

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 4.—Commercial Fertilizers

4-4-912. Abandoned containers.

(a) Each storage container and other container used at a storage facility to hold fluid bulk fertilizer or fertilizer rinsate shall be deemed abandoned if:

(1) it has been out of service for more than six consecutive months because of a weakness or leak;

(2) or it has been out of service for any reason other than nonuse for more than two consecutive years.

(b) Each abandoned underground container, including each abandoned underground catch basin, shall be thoroughly cleaned and removed from the ground or filled with an inert solid. Each connection and vent in such a container shall be disconnected and sealed. A record of the catch basin size, location, and method of closing shall be maintained at the storage facility as provided in K.A.R. 4-4-921.

(c) Each abandoned aboveground container shall be thoroughly cleaned. All hatches on each such container shall be closed, and all valves or connections shall be closed and sealed.

(d) A secondary containment facility shall not be deemed abandoned merely because there have been no discharges into it.

(e) Prior to placing an abandoned container back into service, the container shall have been inspected for compliance with the provisions of K.A.R. 4-4-900 et seq.

(f) For each tank which will remain unused for a period of at least two years, the owner of a fertilizer storage facility shall notify the secretary of the date when the tank is taken out of service and the date it is returned to service.

(g) All records required to be kept pursuant to this regulation shall be made available to the secretary as specified in K.A.R. 4-4-921.

(Authorized by and implementing K.S.A. 1989 Supp. 2-1227; effective Jan. 14, 1991.)

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