

## CHAPTER 18D

### CHEMICAL LIABILITY

18D.01 Definitions.

18D.105 Corrective action orders.

18D.1052 Land application of agricultural

chemical contaminated soil and other media.

**18D.01 DEFINITIONS.***[For text of subs 1 to 3, see M.S.1994]*

Subd. 3a. **Contaminated media.** "Contaminated media" means any soil, water, sediment, debris, or other material which contains an agricultural chemical at a concentration that may cause unreasonable adverse effects on the environment and is not the result of a legal use, as determined by the commissioner.

*[For text of subs 4 to 10, see M.S.1994]***History:** 1995 c 95 s 4**18D.105 CORRECTIVE ACTION ORDERS.***[For text of subs 1 to 3, see M.S.1994]*

Subd. 3a. **Passive bioremediation.** Passive bioremediation must be considered for pesticide and fertilizer cleanups whenever an assessment of the site determines that there is a low potential risk to public health and the environment. The assessment may include the soil types involved, leaching potential, underlying geology, proximity to ground and surface water, and the soil half-life of the pesticides.

*[For text of subd 4, see M.S.1994]***History:** 1995 c 95 s 5**18D.1052 LAND APPLICATION OF AGRICULTURAL CHEMICAL CONTAMINATED SOIL AND OTHER MEDIA.**

Subdivision 1. **Application of contaminated media.** The commissioner may, upon request, provide a written authorization to a responsible party, owner of real property, or other person, for land application of contaminated media. A written land application request must be submitted to the commissioner, in a form prescribed by the commissioner, and approved by the commissioner prior to any land application. The commissioner may approve a land application request if the commissioner determines that the land application will not cause unreasonable adverse effects on the environment. An authorization for land application must prescribe appropriate application rates and other operational control practices to protect human health and the environment and must identify each site or sites where land application is authorized to be performed.

Subd. 2. **Exceptions.** A land application specifically allowed under a state or federal permit, license, or other written approval by an authorized state or federal agency is exempt from this section. In the event of an emergency, or for small quantities of contaminated media, as determined by the commissioner, contaminated media may be land applied without prior written approval, providing that the land application is orally approved by the commissioner prior to the application. The commissioner shall confirm the oral approval in writing within three business days of an oral approval.

**History:** 1995 c 95 s 6