



Kansas Register

Kris W. Kobach, Secretary of State

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State of Kansas

**Department of Administration
Office of Facilities and
Procurement Management**

Notice of Requested Architectural Services

Notice is hereby given of the commencement of the selection process for architectural services for Kansas State University, Manhattan. A new residence hall to house 450 students and a new dining center to serve 1,850 patrons are to be constructed. Existing residence halls, Goodnow and Marlatt, are to be improved. New buildings are to be completed by December 2014, and remodeling is to be completed by August 2016. Estimated construction cost including new construction, renovations, site work and FF&E is \$53,000,000.

For more information contact Abe Fattaey at abepeaia@k-state.edu or 785-532-1725. An architectural program is available at <http://www.da.ks.gov/fp/ArchEngPrograms.htm>.

To be considered, one (1) PDF file of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. State of Kansas Professional

Qualifications DCC Form 050 for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation and an abbreviated project name in the title of the PDF document. Proposals should be less than 5MB and follow the current State Building Advisory Commission guidelines, which can be found in Part B — Chapter 2 of the Building Design and Construction Manual at www.da.ks.gov/fp/manual.htm. Proposals should be sent on a CD, DVD or flash drive along with a transmittal to Barbara Schilling, Office of Facilities and Procurement Management, Suite 700, 800 S.W. Jackson, Topeka, 66612-1216. Proposals sent via email will no longer be accepted and paper copies of the proposals are no longer required. Proposals received after the date and time noted below will not be forwarded to the State Building Advisory Commission for review. If you have questions call 785-291-3695. The PDF proposal submittals shall be delivered to the attention of Barbara Schilling before 2 p.m. August 16, 2013.

Mark J. McGivern, Director
Office of Facilities and
Procurement Management

Doc. No. 041775

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**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. 2012 Supp. 12-1675(b)(c)(d) and K.S.A. 2012 Supp. 12-1675a(g).

Effective 7-29-13 through 8-4-13

Term	Rate
1-89 days	0.09%
3 months	0.01%
6 months	0.06%
12 months	0.13%
18 months	0.20%
2 years	0.31%

Scott Miller
Director of Investments

Doc. No. 041764

**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' websites 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/. Additional contact info: phone: 620-341-5145, fax: 620-341-5073, email: tshepher@emporia.edu. Mailing address: Emporia State University, Controller's Office/Purchasing, Campus Box 4021, 1200 Commercial, Emporia, KS 66801.

Fort Hays State University – Bid postings: www.fhsu.edu/purchasing/bids. Additional contact info: phone: 785-628-4251, fax: 785-628-4046, email: 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. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: kspurch@k-state.edu. Mailing address: Division of Financial Services/Purchasing, 21 Anderson Hall, Kansas State University, Manhattan, KS 66506.

Pittsburg State University – Bid postings: www.pittstate.edu/office/purchasing. Additional contact info: phone: 620-235-4169, fax: 620-235-4166, email: purch@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762-7549.

University of Kansas – Electronic bid postings: <http://www.procurement.ku.edu/>. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 20, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, email: purchasing@ku.edu.

University of Kansas Medical Center – Bid postings: <http://www2.kumc.edu/finance/purchasing/bids.html>. Additional con-

tact 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. 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.

Tess Shepherd
Chair of Regents Purchasing Group
Procurement Officer II
Emporia State University

Doc. No. 041700

**State of Kansas
Department of Administration
Procurement and Contracts**

Notice to Bidders

Sealed bids for items listed will be received by the director of Procurement and Contracts until 2 p.m. on the date indicated. For more information call 785-296-2376:

- 08/12/2013 EVT0002531 Floorboard Kits for Military Trailers
- 08/12/2013 EVT0002546 Marsh Construction
- 08/13/2013 EVT0002537 Tree Sheering Service @ Milford Wildlife Area
- 08/13/2013 EVT0002541 Vehicles, Police, Dodge Charger
- 08/14/2013 EVT0002540 Boat Ramp Replacement — Fall River Wildlife Area
- 08/14/2013 EVT0002542 Pavement Milling & Overlay — Troy, Horton & Holton
- 08/19/2013 EVT0002479 Data Center Relocation
- 08/19/2013 EVT0002520 Brother Pocket Jet Printers
- 08/22/2013 EVT0002532 Well Plugging — District 2 — Chanute
- 08/26/2013 EVT0002476 Consultation and Project Management

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

<http://www.da.ks.gov/purch/contracts/bids.aspx>

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

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

- 08/20/2013 A-012305 Metal Roof Retrofit — Warehouse & Maintenance Shop — Winfield Correctional Facility, Winfield
- 08/22/2013 A-012176/ A-012177 Intercampus Fire Alarm Improvements — Roth & Emery (KSSD) and Irwin & Edlund (KSSB) — Kansas State School for the Deaf, Olathe, and Kansas State School for the Blind, Kansas City, Kansas

Information regarding prequalification, projects and bid documents can be obtained at 785-296-8899 or <http://da.ks.gov/fp/>.

Tracy T. Diel, Director
Procurement and Contracts

Doc. No. 041776

State of Kansas

**Statewide Independent Living
Council of Kansas, Inc.****Notice of Meeting**

The Statewide Independent Living Council of Kansas, Inc. will meet at 10 a.m. Friday, August 9, at the Topeka & Shawnee County Public Library, 1515 S.W. 10th Ave., Room 101A, Topeka. For more information contact Kathy Cooper, SILCK executive director, at 785-234-6990 or Kathy.Cooper@silck.org.

Kathy Cooper
Executive Director

Doc. No. 041778

(Published in the Kansas Register August 1, 2013.)

City of Courtland, Kansas**Notice of Intent to Seek Private Placement
General Obligation Bonds, Series 2013**

Notice is hereby given that the city of Courtland, 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 \$365,000. 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 July 19, 2013.

Janet L. Weir
City Clerk

Doc. No. 041770

State of Kansas

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

Notice has been received from Flint Hills Powersports Inc. of its intent to establish the franchise of Polaris Victory Motorcycles to its location at 11877 Cassie Lane, St. George, Kansas.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed addition of the new franchise of Polaris Victory Motorcycles if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale by Flint Hills Powersports Inc. at 11877 Cassie Lane, St. George, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the new Polaris Victory Motorcycles dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with

the director of the Division of Vehicles within 30 days of this notice. Such petitions or complaints must be directed to the Kansas Department of Revenue, Division of Vehicles, 11th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Donna Shelite, Director
Division of Vehicles

Doc. No. 041774

State of Kansas

911 Coordinating Council**Notice of Meeting**

The Kansas 911 Coordinating Council will meet at 11 a.m. Friday, August 9, in Room 546-South, State Capitol, 300 S.W. 10th Ave., Topeka.

Melissa Wangemann
Kansas Association of Counties
Local Collection Point Administrator

Doc. No. 041766

(Published in the Kansas Register August 1, 2013.)

City of Columbus, Kansas**Notice of Intent to Seek Private Placement
\$1,880,000
Sanitary Sewer System Improvement
General Obligation Bonds, Series 2013**

Notice is hereby given that the city of Columbus, Kansas, proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$1,880,000. 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.

Judi Mogle
Acting City Clerk

Doc. No. 041771

(Published in the Kansas Register August 1, 2013.)

City of Baxter Springs, Kansas**Notice of Intent to Seek Private Placement
General Obligation Bonds, Series 2013**

Notice is hereby given that the city of Baxter Springs, 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 \$1,390,000. 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 July 9, 2013.

Deb Weston
City Clerk

Doc. No. 041777

(Published in the Kansas Register August 1, 2013.)

City of Lenexa, Kansas

Notice to Bidders

Separate, sealed bids for **College Boulevard & Lackman Road Improvements and College Boulevard & Strang Line Road Improvements** will be accepted by the city of Lenexa, Kansas, at the Community Development Department, Lenexa City Hall, 12350 W. 87th St. Parkway, Lenexa, 66215, until 1 p.m. (local time) August 27, 2013, at which time bids will be publicly opened and read aloud at the Lenexa City Hall. Any bid received after the designated closing time will not be considered and will be returned unopened.

This bid opening consists of two separate contract lettings, which shall be read individually but will be awarded to the lowest, qualified, combined bid. Bids submitted on only one project will not be considered.

Bidders desiring to bid on the two projects shall submit bid documents to the Community Development Department customer service staff (main level) in separate sealed envelopes addressed to the City of Lenexa, Kansas, Attention: City Clerk. One envelope shall contain the bid for the College Boulevard & Lackman Road Improvements Project and shall be marked "Bid for: College Boulevard & Lackman Road Improvements." The second envelope shall contain the bid for the College Boulevard & Strang Line Road Improvements Project and shall be marked "Bid for: College Boulevard & Strang Line Road Improvement Project."

Copies of plans, specifications, bidding documents and other contract documents are on file at Drexel Technologies, Inc., 10840 W. 86th St., Lenexa, 66214.

Bidders desiring contract documents for use in preparing bids may obtain a set of such documents at the address above.

Plans and specifications may be downloaded from the Drexel Technologies, Inc. website set forth below:

<http://planroom.drexeltech.com/>

Note: Davis Bacon wage rates apply to both projects.

Each bidder will be responsible for ensuring that it has received any and all addenda issued by the city for both projects in accordance with IB-10 of the instructions to bidders.

Contractors should read and be fully familiar with all contract documents including addenda before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations, and shall include in its bid a sum to cover the cost of all items of the work as specified in the contract documents.

No oral, telegraphic, telephonic proposals or alterations will be considered. Facsimile transmissions will not be accepted.

The following items must be included in the sealed envelope with each bid:

- a. Bid form;
- b. 5% bid security — bid bond, cashier's check or certified check (see below); and
- c. Acknowledgment of addenda issued by city.

d. Federal contract provisions I through IV:

- I. 08-10-66-R05(LPA) Certification — Noncollusion & History of Debarment
- II. 04-26-90-R04(LPA) Declaration — Limitations on Use of Federal Funds for Lobbying
- III. 07-19-80-R12(LPA) DBE Contract Goal
- IV. 01-01-11(LPA) Tax Clearance Certificate

Each bidder shall file with its separate bid for College Boulevard & Lackman Road Improvements and College Boulevard & Strang Line Road Improvements a bid bond, a cashier's check or a certified check drawn on an acceptable bank, made payable to the city of Lenexa, Kansas, in an amount equal to 5 percent of the total bid for each project, which shall be retained by the city of Lenexa until a contract for the project has been executed. Bid bonds will be returned to the bidders, with the exception of the best and lowest and second best and second lowest responsible bidders, within 21 days after their bids are rejected. The bid deposit of the lowest and the second lowest responsible bidders will be returned when the Performance Bond, Maintenance Bond and Statutory Bond (each in an amount equal to 100 percent of the contract amount), the required insurance certificates and other required documents shall have been furnished and the contract documents have been executed by the successful bidder.

In the event the low bidder is unable to execute the contracts for each project, for whatever reason, within the time provided in the Notice of Award, the city may annul the Notice of Award and the bid deposit may be forfeited, and the city shall exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security or specific performance.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of city clerk prior to the time and date for bid opening.

From and after the release of this notice, any party intending to bid on the above-referenced projects, including their officers, employees, agents or contractors, are specifically prohibited from communicating with any elected or appointed official of the city, directly or indirectly, with regard to the award of the contract for the projects listed above, except as specifically authorized by the instructions to bidders. Any such unauthorized communication may result in the automatic disqualification of such bidder.

All bidders agree that rejection shall create no liability on the part of the city because of such rejection, and the filing of any bid in response to this notice shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be held at 1 p.m. August 20 in the Executive Conference Room (upper level), Lenexa City Hall.

David F. Bryant III, City Clerk
City of Lenexa, Kansas

Doc. No. 041753

State of Kansas

Department of Transportation

Notice to Contractors

Electronic copies of the letting proposals and plans are available on the KDOT website at <http://www.ksdot.org/burconsmain/contracts/proposal.asp>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the "Bid Holders List," or to be included on the "Non-Bid Holders List" as a subcontractor/supplier. KDOT's approval is required to bid as a prime contractor. To bid as a prime contractor, KDOT needs to be notified of the intent to bid not later than the close of business on the Monday preceding the scheduled letting date. Failure to obtain prior approval to bid as a prime contractor on any projects listed below will be reason to reject the bid. The secretary of the Kansas Department of Transportation reserves the right to reject bids that do not comply with all requirements for preparing a bidding proposal as specified in the 2007 edition of the Kansas Department of Transportation Standard Specifications for State Road and Bridge Construction.

KDOT will only accept electronic Internet proposals online using the Bid Express website at <http://www.bidx.com> until 1 p.m. local time on August 21, 2013. KDOT will open and read these proposals at the Eisenhower State Office Building, 700 S.W. Harrison, Topeka, at 1:30 p.m. local time on August 21. An audio broadcast of the bid letting is available at <http://www.ksdot.org/burconsmain/audio.asp>.

Each bidder shall certify that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when electronically signing the proposal will make the bid nonresponsive and not eligible for award consideration.

District One — Northeast

Riley — 18-81 KA-0410-08 — K-18, from 56th Street and Scenic Drive, and Miller Parkway/Davis Drive, seeding/sodding, 4.0 miles. (Federal Funds)

Johnson — 10-46 KA-1002-08 — K-10, from 0.5 mile west of Renner Road, east to 0.5 mile east of Renner Road, special-mine remediation, 1.0 mile. (State Funds)

Johnson — 10-46 KA-3354-01 — K-10, from 5 miles east of county line, bridge repair. (State Funds)

Wyandotte — 70-105 KA-3386-01 — I-70 at the Turner Diagonal, special-pipe lining. (State Funds)

Johnson — 35-46 KA-3412-01 — I-35 and U.S. 69, pavement marking, 9.4 miles. (Federal Funds)

Wyandotte — 32-105 KA-3416-01 — K-32, at Turner Diagonal and also on U.S. 24 at K-7, pavement marking, 11.4 miles. (Federal Funds)

Leavenworth — 24-52 KA-3468-01 — U.S. 24, Tonganoxie to Basehor, pavement marking, 10.3 miles. (Federal Funds)

Johnson — 169-46 N-0547-01 — U.S. 169 and 159th Street, intersection improvement. (Federal Funds)

Brown — 7 U-0071-01 — Community building parking area, surfacing. (Federal Funds)

District Two — North Central

Jewell — 36-45 KA-2781-01 — Bridge #012 on U.S. 36 located 8.66 miles east of east K-14 junction (East Marsh Creek Drain), bridge overlay. (State Funds)

Cloud — 9-15 KA-3165-01 — K-9, 14 miles east of K-9/U.S. 81 junction, bridge repair. (State Funds)

Saline — 135-85 KA-3167-01 — I-135, at the I-70/I-135 junction, bridge repair. (State Funds)

Statewide — 106 KA-3341-01 — Various locations in the North Central District, milling for samples. (State Funds)

District Three — Northwest

Graham — 33 C-0332-01 — County road, 0.5 mile north and 3.7 miles west of Hill City, bridge replacement, 0.3 mile. (Federal Funds)

Sherman — 70-91 KA-0718-02 — I-70, from the Colorado state line east to 0.5 mile east of RS-1668, seeding/sodding, 12.8 miles. (Federal Funds)

Norton — 36-69 KA-0739-02 — U.S. 36, from the east city limits of Norton east to the U.S. 36/K-383 junction, seeding/sodding, 4.4 miles. (Federal Funds)

District Four — Southeast

Miami — 68-61 KA-3156-01 — K-68, 2 miles west of U.S. 169, bridge repair. (State Funds)

Statewide — 106 KA-3503-01 — Various locations in the Southeast District, milling for samples. (State Funds)

District Five — South Central

Statewide — 106 KA-3417-01 — Various locations in the South Central District, milling for samples. (State Funds)

Mike King
Secretary of Transportation

Doc. No. 041750

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas/Federal Water
Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 17, 28-18a-1 through 33, 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 Dis-

Standards, K.A.R. 28-16-28 (b-g), and Federal Surface Water Criteria:

Name and Address of Applicant	Receiving Stream	Type of Discharge
Department of Army Headquarters 407 Pershing Court Fort Riley, KS 66442-6121	Three Mile Creek via Various Named and Unnamed Tributaries	Process Wastewater
Kansas Permit No. F-KS97-PO02		Federal Permit No. KS0096598

The proposed action consists of reissuance of an existing Kansas/NPDES permit for an existing facility.

Fort Riley is a government-owned, government-operated military installation consisting of activities and facilities for housing, training, and supporting trained and ready forces to meet Joint Force requirements. This permit covers the discharge of on-site generated wastewater treated in the following wastewater treatment facilities:

001X1 Custer Hill Wastewater Treatment Plant (CHWWTP) —

The CHWWTP influent is primarily domestic wastewater but also includes vehicle and aircraft maintenance area wastewater, other industrial process wastewater and some septage. The design flow is 2.35 mgd. Flows from Camps Forsyth and Funston and Main Post have been diverted from the CHWWTP to the new Camp Funston WWTP reducing the flow to the CHWWTP to about 0.67 mgd. The CHWWTP includes two automatic and one manual bar screens, a grit chamber, a three concentric channel activated sludge reactor (Orbal), two secondary clarifiers, two UV channels through two flow meters, and a cascade aeration system. Waste activated sludge and floating scum from the clarifiers are directed to an aerated holding tank, a gravity belt thickener, three aerobic digesters, a digested sludge holding tank, and a belt filter press. The belt filter press solids can be either land applied, transported to a landfill, or stored in concrete-lined sludge drying beds at the old Custer Hill WWTP.

004A1 Central Vehicle Wash Facility (CVWF) Lagoon System —

The CVWF Lagoon System is an industrial wastewater treatment system that provides treatment for sediment, grit, oil and wash water generated from the CVWF and Tactical Equipment Shop (TES) wash racks. The CVWF Lagoon System consists of the "Old Wash Rack Reservoir" and four lagoon cells. The CVWF consists of three stages: a pre-wash assembly area, a bird-bath, and a post-wash area. The bird-bath is connected to a two-cell concrete basin and an oil/water separator. Post wash is connected to a separate concrete sediment basin. Overflow from the bird-bath and post-wash basins discharge into Cell #1 of the four-cell lagoon system. The Custer Hill industrial wastewater collection system consists of 10 industrial facilities (motor pools, TES, fuel depots) connected to the east concrete basin, four motor pool and TES facilities connected to the middle concrete basin, and eight motor pool and TES facilities connected to the west concrete basin. Each concrete basin has an oil/water separator that discharges into the "Old Wash Rack Reservoir." The "Old Wash Rack Reservoir" (OWRR) also receives stormwater runoff from the CVWF and the Custer Hill industrial wastewater collection system. There is an occasional controlled discharge from the final cell (Cell #4) to surface waters at a design/average flow of 0.0098 mgd and emergency overflows from Cells #2 and #3.

Multipurpose Range Complex Wastewater Lagoon — This is a non-discharging wastewater stabilization lagoon system that treats domestic wastes from units associated with the Multipurpose Range Complex. This lagoon network is composed of two primary cells and one inactive secondary cell.

The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli, oil and grease, whole effluent toxicity and pH, as well as monitoring for total phosphorus, nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, total recoverable heavy metals, TPH-diesel range organics, sulfate, chloride, volatile organic chemicals and flow. Contained in the permit is a schedule of compliance requiring the permittee provide KDHE with an acceptable plan and schedule to redirect all flow from this facility to the Camp Funston Advanced WWTP or submit an operation study to assess the feasibility for this facility to meet the nutrient goals as set out in the permit.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Winfield, City of Power Plant Operations Division P.O. Box 646 Winfield, KS 67156	Walnut River via Black Crook Creek	Process Wastewater

Kansas Permit No. I-WA17-PO02 Federal Permit No. KS0087122

Legal Description: SW¹/₄, S26, T32S, R4E, Cowley County, KS

Facility Name: Winfield Municipal Power Plant, East

Facility Address: 2801 E. 12th St., Winfield KS 67156

The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control Permit for an existing facility. This is a municipal steam electric power plant (26.5 MW), which produces electricity approximately three to four months per year as a summer peaking station. The facility discharges cooling tower blowdown, boiler blowdown, miscellaneous plant drains, demineralizer regenerate and stormwater runoff to a single-cell earthen lagoon. The proposed permit contains limits for total suspended solids, total residual chlorine and whole effluent toxicity, as well as monitoring of temperature, pH, total recoverable copper, total phosphorus, priority pollutants and flow.

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 August 31 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-13-199/207, KS-Q-13-111/112) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the secretary of the Department 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. 041772

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. National Beef Packing Company, LLC has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. 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.

National Beef Packing Company, LLC, P.O. Box 20046, Kansas City, MO 64195-0046, owns and operates a meat packing plant located at 1501 E. 8th St., Liberal, Seward County, KS 67901.

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 during normal business hours of 8 a.m. to 5 p.m. at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Susana C. Pjesky, 785-296-1691, at the KDHE central office, or Ethel Evans, 620-356-1075, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Susana C. Pjesky, 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 not later than noon Tuesday, September 3.

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 Susana C. Pjesky, KDHE, Bureau of Air, not later than noon Tuesday, September 3, in order for the secretary of the Department of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such pe-

riod. Contact Ward Burns, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, 66219, 913-551-7960, 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. 041773

(Published in the Kansas Register August 1, 2013.)

City of Overland Park, Kansas

Notice to Bidders

Sealed bids for **151st Street & England Street Traffic Signal (TS-1509, KDOT Project No. 46 N-0578-01)** will be received by the city of Overland Park, Kansas, at the office of the city clerk, City Hall, 8500 Santa Fe Drive, Overland Park, 66212, until 2 p.m. local time September 3, 2013. At that time all sealed bids will be transferred to the City Council Chamber, City Hall, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened.

All bids shall be submitted in sealed envelopes addressed to the city clerk of Overland Park, Kansas, and marked "Bid For: 151st Street & England Street Traffic Signal (TS-1509, KDOT Project No. 46 N-0578-01)." Contractors desiring the contract documents for use in preparing bids may obtain a set of such documents from the Department of Public Works, Overland Park City Hall, 8500 Santa Fe Drive, Overland Park, 66212, 913-895-6040, upon payment of \$30, which amount is not refundable.

Neither the city nor the consultant shall be responsible for the accuracy, completeness or sufficiency of any bid documents obtained from any source other than the source indicated above. Obtaining copies of plans, specifications, bid documents and other contract documents from any other source(s) may result in obtaining incomplete and inaccurate information. Obtaining these documents from any source other than directly from the source listed herein may also result in failure to receive any addenda, corrections or other revisions to these documents that may be issued.

Contractors should read and be fully familiar with all contract documents before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations, and shall include in its bid a sum to cover the cost of all items of the work.

Should a bidder find "defects" as defined in paragraph GC-3 of the General Conditions, it shall follow the procedures outlined in paragraph GC-3 to bring same to the attention of the city. Changes necessitated thereby shall be in the form of addenda issued by the consultant.

All bidders shall verify that they have considered all written addenda. Neither the city nor the consultant shall be responsible for oral instructions.

Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be

(continued)

no clarifications or exceptions allowed on the bid. Bids are for a total bid package, total contract price.

Bids shall be made upon the form provided in ink or typewritten. Numbers shall be stated both in writing and in figures, the signature shall be longhand, and the complete form shall be without alteration or erasure. On alternate items for which a bid is not submitted, a written indication of "no bid" on the bid form is required.

No oral, telegraphic, facsimile or telephonic bids or alterations will be considered.

The following items must be included in the sealed envelope with the bid:

- a. Bid
- b. 5% bid security — bid bond, cashier's check or certified check (see below)
- c. Signed documents (KDOT Certifications)
 - Required Contract Provision — DBE Contract Goal
 - Certification — Noncollusion & History of Debarment
 - Declaration — Limitations on Use of Federal Funds for Lobbying
 - Tax Clearance Certificate

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on any acceptable bank, made payable to the city of Overland Park, Kansas, in an amount of not less than 5 percent of the total bid, which shall be retained by the city of Overland Park until a contract for the project has been executed. Bid bonds will be returned to the unsuccessful bidders, with the exception of the second qualifying bidder, at such time as their bids are rejected. The bid deposit of the successful bidder and the second qualifying bidder will be returned when satisfactory bonds in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed.

In the event the successful bidder is unable to execute the contract, for whatever reason, the city may exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk prior to the time and date for bid opening; provided, however, that no bidder may withdraw its bid for a period of 30 days from the date set for the opening thereof. All bidders agree that rejection shall create no liability on the part of the city because of such rejection. It is understood by all bidders that an unsuccessful bidder has no cause of action against the city for bid preparation costs. The filing of any bid in response to this invitation shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be held at 1:30 p.m. August 27 in Conference Room A, City Hall, 8500 Santa Fe Drive, Overland Park.

Berry Lutz, Contract Specialist
Public Works Department
City of Overland Park, Kansas

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 29.—SOLID WASTE MANAGEMENT

28-29-109. Special waste. (a) Disposal of special waste. Any person may dispose of special waste, as defined in K.A.R. 28-29-3, if all of the following conditions are met.

(1) The person disposes of the special waste at a permitted municipal solid waste landfill (MSWLF).

(2) A special waste disposal authorization for the special waste has been issued by the department in accordance with subsections (b) and (c).

(3) All the conditions of subsections (d) through (g) are met.

(b) Request for a special waste disposal authorization. Each person requesting a special waste disposal authorization shall provide the following information to the department:

(1) A description of the waste, including the following information:

(A) The type of waste;

(B) the process that produced the waste;

(C) the physical characteristics of the waste;

(D) the quantity of waste to be disposed of; and

(E) the location of the waste generation site, if different from the generator's address;

(2) the following information for the generator of the waste:

(A) The contact person's name;

(B) the contact person's address;

(C) the contact person's telephone number;

(D) the contact person's electronic mail address, if there is one; and

(E) the name of the business, if the generator is a business;

(3) the following information for the person requesting the special waste disposal authorization:

(A) The contact person's name;

(B) the contact person's address;

(C) the contact person's telephone number; and

(D) the contact person's electronic mail address, if there is one; and

(E) the name of the business, if the request is being made on behalf of a business;

(4) the name and address of each solid waste transfer station proposed for transfer of the waste;

(5) the name and address of the MSWLF proposed for disposal of the waste;

(6) a statement, signed by the generator of the waste or an agent of the generator, that the waste is not a listed hazardous waste and is not a waste that exhibits the characteristics of a hazardous waste specified in K.A.R. 28-31-261, based on knowledge of the process generating the waste, laboratory analyses, or both; and

(7) each laboratory analysis that has been performed to determine if the waste is a listed hazardous waste or is a waste that exhibits the characteristics of a hazardous

waste. The person requesting a special waste disposal authorization shall ensure that the following requirements are met:

(A) Each analysis shall be performed and reported by a laboratory that has departmental certification, if this certification is available, for that analysis;

(B) each analytical laboratory report shall include the following:

(i) Each analysis required to make a determination of hazardous waste characteristics as specified in K.A.R. 28-31-261;

(ii) all additional analyses specified by the department;

(iii) quality control data; and

(iv) a copy of the chain of custody;

(C) the generator shall provide a signed statement for each analytical laboratory report stating that the analytical results are representative of the waste; and

(D) if the waste is an unused or spilled product and the waste has not been combined with any substance other than an absorbent, the generator may submit a material safety data sheet for the waste in lieu of laboratory analyses.

(c) Issuance of special waste disposal authorizations.

(1) Not later than 10 working days after the department receives a request for a special waste disposal authorization, the person making the request shall be notified by the department of one of the following determinations:

(A) The request for a special waste disposal authorization is not complete.

(B) The waste does not require a special waste disposal authorization for disposal in an MSWLF.

(C) The waste is a special waste, and the request for a special waste disposal authorization is approved.

(D) The waste is a hazardous waste, and the request for a special waste disposal authorization is denied. The denial notification shall include the reason for denial.

(2) If a special waste is authorized for disposal, a written special waste disposal authorization stating the terms for transportation and disposal of the special waste shall be provided by the department to all of the following persons:

(A) The person requesting the special waste disposal authorization, the generator of the waste, or both;

(B) the owner or operator of each solid waste transfer station proposed for transfer of the solid waste; and

(C) the owner or operator of the MSWLF proposed for disposal of the special waste.

(3) A special waste disposal authorization shall not obligate the owner or operator of any MSWLF or solid waste transfer station to accept the special waste.

(d) Petroleum-contaminated soil (PCS). Sampling and analysis requirements and procedures for soil, which could contain debris, contaminated with petroleum products shall include the following:

(1) The generator of the PCS shall collect at least one representative sample for analysis from the first 300 cubic yards of PCS. If the analytical data from the first sample shows that the PCS is not hazardous, the generator shall collect one representative sample for analysis from each 500 cubic yards of PCS after that first sample.

(2) The generator may be required by the secretary to collect additional samples.

(3) The generator may deviate from the required frequency of sampling schedule with written approval from the secretary. The generator shall submit a written sampling plan and an explanation for the deviation from the required sampling schedule to the secretary for review and approval.

(4) The generator shall have each sample analyzed for each the following constituents:

(A) 1,2-dichloroethane;

(B) benzene; and

(C) if required by the department, lead and any other constituent likely to be present in the PCS.

(e) Generator requirements for transfer of special wastes. Each generator of special waste or the agent of the generator shall, before transfer of the special waste, provide the transporter with a copy of the special waste disposal authorization for each load of special waste.

(f) Transporter requirements for transfer and disposal of special wastes. Before transfer or disposal of special waste, each transporter of special waste shall provide notification of each load of special waste to both of the following persons:

(1) The owner or operator of each solid waste transfer station involved in the transport of the special waste; and

(2) the owner or operator of the MSWLF at which the special waste will be disposed.

(g) MSWLF requirements for acceptance and disposal of special wastes. The owner or operator of each MSWLF shall comply with each of the following requirements:

(1) If a load of special waste requires a special waste disposal authorization, check for compliance with the special waste disposal authorization;

(2) reject any special waste requiring a special waste disposal authorization if the special waste does not meet both of the following requirements:

(A) Has a special waste disposal authorization issued by the department; and

(B) meets the requirements of the special waste disposal authorization;

(3) notify the department in writing of each special waste load that is rejected at the MSWLF within one business day after the rejection;

(4) dispose of the special waste in the MSWLF only if the special waste meets one of the following requirements:

(A) Is capable of passing the paint filter liquids test specified in K.A.R. 28-29-108; or

(B) is exempt from the liquids restriction as specified in K.A.R. 28-29-108; and

(5) maintain documentation in the operating record, as specified in K.A.R. 28-29-108, of each special waste disposed of at the MSWLF, until the MSWLF is certified for closure in accordance with K.A.R. 28-29-121. (Authorized by K.S.A. 65-3406; implementing K.S.A. 65-3401; effective July 10, 1998; amended May 30, 2003; amended Aug. 16, 2013.)

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

Doc. No. 041769

State of Kansas

State Corporation Commission

Permanent Administrative Regulations

Article 3.—PRODUCTION AND CONSERVATION
OF OIL AND GAS

82-3-135a. Notice of application. (a) Scope. Except as otherwise provided in K.A.R. 82-3-100, 82-3-108, 82-3-109, 82-3-138, 82-3-203, 82-3-208, 82-3-209, 82-3-300, and 82-3-300a, the notice requirements in this regulation shall apply to each application for an order or permit filed pursuant to any regulation, special order, or statutory provision for the conservation of crude oil and natural gas or for the protection of fresh and usable water.

(b) Production matters. Except as otherwise provided in K.A.R. 82-3-100, 82-3-108, 82-3-109, 82-3-138, 82-3-203, 82-3-208, 82-3-209, 82-3-300, and 82-3-300a, each applicant for an order filed pursuant to K.A.R. 82-3-100 through K.A.R. 82-3-314 shall give notice of the application on or before the date the application is filed with the conservation division by mailing or delivering a copy of the application to the following:

(1) Each operator or lessee of record within a one-half mile radius of the well or of the subject acreage; and

(2) each owner of record of the minerals in unleased acreage within a one-half mile radius of the well or of the subject acreage.

(c) Environmental matters. Each applicant for an order or permit filed pursuant to K.A.R. 82-3-400 through 82-3-412 and K.A.R. 82-3-600 through 82-3-607 shall give notice of the application on or before the date the application is filed with the conservation division by mailing or delivering a copy of the application to the following:

(1) Each operator or lessee of record within a one-half mile radius of the well or of the subject acreage;

(2) each owner of record of the minerals in unleased acreage within a one-half mile radius of the well or of the subject acreage; and

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

(d) Publication of notice. Notice of the application shall be published in at least one issue of the official county newspaper of each county in which the lands affected by the application are located. In addition, notice of applications relating to production matters shall also be published in at least one issue of the Wichita Eagle newspaper.

(e) Protest. Once notice of the application is published pursuant to subsection (d), the application shall be held in abeyance for 15 days for production matters and 30 days for environmental matters, pending the filing of any protest pursuant to K.A.R. 82-3-135b. If a valid protest is filed or if the commission, on its own motion, deems that there should be a hearing on the application, a hearing shall be held. The applicant shall publish notice of the hearing pursuant to K.A.R. 82-3-135. (Authorized by K.S.A. 2012 Supp. 55-152, K.S.A. 55-704, K.S.A. 2012 Supp. 55-901; implementing K.S.A. 55-605, K.S.A. 2012 Supp. 55-901, K.S.A. 55-1003; effective April 23, 1990; amended Oct. 24, 2008; amended Aug. 16, 2013.)

82-3-602. Closure of pits; disposal of pit contents; closure form; drilling fluid management; surface restoration. (a) Closure of pits.

(1) Unless otherwise specified in writing by the commission, each operator shall close the following:

(A) Drilling pits or haul-off pits within 365 calendar days after the spud date of a well;

(B) work-over pits within 90 days after work-over operations have ceased; and

(C) settling pits, burn pits, and emergency pits within 30 days after cessation or abandonment of the lease.

(2) Any operator may request a pit permit extension of not more than three months, and the request may be granted by the director. An extension may be granted due to pit conditions or for other good cause shown by the operator. Any pit permit extension may be renewed upon additional request by the operator, but no pit permit extension shall be extended beyond six months after the original deadline. Failure to close any pit or to file an extension within the prescribed time limits specified in paragraphs (1)(A) through (C) of this subsection shall be punishable by a \$250 penalty.

(b) Disposal of pit contents. Before backfilling any pit, each operator shall dispose of the pit contents according to K.A.R. 82-3-607 and shall submit the required form pursuant to K.A.R. 82-3-608.

(c) Closure form. Each operator of a pit shall file a pit closure form prescribed by the commission within 30 days after the closure of the pit. Failure to file the pit closure form in accordance with this subsection shall be punishable by a \$100 penalty.

(d) Drilling fluid management. Each operator of a reserve pit shall report the drilling fluid management methods utilized for the reserve pit, including the chloride concentration of the drilling fluids, on the affidavit of completion required by K.A.R. 82-3-130.

(1) Except as specified in paragraph (d)(2), the chloride concentration shall be calculated according to the following portions of the American petroleum institute's "recommended practice: standard procedure for field testing water-based drilling fluids," second edition, dated September 1997, which are hereby adopted by reference:

(A) Section 10.3 on pages 21-22;

(B) appendix A; and

(C) tables 1 and 5.

(2) An alternate test for measuring the chloride concentration may be approved by the director if the alternate test is at least as accurate and precise as the required test.

(e) Surface restoration. Upon abandonment of any pit, the operator shall grade the surface of the soil as soon as practicable or as required by the commission. The surface of the soil shall be returned, as nearly as practicable, to the condition that existed before the construction of the pit. (Authorized by K.S.A. 2012 Supp. 55-152, K.S.A. 74-623; implementing K.S.A. 55-171; effective, T-87-46, Dec. 19, 1986; effective May 1, 1987; amended May 1, 1988; amended July 29, 1991; amended April 23, 2004; amended Aug. 16, 2013.)

82-3-603. Spill notification and cleanup; penalty; lease maintenance. (a) Spill prevention. Each operator shall act with reasonable diligence to prevent spills and

safely confine saltwater, oil, and refuse in tanks, pipelines, pits, or dikes.

(b) Notification.

(1) Each operator shall notify the appropriate district office in accordance with subsection (c) immediately upon discovery or knowledge of any spill that has reached or threatens to reach surface water or that has impacted or threatens to impact groundwater. Each operator shall take immediate action in accordance with procedures specified or approved by the district office to contain and prevent the saltwater, oil, or refuse from reaching surface water or impacting groundwater.

(2) Except as otherwise specified in this regulation, each operator shall notify the appropriate district office of any spill, as defined in K.A.R. 82-3-101. This notification shall meet the requirements of subsection (c) and shall be made not later than the next business day following the date of discovery or knowledge of the spill.

(3) The notification requirement for spills in paragraph (b)(2) shall not apply to very minor amounts of saltwater, oil, or refuse that unavoidably or unintentionally leak or drip from pumps, machinery, pipes, valves, fittings, well rods, or tubing during the conduct of normal prudent operations and that are not confined in dikes or pits or within the vicinity of the well. This exception shall not apply to ongoing, continual, or repeated leaks or drips, or to leaks or drips that are the result of intentional spillage or abnormal operations, including unrepaired or improperly maintained pumps, machinery, pipes, valves, and fittings.

(4) For purposes of this regulation, the point of "discovery or knowledge" shall mean that point when the operator knew or reasonably should have known of the spill.

(5) The notification requirement in this subsection shall apply even if the operator knows or believes that the appropriate district office is already aware of the spill.

(c) Information required with notification. Each operator shall submit the following information in conjunction with the notification requirement in subsection (b):

- (1) The operator's name and license number;
- (2) the lease name, legal description, and approximate spill location;
- (3) the time and date the spill occurred;
- (4) a description of the spilled materials, including type and amount;
- (5) a description of the circumstances creating the spill;
- (6) the location of the spill with respect to the nearest fresh and usable water resources;
- (7) the proposed method for containing and cleaning up the spill; and
- (8) any other information that the commission may require.

(d) Penalty for failure to notify. The failure to comply with subsection (b) shall be punishable by a \$250 penalty for the first violation, a \$500 penalty for the second violation, and a \$1,000 penalty and an operator license review for the third violation.

(e) Cleanup of spill.

(1) Each operator shall clean up any spill that requires notification under this regulation in accordance with the cleanup method approved by the appropriate district of-

fice. The cleanup techniques deemed appropriate and acceptable to the appropriate district office shall be physical removal, dilution, treatment, and bioremediation. Except as otherwise required by law or regulation, each operator shall complete the cleanup of the spill within 10 days after discovery or knowledge, or by the deadline prescribed in writing by the district office.

(2) Each operator shall clean up all leaks, drips, and escapes that are excepted from notification under this regulation in accordance with cleanup techniques recognized as appropriate and acceptable by the commission. The following cleanup techniques shall be deemed appropriate and acceptable to the commission: physical removal, dilution, treatment, and bioremediation. Each operator shall accomplish this cleanup upon completion of the routine operation or condition that caused the leak, drip, or escape or within 24 hours of discovery or knowledge of the leak, drip, or escape, whichever occurs sooner.

(3) If refuse is transferred in conjunction with a cleanup pursuant to paragraph (e)(1) or (e)(2), each operator shall submit any required forms according to K.A.R. 82-3-608.

(f) Penalties. Failure to contain and clean up the spill in accordance with this regulation shall be punishable by the following penalties:

- (1) \$1,000 for the first violation;
- (2) \$2,500 for the second violation; and
- (3) \$5,000 and an operator license review for the third violation. (Authorized by K.S.A. 2012 Supp. 55-152; implementing K.S.A. 2012 Supp. 55-164, K.S.A. 55-172, K.S.A. 74-623; effective, T-87-46, Dec. 19, 1986; effective May 1, 1987; amended May 1, 1988; amended April 23, 1990; amended April 23, 2004; amended Aug. 16, 2013.)

82-3-604. Discharges into emergency pits and diked areas; removal of fluids; penalties. (a) Notification of discharge. Each operator shall notify the appropriate district office within 24 hours of discovery or knowledge of any oil field-related discharge of five or more barrels of saltwater, oil, or refuse into an emergency pit or diked area.

(b) Removal of fluids from pit or dike. Each operator of an emergency pit or diked area shall remove any fluid from the pit or diked area within 48 hours after discovery or knowledge, or as authorized by the appropriate district office, and shall dispose of the fluid according to K.A.R. 82-3-607. The operator shall submit forms pursuant to K.A.R. 82-3-608, unless the fluid is removed to an on-site tank.

(c) "Discovery or knowledge" defined. For purposes of this regulation, the point of "discovery or knowledge" shall mean that point when the operator knew or reasonably should have known of the discharge.

(d) Penalties. The failure to timely notify the district office of an oil field-related discharge into an emergency pit or diked area in accordance with subsection (a), or the failure to timely remove fluids from an emergency pit or diked area in accordance with subsection (b), shall be punishable by the following penalties:

- (1) \$250 for the first violation;
- (2) \$500 for the second violation; and
- (3) \$1,000 and an operator license review for the third violation. (Authorized by K.S.A. 2012 Supp. 55-152; im-

(continued)

plementing K.S.A. 2012 Supp. 55-164, K.S.A. 55-172, and K.S.A. 74-623; effective April 23, 1990; amended June 6, 1994; amended April 23, 2004; amended Aug. 16, 2013.)

82-3-607. Disposal of dike and pit contents. (a) Each operator shall perform one of the following when disposing of dike or pit contents:

(1) Remove the liquid contents to a disposal well or other oil and gas operation approved by the commission or to road maintenance or construction locations approved by the department;

(2) dispose of reserve pit waste down the annular space of a well completed according to the alternate I requirements of K.A.R. 82-3-106, if the waste was generated during the drilling and completion of the well; or

(3) dispose of the remaining solid contents in any manner required by the commission. The requirements may include any of the following:

(A) Burial in place, in accordance with the grading and restoration requirements in K.A.R. 82-3-602 (e);

(B) removal of the contents to an on-site disposal area approved by the commission;

(C) removal of the contents to an off-site disposal area on acreage owned by the same landowner or to another producing lease or unit operated by the same operator, if prior written permission from the landowner has been obtained; or

(D) removal of the contents to a permitted off-site disposal area approved by the department.

(b) Each violation of this regulation shall be punishable pursuant to K.A.R. 82-3-608(d).

(c) If refuse is transferred pursuant to this regulation, the operator shall submit forms pursuant to K.A.R. 82-3-608, unless the refuse is removed to the same on-site tank or facility from which the refuse originated. (Authorized by and implementing K.S.A. 2012 Supp. 55-152 and K.S.A. 2012 Supp. 55-164; effective April 23, 2004; amended Aug. 16, 2013.)

82-3-608. Transfer of refuse. (a) Each operator shall file a form prescribed by the commission within 30 days after the operator transfers refuse from any pit or diked area or refuse relating to any remediation or cleanup activity.

(b) The failure to timely submit the form specified in subsection (a) shall be punishable by the following penalties:

(1) \$250 for the first violation;

(2) \$500 for the second violation; and

(3) \$1,000 and an operator license review for the third violation.

(c) The conservation division central office and the district offices may require any operator to transfer refuse from any pit or diked area or refuse relating to any remediation or cleanup activity, if it is reasonably likely that the refuse would cause pollution without the transfer.

(d) The failure to timely transfer refuse shall be punishable by the following penalties:

(1) \$1,000 for the first violation;

(2) \$2,500 for the second violation; and

(3) \$5,000 and an operator license review for the third violation. (Authorized by and implementing K.S.A. 2012

Supp. 55-152, K.S.A. 2012 Supp. 55-164, and K.S.A. 74-623; effective Aug. 16, 2013.)

82-3-1300. Definitions; horizontal wells. The terms and definitions in K.A.R. 82-3-101, with some of those definitions modified as follows, shall apply to these regulations for horizontal wells, in addition to the new terms and definitions specified:

(a) "Bottom-hole location" means the terminus of each horizontal wellbore.

(b) "Completion interval" means the following:

(1) For open-hole horizontal wellbores, the area between the point that the wellbore contacts the producing formation and the bottom hole, including any isolation packers; and

(2) for cased horizontal wellbores, the area between the perforation nearest the vertical portion of the horizontal well and the perforation nearest the bottom-hole location.

(c) "Directional survey" means a report showing the location of the horizontal wellbore from the surface location to the bottom hole.

(d) "Horizontal well" means a well that is drilled from a surface location and includes one or more horizontal wellbores.

(e) "Horizontal wellbore" means any portion of a horizontal well that extends laterally within the productive or injection formation.

(f) "Measured total depth" means the total length of the drilled wellbore.

(g) "Surface location" means the point at which the vertical portion of a horizontal well penetrates the ground at the surface.

(h) "True vertical depth" means the distance from the deepest point in the wellbore measured vertically to a point with the same elevation as that of the surface location. (Authorized by and implementing K.S.A. 2012 Supp. 55-152; effective Aug. 16, 2013.)

82-3-1301. Horizontal wells. The regulations applicable to wells, as defined in K.A.R. 82-3-101, shall apply to horizontal wells, except as specifically provided in K.A.R. 82-3-1300 through K.A.R. 82-3-1307. (Authorized by and implementing K.S.A. 2012 Supp. 55-152; effective Aug. 16, 2013.)

82-3-1302. Notice of intention to drill; setback. (a) Before commencing the drilling of any horizontal well, each operator shall submit to the conservation division and obtain approval of a written notice of the intention to drill according to K.A.R. 82-3-103 on a form supplied by the commission. The notice shall include information specific to the horizontal well, including the estimated true vertical depth, the estimated bottom-hole location, the estimated completion interval, a brief description of the leased acreage, and a statement regarding whether multiple leases are unitized. Each submitted form shall be accompanied by a detailed plat map that includes the surface location, estimated completion interval, estimated bottom-hole location, and lease or unit boundaries.

(b) The setback requirements in K.A.R. 82-3-108, K.A.R. 82-3-207, and K.A.R. 82-3-312 shall be applicable to the entire completion interval of each horizontal wellbore. (Authorized by and implementing K.S.A. 2012 Supp. 55-152; effective Aug. 16, 2013.)

82-3-1303. Oil and gas allowables. (a) The oil allowables specified in K.A.R. 82-3-203 and the standard daily allowable for gas wells specified in K.A.R. 82-3-312 shall not apply to horizontal wells.

(b) Each horizontal well classified as an "oil well" in K.A.R. 82-3-101 shall be assigned a production allowable of 200 barrels of oil per day for each 660 feet of the completion interval. Each remainder of less than 660 feet shall result in a correspondingly proportionate addition to the allowable.

(c) Each horizontal well classified as a "gas well" in K.A.R. 82-3-101 shall be assigned a production allowable of 3,000,000 cubic feet per day. (Authorized by and implementing K.S.A. 2012 Supp. 55-152; effective Aug. 16, 2013.)

82-3-1304. Gas well test exemption. The gas well testing requirements in K.A.R. 82-3-303 and K.A.R. 82-3-304 shall not apply to any horizontal well. (Authorized by and implementing K.S.A. 2012 Supp. 55-152; effective Aug. 16, 2013.)

82-3-1305. Venting and flaring. (a) The venting and flaring requirements in K.A.R. 82-3-208 and K.A.R. 82-3-314 shall not apply to any horizontal well.

(b) The following venting and flaring requirements shall apply to each horizontal well:

(1) No operator shall vent gas from any horizontal well.

(2) Each operator flaring gas from a horizontal well shall meet the following requirements:

(A) The operator shall ensure that the site is inspected and approved by the appropriate district office before the commencement of flaring.

(B) The operator shall file an affidavit on a form supplied by the commission within five days after commencement of flaring.

(C) The operator may flare gas for a maximum of 30 producing days following the initial horizontal completion or recompletion.

(i) A "producing day" shall mean any day in which fluid is produced at the well.

(ii) When counting the producing days for flaring purposes, the producing days may be consecutive or intermittent, or both.

(D) The operator may submit a written request to flare for an additional 30 producing days. The request shall be granted by the director if the operator demonstrates that additional flaring is necessary to prevent waste and will not violate correlative rights. Only one additional flaring period of 30 producing days may be authorized by the director.

(E) No operator shall flare gas for more than 60 producing days without commission approval of an application for an exception according to K.A.R. 82-3-100.

(F) The operator shall continuously meter, measure, or monitor the flared gas and shall retain the chart or record for at least two years. The operator shall provide the conservation division with a copy of the chart or record within five business days of receipt of any request. (Authorized by and implementing K.S.A. 2012 Supp. 55-152; effective Aug. 16, 2013.)

82-3-1306. High-volume pumps. The restrictions on and requirements for the use of high-volume pumps in K.A.R. 82-3-131 shall not apply to any horizontal well. (Authorized by and implementing K.S.A. 2012 Supp. 55-152; effective Aug. 16, 2013.)

82-3-1307. Well completion report. Each operator of a horizontal well shall comply with the affidavit requirements in K.A.R. 82-3-106 and K.A.R. 82-3-130 by submitting to the conservation division and obtaining approval of a well completion report on a form provided by the commission, which shall include the true vertical depth and information specific to the horizontal well. Each submitted form shall be accompanied by a copy of the directional survey and a detailed, as-drilled plat map that includes the lease or unit boundaries, surface location, completion interval, and bottom-hole location. (Authorized by and implementing K.S.A. 2012 Supp. 55-152; effective Aug. 16, 2013.)

Mark Sievers
Chairman

Doc. No. 041767

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109-3-4	New	V. 31, p. 247
109-3-5	Amended	V. 31, p. 1295
109-5-1c	New	V. 31, p. 247
109-5-3	Amended	V. 32, p. 230
109-5-5	Amended	V. 32, p. 231
109-5-7c	New (T)	V. 31, p. 245
109-5-7c	New	V. 31, p. 497
109-7-1	Amended	V. 31, p. 248
109-8-2	New	V. 31, p. 225
109-10-1c	New	V. 31, p. 225
109-11-1	Revoked	V. 32, p. 231
109-11-3	Revoked	V. 32, p. 231
109-11-4	Revoked	V. 32, p. 231
109-11-4a	New	V. 31, p. 225
109-11-5	Revoked	V. 32, p. 231
109-11-6	Revoked	V. 32, p. 231
109-13-1	Amended	V. 31, p. 248

109-15-1	Amended	V. 32, p. 231
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AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-12-1 through 110-12-6	Revoked	V. 32, p. 854

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. A list of regulations filed from December 1, 2009 through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 Kansas Register. The following regulations were filed after December 22, 2011:

Reg. No.	Action	Register
111-2-270 through 111-2-276	New	V. 31, p. 114-116
111-2-277 through 111-2-282	New	V. 31, p. 582, 583
111-2-283 through 111-2-286	New	V. 31, p. 648
111-2-287	New	V. 31, p. 1428
111-2-288	New	V. 31, p. 1428
111-2-289 through 111-2-293	New	V. 32, p. 126-128
111-2-294	New	V. 32, p. 278
111-2-295	New	V. 32, p. 278
111-2-296	New	V. 32, p. 297
111-2-297	New	V. 32, p. 297
111-2-298 through 111-2-305	New	V. 32, p. 321-324
111-2-306	New	V. 32, p. 890
111-2-307	New	V. 32, p. 890
111-2-308	New	V. 32, p. 920
111-2-309	New	V. 32, p. 920
111-2-310	New	V. 32, p. 920
111-4-3135	New	V. 31, p. 116
111-4-3136	New	V. 31, p. 121
111-4-3137 through 111-4-3142	New	V. 31, p. 274-278
111-4-3144 through 111-4-3158	New	V. 31, p. 345-354
111-4-3159 through 111-4-3162	New	V. 31, p. 583-587
111-4-3163 through 111-4-3171	New	V. 31, p. 613-617
111-4-3172 through 111-4-3181	New	V. 31, p. 649-656
111-4-3182 through 111-4-3196	New	V. 31, p. 1429-1441
111-4-3197 through 111-4-3203	New	V. 31, p. 1468-1470
111-4-3204 through 111-4-3211	New	V. 31, p. 1541-1547
111-4-3212 through 111-4-3216	New	V. 32, p. 128-131

(continued)

111-4-3217		
through		
111-4-3223	New	V. 32, p. 153-159
111-4-3224	New	V. 32, p. 278
111-4-3225	New	V. 32, p. 298
111-4-3226	New	V. 32, p. 299
111-4-3227		
through		
111-4-3232	New	V. 32, p. 324-327
111-4-3233		
through		
111-4-3236	New	V. 32, p. 350-352
111-4-3237		
through		
111-4-3250	New	V. 32, p. 585-594
111-4-3251		
through		
111-4-3263	New	V. 32, p. 811-819
111-4-3264	New	V. 32, p. 890
111-4-3265	New	V. 32, p. 891
111-4-3266	New	V. 32, p. 892
111-4-3267		
through		
111-4-3271	New	V. 32, p. 921-923
111-5-23		
through		
111-5-28	Amended	V. 31, p. 355-358
111-5-31	Amended	V. 31, p. 359
111-5-33	Amended	V. 31, p. 279
111-5-82	Amended	V. 31, p. 657
111-5-83	Amended	V. 31, p. 657
111-5-127		
through		
111-5-132	Amended	V. 32, p. 893-896
111-5-194	Amended	V. 31, p. 359
111-5-200	New	V. 31, p. 360
111-5-201		
through		
111-5-206	New	V. 31, p. 618, 619
111-5-207		
through		
111-5-212	New	V. 32, p. 819-821
111-7-187a	New	V. 32, p. 896
111-7-188a	New	V. 32, p. 924
111-7-249		
through		
111-7-254	New	V. 32, p. 300-302
111-7-255		
through		
111-7-260	New	V. 32, p. 353, 354
111-9-174	New	V. 31, p. 122
111-9-175	New	V. 31, p. 123
111-9-176	New	V. 31, p. 124
111-9-177	New	V. 31, p. 360
111-9-178	New	V. 31, p. 1442
111-9-179	New	V. 31, p. 1442
111-9-180	New	V. 31, p. 1470
111-9-181	New	V. 31, p. 1471
111-9-182	New	V. 32, p. 132
111-9-183	New	V. 32, p. 133
111-9-184	New	V. 32, p. 354
111-9-185	New	V. 32, p. 355
111-9-186	New	V. 32, p. 594
111-9-187	New	V. 32, p. 594
111-15-1	Amended	V. 32, p. 280
111-15-2	Amended	V. 32, p. 280
111-15-3	Amended	V. 32, p. 280
111-15-5	Amended	V. 32, p. 281
111-15-6	Amended	V. 32, p. 281

111-15-12		
through		
111-15-20	New	V. 32, p. 897, 898
111-17-3	New	V. 31, p. 279
111-17-4	New	V. 31, p. 619
111-17-5	New	V. 32, p. 159
111-17-6	New	V. 32, p. 282
111-17-6a	New	V. 32, p. 328
111-17-7	New	V. 32, p. 595
111-17-8	New	V. 32, p. 821
111-201-14	Amended	V. 31, p. 361
111-301-6	Amended	V. 31, p. 658
111-301-32		
through		
111-301-44	New	V. 31, p. 1443-1446
111-401-1		
through		
111-401-50	New	V. 31, p. 389-407
111-401-30	Amended	V. 31, p. 1548
111-401-51		
through		
111-401-118	New	V. 31, p. 427-449
111-401-119		
through		
111-401-166	New	V. 31, p. 528-552
111-401-167		
through		
111-401-171	New	V. 32, p. 160-162
111-401-172		
through		
111-401-177	New	V. 32, p. 302-305
111-401-178		
through		
111-401-194	New	V. 32, p. 329-334
111-501-9	Amended	V. 31, p. 124
111-501-12	Amended	V. 31, p. 659
111-501-14		
through		
111-501-26	New	V. 31, p. 124-129
111-501-35		
through		
111-501-81	New	V. 31, p. 129-146
111-501-61	Amended	V. 31, p. 1549
111-501-82		
through		
111-501-102	New	V. 31, p. 620-628
111-501-103		
through		
111-501-117	New	V. 32, p. 162-167
111-501-118	New	V. 32, p. 306
111-501-119	New	V. 32, p. 167
111-501-120	New	V. 32, p. 167
111-501-121	New	V. 32, p. 167

AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS, AND TOURISM

Reg. No.	Action	Register
115-1-1	Amended	V. 31, p. 1365
115-2-1	Amended	V. 32, p. 318
115-2-2	Amended	V. 31, p. 1368
115-2-3	Amended	V. 32, p. 482
115-4-2	Amended	V. 31, p. 425
115-4-4	Amended	V. 32, p. 319
115-4-4a	Amended	V. 32, p. 320
115-4-11	Amended	V. 32, p. 483
115-4-15	New	V. 31, p. 1368
115-5-1	Amended	V. 32, p. 854
115-5-2	Amended	V. 32, p. 855
115-6-1	Amended	V. 32, p. 855
115-7-3	Amended	V. 31, p. 1370

115-7-10	Amended	V. 31, p. 1370
115-8-1	Amended	V. 32, p. 856
115-8-2	Amended	V. 32, p. 856
115-8-19	Amended	V. 31, p. 1371
115-8-23	Amended	V. 32, p. 857
115-8-24	New	V. 31, p. 954
115-9-8	Amended	V. 32, p. 89
115-14-1		
through		
115-14-6	Revoked	V. 31, p. 1142
115-14-8	Revoked	V. 31, p. 1142
115-14-9	Revoked	V. 31, p. 1142
115-14-10	Revoked	V. 31, p. 1142
115-14-11		
through		
115-14-15	New	V. 31, p. 1142-1151
115-14-14	Amended	V. 32, p. 90
115-16-5	Amended	V. 32, p. 857
115-17-6		
through		
115-17-9	Amended	V. 31, p. 954, 955
115-18-1	Amended	V. 31, p. 1152
115-18-7	Amended	V. 32, p. 320
115-18-18	Amended	V. 31, p. 1371
115-18-22	New	V. 31, p. 1371
115-20-7	Amended	V. 31, p. 956
115-40-1		
through		
115-40-6	New	V. 32, p. 858, 859

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-2	Amended	V. 31, p. 1066
117-2-2a	Amended	V. 31, p. 1067
117-3-2	Amended	V. 31, p. 1067
117-3-2a	Amended	V. 31, p. 1068
117-4-2	Amended	V. 31, p. 1069
117-4-2a	Amended	V. 31, p. 1070
117-5-2	Amended	V. 31, p. 1070
117-5-2a	Amended	V. 31, p. 1071
117-7-1	Amended	V. 32, p. 226
117-8-1	Revoked	V. 31, p. 1071
117-20-1		
through		
117-20-7	New (T)	V. 31, p. 997
117-20-1	New	V. 31, p. 1248
117-20-2	New	V. 31, p. 1248
117-20-3	New	V. 32, p. 89
117-20-4	New	V. 31, p. 1248
117-20-5	New	V. 31, p. 1248
117-20-6	New	V. 31, p. 1248
117-20-7	New	V. 32, p. 89

AGENCY 129: DEPARTMENT OF HEALTH AND ENVIRONMENT—DIVISION OF HEALTH CARE FINANCE

Reg. No.	Action	Register
129-5-1	Amended	V. 31, p. 1248

AGENCY 130: HOME INSPECTORS REGISTRATION BOARD

Reg. No.	Action	Register
130-2-1	Amended	V. 31, p. 224

AGENCY 132: KANSAS 911 COORDINATING COUNCIL

Reg. No.	Action	Register
132-2-1	New	V. 31, p. 223
132-3-1	New	V. 31, p. 1540
132-4-1	New	V. 31, p. 224

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