

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 20.—Chemigation

4-20-11. Civil penalties.

(a) The process for issuing and processing civil penalties shall follow the procedure established in K.A.R. 4-13-60 and in K.A.R. 4-13-62 through 4-13-65, except for the following:

(1) The provision of K.A.R. 4-13-62(b) shall be replaced by the provisions of subsection (b) in this regulation.

(2) The terms "state and federal pesticide laws" and "pesticide law" contained in K.A.R. 4-13-60 and K.A.R. 4-13-62 through 4-13-65 shall be replaced by the term "the Kansas chemigation safety law," as the context requires.

(3) The term "pesticide business licensee" shall be replaced by the term "person" or "swine facility," as the context requires.

(b) The amount of civil penalty assessed for each violation shall be within the following ranges:

(1) For each violation of K.S.A. 2-3305, and amendments thereto, the civil penalty shall be not less than \$100 and not more than \$5,000.

(2) For each violation of K.S.A. 2-3308(a)(2), (a)(3), or (a)(4), and amendments thereto, the civil penalty shall be not less than \$100 and not more than \$5,000.

(3) For each violation of K.S.A. 2-3313(a) or (b) or of K.S.A. 2-3313(f) or (i), and amendments thereto, the civil penalty shall be not less than \$100 and not more than \$5,000.

(4) For each violation of K.S.A. 2-3308, and amendments thereto, not covered in paragraph (b)(2) in this regulation, the civil penalty shall be not less than \$100 and not more than \$1,000.

(5) For each violation of K.S.A. 2-3313, and amendments thereto, not covered in paragraph (b)(3) in this regulation, the civil penalty shall be not less than \$100 and not more than \$1,000.

(6) For each application of waste in violation of K.S.A. 2-3318, and amendments thereto, the civil penalty shall be not less than \$100 and not more than \$5,000.

(c) For any subsequent occurrence of a violation for which a civil penalty has been assessed within a three-year period, the civil penalty assessed for this violation shall be the maximum amount for the category listed.

(Authorized by K.S.A. 2007 Supp. 2-3309; implementing K.S.A. 2-3308 and 2-3317; effective March 26, 1990; amended, T-4-12-29-98, Jan. 1, 1999; amended April 23, 1999; amended April 4, 2003; amended July 18, 2008.)

***** Authenticated Kansas Administrative Regulation *****