

STATE OF MINNESOTA  
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED RULES )  
OF THE DEPARTMENT OF AGRICULTURE )  
GOVERNING THE STORAGE AND HANDLING )  
OF LIQUID COMMERCIAL FERTILIZER )  
(3 MCAR S 1.0325)

STATEMENT OF NEED  
AND REASONABLENESS

I. INTRODUCTION

The subject of this rulemaking is the proposed adoption by the Minnesota Department of Agriculture of a new rule governing the storage and handling of liquid commercial fertilizer. This rule is proposed for adoption pursuant to Minnesota Statutes section 17.725, Subdivision 1, which authorizes the Department to establish rules for the storage and handling of commercial fertilizers in Minnesota.

Rulemaking on the proposed rule was authorized by the Department on October 28, 1982. The Commissioner of the Minnesota Department of Agriculture determined that the proposed adoption of this rule would be noncontroversial in nature due to consultations with representatives of the fertilizer industry and governmental pollution control officials. Further, the Department received no responses to its notice to solicit outside opinion in this matter. However, due to the provisions of Minn. Stat. section 17.725, subd. 1, a public hearing will be held regarding the adoption of this rule.

The discussion provided in this statement is divided into the following parts:

Part II. General overview

Part III. Need for and reasonableness of the proposed rule

Part IV. Attachments

## II. GENERAL OVERVIEW

### A. The Need for Regulating the Storage and Handling of Liquid Commercial Fertilizer:

In order to understand the need for and reasonableness of this proposed rule, it will be useful to understand the current situation regarding liquid commercial fertilizers in Minnesota. Prior to 1982, the Department's jurisdiction extended primarily to fertilizer products themselves rather than to the condition of facilities in which they were produced. Facilities storing and handling liquid commercial fertilizers were not under the inspection or permitting authority of any agency of the state for purposes related to Minnesota Statutes Sections 17.711 to 17.729. In 1982, amendments to Minnesota Statutes sections 17.711 to 17.729 were passed which gave the Department of Agriculture new regulatory and inspection authority over these facilities. This move by the Legislature was prompted in part by the fact that within the preceding two years there have been approximately 20 releases of commercial fertilizers from facilities, about 15 of which have been releases of liquid commercial fertilizers. Laboratory tests subsequent to these releases, caused primarily by human error and equipment failure, have shown that surface and ground water in some cases had been adversely affected. Because of this and because of the Department's expertise in the area of agricultural chemicals, the Legislature accorded to the Department the new responsibility to approve fertilizer storage and handling facilities in addition to its prior responsibility for assuring fertilizer product quality.

The proposed rule is necessary for the Department to carry out its statutory responsibility to approve liquid commercial fertilizer storage and handling facilities. Based on administrative experience with releases of liquid commercial fertilizers as well as knowledge of fertilizer materials, the Department has become increasingly aware of the types of maintenance, safeguards and operations that will reduce the number of incidents and minimize their impact on human life, property and the environment when they do occur. The rule is also necessary to respond to public concern about such releases of liquid commercial fertilizers. It has been the Department's administrative experience that through field inspections and education of plant operators, the number of incidents will likely be decreased. The provisions in the rule are reasonable because they have been informally discussed with and agreed to by representatives of the fertilizer industry, other governmental agencies and fertilizer experts at the University of Minnesota.

Under the authority granted by Minnesota Statutes section 17.719, Subd. 4, the Department has begun to inspect liquid commercial fertilizer facilities and equipment to ensure that the provisions of Minnesota Statutes sections 17.711 to 17.729 are met. By the promulgation of this rule, the Department wishes to clarify for persons operating facilities its procedures for administering the 1982 additions to the law and to ultimately reduce the potential for incidents which will cause hazards to people's lives, adjoining property or the environment.

B. Format of the Proposed Rule:

The proposed rule is set forth in the following manner:

Authority and purpose; definitions; approval of facility and equipment; previously established facilities; variances; maintenance and operations; safeguards; markings; incidents; exempt facilities; and enforcement.

In this statement, for the sake of brevity, the content of the rule has not been repeated, but the numbers of the parts of the rule have been noted for reference.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULE

The need for and reasonableness of each part of the proposed rule follows.

3 MCAR S 1.0325 A. Authority and Purpose

This section is necessary and reasonable to clarify for readers and users the purpose of this rule governing the storage and handling of liquid commercial fertilizers used for agricultural purposes and the authority by which the commissioner proposes the adoption of the rule.

3 MCAR S 1.0325 B. Definitions

This part of the rule sets forth the definitions of terms used in the rule which are necessary to clarify meanings for readers and users of the rule. They are reasonable terms because they are terms familiar in the fertilizer industry. Some of the definitions were incorporated from Minnesota Statutes section 17.713, while the following definitions were included and developed specifically for this rule.

The definition of "appurtenances" is necessary to identify the scope of plumbing equipment included under the provisions of this rule. The definition of "department" is necessary to identify the lead state agency in the event of an incident. The definition of "facility" is necessary because it clarifies the parameters of the storage and handling site subject to approval and inspection by the commissioner. The definition of "incident" is necessary because it clarifies the scope of occurrences that might cause the release of liquid commercial fertilizers. The definition of "incident notification sign" is necessary to clarify that these signs are issued by the Department to assure uniformity of notification when an incident occurs. The definition of "liquid commercial fertilizer" is necessary because it clarifies the product subject to the provisions of this rule.



The definition of "responsible party" is necessary to identify the person who is responsible either to clean up the incident himself or to authorize others to do so. The definition of "safeguards" is necessary to clarify the criterion that containment systems must meet. The definition of "storage container" is necessary to distinguish between two storage methods: tanks and delivery equipment used for storage. The definition of "substantially altering" is necessary because it identifies the type of facility modifications that require the Department's approval.

### 3 MCAR S 1.0325 C. Approval of Facility and Equipment

This part of the rule contains two sections, the first pertains to the approval of new plants and the second pertains to the inspection of both newly approved and existing plants. The first section is authorized by Minnesota Statutes section 17.7155 and is necessary to assure that facilities built to handle and store liquid commercial fertilizers are adequate. The type of information the Department will require of applicants is contained in Attachment A. This information will be verified by a Department inspector before approval is granted. While certain information will always be required by the Department, it is impossible to specify by rule all the information that may be required in particular cases because the technology in the industry is changing so rapidly that different information could well be required for each individual facility.

The second section of this part of the rule is necessary to inform persons operating facilities that the commissioner will act when inspection reveals that safeguards are insufficient to protect against hazards. The course the commissioner will follow is contained in Minnesota Statutes section 17.728, which is referenced in the rule.

Both sections of this part of the rule are reasonable because they are of benefit to industry, the public, and the environment. When liquid commercial fertilizer facilities are properly constructed, maintained, and operated, persons operating them suffer less financial loss from product loss, the health of the public is better protected, and adverse effect on the environment is minimized where not eliminated altogether.

### 3 MCAR S 1.0325 D. Previously Established Facilities

This part of the rule is necessary to inform persons operating liquid commercial fertilizer facilities established prior to the adoption of this rule of the schedule by which the commissioner will review and approve such facilities. Prior to 1982, many such facilities were issued permits by the Minnesota Pollution Control Agency and the renewal schedule for these facilities was the same as the one presented here. In 1982, the Minnesota Legislature gave the Department of Agriculture the responsibility to approve facilities for storing and handling commercial fertilizers and the two agencies have concurred that the same renewal schedule will be used for the Department of Agriculture's approvals.

The schedule is reasonable because the oldest facilities are required to seek approval from the commissioner first, due to their greater potential for creating hazards to human life, adjoining property or the environment. This phased renewal schedule will be less of a burden to newer facilities more recently approved, and also be less of a burden to the Department of Agriculture because inspection and administrative work will be spread out over a period of time rather than causing backlogs which would be further burdensome to the industry.

### 3 MCAR S 1.0325 E. Variances

This part of the rule is necessary to inform persons applying for approval of a new or substantially altered facility that a variance from certain parts of the rule may be requested provided that the variance meets both of the following criteria: adherence to the rule would cause economic hardship and the requested use does not constitute a hazard to people's lives, adjoining property or the environment. Minnesota Statutes section 15.0412, subd. 1a. permits a department to issue variances to rules provided that such criteria are provided in the rule.

Variances are reasonable because they will provide a method for persons operating a liquid commercial fertilizer facility to present additional evidence that compliance with the rule might be an economic hardship and non-compliance would not create hazards to human life, adjoining property or the environment. It is further reasonable that the Department provide the person requesting a variance a response within a prescribed time frame.

### 3 MCAR S 1.0325 F. Maintenance and Operations

This part of the rule contains five sections. The first section, regarding the maintenance and operation of the facility and its safeguards and equipment, is necessary to inform persons operating facilities of a general standard for conducting operations.

The second section of this part of the rule, regarding provisions for the proper maintenance of above-ground piping, is necessary because liquid fertilizers flow through pipes, and a rupture to such pipes would result in an incident. Thus, it is important that such piping be protected from possible damage.

The third section of this part of the rule, regarding the location and operation of main valves, is necessary because if the main valve is located near the source of the liquid commercial fertilizer, in the event of an incident, less of the liquid commercial fertilizer will be released than if the main valve were located along a pipe. It is necessary also that the main valve be locked or shut down when the facility is unattended in order to protect against possible vandalism. It is reasonable to permit persons operating the facilities either to lock the main valve in some manner or to put up fencing around the facility to prevent tampering when the facility is unattended.

The fourth section of this part of the rule, regarding the protection of appurtenances from rust and corrosion, is necessary because fertilizers are generally rather corrosive materials. If rust is not held in check, a rupture is possible which would result in an incident.

The fifth section of this part of the rule regarding the requirements that storage container areas must be kept free of clutter including grass and weeds is necessary to prevent, when possible, a fire-related incident. It is also necessary to keep the area around facilities free of clutter and debris so that this material will not interfere with emergency personnel in the event of an incident.

All of the provisions in this part of the rule are reasonable because they will prevent the industry from losing product or having to pay the clean up costs of incidents, and they will prevent, insofar as equipment goes, damage to the environment.

### 3 MCAR S 1.0325 G. Safeguards

This part of the rule requiring the installation of safeguards is necessary to prevent the escape into the environment of the liquid commercial fertilizer should a rupture in equipment occur and to minimize the possible damage to the environment should an incident occur. It is also necessary that the capacity of the safeguard system be as large as the capacity of the largest tank so that if any of the smaller tanks rupture, the product would be containable because there is adequate capacity. It is not likely that more than one tank would rupture at a time, thus this standard should be sufficient for containment.

This requirement is reasonable because the safeguards will protect the environment, and will also mean less product loss to industry since liquid commercial fertilizers can be recovered from safeguard systems without loss of effectiveness.

### 3 MCAR S 1.0325 H. Markings

This part of the rule contains three sections. The first section regarding the label on each storage container is necessary because it is a requirement of Minnesota Statutes section 17.716, subd. 5, and it aids employees of the facilities in avoiding incorrect formulations of fertilizers. These markings are particularly important so that individuals responding in an emergency who may not be familiar with the liquid commercial fertilizers will be able to accurately identify the product when notifying emergency personnel of an incident.

The second section of this part of the rule, regarding the requirement that the identification sign be placed conspicuously in the facility, is necessary so that any individual, whether familiar or unfamiliar with the facility and its operations, can alert a representative of the facility in the event of an incident or other emergency. It is a reasonable requirement so that action can be taken quickly even if the facility is unattended.

The third section of this part of the rule regarding the incident notification sign is necessary to identify for employees of the facility emergency personnel to contact in the event of an incident. It is reasonable to provide for a uniform method of response to incidents so that potential hazards to people's lives, adjoining property or the environment are reduced.

### 3 MCAR S 1.0325 I. Incidents

This part of the rule is necessary to inform persons owning or operating a liquid commercial fertilizer facility in Minnesota of their statutory responsibility under Minnesota Statutes section 17.7285 if an incident should occur and clarifies the role of the Department and other state agencies in responding to incidents.

It is reasonable to have such procedures in order to expedite the containment and clean up of the result of the incident and ultimately minimize the cost of clean up and hazards to people's lives, adjoining property, or the environment.

It is also necessary and reasonable that the Department clarify the extent of its liability with respect to incident clean up or containment for the information of all parties involved in an incident.

### 3 MCAR S 1.0325 J. Exempt Facilities

This part of the rule exempting anhydrous ammonia facilities and portable or nonstationary tanks is necessary because the provisions in this rule for liquid commercial fertilizer are not applicable in these two instances. Although anhydrous ammonia is a liquid under pressure, it is a gas under normal atmospheric conditions and it requires different handling, equipment and safeguards. It is also currently subject to other rules of the Department. It is not reasonable to have the provisions of this rule regarding liquid commercial fertilizer apply to this fertilizer because it is a substantially different substance.

It is necessary and reasonable to exempt portable and nonstationary tanks from the provisions of this rule, since they are mobile units and would not have permanent piping, appurtenances or safeguards requiring maintenance and operating procedures as outlined in this rule.

### 3 MCAR S 1.0325 K. Enforcement

This section of the rule is necessary to inform persons operating facilities subject to this rule of the commissioner's intent to act and procedures for the commissioner's action in instances where provisions of this rule are not met. Further, it is necessary to inform persons operating liquid commercial fertilizer facilities of their rights should they fail to meet the requirements of the rule.



This section is reasonable since the persons are entitled to know the consequences of failing to meet the provisions of the rule and are also entitled to know that the commissioner will proceed in the same fair manner, affording opportunities for hearings before canceling approvals, when provisions of this rule are not met.

#### IV. ATTACHMENTS

The following attachments are related to the material in this statement and are appended.

Attachment A - Questions to be asked on the Application for Approval of a Liquid Commercial Fertilizer Facility

Attachment B - Sample "Incident Notification Sign" for Liquid Commercial Fertilizer Facilities

Attachment C - Memorandum of Understanding Regarding Procedures for Handling Pesticide and Plant Food Emergencies

Attachment D - Existing Diking Requirements of the Minnesota Pollution Control Agency

Attachment E - Proposed Rules of the Minnesota Pollution Control Agency Relating to Storage of Liquid Substances Capable of Polluting Waters of the State (Draft, November, 1981)

QUESTIONS TO BE ASKED ON THE APPLICATION FOR APPROVAL OF A LIQUID COMMERCIAL FERTILIZER FACILITY

- 1) Firm making application: Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone No. \_\_\_\_\_
- 2) Firm who will operate facility: Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone No. \_\_\_\_\_
- 3) Firm who will construct/install/modify site:  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone No. \_\_\_\_\_
- 4)  New  Existing  Substantially Altering
- 5) Location of site: County \_\_\_\_\_ City \_\_\_\_\_ Township \_\_\_\_\_  
 (Legal Description \_\_\_\_\_  
 \_\_\_\_\_?)
- 6) Does this construction/installation/modification require a local permit?  
 Yes  No If yes, submit a copy.
- 7) Size of lot owned or leased: \_\_\_\_\_
- 8) Surface water (give approximate distance to nearby lake, stream, drainage ditch, or storm drain into which liquid could flow, and identity of same):  
 \_\_\_\_\_  
 \_\_\_\_\_
- 9) Soil and groundwater conditions (state general soil type at the site such as clay, gravel, sand, loam, peat, etc.; and type and proximity of wells on or near the site):  
 \_\_\_\_\_  
 \_\_\_\_\_
- 10) Nature of terrain (check one):  
 Level area  Hilltop  Hillside or steep slope  
 Slight slope  Valley  Natural depression with no outlet

11) Number and capacity of storage containers:

New \_\_\_\_\_; Existing \_\_\_\_\_;  
Substantially Altering \_\_\_\_\_

12) Type of storage containers (*steel, poly, etc.*): \_\_\_\_\_  
\_\_\_\_\_

13) Type of safeguard (*check one*):

Dike, describe in detail: \_\_\_\_\_  
\_\_\_\_\_

Other, describe in detail: \_\_\_\_\_  
\_\_\_\_\_

*NOTE: Provide drawing or pictures of similar safeguards if possible.*

14) Submit three (3) scale drawings of the facility, including other storage containers and buildings.

15) Submit a plumbing diagram showing location and type of pumps and valves used to control all transferring.

16) Is there an existing contingency plan with the local fire and law enforcement personnel? (*check one*)

Yes, briefly describe and indicate how often it is tested and reviewed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No (If a contingency plan does not exist, one should be established within 90 days of the completed construction.)

**MEMORANDUM OF UNDERSTANDING**  
**REGARDING PROCEDURES FOR HANDLING PESTICIDE AND PLANT FOOD EMERGENCIES**

It is recognized that pesticides, including but not limited to, insecticides, herbicides, rodenticides, fungicides, and plant food materials (fertilizers), including anhydrous ammonia, may be hazardous to the safety of the public and the environment when involved in an emergency situation. It is further recognized that appropriate, efficient procedures and plans must be implemented as rapidly as possible with the occurrence of an emergency involving these materials. It is recognized that a clear understanding of respective agency responsibilities will hasten implementation of such procedures and plans.

The purpose of this Memorandum of Understanding is to establish and clarify procedures to be followed by state agencies upon the occurrence, or threat of occurrence, of accidents, spills, fires, floods, poisonings, exposures, leaks, or other similar emergencies involving pesticides and plant food materials (fertilizers).

- 1) There is hereby established an "Agricultural Chemical Emergency Response Team". This team shall be composed of representatives of each of the following agencies:

Minnesota Department of Agriculture

Minnesota Pollution Control Agency

Minnesota Department of Natural Resources

Minnesota Department of Health

Minnesota Division of Emergency Services (Department of Public Safety)

Minnesota Department of Transportation

- 2) The Minnesota Department of Agriculture is hereby designated as the lead coordinating agency for the Agricultural Chemical Emergency Response Team. The department shall be responsible for the coordination of plans and procedures to deal with pesticide and fertilizer emergencies.
- 3) Government regulatory agencies and affected industry will be notified of the contents of the Memorandum by the lead coordinating agency.
- 4) The lead coordinating agency shall immediately contact all team members upon notification of an emergency.
- 5) Any Emergency Response Team member shall immediately notify the lead coordinating agency as to the occurrence of an emergency.
- 6) The lead coordinating agency may call upon other appropriate local, state, and federal agencies for assistance in the handling of such emergencies.
- 7) The Minnesota Department of Agriculture shall be a designated agent of the Minnesota Pollution Control Agency, pursuant to Minnesota Statute 115.061, regarding this type of emergency. This will facilitate a coordinated response to the emergency.



- 8) The Emergency Response Team shall develop guidelines and procedures for the implementation of practical and efficient measures to handle emergencies when they occur.
- 9) Responsibilities and procedures outlined herein shall be effective immediately upon the signing of this Memorandum of Understanding by all agencies, and shall remain in effect until January 1, 1983. At least thirty (30) days prior to January 1, 1983, the representatives to the Agricultural Chemical Emergency Response Team shall meet to discuss continuation, modification, or termination of this Memorandum of Understanding.
- 10) In the event of a "large scale" emergency, such as a fire involving large quantities of pesticides, a predetermined organizational structure shall go into effect in order to respond to the situation in the most efficient manner.
- 11) As soon as possible, after each "large scale" emergency, the lead coordinating agency shall conduct a debriefing session.

FOR MINNESOTA DEPARTMENT OF AGRICULTURE:

  
Commissioner

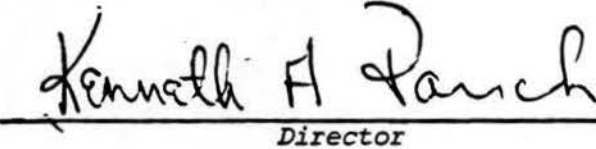
1/4/82  
Dated

FOR MINNESOTA DEPARTMENT OF NATURAL RESOURCES:

  
Commissioner

6 Jan 82  
Dated

FOR MINNESOTA DIVISION OF EMERGENCY SERVICES:

  
Director

1/6/82  
Dated

FOR MINNESOTA POLLUTION CONTROL AGENCY:

  
Executive Director

1/6/82  
Dated

FOR MINNESOTA DEPARTMENT OF HEALTH:

  
Commissioner

Jan 15, 1982  
Dated

FOR MINNESOTA DEPARTMENT OF TRANSPORTATION:

  
Commissioner

1/13/82  
Dated

**ORGANIZATIONAL STRUCTURE**  
**FOR HANDLING "LARGE SCALE" EMERGENCIES INVOLVING PESTICIDES AND FERTILIZERS**

It is recognized that preplanning and assignment of various responsibilities is very desirable when dealing with a "large scale" incident involving many people and agencies. The following officers are named and understand their duties described below prior to the incident. Along with a lead officer, a secondary officer shall also be named. In most or all cases, the secondary officer should be from a different agency (to encourage interaction and cooperation). There is an alternate individual named for each lead and secondary officer.

ADMINISTRATIVE AND PUBLIC INFORMATION OFFICER Named from MDA (a high level administrator). Secondary officer from MPCA. Will be charged with the overall handling of the incident on the state level. Responsible for the following:

- 1) Shall make initial contacts with involved individuals to set guidelines for the clean up.
- 2) Shall maintain contacts with local officials, state officials, federal officials, and the Governor's Office, giving up-to-date progress reports as needed.
- 3) Shall deal with the affected parties on major items of concern resulting from the emergency (time schedule, financial responsibility, etc.).
- 4) Shall be the only state official designated to provide information to the news media. Media contacts to other officers or state agencies represented within this Memorandum shall be referred to this individual. This individual shall receive information from the FIELD OFFICER IN CHARGE and other field staff.
- 5) Shall make the final decision regarding disposal or other areas where there may not be complete agreement among state agencies. This would involve consultation with administrators of the other involved state agencies.
- 6) Shall coordinate with the Division of Emergency Services (Public Safety) in developing requests for financial assistance from the Executive Council.

FIELD OFFICER IN CHARGE Named from MPCA. Secondary officer from MDA. Will spend most of the time immediately following the incident on the site or at the state agency command post. Responsible for the following:

- 1) Shall direct operations at the site so that decisions and directions made by members of the organizational structure are carried out.
- 2) Shall report to and regularly update the administrative officer.
- 3) Shall coordinate activities of the officers named herein.

- 4) Shall communicate with pollution control personnel, on both the local and federal level, when involved at the site.
- 5) During the Incident. The fire department and the responsible party are responsible for containment and minimizing environmental contamination at the scene of an incident. If the fire department is not trained in this area, the FIELD OFFICER IN CHARGE, if present, shall direct containment and/or other measures in cooperation with the fire department. In the case of a fire, this may involve plugging drains or sewers, diking, and reducing the amount of water used. Thus, the FIELD OFFICER IN CHARGE should have contacts for heavy equipment, pumps, tanker trucks, etc.
- 6) Following the Incident. After the fire department has left, it is up to the responsible party to maintain containment and minimize pollution. The responsible party shall also take the necessary steps to insure proper clean-up and disposal of the materials involved (includes, but not limited to, concentrated pesticides, contaminated soil, building debris, and runoff water).
- 7) Shall determine which products can be salvaged for subsequent sale or use. May be necessary to place stop sale on damaged or contaminated products such as feeds, fertilizers, pesticides, or seeds.
- 8) Shall maintain a single log of all samples collected and laboratory reports. All samples taken for laboratory analysis during and after the emergency will be channeled through the FIELD OFFICER IN CHARGE on duty.
- 9) Shall check with the Minnesota Department of Transportation, Hazardous Waste Section, concerning transportation of debris.

SAFETY OFFICER Named from MDH.

- 1) During the Incident. MDH SAFETY OFFICER will be at the scene of the incident and shall advise the fire department and/or FIELD OFFICER IN CHARGE in the following areas:
  - A) The protection of firefighters and other emergency and/or containment personnel from exposure through use of proper equipment.
  - B) The determination of need for evacuation of the surrounding area.
  - C) The monitoring of the exposure and decontamination of emergency and/or containment personnel.
  - D) The monitoring of area security.
  - E) The notification of local hospitals to prepare them for possible affected individuals.

The fire department may not be trained in the above areas. If present during the incident, the SAFETY OFFICER shall direct the above in cooperation with the fire department.



- 2) Following the Incident. After the fire department has left, it is up to the responsible party to maintain the security of the area. The SAFETY OFFICER shall work with the FIELD OFFICER IN CHARGE to see that this is done. During containment and clean-up operations the SAFETY OFFICER shall monitor the use of proper safety equipment. The SAFETY OFFICER shall also monitor the exposure and decontamination of all persons involved.

ENVIRONMENTAL OFFICER Named from the DNR. Secondary officer from MPCA. The ENVIRONMENTAL OFFICER shall assist and advise the FIELD OFFICER IN CHARGE regarding environmental concerns. Responsible for the following:

- 1) During the Incident.
  - A) The assessment of drainage and/or runoff patterns from the site to public water.
  - B) The collection of samples to determine if materials from the site have entered public waters.
- 2) Following the Incident.
  - A) The assessment of environmental damage.
    - a) Kills or contamination of fish and wildlife.
    - b) Damage to fish and wildlife habitat.
  - B) Assist in sampling to determine the kinds and amounts of materials that may have left the site.
  - C) Advise as to likely effects of proposed disposal practices on fish and wildlife or their habitat.

RESOURCE OFFICER Named from Division of Emergency Services, DPS. Secondary officer from DOT, Office of Rates and Regulations. Responsible for the following:

- 1) Upon notification by the lead agency, or incident/accident responder, the Division of Emergency Services Duty Officer or designee will back-up lead agency and notify all other agencies or team responders on the call list.
- 2) Upon completion of the call list, DES will inform the lead agency as to the status of notification and the availability of the State Emergency Operation Center for use as the incident/accident command post if needed.
- 3) Shall log all data, information, requests, and notifications that have been directed to the Division of Emergency Services.
- 4) Shall assist the lead agency in preparation of financial requests under Minnesota Statutes Chapter 9, if assistance is appropriate.
- 5) Shall prepare status reports as needed.
- 6) Shall provide a complete log of DES activities/actions to the lead agency and initial team responder.

TRANSPORTATION OFFICER Named from DOT. Secondary officer from MDA. Will spend most of the time immediately following the incident on the site or at DOT headquarters. Responsible for the following:

- 1) Shall coordinate with the lead agency, the transportation of hazardous material or contaminated debris from the incident site to its final destination (hazardous waste disposal site, land application site, etc.).

**LARGE SCALE EMERGENCIES OFFICERS FOR 1982 SHALL BE AS FOLLOWS:**

**LEAD OFFICER**

**SECONDARY OFFICER**

**ADMINISTRATIVE AND PUBLIC INFORMATION OFFICER:**

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(24 Hr. Emergency Response:  
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**ALTERNATE:**

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LEAD OFFICER

SECONDARY OFFICER

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Monitoring and Control Unit  
Fish and Wildlife Division  
Department of Natural Resources  
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Home Phone: (612) 436-5405

Marvin Hora, Head  
Monitoring and Toxic Substances Unit  
Pollution Control Agency  
1935 West County Road B2  
Roseville, Minnesota 55113  
Office Phone: (612) 296-7396  
Home Phone: (612) 574-9879

ALTERNATE:

David Zappetillo  
Monitoring and Control Unit  
Fish and Wildlife Division  
Department of Natural Resources  
Third Floor, Centennial Building  
St. Paul, Minnesota 55155  
Office Phone: (612) 296-2835  
Home Phone: (612) 770-6695

Harold Wiegner  
Pollution Control Specialist  
Pollution Control Agency  
1935 West County Road B2  
Roseville, Minnesota 55113  
Office Phone: (612) 296-7320  
Home Phone: (612) 457-8571

RESOURCE OFFICER:

Duty Officer  
Office Phone: (612) 778-0800

Richard E. Moulton  
Hazardous Materials Safety Committee  
Department of Public Safety  
Division of Emergency Services  
B-5 State Capitol  
St. Paul, Minnesota 55155  
Office Phone: (612) 296-0459



LEAD OFFICER

SECONDARY OFFICER

*ALTERNATE:*

Pete Marcotte  
Hazardous Materials Specialist  
Minnesota Department of Transportation  
Room 404  
Transportation Building  
St. Paul, Minnesota 55155  
*Office Phone:* (612) 296-8958  
(612) 296-7115  
*Home Phone:* (612) 689-4768

Ray Jones  
Hazardous Materials Specialist  
Minnesota Department of Transportation  
Room 404  
Transportation Building  
St. Paul, Minnesota 55155  
*Office Phone:* (612) 296-8958  
(612) 296-7115  
*Home Phone:* (612) 257-6588

*TRANSPORTATION OFFICER:*

Pete Marcotte  
Hazardous Materials Specialist  
Minnesota Department of Transportation  
Room 404  
Transportation Building  
St. Paul, Minnesota 55155  
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(612) 296-7115  
*Home Phone:* (612) 689-4768

Dave Dally  
Pesticide Control Specialist  
Agronomy Services Division  
Minnesota Department of Agriculture  
90 West Plato Boulevard  
St. Paul, Minnesota 55107  
*Office Phone:* (612) 297-2528  
*Home Phone:* (612) 459-6486

*ALTERNATE:*

Ray Jones  
Hazardous Materials Specialist  
Minnesota Department of Transportation  
Room 404  
Transportation Building  
St. Paul, Minnesota 55155  
*Office Phone:* (612) 296-8958  
(612) 296-7115  
*Home Phone:* (612) 257-6588

**AGRICULTURAL CHEMICALS EMERGENCY RESPONSE CALL LIST**

**PRIMARY LIST**

**MINNESOTA DEPARTMENT OF AGRICULTURE**

David W. Dally.....	Office	(612) 297-2528
	Home	(612) 459-6486
Larry P. Palmer.....	Office	(612) 297-2530

**MINNESOTA POLLUTION CONTROL AGENCY**

Dick Kable.....	Office	(612) 296-7235
	Home	(612) 434-6547
Bob Dullinger.....	Office	(612) 296-7367
	Home	(612) 699-9487
Kevin Faus.....	Office	(612) 296-7709
	Home	(612) 872-7847
24-Hour.....		(612) 296-7373
Air Quality.....		(612) 296-7371

**MINNESOTA DEPARTMENT OF PUBLIC SAFETY, EMERGENCY SERVICES DIVISION**

Emergency Services 24-Hour.....		(612) 778-0800
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**MINNESOTA DEPARTMENT OF TRANSPORTATION**

Pete Marcotte.....	Office	(612) 296-8958
	Home	(612) 689-4768
Ray Jones.....	Office	(612) 296-7115
	Home	(612) 257-6588

**MINNESOTA DEPARTMENT OF TRANSPORTATION, EMERGENCY OPERATION CHIEF**

Dennis Springer.....	Office	(612) 296-3072
	Home	(612) 455-6771
24-Hour.....		(612) 296-3334

**MINNESOTA DEPARTMENT OF HEALTH**

David Gray.....	Office	(612) 296-5352
	Home	(612) 699-7004
Charles Schneider.....	Office	(612) 296-5335
	Home	(612) 560-6543
Larry Gust.....	Office	(612) 296-5325
	Home	(612) 789-2610

**MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

Howard Krosch.....	Office	(612) 296-0778
	Home	(612) 436-5406
Dave Zappetillo.....	Office	(612) 296-0783
	Home	(612) 770-6695

<b><u>NATIONAL RESPONSE CENTER</u></b> .....		1-(800) 424-8802
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AGRICULTURAL CHEMICALS EMERGENCY RESPONSE CALL LIST  
SECONDARY LIST

AMERICAN RED CROSS

Disaster Personnel..... (612) 291-6787

UNITED STATES COAST GUARD..... (612) 725-7452

UNITED STATES FISH AND WILDLIFE SERVICE

Regional Office..... (612) 725-3585

Environmental Field Office..... (612) 725-7131

CHEMTREC..... 1-(800) 424-9300

UNITED STATES FOOD AND DRUG ADMINISTRATION..... (612) 725-2121

MINNESOTA POISON CONTROL CENTER..... (612) 347-3141

TELEPHONE NUMBERS FOR PESTICIDE MANUFACTURERS ARE ON FILE WITH THE MINNESOTA DEPARTMENT OF AGRICULTURE, (612) 297-2528.

MINNESOTA POLLUTION CONTROL AGENCY  
REGIONAL OFFICES

REGION I - DULUTH

John Pegors, Regional Director	314 West Superior Street
Robert Beresford, Reg. Specialist	1015 Torrey Building
Tim Jusick, Reg. Specialist	Duluth, Minnesota 55802
Lyle Hobbs, Reg. Specialist	(218) 723-4660
Helen Phillips, Secretary	Tie Line: 8-101-4660

Counties: Aitkin, Carlton, Cook, Itasca, Koochiching, Lake, St. Louis

\*\*\*\*\*  
REGION II - BRAINERD

Larry Shaw, Regional Director	304 East River Road
Don Adams, Reg. Specialist	Suite 3
Stan Kalinoski, Reg. Specialist	Brainerd, Minnesota 56401
Shirley Martin, Secretary	(218) 828-2492
	Tie Line: 8-111-2492

Counties: Benton, Cass, Chisago, Crow Wing, Isanti, Kanabec, Mille Lacs, Morrison, Pine, Sherburne, Stearns, Todd, Wadena, Wright

\*\*\*\*\*  
REGION III - DETROIT LAKES

Willis Mattison, Regional Director	116 East Front Street
Larry Olson, Reg. Specialist	Detroit Lakes, Minnesota 56501
John Matlock, Reg. Specialist	(218) 847-2164
Sharron Ross, Secretary	Tie Line: 8-175-76

Counties: Becker, Beltrami, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnomon, Marshall, Norman, Ottertail, Pennington, Polk, Pope, Red Lake, Roseau, Stevens, Traverse, Wilkin

\*\*\*\*\*  
REGION IV - MARSHALL

Larry Johnson, Regional Director	Box 286
Hank Steffen, Reg. Specialist	1104 East College Drive
Mark Oemichen, Reg. Specialist	Marshall, Minnesota 56258
Sharry Vandewiehle, Secretary	(507) 537-7146
	Tie Line: 8-105-7146

Counties: Big Stone, Chippewa, Cottonwood, Jackson, Kandiyohi, Lac Qui Parle, Lincoln, Lyon, McLeod, Meeker, Murray, Nobles, Pipestone, Redwood, Renville, Rock, Swift, Yellow Medicine

\*\*\*\*\*  
REGION V - ROCHESTER

Larry Landherr, Regional Director	1200 South Broadway
Dave Read, Reg. Specialist	Suite 140
Don Abrams, Reg. Specialist	Rochester, Minnesota 55901
Cory Landgren, Reg. Specialist	(507) 285-7343
Carol Vandavelde, Secretary	Tie Line: 8-103-7343

Counties: Brown, Blue Earth, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, LeSueur, Martin, Mower, Nicollet, Olmsted, Rice, Sibley, Steele, Wabasha, Waseca, Watonwan, Winona

\*\*\*\*\*  
METRO COUNTIES: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington

MINNESOTA DEPARTMENT OF NATURAL RESOURCES  
REGIONAL OFFICES

**METRO**

Howard F. Krosch or David Zappetillo  
Monitoring and Control Unit  
Fish and Wildlife Division  
Department of Natural Resources  
Third Floor, Centennial Building  
St. Paul, Minnesota 55155

Office: (612) 296-2835  
Home (Krosch): (612) 436-5405  
Home (Zappetillo): (612) 770-6695

**REGION #1**

Department of Natural Resources  
Route #5, Box 4A  
Bemidji, Minnesota 56601

North Star Network No.: 110-3959  
Direct: (218) 755-3959

**REGION #2**

Department of Natural Resources  
1201 East Highway #2  
Grand Rapids, Minnesota 55744

North Star Network No.: 117-344  
Direct: (218) 326-0311

**REGION #3**

Department of Natural Resources  
424 Fronts  
Box 648  
Brainerd, Minnesota 56401

North Star Network No.: 111-2624  
Direct: (218) 828-2624

**REGION #4**

Department of Natural Resources  
Highway #15 South, Box 756  
New Ulm, Minnesota 56073

North Star Network No.: 172-225  
Direct: (507) 354-2196

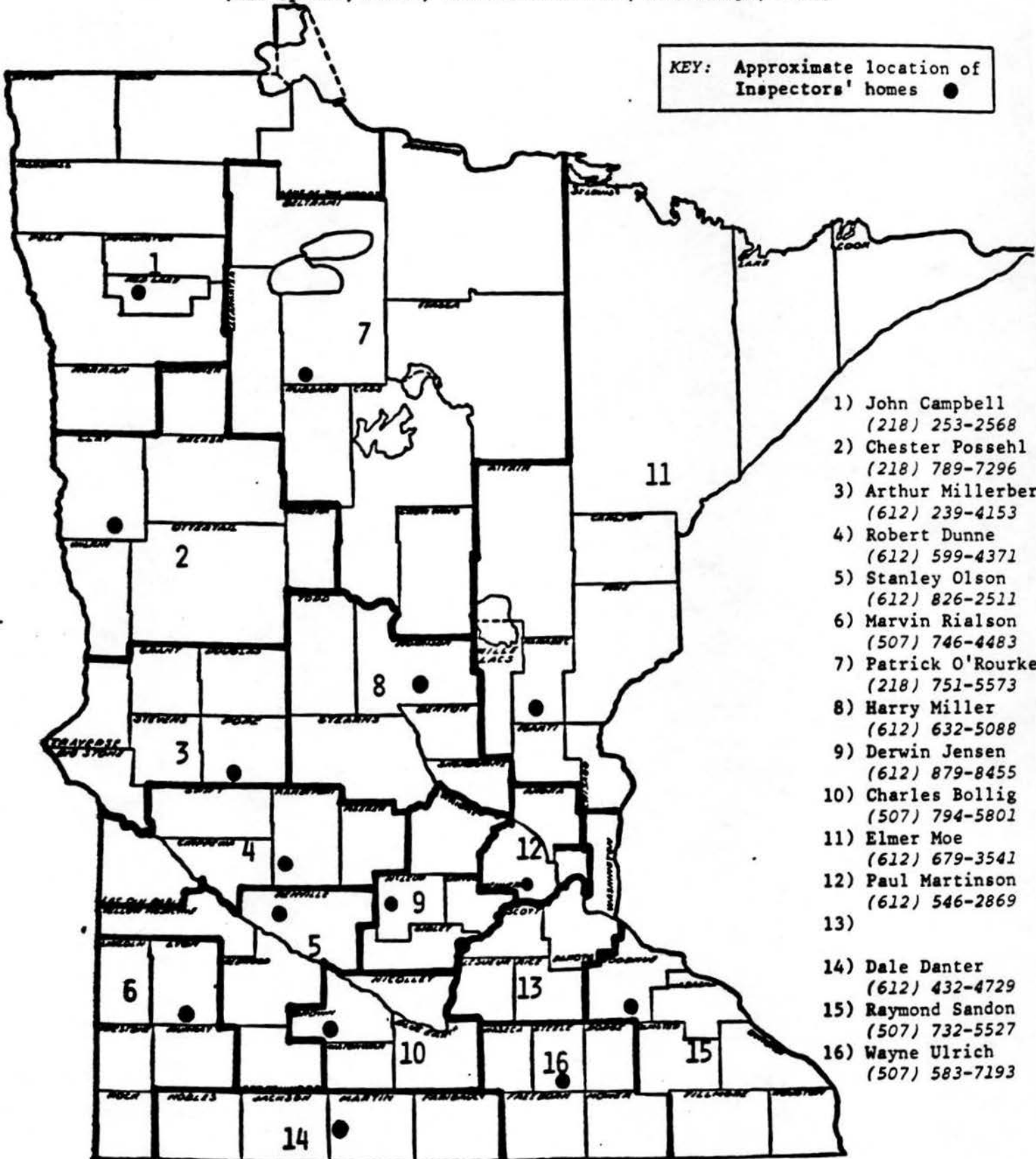
**REGION #5**

Department of Natural Resources  
2300 Silver Creek Road  
Rochester, Minnesota 55901

North Star Network No.: 103-7340  
Direct: (507) 285-7340



PERSONS TO CONTACT IN A FERTILIZER OR PESTICIDE EMERGENCY  
 (All Spills, Fires, Vehicle Accidents, Poisonings, Etc.)



KEY: Approximate location of  
 Inspectors' homes ●

- 1) John Campbell  
(218) 253-2568
- 2) Chester Possehl  
(218) 789-7296
- 3) Arthur Millerber  
(612) 239-4153
- 4) Robert Dunne  
(612) 599-4371
- 5) Stanley Olson  
(612) 826-2511
- 6) Marvin Rialson  
(507) 746-4483
- 7) Patrick O'Rourke  
(218) 751-5573
- 8) Harry Miller  
(612) 632-5088
- 9) Derwin Jensen  
(612) 879-8455
- 10) Charles Bollig  
(507) 794-5801
- 11) Elmer Moe  
(612) 679-3541
- 12) Paul Martinson  
(612) 546-2869
- 13)
- 14) Dale Danter  
(612) 432-4729
- 15) Raymond Sandon  
(507) 732-5527
- 16) Wayne Ulrich  
(507) 583-7193

IF PROPER PERSON CANNOT BE REACHED, THEN CALL:

MINNESOTA DEPARTMENT OF AGRICULTURE.....(612) 296-6121 (8:00 A.M. - 4:30 P.M.)  
 David W. Dally.....(612) 297-2528 Home: (612) 459-6486  
 Larry P. Palmer

MINNESOTA DEPARTMENT OF AGRICULTURE  
Agronomy Services Division  
District Coordinators

1) John Campbell	Box 308, Red Lake Falls, MN 56750	(218) 253-2568
2) Chester Possehl	Box 277, Baker, MN 56513	(218) 789-7296
3) Arthur Millerbernd	Route #3, Starbuck, MN 56381	(612) 239-4153
4) Robert Dunne	Route #1, Box 78-B, Pennock, MN 56279	(612) 599-4371
5) Stanley Olson	Box 97, Danube, MN 56230	(612) 826-2511
6) Marvin Rialson	Route #1, Garvin, MN 56132	(507) 746-4483
7) Patrick O'Rourke	515 - 20th Street, Bemidji, MN 56601	(218) 751-5573
8) Harry Miller	Route #1, Box 254, Little Falls, MN 56345	(612) 632-5088
9) Derwin Jensen	246 Griffin Avenue, Hutchinson, MN 55350	(612) 879-8455
10) Charles Bollig	108 Woodland Drive, Sleepy Eye, MN 56085	(507) 794-5801
11) Elmer Moe	601 McLean Avenue, Mora, MN 55051	(612) 679-3541
12) Paul Martinson	6500 Phoenix Street, Minneapolis, MN 55427	(612) 546-2869
13)		
14) Dale Danter	16388 Finch Way, Rosemount, MN 55068	(612) 432-4729
15) Raymond Sandon	Route #2, Box 182, Zumbrota, MN 55992	(507) 732-5527
16) Wayne Ulrich	Route #1, Blooming Prairie, MN 55917	(507) 583-7193

\* \* \* \* \*

**NOTE:** See a doctor for medical assistance in the event of suspected human poisoning. The Hennepin County Poison Center can give immediate advice. Call 1-(612) 347-3141 for 24-hour/day service. Be able to furnish information from the label of the product suspected.

Primary contact for Spills or Incidents:

**Pete Marcotte**  
Office: 612-296-7115  
Home: 612-689-4768

**Ray Jones**  
Office: 612-296-7115  
Home: 612-257-6588 (unlisted)

STATE OF  
**MINNESOTA**

MINNESOTA  
DEPARTMENT OF TRANSPORTATION



Transportation Bldg.  
St. Paul, MN 55155

Area # 1  
**Al E. Abrahamson**  
Office: 218-723-4885  
Home: 218-751-1265

Area # 3  
**Bill Pinnell**  
Office: 612-255-4170  
Home: 612-253-7670

Area # 4  
**Walt Baker**  
Office: 218-847-4401  
Home: 218-732-5283

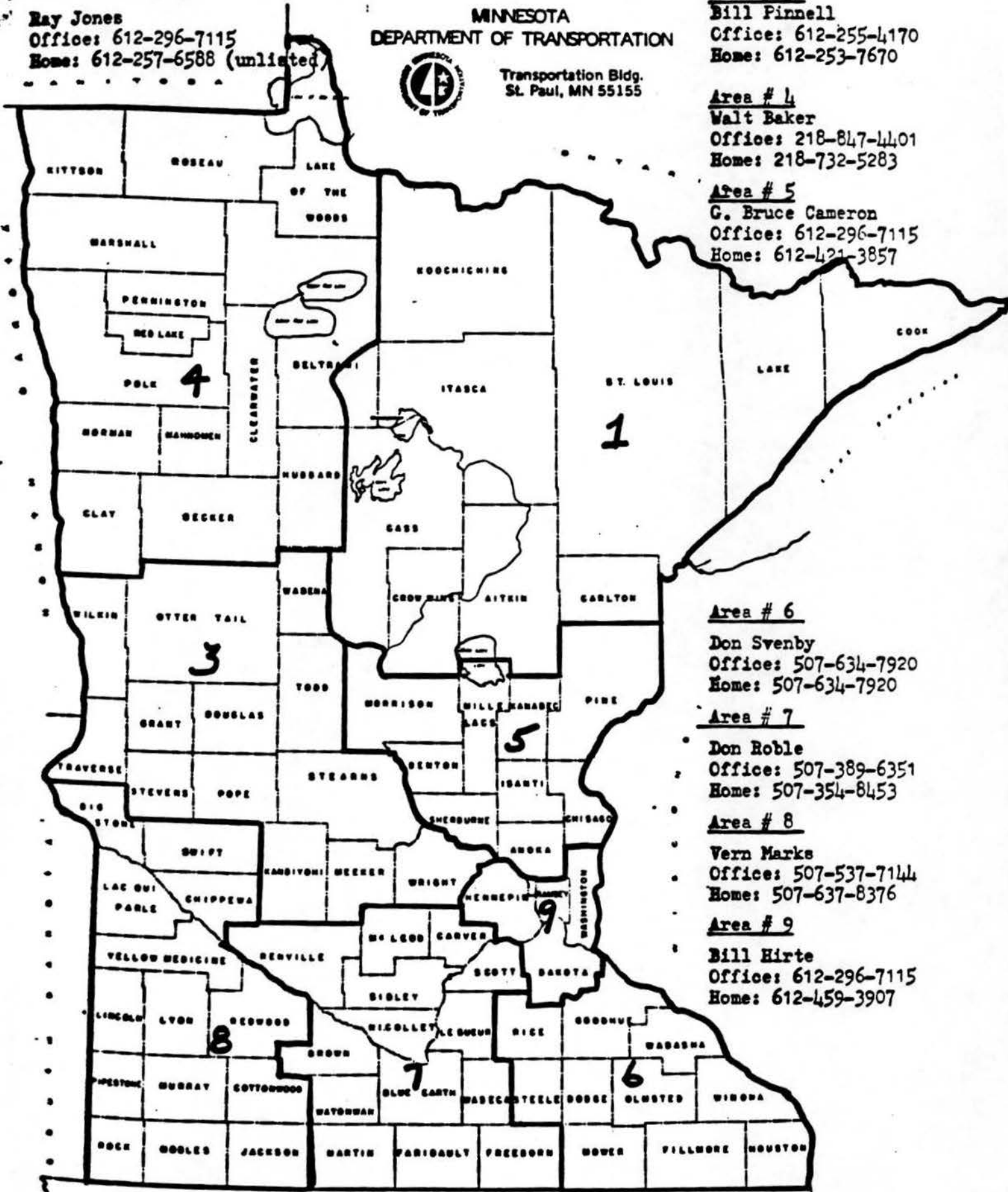
Area # 5  
**G. Bruce Cameron**  
Office: 612-296-7115  
Home: 612-421-3857

Area # 6  
**Don Svenby**  
Office: 507-634-7920  
Home: 507-634-7920

Area # 7  
**Don Roble**  
Office: 507-389-6351  
Home: 507-354-8453

Area # 8  
**Vern Marks**  
Office: 507-537-7144  
Home: 507-637-8376

Area # 9  
**Bill Hirte**  
Office: 612-296-7115  
Home: 612-459-3907



**WPC 4 Regulation Relating to Storage or Keeping of Oil and Other Liquid Substances Capable of Polluting Waters of the State****(a) Definitions**

(1) The definitions given in this section shall obtain for the purposes of this regulation except as otherwise specified or indicated by the context.

(2) "Substance" means any liquid material which might cause pollution of any waters of the state if mixed therewith.

(3) "Safeguard" means a facility or device or any system or combination thereof designed to prevent the escape or movement of any substance or solution thereof from the place of storage or keeping thereof under such conditions that pollution of any waters of the state might result therefrom.

(4) "Site" means any tract or parcel of land, including any constructed storage tank or artificial or natural basin or containment facility, except underground or buried tanks where any substance is stored or kept and which is so located that the escape or movement of such substance or a solution therefrom the site or into the underlying ground might result in pollution of any waters of the state.

(5) "Stored liquid material" means liquid material which is within a container or containment device located within the state other than a mobile type unit while in transit, used for transporting said material from one location to another.

**(b) Prohibition of Storage or Keeping Substances Without Safeguards.** No substance shall be stored, kept, or allowed to remain in or upon any site without reasonable safeguards adequate to prevent the escape or movement of the substance or a solution thereof from the site under any conditions of failure of the storage facility whereby pollution of any waters of the state might result therefrom. It shall be the duty of every owner of such stored substances, or other person responsible therefor, to obtain from the Water Pollution Control Commission a permit for the use of the site for the storage of liquid substances as provided in Section d or Section e.

**(c) Safeguards.** Unless otherwise prescribed by a permit issued under Section d or Section e as hereinafter provided, every safeguard shall comply with the requirements of this section, and shall consist of the following features.

(1) A continuous dike or wall entirely surrounding the site of such dimensions and construction that the emergency storage volume thereby created will be equal to not less than the total capacity of the largest storage tank or other container located within the area enclosed by the dike and will hold securely all of the aforesaid tank contents or any solution thereof in case of any failure of the container and the escape or movement of the substance or solution from its container or place of storage or keeping;

(2) A reasonably impervious bottom under the entire site and enclosure of such construction or composition either natural or artificial as to prevent in case of any failure of the container the seepage, percolation, or other movement of any substance stored or kept on the site or within the enclosure or any solution thereof into the underlying ground in such quantity that substantial pollution of the waters of the state in the vicinity might reasonably be expected to result therefrom under conditions prevailing at the site.

(3) Any alternative method of adequate safeguards submitted by owners of stored liquid substances may be reviewed by the Water Pollution Control Commission. Upon finding that any such alternative safeguards are satisfactory and that they will reasonably protect any waters of the State against pollution by the stored liquid, the Commission may approve the use of said alternate safeguards in lieu of the above standards and may thereafter issue a permit in accordance with Section d or Section e hereunder.

**(d) Permits — Issuance on Application.** On application for a permit by the owner or other person responsible for the keeping or storage of any substance on any site the Water Pollution Control Commission may require plans showing the features and method of operation of existing or proposed safeguards in accordance with these regulations. Such plans must be accompanied by a certification as to the adequacy of such safeguards. The Commission may thereafter issue a permit therefor upon such conditions as it shall prescribe to prevent pollution of any waters of the State by such substance. Such permit shall be subject to modification or revocation by the Commission in like manner as provided by law for permits for the installation or operation of disposal systems or parts thereof.

(1) Before the issuance, denial, revocation or modification of a permit by the Commission any person whose vested rights may be adversely affected thereby shall, upon request therefor, be entitled to a hearing before the Commission for the purpose of presenting evidence thereat. Written notice of the hearing stating the time and place thereof shall be given by the Commission to any person known by it to be directly affected by such action of the Commission either personally or by registered mail not less than 30 days before the date of the hearing.

**(e) Flammable Liquids.** Notwithstanding the provisions of Section d, of these regulations, a permit may be issued to owners of a flammable liquid storage facility upon certification by the Minnesota State Fire Marshal that the requirements of the Minnesota State Fire Marshal's flammable liquids code as amended and Section b of these regulations, have been complied with and are currently being fulfilled.

**(f) Inadequate Safeguards.** In case the Commission shall find that any substance is stored or kept on any site without a safeguard, or that any existing safeguard is inadequate, it may by order require the owner or other responsible person to immediately remove the substance from the site and to refrain from further storage or keeping of any substance therein unless and until an adequate safeguard is provided as hereinbefore prescribed.

**(g) Notice Concerning Loss.** It shall be the duty of the owner of a liquid storage facility or other responsible person in charge thereof to notify the Water Pollution Control Commission at its office in the Minnesota Department of Health Building at the University Campus, Minneapolis, of any loss of stored liquids either by accident or otherwise when such loss involves a liquid substance which would be likely to enter any waters of the state. Said notice shall be by telephone or other comparable means and shall be made immediately upon discovery of the loss. The notification shall include the location and nature of the loss and other pertinent information as may be available at the time.

**(h) Violations.** Violation of any provision of this regulation shall be punishable as provided by law.

**(i) Application.** This regulation shall not apply to the disposal of sewage, industrial waste, or other wastes under permits issued by the Commission as provided by law.

*Adopted by Water Pollution Control Commission, June 26, 1964*

*Filed Secretary of State, July 9, 1964*

*Approved Commissioner of Administration, July 10, 1964*

NOV 20 1981  
.....

## POLLUTION CONTROL AGENCY

**DRAFT**

6 MCAR 4.8004 Rules Relating to Storage of Liquid Substances Capable  
of Polluting Waters of the State.

- A. Purpose. This rule is adopted and promulgated by the agency to implement the provisions of Minn. Stat. ch. 115, as amended, by the establishment of procedures relating to the storage of liquid substances capable of polluting waters of the state.
- B. Definitions. The terms "pollution of water", "water pollution", "pollute the water", "waters of the state", "person", "agency", as well as any other pertinent terms for which definitions are given in Minn. Stat. ch. 115, as amended, shall have the meanings ascribed to them.

For the purposes of this rule the terms defined have the meanings given them.

1. "Barrel" means any storage container having a liquid capacity equal to or less than 55 gallons and not installed in a fixed location.
2. "Director" means the executive director and chief executive officer of the agency.



3. "Portable tank" means any storage container having a liquid capacity greater than 55 gallons and not installed in a fixed location. This definition does not include transformers.
4. "Safeguard" means a facility, device, system, or inspection method designed to prevent the escape or movement of a substance from its storage container or containment device under such conditions that pollution of a water of the state may result.
5. "Site" means any tract or parcel of land where a substance is stored in a storage container or containment device and which is so located that the escape or movement of the substance may result in pollution of a water of the state.
6. "Stored substance" means a liquid material which is within a storage container or containment device located within the state.
7. "Substance" means a liquid material which may cause pollution of a water of the state.

C. Prohibition of storage of a substance without safeguards

1. No substance shall be stored, kept, or allowed to remain in or upon any site without reasonable safeguards adequate to prevent the escape or movement of the substance from the site under any condition of failure of the storage container or containment device where pollution of a water of the state may result.

2. Where storage of a substance is provided in an above ground storage container or containment device, it shall be the duty of the owner of the storage container or containment device or other responsible person to obtain from the agency a permit, as provided in E, for the use of the site for the storage of the substance.
- D. Safeguards. Unless otherwise prescribed by a permit issued under E, safeguards must comply with the requirements of this section.
1. The safeguards for an above ground storage container or containment device must consist of the following features:
    - a. Except sites with barrels containing any substance, a continuous dike entirely surrounding the site must be provided. The emergency storage volume created must be equal to not less than the total capacity of the largest storage container or containment device located within the site enclosed by the dike plus one additional foot of freeboard. Earthen dikes must have slopes no steeper than three horizontal to one vertical to limit erosion and insure structural stability. Non-reinforced concrete blocks are not acceptable as a dike. Vegetation or riprap on the sides of an earthen dike must be provided to prevent erosion. For sites with barrels containing any substance, a curb must be provided in case of the escape or movement of a substance from its barrel.

- b. The bottom under the entire site and the inside slope of the dike must be of such construction or composition as to prevent, in case of any failure of the storage container or containment device, the seepage, percolation, or other movement of a stored substance into the underlying ground. The seepage rate from the bottom and the inside slope of the dike must not exceed 0.125 inches per day for the substance stored. Testing of the permeability must be conducted upon placement of the seal in accordance with the terms and conditions of the permit issued under E.
  
- c. Facilities must be provided to remove uncontaminated water due to precipitation. Any drain must have a manually operated valve. There must be no open drains in the diked area. The bottom under the site must be constructed so that water or the substance does not accumulate at the base of the tank.
  
- d. Safeguards must be provided to prevent the loss of any stored substance from the site in the event of a flood if the site is located in a 100 year flood plain area.
  
- e. When providing safeguards for an existing storage container or containment device, the storage container or containment device may be emptied, cleaned, and inspected by qualified personnel by methods approved by the director in lieu of sealing directly under the storage container or containment

device, as required in b. This testing must be performed once every five years and will be a condition of the permit issued under E. The initial test shall be performed before issuance or reissuance of the permit. The director must be notified within one week of any storage container or containment device failing the prescribed testing. The bottom of the site, except that area directly under the storage container or containment device, must be sealed in accordance with b.

f. Any alternate method of adequate safeguards may be reviewed by the director. Upon finding that any such alternate method of safeguards are satisfactory and that they will reasonably protect the waters of the state against pollution by the stored substance, the director may approve the use of said alternate method of safeguard and may issue a permit in accordance with E.

2. The safeguards for a below ground storage container and appurtenances must consist of the following:

a. Installation of all new or replacement steel storage containers must be protected from corrosion by the use of one or more of the following methods: (1) use of protective coatings or wrappings; (2) cathodic protection; or (3) corrosion resistant materials of construction.

b. Below ground storage containers, except those of fiberglass construction, and all tank appurtenances which have been

installed at the existing site for 15 years or longer must be tested by hydrostatic methods approved by the director. The initial test must be performed within three years of promulgation of this rule and shall be performed at least once every three years thereafter. Storage containers that cannot be tested by hydrostatic methods approved by the director must be tested by alternate methods approved by the director. The director must be notified within one week of any tank or appurtenance failing the prescribed testing.

- c. An inventory must be kept for each storage container at a site. Inventories must be based upon the actual daily measurement of the storage container liquid level and weekly use of a water detection device. The written record of such inventories must include a computation of gain or loss for the period. Inventory records for the previous year must be kept and made available for review upon request of the director. Records of all maintenance performed on the storage container and appurtenances must be kept for a period of three years. The owner of the storage container or other responsible person shall be responsible for immediately notifying the director of any confirmed loss or gain. Upon discovery of a confirmed loss or gain or at any time that any underground storage container or appurtenances are found to be leaking or are reasonably believed to be leaking, it shall be the duty



of the owner of the storage container or other responsible person to have the storage container and appurtenances hydrostatically tested. The results of this test shall be reported to the director within 48 hours of the completion of the test.

**E. Permits**

1. Above ground storage. Upon application for a permit by the owner of the storage container or other responsible person, the applicant shall submit to the director plans showing the features and methods of operation of existing and proposed safeguards. Such plans must be accompanied by a certification as to the adequacy of such safeguards. The agency may thereafter issue a permit prescribing terms and conditions to prevent pollution of a water of the state by the stored substance. The permit shall be issued for a period of ten years. The permit shall be subject to modifications or revocations by the agency.

Permits issued prior to the promulgation of this revised rule expire according to the following schedule:

- a. Permits issued from 1965 through the end of 1973 expire one year from effective date of this rule;
- b. Permits issued from 1974 through May, 1975 expire two years from the effective date of this rule;

- c. Permits issued from June, 1975 through 1977 expire three years from the effective date of this rule;
  - d. Permits issued from 1978 through 1979 expire four years from the effective date of this rule;
  - e. Permits issued from 1980 through effective date of this rule expire five years from the effective date of this rule.
2. Below ground storage. No permit under this rule shall be required for below ground storage containers. This does not relieve the owner of the storage container or other responsible person from providing adequate safeguards.
- F. Notice concerning loss. It shall be the duty of any person to notify the agency of a loss of a stored substance either by accident or otherwise. Said notice must be by telephone or other comparable means and must be made immediately upon discovery of the loss. Written confirmation of the loss must be submitted to the director by the owner of the storage container or other responsible person within five days after the discovery of the loss.
- G. Inadequate safeguards. In case the agency shall find that any substance is stored on any site without a safeguard, or that any existing safeguard is inadequate, it may by written notification from the director require the owner of the storage container or other responsible person to immediately remove the substance from

the site and to refrain from further storage of any substance unless and until adequate safeguards are provided.

H. Exemptions. This rule shall not apply to the following:

1. Site storing a hazardous waste as defined in Minnesota Hazardous Waste Rule 6 MCAR 4.9217(A.5).
2. Storage container or containment device inside a building that has a volume of less than 5000 gallons.
3. Portable tank that has a volume of less than 600 gallons.
4. Barrels stored inside a building.
5. Less than 200 barrels stored on a site outside of a building.
6. Fuel oil tank with less than 600 gallon capacity.
7. Farm fuel tank.
8. Anhydrous ammonia tanks.
9. Liquid fertilizer tank that requires a permit issued by the Department of Agriculture or portable nurse tank. Existing liquid fertilizer tank that does not require a Department of Agriculture permit will require a permit issued in accordance with this rule.

10. Liquid wastes generated by the raising of animals, including animal manures.
11. Wastes discharged pursuant to an NPDES Permit or State Disposal System Permit.
12. Sludge generated from a municipal wastewater treatment facility.
13. Septic tank system.
14. Transformer in service.
15. Uncontaminated water storage tank.
16. A tank truck or railroad car.