

Seven Steps to a Historical Agricultural Chemical Incident Cleanup

Guidance Document 3

An agricultural chemical incident is the release or threatened release of a pesticide or fertilizer into the environment that may cause adverse environmental effects. The Minnesota Department of Agriculture (MDA) recognizes two types of agricultural chemical incidents which must be reported and cleaned up. The first is a **sudden incident**, such as a container rupture or transportation accident that is easily recognized and often cleaned up with minimal investigation and laboratory analysis.

The second type is considered a **historical incident**, usually discovered by analysis of facility site soils or nearby ground or surface water, or other apparent adverse environmental or public health impacts. These incidents are often caused by small spills occurring over many years of site use and may accumulate over time and eventually cause significant environmental damage. In order to clean up the historical incident, the extent and magnitude of the contamination must be defined first through a remedial investigation.

The Agricultural Chemical Response and Reimbursement Account (ACRRA) is a fund which provides partial reimbursement for clean up costs for agricultural chemical incidents. When a historical incident is discovered, seven steps must be taken to comply with state and federal laws regarding agricultural chemical cleanup and to remain eligible for ACRRA reimbursement.

1. REPORT THE INCIDENT IMMEDIATELY_

(certain exceptions on reporting apply; see MDA guidance document [GD1 Guidance for Reporting Agricultural Chemical Incidents](#)).

All agricultural chemical incidents must be reported to the Minnesota Duty Officer (metro 651/649-5451; non-metro 1-800-422-0798) who refers the incident to the MDA. Notify the MDA of suspected releases including the discovery of product contaminated soils, contaminated wells or surface water, product inventory loss and failed tank or pipeline tests. MDA emergency response personnel will offer assistance to stabilize the incident and may provide oversight for the cleanup of emergency and small incidents.

Generally all other incidents are referred to Incident Response Unit technical staff who assess the relative priority (risk) of the release. The prioritization process, depending on staff workload and completeness of information available, can take several months for a site to be scored and fully evaluated. High priority sites will be requested and if necessary, ordered, to conduct an investigation and clean up. Low priority sites will not be requested to conduct an investigation until MDA staff resources are available. Low priority sites may conduct a

cleanup through the MDA Agricultural Voluntary Investigation & Cleanup (AgVIC) program and still be eligible for partial reimbursement under the ACRRA fund.

2. STOP ANY FURTHER CONTAMINATION OR HAZARD

When a release is discovered, take immediate action if possible to:

- Prevent further release of agricultural chemicals into the environment;
- Reduce the conditions that might present a public health risk or hazard from exposure or fire;
- Remove any other potential sources of further contamination.

3. PERFORM A SITE INVESTIGATION

To conduct most agricultural chemical incident investigations, you need to hire an environmental consultant to do the necessary investigative and cleanup work. Before hiring a consultant, contact your insurance company. If your policy covers this type of incident, your insurance company may hire the consultant. The consultant typically will design and implement a remedial (site) investigation that will define the areas of soil contamination and determine effects on ground

and surface waters. The information from this investigation will help:

- locate and confirm the source of the incident;
- estimate the volume and type of product released;
- assess the magnitude of soil, ground water and surface water contamination; and
- identify migration routes, exposure points and impacts.

A remedial investigation work plan should be prepared by your consultant and submitted to the MDA for review. **The work plan must be approved by the MDA before beginning any work at the site.**

4. SUBMIT A REMEDIAL INVESTIGATION/CORRECTIVE ACTION PLAN (RI/CAP)

Your consultant will evaluate all the information gathered during the site investigation and should discuss appropriate corrective actions with you. Once this is completed, submit a RI/CAP to the MDA for review and approval. The RI/CAP should clearly present the site history and background information, site investigation results, and how the contaminated soil and/or ground water will be cleaned up. The plan should adequately address impacts on and protection of public health and the environment. **The RI/CAP must be approved by the MDA prior to carrying out any corrective actions.**

5. APPLY FOR INITIAL REIMBURSEMENT

Steps one (1) through four (4) listed above are collectively referred to as a Corrective Action Design. After you have completed these steps, which include all necessary MDA approvals, you are eligible to apply to the ACRRRA Board for initial reimbursement of your costs.

6. TAKE CORRECTIVE ACTION

Take corrective action as approved in the RI/CAP. Corrective action includes cleaning up

or minimizing the impact of a release on public health and the environment. Some corrective actions may be taken before or during the initial investigations, while others may take longer to complete because of severe or widespread contamination. Corrective actions may include, but are not limited to, the following:

- excavation or treatment of the contaminated soil;
- installation of ground water treatment systems;
- biological treatment of soil;
- surface water/drainage controls; and,
- restoration of contaminated water supplies

Submit a corrective action report to the MDA. This report is necessary to document the cleanup progress and indicate whether the site cleanup has been adequate to protect public health and the environment.

7. APPLY FOR SUBSEQUENT REIMBURSEMENT

An eligible person may continue to apply for reimbursement of additional costs after approval of the RI/CAP, provided the costs were actually incurred and reasonable, and the actions taken were approved by the MDA. Applications for subsequent reimbursement should be for \$5,000 or more, or submitted one year apart if additional costs are less than \$5,000.

FOR MORE INFORMATION about ACRRRA reimbursement call MDA at (651) 201-6490.

FOR MORE INFORMATION on MDA's Incident Response program or to request a list of Environmental Consultants, call (651) 201-6455

TO REPORT A SPILL OR LEAK call the Department of Public Safety's 24-hour duty officer at 651/649-5451 (metro) or 1-800-422-0798 (non-metro).