



Kansas Register

Kris W. Kobach, Secretary of State

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

Effective 2-5-18 through 2-11-18

Term	Rate
1-89 days	1.41%
3 months	1.48%
6 months	1.67%
12 months	1.95%
18 months	2.06%
2 years	2.14%

Scott Miller
Director of Investments

Doc. No. 046047

State of Kansas

**Department of Administration
Office of the Chief Financial Officer****Public Notice**

Under requirements of K.S.A. 65-34,117(c), as amended, records of the Office of the Chief Financial Officer show the unobligated balances are \$5,770,947.08 in the Underground Petroleum Storage Tank Release Trust Fund and \$736,215.91 in the Aboveground Petroleum Storage Tank Release Trust Fund at January 31, 2018.

Annette Witt, Manager
Office of the Chief Financial Officer

Doc. No. 046059

State of Kansas

Wichita State University**Notice of Intent to Lease Land and/or Building Space**

Public notice is hereby given that Wichita State University (WSU) intends to lease available land and building space. The university will consider leasing such property and/or space to those whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. Because tenant use must be a good fit with the university's educational mission and available space, please be prepared to provide the following information: (1) name; (2) square footage of space needs; (3) equipment, design, or other special needs; (4) description of anticipated use; and (5) the anticipated benefits to the university, its students, and the WSU community (e.g. applied learning, joint research, faculty start-up, etc.). The university will consider serious offers and inquiries from any financially qualified individual, group, organization, or company. If interested, please contact Vice President for Research and Technology Transfer Dr. John Tomblin, john.tomblin@wichita.edu, or Property Manager Crystal Deselms, crystal.deselms@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d) to the extent applicable.

Crystal Stegeman
University Property Manager
Office of the Vice President for
Administration and Finance
Wichita State University

Doc. No. 045794

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State of Kansas

**Department of Health and Environment
Division of Health Care Finance**

Public Notice

The Kansas Department of Health and Environment, Division of Health Care Finance is amending the Medicaid State plan to be in compliance with section 503 of the Consolidated Appropriations Act, 2016, section 5002 of the 21st Century Cures Act of 2016 and section 1903(i)(27) of the Social Security Act. Section 1903(i)(27) of the Social Security Act prohibits federal Medicaid reimbursement to states for certain durable medical equipment (DME) expenditures that are, in the aggregate, in excess of what Medicare would have paid for such items. The SPA will be effective February 9, 2018.

For a copy of the SPA or to submit feedback, please contact: William Stelzner at William.Stelzner@ks.gov
Public comment will close on March 12, 2018.

Jonathan Hamdorf, Interim Medicaid Director
Division of Health Care Finance

Doc. No. 046058

State of Kansas

**Department of Revenue
Division of Property Valuation**

Public Notice

Pursuant to K.S.A. 79-1412a(b), public notice is hereby given that changes in the Division of Property Valuation's Oil and Gas Appraisal Guide for 2018 are available for public inspection. Copies of the changes are available upon request from the Division of Property Valuation by contacting Roger Hamm, Deputy Director, Division of Property Valuation, Docking State Office Building, 915 SW Harrison St., Topeka, KS 66612-1585, email roger.hamm@ks.gov, or phone 785-296-2365.

David N. Harper, Director
Division of Property Valuation

Doc. No. 046048

(Published in the Kansas Register February 8, 2018.)

City of Overland Park, Kansas

Notice To Bidders

Bids for Metcalf Avenue Improvements – 159th Street to 167th Street, KDOT Project No. 46 N-0648-01; Federal Project No. Stp-N064(801); Johnson County Cars No. 320001177; and Overland Park Project No. Th-1027 will be received by the City of Overland Park, Kansas, online through Quest CDN until 2:00 p.m. (CDT) March 6, 2018. At that time all bids will be publicly opened and read aloud in the City Council Chamber, City Hall. Any bid received after the designated closing time will be returned unopened.

In order to be considered a qualified bidder, the online bid must be completed and submitted, all addenda acknowledged and acknowledgement uploaded to the site, and a copy of the bid bond or copy of cashier's check or

Surety2000 authorization code uploaded to the site. Contractor, and all subcontractors performing work on this project, must be on the KDOT Pre-Qualified Contractor list at the time bids are submitted.

Contractors desiring the contract documents for use in preparing bids may obtain a set of such documents from QuestCDN. Bid documents can be downloaded electronically for a non-refundable fee of \$20.00 by providing **QuestCDN Project Number 5532554** on the Project Search Page on the Quest website www.questcdn.com. You can contact QuestCDN at 1-952-233-1632 or info@questcdn.com for assistance with membership registration, downloading, electronic bidding, and working with digital documents. For questions regarding the bid documents or for project information, please call Tony Rome at 913-895-6001.

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

The following KDOT Certifications must be signed and submitted through QuestCDN at the time bids are submitted:

- Certification – Noncollusion and History of Debarment
- Declaration – Limitations on Use of Federal Funds for Lobbying
- Required Contract Provision – DBE Contract Goal
- Certification—Contractual Services with a Current Legislator or a Current Legislator's Firm
- Tax Clearance Certificate

Each bidder shall submit with its bid a pdf copy of the original bid bond, or a pdf copy of a cashier's check drawn on an acceptable bank, made payable, without condition, to the City of Overland Park, Kansas, in an amount of not less than five percent (5%) of the total bid. Or, the Bidder may choose to provide a bid bond authorization code provided to them by Surety2000, which the Bidder shall keep in effect until the City gives written notice that it may be released. If the Bidder provides a pdf copy of a bid bond or a pdf copy of a certified cashier's check, the original must be provided to the city after the bid opening and by the end of business of the second business day after the bid opening. The bid security shall be retained by the City of Overland Park until a contract for the project has been executed. Bid bonds will be returned or written notice of release will be given to the unsuccessful bidders, with the exception of the second qualifying bidder, at such time as their bids are rejected. 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 through the QuestCDN site, prior to the time and date for bid opening; provided, however, that no bidder may withdraw its bid for a period of thirty (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

(continued)

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 2:00 p.m. February 26, 2018 in the Myron E. Scafe Building, Multi-Purpose Room, 8500 Antioch Road, Overland Park, KS 66212.

Sally Wachtel, Contract Specialist
Public Works Department
City of Overland Park

Doc. No. 046054

(Published in the Kansas Register February 8, 2018.)

North Central Regional Planning Commission

Notice to Bidders

A request for bids for Light Towers will be accepted by the North Central Regional Planning Commission (NCRPC), at 109 N. Mill St., Beloit, KS 67420 until 10:00 a.m. (CDT) Friday, February 23, 2018, at which time they will be publicly opened and read aloud at the same address. Copies of the request for bid and project specifications can be accessed by going to <http://procurement.ncrpc.org/HS/projects.html> or by contacting the NCRPC at 785-738-2218 or lcspeters@nckcn.com. This action is being taken on behalf of the Southeast Kansas Homeland Security Council. Estimated project value exceeds \$20,000.

Lisa Peters
Homeland Security Clerk

Doc. No. 046051

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: <http://www.emporia.edu/busaff/purchasing>. Additional contact info: phone: 620-341-5145, fax: 620-341-5073, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Circle, Emporia, KS 66801-5415.

Fort Hays State University – Bid postings: <http://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 University Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

Kansas State University – Bid postings: <https://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, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506.

Pittsburg State University – Bid postings: <http://www.pittstate.edu/office/purchasing>. Additional contact info: phone: 620-235-4169, fax: 620-235-4166, email: 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.procurement.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, email: 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: <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.

Cathy Oehm
Chair of Regents Purchasing Group
Assistant Director of Purchasing
Kansas State University

Doc. No. 045529

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 2:00 p.m. on the date indicated. For more information, call 785-296-2376:

02/22/2018	EVT0005641	Aggregate, East Central Kansas
02/22/2018	EVT0005651	Aggregate, Norton and Sheriden
02/23/2018	EVT0005658	Vault Toilet
02/23/2018	EVT0005660	Cooling System Replacement
02/26/2018	EVT0005642	Well Plugging – Watts Project
02/27/2018	EVT0005659	Marina Service Dock Utilities
03/06/2018	EVT0005653	Audit Services of Medicaid Managed Care Organizations
03/14/2018	EVT0005647	HSA and HRA Administration Services

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

<http://admin.ks.gov/offices/procurement-and-contracts/bid-solicitations>

Public Notice

State of Kansas

Department for Children and Families

Request for Proposals

The Kansas Department for Children and Families (DCF) is accepting written proposals for approximately 9,596 useable square feet of office space in Atchison, Kansas. The information pertaining to this space search is available at:

<https://admin.ks.gov/offices/ofpm/real-estate-leasing/bid-solicitations-for-leased-space>

A pre-proposal conference will be held at 10:30 a.m. February 13, 2018, at the following location:

Atchison DCF Office
410 Commercial
Atchison, KS 66002

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

<http://admin.ks.gov/offices/procurement-and-contracts/additional-files-for-bid-solicitations>

02/22/2018	A-013147	Kansas Veteran’s Home – Pershing Barracks Access Renovation
02/28/2018	A-012443	Fort Hays State University Wooster 1 Concrete Deck Repair
02/28/2018	A-012936	Fort Hays State University Cunningham Hall/Gross Coliseum Exterior Door Replacement

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

Tracy T. Diel, Director
Procurement and Contracts

Doc. No. 046061

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 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 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-18-022/029

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Dwight Rokey Rokeyroad Holsteins 2021 T Road Sabetha, KS 66534	SE/4 of Section 30 T02S, R14E Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-M011

This permit is being reissued for an expanding facility with a maximum capacity of 292.5 animal units; consisting of 50 head (50 animal units) of cattle weighing greater than 700 pounds, 65 head (32.5 animal units) of cattle weighing 700 pounds or less, and 150 head (210 animal units) of mature dairy cows. The existing wastewater control system includes an earthen wastewater retention structure to control wastewater from the milking parlor, an enclosed dairy calf building, a concrete manure solids storage structure, and two grass buffers to control runoff from the open dirt lots.

Name and Address of Applicant	Legal Description	Receiving Water
Gold Standard Farms, LLC Gold Standard Farms, LLC–Asherville 331 3rd St. NW Waucoma, IA 52171	NE/4 of Section 27 T07S, R06W Mitchell County	Solomon River Basin

Kansas Permit No. A-SOMC-H004
Federal Permit No. KS0118117

This is a renewal permit for an existing facility for 5,000 head (2,000 animal units) of swine weighing more than 55 pounds. There is no change in the permitted animal units. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Constance Kuhlman Boot Hill Feeders 20041 SW C Road Jetmore, KS 67854	S/2 of Section 23 & SE/4 of Section 22 T24S, R25W Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-C003
Federal Permit No. KS0115347

This is a renewal permit for an existing facility for 17,000 head (17,000 animal units) of cattle weighing more than 700 pounds. There has been no change in animal numbers from the last permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Alfred Smith Kansas-Smith Farms, LLC - Farm #11 Finishing 23179 #5 Road Plains, KS 67869	S/2 of Section 08 T34S, R30W Meade County	Cimarron River Basin

Kansas Permit No. A-CIME-H003
Federal Permit No. KS0089044

This is a renewal permit for an existing facility for 6,080 head (2,432 animal units) of swine weighing greater than 55 pounds. There has been no change in animal numbers from the last permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Jim and Rick Hiss Hiss, Inc. 2616 Coronado St. Great Bend, KS 67530	W/2 of Section 25 T19S, R14W Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-D001
Federal Permit No. KS0089800

This is a renewal permit for an existing facility for 900 head (1,260 animal units) of mature dairy cattle. There has been no change in animal numbers from the last permit. This facility has an approved Nutrient Management Plan on file with KDHE.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Mark or Roger Losey 1793 E. 800 Road Phillipsburg, KS 67661	W/2 of Section 34 T02S, R16W Phillips County	Solomon River Basin

Kansas Permit No. A-SOPL-B002

This permit is being reissued for an existing facility with a maximum capacity of 980 head (490 animal units) of cattle 700 pounds or less. There is no change in the permitted animal units from the previous permit cycle.

Name and Address of Applicant	Legal Description	Receiving Water
Spencer Braun Braun Farms 600 Pool Drive Norton, KS 67654	NW/4 of Section 10 T02S, R24W Norton County	Upper Republican River Basin

Kansas Permit No. A-URNT-B008

This permit is being reissued for an existing facility with a maximum capacity of 500 head (500 animal units) of cattle more than 700 pounds. There is no change in the permitted animal units from the previous permit cycle.

Name and Address of Applicant	Legal Description	Receiving Water
Dan R. Peterson Peterson Farms 3056 Bluestem Burdick, KS 66838	NW/4 of Section 02 T18S, R05E Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-S004

This permit is being reissued for an existing facility with a maximum capacity of 200 head (80 animal units) of swine more than 55 pounds and 200 head (20 animal units) of swine 55 pounds or less, for a total of 100 animal units of swine. There is no change in the permitted animal units from the previous cycle.

Public Notice No. KS-AG-R-18-002

Per Kansas Statutes Annotated 65-171d, the following registration have been received for proposed confined feeding facilities:

Name and Address of Registrant	Legal Description	County
Jennifer A. Gerety J-Six Enterprises, LLC – Five Star Land Series Bancroft Site 604 Nemaha St. Seneca, KS 66538	N/2 of the South S/2 of Section 18 T05S, R14E	Nemaha

Public Notice No.: KS-Q-18-017/020

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-g), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Bushton, City of PO Box 194 Bushton, KS 67427-0194	Cow Creek via Plum Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-AR15-OO01
Federal Permit No. KS0022250

Legal Description: NE½, SE¼, NW¼, S11, T18S, R10W, Rice County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a mechanical wastewater treatment plant consisting of bar screen, imhoff tank, trickling filter, final clarification, sludge digestion, and sludge drying beds. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and pH, as well as monitoring for flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Clyde, City of 412 Washington Clyde, KS 66938	Republican River	Treated Domestic Wastewater

Kansas Permit No. M-LR07-OO01
Federal Permit No. KS0022403

Legal Description: SW¼, SW¼, SE¼, S26, T5S, R1W, Cloud County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The facility is a three cell wastewater stabilization lagoon system. The proposed permit includes a schedule of compliance stating that by April 1, 2019, the permittee shall complete construction of the Wetland Holding Cell and rehabilitation of the existing cells. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, and E. coli, as well as monitoring for pH, ammonia, total phosphorus, nitrate + nitrite, total Kjeldahl nitrogen, and total nitrogen.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Elk City Water Treatment Plant 400 W. St. Charles Elk City, KS 67344	Verdigris River via Elk River	Treated Domestic Wastewater

Kansas Permit No. I-VE14-PO02
Federal Permit No. KS0101231

Legal Description: NE¼, S6, T32S, R14E, Montgomery County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This is an existing water treatment plant that is being renovated. The plant is designed to treat 0.05 MGD, utilizing rapid mix, flocculation, sedimentation, filtration and disinfection. Treated water is then pumped to storage prior to distribution. Solids from the secondary sedimentation basins filter to waste, filter backwash, on-line monitoring and laboratory wastewater and miscellaneous floor drains which will be pumped to a two cell lagoon system for treatment. The proposed permit contains limits for total residual chlorine and total suspended solids, as well as monitoring for pH and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Hoisington, City of PO Box 418 Hoisington, KS 67544	Blood Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-AR45-OO01
Federal Permit No. KS0022454

Legal Description: N½, NW¼, S10, T18S, R13W, Barton County, Kansas

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The facility is a three cell wastewater stabilization lagoon system with a wetland holding cell with an average daily flow of 0.505 MGD and a design Population Equivalent of 3,500. The proposed permit contains a schedule of compliance stating that by June 1, 2019, the permittee shall complete construction of the wetland and rehabilitation of the existing three cells. The proposed permit contains monitoring for biochemical oxygen demand, total suspended solids, pH, ammonia, E. coli, total phosphorus, total Kjeldahl nitrogen, nitrate + nitrite, total nitrogen, and flow.

Public Notice No. KS-EG-18-001

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been

prepared for the use of the well(s) described below within the State of Kansas.

Name and Address of Applicant

CHS McPherson Refinery, Inc.
2000 S. Main St.
McPherson, KS 67460-1404

Well & Permit Number	Location
Well #WWDW#3/KS-01-113-010	Latitude: 38.3443 Longitude: -97.6613

Facility Description: The proposed action is to reissue an existing Class I Injection Well permit. Injection in well KS-01-113-010 is made into the Arbuckle and Granite Wash groups through openhole from a depth of 3868 to 4340 feet. Disposal will be by means of gravity flow; well head pressure will not be allowed. The maximum rate of injection will be 2,160,000 gallons per day. All construction, monitoring and operation of this well shall meet the requirements that apply to Class I injection wells as outlined in the Kansas UIC regulations, K.A.R. 28-46-14 through 28-46-5 and other requirements of KDHE.

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 SW Jackson St., Suite 420, Topeka, KS 66612-1367.

All comments regarding the draft documents or application notices received on or before March 10, 2018, will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-18-022/029, KS-AG-R-18-002, KS-Q-18-017/020, KS-EG-18-001) 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, 1000 SW Jackson St., Suite 420, Topeka, Kansas. 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 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Jeff Andersen
Acting Secretary

Doc. No. 046053

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. The Goodyear Tire and Rubber Company 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.

The Goodyear Tire and Rubber Company, PO Box 1069, Topeka, KS 66601-1069, owns and operates a tire manufacturing facility located at 2000 NW U.S. Hwy 24, Topeka, KS 66618.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Northeast District Office (NEDO), 800 W. 24th St., Lawrence, KS 66046. To obtain or review the proposed permit and supporting documentation, contact Rumela Bhadra, 785-291-3271, at the central office of the KDHE or Pat Simpson, 785-842-4600 at the NEDO. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website, <http://www.kdheks.gov/bar/publicnotice.html>.

Please direct written comments or questions regarding the proposed permit to Rumela Bhadra, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than noon Monday, March 12, 2018.

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 Rumela Bhadra, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than noon Monday, March 12, 2018 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 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.

(continued)

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Ward Burns, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Jeff Andersen
Acting Secretary

Doc. No. 046049

State of Kansas

Department of Health and Environment

Notice of Hearing

The Kansas Department of Health and Environment will conduct a public hearing to solicit comments from interested persons on revisions to the state plan for the Preventive Health and Health Services Block Grant. The hearing will be from 11:30 a.m. to 1:00 p.m. Friday, February 23, 2018 in the Azure Conference Room, 4th Floor, Kansas Department of Health and Environment, 1000 SW Jackson St., Topeka, Kansas.

Dr. Greg Lakin
State Health Officer

Doc. No. 046052

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9:00 a.m. Thursday, February 22, 2018, in the offices of the Kansas Development Finance Authority (K DFA), 534 S. Kansas Ave., Suite 800, Topeka, Kansas, on the proposal for the K DFA to issue its Agricultural Development Revenue Bonds for the projects numbered below in the respective maximum principal amounts. The bonds will be issued to assist the borrowers named below (who will be the owners and operators of the projects) to finance the cost in the amount of the bonds, which are then typically purchased by a lender bank who then, through the K DFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The projects shall be located as shown:

Project No. 001002 Maximum Principal Amount: \$524,000. Owner/Operator: Phillip Underwood; Description: Acquisition of 232 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes (the "Project"). The Project is being financed by the Lender for Phillip Underwood (the "Beginning Farmer") and is located at the Southwest Quarter of Section 11, Township 31, Range 21 in Labette County, Kansas, approximately 3.5 miles west of McCune, Kansas on 510 Avenue; and, the West Half of the Northeast Quarter of Section 13, Township 31, Range 21 in Crawford County, Kansas, approximately 2 miles west of McCune, Kansas on 510 Avenue.

Project No. 001003 Maximum Principal Amount: \$290,000. Owner/Operator: Austin P. Schotte; Description: Acquisition of 220 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes (the "Project"). The Project is being financed by the Lender for Austin P. Schotte (the "Beginning Farmer") and is located at the Southeast Quarter of Section 33, Township 2 South, Range 7 East of the 6th P.M., and the Northeast Quarter of Section 4, Township 3 South, Range 7 East of the 6th P.M. both in Marshall County, Kansas, approximately one half mile south of Marysville, Kansas on US Hwy 77.

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

All individuals who appear at the hearing will be given an opportunity to express their views concerning the proposal to issue the bonds to finance the projects, and all written comments previously filed with the K DFA at its offices at 534 S. Kansas Ave., Suite 800, Topeka, KS 66603, will be considered. Additional information regarding the projects may be obtained by contacting the K DFA.

Tim Shallenburger
President

Doc. No. 046062

State of Kansas

Office of the Governor

Executive Order 18-03 Rescinding Certain Executive Orders

WHEREAS, the executive power of the Governor of Kansas has been exercised through the issuance of Executive Orders, Executive Directives, and Proclamations; and

WHEREAS, the issuance of such documents is recognized as an inherent power vested in the chief executive of this state; and

WHEREAS, these Executive Orders sometimes have contained automatic rescissions or have been rescinded or superseded by subsequent Executive Orders, and are currently of no force and effect; and

WHEREAS, some Executive Orders are for a limited duration, involve the creation of a task force for a specific task, or are otherwise outdated; and

WHEREAS, periodic examination and evaluation of the continuation of the force and effect of these Executive Orders is necessary and proper.

NOW, THEREFORE, pursuant to the authority vested in me as the Governor of the State of Kansas, I hereby rescind the force and effect of the following Executive Orders previously issued by the Governor of the State of Kansas and abolish all councils, task forces, committees,

boards, advisory councils, and commissions (if any) created by such Executive Order:

11-01	Office of the Repealer
11-02	Citizens Regulatory Review Board
11-22	National Bio & Agro Defense Facility in Kansas Steering Committee
15-03	Social Services Policy Council

This document shall be filed with the Secretary of State as Executive Order 18-03 and shall become effective immediately.

Dated January 29, 2018.

Sam Brownback
Governor

Doc. No. 046050

State of Kansas

Governmental Ethics Commission

Opinion No. 2018-01

Written January 31, 2018, to Mr. Todd W. Davidson, Hampton & Royce, L.C., 119 W. Iron, PO Box 1247, Salina, KS 67402-1247.

Synopsis: The local conflict of interest laws, K.S.A. 75-4301a *et seq.*, define “substantial interest” to include customers of businesses from which a local government official or employee receives compensation only when (1) the compensation is a portion or percentage of each separate fee or commission paid by the customer to the business, and (2) the compensation from that portion or percentage aggregates to \$2,000 or more in the preceding calendar year.

Cited herein: K.S.A. 75-4301a and Opinion 1997-29.

Dear Mr. Davidson,

In response to your January 19, 2018, letter request, this opinion is provided by the Kansas Governmental Ethics Commission (commission), concerning application of the local conflict of interest law, K.S.A. 75-4301a *et seq.* The commission’s jurisdiction is limited to applicability of this law. This opinion, provided pursuant to K.S.A. 75-4303a(a), does not address whether some other statutory system, common law theory, or agency rule or regulation applies to your inquiry.

Factual Statement

We understand that your firm requests this opinion as counsel for an individual member of the city commission of Salina, Kansas (commissioner). Since 2009, the commissioner and his spouse are stockholders of a real estate title insurance company incorporated in Kansas (company). The company employs others in addition to the commissioner. The commissioner has also been an officer, director, and employee of the company. He receives an annual salary (in excess of \$2,000) and may receive a distribution of any net profit (in excess of \$2,000), as a bonus. For tax purposes, the company is a subchapter S corporation.

Customers pay fees and premiums to the company directly. The compensation paid to the commissioner by the company is not based upon a portion or percentage of fees or premiums paid to the Land title by a customer.

Question

Under K.S.A. 75-4301a(a)(5), if the company has received fees for services and/or title insurance premiums in the aggregate of \$2,000 or more in the preceding calendar year from one of its customers, does the commissioner also have a “substantial interest” in said customer by virtue of the receipt of said fees by the company?

Analysis and Opinion

The commissioner, as a member of the elected Salina city commission is a local governmental officer as defined by K.S.A. 75-4301a(d): “‘Local governmental officer’ means any elected or appointed officer of any governmental subdivision or any of its agencies.” As such, he is required to disclose substantial interests by statements filed pursuant to, and in accordance with, K.S.A. 75-4302a. As defined in K.S.A. 75-4301a, in pertinent part,

(a) “[s]ubstantial interest” means ... (5) If an individual or an individual’s spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual’s spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

...

(i) “[c]ompensation” means any money, thing of value or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered by that person or another...

In Opinion No. 1997-29 we opined that a local government officer had a “substantial interest” in the customers of a subchapter S corporation in which he owned a 51% stake because the corporation paid to him income, fees, dividends, and other distributions. Given our opinion therein, the officer’s compensation from the corporation must have been a portion or percentage of each separate fee or commission paid to the corporation (aggregating to \$2,000 per year or more), although the facts do not indicate it.

Here the facts provided clearly indicate that the commissioner’s compensation from the company is not a portion or percentage of each separate fee or commission received by the company. The commissioner’s compensation is in the form of a salary and periodic bonuses contingent upon company net profit. Because the compensation received from the company is not such a portion or percentage, the commissioner does not have a “substantial interest” in the company’s customers based upon payment of fees or commissions paid to the company which aggregate to \$2,000 or more during the preceding calendar year.

Sincerely,
G. Daniel Harden, Chairman
By Direction of the Commission

Doc. No. 046060

State of Kansas

Real Estate Appraisal Board

Permanent Administrative Regulation

Article 8.—UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE

117-8-3. “Uniform standards of professional appraisal practice”; adoption by reference. The 2018-2019 edition of the “uniform standards of professional appraisal practice,” as published by the appraisal standards board of the appraisal foundation and effective January 1, 2018, is hereby adopted by reference, except for the following:

- (a) All materials before page 1; and
- (b) standards 7, 8, 9, and 10. (Authorized by K.S.A. 2017 Supp. 58-4105; implementing K.S.A. 2017 Supp. 58-4105 and 58-4121; effective March 25, 2016; amended Feb. 23, 2018.)

Sally Pritchett
Director

Doc. No. 046056

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 16.—WATER POLLUTION CONTROL

28-16-28b. Definitions. As used in K.A.R. 28-16-28b through 28-16-28h, each of the following terms shall have the meaning specified in this regulation: (a) “Alluvial aquifer” means the sediment that is associated with and deposited by a stream and that contains water capable of being produced from a well.

(b) “Alternate low flow” means a low flow value, which is an alternate to the 7Q10 flow, that is based seasonally, hydrologically, or biologically, or a low flow determined through a water assurance district. Wherever used in this regulation in the context of mixing zones, the term shall refer to a minimum amount of streamflow occurring immediately upstream of a wastewater discharge and available, in whole or in part, for dilution and assimilation of wastewater discharges.

(c) “Antidegradation” means the regulatory actions and measures taken to prevent or minimize the lowering of water quality in surface waters of the state, including those streams, lakes, and wetlands in which existing water quality exceeds the level required for maintenance and protection of the existing uses.

(d) “Artificial sources” means sources of pollution that result from human activities and that can be abated by construction of control structures, modification of operating practices, complete restraint of activities, or any combination of these methods.

(e) “Background concentration” means the concentration of any elemental parameter listed in tables 1a, 1b, 1c, and 1d of the “Kansas surface water quality standards: tables of numeric criteria,” which is adopted by reference in K.A.R. 28-16-28e, or any elemental substance

meeting the definition of pollutant in this regulation, that occurs in a surface water immediately upstream of a point source or nonpoint source under consideration and is from natural sources. The list of background concentration determinations for classified waterbodies of the state is contained in table 1h of the “Kansas surface water quality standards: tables of numeric criteria.”

(f) “Base flow” means that portion of a stream’s flow contributed by sources of water other than precipitation runoff. Wherever used in this regulation in the context of stream classification, the term shall refer to a fair weather flow sustained primarily by springs or groundwater seepage, wastewater discharges, irrigation return flows, releases from reservoirs, or any combination of these factors.

(g) “Bioaccumulation” means the accumulation of toxic substances in plant or animal tissue through either bioconcentration or biomagnification.

(h) “Bioassessment methods and procedures” means the use of biological methods of assessing surface water quality, including field investigations of aquatic organisms and laboratory or field aquatic toxicity tests.

(i) “Bioconcentration” means the concentration and incorporation of toxic substances into body tissues from ambient sources.

(j) “Biomagnification” means the transport of toxic substances through the food chain through successive cycles of eating and being eaten and through the subsequent accumulation and concentration of these substances in higher-order consumers and predators.

(k) “Biota” means the animal and plant life and other organisms of a given geographical region.

(l) “Carcinogenic” means having the property of inducing the production of cancerous cells in organisms.

(m) “Classified surface water” means any surface water or surface water segment that supports or, in the absence of artificial sources of pollution, would support one or more of the designated uses of surface water defined in K.A.R. 28-16-28d or K.S.A. 2017 Supp. 82a-2001, and amendments thereto, and that meets the criteria for classification given in K.A.R. 28-16-28d.

(n) “Compliance schedule” means any provision in a discharge permit, license, or enforceable order issued by the department pursuant to the federal clean water act or K.S.A. 65-165 et seq., and amendments thereto, that, for the purposes of meeting water quality-based effluent limitations, technology-based limits, and effluent limitations determined by the secretary or specified in Kansas statutes and regulations, provides a specified period of time for the construction or renovation of a wastewater treatment facility and the completion of any related scientific or engineering studies, reports, plans, design specifications, or other submittals required by the department.

(o) “Condition of acute toxicity” means any concentration of a toxic substance that exceeds the applicable acute criterion for aquatic life support specified in K.A.R. 28-16-28e or, for substances not listed in K.A.R. 28-16-28e or for mixtures of toxic substances, any concentration that exceeds 0.3 acute toxic units (TU_a), where one TU_a is equal to 100 divided by the median lethal concentration (LC₅₀). The concentration at which acute toxicity exists shall be determined through laboratory toxicity tests

conducted in accordance with the EPA's "methods for measuring the acute toxicity of effluents and receiving waters to freshwater and marine organisms."

(p) "Condition of chronic toxicity" means any concentration of a toxic substance that exceeds the applicable chronic criterion for aquatic life support specified in K.A.R. 28-16-28e or, for substances not listed in K.A.R. 28-16-28e or for mixtures of toxic substances, any concentration that exceeds 1.0 chronic toxic unit (TU_c), where one TU_c is equal to 100 divided by inhibition concentration 25 (IC₂₅). The concentration at which chronic toxicity exists shall be determined through laboratory toxicity tests conducted in accordance with the EPA's "short-term methods for estimating the chronic toxicity of effluents and receiving waters to freshwater organisms."

(q) "Criterion" means any numerical element or narrative provision that represents an enforceable water quality condition specified in K.A.R. 28-16-28b through 28-16-28h.

(r) "Critical low flow" means the minimum amount of streamflow immediately upstream of a point source discharge that will be used to calculate the quantity of pollutants that the point source discharge may be permitted to discharge without exceeding water quality criteria specified in K.A.R. 28-16-28b through 28-16-28h. The critical low flow may be the 7Q10 flow or the alternate low flow as defined in this regulation.

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

(t) "Designated use" means any of the uses specifically attributed to surface waters of the state in K.A.R. 28-16-28d or K.S.A. 2017 Supp. 82a-2001, and amendments thereto.

(u) "Digression" means an actual ambient concentration of a pollutant that does not meet the numeric criteria value for that pollutant.

(v) "Discharge" means the release of effluent, either directly or indirectly, into surface waters of the state.

(w) "Discharge design flow" means either of the following:

(1) The anticipated wastewater flow for the next permit cycle determined by the department for an industrial wastewater treatment facility, as defined in K.A.R. 28-16-56c; or

(2) the wastewater treatment capacity of a facility approved by the secretary for other wastewater treatment facilities or systems.

(x) "Discharger" means a person or facility that is responsible for the release of effluent into surface waters of the state.

(y) "Duration of digression" means the period of time over which pollutant concentrations can be averaged, including the time span during which aquatic life can be exposed to elevated levels of pollutants without harm.

(z) "Ecological integrity" means the natural or unimpaired structure and functioning of an aquatic or terrestrial ecosystem.

(aa) "Effluent" means the sewage or other wastewater discharged from an artificial source.

(bb) "EPA" means United States environmental protection agency.

(cc) "*Escherichia coli*" means a subset of the coliform group that is part of the normal intestinal flora in hu-

mans and animals and is a direct indicator of fecal contamination in water.

(dd) "Exceptional state waters" means any of the surface waters or surface water segments that are of remarkable quality or of significant recreational or ecological value, are listed in the surface water register as defined in this regulation, and are afforded the level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c and the mixing zone provisions of K.A.R. 28-16-28c.

(ee) "Excursion from numeric criteria value" means the digression of a pollutant exceeding its numeric criteria value beyond the designated duration of digression.

(ff) "Existing use" means any of the designated uses described in K.A.R. 28-16-28d or K.S.A. 82a-2001, and amendments thereto, known to have occurred in, or to have been made of, a surface water or surface water segment on or after November 28, 1975.

(gg) "Federal clean water act" means the federal water pollution prevention and control act, 33 U.S.C. Section 1251 et seq., as in effect on January 1, 1998.

(hh) "Frequency of digression" means the number of times that an excursion from numeric criteria value can occur over time without impairing the designated uses of the water.

(ii) "General purpose waters" means any classified surface water that is not classified as an outstanding national resource water or an exceptional state water.

(jj) "Groundwater" means water located under the surface of the land that is or can be the source of supply for wells, springs, or seeps or that is held in aquifers or the soil profile.

(kk) "Highest attainable condition" and "HAC" mean the achievable goal of a variance, according to K.A.R. 28-16-28f(d)(5), that reflects the modified designated use and criterion, designated use, or criterion that is applicable throughout the term of a variance.

(ll) "Inhibition concentration 25" and "IC₂₅" mean a point estimate of the toxicant concentration that would cause a 25 percent reduction in a nonlethal biological measurement of the test organisms, including reproduction and growth.

(mm) "Interim criterion" means a temporary criterion.

(nn) "Interim designated use" means a temporary designated use.

(oo) "Kansas antidegradation policy," dated August 6, 2001 and hereby adopted by reference, means the department's written policy used to prevent or minimize the lowering of water quality in surface waters of the state.

(pp) "Kansas implementation procedures: surface water quality standards," including appendix A, dated November 29, 2017 and hereby adopted by reference, means the department's written procedures used for carrying out specific provisions of surface water quality standards, available upon request from the department's division of environment.

(qq) "Maximum contaminant level" means any of the enforceable standards for finished drinking water quality specified in 40 C.F.R. 141.11, 141.13, and 141.61 through 141.66, dated July 1, 2012.

(rr) "Median lethal concentration" means the concentration of a toxic substance or a mixture of toxic substanc-

(continued)

es calculated to be lethal to 50 percent of the population of test organisms in an acute toxicity test.

(ss) "Microfibers per liter" and "µfibers/L" mean the number of microscopic particles with a length-to-width ratio of 3:1 or greater present in a volume of one liter.

(tt) "Microgram per liter" and "µg/L" mean the concentration of a substance at which one one-millionth of a gram (10^{-6} g) of the substance is present in a volume of one liter.

(uu) "Milligram per liter" and "mg/L" mean the concentration of a substance at which one one-thousandth of a gram (10^{-3} g) of the substance is present in a volume of one liter.

(vv) "Mixing zone" means the designated portion of a stream or lake where a discharge is incompletely mixed with the receiving surface water and where, in accordance with K.A.R. 28-16-28e, concentrations of certain pollutants may legally exceed chronic water quality criteria associated with the established designated uses that are applied in most other portions of the receiving surface water.

(ww) "Mutagenic" means having the property of directly or indirectly causing a mutation.

(xx) "Multiple-discharger variance" and "MDV" mean a term-limited variance for more than one discharger that is issued for a specified criterion or pollutant to achieve the highest attainable condition.

(yy) "Nonpoint source" means any activity that is not required to have a national pollutant discharge elimination system permit and that results in the release of pollutants to waters of the state. This release may result from precipitation runoff, aerial drift and deposition from the air, or the release of subsurface brine or other contaminated groundwaters to surface waters of the state.

(zz) "Numeric criteria value" means any of the values listed in tables 1a, 1b, 1c, 1d, 1g, 1h, 1i, 1j, and 1k of the "Kansas surface water quality standards: tables of numeric criteria."

(aaa) "Outstanding national resource water" means any of the surface waters or surface water segments of extraordinary recreational or ecological significance identified in the surface water register, as defined this regulation, and afforded the highest level of water quality protection under the antidegradation provisions and the mixing zone provisions of K.A.R. 28-16-28c.

(bbb) "pH" means the common logarithm of the reciprocal of the hydrogen ion concentration measured in moles per liter, expressed on a scale that ranges from zero to 14, with values less than seven being more acidic and values greater than seven being more alkaline.

(ccc) "Picocurie per liter" and "pCi/L" mean a volumetric unit of radioactivity equal to 2.22 nuclear transformations per minute per liter.

(ddd) "Point source" means any discernible, confined, and discrete conveyance from which pollutants are or could be discharged.

(eee) "Pollutant" means any physical, biological, or chemical conditions, substances, or combination of substances released into surface waters of the state that results in surface water pollution, as defined in this regulation.

(fff) "Pollutant minimization plan" and "PMP" mean a structured set of activities to improve processes and pol-

lutant controls that prevent and reduce pollutant levels, including any cost-effective process for reducing pollutant levels, pollution prevention, treatment, best management practices, and other control mechanisms.

(ggg) "Potable water" means water that is suitable for drinking and cooking purposes in terms of both human health and aesthetic considerations.

(hhh) "Precipitation runoff" means the rainwater or the meltwater derived from snow, hail, sleet, or other forms of atmospheric precipitation that flows by gravity over the surface of the land and into streams, lakes, or wetlands.

(iii) "Presedimentation sludge" means a slurry or suspension of residual solid materials derived from an initial step in the production of potable water. This term shall include residual solids originating from the raw water supply used for industrial or other nonpotable water purposes, before the addition of any artificial materials not typically used in the production of potable water. The solid materials shall include sand, silt, and other easily settleable particles originating from the raw water supply.

(jjj) "Private surface water" means any freshwater reservoir or pond that is both located on and completely bordered by land under common private ownership.

(kkk) "Public swimming area" means either of the following:

(1) Any classified surface water that is posted for swimming by a federal, state, or local government that has jurisdiction over the land adjacent to that particular body of water; or

(2) any privately owned or leased body of water that is open and accessible to the public and is intended for swimming.

(lll) "Reconfiguration activities" means actions that beneficially reshape, remodel, or otherwise restructure the physical setting and characteristics of a surface water of the state.

(mmm) "Seven-day, ten-year low flow" and "7Q10 flow" mean the seven-day average low flow having a recurrence frequency of once in 10 years, as statistically determined from historical flow data. Where used in this regulation in the context of mixing zones, these terms shall refer to the minimum amount of streamflow occurring immediately upstream of a wastewater discharge and available, in whole or in part, for dilution or assimilation of wastewater discharges.

(nnn) "Site-specific criterion" means any criterion applicable to a given classified surface water segment and developed for the protection of the designated uses of that segment alone.

(ooo) "Streamflow" means the volume of water moving past a stream cross-sectional plane per unit of time.

(ppp) "Surface water pollution" and "pollution" mean any of the following:

(1) Contamination or other alteration of the physical, chemical, or biological properties of the surface waters of the state, including changes in temperature, taste, odor, turbidity, or color of the waters;

(2) discharges of gaseous, liquid, solid, radioactive, microbiological, or other substances into surface waters in a manner that could create a nuisance or render these waters harmful, detrimental, or injurious to any of the following:

(A) Public health, safety, or welfare;

(B) domestic, industrial, agricultural, recreational, or other designated uses; or

(C) livestock, domestic animals, or native or naturalized plant or animal life; or

(3) any discharge that will or is likely to exceed state effluent limitations predicated upon technology-based effluent standards or water quality-based standards.

(qqq) "Surface water register" means a list of the state's major classified surface waters, including a listing of waters recognized as outstanding national resource waters or exceptional state waters, and the surface water use designations for each classified surface water, periodically updated and published by the department pursuant to K.A.R. 28-16-28d and K.A.R. 28-16-28f. The surface water register, published as the "Kansas surface water register," is adopted by reference in K.A.R. 28-16-28g.

(rrr) "Surface water segment" means a delineated portion of a stream, lake, or wetland.

(sss) "Surface waters" means the following:

(1) Streams, including rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps, and cavern streams, and any alluvial aquifers associated with these surface waters;

(2) lakes, including oxbow lakes and other natural lakes and man-made reservoirs, lakes, and ponds; and

(3) wetlands, including swamps, marshes, bogs, and similar areas that are inundated or saturated by surface water or groundwater at a frequency and a duration that are sufficient to support, and under normal circumstances that do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(ttt) "Surface waters of the state" means all surface waters occurring within the borders of the state of Kansas or forming a part of the border between Kansas and one of the adjoining states.

(uuu) "Teratogenic" means having the property of causing abnormalities that originate from impairment of an event that is typical in embryonic or fetal development.

(vvv) "Thirty-day, ten-year low flow" and "30Q10 flow" mean the 30-day average low flow having a recurrence frequency of once in 10 years, as statistically determined from historical flow data. Where used in this regulation in the context of mixing zones, these terms shall refer to the minimum amount of streamflow occurring immediately upstream of a wastewater discharge and available, in whole or in part, for dilution or assimilation of wastewater discharges.

(www) "Toxic substance" means any substance that produces deleterious physiological effects in humans, animals, or plants.

(xxx) "Turbidity" means the cloudiness of water as measured by optical methods of nephelometry and expressed in standard nephelometric units.

(yyy) "Use attainability analysis" means a study conducted or accepted by the department that is designed to determine whether or not a surface water or surface water segment supports, or is capable of supporting in the absence of artificial sources of pollution, one or more of the designated uses defined in K.S.A. 2017 Supp. 82a-2001, and amendments thereto.

(zzz) "Variance" means a time-limited designated use and criterion that reflects the highest attainable condition

as an alternative to one or more of the criteria specified in K.A.R. 28-16-28e, as implemented by the department in accordance with K.A.R. 28-16-28f.

(aaaa) "Water-effect ratio" and "WER" mean the numerical toxicity, including median lethal concentration and inhibition concentration 25, of a chemical pollutant diluted in water from a given stream, lake, or wetland divided by the numerical toxicity of the same pollutant diluted in laboratory water.

(bbbb) "Water quality certification" means the department's written finding that a proposed action that impacts water quality will comply with the terms and conditions of the Kansas surface water quality standards.

(cccc) "Whole-effluent toxicity limitation" means any restriction imposed by the department on the overall acute or chronic toxicity of an effluent discharged to a surface water.

(dddd) "Zone of initial dilution" means the region of a surface water in the immediate vicinity of a discharge where acute and chronic criteria may be exceeded. (Authorized by K.S.A. 2017 Supp. 65-171d and K.S.A. 65-171m; implementing K.S.A. 65-165, K.S.A. 2017 Supp. 65-171d, K.S.A. 65-171m, and K.S.A. 2017 Supp. 82a-2001; effective May 1, 1986; amended Aug. 29, 1994; amended July 30, 1999; amended Nov. 3, 2000; amended Aug. 31, 2001; amended Jan. 3, 2003; amended Oct. 24, 2003; amended Jan. 28, 2005; amended March 20, 2015; amended Feb. 23, 2018.)

28-16-28d. Surface water classification and use designation. (a) Surface water classification. Surface waters shall be classified as follows:

(1) Classified stream segments shall be those stream segments defined in K.S.A. 2017 Supp. 82a-2001, and amendments thereto.

(2) Classified surface waters other than classified stream segments shall be defined as follows:

(A) Classified lakes shall be all lakes owned by federal, state, county, or municipal authorities and all privately owned lakes that serve as public drinking water supplies or that are open to the general public for primary or secondary contact recreation.

(B) Classified wetlands shall be the following:

(i) All wetlands owned by federal, state, county, or municipal authorities;

(ii) all privately owned wetlands open to the general public for hunting, trapping, or other forms of secondary contact recreation; and

(iii) all wetlands classified as outstanding national resource waters or exceptional state waters, or designated as special aquatic life use waters according to subsection (d).

Wetlands created for the purpose of wastewater treatment shall not be considered classified wetlands.

(C) Classified ponds shall be all ponds owned by federal, state, county, or municipal authorities and all privately owned ponds that impound water from a classified stream segment as defined in paragraph (a)(1).

(b) Designated uses of classified surface waters other than classified stream segments. The designated uses of classified surface waters other than classified stream segments shall be defined as follows:

(continued)

(1) "Agricultural water supply use" means the use of classified surface waters other than classified stream segments for agricultural purposes, including the following:

(A) "Irrigation," which means the withdrawal of classified surface waters other than classified stream segments for application onto land; and

(B) "livestock watering," which means the provision of classified surface waters other than classified stream segments to livestock for consumption.

(2) "Aquatic life support use" means the use of classified surface waters other than classified stream segments for the maintenance of the ecological integrity of lakes, wetlands, and ponds, including the sustained growth and propagation of native aquatic life; naturalized, important, recreational aquatic life; and indigenous or migratory semiaquatic or terrestrial wildlife directly or indirectly dependent on classified surface waters other than classified stream segments for survival.

(A) "Special aquatic life use waters" means either classified surface waters other than classified stream segments that contain combinations of habitat types and indigenous biota not found commonly in the state or classified surface waters other than classified stream segments that contain representative populations of threatened or endangered species.

(B) "Expected aquatic life use waters" means classified surface waters other than classified stream segments containing habitat types and indigenous biota commonly found or expected in the state.

(C) "Restricted aquatic life use waters" means classified surface waters other than classified stream segments containing indigenous biota limited in abundance or diversity by the physical quality or availability of habitat, due to natural deficiencies or artificial modifications, compared to more suitable habitats in adjacent waters.

(3) "Domestic water supply use" means the use of classified surface waters other than classified stream segments, after appropriate treatment, for the production of potable water.

(4) "Food procurement use" means the use of classified surface waters other than classified stream segments for obtaining edible forms of aquatic or semiaquatic life for human consumption.

(5) "Groundwater recharge use" means the use of classified surface waters other than classified stream segments for replenishing fresh or usable groundwater resources. This use may involve the infiltration and percolation of classified surface waters other than classified stream segments through sediments and soils or the direct injection of classified surface waters other than classified stream segments into underground aquifers.

(6) "Industrial water supply use" means the use of classified surface waters other than classified stream segments for nonpotable purposes by industry, including withdrawals for cooling or process water.

(7) "Recreational use" means the use of classified surface waters other than classified stream segments for primary contact recreation or secondary contact recreation.

(A) "Primary contact recreational use for classified surface waters other than classified stream segments" means the use of classified surface waters other than classified stream segments for recreation on and after April 1

through October 31 of each year, during which a person is immersed to the extent that some inadvertent ingestion of water is probable. This use shall include boating, mussel harvesting, swimming, skin diving, waterskiing, and windsurfing.

(i) "Primary contact recreational use: swimming beach" shall apply to those classified surface waters other than classified stream segments that have posted public swimming areas. These waters shall present a risk of human illness that is no greater than 0.8 percent.

(ii) "Primary contact recreational use: public access" shall apply to those classified surface waters other than classified stream segments where full body contact can occur and that are, by law or written permission of the landowner, open to and accessible by the public. These waters shall present a risk of human illness that is no greater than 1.0 percent.

(iii) "Primary contact recreational use: restricted access" shall apply to those classified surface waters other than classified stream segments where full body contact can occur and that are not open to and accessible by the public under Kansas law. These waters shall present a risk of human illness that is no greater than 1.2 percent.

(B) "Secondary contact recreational use for classified surface waters other than classified stream segments" means recreation during which the ingestion of classified surface waters other than classified stream segments is not probable. This use shall include wading, fishing, trapping, and hunting.

(i) "Secondary contact recreational use: public access" shall apply to classified surface waters other than classified stream segments where the surface water is, by law or written permission of the landowner, open to and accessible by the public.

(ii) "Secondary contact recreational use: restricted access" shall apply to classified surface waters other than classified stream segments where the surface water is not open to and accessible by the public under Kansas law.

(c) Designated uses of classified stream segments. The designated uses of classified stream segments shall be those defined in K.S.A. 2017 Supp. 82a-2001, and amendments thereto.

(d) Assignment of uses to surface waters.

(1) (A) Classified surface waters shall be designated for uses based upon the results of use attainability analyses conducted in accordance with K.S.A. 2017 Supp. 82a-2005, and amendments thereto. The provisions of the federal water quality standards regulation, 40 C.F.R. 131.10(g), as adopted by reference in paragraph (d)(1)(B), shall be followed.

(B) 40 C.F.R. 131.10(g), dated July 1, 2016, is hereby adopted by reference, except that the phrase "federal clean water" shall be inserted before the word "act."

(2) Classified surface waters and their designated uses shall be identified and listed in the "Kansas surface water register," as adopted by reference in K.A.R. 28-16-28g.

(3) The use designations for classified streams, lakes, wetlands, and ponds not listed in the surface water register shall be determined by the secretary on a case-by-case basis in accordance with paragraph (d)(1). (Authorized by K.S.A. 2017 Supp. 65-171d, 82a-2005, and 82a-2010; implementing K.S.A. 2017 Supp. 65-171d, 82a-2002,

82a-2003, 82a-2004, and 82a-2005; effective May 1, 1986; amended, T-87-8, May 1, 1986; amended May 1, 1987; amended Aug. 29, 1994; amended July 30, 1999; amended Aug. 31, 2001; amended Jan. 3, 2003; amended Jan. 23, 2004; amended Jan. 28, 2005; amended March 20, 2015; amended Feb. 23, 2018.)

28-16-28e. Surface water quality criteria. (a) Criteria development guidance. The development of surface water quality criteria for substances not listed in these standards shall be guided by water quality criteria published by the EPA. If the department finds that the criteria listed in this regulation are underprotective or overprotective for a given surface water segment, appropriate site-specific criteria may be developed and applied by the department, in accordance with K.A.R. 28-16-28f, using bioassessment methods or other related scientific procedures, including those procedures consistent with the EPA's "water quality standards handbook," second edition, as published in August 1994, or other department-approved methods.

(b) General criteria for surface waters. The following criteria shall apply to all surface waters, regardless of classification:

(1) Surface waters shall be free, at all times, from the harmful effects of substances that originate from artificial sources of pollution and that produce any public health hazard, nuisance condition, or impairment of a designated use.

(2) Hazardous materials derived from artificial sources, including toxic substances, radioactive isotopes, and infectious microorganisms derived from point sources or nonpoint sources, shall not occur in surface waters at concentrations or in combinations that jeopardize the public health or the survival or well-being of livestock, domestic animals, terrestrial wildlife, or aquatic or semiaquatic life.

(3) Surface waters shall be free of all discarded solid materials, including trash, garbage, rubbish, offal, grass clippings, discarded building or construction materials, car bodies, tires, wire, and other unwanted or discarded materials. The placement of stone and concrete rubble for bank stabilization shall be acceptable to the department if all other required permits are obtained before placement.

(4) Surface waters shall be free of floating debris, scum, foam, froth, and other floating materials directly or indirectly attributable to artificial sources of pollution.

(5) Oil and grease from artificial sources shall not cause any visible film or sheen to form upon the surface of the water or upon submerged substrate or adjoining shorelines, nor shall these materials cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.

(6) Surface waters shall be free of deposits of sludge or fine solids attributable to artificial sources of pollution.

(7) Taste-producing and odor-producing substances of artificial origin shall not occur in surface waters at concentrations that interfere with the production of potable water by conventional water treatment processes, that impart an unpalatable flavor to edible aquatic or semiaquatic life or terrestrial wildlife, or that result in noticeable odors in the vicinity of surface waters.

(8) The natural appearance of surface waters shall not be altered by the addition of color-producing or turbidity-producing substances of artificial origin.

(9) In stream segments where background concentrations of naturally occurring substances, including chlorides and sulfates, exceed the water quality criteria listed in table 1a of the "Kansas surface water quality standards: tables of numeric criteria," as adopted by reference in subsection (e), the existing water quality shall be maintained, and the newly established numeric criteria shall be the background concentration. Background concentrations shall be established using the methods outlined in the "Kansas implementation procedures: surface water quality standards," as adopted by reference in K.A.R. 28-16-28b, and available upon request from the department.

(c) Application of criteria for designated uses of surface waters.

(1) The numeric criteria in tables 1a, 1b, 1c, and 1d of the "Kansas surface water quality standards: tables of numeric criteria" shall not apply if the critical low flow is less than 0.03 cubic meter per second (1.0 cubic foot per second) for waters designated as expected aquatic life use waters and restricted aquatic life use waters, unless studies conducted or approved by the department show that water present during periods of no flow, or flow below critical low flow, provides important refuges for aquatic life and permits biological recolonization of intermittently flowing segments.

(2) The numeric criteria in tables 1a, 1b, 1c, and 1d of the "Kansas surface water quality standards: tables of numeric criteria" shall not apply if the critical low flow is less than 0.003 cubic meter per second (0.1 cubic foot per second) for waters designated as special aquatic life use waters, unless studies conducted or approved by the department show that water present during periods of no flow, or flow below critical low flow, provides important refuges for aquatic life and permits biological recolonization of intermittently flowing segments.

(3) Each digression shall be assessed by the secretary for the purposes of section 303(d) of the federal clean water act, with consideration of acceptable duration and frequency of the digression and representation of actual ambient conditions by environmental monitoring data, as specified in the "Kansas implementation procedures: surface water quality standards."

(d) Criteria for designated uses of surface waters. The following criteria shall apply to all classified surface waters for the indicated designated uses:

(1) Agricultural water supply use. The water quality criteria for irrigation and livestock watering specified in table 1a of the "Kansas surface water quality standards: tables of numeric criteria" shall not be exceeded outside of mixing zones due to artificial sources of pollution.

(2) Aquatic life support use.

(A) Nutrients. The introduction of plant nutrients into streams, lakes, or wetlands from artificial sources shall be controlled to prevent the accelerated succession or replacement of aquatic biota or the production of undesirable quantities or kinds of aquatic life.

(B) Suspended solids. Suspended solids added to surface waters by artificial sources shall not interfere with the behavior, reproduction, physical habitat, or other factors related to the survival and propagation of aquatic

(continued)

or semiaquatic life or terrestrial wildlife. In the application of this provision, suspended solids associated with discharges of presedimentation sludge from water treatment facilities shall be deemed noninjurious to aquatic and semiaquatic life and terrestrial wildlife if these discharges fully meet the requirements of paragraphs (b)(6) and (8) and paragraph (d)(2)(D).

(C) Temperature.

(i) Heat of artificial origin shall not be added to a surface water in excess of the amount that will raise the temperature of the water beyond the mixing zone more than 3° C above natural conditions. Additionally, a discharge to a receiving water shall not lower the temperature of the water beyond the mixing zone more than 3° C below natural conditions. The normal daily and seasonal temperature variations occurring within a surface water before the addition of heated or cooled water of artificial origin shall be maintained.

(ii) Temperature criteria applicable to industrial cooling water recycling reservoirs that meet the requirements for classification specified in K.A.R. 28-16-28d shall be established by the secretary on a case-by-case basis to protect the public health, safety, or the environment.

(D) Toxic substances.

(i) Conditions of acute toxicity shall not occur in classified surface waters outside of zones of initial dilution, nor shall conditions of chronic toxicity occur in classified surface waters outside of mixing zones.

(ii) Acute criteria for the aquatic life support use specified in tables 1a, 1b, and 1c of the "Kansas surface water quality standards: tables of numeric criteria" shall apply beyond the zone of initial dilution. Chronic criteria for the aquatic life support use specified in tables 1a, 1b, and 1d of the "Kansas surface water quality standards: tables of numeric criteria" shall apply beyond the mixing zone.

(iii) If a discharge contains a toxic substance that lacks any published criteria for the aquatic life support use, or if a discharge contains a mixture of toxic substances capable of additive or synergistic interactions, bioassessment methods and procedures shall be specified by the department to establish whole-effluent toxicity limitations that are consistent with paragraph (d)(2)(D)(i).

(3) Domestic water supply use.

(A) Except as provided in paragraph (d)(3)(B), the criteria listed in table 1a of the "Kansas surface water quality standards: tables of numeric criteria" for domestic water supply use shall not be exceeded at any point of domestic water supply diversion.

(B) In stream segments where background concentrations of naturally occurring substances, including chlorides and sulfates, exceed the domestic water supply criteria listed in table 1a of the "Kansas surface water quality standards: tables of numeric criteria," due to intrusion of mineralized groundwater, the existing water quality shall be maintained, and the newly established numeric criteria for domestic water supply shall be the background concentration. Background concentrations shall be established using the methods outlined in the "Kansas implementation procedures: surface water quality standards," available upon request from the department.

(C) Any substance derived from an artificial source that, alone or in combination with other synthetic or

naturally occurring substances, causes toxic, carcinogenic, teratogenic, or mutagenic effects in humans shall be limited to nonharmful concentrations in surface waters. Unless site-specific water quality conditions warrant the promulgation of more protective criteria under the provisions of subsection (a) of this regulation and K.A.R. 28-16-28f, maximum contaminant levels for toxic, carcinogenic, teratogenic, or mutagenic substances specified in 40 C.F.R. 141.11, 141.13, and 141.61 through 141.66, dated July 1, 2012, shall be deemed nonharmful.

(D) The introduction of plant nutrients into surface waters designated for domestic water supply use shall be controlled to prevent interference with the production of drinking water.

(4) Food procurement use.

(A) Criteria listed in table 1a of the "Kansas surface water quality standards: tables of numeric criteria" for food procurement use shall not be exceeded outside of a mixing zone due to any artificial source of pollution.

(B) Substances that can bioaccumulate in the tissues of edible aquatic or semiaquatic life or wildlife through bioconcentration or biomagnification shall be limited in surface waters to concentrations that result in no harm to human consumers of these tissues. For bioaccumulative carcinogens, surface water concentrations corresponding to a cancer risk level of less than 0.000001 (10^{-6}) in human consumers of aquatic or semiaquatic life or wildlife shall be deemed nonharmful by the department and adopted as food procurement criteria. Average rates of tissue consumption and lifetime exposure shall be assumed by the department in the estimation of the cancer risk level.

(5) Groundwater recharge use. In surface waters designated for the groundwater recharge use, water quality shall be such that, at a minimum, degradation of groundwater quality does not occur. Degradation shall include any statistically significant increase in the concentration of any chemical or radiological contaminant or infectious microorganism in groundwater resulting from surface water infiltration or injection.

(6) Industrial water supply use. Surface water quality criteria for industrial water supplies shall be determined by the secretary on a case-by-case basis to protect the public health, safety, or the environment.

(7) Recreational use.

(A) General. The introduction of plant nutrients into surface waters designated for primary or secondary contact recreational use shall be controlled to prevent the development of objectionable concentrations of algae or algal by-products or nuisance growths of submersed, floating, or emergent aquatic vegetation.

(B) Primary contact recreation for classified surface waters other than classified stream segments. A single sample maximum or a geometric mean of at least five samples collected during separate 24-hour periods within a 30-day period shall not exceed the criteria in table 1j of the "Kansas surface water quality standards: tables of numeric criteria" beyond the mixing zone.

(C) Secondary contact recreational use for classified surface waters other than classified stream segments. A single sample maximum or a geometric mean of at least five samples collected during separate 24-hour periods within a 30-day period shall not exceed the criteria in

table 1j of the "Kansas surface water quality standards: tables of numeric criteria" beyond the mixing zone.

(D) Primary contact recreation for classified stream segments. At least five samples shall be collected during separate 24-hour periods within a 30-day period. A geometric mean analysis of these samples shall not exceed the criteria in table 1i of the "Kansas surface water quality standards: tables of numeric criteria" beyond the mixing zone.

(E) Secondary contact recreation for classified stream segments. The following criteria shall be in effect from January 1 through December 31 of each year:

(i) At least five samples shall be collected during separate 24-hour periods within a 30-day period.

(ii) A geometric mean analysis of the samples specified in paragraph (d)(7)(E)(i) shall not exceed the criteria in table 1i of the "Kansas surface water quality standards: tables of numeric criteria" beyond the mixing zone.

(F) Wastewater disinfection. Wastewater effluent shall be disinfected if the department determines that the discharge of nondisinfected wastewater constitutes an actual or potential threat to public health. Situations that constitute an actual or potential threat to public health shall include instances in which there is a reasonable potential for the discharge to exceed the applicable criteria supporting the assigned recreational use designation or if a water body is known or likely to be used for either of the following:

- (i) Primary or secondary contact recreation; or
- (ii) any domestic water supply.

(8) Multiple uses. If a classified stream segment or classified surface water other than a classified stream segment is designated for more than one designated use according to K.A.R. 28-16-28d, the water quality of the classified stream segment or classified surface water other than a classified stream segment shall meet the most stringent of the applicable water quality criteria.

(e) Tables. The numeric criteria for the designated uses of classified surface waters shall be the numeric criteria specified in the department's "Kansas surface water quality standards: tables of numeric criteria," dated December 15, 2017, which is hereby adopted by reference. (Authorized by K.S.A. 2017 Supp. 65-171d, K.S.A. 65-171m, and K.S.A. 2017 Supp. 82a-2010; implementing K.S.A. 2017 Supp. 65-171d, K.S.A. 65-171m, and K.S.A. 2017 Supp. 82a-2002, 82a-2003, 82a-2004, and 82a-2010; effective May 1, 1986; amended, T-87-8, May 1, 1986; amended May 1, 1987; amended Aug. 29, 1994; amended July 30, 1999; amended Nov. 3, 2000; amended Aug. 31, 2001; amended Jan. 3, 2003; amended Oct. 24, 2003; amended Jan. 28, 2005; amended March 20, 2015; amended Feb. 23, 2018.)

28-16-28f. Administration of surface water quality standards. (a) Application of modified surface water quality standards. A modification to the surface water quality standards, the surface water register, or both, shall have no effect on the requirements of any existing enforceable discharge permit issued under K.S.A. 65-165, and amendments thereto, unless the discharge fails to meet the requirements of the permit or the secretary determines that continuation of the discharge will result in a potential or actual public health hazard or in irreversible water use impairments.

(b) Water quality certification. No action identified in this subsection shall be taken unless the department has issued a water quality certification for the following:

(1) Any action requiring a federal license or permit pursuant to the federal clean water act;

(2) any action subject to the permitting provisions of K.S.A. 65-165, and amendments thereto;

(3) any water development project subject to the provisions of K.S.A. 82a-325 et seq., and amendments thereto; and

(4) any action undertaken by any Kansas state agency that has a potential water quality impact.

(c) Compliance schedules.

(1) Except as provided in paragraph (c)(2), compliance schedules contained in any discharge permit or license issued by the department pursuant to the federal clean water act or K.S.A. 65-165, and amendments thereto, shall not extend more than three years beyond the date of permit issuance.

(2) Compliance schedules of up to five years in total duration may be granted if it is demonstrated that the strict application of paragraph (c)(1) is not feasible due to construction scheduling constraints or other technical limitations.

(d) Variances.

(1) A variance establishing an interim designated use and interim criterion may be permitted and adopted into the regulations at the next systematic review or subsequent triennial review and after a public hearing consistent with 40 C.F.R. 131.20(b), dated July 1, 2016, if upon written request by any person, as defined in K.S.A. 65-170a and amendments thereto, the secretary finds that the attainment of the designated use and criterion is not feasible because one of the following conditions is met:

(A) One of the factors listed in 40 C.F.R. 131.10(g), as adopted by reference in K.A.R. 28-16-28d(d)(1)(B), exists.

(B) Actions necessary to facilitate lake, wetland, or stream restoration through dam removal or other significant reconfiguration activities preclude attainment of the designated use and criterion while the actions are being implemented.

(2) Each variance shall be issued and evaluated using methods outlined in the "Kansas implementation procedures: surface water quality standards," as adopted in K.A.R. 28-16-28b.

(3) Adoption and implementation of each variance shall be in accordance with 40 C.F.R. 131.14, dated July 1, 2016 and hereby adopted by reference, except that 131.14(a)(2), 131.14(a)(4), 131.14(b)(1)(ii), and 131.14(b)(2)(i)(A) shall be replaced by paragraphs (d)(4) through (d)(6) of this regulation, respectively.

(4) Each variance shall have a designated term limit and reflect the highest attainable condition during the specified term. A variance may be applied to individual or multiple dischargers or surface water bodies.

(5) Each variance shall have requirements and a time limitation demonstrating the intent that progress be made toward the attainment of the underlying designated use and criterion.

(A) Each Kansas surface water quality standard not specifically addressed in a variance shall remain applicable.

(continued)

(B) Each person requesting a variance shall provide evidence that a designated use and criterion, or a designated use or criterion, addressed by the variance cannot be achieved solely by the implementation of technology-based effluent limits.

(C) Each requirement shall represent the highest attainable condition of the surface water segment applicable throughout the term of the variance. A specified requirement shall not result in lowering the currently attained ambient water quality, unless a variance is necessary for physical reconfiguration activities intended for surface water segment restoration. The highest attainable condition of each affected surface water segment as a quantifiable expression shall be specified as one of the following:

- (i) The highest attainable interim criterion;
- (ii) the interim effluent condition that reflects the greatest pollutant reduction achievable; or
- (iii) the interim criterion or effluent condition that reflects the greatest pollutant reduction achievable with the pollutant control technologies installed at the time the variance is adopted.

(D) If the quantifiable expression identified in paragraph (d)(5)(C)(iii) is selected, a pollutant minimization plan consistent with 40 C.F.R. 131.3(p) shall be adopted and implemented if no additional feasible pollutant control technology is identified.

(6) Each variance request shall include supporting documentation that demonstrates all of the following:

(A) Attaining the designated use and criterion is not feasible throughout the term of the variance because of one of the factors cited in paragraphs (d)(1)(A) and (B).

(B) The term of the variance is only as long as necessary to achieve the highest attainable condition.

(C) The highest attainable condition of the affected surface water segment is as defined in paragraph (d)(5)(C).

(7) A discharger that impacts water quality shall not be granted a variance from requirements of K.A.R. 28-16-28c and 28-16-28e.

(8) Specific eligibility requirements may be included in a multiple-discharger variance as an alternative to identifying the specific dischargers at the time of adoption of the variance. Each discharger shall meet the eligibility requirements in the applicable section of the "Kansas surface water quality standards variance register," as adopted by reference in K.A.R. 28-16-28h, to participate in a multiple-discharger variance.

(e) Site-specific criteria. Site-specific criteria shall be established using the methods outlined in the "Kansas implementation procedures: surface water quality standards," as adopted by reference in K.A.R. 28-16-28b.

(f) Enforcement. Each person deemed by the department to be responsible for a violation of the Kansas surface water quality standards caused by an artificial source of pollution shall be required by the department to initiate corrective actions that restore the designated uses of the affected surface water or surface water segment impaired by the violation and provide for the return of the original surface water quality conditions. (Authorized by K.S.A. 2017 Supp. 65-171d and K.S.A. 65-171m; implementing K.S.A. 65-164, K.S.A. 2017 Supp. 65-171d, and K.S.A. 65-171m; effective May 1, 1986; amended Aug. 29, 1994; amended July 30,

1999; amended Jan. 28, 2005; amended March 20, 2015; amended Feb. 23, 2018.)

28-16-28h. Surface water variance register. The variances approved by the secretary shall be those identified in the department's "Kansas surface water quality standards variance register," dated October 31, 2017, which is hereby adopted by reference. (Authorized by K.S.A. 2017 Supp. 65-171d; implementing K.S.A. 2017 Supp. 65-171d and K.S.A. 65-171m; effective Feb. 23, 2018.)

Jeff Andersen
Acting Secretary

Doc. No. 046057

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced January 25-31 during the 2018 session of the Kansas Legislature. Full text of bills, bill tracking, and other information may be accessed at <http://www.kslegislature.org/li/>.

House Bills

HB 2540, AN ACT concerning school districts; relating to the Kansas state high school activities association; relating to participation by certain students, by Committee on Education.

HB 2541, AN ACT concerning postsecondary education; relating to the Kansas national guard educational assistance act; relating to participant qualifications and recoupment of assistance; amending K.S.A. 74-32,148 and 74-32,149 and K.S.A. 2017 Supp. 74-32,146 and repealing the existing sections, by Committee on Education.

HB 2542, AN ACT concerning the Kansas private and out-of-state postsecondary educational institution act; modifying certain fees; removing sunset date; amending K.S.A. 2017 Supp. 74-32,181 and repealing the existing section, by Committee on Education.

HB 2543, AN ACT concerning days of commemoration; relating to post-traumatic stress injury awareness day, by Committee on Veterans and Military.

HB 2544, AN ACT concerning workers compensation; relating to benefit reductions due to retirement benefits; amending K.S.A. 2017 Supp. 44-501 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2545, AN ACT concerning gaming; relating to the Kansas expanded lottery act; relating to the state debtor setoff program; relating to horse and greyhound racing; amending K.S.A. 74-8802 and 74-8836 and K.S.A. 2017 Supp. 74-8702, 74-8741, 74-8743, 74-8744, 74-8746, 74-8747, 74-8766, 74-8813, 74-8814 and 75-6204 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2546, AN ACT concerning the Kansas state fair; relating to state sales tax revenues collected by the Kansas state fair; deposit of revenues in state fair capital improvements fund; amending K.S.A. 2017 Supp. 2-223 and repealing the existing section, by Representatives Schroeder, Arnberger, Carlin, Clark, Gartner, Hibbard, Johnson, Ousley and Sloan.

HB 2547, AN ACT concerning the Kansas state fair board; terms of members; expiration date; amending K.S.A. 2017 Supp. 74-520a and repealing the existing section, by Representatives Schroeder, Arnberger, Carlin, Clark, Gartner, Hibbard, Johnson, Ousley and Sloan.

HB 2548, AN ACT concerning the legislature; relating to bills introduced by committees; requirements for printed bills and committee minutes; committee bills requested by legislator on behalf of other person, state or local agency, organization or entity, by Representatives Clayton, Bishop, Brim, Burroughs, Carlin, Carmichael, Cox, Crum, S., Curtis, Dierks, Esau, Finney, Gallagher, Gartner, Good, Holscher, Horn, Huebert, K. Jones, Karleskint, Kessinger, Koesten, Kuether, Landwehr, Lusk, Markley, Miller, Murnan, Neighbor, Ousley, Parker, Pittman, Probst, Rafie, Rooker, Smith, A., Stogsdill, Trimmer, Ward, Whipple and Wolfe Moore.

HB 2549, AN ACT concerning mental health services; determinations of competency; commitment for treatment; Larned state hospital and Osawatimie state hospital catchment areas; amending K.S.A. 2017 Supp. 22-3302, 22-3303 and 39-1602 and repealing the existing sections, by Committee on Health and Human Services.

HB 2550, AN ACT concerning civil actions; relating to wrongful death; removing caps on damages in certain actions; amending K.S.A. 60-1903 and repealing the existing section, by Committee on Judiciary.

HB 2551, AN ACT concerning correctional institutions and juvenile correctional facilities; prohibiting the outsourcing or privatization of any operations or facilities thereof; allowing existing contracts to be renewed, by Representatives Deere, Pittman, Ellis, Eplee and Karleskint.

HB 2552, AN ACT concerning animal care; relating to the veterinary training program for rural Kansas; program agreements; amending K.S.A. 2017 Supp. 76-4,112 and repealing the existing section, by Committee on Agriculture.

HB 2553, AN ACT concerning animal care; relating to the veterinary training program for rural Kansas; increasing county population maximum; amending K.S.A. 2017 Supp. 76-4,112 and repealing the existing section, by Representative Trimmer.

HB 2554, AN ACT concerning sales and compensating use tax; relating to exemptions, brothers in blue re-entry program, inc.; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section, by Representative Deere.

HB 2555, AN ACT concerning sales and compensating use tax; relating to exemptions, Kansas gang investigators association; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section, by Representative Deere.

HB 2556, AN ACT concerning emergency communications services; establishing the statewide interoperability council, by Committee on Government, Technology and Security.

HB 2557, AN ACT enacting the massage therapist licensure act; regulation and licensing of massage therapists; powers, duties and functions of the state board of healing arts, by Committee on Health and Human Services.

HB 2558, AN ACT concerning wildlife; relating to controlled shooting areas; licenses; amending K.S.A. 32-946 and repealing the existing section, by Committee on Agriculture.

HB 2559, AN ACT concerning property taxation; relating to motor vehicles; exemptions; military personnel; amending K.S.A. 2017 Supp. 79-5107 and repealing the existing section, by Committee on Veterans and Military.

HB 2560, AN ACT concerning information systems and communications; creating the Kansas cybersecurity act; establishing the Kansas information security office; establishing the cybersecurity state fund, by Committee on Government, Technology and Security.

HB 2561, AN ACT concerning education; relating to the Kansas school equity and enhancement act; relating to the transportation weighting; amending K.S.A. 2017 Supp. 72-5148 and repealing the existing section, by Representative Rooker.

HB 2562, AN ACT concerning the legislature; creating the Kansas transparency act; providing audio and video broadcasts of legislative meetings, by Committee on Federal and State Affairs.

HB 2563, AN ACT concerning telecommunications; relating to the Kansas universal service fund; relating to contributions from advanced telecommunications providers; capping distributions for certain telecommunications providers; creating the rural broadband deployment and maintenance account in the Kansas universal service fund; authorizing expenditures from the rural broadband deployment and maintenance account; amending K.S.A. 66-2011 and K.S.A. 2017 Supp. 66-1,187, 66-2008 and 66-2010 and repealing the existing sections, by Representative Sloan.

HB 2564, AN ACT concerning water; relating to the division of water resources; relating to irrigation systems, removal of end guns, by Committee on Water and Environment.

HB 2565, AN ACT concerning crimes, punishment and criminal procedure; relating to the Kansas offender registration act; drug offenders; amending K.S.A. 2017 Supp. 22-4902, 22-4905, 22-4906 and 22-4909 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2566, AN ACT concerning crimes, punishment and criminal procedure; relating to controlled substances; possession; amending K.S.A. 2017 Supp. 21-5706 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2567, AN ACT concerning crimes, punishment and criminal procedure; relating to determination of an offender's criminal history

classification; amending K.S.A. 2017 Supp. 21-6811 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2568, AN ACT concerning crimes, punishment and criminal procedure; relating to loss values; amending K.S.A. 2017 Supp. 21-5417, 21-5802, 21-5813, 21-5821, 21-5825, 21-5828, 21-5830, 21-5927, 21-6002, 21-6004, 21-6005 and 21-6205 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2569, AN ACT concerning income taxation; relating to the standard deduction; amending K.S.A. 2017 Supp. 79-32,119 and repealing the existing section, by Committee on Taxation.

HB 2570, AN ACT concerning the grandparents as caregivers program; creating the grandparents as caregivers reimbursement fund; making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the Kansas department for children and families, by Committee on Children and Seniors.

HB 2571, AN ACT concerning the open records act; relating to disclosure of criminal investigation records; disclosure of law enforcement recordings using a body camera or vehicle camera; amending K.S.A. 2017 Supp. 45-219, 45-221 and 45-254 and repealing the existing sections, by Representative Alcalá.

HB 2572, AN ACT concerning disclosure of economic development incentive data; relating to the Kansas taxpayer transparency act; STAR bonds; income tax credits; benefits received under the promoting employment across Kansas act; expenditures made from the job creation fund; property tax exemptions; amending K.S.A. 2017 Supp. 12-1744a, 74-72,123, 75-5133, 79-3234 and 79-32,267 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 74-72,124, by Representatives K. Williams, E. Davis and Hawkins.

HB 2573, AN ACT concerning health and healthcare; relating to maternal deaths; study and investigation by the secretary of health and environment; access to records; confidentiality; amending K.S.A. 2017 Supp. 65-177 and repealing the existing section, by Committee on Health and Human Services.

HB 2574, AN ACT concerning health and healthcare; relating to the prescription monitoring program; pertaining to mandatory enrollment database access; amending K.S.A. 2017 Supp. 65-1685 and repealing the existing section, by Committee on Health and Human Services.

HB 2575, AN ACT concerning insurance; relating to health insurers and self-insurers; health care providers; medical care facilities; commissioner of insurance; enacting the patient right to shop act; rules and regulations, by Committee on Health and Human Services.

HB 2576, AN ACT concerning the Kansas asbestos control program; relating to fees, air quality fee fund; amending K.S.A. 2017 Supp. 65-3024, 65-5309 and 65-5314 and repealing the existing sections, by Committee on Water and Environment.

HB 2577, AN ACT concerning the Kansas emergency planning and community right-to-know act; relating to emergency response and planning; creating the Kansas right-to-know fee fund; amending K.S.A. 65-5704 and repealing the existing section, by Committee on Water and Environment.

HB 2578, AN ACT concerning school districts; relating to publication of bullying policies; amending K.S.A. 2017 Supp. 72-6147 and repealing the existing section, by Committee on Education.

HB 2579, AN ACT concerning civil actions; relating to wrongful conviction and imprisonment; compensation; amending K.S.A. 2017 Supp. 75-6117 and repealing the existing section, by Committee on Judiciary.

HB 2580, AN ACT concerning unfair trade and consumer protection; relating to the fair credit reporting act; security freeze on consumer report; fees; amending K.S.A. 50-722 and K.S.A. 2017 Supp. 50-723 and repealing the existing sections, by Committee on Judiciary.

HB 2581, AN ACT concerning crimes, punishment and criminal procedure; relating to giving a false alarm; criminal penalties; amending K.S.A. 2017 Supp. 21-6207 and repealing the existing section, by Representatives Carmichael, Whitmer and Markley.

HB 2582, AN ACT concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Committee on Joint Committee on Special Claims Against the State.

HB 2583, AN ACT concerning agriculture; relating to the control and eradication of noxious weeds in the state of Kansas; amending K.S.A. 2-1314b, 2-1320, 2-1323, 2-1330 and 2-1332 and K.S.A. 2017 Supp. 2-1314, 2-1315, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322 and 2-1331 and repealing the existing sections; also repealing K.S.A. 2-1316a, 2-1325,

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2-1326, 2-1328 and 2-1329 and K.S.A. 2017 Supp. 2-1327 and 2-1334, by Committee on Agriculture.

HB 2584, AN ACT concerning property taxation; relating to distribution of taxes paid under protest; amending K.S.A. 2017 Supp. 79-2005 and repealing the existing section, by Committee on Taxation.

HB 2585, AN ACT concerning sales and compensating use tax; relating to sourcing, sales of motor vehicles; amending K.S.A. 2017 Supp. 12-191 and repealing the existing section, by Committee on Taxation.

HB 2586, AN ACT concerning workplace bullying; creating requirements for policies adopted by state agencies, by Committee on Commerce, Labor and Economic Development.

HB 2587, AN ACT concerning children and minors; relating to children with problem sexual behavior; department for children and families, by Committee on Federal and State Affairs.

HB 2588, AN ACT concerning appearance bonds; relating to forfeiture of bond; requiring set aside of forfeiture in certain cases; amending K.S.A. 2017 Supp. 22-2807 and repealing the existing section, by Committee on Judiciary.

HB 2589, AN ACT concerning the independent practice of midwifery act; providing for administration by the state board of nursing; establishing a nurse-midwives advisory council; amending K.S.A. 2017 Supp. 65-28b02, 65-28b03, 65-28b04, 65-28b05, 65-28b06, 65-28b07, 65-28b08 and 65-28b09 and repealing the existing sections, by Committee on Health and Human Services.

HB 2590, AN ACT concerning the state long-term care ombudsman; review by secretary for aging and disability services of the state long-term care ombudsman program; access to certain records; amending K.S.A. 2017 Supp. 75-7302, 75-7303, 75-7304, 75-7306, 75-7309 and 75-7310 and repealing the existing sections, by Committee on Health and Human Services.

HB 2591, AN ACT concerning the Kansas medical assistance program; relating to the administration and provision of state medicaid services, by Committee on Health and Human Services.

HB 2592, AN ACT concerning the client assessment, referral and evaluation program; relating to powers, duties and functions of the secretary for aging and disability services; authority to contract for a period of time; amending K.S.A. 2017 Supp. 39-968 and repealing the existing section by Committee on Appropriations.

HB 2593, AN ACT concerning sales taxation; relating to exemptions; friends of JCDS, inc.; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2594, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; affiliation and membership of certain local corrections employees, by Committee on Financial Institutions and Pensions.

HB 2595, AN ACT relating to the welfare of children and individuals with an impairment of the mind; updating references to individuals with an intellectual or developmental disability or a mental illness; eliminating the crime of unlawfully placing or receiving a child from another state; amending K.S.A. 24-612, 58-2255, 68-105 and 79-303 and repealing the existing sections; also repealing K.S.A. 38-315, by Representatives Hodge and Schroeder.

HB 2596, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Gadsden flag license plate, by Representatives Carpenter, Alford, Arnberger, Bergquist, Brim, Burris, Burroughs, Claeys, Delperdang, Dove, Elliott, Ellis, Eplee, Garber, Good, Hibbard, Highland, Hoffman, Huebert, Humphries, Jacobs, Mason, Osterman, Resman, Seiwert, A. Smith, E. Smith., Stogsdill, Sutton, Thimesch, Trimmer, Vickrey, Waymaster, Weber, Whitmer and Williams.

House Concurrent Resolutions

HCR 5022, A PROPOSITION to amend section 2 of article 2 of the constitution of the state of Kansas, relating to members of the senate and house of representatives, by Representative Miller.

House Resolutions

HR 6043, A RESOLUTION urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program, by Representative Claeys.

Senate Bills

SB 329, AN ACT concerning civil actions and civil procedure; relating to partition; enacting the uniform partition of heirs property act, by Committee on Judiciary.

SB 330, AN ACT concerning the department of wildlife, parks and tourism; relating to fees; amending K.S.A. 2017 Supp. 32-988 and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 331, AN ACT concerning the department of wildlife, parks and tourism; relating to state parks; designating Flint Hills trail state park and Little Jerusalem Badlands state park; amending K.S.A. 2017 Supp. 32-837 and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 332, AN ACT concerning the developmental disabilities reform act; relating to home and community-based services; powers, duties and functions of the secretary for aging and disability services and the secretary of health and environment; amending K.S.A. 39-1801, 39-1802, 39-1805, 39-1806 and 39-1808 and K.S.A. 2017 Supp. 39-1803 and 39-1804 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 39-1811, by Committee on Public Health and Welfare.

SB 333, AN ACT concerning school districts; relating to the Jason Flatt act; amending K.S.A. 2017 Supp. 72-6284 and repealing the existing section, by Committee on Education.

SB 334, AN ACT concerning economic development; relating to the high performance incentive program; tax credit availability; amending K.S.A. 2017 Supp. 79-32,160a and repealing the existing section, by Committee on Commerce.

SB 335, AN ACT concerning financial institutions; relating to banks and banking; including savings and loan associations and savings banks in the state banking code; repealing the savings and loan code; amending K.S.A. 2017 Supp. 9-701, 9-808, 9-809, 9-901a, 9-902, 9-903, 9-904, 9-905, 9-906, 9-907, 9-908, 9-910, 9-911, 9-912, 9-1101, 39-709, 58-3974, 75-3036 and 75-3170a and repealing the existing sections; also repealing K.S.A. 17-5101, 17-5102, 17-5201, 17-5202, 17-5203, 17-5204, 17-5205, 17-5206, 17-5207, 17-5208, 17-5209, 17-5210, 17-5211, 17-5212, 17-5213, 17-5214, 17-5215, 17-5216, 17-5217, 17-5218, 17-5219, 17-5220, 17-5221, 17-5225, 17-5225a, 17-5225b, 17-5225c, 17-5226, 17-5227, 17-5228, 17-5229, 17-5230, 17-5301, 17-5302, 17-5303, 17-5304, 17-5305, 17-5306, 17-5307, 17-5308, 17-5309, 17-5310, 17-5311, 17-5312, 17-5313, 17-5314, 17-5315, 17-5316, 17-5317, 17-5318, 17-5319, 17-5320, 17-5321, 17-5322, 17-5323, 17-5324, 17-5325, 17-5326, 17-5327, 17-5328, 17-5329, 17-5401, 17-5402, 17-5403, 17-5404, 17-5405, 17-5406, 17-5407, 17-5408, 17-5409, 17-5410, 17-5412, 17-5413, 17-5414, 17-5415, 17-5416, 17-5417, 17-5418, 17-5419, 17-5420, 17-5421, 17-5422, 17-5423, 17-5424, 17-5425, 17-5426, 17-5427, 17-5428, 17-5429, 17-5430, 17-5501, 17-5501c, 17-5502, 17-5502a, 17-5503, 17-5504, 17-5505, 17-5506, 17-5508, 17-5509, 17-5510, 17-5511, 17-5512, 17-5512a, 17-5513, 17-5514, 17-5515, 17-5516, 17-5517, 17-5519, 17-5520, 17-5521, 17-5522, 17-5523, 17-5524, 17-5525, 17-5526, 17-5527, 17-5528, 17-5529, 17-5530, 17-5531, 17-5532, 17-5533, 17-5534, 17-5535, 17-5536, 17-5537, 17-5538, 17-5539, 17-5540, 17-5541, 17-5542, 17-5543, 17-5544, 17-5545, 17-5546, 17-5547, 17-5548, 17-5549, 17-5550, 17-5551, 17-5552, 17-5553, 17-5554, 17-5555, 17-5556, 17-5557, 17-5558, 17-5559, 17-5560, 17-5561, 17-5562, 17-5563, 17-5564, 17-5565, 17-5566, 17-5567, 17-5568, 17-5569, 17-5570, 17-5571, 17-5572, 17-5601, 17-5602, 17-5603, 17-5604, 17-5605, 17-5606, 17-5607, 17-5609a, 17-5611, 17-5612, 17-5613, 17-5614, 17-5615, 17-5616, 17-5617, 17-5618, 17-5619, 17-5620, 17-5621, 17-5622, 17-5623, 17-5624, 17-5625, 17-5626, 17-5627, 17-5628, 17-5629, 17-5630, 17-5631, 17-5632, 17-5633, 17-5634, 17-5635, 17-5636, 17-5637, 17-5638, 17-5639, 17-5640, 17-5641, 17-5642, 17-5643, 17-5644, 17-5645, 17-5702, 17-5703, 17-5704, 17-5705, 17-5706, 17-5801, 17-5802, 17-5803, 17-5804, 17-5805, 17-5806, 17-5807, 17-5808, 17-5809, 17-5810, 17-5811, 17-5812, 17-5814, 17-5816, 17-5817, 17-5818, 17-5819, 17-5820, 17-5821, 17-5822, 17-5823, 17-5824, 17-5825, 17-5826, 17-5827, 17-5830, 17-5831 and 17-5832 and K.S.A. 2017 Supp. 17-5225d, 17-5610, 17-5701, 17-5828 and 17-5829, by Committee on Financial Institutions and Insurance.

SB 336, AN ACT concerning civil actions; relating to wrongful conviction and imprisonment; compensation; amending K.S.A. 2017 Supp. 75-6117 and repealing the existing section, by Committee on Judiciary.

SB 337, AN ACT concerning the department of health and environment; relating to animal conversion units; poultry facilities; amending K.S.A. 2017 Supp. 65-171d and repealing the existing section, by Committee on Agriculture and Natural Resources.

SB 338, AN ACT concerning health and healthcare; relating to the practice of surgical technology; regulation of surgical technologists; amending K.S.A. 2017 Supp. 65-2872 and repealing the existing section, by Committee on Public Health and Welfare.

SB 339, AN ACT concerning workers compensation death benefits; initial payments; legal heirs; dependents; funeral expenses; conservatorship; adequacy and equivalency with respect to other benefit limits; amending K.S.A. 2017 Supp. 44-510b and repealing the existing section, by Committee on Commerce.

SB 340, AN ACT concerning postsecondary educational institutions; establishing the campus free speech protection act, by Committee on Federal and State Affairs.

SB 341, AN ACT concerning sales taxation; relating to exemptions; Ronald McDonald house charities of Wichita, inc.; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section, by Committee on Federal and State Affairs.

SB 342, AN ACT concerning information systems and communications; creating the Kansas cybersecurity act; establishing the Kansas information security office; establishing the cybersecurity state fund, by Committee on Ways and Means.

SB 343, AN ACT concerning the disposition of state real property; authorizing the state board of regents and the state of Kansas to convey certain real property to Wichita state university, by Committee on Ways and Means.

SB 344, AN ACT concerning agriculture; relating to the control and eradication of noxious weeds in the state of Kansas; amending K.S.A. 2-1314b, 2-1320, 2-1323, 2-1330 and 2-1332 and K.S.A. 2017 Supp. 2-1314, 2-1315, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322 and 2-1331 and repealing the existing sections; also repealing K.S.A. 2-1316a, 2-1325, 2-1326, 2-1328 and 2-1329 and K.S.A. 2017 Supp. 2-1327 and 2-1334, by Committee on Agriculture and Natural Resources.

SB 345, AN ACT concerning sales taxation; relating to exemptions;

friends of JCDS, inc.; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 346, AN ACT concerning sales and compensating use tax; relating to exemptions; Stafford county economic development, inc.; amending K.S.A. 2017 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 347, AN ACT concerning utilities; relating to the state corporation commission; concerning demand-side programs, cost recovery; amending K.S.A. 2017 Supp. 66-1283 and repealing the existing section, by Committee on Utilities.

Senate Resolutions

SR 1762, A RESOLUTION recognizing that pornography is a public health hazard that leads to a broad spectrum of individual and public health impacts and societal harms, by Senators Pilcher-Cook, Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Hardy, Hawk, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pettey, Pyle, V. Schmidt, Suellentrop, Sykes, Taylor, Tyson, Wagle and Wilborn.

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AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-146	Amended	V. 36, p. 1383
92-12-148	Amended	V. 36, p. 1383
92-12-149	Amended	V. 36, p. 1384
92-51-34a	Amended	V. 36, p. 1203
92-57-1 through 92-57-5	New	V. 36, p. 843, 844

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

Reg. No.	Action	Register
99-25-5	Amended	V. 36, p. 1355
99-26-1	Amended	V. 36, p. 1355

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-29-18 through 100-29-21	New	V. 36, p. 368, 369
100-76-1 through 100-76-12	New	V. 36, p. 1430-1434

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-3-7b	New	V. 36, p. 1089
102-5-7b	New	V. 36, p. 1090

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 36, p. 1356
109-2-9	Amended	V. 36, p. 1358
109-2-8	Amended	V. 36, p. 593
109-3-3	Amended	V. 36, p. 329
109-3-4	Amended	V. 36, p. 330
109-5-1	Amended	V. 36, p. 1359
109-5-1a through 109-5-1d	Amended	V. 36, p. 1359-1360
109-5-1f	Revoked	V. 36, p. 1360
109-5-3	Amended	V. 36, p. 1360
109-5-7a through 109-5-7d	Revoked	V. 36, p. 1361
109-6-2	Amended	V. 36, p. 1361
109-7-1	Amended	V. 36, p. 1361
109-8-1	Amended	V. 36, p. 1362
109-8-2	Amended	V. 36, p. 1362
109-9-4	Amended	V. 36, p. 1363
109-10-1a through 109-10-1d	Amended	V. 36, p. 1363-1364
109-10-1f	Revoked	V. 36, p. 1364
109-10-1g	Revoked	V. 36, p. 1364
109-10-3	Amended	V. 36, p. 1364
109-10-7	Amended	V. 36, p. 1364
109-11-1a	Amended	V. 36, p. 1365
109-11-9	Amended	V. 36, p. 1365
109-13-1	Revoked	V. 36, p. 1366

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*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*.

AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

Reg. No.	Action	Register
115-2-1	Amended	V. 36, p. 1332
115-2-3	Amended	V. 36, p. 1334
115-2-4	Amended	V. 36, p. 1335
115-2-6	Amended	V. 36, p. 1335
115-4-2	Amended	V. 36, p. 273
115-4-11	Amended	V. 36, p. 274
115-7-1	Amended	V. 36, p. 1336
115-7-4	Amended	V. 36, p. 1337
115-7-10	Amended	V. 36, p. 1337
115-8-1	Amended	V. 36, p. 398
115-15-3	Amended	V. 37, p. 81
115-15-4	Amended	V. 37, p. 82
115-16-3	Amended	V. 36, p. 859
115-17-2	Amended	V. 36, p. 1337
115-17-3	Amended	V. 36, p. 1338
115-18-12	Amended	V. 36, p. 1338
115-18-19	Amended	V. 36, p. 1338
115-18-20	Amended	V. 36, p. 1338
115-20-2	Amended	V. 36, p. 859
115-20-7	Amended	V. 36, p. 860

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 36, p. 452
117-2-2	Amended	V. 36, p. 452
117-2-2a	Amended	V. 36, p. 453
117-3-2	Amended	V. 36, p. 454
117-3-2a	Amended	V. 36, p. 455
117-4-2	Amended	V. 36, p. 455
117-4-2a	Amended	V. 36, p. 456
117-5-2a	Amended	V. 36, p. 457

AGENCY 123: DEPARTMENT OF CORRECTIONS—DIVISION OF JUVENILE SERVICES

Reg. No.	Action	Register
123-17-101	New	V. 36, p. 369

AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION

Reg. No.	Action	Register
128-6-4	Amended	V. 36, 271

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