

CHAPTER 1509

DEPARTMENT OF AGRICULTURE

WASTE PESTICIDE COLLECTION

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1509.0010 AUTHORITY.

Parts 1509.0010 to 1509.0050 govern the waste pesticide collection program pursuant to Minnesota Statutes, section 18B.065. Parts 1509.0010 to 1509.0050 establish a process for: (1) assessment schedule and payment; (2) cosponsor selection; and (3) cooperative agreement.

Statutory Authority: *MS s 18B.065*

History: *17 SR 138*

1509.0020 DEFINITIONS.

Subpart 1. Scope. The definitions in this part apply to parts 1509.0010 to 1509.0050.

Subp. 2. Collection site. "Collection site" means a permanent or temporary designated location with scheduled hours for authorized collections where pesticide end-users may bring their waste pesticide.

Subp. 3. Commissioner. "Commissioner" means the commissioner of agriculture or an agent authorized by the commissioner.

Subp. 4. Container. "Container" means a package, can, bottle, bag, barrel, drum, or other containing device used to enclose a pesticide formulation for storage, transport, or other handling.

Subp. 5. Cosponsor. "Cosponsor" means the state or local unit of government selected to enter into a cooperative agreement with the commissioner to administer a waste pesticide collection program.

Subp. 6. Pesticide end-user. "Pesticide end-user" means a farmer or other person who uses, intends to use, or owns a pesticide. Pesticide end-user does not include a dealer, manufacturer, formulator, or packager.

Subp. 7. Pesticide formulation. "Pesticide formulation" means a substance or mixture of one or more active ingredients and inerts that is used to mitigate or control pests.

Subp. 8. Waste pesticide. "Waste pesticide" means a pesticide that the pesticide end user considers a waste. A waste pesticide can be a canceled pesticide, an unusable pesticide, or a usable pesticide.

Statutory Authority: *MS s 18B.065*

History: *17 SR 138*

1509.0030 ASSESSMENT SCHEDULE AND PAYMENT.

Subpart 1. Assessment schedule. A pesticide end-user voluntarily participating in a collection authorized under Minnesota Statutes, section 18B.065, may be assessed a portion of the disposal costs based on net weight in pounds of the pesticide formulation and container collected, up to a maximum of 2,200 pounds. A net weight includes the weight of the pesticide formulation and its container. The assessment of individual pesticide end-users must be based on costs described in the current hazardous pesticide waste packing, transportation and disposal service contract and invoiced at the rates determined under items A to C.

A. Agencies of government or their representatives must be assessed costs equal to 125 percent of the disposal price, but not less than \$4 per net pound to participate in a waste pesticide collection.

B. Assessments for other participants must be based on amounts for disposal at the following rate:

(1) no cost for disposal of 300 net pounds or less;

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(2) costs equal to 25 percent of the disposal price, but not less than \$1 per net pound for quantities greater than 300 pounds, up to 1,000 pounds; or

(3) costs equal to 50 percent of the disposal price, but not less than \$3 per net pound for quantities greater than 1,000 pounds, up to a maximum of 2,200 pounds.

C. Assessments must be made based on the cumulative poundage of pesticide formulation and its container collected from each participant disposing of waste pesticides.

Subp. 2. **Payment.** The commissioner shall invoice participants promptly for disposal costs based on the assessment schedule in subpart 1.

Statutory Authority: *MS s 18B.06; 18B.065*

History: *17 SR 138; 18 SR 2651*

1509.0040 PROGRAM OPERATION AND ADMINISTRATION.

Subpart 1. **Cosponsor selection.** A potential cosponsor seeking sole or joint participation in the operation and administration of a collection authorized under Minnesota Statutes, section 18B.065, shall complete and return an application form provided by the commissioner. Cosponsor selection must be based on the following criteria:

- A. a completed application;
- B. willingness to commit financial, physical, and other resources to collection;
- C. proposed collection site; and
- D. collection service area.

Subp. 2. **Cooperative agreement.** The commissioner and cosponsor must agree to the terms of the cooperative collection and sign a cooperative agreement defining responsibilities and conditions of each party in conducting a waste pesticide collection. Cosponsor roles and responsibilities may include:

- A. providing funds for local administration and on-site operation;
- B. obtaining a United States Environmental Protection Agency hazardous waste generator identification number;
- C. supplying necessary physical and human resources for on-site operation;
- D. reimbursing the commissioner for disposal costs; and
- E. other described responsibilities and conditions agreed upon by the commissioner and cosponsor in the cooperative agreement.

Statutory Authority: *MS s 18B.065*

History: *17 SR 138*

1509.0050 DEPOSIT OF FUNDS.

Assessments collected under parts 1509.0030 and 1509.0040 must be deposited in the state treasury and credited to the waste pesticide collection account according to Minnesota Statutes, section 18B.065, subdivision 5.

Statutory Authority: *MS s 18B.065*

History: *17 SR 138*