

# Chemigation “Permit-by-Rule” Requirements

## CHEMIGATION REGULATORY FACT SHEET #1

### A. Background

Minnesota’s chemigation permit program is administered under “permit-by-rule”.

“Permit-by-rule” means the person wishing to apply fertilizer or pesticides through any system connected to a water supply (well or surface water):

1. Has filed a complete application with the Minnesota Department of Agriculture (MDA) with the required fee of \$50 if applying fertilizer or \$250 if applying pesticide, for each water supply required to be protected by antipollution devices. When making changes to antipollution equipment, notify the MDA of all changes, other than simple maintenance, including replacement of like equipment with like equipment by filing a “substantial alteration” with the MDA. Applications that are not complete will be returned to the applicant for more information. Chemigation is prohibited unless the applicants system is in compliance with Minnesota law or until such time as the MDA is able to determine that the applicants’ chemigation system complies with Minnesota law.
2. Has installed, is inspecting and is maintaining in legal working condition all antipollution equipment:
  - MDA/MDH (Minnesota Department of Health) approved mainline check valve(s)/back flow preventer. All check valves in Minnesota are required to be marked with the Manufacturer, Model, and Date of Manufacture. Check valves must have a legally sized vacuum breaker and low pressure drain based on the size of the check valve. See MDA rule for correct sizes. RPZ back flow preventers must be inspected/maintained only by a person/plumber certified in back flow prevention by the MDH.
  - Injection line check valve to prevent back flow into supply tank and flow of chemigation material unimpeded from the supply tank. The check valve may be located either on the pump outlet/inlet or as a separate check valve attached to the irrigation pipeline AFTER the mainline check valve.
  - Low pressure shutdown switch installed so that a decrease in water pressure (usually from a break or leak) will shut down the water system. Shutdown switches should be set at 30% or less of the system pressure.
  - System interlock between the water system and the injection pump so that when the water system shuts down, the injection system will also shutdown.
  - Note: The following devices must be present:
    - a. A Reduced Pressure Zone (RPZ) antipollution device is installed if the source is public water and potable water supplies; or
    - b. One or more Minnesota Department of Agriculture approved mainline check valves with vacuum breaker and automatic low pressure drain is installed if the source is non-potable water:
      1. A single check valve for a fertilizer only permit; or
      2. Two check valves for a pesticide and fertilizer permit or pesticide only permit.
3. Has complied with both MDA and MDH tank storage and injection setbacks, as required. MDA requires containment if two of the following three occur: the tank is greater than 1500 gallons, the tank is in place for more than 30 consecutive days, the tank is located closer than 100 feet to the well. The MDH requires a minimum setback for a fertilizer Chemigation supply tank of 20 feet from the well.
4. Is keeping the required application records, maintenance records, and inspection records for five years.

All operators of a chemigation system must have a permit and not just the original permittee. This means that a site may have more than one chemigation permit. One for each OPERATOR.

## Inspection and Enforcement

Chemigation systems may be inspected at any time by the MDA. Persons found in violation of Minnesota law will be required to correct their non compliance and/or cease chemigating depending upon the nature of the violation.

In the event that the MDA issues a directive to a person as a result of a violation, the person **MUST** comply with the directive within the time frame directed. This includes the submission of application records within time frames directed by the MDA.

In the event that person does not comply with Minnesota's chemigation law or MDA directives, that person is subject to enforcement action being taken against them, including but not limited to the issuance of financial penalties or non financial penalty actions.

## Compliance Questions and Answers

### Inspection and Compliance Assistance

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### Permitting

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### Supervisor

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## Permit Applications and Fact Sheets

Permit applications, forms & fact sheets may be obtained directly from the MDA website at [www.mda.state.mn.us](http://www.mda.state.mn.us) under the Chemical/Fertilizer/Chemigation Permit Program tab or from MDA staff. Copies of Minnesota's Chemigation Rule may also be obtained under the Chemigation Permit Program tab at the MDA website.