

Department of Agriculture**Proposed Permanent Rules Relating to Anhydrous Ammonia Inspector Certification****1514.0100 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Agency inspector.** "Agency inspector" means an employee of the Department of Agriculture, who is authorized to conduct inspections of anhydrous ammonia facilities, storage, and equipment.

Subp. 3. **Anhydrous ammonia facility.** "Anhydrous ammonia facility" means a facility that stores, sells, or handles anhydrous ammonia for agricultural purposes.

Subp. 4. **Certificate of compliance.** "Certificate of compliance" means a certificate issued by a certified anhydrous ammonia inspector to an anhydrous ammonia facility when the inspector has documented, in writing, full compliance with chapter 1513 and Minnesota Statutes, chapters 18C and 18D.

Subp. 5. **Certified anhydrous ammonia inspector.** "Certified anhydrous ammonia inspector" means an individual who has received certification under this chapter.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of agriculture or an authorized agent of the commissioner.

Subp. 7. **Compliance inspection.** "Compliance inspection" means an inspection performed by a certified anhydrous ammonia inspector that is equivalent to an inspection performed by an anhydrous ammonia agency inspector. The inspection certifies an anhydrous ammonia facility as compliant with chapter 1513 and Minnesota Statutes, chapters 18C and 18D.

Subp. 8. **Facility.** "Facility" means a fixed location consisting of all stationary fertilizer operations and systems permitted by the Department of Agriculture.

Subp. 9. **Full compliance.** "Full compliance" means that a permitted agricultural facility meets all requirements for anhydrous ammonia equipment and storage in chapter 1513 and Minnesota Statutes, chapters 18C and 18D, before the certificate of compliance is issued.

Subp. 10. **Routine inspection.** "Routine inspection" means an inspection conducted by an agency inspector that covers the requirements in chapter 1513 and Minnesota Statutes, chapters 18C and 18D.

Subp. 11. **System.** "System" means an assembly of equipment consisting of the container or containers, hoses, appurtenances, pumps, compressors, interconnecting piping, nurse tanks, toolbars, and field application units.

1514.0200 GENERAL PROVISIONS; CERTIFIED ANHYDROUS AMMONIA INSPECTOR.

Subpart 1. **Certificate of compliance.** Only a certified anhydrous ammonia inspector is authorized to issue a certificate of compliance to an anhydrous ammonia facility.

Subp. 2. **Certification card.** A certified anhydrous ammonia inspector, when conducting an inspection, must have in possession a valid certification card issued by the commissioner and must present it upon demand of the commissioner or upon demand of an owner or authorized agent of an anhydrous ammonia facility.

Subp. 3. **Certification not transferable.** Anhydrous ammonia inspector certification is not transferable to another individual. Certified anhydrous ammonia inspectors shall perform only inspections of anhydrous ammonia facilities permitted by the commissioner.

Subp. 4. **Issuance of certificate.** The certified anhydrous ammonia inspector must not issue a certificate of compliance unless the facility is in full compliance.

1514.0300 ANHYDROUS AMMONIA INSPECTOR CERTIFICATION.

Subpart 1. **Certification.** An applicant for an anhydrous ammonia inspector certification must be certified by the commissioner if the applicant meets the requirements of subparts 2 to 5 or 8. Upon certification, the commissioner shall issue the certified anhydrous ammonia inspector a certification card. If an applicant fails to pass any stage of the certification process, the applicant must not be certified, but is eligible to restart the certification process from the beginning.

Subp. 2. **Qualifications.** To be eligible to apply to be a certified anhydrous ammonia inspector, an applicant must meet the following requirements:

A. At a minimum, the applicant must have a high school diploma or GED and five years of experience working in at least two of the following areas:

- (1) handling anhydrous ammonia systems;
- (2) inspecting anhydrous ammonia systems;
- (3) maintaining anhydrous ammonia systems; or
- (4) installing anhydrous ammonia systems.

B. An individual seeking certification under this part must apply to the commissioner, on forms approved by the commissioner, to receive an anhydrous ammonia inspector certification and must submit proof of previous experience as specified in item A.

Subp. 3. **Classroom training.** The applicant must attend classroom training as approved by the commissioner. The classroom training must consist of basic safety requirements and a review of all anhydrous ammonia requirements in chapter 1513 and Minnesota Statutes, chapters 18C and 18D. The classroom training must be at least 16 hours in length and must include lectures, demonstrations, course review, and a final written examination.

Subp. 4. **Written exam.** In order to be certified as an anhydrous ammonia inspector, the applicant must pass a written examination required as part of the classroom training under subpart 3.

Subp. 5. **Practical training and skills test.** After completing the classroom training as required under subpart 3, and passing a written examination as required by subpart 4, an applicant must complete a practical training and skills test. The practical training must be at least eight hours in length and must include demonstrations, information on conducting anhydrous ammonia inspections, and inspection policies and procedures. The skills test must require the applicant to demonstrate the applicant's understanding and ability to conduct anhydrous ammonia inspections. An applicant must pass the practical training and skills test in order to complete the certification process.

Subp. 6. **Training partners.** The classroom training, written exam, and practical training and skills test must be offered by the commissioner or through a partner that the commissioner approves, or both. The commissioner is responsible for making available a list of partners to all applicants.

Subp. 7. **Attempts to pass and time limits.** Applicants have an 18-month time period and a total of three attempts to pass both the written examination and the practical training and skills test from the date that the applicant completes the classroom training required under subpart 3. If the applicant is unable to pass the written examination and both the classroom and practical training and skills test within the 18-month time period, the applicant must restart the certification process from the beginning by retaking the classroom training required under subpart 3.

Subp. 8. **Reciprocal certification agreements.** If classroom training, a written examination, or a practical training and skills test is offered by another jurisdiction or organization and is determined by the commissioner to be equal in standards to Minnesota's anhydrous ammonia inspector certification training and examination

requirements, the commissioner may waive all or part of the training and examination requirements provided for in subparts 2 to 5. For the purposes of this subpart, the commissioner shall only approve a classroom training program, a written examination, or a practical training and skills test that is offered by another jurisdiction or organization if the classroom training program, written examination, or practical training and skills test meets or exceeds the applicable requirements in subparts 3 to 5.

1514.0400 RECERTIFICATION OF CERTIFIED ANHYDROUS AMMONIA INSPECTOR.

A. A certified anhydrous ammonia inspector must recertify at least once in a two-year period by taking recertification training approved by the commissioner. The recertification training must consist of a review of anhydrous ammonia safety issues and requirements of chapter 1513 and Minnesota Statutes, chapters 18C and 18D. The recertification training course may be up to eight hours in length, and must include lectures, demonstrations, and a course review.

B. If an individual fails to recertify the individual's inspector certification by March 1 of the individual's recertification year, the individual is no longer certified.

1514.0500 REVOCATION OR SUSPENSION OF ANHYDROUS AMMONIA INSPECTOR CERTIFICATION.

Subpart 1. **Authority.** The agency retains all enforcement, revocation, suspension, and inspection authority as stated in chapter 1513 and Minnesota Statutes, chapters 18C and 18D. Any violations of the statutes and rules listed in this subpart are grounds for certification revocation.

Subp. 2. **Return of certificate.** If the commissioner revokes a certification, the individual must return the certification card to the agency. The agency must receive the certification card within ten business days of the date of revocation.

Subp. 3. **Satisfaction of judgment.** An applicant for a certified anhydrous ammonia inspector certification or a certified anhydrous ammonia inspector must not allow a final judgment against them arising from a violation of any provision in chapter 1513 or Minnesota Statutes, chapter 18C or 18D, to remain unsatisfied. An applicant who fails to satisfy a final judgment within 30 days must be removed from the certified inspector application process. If a certified anhydrous ammonia inspector fails to satisfy a final judgment, the commissioner must suspend the inspector's certification.

1514.0600 REQUIREMENTS RELATING TO NOTIFICATION, INSPECTION, AND ISSUANCE OF CERTIFICATE OF COMPLIANCE.

Subpart 1. **Notification.** If a compliance inspection is scheduled to occur, the anhydrous ammonia facility may notify the commissioner of that inspection no more than 30 days prior to the day of the inspection. If notified, the agency must not conduct a routine inspection of the anhydrous ammonia facility during the 30 days prior to the scheduled compliance inspection and the 30 days after completion of the initial inspection.

Subp. 2. **Required elements of inspection.**

A. When conducting an inspection, the certified anhydrous ammonia inspector must:

- (1) conduct an initial inspection and record all noncompliance issues present at the time of inspection;
- (2) provide the facility a copy of the recommended compliance schedule, as provided by the commissioner, to address noncompliance issues;
- (3) issue certificates of compliance to anhydrous ammonia facilities that are in full compliance; and
- (4) maintain inspection and certification records for three years from the date of issuance of the certificate of compliance.

B. Upon request from the commissioner, a certified anhydrous ammonia inspector must provide inspection and certification records to the commissioner.

C. The certification process must be completed within eight months, starting on the date of the initial inspection and ending with the issuance of the certificate of compliance to the facility by the certified inspector.

Subp. 3. **Responsibilities of inspected facility.** The owner or authorized agent of an anhydrous ammonia facility must:

A. document corrections of noncompliance issues on forms provided by the commissioner;

B. provide documentation to the certified anhydrous ammonia inspector that all noncompliance issues have been addressed; and

C. submit the certificate of compliance to the commissioner within two weeks of receiving the certificate of compliance.

EFFECTIVE DATE. Parts 1514.0100 to 1514.0600 are effective June 1, 2016.