

2021 Kansas Statutes

2-3702. **Definitions.** As used in K.S.A. 2-3701 et seq., and amendments thereto:

- (a) "Agricultural or specialty chemical" means any pesticide, fertilizer, plant amendment or soil amendment but does not include nitrate and related nitrogen from a natural source.
- (b) "Board" means the Kansas agricultural remediation board created by K.S.A. 2-3709, and amendments thereto.
- (c) "Corrective action" means action in response to release of an agricultural or specialty chemical that poses a threat to human health or the environment.
- (d) "Eligible corrective action costs" means reasonable and necessary costs of corrective action, as determined in accordance with rules and regulations adopted by the board.
- (e) "Eligible lending institution" means:
 - (1) A bank, as defined in K.S.A. 75-4201, and amendments thereto, that agrees to participate in the remediation linked deposit program and is eligible to be a depository of state funds; or
 - (2) an institution of the farm credit system organized under the federal farm credit act of 1971, 12 U.S.C. § 2001, as amended, that agrees to participate in the remediation linked deposit program and provides securities acceptable to the pooled money investment board pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.
- (f) "Eligible person" means:
 - (1) A responsible party or an owner of real property, but does not include the state, any state agency, any political subdivision of the state, the federal government or any agency of the federal government; or
 - (2) a person who:
 - (A) Is involved in a transaction relating to real property;
 - (B) is not a responsible party or owner of the real property; and
 - (C) voluntarily takes corrective action on the property in response to a request or order for corrective action from the department of health and environment.
- (g) "Fund" means the Kansas agricultural remediation fund established by K.S.A. 2-3711, and amendments thereto.
- (h) "Kansas pesticide waste disposal fund" means the fund established by K.S.A. 2021 Supp. 2-3716, and amendments thereto.
- (i) "Kansas pesticide waste disposal program" means the program established by K.S.A. 2021 Supp. 2-3715, and amendments thereto.
- (j) "Linked deposit" means an investment account placed by the director of investments under the provisions of article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, with an eligible lending institution for the purpose of the remediation linked deposit loan program.
- (k) "Pesticide" means the same as provided in K.S.A. 2-2202, and amendments thereto.
- (l) (1) "Pesticide waste" means any pesticide that:
 - (A) Is not exempt from registration under the federal insecticide, fungicide, and rodenticide act, 7 U.S.C. § 136w(b), as in effect on January 1, 2021;
 - (B) is not eligible for sale or distribution; and
 - (C) is not otherwise eligible for return or disposal.
- (2) "Pesticide waste" includes, but is not limited to:
 - (A) Pesticides with no identifiable owner or responsible party that have been abandoned or illegally dumped at a site;
 - (B) pesticides that are unregistered, canceled, suspended or revoked by the Kansas

department of agriculture or the United States environmental protection agency;

(C) pesticides with missing or illegible labels;

(D) pesticides that have been adulterated;

(E) pesticides in a leaking or damaged container; or

(F) pesticides that are of no use to the current owner of such pesticides.

(m) "Release" means any spill, leak, emission, discharge, escape or disposal of an agricultural or specialty chemical into the soils or waters of the state.

(n) "Remediation linked deposit loan package" means the forms provided by the state treasurer for the purpose of applying for a remediation linked deposit.

(o) "Remediation linked deposit loan program" means the program provided for by K.S.A. 2-3703 through 2-3707, and amendments thereto.

(p) "Remediation reimbursement program" means the program provided for by K.S.A. 2-3708 through 2-3713, and amendments thereto.

(q) "Site" means all land and water areas, including air space, and all plants, animals, structures, buildings, contrivances and machinery, whether fixed or mobile, including anything used for transportation, within a one-half mile radius of a release.

History: L. 2000, ch. 82, § 2; L. 2021, ch. 74, § 13; May 6.