

# **Attachment K**

STATE OF KANSAS

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July 13, 2004

RECEIVED

JUL 14 2004

Roderick L. Bremby, Secretary  
Department of Health and Environment  
1000 SW Jackson, Suite 540  
BUILDING MAIL

SECRETARY OF  
DEPT. HEALTH & ENVIRONMENT

Dear Secretary Bremby:

At its meeting on July 9, 2004, the Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning radiation; hazardous waste; and industrial wastewater lagoon requirements. After discussion, the Committee expressed the following comments.

- KAR 28-35-145 and 146. Consider the appropriateness of allowing the use of a credit card for the payment of the fee.
- KAR 28-35-146a. The Committee is concerned that the use of "full-cost" in this regulation may not realize the "actual cost" to the agency. See also KAR 28-35-147a. Consider a standard application fee and then a fee for the actual license.
- Consider informing the state's representative to the Interstate Low-level Radioactive Waste Compact Commission concerning these fees.
- KAR 28-16-166. In subsection (f), clarify when these standards are to be used. (See also KAR 28-16-167(j) and 28-16-169(b)). In subsection (l) (1), it appears that the word "threat" was left out after the first use of the word "imminent."
- General comment. The Committee is concerned that the League of Kansas Municipalities has not appeared to comment on the regulations concerning industrial wastewater lagoon requirements. The Committee believes that input from the municipalities is vital on these proposed regulations.
- KAR 28-31-10. The Committee requests that the agency delay implementation of this regulation, pending review by the House Appropriations Committee and the Senate Ways and Means Committee. The Committee is concerned about the increases in these fees and the manner in which they were calculated.

Secretary Bremby

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Please make this letter a part of the public record on these regulations. The Committee will review the regulations which the agency ultimately adopts and reserves any expression of legislative concern to that review. To assist in that final review, please inform the Joint Committee in writing, at the time the rules and regulations are adopted and filed with the Secretary of State, of any and all changes which have been made following the public hearing.

Prior to filing with the Secretary of State, review the history sections of the rules and regulations to update them to the most recent statutory citations, making certain the citations for authorizing and implementing statutes are correct and complete. Please indicate your agency's website address in the filing notice where proposed regulations can be located. In addition, if your agency accepts written comments by e-mail include this information in the public notice. Finally, verify that the adoption by reference of any materials included in the regulations is properly completed as prescribed in the *Policy and Procedure Manual for the Adoption of Kansas Administrative Regulations*.

Sincerely,



Raney Gilliland  
Principal Analyst

RG/jl