

3MCAR S 10326

1 Minnesota Department of Agriculture

2 Agronomy Services Division

3

4 Adopted Rule Governing the Storage and Handling of Dry

5 Commercial Fertilizer

6

7 Rule as Adopted

8 3 MCAR S 1.0326 Dry commercial fertilizers.

9 A. Authority and purpose. This rule is adopted by the
10 commissioner pursuant to Minnesota Statutes, section 17.725, to
11 govern the storage and handling of dry commercial fertilizer
12 used for agricultural purposes.

13 B. Definitions. For the purposes of this rule, the terms
14 defined in this part have the meanings given them, and
15 "commercial fertilizer," "commissioner," "grade," "guaranteed
16 analysis," and "person" have the meanings given in Minnesota
17 Statutes, section 17.713.

18 1. "Department" means the Department of Agriculture.

19 2. "Dry commercial fertilizer" means either mixed
20 fertilizer or fertilizer materials distributed in a nonfluid,
21 nonpackaged form.

22 3. "Facility" means a place where dry commercial
23 fertilizer is stored, mixed, blended, weighed, or handled.

24 4. "Incident" means a flood, fire, tornado,
25 transportation accident, or other event causing a release of dry
26 commercial fertilizer, whether accidental or not, which is
27 likely to cause a hazard to people's lives, adjoining property,
28 or the environment.

29 5. "Incident notification sign" means a sign issued by
30 the department displaying emergency telephone numbers to be
31 called in the case of an incident.

32 6. "Responsible party" means the person who has direct
33 custody or control of the dry commercial fertilizer at the time
34 of an incident.

35 7. "Safeguard" means a device, structure, or system or a
36 combination of these designed to prevent the escape or movement

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1 of a dry commercial fertilizer from the place it is stored which
2 might result in the pollution of any surface or ground waters.

3 8. "Storage container" means a tank or bin in which dry
4 commercial fertilizer is stored. This does not include delivery
5 equipment unless the delivery equipment is used for storage.

6 9. "Substantially altering" means modifying a facility by
7 adding additional safeguards or storage containers, or by
8 changing existing safeguards or storage containers. This does
9 not include routine maintenance of existing safeguards or
10 storage containers or of existing mixing, blending, weighing,
11 and handling equipment.

12 C. Approval of facility and equipment.

13 1. A person beginning construction of a new facility or
14 substantially altering an existing facility shall first obtain
15 the approval of the commissioner.

16 2. The application for approval must be made on forms
17 provided by the commissioner and must contain the following
18 information:

19 a. the name, address, and phone number of the firm
20 making the application;

21 b. the name, address, and phone number of the firm
22 that will operate the facility;

23 c. the name, address, and phone number of the firm
24 that will construct, install, or modify the site;

25 d. a statement as to whether the facility is new or
26 existing and whether the alterations will be substantial;

27 e. the location of the site, including its legal
28 description;

29 f. copies of any permits required for the
30 construction, installation, or modification of the facility;

31 g. the size of the lot owned or leased;

32 h. the number and capacity of storage containers;

33 i. a description of the type of storage containers;

34 j. a description of the type of safeguards, if any;

35 k. at least three scale drawings of the facility,
36 including other storage containers and buildings;

1 1. a description of the contingency plan filed with
2 local fire and law enforcement personnel for emergency
3 situations; and

4 m. any other information required by the commissioner
5 reasonably related to the construction, installation, or
6 modification of a dry commercial fertilizer facility in order to
7 prevent hazards to people's lives, adjoining property, and the
8 environment.

9 3. The commissioner shall approve the application when
10 inspection of the facility and review of the application
11 demonstrate that the proposed facility satisfies the
12 requirements of this rule and provides safeguards to prevent
13 hazards to people's lives, adjoining property, and the
14 environment.

15 4. The commissioner shall review approved facilities if
16 the commissioner has reason to believe that existing safeguards
17 are not sufficient to prevent hazards to people's lives,
18 adjoining property, or the environment. Upon determination by
19 the commissioner that hazards to people's lives, adjoining
20 property, or the environment do exist, the commissioner shall
21 proceed in accordance with Minnesota Statutes, section 17.728.

22 D. Variances. Upon receipt of a written request, the
23 department shall grant a variance from this rule when the
24 request shows that compliance with this rule would cause
25 unreasonable economic hardship to the requester and that the
26 requested use would not constitute a hazard to people's lives,
27 adjoining property, or the environment. The department shall
28 set forth in writing its reasons for granting or denying a
29 requested variance within 60 days of the request.

30 E. Maintenance and operations.

31 1. Safeguards, storage containers, and mixing, blending,
32 weighing, and handling equipment must be maintained and operated
33 in a manner which will prevent avoidable amounts of particulate
34 matter from leaving the facility.

35 This requirement does not apply to facilities governed by
36 this rule which were established prior to the date of its

1 adoption unless the existing facility, without modification,
2 would result in a hazard to people's lives, adjoining property,
3 or the environment.

4 2. Storage containers must be maintained to prevent cross
5 contamination of various dry commercial fertilizers.

6 3. Storage container areas must be kept free of clutter
7 and ignitable materials including weeds and long dry grass.

8 F. Markings.

9 1. Each storage container must be labeled in a clearly
10 legible and conspicuous manner with the appropriate grade or
11 guaranteed analysis of the contents of the storage container.

12 2. An incident notification sign must be posted in a
13 conspicuous place within the facility.

14 G. Outside storage. Outside dry commercial fertilizer
15 storage piles may not be located in areas where surface water
16 runoff could enter storm sewers, sanitary sewers, or other
17 surface or ground waters.

18 H. Incidents. A person involved in or responsible for an
19 incident shall report the incident to the department. The
20 department shall immediately notify other state agencies with
21 jurisdiction regarding the incident. The responsible party
22 shall take appropriate action to contain or clean up the results
23 of the incident. The department shall be the lead state agency
24 for making decisions involving clean-up or containment
25 operations and shall initiate those operations necessary to
26 prevent hazards to people's lives, adjoining property, or the
27 environment. By initiating clean-up or containment operations,
28 the department does not assume any liability for costs in
29 addition to that prescribed or imposed by law.

30 I. Enforcement. The commissioner shall proceed in
31 accordance with Minnesota Statutes, section 17.728 upon
32 satisfactory evidence that the storage or handling of dry
33 commercial fertilizer does not meet the provisions in this rule.