

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 21.—Nutrient Utilization Plans

4-21-1. "Nutrient utilization plan" defined; amendments to the plan; exceptions.

(a) A confined feeding facility for swine under Kansas law that has an animal unit capacity of 1,000 or more and whose waste is applied to land shall prepare a nutrient utilization plan for review by the secretary of agriculture. The plan shall be on a form prescribed by the secretary and shall be a plan that forecasts nutrient management from the date of submission through the next five years. The plan shall be updated annually, maintained at the office of the swine facility, along with the three previous years' versions of the records, and made available to the secretary of agriculture upon request.

(b) Whenever the term "waste" is referred to in article 21 of these regulations, it shall mean swine manure, swine wastewater, or swine manure and swine wastewater mixed together.

(c) Changes in conditions that warrant amendments requiring the secretary's approval to a facility's nutrient utilization plan shall include any of the following:

(1) A swine facility's permit is no longer valid, but the facility plans to seek a new permit.

(2) Additional land to which waste will be applied is not described in an approved plan.

(3) A procedure for waste application will be used that is not described in an approved plan.

(4) Land included in an approved nutrient utilization plan is no longer available for application as provided for in the approved nutrient utilization plan because legal authorization for land application no longer exists for that land.

(5) A phosphorus soil analysis result exceeds the phosphorus-holding capacity of the soil in a field as prescribed by K.A.R. 4-21-7.

(d) Swine facilities required by law to prepare nutrient utilization plans shall submit any other amendments necessary to facilitate approval as requested by the secretary of agriculture.

(e) Any amendment described in subsection (c) or subsection (d) of this regulation to the plan shall be submitted to the secretary of agriculture and approved by the secretary before the application of waste.

(f) "Swine facility" or "facility," as used in article 21 of these regulations, shall mean a confined feeding facility for swine under Kansas law that has an animal unit capacity of 1,000 or more and that applies manure or wastewater to land.

(Authorized by K.S.A. 2-3309; implementing K.S.A. 2-3302, K.S.A. 2002 Supp. 2-3318 and K.S.A. 65-1,182; effective, T-4-12-29-98, Jan. 1, 1999; effective April 23, 1999; amended April 4, 2003.)

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