

1 Department of Agriculture

2

3 Adopted Permanent Rules Relating to Agricultural Liming Material

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5 Rules as Adopted

6 1509.0010 AUTHORITY AND PURPOSE.

7 Parts 1509.0010 to 1509.0040 are adopted by the
8 commissioner under Minnesota Statutes, section 18C.575, to
9 prescribe conditions for license and inspection fee
10 qualifications, label information, analytical and sampling
11 methods, certification to conduct sampling or sampling and
12 analysis, and distribution of agricultural liming material by
13 the cubic yard.

14 1509.0015 DEFINITIONS.

15 Subpart 1. Scope. The definitions in this part and the
16 definitions of "agricultural liming materials," "bulk," "burnt
17 lime," "distributor," "ENP," "hydrated lime," "label," "marl,"
18 "official sample," "percent; percentage," "person," "producer,"
19 "source of production," "stockpile," "ton," and "weight," in
20 Minnesota Statutes, section 18C.531, apply to parts 1509.0010 to
21 1509.0040.

22 Subp. 2. ALM. "ALM" means agricultural liming materials.

23 Subp. 3. Delivery. "Delivery" means the complete transfer
24 of an ALM order to a specific site as indicated to the purchaser
25 on a billing, delivery, or invoice ticket.

26 Subp. 4. Department. "Department" means the Minnesota
27 Department of Agriculture.

28 Subp. 5. Exempt. "Exempt" means distributors or producers
29 of industrial or municipal by-product ALM who are exempt from
30 fees for licensing and inspection under Minnesota Statutes,
31 section 18C.541, subdivision 6.

32 Subp. 6. Label. "Label" means the display of all written,
33 printed, or graphic matter on the immediate container or the
34 statement accompanying delivery of ALM. A billing, delivery, or
35 invoice ticket is a label.

1 Subp. 7. Limestone. "Limestone" means a material
2 consisting of calcium carbonate or a combination of calcium
3 carbonate with magnesium carbonate capable of neutralizing soil
4 acidity. Limestone also refers to all carbonate minerals and
5 rock-forming carbonate minerals unless otherwise specified in
6 Minnesota Statutes, section 18C.531.

7 Subp. 8. Pounds of ENP per ton. "Pounds of ENP per ton"
8 means the pounds of effective neutralizing power (ENP) in one
9 ton of ALM corrected for moisture. $[(2,000 \text{ pounds ALM per ton})$
10 $(\text{percentage of ENP} \div 100) (\text{percentage of dry matter} \div 100)] =$
11 pounds of ENP per ton.

12 Subp. 9. Transportation charges. "Transportation charges"
13 means charges associated with distribution and transport of ALM,
14 including charges relating to application and over-the-road
15 transport.

16 1509.0020 ALM LICENSE AND INSPECTION FEE.

17 Subpart 1. Licensing requirements. A distributor or
18 producer of ALM shall obtain a license in accordance with
19 Minnesota Statutes, section 18C.541, subdivision 1.

20 Subp. 2. Free distribution. If a producer distributes ALM
21 to another person free of charge under Minnesota Statutes,
22 section 18C.541, subdivision 6, the producer is not liable for
23 any license and inspection fees incurred by any subsequent
24 distributor of that product.

25 Subp. 3. Custom application. A person who custom applies
26 and does not distribute ALM is not liable for license and
27 inspection fees.

28 Subp. 4. Reporting transportation charges to department.
29 Distributors or producers applying for license and inspection
30 fee exemption under Minnesota Statutes, section 18C.541,
31 subdivision 6, must disclose transportation charges assessed in
32 the distribution of industrial or municipal by-product ALM.
33 Transportation charges must be itemized to show fees assessed
34 for application and over-the-road transport.

35 Subp. 5. Determining fair and reasonable transportation

1 charges. To determine fair and reasonable transportation
2 charges, the department shall collect transportation charges
3 data from ALM distributors and producers via information
4 required on the annual license application required by Minnesota
5 Statutes, section 18C.541, subdivision 1, or other application
6 forms provided by the department. Transportation charges data
7 collected must be separated into two geographical areas:

8 A. the metropolitan area, as defined in Minnesota
9 Statutes, section 473.121, subdivision 2; and

10 B. all of Minnesota outside the metropolitan area.

11 These geographical areas designate where industrial or municipal
12 by-product ALM is produced or initially transported from. Data
13 collected must be averaged for each respective area.

14 Distributors or producers except those exempt under Minnesota
15 Statutes, section 18C.541, subdivision 6, must pay license and
16 inspection fees if their transportation charges exceed the
17 average area transportation charge.

18 Subp. 6. Inspection fee assessment limitation. Inspection
19 fees assessed under Minnesota Statutes, section 18C.551,
20 subdivision 3, are limited to one assessment during distribution
21 in Minnesota. Verification of prior inspection fee payment is
22 required.

23 1509.0025 LABEL INFORMATION REQUIREMENTS.

24 Subpart 1. Label information requirements for ALM bulk
25 delivery. ALM offered for sale, sold, distributed, or disposed
26 of in this state in bulk must have a written label accompanying
27 a delivery and supplied to any purchaser or end user. The label
28 must contain the following information:

29 A. the distributor's or producer's name, address,
30 telephone number, and source of production or stockpile
31 location;

32 B. the purchaser's name and address;

33 C. the date of sale or transfer;

34 D. the type of ALM listed as one of the following:

35 (1) "calcium oxide," which is the chemical

1 compound composed of calcium and oxygen. It is formed from
2 calcium carbonate by heating limestone to drive off the carbon
3 dioxide. Also known as quick lime, unslated lime, burnt lime,
4 and caustic lime, it does not occur in nature;

5 (2) "fluid grade ALM," which is ALM that is
6 applied in a suspended formulation;

7 (3) "hydrated lime," which is a material made
8 from burnt lime that consists of calcium hydroxide or a
9 combination of calcium hydroxide with either magnesium oxide,
10 magnesium hydroxide, or both;

11 (4) "industrial or municipal by-product ALM,"
12 which is industrial waste or by-product, or the by-product of an
13 industrial production process or municipal water or waste
14 treatment process containing calcium or magnesium compounds, or
15 both, in a form that neutralizes soil acidity;

16 (5) "marl," which is a granular or loosely
17 consolidated earthy material composed largely of shell fragments
18 and calcium or magnesium carbonate, or both;

19 (6) "pelleted ALM," which is ALM of any type that
20 is manufactured and marketed in a pelleted formulation;

21 (7) "quarry ALM," which is ALM that results from
22 the grinding or sieving of limestone at a quarry or other
23 production site and that is applied on agricultural land without
24 further processing or alteration;

25 (8) "slag," which is a by-product ALM made of
26 calcium-magnesium aluminosilicate (Ca-MgSiO_3) resulting from the
27 manufacturing of pig-iron; or

28 (9) "woodash," which is a by-product ALM
29 resulting from wood burning processes;

30 E. the minimum pounds of ENP per ton, accurate to
31 within three percent;

32 F. the weight or cubic yards of ALM distributed;

33 G. the approximate weight, in pounds, per cubic yard
34 if ALM is being distributed by the cubic yard; and

35 H. for exempt ALM distributors and producers, a list
36 of any charges for ALM, transportation, or application.

1 Subp. 2. Label information requirements for bags and other
2 container types. ALM packaged in bags and other container types
3 that are distributed, offered for sale, sold, or disposed of in
4 this state for agricultural use must have a label on either the
5 face, display, or back side of the bag or container or printed
6 on tags affixed to the upper end of the container, stating in a
7 clear, legible, and conspicuous form the following required
8 information:

9 A. the distributor's or producer's name and address;

10 B. the minimum pounds of ENP per ton, accurate to
11 within three percent; and

12 C. the net weight.

13 Distributors and producers of ALM packaged in bags or other
14 container types must also provide a written or printed ticket or
15 invoice accompanying distribution containing the information
16 specified in subpart 1, items C to F.

17 1509.0030 OFFICIAL OR CERTIFIED SAMPLE AND ANALYSIS.

18 Subpart 1. Required samples and analyses. The department
19 shall collect official samples and perform analyses or, in
20 accordance with part 1509.0035, certify producers to collect
21 samples and perform analyses of the producer's production,
22 storage, or blending sites to determine required label
23 information.

24 Sampling and analysis performed by the department must be
25 done at least once a year at each producer's production,
26 storage, or blending site.

27 Producers certified to sample ALM must collect and submit
28 samples to the department in accordance with part 1509.0035.
29 Producers certified to sample and analyze ALM must collect
30 samples, perform analyses, and report analytical data in
31 accordance with part 1509.0035.

32 Subp. 2. Official ALM analysis and sampling methods. The
33 most recent edition of "Quality Determination of Liming
34 Materials," from the Soil Testing Laboratories of the University
35 of Minnesota, Saint Paul, Minnesota 55108, is the official ALM

1 analysis method. The most recent edition of "Association of
2 American Plant Food Control Officials Inspectors Manual," from
3 the Association of American Plant Food Control Officials, Inc.,
4 West LaFayette, IN 47907, is the official ALM sampling method.
5 These documents meet the requirements in Minnesota Statutes,
6 section 18C.561. These documents are incorporated by reference,
7 are not frequently amended, and are available at the Minnesota
8 State Law Library.

9 Subp. 3. **Verifying label information.** If a distributor or
10 other person believes ALM is mislabeled, the department shall
11 take steps necessary to verify label information including
12 sampling and analysis. If the ALM label is found to be correct
13 in accordance with part 1509.0025, subpart 1, item E, or 2, item
14 B, the requesting party must pay the sampling fee required by
15 Minnesota Statutes, section 18C.551, subdivision 4. If the ALM
16 label is not in accordance with part 1509.0025, subpart 1, item
17 E, or 2, item B, the supplying distributor or producer must pay
18 the fee required by Minnesota Statutes, section 18C.551,
19 subdivision 4. The supplying distributor or producer must also
20 correct information on the label to reflect verified analysis
21 results.

22 Subp. 4. **Sampling and analysis of blended ALM products**
23 **blended by distributors.** If two or more ALM products are
24 blended together by a distributor, the department shall take an
25 official sample and perform analysis of the blended ALM, even
26 though an official analysis exists for the separate ALM
27 components of the blend. The distributor blending ALM must pay
28 the sampling fee required by Minnesota Statutes, section
29 18C.551, subdivision 4.

30 1509.0035 CERTIFICATION OF PRODUCERS TO CONDUCT SAMPLING OR
31 SAMPLING AND ANALYSIS OF ALM.

32 Subpart 1. **Certification.** The department may certify
33 producers to conduct sampling or sampling and analysis of the
34 producer's ALM. Producers must be assessed the sampling and
35 analysis fee in accordance with Minnesota Statutes, section

1 18C.551, subdivision 4, for each sample submitted to the
2 department.

3 Subp. 2. Certification to sample ALM. Producers who wish
4 to become certified to sample their ALM must notify the
5 department in sufficient time for the department to send
6 information concerning official sampling methods, an application
7 form, and sample collection report. Producers must abide by the
8 official methods of sampling in part 1509.0030, subpart 2.
9 Producers must submit to the department a representative sample
10 of the ALM as distributed sample with no less than five pounds
11 of ALM, a completed application form, and a completed sample
12 collection report. Certification may be denied or revoked for
13 failure to abide by the official sampling methods in part
14 1509.0030, subpart 2.

15 Subp. 3. Certification to sample and analyze ALM.
16 Producers who wish to become certified to sample and analyze ALM
17 must notify the department in sufficient time for the department
18 to send information concerning official sampling and analysis
19 methods, an application form, and instructions pertaining to
20 obtaining certification.

21 An application form must be completed and submitted to the
22 department. If the application is approved, the department
23 shall instruct the producer to submit a monthly representative
24 sample and analysis from each of the producer's ALM production,
25 storage, or blending sites in accordance with the methods
26 required in part 1509.0030, subpart 2. Each monthly sample and
27 analysis must consist of subsamples collected over four
28 consecutive weeks. Samples submitted to the department must be
29 analyzed by the department to determine if deviations in the
30 analytical data exist between the department and the producer.
31 If the analysis data between the department and the producer is
32 within three percent for three consecutive months, certification
33 for sampling and analysis shall be granted.

34 Subp. 4. Sampling and analysis scheduling requirements. A
35 producer certified to sample or sample and analyze ALM must
36 collect representative samples based on the schedule in items A

1 to C. Producers certified to sample ALM will be assessed the
2 sampling and analysis fee in accordance with Minnesota Statutes,
3 section 18C.551, subdivision 4, for each sample submitted to the
4 department.

5 A. Certified producers distributing greater than
6 40,000 tons annually must collect a representative sample weekly
7 of the ALM as distributed from each production, storage, or
8 blending site and analyze or submit to the department for
9 analysis the composite of the weekly samples on a monthly basis
10 before or during distribution.

11 B. Certified producers distributing 20,000 to 40,000
12 tons annually must collect a representative sample monthly of
13 the ALM as distributed from each production, storage, or
14 blending site and analyze or submit to the department for
15 analysis the composite of the monthly samples on a quarterly
16 basis before or during distribution.

17 C. Certified producers distributing less than 20,000
18 tons annually must collect a representative sample of the ALM as
19 distributed from each production, storage, or blending site and
20 analyze or submit the samples to the department for analysis.
21 Temporary holding areas for ALM that hold less than one month's
22 production must be sampled before distribution and a composite
23 of these samples must be analyzed semiannually.

24 Subp. 5. Reporting requirements. Producers certified to
25 sample and analyze ALM must report analytical data to the
26 department semiannually on January 31 and July 31 on forms
27 provided by the department and signed by the certified producer
28 that list the sample identification, date collected, date
29 analyzed, analytical results, and the minimum pounds ENP per ton.

30 Subp. 6. Denial or revocation of certification.
31 Certification may be denied or revoked for (1) failure to abide
32 by the methods of sampling and analysis in part 1509.0030,
33 subpart 2, (2) failure to file a semiannual report as required
34 in subpart 5, or (3) providing analytical data or label
35 information that is found to be inaccurate in accordance with
36 parts 1509.0025, subpart 1, item E, or 2, item B.

1 1509.0040 DISTRIBUTION OF ALM BY CUBIC YARD.

2 Subpart 1. Reporting requirements. Each distributor or
3 producer distributing ALM on a cubic yard basis or without the
4 use of a scale approved by the Department of Public Service,
5 Weights and Measures Division, is responsible for determining
6 and reporting the cubic yard capacity of each vehicle, measuring
7 device, or loading device used for this purpose.

8 Distributors or producers distributing ALM by the cubic
9 yard must submit a written report by December 31 of each year to
10 the department on forms furnished by the department.

11 If a change in the use of vehicles, measuring devices,
12 loading devices, or other data occurs during the period for
13 which distribution by the cubic yard is done, the department
14 must be notified of the change on forms furnished by the
15 department within 15 business days after the change.

16 Subp. 2. Verification of cubic yard data. The department
17 may verify cubic yard data for each reported vehicle, measuring
18 device, or loading device by requesting the Department of Public
19 Service, Weights and Measures Division, to determine the cubic
20 yard capacity of each vehicle, measuring device, or loading
21 device in accordance with Minnesota Statutes, chapter 239.
22 Minnesota Statutes, section 239.10, requires the Weights and
23 Measures Division to charge a fee for inspections made to verify
24 cubic yard capacity of vehicles, measuring devices, or loading
25 devices. The distributor or producer shall pay the inspection
26 fee in accordance with Minnesota Statutes, section 239.10.