

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 July 13, 2019, will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-19-205/213, KS-AG-R-19-014, KS-Q-19-121/123) 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 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.

Lee A. Norman, M.D.
Secretary

Doc. No. 047243

State of Kansas

Department of Health and Environment

Notice of Final Decision to Grant a Variance

The Kansas Department of Health and Environment (KDHE) received a Request for a Variance (Request) from provisions of the Kansas hazardous waste management regulations from the Kansas Department of Revenue, Division of Vehicles on behalf of persons in the State of Kansas who generate airbag waste.

KDHE is providing public notice of its final decision to grant the requested variance in accordance with K.A.R. 28-31-13. A copy of the Request and a copy of the Final Decision to Grant a Variance for Airbag Waste, which includes the conditions that must be met to qualify for the variance, are available at http://www.kdheks.gov/waste/p_regsandstatutes.html.

This variance will facilitate the timely removal of defective airbags, which pose a danger to the citizens of Kan-

sas. Nationally, tens of millions of airbags have been, or are scheduled to be, recalled. The tendency for rupture of these recalled airbag inflators increases with the age of the inflator and long-term exposure to high humidity, so timely removal of the airbags is critical. However, the recall effort could be slowed down because the management of airbag waste would likely result in vehicle dealers and salvage vendors becoming subject to increased regulation associated with higher hazardous waste generation rates. This variance will ensure that persons removing the defective airbags will not be subject to full hazardous waste generator requirements as long as the waste is properly managed in accordance with the variance.

This variance will go into effect on the date this notice of the final decision is published in the Kansas Register. The variance will remain in effect until it is rescinded by the Secretary of the Kansas Department of Health and Environment or until adoption of state regulations renders the variance unnecessary.

Lee A. Norman, M.D.
Secretary

Doc. No. 047250

State of Kansas

Department for Aging and Disability Services

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

Notice of Final Nursing Facility Medicaid Rates for State Fiscal Year 2020; Methodology for Calculating Rates, and Rate Justifications; Response to Written Comments; Notice of Intent to Amend the Medicaid State Plan

Under the Medicaid program, 42 U.S.C. 1396 et seq., the State of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging and Disability Services administers the nursing facility program, which includes hospital long-term care units, and the nursing facility for mental health program. The Secretary acts on behalf of the Kansas Department of Health and Environment Division of Health Care Finance (DHCF), the single state Medicaid agency.

As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of the Kansas Department for Aging and Disability Services (KDADS) is publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for State Fiscal Year 2020, the methodology underlying the establishment of the nursing facility rates, and the justifications for those rates. KDADS and DHCF are also providing notice of the state's intent to submit amendments to the Medicaid State Plan to the U. S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) on or before September 30, 2019.

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