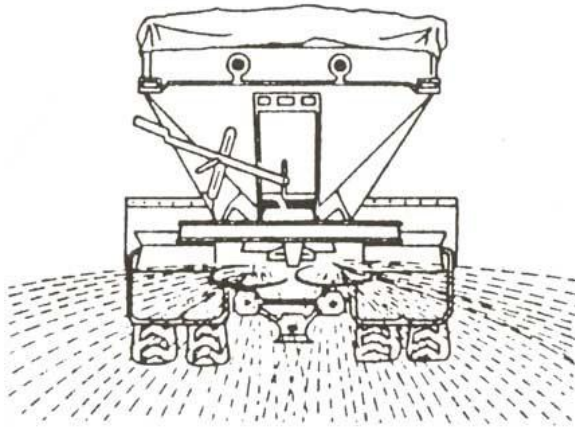


## FERTILIZER PROGRAM

### GOAL:

The South Dakota Department of Agriculture fertilizer program enforces the state Commercial Fertilizer Law ([SDCL 38-19](#)), Soil Amendment Law ([SDCL 38-19A](#)), Anhydrous Ammonia Storage Rules ([ARSD 12:44:03](#)), and Bulk Commercial Fertilizer Storage Rules ([ARSD 12:44:05](#)).



### BACKGROUND:

Approximately 1,400,000 tons of commercial fertilizer is distributed in South Dakota each year. The majority of commercial fertilizer is distributed in bulk form, either dry or liquid.

Approximately 1% of the total tonnage distributed each year is specialty fertilizer – fertilizer for non-farm use such as lawn, garden and household use.

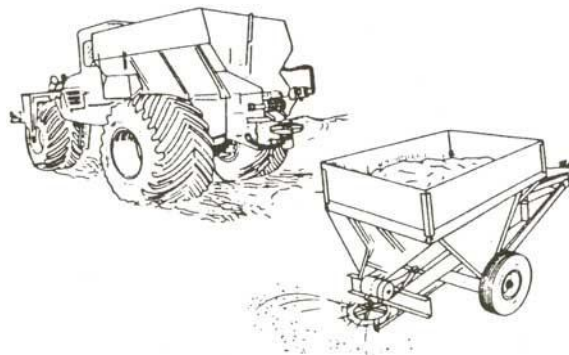
## ENFORCEMENT:

Fertilizer laws and rules are enforced by:

- inspecting and licensing fertilizer distributors
- registering specialty fertilizer products
- registering soil amendment products
- reviewing anhydrous ammonia storage facility locations
- inspecting anhydrous ammonia transfer equipment for proper safety devices
- reviewing construction plans for bulk commercial fertilizer storage facilities
- inspecting bulk commercial fertilizer storage facilities
- sampling fertilizer materials, mixed fertilizer, and custom blends

Official regulatory samples of fertilizer materials and mixed grades are obtained at distribution locations and are analyzed to determine whether dealers are obtaining properly labeled products from suppliers, and whether proper analysis of materials and mixes are available to prepare custom blend products for the farmer or rancher.

Custom blend samples are obtained at blending locations to assure that the farmer or rancher is receiving the plant nutrients he has requested.



SOUTH DAKOTA



DEPARTMENT OF  
**AGRICULTURE**

## REGULATORY REQUIREMENTS:

An annual commercial fertilizer distribution license is required of each person whose name appears on the label of a commercial fertilizer product. The cost of the biennial fertilizer distribution license is \$25.00. Any fertilizer distribution license application for renewal received after January 31 must include a \$25.00 late fee.

In addition to the license fee for distribution of fertilizer, each licensee must file an annual tonnage report and pay an inspection fee of fifteen cents per ton of commercial fertilizer (five cents per ton for manure products) distributed in the state during the past calendar year.

If more than one person is involved in the distribution of a commercial fertilizer, the distributor who imports, manufactures or produces the fertilizer is responsible for payment of the inspection fee. Tonnage reports are due by January 30 of each year. Reports received after this date must include a 10% late fee (minimum \$10).

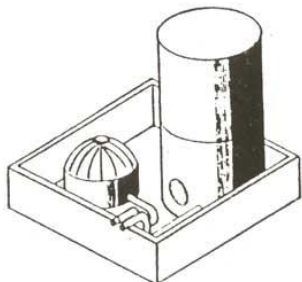
## BULK COMMERCIAL FERTILIZER STORAGE RULES:

Increasing concern for protecting the environment prompted the Department of Agriculture, with the assistance of a responsible industry, to develop a set of Bulk Commercial Fertilizer Storage Rules, effective July 1, 1989.

These rules require that any fertilizer, liquid or dry, that is held for resale in an immediately reusable container, must be stored within secondary containment. The rules apply to fertilizer in undivided quantities greater than 100 pounds net dry weight, or 300 US gallons liquid measure.

Secondary containment is designed to provide protection in case of an accidental release of a fertilizer, and also provide extra safety during normal handling procedures. The secondary containment structure (ie: dike), will prevent both the vertical and lateral movement of fertilizer into the environment.

These rules also require all mixing, loading, and washing of fertilizer and fertilizer equipment be conducted on a concrete pad. In addition, liquid and materials which contain fertilizer must be field applied at normal application rates or used for future mixing.



## BULK COMMERCIAL FERTILIZER CONSTRUCTION REQUIREMENTS:

Bulk Commercial Fertilizer Rules contain the following requirements:

- All fittings which are threaded into storage containers must be constructed of stainless steel;
- Operators of bulk commercial fertilizer storage facilities must file a permit application with the Secretary of Agriculture;
- Operators of bulk commercial fertilizer storage sites must have in place and operational concrete loading, mixing, and washing pads;
- Bulk commercial fertilizer storage sites containing individual tanks with less than 100,000 gallons must have secondary containment, constructed in accordance with the rules; and
- Bulk Commercial fertilizer storage sites containing individual tanks which are 100,000 gallons or more must have secondary containment, constructed in accordance with the rules.

### FOR MORE INFORMATION:

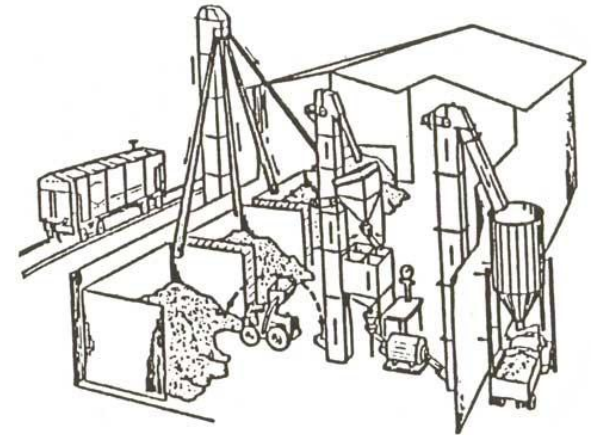
SD Department of Agriculture  
Division of Agricultural Services  
523 East Capitol Ave. – Foss Bldg.  
Pierre, SD 57501-3182  
(605) 773-4432  
(605) 773-3481 (FAX)

Web Address: [http://sdda.sd.gov/Ag\\_Services/](http://sdda.sd.gov/Ag_Services/)

## South Dakota Department of Agriculture

### FERTILIZER PROGRAM

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Office of Agronomy Services  
Division of Agricultural Services