

## CHAPTER 1508

### DEPARTMENT OF AGRICULTURE

### AGRICULTURAL LIMING MATERIAL

1508.0010	AUTHORITY AND PURPOSE.	1508.0035	CERTIFICATION OF PRODUCERS TO CONDUCT SAMPLING OR SAMPLING AND ANALYSIS OF ALM.
1508.0015	DEFINITIONS.		
1508.0020	ALM LICENSE AND INSPECTION FEE.	1508.0040	DISTRIBUTION OF ALM BY CUBIC YARD.
1508.0025	LABEL INFORMATION REQUIREMENTS.		
1508.0030	OFFICIAL OR CERTIFIED SAMPLE AND ANALYSIS.		

NOTE: Parts 1508.0010 to 1508.0040 were originally adopted at 18 SR 390 as parts 1509.0010 to 1509.0040. They were renumbered editorially because these numbers in chapter 1509 already existed.

#### 1508.0010 AUTHORITY AND PURPOSE.

Parts 1508.0010 to 1508.0040 are adopted by the commissioner under Minnesota Statutes, section 18C.575, to prescribe conditions for license and inspection fee qualifications, label information, analytical and sampling methods, certification to conduct sampling or sampling and analysis, and distribution of agricultural liming material by the cubic yard.

**Statutory Authority:** *MS s 18C.575*

**History:** *18 SR 390*

#### 1508.0015 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part and the definitions of "agricultural liming materials," "bulk," "burnt lime," "distributor," "ENP," "hydrated lime," "label," "marl," "official sample," "percent; percentage," "person," "producer," "source of production," "stockpile," "ton," and "weight," in Minnesota Statutes, section 18C.531, apply to parts 1508.0010 to 1508.0040.

Subp. 2. **ALM.** "ALM" means agricultural liming materials.

Subp. 3. **Delivery.** "Delivery" means the complete transfer of an ALM order to a specific site as indicated to the purchaser on a billing, delivery, or invoice ticket.

Subp. 4. **Department.** "Department" means the Minnesota Department of Agriculture.

Subp. 5. **Exempt.** "Exempt" means distributors or producers of industrial or municipal by-product ALM who are exempt from fees for licensing and inspection under Minnesota Statutes, section 18C.541, subdivision 6.

Subp. 6. **Label.** "Label" means the display of all written, printed, or graphic matter on the immediate container or the statement accompanying delivery of ALM. A billing, delivery, or invoice ticket is a label.

Subp. 7. **Limestone.** "Limestone" means a material consisting of calcium carbonate or a combination of calcium carbonate with magnesium carbonate capable of neutralizing soil acidity. Limestone also refers to all carbonate minerals and rock-forming carbonate minerals unless otherwise specified in Minnesota Statutes, section 18C.531.

Subp. 8. **Pounds of ENP per ton.** "Pounds of ENP per ton" means the pounds of effective neutralizing power (ENP) in one ton of ALM corrected for moisture.  $[(2,000 \text{ pounds ALM per ton}) (\text{percentage of ENP} \div 100) (\text{percentage of dry matter} \div 100)] = \text{pounds of ENP per ton}$ .

Subp. 9. **Transportation charges.** "Transportation charges" means charges associated with distribution and transport of ALM, including charges relating to application and over-the-road transport.

**Statutory Authority:** *MS s 18C.575*

**History:** *18 SR 390*

#### 1508.0020 ALM LICENSE AND INSPECTION FEE.

Subpart 1. **Licensing requirements.** A distributor or producer of ALM shall obtain a license in accordance with Minnesota Statutes, section 18C.541, subdivision 1.

Subp. 2. **Free distribution.** If a producer distributes ALM to another person free of charge under Minnesota Statutes, section 18C.541, subdivision 6, the producer is not liable for any license and inspection fees incurred by any subsequent distributor of that product.

Subp. 3. **Custom application.** A person who custom applies and does not distribute ALM is not liable for license and inspection fees.

Subp. 4. **Reporting transportation charges to department.** Distributors or producers applying for license and inspection fee exemption under Minnesota Statutes, section 18C.541, subdivision 6, must disclose transportation charges assessed in the distribution of industrial or municipal by-product ALM. Transportation charges must be itemized to show fees assessed for application and over-the-road transport.

Subp. 5. **Determining fair and reasonable transportation charges.** To determine fair and reasonable transportation charges, the department shall collect transportation charges data from ALM distributors and producers via information required on the annual license application required by Minnesota Statutes, section 18C.541, subdivision 1, or other application forms provided by the department. Transportation charges data collected must be separated into two geographical areas:

A. the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2; and

B. all of Minnesota outside the metropolitan area.

These geographical areas designate where industrial or municipal by-product ALM is produced or initially transported from. Data collected must be averaged for each respective area. Distributors or producers except those exempt under Minnesota Statutes, section 18C.541, subdivision 6, must pay license and inspection fees if their transportation charges exceed the average area transportation charge.

Subp. 6. **Inspection fee assessment limitation.** Inspection fees assessed under Minnesota Statutes, section 18C.551, subdivision 3, are limited to one assessment during distribution in Minnesota. Verification of prior inspection fee payment is required.

**Statutory Authority:** *MS s 18C.575*

**History:** *18 SR 390*

#### 1508.0025 LABEL INFORMATION REQUIREMENTS.

Subpart 1. **Label information requirements for ALM bulk delivery.** ALM offered for sale, sold, distributed, or disposed of in this state in bulk must have a written label accompanying a delivery and supplied to any purchaser or end user. The label must contain the following information:

A. the distributor's or producer's name, address, telephone number, and source of production or stockpile location;

B. the purchaser's name and address;

C. the date of sale or transfer;

D. the type of ALM listed as one of the following:

(1) "calcium oxide," which is the chemical compound composed of calcium and oxygen. It is formed from calcium carbonate by heating limestone to drive off the carbon dioxide. Also known as quick lime, unslated lime, burnt lime, and caustic lime, it does not occur in nature;

(2) "fluid grade ALM," which is ALM that is applied in a suspended formulation;

(3) "hydrated lime," which is a material made from burnt lime that consists of calcium hydroxide or a combination of calcium hydroxide with either magnesium oxide, magnesium hydroxide, or both;

(4) "industrial or municipal by-product ALM," which is industrial waste or by-product, or the by-product of an industrial production process or municipal water or waste treatment process containing calcium or magnesium compounds, or both, in a form that neutralizes soil acidity;

(5) "marl," which is a granular or loosely consolidated earthy material composed largely of shell fragments and calcium or magnesium carbonate, or both;

(6) "pelleted ALM," which is ALM of any type that is manufactured and marketed in a pelleted formulation;

(7) "quarry ALM," which is ALM that results from the grinding or sieving of limestone at a quarry or other production site and that is applied on agricultural land without further processing or alteration;

(8) "slag," which is a by-product ALM made of calcium-magnesium aluminosilicate ( $\text{Ca-MgSiO}_3$ ) resulting from the manufacturing of pig-iron; or

(9) "woodash," which is a by-product ALM resulting from wood burning processes;

E. the minimum pounds of ENP per ton, accurate to within three percent;

F. the weight or cubic yards of ALM distributed;

G. the approximate weight, in pounds, per cubic yard if ALM is being distributed by the cubic yard; and

H. for exempt ALM distributors and producers, a list of any charges for ALM, transportation, or application.

**Subp. 2. Label information requirements for bags and other container types.** ALM packaged in bags and other container types that are distributed, offered for sale, sold, or disposed of in this state for agricultural use must have a label on either the face, display, or back side of the bag or container or printed on tags affixed to the upper end of the container, stating in a clear, legible, and conspicuous form the following required information:

A. the distributor's or producer's name and address;

B. the minimum pounds of ENP per ton, accurate to within three percent; and

C. the net weight.

Distributors and producers of ALM packaged in bags or other container types must also provide a written or printed ticket or invoice accompanying distribution containing the information specified in subpart 1, items C to F.

**Statutory Authority:** *MS s 18C.575*

**History:** *18 SR 390*

## 1508.0030 OFFICIAL OR CERTIFIED SAMPLE AND ANALYSIS.

**Subpart 1. Required samples and analyses.** The department shall collect official samples and perform analyses or, in accordance with part 1508.0035, certify producers to collect samples and perform analyses of the producer's production, storage, or blending sites to determine required label information.

Sampling and analysis performed by the department must be done at least once a year at each producer's production, storage, or blending site.

Producers certified to sample ALM must collect and submit samples to the department in accordance with part 1508.0035. Producers certified to sample and analyze ALM must collect samples, perform analyses, and report analytical data in accordance with part 1508.0035.

**Subp. 2. Official ALM analysis and sampling methods.** The most recent edition of "Quality Determination of Liming Materials," from the Soil Testing Laboratories of the University of Minnesota, Saint Paul, Minnesota 55108, is the official ALM analysis method. The most recent edition of "Association of American Plant Food Control Officials Inspectors Manual," from the Association of American Plant Food Control Officials, Inc., West Lafayette, IN 47907, is the official ALM sampling method. These documents meet the requirements in Minnesota Statutes, section 18C.561. These documents are incorporated by reference, are not frequently amended, and are available at the Minnesota State Law Library.

**Subp. 3. Verifying label information.** If a distributor or other person believes ALM is mislabeled, the department shall take steps necessary to verify label information including sampling and analysis. If the ALM label is found to be correct in accordance with part 1508.0025, subpart 1, item E, or 2, item B, the requesting party must pay the sampling fee required by Minnesota Statutes, section 18C.551, subdivision 4. If the ALM label is not in accordance with part 1508.0025, subpart 1, item E, or 2, item B, the supplying distributor or producer must pay the fee required by Minnesota Statutes, section 18C.551, subdivision 4. The supplying distributor or producer must also correct information on the label to reflect verified analysis results.

**Subp. 4. Sampling and analysis of blended ALM products blended by distributors.** If two or more ALM products are blended together by a distributor, the department shall take an official sample and perform analysis of the blended ALM, even though an official analysis exists for the separate ALM components of the blend. The distributor blending ALM must pay the sampling fee required by Minnesota Statutes, section 18C.551, subdivision 4.

**Statutory Authority:** *MS s 18C.575*

**History:** *18 SR 390*

#### **1508.0035 CERTIFICATION OF PRODUCERS TO CONDUCT SAMPLING OR SAMPLING AND ANALYSIS OF ALM.**

**Subpart 1. Certification.** The department may certify producers to conduct sampling or sampling and analysis of the producer's ALM. Producers must be assessed the sampling and analysis fee in accordance with Minnesota Statutes, section 18C.551, subdivision 4, for each sample submitted to the department.

**Subp. 2. Certification to sample ALM.** Producers who wish to become certified to sample their ALM must notify the department in sufficient time for the department to send information concerning official sampling methods, an application form, and sample collection report. Producers must abide by the official methods of sampling in part 1508.0030, subpart 2. Producers must submit to the department a representative sample of the ALM as distributed sample with no less than five pounds of ALM, a completed application form, and a completed sample collection report. Certification may be denied or revoked for failure to abide by the official sampling methods in part 1508.0030, subpart 2.

**Subp. 3. Certification to sample and analyze ALM.** Producers who wish to become certified to sample and analyze ALM must notify the department in sufficient time for the department to send information concerning official sampling and analysis methods, an application form, and instructions pertaining to obtaining certification.

An application form must be completed and submitted to the department. If the application is approved, the department shall instruct the producer to submit a monthly representative sample and analysis from each of the producer's ALM production, storage, or blending sites in accordance with the methods required in part 1508.0030, subpart 2. Each monthly sample and analysis must consist of subsamples collected over four consecutive weeks. Samples submitted to the department must be analyzed by the department to determine if deviations in the analytical data exist between the department and the producer. If the analysis data between the department and the producer is within three percent for three consecutive months, certification for sampling and analysis shall be granted.

**Subp. 4. Sampling and analysis scheduling requirements.** A producer certified to sample or sample and analyze ALM must collect representative samples based on the schedule in items A to C. Producers certified to sample ALM will be assessed the sampling and analysis fee in accordance with Minnesota Statutes, section 18C.551, subdivision 4, for each sample submitted to the department.

A. Certified producers distributing greater than 40,000 tons annually must collect a representative sample weekly of the ALM as distributed from each production, storage, or blending site and analyze or submit to the department for analysis the composite of the weekly samples on a monthly basis before or during distribution.

B. Certified producers distributing 20,000 to 40,000 tons annually must collect a representative sample monthly of the ALM as distributed from each production, storage, or blending site and analyze or submit to the department for analysis the composite of the monthly samples on a quarterly basis before or during distribution.

C. Certified producers distributing less than 20,000 tons annually must collect a representative sample of the ALM as distributed from each production, storage, or blending site and analyze or submit the samples to the department for analysis. Temporary holding areas for ALM that hold less than one month's production must be sampled before distribution and a composite of these samples must be analyzed semiannually.

**Subp. 5. Reporting requirements.** Producers certified to sample and analyze ALM must report analytical data to the department semiannually on January 31 and July 31 on forms provided by the department and signed by the certified producer that list the sample

identification, date collected, date analyzed, analytical results, and the minimum pounds ENP per ton.

Subp. 6. **Denial or revocation of certification.** Certification may be denied or revoked for (1) failure to abide by the methods of sampling and analysis in part 1508.0030, subpart 2, (2) failure to file a semiannual report as required in subpart 5, or (3) providing analytical data or label information that is found to be inaccurate in accordance with part 1508.0025, subpart 1, item E, or 2, item B.

**Statutory Authority:** *MS s 18C.575*

**History:** *18 SR 390*

#### **1508.0040 DISTRIBUTION OF ALM BY CUBIC YARD.**

Subpart 1. **Reporting requirements.** Each distributor or producer distributing ALM on a cubic yard basis or without the use of a scale approved by the Department of Public Service, Weights and Measures Division, is responsible for determining and reporting the cubic yard capacity of each vehicle, measuring device, or loading device used for this purpose.

Distributors or producers distributing ALM by the cubic yard must submit a written report by December 31 of each year to the department on forms furnished by the department.

If a change in the use of vehicles, measuring devices, loading devices, or other data occurs during the period for which distribution by the cubic yard is done, the department must be notified of the change on forms furnished by the department within 15 business days after the change.

Subp. 2. **Verification of cubic yard data.** The department may verify cubic yard data for each reported vehicle, measuring device, or loading device by requesting the Department of Public Service, Weights and Measures Division, to determine the cubic yard capacity of each vehicle, measuring device, or loading device in accordance with Minnesota Statutes, chapter 239. Minnesota Statutes, section 239.10, requires the Weights and Measures Division to charge a fee for inspections made to verify cubic yard capacity of vehicles, measuring devices, or loading devices. The distributor or producer shall pay the inspection fee in accordance with Minnesota Statutes, section 239.10.

**Statutory Authority:** *MS s 18C.575*

**History:** *18 SR 390*