
through		
26-42-207	New	V. 28, p. 659-664
26-44-101		
through		
26-44-106	New	V. 28, p. 664-667
26-43-200		
through		
26-43-207	New	V. 28, p. 667-671

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28-1-20	Amended	V. 27, p. 989
28-4-117	Amended	V. 27, p. 990
28-4-120	Amended	V. 27, p. 990
28-4-121	New	V. 27, p. 990
28-4-122	Amended	V. 27, p. 317
28-4-311	Amended	V. 27, p. 317
28-4-312		
through		
28-4-317	Revoked	V. 27, p. 317, 318
28-4-430	Amended	V. 27, p. 991
28-4-800		
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28-4-825	New	V. 27, p. 318-334
28-16-28g	Amended	V. 27, p. 779
28-23-16	Revoked	V. 27, p. 191
28-32-1	Revoked	V. 27, p. 247
28-32-2	Revoked	V. 27, p. 247
28-32-4	Revoked	V. 27, p. 247
28-32-5	Revoked	V. 27, p. 247
28-32-6	Revoked	V. 27, p. 247
28-32-7	Revoked	V. 27, p. 247

28-32-8		
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28-32-14	New	V. 27, p. 247-249
28-36-33		
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28-36-49	Revoked	V. 27, p. 73
28-36-70		
through		
28-36-89	New	V. 27, p. 73-87
28-38-18	Amended	V. 27, p. 1742
28-38-19	Amended	V. 27, p. 1743
28-38-21	Amended	V. 27, p. 1743
28-38-22	Amended	V. 27, p. 1744
28-38-23	Amended	V. 27, p. 1744
28-38-29	Amended	V. 27, p. 1745
28-39-145a	Revoked	V. 28, p. 623
28-39-146	Revoked	V. 28, p. 623
28-39-147	Revoked	V. 28, p. 623
28-39-148	Revoked	V. 28, p. 623
28-39-164		
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28-39-168	Amended	V. 28, p. 798-800
28-39-240		
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28-39-253	Revoked	V. 28, p. 672
28-39-275		
through		
28-39-288	Revoked	V. 28, p. 672
28-39-425		
through		
28-39-436	Revoked	V. 28, p. 672
28-53-1		
through		
28-53-5	Amended	V. 28, p. 240, 241
28-59-5	Amended	V. 27, p. 462
28-61-11	Amended	V. 27, p. 464
28-70-4	New	V. 28, p. 800
28-73-1	Amended	V. 28, p. 74

**AGENCY 30: SOCIAL AND  
REHABILITATION SERVICES**

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30-4-90	Amended	V. 28, p. 916
30-5-78	Revoked	V. 27, p. 1022
30-10-15a	Revoked	V. 27, p. 1345
30-10-15b	Revoked	V. 27, p. 1345
30-10-17	Revoked	V. 27, p. 1345
30-10-18	Revoked	V. 27, p. 1345
30-10-23a	Revoked	V. 27, p. 1346
30-10-23b	Revoked	V. 27, p. 1346
30-10-25	Revoked	V. 27, p. 1346
30-10-26	Revoked	V. 27, p. 1346
30-10-27	Revoked	V. 27, p. 1346
30-10-200	Revoked	V. 27, p. 1346
30-10-210	Revoked	V. 27, p. 1346
30-63-32	New	V. 27, p. 664
30-64-24	Revoked	V. 27, p. 665

**AGENCY 40: KANSAS INSURANCE  
DEPARTMENT**

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40-1-48	Amended	V. 27, p. 1709
40-2-28	New	V. 28, p. 273
40-3-30	Amended	V. 28, p. 112
40-3-52	New	V. 27, p. 133
40-4-35	Amended	V. 28, p. 915
40-4-37v	New	V. 28, p. 643
40-4-41	Amended	V. 27, p. 434
40-4-41a		
through		
40-4-41j	Revoked	V. 27, p. 434, 435
40-7-20a	Amended	V. 28, p. 604

**AGENCY 44: DEPARTMENT OF  
CORRECTIONS**

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44-6-101	Amended	V. 27, p. 1126
44-6-114e	Amended	V. 27, p. 1128
44-6-115a	Amended	V. 27, p. 1134
44-6-125	Amended	V. 27, p. 1135
44-6-127		
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44-6-132	New	V. 27, p. 1135-1138

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**AGENCY 49: DEPARTMENT OF LABOR**

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49-45-2	Amended	V. 27, p. 1466
49-45-3	Amended	V. 27, p. 1466
49-45-4	Amended	V. 27, p. 1466
49-45-4a	Amended	V. 27, p. 1466
49-45-5	Amended	V. 27, p. 1466
49-45-6	Amended	V. 27, p. 1466
49-45-7	Amended	V. 27, p. 1467
49-45-8	Amended	V. 27, p. 1467
49-45-9	Amended	V. 27, p. 1467
49-45-20	Amended	V. 27, p. 1467
49-45-28	Amended	V. 27, p. 1467
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49-45-37	Amended	V. 27, p. 1467

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60-1-104	Amended	V. 27, p. 1603
60-2-101	Amended	V. 27, p. 1604
60-2-102	Amended	V. 27, p. 1605, 1670
60-2-104	Amended	V. 27, p. 1606
60-2-105	Amended	V. 28, p. 197
60-2-106	Amended	V. 28, p. 197
60-2-107	Amended	V. 27, p. 1606
60-2-108	Amended	V. 27, p. 1607
60-3-106	Amended	V. 27, p. 1607
60-3-106a	Amended	V. 27, p. 1608
60-3-113	New	V. 27, p. 1608
60-3-114	New	V. 27, p. 1608
60-7-111	New	V. 27, p. 1609
60-9-105	Amended	V. 28, p. 197
60-9-107	Amended	V. 28, p. 198
60-13-103	Amended	V. 28, p. 200
60-13-104	Amended	V. 28, p. 200
60-15-101	Amended	V. 28, p. 200
60-15-102	Amended	V. 28, p. 201
60-15-104	Amended	V. 28, p. 202

**AGENCY 63: BOARD OF MORTUARY ARTS**

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63-2-26	New	V. 27, p. 108
63-4-1	Amended	V. 27, p. 108

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 27, p. 315
66-6-4	Amended	V. 27, p. 316
66-10-1	Amended	V. 27, p. 317
66-11-5	Amended	V. 28, p. 44
66-12-1	Amended	V. 28, p. 44
66-14-1	Amended	V. 28, p. 44
66-14-2	Amended	V. 28, p. 45
66-14-3	Amended	V. 28, p. 45
66-14-4	Revoked	V. 28, p. 45
66-14-5	Amended	V. 28, p. 45
66-14-7	Amended	V. 28, p. 45

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-7-12b	Amended	V. 27, p. 1518
68-7-20	Amended	V. 27, p. 435
68-11-2	Amended	V. 27, p. 1518
68-16-3	Amended	V. 28, p. 342
68-18-1	New	V. 27, p. 1857
68-18-2	New	V. 27, p. 1857
68-18-3	New	V. 27, p. 1858
68-19-1	New	V. 28, p. 342
68-20-23	New (T)	V. 27, p. 1709
68-20-23	New	V. 27, p. 192

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-3-8	Amended (T)	V. 28, p. 923
69-11-1	Amended	V. 28, p. 298

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-9-1 through 71-9-4	New	V. 27, p. 1878
71-10-1 through 71-10-4	New	V. 27, p. 1879

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-7	Amended	V. 28, p. 643
74-4-8	Amended	V. 28, p. 644
74-4-9	Amended	V. 27, p. 627
74-4-10	Amended	V. 27, p. 627
74-5-2	Amended	V. 28, p. 645
74-5-2a	New	V. 28, p. 646
74-5-101	Amended	V. 28, p. 646
74-5-102	Amended	V. 28, p. 646
74-5-103	Amended	V. 28, p. 646
74-5-201	Amended	V. 28, p. 646
74-5-202	Amended	V. 28, p. 646
74-5-301	Amended	V. 28, p. 647
74-5-302	Amended	V. 28, p. 647
74-5-401	Amended	V. 28, p. 647
74-5-403	Amended	V. 28, p. 647
74-5-405a	Amended	V. 28, p. 647
74-5-406	Amended	V. 28, p. 647
74-7-4	Amended	V. 28, p. 648
74-11-6	Amended	V. 28, p. 648

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-3-2	Amended	V. 27, p. 1801
81-3-6	Amended	V. 28, p. 606
81-5-7	Amended	V. 27, p. 1156
81-5-14	Amended	V. 28, p. 571
81-7-2	Amended	V. 27, p. 1156
81-14-1	Amended	V. 27, p. 1157
81-14-2	Amended	V. 27, p. 1801
81-14-5	Amended	V. 28, p. 610
81-14-9	Amended	V. 27, p. 1163

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-107	Amended	V. 27, p. 1518
82-3-108	Amended	V. 27, p. 1519
82-3-111	Amended	V. 27, p. 1520
82-3-135a	Amended	V. 27, p. 1521
82-3-135b	Amended	V. 27, p. 1521
82-3-138	Amended	V. 27, p. 1521
82-3-402	Amended	V. 27, p. 1521
82-4-30a	Amended	V. 27, p. 1020
82-11-4	Amended	V. 28, p. 917
82-11-10	Amended	V. 28, p. 922

**AGENCY 84: PUBLIC EMPLOYEE RELATIONS BOARD**

Reg. No.	Action	Register
84-2-1	Amended	V. 28, p. 872

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-3-19	Amended (T)	V. 27, p. 1090
86-3-19	Amended	V. 27, p. 1517
86-3-30	New (T)	V. 27, p. 1091
86-3-30	New	V. 27, p. 1517

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-200	Amended	V. 27, p. 1027
91-1-201	Amended	V. 27, p. 1028
91-1-203	Amended	V. 27, p. 1030
91-1-204	Amended	V. 27, p. 1034
91-1-205	Amended	V. 27, p. 1036
91-1-207	Amended	V. 27, p. 1037
91-1-209	Amended	V. 27, p. 1037
91-1-210	Amended	V. 27, p. 1038
91-1-220	Amended	V. 27, p. 1038
91-1-221	Amended	V. 27, p. 1040
91-19-1	Amended	V. 27, p. 1041

91-19-6	Amended	V. 27, p. 1041
91-40-1	Amended	V. 27, p. 274
91-40-2	Amended	V. 27, p. 279
91-40-3	Amended	V. 27, p. 279
91-40-5	Amended	V. 27, p. 280
91-40-7 through 91-40-12	Amended	V. 27, p. 281-284
91-40-16	Amended	V. 27, p. 285
91-40-17	Amended	V. 27, p. 285
91-40-21	Amended	V. 27, p. 286
91-40-22	Amended	V. 27, p. 287
91-40-26 through 91-40-31	Amended	V. 27, p. 287-289
91-40-33	Amended	V. 27, p. 290
91-40-34	Amended	V. 27, p. 290
91-40-35	Amended	V. 27, p. 290
91-40-37	Revoked	V. 27, p. 291
91-40-38	Amended	V. 27, p. 291
91-40-39	Revoked	V. 27, p. 291
91-40-41	Amended	V. 27, p. 291
91-40-42	Amended	V. 27, p. 291
91-40-42a	New	V. 27, p. 292
91-40-43	Amended	V. 27, p. 293
91-40-44	Amended	V. 27, p. 293
91-40-45	Amended	V. 27, p. 293
91-40-46	Amended	V. 27, p. 294
91-40-48	Amended	V. 27, p. 294
91-40-50	Amended	V. 27, p. 294
91-40-51	Amended	V. 27, p. 295

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-12-114	New	V. 27, p. 865
92-12-140 through 92-12-145	New	V. 27, p. 866, 867
92-12-145	Amended	V. 28, p. 604
92-19-70	Revoked	V. 27, p. 868
92-26-1	Amended	V. 28, p. 170
92-26-4	Amended	V. 28, p. 170
92-28-1 through 92-28-4	New	V. 28, p. 113
92-52-14	New	V. 27, p. 1214
92-52-15	New	V. 27, p. 1214
92-52-16	New	V. 27, p. 1215

**AGENCY 94: COURT OF TAX APPEALS**

Reg. No.	Action	Register
94-2-1 through 94-2-5	Amended (T)	V. 27, p.1091-1093
94-2-1 through 94-2-5	Amended	V. 27, p.1522-1524
94-2-8 through 94-2-16	Amended (T)	V. 27, p. 1093-1095
94-2-8 through 94-2-19	Amended	V. 27, p. 1524-1526
94-2-19	Amended (T)	V. 27, p. 1095
94-2-19	Amended	V. 27, p. 1527
94-2-20	Amended (T)	V. 27, p. 1096
94-2-20	Amended	V. 27, p. 1527
94-2-21	Amended (T)	V. 27, p. 1096
94-2-21	Amended	V. 27, p. 1528
94-3-1	Amended (T)	V. 27, p. 1097
94-3-1	Amended	V. 27, p. 1529
94-3-2	Amended (T)	V. 27, p. 1098
94-3-2	Amended	V. 27, p. 1529
94-4-1	Amended (T)	V. 27, p. 1098
94-4-1	Amended	V. 27, p. 1530
94-4-2	Amended (T)	V. 27, p. 1098
94-4-2	Amended	V. 27, p. 1530

**Agency 97: COMMISSION ON VETERANS' AFFAIRS**

Reg. No.	Action	Register
97-1-1	Revoked	V. 28, p. 459
97-1-1a	New	V. 28, p. 459
97-1-2	Revoked	V. 28, p. 460
97-1-2a	New	V. 28, p. 460

97-1-3	Revoked	V. 28, p. 460
97-1-3a	New	V. 28, p. 460
97-1-4	Revoked	V. 28, p. 460
97-1-4a	New	V. 28, p. 460
97-1-5	Revoked	V. 28, p. 461
97-1-5a	New	V. 28, p. 461
97-1-6a	New	V. 28, p. 461
97-2-1	Revoked	V. 28, p. 462
97-2-1a	New	V. 28, p. 462
97-2-2	Revoked	V. 28, p. 462
97-2-2a	New	V. 28, p. 462
97-2-3		
through		
97-2-8	Revoked	V. 28, p. 462
97-3-1	Revoked	V. 28, p. 462
97-3-1a	New	V. 28, p. 462
97-3-2	Revoked	V. 28, p. 462
97-3-2a	New	V. 28, p. 462
97-3-3	Revoked	V. 28, p. 463
97-3-3a	New	V. 28, p. 463
97-3-4		
through		
97-3-9	Revoked	V. 28, p. 463
97-4-1a	New	V. 28, p. 463

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

Reg. No.	Action	Register
99-25-1	Amended	V. 27, p. 108
99-25-5	Amended	V. 28, p. 522
99-25-9	Amended	V. 27, p. 108
99-25-11	New	V. 27, p. 109
99-26-1	Amended	V. 28, p. 522
99-27-2	Amended	V. 27, p. 1019
99-27-3	Revoked	V. 27, p. 1019
99-27-4	Amended	V. 27, p. 1019
99-27-5	Amended	V. 27, p. 1019

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 27, p. 1602
100-11-1	Amended	V. 28, p. 112
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended (T)	V. 27, p. 1602
100-28a-1	Amended	V. 28, p. 112
100-28a-10	Amended	V. 28, p. 572
100-29-7	Amended	V. 27, p. 209
100-49-4	Amended (T)	V. 28, p. 923
100-54-4	Amended	V. 27, p. 209
100-55-4	Amended	V. 27, p. 209
100-55-9	Amended	V. 28, p. 572
100-69-1	Amended	V. 27, p. 1672
100-69-2	Revoked	V. 27, p. 1672
100-69-10	Amended	V. 28, p. 572
100-72-1	Amended (T)	V. 27, p. 1602
100-72-1	Amended	V. 28, p. 112
100-72-7	Amended	V. 28, p. 273
100-73-1	Amended (T)	V. 28, p. 923
100-73-9	Amended	V. 27, p. 315

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-8a	New	V. 28, p. 114
102-1-12	Amended	V. 27, p. 407
102-2-7	Amended	V. 27, p. 1801
102-2-8	Amended	V. 28, p. 114
102-2-11a	New	V. 28, p. 116
102-2-12	Amended	V. 28, p. 116
102-3-9b	New	V. 28, p. 117
102-3-12a	Amended	V. 27, p. 1117
102-4-1a	Amended	V. 27, p. 1803
102-4-6a	Amended	V. 27, p. 1805
102-4-6b	New	V. 27, p. 1806
102-4-9b	New	V. 28, p. 117
102-4-10a	Amended	V. 27, p. 1806
102-4-12	Amended	V. 27, p. 1120
102-5-9a	New	V. 28, p. 118
102-5-12	Amended	V. 27, p. 1122
102-6-9a	New	V. 28, p. 118
102-6-12	Amended	V. 27, p. 1124

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-11-1	Amended (T)	V. 27, p. 1233
105-11-1	Amended	V. 27, p. 1838

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-5-2	Amended	V. 28, p. 574
109-5-3	Amended	V. 28, p. 574
109-5-5	New	V. 27, p. 1548
109-5-6	New	V. 28, p. 575
109-6-3	Revoked	V. 28, p. 575
109-15-1	New	V. 28, p. 575
109-15-2	New	V. 28, p. 576

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-13a-1	New	V. 27, p. 1063
110-13a-2	New	V. 27, p. 1063
110-13a-3	New	V. 27, p. 1064
110-19-1		
through		
110-19-4	New	V. 27, p. 1064, 1065
110-20-1		
through		
110-20-4	New	V. 27, p. 1065, 1066

**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. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed by the Kansas Lottery from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed by the Kansas Lottery from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. The following regulations were filed after January 1, 2008:

Reg. No.	Action	Register
111-2-211	New	V. 27, p. 992
111-2-212	New	V. 27, p. 1559
111-2-213	New	V. 27, p. 1560
111-2-214		
through		
111-2-218	New	V. 28, p. 10, 11
111-2-216	Amended	V. 28, p. 383
111-2-217	Amended	V. 28, p. 383
111-2-219		
through		
111-2-223	New	V. 28, p. 46, 47
111-2-224	New	V. 28, p. 853
111-4-2614	Amended	V. 27, p. 964
111-4-2645		
through		
111-4-2656	New	V. 27, p. 436-442
111-4-2657		
through		
111-4-2662	New	V. 27, p. 992-996
111-4-2663	New	V. 27, p. 1489
111-4-2664		
through		
111-4-2683	New	V. 27, p. 1560-1570
111-4-2680	Amended	V. 28, p. 11
111-4-2684		
through		
111-4-2702	New	V. 27, p. 1634-1644
111-4-2695	Amended	V. 27, p. 1709
111-4-2703		
through		
111-4-2710	New	V. 27, p. 1672-1677
111-4-2711		
through		
111-4-2715	New	V. 27, p. 1677-1680
111-4-2716		
through		
111-4-2726	New	V. 27, p. 1709-1718
111-4-2727		
through		
111-4-2744	New	V. 27, p. 1746-1761

111-4-2745		
through		
111-4-2754	New	V. 28, p. 11-20
111-4-2755		
through		
111-4-2766	New	V. 28, p. 47-55
111-4-2767		
through		
111-4-2779	New	V. 28, p. 274-278
111-4-2781	New	V. 28, p. 278
111-4-2782	New	V. 28, p. 279
111-4-2783	New	V. 28, p. 281
111-4-2784	New	V. 28, p. 298
111-4-2785		
through		
111-4-2790	New	V. 28, p. 342-346
111-4-2791		
through		
111-4-2799	New	V. 28, p. 383-389
111-4-2800		
through		
111-4-2814	New	V. 28, p. 516-522
111-4-2815		
through		
111-4-2838	New	V. 28, p. 853-871
111-5-23		
through		
111-5-28	Amended	V. 28, p. 299-302
111-5-33	Amended	V. 28, p. 303
111-5-81	Amended	V. 27, p. 1490
111-5-83	Amended	V. 27, p. 1490
111-5-84	Amended	V. 27, p. 1491
111-5-90	Amended	V. 27, p. 1491
111-5-127	Amended	V. 27, p. 442
111-5-128	Amended	V. 27, p. 443
111-5-132	Amended	V. 27, p. 443
111-5-165		
through		
111-5-169	New	V. 27, p. 1491-1493
111-5-170		
through		
111-5-174	New	V. 28, p. 347, 348
111-7-80a	Amended	V. 28, p. 282
111-7-223		
through		
111-7-232	New	V. 27, p. 1493-1495
111-7-223a	New	V. 27, p. 1762
111-7-233		
through		
111-7-237	New	V. 28, p. 57, 58
111-7-238		
through		
111-7-242	New	V. 28, p. 283, 284
111-9-152	New	V. 27, p. 1762
111-9-153	New	V. 28, p. 20
111-9-154	New	V. 28, p. 21
111-9-155	New	V. 28, p. 22
111-9-156	New	V. 28, p. 390
111-14-4	New	V. 28, p. 22
111-14-5	New	V. 28, p. 23
111-14-6	New	V. 28, p. 24

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-12-15	New	V. 28, p. 797
112-13-6	New	V. 28, p. 376
112-100-1		
through		
112-100-7	New	V. 27, p. 1378
112-101-1		
through		
112-101-16	New	V. 28, p. 376-379
112-103-1		
through		
112-103-12	New	V. 28, p. 376-382
112-103-15	New	V. 28, p. 382
112-103-16	New	V. 28, p. 382
112-104-1		
through		
112-104-33	New	V. 27, p. 1378-1406
112-105-1		
through		
112-105-7	New	V. 27, p. 1406-1408

(continued)

112-106-1		
through		
112-106-7	New	V. 27, p. 1408-1411
112-107-1	New	V. 28, p. 424
112-107-2	New	V. 28, p. 424
112-107-3	New	V. 28, p. 424
112-107-5	New	V. 28, p. 428
112-107-6	New	V. 28, p. 428
112-107-7	New	V. 28, p. 428
112-107-9	New	V. 28, p. 429
112-107-10	New	V. 28, p. 429
112-107-11	New	V. 28, p. 430
112-107-13		
through		
112-107-32	New	V. 28, p. 430-440
112-107-34	New	V. 28, p. 441
112-110-1		
through		
112-110-13	New	V. 28, p. 464-470
112-111-1		
through		
112-111-5	New	V. 28, 470-472
112-112-1		
through		
112-112-9	New	V. 27, p. 1411-1413
112-113-1	New	V. 28, p. 382
112-114-1		
through		
112-114-6	New	V. 28, p. 472
112-114-8		
through		
112-114-12	New	V. 28, p. 472, 473
112-114-14	New	V. 28, p. 473

**AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-1	Amended	V. 27, p. 1704
115-2-3	Amended	V. 27, p. 1264
115-2-3a	Amended	V. 27, p. 1705
115-2-5	Amended	V. 27, p. 1265
115-4-1	Amended	V. 28, p. 569
115-4-4	Amended	V. 27, p. 403

115-4-4a	Amended	V. 27, p. 403
115-4-6	Amended	V. 27, p. 109
115-4-6a	Revoked	V. 27, p. 112
115-4-13	Amended	V. 27, p. 404
115-4-14	Revoked	V. 27, p. 112
115-7-1	Amended	V. 27, p. 1707
115-7-2	Amended	V. 27, p. 1708
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-8-1	Amended	V. 28, p. 571
115-8-9	Amended	V. 27, p. 1265
115-8-10	Amended	V. 27, p. 1265
115-8-13	Amended	V. 27, p. 112
115-18-7	Amended	V. 27, p. 406
115-18-21	New	V. 27, p. 1708

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 28, p. 373
117-2-2a	Amended	V. 28, p. 373
117-3-2a	Amended	V. 28, p. 373
117-4-2a	Amended	V. 28, p. 374
117-5-2	Amended	V. 28, p. 374
117-5-2a	Amended	V. 28, p. 375
117-6-1	Amended	V. 27, p. 357
117-7-1	Amended	V. 28, p. 375
117-10-1	New	V. 28, p. 375

**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

Reg. No.	Action	Register
121-9-1	Amended	V. 28, p. 457
121-10-1	New	V. 27, p. 1099
121-10-2	New	V. 27, p. 1099
121-11-1	New	V. 28, p. 457
121-11-2	New	V. 28, p. 457
121-12-1	New	V. 28, p. 459

**AGENCY 127: KANSAS HOUSING RESOURCES CORPORATION**

Reg. No.	Action	Register
127-2-1	New	V. 28, p. 192
127-2-2	New	V. 28, p. 192

127-2-3	New	V. 28, p. 193
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**AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION**

Reg. No.	Action	Register
128-1-1	New (T)	V. 27, p. 106
128-1-1	New	V. 27, p. 358
128-2-1	New	V. 27, p. 360
128-2-3		
through		
128-2-13	New	V. 27, p. 360-362
128-2-12	New (T)	V. 27, p. 107
128-3-1	New	V. 27, p. 362
128-4-1		
through		
128-4-9	New	V. 27, p. 363-367
128-4a-1	New	V. 27, p. 367
128-5-1	New	V. 27, p. 367
128-5-2	New	V. 27, p. 368
128-6-1	New	V. 27, p. 368
128-6-2	New	V. 27, p. 371
128-6-4	New	V. 27, p. 374

**AGENCY 129: KANSAS HEALTH POLICY AUTHORITY**

Reg. No.	Action	Register
129-5-1	Amended	V. 27, p. 628
129-5-78	New	V. 27, p. 1022
129-5-108	Amended	V. 27, p. 1346
129-10-15a	New	V. 27, p. 1346
129-10-15b	New	V. 27, p. 1348
129-10-17	New	V. 27, p. 1348
129-10-18	New	V. 27, p. 1350
129-10-23a	New	V. 27, p. 1353
129-10-23b	New	V. 27, p. 1353
129-10-25	New	V. 27, p. 1354
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129-10-27	New	V. 27, p. 1356
129-10-200	New	V. 27, p. 1356
129-10-210	New	V. 27, p. 1358

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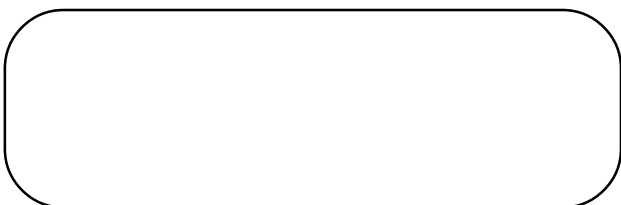
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