



Minnesota Department of Agriculture Permitting Efficiency and Goal Report

Bulk Agricultural Chemical Facility and Chemigation

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Pursuant to Minn. Stat. § 3.197, the cost of preparing this report was approximately \$500.00.

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Executive Summary

The Minnesota Department of Agriculture (MDA) issues two (2) permits that fall under the reporting requirements of Minnesota Statutes, Chapter 17.03, Subd. 11a. These are the bulk agricultural chemical (pesticide and fertilizer products) storage permit and the chemigation permit. Statewide, 680 bulk agricultural chemical storage permits and 2,503 chemigation permits have been issued by the MDA. The one-time fee for a Bulk agricultural chemical storage permit is \$100 for a new permit. There is a \$50 fee when a firm substantially alters their existing permit. The one-time fee for chemigation permits is \$250 for application of pesticide, or pesticide and fertilizer, or \$50 for fertilizer only.

Average permit issuance times from January 1, 2015 to December 31, 2015 were three (3) days for bulk agricultural chemical storage permits and 22 days for chemigation permits. These times meet the requirements of the authorizing statute and are consistent with past performance.

The MDA is charged with the responsibility of protecting people and the environment by ensuring agricultural chemicals are managed responsibly. The safeguards each program provides are an important part of MDA's mission.

Bulk Agricultural Chemicals

Permits are required for the storage of bulk agricultural chemicals under M.S. Chapter 18B.14 and M.S. Chapter 18C.305. The MDA is required under 18B.14 (pesticide) to issue permits within 30 days after a complete application is received. A permit and safeguard is not required for agricultural commodity producers who store 6,000 gallons or less of liquid commercial fertilizer on their own property for their own use.

From January 1, 2015 to December 31, 2015, the MDA received 34 new and 53 substantial alteration permit applications and issued 87 permits. Average time from receipt of a complete application to issuance was three (3) days.

Several factors enable the MDA to provide prompt turn-around time on bulk agricultural chemical storage permit applications. Experienced MDA staff offer substantial compliance assistance to applicants. The exchange of information with applicants and contractors prior to submission of their permit application makes the process more efficient. When complete permit applications are submitted with all required information, the MDA is able to complete the final review and issue the storage permit in an informed and timely manner.

Chemigation

Permits are required for the application of agricultural chemicals through irrigation systems under M.S. Chapter 18B.08 (pesticides) and M.S. Chapter 18C.205 (fertilizer).

The MDA's chemigation permitting program operates under "permit-by-rule" which allows a person to apply fertilizer and pesticide through irrigation systems provided they submit a complete and accurate permit application, pay the required fee to the MDA, and certify by signature that they have complied with all rule requirements.

From January 1, 2015 to December 31, 2015, the MDA received 259 permit applications and issued 259 permits. Average time from receipt of an application to issuance was 22 days. Two hundred and fifty-seven (257) permits were permitted for fertilizer-only and two (2) were permitted for pesticide and fertilizer.

The MDA issues chemigation permits after complete applications are submitted to the MDA because of the “permit-by-rule” process. Applicants submit a “permit-by-rule” application to the MDA and certify on the application that they meet the rule and pay the fee.

The MDA then sends a confirmation letter to the applicant with a permit number and the applicant is considered permitted. Incomplete applications are usually resolved by the MDA staff contacting the applicant by phone or email.

Introduction

Protection of the environment from the contamination from agricultural chemicals has been recognized by the Minnesota Legislature since the late 1970s. Rules for the storage of dry and liquid bulk fertilizer were adopted by the Department in the 1970s. Significant amendments to the Minnesota Pesticide Control Law (M.S. 18B) and the Fertilizer, Soil Amendment and Plant Amendment (M.S. 18C) occurred in 1989 with the adoption of the Minnesota Groundwater Act of 1989 and the subsequent rules that were adopted by the MDA in the early 1990s.

Statute requires a responsible person to obtain a permit from the MDA before storing agricultural chemicals or chemigation. Rules adopted under statute provide technical, performance-based requirements for compliance.

The MDA works toward the goal of issuing permits in the least amount of time necessary while ensuring environmental protections comply with the rules and statutory requirements.

Background

Bulk Agricultural Chemicals

The MDA operates the bulk agricultural chemical permitting program with 1.5 FTE and a 0.2 FTE administrative assistant. The MDA has standardized the permit application process to eliminate unnecessary and duplicative forms. Once a permit application is received with the required one-time fee, \$100 for a new site and \$50 for a substantial alteration of an existing site, the permit application is reviewed for completeness and the responsible person is informed of any deficiencies or additional information needed.

In some instances, construction drawings are either absent or lack sufficient detail to make an approval determination. These drawing are required to insure that construction will protect the environment in the event a release of agricultural chemicals occurs. There is no engineering requirement; however, in certain instances the MDA recommends that a civil engineer be consulted to address complex structural and foundation issues.

A new permit application and fee must be submitted when a storage site changes ownership. The MDA reviews the old permit and the new permit and then informs the responsible person of any additional information necessary for permitting.

All application forms are available online but must be submitted by hard copy.

Chemigation

The MDA operates its chemigation permitting program with a 0.2 FTE administrative assistant and a 0.3 program technical FTE.

Once a complete permit application is received, either online or as a hard copy, with the required one-time fee of \$250 (pesticides, fertilizer and pesticide) or \$50 (fertilizer only), a permit is granted. The MDA notifies the applicant by phone or letter when a permit application is incomplete. Common omissions include: the location of the pivot or chemigation site, a Minnesota Department of Natural Resources water appropriation permit number, and the required fees.

A new operator at an existing permitted location must obtain a new permit. The result is multiple permits for multiple operators at one physical location. The person operating the system is responsible for obtaining the permit and complying with all regulatory requirements.

Permit application, fees and certification can be applied for online at the MDA website, <http://www.mda.state.mn.us>, or by hard copy.

Program Outlook

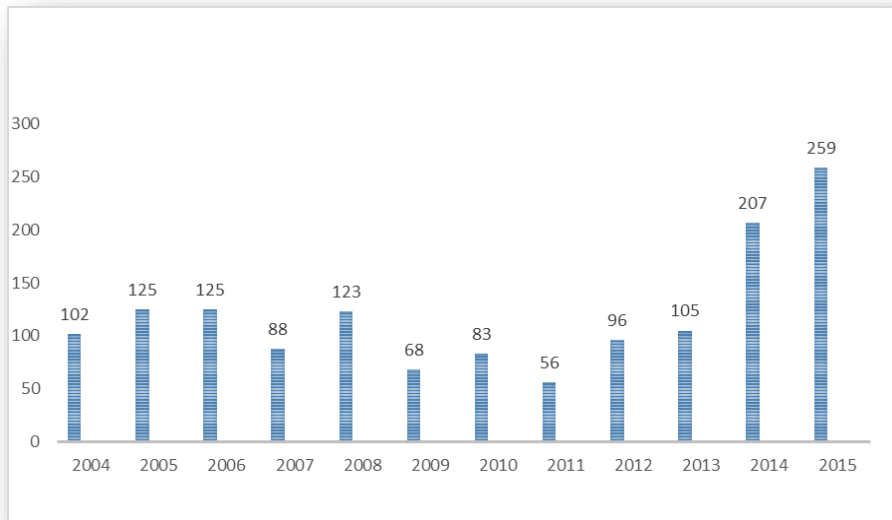
Bulk Agricultural Chemicals

The MDA continues to see larger facilities being built that have increased storage capacity of both liquid and dry agricultural chemicals. These expanding facilities utilize increasingly complex mechanical, equipment, technology and construction techniques.

The MDA would benefit from additional professional resources when conducting the permit review of these complex facility proposals to help determine environmental assurances and structural integrity.

Chemigation

The MDA has received more chemigation permits applications in recent years. The graph below shows the number of chemigation permits issued per year from 2004 to 2015.



The MDA met statutory requirements for issuing chemigation permits, although approval time has increased somewhat from past with the increase in number of permit applications received by the MDA. Each year, the MDA inspects approximately 10% of the newly permitted chemigation systems to determine compliance with Minnesota chemigation laws.