

1505.3090 RECOVERY, USE, OR DISPOSAL OF PESTICIDE RELEASES.

Subpart 1. **Loading areas and secondary containment areas.** All pesticide releases occurring in an area confined to loading areas described in part 1505.3070 and secondary containment areas described in part 1505.3080 must be recovered as soon as possible and must either be used, stored, or disposed of. Use and storage must be according to pesticide label instructions. Disposal must be according to local, state, and federal regulations. The Department of Agriculture must be immediately notified of all releases.

Subp. 2. **Precipitation accumulations.**

A. Precipitation must not be permitted to accumulate in a secondary containment area or loading area to the point where the accumulation may tend to:

- (1) compromise the ability of the secondary containment area or loading areas to contain the amounts indicated in part 1505.3070 or 1505.3080;
- (2) increase the corrosion of storage containers or appurtenances; or
- (3) impair the stability of storage containers.

B. Precipitation, if contaminated with pesticide residues, must be:

- (1) removed and used at labeled rates on sites consistent with labeled end uses for the intended target crop;
- (2) removed and stored for later use according to subitem (1);
- (3) disposed of according to local, state, and federal regulations; or
- (4) used at a rate of no more than five percent of the total tank mix for delivery rates of 40 gallons per acre or less and ten percent for delivery rates of more than 40 gallons per acre. Records must be kept indicating amounts, crop to which applied, and dates.

C. Uncontaminated precipitation may be released to a vegetated area allowing for even distribution over the entire area or used as water for mixing.

Subp. 3. **Use of pesticide rinsate, pesticide containing sludge, or pesticide containing washwater accumulations.**

A. Sludge, rinsates, or washwater generated in a pesticide loading or secondary containment area as a result of loading, washing, rinsing, cleanup, or similar practices must be:

- (1) removed and used at labeled rates consistent with labeled end uses for the intended target crop;
- (2) removed and stored for later use according to subitem (1); or
- (3) disposed of according to local, state, and federal regulations.

B. Sludge must be removed from a sediment trap before the trap is half full.

C. Rinsates and sludges may be used at a rate of no more than five percent of any total tank mix for delivery rates of 40 gallons per acre or less and ten percent for delivery rates of more than 40 gallons per acre. Washwater not contaminated with pesticides may be used undiluted.

D. Records indicating the amount removed (pounds or gallons), the location and acreage treated, and crops to which applied must be kept and made available for review during inspections by the commissioner. Records must be retained for a minimum of five years.

Statutory Authority: *MS s 18B.06; 18B.14*

History: *14 SR 161*

Published Electronically: *September 17, 2013*