

Dry bulk commercial fertilizer is required to be placed in a covered structure.

Loading or mixing of bulk commercial fertilizers and washing or cleaning application equipment is required to be conducted in a contained area that meets the requirements outlined in state rule. The only exception to this rule is if loading or mixing of commercial fertilizer or washing of equipment is conducted in the field of application.

Bulk commercial fertilizer storage facilities must obtain a permit from the Department of Agriculture prior to operation. These facilities must be constructed and maintained as required by state rule. Manipulated manure or any products derived from manure that are determined to be commercial fertilizer products are required to be stored in facilities that are in compliance with state statute.

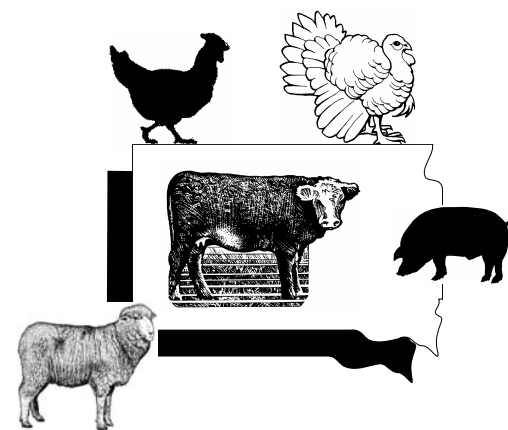
The South Dakota Department of Agriculture administers the regulatory programs in the state pertaining to commercial fertilizer and soil amendments. These programs are designed to provide consumer protection, prevent adverse effect to the environment, and assist the state's fertilizer and soil amendment industry in providing high quality services to the public. The Department of Agriculture encourages anyone that is proposing to distribute animal manure to the public to contact the Department for assistance in complying with state standards.

For More Information Contact:



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DISTRIBUTING MANURE IN SOUTH DAKOTA



**South Dakota
Department of Agriculture**

The fertilizer value of manure has been recognized for centuries. Potential to improve the chemical and physical properties of soil may be realized from manure applications; traditional fertilizer does not usually offer these benefits. Traditional commercial fertilizer is an inorganic salt. Manure is an organic material that when applied to a cropped field has the potential to improve water infiltration, retention, and availability; reduce soil compaction; and increase pH and buffer capacity in soil, in addition to providing plant nutrients. One disadvantage of manure compared to commercial fertilizer is the potential exposure to pathogens that can pose a risk to livestock and human health.

Considering the benefits to crop production, manure presents itself as a marketable commodity for agricultural and non-agricultural uses. Currently, there are a wide variety of fertilizer and soil amendment products derived from animal manure available in today's market. These products target consumer groups ranging from commercial horticultural and agricultural crop producers to individual homeowners. Since these products are marketed as commercial products they are required to comply with state standards regarding storage, handling and distribution. Standards that pertain to commercial fertilizer and soil amendments are designed to provide protection to the fertilizer industry, consumers, and the environment. Compliance with these provisions benefits everyone that manufactures, handles, or uses these products.

As animal feeding operations become larger and more confined the need for additional means of manure disposition has increased and will likely continue to increase into the future. One option is to distribute animal manure to others or manufacture a product derived from manure for distribution.

Generally speaking, state law defines a commercial fertilizer as any substance containing any recognized plant nutrient that is intended for use in promoting plant growth and productivity. Soil amendments are those materials that are intended to improve the condition of the soil, which leads to improvements in plant productivity. Compost is considered to be any

organic residues that have been subjected to aerobic biological decomposition. Unmanipulated animal manure is one of the substances that are exempt from state standards that pertain to commercial fertilizer, soil amendments, and compost. However, when manure is manipulated it must comply with state standards when proposed to be distributed as a commercial product in the state.

Manipulation of manure generally includes any process or treatment that transforms manure from its original form into another form. Manipulation can include (but is not limited to) drying, cooking, grinding, adding other materials, pelletizing, composting, or any other means of transformation.



Once manipulated, manure may be defined as a commercial fertilizer, soil amendment, or compost depending on how the manufacturer or distributor manipulates the manure and presents it to the consumer.

Distribution of manipulated manure in South Dakota may require distributor licensing, product registration, labeling, or a combination thereof depending on the product. The act of distributing includes any activity where ownership is transferred regardless if there is any money that changes hands. A person may be considered a distributor if he is importing, consigning, manufacturing, producing, compounding, mixing or blending, offering for sale, or bartering. Distributing also includes the act of giving the product away; a person may be considered a distributor even though nothing of value is received in return for the material.

Prior to distributing a commercial fertilizer, soil amendment or compost it is required that:

- ◆ The distributor must obtain a commercial fertilizer distribution license from the Department of Agriculture. (Commercial Fertilizer).
- ◆ Register the product with the Department of Agriculture (Soil Amendment).
- ◆ Provide the Department of Agriculture with a copy of the product label either current or proposed (Commercial Fertilizers, Compost [upon request], or Soil Amendments).
- ◆ Provide the Department of Agriculture with any and all materials that will accompany the product when it is distributed. This includes any advertisements, brochures, or any material that refers to the product (Commercial Fertilizer or Soil Amendment).
- ◆ Upon request, provide the Department of Agriculture with scientific proof of any claims made of the product's performance or content (Commercial Fertilizer or Soil Amendment).

The distributor is required to renew licensing and product registrations on a biennial basis. Distributors of all commercial fertilizer, soil amendments or compost are required to submit a report of the amount of each product distributed to the Department of Agriculture on an annual basis. An inspection fee per ton of product sold is assessed on commercial fertilizer, soil amendments, and manure distributed for agricultural use. To find the current fee for Fertilizer and Manure, see [ARSD12:44:06:01](#). Fees for Soil Amendment can be found in [SDCL39-19A-11](#).

Storage and handling of bulk commercial fertilizer must follow the provisions of state law and rule. Bulk commercial fertilizer is any volume of commercial fertilizer that is transported or held for resale in an immediate reusable container in undivided quantities greater than 100 pounds dry or 55 US gallons liquid. Liquid bulk commercial fertilizer stored in permanent tanks is required to be placed in secondary containment with a leak detection system.