

Pesticide and Fertilizer Storage: Permitting Requirements

This fact sheet was prepared by the Minnesota Department of Agriculture to provide information on some of the state requirements for facilities which distribute, handle, use and dispose of pesticides and fertilizers or store them on their premises. This guidance is intended to supplement — not replace — Federal and State Laws.

A BULK AGRICHEMICAL STORAGE PERMIT IS REQUIRED WHEN:

1. You plan to construct a new bulk agrichemical storage facility (whether on existing or new property). *Or*
2. You plan to substantially alter an existing bulk agrichemical storage facility.

MINI-BULK CONTAINERS

Firms who plan to store bulk pesticides in storage containers with a rated capacity of 56 to 499 gallons (otherwise known as “mini-bulk containers”) are not required to obtain a permit. However, the firm is required to comply with all storage and distribution rules for bulk pesticides. (MINNESOTA RULES PARTS 1505.3010 - 1505.3150.) See fact sheet Mini-Bulk Pesticide Storage Requirements 702-REV. 02/06)

DEFINITIONS

Bulk Pesticide

“Bulk Pesticide” means a liquid pesticide that is held in an individual container with a pesticide content of 56 U.S. gallons or more, or 100 lbs. or more net dry weight, including mini-bulk pesticides unless otherwise specified. Only technical grade, formulated grade, and other similar grades are included in this definition. (MINNESOTA RULES PART 1505.3010, SUBP. 3)

Mini-Bulk Pesticide

“Mini-bulk Pesticide” means an amount of liquid pesticide greater than 56 U.S. gallons (211 liters) but not greater than 499 U.S. gallons (1,892 liters), or an amount of dry pesticide greater than 100 lbs.

(45 kilograms) but not greater than 499 lbs. (225 kilograms), that is held in a single container designed for ready handling and transport. (MINNESOTA RULES PART 1505.3010, SUBP. 13)

Liquid Commercial Fertilizer

“Liquid Commercial Fertilizer” means either mixed fertilizer or fertilizer materials distributed in a fluid nonpackaged form, also referred to as Bulk Liquid Fertilizer. (MINNESOTA RULE 1510.0371, SUBP. 7)

Dry Commercial Fertilizer

“Dry Commercial Fertilizer” means either mixed fertilizer or fertilizer materials distributed in a nonfluid nonpackaged form, also referred to as Bulk Dry Fertilizer. (MINNESOTA RULE 1510.0401, SUBP. 3)

Substantial Alteration

“Substantial Alteration” means modifying a bulk agricultural chemical storage facility by:

- (1) Changing the capacity of a safeguard
- (2) Adding storage containers in excess of the capacity of a safeguard as required by rule; or
- (3) Increasing the size of the single largest storage container in a safeguard as approved or permitted by the Department of Agriculture. This does not include routine maintenance of safeguards, storage containers, appurtenances, piping, mixing, blending, weighing or handling equipment. (MINNESOTA STATUTE 18B.01, SUBD. 30A)

Bulk Agricultural Facility

“Bulk Agricultural Facilities” includes facilities that store liquid bulk pesticides, dry bulk pesticides, liquid bulk fertilizers, or dry bulk fertilizers.

HOW TO OBTAIN A PERMIT APPLICATION

Call Greg Harding at 651/201-6274 or visit MDA's web site at <http://www.mda.state.mn.us/mdaforms/ag01074bulk.pdf>.

PERMIT APPLICATION

A permit application must be completed whenever a person constructs or substantially alters a bulk agrichemical storage facility. It is very important that your application is complete with all appropriate questions addressed, all requested information attached and appropriate fee included. The permit fee for a new facility is \$100.00 and the fee for a substantial alteration is \$50.00. Permits are transferable from one firm to another.

Incomplete applications will hold up the permit review process and delay issuance of your permit. If your application is not complete, the additional information will be requested within 30 days of MDA's receipt of the application. The MDA will not permit any storage facility (new or substantially altered) that is not designed and constructed to prevent an incident as defined by rule.

If the appropriate fee is not enclosed, your permit will not be reviewed until full payment is received.

PERMIT CONTINGENCIES

On occasion, a permit will be granted contingent on specific conditions. These will be discussed with you and listed on the permit itself. If contingencies are not followed the permit becomes void.

PERMIT ISSUED

When all the required permit application information has been submitted with the appropriate fee, the MDA will review it to insure compliance with the rules and regulations. If all the requirements are met, MDA will issue a bulk agrichemical storage permit. You will receive the permit by mail. Please post the permit at the site. It is suggested that you make a copy of the permit and keep it in your files for future reference.

PERMIT PENALTIES

If the MDA determines a person has constructed or substantially altered a bulk agrichemical storage facility without a permit, a \$250.00 penalty fee will be assessed. In addition, if a person is storing bulk agrichemicals without a permit, the MDA may initiate enforcement action (which may include financial penalties), or other administrative actions prohibiting the use, storage, handling, and distribution of bulk agrichemicals until compliance with the rules and regulations have been determined.

CONSTRUCTION REFERENCES

The Midwest Plan Service-37 Publication, Designing Facilities for Pesticide and Fertilizer Containment is used as a construction guide when reviewing permit applications and construction plans for items such as concrete specifications and joint design. Please note that some items in this publication do not correspond with Minnesota Rules, therefore, general construction guidelines contained within the Minnesota Statutes and Rules must be followed.

FURTHER INFORMATION

For questions, or to obtain a copy of the Minnesota Rules contact Greg Harding at 651/201-6274 or E-mail greg.harding@state.mn.us.

To obtain a copy of the Midwest Plan - 37, Designing a Facility for Pesticide and Fertilizer Containment document contact: Midwest Plan Service, 122 Davidson Hall ISU, Ames, Iowa 50011. Or to order by phone call 1-800-562-3618.

MDA requests that you consult with your area Agricultural Chemical Investigator or contact Greg Harding when making any changes to a bulk agrichemical facility.