

7037.1200 APPLICATION REQUIREMENTS FOR LAND TREATMENT SITES.

Subpart 1. **Land treatment site background information.** The application must contain the following information:

A. name, business name, address, and telephone number for the following persons:

(1) the owner;

(2) any person who is in possession of, has the right of control, or controls the use of real property, including without limitation a person who may be a lessee, renter, tenant, contract for deed vendee, licensee, or occupant, where the land treatment site is proposed;

(3) the operator; and

(4) the person or persons who completed the application;

B. legal description of the real property where the land treatment site is proposed, including quarter section, section, township, range, town or city name, and county; and

C. area of land proposed for land treatment in square feet or in acres to the nearest one-tenth acre.

Subp. 2. **Land treatment site and native soil characterization.** The applicant shall demonstrate that the land treatment site meets the requirements of parts 7037.0900 and 7037.1000 and that the petroleum contaminated soil storage area meets the requirements of part 7037.1000, subpart 6. The application must include the information in items A to I.

A. A Natural Resources Conservation Service soil survey map if the real property where the land treatment site is proposed is located within a county where a soil survey has been conducted. If the property containing the proposed land treatment site has not been mapped by the Natural Resources Conservation Service, an applicant shall submit a comparable map prepared by a soil scientist with mapping experience based on an on-site investigation. The map must show the borders of the land treatment site and the storage areas for petroleum contaminated soil.

B. Information pertaining to the land treatment site and petroleum contaminated soil storage areas obtained from a Natural Resources Conservation Service soil survey report, Natural Resources Conservation Service soil interpretation records, or on-site investigation by a soil scientist, including:

(1) thickness of each soil horizon within the treatment zone;

(2) permeability of each soil horizon within the treatment zone;

(3) percentage of organic matter in the upper eight inches of native soil;

- (4) depth to seasonal high water table;
- (5) depth to bedrock; and
- (6) slope of the land surface.

Subitem (4) need not be included if the land treatment site is drained with a subsurface tile drainage system which is designed according to or equivalent to Natural Resources Conservation Service engineering standards and criteria and is installed at a minimum depth equal to the minimum thickness of the treatment zone as given in part 7037.1000, subpart 5.

When requested by the commissioner, the applicant shall perform an on-site investigation. The commissioner shall require an on-site investigation if the Natural Resources Conservation Service soil survey lacks adequate detail, is out of date, or has historically been inaccurate.

The results of any on-site investigations must be submitted. This information must clearly indicate the methodology used to evaluate the native soil and the results. For sites that are not underlain with tile drainage, this documentation must include the existence, depth, and Munsell color of soil mottles and Munsell color of the soil matrix.

C. A map of the land treatment site, petroleum contaminated soil storage areas, and surrounding area within one-quarter mile of the site. The map must be drawn to a scale not greater than 200 feet per inch and must show the general topography with contours and drainage patterns and the following features, if present:

- (1) lakes and ponds;
- (2) rivers and streams;
- (3) wetlands;
- (4) intermittent streams and drainage ways;
- (5) tile drainage inlets;
- (6) sinkholes, caves, and exposed bedrock;
- (7) potable water supply wells;
- (8) places of habitation;
- (9) recreational areas;
- (10) property lines; and
- (11) any other land treatment site used within the previous five years.

D. A map of the tile drainage system, if present, showing the borders of the land treatment site and storage areas for petroleum contaminated soil.

E. A list of the land treatment sites under item C, subitem (11), with corresponding volumes of petroleum contaminated soil treated at each land treatment site.

F. Information pertaining to the existence of filter strips, if required under part 7037.1000, subpart 2.

G. Information pertaining to run-on prevention, as described in part 7037.1000, subpart 3.

H. A description of any previous use of the land treatment site for treatment or disposal of wastes.

I. A copy of a county plat map or comparable map which provides clear road directions to the land treatment site.

Subp. 3. **Local government notification.** An applicant shall furnish a copy of the application to the county auditor or other person designated by the county board to receive notifications; the city clerk or other person designated by the city council to receive notifications; in the case of towns, the town clerk or town chair as determined by resolution of the town board; and in the case of tribal-owned or Indian-owned land within a reservation, the appropriate official of the tribal authority. An applicant shall provide the commissioner with documentation that the appropriate local government officials have been notified that an application will be submitted to the commissioner for approval of the proposed land treatment site in accordance with the following:

A. signatures of the appropriate local government officials on the application form acknowledging notification; or

B. submittal of a copy of the certified mail return receipt that was sent to the applicant by the appropriate local government officials in response to receiving the application by certified mail.

Subp. 4. **Border marking.** At the time an application to land treat petroleum contaminated soil is submitted to the commissioner, the borders of the proposed land treatment site must be marked on all corners and midway between all corners using conspicuous stakes or flags.

Statutory Authority: *MS s 116.07*

History: *17 SR 2914; L 2015 c 21 art 1 s 109*

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