

7041.0800 APPLICATION AND APPROVAL PROCEDURE FOR LAND APPLICATION SITES.

Subpart 1. **Site application.** Persons who are required by part 7041.0600, subpart 3, to obtain a site approval from the commissioner must apply for the approval as provided in this part. Applications for approvals must be completed and signed by a Type IV certified operator or inspector. An approval is only valid for the conditions stated in the approval, including management practices and acreage authorized. If a change in acreage is proposed, a new application must be submitted and approval obtained. If a change in management practices included in the site approval is proposed, the change shall be authorized by the commissioner through a letter to the person who applies for the change before the person initiates the change.

The application must include a copy of the notification described in subpart 6 and the specific information given in subparts 2 to 5 submitted on a site application form obtained from or approved by the commissioner.

Subp. 2. **Site characterization.** Site applications must contain site characterization that includes the following:

A. a copy of Natural Resources Conservation Service soil survey maps from the official soil survey, if available, or comparable soil maps prepared by a soil scientist with mapping experience, delineating the boundaries of the specific land application site, and:

- (1) the depth, spacing, and location of tile lines;
- (2) the location of tile inlets; and
- (3) a list of soil types on the site that are highly permeable;

B. a legal description of the land application site, including township, range, section, quarter section, township or city name, and county;

C. the following characteristics of the soil determined from samples obtained within six months of site application submittal using collection and analysis procedures in parts 7041.3300 and 7041.3400:

- (1) United States Department of Agriculture textural classification;
- (2) percentage of organic matter;
- (3) extractable phosphorus in parts per million;
- (4) exchangeable potassium in parts per million;
- (5) water pH; and
- (6) soluble salts expressed in millimhos per centimeter;

D. the approvable acreage of the land application site;

E. the name and address of the landowner and a copy or description of any contracts or agreements the landowner has with persons other than the applicant for the land application of bulk sewage sludge or other waste products such as industrial sludge, wastewater, and animal manure, at the land application site; and

F. the name and address of any renter, lessee, or occupier of the land application site.

Subp. 3. **Site management.** Applications must include site management, including:

A. a description of the proposed method or methods of bulk sewage sludge application;

B. a description of the crops to be grown and realistic yield goals or dominant vegetation at the site and the intended use of the crops or vegetation;

C. the maximum available nitrogen application rate, in pounds of nitrogen per acre and the agronomic rate in dry tons of bulk sewage sludge solids per acre per cropping year; and

D. a description of how public access to the site is proposed to be controlled if necessary.

Subp. 4. **Application requirements for long-term storage of dewatered bulk sewage sludge at the site at which the bulk sewage sludge is applied.** Applications must include the following information if approval of long-term storage at the land application site is requested:

A. a description of the necessity for storage at the land application site;

B. the location of the storage area delineated on maps submitted according to subpart 2, item A;

C. the dimensions of the bulk sewage sludge storage area;

D. the quantity of bulk sewage sludge to be stored;

E. boring logs from at least two soil borings taken to a depth of ten feet at the perimeter of the proposed storage area. The boring logs must include:

(1) texture and thickness of each soil horizon encountered;

(2) color and presence or absence of mottling for each soil horizon encountered;

(3) depth to seasonal high water table, if encountered; and

(4) depth to bedrock, if encountered;

F. the expected duration of storage before land application; and

G. the description of precautions or practices to minimize or prevent drainage, runoff, or nuisance conditions at the storage area.

Subp. 5. **Modification of management practices.** If any modification of the suitable soil conditions, slopes, or separation distances in part 7041.1200, subpart 3, are requested for nonagricultural uses, the site application must indicate what the nonagricultural use is; which conditions, slopes, or separation distances should be modified; and what environmental benefits will result from bulk sewage sludge application under the proposed conditions.

Subp. 6. **Approval procedure; public notification.** Persons who prepare bulk sewage sludge shall provide notice by mail of the proposed land application site on the same date to the commissioner, the owner and occupier of the site, the city or township and county official of the area where the land application site is located, and any person known by the preparer to be interested in the approval of the site. The notice must include:

A. that the purpose is to notify local officials of the intent to apply to the commissioner for approval of the site for the beneficial use of sewage sludge;

B. site ownership and location and the name of the lessee, renter, or occupier of the site if applicable;

C. the preparer's name and how the preparer can be reached for more information;

D. a general site management and conditions information sheet prepared or approved by the commissioner;

E. that a Type IV operator or inspector certified by the commissioner in handling sewage sludge has reviewed the sites for compliance with this chapter;

F. that application is being mailed on the same date to the commissioner for a final determination on site suitability and site management for those sites;

G. that if there are comments or questions regarding approval of the sites, the agency's Water Quality Division must be contacted within 30 days of the date the notification was sent;

H. that the commissioner will approve or deny the application in writing after the 30-day comment period; and

I. that the commissioner reviews land application reports submitted annually by the preparer of sewage sludge.

Subp. 7. **Review.** Applications shall be reviewed for completeness by the commissioner. If the application is incomplete, the commissioner shall promptly advise the applicant of the incompleteness. Further processing of the application shall be suspended until the applicant has supplied the necessary information to the commissioner.

Subp. 8. **Approval or denial.** Notice of approval or denial and reasons for a denial shall be issued by the commissioner to the persons listed in subpart 6 no sooner than 30 days from the date the notification of the land application site was sent to those persons.

Subp. 9. **Final determination.** The commissioner shall attempt to resolve all comments prior to a final determination concerning the application. If the comments have been resolved, the commissioner shall issue or deny the approval. If all comments cannot be resolved, the application shall be presented to the agency board, which shall issue or deny the approval.

Subp. 10. **Enforcement.** A site approval issued to the person who prepares sewage sludge under this part shall be enforceable to the same extent and in the same manner as a permit.

Subp. 11. **Revocation of site approvals.** A site approval may be revoked in accordance with the requirements of part 7001.0170.

Statutory Authority: *MS s 116.07*

History: *21 SR 1642*

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