



Pesticide Secondary Containment Fact Sheet

Current as of January 21, 2010

In Florida, liquid pesticide storage tank systems with individual storage tank capacities greater than 550 gallons are regulated by the Florida Department of Environmental Protection (FDEP) under Chapter 62-762 (Aboveground Storage Tank Systems, <http://www.dep.state.fl.us/waste/categories/tanks/pages/761and762.htm>). Secondary containment standards applicable to containers of liquid pesticides are stipulated under Florida's existing rule and will continue to be enforced by FDEP.

Nationally, the U. S. Environmental Protection Agency (EPA) is requiring new secondary containment standards for stationary containers and for pesticide dispensing areas (40 CFR Part 165, Subpart E) (http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr165_main_02.tpl%20). Some of the new standards required by EPA are not currently enforced under the existing rule and therefore, the Florida Department of Agriculture and Consumer Services (FDACS) has adopted by reference certain parts of the Federal rule relevant to secondary containment of containers of dry pesticides and to containment pads of liquid and dry pesticides for pesticide dispensing areas.

The following Federal parts have been adopted by FDACS under Section 5E-2.042, Florida Administrative Code:

40 CFR 1685.80 (b), 165.3, 165.81, 165.82, 165.83, 165.85(a), 165.85(b), 165.85(c)(3) & (c)(4), 165.85(e), 165.85(f), 165.87(a), 165.87(b), 165.87(c)(2) & (c)(3), 165.87(e), 165.87(f), 165.90 and 165.95

This fact sheet summarizes the new secondary containment standards stipulated under the adopted Federal parts, as they relate to stationary containers of dry pesticides and to pesticide dispensing areas.

Definitions: see 40 CFR 165.3

Facilities that Must Comply (165.80(b))

The following facilities/establishments must comply with the regulations in this subpart (affected facilities):

1. Refilling establishments who repackage agricultural pesticides and whose principal business is retail sale
 2. Custom blenders of agricultural pesticides
 3. Businesses which apply an agricultural pesticide for compensation
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Dry Pesticide Containment

Refillable containers that remain at any of the affected facilities/businesses listed above for 30 consecutive days or longer (referred to in this subpart as stationary containers), and that hold undivided quantities of agricultural pesticides equal to or greater than 4,000 lbs of dry pesticide are subject to these regulations and must have secondary containment units that comply with the provisions of this subpart, unless one of the conditions listed under 165.81(b) exists (40 CFR 165.81).

Specific Design Requirements for New Stationary Dry Pesticide Containment (containment structure whose installation began after November 16, 2006) (165.85 (f)):

1. The stationary dry pesticide containers within the containment unit must be protected from wind and precipitation.
2. Stationary dry pesticide containers must be placed on pallets or a raised concrete platform to prevent accumulation of water in or under the pesticide
3. The storage areas for stationary containers of dry pesticides must include a floor that extends completely beneath the pallets or raised concrete platforms holding the stationary dry pesticide containers
4. The stationary dry pesticide container storage area must be enclosed by a minimum of a 6-inch high curb that extends at least 2 feet beyond the perimeter of the container.

Specific Design Requirements for Existing Stationary Dry Pesticide Containment (containment structure whose installation began on or before November 16, 2006) (165.87(f)):

Design requirements for existing stationary dry pesticide containment are identical to those for new dry containment, listed above.

Pesticide Dispensing Areas

Pesticide dispensing areas where any of the activities listed below occur must have a containment pad that complies with the requirements of this subpart (165.82):

1. Refillable containers of agricultural pesticides are emptied, cleaned or rinsed
2. Agricultural pesticides are dispensed from a stationary pesticide container designed to hold undivided quantities of agricultural pesticides greater than 550 gallons of liquid pesticide or equal to or greater than 4,000 lbs of dry pesticide for any purpose, including refilling or emptying for cleaning.
3. Agricultural pesticides are dispensed from a transport vehicle for purposes of filling a refillable container.
4. Agricultural pesticides are dispensed from any other container for the purpose of refilling a refillable container for sale or distribution.

Exemptions (165.82(b)): If the only pesticide in the dispensing area would be gaseous when released at atmospheric temperature and pressure, or, the only pesticide containers refilled or emptied within the dispensing area are stationary containers which are already protected by a secondary containment unit in accordance to this subpart, or, the pesticide dispensing area is used solely for dispensing pesticide from a rail car which remains at the facility less than 30 consecutive days, the pesticide dispensing area would be exempt from the regulations in this subpart.

Capacity Requirements for New Containment Pads in Pesticide Dispensing Areas (containment pad whose installation began after November 16, 2006) (165.85 (c)(3) & (c)(4)):

- New containment pads in pesticide dispensing areas must have a holding capacity of at least 750 gallons, or, 100 percent of the volume of the largest pesticide container or pesticide-holding equipment used on the pad.

Specific Design Requirements for New Containment Pads in Pesticide Dispensing Areas (containment pad whose installation began after November 16, 2006) (165.85 (e)):

New containment pads in pesticide dispensing areas must:

1. Be designed and constructed to intercept leaks and spills of pesticides which may occur in the dispensing area
2. Have enough surface area to extend completely beneath any container on it, with the exception of transport vehicles dispensing pesticides into a stationary pesticide container, in which case, at least the portion of the vehicle where the delivery hose or device couples to the vehicle must be accommodated by the surface area of the containment pad.
3. Allow, in conjunction with its sump, for removal and recovery of spilled, leaked, or discharged material and rainfall, such as by a manually activated pump. Automatically activated pumps which lack automatic overflow cutoff switches are prohibited.
4. Have its surface sloped toward an area where liquids can be collected for removal, such as a liquid-tight sump or a depression, in the case of a single-pour concrete pad.

Capacity Requirements for Existing Containment Pads in Pesticide Dispensing Areas (containment pad whose installation began on or before November 16, 2006) (165.87 (c)(2) & (c)(3)):

- Holding capacity requirements for existing containment pads are identical to those for new containment pads, (750 gallons, or, 100 percent of the volume of the largest pesticide container or pesticide-holding equipment used on the pad).

Specific Design Requirements for Existing Containment Pads in Pesticide Dispensing Areas (containment pad whose installation began on or before November 16, 2006) (165.87 (e)):

- Existing pads are subject to three out of the four design requirements listed above for new containment pads. However, existing pads will not be required to have their surface sloped toward an area where liquids can be collected for removal.

Construction Material Requirements

The following requirements are applicable to both, dry pesticide containment and to pesticide dispensing areas (165.85(a)):

For a new containment structures (dry pesticide containment structure or pesticide containment pad):

1. The containment structure must be constructed of steel, reinforced concrete or other rigid material capable of withstanding the full hydrostatic head, load and impact of any pesticides, precipitation, other substances, equipment and appurtenances placed within the structure. The structure must be liquid-tight with cracks, seams and joints appropriately sealed.
2. The structure must not be constructed of natural earthen material, unfired clay, or asphalt.
3. The containment structure must be made of materials compatible with the pesticides stored.

For an existing containment structure (dry pesticide containment structure or pesticide containment pad):

- Construction material requirements for existing containment structures are identical to those for new containment structures.

General Design Requirements

The following general design requirements are applicable to both dry pesticide containment and pesticide dispensing areas (165.85(b)):

For all new containment structures (dry pesticide containment and pesticide containment pad):

1. Appurtenances and pesticide containers must be protected against damage from operating personnel and moving equipment. Means of protection include, but are not limited to, supports to prevent sagging, flexible connections, the use of guard rails, barriers, and protective cages.
2. Appurtenances, discharge outlets, or gravity drains must not be configured through the base or wall of the containment structure, except for direct interconnections between adjacent containment structures which meet the requirements of this subpart. Appurtenances must be configured in such a way that spills or leaks are easy to see.
3. The containment structure must be constructed with sufficient freeboard to contain precipitation and prevent water and other liquids from seeping into or flowing onto it from adjacent land or structures.
4. Multiple stationary pesticide containers may be protected within a single secondary containment unit.

For all existing containment structures (dry pesticide containment and pesticide containment pad) (165.87(b)):

- General design requirements for existing containment structures are the same as those listed above for new containment structures with the exception that appurtenances, discharge outlets, and gravity drains configured through the base or wall of the containment structure are allowed, but must be sealed.
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Operational, Inspection and Maintenance Requirements (165.90)

The following requirements are applicable to both dry pesticide containment and pesticide dispensing areas.

Owner/operators of new or existing pesticide containment structures must:

1. Manage the structure in a manner that prevents pesticides or materials containing pesticides from escaping the containment structure.
2. Ensure that pesticide spills and leaks on or in any containment structure are collected and recovered in a manner that ensures protection of human health and the environment (including surface water and ground water) and maximum practicable recovery of the pesticide spilled or leaked. Cleanup must occur no later than the end of each day on which pesticides have been spilled or leaked except in circumstances where a reasonable delay would significantly reduce the likelihood or severity of adverse effects to human health or the environment.
3. Ensure that all materials resulting from spills and leaks and any material containing pesticide residue are managed according to label instructions and applicable Federal, State and local laws and regulations.
4. Ensure that transfers of pesticides between containers or between containers and transport vehicles are attended at all times.

Owner/operators of new or existing pesticide containment structures must:

1. Inspect each stationary pesticide container and its appurtenances, and each containment structure, at least monthly during periods when pesticides are being stored or dispensed on the containment structure. The inspection must entail looking for visible signs of wetting, discoloration, blistering, bulging, corrosion, cracks or other signs of damage or leakage.

2. Initiate repair to any areas showing visible signs of damage and seal any cracks and gaps in the containment structure or appurtenances with material compatible with the pesticide being stored or dispensed no later than the end of the day on which damage is noticed and complete within a reasonable time frame.
 3. Not store any additional pesticide on a containment structure if the structure fails to meet the requirements of this subpart until suitable repairs have been made.
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Recordkeeping Requirements (165.95)

The following requirements are applicable to both dry pesticide containment and pesticide dispensing areas.

Facility owner/operators must maintain the following records and must furnish these records for inspection and copying upon request by an EPA representative:

1. Records of inspection and maintenance for each containment structure and for each stationary pesticide container and its appurtenances must be kept for 3 years and must include the following information:
 - a. Name of the person conducting the inspection or maintenance
 - b. Date the inspection or maintenance was conducted
 - c. Conditions noted
 - d. Specific maintenance performed
 - e. Records for any non-stationary pesticide container that holds undivided quantities of agricultural pesticides equal to or greater than 4,000 lbs of dry pesticide, but is not protected by a secondary containment unit meeting these regulations must be kept for 3 years. Records on these non-stationary containers must include the time period that the container remains at the same location.
2. Records of the construction date of the containment structure must be kept for as long as the pesticide containment structure is in use and for 3 years afterwards.