

## CHAPTER 1509

### DEPARTMENT OF AGRICULTURE

### WASTE PESTICIDE COLLECTION

1509.0010	AUTHORITY.	1509.0040	PROGRAM OPERATION AND ADMINISTRATION.
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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 inert ingredients 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;
- (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 pesticide regulatory account according to Minnesota Statutes, section 18B.05, subdivision 1.

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

**History:** *17 SR 138; L 2005 1Sp1 art 1 s 97*