



# Kansas Register

Kris W. Kobach, Secretary of State

Vol. 30, No. 15

April 14, 2011

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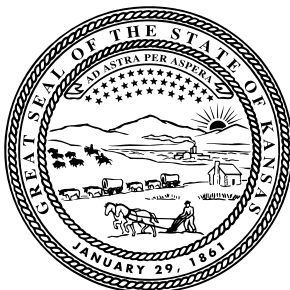
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## State of Kansas

## State Historical Society

## Notice of Meeting

The Kansas State Historical Society will accept public comments regarding the 2011 round of Historic Preservation Fund grants from 9 a.m. to noon Friday, April 29, in the State Archives and Library at the Kansas Historical Society, 6425 S.W. 6th Ave., Topeka. Grant applicants and members of the public are welcome to comment about particular grant applications or the program in general to the grant review committee at that time.

Persons requiring special accommodations to attend the meeting should contact the Cultural Resources Division of the Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099, (785) 272-8681, ext. 240, at least two weeks prior to the meeting to discuss how the board may ensure participation.

Jennie Chinn  
Executive Director

Doc. No. 039213

## State of Kansas

## Historic Sites Board of Review

## Notice of Meeting

The Kansas Historic Sites Board of Review will meet at 9 a.m. Saturday, May 14, in the classrooms in the Kansas Museum of History, 6425 S.W. 6th Ave., Topeka. The board will consider the following items:

- Approval of minutes of February 12, 2011 meeting.
- Historic Preservation Fund grant committee report and discussion.
- National Register of Historic Places nominations:

Murray Hill School — 400 W. 3rd St., Chanute,  
Neosho County  
(Nominated as part of the "Historic Public Schools  
of Kansas" MPS)

Russell County Jail & Sheriff's Residence —  
31 N. Kansas St., Russell, Russell County

Dorrance State Bank — 512 Main St., Dorrance,  
Russell County

Cross, H. C. & Susan, House — 526 Union St.,  
Emporia, Lyon County

Hoke Building — 25 E. 1st Ave., Hutchinson,  
Reno County  
(Nominated as part of the "Commercial & Industrial  
Resources of Hutchinson" MPS)

Sumner Elementary School — 1501 5th Ave.,  
Leavenworth, Leavenworth County  
(Nominated as part of the "Historic Public Schools of  
Kansas" MPS)

- Register of Historic Kansas Places nominations:  
Beaumont Hotel — 11651 S.E. Main St., Beaumont,  
Butler County  
Beaumont State Bank — 11651 S.E. 116th St., Beaumont,  
Butler County  
Palmyra Masonic Lodge — 602, 604 High St.,  
Baldwin City, Douglas County

Hazlett-Hurd House — 820 N.W. 3rd St., Abilene,  
Dickinson County

Fritz Wilke House — 105 N. Front St., Inman,  
McPherson County

Persons requiring special accommodations to attend the meeting should contact the Cultural Resources Division of the Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099, (785) 272-8681, ext. 240, at least two weeks prior to the meeting to discuss how the board may ensure participation.

Jennie Chinn  
Executive Director

Doc. No. 039212

## State of Kansas

## Office of the Governor

## Executive Order 11-06

WHEREAS, the Director of the Kansas Water Office has informed me, pursuant to K.S.A. 74-2608, of the drought conditions within the state; and

WHEREAS, there is every indication that the present drought conditions will not abate in the near future; and  
WHEREAS, these drought conditions may in fact become more severe; and

WHEREAS, the Kansas Emergency Management Act (K.S.A. 48-924 et seq.) states that the Governor shall be responsible for meeting the dangers to the state and its people from disasters, including drought.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby:

1. declare a Drought Watch or Drought Warning for the counties below; and
2. authorize and direct all agencies under the jurisdiction of the Governor to implement the appropriate Watch or Warning level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team.

## Drought Watch counties:

Barton, Cheyenne, Clark, Cloud, Decatur, Ellis, Ellsworth, Ford, Graham, Hodgeman, Jewel, Lincoln, Mitchell, Norton, Osborne, Ottawa, Pawnee, Phillips, Rawlins, Republic, Rooks, Rush, Russell, Sherman, Sheridan, Smith, Thomas.

## Drought Warning counties:

Finney, Grant, Gray, Greeley, Gove, Hamilton, Haskell, Kearny, Lane, Logan, Meade, Morton, Ness, Scott, Seward, Stanton, Stevens, Trego, Wallace, Wichita.

County drought stages declared in the Executive Order shall remain in effect until revised or rescinded by a subsequent Executive Order.

This document shall be filed with the Secretary of State as Executive Order No. 11-06 and shall become effective immediately.

IT IS SO ORDERED.

Dated April 7, 2011.

Sam Brownback  
Governor

Doc. No. 039316

## State of Kansas

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

**Public Notice**

Under requirements of K.S.A. 2010 Supp. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$2,811,358.91 in the Underground Petroleum Storage Tank Release Trust Fund and \$3,979,261.56 in the Aboveground Petroleum Storage Tank Release Trust Fund at March 31, 2011.

Dennis Taylor  
Secretary of Administration

Doc. No. 039299

## State of Kansas

**Legislature**

**Legislative Bills and Resolutions Introduced**

The following numbers and titles of bills and resolutions were introduced March 31-April 1 by the 2011 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 58-S, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at [www.kslegislature.org](http://www.kslegislature.org).

**House Bills**

**HB 2405**, AN ACT concerning the civil service; converting certain classified positions into unclassified positions.; amending K.S.A. 75-5310 and 75-5611 and repealing the existing sections, by Committee on Appropriations.

**HB 2406**, AN ACT concerning members of the military; relating to harassment; civil cause of action; amending K.S.A. 44-1125, 44-1126 and 44-1127 and repealing the existing sections, by Committee on Taxation.

**HB 2407**, AN ACT concerning taxation; relating to income tax, rates; sales taxation, distribution of revenues; amending K.S.A. 2010 Supp. 79-32,110, 79-3620 and 79-3710 and repealing the existing sections, by Committee on Taxation.

**House Resolutions**

**HR 6021**, By Representative Bollier, A RESOLUTION encouraging participation in the American Public Health Association's and the Kansas Public Health Association's National Public Health Week, which is April 4-10, 2011.

**Senate Resolutions**

**SR 1843**, By Senator Ostmeyer, A RESOLUTION congratulating and commending the Scott Community High School boys basketball team for winning the 2011 Kansas State High School Activities Association Basketball Championship Class 3A.

**SR 1844**, By Senator Ostmeyer, A RESOLUTION congratulating the Ness City High School boys track and field team for winning the 2010 State Championship Class 1A.

**SR 1845**, By Senator Faust-Goudeau, A RESOLUTION designating May as Lupus Awareness Month.

**Senate Concurrent Resolutions**

**SCR 1608**, By Senators V. Schmidt, Brungardt, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Marshall, McGinn, Morris, Ostmeyer, Owens, Reitz, A. Schmidt, Schodorf, Teichman, Umbarger and Vratil, A CONCURRENT RESOLUTION urging the President of the United States of America and members of the United States Congress not to authorize more than a 7% Community Services Block Grant program budget reduction for federal fiscal years 2011 and 2012.

Doc. No. 039289

(Published in the Kansas Register April 14, 2011.)

**Heartland Works, Inc.**

**Request for Proposals**

Heartland Works, Inc. is accepting proposals for the purchase, installation and maintenance of a Web-based software system that will serve as a soft skills assessment matching tool. Heartland Works is seeking an accurate, comprehensive assessment that identifies an individual's strengths and skills in core areas such as cognition, career interests and behavior. Such a system also will help to increase the opportunity for a successful match to a work environment that is supportive and responsive to the job seekers' needs while meeting the specific needs of a business.

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. Proposals must be received not later than 3 p.m. Thursday, May 12. Heartland Works, Inc. welcomes all interested companies to submit a proposal.

Kristine Kitchen  
Executive Director

Doc. No. 039308

## State of Kansas

**Department of Administration  
Division of Facilities Management**

**Notice of Requested "On-Call"  
Engineering Services**

Notice is hereby given of the commencement of the selection process for "on-call" civil, structural and MEP engineering services for small projects at Wichita State University. One or two firms may be selected. The contract will be for three years.

For more information, contact John Gist at (316) 978-5826. Firms interested in providing these services should be familiar with the requirements of Chapter 9 of the Building Design and Construction Manual at the Web site below.

To be considered, one (1) .pdf file and one (1) bound proposal of the following should be provided: State of Kansas Professional Qualifications forms (051-054 inclusive) and information regarding similar projects. State of Kansas Professional Qualifications form 050 for each firm and consultant should be provided at the end. Proposals should be less than 5 MB and follow the current State Building Advisory Commission guidelines in Chapter 4 of the Building Design and Construction Manual at [www.da.ks.gov/fp/manual.htm](http://www.da.ks.gov/fp/manual.htm). Planning forms are available to firms at [www.da.ks.gov/fp/](http://www.da.ks.gov/fp/) or by contacting Phyllis Fast, Division of Facilities Management, Suite 600, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov). Submittals shall be delivered to Phyllis Fast before noon April 29.

Marilyn L. Jacobson, Director  
Division of Facilities Management

Doc. No. 039314

## State of Kansas

**Department of Administration  
Division of Facilities Management**

**Notice of Requested "On-Call"  
Engineering Services**

Notice is hereby given of the commencement of the selection process for "on-call" utility, power generation and distribution system engineering services for small projects at Kansas State University. The contract will be for three years.

For more information, contact Abe Fattaey at (785) 532-1725. Firms interested in providing these services should be familiar with the requirements of Chapter 9 of the Building Design and Construction Manual at the Web site below.

To be considered, one (1) .pdf file and one (1) bound proposal of the following should be provided: State of Kansas Professional Qualifications forms (051-054 inclusive) and information regarding similar projects. State of Kansas Professional Qualifications form 050 for each firm and consultant should be provided at the end. Proposals should be less than 5 MB and follow the current State Building Advisory Commission guidelines in Chapter 4 of the Building Design and Construction Manual at [www.da.ks.gov/fp/manual.htm](http://www.da.ks.gov/fp/manual.htm). Planning forms are available to firms at [www.da.ks.gov/fp/](http://www.da.ks.gov/fp/) or by contacting Phyllis Fast, Division of Facilities Management, Suite 600, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov). Submittals shall be delivered to Phyllis Fast before noon April 29.

Marilyn L. Jacobson, Director  
Division of Facilities Management

Doc. No. 039317

(Published in the Kansas Register April 14, 2011.)

**City of Olathe, Kansas**

**Notice to Bidders**

Sealed bids will be received at the office of the city clerk at City Hall, 100 E. Santa Fe, Olathe, until 10 a.m. May 17, 2011, for the construction of **119th Street Geometric Improvements, I-35 Off-Ramp to Strang Line Road, KDOT Project No. 46N-0492-01, City Project No. 3-C-082-09**. This project will be night construction.

At said time and place, and promptly thereafter, all bids that have been duly received will be publicly opened and read aloud. The work consists of the following:

Geometric improvements include widening of the northbound I-35 off-ramp to provide dual right turns, widening of 119th Street for an eastbound right turn lane at Strang Line, and modify the existing eastbound right turn lane at Strang Line into a through lane. Signal modifications also will be included at 119th and Strang Line and at the intersection of the northbound ramp and 119th Street. Improvements will include a new pavement section, storm sewer, curb and gutter, street lighting, signal modification, signing and pavement marking.

Bid documents including drawings and specifications are on file at the Olathe Office of Public Works and are

open for public inspection. Bid documents and drawings may be downloaded free of charge from [www.publicpurchase.com](http://www.publicpurchase.com).

A satisfactory bid bond executed by the bidder or an acceptable surety, in an amount equal to 5 percent of the total bid for work, shall be submitted with each proposal. A scanned copy of the bid bond must be included with the online bid submittals, and the original bid bond submitted to the city at said time and date above.

The successful bidder will be required to furnish and pay satisfactory performance and payment bond or bonds.

Attention is called to the fact that not less than the minimum salaries and wages as set forth in the contract documents must be paid on this project, and that the contractor must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin. Contractors must comply with Title 29 relating to the employment of apprentices in accordance with requirements published by the U.S. Department of Labor as contained in the contract documents.

Bidders are informed that the prime contractor and subcontractors are required to comply with Section 109 of the Housing and Community Development Act of 1974, Title VI of the Civil Rights Act of 1964, Executive Order 11246, and Section 3 of the Housing and Urban Development Act of 1968. Contractors responsibilities under these laws are outlined at Title 24, CFR Part 1 and Part 570, relating to nondiscrimination in federally-assisted programs of the Department of Housing and Urban Development; Title 24, Part 130, relating to equal employment opportunity under HUD-assisted construction contract; and Title 24, Part 135, relating to employment opportunities for businesses and lower income persons in connection with assisted projects.

The prime general contractor, and subcontractors where appropriate, under the terms of the contract, shall be required to comply with the following requirements prior to issuance of a construction work order:

- (A) Maintain an affirmative action file detailing efforts to meet affirmative action hiring responsibilities and utilize minority firms as subcontractors and supplier;
- (B) Submit a copy of their affirmative action plan to the city for review and HUD concurrence;
- (C) Provide a preliminary statement of workforce needs by category for the project and goals for minorities; and
- (D) Attend a scheduled pre-construction conference for orientation on HUD equal opportunity and labor standards requirements.

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

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

City of Olathe, Kansas  
By Donald T. Howell  
City Clerk

Doc. No. 039301

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. 2010 Supp. 12-1675(b)(c)(d) and K.S.A. 2010 Supp. 12-1675a(g).

**Effective 4-11-11 through 4-17-11**

Term	Rate
1-89 days	0.09%
3 months	0.08%
6 months	0.14%
1 year	0.31%
18 months	0.56%
2 years	0.81%

Scott Miller  
Interim Director of Investments

Doc. No. 039288

State of Kansas

**Social and Rehabilitation Services**

**Request for Comments**

The Department of Social and Rehabilitation Services is accepting public comments on the state fiscal year 2012 Social Services Block Grant. A copy of the plan, paper or electronic, may be obtained by contacting Melanie Dixon at (785) 296-6216, by e-mail at Melanie.Dixon@srs.ks.gov, or under Hot Topics at the following Web site: <http://www.srs.ks.gov/Pages/Default.aspx>.

Comments must be submitted in writing and received by SRS by May 16.

Robert Siedlecki  
Secretary of Social and Rehabilitation Services

Doc. No. 039304

State of Kansas

**Social and Rehabilitation Services**

**Request for Proposals**

The Kansas Department of Social and Rehabilitation Services, Division of Disability and Behavioral Health Services (DBHS), Addiction and Prevention Services (AAPS), announces the release of a request for proposals to provide substance abuse prevention services within 10 regions (see below) serving all 105 counties in the state of Kansas. Successful applicants will demonstrate the capacity to provide training and technical assistance to communities and support them in implementing effective prevention processes (e.g., assessment, planning, implementation of effective prevention strategies and evaluation) to address priority local risk and protective factors associated with underage drinking, as well as address statewide prevention outcomes of reducing binge drinking and 30-day use of alcohol and tobacco among youth.

Successful applicants also will have expertise in community mobilization and coalition development and have the skills and abilities necessary to support the imple-

mentation of evidence-based prevention strategies and environmental approaches through direct service delivery. The ability to provide indirect services and build capacity for the implementation of evidence-based strategies also is essential (i.e., provision of trainings of trainers, trainings of facilitators, and technical assistance in the utilization of research-based prevention planning frameworks) for supporting communities in respective regions. The period for the grant will run from July 1, 2011 through June 30, 2012, with three optional one-year renewal periods possible at the discretion of the state of Kansas, SRS/AAPS.

Agencies interested in receiving a request for proposals can download the PDF copy at <http://www.srs.ks.gov/agency/as/Pages/default.aspx> or may contact Daniel Klucas, 8th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570, (785) 296-4295. Complete proposals must be received by 5 p.m. May 13.

Region	Funding
<b>Region 1</b> - Barton, Cheyenne, Decatur, Ellis, Gove, Graham, Logan, Norton, Osborne, Pawnee, Phillips, Rawlins, Rooks, Rush, Russell, Sheridan, Sherman, Smith, Thomas, Trego and Wallace counties	Up to \$294,241.70
<b>Region 2</b> - Barber, Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Lane, Meade, Morton, Ness, Pratt, Scott, Seward, Stafford, Stanton, Stevens and Wichita counties	Up to \$202,749.80
<b>Region 3</b> - Clay, Cloud, Dickinson, Ellsworth, Geary, Jewell, Lincoln, Marshall, Nemaha, Ottawa, Pottawatomie, Republic, Riley, Saline, Wabaunsee and Washington counties	Up to \$223,269.50
<b>Region 4</b> - Harper, Harvey, Kingman, McPherson, Reno, Rice, Sedgwick and Sumner counties	Up to \$162,847.60
<b>Region 5</b> - Butler, Chase, Chautauqua, Coffey, Cowley, Elk, Greenwood, Lyon, Marion and Morris counties	Up to \$199,364.60
<b>Region 6</b> - Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson and Miami counties	Up to \$224,689.00
<b>Region 7</b> - Allen, Anderson, Bourbon, Cherokee, Crawford, Labette, Linn, Montgomery, Neosho, Wilson and Woodson counties	Up to \$229,010.20
<b>Region 8</b> - Shawnee and Osage counties	Up to \$200,415.40
<b>Region 9</b> - Johnson County	Up to \$292,095.00
<b>Region 10</b> - Wyandotte and Leavenworth counties	Up to \$180,156.00

Robert Siedlecki  
Secretary of Social and Rehabilitation Services

Doc. No. 039310

**State of Kansas**  
**Social and Rehabilitation Services**

**Request for Proposals**

The Kansas Department of Social and Rehabilitation Services, Division of Disability and Behavioral Health Services (DBHS), Addiction and Prevention Services (AAPS), announces the release of a request for proposals to provide school-based youth mentoring services to targeted districts within the state of Kansas. Successful applicants will demonstrate the ability to effectively manage a comprehensive mentoring program within targeted school districts. This will include the ability to provide administrative oversight, mentor recruitment and screening, and training, as well as the provision of essential supportive resources to school districts receiving mentoring services. The period for the grant will run from July 1, 2011 through June 30, 2012, with three optional one-year renewal periods possible at the discretion of the state of Kansas, SRS/AAPS. The total funding for this grant will be up to \$153,450.

Agencies interested in receiving a request for proposals can download the PDF copy at <http://www.srs.ks.gov/agency/as/Pages/default.aspx> or may contact Daniel Klucas, 8th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570, (785) 296-4295. Complete proposals must be received by 5 p.m. May 13.

Robert Siedlecki  
 Secretary of Social and  
 Rehabilitation Services

Doc. No. 039311

**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. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

**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/bids](http://www.fhsu.edu/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., 318 Sheridan Hall, 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 30, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, 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: 316-978-3080, 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  
 Chief Procurement Officer  
 University of Kansas

Doc. No. 038494

**State of Kansas**  
**Social and Rehabilitation Services**

**Request for Proposals**

The Kansas Department of Social and Rehabilitation Services, Division of Disability and Behavioral Health Services, Addiction and Prevention Services (AAPS), announces the release of a request for proposals for a state-wide administrative and logistical coordination entity to support statewide prevention outcomes. Successful applicants will have the ability to provide coordination and logistical support for statewide prevention initiatives as well as resources and supports for AAPS and the AAPS Prevention Network. Successful applicants will have experience in information dissemination and online resources and technology supports, including the ability to develop, host and maintain an online coalition registry and mini-grant funding processes. The period for the grant will run from July 1, 2011 through June 30, 2012, with three optional one-year renewal periods possible at the discretion of the state of Kansas, SRS/AAPS. The total funding for this grant will be up to \$570,000.

Agencies interested in receiving a request for proposals can download the PDF copy at <http://www.srs.ks.gov/agency/as/Pages/default.aspx> or may contact Daniel Klucas, 8th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570, (785) 296-4295. Complete proposals must be received by 5 p.m. May 13.

Robert Siedlecki  
 Secretary of Social and  
 Rehabilitation Services

Doc. No. 039309

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids, in single copy, for the work described herein will be accepted until 5 p.m. May 25 at the Switzler Creek Watershed District No. 63, 307 Montana Ave., Holton. After 5 p.m. May 25, bids will need to be taken to the place of bid opening. Bids will be publicly opened at 10 a.m. May 26 at the Burlingame City Hall, 101 Santa Fe Ave., Burlingame. If submitting bids by mail, be aware of late bid procedures in the bid packet.

The mailing address for bids and contact information is as follows: Bruce Rinkes, Contracting Officer, 307 Montana Ave., Holton, 66436, (785) 364-4312.

The estimated quantities and major items of work follow:

<b>Site 7</b>
Earthfill – 89,383 cubic yards
Excavation, Common – 78,201 cubic yards
Drainfill – 324 cubic yards
Plastic Pipe, 8-inch diameter – 320 linear feet
Plastic Pipe, 18-inch diameter – 13 linear feet
Erosion Control Blanket – 10,959 square yard
Rock Riprap Bedding Material – 747 cubic yards
Grassed Waterways – 4,881 cubic yards
Reinforced Concrete Pressure Pipe, 30 inch Diameter – 240 linear feet
Water for Construction – 1,000 MGAL
Salvaging and Spreading Topsoil – 55,162 sq yd
Structure Concrete – 39 cubic yards
Steel Reinforcement – 3,870 Lb
Rock Riprap – 3,554 tons
Fence – 6,630 linear feet
Turf Reinforcement Mat – 1,091 square yard
Seeding and Mulching – 29 acres

The estimated price range for the work is \$1,000,000 to \$5,000,000.

All bids of more than \$100,000 must be accompanied by bid bond, certified check, cashier’s check, postal money order or cash in an amount not less than 5 percent of the amount bid.

The successful bidder will be required to execute a formal contract and furnish performance and payment bonds in an amount equal to 100 percent each of the total amount of the contract.

Corporations executing the bonds as sureties must be among those appearing on the U.S. Treasury Department’s list of approved sureties. No contract will be awarded to any firm in which any official of the sponsoring local organization, the contracting local organization, or any member of such official’s immediate family has a direct or indirect pecuniary interest.

All work must be completed within 125 calendar days after the date of receipt of notice to proceed.

Prospective bidders may assemble at the Burlingame City Hall, 101 Santa Fe Ave., Burlingame, at 10 a.m. May 5 for a group showing of the worksite.

Complete assembly of the invitation for bids may be obtained from the contracting officer.

Greg A. Foley  
Executive Director

Doc. No. 039293

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:

04/25/2011	EVT0000565	Design & Implement a Public Input & Stakeholder Consultation Process
04/27/2011	EVT0000549	Street Flush, Truck Mounted
04/27/2011	EVT0000545	Fuel Tanks, Aboveground
04/27/2011	EVT0000552	Trailers, Equipment, Tilt Top
04/27/2011	EVT0000558	Mowers, Rotary, Pull Type
04/27/2011	EVT0000560	30-Day Permit Cover
04/27/2011	EVT0000561	Tractors, Wheel
05/03/2011	EVT0000562	Sealants, Crack, Hot-Applied
05/04/2011	EVT0000553	BR & Label Approval Web Application
05/06/2011	EVT0000539	Sex Offender Treatment Program
05/11/2011	EVT0000556	Direct Service Provider Training Survey
05/12/2011	EVT0000557	HCBS Waiver Home Plus Survey

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

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

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

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

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

05/03/2011	A-011559	Reroof—Finney State Office Building, Department of Administration, Wichita
05/03/2011	A-011564	Tower Reroof—Eisenhower State Office Building, Department of Administration, Topeka

Chris Howe  
Director of Purchases

Doc. No. 039319



State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking a qualified consulting engineering firm, prequalified in Category 211 - Highway Design-Major Facility, for a pavement preservation project as listed below. A PDF (1 Mb maximum size) of the interest response must be e-mailed to David J. Nagy, P.E., Assistant to the Bureau Chief of Design/Contracts Engineer, at DavidN@ksdot.org. Interest responses are limited to four pages, the subject line of the e-mail and the PDF file name must read "77-18 KA-2215-01 - Firm Name," and must be received by noon April 28 for the consulting engineering firm to be considered.

77-18 KA-2215-01

Pavement Preservation Project

The scope of the services is to prepare a set of plans for the Pavement Preservation Project 77-18 KA-2215-01 on US-77 from Arkansas City to Winfield (9.4 miles). The current estimate for construction is \$28.0 million and is scheduled for a February 2016 letting.

The Consultant Shortlist Committee will select three to five of the most highly qualified firms expressing interest and schedule an individual interview. The consulting firms can more thoroughly discuss their experience related to the project at the interview and will be expected to discuss their approach to this project in detail and the personnel to be assigned to this project. Firms not selected to be short-listed will be notified. Categories may be viewed at [www.ksdot.org/divengdes/prequal](http://www.ksdot.org/divengdes/prequal).

The Consultant Selection Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select one firm to perform the professional services required for completing the advertised project. After the selection, the firm(s) not selected will be notified of the outcome.

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

1. Size and professional qualifications.
2. Experience of staff.
3. Location of firm with respect to project(s).
4. Work load of firm.
5. Firm's performance record.

The firm's accounting systems must have the following capabilities before the firm may be awarded a contract:

- Valid, reliable and current costs must be available within the system to support cost and pricing data.
- Capability to provide a means of measuring the reasonableness of incurred costs.
- Capability to identify and accumulate allowable costs by contract or project records that will reconcile with the general ledger.
- Ability to provide supporting documentation of actual expenditures for each billing, based on costs.

For more information, contact David Nagy at DavidN@ksdot.org.

Deb Miller  
Secretary of Transportation

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking a qualified consulting engineering firm, prequalified in Category 211 - Highway Design-Major Facility, for a pavement preservation project as listed below. A PDF (1 Mb maximum size) of the interest response must be e-mailed to David J. Nagy, P.E., Assistant to the Bureau Chief of Design/Contracts Engineer, at DavidN@ksdot.org. Interest responses are limited to four pages, the subject line of the e-mail and the PDF file name must read "56-59 KA-2192-01 - Firm Name," and must be received by noon April 28 for the consulting engineering firm to be considered.

56-59 KA-2192-01

Pavement Preservation Project

The scope of the services is to prepare a set of plans for the Pavement Preservation Project 56-59 KA-2192-01 on US-56 from Eby Street to RS-319 junction in McPherson. The current estimate for construction is \$5.0 million and is scheduled for an October 2015 letting.

The Consultant Shortlist Committee will select three to five of the most highly qualified firms expressing interest and schedule an individual interview. The consulting firms can more thoroughly discuss their experience related to the project at the interview and will be expected to discuss their approach to this project in detail and the personnel to be assigned to this project. Firms not selected to be short-listed will be notified. Categories may be viewed at [www.ksdot.org/divengdes/prequal](http://www.ksdot.org/divengdes/prequal).

The Consultant Selection Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select one firm to perform the professional services required for completing the advertised project. After the selection, the firm(s) not selected will be notified of the outcome.

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

1. Size and professional qualifications.
2. Experience of staff.
3. Location of firm with respect to project(s).
4. Work load of firm.
5. Firm's performance record.

The firm's accounting systems must have the following capabilities before the firm may be awarded a contract:

- Valid, reliable and current costs must be available within the system to support cost and pricing data.
- Capability to provide a means of measuring the reasonableness of incurred costs.
- Capability to identify and accumulate allowable costs by contract or project records that will reconcile with the general ledger.
- Ability to provide supporting documentation of actual expenditures for each billing, based on costs.

For more information, contact David Nagy at DavidN@ksdot.org.

Deb Miller  
Secretary of Transportation

State of Kansas

## Department of Transportation

### Notice to Consulting Engineers

The Kansas Department of Transportation is seeking a qualified consulting engineering firm, prequalified in Category 211 - Highway Design-Major Facility, for a pavement preservation project as listed below. A PDF (1 Mb maximum size) of the interest response must be e-mailed to David J. Nagy, P.E., Assistant to the Bureau Chief of Design/Contracts Engineer, at DavidN@ksdot.org. Interest responses are limited to four pages, the subject line of the e-mail and the PDF file name must read "36-45 KA-2191-01 - Firm Name," and must be received by noon April 28 for the consulting engineering firm to be considered.

#### 36-45 KA-2191-01

##### Pavement Preservation Project

The scope of the services is to prepare a set of plans for the Pavement Preservation Project 36-45 KA-2191-01 on US-36 in and near Mankato (1.4 miles). The current estimate for construction is \$4.3 million and is scheduled for an October 2015 letting.

The Consultant Shortlist Committee will select three to five of the most highly qualified firms expressing interest and schedule an individual interview. The consulting firms can more thoroughly discuss their experience related to the project at the interview and will be expected to discuss their approach to this project in detail and the personnel to be assigned to this project. Firms not selected to be short-listed will be notified. Categories may be viewed at [www.ksdot.org/divengdes/prequal](http://www.ksdot.org/divengdes/prequal).

The Consultant Selection Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select one firm to perform the professional services required for completing the advertised project. After the selection, the firm(s) not selected will be notified of the outcome.

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

1. Size and professional qualifications.
2. Experience of staff.
3. Location of firm with respect to project(s).
4. Work load of firm.
5. Firm's performance record.

The firm's accounting systems must have the following capabilities before the firm may be awarded a contract:

- Valid, reliable and current costs must be available within the system to support cost and pricing data.
- Capability to provide a means of measuring the reasonableness of incurred costs.
- Capability to identify and accumulate allowable costs by contract or project records that will reconcile with the general ledger.
- Ability to provide supporting documentation of actual expenditures for each billing, based on costs.

For more information, contact David Nagy at DavidN@ksdot.org.

Deb Miller  
Secretary of Transportation

Doc. No. 039298

State of Kansas

## Department of Transportation

### Notice to Consulting Engineers

The Kansas Department of Transportation is seeking well qualified consulting engineering firms, prequalified as a minimum in Category 211 - Highway Design-Major Facility, for on-call design services with potential project descriptions as listed below. A PDF (1 Mb maximum size) of the interest response must be e-mailed to David J. Nagy, P.E., Assistant to the Bureau Chief of Design/Contracts Engineer, at DavidN@ksdot.org. Interest responses are limited to four pages, the subject line of the e-mail and the PDF file name must read "On-Call Design Services - Firm Name," and must be received by noon April 28 for the consulting engineering firm to be considered.

#### On-Call Design Services Projects

The scope of the services will vary, but these services are anticipated for compressed schedule projects where time is of the essence. A wide range of possible services may be required for these projects, including but not limited to: roadway design, bridge design, traffic engineering, hydraulics and hydrology.

The Consultant Shortlist Committee will select 15 to 20 of the most highly qualified firms expressing interest and schedule an individual interview. The consulting firms can more thoroughly discuss their experience related to the project at the interview and will be expected to discuss their approach to this project in detail and the personnel to be assigned to this project. Firms not selected to be short-listed will be notified. Categories may be viewed at [www.ksdot.org/divengdes/prequal](http://www.ksdot.org/divengdes/prequal).

The Consultant Selection Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select one firm to perform the professional services required for completing the advertised project. After the selection, the firm(s) not selected will be notified of the outcome.

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

1. Size and professional qualifications.
2. Experience of staff.
3. Location of firm with respect to project(s).
4. Work load of firm.
5. Firm's performance record.

The firm's accounting systems must have the following capabilities before the firm may be awarded a contract:

- Valid, reliable and current costs must be available within the system to support cost and pricing data.
- Capability to provide a means of measuring the reasonableness of incurred costs.
- Capability to identify and accumulate allowable costs by contract or project records that will reconcile with the general ledger.
- Ability to provide supporting documentation of actual expenditures for each billing, based on costs.

For more information, contact David Nagy at DavidN@ksdot.org.

Deb Miller  
Secretary of Transportation

Doc. No. 039300

## State of Kansas

## Secretary of State

## Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of March 2011 for failure to timely file an annual report and pay the annual report fee as required by the Kansas general corporation code:

## Domestic Corporations

A B C & E, Inc., Sharon Springs, KS.  
 Abilene Downtown Association, Abilene, KS.  
 Active Purpose Association, Wichita, KS.  
 Alumni of Kansas Chapter of Delta Upsilon, Overland Park, KS.  
 American Legion Auxiliary Unit #17, Inc., Manhattan, KS.  
 Aurbach, Inc., Wichita, KS.  
 Blue Valley Northwest Bandwagon Club, Overland Park, KS.  
 Brooks Publishing Co., Inc., Lenexa, KS.  
 Burtons Inc., Atlanta, GA.  
 Cedar Ridge Christian Church, Lenexa, KS.  
 Center for Financial Training - Great Plains Region, Inc., Wichita, KS.  
 Cheyenne Country, Inc., Ottawa, KS.  
 Coffey County Council for the Arts, Inc., Waverly, KS.  
 Conway Springs Cardinals Booster Club, Conway Springs, KS.  
 Dillon's Custom Kitchens, Inc., Topeka, KS.  
 Downs Historical Society, Downs, KS.  
 Flinthills Breadbasket, Inc., Manhattan, KS.  
 Floor Covering, Inc., Eudora, KS.  
 Foundation for Genetic Technology, Biloxi, MS.  
 Grand Conclave True Kindred of the State of Kansas, Shawnee, KS.  
 H & R Restaurant Enterprises, LLC, Overland Park, KS.  
 Halford Cattle Company, Inc., Colby, KS.  
 Hearts With Hands Eldercare Physicians, P.A., Shawnee, KS.  
 Housing Corporation of Epsilon-Epsilon Chapter of Sigma Pi Fraternity, Topeka, KS.  
 HRE Dining, LLC, Leawood, KS.  
 Humboldt Lions Club, Humboldt, KS.  
 Independence Wrestling Club Boosters, Inc., Independence, KS.  
 K State CVM Class of 2013 Fund, Manhattan, KS.  
 Kansas Beer Wholesalers Association, Inc., Topeka, KS.  
 Kansas Chamber of Commerce and Industry, Inc., Topeka, KS.  
 Kansas City Chamber Orchestra Incorporated, Prairie Village, KS.  
 Kansas Council of Genealogical Societies, Inc., Topeka, KS.  
 Kansas Family Advisory Network, Inc., Hutchinson, KS.  
 Kansas Federation of Business and Professional Women's Club, Ottawa, KS.  
 Kappa Kappa Gamma House Association, Lawrence, KS.  
 KC Chorale Corp., Overland Park, KS.  
 Lawrence Cheer Booster Club, Inc., Lawrence, KS.  
 Lions Club of Moundridge, Moundridge, KS.  
 Marion Lions Club, Marion, KS.  
 Mastercraft Pattern, Inc., Frontenac, KS.  
 McBride Electric, Inc., San Diego, CA.  
 Midwest Christian Schools Association, Prairie Village, KS.  
 Midwest Film Coating LLC, Pratt, KS.  
 National Tax Sheltered Accounts Association, Lawrence, KS.  
 Never Too Much KC, Inc., Kansas City, KS.  
 New Direction House, Inc., Lawrence, KS.  
 New Directions Ministry, Incorporated, Shawnee, KS.

New 2 You Furniture Inc., Junction City, KS.  
 Nomar Theatre, Inc., Wichita, KS.  
 Parallax Program, Inc., Wichita, KS.  
 Parkdale Investment Group, Inc., Wichita, KS.  
 Peepers Optical, Inc., Overland Park, KS.  
 Piper Community Education Association, Kansas City, KS.  
 Prestige Homes Inc., Mayfield, KS.  
 PSU Pi Kappa Alpha, Inc., Pittsburg, KS.  
 Region I Emergency Medical Services Development, Kanorado, KS.  
 Scottie Booster Club, Highland, KS.  
 Sertoma Club of Lawrence, Kansas, Inc., Lawrence, KS.  
 Silvers Veneer & Lumber Co., Cameron, MO.  
 Sunflowers Inc., Topeka, KS.  
 South Central Kansas Transit Council, Inc., Winfield, KS.  
 Stilwell Community Organization, Inc., Stilwell, KS.  
 Stockton Educational Endowment Association, Inc., Stockton, KS.  
 Tau Kappa Epsilon Building Association, Manhattan, KS.  
 The Gold Dust, Inc., Fredonia, KS.  
 The Greater Kansas City Shetland Sheepdog Club, Inc., Overland Park, KS.  
 The Kansas TEKE Foundation, Lenexa, KS.  
 The Markham-Harpster Educational Foundation, Overland Park, KS.  
 The Pilot Club of Lenexa, Shawnee, KS.  
 The Voiture Locale Number 1510 of La Societe Des 40 Hommes Et 8, Shawnee Mission, KS.  
 The Waldorf Association of Greater Kansas City, Gardner, KS.  
 The Wichita Downtown Lions Club, Wichita, KS.  
 Wichita Chamber Chorale Incorporated, Wichita, KS.  
 Willow Creek Farms Inc., Lenexa, KS.  
 Wisehart Ministries, Inc., Indianapolis, IN.  
 Yu And Wang Incorporated, Leawood, KS.  
 9 Mile Boring & Trenching, Inc., Spring Hill, KS.

## Foreign Corporations

Advisory Credit Management, Inc., Plantation, FL.  
 Becker S Inc., Lenexa, KS.  
 Blue Lake Rancheria Development Corporation, Blue Lake, CA.  
 BSD Medical Corporation, Salt Lake City, UT.  
 Comark Building Systems, Inc., De Soto, TX.  
 Comcast-Spectacor Foundation, Philadelphia, PA.  
 Cornerstone Wireless Construction Services, Inc., Indianapolis, IN.  
 Dendy Mechanical Contractors, Inc., Albertville, AL.  
 First Christian Missionary Baptist Church Inc., Indianapolis, IN.  
 Hudson & Keyse, L.L.C., Painesville, OH.  
 Innovative Media Inc., Thornwood, NY.  
 Lange Logistics, Inc., Springfield, IL.  
 Lawns to C Enterprise LLC, Kansas City, MO.  
 SDI of Hesston, Kansas (E. Lincoln), L.L.C., Oklahoma City, OK.  
 SDI of Wichita, Kansas (355 S. Greenwich Rd.), L.L.C., Oklahoma City, OK.  
 SDI of Wichita, KS (13535 W. Maple St) L.L.C., Oklahoma City, OK.  
 St. John's Medical Group, Denver, CO.  
 Tom Lange Company, Inc., Springfield, IL.

Kris W. Kobach  
 Secretary of State

Doc. No. 039292

## State of Kansas

## State Corporation Commission

Notice of Hearing on Proposed  
Administrative Regulations

The State Corporation Commission will conduct a public hearing at 10:30 a.m. Wednesday, July 6, in the first floor hearing room at the office of the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, to consider the adoption of proposed rules and regulations of the commission on a permanent basis.

This notice exceeds the 60-day notice requirement of the pending public hearing and shall constitute the beginning of the public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Judy Jewsome, Litigation Counsel, State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604, or by e-mail to [j.jewsome@kcc.ks.gov](mailto:j.jewsome@kcc.ks.gov). All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Dawn Dubach at (785) 271-3113 or the Kansas Relay Center at (800) 766-3777. The main entrance located on the southwest side of the building is handicapped accessible. Handicapped parking is located on the southwest side of the State Corporation Commission parking lot.

A summary of the proposed regulations and the economic impact for each follows: (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the State Corporation Commission, other state agencies, state employees or the general public has been identified.)

**K.A.R. 82-4-1.** This regulation defines the terms used in Article 4 — Motor Carriers of Persons and Property. The proposed amendments to this regulation include edits to reflect the most recent Federal Motor Carrier Safety Administration updates and minor grammar and form corrections. The commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

**K.A.R. 82-4-2a.** This proposed regulation explains the commission's jurisdiction with regards to the inspection of motor carrier operations, equipment and records, and clarifies the commission's authority to designate certain members of the Kansas Highway Patrol and agency agents the authority to inspect and examine motor carrier records and equipment for the purpose of determining compliance with the Kansas motor carrier safety rules and regulations and the requirements for certificates, per-

mits and licenses. The commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

**K.A.R. 82-4-3a.** This regulation adopts relevant portions of the Federal Motor Carrier Safety Administration's (FMCSA) regulations (Title 49 C.F.R. Part 395) governing the maximum driving times for property-carrying and/or passenger-carrying commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections and the most recent updates to FMCSA's regulations. The commission does not anticipate an economic impact resulting from the adoption of the proposed amendments to this existing regulation.

**K.A.R. 82-4-3f.** This regulation adopts relevant portions of the Federal Motor Carrier Safety Administration's (FMCSA) regulations (Title 49 C.F.R. 390), which establish the minimum safety requirements to be followed by motor carriers and their employees, the safety standards for commercial motor vehicles and intermodal equipment. The commission does not anticipate an economic impact resulting from the adoption of this proposed regulation. This is an existing regulation establishing minimum safety requirements for those motor carriers and drivers operating commercial motor vehicles.

**K.A.R. 82-4-3g.** This regulation establishes the minimum duties of motor carriers with respect to the qualifications for their drivers who drive commercial motor vehicles. This regulation also establishes the minimum qualifications for those drivers who are owner and operators of the commercial motor vehicles. The proposed edits clarify the applicability of 49 C.F.R. 391.11(b)(1) to interstate operations only and are necessary to ensure compatibility with the federal regulations as required in 49 C.F.R. 350. The commission does not anticipate an economic impact resulting from the adoption of the proposed amendments to this existing regulation.

**K.A.R. 82-4-3i.** This regulation adopts relevant portions of the Federal Motor Carrier Safety Administration's (FMCSA) regulations (Title 49 C.F.R. Part 393) governing the parts and accessories necessary for the safe operation of commercial motor vehicles. The proposed amendments to this regulation include edits to reflect minor grammar and form corrections, and deletions and additions required to reflect the most recent updates to FMCSA's regulations. The commission does not anticipate an economic impact resulting from the adoption of the proposed amendments to this existing regulation.

**K.A.R. 82-4-6d.** This existing regulation establishes the application procedures for motor carriers and their drivers with regards to waivers of the federal physical fitness requirements. Drivers not meeting the physical requirements established in Title 49 C.F.R. 391 may not operate a commercial motor vehicle without a valid waiver. This application process permits certain drivers an additional opportunity to prove fitness to operate a commercial motor vehicle. The commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

**K.A.R. 82-4-8a.** This existing regulation establishes the minimum requirement for safety equipment that must be

maintained by motor carriers and drivers of commercial motor vehicles. The proposed edits to this regulation adopt the Environmental Protection Agency's (EPA) toxicity standards set out in 40 C.F.R. Part 82, Subpart G. Additionally, the edits include minor grammar and form changes. The commission does not anticipate an economic impact resulting from the adoption of this proposed regulation.

**K.A.R. 82-4-20.** This regulation establishes the minimum requirements and standards to be observed in the transportation of hazardous materials by motor carriers and operators of commercial motor vehicles. Title 49 C.F.R. 350 requires each state to adopt, implement and enforce the Federal Hazardous Materials Rules and Regulations. The purpose of the proposed edits to this existing regulation is to adopt the most current published version of the Federal Hazardous Material Safety Rules and Regulations in a manner that meets the federal compatibility requirements. The commission does not anticipate an economic impact resulting from the adoption of the proposed amendments to this existing regulation.

Susan K. Duffy  
Executive Director

Doc. No. 039307

## State of Kansas

### Board of Regents

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Monday, June 13, in the Board of Regents' board room, 1000 S.W. Jackson, Suite 520, Topeka, to consider the adoption of 12 new rules and regulations and the amendment of 13 existing regulations, all relating to qualified admissions.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comment on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Julene Miller, Kansas Board of Regents, 1000 S.W. Jackson, Suite 520, Topeka, 66612-1368. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Renee Burlingham at (785) 296-3689.

Copies of the regulations and the economic impact statements may be obtained by contacting Renee Burlingham. A summary of the proposed regulations and the economic impact follows:

#### Article 29.—QUALIFIED ADMISSION

**K.A.R. 88-29-1** defines key terms for the regulations. The amendments rename the existing three exception windows by removing the percentage from the name (the percentages remain the same, but are dealt with in the

substantive regulation rather than the definitional regulation), and a new exception window definition is created for nonresident freshmen admissions (this window will replace the current conditional admission category for nonresident freshmen). Also, a new definition is added for "transferable college credit hours."

**K.A.R. 88-29-3** establishes admission categories. The amendments remove obsolete language, eliminate reference to the conditional admission category, and add references to new K.A.R. 88-29a-9.

**K.A.R. 88-29-4** establishes admission standards for transfer students. The amendments remove the words "ten percent" from the names for the exception windows.

**K.A.R. 88-29-5** establishes admission standards for resident freshmen who are under age 21. The amendments limit the rule's application to students who graduate before 2015 and remove the words "ten percent" from the name for the exception window.

**K.A.R. 88-29-6** establishes admission standards for resident freshmen who are age 21 or older. The amendments limit the rule's application to students who graduate before 2015 and remove the words "ten percent" from the name for the exception window.

**K.A.R. 88-29-7** establishes admission standards for nonresident freshmen. The amendments clarify that the regulation applies only to applicants who are under age 21, and replace the conditional admission category with an exception window.

**K.A.R. 88-29-7a** is a new regulation that would establish admission standards for nonresident applicants who are age 21 or older. The regulation replaces the conditional admission category with an exception window.

**K.A.R. 88-29-8** describes how universities shall calculate the size of the exception window for resident freshman class admissions, which is a method to admit a limited number of residents who do not meet the requisite minimum admission standards. The amendments limit the rule's application to students who graduate before 2015 and remove the words "ten percent" from the name for the exception window.

**K.A.R. 88-29-8c** is a new regulation that would create an exception window for nonresident freshmen applicants who do not meet the requisite minimum admission standards. The regulation is patterned after K.A.R. 88-29-8 in terms of how the 10 percent maximum is calculated and its application is limited to students who graduate before 2015. This exception window would take the place of the conditional admission category for nonresidents.

**K.A.R. 88-29-9** requires state universities to adopt admission policies, which are subject to board approval. The amendments limit the rule's application to students who graduate before 2015, replace the conditional admission category with an exception window, and incorporate provisions that were previously in K.A.R. 88-29-10.

**K.A.R. 88-29-10** establishes methods for state universities to evaluate qualifications for admission. The amendments limit the rule's application to students who graduate before 2015 and remove provisions that were moved to K.A.R. 88-29-9.

**K.A.R. 88-29-11** establishes minimum requirements for a high school's qualified admission precollege curriculum.

(continued)

lum. The amendments limit the rule's application to students who graduate before 2015, or before 2010, and enable utilization of the common course codes used by Kansas high schools rather than the board's course content requirements set forth in current regulations.

**K.A.R. 88-29-12** establishes a process by which accredited Kansas high schools can establish an approved qualified admission precollege curriculum. The amendments incorporate references to new regulations and enable utilization of the common course codes used by Kansas high schools rather than the board's course content requirements set forth in current regulations.

**K.A.R. 88-29-18** establishes functional equivalents of the qualified admission precollege curriculum for Kansas residents. The amendments limit the rule's application to students who graduate before 2015.

**K.A.R. 88-29-19** establishes functional equivalents of the qualified admission precollege curriculum for non-residents. The amendments limit the rule's application to students who graduate before 2015.

#### **Article 29a.—STATE UNIVERSITY ADMISSIONS (all new)**

**K.A.R. 88-29a-5** establishes admission standards for resident freshmen under age 21 who apply for admission for the 2015 summer session or later. Standards beyond those currently required include completion of either the Regents' precollege curriculum or Kansas Scholars curriculum with a 2.0 or better in addition to achieving a 21 ACT or ranking top third in the applicant's high school class, and having a cumulative GPA of at least 2.0 on all transferable college credit hours.

**K.A.R. 88-29a-6** establishes admission standards for resident freshmen who are age 21 or older and who apply for admission for the 2015 summer session or later. Standards beyond those currently required include having a cumulative GPA of at least 2.0 on all transferable college credit hours.

**K.A.R. 88-29a-7** establishes admission standards for nonresident freshmen under age 21 who apply for admission for the 2015 summer session or later. Standards beyond those currently required include completion of either the Regents' precollege curriculum or Kansas Scholars curriculum (or functional equivalents) with a 2.5 or better in addition to achieving a 21 ACT or ranking top third in the applicant's high school class, and having a cumulative GPA of at least 2.0 on all transferable college credit hours.

**K.A.R. 88-29a-7a** establishes admission standards for nonresident freshman applicants who are age 21 or older. Standards beyond those currently required include having a cumulative GPA of at least 2.0 on all transferable college credit hours.

**K.A.R. 88-29a-8** describes how universities shall calculate the size of the exception window for resident freshman class admissions, which is a method to admit a limited number of residents who do not meet the requisite minimum admission standards. This regulation shall be effective beginning with the 2015 summer session.

**K.A.R. 88-29a-8c** would expand the exception window for nonresident freshmen applicants who do not meet the requisite minimum admission standards. The regulation

is patterned after K.A.R. 88-29a-8 in terms of how the percent maximum is calculated and its application is limited to students who apply for admission in the 2015 summer session or later.

**K.A.R. 88-29a-9** requires state universities to adopt admission policies, which are subject to board approval. This regulation shall be effective beginning with the 2015 summer session and incorporates the requirements of the new Article 29a regulations.

**K.A.R. 88-29a-10** establishes methods for state universities to evaluate qualifications for admission. This regulation shall be effective beginning with the 2015 summer session and incorporates the requirements of the new Article 29a regulations.

**K.A.R. 88-29a-11** establishes minimum requirements for a high school's qualified admission precollege curriculum for students who graduate from high school in academic year 2014-2015 or later. Changes to the required curriculum include requiring three units of math and achievement of the ACT or SAT college readiness math benchmark, or else four units of math, one of which must be taken in the year the student graduates. Also included is a new section requiring three units of elective courses chosen from prescribed categories.

**K.A.R. 88-29a-18** establishes functional equivalents of the qualified admission precollege curriculum for Kansas residents. This regulation will apply to students who graduate from high school in academic year 2014-2015 or later and incorporates the requirements of the new Article 29a regulations.

**K.A.R. 88-29a-19** establishes functional equivalents of the qualified admission precollege curriculum for non-residents. This regulation will apply to students who graduate from high school in academic year 2014-2015 or later and incorporates the requirements of the new Article 29a regulations.

**Economic Impact:** The adoption of these regulations would result in no economic impact on the board, governmental agencies generally, or the general public. Further, there is no anticipated economic impact on the state universities or high schools, with the possible exception of additional costs associated with provision of the additional unit of math for students not meeting the ACT college readiness benchmark for math. The board has attempted to mitigate any burden in this regard by making clear that the additional math unit can be any math course prescribed by the school district that is designed to prepare students for college. Dual enrollment, concurrent enrollment and online math courses may be used to fulfill the requirement. Although processes may change slightly with these regulation amendments, state universities already evaluate each application for admission, and high schools already develop curriculum for their precollege courses. However, use of the common course codes should lessen the burden on both the high schools and the board office in determining which courses fit the curriculum requirements.

Andy Tompkins  
President and CEO

Doc. No. 039318

## 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. Westar Energy, Inc.-Neosho Energy Center 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.

Westar Energy, Inc.-Neosho Energy Center, 818 S. Kansas Ave., P.O. Box 889, Topeka, 66601, owns and operates a power plant located at 2365 22000 Road, Parsons, Labette County.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Jessica Webb, (785) 296-1578, at the KDHE central office; and to review the proposed permit only, contact Doug Cole, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Jessica Webb, 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 May 16.

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 May 16 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.

Robert Moser, M.D.  
Secretary of Health  
and Environment

Doc. No. 039291

## State of Kansas

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Kansas City Power and Light (KCPL) generating station has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300.

Kansas City Power and Light owns and operates La Cygne generating station, 25166 E. 2200 Road, La Cygne, 66040. KCPL is proposing to replace two stacks for two existing boilers (units 1 and 2) at the La Cygne generating station with a single dual-flue stack. The stack replacement project is necessary in order to accommodate the exhaust for controls that will be installed to reduce emissions. An emission increase is not expected to result from the replacement of the stacks.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Mindy Bowman, (785) 296-6421, at the KDHE central office; and to review the proposed permit only, contact Doug Cole, (620) 296-6421, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Mindy Bowman, 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 May 16.

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 May 16 in order for the Secretary of Health and Environment to consider the request.

Robert Moser, M.D.  
Secretary of Health  
and Environment

Doc. No. 039297

State of Kansas

Department of Health and Environment

Public 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-11-059/063

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Jewell County Feeders, LLC Randy & Becky Dean 1026 Q Road Mankato, KS 66956	SW/4 of Section 10, T03S, R09W, Jewell County	Solomon River Basin
Kansas Permit No. A-SOJW-C001 Federal Permit No. KS0119695		

This is a permit modification and reissuance for an expanding livestock facility with a proposed maximum capacity of 6,500 head (6,500 animal units) of cattle weighing greater than 700 pounds. This represents an increase in the permitted animal units from the previous permit. Proposed modifications to the facility include the construction of two sediment basins, open lot pens, manure storage area and a manure transfer pipeline. Modifications also will be made to the west retention structure. This facility has an approved nutrient management plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Supreme Cattle Feeders, LLC Mike Veltri 19016 Road I Kismet, KS 67859	All of Section 16 & SE/4 of Section 17, T32S, R33W, Seward County	Cimarron River Basin
Kansas Permit No. A-CISW-C002 Federal Permit No. KS0041599		

This permit is being reissued for an existing facility for 85,000 head (85,000 animal units) of cattle weighing more than 700 pounds. There is no change in the permitted animal units from the previous permit. An approved nutrient management plan for the facility is on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Scott Strathman 414 Hwy. 62 Goff, KS 66428	SW/4 of Section 15, T05S, R13E, Nemaha County	Kansas River Basin
Kansas Permit No. A-KSNM-S029		

This permit is being reissued for an existing facility with a maximum capacity of 2,400 head (960 animal units) of swine more than 5 pounds. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Kathleen Sinn 5990 Silver Creek Road Manhattan, KS 66503	NW/4 of Section 14, T09S, R06E, Riley County	Kansas River Basin
Kansas Permit No. A-KSRL-S004		

This permit is being reissued for an existing facility with a maximum capacity of 449 head (179.6 animal units) of swine more than 55 pounds, 430 head (43 animal units) of swine 55 pounds or less, 100 head (100 animal units) of cattle more than 700 pounds and 175 head (87.5 animal units) of cattle 700 pounds or less, for a total of 410.1 animal units. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Zoltenko Farms Inc. (South Stud) James A. Zoltenko 2195 Road 10 Courtland, KS 66939	NW/4 of Section 19, T01S, R05W, Republic County	Lower Republican River Basin
Kansas Permit No. A-LRRP-S025		

This permit is being reissued for an existing facility with a maximum capacity of 720 head (288 animal units) of swine more than 55 pounds. There is no change in the permitted animal units from the previous permit.

Notice of Intent to Terminate

Pursuant to the requirements of K.A.R. 28-16-60 and K.A.R. 28-16-62, the Kansas Department of Health and Environment hereby provides notice of intent to terminate the following KDHE-issued permits:

Project Name	Project City	Permit No.
Sunrise Addition	Rose Hill	S-WA13-0010
PSU Parking Lot Improvements	Pittsburg	S-NE57-0033
Monterey Bluffs	Lawrence	S-KS31-0072
Stephen's Noller	Lawrence	S-KS31-0119
Highlands (West & East)	Abilene	S-SH01-0011
Elk River (Lower) FRD 18	Howard	S-VE27-0002
Elk River (Upper) FRD 46	Howard	S-VE22-0007
Bea Martin Peck Animal Shelter	Ottawa	S-MC31-0047
600 Seat Contact Center	Junction City	S-SH45-0034
2009 Residential St. Program Part II & 2008 & 2009 CDBG Street Program	Overland Park	S-KS55-0181
Arbor Lake - 2nd Plat	Lenexa	S-KS34-0136
City Center	Lenexa	S-KS34-0183
Clear Creek Parkway	Shawnee	S-KS68-0083
Corbin Park Backwoods	Overland Park	S-KS55-0168
Foxfield Court - 2nd Plat	Olathe	S-KS52-0133
Frontier Medical Plaza	Olathe	S-KS52-0167
Greens of Chapel Creek - 4th Plat	Shawnee	S-KS68-0154
Greenwood Business Center (fka Greenwood Plaza)	Olathe	S-MO14-0015
Lake at Southwick - Phase 2	Stilwell	S-MO32-0019
MacKenzie Park	Olathe	S-KS52-0168
Mills Farm - 7th Plat (Relocation)	Overland Park	S-KS55-0167
Mur-Len Crossing	Olathe	S-MO14-0101
Olathe East High School	Olathe	S-MO14-0134
Olathe North High School	Olathe	S-KS52-0246
Olathe Northwest High School	Olathe	S-KS52-0248
Olathe South High School	Olathe	S-MO14-0133
Plaza Pointe Lot 11	Leawood	S-KS32-0033
Signature Bank KC	Overland Park	S-KS55-0130
Woodland Reserve, 2nd Plat	Lenexa	S-KS34-0019
Frontier Farm Credit	Parsons	S-NE55-0015
Smoky Hills Wind Farm	Lincoln	S-SA07-0007
8-Mile Farm Subdivision	Leavenworth	S-KS96-0002



Metzger Meadows - Phase 2	Basehor	S-KS04-0030
Reading Rock, Inc. - Reading Quarry	Reading	S-MC41-0001
ConWest Borrow Field	McPherson	S-LA11-0036
Craig Bain	Ness City	S-UA28-0005
East Marlatt Ave.	Manhattan	S-KS38-0068
City-Wide Self Storage	Salina	S-SH33-0068
Magnolia Hills Estates - Ph. 2	Salina	S-SH33-0055
Crystal Gardens Addition	Wichita	S-AR94-0630
Lateral 1, Main 16, SS #23	Wichita	S-AR94-0513
Main 16, SS #23	Wichita	S-AR94-0514
Wichita NW High School Track Renovation	Wichita	S-AR94-0633
Wichita SE High School Track Renovation	Wichita	S-AR94-0632
Southboro #9 Subdivision	Topeka	S-KS72-0035
Summit Woods Apartments	Topeka	S-KS72-0017
Topeka SSA Office	Topeka	S-KS72-0166
Merlins Glen at Hunters Pointe	Mulvane	S-AR64-0002

(Published in the Kansas Register April 14, 2011.)

**City of Albert, Kansas**

**Notice of Intent to Seek Private Placement  
General Obligation Bonds, Series 2011**

Notice is hereby given that the city of Albert, 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 \$145,000. 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 April 4, 2011.

Loia Ritterhouse  
City Clerk

Doc. No. 039302

**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 March 2011. 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**

19-2011-01 Sales Tax Treatment of Charges for Participation in Guided and Non-guided Hunting and Certain Sales of Game Birds

**Notices**

No new publications

**Memorandums**

No new publications

**Property Valuation Division Directives**

No new publications

**Q&A's**

No new publications

**Information Guides**

No new publications

Nick Jordan  
Secretary of Revenue

Doc. No. 039290

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 May 14 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-11-059/063) 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.

Robert Moser, M.D.  
Secretary of Health  
and Environment

Doc. No. 039306

(Published in the Kansas Register April 14, 2011.)

**City of Colby, Kansas**

**Notice of Intent to Seek Private Placement  
General Obligation Tax Increment  
Financing Bonds, Series 2011-1**

Notice is hereby given that the city of Colby, 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 \$1,150,000. 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 April 5, 2011.

Joni L. Ketchum  
City Clerk

Doc. No. 039305

(Published in the Kansas Register April 14, 2011.)

**Summary Notice of Sale  
City of Olathe, Kansas  
\$30,500,000\*  
General Obligation Bonds  
Series 218**

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

**Bids**

Written and electronic (as explained below) bids for the purchase of the above-referenced bonds of the city of Olathe, Kansas (the issuer), herein described will be received on behalf of the undersigned Director of Resource Management 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 May 3, 2011 (the sale date), until 11 a.m. No bid for less than 100.0 percent of the Series 218 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 May 26, 2011, and will become due on October 1 in the years as follows:

Year	Principal Amount*
2012	\$1,800,000
2013	2,115,000
2014	2,135,000
2015	2,160,000
2016	2,195,000
2017	2,235,000
2018	2,285,000

2019	2,345,000
2020	2,410,000
2021	2,485,000
2022	1,045,000
2023	1,085,000
2024	1,125,000
2025	1,165,000
2026	1,215,000
2027	495,000
2028	515,000
2029	540,000
2030	560,000
2031	590,000

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 April 1 and October 1 in each year, beginning April 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, or (ii) a qualified financial surety bond, in the amount 2 percent of the principal amount of the applicable series of 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 May 26, 2011, 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 \$1,415,026,926. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds and refunding bonds and temporary notes being sold, but excluding the bonds and notes to be retired with the proceeds of such bonds, is \$289,363,000.

**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.

**Written and Facsimile Bid and Good Faith Deposit**

**Delivery Address:**  
City Hall  
100 E. Santa Fe  
Olathe, KS 66061  
(913) 971-6212

Fax (913) 971-6283

**Financial Advisor:**

Springsted Incorporated  
380 Jackson St., Suite 300  
St. Paul, MN 55101  
Attn: Bond Services  
(651) 223-3000  
Fax (651) 223-3046  
E-mail: advisors@springsted.com

Dated April 5, 2011.

Donald T. Howell, Clerk  
City of Olathe, Kansas

\*Preliminary; subject to change.

Doc. No. 039315

**State of Kansas**

**Department of Agriculture**

**Permanent Administrative  
Regulations**

**Article 3.—COMMERCIAL FEEDING STUFFS**

**4-3-47. Adoption by reference.** (a) The following portions of the "2010 official publication" copyrighted in 2010 by the association of American feed control officials incorporated are hereby adopted by reference and shall apply to commercial feeding stuffs in this state:

(1) Regulations 1 through 13 of the "AAFCO model good manufacturing practice regulations for feed and feed ingredients" on pages 128 through 132, with the following changes:

(A)(i) In the first sentence of regulation 1, "section 3 of the model bill" shall be replaced with "K.S.A. 2-1001, and amendments thereto"; and

(ii) in the definition of "adulteration" in regulation 1, "section 7(a) of the model bill" shall be replaced with "K.S.A. 65-664, and amendments thereto"; and

(B) in the second sentence of regulation 11(b), the blank line following "agents of the" shall be replaced with "Kansas department of agriculture";

(2) the text titled "official feed terms" on pages 314 through 323; and

(3) the text titled "official names and definitions of feed ingredients as established by the association of American feed control officials" on pages 324 through 415.

(b) Copies of the material adopted by reference in this regulation may be obtained from the office of the agricultural commodity assurance program, Kansas department of agriculture, Topeka, Kansas. (Authorized by K.S.A. 2-1011 and K.S.A. 2009 Supp. 2-1013; implementing K.S.A. 2009 Supp. 2-1002 and K.S.A. 2009 Supp. 2-1013; effective May 1, 1981; amended May 1, 1982; amended May 1, 1984; amended May 1, 1988; amended Oct. 21, 1991; amended Dec. 12, 1994; amended June 15, 2001; amended Jan. 18, 2008; amended, T-4-1-5-11, Jan. 5, 2011; amended April 29, 2011.)

**4-3-48.** (Authorized by K.S.A. 2-1013 as amended by L. 1987, Ch. 7, Sec. 1; implementing K.S.A. 2-1002 and 2-1013 as amended by L. 1987, Ch. 7, Sec. 1; effective May

1, 1981; amended May 1, 1982; amended May 1, 1984; amended May 1, 1988; revoked April 29, 2011.)

**4-3-50. Good manufacturing practices; definitions.**

The following terms as used in 21 C.F.R. Parts 225 and 226, which are adopted by reference in K.A.R. 4-3-49, shall have the following meanings: (a) The term "form," referred to either by number or by any other designation, shall mean a form supplied by the agricultural commodity assurance program, Kansas department of agriculture.

(b) The term "state feed control officials" shall mean the secretary of the Kansas department of agriculture or the secretary's authorized representative.

(c) The term "center for veterinary medicine" shall mean the agricultural commodity assurance program, Kansas department of agriculture unless the context requires otherwise.

(d) The term "type A medicated article" shall mean a feeding stuff or ingredient for a feeding stuff that is intended solely for use in the manufacture of either another type A medicated article or a type B or type C medicated feed.

(e) The term "type B medicated feed" shall mean a feeding stuff or an ingredient for a feeding stuff that contains a substantial quantity of nutrients including vitamins or minerals or other nutritional ingredients in an amount not less than 25% of the weight of the type A medicated article and that is intended solely for the manufacture of other medicated feeds, either type B or type C.

(f) The term "type C medicated feed" shall mean a feeding stuff or an ingredient for a feeding stuff that contains a substantial quantity of nutrients including vitamins, minerals, or other nutritional ingredients and that is intended as the complete feed for the animal. (Authorized by and implementing K.S.A. 2009 Supp. 2-1013; effective, T-88-46, Nov. 10, 1987; effective May 1, 1988; amended April 29, 2011.)

Dale Rodman  
Secretary of Agriculture

Doc. No. 039303

**State of Kansas**

**Department of Commerce**

**Permanent Administrative  
Regulations**

**Article 21.—PROMOTING EMPLOYMENT  
ACROSS KANSAS (PEAK) PROGRAM**

**110-21-1. Definitions.** For the purposes of these regulations and the act, the following terms and definitions shall apply:

(a) "Adequate health insurance coverage" means health insurance that is offered by a company to all full-time employees within the first 180 days of their employment and provides for the following:

- (1) At least 50 percent of the premium paid by the employer;
- (2) coverage of basic hospital care and procedures;
- (3) coverage of physician care;

(continued)

- (4) coverage for mental health care;
- (5) coverage for substance abuse treatment;
- (6) coverage for prescription drugs; and
- (7) coverage for prenatal and postnatal care.
- (b) "Administrative or back office" means a business facility that meets the following requirements:
  - (1) Is operated by a company;
  - (2) provides ancillary support services to the company, but is not directly engaged in the company's primary function;
  - (3) generates only de minimis outside revenue at the facility; and
  - (4) is capable of being located anywhere geographically.
- (c) "Agreement" means an agreement entered into between the secretary and a qualified company as authorized by the act.
- (d) "Agreement date" means the date the department of commerce receives a company's application.
- (e) "Applicant" means a company that has submitted an application to the secretary for determination of eligibility under the act.
- (f) "Base employment level" means the average number of full-time employees in addition to any part-time employees calculated as full-time equivalent positions working 2,080 hours annually that existed in Kansas in the 12 months before the agreement date.
- (g) "Benefit period" means the period of time during which a qualified company shall be authorized to retain withholding taxes for PEAK-eligible jobs.
- (h) "Business facility" means each physical location in Kansas where any located, relocated, or expanded functions will be performed.
- (i) "Effective date" means the date the benefit period commences. The effective date shall meet the following requirements:
  - (1) Be established by the qualified company in writing;
  - (2) be within one year of the date of the agreement; and
  - (3) begin on the first day of a calendar quarter.
- (j) "Full-time employment" means an average of at least 35 hours per week for 52 consecutive weeks.
- (k) "Functions" means the activities of a business facility, office, department, or other operation, including a unit or production line.
  - (1) "Headquarters" means the location of a business facility that meets the following requirements:
    - (1) Physically houses principal officers of the business;
    - (2) is where primary direction, management, and administrative support for company operations are provided;
    - (3) serves multiple company work sites internationally, nationally, or regionally within the United States;
    - (4) generates only de minimis outside revenue; and
    - (5) is capable of being located anywhere geographically.
  - (m) "Located or relocated functions" means functions that are being initially located or relocated to Kansas.

- (n) "PEAK" means promoting employment across Kansas.
  - (o) "PEAK benefits" means the payroll withholding taxes authorized to be retained by a qualified company.
  - (p) "PEAK-eligible jobs" means PEAK jobs that are being paid at least the county median wage for the county in which the business facility is located and for which PEAK benefits are received.
  - (q) "PEAK job" means an employee-occupied job performing a located, relocated, or expanded function. PEAK jobs are used to satisfy program eligibility requirements including minimum jobs and wage standard comparison.
  - (r) "PEAK jobs' median wage" means the middle wage of the total number of wages that divides the PEAK jobs into two equal groups, half having wages above the median wage and half having wages below the median wage. This term is used to determine initial eligibility for benefits, continued eligibility, and extended benefit periods.
  - (s) "Wages" has the meaning specified in K.S.A. 79-3295 and amendments thereto. (Authorized by K.S.A. 2010 Supp. 74-5002r and K.S.A. 2010 Supp. 74-50,213; implementing K.S.A. 2010 Supp. 74-50,211; effective April 29, 2011.)
- 110-21-2. Eligibility and application requirements.** (a) Companies shall submit applications and any supporting documentation to the secretary to determine eligibility for benefits. In addition to meeting the requirements in the act, each applicant shall meet the following requirements:
- (1) The application shall be submitted before any position for which PEAK benefits are requested may be filled.
  - (2) The PEAK jobs' median wage shall meet or exceed the annual county median wage as reported by the department of labor in its annual report for the previous year for the county in which the business facility is located on the date the department receives the application.
  - (3) The company shall locate, relocate, or expand the minimum number of required jobs within two years from the agreement date.
  - (4) If an applicant applies as a headquarters, the business facility shall meet the definition of a headquarters.
  - (5) If applicant is applying as an administrative or back office, the business facility shall meet the definition of an administrative or back office.
    - (b) The application shall include the following:
      - (1) The applicant's legal name and address;
      - (2) The applicant's North American industry classification system (NAICS) category;
      - (3) the federal employer identification number (FEIN);
      - (4) the physical address, contact information, NAICS category, and FEIN for all related entities, including the following:
        - (A) The corporate headquarters;
        - (B) the parent company;
        - (C) the business facility; and
        - (D) any existing Kansas work sites;
      - (5) the type of ownership structure for the business facility;

(6) a description of the function to be located, relocated, or expanded, including evidence of relocation satisfactory to the secretary;

(7) a description of the company's products or services and its customers;

(8) the hire or start date in Kansas for PEAK jobs;

(9) the identification of any third-party legal employer;

(10) the projected total number of PEAK jobs, including how many of those jobs are PEAK-eligible jobs;

(11) the projected hiring schedule of PEAK jobs over five years;

(12) the median wage of the PEAK jobs;

(13) the total project capital investment, including leases;

(14) the base employment level if relocating to or expanding at an existing Kansas company or work site;

(15) the job title, description, number of positions, Kansas start or hire date, wages per hour, number of hours worked per week, and total annual wages for PEAK jobs;

(16) if applicable, information regarding whether the applicant is performing either of the following:

(A) Locating, relocating, or expanding a company's headquarters; or

(B) locating, relocating, or expanding an administrative or back office;

(17) certification that the applicant is "for-profit" unless applying as a headquarters or an administrative or back office;

(18) certification that the applicant will provide adequate health insurance coverage;

(19) certification that the applicant is not under the protection of the federal bankruptcy code;

(20) certification that the applicant is not delinquent on any federal, state, or local taxes;

(21) if applicable, payroll service company information as requested;

(22) an ownership disclosure and signature statement;

(23) the written authorization to inspect company records for verification of employment and wages;

(24) the certification by a company officer that the information provided in the application is true and accurate; and

(25) any other relevant information that the secretary deems necessary.

(c) If the application is approved by the secretary, the qualified company shall enter into an agreement with the secretary before receiving benefits. (Authorized by K.S.A. 2010 Supp. 74-5002r and K.S.A. 2010 Supp. 74-50,213; implementing K.S.A. 2010 Supp. 74-50,213; effective April 29, 2011.)

**110-21-3. Reconsideration of application.** (a) If an application is not approved, the reasons for the denial shall be provided to the applicant by the secretary. The applicant may ask the secretary for reconsideration of the decision within 30 days of the date of denial of the application.

(b) Decisions on reconsideration shall be the final agency action and subject to review under the Kansas ju-

dicial review act, K.S.A. 77-601 et seq. and amendments thereto. (Authorized by K.S.A. 2010 Supp. 74-5002r and K.S.A. 2010 Supp. 74-50,213; implementing K.S.A. 2010 Supp. 74-50,213; effective April 29, 2011.)

**110-21-4. Agreement.** (a) If an applicant meets the eligibility requirements and is approved by the secretary, the applicant shall be considered to be a qualified company. An agreement may be entered into by the secretary as to the terms and conditions by which the qualified company may receive benefits.

(b) The agreement shall be on a form prescribed by the department and, in addition to the requirements of the act, shall include the following:

(1) A description of the project;

(2) the length of the benefit period;

(3) the number of PEAK jobs, including projected PEAK jobs' median wage;

(4) the quarterly and annual reporting requirements;

(5) the agreement date;

(6) the county median wage for the business facility on the date the application is received by the department;

(7) an acknowledgement that the qualified company is ineligible to participate in other economic programs as listed in the act;

(8) the terms of default and conditions of repayment;

(9) a condition that the qualified company has one year from the agreement date to establish in writing an effective date;

(10) a condition that the qualified company shall satisfy program eligibility requirements and pay an average annual PEAK jobs' median wage greater than the county median wage in order to remain eligible for program benefits;

(11) a condition that the qualified company has two years from the agreement date to fill the minimum number of PEAK jobs necessary for program eligibility;

(12) a condition that the benefit period may be extended if the qualified company pays an average annual PEAK jobs' median wage of at least 110 percent as compared to the county median wage on the agreement date for each year that the company is in the program; and

(13) an acknowledgement that the qualified company receiving high-impact benefits that fails to create 100 or more jobs within two years of the agreement date shall have its benefit period reduced accordingly. (Authorized by K.S.A. 2010 Supp. 74-5002r and K.S.A. 2010 Supp. 74-50,213; implementing K.S.A. 2010 Supp. 74-50,213; effective April 29, 2011.)

**110-21-5. Reporting requirements.** (a) Each qualified company shall file quarterly and annual reports for the term of the agreement. The quarterly reports shall be due within 30 days from the end of each calendar quarter following the effective date. One year after the effective date, the qualified company shall provide an annual report summarizing the quarterly report data. The annual report shall be due within 30 days of each subsequent effective date.

(b) Each quarterly report and each annual report shall include the following:

(continued)

(1) The company name, address, and federal employer identification number;

(2) the PEAK agreement number;

(3) the effective date;

(4) the reporting period; and

(5) the PEAK jobs' median wage for the period.

(c) Each quarterly report shall include the following for each employee:

(1) The job title;

(2) the employee's name;

(3) the last four digits of the social security number or position number;

(4) the date hired in Kansas and, if applicable, the date terminated;

(5) the wages paid per hour;

(6) the number of hours worked per week; and

(7) the total wages for the quarter.

(d) Each quarterly report shall include the following for all PEAK jobs:

(1) The individual amount of payroll withholding tax retained and the amount remitted to the department of revenue for each PEAK job;

(2) the total amount of payroll withholding tax retained and remitted to department of revenue for all PEAK jobs during the period; and

(3) any other relevant information as deemed necessary by the secretary, including the following:

(A) A copy of the qualified company's Kansas department of labor quarterly wage report and unemployment return, form K-CNS 100, for the period; and

(B) a copy of the qualified company's department of revenue monthly Kansas withholding tax deposit reports, form KW-5, for the period.

(e) Each annual report shall include the following:

(1) Total wages of PEAK jobs and PEAK-eligible jobs;

(2) the annual average number of PEAK jobs and how many of those jobs are PEAK-eligible jobs;

(3) the total payroll withholding taxes remitted to the department of revenue for the PEAK jobs and a separate total of five percent remitted for PEAK-eligible jobs;

(4) the total PEAK benefits for PEAK-eligible jobs for the period;

(5) the total capital investment for the period;

(6) the qualified company's certification that it continues to meet program eligibility requirements, including supplying requested documentation; and

(7) a copy of the company's department of revenue annual withholding tax deposit report, KW-3 form, as filed during the period. (Authorized by K.S.A. 2010 Supp. 74-5002r and K.S.A. 2010 Supp. 74-50,213; implementing K.S.A. 2010 Supp. 74-50,213; effective April 29, 2011.)

Pat George  
Secretary of Commerce

Doc. No. 039296

## State of Kansas

### Department of Health and Environment

#### Permanent Administrative Regulations

#### Article 31.—HAZARDOUS WASTE MANAGEMENT STANDARDS AND REGULATIONS

**28-31-1.** (Authorized by and implementing K.S.A. 2001 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999; amended Sept. 20, 2002; revoked April 29, 2011.)

**28-31-2.** (Authorized by and implementing K.S.A. 2001 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-84-5, Feb. 10, 1983; amended May 1, 1984; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999; amended Sept. 20, 2002; revoked April 29, 2011.)

**28-31-3.** (Authorized by and implementing K.S.A. 2001 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-84-5, Feb. 10, 1983; amended May 1, 1984; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999; amended Sept. 20, 2002; revoked April 29, 2011.)

**28-31-4. EPA identification numbers; notification requirement for hazardous waste, universal waste, and used oil activities.** Each reference in this regulation to a federal regulation shall mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through 28-31-279.

(a) Each person who is required to obtain an EPA identification number by 40 CFR part 124 or 40 CFR parts 260 through 279 and each Kansas small quantity generator shall notify the department of their hazardous waste, universal waste, and used oil activities and shall obtain an EPA identification number by submitting to the department KDHE form 8700-12 or another form approved by the secretary.

(b) Each person that is newly subject to these notification requirements due to promulgation of a statute or regulation shall notify the department of that person's hazardous waste, universal waste, and used oil activities within 60 days of the effective date of the statute or regulation, unless a different date is specified in that statute or regulation.

(c) Each person shall update the information associated with that person's EPA identification number if there is a change in the information. The person shall submit these changes to the department on KDHE form 8700-12 or another form approved by the secretary, no more than

60 days after the change occurs. (Authorized by and implementing K.S.A. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-84-5, Feb. 10, 1983; amended May 1, 1984; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended March 22, 1996; amended June 4, 1999; amended Sept. 20, 2002; amended April 29, 2011.)

**28-31-5.** (Authorized by and implementing K.S.A. 65-3431 and K.S.A. 65-3458; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-86-6, March 22, 1985; amended, T-86-32, Sept. 24, 1985; amended, May 1, 1986; amended May 1, 1987; amended Feb. 5, 1990; amended April 25, 1994; revoked April 29, 2011.)

**28-31-6. Registration and insurance requirements for transporters of hazardous waste and used oil.** Each reference in this regulation to a federal regulation shall mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through 28-31-279. (a) Applicability. This regulation shall apply to the following:

(1) Each person that transports hazardous waste and is subject to the requirements of K.A.R. 28-31-263a; and

(2) each person that transports used oil and is subject to the requirements of 40 CFR part 279, subpart E.

(b) Registration. Each transporter shall register with the secretary according to the following requirements:

(1) The transporter shall submit the registration application on forms provided by the department.

(2) The transporter shall obtain written acknowledgment from the secretary that registration is complete before transporting hazardous waste or used oil within, into, out of, or through Kansas.

(3) The transporter shall carry a copy of the written acknowledgment in all vehicles transporting hazardous waste or used oil and shall provide the written acknowledgment for review upon request.

(4) The transporter shall update the registration information if there is a change in that information. The transporter shall submit these changes on forms provided by the department within 60 days of the date of the change.

(c) Insurance requirements. Each transporter shall secure and maintain liability insurance on each of the transporter's vehicles transporting hazardous waste or used oil in Kansas.

(1) The limits of insurance shall not be less than \$1 million per person and \$1 million per occurrence for bodily injury or death and \$1 million for all damage to the property of others. When combined bodily injury or death and property damage coverage are provided, the total limits shall not be less than \$1 million.

(2) If any coverage is reduced or canceled, the transporter shall notify the secretary in writing at least 35 days before the effective date of the reduction or cancellation.

(3) The transporter shall, before the expiration date of the insurance policy, provide the secretary with proof of periodic renewal in the form of a certificate of insurance showing the monetary coverage and the expiration date.

(d) Denial or suspension of registration.

(1) Any application may be denied and any transporter's registration may be suspended if the secretary determines that one or more of the following apply:

(A) The transporter failed or continues to fail to comply with any of the following:

(i) Provisions of the air, water, or waste statutes relating to environmental protection or to the protection of public health or safety, including regulations issued by Kansas or by the federal government; or

(ii) any condition of any permit or order issued to the transporter by the secretary.

(B) Any state or territory or the District of Columbia has found that the applicant or transporter has violated that government's hazardous waste or used oil transporter laws or regulations.

(C) One or more of the following is a principal of another corporation that would not be eligible for registration:

(i) The transporter;

(ii) a person who holds an interest in the transporter;

(iii) a person who exercises total or partial control of the transporter; or

(iv) a person who is a principal of the parent corporation.

(2) Each notice of denial or suspension shall be issued in writing by the secretary and shall inform the applicant or transporter of the procedures for requesting a hearing pursuant to K.S.A. 65-3456a and amendments thereto. (Authorized by and implementing K.S.A. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-84-5, Feb. 10, 1983; amended May 1, 1984; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999; amended Sept. 20, 2002; amended April 29, 2011.)

**28-31-7.** (Authorized by and implementing K.S.A. 1984 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; revoked April 29, 2011.)

**28-31-8.** (Authorized by and implementing K.S.A. 2001 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-84-5, Feb. 10, 1983; amended May 1, 1984; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999; amended Sept. 20, 2002; revoked April 29, 2011.)

**28-31-8b.** (Authorized by and implementing K.S.A. 2001 Supp. 65-3431; effective Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999; amended Sept. 20, 2002; revoked April 29, 2011.)

**28-31-9.** (Authorized by and implementing K.S.A. 2001 Supp. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-84-5, Feb. 10, 1983; amended May 1, 1984; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999; amended Sept. 20, 2002; revoked April 29, 2011.)

**28-31-10. Hazardous waste monitoring fees.** Each reference in this regulation to a federal regulation shall

*(continued)*

mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through 28-31-279. (a) Each of the following persons shall pay an annual monitoring fee to the department according to the requirements of subsections (b) through (e):

(1) Each owner or operator of a hazardous waste treatment, storage, or disposal facility;

(2) each hazardous waste transporter; and

(3) each hazardous waste generator.

(b) Hazardous waste treatment, storage, or disposal facilities. The owner or operator of each facility shall pay the annual monitoring fee before January 1 of each year.

(1) The fee for each active facility shall be based on the following schedule:

(A) On-site storage facility .....	\$7,500
(B) Off-site storage facility .....	\$8,000
(C) On-site nonthermal treatment facility .....	\$7,500
(D) Off-site nonthermal treatment facility .....	\$8,000
(E) On-site thermal treatment facility .....	\$8,000
(F) Off-site thermal treatment facility .....	\$12,000
(G) Incinerator facility .....	\$12,000
(H) On-site landfill or underground injection well .....	\$10,000
(I) Off-site landfill or underground injection well .....	\$15,000

(2) The fee for each facility subject to postclosure care shall apply upon receipt by the department of the certification of closure specified in 40 CFR 264.115 or 40 CFR 265.115. This fee shall be \$10,000.

(3) The owner or operator of each facility conducting more than one of the hazardous waste activities specified in paragraphs (a)(1) and (2) shall pay a single fee. This fee shall be in the amount specified for the activity having the highest fee of those conducted.

(c) Hazardous waste transporters. Each hazardous waste transporter shall pay the annual monitoring fee when the transporter registers with the department in accordance with K.A.R. 28-31-6, and before January 1 of each subsequent year. This fee shall be \$300.

(d) Hazardous waste generators.

(1) Each large quantity generator shall pay the annual monitoring fee before March 1 of each year.

(A) The fee shall be based on all hazardous waste generated during the previous calendar year according to the following schedule:

Total Yearly Quantity Generated	Monitoring Fee
Less than or equal to 5 tons .....	\$250
Greater than 5 tons but less than or equal to 50 tons .....	\$750
Greater than 50 tons but less than or equal to 500 tons .....	\$2,500
Greater than 500 tons .....	\$7,500

(B) Each large quantity generator that reclaims hazardous waste on-site to recover substantial amounts of energy or materials shall be exempt from payment of monitoring fees for the amount of hazardous waste reclaimed. This exemption shall not apply to hazardous waste residues produced during reclamation.

(2) Each small quantity generator and each Kansas small quantity generator shall pay the annual monitoring fee of \$100 before April 1 of each year.

(e) Monitoring fee payments. Each monitoring fee payment that is made by check or money order shall be made payable to the "hazardous waste management fund - Kansas department of health and environment." (Authorized by and implementing K.S.A. 65-3431; effective, E-82-20, Nov. 4, 1981; effective May 1, 1982; amended, T-85-2, Jan. 13, 1984; amended May 1, 1984; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; amended, T-86-32, Sept. 24, 1985; amended May 1, 1986; amended, T-87-49, Dec. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended April 25, 1994; amended March 22, 1996; amended June 4, 1999; amended Sept. 20, 2002; amended Oct. 29, 2004; amended April 29, 2011.)

**28-31-12. Inspections.** (a) Upon presentation of credentials and stating the purpose of the visit, the following actions may be performed during the regular business hours of the facility by the secretary or the secretary's designee:

(1) Entering any factory, plant, construction site, hazardous waste storage, treatment, or disposal facility, or other location where hazardous wastes could potentially be generated, stored, treated, or disposed of, and inspecting the premises to gather information regarding existing conditions and procedures;

(2) obtaining samples of actual or potential hazardous waste from any person or from the property of any person, including samples from any vehicle in which hazardous wastes are being transported;

(3) stopping and inspecting any vehicle, if there is reasonable cause to believe that the vehicle is transporting hazardous wastes;

(4) conducting tests, analyses, and evaluations of wastes and waste-like materials to determine whether or not the wastes or materials are hazardous and whether or not the requirements of these regulations are being met;

(5) obtaining samples from any containers;

(6) making reproductions of container labels;

(7) inspecting and copying any records, reports, information, or test results relating to wastes generated, stored, transported, treated, or disposed of;

(8) photographing or videotaping any hazardous waste management facility, device, structure, or equipment;

(9) drilling test wells or groundwater monitoring wells on the property of any person where hazardous wastes are generated, stored, transported, treated, disposed of, discharged, or migrating off-site and obtaining samples from the wells; and

(10) conducting tests, analyses, and evaluations of soil, groundwater, surface water, and air to determine whether the requirements of these regulations are being met.

(b) If, during the inspection, unsafe or unpermitted hazardous waste management procedures are discovered, the operator of the facility may be instructed by the secretary or the secretary's designee to retain and properly store hazardous wastes, pertinent records, samples, and other items. These materials shall be retained by the operator until the waste has been identified and the secretary determines the proper procedures to be used in handling the waste.



(c) When obtaining samples, the facility operator shall be allowed to collect duplicate samples for separate analyses.

(d) During the inspection, all reasonable security, safety, and sanitation measures employed at the facility shall be followed by the secretary or the secretary's designee.

(e) A written report listing all deficiencies found during the inspection and stating the measures required to correct the deficiencies shall be prepared and sent to the operator. (Authorized by and implementing K.S.A. 65-3431; effective May 1, 1982; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended June 4, 1999; amended April 29, 2011.)

**28-31-13. Variances.** (a) Application. Any person may apply for a variance from one or more specific provisions of these regulations according to the following criteria:

(1) An application for a variance may be submitted for any provision that is determined by the U.S. environmental protection agency to be more stringent or broader in scope than the federal hazardous waste regulations.

(2) The application shall be submitted to the department on a form provided by the department.

(3) The applicant shall state the reasons and circumstances that support the application and shall submit all other pertinent data to support the application.

(b) Review and public comment. A tentative decision to grant or deny a variance shall be made by the secretary according to the following criteria:

(1) A tentative decision shall be made within 60 days of receipt of the application by the department.

(2) A notice of the tentative decision and the opportunity for written public comment shall be published by the department in the following publications:

(A) The Kansas register; and

(B) the official county newspaper of the county in which the variance is requested or, if there is no official county newspaper, a newspaper published as provided in K.S.A. 64-101, and amendments thereto.

(3) Upon the written request of any person, a public meeting may be held to consider comments on the tentative decision. The person requesting a public meeting shall state the issues to be raised and shall explain why written comments would not suffice to communicate the person's views.

(c) Final decision. After all public comments have been evaluated, a final decision shall be made by the secretary according to the following criteria:

(1) A variance may be granted by the secretary if the variance meets the following requirements:

(A) The variance shall not be any less stringent than the federal hazardous waste regulations.

(B) The variance shall be protective of public health and safety and the environment.

(2) A notice of the final decision shall be published by the department in the Kansas register.

(A) If the variance is granted, all conditions and time limitations needed to comply with state or federal laws or to protect public health or safety or the environment shall be specified by the secretary.

(B) The date the variance expires shall be provided in the final decision.

(d) Extension of a prior or existing variance. Any person may submit a request in writing to extend a prior or existing variance that meets the requirements of this regulation, according to the following criteria:

(1) The person shall demonstrate the need for continuation of the variance.

(2) The variance may be reissued or extended for another period upon a finding by the secretary that the reissuance or extension of the variance would not endanger public health or safety or the environment.

(3) The review, public comment, and the final decision procedures shall be the same as those specified in subsections (b) and (c).

(e) Termination of a variance. Any variance granted pursuant to this regulation may be terminated, if the secretary finds one or more of the following conditions:

(1) Violation of any requirement, condition, schedule, or limitation of the variance;

(2) operation under the variance that fails to meet the minimum requirements established by state or federal law or regulations; or

(3) operation under the variance that is unreasonably threatening public health or safety or the environment. Written notice of termination shall be provided by the secretary to the person granted the variance. (Authorized by and implementing K.S.A. 65-3431; effective May 1, 1982; amended, T-85-42, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended June 4, 1999; amended April 29, 2011.)

**28-31-14.** (Authorized by and implementing K.S.A. 2001 Supp. 65-3431; effective May 1, 1988; amended Feb. 5, 1990; amended April 25, 1994; amended June 4, 1999; amended Sept. 20, 2002; revoked April 29, 2011.)

**28-31-15.** (Authorized by and implementing K.S.A. 2001 Supp. 65-3431; effective June 4, 1999; amended Sept. 20, 2002; revoked April 29, 2011.)

**28-31-16.** (Authorized by and implementing K.S.A. 2001 Supp. 65-3431; effective June 4, 1999; amended Sept. 20, 2002; revoked April 29, 2011.)

**28-31-100. Substitution of state terms for federal terms; internal references to federal regulations.** When used in any provision of 40 CFR part 124, parts 260 through 266, or part 268, 270, 273, or 279, as adopted by reference by K.A.R. 28-31-124 through 28-31-279, the following substitutions shall be made unless otherwise specified in K.A.R. 28-31-124 through 28-31-279:

(a) References to federal regulations that are adopted by reference. Each reference to 40 CFR parts 124, 260 through 268, 270, 273, and 279 shall mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through K.A.R. 28-31-279.

(b) References to federal regulations that are not adopted by reference.

(1) 40 CFR part 124.

(A) Each reference to 40 CFR part 124 in its entirety shall be replaced with "K.A.R. 28-31-124 through 28-31-124e."

(continued)

(B) Each reference to 40 CFR 124, subpart A in its entirety shall be replaced with "K.A.R. 28-31-124 through 28-31-124e."

(C) Each reference to 40 CFR 124.2 or any portion of 40 CFR 124.2 shall be replaced with "40 CFR 270.2."

(D) Each reference to 40 CFR 124.3 or any portion of 40 CFR 124.3 shall be replaced with "K.A.R. 28-31-124a."

(E) Each reference to 40 CFR 124.5 or any portion of 40 CFR 124.5 shall be replaced with "K.A.R. 28-31-124b."

(F) Each reference to 40 CFR 124.6 or any portion of 40 CFR 124.6 shall be replaced with "K.A.R. 28-31-124c."

(G) Each reference to 40 CFR 124.8 or any portion of 40 CFR 124.8 shall be replaced with "K.A.R. 28-31-124d."

(H) Each reference to 40 CFR 124.10 or any portion of 40 CFR 124.10 shall be replaced with "K.A.R. 28-31-124e," except in 40 CFR 124.204(d)(10), where the phrase "§§ 124.10(c)(1)(ix) and (c)(1)(x)(A)" shall be replaced with "K.A.R. 28-31-124e(e)(1)(D) and (E)."

(I) The following phrases shall be replaced with "in accordance with K.S.A. 65-3440, and amendments thereto,":

- (i) "[A]ccording to the procedures of § 124.19";
- (ii) "pursuant to 40 CFR 124.19";
- (iii) "under § 124.19";
- (iv) "under § 124.19 of this chapter";
- (v) "under § 124.19 of this part"; and
- (vi) "under the permit appeal procedures of 40 CFR 124.19."

(2) 40 CFR 260.20 through 260.23. Each reference to 40 CFR 260.20, 260.21, 260.22, or 260.23, or any combination of these references, shall be replaced with the phrase "EPA's rulemaking petition program." (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-100a. Substitution of state terms for federal terms; administrator.** When used in any provision of 40 CFR part 124, parts 260 through 266, or part 268, 270, 273, or 279, as adopted by reference by K.A.R. 28-31-124 through 28-31-279, the following substitutions shall be made unless otherwise specified in K.A.R. 28-31-124 through 28-31-279:

(a) The following terms and phrases shall be replaced with "secretary," except as noted in subsection (b):

- (1) "Administrator";
- (2) "[a]dministrator or State Director";
- (3) "applicable EPA Regional Administrator";
- (4) "appropriate Regional Administrator or state Director";
- (5) "[a]ssistant Administrator";
- (6) "[a]ssistant Administrator for Solid Waste and Emergency Response";
- (7) "EPA Regional Administrator";
- (8) "EPA Regional Administrator(s)";
- (9) "EPA Regional Administrator (or his designated representative) or State authorized to implement part 268 requirements";
- (10) "EPA Regional Administrator for the Region in which the generator is located";
- (11) "EPA Regional Administrator(s) for the Region(s) in which the facility(ies) is(are) located";

(12) "EPA Regional Administrator(s) of the EPA Region(s) in which the bonded facility(ies) is (are) located";

(13) "EPA Regional Administrators of the Regions in which the facilities are located, or their designees";

(14) "[r]egional Administrator";

(15) "[r]egional Administrator(s)";

(16) "[r]egional Administrator of every Region in which facilities for which financial responsibility is to be demonstrated through the financial test are located";

(17) "[r]egional Administrator or state Director";

(18) "[r]egional Administrator, or State Director, as the context requires, or an authorized representative ('director' as defined in 40 CFR 270.2)";

(19) "[r]egional Administrator, or State Director (if located in an authorized state)";

(20) "[r]egional Administrator(s) of the EPA Region(s) in which the facility(ies) is(are) located"; and

(21) "USEPA Regional Administrator for Region [Region #]."

(b) The terms listed in subsection (a) shall not be replaced with "secretary" in the following federal regulations:

(1) 40 CFR 260.10, in the following definitions:

(A) "Administrator";

(B) "equivalent method";

(C) "hazardous waste constituent";

(D) "industrial furnace"; and

(E) "regional administrator";

(2) 40 CFR part 261, in the following locations:

(A) 40 CFR 261.10;

(B) 40 CFR 261.11; and

(C) 40 CFR 261.21;

(3) 40 CFR part 262, subparts E and H and the appendix;

(4) 40 CFR part 264, in the following locations:

(A) 40 CFR 264.12(a);

(B) 40 CFR 264.151(b), in the first paragraph of the financial guarantee bond;

(C) 40 CFR 264.151(c), in the first paragraph of the performance bond; and

(D) 40 CFR 265.12(a);

(5) 40 CFR part 268, in the following locations:

(A) 40 CFR 268.5;

(B) 40 CFR 268.6;

(C) 40 CFR 268.40(b);

(D) 40 CFR 268.42(b); and

(E) 40 CFR 268.44; and

(6) 40 CFR part 270, in the following locations:

(A) 40 CFR 270.2, in the following definitions:

(i) "Administrator";

(ii) "corrective action management unit or CAMU";

(iii) "director";

(iv) "major facility";

(v) "regional administrator"; and

(vi) "state/EPA agreement";

(B) 270.5;

(C) 270.10(e)(2) and (3);

(D) 270.10(f)(3); and

(E) 270.11(a)(3). (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-100d. Substitution of state terms for federal terms; DOT, director.** When used in any provision of 40

CFR part 124, parts 260 through 266, or part 268, 270, 273, or 279, as adopted by reference by K.A.R. 28-31-124 through 28-31-279, the following substitutions shall be made unless otherwise specified in K.A.R. 28-31-124 through 28-31-279:

(a) Department of transportation. The terms "Department of Transportation" and "DOT" shall be replaced with "U.S. department of transportation," except in the following instances:

- (1) In an address;
- (2) in the term "DOT hazard class";
- (3) in the term "U.S. Department of Transportation (DOT)"; and
- (4) in the term "U.S. DOT."

(b) Director.

(1) The following terms shall be replaced with "secretary" except as noted in paragraphs (b)(2) through (4):

- (A) "Director" and "Directors";
- (B) "[d]irector of an EPA permitting agency";
- (C) "[r]egional or State Directors to whom the claim was submitted";
- (D) "[r]egional or State RCRA and CAA Directors, in whose jurisdiction the exclusion is being claimed and where the comparable/syngas fuel will be burned";
- (E) "[s]tate and Regional Directors"; and
- (F) "[s]tate Director."

(2) The term "Director" shall not be replaced with "secretary" when used in the following terms:

- (A) "Director of the Federal Register";
- (B) "[d]irector, Office of Hazardous Materials Regulations"; and
- (C) "EPA Director of the Office of Solid Waste."

(3) The term "directors" shall not be replaced with "secretary" in the term "Board of Directors."

(4) The terms "Director," "Directors," and "State Director" shall not be replaced with "secretary" in the following locations:

- (A) 40 CFR part 262, in the appendix;
- (B) 40 CFR 266.201 and 266.210, in the definition of "director"; and
- (C) 40 CFR 270.2, in the following definitions:
  - (i) "Director"; and
  - (ii) "state director." (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-100e. Substitution of state terms for federal terms; engineer, environmental appeals board, EPA.** When used in any provision of 40 CFR part 124, parts 260 through 266, or part 268, 270, 273, or 279, as adopted by reference by K.A.R. 28-31-124 through 28-31-279, the following substitutions shall be made unless otherwise specified in K.A.R. 28-31-124 through 28-31-279:

(a) Engineer. The following terms shall be replaced with "Kansas professional engineer":

- (1) "[G]eotechnical engineer";
- (2) "PE";
- (3) "professional engineer";
- (4) "qualified engineer";
- (5) "qualified Professional Engineer";
- (6) "qualified registered professional engineer";
- (7) "qualified, registered professional engineer"; and
- (8) "registered professional engineer."

(b) Environmental appeals board.

(1) The term "Environmental Appeals Board" shall be replaced with "secretary."

(2) The term "EPA's Environmental Appeals Board" shall be replaced with "the secretary."

(c) Environmental protection agency.

(1) The following terms shall be replaced with "department" or "the department" except as noted in paragraphs (2) through (6) of this subsection:

- (A) "Agency";
- (B) "applicable EPA Regional Office, Hazardous Waste Division";
- (C) "appropriate regional EPA office";
- (D) "[e]nvironmental Protection Agency";
- (E) "[e]nvironmental Protection Agency (EPA)";
- (F) "EPA";
- (G) "EPA Headquarters";
- (H) "EPA region";
- (I) "EPA region or authorized state";
- (J) "EPA regional office";
- (K) "regulatory agency";
- (L) "United States Environmental Protection Agency";
- (M) "United States Environmental Protection Agency (EPA)";
- (N) "U.S. Environmental Protection Agency"; and
- (O) "U.S. Environmental Protection Agency (EPA)."

(2) The terms listed in paragraph (1) of this subsection shall not be replaced with "the department" in the following instances:

- (A) Where the term is used in an address; and
- (B) where the term is part of an EPA document name or number.

(3) The term "Agency" shall not be replaced with "the department" when used as part of the following terms in the singular or plural:

- (A) "Agency of the Federal government";
- (B) "agency of the Federal or State government";
- (C) "[f]ederal Agency";
- (D) "oversight agency"; and
- (E) "[s]tate agency."

(4) The term "Environmental Protection Agency" shall not be replaced with "the department" when used as part of the term "Environmental Protection Agency identification number."

(5) The term "EPA" shall not be replaced with "the department" when used as part of the following terms in the singular or plural:

- (A) "EPA Acknowledgment of Consent";
- (B) "EPA Director of the Office of Solid Waste";
- (C) "EPA facility ID number";
- (D) "EPA Form";
- (E) "EPA guidance";
- (F) "EPA Hazardous Waste";
- (G) "EPA Hazardous Waste Code";
- (H) "EPA Hazardous Waste No.";
- (I) "EPA Hazardous Waste Number";
- (J) "EPA identification number";
- (K) "EPA Manual";
- (L) "EPA Publication";
- (M) "EPA Protocol";
- (N) "EPA standard method";

(continued)

- (O) "EPA test method";
  - (P) "EPA waste code"; and
  - (Q) "U.S. EPA Identification Number."
- (6) The terms listed in paragraph (c)(1) shall not be replaced with "the department" in the following locations:
- (A) 40 CFR part 124, in the following locations:
    - (i) 124.200; and
    - (ii) 124.207;
  - (B) 40 CFR 260.10, in the following definitions:
    - (i) "Administrator";
    - (ii) "EPA hazardous waste number";
    - (iii) "EPA identification number";
    - (iv) "EPA region";
    - (v) "federal agency";
    - (vi) "regional administrator"; and
    - (vii) "replacement unit";
  - (C) 40 CFR part 261, appendix I;
  - (D) 40 CFR part 262, in the following locations:
    - (i) 40 CFR 262.21;
    - (ii) 40 CFR 262.32(b); and
    - (iii) 40 CFR part 262, subparts E, F, and H and the appendix;
  - (E) 40 CFR part 264, in the following locations:
    - (i) In 40 CFR 264.151, where only the term "agency" shall not be replaced; and
    - (ii) in 40 CFR 264.1082(c)(4)(ii), the second occurrence of "EPA";
  - (F) in 40 CFR 265.1083(c)(4)(ii), the second occurrence of "EPA";
  - (G) 40 CFR part 266, appendix IX, sections 4 through 9, except that the first occurrence of the term "EPA" in section 8.0 shall be replaced with "the department";
  - (H) 40 CFR 267.143;
  - (I) 40 CFR part 268, in the following locations:
    - (i) 40 CFR 268.1(e)(3);
    - (ii) 40 CFR 268.2(j);
    - (iii) 40 CFR 268.5;
    - (iv) 40 CFR 268.7(e); and
    - (v) 40 CFR 268.44;
  - (J) 40 CFR part 270, in the following locations:
    - (i) 40 CFR 270.2, in the definitions of "administrator," "application," "approved program or approved state," "director," "environmental protection agency (EPA)," "EPA," "final authorization," "interim authorization," "permit," "regional administrator," and "state/EPA agreement";
    - (ii) 40 CFR 270.5;
    - (iii) 40 CFR 270.10(e)(2);
    - (iv) 40 CFR 270.11(a)(3);
    - (v) 40 CFR 270.51(d);
    - (vi) 40 CFR 270.72(a)(5) and (b)(5); and
    - (vii) 40 CFR 270.225; and
  - (K) 40 CFR part 273, in the following locations:
    - (i) 40 CFR 273.32(a)(3); and
    - (ii) 40 CFR 273.52.
  - (d) EPA form 8700-12. The term "EPA Form 8700-12" shall be replaced with "KDHE form 8700-12."
  - (e) EPA form 8700-13B. The term "EPA form 8700-13B" shall be replaced with "KDHE form 8700-13b." (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-100f. Substitution of state terms for federal terms; federal register.** When used in any provision of 40 CFR part 124, parts 260 through 266, or part 268, 270, 273, or 279, as adopted by reference by K.A.R. 28-31-124 through 28-31-279, the substitutions specified in this regulation shall be made unless otherwise specified in K.A.R. 28-31-124 through 28-31-279. The term "Federal Register" shall be replaced with "Kansas register" except in the following locations:

- (a) 40 CFR 266.203(c) and 266.205(e);
- (b) 40 CFR 268.5(e);
- (c) 40 CFR 268.6(j);
- (d) 40 CFR part 268, subpart D; and
- (e) 40 CFR 270.10(e)(2). (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-100p. Substitution of state terms for federal terms; part B, permitting agency or authority.** When used in any provision of 40 CFR part 124, parts 260 through 266, or part 268, 270, 273, or 279, as adopted by reference by K.A.R. 28-31-124 through 28-31-279, the following substitutions shall be made unless otherwise specified in K.A.R. 28-31-124 through 28-31-279:

- (a) Part B. The following phrases shall be replaced with "part B application":
  - (1) "[P]art B of the RCRA application"; and
  - (2) "RCRA part B application."
- (b) Permitting agency or authority. The following terms shall be replaced with "department" or "the department":
  - (1) "[P]ermitting agency";
  - (2) "permitting authority";
  - (3) "permitting authority for the facility";
  - (4) "permitting authority of the state or territory where the facility is located"; and
  - (5) "permitting authority of the state or territory where the facility(ies) is(are) located." (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-100q. Substitution of state terms for federal terms; qualified geologist, qualified soil scientist.** When used in any provision of 40 CFR part 124, parts 260 through 266, or part 268, 270, 273, or 279, as adopted by reference by K.A.R. 28-31-124 through 28-31-279, the following substitutions shall be made unless otherwise specified in K.A.R. 28-31-124 through 28-31-279:

- (a) Qualified geologist. The term "qualified geologist" shall be replaced with "Kansas licensed geologist."
- (b) Qualified soil scientist. The term "qualified soil scientist" shall be replaced with "Kansas licensed geologist." (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-100r. Substitution of state terms for federal terms; RCRA.** When used in any provision of 40 CFR part 124, parts 260 through 266, or part 268, 270, 273, or 279, as adopted by reference by K.A.R. 28-31-124 through 28-31-279, the following substitutions shall be made unless otherwise specified in K.A.R. 28-31-124 through 28-31-279:

- (a) General references to the RCRA program and sub-title C.

(1) The following terms shall be replaced with "Kansas hazardous waste program" or "the Kansas hazardous waste program" except as noted in paragraphs (2) and (3) and subsections (o) through (q):

- (A) "RCRA";
- (B) "RCRA hazardous waste";
- (C) "RCRA hazardous waste management";
- (D) "RCRA program";
- (E) "RCRA subtitle C";
- (F) "[r]esource Conservation and Recovery Act";
- (G) "[r]esource Conservation and Recovery Act as amended (RCRA)";
- (H) "[r]esource Conservation and Recovery Act of 1976 as amended";
- (I) "[s]ubtitle C";
- (J) "subtitle C of RCRA"; and
- (K) "subtitle C of the Resource Conservation and Recovery Act (RCRA)."

(2) The term "RCRA" shall not be replaced with "Kansas hazardous waste program" when used in the following terms, in the singular or plural:

- (A) "RCRA facility ID number";
- (B) "RCRA hazardous waste code";
- (C) "RCRA ID number";
- (D) "RCRA identification number";
- (E) "non-RCRA tank";
- (F) "RCRA/Superfund Hotline";
- (G) "RCRA waste code"; and
- (H) "RCRA Subtitle D."

(3) The terms listed in paragraph (1) of this subsection shall not be replaced with "Kansas hazardous waste program" when used in the following locations:

- (A) The parenthetical authority cited at the end of a section;
- (B) 40 CFR 260.10, in the definition of "act" or "RCRA";
- (C) 40 CFR part 261, in the following locations:
  - (i) 40 CFR 261.4(e)(2)(iv); and
  - (ii) 40 CFR 261.38(c)(1)(ii);
- (D) 40 CFR part 262, in the following locations:
  - (i) Subpart H; and
  - (ii) the appendix;
- (E) 40 CFR part 266, in the following locations:
  - (i) 40 CFR 266.202(d); and
  - (ii) 40 CFR 266.210 and 266.240, where "RCRA hazardous waste" shall be replaced with "hazardous waste"; and
- (F) 40 CFR 270.2, in the definition of "RCRA."

(b) References to specific sections, subsections, or paragraphs of RCRA.

(1) Section 3010. The following phrases shall be replaced with "K.A.R. 28-31-4":

- (A) "RCRA section 3010";
- (B) "section 3010 of RCRA";
- (C) "section 3010 of the Act"; and
- (D) "section 3010(a) of RCRA."

(2) Section 7003. The following terms shall be replaced with "K.S.A. 65-3443 and 65-3445":

- (A) "[S]ection 7003"; and
- (B) "section 7003 of RCRA."

(c) References to RCRA and subtitle C facilities and disposal units.

(1) The term "RCRA hazardous waste land disposal unit" shall be replaced with "Kansas hazardous waste land disposal unit."

(2) The term "RCRA hazardous waste management facility" shall be replaced with "Kansas hazardous waste management facility."

(3) The term "Subtitle C landfill cell" shall be replaced with "Kansas hazardous waste landfill cell."

(4) The term "Subtitle C monofill" shall be replaced with "Kansas hazardous waste monofill."

(d) References to permits. The following substitutions shall apply in the singular and plural:

(1) The following phrases shall be replaced with "Kansas hazardous waste facility permit" except as noted in paragraph (d)(2):

- (A) "Permit issued under section 3005 of this act";
- (B) "permit under RCRA 3005(c)";
- (C) "permit under RCRA section 3005(c)";
- (D) "permit under section 3005 of this act";
- (E) "RCRA hazardous waste permit";
- (F) "RCRA operating permit";
- (G) "RCRA permit";
- (H) "RCRA permit under RCRA section 3005(c)";
- (I) "RCRA, UIC, or NPDES permit";
- (J) "RCRA, UIC, PSD, or NPDES permit"; and
- (K) "[s]tate RCRA permit."

(2) In 40 CFR 270.51(d), the first occurrence of the phrase "RCRA permit" shall not be replaced with "Kansas hazardous waste facility permit."

(3) The phrase "RCRA-permitted" shall be replaced with "Kansas-permitted."

(4) The following phrases shall be replaced with "Kansas hazardous waste facility standardized permit":

- (A) "RCRA standardized permit"; and
- (B) "RCRA standardized permit (RCRA)."

(5) The phrase "a final permit under RCRA section 3005" shall be replaced with "a final permit issued by EPA under RCRA section 3005 or a Kansas hazardous waste facility permit" in the following locations:

- (A) 40 CFR 264.1030(c);
- (B) 40 CFR 264.1050(c);
- (C) 40 CFR 264.1080(c); and
- (D) 40 CFR 265.1080(c). (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-100s. Substitution of state terms for federal terms; state.** When used in any provision of 40 CFR part 124, parts 260 through 266, or part 268, 270, 273, or 279, as adopted by reference by K.A.R. 28-31-124 through 28-31-279, the following substitutions shall be made unless otherwise specified in K.A.R. 28-31-124 through 28-31-279:

(a) The following terms when used in the singular shall be replaced with "state of Kansas" or "the state of Kansas" except as noted in subsections (b) and (c):

(1) "State" and "a State" when referring to a political entity;

- (2) "approved State" and "an approved State"; and
- (3) "authorized State" and "an authorized State."

(b) The term "State" shall not be replaced when used in the following terms in the singular or plural:

(continued)

- (1) "Agreement State"; and  
 (2) "[s]tate agency."  
 (c) The terms listed in subsection (a) shall not be replaced in the following locations:  
 (1) 40 CFR 124.207(a)(3);  
 (2) 40 CFR 260.10, in the following definitions:  
 (A) "Designated facility";  
 (B) "explosives or munitions emergency response specialist";  
 (C) "person";  
 (D) "publicly owned treatment works"; and  
 (E) "state";  
 (3) 40 CFR part 261, in the following locations:  
 (A) 40 CFR 261.4(g)(2)(i); and  
 (B) 40 CFR 261.5;  
 (4) 40 CFR part 262;  
 (5) 40 CFR part 264, in the following locations:  
 (A) 40 CFR part 264, subparts C and D;  
 (B) 40 CFR 264.71(e); and  
 (C) 40 CFR part 264, subpart H;  
 (6) 40 CFR part 265, in the following locations:  
 (A) 40 CFR part 265, subparts C and D;  
 (B) 40 CFR 265.71(e); and  
 (C) 40 CFR 265.147;  
 (7) 40 CFR 266.210, in the following definitions:  
 (A) "Agreement state"; and  
 (B) "naturally occurring and/or accelerator-produced radioactive material (NARM)";  
 (8) 40 CFR part 267, subparts C, D, and H;  
 (9) 40 CFR part 270, in the following locations:  
 (A) 40 CFR 270.2, in the following definitions:  
 (i) "Approved program or approved state";  
 (ii) "director";  
 (iii) "final authorization";  
 (iv) "interim authorization";  
 (v) "person";  
 (vi) "POTW";  
 (vii) "state";  
 (viii) "state director"; and  
 (ix) "state/EPA agreement";  
 (B) 40 CFR 270.10(g)(1)(ii), where only the term "approved State" shall not be replaced;  
 (C) 40 CFR 270.11(a)(3); and  
 (D) 40 CFR 270.13;  
 (10) 40 CFR 273.14(c)(1)(iii); and  
 (11) 40 CFR 279.24(a)(3). (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-124. Procedures for permitting; adoption and modification of federal regulations.** (a) Adoption. The provisions of 40 CFR 124.11 through 124.17 and 40 CFR part 124, subparts B and G, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

- (1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;  
 (2) the exclusions from adoption listed in subsection (b); and  
 (3) the modifications listed in subsection (c).  
 (b) Exclusions. The following portions of 40 CFR 124.12 through 124.17 and 40 CFR part 124, subpart G shall be excluded from adoption:

- (1) 40 CFR 124.12(b);  
 (2) 40 CFR 124.16(b)(2);  
 (3) 40 CFR 124.17(b);  
 (4) 40 CFR 124.204(d)(1), (4) through (7), and (9); and  
 (5) 40 CFR 124.205(a), (c), and (i) through (l).  
 (c) Modifications. The following modifications shall be made to 40 CFR 124.11 through 124.17 and 40 CFR part 124, subparts B and G:  
 (1) Each occurrence of the term "decisionmaking" shall be replaced with "permitting."  
 (2) Each parenthetical statement starting with "Applicable to State programs" shall be deleted.  
 (3) In 40 CFR 124.11, the text "or the permit application for 404 permits when no draft permit is required (see § 233.39)" shall be deleted.  
 (4) In 40 CFR 124.12(a)(3), the phrase "For RCRA permits only," shall be deleted.  
 (5) In 40 CFR 124.13, the term "EPA documents" shall be replaced with "EPA or department documents."  
 (6) The first sentence of 40 CFR 124.14(a)(4) shall be deleted.  
 (7) In 40 CFR 124.14(b)(2), the phrase "a revised statement of basis under § 124.7," shall be deleted.  
 (8) The following text shall be added to the end of 40 CFR 124.15(b)(2): "by a person who filed comments on the draft permit or participated in the public hearing through written or oral comments. Stays of contested permit conditions are subject to § 124.16."  
 (9) In 40 CFR 124.16(a)(1), the following text shall be deleted:  
 (A) "(No stay of a PSD permit is available under this section.);"  
 (B) "or new injection well, new source, new discharger or a recommencing discharger"; and  
 (C) ", injection well, source or discharger pending final agency action. See also § 124.60."  
 (10) In 40 CFR 124.16(a)(2)(i), the following text shall be deleted:  
 (A) ", injection wells, and sources"; and  
 (B) ", injection well, or source."  
 (11) In 40 CFR 124.16(a)(2)(ii), the following text shall be deleted:  
 (A) "[R]eceiving notification from the EAB of";  
 (B) "the EAB,"; and  
 (C) "[f]or NPDES permits only, the notice shall comply with the requirements of § 124.60(b)."  
 (12) In 40 CFR 124.16(b), the text "and he or she has accepted each appeal" shall be deleted.  
 (13) In 40 CFR 124.17(a), the text "States are" shall be replaced with "The department is."  
 (14) In 40 CFR 124.17(a)(2), the phrase "or the permit application (for section 404 permits only)" shall be deleted.  
 (15) In 40 CFR 124.31(a), 124.32(a), and 124.33(a), the following sentence shall be deleted: "For the purposes of this section only, 'hazardous waste management units over which EPA has permit issuance authority' refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR part 271."  
 (16) In 40 CFR 124.204(d)(3), the sentence shall be replaced with "All subsections shall apply."

(17) In 40 CFR 124.205(d), the text “(b),” shall be deleted.

(18) In 40 CFR 124.208(e), the phrase “§ 124.12(b), (c), and (d)” shall be replaced with “§ 124.12(c) and (d).” (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3440; effective April 29, 2011.)

**28-31-124a. Procedures for permitting; application for a permit.** Each reference in this regulation to 40 CFR part 270 shall mean 40 CFR part 270 as adopted by reference in K.A.R. 28-31-270. (a) Each person that is required to have a Kansas hazardous waste facility permit, as specified in 40 CFR part 270, K.S.A. 65-3433 and amendments thereto, or K.S.A. 65-3437 and amendments thereto, shall submit a completed, signed application to the department.

(b) Before submitting the application, the applicant shall submit to the department a disclosure statement that contains all information necessary for the secretary to conduct the background investigation required by K.S.A. 65-3437, and amendments thereto.

(1) The disclosure statement shall be submitted on forms provided by the department.

(2) If there is a parent company, the parent company shall submit a separate disclosure statement to the department on forms provided by the department.

(c) The application shall be reviewed by the department after the applicant has fully complied with the requirements of 40 CFR 270.10 and 270.13.

(d) The application signature and certification shall meet the requirements of 40 CFR 270.11.

(e) Applications shall not be required for permits by rule. (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431, 65-3433, and 65-3437; effective April 29, 2011.)

**28-31-124b. Procedures for permitting; modification, revocation and reissuance, or termination of permits.** Each reference in this regulation to a federal regulation shall mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through 28-31-279. (a) Reasons for modification, revocation and reissuance, or termination of a permit. A permit may be modified, revoked and reissued, or terminated by the secretary only for the reasons specified in 40 CFR 270.41, 40 CFR 270.43, and K.S.A. 65-3439 and amendments thereto.

(b) Request for modification, revocation and reissuance, or termination of a permit. Any person, including the permittee or the secretary, may request that a permit be modified, revoked and reissued, or terminated. Each request shall be submitted to the department in writing and shall contain the facts and reasons supporting the request.

(c) Procedures for modification or for revocation and reissuance of a permit. Modification of a permit, and revocation and reissuance of a permit, shall be subject to the following requirements:

(1) A draft permit shall be prepared by the department if either of the following occurs:

(A) The secretary tentatively decides to modify or to revoke and reissue a permit according to the criteria specified in 40 CFR 270.41, other than 40 CFR 270.41(b)(3).

(B) The permittee requests a modification in accordance with 40 CFR 270.42(c).

(2) The draft permit shall be prepared by the department according to the following criteria:

(A) The draft permit shall incorporate the proposed changes.

(B) Additional information from the permittee may be requested by the secretary.

(C) If a permit is modified, the permittee may be required by the secretary to submit an updated application.

(D) If a permit is revoked and reissued for a cause not listed in 40 CFR 270.41(b)(3), the permittee shall submit a new application to the department.

(E) If a permit is revoked and reissued in accordance with 40 CFR 270.41(b)(3), the requirements in 40 CFR part 124, subpart G for standardized permits shall be met by the secretary and the permittee.

(3) If a permit is modified, only those conditions to be modified shall be reopened by the department when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit.

(4) If a permit is revoked and reissued, the entire permit shall be reopened by the department as if the permit had expired and was being reissued. During the revocation and reissuance proceedings, the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

(5) “Class 1 modifications” and “Class 2 modifications,” as defined in 40 CFR 270.42 (a) and (b), shall not be subject to the requirements of this regulation.

(d) Termination of permit. If the secretary tentatively decides to terminate a permit in accordance with 40 CFR 270.43 and the permittee objects, a notice of intent to terminate shall be issued by the secretary. Each notice of intent to terminate shall be deemed a type of draft permit and shall be subject to the procedures specified in K.A.R. 28-31-124c and in K.S.A. 65-3440 and amendments thereto. (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431, 65-3437, and 65-3439; effective April 29, 2011.)

**28-31-124c. Procedures for permitting; draft permits.** Each reference in this regulation to a federal regulation shall mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through 28-31-279. (a) Each permit application shall be reviewed by the secretary to determine compliance with the requirements of the hazardous waste regulations.

(b) If the permit application does not meet the requirements of this article, the application shall be denied by the secretary.

(c) If the application meets the requirements of this article, a draft permit shall be prepared by the secretary according to the following criteria:

(1) The draft permit shall contain the following information:

(A) All conditions specified in 40 CFR 270.30 and 270.32;

(B) all compliance schedules specified in 40 CFR 270.33;

(C) all monitoring requirements specified in 40 CFR 270.31; and

(D) standards for treatment, storage, or disposal, or any combination of these activities, and other permit conditions under 40 CFR 270.30.

(continued)

(2) The draft permit shall be accompanied by a fact sheet that meets the requirements of K.A.R. 28-31-124d.

(3) Public notice shall be given as specified in K.A.R. 28-31-124e.

(4) The draft permit shall be made available for public comment as specified in 40 CFR 124.11.

(5) Notice of opportunity for a public hearing shall be given as specified in 40 CFR 124.12.

(d) A final decision to issue the permit shall be issued by the secretary if the findings of fact show that the facility or activity will be protective of human health and safety and the environment. A final decision to deny the permit shall be issued by the secretary if the findings of fact show that the facility or activity will not be protective of human health and safety and the environment.

(e) A response to comments shall be issued by the secretary in accordance with 40 CFR 124.17.

(f) Any person may appeal the decision in accordance with K.S.A. 65-3440 and K.S.A. 65-3456a(b), and amendments thereto. (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431, 65-3433, 65-3437, and 65-3439; effective April 29, 2011.)

**28-31-124d. Procedures for permitting; fact sheet.**

A fact sheet for each draft permit shall be prepared and distributed by the department according to the following requirements:

(a) The fact sheet shall be sent by the department to the applicant and to each person who requests the fact sheet.

(b) The fact sheet shall briefly describe the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit.

(c) The fact sheet shall include the following information:

(1) A brief description of the type of facility or activity that is the subject of the draft permit;

(2) the type and quantity of wastes, fluids, or pollutants that are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged;

(3) the reasons why each requested variance or alternative to required standards do or do not appear justified;

(4) a description of the procedures for reaching a final decision on the draft permit, including the following information:

(A) The beginning and ending dates of the comment period as specified in K.A.R. 28-31-124e and the address where comments will be received;

(B) the procedures for requesting a hearing and the nature of that hearing; and

(C) all other procedures by which the public may participate in the final decision; and

(5) the name and telephone number of a person to contact for additional information. (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-124e. Procedures for permitting; public notice of permit actions and public comment period.** Public notices shall be given by the department according to the following criteria:

(a) A public notice shall be given if one or more of the following actions have occurred:

(1) A permit application has been tentatively denied under K.A.R. 28-31-124c.

(2) A draft permit has been prepared under K.A.R. 28-31-124c.

(3) A hearing has been scheduled under 40 CFR 124.12, as adopted by reference in K.A.R. 28-31-124.

(b) No public notice shall be required if a request for permit modification, revocation and reissuance, or termination is denied under K.A.R. 28-31-124b. Written notice of the denial shall be provided by the department to the person who made the request and to the permittee.

(c) The public notice may describe more than one permit or permit action.

(d) The public notice shall be given in accordance with the following time frames:

(1) The public notice of the preparation of a draft permit, including a notice of intent to deny a permit application, required under subsection (a) shall allow at least 45 days for public comment.

(2) The public notice of the public hearing shall be given at least 30 days before the hearing.

(3) The public notice of the hearing may be given at the same time as the public notice of the draft permit and the two notices may be combined.

(e) Public notice of the activities described in subsection (a) shall be given using the following methods:

(1) Mailing a copy of the notice to the following persons, except to any person that has waived the right to receive notices for the class or category of the permit described in the notice:

(A) The applicant;

(B) each agency that has issued or is required to issue a permit for the same facility or activity, including EPA;

(C) all federal and state agencies with jurisdiction over fish, shellfish, or wildlife resources, the advisory council on historic preservation, state historic preservation officers, and all affected states and Indian tribes;

(D) each person on the mailing list, which shall be developed by the department using the following methods:

(i) Each person who requests in writing to be on the mailing list shall be added to the mailing list;

(ii) participants in past proceedings in that area shall be solicited for inclusion on the mailing list;

(iii) the public shall be notified of the opportunity to be put on the mailing list through periodic publication in the public press and in publications which may include regional and state-funded newsletters, environmental bulletins, and state law journals; and

(iv) the mailing list may be updated by the department by requesting written indication of continued interest from persons on the list. The name of any person who fails to respond to such a request may be deleted from the list by the department;

(E) each unit of local government having jurisdiction over the area where the facility is proposed to be located; and

(F) each state agency having any authority under state law with respect to the construction or operation of the facility;

(2) publishing a notice in the official newspaper of the county in which the facility is located or proposed to be located or, if there is no official county newspaper, a



newspaper published as provided in K.S.A. 64-101, and amendments thereto;

(3) broadcasting over local radio stations;

(4) giving notice in a manner constituting legal notice to the public under state of Kansas law; and

(5) using any other method chosen by the department to give notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(f) Each public notice shall contain the following information:

(1) The name and address of the office processing the permit;

(2) the name and address of the permittee or the permit applicant and, if different, of the facility or activity regulated by the permit;

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

(4) the name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, the fact sheet, and the application;

(5) a brief description of the comment procedures required by 40 CFR 124.11 and 124.12, as adopted by reference in K.A.R. 28-31-124;

(6) the time and place of each hearing that has been scheduled;

(7) a statement of the procedures to request a hearing, unless a hearing has already been scheduled;

(8) all other procedures required for public participation in the final permit decision;

(9) the times when the record will be open for public inspection and a statement that all data submitted by the applicant is available as part of the administrative record; and

(10) any additional information necessary to allow full public participation in the final permit decision.

(g) The public notice of each hearing held pursuant to 40 CFR 124.12, as adopted by reference in K.A.R. 28-31-124, shall contain all of the information described in subsection (f) of this regulation plus the following information:

(1) Reference to the date of previous public notices relating to the permit;

(2) the date, time, and place of the hearing; and

(3) a brief description of the nature and purpose of the hearing, including the rules and procedures.

(h) In addition to the general public notice described in subsection (f), a copy of each of the following documents shall be mailed by the department to all persons identified in paragraphs (e)(1)(A) through (D):

(1) The fact sheet; and

(2) the permit application or the draft permit. (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3433; effective April 29, 2011.)

**28-31-260. General provisions and definitions; adoption and modification of federal regulations.** (a) Adoption. The provisions of 40 CFR part 260, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

(1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;

(2) the exclusions from adoption listed in subsection (b); and

(3) the modifications listed in subsection (c).

(b) Exclusions. The following portions of 40 CFR part 260 shall be excluded from adoption:

(1) All comments and all notes;

(2) 40 CFR 260.1;

(3) in 40 CFR 260.10, the definition of "performance track member facility";

(4) 40 CFR 260.11;

(5) 40 CFR 260.20 through 260.23;

(6) 40 CFR 260.40 and 260.41; and

(7) appendix I.

(c) Modifications. The following modifications shall be made to 40 CFR part 260:

(1) The text of 40 CFR 260.2 shall be replaced with the following: "The Kansas open records act and K.S.A. 65-3447 shall apply to all information provided to the department."

(2) The following definitions in 40 CFR 260.10 shall be modified as follows:

(A) The definition of "existing tank system or existing component" shall be modified by replacing "on or prior to July 14, 1986" with "on or before July 14, 1986 for HSWA tanks and on or before May 1, 1987 for non-HSWA tanks."

(B) The definition of "facility" shall be modified by deleting the phrase "under RCRA Section 3008(h)."

(C) The definition of "new tank system or new tank component" shall be modified by replacing both occurrences of "July 14, 1986" with "July 14, 1986 for HSWA tanks and May 1, 1987 for non-HSWA tanks."

(D) The definition of "qualified ground-water scientist" shall be replaced with the following definition: "'qualified ground-water scientist' means a licensed geologist or professional engineer who has sufficient training and experience in groundwater hydrology and related fields. Sufficient training may be demonstrated by a professional certification or by the completion of an accredited university program that enables the individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action."

(E) The definition of "small quantity generator" shall be replaced by the following definition: "'Small quantity generator' means a generator who meets all of the following criteria:

"(i) Generates more than 100 kilograms (220 pounds) of hazardous waste in any single calendar month;

"(ii) generates less than 1,000 kilograms (2,200 pounds) of hazardous waste in any single calendar month; and

"(iii) generates and accumulates acutely hazardous waste and other waste listed in 40 CFR 261.5(e) in quantities less than the generation limits listed in 40 CFR 261.5(e)."

(d) Differences between state and federal definitions. If the same term is defined differently both in K.S.A. 65-3430 et seq. and amendments thereto or this article and in any federal regulation adopted by reference in this ar-

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title, the definition prescribed in the Kansas statutes or regulations shall control, except for the term "solid waste." (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-260a. General provisions and definitions; additional state definitions.** Each reference in this regulation to a federal regulation shall mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through 28-31-279. (a) State definitions. The following definitions shall apply to K.A.R. 28-31-4 through 28-31-279:

(1) "Conditionally exempt small quantity generator" means a generator who meets both of the following criteria:

(A) Generates less than 25 kilograms (55 pounds) of hazardous waste in any single calendar month; and

(B) generates and accumulates acutely hazardous waste and other waste listed in 40 CFR 261.5(e) in quantities less than the generation limits listed in 40 CFR 261.5(e).

(2) "HSWA drip pad" means a drip pad associated with the handling of waste designated as F032 waste in 40 CFR 261.31.

(3) "HSWA tank" means any of the following tanks:

(A) A tank owned or operated by a generator of less than 1,000 kilograms (2,200 pounds) of hazardous waste in any single calendar month;

(B) a new underground tank; or

(C) an existing underground tank that cannot be entered for inspection.

(4) "Kansas hazardous waste facility permit" means a permit issued under the Kansas hazardous waste program.

(5) "Kansas hazardous waste program" means the hazardous waste management program operated by the state of Kansas in lieu of the U.S. environmental protection agency, authorized by and implementing K.S.A. 65-3430 et seq. and amendments thereto.

(6) "Kansas licensed geologist" means a person who has a current license to practice geology from the state board of technical professions pursuant to K.S.A. 74-7001 et seq., and amendments thereto.

(7) "Kansas professional engineer" means a person who has a current license to practice engineering from the state board of technical professions pursuant to K.S.A. 74-7001 et seq., and amendments thereto.

(8) "Kansas small quantity generator" means a generator that meets all of the following criteria:

(A) Generates 25 kilograms (55 pounds) or more of hazardous waste in any single calendar month;

(B) generates no more than 100 kilograms (220 pounds) of hazardous waste in any single calendar month; and

(C) generates and accumulates acutely hazardous waste and other waste listed in 40 CFR 261.5(e) in quantities less than the generation limits listed in 40 CFR 261.5(e).

(9) "Large quantity generator" means a generator who meets either or both of the following criteria:

(A) Generates 1,000 kilograms (2,200 pounds) or more of hazardous waste in any single calendar month; or

(B) generates or accumulates acutely hazardous waste and other waste listed in 40 CFR 261.5(e) in quantities

equal to or greater than the generation limits listed in 40 CFR 261.5(e).

(10) "Non-HSWA drip pad" means a drip pad for handling wastes designated as F034 and F035 wastes in 40 CFR 261.31.

(11) "Non-HSWA tank" means any tank except the following tanks:

(A) Tanks owned or operated by a generator of less than 1,000 kilograms (2,200 pounds) of hazardous waste in any single calendar month;

(B) new underground tanks; and

(C) existing underground tanks that cannot be entered for inspection.

(b) Differences between state and federal definitions. If the same term is defined differently both in K.S.A. 65-3430 et seq. and amendments thereto or this article and in any federal regulation adopted by reference in this article, the definition prescribed in the Kansas statutes or regulations shall control, except for the term "solid waste." (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3451; effective April 29, 2011.)

**28-31-261. Identification and listing of hazardous waste; adoption and modification of federal regulations.** (a) Adoption. The provisions of 40 CFR part 261, including appendices I, VII, and VIII, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

(1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;

(2) the exclusions from adoption listed in subsection (b); and

(3) the modifications listed in subsection (c).

(b) Exclusions. The following portions of 40 CFR part 261 shall be excluded from adoption:

(1) All comments and all notes;

(2) 40 CFR 261.4(b)(16) through (18); and

(3) 40 CFR 261.6(a)(2)(v).

(c) Modifications. The following modifications shall be made to 40 CFR part 261:

(1) Each occurrence of the following phrases shall be deleted:

(A) "(incorporated by reference, see § 260.11)";

(B) ", and as incorporated by reference in § 260.11 of this chapter"; and

(C) ", as incorporated by reference in § 260.11 of this chapter."

(2) In 40 CFR 261.1(b)(2), the phrase "under sections 3007, 3013, and 7003 of RCRA" shall be deleted.

(3) In 40 CFR 261.1(b)(2)(i), the following replacements shall be made:

(A) The phrase "sections 3007 and 3013" shall be replaced with "K.S.A. 65-3431, 65-3437 and 65-3441, and K.A.R. 28-31-12."

(B) The phrase "section 1004(27) of RCRA" shall be replaced with "40 CFR 261.2."

(C) The phrase "section 1004(5) of RCRA" shall be replaced with "K.S.A. 65-3430."

(4) In 40 CFR 261.4(e)(3)(iii), the text "in the Region where the sample is collected" shall be deleted.

(5) 40 CFR 261.5(a) shall be replaced by the definition of "conditionally exempt small quantity generator" in K.A.R. 28-31-260a.

(6) In 40 CFR 261.5(e), (f)(2), and (g)(2), the phrases “that acute hazardous waste” and “those accumulated wastes” shall be replaced with the phrase “the generator’s hazardous waste and acute hazardous waste.”

(7) In 40 CFR 261.5(g), the phrase “100 kilograms” shall be replaced with the phrase “25 kilograms (55 pounds).”

(8) In 40 CFR 261.5(g)(2), the phrase “generators of between 100 kg and 1000 kg of hazardous waste in a calendar month” shall be replaced with the phrase “small quantity generators.”

(9) In 40 CFR 261.5(g)(3), the phrase “or ensure delivery” shall be replaced with “or, subject to the restrictions of K.A.R. 28-31-262a, ensure delivery.”

(10) In 40 CFR 261.21(a)(3), the phrase “an ignitable compressed gas as defined in 49 CFR 173.300” shall be replaced with the phrase “a flammable gas as defined in 49 CFR 173.115(a).”

(11) In 40 CFR 261.21(a)(4), the phrase “49 CFR 173.151” shall be replaced with “49 CFR 173.127(a).”

(12) 40 CFR 261.23(a)(8) shall be replaced with the following: “It is a forbidden explosive as defined in 49 CFR 173.54, or it is a division 1.1, 1.2, or 1.3 explosive, as defined in 49 CFR 173.50 and 173.53.”

(13) In 40 CFR 261.33(e), the text “be the small quantity exclusion defined in” shall be deleted.

(14) In 40 CFR 261.33(f), the phrase “the small quantity generator exclusion defined in” shall be deleted.

(15) In 40 CFR 261.38(c)(1)(i), the introductory paragraph shall be replaced with “Notice to the secretary.”

(16) In 40 CFR part 261, appendix VII, the entries in both columns for “K064,” “K065,” “K066,” “K090,” and “K091” shall be deleted. (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-261a. Identification and listing of hazardous waste; additional state requirements.** Each conditionally exempt small quantity generator shall comply with K.A.R. 28-31-262a. (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-262. Generators of hazardous waste; adoption and modification of federal regulations.** (a) Adoption. The provisions of 40 CFR part 262, including the appendix, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

(1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;

(2) the exclusions from adoption listed in subsection (b); and

(3) the modifications listed in subsection (c).

(b) Exclusions. The following portions of 40 CFR part 262 shall be excluded from adoption:

(1) All comments and all notes, except in the appendix;

(2) 40 CFR 262.10(j) and (k);

(3) 40 CFR 262.34(g) through (l);

(4) 40 CFR 262.89(e); and

(5) subparts I and J.

(c) Modifications. The following modifications shall be made to 40 CFR part 262:

(1) In 40 CFR 262.10(g), the phrase “and K.S.A. 65-3441(b) and (c) and 65-3444 through 65-3446” shall be inserted after the phrase “section 3008 of the Act.”

(2) 40 CFR 262.11(c)(1) shall be replaced with the following text: “Submitting the waste for testing according to the methods in 40 CFR part 261, subpart C, by a laboratory that is certified for these analyses by the department; or.”

(3) The first paragraph in 40 CFR 262.20(e) shall be replaced with the following text: “The requirements of this subpart do not apply to hazardous waste produced by Kansas small quantity generators and small quantity generators if all of the following criteria are met:”

(4) In 40 CFR 262.27(b), the phrase “or a Kansas small quantity generator” shall be inserted at the end of the first sentence.

(5) In 40 CFR 262.34(a)(2), the phrase “and tank” shall be inserted after the phrase “each container.”

(6) In 40 CFR 262.34(c)(1), the text “A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.33(e) in containers” shall be replaced with the following text: “Any generator may accumulate 55 gallons or less, in no more than one container, of each type of hazardous waste and one quart or less, in no more than one container, of each type of acutely hazardous waste listed in § 261.33(e).”

(7) 40 CFR 262.34(c)(1)(ii) shall be replaced with the following text: “Marks the containers with the words ‘Hazardous Waste.’”

(8) At the end of 40 CFR 262.34(d)(5)(ii)(C), the following text shall be inserted as new subparagraph (D): “If the generator relies solely on cell phones, the generator shall meet the following requirements: (1) Post the information addressed by subparagraphs (A) through (C) on walls so that they can be readily seen by employees; (2) train all employees that manage hazardous waste on the locations of these postings; and (3) program the telephone numbers into the cell phones of management personnel.”

(9) In 40 CFR 262.42(b), the phrase “greater than 100 kilograms” shall be replaced with the phrase “25 kilograms or more.”

(10) In 40 CFR 262.43, the text “, as he deems necessary under sections 2002(a) and 3002(6) of the Act,” shall be deleted.

(11) In 40 CFR 262.44, the following modifications shall be made:

(A) In the title, the number “100” shall be replaced with the number “25.”

(B) In the first paragraph, the phrase “greater than 100 kilograms” shall be replaced with the phrase “25 kilograms or more.” (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3451; effective April 29, 2011.)

**28-31-262a. Generators of hazardous waste; additional state requirements.** Each reference in this regulation to a federal regulation shall mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through 28-31-279. (a) Transportation requirements.

(1) Each generator that transports hazardous waste shall comply with K.A.R. 28-31-263a.

(2) Each generator that uses another person to transport hazardous waste shall use only a transporter who has

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registered with the department in accordance with K.A.R. 28-31-6.

(b) Reporting requirements. Each generator of hazardous waste, except conditionally exempt small quantity generators (CESQGs), shall submit a report to the department that indicates whether the generator is a large quantity generator (LQG), a small quantity generator (SQG), or a Kansas small quantity generator (KSQG). The generator shall comply with the following requirements:

(1) Submit the report on a form provided by the department;

(2) submit the monitoring fee required by K.A.R. 28-31-10 with the report;

(3) submit the report according to the following schedule:

(A) Each LQG report shall be due on or before March 1 of each year that the biennial report is not required;

(B) each SQG report shall be due on or before April 1 of each year; and

(C) each KSQG report shall be due on or before April 1 of each year; and

(4) keep a copy of each report for at least three years after the date of the signature on the report.

(c) Additional requirement for LQGs. Each LQG shall comply with 40 CFR 265.15(d).

(d) Additional requirements for SQGs.

(1) In addition to meeting the requirements of 40 CFR 262.34(d)(5)(iii), each SQG shall meet the following requirements:

(A) Provide the training to each employee no more than six months after the employee is hired or transferred to a new position;

(B) repeat the training at least annually;

(C) record the name of each employee, the date of the training, and the topics covered in the training; and

(D) keep training records for each employee that has received the training for at least three years from the date of the training. Training records may accompany personnel transferred within the same company.

(2) Each SQG shall comply with the following regulations:

(A) 40 CFR 265.15(d);

(B) 40 CFR 265.111(a) and (b); and

(C) 40 CFR 265.114.

(e) Additional requirements for KSQGs.

(1) In the waste minimization certification found in item 15 of the uniform hazardous waste manifest, the phrase "small quantity generator" shall include KSQGs.

(2) Each KSQG shall inspect each area where one or more hazardous waste containers are stored at least once every 31 days and shall look for deterioration and leaks.

(3) Each KSQG shall comply with the following regulations:

(A) 40 CFR part 262, subpart A;

(B) 40 CFR part 262, subpart B, except KSQGs that are exempt from the transporter requirements of K.A.R. 28-31-263a;

(C) 40 CFR 262.30 through 262.33;

(D) 40 CFR 262.34(a)(2) and (3), (c), and (d)(5);

(E) 40 CFR 262.44;

(F) 40 CFR part 262, subparts E through H;

(G) 40 CFR 265.15(d);

(H) 40 CFR part 265, subpart C;

(I) 40 CFR 265.171 through 265.173 and 265.177;

(J) 40 CFR 265.201; and

(K) 40 CFR 268.7(a)(5).

(4) In addition to meeting the requirements of 40 CFR 262.34(d)(5)(iii), each KSQG shall meet the following requirements:

(A) Provide the training to each employee no more than six months after the employee is hired or transferred to a new position;

(B) repeat the training at least annually;

(C) record the name of each employee, the date of the training, and the topics covered in the training; and

(D) keep training records for each employee that has received the training for at least three years from the date of the training. Training records may accompany personnel transferred within the same company.

(5) Each KSQG that accumulates more than 1,000 kilograms (2,200 pounds) of hazardous waste shall comply with all of the requirements for SQGs.

(f) Additional requirements for CESQGs.

(1) No person shall send CESQG hazardous waste to a construction and demolition landfill located in Kansas.

(2) Each CESQG that accumulates 25 kilograms (55 pounds) or more of hazardous waste shall comply with all of the following requirements:

(A) The CESQG shall inspect each area where one or more hazardous waste containers are stored at least once every 31 days looking for deterioration and leaks.

(B) If the CESQG sends 25 kilograms (55 pounds) or more of hazardous waste at any one time to an off-site facility in Kansas, that waste shall be sent only to one of the following facilities:

(i) A Kansas household hazardous waste facility that has a permit issued by the secretary and is approved by the secretary to accept CESQG waste; or

(ii) a disposal facility that meets the requirements of 40 CFR 261.5(g)(3)(i), (ii), (iii), or (vii).

(C) The CESQG shall comply with the following regulations:

(i) 40 CFR 262.30 through 262.33;

(ii) 40 CFR 262.34(a)(2) and (3);

(iii) 40 CFR 265.15(d);

(iv) 40 CFR 265.171 through 265.173 and 265.177; and

(v) 40 CFR 265.201, if 25 kilograms (55 pounds) or more of hazardous waste is accumulated in one or more tanks. (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3451; effective April 29, 2011.)

**28-31-263. Transporters of hazardous waste; adoption and modification of federal regulations.** (a) Adoption. The provisions of 40 CFR part 263, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

(1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;

(2) the exclusions from adoption listed in subsection (b); and

(3) the modifications listed in subsection (c).

(b) Exclusions. All notes shall be excluded from adoption.

(c) Modifications. The following modifications shall be made to 40 CFR part 263:

(1) In 40 CFR 263.10(a), the following modifications shall be made:

(A) The phrase “the United States” shall be replaced with “Kansas.”

(B) The phrase “or K.A.R. 28-31-262a” shall be inserted at the end of the sentence.

(2) In 40 CFR 263.20(h), the phrase “greater than 100 kilograms” shall be replaced with “25 kilograms (55 pounds) or more.” (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3451; effective April 29, 2011.)

**28-31-263a. Transporters of hazardous waste; additional state requirements.** Each reference in this regulation to a federal regulation shall mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through 28-31-279. (a) Applicability. Each person that transports hazardous waste within, into, out of, or through Kansas shall comply with this regulation, except Kansas small quantity generators (KSQGs) and conditionally exempt small quantity generators (CESQGs) that meet the following conditions:

(1) The generator is transporting the generator’s own hazardous waste to a household hazardous waste (HHW) facility that meets one of the following conditions:

(A) If the generator is a KSQG, the HHW facility is permitted to accept KSQG waste.

(B) If the generator is a CESQG, the HHW facility is permitted to accept CESQG waste.

(2) The generator obtains a receipt for each load of hazardous waste delivered to the HHW facility.

(3) The generator keeps a copy of each receipt for a minimum of three years after the date of delivery.

(b) Registration and insurance. Each transporter of hazardous waste shall comply with the requirements of K.A.R. 28-31-6.

(c) Transportation restrictions. Each transporter shall transport hazardous waste only for hazardous waste generators and facilities that are in compliance with the requirement to obtain an EPA identification number for the state in which the generator or facility is located.

(d) Routing restrictions.

(1) Each transporter of hazardous waste shall ensure that each vehicle containing hazardous waste is operated over a preferred route that minimizes risk to public health and safety and the environment. To select a preferred route, the transporter shall consider the following information, if available:

(A) Accident rates;

(B) the transit time;

(C) population density and activities; and

(D) the day of the week and the time of day during which transportation will occur.

(2) Each transporter shall confine the transportation of hazardous wastes to preferred routes. Unless notice to the contrary is published in the Kansas register, all portions of the major highway system may be used. For the purposes of this subsection, the major highway system shall be considered to be all interstate routes, U.S. highways, state highways, and temporary detours designated by the

Kansas department of transportation. An interstate system bypass or beltway around a city shall be used when available.

(3) Any transporter of hazardous waste may deviate from a preferred route under any of the following circumstances:

(A) Emergency conditions that make continued use of the preferred route unsafe;

(B) rest, fuel, and vehicle repair stops; or

(C) deviations that are necessary to pick up, deliver, or transfer hazardous wastes. (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3451; effective April 29, 2011.)

**28-31-264. Hazardous waste treatment, storage, and disposal facilities; adoption and modification of federal regulations.** (a) Adoption. The provisions of 40 CFR part 264, including appendices I, IV, V, VI, and IX, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

(1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;

(2) the exclusions from adoption listed in subsection (b); and

(3) the modifications listed in subsection (c).

(b) Exclusions. The following portions of 40 CFR part 264 shall be excluded from adoption:

(1) All comments and all notes;

(2) 40 CFR 264.1(f) and (g)(12);

(3) 40 CFR 264.15(b)(5);

(4) 40 CFR 264.149 and 264.150;

(5) 40 CFR 264.195(e);

(6) 40 CFR 264.301(l);

(7) 40 CFR 264.1030(d);

(8) 40 CFR 264.1050(g); and

(9) 40 CFR 264.1080(e), (f), and (g).

(c) Modifications. The following modifications shall be made to 40 CFR part 264:

(1) Each occurrence of the following text shall be deleted:

(A) “(incorporated by reference, see § 260.11)”;

(B) “(incorporated by reference as specified in § 260.11)”;

(C) “(incorporated by reference under 40 CFR 260.11)”;

(D) “40 CFR 260.11(11)”;

(E) “as incorporated by reference in § 260.11 of this chapter.”

(2) In 40 CFR 264.1(g)(8)(D)(iii), the phrase “and K.A.R. 28-31-124a through 28-31-124e” shall be inserted after the phrase “through 124 of this chapter.”

(3) In 40 CFR 264.15(b)(4), the following text shall be deleted: “, except for Performance Track member facilities, that must inspect at least once each month, upon approval by the Director, as described in paragraph (b)(5) of this section.”

(4) In 40 CFR 264.112(d)(3), the phrase “under section 3008 of RCRA” shall be deleted.

(5) In 40 CFR 264.113(d)(2), the phrase “required under RCRA section 3019” shall be deleted.

(6) The phrase “determination pursuant to section 3008 of RCRA” shall be replaced with “determination by EPA

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pursuant to section 3008 of RCRA or by the state of Kansas under K.S.A. 65-3441, 65-3443, 65-3445, or 65-3439(e)" in the following locations:

- (A) 40 CFR 264.143(c)(5);
- (B) 40 CFR 264.143(d)(8);
- (C) 40 CFR 264.145(c)(5); and
- (D) 40 CFR 264.145(d)(9).

(7) The phrase "licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States" shall be replaced with "licensed to transact the business of insurance in Kansas or eligible to provide insurance as an excess or surplus lines insurer in Kansas" in the following locations:

- (A) 40 CFR 264.143(e)(1);
- (B) 40 CFR 264.145(e)(1);
- (C) 40 CFR 264.147(a)(1)(ii) and (b)(1)(ii); and
- (D) 40 CFR 264.151(i) and (j).

(8) In 40 CFR 264.143(h) and 264.145(h), the text "If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrators of all such regions" shall be replaced with the following: "If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance shall be submitted to and maintained with the state agency regulating hazardous waste, or with the appropriate regional administrator if the facility is located in an unauthorized state."

(9) In 40 CFR 264.144(b) and (c), the phrase "and the post-closure period" shall be inserted after the phrase "During the active life of the facility."

(10) In 40 CFR 264.144(b), the phrase "§ 264.145(b)(1) and (2)" shall be replaced with "paragraphs (b)(1) and (2) of this section."

(11) In 40 CFR 264.147(a)(1)(i) and (b)(1)(i), the phrase "Regional Administrator, or Regional Administrators" shall be replaced with "secretary, and regional administrators."

(12) In 40 CFR 264.151(a)(1), (m)(1), and (n)(1), the phrase "United States Environmental Protection Agency, 'EPA,' an agency of the United States Government," shall be replaced with the phrase "Kansas department of health and environment, or 'department.'"

(13) In 40 CFR 264.151(b) and (c), the phrase "U.S. Environmental Protection Agency (hereinafter called EPA)" shall be replaced with "Kansas department of health and environment (hereinafter called 'department')."

(14) In 40 CFR 264.151(d) and (k), the text between the title "Irrevocable Standby Letter of Credit" and "Dear Sir or Madam:" shall be replaced with the following:

"Name and address of issuing institution: \_\_\_\_\_  
"Secretary  
"Kansas department of health and environment."

(15) In 40 CFR 264.151(d), the following text shall be deleted: "[insert, if more than one Regional Administrator is a beneficiary, 'by any one of you']."

(16) In 40 CFR 264.151(f) and (g), in section 3 of the "Letter From Chief Financial Officer," the text "In States where EPA is not administering the financial requirements of subpart H of 40 CFR part 264 or 265," shall be deleted.

(17) In 40 CFR 264.151(l), in paragraph (1) of the "Governing Provisions" of the "Payment Bond," the phrase "Section 3004 of the Resource Conservation and Recovery Act of 1976, as amended" shall be replaced with "40 CFR 264.147 and 265.147."

(18) In 40 CFR 264.174, the following text shall be deleted: ", except for Performance Track member facilities, that may conduct inspections at least once each month, upon approval by the Director. To apply for reduced inspection frequencies, the Performance Track member facility must follow the procedures identified in § 264.15(b)(5) of this part."

(19) In 40 CFR 264.191(a), the phrase "January 12, 1988" shall be replaced with "January 12, 1988 for HSWA tanks or by May 1, 1988 for non-HSWA tanks."

(20) In 40 CFR 264.191(c), the text "July 14, 1986, must conduct this assessment within 12 months after the date that the waste becomes a hazardous waste" shall be replaced with the following text: "July 14, 1986 for HSWA tanks, or May 1, 1987 for non-HSWA tanks, shall conduct this assessment within 12 months after the date that the waste becomes a hazardous waste regulated by the state."

(21) The phrase "or RCRA Section 3008(h)" shall be deleted from the following locations:

- (A) 40 CFR 264.551(a); and
- (B) 40 CFR 264.552(a).

(22) In 40 CFR 264.553(a), the phrase "or RCRA 3008(h)" shall be deleted.

(23) In 40 CFR 264.555(a), the term "RCRA" shall be deleted.

(24) In 40 CFR 264.570(a), the following replacements shall be made:

(A) Each occurrence of the text "December 6, 1990" shall be replaced with "December 6, 1990 for HSWA drip pads and April 25, 1994 for non-HSWA drip pads."

(B) Each occurrence of the text "December 24, 1992" shall be replaced with "December 24, 1992 for HSWA drip pads and April 25, 1994 for non-HSWA drip pads."

(25) In 40 CFR 264.570(c)(1)(iv), the term "Federal regulations" shall be replaced with "federal and state regulations."

(26) In 40 CFR 264.1033(a)(2)(iii) and 264.1060(b)(3), the term "EPA" shall be deleted.

(27) In 40 CFR 264.1080(b)(5), the text "required under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h); CERCLA authorities; or similar Federal or State authorities" shall be replaced with the following: "required by EPA under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h) or under CERCLA authorities; required by the state under K.S.A. 65-3443, 65-3445, and 65-3453; or required under similar federal or state authorities."

(28) In 40 CFR 264.1101(c)(4), the following text shall be deleted:

(A) ", except for Performance Track member facilities that must inspect at least once each month, upon approval by the Director,"; and

(B) "[t]o apply for reduced inspection frequency, the Performance Track member facility must follow the procedures described in § 264.15(b)(5)." (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3443; effective April 29, 2011.)

**28-31-264a. Hazardous waste treatment, storage, and disposal facilities; additional state requirements.** Each reference in this regulation to a federal regulation shall mean that federal regulation as adopted by reference in K.A.R. 28-31-124 through 28-31-279. (a) Financial assurance.

(1) For the purposes of this subsection, the following definitions shall apply:

(A) "Captive insurance company" shall mean an insurance company that is established with the specific objective of financing risks emanating from its parent group or groups and that could or could not also insure risks of the parent groups' customers.

(B) "Financial institution" shall mean a bank, an insurance company, a surety company, or a trust company.

(C) "Purchased financial instrument" shall mean a trust fund, a letter of credit, a surety bond, or an insurance policy.

(D) "Unrelated" shall mean that neither party has any ownership of the other party, or any controlling interest in the other party.

(2) Each financial institution that provides financial assurance for a hazardous waste facility in Kansas shall meet the following requirements, in addition to meeting the requirements of 40 CFR part 264, subpart H:

(A) Each bank and each trust company shall have the authority to issue letters of credit in Kansas or to act as trustee for the facility in Kansas, or both.

(B) Each insurance company shall meet the following criteria:

(i) Have a current minimum rating in the secure or investment grade category by the A.M. Best insurance rating agency; and

(ii) not be a captive insurance company.

(C) Each surety company shall meet the following criteria:

(i) Have a current minimum rating in the secure or investment grade category by the A.M. Best insurance rating agency; and

(ii) be licensed in Kansas.

(3) If the financial assurance required by 40 CFR part 264, 265, or 267 is a purchased financial instrument, the financial institution that provides the purchased financial instrument shall be unrelated to both the owner and the operator of the facility.

(4) Each person that is required to submit the information listed in one or more of the following regulations shall also submit a copy of the most recent corporate annual report:

(A) 40 CFR 264.143(f)(3);

(B) 40 CFR 264.145(f)(3);

(C) 40 CFR 265.143(e)(3);

(D) 40 CFR 265.145(e)(3); or

(E) 40 CFR 267.143(f)(2).

(5) The corporate annual report required by paragraph (a)(4) shall be submitted for both publicly and privately owned facilities and shall contain the following items:

(A) Financial statements;

(B) notes to financial statements; and

(C) a copy of the independent certified public accountant's report, including an unqualified opinion.

(b) Notice in deed to property. Each owner of property on which a hazardous waste treatment, storage, or disposal facility is located shall record, in accordance with Kansas law, a notice with the register of deeds in the county where the property is located. The notice shall include the following information:

(1) The land has been used to manage hazardous waste.

(2) All records regarding permits, closure, or both are available for review at the department.

(c) Restrictive covenant and easement. Any owner of property on which a hazardous waste treatment, storage, or disposal facility is or has been located may be required by the secretary to execute a restrictive covenant or easement, or both, according to the following requirements:

(1) The restrictive covenant shall be filed with the county register of deeds, shall specify the uses that may be made of the property after closure, and shall include the following requirements:

(A) All future uses of the property after closure shall be conducted in a manner that preserves the integrity of waste containment systems designed, installed, and used during operation of the disposal areas, or installed or used during the postclosure maintenance period.

(B) The owner or tenant and all subsequent owners or tenants shall preserve and protect all permanent survey markers and benchmarks installed at the facility.

(C) The owner or tenant and all subsequent owners or tenants shall preserve and protect all environmental monitoring stations installed at the facility.

(D) The owner or tenant, all subsequent property owners or tenants, and any person granted easement to the property shall provide written notice to the secretary during the planning of any improvement to the site and shall commence any of the following activities only after receiving approval from the secretary:

(i) Excavating or constructing any permanent structures or drainage ditches;

(ii) altering the contours;

(iii) removing any waste materials stored on the site;

(iv) changing the vegetation grown on areas used for waste disposal;

(v) growing food chain crops on land used for waste disposal; or

(vi) removing any security fencing, signs, or other devices installed to restrict public access to waste storage or disposal areas.

(2) The easement shall state that the department, its duly authorized agents, or contractors employed by or on behalf of the department may enter the premises to accomplish any of the following tasks:

(A) Complete items of work specified in the site closure plan;

(B) perform any item of work necessary to maintain or monitor the area during the postclosure period; or

(C) sample, repair, or reconstruct environmental monitoring stations constructed as part of the site operating or postclosure requirements.

(3) Each offer or contract for the conveyance of easement, title, or other interest to real estate used for treatment, storage, or disposal of hazardous waste shall disclose all terms, conditions, and provisions for care and

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subsequent land uses that are imposed by these regulations or the site permit authorized and issued under K.S.A. 65-3431, and amendments thereto. Conveyance of title, easement, or other interest in the property shall contain provisions for the continued maintenance of waste containment and monitoring systems.

(4) All covenants, easements, and other documents related to this regulation shall be permanent, unless extinguished by agreement between the property owner and the secretary.

(5) The owner of the property shall pay all recording fees.

(d) Marking requirements. Each operator of a hazardous waste container storage facility or a tank storage facility shall mark all containers and tanks in accordance with 40 CFR 262.34(a)(2) and (3).

(e) Environmental monitoring. All samples analyzed in accordance with 40 CFR part 264, subpart F or G or 40 CFR part 265, subpart F or G shall be conducted by a laboratory certified for these analyses by the secretary, except that analyses of time-sensitive parameters, including pH, temperature, and specific conductivity, shall be conducted at the time of sampling if possible.

(f) Laboratory certification. For hazardous waste received at a treatment, storage, or disposal facility with the intent of burning for destruction or energy recovery, all quantification analyses performed for the purpose of complying with permit conditions shall be performed by a laboratory certified for these analyses by the secretary, if this certification is available.

(g) Hazardous waste injection wells. The owner or operator of each hazardous waste injection well shall comply with the requirements of article 46 of these regulations. (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3443; effective April 29, 2011.)

**28-31-265. Interim status hazardous waste treatment, storage, and disposal facilities; adoption and modification of federal regulations.** (a) Adoption. The provisions of 40 CFR part 265, including appendices I and III, IV, V, and VI, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

(1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;

(2) The exclusions from adoption listed in subsection (b); and

(3) The modifications listed in subsection (c).

(b) Exclusions. The following portions of 40 CFR part 265 shall be excluded from adoption:

(1) All comments and all notes;

(2) 40 CFR 265.1(c)(4) and (15);

(3) 40 CFR 265.15(b)(5);

(4) 40 CFR 265.149 and 265.150;

(5) 40 CFR 265.195(d);

(6) 40 CFR 265.201(e);

(7) 40 CFR 265.1030(c);

(8) 40 CFR 265.1050(f); and

(9) 40 CFR 265.1080(e), (f), and (g).

(c) Modifications. The following modifications shall be made to 40 CFR part 265:

(1) Each occurrence of the following phrases shall be deleted:

(A) "(incorporated by reference, see § 260.11)";

(B) "(incorporated by reference—refer to § 260.11 of this chapter)";

(C) "(incorporated by reference as specified in § 260.11)";

(D) "(incorporated by reference under § 260.11)";

(E) "(incorporated by reference under § 260.11 of this chapter)";

(F) "as incorporated by reference in § 260.11"; and

(G) "as incorporated by reference in § 260.11 of this chapter."

(2) In 40 CFR 265.1(b), the phrase "issued under section 3005 of RCRA" shall be replaced with "issued by EPA under section 3005 of RCRA or a Kansas hazardous waste facility permit is issued by the department."

(3) In 40 CFR 265.1(c)(11)(iii), the phrase "and K.A.R. 28-31-124a through 28-31-124e" shall be inserted after the phrase "through 124 of this chapter."

(4) In 40 CFR 265.15(b)(4), the following text shall be deleted: ", except for Performance Track member facilities, that must inspect at least once each month, upon approval by the Director, as described in paragraph (b)(5) of this section."

(5) In 40 CFR 265.90(e), the term "qualified professional" shall be replaced with "Kansas professional engineer."

(6) In 40 CFR 265.112(d)(3)(ii), the phrase "under section 3008 of RCRA" shall be deleted.

(7) In 40 CFR 265.113(d)(2), the phrase "required under RCRA section 3019" shall be deleted.

(8) In 40 CFR 265.118(e)(2), the phrase "under section 3008 of RCRA" shall be deleted.

(9) In 40 CFR 265.143(c)(8) and 265.145(c)(9), the phrase "determination pursuant to section 3008 of RCRA" shall be replaced by "determination by EPA pursuant to section 3008 of RCRA or by the state under K.S.A. 65-3441, 65-3443, 65-3445, or 65-3439(e)."

(10) In 40 CFR 265.143(g) and 265.145(g), the text "If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrators of all such Regions" shall be replaced with the following: "If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance shall be submitted to and maintained with the state agency regulating hazardous waste, or with the appropriate regional administrator if the facility is located in an unauthorized state."

(11) In 40 CFR 265.144(b) and (c), the phrase "and the post-closure period" shall be inserted after the phrase "During the active life of the facility."

(12) In 40 CFR 265.144(b), the following replacements shall be made:

(A) The phrase "§ 265.145(d)(5)" shall be replaced with "§ 265.145(e)(5)."

(B) The phrase "§ 265.145(b)(1) and (2)" shall be replaced with "paragraphs (b)(1) and (2) of this section."

(13) In 40 CFR 265.147(a)(1)(i), the text "Regional Administrator, or Regional Administrators" shall be replaced with "secretary, and regional administrators."

(14) In 40 CFR 265.174, the following language shall be deleted: ", except for Performance Track member facili-



ties, that must conduct inspections at least once each month, upon approval by the Director. To apply for reduced inspection frequency, the Performance Track member facility must follow the procedures described in § 265.15(b)(5) of this part."

(15) In 40 CFR 265.191(a), the text "January 12, 1988" shall be replaced with "January 12, 1988 for HSWA tanks, and May 1, 1988 for non-HSWA tanks."

(16) In 40 CFR 265.191(c), the text "July 14, 1986 must conduct this assessment within 12 months after the date that the waste becomes a hazardous waste" shall be replaced with the following: "July 14, 1986 for HSWA tanks, or May 1, 1987 for non-HSWA tanks, shall conduct this assessment within 12 months after the date that the waste becomes a hazardous waste regulated by the state."

(17) In 40 CFR 265.201, the following modifications shall be made:

(A) In the title, the phrase "between 100 and 1,000 kg/mo" shall be replaced with "less than 1,000 kg/mo."

(B) Paragraph (a) shall be replaced with the following: "The requirements of this section shall apply to each small quantity generator, and to each Kansas small quantity generator and conditionally exempt small quantity generator that accumulates 25 kg (55 pounds) or more of hazardous waste in one or more tanks."

(C) In paragraphs (b), (f), (g), and (h), the phrases "generators of between 100 and 1,000 kg/mo hazardous waste" and "generators of between 100 and 1,000 kg/mo" shall be replaced with "generators identified in paragraph (a) of this section."

(D) In paragraphs (c) and (d), the number "100" shall be replaced with "25."

(18) In 40 CFR 265.340(b)(2), the phrase "§ 264.351" shall be replaced with "§ 265.351."

(19) In 40 CFR 265.440(a), the following replacements shall be made:

(A) Each occurrence of the text "December 6, 1990" shall be replaced with "December 6, 1990 for HSWA drip pads and April 25, 1994 for non-HSWA drip pads."

(B) Each occurrence of the text "December 24, 1992" shall be replaced with "December 24, 1992 for HSWA drip pads and April 25, 1994 for non-HSWA drip pads."

(20) In 40 CFR 265.440(c)(1)(iv), the term "Federal regulations" shall be replaced with "federal and state regulations."

(21) In 40 CFR 265.1080(b)(5), the text "required under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h); CERCLA authorities; or similar federal or state authorities" shall be replaced by the following: "required by EPA under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h) or under CERCLA authorities; required by the state under K.S.A. 65-3443, 65-3445, and 65-3453; or required under similar Federal or State authorities."

(22) In 40 CFR 265.1101(c)(4), the following text shall be deleted:

(A) ", except for Performance Track member facilities, that must inspect up to once each month, upon approval of the director,"; and

(B) "[t]o apply for reduced inspection frequency, the Performance Track member facility must follow the procedures described in § 265.15(b)(5)." (Authorized by

K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3443; effective April 29, 2011.)

**28-31-265a. Interim status hazardous waste treatment, storage, and disposal facilities; additional state requirements.** Each owner or operator of an interim status hazardous waste treatment, storage, or disposal facility shall comply with K.A.R. 28-31-264a. (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3443; effective April 29, 2011.)

**28-31-266. Specific hazardous wastes and specific types of hazardous waste management facilities; adoption and modification of federal regulations.** (a) Adoption. The provisions of 40 CFR part 266, including appendices I through IX and XI through XIII, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

(1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;

(2) the exclusions from adoption listed in subsection (b); and

(3) the modifications listed in subsection (c).

(b) Exclusions. The following portions of 40 CFR part 266 shall be excluded from adoption:

(1) All notes, except in appendix IX;

(2) 40 CFR 266.103;

(3) in 40 CFR 266.210, the definition of "we or us"; and

(4) subpart O.

(c) Modifications. The following modifications shall be made to 40 CFR part 266:

(1) Each occurrence of the following phrases shall be deleted:

(A) "(incorporated by reference, see § 260.11)";

(B) "(incorporated by reference, in § 260.11)";

(C) "(incorporated by reference in § 260.11)";

(D) ", as incorporated by reference in § 260.11 of this chapter"; and

(E) ", incorporated by reference in §260.11,".

(2) In 40 CFR 266.23(a), the phrase "subparts A through N of parts 124, 264, 265, 268, and 270 of this chapter" shall be replaced with "subparts A through N of 40 CFR parts 264 and 265, 40 CFR parts 268 and 270, K.A.R. 28-31-124 through 124e,".

(3) In 40 CFR 266.202(d), the following modifications shall be made:

(A) The phrase "For the purposes of RCRA section 1004(27)," shall be deleted.

(B) The text "or imminent and substantial endangerment authorities under section 7003" shall be replaced with "and the Kansas enforcement authorities at K.S.A. 65-3441(b) and (c), 65-3443, and 65-3445."

(4) In 40 CFR 266.210 in the definition of "naturally occurring and/or accelerator-produced radioactive material (NARM)," the phrase "by the States" shall be replaced with "by the state of Kansas."

(5) In 40 CFR part 266, subpart N, the following replacements shall be made:

(A) The term "us" shall be replaced with "the department."

(B) The term "we" shall be replaced with "the secretary." (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

(continued)

**28-31-267. Hazardous waste facilities operating under a standardized permit; adoption and modification of federal regulations.** (a) Adoption. The provisions of 40 CFR part 267, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

(1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;

(2) the exclusions from adoption listed in subsection (b); and

(3) the modifications listed in subsection (c).

(b) Exclusions. The following portions of 40 CFR part 267 shall be excluded from adoption:

(1) All comments and all notes; and

(2) 40 CFR 267.150.

(c) Modifications. The following modifications shall be made to 40 CFR part 267:

(1) Each occurrence of the following phrases shall be deleted:

(A) “, as incorporated by reference in 40 CFR 260.11”; and

(B) “(incorporated by reference, see 40 CFR 260.11).”

(2) In 40 CFR 267.12, the text “your state hazardous waste regulatory agency or from your EPA regional office” shall be replaced with “the department.”

(3) In 40 CFR 267.112(d)(3), the phrase “under section 3008 of RCRA” shall be deleted.

(4) In 40 CFR 267.151(a) and (b), the text “[insert ‘subpart H of 40 CFR part 267’ or the citation to the corresponding state regulation]” shall be replaced with “K.A.R. 28-31-267.” (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3443; effective April 29, 2011.)

**28-31-267a. Hazardous waste facilities operating under a standardized permit; additional state requirements.** Each owner or operator of hazardous waste management facility that has been issued a standardized permit shall comply with K.A.R. 28-31-264a. (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431 and 65-3443; effective April 29, 2011.)

**28-31-268. Land disposal restrictions; adoption and modification of federal regulations.** (a) Adoption. The provisions of 40 CFR part 268, including appendices III, IV, VI through IX, and XI, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

(1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;

(2) the exclusions from adoption listed in subsection (b); and

(3) the modifications listed in subsection (c).

(b) Exclusions. The following portions of 40 CFR part 268 shall be excluded from adoption:

(1) All comments and all notes, except in subpart D and appendix IX;

(2) 40 CFR 268.13; and

(3) 40 CFR 268.44(o).

(c) Modifications. The following modifications shall be made to 40 CFR part 268:

(1) Each occurrence of the following phrases shall be deleted:

(A) “(incorporated by reference, see § 260.11 of this chapter)”;

(B) “as incorporated by reference in § 260.11”;

(C) “as incorporated by reference in § 260.11 of this chapter”;

(D) “as incorporated by reference in 40 CFR 260.11”; and

(E) “as referenced in § 260.11 of this chapter.”

(2) In 40 CFR 268.1(e)(1), the term “small quantity” shall be deleted and the phrase “100 kilograms” shall be replaced with “25 kilograms.”

(3) In 40 CFR 268.3(a), the phrase “RCRA section 3004” shall be replaced with “40 CFR part 268.”

(4) In 40 CFR 268.7(a)(9)(iii), the phrase “except for D009” shall be added to the end of the sentence.

(5) In 40 CFR 268.7(a)(10), the phrase “and Kansas small quantity generators” shall be inserted after the term “Small quantity generators.”

(6) In 40 CFR 268.7(d), the phrase “§ 261.3(e)” shall be replaced with “§ 261.3(f).”

(7) 40 CFR 268.7(d)(1) shall be replaced with the following: “A one-time notification, including the following information, shall be submitted to the department:”

(8) In 40 CFR 268.14(b) and (c), the phrase “section 3001” shall be replaced with “40 CFR part 261.”

(9) In 40 CFR 268.44(i), the phrase “in § 260.20(b)(1)-(4)” shall be replaced with “required by EPA’s rulemaking petition program.”

(10) In 40 CFR 268.50(a), the phrase “of RCRA section 3004” shall be deleted.

(11) In 40 CFR 268.50(e), the phrase “or RCRA section 3004” shall be deleted. (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-270. Hazardous waste permits; adoption and modification of federal regulations.** (a) Adoption. The provisions of 40 CFR part 270, including appendix I to §270.42, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

(1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;

(2) the exclusions from adoption listed in subsection (b); and

(3) the modifications listed in subsection (c).

(b) Exclusions. The following portions of 40 CFR part 270 shall be excluded from adoption:

(1) In 40 CFR 270.1, subsections (a) and (b) and paragraphs (c)(1)(iii) and (c)(2)(ix);

(2) 40 CFR 270.3;

(3) 40 CFR 270.6;

(4) 40 CFR 270.10(g)(1)(i);

(5) 40 CFR 270.14(b)(18);

(6) 40 CFR 270.42(i) and (l);

(7) 40 CFR 270.60(a); and

(8) 40 CFR 270.64.

(c) Modifications. The following modifications shall be made to 40 CFR part 270:

(1) In 40 CFR 270.1(c)(7), the following text shall be deleted: “including, but not limited to, a corrective action order issued by EPA under section 3008(h), a CERCLA remedial action, or a closure or post-closure plan.”

(2) In 40 CFR 270.2, the following definitions shall be modified as follows:

(A) Corrective action management unit.

(i) The phrase "or secretary" shall be inserted after the term "Regional Administrator."

(ii) The word "and" shall be replaced with the term "or by the regional administrator under."

(B) Emergency permit. The term "RCRA permit" shall be replaced with "RCRA or Kansas hazardous waste facility permit."

(C) Permit.

(i) The reference to "124 of this chapter" shall be replaced with "124 of this chapter or K.A.R. 28-31-124 through 28-31-124e and 28-31-270."

(ii) The term "RCRA" shall be deleted.

(iii) The term "agency" shall be replaced with the phrase "EPA or department."

(D) Remedial action plan. The term "RCRA permit" shall be replaced with "RCRA or Kansas hazardous waste facility permit."

(E) Standardized permit.

(i) The term "RCRA permit" shall be replaced with "RCRA or Kansas hazardous waste facility permit."

(ii) The term "Director's" shall be replaced with "director's or secretary's."

(3) In 40 CFR 270.10(a), the following language shall be inserted after the title "Applying for a permit.": "Each person that wants to apply for a permit to dispose of hazardous waste shall first petition the secretary for an exception to the Kansas prohibition against underground land burial under the requirements of K.A.R. 28-31-5."

(4) In 40 CFR 270.10(e)(3), the text ", or the secretary may under the authority of K.S.A. 65-3445," shall be inserted after the phrase "section 3008 of RCRA."

(5) In 40 CFR 270.10(e)(4), the second sentence shall be deleted.

(6) In 40 CFR 270.10(f)(2), the second sentence shall be replaced with the following: "The application shall be filed with the secretary."

(7) In 40 CFR 270.10(g)(1)(ii), the text "if the facility is located in a State which has obtained interim authorization or final authorization," shall be deleted.

(8) In 40 CFR 270.10(g)(1)(iii), the text "if the State in which the facility in question is located does not have interim authorization or final authorization; otherwise it shall be filed with the State Director (if the State has an analogous provision)" shall be deleted.

(9) 40 CFR 270.12 shall be replaced with "K.S.A. 65-3447 shall apply to all information claimed as confidential."

(10) In 40 CFR 270.13(k)(1), the term "RCRA" shall be replaced with "RCRA or the Kansas hazardous waste program."

(11) In 40 CFR 270.14(b)(20), the phrase "Federal laws as required in § 270.3 of this part" shall be replaced with "laws."

(12) In 40 CFR 270.24(d)(3) and 270.25(e)(3), the phrase "(incorporated by reference as specified in § 270.6)" shall be deleted.

(13) In 40 CFR 270.32(a) the text ", and for EPA issued permits only, 270.33(b) (alternate schedules of compliance) and 270.3 (considerations under Federal law)" shall be deleted.

(14) In 40 CFR 270.32(c), the following language shall be deleted:

(A) The second sentence, which starts "For a permit issued by EPA";

(B) the term "EPA"; and

(C) the phrase "and EPA administered programs."

(15) In 40 CFR 270.43(b), the phrase "or part 22" shall be deleted.

(16) In 40 CFR 270.51(a), the title shall be replaced with "Kansas hazardous waste facility permits" and the phrase "under 5 U.S.C. 558(c)" shall be deleted.

(17) In 40 CFR 270.51(d), the title shall be replaced with "State continuation of an EPA permit" and the phrase "In a State with a hazardous waste program authorized under 40 CFR part 271," shall be deleted.

(18) In 40 CFR 270.60, the phrase "facilities in Kansas" shall be inserted after the word "following" in the introductory paragraph.

(19) In 40 CFR 270.70(a) and 270.73(d), the phrase "under the Act" shall be deleted.

(20) 40 CFR 270.115 shall be replaced with the following: "K.S.A. 65-3447 shall apply to all information claimed as confidential."

(21) In 40 CFR 270.155(a), the following phrases shall be deleted:

(A) "[T]o EPA's Environmental Appeals Board";

(B) "[i]nstead of the notice required under §§ 124.19(c) and 124.10 of this chapter,";

(C) "by the Environmental Appeals Board";

(D) "as provided by the Board"; and

(E) "with the Board."

(22) In 40 CFR 270.195, the phrase "in RCRA sections 3004 and 3005" shall be deleted.

(23) In 40 CFR 270.255(a)(3), each occurrence of the term "we" shall be replaced with "the secretary."

(24) In 40 CFR 270.310(d)(3), the phrase "(incorporated by reference as specified in 40 CFR 260.11)" shall be deleted. (Authorized by K.S.A. 65-3431; implementing K.S.A. 65-3431, 65-3433, 65-3437, and 65-3439; effective April 29, 2011.)

**28-31-270a. Hazardous waste permits; petition to be granted an exception to the prohibition against underground burial of hazardous waste.** This regulation shall apply to each person that wants to apply for a permit for the underground burial of hazardous waste. For the purposes of this regulation, this person shall be called a "potential applicant."

(a) Exception petition. Before applying for a permit according to the requirements of K.A.R. 28-31-124 through 28-31-124e and 28-31-270, each potential applicant shall submit to the secretary a petition for an exception to the prohibition against the underground burial of hazardous waste, as specified in K.S.A. 65-3458 and amendments thereto.

(b) Contents of the exception petition. Each exception petition shall include the following items:

(1) A complete chemical and physical analysis of the waste;

(2) a list and description of all technologically feasible methods that could be considered to treat, store, or dispose of the waste;

(3) for each method described in paragraph (b)(2), an economic analysis based upon a 30-year time period. The

*(continued)*

analysis shall determine the costs associated with treating, storing, disposing of, and monitoring the waste during this time period; and

(4) a demonstration that underground burial is the only economically reasonable or technologically feasible methodology for the disposal of that specific hazardous waste.

(c) Review and public notice for exception petitions. The review and public notice shall be conducted according to the following requirements:

(1) The potential applicant shall submit the exception petition to the department. If the exception petition is not complete, the potential applicant shall be notified of the specific deficiencies by the department.

(2) Upon receipt of a complete exception petition, a public notice shall be published by the department once each week for three consecutive weeks according to the following requirements:

(A) The notice shall be published in the following publications:

- (i) The Kansas register; and
- (ii) the official county newspaper of the county in which the proposed underground burial would occur or, if there is no official county newspaper, a newspaper published as provided in K.S.A. 64-101 and amendments thereto.

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

- (i) The name of the potential applicant;
- (ii) a description of the specific waste;
- (iii) a description of the proposed disposal methods;
- (iv) a map indicating the location of the proposed underground burial;
- (v) the address of the location where the exception petition and related documents can be reviewed;
- (vi) the address of the location where copies of the exception petition and related documents can be obtained;
- (vii) a description of the procedure by which the exception petition will be reviewed; and
- (viii) the date and location of the public hearing.

(3) A copy of the public notice shall be transmitted by the department to the clerk of each city that is located within three miles of the proposed underground burial site.

(d) Public hearing and public comment period. The public hearing and public comment period shall be conducted according to the following requirements:

(1) The public hearing shall be conducted in the same county as that of the proposed underground burial facility.

(2) The public hearing shall be scheduled no earlier than 30 days after the date of the first public notice.

(3) A hearing officer shall be designated by the secretary.

(4) At the hearing, any person may submit oral comments, written comments, or data concerning the exception petition. Reasonable limits may be set by the hearing officer on the time allowed for oral statements, and the submission of statements in writing may be required by the hearing officer.

(5) The public comment period shall end no earlier than the close of the public hearing. The hearing officer may extend the public comment period at the hearing.

(6) A recording or written transcript of the hearing shall be made available to the public by the department upon request.

(7) A report shall be submitted by the hearing officer to the secretary detailing all written and oral comments submitted during the public comment period. The hearing officer may also recommend findings and determinations.

(e) Approval or denial of the exception petition. The following procedures shall be followed by the secretary and the department:

(1) If the secretary determines, based on the criteria specified in K.S.A. 65-3458 and amendments thereto, that the exception petition should be approved, an order shall be issued by the secretary. The order may require conditions that the secretary deems necessary to protect public health and safety and the environment.

(2) If the secretary determines that there is not sufficient evidence to approve the exception petition, the potential applicant shall be notified by the department of the reasons why the exception petition is denied.

(3) A public notice of the final decision to approve or deny the exception petition shall be published by the department in the following publications:

- (A) The Kansas register; and
- (B) the official county newspaper of the county in which the proposed underground burial would occur or, if there is no official county newspaper, a newspaper published as provided in K.S.A. 64-101 and amendments thereto.

(4) A copy of the final decision shall be transmitted by the department to the clerk of each city that is located within three miles of the proposed underground burial site. (Authorized by K.S.A. 65-3431; implementing K.S.A. 2010 Supp. 65-3458; effective April 29, 2011.)

**28-31-273. Universal waste; adoption and modification of federal regulations.** (a) Adoption. The provisions of 40 CFR part 273, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

(1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s; and

(2) the exclusions from adoption listed in subsection (b).

(b) Exclusions. The following portions of 40 CFR part 273 shall be excluded from adoption:

- (1) All comments and all notes; and
- (2) subpart G. (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-279. Used oil; adoption and modification of federal regulations.** (a) Adoption. The provisions of 40 CFR part 279, as in effect on July 1, 2006, are hereby adopted by reference subject to the following:

(1) The substitution of terms listed in K.A.R. 28-31-100 through 28-31-100s;

(2) the exclusions from adoption listed in subsection (b); and

(3) the modifications listed in subsection (c).

(b) Exclusions. The following portions of 40 CFR part 279 shall be excluded from adoption:

- (1) All comments and all notes; and
- (2) 40 CFR 279.82.

(c) Modifications. The following modifications shall be made to 40 CFR part 279:

(1) In 40 CFR 279.10(a), the text "EPA presumes" shall be replaced with "EPA and the department presume."

(2) In 40 CFR 279.12(b), the text ", except when such activity takes place in one of the states listed in § 279.82(c)" shall be deleted.

(3) The text "and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located" shall be deleted in the following locations:

- (A) 40 CFR 279.22(d);
- (B) 40 CFR 279.45(h);
- (C) 40 CFR 279.54(g); and
- (D) 40 CFR 279.64(g).

(4) The parenthetical text in paragraph (b)(1) concerning the "RCRA/Superfund Hotline" and the sentence in paragraph (b)(2) concerning the "RCRA/Superfund Hotline" shall be deleted in the following sections:

- (A) 40 CFR 279.42;
- (B) 40 CFR 279.51; and
- (C) 40 CFR 279.62.

(5) In 40 CFR 279.81(b), the phrase "parts 257 and 258 of this chapter" shall be replaced with "K.S.A. 65-3401 et seq. and article 29." (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

**28-31-279a. Used oil; additional state prohibitions and requirements.** (a) Prohibitions.

(1) No person shall dispose of used oil on or into any of the following:

- (A) Sewers;
- (B) storm drainage systems;
- (C) surface water;
- (D) groundwater; or
- (E) the ground.

(2) No person shall apply used oil as any of the following:

- (A) A coating;
- (B) a sealant;
- (C) a dust suppressant;
- (D) a pesticide carrier; or
- (E) any other similar application.

(b) Transporter registration and insurance. Each transporter of used oil shall comply with the requirements of K.A.R. 28-31-6. (Authorized by and implementing K.S.A. 65-3431; effective April 29, 2011.)

Robert Moser, M.D.  
Secretary of Health  
and Environment

Doc. No. 039284

**State of Kansas**

**Secretary of State**

**Certification of New State Laws**

I, Kris W. Kobach, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Kris W. Kobach  
Secretary of State

(Published in the Kansas Register April 14, 2011.)

**SENATE BILL No. 12**

AN ACT concerning civil procedure; relating to bankruptcy; exempt property; earned income tax credit.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. An individual debtor under the federal bankruptcy reform act of 1978 (11 U.S.C. §101 et seq.), may exempt the debtor's right to receive tax credits allowed pursuant to section 32 of the federal internal revenue code of 1986, as amended, and K.S.A. 2010 Supp. 79-32,205, and amendments thereto. An exemption pursuant to this section shall not exceed the maximum credit allowed to the debtor under section 32 of the federal internal revenue code of 1986, as amended, for one tax year. Nothing in this section shall be construed to limit the right of offset, attachment or other process with respect to the earned income tax credit for the payment of child support or spousal maintenance.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 14, 2011.)

**House Substitute for SENATE BILL No. 101**

AN ACT concerning cities and counties; relating to residential fire protection sprinkler systems; amending K.S.A. 2010 Supp. 12-16,219 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2010 Supp. 12-16,219 is hereby amended to read as follows: 12-16,219. (a) As used in this section:

- (1) "Municipality" means any city or county.
- (2) "Residential structure" means any improvement to real property to be used or occupied as a single-family dwelling or multi-family dwelling of two attached living units or less or any manufactured home.

(b) ~~On and after July 1, 2010,~~ No municipality shall adopt or enforce any ordinance, order, code, standard or rule requiring the installation of a multi-purpose residential fire protection sprinkler system or any other fire sprinkler protection system in any residential structure. Nothing in this section shall prohibit any person from voluntarily installing a multi-purpose residential fire protection sprinkler system or any other fire sprinkler protection system in a residential structure.

(c) ~~The provisions of this section shall expire on July 1, 2011~~ No municipality shall require the installation of a multi-purpose residential fire protection sprinkler system in any residential structure as a condition for consideration or approval of any building permit or plat.

Sec. 2. K.S.A. 2010 Supp. 12-16,219 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 14, 2011.)

## HOUSE BILL No. 2125

AN ACT concerning the Kansas professional regulated sports act; pertaining to violations; pertaining to civil penalties; pertaining to fees; pertaining to rules and regulations; amending K.S.A. 2010 Supp. 74-50,181, 74-50,182, 74-50,185, 74-50,186, 74-50,187, 74-50,189, 74-50,193 and 74-50,194 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Any person who violates any provision of this act or any rule and regulation adopted hereunder may incur, in addition to any other penalty provided by law, a civil penalty in an amount fixed by the commission not to exceed \$10,000 for each violation. In the case of a continuing violation, every day such violation continues shall be deemed a separate violation. In determining the amount of the civil penalty, the commission shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and any corrective actions taken.

(b) All civil penalties assessed under this section shall be due and payable at the time of the violation. All payment of civil penalties assessed shall be held in an escrow fund by the boxing commissioner for 30 days after service on the person upon whom the penalty is being imposed. If a person upon whom a civil penalty has been imposed appeals the assessment, such assessment shall be held in the escrow fund until the commission affirms, reverses or modifies imposing the civil penalty. Once the assessment of the civil penalty becomes a final order, the commission shall deposit the amount of such assessment in the athletic fee fund. If the person who has been assessed a civil penalty does not appeal such assessment as provided in this section, the amount of the civil penalty assessed shall be deposited in the athletic fee fund.

(c) No civil penalty shall be imposed under this section except upon the written order of the commissioner to the person upon whom the penalty is to be imposed, stating the nature of the violation, the penalty imposed and the right of the person upon whom the penalty is imposed to appeal to the commission. Within 15 days after service of the order imposing the civil penalty, the person upon whom the civil penalty has been imposed may make written request to the commission for a hearing or informal conference hearing in accordance with the provisions of the Kansas administrative procedure act. The commission shall affirm, reverse or modify the order and shall specify the reasons therefor. The decision of the commission shall be final unless review is sought under subsection (d).

(d) Any person aggrieved by an order of the commission made under this section may appeal such order to the district court in the manner provided by the Kansas judicial review act.

(e) Any civil penalty recovered pursuant to the provisions of this section shall be remitted to the state treasurer. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the athletic fee fund.

(f) This section shall be a part of and supplemental to the Kansas professional regulated sports act.

Sec. 2. K.S.A. 2010 Supp. 74-50,181 is hereby amended to read as follows: 74-50,181. K.S.A. 2010 Supp. 74-50,181 through 74-50,196 and section 1, and amendments thereto, shall be known and may be cited as the Kansas professional regulated sports act.

Sec. 3. K.S.A. 2010 Supp. 74-50,182 is hereby amended to read as follows: 74-50,182. As used in the Kansas professional regulated sports act:

(a) *Amateur mixed martial arts* means any form of martial arts or self-defense conducted on a full-contact basis in a contest without weapons and in which the contestants compete without valuable consideration.

(b) *Bout* means one match involving a regulated sport.

(c) *Commission* means the athletic commission or the commission's designee.

(d) *Contest* means a bout or a group of bouts involving licensed contestants competing in a regulated sport.

(e) *Contestant* means a person who competes is licensed by the commission to compete in a regulated sport.

(f) *Fund* means the athletic fee fund.

(g) *Mandatory count of eight* means a required count of eight that is given by a referee to a contestant who has been knocked down. *Grappling arts* means any form of grappling including, but not limited to, Brazilian jujitsu, catch wrestling, judo, luta livre esportiva, sambo, shoot wrestling, shooto and shuai jiao conducted on a full-contact basis in a bout or contest without weapons or striking and where contestants may compete for valuable consideration.

(h) *Noncompetitive boxing sparring* means boxing, or sparring kickboxing or mixed martial arts where a decision is not rendered.

(i) *Pankration* means a martial art system which includes elements of karate, tae-kwon-do, jujitsu, kempo, kung-fu, wrestling, and submission grappling.

(j) *Professional boxing* means the sport of attack and defense which uses the fists and where contestants compete for valuable consideration.

(k) *Professional full-contact karate* means any form of full-contact martial arts including but not limited to full-contact kung fu, full-contact tae-kwon-do or any form of martial arts or self-defense conducted on a full-contact basis in a bout or contest with or without weapons and where contestants may compete for valuable consideration. Such contests take place in a rope-enclosed ring and are fought in timed rounds.

(l) *Professional kickboxing* means any form of boxing kickboxing in which blows are delivered with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot, and where contestants compete for valuable consideration. Such contests take place in a rope-enclosed ring and are fought in timed rounds.

(m) *Professional mixed martial arts* means any form of martial arts or self-defense conducted on a full-contact basis in a bout or contest with or without weapons and where contestants compete for valuable consideration. Such contests take place in an enclosed ring and are fought in timed rounds.

(n) *Professional wrestling* means any performance of wrestling skills and techniques by two or more professional wrestlers, to which any admission is charged. Participating wrestlers may not be required to use their best efforts in order to win. The winner may have been selected before the performance commences and contestants compete for valuable consideration. Such contests take place in a rope-enclosed ring and are fought in timed rounds.

(o) *Regulated sports* means professional boxing, sparring, professional kickboxing, professional and amateur mixed martial arts, grappling arts, pankration, professional wrestling and professional full-contact karate.

(p) *Sparring* means boxing, kickboxing, professional and amateur mixed martial arts, grappling arts, pankration, or full-contact karate for practice or as an exhibition.

Sec. 4. K.S.A. 2010 Supp. 74-50,185 is hereby amended to read as follows: 74-50,185. (a) In accordance with the provisions of the Kansas civil service act, the commission may appoint such chief inspectors, inspectors, agents, clerical and administrative personnel as may be necessary to assist in performing the powers, duties and functions of the commission and the boxing commissioner. The boxing commissioner shall not perform duties of an inspector.

(b) The boxing commissioner may contract with inspectors and such other persons as in the commissioner's judgment may be necessary to properly administer the provisions of this act. Such persons shall be under the direct supervision of the boxing commissioner. The boxing commissioner shall not perform duties of an inspector.

(c) The commission shall have the authority to adopt rules and regulations for the certification and payment of inspectors. The commission shall adopt such rules and regulations on or before July 1, 2012.

Sec. 5. K.S.A. 2010 Supp. 74-50,186 is hereby amended to read as follows: 74-50,186. (a) The commission shall have general charge and supervision of all regulated sports and professional wrestling performances held in the state. The commission may enter into agreements with the federal bureau of investigation, the federal internal revenue service, the Kansas attorney general or any state, federal or local agency as necessary to carry out the duties of the commission under this act.

(b) The commission shall accept applications for and may issue licenses to any person, organization, corporation, partnership, limited liability company or association desiring to promote regulated

sports contests if such person holds a promoter's license from an organization which has been in existence and has held meetings at regular intervals during the entire year immediately preceding the granting of the license. The commission shall accept applications and may issue licenses to referees, judges, physicians, managers, contestants, timekeepers, seconds, promoters, *announcers* and matchmakers for regulated sports contests. A license fee of not less than \$20 shall accompany any application for licensure. Unless revoked for cause, all licenses issued under this subsection and all renewals thereof shall expire on June 30 of the year succeeding the year in which they were issued. Licenses shall be renewable from year to year upon the filing of a renewal application prior to the expiration of each such license and payment of the fee therefor.

(c) The commission shall fix and collect a ~~tax imposed fee assessed~~ against the gross receipts of every regulated sports contest held. The ~~tax fee~~ shall be fixed in an amount which, together with all other revenues of the commission, is sufficient to pay the cost of administering and enforcing the provisions of this act, but not to exceed 5%.

(d) ~~The commission shall recommend a taxing and fee structure for all regulated sports and submit such recommendations to the legislature on or before January 1, 2005. The commission shall fix and collect a fee assessed upon the gross revenues received by a promoter and by any media network that televises a regulated sports contest held including, but not limited to, pay-per-view or internet broadcast. The fee shall be fixed in an amount which, together with all other revenues of the commission, is sufficient to pay the cost of administering and enforcing the provisions of this act, but not to exceed 2%.~~

(e) The commission shall suspend or revoke any license issued by the commission for violations of this act or K.S.A. 21-1801, and amendments thereto, or rules and regulations adopted pursuant thereto.

(f) The commission shall assist promoters in developing marketing strategies for contests.

(g) For the purpose of ascertaining compliance with any of the provisions of this act or any rules and regulations adopted pursuant thereto, the commission may request a court to issue subpoenas to compel access to or for the production of any books, papers, records or memoranda in the custody or control of any licensee or officer, member, employee or agent of any licensee, or to compel the appearance of any licensee or officer, member, employee or agent of any licensee, or of any person subject to the provisions of this act. Subpoenas issued pursuant to this subsection may be served upon individuals and corporations in the same manner provided in K.S.A. 60-304, and amendments thereto, for the service of process by any officer authorized to serve subpoenas in civil actions or by the commission or an agent or representative designated by the commission. In the case of the refusal of any person to comply with any such subpoena, the commission may make application to the district court of any county where such books, papers, records, memoranda or person is located for an order to comply.

Sec. 6. K.S.A. 2010 Supp. 74-50,187 is hereby amended to read as follows: 74-50,187. (a) The commission shall adopt any rules and regulations necessary to implement the provisions of this act *on or before July 1, 2012*. Such rules and regulations shall include, but not be limited to, provisions concerning:

(1) The conduct of regulated sports contests, the time and place of such contests and the prices charged for admission thereto.

(2) The issuance of a license under this section and to prescribe qualifications for licensees.

(3) Fees necessary to fund the expenses and operating costs incurred in the administration and enforcement of the provisions of this act.

(4) Standards of conduct, officials required, ring size and construction, age restrictions for contestants, limitations on the number of matches in which a contestant may participate, classification of weight divisions, protective gear, selection of judges and other matter concerning regulated sports deemed necessary by the commission.

(5) The acquisition of liability insurance, indemnity coverage and surety bonds in amounts determined by the commission.

(6) Procedures and conditions for limitation, suspension and revocation of licenses.

(7) *Procedures and requirements for testing for drugs and communicable diseases.*

(8) *The amount of any fees to be assessed upon the gross revenues received by any promoter, broadcaster, media network or distributor who electronically distributes or televises a regulated sports contest including, but not limited to, pay-per-view or internet broadcast.*

(9) *The requirements for full disclosure between any promoter, broadcaster, media network or distributor who electronically distributes or televises a regulated sports contest including, but not limited to, pay-per-view or internet broadcast.*

(10) *Any other rules and regulations deemed necessary by the commission for the administration of the televising, broadcasting or distributing of a regulated sports contest including, but not limited to, pay-per-view or internet broadcast.*

~~(7)~~ (11) Any other matter deemed necessary by the commission to implement and enforce the provisions of this act.

(b) The commission may adopt rules and regulations concerning professional wrestling ~~to the extent authorized by this subsection. Nothing in this subsection shall be construed as subjecting professional wrestling to full regulation by the commission.~~ Rules and regulations concerning professional wrestling ~~shall~~ may be limited to the following:

(1) Requirements that a physician or other emergency medical provider be present at the performance.

(2) Requirements that the promoter notify the commission regarding the location, date and time of a performance.

(3) The payment of fees.

(4) *The acquisition of liability insurance, indemnity coverage and surety bonds in amounts determined by the commission.*

(5) *Any other matter deemed necessary by the commission to implement and enforce the provisions of this act.*

Sec. 7. K.S.A. 2010 Supp. 74-50,189 is hereby amended to read as follows: 74-50,189. The commission shall not issue any license to hold regulated sports contests in the state of Kansas, unless:

(a) Such regulated sports contests are sponsored by a promoter licensed by the commission;

~~(b) the governing body of the city in which such contests are to be held has adopted a resolution approving the holding of such contest; or if such contests are to be held in the unincorporated area of a county, the board of county commissioners of such county has adopted a resolution approving the holding of such contests~~ *If required by the governing body of the city, the promoter shall obtain a resolution from the governing body to hold such contest; or if such contests are to be held in the unincorporated area of a county, if required the promoter shall obtain a resolution from the board of county commissioners of such county;*

(c) such contests shall be of not more than 12 rounds of three minutes each duration for professional boxing, professional kickboxing and professional full-contact karate and not more than five rounds of five minutes each duration for professional mixed martial arts and not more than five rounds of four minutes each duration for amateur mixed martial arts; and

(d) a license fee, in an amount set by the commission, has been paid by the promoter.

Sec. 8. K.S.A. 2010 Supp. 74-50,193 is hereby amended to read as follows: 74-50,193. (a) Any person wishing to make a complaint against a licensee under this act, shall file the written complaint with the commission setting forth supporting details on a form provided by the commission. If the commission determines that the complaint warrants a hearing to ascertain whether the licensee shall be disciplined, the commission shall file a complaint as provided in the Kansas administrative procedure act. Any person holding more than one license issued by the commission and disciplined under one license will be automatically disciplined under all licenses.

(b) The commission may refuse to issue any license for one or any combination of reasons specified by this section. The commission shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of such applicant's right to file a complaint or an appeal for administrative hearing as provided in the Kansas administrative procedure act.

~~(c) The commission may file a complaint as provided in the Kansas administrative procedure act, against any holder of any license issued pursuant to this chapter, or against any person who~~

(continued)

has failed to renew or has surrendered their license for any of the following:

(1) Use of an alcoholic beverage or any controlled substance before or during a bout.

(2) The person has been found guilty or has entered a plea of guilty or nolo contendere in a criminal prosecution under any state or federal law for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this act, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not a sentence is imposed.

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to this act.

(4) Providing false information on applications or medical forms.

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performing of the functions or duties of any profession licensed or regulated by this act.

(6) Violating or enabling any person to violate any provision of this act or any rule and regulation adopted pursuant to this act.

(7) Impersonating any license holder or allowing any person to use the licensee's license.

(8) Failing to put forth the best effort during a bout.

(9) Disciplinary action against a holder of a license or other right to practice any profession regulated by this act and issued by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state.

(10) Adjudged mentally incompetent by a court of competent jurisdiction.

(11) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation primarily is directed.

(12) Disruptive conduct at regulated sports contests, including the use of foul or abusive language or mannerisms or threats of physical harm by any person associated with any bout or contest licensed pursuant to this act.

(13) Issuance of a license based upon a mistake of fact.

(14) Use of grease, ointments, strong smelling liniment, drugs which cause nausea or harmful reactions, liquids or powders or illegal substances is prohibited during a regulated sports contest.

(d) After the complaint is filed, the proceeding shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If the administrative law judge finds that a person has violated one or more of the grounds specified in this section, such judge may limit and condition the license for a period not to exceed five years, suspend the person's license for a period not to exceed three years or may revoke the person's license.

(e) The commission may refuse to issue a license to any person who has violated any of the grounds specified in this section.

(c) The commission may deny, suspend, revoke or refuse renewal of any license issued under this act if the commission finds that the applicant or license holder has:

(1) Provided incorrect, misleading, incomplete or untrue information in the license application.

(2) Violated:

(A) Any provision of this act or any rule and regulation adopted thereunder; or

(B) any subpoena or order of the commission.

(3) Used any alcoholic beverage or any controlled substance before or during a bout.

(4) Has been found guilty or has entered a plea of guilty or nolo contendere in a criminal prosecution under any state or federal law for

any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this act, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not a sentence is imposed.

(5) Used fraud, deception, misrepresentation or bribery in securing any license issued pursuant to this act.

(6) Provided false information on applications or medical forms.

(7) Been incompetent or engaged in any misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performing of the functions or duties of any profession licensed or regulated by this act.

(8) Violated or enabled any person to violate any provision of this act or any rule and regulation adopted thereunder.

(9) Impersonated any license holder or allowed any person to use the licensee's license.

(10) Failed to put forth the best effort during a bout.

(11) Been disciplined by another state, territory, federal agency or country for any action against a holder of a license or other right to practice any profession regulated by this act upon grounds for which revocation or suspension is authorized in this state.

(12) Been adjudged mentally incompetent by a court of competent jurisdiction.

(13) Used any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation primarily is directed.

(14) Used disruptive conduct at regulated sports contests, including the use of foul or abusive language or mannerisms or threats of physical harm by any person associated with any bout or contest licensed pursuant to this act.

(15) Been issued a license based upon a mistake of fact.

(16) Used any grease, ointment, strong smelling liniment, drug which causes nausea or harmful reactions, liquid or powder or illegal substance during a regulated sports contest.

(d) Any action taken under this section which affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for a hearing conducted in accordance with the provisions of the Kansas administrative procedures act.

(e) None of the following actions shall deprive the commission of any jurisdiction or right to institute or proceed with any disciplinary proceeding against such license, to render a decision suspending, revoking or refusing to renew such license, or to establish and make a record of the facts of any violation of law for any lawful purpose:

(1) The imposition of a civil penalty under this act;

(2) the lapse or suspension of any license issued under this act by operation of law;

(3) the licensee's failure to renew any license issued under this act; or

(4) the licensee's voluntary surrender of any license issued under this act. No such disciplinary proceeding shall be instituted against any licensee after the expiration of two years from the termination of the license.

Sec. 9. K.S.A. 2010 Supp. 74-50,194 is hereby amended to read as follows: 74-50,194. A regulated sports contestant may participate in a contest in Kansas after obtaining a license from the commission. If a contestant ~~participate~~ participates in more than one profession covered by this act, such contestant shall obtain a license for each profession in which such contestant participates.

Sec. 10. K.S.A. 2010 Supp. 74-50,181, 74-50,182, 74-50,185, 74-50,186, 74-50,187, 74-50,189, 74-50,193 and 74-50,194 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.



**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2010 Supplement of the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-16-8	Amended	V. 29, p. 676
1-16-15	Amended	V. 29, p. 677
1-16-18	Amended	V. 29, p. 677
1-16-18a	Amended	V. 29, p. 678
1-16-20	Amended	V. 29, p. 680
1-65-1	New	V. 30, p. 44
1-66-1	New	V. 30, p. 44
1-66-2	New	V. 30, p. 45
1-66-3	New	V. 30, p. 45
1-67-1	New	V. 30, p. 45
1-67-2	New	V. 30, p. 45
1-67-3	New	V. 30, p. 45
1-68-1	New	V. 30, p. 45
1-68-2	New	V. 30, p. 46

**AGENCY 3: KANSAS STATE TREASURER**

Reg. No.	Action	Register
3-3-2	Amended (T)	V. 29, p. 702
3-3-2	Amended	V. 30, p. 9

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-3-47	Amended (T)	V. 30, p. 25
4-7-213	Amended	V. 29, p. 1023
4-7-716	Amended	V. 29, p. 1023
4-10-1	Amended	V. 29, p. 254
4-10-1a	New	V. 29, p. 255
4-10-1b	New	V. 29, p. 255
4-10-2a		
through		
4-10-2d	Revoked	V. 29, p. 255
4-10-2e	Amended	V. 29, p. 255
4-10-2f		
through		
4-10-2k	Revoked	V. 29, p. 256
4-10-4	Revoked	V. 29, p. 256
4-10-4a		
through		
4-10-4f	New	V. 29, p. 256-258
4-10-5a	Amended	V. 29, p. 258
4-10-6	Revoked	V. 29, p. 259
4-10-6a	New	V. 29, p. 259
4-10-6b	New	V. 29, p. 259
4-10-7	Amended	V. 29, p. 259
4-10-10	New	V. 29, p. 260
4-10-15	Revoked	V. 29, p. 260
4-10-16	Amended	V. 29, p. 260
4-10-17	Revoked	V. 29, p. 261
4-13-2	Amended	V. 29, p. 69
4-13-3	Amended	V. 29, p. 69
4-13-9	Amended	V. 29, p. 71
4-13-14	Amended	V. 29, p. 71
4-13-16	Amended	V. 29, p. 71
4-13-17	Amended	V. 29, p. 72
4-13-18	Amended	V. 29, p. 72
4-13-20	Amended	V. 29, p. 72
4-13-21	Amended	V. 29, p. 72
4-13-22	Revoked	V. 29, p. 72
4-13-23	Amended	V. 29, p. 72
4-13-24	Amended	V. 29, p. 72
4-13-25	Amended	V. 29, p. 1242

4-13-25b		
through		
4-13-25h	Amended	V. 29, p. 1243-1245
4-13-25i	Revoked	V. 29, p. 1246
4-13-25j	Amended	V. 29, p. 1246
4-13-25k	Amended	V. 29, p. 1246
4-13-25l	Amended	V. 29, p. 1247
4-13-25m	New	V. 29, p. 1247
4-13-30	Amended	V. 29, p. 72
4-13-33	Amended	V. 29, p. 73
4-13-62	Amended	V. 29, p. 73
4-27-1		
through		
4-27-22	New	V. 29, p. 706-720
4-28-1	Amended	V. 29, p. 720
4-28-2	Amended	V. 29, p. 720
4-28-8	Amended	V. 29, p. 721
4-28-11	Amended	V. 29, p. 722
4-28-12	Amended	V. 29, p. 722
4-28-18		
through		
4-28-30	New	V. 29, p. 723-725

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

Reg. No.	Action	Register
5-1-4	Amended	V. 29, p. 652
5-1-9	Amended	V. 29, p. 653
5-3-23	Amended (T)	V. 29, p. 1338
5-3-23	Amended	V. 29, p. 1598
5-4-1	Amended	V. 29, p. 1476
5-4-1a	New	V. 29, p. 1477
5-7-1	Amended	V. 29, p. 653
5-17-2	Amended	V. 29, p. 654
5-21-4	Amended	V. 30, p. 369
5-22-7	Amended	V. 29, p. 596
5-25-5	Amended	V. 29, p. 1598
5-25-15	Amended	V. 29, p. 654

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-16-1	Amended (T)	V. 29, p. 1115
7-16-1	Amended	V. 29, p. 1281

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

Reg. No.	Action	Register
9-7-4	Amended (T)	V. 29, p. 703
9-7-4	Amended	V. 29, p. 1336
9-27-1	Amended	V. 29, p. 1337

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

14-6-2a	Revoked	V. 29, p. 1306
14-6-3	Revoked	V. 29, p. 1306
14-6-4	Amended	V. 29, p. 1306
14-11-1	New	V. 29, p. 1307
14-11-4	New	V. 29, p. 1307
14-11-5	Amended	V. 29, p. 1307
14-11-6	Amended	V. 29, p. 1307
14-11-7	Amended	V. 29, p. 1307
14-11-9	Amended	V. 29, p. 1307
14-11-10a	Revoked	V. 29, p. 1307
14-11-10b	Revoked	V. 29, p. 1308
14-11-10d	Revoked	V. 29, p. 1308
14-11-11	Revoked	V. 29, p. 1633
14-11-14	Revoked	V. 29, p. 1308
14-11-15	Amended	V. 29, p. 1308
14-11-16	Amended	V. 29, p. 1308
14-11-22	New	V. 29, p. 1633
14-11-23		
through		
14-11-29	New	V. 29, P. 1308-1310
14-11-27	Revoked	V. 29, p. 1730
14-16-25	New	V. 29, p. 1310
14-19-27	Amended	V. 29, p. 1310
14-19-38	New	V. 29, p. 1311
14-19-39	New	V. 29, p. 1311
14-20-29	Amended	V. 29, p. 1311
14-20-40	New	V. 29, p. 1312
14-20-41	New	V. 29, p. 1312
14-21-12	Amended	V. 29, p. 1313
14-21-21	New	V. 29, p. 1313
14-21-22	New	V. 29, p. 1313

14-23-2	Amended	V. 29, p. 1314
14-23-5	Amended	V. 29, p. 1314
14-23-8	Amended	V. 29, p. 1314
14-23-10	Amended	V. 29, p. 1315

14-24-1		
through		
14-24-6	Revoked	V. 29, p. 1315

**AGENCY 16: KANSAS ATTORNEY GENERAL**

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16-11-1		
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16-11-5	Amended	V. 29, p. 1813-1815
16-11-6	Revoked	V. 29, p. 1816
16-11-7	Amended	V. 29, p. 1816
16-11-8	Amended	V. 29, p. 1816

**AGENCY 19: GOVERNMENTAL ETHICS COMMISSION**

Reg. No.	Action	Register
19-6-1	Amended	V. 29, p. 112
19-22-1	Amended	V. 30, p. 92
19-23-1	Amended	V. 30, p. 92
19-30-4	Revoked	V. 30, p. 92

**AGENCY 22: STATE FIRE MARSHAL**

Reg. No.	Action	Register
22-1-1	Amended	V. 30, p. 46
22-1-2	Amended	V. 30, p. 46
22-1-3	Amended	V. 30, p. 46
22-8-13	Amended	V. 30, p. 47
22-10-3	Amended	V. 30, p. 47
22-11-6	Revoked	V. 30, p. 48
22-11-8	Amended	V. 30, p. 48
22-15-7	Revoked	V. 30, p. 49
22-18-3	Amended	V. 30, p. 49

**AGENCY 26: DEPARTMENT ON AGING**

Reg. No.	Action	Register
26-39-100	Amended	V. 29, p. 1772
26-39-101	Amended	V. 29, p. 1775
26-39-105	Amended	V. 29, p. 1777
26-40-301		
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26-40-305	New	V. 29, p. 1777-1793

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-27	New	V. 30, p. 111
28-1-30	New	V. 30, p. 369
28-1-31	New	V. 30, p. 370
28-1-32	New	V. 30, p. 370
28-4-92	Amended (T)	V. 29, p. 1348
28-4-92	Amended	V. 29, p. 1705
28-4-370		
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28-4-379	Revoked	V. 29, p. 1024
28-4-503	Amended	V. 29, p. 1662
28-4-505	Amended	V. 29, p. 1662
28-4-514	Amended	V. 29, p. 1663
28-4-520	New	V. 29, p. 1663
28-4-521	New	V. 29, p. 1663
28-4-1300		
through		
28-4-1318	New	V. 29, p. 1024-1032
28-16-28g	Amended	V. 29, p. 181
28-19-200a	New	V. 29, p. 1634
28-19-202	Amended	V. 29, p. 1509
28-19-325	New	V. 29, p. 1634
28-19-350	Amended	V. 29, p. 1635
28-19-517	Amended	V. 29, p. 1510
28-19-645a	New (T)	V. 30, p. 232
28-19-712	New	V. 29, p. 866
28-19-712a		
through		
28-19-712d	New	V. 29, p. 867
28-19-713	New	V. 29, p. 867
28-19-713a		
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28-19-713d	New	V. 29, p. 867, 868
28-19-720	Amended	V. 29, p. 1510
28-19-728	Revoked	V. 29, p. 1511

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109-10-1f	New (T)	V. 30, p. 142
109-10-1g	New (T)	V. 30, p. 142
109-10-6	Amended (T)	V. 30, p. 143
109-10-7	New	V. 29, p. 113
109-11-1	Amended	V. 29, p. 1283
109-11-1a	New (T)	V. 30, p. 143
109-11-3	Amended	V. 29, p. 1284
109-11-3a	New (T)	V. 30, p. 144
109-11-4	Amended	V. 29, p. 1284
109-11-6	Amended	V. 29, p. 1285
109-11-6a	New (T)	V. 30, p. 144
109-15-2	Amended	V. 29, p. 1285

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-4-1 through 110-4-5	Amended	V. 30, p. 25-27

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. The following regulations were filed after December 1, 2009:

Reg. No.	Action	Register
111-2-30	Amended	V. 29, p. 215
111-2-230	Amended	V. 30, p. 232
111-2-231	Amended	V. 30, p. 233
111-2-232	Amended	V. 29, p. 215
111-2-233	Amended	V. 29, p. 215
111-2-234	New	V. 29, p. 746
111-2-235 through 111-2-240		
111-2-241	New	V. 29, p. 1214, 1215
111-2-242	New	V. 29, p. 1247
111-2-243 through 111-2-248		
111-2-248	New	V. 29, p. 1512, 1513
111-2-247	Amended	V. 30, p. 233
111-2-248	Amended	V. 30, p. 233
111-2-249 through 111-2-252		
111-2-252	New	V. 30, p. 233, 234
111-2-249	Amended	V. 30, p. 357
111-2-253	New	V. 30, p. 241
111-2-254	New	V. 30, p. 241
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111-4-2938	New	V. 29, p. 467-473
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111-4-2948	New	V. 29, p. 569-575
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111-5-179	New	V. 29, p. 157-159
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111-5-194	New	V. 29, p. 222-228
111-5-181	Amended	V. 29, p. 1522
111-5-184	Amended	V. 29, p. 1523
111-5-186	Amended	V. 29, p. 1524
111-5-194	Amended	V. 29, p. 1525
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111-9-166	New	V. 29, p. 1184
111-9-167	New	V. 29, p. 1526
111-9-168	New	V. 29, p. 1526
111-9-169	New	V. 29, p. 1527
111-9-170	New	V. 30, p. 261
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111-309-6	New	V. 29, p. 1528-1530
111-310-1 through 111-310-6		
111-310-6	New	V. 29, p. 1530-1532
111-311-1 through 111-311-7		
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111-312-1 through 111-312-8		
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111-312-6	Amended	V. 30, p. 368
111-312-8	Amended	V. 30, p. 368

**AGENCY 112: RACING AND GAMING COMMISSION**

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112-101-6	Amended	V. 30, p. 290
112-102-8	Amended	V. 30, p. 290
112-103-2	Amended	V. 30, p. 291
112-103-4	Amended	V. 30, p. 292
112-103-5	Amended	V. 30, p. 292
112-103-8	Amended	V. 30, p. 292
112-103-15	Amended	V. 30, p. 292
112-104-1	Amended	V. 30, p. 293
112-104-8	Amended	V. 30, p. 294
112-104-13	Amended	V. 30, p. 295
112-104-14	Amended	V. 30, p. 297
112-104-15	Amended	V. 30, p. 297
112-104-16	Amended	V. 30, p. 298
112-104-32	Amended	V. 30, p. 300
112-105-1	Amended	V. 30, p. 301
112-105-2	Amended	V. 30, p. 301
112-105-3	Amended	V. 30, p. 301
112-106-1	Amended	V. 30, p. 301
112-106-2	Amended	V. 30, p. 303
112-106-5	Amended	V. 30, p. 303
112-106-6	Amended	V. 30, p. 304
112-107-3	Amended	V. 30, p. 304
112-107-5	Amended	V. 30, p. 307
112-107-10	Amended	V. 30, p. 308
112-107-21	Amended	V. 30, p. 309
112-107-22	Amended	V. 30, p. 310
112-108-18	Amended	V. 30, p. 311
112-108-36	Amended	V. 30, p. 312
112-108-55	Amended	V. 30, p. 313
112-110-3	Amended	V. 30, p. 313
112-112-1	Amended	V. 30, p. 314
112-112-3	Amended	V. 30, p. 314
112-112-4	Amended	V. 30, p. 314
112-112-7	Amended	V. 30, p. 315
112-112-9	Amended	V. 30, p. 315

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

Reg. No.	Action	Register
115-2-1	Amended	V. 29, p. 1602
115-2-2	Amended	V. 30, p. 331
115-2-3	Amended	V. 30, p. 331
115-2-3a	Amended	V. 29, p. 1603
115-4-2	Amended	V. 29, p. 408
115-4-4	Amended	V. 29, p. 658
115-4-4a	Amended	V. 29, p. 659
115-4-6	Amended	V. 29, p. 409
115-4-6b	New	V. 30, p. 332
115-4-11	Amended	V. 30, p. 332
115-7-1	Amended	V. 29, p. 1606
115-7-8	Revoked	V. 29, p. 1607
115-7-9	Amended	V. 29, p. 1607
115-8-1	Amended	V. 29, p. 1092
115-16-5	Amended	V. 30, p. 334
115-18-7	Amended	V. 29, p. 659
115-18-20	Amended	V. 29, p. 1608
115-20-7	New	V. 29, p. 659

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-2-1	Amended	V. 29, p. 412
117-2-2	Amended	V. 29, p. 413
117-3-1	Amended	V. 29, p. 414
117-3-2	Amended	V. 29, p. 415
117-4-1	Amended	V. 29, p. 416

117-4-2	Amended	V. 29, p. 417
117-6-1	Amended	V. 29, p. 656
117-6-3	Amended	V. 29, p. 656
117-7-1	Amended	V. 30, p. 92
117-8-1	Amended	V. 29, p. 418

**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

Reg. No.	Action	Register
121-10-1	Amended	V. 29, p. 675

**AGENCY 123: JUVENILE JUSTICE AUTHORITY**

Reg. No.	Action	Register
123-2-111	New (T)	V. 29, p. 1115
123-2-111	New	V. 29, p. 1415

**AGENCY 129: KANSAS HEALTH POLICY AUTHORITY**

Reg. No.	Action	Register
129-5-118	Amended	V. 29, p. 293
129-5-118a	New	V. 29, p. 294
129-5-118b	Amended	V. 29, p. 296
129-10-31	New	V. 30, p. 92

**AGENCY 130: HOME INSPECTORS REGISTRATION BOARD**

Reg. No.	Action	Register
130-1-2	New (T)	V. 29, p. 38
130-1-2	New	V. 29, p. 567
130-1-3	New (T)	V. 29, p. 38

130-1-3	New	V. 29, p. 567
130-1-4	Amended	V. 29, p. 567
130-3-1	New (T)	V. 29, p. 38
130-3-1	New	V. 29, p. 568
130-4-1	New (T)	V. 29, p. 39
130-4-1	New	V. 29, p. 794
130-4-2	New (T)	V. 29, p. 39
130-4-2	New	V. 29, p. 794
130-5-2	New	V. 29, p. 569

**AGENCY 131: COMMITTEE ON SURETY BONDS AND INSURANCE**

Reg. No.	Action	Register
131-1-1	New	V. 30, p. 195

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