

USING AND MARKETING DIGESTATE

MANURE MANAGEMENT AND UTILIZATION TECHNOLOGIES (6) – ANAEROBIC DIGESTION TOPICS PART 3

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FERTILIZER PROGRAM GUY

OFFICE OF INDIANA STATE CHEMIST

- ❖ Charge with Governing Indiana Laws and Rules
 - ❖ Fertilizer, Feed, Seed, and Pesticide
 - ❖ The goals of these laws are to:
 - ❖ ensure truth-in-labeling,
 - ❖ food safety,
 - ❖ user safety
 - ❖ protection of our environment.
- ❖ Purdue University – BioChem Building
- ❖ 100% Self-Supporting
 - ❖ Licensing, Product Registration, Tonnage

OISC FERTILIZER

- **Products**
 - ~700 companies
 - ~10,000 products
 - ~1.8 million tons distributed in Indiana.
- **Environment & Safety**
 - **Containment**
 - **Certification**
 - **Use rules**
 - **Anhydrous Ammonia**

WHAT IS A "FERTILIZER"?

- **IC 15-16-2-8 "Commercial fertilizer"**

Sec. 8. As used in this chapter, "commercial fertilizer" means mixed fertilizer or fertilizer materials.

The term does not include **nonprocessed** manure, marl, lime, wood ashes, or plaster

- **IC 15-16-2-11 "Fertilizer material"**

Sec. 11. As used in this chapter, "fertilizer material" means any substance containing nitrogen, phosphate, potash, or any recognized plant nutrient that:

- (1) is used for the plant nutrient content; and
- (2) has nutrient value in promoting plant growth.

The term includes **unmanipulated** animal and vegetable manures.

OISC FERTILIZER USE RULES: 355 IAC 8

- **355 IAC 8-2-16 "Inorganic fertilizer" defined**

Sec. 16. "Inorganic fertilizer" means any fertilizer material:

- (1) manufactured by means of a man-made chemical reaction; and
- (2) that does not contain any plant or animal products, manures, or renderings.

For purposes of this article, urea is considered to be an inorganic fertilizer, not an organic fertilizer.

- **355 IAC 8-2-19 "Organic fertilizer" defined**

Sec. 19. "Organic fertilizer" means any fertilizer material derived from either plant or animal products or manures containing one (1) or more nutrients that are essential for plant growth. For purposes of this article, the term does not include biosolids.

SELLING FERTILIZER

IC 15-16-2-31 Commercial fertilizer; label; application; fee; registration; information; analysis; exemptions

Sec. 31. (a) **Before distributing commercial fertilizer in Indiana**, the person whose name appears on the label of each brand and grade of the commercial fertilizer must submit:

(1) an application for registration to the state chemist on a form furnished by the state chemist; and

(2) the appropriate filing fee set forth in subsection (b).

(b) The filing fee for commercial fertilizers sold in packages weighing more than twelve (12) pounds is twenty dollars (\$20) for each grade of each brand. The filing fee for commercial fertilizers sold in packages weighing not more than twelve (12) pounds is fifty dollars (\$50) for each grade of each brand.

CLAIMS: MADE OR IMPLIED

- Compost
- Composted manure

HOW TO REGISTER A COMMERCIAL FERTILIZER

- Guarantees
- Label
- Inspection Fee \$0.45/ton
 - $8,000,000 \text{ gallons} \times 10 \text{ lbs/gallon} \times 1 \text{ ton}/2,000 \text{ lbs} \times \$0.45/\text{ton} = \$18,000$
- Containment regulations
 - Primary, Secondary, & Operational Containment
 - Dry inside a building

IC 15-16-2-1.5 MANURE BASED FERTILIZER; EXCEPTIONS; RULES

Sec. 1.5. (a) As used in this section, "manure based fertilizer" means processed manure based commercial fertilizer **with a manure content of at least seventy-five percent (75%).**

(b) Except as provided in subsection (c) and sections 35 and 36 of this chapter, this chapter does not apply to manure based fertilizer.

(c) The state chemist shall adopt rules under IC 4-22-2:

- (1) regulating the distribution of manure based fertilizer; and
- (2) establishing fees for the distribution of manure based fertilizer.

As added by P.L.144-2017, SEC.1.

355 IAC 10

DISTRIBUTION OF MANURE BASED FERTILIZER

355 IAC 10-1-1 Applicability

Sec. 1. This article applies to any person that distributes manure based fertilizers:

- (1) in **bulk and with a guaranteed analysis**;
- (2) with a total nitrogen (N) content less than five percent (5%); and
- (3) with the summation of total nitrogen (N), available phosphate (P_2O_5), and soluble potash (K_2O) content less than ten percent (10%).

WHAT IS PROCESSED

355 IAC 10-2-13 "Processed manure" defined

Sec. 13. "Processed manure" means animal manure that has undergone at least one (1) step of physical or chemical processing to change the characteristics of the manure. This does not apply to manure marketed for consideration without a guaranteed analysis.

Examples of manure that has been processed include, but are not limited to, composted, digested, mechanically separated, or pelletized.

MANURE BASED FERTILIZER

355 IAC 10-4-1 Processed manure inspection fee

Sec. 1. (a) The person who distributes manure based fertilizers in Indiana to a person who is not a registrant or permit holder under this article shall pay to the state chemist an inspection fee computed under subsection (b).

(b) The inspection fee charged under subsection (a) is as follows:

- (1) One hundred dollars (\$100) for zero (0) to up to one thousand two hundred fifty (1,250) tons distributed per reporting period.
- (2) Five hundred dollars (\$500) for more than one thousand two hundred fifty (1,250) but less than five thousand (5,000) tons per reporting period.
- (3) One thousand dollars (\$1,000) for more than five thousand (5,000) tons distributed per reporting period.

(c) Sales or exchanges between importers, manufacturers, distributors, or registrants are exempt from the inspection fee.

MANURE BASED FERTILIZER

355 IAC 10-7-1 Storage of manure based fertilizers

Sec. 1. Manure based fertilizers must be stored in a manner that:

- (1) minimizes the release of manure based fertilizer; and
- (2) protects the waters of the state.

Looks just like IDEM's Satellite Manure Storage Structure requirements

MANURE BASED FERTILIZER

- Been in place not quite 1 year
- No one has applied
- Voluntary
 - Only is making claims
 - Only is making guarantees

SO WHAT DO YOU DO & WHAT OISC HAS TO DO WITH IT

- If you have an IDEM Permit = Do what they say
- If you distribute bulk:
 - As manure (no claims or guarantees) => follow OSIC fertilizer use rules
 - With claims or guarantees =>
 - Is it 75% manure based?

QUESTIONS

- Its time for lunch
- www.OISC.purdue.edu