

Administrative per diem limits are based on the size of the facility, using the same classes as referred to above.

Administrative Per Diem Limits

- A. \$12.92
- B. \$30.68
- C. \$36.18

Timothy Keck
Secretary

Doc. No. 045705

(Published in the Kansas Register September 14, 2017.)

Reno County, Kansas

**Notice of Intent to Seek Private Placement
General Obligation Bonds, Series 2017**

Notice is hereby given that Reno County, Kansas (the "Issuer") proposes to seek a private placement of the above-referenced bonds (the "Bonds"). The maximum aggregate principal amount of the Bonds shall not exceed \$570,000. The proposed sale of the Bonds is in all respects subject to approval of a bond purchase agreement between the Issuer and the purchaser of the Bonds and the adoption of a resolution by the governing body authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds.

Donna Patton
Clerk

Doc. No. 045709

(Published in the Kansas Register September 14, 2017.)

City of Belle Plaine, Kansas

**Notice of Intent to Seek Private Placement
General Obligation Bonds, Series 2017**

Notice is hereby given that the City of Belle Plaine, Kansas (the "Issuer") proposes to seek a private placement of the above-referenced bonds (the "Bonds"). The maximum aggregate principal amount of the Bonds shall not exceed \$125,000. The proposed sale of the Bonds is in all respects subject to approval of a bond purchase agreement between the Issuer and the purchaser of the Bonds and the passage of an ordinance and adoption of a resolution by the governing body authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds.

Dated September 7, 2017.

Linda Stinnett
Clerk

Doc. No. 045713

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

**Article 71.—VOLUNTARY CLEANUP AND
PROPERTY REDEVELOPMENT PROGRAM**

28-71-1. Definitions. In addition to the terms defined

in K.S.A. 65-34,162 and amendments thereto, each of the following terms, as used in this article of the department's regulations, shall have the meaning specified in this regulation:

(a) "Anthropogenic levels" means concentrations of chemicals or substances that are present in the environment due to human activity.

(b) "Class one contamination" and "class I" mean that suspected or confirmed contamination exists on the property described in the application, but the property is not a source of the contamination.

(c) "Class two contamination" and "class II" mean that suspected or confirmed soil or groundwater contamination, or both, resulting from operations that have occurred on the property is suspected or exists on or off the property described in the application, or both.

(d) "Days" means calendar days unless otherwise specified. Documents due on the weekend or a holiday shall be submitted on the first working day after the weekend or holiday.

(e) "Enforcement action" means an administrative or judicial claim made by a governmental agency pursuant to state, federal, or common law against the property described in the application, which enforcement action is based upon the contaminants to be cleaned up under the VCPRP.

(f) "Environmental site assessment" means an investigation of a property, performed in accordance with standard industry practices, that identifies and defines recognized environmental conditions at the property.

(g) "Environmental use control" has the meaning specified in K.S.A. 2016 Supp. 65-1,222, and amendments thereto.

(h) "Hazard index value" means the sum of more than one hazard quotient for multiple substances, multiple exposure pathways, or both.

(i) "Hazard quotient" means the ratio of a single substance exposure level over a specified time period to a reference dose for that substance derived from a similar exposure period.

(j) "Institutional control" means a legal mechanism that limits access to or use of property, or warns of a hazard, the purpose of which is to ensure the protection of human health and the environment.

(k) "Maximum contaminant level" and "MCL" have the meaning specified for "maximum contaminant level" in K.A.R. 28-16-28b.

(l) "Naturally occurring levels" means ambient concentrations of chemicals or substances present in the environment that are typical of background levels near the property subject to the voluntary agreement when not affected by the identified contamination source.

(m) "Nonresidential property" means any property that does not meet the definition of residential property.

(n) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state agency, unit of local government, school district, federal agency, tribal entity, interstate body, or other legal entity.

(o) "Potable water" has the meaning specified in K.A.R. 28-16-28b.

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(p) "Remedial action" means those actions taken to address the effects of a release of a contaminant, so that it does not cause a significant risk to present or future public health or welfare, or to the environment.

(q) "Remediation" means the act of implementing, operating, and maintaining a remedial action.

(r) "Residential property" means any property currently used or proposed for use as one of the following:

(1) A residence or dwelling, including a house, apartment, mobile home, nursing home, or condominium; or

(2) a public use area, including a school, educational center, day care center, playground, unrestricted outdoor recreational area, or park.

(s) "Risk management plan" has the meaning specified in K.S.A. 2016 Supp. 65-34,176, and amendments thereto.

(t) "Voluntary cleanup and property redevelopment program" and "VCPRP" mean the implementation of the voluntary cleanup and property redevelopment act, as defined in K.S.A. 65-34,161 et seq. and amendments thereto, by the department.

(u) "Voluntary party" means an applicant whose property is determined by the secretary to be eligible for the voluntary cleanup and property redevelopment program. (Authorized by K.S.A. 65-34,163; implementing K.S.A. 65-34,164, K.S.A. 65-34,165, K.S.A. 65-34,166, K.S.A. 2016 Supp. 65-34,167, K.S.A. 2016 Supp. 65-34,168, K.S.A. 2016 Supp. 65-34,169, and K.S.A. 65-34,172; effective June 26, 1998; amended Sept. 29, 2017.)

28-71-2. Applicant. Each applicant shall include a person that has title, control, or access to the property described in the application and is one of the following:

(a) A person who owns the property;

(b) a person who operates a facility located on the property;

(c) a person who previously owned, operated, or otherwise controlled activities on the property;

(d) a prospective owner of the property;

(e) a prospective operator of a facility located on the property;

(f) a person or generator of hazardous or solid waste who by contract, agreement, or otherwise, directly or indirectly, arranged for the disposal of contaminants at the property;

(g) a person who legally controls the property; or

(h) any unit of government that acquired title or control of the property involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances. (Authorized by K.S.A. 65-34,163; implementing K.S.A. 65-34,164; effective June 26, 1998; amended Sept. 29, 2017.)

28-71-3. Eligibility determination. (a) The property described in the application shall contain an actual, threatened, or suspected release of a contaminant or be impacted or threatened by contaminants from an off-property source.

(b) Properties that may be eligible for application to VCPRP shall include the following:

(1) Properties that have been assessed by the United States environmental protection agency, its contractors and agents, and the department, if the property meets the additional criteria required by K.S.A. 65-34,161 et

seq., and amendments thereto, and this article of the department's regulations;

(2) contaminated properties that are currently under an existing department order or agreement, upon completion of the actions required by the department order or agreement, if the property meets the additional criteria required by K.S.A. 65-34,161 et seq., and amendments thereto. The determination of completion of the actions required by the order or agreement shall be made by the secretary;

(3) portions of a larger property that have or require a resource conservation and recovery act (RCRA) permit, but these portions do not require a permit in accordance with RCRA, which contains a corrective action component, as determined by the secretary, if the property meets the additional criteria required by K.S.A. 65-34,161 et seq., and amendments thereto;

(4) portions of a larger property that includes oil and gas activities regulated by the state corporation commission, but the specific portion is not regulated by the state corporation commission, if the property meets the additional criteria required by K.S.A. 65-34,161 et seq., and amendments thereto; and

(5) contaminated properties that are not statutorily excluded. (Authorized by K.S.A. 65-34,163; implementing K.S.A. 65-34,164; effective June 26, 1998; amended Sept. 29, 2017.)

28-71-4. Application process. (a) Each applicant shall submit to the department a complete application consisting of the following:

(1) An application form provided by the department;

(2) a nonrefundable application fee of \$200.00; and

(3) all documentation that supports the application, including environmental site assessments, investigation reports, or both.

(b) Determination of whether the property described in the application is eligible for participation in the VCPRP shall be made by the secretary pursuant to K.S.A. 65-34,161 et seq., and amendments thereto.

(c) The applicant shall submit a revised application package if the initial application is determined by the department to be incomplete.

(d) The applicant may submit an additional revised application package if the revised application is determined by the department to be incomplete. The applicant shall submit an additional application fee of \$200 with the additional revised application. (Authorized by K.S.A. 65-34,163; implementing K.S.A. 65-34,164 and 65-34,165; effective June 26, 1998; amended Sept. 29, 2017.)

28-71-5. Classification determination. (a) Each applicant shall include the following documentation for consideration by the secretary in determining placement of the property described in the application into one of two contamination classes, as defined in K.A.R. 28-71-1:

(1) The application and associated documentation that supports the voluntary party's application;

(2) review of available technical bulletins and scientific documents describing the geology and geohydrology of the property and surrounding area; and

(3) scientific information relating to the toxicity, mobility, persistence, and other characteristics of the contaminants suspected or identified at a property.

(b) Any applicant may provide additional information to support a reclassification of property subject to the voluntary agreement. (Authorized by K.S.A. 65-34,163; implementing K.S.A. 65-34,165 and 65-34,166; effective June 26, 1998; amended Sept. 29, 2017.)

28-71-6. Voluntary agreement. (a) Upon the secretary's approval of the application for the voluntary cleanup and property redevelopment program, the voluntary party shall enter into a voluntary agreement with the secretary. The voluntary agreement shall be developed by the department and submitted to the voluntary party for signature. The voluntary agreement shall specify all of the terms and conditions for implementation of the work anticipated in the VCPRP.

(b) Oversight, management, and review activities pertaining to the property shall not be commenced by the department until the voluntary agreement is signed by both the secretary and the voluntary party.

(c) The voluntary agreement shall require the voluntary party to deposit one of the following with the department, as applicable:

- (1) For class I, an initial amount of \$2,000; or
- (2) for class II, an initial amount not to exceed \$5,000.

(d) The voluntary agreement shall require the voluntary party to provide the department with access to the property at all reasonable times, upon reasonable notice to the voluntary party during all the activities conducted under K.S.A. 65-34,161 et seq., and amendments thereto. (Authorized by K.S.A. 65-34,163; implementing K.S.A. 65-34,165; effective June 26, 1998; amended Sept. 29, 2017.)

28-71-7. Initial deposit and reimbursement. (a) The initial deposit made by the voluntary party shall be based on the contamination classification of the property described in the application. The voluntary party shall submit quarterly payments upon billing for direct and indirect costs to maintain the voluntary party's account at a balance of at least \$1,000 for class I and at least \$2,000 for class II.

(b) The voluntary party shall be subject to oversight performed by the department or its contractors. This oversight shall include the following:

- (1) The review of documents, studies, and test results;
- (2) collection of split samples, laboratory analysis, and sampling supplies;
- (3) travel;
- (4) per diem;
- (5) verification activities; and
- (6) associated indirect costs. (Authorized by K.S.A. 65-34,163; implementing K.S.A. 65-34,165; effective June 26, 1998; amended Sept. 29, 2017.)

28-71-8. Environmental site assessments. (a) Each environmental site assessment shall be prepared by an individual who possesses the education, experience, or licensure sufficient to prepare a competent environmental site assessment.

(b) Each environmental site assessment shall include the following information regarding the property either described in the application or subject to a voluntary agreement:

- (1) The legal description and a map identifying the location, boundaries, and size of the property;

- (2) the physical characteristics of the property and areas contiguous to the property, including the location of any surface water bodies and groundwater aquifers;

- (3) the location of any water wells located on the property or in an area within a one-half mile radius of the property and a description of the use of the those wells;

- (4) the operational history of the property, based upon the best efforts of the applicant and the current use of areas in the vicinity of the property;

- (5) the present and proposed uses of the property;

- (6) information concerning the nature and extent of any contamination;

- (7) information on releases of contaminants that have occurred at the property, including any environmental impact on areas in the vicinity of the property;

- (8) any sampling results, evidence, or other data that characterizes the soil, groundwater, or surface water on the property; and

- (9) a description of the human and environmental exposures to contamination at the property, based upon current use and any future use proposed by the property owner as approved by the local zoning authority. (Authorized by K.S.A. 65-34,163; implementing K.S.A. 65-34,165 and 65-34,166; effective June 26, 1998; amended Sept. 29, 2017.)

28-71-9. Voluntary cleanup work plans and reports. (a) Upon signature of the voluntary agreement by the voluntary party and the secretary, the voluntary party shall submit each environmental site assessment, investigation report, or both, for review by the department to determine whether the following objectives have been met:

- (1) The sources for contaminants have been adequately identified and investigated.

- (2) The vertical and horizontal extent of contaminants has been determined.

- (3) The human health and environmental receptors have been identified.

- (4) The potential risks and impacts to receptors have been evaluated.

- (5) Quality assurance and quality control have been maintained.

- (6) The work has been performed in accordance with standard industry practices.

(b) If the secretary determines that further investigation is necessary to meet the objectives specified in subsection (a), the voluntary party shall submit a work plan to the department for review and approval. After approval of the work plan by the secretary, the following actions shall occur:

- (1) The voluntary party shall implement the approved work plan for investigation.

- (2) The voluntary party shall document and submit the results of the investigation in a report, which shall be submitted to the department for review.

(c) If the secretary determines that remediation is necessary to mitigate the risks posed by the property subject to the voluntary agreement, the voluntary party shall submit a proposal for remediation to the department for review and approval. The proposal for remediation shall meet the following requirements:

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(1) Be protective of human health and the environment for documented present and proposed future land uses;

(2) meet applicable state standards or acceptable contaminant concentrations as determined by a risk analysis that evaluates the property subject to the voluntary agreement and surrounding properties as a whole and that is approved by the secretary;

(3) evaluate remedial alternatives that are proven reliable and are economically and technically feasible by completing the following activities:

(A) Comparing at least two alternatives, not including the “no action” alternative; and

(B) documenting the ability of each remedial alternative to attain a degree of cleanup and control of contaminants established by the department; and

(4) provide a description and evaluation of the voluntary party’s proposed remedial alternative.

(d) If the secretary approves the proposal for remediation, the applicant shall submit a cleanup plan. The cleanup plan shall include the following:

(1) A description of all tasks necessary to implement the preferred remedial alternative;

(2) preliminary or final design plans and specifications of the preferred remedial alternative;

(3) a description of all necessary easements and permits required for implementation of the cleanup;

(4) an implementation schedule;

(5) a plan to monitor the effectiveness of the cleanup during implementation; and

(6) a verification plan to document that cleanup objectives have been achieved, which shall include sampling to be performed by the voluntary party, department, or both, as determined by the secretary. (Authorized by K.S.A. 65-34,163; implementing K.S.A. 65-34,166, K.S.A. 2016 Supp. 65-34,167, and K.S.A. 2016 Supp. 65-34,168; effective June 26, 1998; amended Sept. 29, 2017.)

28-71-10. “No further action” determination.

(a) For the purposes of the regulations in this article of the department’s regulations, the term “no further action” determination shall mean that the secretary has determined, pursuant to K.S.A. 65-34,161 et seq. and amendments thereto, that no further action is necessary at the property subject to the voluntary agreement.

(b) Each voluntary party shall demonstrate to the department that the following conditions have been met to receive a “no further action” determination for class one contamination:

(1) The owner or operator of the property, or both parties, submit a complete application to the department, including environmental site assessments and investigation reports.

(2) A determination that the contamination on the property resulted from an off-property source is made by the secretary.

(3) A determination that there is no on-site source of contamination, including soil contamination, is made by the secretary.

(4) The owner or operator of the property, or both parties, document that the past and current use of the property did not contribute to the contamination of soils, surface water, or groundwater.

(c) Each voluntary party shall demonstrate to the department that the following conditions have been met to receive a “no further action” determination for class two contamination:

(1) No contamination was detected.

(2) Contamination was detected, and following review of the environmental site assessment, investigation reports, and remediation reports, or a combination of these, the secretary has determined that contamination levels do not present significant risk to human health and the environment and, based on those levels, are less than applicable federal or state standards or site-specific cleanup levels as specified in K.A.R. 28-71-11.

(3) Contamination does not exceed acceptable contaminant concentrations as determined by the secretary in a site-specific qualitative risk analysis that evaluates the property and surrounding properties as a whole.

(d) Each voluntary party shall demonstrate to the department that the following conditions have been met to receive a “no further action” determination for class two contamination with conditions:

(1) Site conditions described in paragraph (c)(2) or (c)(3) have been met.

(2) Secretary-approved controls, including institutional controls, environmental use controls, a risk management plan, or a combination of these restricting the use of a property, are in place to ensure continued protection of human health and the environment. (Authorized by K.S.A. 65-34,163; implementing K.S.A. 2016 Supp. 65-34,169; effective June 26, 1998; amended Sept. 29, 2017.)

28-71-11. Remedial standards and remedial actions.

(a) All remedial alternatives performed by the voluntary party and approved by the secretary shall attain a degree of cleanup, control, or both, of contaminants that ensures protection of human health and the environment.

(b) All remedial actions to restore the environment to conditions before its altered state shall be considered by the department if protection of human health and the environment is maintained and the movement of contaminants is controlled.

(c) The voluntary party shall propose any one of the following approaches to determine cleanup levels for the property:

(1) Comparison to background levels;

(2) comparison to department-established risk-based levels;

(3) comparison to a site-specific, risk-based quantitative analysis conducted by the voluntary party or the department, based on formulas, exposure parameters, and land-use scenarios; or

(4) other risk analysis methods approved by the secretary.

(d) Responsibility for reviewing and approving the approach and final selection of cleanup levels for property subject to the voluntary agreement shall rest with the secretary.

(1) The selection of cleanup levels shall be based on the present and proposed future uses of the property and surrounding properties.

(2) Land use shall include two general categories: residential property and nonresidential property.

(3) Multiple media, exposure pathways, and contaminants shall be taken into account during the determination of cleanup levels.

(4) Existing and applicable federal or state standards shall be considered by the department during the determination of cleanup levels.

(e) Secretary-approved controls, including the controls specified in K.A.R. 28-71-10, may be required by the department to ensure continued protection of human health and the environment.

(1) Approved controls for property subject to the voluntary agreement shall not be proposed as a substitute for evaluating remedial actions that would otherwise be technically and economically practicable.

(2) Approved controls for property subject to the voluntary agreement shall be considered as remedial actions.

(f) Soil cleanup levels and the depths to which the cleanup levels shall apply shall be based on human exposure, the present and proposed uses of the property, the depth of the contamination, and the potential impact to groundwater, surface water, or both, and any other risks posed by the soil contamination to human health and the environment.

(g) Soil and groundwater property-specific cleanup levels may be determined by the secretary for contaminants for which there is insufficient toxicological evidence to support a regulatory standard for risk-based cleanup levels or for nontoxic contaminants for which cleanup is required as a result of other undesirable characteristics of those contaminants. The soil levels shall be based on the following:

(1) The ability of the impacted soil to support vegetation representative of unimpacted properties in the vicinity of property subject to the voluntary agreement; and

(2) the potential of the contaminant to impact and degrade groundwater, surface water, or both, through infiltration or runoff.

(h) If there are multiple contaminants in the soil, the cleanup level of each contaminant shall not allow the cumulative risks posed by the contaminants to exceed a cancer risk level of 1×10^{-4} , one in 10,000, or a hazard index value of 1.0.

(i) Soil cleanup levels shall ensure that migration of contaminants in the soil shall not cause the cleanup levels established for groundwater, surface water, or both, to be exceeded.

(j) Groundwater cleanup levels shall be based on the actual and most probable use of the groundwater considering present and future uses. The most probable use of the groundwater is for a potable water source, unless demonstrated otherwise by the voluntary party and approved by the secretary.

(k) Groundwater potentially or actually used as a potable water source and impacted by the site contamination shall require maximum protection in determining cleanup levels.

(l) Remedial action to restore contaminated groundwater shall, at a minimum, prevent additional degradation and migration.

(m) When the need for cleanup of a contaminant can be predicated on characteristics of that contaminant other than toxicity, including the contribution of an undesirable taste or odor, or both, the site-specific cleanup levels

as determined by the department or secondary maximum contaminant levels (MCLs) may be used as cleanup levels for contaminants for which insufficient toxicological evidence has been gathered to support a regulatory standard for risk-based cleanup levels or nontoxic contaminants. These levels shall be based on the aesthetic quality and usability of the groundwater, surface water, or both, for the present and proposed future use.

(n) Surface water cleanup levels shall meet the Kansas surface water quality standards, as specified in K.A.R. 28-16-28e. (Authorized by K.S.A. 65-34,163; implementing K.S.A. 2016 Supp. 65-34,167 and K.S.A. 2016 Supp. 65-34,168; effective June 26, 1998; amended Sept. 29, 2017.)

28-71-12. Public notification and participation. (a) The public shall have the opportunity during the public comment period to submit to the department written comments regarding the cleanup plan.

(b) The voluntary party or a member of the public may request a meeting following the 15-day public comment period.

(1) The public information meeting shall provide the public with information about relevant activities at the property associated with the voluntary cleanup and property redevelopment program. Public information meetings shall be attended by a member of the department and the voluntary party or designated representative, or both.

(2) A notice to the city, the county, or both, of the public information meeting shall be provided by the department. (Authorized by K.S.A. 65-34,163; implementing K.S.A. 2016 Supp. 65-34,168; effective June 26, 1998; amended Sept. 29, 2017.)

Susan Mosier, MD, MBA, FACS
Secretary and State Health Officer

Doc. No. 045702

State of Kansas

Kansas Lottery

Temporary Administrative Regulations

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-3499. Kansas State Fair second-chance drawing. (a) The Kansas lottery may conduct a second-chance drawing in conjunction with the Kansas State Fair event giving away four (4) \$500 Bass Pro Shops gift cards. The drawing will be conducted at 10:00 a.m. on September 19, 2017, and the winners will be announced at 10:00 a.m. on September 22, 2017.

(b) To enter the drawing, a player shall purchase \$20 of any Kansas lottery ticket(s) in a single purchase at the Kansas lottery's selling location at the Kansas State Fair. A player may purchase lottery products during the hours the Kansas lottery selling location at the Kansas State Fair is open each day to the public beginning September 8, 2017, through September 17, 2017. For each qualifying purchase, the player will be given an official entry form by the representative selling the ticket(s). A player shall complete the entry form in a legible manner and deposit

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