



# Kansas Register

Chris Biggs, Secretary of State

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## State of Kansas

## Real Estate Appraisal Board

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, January 18, in Suite 1102 of the Jayhawk Tower, 700 S.W. Jackson, Topeka, to consider the adoption of K.A.R. 117-7-1.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Appraisal Board, Suite 1102, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for ac-

commodation should be made at least five working days in advance of the hearing by contacting Sally Pritchett at (785) 296-6736 or [cheryl.magathan@kreab.state.ks.us](mailto:cheryl.magathan@kreab.state.ks.us).

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

**117-7-1. Fees.** This regulation is being amended to increase the original license/certification and renewal of license/certification fees from \$250 to \$275.

The economic impact to appraisers will be \$25 annually. The economic impact to the Real Estate Appraisal Board will be an increase in revenues of approximately \$28,100. There is no economic impact to other state agencies or to the public.

Copies of this regulation and the economic impact statement may be obtained by contacting the Kansas Real Estate Appraisal Board at (785) 296-6736, by fax at (785) 368-6443, by e-mail at [cheryl.magathan@kreab.state.ks.us](mailto:cheryl.magathan@kreab.state.ks.us), or from the board's Web site at <http://www.kansas.gov/kreab>.

Sally Pritchett  
Executive Director

Doc. No. 038887

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**Register Office:**  
1st Floor, Memorial Hall  
(785) 296-3489  
Fax (785) 368-8024  
[kansasregister@kssos.org](mailto:kansasregister@kssos.org)

State of Kansas

**Department of Revenue**

**Notice of Available Publications**

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for October 2010. Copies can be obtained by accessing the Policy Information Library located on the Internet at [www.ksrevenue.org](http://www.ksrevenue.org) or by calling the Office of Policy and Research at (785) 296-3081.

**Private Letter Rulings**

No new publications

**Opinion Letters**

No new publications

**Final Written Determinations**

No new publications

**Revenue Rulings**

No new publications

**Notices**

No new publications

**Memorandums**

No new publications

**Property Valuation Division Directives**

No new publications

**Q&A's**

No new publications

**Information Guides**

Landscaping Self-Audit Fact Sheet

Joan Wagnon  
Secretary of Revenue

Doc. No. 038885

State of Kansas

**Legislature**

**Interim Committee Schedule**

The following committee meetings have been scheduled during the period of November 12-23. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. The 2010 interim committee memberships and committee agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/Committees.htm>.

Date	Room	Time	Committee	Agenda
Nov. 12	548-S	10:00 a.m.	Special Committee on Assessment and Taxation	Review tax credits and policy options.
Nov. 12	142-S	2:00 p.m.	Kansas Electric Transmission Authority	KETA business: contracting and policy consideration.
Nov. 15	346-S	9:00 a.m.	Kansas DUI Commission	Discussion of bill draft and final report.
Nov. 16 Nov. 17	TBA	TBA	Special Committee on Education	Agenda not available.
Nov. 17	548-S	TBA	Legislative Coordinating Council	Legislative matters.
Nov. 18	548-S	10:00 a.m.	Legislative Post Audit Committee	Presentation of performance audits on water-related agencies, the Division of Purchases, and prescription drugs; selection of audit topics; and discussion of potential legislation for the 2011 Session.
Nov. 19	548-S	10:00 a.m.	Capitol Preservation Committee	Consideration of draft Requests for Qualifications and Proposal documentation.
Nov. 22	548-S	10:00 a.m.	Joint Committee on Kansas Security	Update and overview from the Adjutant General; military installations and energy development; and Capitol security.
Nov. 23	548-S	9:00 a.m.	Health Care Stabilization Fund Oversight	Annual meeting.

Jeffrey M. Russell  
Director of Legislative  
Administrative Services

Doc. No. 038891

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**Heartland Works, Inc.****Request for Proposals**

Heartland Works, Inc. is accepting bids for the purchase of local telephone services and long distance telephone services. Annual service costs are approximately \$25,000. To receive a request for proposal, including all specifications, contact the Heartland Works office at 5020 S.W. 28th St., Suite 100, Topeka, 66614-2348, (785) 234-0500. A partial copy of this RFP may be found at [www.heartlandworks.org](http://www.heartlandworks.org). Bids must be received not later than 3 p.m. December 9. Heartland Works, Inc. welcomes all interested companies to bid.

Kristine Kitchen  
Executive Director

Doc. No. 038893

**State of Kansas****Board of Regents Universities****Notice to Bidders**

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' Purchasing Offices' Web sites for a listing of all transactions, including construction projects, for which the universities' Purchasing Offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids or proposals.

**Emporia State University** — Bid postings: [www.emporia.edu/busaff/purchasing/vendor-procedures.htm](http://www.emporia.edu/busaff/purchasing/vendor-procedures.htm). Additional contact info: Phone 620-341-5145, fax 620-341-5073, e-mail [thouse@emporia.edu](mailto:thouse@emporia.edu). Mailing address: Emporia State University, Controller's Office/Purchasing, Campus Box 4021, 1200 Commercial, Emporia, KS 66801.

**Fort Hays State University** — Bid postings: [www.fhsu.edu/purchasing/bids](http://www.fhsu.edu/purchasing/bids). Additional contact info: Phone 785-628-4251, fax 785-628-4046, e-mail [purchasing@fhsu.edu](mailto:purchasing@fhsu.edu). Mailing address: Fort Hays State Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

**Kansas State University** — Bid postings: [www.k-state.edu/purchasing/rfq](http://www.k-state.edu/purchasing/rfq). Additional contact info: Phone 785-532-6214, fax 785-532-5577, e-mail [kspurch@k-state.edu](mailto:kspurch@k-state.edu). Mailing address: Controller's Office/Purchasing, 21 Anderson Hall, Kansas State University, Manhattan, KS 66506.

**Pittsburg State University** — Bid postings: [www.pittstate.edu/office/purchasing](http://www.pittstate.edu/office/purchasing). Additional contact info: Phone 620-235-4169, fax 620-235-4166, e-mail [jensch@pittstate.edu](mailto:jensch@pittstate.edu). Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762-7549.

**University of Kansas** — Electronic bid postings: <http://www.purchasing.ku.edu/>. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 7, Lawrence, KS 66045. Additional contact info: Phone 785-864-5971, fax 785-864-3454, e-mail [purchasing@ku.edu](mailto:purchasing@ku.edu).

**University of Kansas Medical Center** — Bid postings: <http://www2.kumc.edu/finance/purchasing/bids.html>. Additional contact info: Phone 913-588-1100, fax 913-588-1102. Mailing address: University of Kansas Medical Center; Purchasing Department, Mail Stop 2034; 3901 Rainbow Blvd., Kansas City, KS 66160.

**Wichita State University** — Bid Postings: [www.wichita.edu/purchasing](http://www.wichita.edu/purchasing). Additional contact info: Phone 316-978-3030, fax 316-978-3528. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 12, Wichita, KS 67260-0012.

Barry Swanson  
Chair of Regents Purchasing Group  
Director of Purchasing  
and Strategic Sourcing  
University of Kansas

Doc. No. 038494

**State of Kansas****Kansas Development Finance Authority****Notice of Hearing**

A public hearing will be conducted at 9 a.m. Wednesday, November 24, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the KDFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

**Project No. 000798—Maximum Principal Amount: \$200,000.** Owner/Operator: Derik M. Klaassen. Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Derik M. Klaassen and is located at the Southeast Quarter of Section 10, Township 21 South, Range 1 West, McPherson County, Kansas, approximately 4 miles west of Goessel and 1 mile south on 28th Avenue.

The bond, when issued, will be a limited obligation of the KDFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the KDFA, nor will it be an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

All individuals who appear at the hearing will be given an opportunity to express their views concerning the proposal to issue the bond to finance the project, and all written comments previously filed with the KDFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the KDFA.

Stephen R. Weatherford  
President

Doc. No. 038886

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**City of Overland Park, Kansas**

**Notice of Public Information Meeting**

The city of Overland Park will be conducting the first public meeting regarding the roadway improvement plan for Quivira Road, 119th Street to College Boulevard. This meeting has been scheduled to review the preliminary improvement plans that have been prepared for this project.

The open house public meeting will be held from 6 to 7:30 p.m. Thursday, November 18, at the Tomahawk Ridge Community Center located in the southwest corner of 119th Street and Lowell, Overland Park. Parking and entrance are located on the west side of the building.

The city of Overland Park wants to ensure that the public is aware of this public meeting. The city considers the Overland Park community's thoughts and ideas about this project to be extremely valuable and encourages the community's attendance at this meeting.

For more information, contact Wayne Gudenkauf, Senior Civil Engineer, city of Overland Park, at (913) 895-6042.

Mary Lou McClanahan  
Public Works Department  
City of Overland Park, Kansas

Doc. No. 038892

**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:

- 11/19/2010 0000213 Janitorial Services — McPherson
- 11/23/2010 0000243 Aggregate, District 1
- 11/30/2010 0000250 2010 Maintenance Project 303  
Tipple Clemens Coal Co.
- 11/30/2010 0000256 Signs, Traffic, Rollup
- 12/06/2010 0000244 Dosimeters
- 12/15/2010 0000255 Truck Routing and Intelligent  
Permitting System (K-Trips)
- 12/17/2010 0000241 Banking Services

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>

Chris Howe  
Director of Purchases

Doc. No. 038899

**State of Kansas**

**Department of Administration  
Division of Accounts and Reports**

**Public Notice**

Under requirements of K.S.A. 2009 Supp. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$7,883,795.55 in the Underground Petroleum Storage Tank Release Trust Fund and \$4,783,862.28 in the Aboveground Petroleum Storage Tank Release Trust Fund at October 31, 2010.

Duane Goossen  
Secretary of Administration

Doc. No. 038882

**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. 2009 Supp. 12-1675(b)(c)(d) and K.S.A. 2009 Supp. 12-1675a(g).

**Effective 11-8-10 through 11-14-10**

Term	Rate
1-89 days	0.19%
3 months	0.12%
6 months	0.15%
1 year	0.24%
18 months	0.31%
2 years	0.33%

Elizabeth B.A. Miller  
Director of Investments

Doc. No. 038880

**State of Kansas**

**Kansas Insurance Department**

**Notice of Changes in Pharmacy Networks**

Pursuant to K.S.A. 40-2,153, the Kansas Commissioner of Insurance is publishing notice that changes have occurred in the following pharmacy networks in the state of Kansas:

**Humana, Inc., Pharmacy Network** has notified the Insurance Department of the following addition to its pharmacy network:

Name	City	Effective
B and K Prescription Shop	Salina	9/21/2010

**Aetna U.S. Healthcare Pharmacy Network** has notified the department of the following additions to its pharmacy network:

Name	City	Effective
Harper Pharmacy	Harper	7/21/2010
Walgreens #13032	Prairie Village	7/1/2010
Cardinal Pharmacy, L.L.C.	Hoisington	8/11/2010

In addition, Aetna U.S. Healthcare Pharmacy Network has notified the department of the following terminations from its pharmacy network:

*(continued)*

Name	City	Effective
Krien Pharmacy	Krien Pharmacy	7/12/2010
Auburn Pharmacy	Lenexa	8/4/2010
Kramer Drug	Ottawa	8/1/2010

**CIGNA/CGLIC Pharmacy Network** has notified the department of the following additions to its pharmacy network:

Name	City	Effective
CVS Pharmacy #04323	Lenexa	9-May-10
Dillon Pharmacy #672727	Wichita	1-Jun-10
Harper Pharmacy	Harper	2-Apr-10
Ball Brothers Health Mart South	Atchison	4-May-10
Medfusionrx, LLC	Lenexa	1-May-10
Comcare Family Prescription	Wichita	1-Apr-10
Genoa Healthcare #40	Kansas City	1-Jun-10
Clifton Family Prescription	Wichita	1-May-10
Dillon Pharmacy #672728	Maize	1-Jun-10

In addition, CIGNA/CGLIC Pharmacy Network has notified the department of the following terminations from its pharmacy network:

Name	City	Effective
Tice Healthmart	Hiawatha	21-Apr-10
Wise Drug Inc.	Hill City	21-Apr-10
Briscoe Drug Store	Ottawa	21-Apr-10
Ar Ex Drug Store	Marysville	21-Apr-10
Columbus Family Pharmacy	Columbus	19-May-10
Allegre PBA Pharmacy	Ottawa	29-Jun-10

**Preferred Plus of Kansas/Preferred Health Systems Insurance Company Pharmacy Network** has notified the department of its new pharmacy network listing, effective 1/1/2011:

Pharmacy	City
Professional Pharmacy	Wichita
Goodland Medical Arts Pharmacy	Goodland
Walgreens #04782	Topeka
Walgreens #03069	Topeka
CVS Pharmacy #05271	Overland Park
Gibson's Pharmacy	Salina
Degoler Pharmacy	Kansas City
Wolkar Drug	Baxter Springs
Walgreens #04557	Topeka
Prescription Shop	Coffeyville
Salyer Pharmacy Inc.	Wichita
Taylor's Drug	Arkansas City
Miller Pharmacy	Edwardsville
Winfield Pharmacy	Winfield
Valley Drug Store	Valley Center
Baxter Drug	Baxter Springs
Gessler #0004	Wichita
Dunne's Pharmacy	Manhattan
Georgetown Pharmacy	Merriam
Evans Drug Inc.	Columbus
Riggs Drug Inc.	Chetopa
Reynolds Drug	Atchison
Crowell Drug Co. Inc.	Pittsburg
Gardner Pharmacy	Gardner
Arma Drug	Arma
Ken Mar Family Drugs	Wichita
Gessler East	Wichita
Bankes Health Mart	Abilene
Ricco Pharmacy	Abilene
Patterson Healthcare Pharmacy	Abilene
Trapp Pharmacy	Abilene

Irwin-Potter Drug Medical-Lab	Anthony
Currier Drug Inc.	Atwood
Cooper Drug Inc.	Augusta
Roberts Drug Store	Baldwin City
Arbuthnot Drug Company	Belleville
S & S Drug Co.	Beloit
Miller Pharmacy	Bonner Springs
Ashley Clinic Pharmacy	Chanute
Seventh St. Pharmacy	Erie
Cherryvale Pharmacy	Cherryvale
Clark Pharmacy	Cimarron
Patterson Health Mart Pharmacy	Clay Center
Rauch Med-Econ Pharmacy	Coffeyville
Palace Drug Store	Colby
Main Street Pharmacy	Coldwater
Palmquist Drug & Gifts	Concordia
Aldrich Apothecary	Council Grove
Dighton Drug	Dighton
El Dorado Truecare Pharmacy	El Dorado
F & M Drug LLC	Ellsworth
Seitz Drug Company Inc.	Ellsworth
Graves Drug Store	Emporia
Byrne's Pharmacy Inc.	Eudora
Mercy Health Center Pharmacy	Fort Scott
Plaza Pharmacy Inc.	Garden City
Mathis Drug Store	Girard
Hanover Professional Rx	Hanover
Boelling Pharmacy Inc.	Herington
Greenhaw Pharmacy	Hillsboro
Medical Pharmacy	Holton
Batson's Drug Store	Howard
Mahanna Pharmacy Inc.	Hoxie
Bloodhart Drug & Gift Co.	Hugoton
Hutchinson Clinic Pharmacy	Hutchinson
Coberly Drug	Hutchinson
Kolling Pharmacy	Junction City
Hassig Drugs Inc.	Kansas City
Abrams Pharmacy Inc.	Kansas City
Kingman Drug Store	Kingman
Kinsley Drug Co.	Kinsley
Kiowa's Prescriptions Plus	Kiowa
Medical Arts Pharmacy	Lawrence
Round Corner Drug	Lawrence
Allegre Rexall Drug	Lebo
El-Kan Drug	Liberal
Lincoln County Pharmacy	Lincoln
Apotek	Lindsborg
Barry's Drug Center	Manhattan
Kansas State University LaFene Pharmacy	Manhattan
Marion Pharmacy Inc.	Marion
Ar-Ex Drug Store Inc.	Marysville
Hibbard's Prescription	Medicine Lodge
City Pharmacy	Minneapolis
Montezuma Drug Store	Montezuma
Mulvane Pharmacy Inc	Mulvane
Porter Drug	Neodesha
Moffet Drug Store	Norton
Ward Drug Store	Oberlin
Gibson True Care Pharmacy LLC	Osage City
Schroeder Drugs	Osage City
Kramer Pharmacy	Ottawa
Auburn Pharmacy	Paola
Bowen Pharmacy	Parsons
Wenzl Drug Inc	Phillipsburg
The Medicine Shoppe #1293	Pittsburg
Unrein Drug Store	Plainville
Bruce Smith Drugs	Prairie Village
B & K Prescription Shop	Salina

Key Rx Drugs Southgate	Salina	Kays Pharmacy	Herington
Kriley's Family Drug Center	Smith Center	K Mart #7409	Topeka
Krien Pharmacy Inc.	St. Francis	Reed Pharmacy	Larned
Stockton Pharmacy	Stockton	Corner Drug & Gift Inc.	Downs
Hamilton County Drug Store	Syracuse	C & R Clinic Pharmacy	Elkhart
Highland Park Pharmacy	Topeka	The Corner Pharmacy	Leavenworth
Grant County Drug Company	Ulysses	Dillon's #0043	Lawrence
Gibson Drug Inc.	WaKeeney	Dillon's #0001	Dodge City
Wamego Drug Store Inc.	Wamego	Dillon's #0044	Junction City
Hoffman Pharmacy	Westmoreland	Dillon's #0108	Pittsburg
Wichita Clinic Pharmacy	Wichita	Wal*Mart #10-0484	Lawrence
Winchester Pharmacy	Winchester	Reno Pharmacy	Jetmore
K Mart #7444	Topeka	Wal*Mart #10-0557	Emporia
Iola Pharmacy Inc.	Iola	Wal*Mart #10-0042	Coffeyville
Medical Center Pharmacy	McPherson	Sabetha Healthmart	Sabetha
Consumers Pharmacy	Wichita	Dillon's #0021	Wichita
K Mart #4215	Kansas City	Wal*Mart Pharmacy #10-0486	Bonner Springs
Myers Family Center	Cedar Vale	Dillon's #0062	Wichita
Ferguson Rexall Drug	Clay Center	Dillon's #0034	Wichita
Dandurand Drug	Wichita	Galena Med-X Drug	Galena
K Mart #4443	Overland Park	Jim's Pharmacy	Salina
Wise Drug	Hill City	Parklane Pharmacy	Wichita
Watkins Health Center	Lawrence	Dillon's #0063	Wellington
Continental Pharmacy	Topeka	Wal*Mart #10-0592	Derby
Dons Drugs	Peabody	Wal*Mart #10-0577	Olathe
K Mart #4222	Shawnee Mission	Wal*Mart Pharmacy #10-0664	Hays
Medicap 151	Chanute	Dillon's #0060	Garden City
Medical Arts Pharmacy	Topeka	Prairie View Pharmacy	Newton
Don Dawson Pharmacy Inc.	Russell	Satanta Pharmacy	Satanta
University of Kansas Medical Center	Kansas City	Wal*Mart #10-0382	Ottawa
K Mart #3358	Wichita	Dillon's #0064	Topeka
K Mart #3322	Olathe	Oswego Drug Store	Oswego
Mankato Professional Rx	Mankato	Preston Socora Pharmacy	Wichita
Lindburg Pharmacy	Pittsburg	Wal*Mart #10-0770	Great Bend
The Medicine Shoppe #0188	Kansas City	Wal*Mart #10-0799	Liberal
K Mart #4171	Wichita	Wal*Mart #10-0794	Hutchinson
Dillon's #0025	Hutchinson	Walgreens #07778	Topeka
Doug's Pharmacy	Rossville	Dillon's #0048	Hutchinson
Dillon's #0005	Garden City	Dillon's #0065	Wichita
Dillon's #0036	McPherson	Medicine Store	Olathe
Degoler Pharmacy	Kansas City	Gibson Pharmacy	Dodge City
The Medicine Shoppe #1336	Overland Park	Walgreens #03772	Topeka
Dillon's #0059	Olathe	Fredonia Pharmacy	Fredonia
Lindsay Pharmacy Inc.	Wichita	Leekers Family Pharmacy	Park City
Kellstrom Pharmacy	Manhattan	Dillon's #0067	Topeka
Caldwell Pharmacy	Caldwell	Dillon's #0068	Lawrence
K Mart #7169	Salina	Hesston Phcy Inc	Hesston
Dillon's #0010	Hutchinson	Wal*Mart #10-0370	Wellington
Pratt Medical Arts Pharmacy	Pratt	Wal*Mart #10-0993	McPherson
Bales Pharmacy	Clearwater	Carbondale Pharmacy	Carbondale
Dillon's #0024	Newton	CVS Pharmacy #05265	Lenexa
Dillon's #0061	Hays	Dillon's #0066	Wichita
K Mart #3184	Hutchinson	Wal*Mart #10-0978	Arkansas City
K Mart #7037	Manhattan	Wal*Mart #10-1054	Atchison
Dillon's #0038	Arkansas City	Stark Edler Apothecary	Overland Park
CVS Pharmacy #05272	Shawnee Mission	Wal*Mart #10-0026	Leavenworth
Ashcraft Pharmacy	South Hutchinson	Kombo Pharmacy	Goddard
Dillon's #0033	Wichita	Wal*Mart #10-0652	Garden City
Bond Pharmacy	Kansas City	Haysville Healthmart Pharmacy	Haysville
K Mart #9647	Leavenworth	Garden Pharmacy	Garden City
Damm Pharmacy	Derby	Dillon's #0046	Manhattan
Funk Pharmacy	Concordia	Wal*Mart #10-1151	Kansas City
Medical Arts Pharmacy	Seneca	Pharmacy Express	Olathe
Dillon's #0016	Wichita	CVS Pharmacy #05268	Leavenworth
Dillon's #0041	Salina	Dillon's #0071	Shawnee
Dillon's #0018	Augusta	Hypermart #10-1802	Topeka
Dillon's #0051	Great Bend	Stark Pharmacy	Overland Park
Medical Park Pharmacy	Great Bend		(continued)

Reed Pharmacy Pharmerica #3117 Humboldt Pharmacy Family Prescription Shop Hy-Vee Pharmacy #1508 Wal*Mart #10-1221 Dillon's #0047 Mahoney's Pharmacy CVS Pharmacy #05266 Hy-Vee Pharmacy #1378 Wal*Mart #10-1214 Dillon's #0070 Wal*Mart #10-1187 Fraese Drug Yates Center Pharmacy Dixon Drug Wal*Mart #10-0341 Medical Center Pharmacy Dillon's #0233 Bachman Drug Inc. Wal*Mart #10-0346 Wal*Mart #10-0558 The Medicine Store Wal*Mart #10-0419 Dillon's #0074 Mark's Pharmacy Wal*Mart #10-0111 Wal*Mart #10-1507 Patterson Fam Apothecary Wal*Mart #10-0035 Dillon's #0072 Wal*Mart #10-1599 Dillon's #0073 Medical Center Pharmacy Orchards Drug Medicine Shoppe #1137 Wal*Mart #10-0372 Price Chopper Pharmacy #20 Wal*Mart #10-0378 The Medicine Shoppe #1148 The Medicine Shoppe #1153 G & L Pharmacy Inc. The Medicine Shoppe #1191 Auburn Pharmacy Inc. The Medicine Shoppe #1196 The Medicine Shoppe #45 Derby Drug Walgreens #02846 Auten Pharmacy Inc. Dillon's #0004 Moundridge Pharmacy Walgreens #02888 Wal*Mart #10-0072 Wal*Mart #10-1691 Degoler Pharmacy Hy-Vee Pharmacy #1422 Wal*Mart #10-0208 Tice Healthmart Wal*Mart #10-0186 Caney Drug CVS Pharmacy #05274 Richeys Rexall Drug Price Chopper Pharmacy #26 Dillon's #0026 The Medicine Shoppe #1236 Auburn Pharmacy Dillon's #0058 Qualicare Inc.	Sterling Lenexa Humboldt Wichita Overland Park Wichita Topeka Overland Park Shawnee Leawood Colby Lawrence Iola Hutchinson Yates Center Tribune Marysville Hutchinson Pratt Meade Augusta Salina Tonganoxie Pratt Salina Kansas City Chanute Wichita Clay Center Manhattan Wichita Overland Park Liberal Dodge City Lawrence Chanute Dodge City Leavenworth Holton Parsons Coffeyville Ness City Independence Garnett Great Bend Hutchinson Derby Topeka Osawatomie Derby Moundridge Topeka Pittsburg Overland Park Kansas City Mission Baxter Springs Hiawatha El Dorado Caney Olathe Erie Olathe Topeka Emporia Parsons Topeka Lawrence	Ray's Pharmacy Walgreens #03055 Walgreens #03056 Medicap Pharmacy #8121 Great Plains Compounding Walgreens #05768 Walgreens #05769 Walgreens #06361 Dillon's #0015 Maschino Family Pharmacy The Medicine Shoppe The Medicine Shoppe #1301 Coram Alternate Site Hen House Pharmacy #27 Price Chopper Pharmacy #119 Price Chopper Pharmacy Walgreens #05793 Scott City Pharmacy Barney's Pharmacy Wal*Mart #10-0342 Stark Pharmacy Wal*Mart #10-0242 Wal*Mart #10-0043 Jayhawk Pharmacy at Mt. Oread Columbus Family Pharmacy Dillon's #0029 Accredo Therapeutics Inc. Price Chopper Pharmacy #0025 Hy-Vee Pharmacy #1 (1377) Dillon's #0020 Wal*Mart #10-2131 Sabetha Family Pharmacy Gregwire Health Mart Pharmacy Auburn Pharmacy Dillon's #0045 The Prescription Centre Wal*Mart Pharmacy #10-1282 Wal*Mart #10-1099 Hy-Vee Pharmacy #1 (1463) Walgreens #06170 Dillon's #0012 Hy-Vee Pharmacy #1 (1560) Target #T-0531 Wal*Mart #10-2428 Auburn Pharmacy Queens Price Chopper #006 Hy-Vee Pharmacy #1509 Dillon's #0050 Eureka Pharmacy Dillon's #0206 The Medicine Shoppe #1430 Dillon's #0049 The Medicine Shoppe #1450 Wal*Mart #10-2490 Wichita County Pharmacy Silver Creek Pharmacy & Gifts Perry Drug Inc. Auburn Pharmacy NCS Healthcare of Kansas Inc. Witmer Drug Store Inc. Jayhawk Pharmacy Services Parsons Family Pharmacy CVS Pharmacy #05261 Hy-Vee Pharmacy #1510 The Medicine Shoppe #1490 Wal*Mart #10-0369 Valley Falls Healthmart Pharmacy Target #T-1756	Quinter Lawrence Lawrence Winfield Lenexa Wichita Wichita Wichita Manhattan Pleasanton Manhattan Wichita Lenexa Kansas City Overland Park Overland Park Wichita Scott City Wichita Hiawatha Overland Park Paola Junction City Lawrence Columbus El Dorado Overland Park Overland Park Lawrence Wichita Topeka Sabetha Russell Mound City Winfield Burlington Concordia Wichita Olathe Wichita Shawnee Lawrence Newton Louisburg Overland Park Overland Park Colby Eureka Newton Emporia Wichita Overland Park Roeland Park Leoti LaCygne Overland Park Overland Park Wichita Phillipsburg Topeka Parsons Prairie Village Overland Park Burlington Winfield Valley Falls Olathe
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Heartland Homecare Services	Lawrence	Wal*Mart Pharmacy #10-3283	Wichita
Wal*Mart #10-2562	Goodland	Walgreens #06363	Wichita
Walgreens #04183	Olathe	Sams Pharmacy #10-8254	Wichita
Walgreens #04185	Roeland Park	Sams Pharmacy #10-6418	Wichita
Wal*Mart #10-0039	Fort Scott	Costco Pharmacy #349	Lenexa
Hy-Vee Pharmacy #1532	Prairie Village	Kansas City Cancer Center Pharmacy	Overland Park
Hy-Vee Pharmacy #1561	Shawnee	Dandurand Pharmacy Inc.	Wichita
Target #T-1757	Overland Park	Country Mart Pharmacy	Tonganoxie
Wal*Mart #10-0368	Parsons	Costco Pharmacy #369	Overland Park
Walgreens #04234	Overland Park	Medical Center Pharmacy	Shawnee Mission
Walgreens #04186	Lenexa	Wal*Mart Pharmacy #10-3492	Wichita
Walgreens #05770	Wichita	Dillon Pharmacy #56	Wichita
Target #T-1759	Shawnee	Walgreens #07060	Manhattan
Wesley Outpatient Pharmacy	Wichita	Walgreens #07148	Hutchinson
Northside Dillon Pharmacy	Topeka	Auburn Pharmacy	Leawood
US Bioservices	Lenexa	Walgreens #06920	Overland Park
Biopartners In Care Inc.	Lenexa	Walgreens #07152	Newton
Dillon's #0077	Newton	Price Chopper Pharmacy #249	Shawnee
Hen House #0031	Merriam	Target #T-1487	Mission
Coram Specialty Infusion Service	Lenexa	Sam's Pharmacy #10-6426	Salina
Heartland Homecare Svc	Wichita	Clifton Family	Wichita
J & J Pharmacy	Lakin	CVS Pharmacy #05257	Olathe
Dillon's #75	Andover	Walgreens #07147	Wichita
Dillons Pharmacy #14	Hays	Walgreens #06112	Olathe
Price Chopper Pharmacy #121	Leawood	Custom Rx Inc	Wichita
Cheney Pharmacy	Cheney	Target #T-1543	Olathe
McLain Medical Clinic	Ransom	Hart Pharmacy	Wichita
Candlewood Healtmart Pharmacy	Manhattan	Senior Care Pharmacy	Wichita
CrOssroads Pharmacy	Belleville	Price Chopper Pharmacy #39	Shawnee
Saint Luke's South Retail Pharmacy	Overland Park	Target #T-1821	Manhattan
Walgreens #04221	Overland Park	Walgreens #07818	Great Bend
Homeland Pharmacy #646	Haysville	Walgreens #07550	Kansas City
Mercy Medical Plaza Pharmacy	Independence	Pamida Pharmacy #236	Norton
Woods Pharmacy	Fort Scott	Walgreens #07817	Dodge City
Walgreens #04981	Topeka	Wal*Mart Pharmacy #10-3273	Overland Park
Hen House Pharmacy #33	Shawnee Mission	Price Chopper Pharmacy #7	Spring Hill
Target #T-1943	Wichita	Target #T-1842	Overland Park
Price Chopper Pharmacy #117	Gardner	Wal*Mart Pharmacy #10-5180	Overland Park
Target T-92	Wichita	Wal*Mart Pharmacy #10-5207	Overland Park
Waldron's Pharmacy	Johnson	Preston Pharmacy	Wichita
The Medicine Shoppe #1660	Garnett	Walgreens #06707	Derby
Dillon #19	Lawrence	Walgreens #07972	Garden City
Hen House Pharmacy #32	Olathe	Rose Hill Pharmacy	Rose Hill
Walgreens #04665	Olathe	Wal*Mart Pharmacy #10-5308	Shawnee
U-Save Pharmacy	Hays	Gericare LTC	Iola
Walgreens #05539	Salina	Walgreens #02750	Wichita
Queen's Price Chopper Pharmacy	Bonner Springs	Richardson's Custom Rx	Wichita
Walgreens #06113	Wichita	Dillon Pharmacy #81	Wichita
Hy-Vee Pharmacy #2 (1379)	Lawrence	St. Marys Pharmacy	St. Marys
Walgreens #06006	Wichita	Broadway Pharmacy	Wichita
Wal*Mart Pharmacy #10-2893	Independence	Target #T-1944	Wichita
Medical Pavilion Pharmacy	Hays	Target #T-1945	Wichita
Walgreens #06005	Wichita	Walgreens #09049	Pittsburg
ARJ Infusion Services Inc.	Lenexa	Critical Care Systems Inc.	Lenexa
Wal*Mart Pharmacy #10-2855	Shawnee	Global Medical	Lenexa
Sams Pharmacy #10-8208	Lenexa	Cedar Creek Pharmacy	De Soto
Dillon's Pharmacy #37	Topeka	CVS Pharmacy #08237	Leawood
Auburn Pharmacy	Baldwin City	De Goler Pharmacy	Kansas City
Walgreens #06285	Hays	Sam's Pharmacy #10-8176	Topeka
Dillon's Pharmacy #40	Leavenworth	JCB Laboratories	Wichita
Walgreens #05840	Andover	Walgreens #02751	Wichita
Walgreens #06478	Merriam	Pharmacare Specialty Pharmacy #02858	Kansas City
Walgreens #06362	Wichita	Walgreens #09455	Parsons
Walgreens #05263	Shawnee Mission	Auburn Pharmacy	Louisburg
Lansing Pharmacy	Lansing	Sigler Pharmacy	Lawrence
Alternacare Infusion Pharmacy Inc.	Olathe	Price Chopper Pharmacy #12	Mission
Infusion LLC	Wichita	Meriden Pharmacy	Meriden
Sams Pharmacy #10-4707	Overland Park		

(continued)

Target #T-2043	Overland Park	Wal*Mart Pharmacy #10-4475	Olathe
Hen House Pharmacy #35	Fairway	Senior Rx Care of Kansas LLC	Topeka
Walgreens #09454	Independence	CVS Pharmacy #04521	Shawnee
Brunswick Pharmacy PA	Scott City	K and D Pharmacy LLC	Arkansas City
Walgreens #09424	Overland	Axelacare Health Solutions	Lenexa
Health One Pharmacy of Kansas City	Overland Park	Dandurand Inc.	Wichita
Kindred Care	Lawrence	Pleasanton Family Practice	Pleasanton
Walgreens #09376	Ottawa	Hoyt Health Mart Pharmacy	La Crosse
CVS Pharmacy # 8584	Kansas City	Independence Pharmacy Inc	Independence
CVS Pharmacy # 8599	Mission	Target #T-2448	Derby
CVS Pharmacy # 8600	Kansas City	Sam's Pharmacy #10-4791	Garden City
CVS Pharmacy # 8602	Overland Park	Auburn Pharmacy	Lenexa
CVS Pharmacy # 8606	Overland	Walgreens #09425	Shawnee
CVS Pharmacy # 8569	Olathe	The Medicine Store	Bonner Springs
CVS Pharmacy # 8603	Kansas City	Washington Healthmart	Washington
CVS Pharmacy # 8601	Overland Park	Wal*Mart Pharmacy #10-5219	Lawrence
CVS Pharmacy # 8582	Overland Park	Olathe Women's Center	Olathe
CVS Pharmacy # 8580	Shawnee	Medical Center Drug Store	Hutchinson
CVS Pharmacy # 8605	Topeka	Mariana E Lucero MD	Liberal
CVS Pharmacy # 8561	Lenexa	Neighborhood Pharmacy	Wichita
CVS Pharmacy # 8588	Leawood	The Downtown Drugstore	Tonganoxie
CVS Pharmacy # 8608	Kansas City	Rockers Pharmacy Inc.	Paola
CVS Pharmacy # 8585	Overland Park	Angel's Touch #1 Pharmacy	Kansas City
CVS Pharmacy # 8573	Overland Park	Walgreens #13784	Overland Park
CVS Pharmacy # 8586	Overland Park	Hy-Vee Pharmacy #1398	Manhattan
Price Chopper Pharmacy	Olathe	Walgreens #12586	McPherson
Yungberg Drug	Blue Rapids	Walgreens #12814	Manhattan
Oakley Health Mart Pharmacy	Oakley	Walgreens #11924	Overland Park
Sedan Pharmacy	Sedan	Gurpreet Singh Randhawa MD	Liberal
Hy-Vee Pharmacy #2	Olathe	Ball Brothers Health Mart	Atchison
Minneola Pharmacy	Minneola	CVS Pharmacy #03212	Lawrence
Wal*Mart Pharmacy #10-5307	Gardner	Walgreens #12815	Olathe
Target #T-2222	Kansas City	Walgreens #12923	Leavenworth
Walgreens #09985	Leawood	Angel's Touch Pharmacy	Kansas City
Walgreens #10150	Gardner	Mariana E Lucero MD	Liberal
Auburn Pharmacy Inc.	Wellsville	Bowen Pharmacy South	Parsons
Degoler Care Midwest Pharmacy	Kansas City	Walgreens #11370	Overland Park
Steve's Corner Drug	Hiawatha	QOL Meds	Hays
CVS Pharmacy #05156	Olathe	Kex Rx Pharmacy & Home Care	Horton
Wal*Mart Pharmacy #10-5441	Topeka	Ball Brothers Health Mark South	Atchison
Genoa Healthcare of Kansas LLC	Kansas City	Cardinal Drugstore	Chanute
Pamida Pharmacy #651	Seneca	Walgreens #12922	Bonner Springs
Biomed Pharmaceuticals	Lenexa	CVS Pharmacy #05889	Atchison
Walgreens #10125	Kansas City	Harper Pharmacy	Harper
Walgreens #11167	Emporia	CVS Pharmacy #04323	Topeka
Walgreens #10722	Liberal	College Park Family Care	Olathe
CVS Pharmacy #00676	Lawrence	Dillon Pharmacy #727	Wichita
Walgreens #11086	Fort Scott	Dillon Pharmacy #728	Maize
Comcare Family Prescription Shop	Wichita	QOL Meds	Independence
Apothecare	Pittsburg	Walgreens #13032	Prairie Village
Mainstreet Drug	Osborne	Cardinal Pharmacy LLC	Hoisington
Pamida Pharmacy #664	Smith Center	Pediatric Care Specialists	Overland Park
Walgreens #10721	El Dorado	Graves Drugs	Winfield
Pamida Pharmacy #670	Lyons		
Elmhurst Apothecary	Concordia		
Sigler Pharmacy LFPC	Lawrence		
Price Chopper Pharmacy #42	Olathe		
Pamida Pharmacy #674	Larned		
Dillon Pharmacy #92	Wichita		
Dillon Pharmacy #89	Wichita		
Wal*Mart Pharmacy #10-4321	Wichita		
Dillon Pharmacy #87	Wichita		
Walgreens #11369	Topeka		
Dillon Pharmacy #91	Arkansas City		
Medicine Shoppe Pharmacy #1831	Wichita		
Hy-Vee Pharmacy #1658	McPherson		
Coast Health Services	Topeka		
Iola Pharmacy Clinic	Cimarron		
	Iola		

Questions should be directed to the Kansas Insurance Department, (785) 296-3071.

Sandy Praeger  
Kansas Insurance Commissioner

Doc. No. 038883

## 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. Enbridge Pipelines (Ozark) LLC 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.

Enbridge Pipelines (Ozark) LLC, 119 N. 25th St. East, Superior, WI 54880, owns and operates a crude oil storage terminal located at 1480 Purity Springs S.W., El Dorado, KS 67042.

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, 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 Kristin R. Fritchman, (785) 368-6683, at the KDHE central office; and to review the proposed permit only, contact David Butler, (315) 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 Kristin R. Fritchman, KDHE, Bureau of Air, 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 December 13.

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, not later than the close of business December 13 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 im-

practicable 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.

John W. Mitchell  
Acting Secretary of Health  
and Environment

Doc. No. 038889

## State of Kansas

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

The Kansas Department of Health and Environment has reviewed an application from Master Landscape, Inc. to establish and operate a yard waste and manure composting facility. Materials to be composted at this facility will be generated by its lawn care business and the Manhattan Commission Company. This facility is located in the SE¼ of Section 10, Township 10S, Range 8E, Pottawatomie County, at 8951 Fielding Road, Manhattan, Kansas. 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 to Master Landscape, Inc. for the proposed yard waste and manure composting facility described herein. A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review November 12-December 13 during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment  
Solid Waste Permits Section  
Bureau of Waste Management  
1000 S.W. Jackson, Suite 320  
Topeka, 66612-1366  
Contact: Ken Powell  
(785) 296-1121

Pottawatomie County Clerk  
207 N. 1st, P.O. Box 187  
Westmoreland, 66549  
Contact: Susan Figge  
(785) 457-3314

Anyone wishing to comment on the draft permit information should submit written statements postmarked not later than December 13 to Ken Powell (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final decision on whether to issue the permit. Notice of the decision will be given to anyone who submitted written comments during the comment period and to those who requested notice of the final permit decision.

John W. Mitchell  
Acting Secretary of Health  
and Environment

Doc. No. 038881

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting public input regarding approval of the revised Post-Closure Plan and Sampling and Analysis Plan for the closed acid neutralization pond and the closed slop oil emulsion pond at the Williams Petroleum Services, LLC (Williams) facility located at 2nd and Oak St., Augusta. KDHE intends to approve the plans after the public comment period, November 12-December 11.

The acid neutralization and slop oil emulsion ponds were closed following sludge removal in 1988 and are under interim status with respect to RCRA Subtitle C. The acid neutralization pond received spent acids and caustics from refinery operations. The slop oil emulsion pond was utilized to dispose of a mixture of crude oil and water that did not readily separate. Following closure, volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs) and heavy metals were detected in the groundwater below the former surface impoundments. The groundwater contamination plume in this area extends from the regulated units off-site to the southeast. Williams has been monitoring this contamination through quarterly or semiannual groundwater sampling following a KDHE-approved plan since 1989.

The proposed Post-Closure Plan and Sampling and Analysis Plan currently under public review were submitted in response to the October 2009 Groundwater Monitoring System Operation and Maintenance Inspection Report (2009 O&M Report). The plans were revised by updating site maintenance activities that are currently utilized at the site. Additional revisions to the plans include changes to the monitoring well network, changes to the groundwater sampling method, and changes to the post-closure cost estimate.

The Post-Closure Plan and Sampling and Analysis Plan are available for public review at the Augusta Public Library, 1609 State St., Augusta, and at the KDHE Bureau of Waste Management Office, 1000 S.W. Jackson, Suite 320, Topeka. Written public comments on the revised plans must be postmarked during the 30-day public comment period. Any request for a public hearing must be received by December 11.

The public may submit comments, requests for additional information or requests for a public hearing to Mostafa Kamal, KDHE, Bureau of Waste Management, Hazardous Waste Permitting Section, 1000 S.W. Jackson, Suite 320, Topeka, 66612, (785) 296-1609 or mkamal@kdheks.gov. Following the receipt of the public comments, KDHE intends to approve the plans. Any public concerns expressed during the comment period will be considered prior to KDHE approval of the plans.

John W. Mitchell  
Acting Secretary of Health  
and Environment

Doc. No. 038894

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-10-196/202

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Burkdoll Brothers, Inc. Scott A. Burkdoll 3939 Ellis Road Rantoul, KS 66079	S/2 of Section 24 & N/2 of Section 25, T18S, R20E, Franklin County	Marais des Cygnes River Basin
Kansas Permit No. A-MCFR-H002 Federal Permit No. KS0092550		

This permit is being modified and reissued for a confined livestock feeding operation for 8,400 head (3,360 animal units) of swine weighing 55 pounds or more and 2,800 head (2,800 animal units) of beef cattle weighing 700 pounds or more, for a total of 11,200 head (6,160 animal units) of swine and cattle. There is no change from the permitted animal units from the previous permit. Modifications to the facility include the construction of an additional 2.5 acres of open beef lots and an additional retention control structure located in the North 1/2 of Section 25. This facility has an approved nutrient management plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
H & D Cattle Company Douglas A. Schmitt 784 Hwy. 181 Tipton, KS 67485	NW/4 of Section 32, T08S, R10W, Mitchell County	Solomon River Basin

Kansas Permit No. A-SOMC-B010  
This permit is being reissued to an existing facility with a maximum capacity of 699 head (699 animal units) of cattle weighing more than 700 pounds and 300 head (150 animal units) of cattle weighing less than 700 pounds. This permit includes a decrease in permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Steven L. Hargrave 10051 Senn Road Randolph, KS 66554	NE/4 of Section 32, T07S, R06E, Riley County	Big Blue River Basin

Kansas Permit No. A-BBRL-S015  
This permit is being reissued for an existing facility with a maximum capacity of 800 head (320 animal units) of swine weighing more than

55 pounds. There are approximately 3 acres of open lot confinement pens used seasonally to feed 30 head of lightweight cattle that were not included in the previous permit. The permit will include a schedule of compliance.

Name and Address of Applicant	Legal Description	Receiving Water
Kim Koop 1938 Falcon Road Hillsboro, KS 67063	SW/4 of Section 31, T19S, R02E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-B005

This permit is being reissued for an existing facility with a maximum capacity of 250 head (250 animal units) of beef cattle more than 700 pounds. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Clark Bro. & Hudson Michael Wayne Hudson Trust #1 & Tracy Clark 22958 Showalter Road La Cygne, KS 66040	SE/4 of Section 31, T19S, R24E, Linn County	Marais des Cygnes River Basin

Kansas Permit No. A-MCLN-S008

This permit is being reissued for an existing inactive facility for 1,888 head (755.2 animal units) of swine weighing more than 55 pounds and 1,630 head (163 animal units) of swine weighing 55 pounds or less, for a total capacity of 3,518 head (918.2 animal units). There is no change from the previous permit in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Daniel Beachy 4705 W Longview Road Hutchinson, KS 67501	NW/4 of Section 20, T24S, R06W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M007

This permit is being reissued for an existing facility for 80 head (112 animal units) of mature dairy cattle and 50 head (25 animal units) of cattle weighing less than 700 pounds for a total permitted capacity of 130 head (137 animal units). This represents a decrease in the permitted animal units from the previous permit. The permit contains a modification consisting of the addition of a mortality composting area where runoff is contained by agricultural land.

Name and Address of Applicant	Legal Description	Receiving Water
Cedar Ridge Farms, Inc. Quentin Ensz 7680 N.W. 120th Potwin, KS 67123	SW/4 of Section 34, T23S, R04E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-S002

This permit is being reissued for an existing facility for 835 head (334 animal units) of swine weighing more than 55 pounds, 250 head (25 animal units) of swine weighing 55 pounds or less, 300 head (300 animal units) of cattle weighing more than 700 pounds and 300 head (150 animal units) of cattle weighing less than 700 pounds, for a total permitted capacity of 1,685 head (809 animal units). There is no change in the permitted animal units from the previous permit.

**Public Notice No. KS-Q-10-126/135**

The requirements of the draft permits public noticed below 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
Benton, City of P.O. Box 388 Benton, KS 67017	Whitewater River via West Branch Whitewater River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-WA04-0001 Federal Permit No. KS0026689

Legal Description: NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, S9, T26S, R3E, Butler County  
Facility Description: The proposed action consists of reissuance of a Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring for ammonia, sulfates, total phosphorus and pH.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Burrton, City of 203 N. Burrton Ave. Burrton, KS 67020	Little Arkansas River via Kisiwa Creek	Treated Domestic Wastewater

Kansas Permit No. M-LA02-0001 Federal Permit No. KS0049786

Legal Description: NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, S28, T23S, R3W, Harvey County  
Facility Description: The proposed action consists of reissuance of a Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring for ammonia, total phosphorus, chlorides, nitrates, specific conductivity and pH.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Emmett, City of P.O. Box 27 Emmett, KS 66422	Kansas River via Cross Creek	Treated Domestic Wastewater

Kansas Permit No. M-KS16-0001 Federal Permit No. KS0046396

Legal Description: NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, S34, T8S, R12E, Pottawatomie County

Facility Description: The proposed action consists of reissuance of a 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 for ammonia, E. coli and pH.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Kansas Turnpike Authority 9401 E. Kellogg Wichita, KS 67207	Whitewater River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. C-WA09-0002 Federal Permit No. KS0053651

Legal Description: S<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, S22, T26S, R4E, Butler County

Facility Name: Kansas Turnpike Authority - Towanda Service Area

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Meriden, City of P.O. Box 262 Meriden, KS 66512	Kansas River via Muddy Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-KS43-0001 Federal Permit No. KS0046434

Legal Description: NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, S12, T10S, R16E, Jefferson County  
Facility Description: The proposed action consists of reissuance of a Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring for ammonia, total phosphorus, total recoverable lead and pH.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Linwood, City of P.O. Box 146 Linwood, KS 66052	Kansas River via Stranger Creek via Nine Mile Creek	Treated Domestic Wastewater

Kansas Permit No. M-KS36-0001 Federal Permit No. KS0047481

Legal Description: W<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, S14, T12S, R21E, Leavenworth County

Facility Description: The proposed action consists of reissuance of a Kansas/NPDES Water Pollution Control permit for an existing facility

(continued)

ity. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring for ammonia, total phosphorus, total recoverable lead and zinc, and pH.

<b>Name and Address of Applicant</b>	<b>Receiving Stream</b>	<b>Type of Discharge</b>
Maple Hill, City of P.O. Box 215 Maple Hill, KS 66507	Mill Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-KS39-OO01 Federal Permit No. KS0046426

Legal Description: NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S19, T11S, R13E, Wabaunsee County

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

<b>Name and Address of Applicant</b>	<b>Receiving Stream</b>	<b>Type of Discharge</b>
Paxico, City of P.O. Box 27 Paxico, KS 66526	Mill Creek via Mulberry Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-KS57-OO01 Federal Permit No. KS0046469

Legal Description: SE $\frac{1}{4}$ , NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S26, T11S, R11E, Wabaunsee County

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

<b>Name and Address of Applicant</b>	<b>Receiving Stream</b>	<b>Type of Discharge</b>
Towanda, City of P.O. Box 160 Towanda, KS 67144	Whitewater River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-WA14-OO02 Federal Permit No. KS0098761

Legal Description: SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , S16, T26S, R4E, Butler County

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

<b>Name and Address of Applicant</b>	<b>Receiving Stream</b>	<b>Type of Discharge</b>
Darrell & Patricia Breusing 2812 Stone Valley Drive Manhattan, KS 66502	Kansas River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. C-KS66-OO02 Federal Permit No. KS0092053

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

Facility Name: Walnut Grove Mobile Home Park - Breusing Subdivision  
Facility Location: E. Highway 24 & Hopkins Road, St. George, KS 66535

Facility Description: The proposed action consists of reissuance of a Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, E. coli, total residual chlorine and pH, as well as monitoring for ammonia, total phosphorus and effluent flow.

### Public Notice No. KS-EG-10-017

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the well(s) described below within the state of Kansas:

#### Name and Address of Applicant

Koch Agriculture Company  
4111 E. 37th St. North  
Wichita, KS 67720  
Facility Location: 501 N. Santa Fe, Salina, Kansas

#### Well and

<b>Permit Number</b>	<b>Location</b>
1 and 2/ KS-05-585-001	SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , S12, T14S, R2W, Salina County

Facility Description: The proposed action is to issue an Underground Injection Control Area - Class V Injection Well permit for a remediation project that includes the use of injection wells number 1 and 2. Injection is into the alluvial aquifer of the Smoky Hill River Valley through screens from a depth of approximately 41 to 81 feet below ground level. The permittee is authorized to inject liquid consisting of recovered groundwater contaminated by grain fumigants and treated by air stripping for removal of volatile organic contaminants. A sequestrant will be added prior to air stripping. The purpose of injection is to remediate the groundwater and to maintain hydraulic control of the site. The maximum wellhead injection pressure limit for this project is 50 psig. The maximum rate of flow for the project is 3,024,000 gallons per week. The construction, monitoring and operation of these wells shall meet the requirements that apply to Class V injection wells under K.A.R. 28-46-1 through 28-46-42 and K.A.R. 28-30-1 through K.A.R. 28-30-10.

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 December 11 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-10-196/202, KS-Q-10-126/135, KS-EG-10-017) 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 Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays.

John W. Mitchell  
Acting Secretary of Health  
and Environment

Doc. No. 038890

(Published in the Kansas Register November 11, 2010.)

**City of De Soto, Kansas**

**Notice of Intent to Seek Private Placement**

**Taxable General Obligation Improvement Bonds,  
Series 2010C**

**(Recovery Zone Economic Development Bonds —  
Direct Pay)  
and**

**General Obligation Improvement Bonds,  
Series 2010D**

Notice is hereby given that the city of De Soto, 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 \$1,500,000. 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 November 4, 2010.

Lana R. McPherson, MMC  
City Clerk

Doc. No. 038895

(Published in the Kansas Register November 11, 2010.)

**Summary Notice of Bond Sale**

**City of Newton, Kansas**

**\$3,120,000\***

**General Obligation Tax Increment Financing Bonds  
Series 2010-C**

**(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the Notice of Bond Sale dated October 26, 2010, written and electronic bids will be received on behalf of the assistant city manager for budget and finance of the city of Newton, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 2 p.m. November 23, 2010, for the purchase of the above-referenced bonds. No bid of less than 99.3 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated December 15, 2010, and will become due on December 1 in the years as follows:

Year	Principal Amount*
2013	\$140,000
2014	140,000
2015	145,000
2016	145,000
2017	150,000

2018	155,000
2019	160,000
2020	160,000
2021	165,000
2022	170,000
2023	175,000
2024	180,000
2025	190,000
2026	195,000
2027	200,000
2028	210,000
2029	215,000
2030	225,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning June 1, 2011.

**\*Principal Amounts Subject to Change**

The aggregate principal amount of the bonds or any maturity are subject to change upon the terms set forth in the official Notice of Bond Sale.

**Book-Entry-Only System**

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

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States, a qualified financial surety bond or a wire transfer in Federal Reserve funds immediately available for use by the issuer in the amount of \$62,400.

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about December 15, 2010, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2010 is \$128,071,443. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is \$47,900,000\*.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the undersigned or from the financial advisor at the addresses set forth below.

(continued)

**Written Bid and Good Faith Deposit**

**Delivery Address:**  
 City Hall  
 201 E. 6th, P.O. Box 426  
 Newton, KS 67114  
 Attn: Lunda Asmani  
 Assistant City Manager for  
 Budget and Finance

2020	230,000
2021	240,000
2022	245,000
2023	255,000
2024	265,000
2025	275,000
2026	285,000
2027	295,000
2028	305,000
2029	320,000
2030	335,000

**Financial Advisor – Facsimile Bid and Good Faith Deposit Delivery Address:**

George K. Baum & Company  
 100 N. Main, Suite 810  
 Wichita, KS 67202  
 Attn: Charles M. Bouilly  
 (316) 264-9351  
 Fax (316) 264-9370  
 E-mail: bouilly@gkbaum.com

Dated October 26, 2010.

City of Newton, Kansas

\*Subject to change.

Doc. No. 038898

(Published in the Kansas Register November 11, 2010.)

**Summary Notice of Sale  
 Fire District #1  
 Johnson County, Kansas  
 \$4,325,000\*  
 General Obligation Bonds  
 Series 2010A**

**(General obligation bonds payable from unlimited ad valorem taxes)**

**Bids**

Written and electronic bids (as explained below) for the purchase of the above-referenced bonds of the Fire District #1 - Johnson County, Kansas (the issuer), herein described will be received on behalf of the undersigned clerk of the issuer, in the case of written bids, at the address hereinafter set forth, and in the case of electronic bids, via PARITY, on November 17, 2010 (the sale date), until 10 a.m. Central Time. No bid for less than 99.0 percent of the bonds will be considered. All bids will be publicly evaluated at said time and place and the award of the bonds will be acted upon by the governing body at its meeting to be held at 7 p.m. on the sale date. No oral or auction bids will be considered.

**Bond Details**

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

Year	Principal Amount*
2014	\$200,000
2015	205,000
2016	210,000
2017	215,000
2018	220,000
2019	225,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2012. The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and registrar for the bonds.

**Book-Entry-Only System**

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

**Good Faith Deposit**

Each bid for the bonds shall be accompanied by a good faith deposit in the form of (i) a cashier's or certified check drawn on a bank located in the United States, (ii) a qualified financial surety bond, or (iii) a wire transfer in Federal Reserve funds immediately available for use by the issuer in the amount of 2 percent of the principal amount of the bonds.

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder(s) on or about December 13, 2010, to DTC for the account of the successful bidder(s).

**Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable tangible property within the issuer for the year 2010 is \$102,040,168. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, but excluding the notes to be retired with the proceeds of such bonds, is \$4,325,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the undersigned or from the financial advisor at the addresses set forth below.

**Good Faith Deposit Delivery Address:**

Max Sielert, Fire Chief  
 Fire District #1 - Johnson County, Kansas  
 490 New Century Parkway  
 New Century, KS 66031  
 (913) 782-3258



Fax (913) 782-5709

**Financial Advisor - Written and Facsimile Bid and Good Faith Deposit Delivery Address:**

Piper Jaffray & Co.  
11150 Overbrook Road, Suite 310  
Leawood, KS 66211-2298  
(913)345-3375  
Fax (913)345-3393  
E-mail: dustin.j.avey@pjc.com

Dated November 1, 2010.

Fire District #1  
Johnson County, Kansas

\*Preliminary; subject to change.

Doc. No. 038900

**State of Kansas  
Department of Revenue  
Division of Alcoholic Beverage Control  
Permanent Administrative  
Regulations**

**Article 11.—TRADE PRACTICES**

**14-11-11.** (Authorized by K.S.A. 41-1118; implementing K.S.A. 1983 Supp. 41-1101; effective May 1, 1984; revoked Nov. 29, 2010.)

**14-11-22. Special order shipping; license requirements.** (a) Each owner or operator of a winery located either within this state or in another state wishing to ship wine directly to consumers in Kansas shall first obtain a special order shipping license from the secretary.

(b) Each application for a special order shipping license shall be submitted upon a form prescribed by the director, contain all information that the director deems necessary, and include the following:

- (1) A copy of the winery’s federal basic wine manufacturing permit;
- (2) the appropriate license and registration fees; and
- (3) a bond, pursuant to K.S.A. 41-317(b) and amendments thereto.

(c) The application of any winery may be rejected by the director for any of the following reasons:

- (1) The application does not include all information that the director deems necessary.
- (2) The application does not include a copy of the winery’s federal basic wine manufacturing permit.
- (3) The application does not include the appropriate license and registration fees.
- (4) The application does not include the required bond.
- (5) The applicant or its owners, officers, agents, or managers have violated a provision of the liquor control act or these regulations relating to special order shipping.
- (6) The applicant or its owners, officers, agents, or managers are currently delinquent in payment of any gallonage tax, enforcement tax, or any fees or fines to the state of Kansas.
- (7) The applicant or its owners, officers, agents, or managers previously held a license issued under the liquor control act or the club and drinking establishment act,

and when that license expired or was surrendered, the licensee was delinquent in payment of any gallonage tax, enforcement tax, or any fees or fines to the state of Kansas.

(8) The applicant has had a liquor license revoked for cause in Kansas or another state.

(9) The applicant or its owners, officers, agents, or managers are currently delinquent in payment of any tax, fees, or fines to any state or to the United States.

(d) The special order shipping license shall be valid for two years from the date of issuance. The owner or operator of a winery wishing to renew its special order shipping license shall submit its renewal application to the department at least 30 days before the expiration of its current license. (Authorized by and implementing K.S.A. 2009 Supp. 41-350, as amended by L. 2010, ch. 142, sec.10; effective Nov. 29, 2010.)

Joan Wagnon  
Secretary of Revenue

Doc. No. 038897

**State of Kansas  
Department of Revenue  
Permanent Administrative  
Regulations**

**Article 24.—LIQUOR DRINK TAX**

**92-24-23. Bond.** (a) Each applicant or licensee submitting an application for a new license or for renewal of an existing license shall post or have posted with the department of revenue a bond in an amount equal to three months’ average liquor drink tax liability or \$1000, whichever is greater, at the time of the application. Any new applicant who has no previous tax experience may estimate that person’s expected liquor drink tax liability projected over a 12-month period and submit a bond in an amount equal to 25% of the projected tax liability or \$1000, whichever is greater. A certificate of liquor drink tax registration shall not be issued until the bond requirement is satisfied.

(b) Bond requirements may be satisfied through surety bonds purchased from a corporate surety, escrow bond agreements, or the posting of cash bonds.

(c) An additional bond may be required by the secretary of revenue at any time if the existing bond is not sufficient to satisfy the three months’ average liability of the licensee.

(d) The existing liquor drink tax bond requirement for any licensee may be waived by the secretary of revenue if the relief is requested in writing and the licensee has remained compliant with K.S.A. 79-41a01 et seq., and amendments thereto, for at least 24 consecutive months before the date of the request for bond relief. If, after the bond is released, the licensee becomes delinquent in filing and remitting the liquor drink tax, a bond shall be required for any subsequent renewal of the license. (Authorized by and implementing K.S.A. 2009 Supp. 79-41a03; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983; amended, T-88-58, Dec. 16, 1987; amended May 1, 1988; amended Jan 4, 2002; amended Nov. 29, 2010.)

Joan Wagnon  
Secretary of Revenue

Doc. No. 038896

## State of Kansas

Department of Health  
and EnvironmentPermanent Administrative  
RegulationsArticle 19.—AMBIENT AIR QUALITY STANDARDS  
AND AIR POLLUTION CONTROL

**28-19-200a. General provisions; definitions to implement the federal greenhouse gas tailoring rule.** (a) The definition of "major source," as adopted by reference in this regulation, shall supersede the definition of "major source" in K.A.R. 28-19-200 for the purposes of the following regulations:

- (1) K.A.R. 28-19-500 through K.A.R. 28-19-502;
- (2) K.A.R. 28-19-510 through K.A.R. 28-19-518;
- (3) K.A.R. 28-19-540 through K.A.R. 28-19-546; and
- (4) K.A.R. 28-19-561 through K.A.R. 28-19-564.

(b) "Major source," as defined in 40 C.F.R. 70.2 and as revised on July 1, 2009 and amended by 75 fed. reg. 31607 (2010), is adopted by reference.

(c) "Subject to regulation," as defined by 75 fed. reg. 31607 (2010), which amends 40 C.F.R. 70.2, is adopted by reference. This definition of "subject to regulation" shall apply only to that term as used in the definition of "major source," which is adopted by reference in subsection (b) of this regulation.

This regulation shall be effective on and after January 2, 2011. (Authorized by and implementing K.S.A. 2009 Supp. 65-3005; effective Jan. 2, 2011.)

**28-19-325. Compressed air energy storage.** (a) The terms "compressed air energy storage" and "CAES," as used in this regulation, shall mean the compression and storage of air that is released and converted to energy for the production of electricity.

(b) Each person who proposes to construct, modify, or operate a CAES facility with a potential-to-emit that equals or exceeds the emissions thresholds, emissions limitations, or standards specified in K.A.R. 28-19-300 shall comply with the following upon application for a construction permit or approval:

(1) All applicable provisions of the Kansas air quality act and the Kansas air quality regulations as directed by the secretary; and

(2) for underground CAES facilities, any applicable regulations adopted by the Kansas corporation commission pursuant to K.S.A. 66-1274, and amendments thereto.

(c) Each person who proposes to construct or modify a CAES facility that includes underground storage and does not include energy production utilizing combustion shall meet the following requirements:

(1) Upon application for a construction permit or approval, the person shall comply with any applicable regulations adopted by the Kansas corporation commission pursuant to K.S.A. 66-1274, and amendments thereto.

(2) The person shall develop and submit to the department for approval, with the application for a construction permit or approval, a site emissions characterization plan that determines the types and quantities of any regulated

pollutants that reasonably could be present. The site emissions characterization plan shall include the following:

(A) A list of volatile organic compounds and hazardous air pollutants, as defined in K.A.R. 28-19-201, that are or reasonably could be present in the proposed storage formation within the facility and that could be emitted as a result of the facility's operations;

(B) the spatial characteristics of the proposed storage formation, including existing and proposed injection and withdrawal wells;

(C) a site characterization sampling plan that includes plans, either maps or diagrams, and a rationale for the following:

- (i) Proposed sample types;
- (ii) sampling locations;
- (iii) number of samples; and
- (iv) test methodologies;

(D) a quality assurance plan;

(E) the use of a laboratory approved by the secretary;

(F) any additional information that may be required by the department to fully characterize the site's emissions;

(G) a schedule that includes a timeline for implementing the requirements prescribed in paragraph (c)(2); and

(H) existing information or knowledge about the proposed site or an adjacent site, as approved by the secretary, to complete, supplement, or take the place of any or all elements of the site emissions characterization plan prescribed in paragraph (c)(2).

(3)(A) If the site emissions characterization plan results indicate that emissions equal or exceed the emissions thresholds, emissions limitations, or standards specified in K.A.R. 28-19-300, the person proposing to construct or modify the CAES facility shall be subject to the applicable provisions of K.A.R. 28-19-300 through 28-19-350 for obtaining a construction permit or approval before commencing construction.

(B) If the person decides to proceed with the proposed CAES facility, the person shall submit the site emissions characterization plan results with an application for a construction permit or approval to the department.

(d)(1) The owner or operator of each CAES facility operating pursuant to a permit or approval issued by the department shall conduct emissions testing once every four calendar quarters in accordance with a sampling plan approved by the secretary. A certified copy of the test results signed by the person conducting the tests shall be provided to the department not later than 60 days after the end of the calendar quarter in which the emissions testing was conducted.

(2) The owner or operator may be required by the secretary to increase test frequency if emissions test results are close to or exceed an emissions limitation or an emissions threshold specified in a permit or approval issued by the secretary to the CAES facility.

(3) Upon written request by the owner or operator, decreased or suspended emissions testing may be approved by the secretary if the source demonstrates emissions test results significantly below emissions limitations or emissions thresholds specified in a permit or approval for three consecutive years.

(e)(1) The owner or operator of each CAES facility operating pursuant to a permit or approval issued by the department shall inspect the aboveground components of each CAES well and storage facility for liquid and vapor leaks at least once each calendar quarter. The owner or operator shall visually inspect for liquid leaks and shall test for vapor leaks using test methods consistent with USEPA method 21 in 40 C.F.R. part 60, appendix A, as adopted by reference in K.A.R. 28-19-720, or an alternate method as demonstrated to the satisfaction of the secretary to be equivalent. Leak detection points to be inspected and tested shall include the following:

- (A) Valves;
  - (B) flanges and other connections;
  - (C) pumps and compressors;
  - (D) pressure-relief devices;
  - (E) process drains;
  - (F) open-ended lines or valves;
  - (G) seal system degassing vents and accumulator vents;
- and
- (H) access door seals.

(2) The owner or operator shall record the following information and keep the information available at the CAES facility for at least five years for department inspection or for submittal upon request by the department, which may include submittal with the emissions test results specified in subsection (d):

- (A) The total number and the locations of the leak detection points;
- (B) the date of each inspection;
- (C) the number of leak detection points inspected and the number of leaks detected for each inspection date;
- (D) the location of leaks detected for each inspection date; and
- (E) the date and type of each corrective action taken. (Authorized by K.S.A. 2009 Supp. 65-3005 and 66-1275; implementing K.S.A. 2009 Supp. 65-3005, K.S.A. 65-3007, 65-3008, 65-3010, and K.S.A. 2009 Supp. 66-1275; effective Nov. 29, 2010.)

**28-19-350. Prevention of significant deterioration (PSD) of air quality.** (a) PSD requirements. The requirements of this regulation shall apply to the construction of major stationary sources and major modifications of stationary sources as defined in 40 C.F.R. 52.21 in areas of the state designated as attainment areas or unclassified areas for any pollutant under the procedures prescribed by section 107(d) of the federal clean air act, 42 U.S.C. 7407(d).

(b) Adoption by reference; exceptions.

(1) 40 C.F.R. 52.21, as revised on July 1, 2007 and as amended by 75 fed. reg. 31606-31607 (2010), is adopted by reference, except as specified in paragraphs (b)(2) and (3).

(2) The following subsections of the federal regulation adopted in paragraph (b)(1) are excluded from adoption:

- (A) Plan disapproval, 52.21(a)(1);
- (B) stack heights, 52.21(h);
- (C) air quality analysis, 52.21(m)(1)(v);
- (D) visibility monitoring, 52.21(o)(3);
- (E) public participation, 52.21(q);
- (F) environmental impact statements, 52.21(s);

- (G) disputed permits or redesignations, 52.21(t);
- (H) delegation of authority, 52.21(u); and
- (I) permit rescission, 52.21(w).

(3) The following subsections of the federal regulation adopted in paragraph (b)(1), which are subject to a federal court order of stay or remand or have been vacated, are excluded from adoption:

(A) Routine maintenance, repair, and replacement:

- (i) The second sentence of 52.21(b)(2)(iii)(a);
- (ii) 52.21(b)(55-58); and
- (iii) 52.21(cc); and

(B) recordkeeping requirements for projected actual emissions: the clause "in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase" in 52.21(r)(6).

(c) Provisions adopted by reference; term usage. When used in any provision adopted from 40 C.F.R. 52.21, each reference to "administrator" shall mean the "secretary of health and environment or an authorized representative of the secretary," except for the following:

(1) In subsections 52.21(b)(3)(iii)(a) and 52.21(b)(48)(ii), "administrator" shall mean both the "secretary of health and environment" and the "administrator of USEPA."

(2) In subsections 52.21(b)(17), 52.21(b)(37)(i), 52.21(b)(43), 52.21(b)(48)(ii)(c), 52.21(b)(50)(i), 52.21(b)(51), 52.21(g), 52.21(i)(6-8), 52.21(l)(2), and 52.21(m)(1)(vii - viii), "administrator" shall mean only the "administrator of USEPA."

(d) Internal references. The following portions of 40 C.F.R. part 51 are hereby adopted by reference:

(1) Subpart I, as revised on July 1, 2007 and as amended by 75 fed. reg. 31606 (2010); and

(2) appendices S and W, as revised on July 1, 2007.

(e) Definitions. For the purposes of this regulation, the following definitions shall apply:

(1) "Act" shall mean the federal clean air act, 42 U.S.C. 7401 et seq.

(2) "Class I, II or III area" shall mean a classification assigned to any area of the state under the provisions of sections 162 and 164 of the act, 42 U.S.C. 7472 and 7474, and amendments thereto.

(3) "State" shall mean the state of Kansas, unless the context clearly indicates otherwise.

(f) Ambient air ceiling protection. In relation to ambient air ceilings, the following requirements shall apply:

(1) Except as stated in paragraph (f)(2) of this regulation, a permit shall not be issued for any new major stationary source or major modification as defined in 40 C.F.R. 52.21(b) if the source or modification will be located in an attainment area or an unclassifiable area for any national ambient air quality standard and if the source or modification would cause or contribute to a violation of any national ambient air quality standard. A major source or major modification shall be considered to cause or contribute to a violation of a national ambient air quality standard if the air quality impact of the source or modification would exceed the following levels at any locality that does not or would not meet the applicable national standard:

(continued)

Pollutant	Averaging Time				
	Annual	24 hrs.	8 hrs.	3 hrs.	1 hr.
Sulphur dioxide	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-----	25 µg/m <sup>3</sup>	-----
PM <sub>10</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-----	-----	-----
Nitrogen dioxide	1.0 µg/m <sup>3</sup>	-----	-----	-----	-----
Carbon monoxide	-----	-----	0.5 mg/m <sup>3</sup>	-----	2 mg/m <sup>3</sup>

(2) A permit may be granted for a major stationary source or major modification as identified in paragraph (f)(1) of this regulation if the impact of the major stationary source's or major modification's emissions upon air quality is reduced by a sufficient amount to compensate for any adverse impact at the location where the major source or modification would otherwise cause or contribute to a violation of any national ambient air quality standard. Subsection (f) shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that the source is located in an area that has been identified as not meeting either the national primary or secondary ambient air quality standard for that particular pollutant.

(g) Stack height requirements. K.A.R. 28-19-18 through K.A.R. 28-19-18f, regarding stack height requirements, shall apply to the sources subject to this regulation.

(h) Application required. Each application for a PSD permit shall be submitted by the owner or operator on the forms provided or approved by the department. K.A.R. 28-19-300 through K.A.R. 28-19-304, regarding construction permit and approval requirements, shall apply to the sources subject to this regulation.

(i) Impact on federal class I areas; notification required. If the emissions from any proposed major stationary source or major modification subject to this regulation will affect any air quality-related values in any federal class I area, a copy of the permit application for the source or modification shall be transmitted by the secretary or an authorized representative of the secretary to the administrator of USEPA through the appropriate regional office. The administrator, through the appropriate regional office, shall also be notified of every action taken concerning the application.

(j) Permit suspension or revocation. Any permit issued under this regulation may be suspended or revoked by the secretary upon a finding that the owner or operator has failed to comply with any requirement specified in the permit or with any other statutory or regulatory requirement. This subsection shall not be interpreted to preclude any other remedy provided by law to the secretary.

(k) Public participation requirements. In addition to the requirements of K.A.R. 28-19-204, the following public participation requirements shall be met before issuance of the permit:

(1) The public notice shall include the following:

(A) A statement specifying the portion of the applicable maximum allowable increment that is expected to be consumed by the source or modification; and

(B) A statement that the federal land manager of any adversely impacted federal class I area has the opportunity to provide the secretary with a demonstration that the emissions from the proposed source or modification will have an adverse impact on air quality-related values in the federal class I area.

(2) A copy of the public notice shall be mailed to the following:

- (A) The applicant;
- (B) the administrator of USEPA through the appropriate regional office;
- (C) any state or local air pollution control agency having jurisdiction in the air quality control region in which the new or modified installation will be located;
- (D) the chief executives of the city and county where the source will be located;
- (E) any comprehensive regional land use planning agency having jurisdiction where the source will be located; and
- (F) any state, federal land manager, or Indian governing body whose lands will be affected by emissions from the new construction or modification.

(3) In addition to those materials required to be available for public review at the appropriate district office or local agency, a summary analysis and discussion of those materials as they relate to establishing compliance with the requirements of this regulation shall be made available for public review.

(4) Copies of all comments received and the written determination of the secretary shall be made available for public inspection at the appropriate district office or local agency. (Authorized by K.S.A. 2009 Supp. 65-3005; implementing K.S.A. 2009 Supp. 65-3005 and K.S.A. 65-3008; effective Nov. 22, 2002; amended June 30, 2006; amended Oct. 23, 2009; amended Nov. 29, 2010.)

John W. Mitchell  
Acting Secretary of Health  
and Environment

Doc. No. 038884

**State of Kansas**  
**Board of Accountancy**  
**Permanent Administrative**  
**Regulations**

**Article 4.—PERMITS TO PRACTICE AND**  
**CONTINUING PROFESSIONAL EDUCATION**  
**REQUIREMENTS**

**74-4-8. Continuing professional education programs; requirements.** (a) A program designed to allow a participant to learn a given subject through interaction with an instructor and other participants in a classroom or conference setting, or intrafirm program using the internet, may be approved for continuing professional education credit under K.A.R. 74-4-7 if the program meets the following conditions:

(1) It is a formal program of learning that maintains or improves the professional competence of a permit holder and requires attendance.

(2) Participants are informed in advance of the learning objectives, prerequisites, program level, program content, any requirements for advance preparation, instructional delivery methods, recommended CPE credit, and course registration requirements.

(3) The program is at least 50 minutes in length.

(4) The program is conducted by a person qualified in the subject area.

(5) The program sponsor issues to each participant a certificate of attendance that reflects the name of the program sponsor, title and description of content, date and location of the program, and number of CPE contact hours.

(6) A record of registration and attendance is retained for five years by the program sponsor.

(b) The following types of programs shall qualify as acceptable continuing professional education if they meet the requirements of subsection (a):

(1) Professional development programs of the American institute of certified public accountants, and of state societies and local chapters of certified public accountants;

(2) technical sessions at meetings of the American institute of certified public accountants, and of state societies and local chapters of certified public accountants;

(3) university or college credit courses. Each semester hour of credit shall equal 15 hours of continuing education credit. Each quarter hour of credit shall equal 10 hours of continuing education credit;

(4) university or college non-credit courses. These courses shall qualify for continuing professional education credit that equals the number of actual, full 50-minute class hours attended;

(5) formal, organized, in-firm or interfirm educational programs;

(6) programs in accounting, auditing, consulting services, specialized knowledge and applications, taxation, management of a practice, or ethics; and

(7) personal development courses. Hours from personal development courses shall not exceed 30 percent of the total number of continuing education hours required for permit renewal. Personal development courses, which shall be defined as courses dealing with self-management and self-improvement both inside and outside of the business environment, shall be limited to courses on communication, leadership, character development, dealing effectively with others, interviewing, counseling, career planning, emotional growth and learning, and social interactions and relationships.

(c) Any author of a published article or book and any writer of a continuing professional education program may receive continuing professional education credit for the actual research and writing time if all of the following conditions are met:

(1) The board determines that the research and writing maintain or improve the professional competence of the author or writer.

(2) The number of credit hours claimed is consistent with the quality and scope of the article, book, or program.

(3) The article or book has been published or the program was created during the biennial period for which credit is claimed.

(d)(1) Group internet-based programs and individual self-study programs that allow a participant to learn a particular subject without the major involvement of an instructor may be eligible for continuing education credit if all of the following requirements are met:

(A) The program sponsor shall meet one of the following requirements:

(i) Has been approved by NASBA's national registry of continuing professional education sponsors or NASBA's quality assurance service;

(ii) is sponsored through the American institute of certified public accountants; or

(iii) is sponsored through a state society of certified public accountants.

(B) The program shall require registration.

(C) The sponsor shall provide a certificate of satisfactory completion.

(2) In addition to meeting the requirements specified in paragraph (d)(1), each individual self-study program shall meet the following requirements:

(A) The program shall include a final examination.

(B) Each participant shall be required to score at least 70 percent on the final examination.

(e) The amount of credit for group internet-based programs and self-study programs shall be determined by the board, as follows:

(1) Programs may be approved for one hour of continuing professional education credit for each 50 minutes of participation and one-half credit for each 25-minute period of participation after the first hour of credit has been earned.

(2) The amount of credit shall not exceed the number of recommended hours assigned by the program sponsor.

(f) Independent study programs that are designed to allow a participant to learn a given subject under the guidance of a continuing professional education program sponsor may be eligible for continuing professional education credit if all of the following conditions are met:

(1) The program meets one of the following requirements:

(A) Has been approved by NASBA's national registry of continuing professional education sponsors or NASBA's quality assurance service;

(B) is sponsored through the American institute of certified public accountants; or

(C) is sponsored through a state society of certified public accountants.

(2) The participant has a written learning contract with a program sponsor that contains a recommendation of the number of credit hours to be awarded upon successful completion of the program.

(3) The program sponsor reviews and signs a report indicating that all of the requirements of the independent study program, as outlined in the learning contract, are satisfied.

(4) The program is completed in 15 weeks or less.

(g) A participant in an independent study program may receive up to one hour of credit for each 50 minutes of participation and one-half hour of credit for each 25-minute period of participation after the first hour of credit has been earned. (Authorized by K.S.A. 1-202 and K.S.A. 75-1119; implementing K.S.A. 1-202, K.S.A. 2009 Supp. 1-310, and K.S.A. 75-1119; effective, E-82-27, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1985; amended Feb. 14, 1994; amended Sept. 25, 1998; amended Nov. 2, 2001; amended Nov. 15, 2002; amended Nov. 14, 2003; amended May 27, 2005; amended May 19, 2006; amended

(continued)

May 23, 2008; amended May 29, 2009; amended Nov. 29, 2010.)

**74-4-9. Continuing professional education controls and reporting.** (a) At the time of applying for renewal of the permit to practice, each applicant shall sign a statement indicating the applicant's compliance with the requirements in K.A.R. 74-4-7 and 74-4-8, unless the applicant qualifies for the exemption outlined in K.S.A. 1-310 and amendments thereto.

(b)(1) Any applicant may be required by the board to verify the number of CPE hours claimed in subsection (a), on a form provided by the board, which shall include the following information:

(A) The name of the organization, school, firm, or other sponsor conducting the program or course;

(B) the location of the program or course attended;

(C) the title of the program or course, or a brief description;

(D) the dates attended or the date the program or course was completed; and

(E) the number of continuing professional education credits that the applicant received for participating in a program or course.

(2) Each applicant specified in paragraph (b)(1) shall provide the board with a certificate of completion or attendance for all attended, group, independent, and self-study program CPE hours claimed. Each certificate of completion or attendance shall include the name of the sponsor, title and description of content, date and location of the program or course attended, and number of CPE contact hours.

(3) For instruction credit, each applicant shall provide the board with a certificate or other verification supplied by the CPE program sponsor.

(4) For a university or college course that is successfully completed for credit, each applicant shall provide the board with an official transcript of the grade that the participant received.

(5) For a university or college non-credit course, each applicant shall provide the board with a certificate of attendance issued by a representative of the university or college.

(c) Each applicant shall retain documentation of completion or attendance for any continuing professional education program or course for five years from the end of the year in which the program or course was completed. (Authorized by K.S.A. 1-202 and K.S.A. 75-1119; implementing K.S.A. 1-202, K.S.A. 2009 Supp. 1-310, and K.S.A. 75-1119; effective, E-82-27, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1985; amended Sept. 25, 1998; amended Nov. 22, 2002; amended Nov. 14, 2003; amended May 23, 2008; amended Nov. 29, 2010.)

## Article 5.—CODE OF PROFESSIONAL CONDUCT

**74-5-2. Definitions.** Each of the following terms, wherever used in this article, shall have the meaning specified in this regulation:

(a) "AICPA" means the American institute of certified public accountants.

(b) "AICPA professional standards" means the standards, including definitions and interpretations, in "AI-

CPA professional standards," volumes 1 and 2, published by the AICPA, as in effect on June 1, 2009, which are hereby adopted by reference, except for the following portions of volume 2:

(1) Pages 1795 through 1948, bylaws of the AICPA;

(2) pages 2275 through 2299, continuing professional education;

(3) pages 1677 through 1698, section 191 under rules 101 and 102;

(4) pages 1745 through 1761, section 591 under rules 501, 502, and 503;

(5) pages 1743 through 1744, section 505;

(6) pages 1717 through 1723, section 391 under rules 301 and 302;

(7) page 1703, section 202; and

(8) pages 1707 through 1709, section 291 under rules 201, 202, and 203.

(c) "Audit" means an independent examination of financial information or assertions of any entity, regardless of profit orientation, size, and legal form, if the examination is conducted to express an opinion thereon.

(d) "Board" means the Kansas state board of accountancy.

(e) "Certified public accountant" and "CPA" mean any of the following:

(1) A holder of a Kansas certificate;

(2) a person practicing certified public accountancy under the authorization to practice by notification as provided in K.S.A. 1-322 and amendments thereto; or

(3) a firm.

(f) "Compilation" shall have the meaning specified in K.S.A. 1-321 and amendments thereto.

(g) "Firm" shall have the meaning specified in K.S.A. 1-308 and amendments thereto.

(h) "Generally accepted accounting principles" and "GAAP" mean the following standards, as applicable, in effect as specified and hereby adopted by reference:

(1) "Federal accounting standards," issued by the federal accounting standards advisory board as follows:

(A) "Statements of federal financial accounting concepts and standards," (SFFAS), including the interpretations, technical bulletins, technical releases, staff implementations and appendices, as in effect on June 30, 2009;

(B) technical bulletin 2009-1, "deferral of the effective date of technical bulletin 2006-1, recognition and measurement of asbestos-related cleanup costs," as in effect on September 22, 2009;

(C) SFFAS 34, "the hierarchy of generally accepted accounting principles, including the application of standards issued by the financial accounting standards board," dated July 28, 2009;

(D) SFFAS 35, "estimating the historical cost of general property, plant, and equipment," dated October 14, 2009; and

(E) SFFAS 36, "reporting comprehensive long-term fiscal projections for the U.S. government," dated September 28, 2009;

(2) "financial accounting standards board (FASB) accounting standards codification," including accounting standards updates, as contained in volumes 1 through 4, published by FASB, as in effect on October 31, 2009;

(3) "codification of governmental accounting and financial reporting standards," except for pages vii through xv and appendices B and C, issued by the governmental accounting standards board, as in effect on June 30, 2009; and

(4) "international financial reporting standards<sup>®</sup>" (IFRSs<sup>®</sup>), parts A and B, issued by the international accounting standards board, as in effect on January 1, 2010.

(i) "Government auditing standards" means the "government auditing standards," July 2007 revision, except for appendix II, which is hereby adopted by reference.

(j) "Licensed municipal public accountant" and "LMPA" mean a holder of a permit issued under the laws of Kansas to practice as a municipal public accountant.

(k) "Practice of certified public accountancy" means performing or offering to perform attest or nonattest services for the public while using the designation "certified public accountant" or "CPA" in conjunction with these services. "Attest" and "nonattest" services shall have the meaning specified in K.S.A. 1-321 and amendments thereto.

(l) "PCAOB" means the public company accounting oversight board created by the Sarbanes-Oxley act of 2002.

(m) "Standards of the PCAOB" means the following standards and related rules in "bylaws and rules of the public accounting oversight board" as in effect on March 5, 2010, which are hereby adopted by reference:

(1) Auditing standards numbers 1, 3, 4, 5, 6, and 7;

(2) conforming amendments to PCAOB interim standards; and

(3) rules, section 3, "professional standards," part 1, "general requirements," and part 5, "ethics."

(n) "Staff accountant" means a certified public accountant who meets the following requirements:

(1) Holds both a Kansas certificate and a Kansas permit;

(2) is employed by a firm that is the certified public accountant's primary employer; and

(3) works at least 1,040 hours for the firm during a calendar year. (Authorized by and implementing K.S.A. 1-202; effective Jan. 1, 1974; amended May 1, 1978; amended May 1, 1979; amended May 1, 1985; amended July 22, 1991; amended July 13, 1992; amended April 5, 1993; amended Aug. 23, 1993; amended Jan. 12, 1996; amended Jan. 8, 1999; amended Nov. 17, 2000; amended Nov. 2, 2001; amended May 27, 2005; amended May 19, 2006; amended Feb. 16, 2007; amended Jan. 11, 2008; amended May 29, 2009; amended Nov. 29, 2010.)

**74-5-101. Independence.** (a) Each certified public accountant and each licensed municipal public accountant who performs professional services requiring independence shall comply with the following standards, as applicable:

(1) Rule 101 of the code of professional conduct, including the interpretations under rule 101, as contained in the "AICPA professional standards" adopted by reference in K.A.R. 74-5-2;

(2) chapter three of the government auditing standards adopted by reference in K.A.R. 74-5-2;

(3) regulation S-X codified at 17 C.F.R. Part 210, as in effect on March 11, 2010, which is hereby adopted by reference; and

(4) PCAOB rules, section 3, "professional standards," part 5, "ethics," as adopted by reference in K.A.R. 74-5-2.

(b) In determining whether a certified public accountant's or a licensed municipal public accountant's independence is impaired, any other circumstances, relationship, or activity that the board determines could impair independence may be considered by the board. (Authorized by and implementing K.S.A. 1-202; effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended May 1, 1985; amended Nov. 15, 2002; amended May 27, 2005; amended May 19, 2006; amended Feb. 16, 2007; amended Jan. 11, 2008; amended May 29, 2009; amended Nov. 29, 2010.)

**74-5-202. Compliance with standards.** (a) Each certified public accountant who performs auditing, attestation, review, compilation, management consulting, tax, or other professional services shall comply with the applicable professional standards promulgated by the following entities, which are adopted by reference in K.A.R. 74-5-2 and this regulation:

(1) The federal accounting standards advisory board;

(2) the financial accounting standards board;

(3) the governmental accounting standards board;

(4) the AICPA accounting and review services committee;

(5) the AICPA auditing standards board;

(6) the AICPA management consulting services executive committee;

(7) the AICPA tax executive committee;

(8) the AICPA forensic and valuation services executive committee;

(9) the AICPA professional ethics executive committee;

(10) the PCAOB;

(11) the international accounting standards board; and

(12) the municipal accounting section of the division of accounts and reports, department of administration.

(b) Each licensed municipal public accountant shall comply with applicable, generally accepted auditing standards in the 2010 revised "Kansas municipal audit guide," including appendices A through L, prescribed by the municipal accounting section of the division of accounts and reports, department of administration, and hereby adopted by reference. (Authorized by and implementing K.S.A. 1-202; effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended May 22, 1989; amended Jan. 7, 1991; amended July 13, 1992; amended Aug. 23, 1993; amended Sept. 26, 1994; amended Jan. 12, 1996; amended Sept. 25, 1998; amended Sept. 10, 1999; amended Nov. 17, 2000; amended Nov. 2, 2001; amended Nov. 15, 2002; amended Nov. 14, 2003; amended May 27, 2005; amended May 19, 2006; amended Feb. 16, 2007; amended Jan. 11, 2008; amended May 29, 2009; amended Nov. 29, 2010.)

**74-5-203. Accounting principles.** Each certified public accountant or licensed municipal public accountant shall comply with rule 203 of the code of professional

(continued)

conduct regarding accounting principles, including the interpretations under rule 203, as contained in the "AICPA professional standards" adopted by reference in K.A.R. 74-5-2. (Authorized by and implementing K.S.A. 1-202 and K.S.A. 75-1119; effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended May 22, 1989; amended Jan. 7, 1991; amended July 13, 1992; amended Aug. 23, 1993; amended Sept. 26, 1994; amended Jan. 12, 1996; amended Sept. 25, 1998; amended Sept. 10, 1999; amended Nov. 17, 2000; amended May 27, 2005; amended May 19, 2006; amended Nov. 29, 2010.)

#### Article 6.—ADDITIONAL OFFICES

**74-6-2. Management of an office.** (a) Each firm with an office, as defined by K.A.R. 74-6-1, that is located in this state shall have one resident manager in charge who is the holder of a current permit to practice as a certified public accountant issued by this state and who devotes more than half of the resident manager's working time to the affairs of that office.

(b) Any firm specified in subsection (a) may, however, have one additional office that does not meet the resident manager requirement in subsection (a) if the additional office meets the following requirements:

(1) A certified public accountant who holds a current Kansas permit to practice shall supervise directly the additional office as the resident manager and shall oversee the planning, administration, direction, and review of the services being performed in that office.

(2) The resident manager shall be present at least two-thirds of the hours the office is listed as being open.

(3) The firm shall register the additional office by providing a written statement to the board, listing the name of the resident manager and the days and hours the additional office will be advertised as being open. (Authorized by K.S.A. 1-202; implementing K.S.A. 2009 Supp. 1-308; effective Jan. 1, 1972; amended May 1, 1980; amended May 1, 1982; amended Aug. 21, 1989; amended Aug. 23, 1993; amended Jan. 12, 1996; amended Sept. 25, 1998; amended Nov. 17, 2000; amended Nov. 29, 2010.)

#### Article 11.—PEER REVIEW PROGRAM

**74-11-6. Definitions.** Each of the following terms, wherever used in this article, shall have the meaning specified in this regulation:

(a) "AICPA" means the American institute of certified public accountants.

(b) "AICPA professional standards" means the "AICPA professional standards," volumes 1 and 2, published by the AICPA, as in effect on June 1, 2009, which are adopted by reference in K.A.R. 74-5-2.

(c) "Firm" shall have the meaning specified in K.S.A. 1-308 and amendments thereto.

(d) "Peer review" means a review of a firm's accounting and auditing practice in accordance with the standards for performing and reporting on peer reviews.

(e) "Peer review team" means persons or organizations participating in the peer review program required by the

regulations in this article. This term shall specifically include the team captain, team members, review captain, the report acceptance committee, and the oversight body, but shall not include the board.

(f) "Standards for performing and reporting on peer reviews" means the AICPA "standards for performing and reporting on peer reviews" contained in volume two of the AICPA professional standards, as adopted by reference in K.A.R. 74-5-2.

(g)(1) "Substantially similar program" means a peer review program that meets the following requirements:

(A) The peer review team shall be approved by a nationally recognized accounting organization as having the qualifications, training, and experience to perform the peer review function required by this regulation.

(B)(i) The peer review shall be conducted pursuant to peer review standards as issued by a nationally recognized peer review program that has received prior approval by the board; or

(ii) the peer review shall be conducted pursuant to a written submission detailing the qualifications of the peer review team to conduct the peer review and providing a written plan for the peer review illustrating the means of compliance with this regulation with the prior specific approval of the board.

(2) Each inspection performed by the public company accounting oversight board of areas of a firm's practice related to audits of issuers, as defined by the public company accounting oversight board, shall be deemed to satisfy the peer review requirements related to this element of the firm's practice.

(h) For peer reviews commencing on and after January 1, 2009, "modified peer review report" shall mean a peer review report with a peer review rating of "pass with deficiencies," as defined in the AICPA standards for performing and reporting on peer reviews.

(i) For peer reviews commencing on and after January 1, 2009, "adverse peer review report" shall mean a peer review report with a peer review rating of "fail," as defined in the AICPA standards for performing and reporting on peer reviews. (Authorized by and implementing K.S.A. 1-202, K.S.A. 2009 Supp. 1-312, and K.S.A. 2009 Supp. 1-501; effective Feb. 14, 1994; amended Sept. 25, 1998; amended Sept. 10, 1999; amended Nov. 17, 2000; amended Nov. 2, 2001; amended Nov. 15, 2002; amended Nov. 14, 2003; amended May 27, 2005; amended May 19, 2006; amended Feb. 16, 2007; amended May 29, 2009; amended Nov. 29, 2010.)

**74-11-7. Renewal of a firm's registration.** (a) Each application for renewal of a firm's registration shall include one of the following:

(1) A letter issued by the administering entity stating that a peer review has been completed and including a due date for the next peer review; or

(2) a completed form titled "peer review form," which shall be provided by the board and completed by the firm.

(b) If a firm has received a waiver pursuant to K.S.A. 1-501 and amendments thereto, before commencement of any attestation engagement, the firm shall have in place a system of internal quality control and shall notify the





Table listing regulations from 4-16-301 to 4-28-30 with columns for Reg. No., Action, and Register.

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Table listing regulations from 5-1-1 to 5-45-23 for Agency 5 with columns for Reg. No., Action, and Register.

AGENCY 7: SECRETARY OF STATE

Table listing regulations from 7-16-1 to 7-17-21 for Agency 7 with columns for Reg. No., Action, and Register.

Table listing regulations from 7-17-22 to 7-45-2 for Agency 9 with columns for Reg. No., Action, and Register.

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Table listing regulations from 9-7-4 to 9-27-1 for Agency 9 with columns for Reg. No., Action, and Register.

AGENCY 11: STATE CONSERVATION COMMISSION

Table listing regulations from 11-6-1 to 11-12-6 for Agency 11 with columns for Reg. No., Action, and Register.

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

Table listing regulations from 14-6-2a to 14-21-22 for Agency 14 with columns for Reg. No., Action, and Register.

Table listing regulations from 14-23-2 to 14-24-6 with columns for Reg. No., Action, and Register.

AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

Table listing regulations from 17-24-2 to 17-25-1 for Agency 17 with columns for Reg. No., Action, and Register.

AGENCY 19: GOVERNMENTAL ETHICS COMMISSION

Table listing regulations from 19-6-1 to 19-27-2 for Agency 19 with columns for Reg. No., Action, and Register.

AGENCY 22: STATE FIRE MARSHAL

Table listing regulations from 22-6-1 to 22-24-3 for Agency 22 with columns for Reg. No., Action, and Register.

AGENCY 26: DEPARTMENT ON AGING

Table listing regulations from 26-39-100 through 26-43-207 for Agency 26 with columns for Reg. No., Action, and Register.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table listing regulations from 28-1-20 to 28-4-311 for Agency 28 with columns for Reg. No., Action, and Register.











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**1st Floor, Memorial Hall**  
**120 S.W. 10th Ave.**  
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