

1 Department of Agriculture
2
3 Proposed Permanent Rules Relating to Agricultural Liming
4 Material
5
6 Rules as Proposed (all new material)

7 1509.0010 AUTHORITY AND PURPOSE.
8 Parts 1509.0010 to 1509.0040 are adopted by the
9 commissioner under Minnesota Statutes, section 18C.575, to
10 prescribe conditions for label information, analytical and
11 sampling methods, license and inspection fee qualifications,
12 analysis results and sample content certification, and
13 distribution of agricultural liming material by 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," "commissioner," "distributor," "ENP," "hydrated lime,"
18 "label," "marl," "official sample," "percent; percentage,"
19 "person," "producer," "source of production," "stockpile,"
20 "ton," and "weight," in Minnesota Statutes, section 18C.531,
21 apply to parts 1509.0010 to 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, invoice ticket, or label.

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 a shipment of ALM. A billing, delivery,
35 or 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 in one ton of
9 ALM corrected for moisture. [(2,000 pounds ALM per ton)
10 (percentage of ENP ÷ 100) (percentage of dry matter ALM ÷ 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 LABEL INFORMATION REQUIREMENTS.

17 Subpart 1. Label information requirements for bulk
18 delivery. ALM offered for sale, sold, or distributed in this
19 state in bulk must have a written label accompanying a delivery
20 and supplied to any purchaser or end user at the time of
21 delivery. The label must contain the following information:

22 A. the distributor's or producer's name, address,
23 telephone number, and source of production or stockpile
24 location;

25 B. the purchaser's name and address;

26 C. the date of sale or transfer;

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

28 (1) "calcium oxide," which is the chemical
29 compound composed of calcium and oxygen. It is formed from
30 calcium carbonate by heating limestone to drive off the carbon
31 dioxide. Also known as quick lime, unslated lime, burnt lime,
32 and caustic lime, it does not occur in nature;

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

35 (3) "hydrated lime," which is a material made

1 from burnt lime that consists of calcium hydroxide or a
2 combination of calcium hydroxide with either magnesium oxide,
3 magnesium hydroxide, or both;

4 (4) "industrial or municipal by-product ALM,"
5 which is industrial waste or by-product, or the by-product of an
6 industrial production process or municipal water or waste
7 treatment process containing calcium or magnesium compounds, or
8 both, in a form that neutralizes soil acidity;

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

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

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

18 (8) "slag," which is a by-product ALM made of
19 calcium-magnesium aluminosilicate (Ca-MgSiO₃) resulting from the
20 manufacturing of pig-iron; or

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

23 E. the minimum pounds of ENP per ton;

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

25 G. the conversion factor for tons per cubic yard if
26 ALM is being sold by cubic yard units; and

27 H. For exempt ALM distributors and producers, a list
28 of any charges for ALM, transportation, or application fees.

29 Subp. 2. Label information requirements for bags and other
30 container types. ALM packaged in bags and other container types
31 that are distributed, offered for sale, sold, or disposed of in
32 this state for agricultural use must have a label on either the
33 face, display, or back side of the bag or container or printed
34 on tags affixed to the upper end of the container, stating in a
35 clear, legible, and conspicuous form the following required
36 information:

- 1 A. the distributor's or producer's name and address;
- 2 B. the minimum pounds of ENP per ton; and
- 3 C. the net weight.

4 1509.0025 OFFICIAL SAMPLE AND ANALYSES TO DETERMINE LABEL
 5 INFORMATION ACCURACY.

6 Subpart 1. Required samples and analysis. The department
 7 shall take official samples and perform analyses of ALM sources
 8 of production or blending sites to determine required label
 9 information. An official sample and analysis must be taken at
 10 least once a year at each production or blending site.

11 Subp. 2. Sampling and analysis of blended ALM products.
 12 The department shall take official samples and perform analyses
 13 of ALM that is blended, even though an official analysis exists
 14 for the separate ALM components of the blend. The person
 15 blending ALM must pay the sampling fee required by Minnesota
 16 Statutes, section 18C.551, subdivision 4.

17 Subp. 3. Official ALM analysis method. The most recent
 18 edition of "Quality Determination of Liming Materials," from the
 19 Soil Testing Laboratories of the University of Minnesota, Saint
 20 Paul, Minnesota 55108, is the official ALM analysis method.
 21 This document is incorporated by reference, is not frequently
 22 amended, and is available at the Minnesota State Law Library.

23 Subp. 4. Label pounds of ENP per ton tolerance. Current
 24 label pounds of ENP per ton must be changed if the revised
 25 pounds of ENP per ton resulting from an official sample and
 26 analysis is more than three percent below current label pounds
 27 of ENP per ton.

28 Subp. 5. Label accuracy. If a distributor or other person
 29 believes ALM is mislabeled, the department shall take ALM
 30 samples and perform analyses to verify content. If the ALM
 31 label is found to be correct, the requesting party must pay the
 32 sampling fee required by Minnesota Statutes, section 18C.551,
 33 subdivision 4. If the ALM label is found to be incorrect, the
 34 supplying distributor or producer must pay the fee required by
 35 Minnesota Statutes, section 18C.551, subdivision 4.

1 1509.0030 ALM LICENSE AND INSPECTION FEE.

2 Subpart 1. Free distribution. If a producer distributes
3 ALM to another person free of charge under Minnesota Statutes,
4 section 18C.541, subdivision 6, the producer is not liable for
5 any license and inspection fees that may be required later if
6 the product is sold.

7 Subp. 2. Custom application. A person who custom applies
8 and does not distribute ALM is not liable for license and
9 inspection fees.

10 Subp. 3. Reporting transportation charges to department.
11 Distributors or producers applying for license and inspection
12 fee exemption under Minnesota Statutes, section 18C.541,
13 subdivision 6, must disclose transportation charges assessed in
14 the distribution of industrial or municipal by-product ALM.
15 Transportation charges must be itemized to show fees assessed
16 for application and over-the-road transport.

17 Subp. 4. Determining fair and reasonable transportation
18 charges. To determine fair and reasonable transportation
19 charges, the department shall collect transportation charges
20 data via information required on annual license or other
21 applications provided by the department. Transportation charges
22 data collected must be separated into two geographical areas:

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

25 B. all of Minnesota outside the metropolitan area.

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

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

33 Subp. 5. Inspection fee assessment limitation. Inspection
34 fees assessed under Minnesota Statutes, section 18C.551,
35 subdivision 3, are limited to one assessment during distribution

1 in Minnesota. Verification of prior inspection fee payment is
2 required.

3 1509.0035 CERTIFICATION OF ALM ANALYSIS RESULTS AND SAMPLE
4 CONTENT.

5 Subpart 1. Certification. The commissioner may certify an
6 ALM analysis result, methods, or sample content as submitted to
7 the department by an ALM producer.

8 Subp. 2. Analysis certification. ALM producers may be
9 certified to analyze ALM content if they agree to abide by
10 department methods for sampling and analysis. Producers wishing
11 to be certified must complete an application form and file a
12 notarized affidavit with the department on forms provided by the
13 commissioner.

14 A certified producer that distributes ALM during the
15 production process must sample weekly and analyze the composite
16 of the weekly samples on a monthly basis. A certified producer
17 that does not distribute ALM during the production process must
18 collect representative samples prior to or during distribution
19 for analysis.

20 Certified producers must compile reports to be submitted to
21 the department semiannually on January 1 and July 1 on forms
22 provided by the commissioner that detail the number of samples
23 taken for the analysis and the results of the analysis.
24 Certification may be revoked for failure to abide by department
25 methods for sampling and analysis or for failure to file reports.

26 Subp. 3. Sample certification. An ALM sample must be
27 considered for certification if a producer notifies the
28 department of such a request in sufficient time for the
29 department to send information concerning sampling methods,
30 affidavit, sample collection report form, and ALM sampling
31 containers to the producer. A producer shall submit to the
32 department an ALM sample with no less than ten pounds of ALM, a
33 completed, notarized affidavit, and a completed sample
34 collection report.

35 Subp. 4. Departmental sample collection. The department

1 may collect and analyze ALM to verify analysis results, methods,
2 or sample content if a certification request is being made to
3 meet requirements of Minnesota Statutes, section 18C.551,
4 subdivision 4. The producer must bear the cost of sample
5 collection and analysis made to produce sufficient verification
6 for certification as specified in Minnesota Statutes, section
7 18C.551, subdivision 4.

8 1509.0040 DISTRIBUTION OF ALM BY CUBIC YARD.

9 Subpart 1. ALM distribution vehicle cubic yard capacity
10 reporting requirements. Each distributor or producer
11 distributing ALM on a cubic yard basis or without the use of a
12 Department of Public Service, Weights and Measures Division,
13 approved scale is responsible for determining and reporting the
14 cubic yard capacity of each vehicle and measuring or loading
15 device used for this purpose.

16 Subp. 2. Application for certification to distribute ALM
17 on a cubic yard basis. Distributors or producers distributing
18 ALM by the cubic yard shall submit an annual written report to
19 the department on forms furnished by the commissioner.
20 Certification to distribute ALM by the cubic yard must be
21 indicated on the distributor's or producer's license.

22 Subp. 3. Listing cubic yards distributed on label.
23 Distributors or producers distributing ALM on a cubic yard basis
24 must identify on the label cubic yards distributed.
25 Distributors or producers shall list approximate weight per
26 cubic yard.

27 Subp. 4. Renewal of certification to distribute ALM on a
28 cubic yard basis. Unless otherwise specified in the report,
29 certification to distribute ALM on a cubic yard basis must be
30 renewed annually by December 31. If a change in the vehicle or
31 loading or measuring device usage or other data occurs during
32 the period for which distribution by the cubic yard is done, the
33 department must be notified of change, via forms furnished by
34 the commissioner, within 15 business days after the change.

35 Subp. 5. Verification of cubic yard data. The department

1 may verify cubic yard data for each vehicle or loading or
2 measuring device reported by requesting the Department of Public
3 Service, Weights and Measures Division, to determine the cubic
4 yard capacity of the vehicle or loading or measuring device
5 under Minnesota Statutes, chapter 239. Minnesota Statutes,
6 section 239.10, requires the Weights and Measures Division to
7 charge a fee for inspections made to verify cubic yard capacity
8 of a vehicle or loading or measuring device. The distributor or
9 producer must pay the verification fee.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Relating to Agricultural
Liming Material

AGENCY: Department of Agriculture

MINNESOTA RULES: Chapter 1509

INCORPORATION BY REFERENCE:

Part 1509.0025, subpart 3, Quality Determination of Liming
Materials, Soil Testing Laboratories of the University of Minnesota,
available at the State Law Library

The attached rules are approved for
publication in the State Register

A handwritten signature in cursive script that reads "Craig E. Lindeke".

Craig E. Lindeke
Senior Assistant Revisor