

3 MCAR S 1.0325

1 Minnesota Department of Agriculture

2 Agronomy Services Division

3

4 Adopted Rule Governing the Storage and Handling of Liquid

5 Commercial Fertilizer

6

7 Rule as Adopted

8 3 MCAR S 1.0325 Liquid 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 liquid 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. "Appurtenances" means valves, pumps, fittings, and  
19 metering or dispensing devices.

20 2. "Department" means the Department of Agriculture.

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

23 4. "Incident" means a flood, fire, tornado,  
24 transportation accident, storage container rupture or leak, or  
25 other release of liquid commercial fertilizer, whether  
26 accidental or not, which is likely to cause a hazard to people's  
27 lives, adjoining property, or the environment.

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

31 6. "Liquid commercial fertilizer" means either mixed  
32 fertilizer or fertilizer materials distributed in a fluid,  
33 nonpackaged form.

34 7. "Responsible party" means the person who has direct  
35 custody or control of liquid commercial fertilizer at the time  
36 of an incident.

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1           8. "Safeguard" means a device, structure, or system or a  
2 combination of these designed to prevent the escape or movement  
3 of a liquid commercial fertilizer from the place it is stored  
4 which might result in the pollution of any surface or ground  
5 waters.

6           9. "Storage container" means a tank in which liquid  
7 commercial fertilizer is stored. This does not include delivery  
8 equipment unless the delivery equipment is used for storage.

9           10. "Substantially altering" means modifying a facility  
10 by adding additional safeguards or storage containers, or  
11 changing existing storage containers, safeguards, appurtenances,  
12 or piping. This does not include routine maintenance of  
13 existing safeguards, storage containers, appurtenances, and  
14 piping or of existing mixing, blending, weighing, and handling  
15 equipment.

16       C. Approval of facility and equipment.

17           1. A person beginning construction of a new facility or  
18 substantially altering an existing facility shall first obtain  
19 the approval of the commissioner.

20           2. The application for approval must be made on forms  
21 provided by the commissioner and must contain the following  
22 information:

23           a. the name, address, and phone number of the firm  
24 making application;

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

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

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

31           e. the location of the site, including its legal  
32 description;

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

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

36           h. a statement of the approximate distance to nearby

1 lakes, streams, or drainage ditches, or a storm drain into which  
2 liquid could flow;

3 i. a statement of the general soil type found at the  
4 site and the type, depth, and proximity of wells on or near the  
5 site;

6 j. the nature of the terrain at the site;

7 k. the number and capacity of storage containers;

8 l. a description of the type of storage containers;

9 m. a description of the type of safeguards, including  
10 drawings or pictures, if available;

11 n. at least three scale drawings of the facility,  
12 including other storage containers and buildings;

13 o. a plumbing diagram showing the location and type of  
14 pumps and valves used to control all transfers of liquid  
15 commercial fertilizer;

16 p. a description of the contingency plan filed with  
17 local fire and law enforcement personnel for emergency  
18 situations; and

19 q. any other information required by the commissioner  
20 reasonably related to the construction, installation, or  
21 modification of a liquid commercial fertilizer facility in order  
22 to prevent hazards to people's lives, adjoining property, and  
23 the environment.

24 3. The commissioner shall approve the application when  
25 inspection of the facility and review of the application  
26 demonstrate that the proposed facility satisfies the  
27 requirements of this rule and provides safeguards to prevent  
28 hazards to people's lives, adjoining property, and the  
29 environment.

30 4. The commissioner shall review approved facilities if  
31 the commissioner has reason to believe that existing safeguards  
32 are not sufficient to prevent hazards to people's lives,  
33 adjoining property, or the environment. Upon determination by  
34 the commissioner that hazards to people's lives, adjoining  
35 property, or the environment do exist, the commissioner shall  
36 proceed in accordance with Minnesota Statutes, section 17.728.

1 D. Previously established facilities. The person who  
2 operates a facility which was established prior to the effective  
3 date of this rule including persons who were granted a permit by  
4 the Pollution Control Agency, must obtain the commissioner's  
5 approval of the facility and equipment according to the  
6 following schedule:

7 1. The person who operates a facility established prior  
8 to January 1, 1965, must seek the approval of the commissioner  
9 within one year of the effective date of this rule.

10 2. The person who operates a facility established from  
11 January 1, 1965, to December 31, 1973, must seek the approval of  
12 the commissioner within two years of the effective date of this  
13 rule.

14 3. The person who operates a facility established from  
15 January 1, 1974, to May 31, 1975, must seek the approval of the  
16 commissioner within three years of the effective date of this  
17 rule.

18 4. The person who operates a facility established from  
19 June 1, 1975, to December 31, 1977, must seek the approval of  
20 the commissioner within four years of the effective date of this  
21 rule.

22 5. The person who operates a facility established from  
23 January 1, 1978, to December 31, 1979, must seek the approval of  
24 the commissioner within five years of the effective date of this  
25 rule.

26 6. The person who operates a facility established from  
27 January 1, 1980, to the effective date of this rule must seek  
28 the approval of the commissioner within six years of the  
29 effective date of this rule.

30 E. Variances. Upon receipt of a written request, the  
31 department shall grant a variance from this rule when the  
32 request shows that compliance with this rule would cause  
33 unreasonable economic hardship to the requester and that the  
34 requested use would not constitute a hazard to people's lives,  
35 adjoining property, or the environment. The department shall  
36 set forth in writing its reasons for granting or denying a

1 requested variance within 60 days of the request.

2 F. Maintenance and operations.

3 1. Safeguards, storage containers, and mixing, blending,  
4 weighing, and handling equipment must be maintained and operated  
5 in a manner which will prevent the escape of any liquid  
6 commercial fertilizer from the facility.

7 2. Adequate provisions must be made to protect all  
8 above-ground piping from physical damage that might result from  
9 moving machinery, equipment, and vehicles.

10 3. Main valves must be located as near to the storage  
11 container as possible and must be either closed and made  
12 inoperative when the facility is unattended or protected against  
13 tampering by adequate fencing.

14 4. Appurtenances and storage containers must be properly  
15 maintained, protected against rust, and painted to prevent  
16 corrosion and leakage.

17 5. Storage container areas must be kept free of clutter  
18 and ignitable materials including weeds and long dry grass.

19 G. Safeguards. Persons storing liquid commercial  
20 fertilizers in storage containers shall provide safeguards for  
21 containment at least equal to the holding capacity of the  
22 largest single storage container.

23 H. Markings.

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

27 2. An identification sign must be displayed in a clearly  
28 legible and conspicuous manner stating the name, address, and  
29 telephone number of the nearest agent, representative, owner, or  
30 person who operates the facility.

31 3. An incident notification sign must be posted in a  
32 conspicuous place within the facility.

33 I. Incidents. A person involved in or responsible for an  
34 incident shall report the incident to the department. The  
35 department shall immediately notify other state agencies with  
36 jurisdiction regarding the incident. The responsible party

1 shall take appropriate action to contain or clean up the results  
2 of the incident. The department shall be the lead state agency  
3 for making decisions involving the clean-up or containment  
4 operations and shall initiate those operations necessary to  
5 prevent hazards to people's lives, adjoining property, or the  
6 environment. By initiating clean-up or containment operations,  
7 the department does not assume any liability for costs in  
8 addition to that prescribed or imposed by law.

9 J. Exempt facilities. This rule does not apply to anhydrous  
10 ammonia facilities, or to portable or nonstationary tanks.

11 K. Enforcement. The commissioner shall proceed in  
12 accordance with Minnesota Statutes, section 17.728 upon  
13 satisfactory evidence that the storage or handling of liquid  
14 commercial fertilizer does not meet the provisions in this rule.