

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 4.—Commercial Fertilizers

4-4-900. Definitions.

(a) "Alternative design" means any process or technique for either primary or secondary containment that has been approved by the secretary in accordance with K.A.R. 4-4-956.

(b) "Application equipment" means any equipment used to apply fertilizer to land.

(c) "Appurtenance" means any device used in connection with a bulk fertilizer storage container or bulk fertilizer secondary containment area, structure, or device, including any safety device, liquid-level gauging device, auger, pump, valve, pipe, hose, fitting, and measuring or dispensing device.

(d) "Berm" means a dike, wall, or embankment used to contain liquid fertilizer.

(e) "Bladder tank" means any liquid fertilizer storage system consisting of the following:

(1) An external tank capable of holding the bladder tank's maximum volume without leakage;

(2) an internal, liquid-tight bladder that obtains its structural support from the external tank and is capable of holding the bladder tank's maximum volume without leakage; and

(3) a permanent cover to prevent the entry of precipitation.

(f) "Blending" means combining fertilizers or fertilizer ingredients to the customer's specifications.

(g) "Bulk fertilizer" means any fertilizer, whether dry or liquid, that is stored in quantities specified in K.A.R. 4-4-900 through K.A.R. 4-4-986.

(h) "Bulk fertilizer storage container" means any receptacle or device in which a bulk fertilizer is stored.

(i) "Bulk fertilizer storage facility" and "facility" mean any warehouse or other area where a bulk fertilizer, either in bulk or bagged, is held for storage. These terms shall include any facility in which fertilizer is mixed, blended, loaded, or unloaded. Each bulk

fertilizer storage facility located within 300 feet of another facility owned or operated by the same person shall be considered the same facility for the purpose of determining the number of consecutive days in storage and determining whether the facility is exempt from the requirements of K.A.R. 4-4-900 through K.A.R. 4-4-986.

(j) "Chemically compatible" means that the material will not react adversely with the bulk fertilizer that is being or will be stored, loaded, unloaded, mixed, blended, or otherwise handled.

(k) "Discharge" means any spill, leak, deposit, pumping, dumping, or emptying, whether accidental or intentional, that results in the release of a fertilizer. This term shall not include the lawful transferring, loading, unloading, repackaging, refilling, distributing, using, or disposing of a fertilizer, and the normal washing and rinsing activities on loading areas.

(l) "Dry fertilizer" means any fertilizer that is in solid form before any end-use application or mixing or blending for end-use application. This term shall include formulations including dusts, powders, and granules.

(m) "Elephant ring" means an open-top storage container that serves as a secondary containment vessel into which a smaller primary storage container has been placed.

(n) "Empty storage container" means a bulk fertilizer storage container that has a liquid volume of less than one percent of the container capacity.

(o) "End-use application" means the application of fertilizer to soil or plants in the course of normal agricultural or horticultural practice.

(p) "Existing facility" means any facility already built and either in operation or capable of being in operation on the effective date of these regulations.

(q) "Fertilizer products" means any substance, including rinsates, that contains elements or compounds used to promote the growth of agricultural or horticultural plants.

(r) "Floodplain" means the lowlands and relatively flat areas adjoining inland waters, including flood-prone areas that are inundated by floods and that have a one percent or greater chance of recurring flooding in any given year.

(s) "Flood-proof facility" means a facility that has been constructed and maintained to withstand waters from a 100-year flood event and prevent floodwater from contacting the fertilizer.

(t) "Gallon" means the United States standard measure of one gallon.

(u) "Inspection port" means a secured opening that allows access into the interior of a bulk fertilizer storage container for the purpose of inspection.

(v) "Liquid fertilizer" means any bulk fertilizer in liquid form before dilution for end-use application. This term shall include solutions, emulsions, suspensions, slurries, and gels. This term shall not include anhydrous ammonia.

(w) "Loading pad" means a permanent or portable structure in the operational area designed and constructed to intercept and contain spills, rinse water, and precipitation to prevent runoff and the leaching of fertilizer.

(x) "Low-volume pass-through" means the tonnage of fertilizer transferred away from the facility, during any consecutive 365-day period, below which an operational area shall not be required.

(y) "Mixing" means the combining of fertilizers or fertilizer ingredients into a fertilizer product for resale to nonspecific customers.

(z) "Mobile storage container" means a bulk fertilizer storage container that is used for transportation or temporary storage of bulk fertilizer.

(aa) "Modification" means any change in structures, processes, or activities at a bulk fertilizer storage facility that alters the efficacy of containment structures or systems, including changes in capacity. Modification to an existing facility shall void any applicable exemption as specified in this article. "Modified" shall describe a fertilizer facility that has any modifications, as defined in this subsection.

(bb) "Operational area" means any area at the fertilizer facility where fertilizers are mixed, loaded, unloaded, or blended, or where fertilizers are washed from application, storage, or transportation equipment.

(cc) "Permanent cessation of operations" means that, for at least 12 consecutive months, the facility has not been used to load, unload, mix, or blend any fertilizers.

(dd) "Plot plan" means a map or diagram showing the general layout of the facility.

(ee) "Primary containment" means the bulk fertilizer storage container that is in direct contact with the fertilizer being stored.

(ff) "Process flow diagram" means a schematic design showing the movement of fertilizer through the facility.

(gg) "Reasonably foreseeable" means what the secretary determines would have been foreseeable at the time the decision affecting the facility or its condition was made. This term shall include consideration of the facility owner's or operator's knowledge of conditions at the time the condition was created or the decision was made.

(hh) "Secondary containment" means any structure, tank, liner, or container that is designed, constructed, and maintained to perform the following:

(1) Intercept, hold, contain, or confine a discharge of fertilizer from primary containment;

(2) prevent runoff; and

(3) avoid leaching.

(ii) "Secretary" means the secretary of the Kansas department of agriculture or the secretary's authorized representative.

(jj) "Sump" means a recessed reservoir designed to be a receptacle for the collection of liquids.

(kk) "Temporary storage" means the storage of bulk fertilizer for no more than 60 consecutive days.

(ll) "Tip tank" means any tank or combination of tanks that is built on a frame having wheels and that is designed solely for the temporary storage of liquid fertilizer before its transfer to application equipment and not for the transportation of liquid fertilizer.

(mm) "Ton" means 2,000 pounds.

(nn) "Wastewater" means any water that is a result of precipitation collected in the facility or rinsates from cleaning the equipment or facility.

(Authorized by and implementing K.S.A. 2-1227; effective Jan. 14, 1991; amended Jan. 25, 1993; amended, T-4-7-1-94, July 1, 1994; amended Aug. 22, 1994; amended July 18, 2003.)