

1 Department of Agriculture

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3 Adopted Permanent Rules Relating to Waste Pesticide Collection

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5 Rules as Adopted

6 1509.0010 AUTHORITY.

7 Parts 1509.0010 to 1509.0050 govern the waste pesticide
8 collection program pursuant to Minnesota Statutes, section
9 18B.065. Parts 1509.0010 to 1509.0050 establish a process for:
10 (1) assessment schedule and payment; (2) cosponsor selection;
11 and (3) cooperative agreement.

12 1509.0020 DEFINITIONS.

13 Subpart 1. **Scope.** The definitions in this part apply to
14 parts 1509.0010 to 1509.0050.

15 Subp. 2. **Collection site.** "Collection site" means a
16 permanent or temporary designated location with scheduled hours
17 for authorized collections where pesticide end-users may bring
18 their waste pesticide.

19 Subp. 3. **Commissioner.** "Commissioner" means the
20 commissioner of agriculture or an agent authorized by the
21 commissioner.

22 Subp. 4. **Container.** "Container" means a package, can,
23 bottle, bag, barrel, drum, or other containing device used to
24 enclose a pesticide formulation for storage, transport, or other
25 handling.

26 Subp. 5. **Cosponsor.** "Cosponsor" means the state or local
27 unit of government selected to enter into a cooperative
28 agreement with the commissioner to administer a waste pesticide
29 collection program.

30 Subp. 6. **Pesticide end-user.** "Pesticide end-user" means a
31 farmer or other person who uses, intends to use, or owns a
32 pesticide. Pesticide end-user does not include a dealer,
33 manufacturer, formulator, or packager.

34 Subp. 7. **Pesticide formulation.** "Pesticide formulation"
35 means a substance or mixture of one or more active ingredients

1 and inerts that is used to mitigate or control pests.

2 Subp. 8. **Waste pesticide.** "Waste pesticide" means an
 3 ~~unusable-pesticide-including:--suspended,--canceled,--or-degraded~~
 4 ~~pesticide:--Waste-pesticide-does-not-include-other-materials~~
 5 ~~contaminated-with-pesticide-formulations~~ a pesticide that the
 6 pesticide end user considers a waste. A waste pesticide can be
 7 a canceled pesticide, an unusable pesticide, or a usable
 8 pesticide.

9 1509.0030 ASSESSMENT SCHEDULE AND PAYMENT.

10 Subpart 1. **Assessment schedule.** A pesticide end-user
 11 voluntarily participating in a collection authorized under
 12 Minnesota Statutes, section 18B.065, may be assessed a portion
 13 of the disposal costs based on gross weight in pounds of the
 14 pesticide formulation and container collected, up to a maximum
 15 of 2,200 pounds. The assessment of individual pesticide
 16 end-users must be based on costs described in the current
 17 hazardous pesticide waste packing, transportation and disposal
 18 service contract and invoiced at the rates determined under
 19 items A to C.

20 A. Agencies of government or their representatives
 21 must be assessed costs equal to 125 percent of the disposal
 22 price, but not less than \$7 per pound to participate in a waste
 23 pesticide collection.

24 B. Assessments for other participants must be based
 25 on amounts for disposal at the following rate:

26 (1) no cost for disposal of 150 pounds or less;

27 (2) costs equal to 15 percent of the disposal
 28 price, but not less than \$1 per pound for quantities greater
 29 than 150 pounds, up to 300 pounds;

30 (3) costs equal to 50 percent of the disposal
 31 price, but not less than \$3 per pound for quantities greater
 32 than 300 pounds, up to 1,000 pounds; or

33 (4) costs equal to 100 percent of the disposal
 34 price, but not less than \$6 per pound for quantities greater
 35 than 1,000 pounds, up to a maximum of 2,200 pounds.

1 C. Assessments must be made based on the cumulative
2 poundage of pesticide formulation and its container collected
3 from each participant disposing of waste pesticides.

4 Subp. 2. **Payment.** The commissioner shall invoice
5 participants promptly for disposal costs based on the assessment
6 schedule in subpart 1.

7 1509.0040 PROGRAM OPERATION AND ADMINISTRATION.

8 Subpart 1. **Cosponsor selection.** A potential cosponsor
9 seeking sole or joint participation in the operation and
10 administration of a collection authorized under Minnesota
11 Statutes, section 18B.065, shall complete and return an
12 application form provided by the commissioner. Cosponsor
13 selection must be based on the following criteria:

14 A. a completed application;

15 B. willingness to commit financial, physical, and
16 other resources to collection;

17 C. proposed collection site; and

18 D. collection service area.

19 Subp. 2. **Cooperative agreement.** The commissioner and
20 cosponsor must agree to the terms of the cooperative collection
21 and sign a cooperative agreement defining responsibilities and
22 conditions of each party in conducting a waste pesticide
23 collection. Cosponsor roles and responsibilities may include:

24 A. providing funds for local administration and
25 on-site operation;

26 B. obtaining a United States Environmental Protection
27 Agency hazardous waste generator identification number;

28 C. supplying necessary physical and human resources
29 for on-site operation;

30 D. reimbursing the commissioner for disposal costs;
31 and

32 E. other described responsibilities and conditions
33 agreed upon by the commissioner and cosponsor in the cooperative
34 agreement.

35 1509.0050 DEPOSIT OF FUNDS.

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1 Assessments collected under parts 1509.0030 and 1509.0040
2 must be deposited in the state treasury and credited to the
3 waste pesticide collection account according to Minnesota
4 Statutes, section 18B.065, subdivision 5.