

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 13.—Pesticides

4-13-25j. Bulk pesticide storage facility inspection and maintenance requirements.

(a) Each owner or operator shall inspect the bulk pesticide storage facility and secondary containment, including all appurtenances, at least monthly for any defects, including the following:

- (1) Corrosion;
- (2) leaks;
- (3) cracks;
- (4) spills;
- (5) gaps;
- (6) tears;
- (7) unsealed joints;
- (8) cross-contamination of pesticides;
- (9) structural defects;
- (10) equipment defects; and

(11) any other defect in the facility or potential violation of K.A.R. 4-13-25 through K.A.R. 4-13-25k.

The owner or operator shall promptly correct any defect.

(b) Upon the discovery of each defect or potential violation specified in subsection (a) that compromises the facility's ability to contain the pesticide, the owner or operator shall, within 24 hours after the discovery, either initiate repairs to correct the defect or take the appurtenance or secondary containment out of service. If the appurtenance or secondary containment is left in service, the defect or potential violation shall be corrected within 14 days following the discovery. If the defect or potential violation is not corrected within 14 days following the discovery, the appurtenance or secondary containment shall be removed from service.

(c) The owner or operator shall make a record of the following:

(1) Each inspection performed pursuant to subsection (a);

(2) each discharge within the facility in excess of 55 gallons; and

(3) more than one discharge within the facility in a 24-hour period totaling or exceeding 55 gallons.

(d) Each record made pursuant to subsection

(c) shall include the following:

(1) The name of the person making the record;

(2) the date the record was made;

(3) if any inspection is performed, the following:

(A) The date of the inspection;

(B) a description of any defect found; and

(C) a description of any repairs made to remedy the defect;

(4) if a discharge occurred, the following:

(A) The date of the discharge;

(B) the amount of the discharge;

(C) the cause of the discharge;

(D) a description of any repairs made; and

(E) the date and time the secretary was notified pursuant to K.A.R. 5-13-25g;

(5) the date any defective equipment at the facility is taken out of service; and

(6) the date any defective equipment is placed back into service.

(e) All records maintained at the facility shall be retained for three years from the date of the record and shall be made available to the secretary or an authorized representative of the secretary upon request.

(Authorized by and implementing K.S.A. 2-2467a; effective Dec. 27, 2002; amended Sept. 3, 2010.)

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