

**Document:** Proposed Rule, **Register Page Number:** 25 IR 435

**Source:** November 1, 2001, Indiana Register, Volume 25, Number 2

**Disclaimer:** This document was created from the files used to produce the official (printed) Indiana Register. However, this document is unofficial.

**TITLE 355 STATE CHEMIST OF THE STATE  
OF INDIANA**

**Proposed Rule**  
LSA Document #01-294

DIGEST

Amends 355 IAC 5 to standardize some of the terms used throughout the article. Adds a definition of a mobile container and an appurtenance. Repeals outdated effective dates for compliance by existing storage facilities, duplicative and contradictory provisions for drainage from secondary containment, inspection and record keeping requirements with a maintenance standard, and a duplicative requirement for a discharge response plan. Repeals 355 IAC 5-1-2, 355 IAC 5-1-20, 355 IAC 5-2-13, 355 IAC 5-3-2, 355 IAC 5-4-5, 355 IAC 5-4-6, 355 IAC 5-4-9, 355 IAC 5-5-2, 355 IAC 5-6, 355 IAC 5-7, and 355 IAC 5-8-2. Effective 30 days after filing with the secretary of state.

355 IAC 5-1-1	355 IAC 5-2-10
355 IAC 5-1-1.5	355 IAC 5-2-11
355 IAC 5-1-2	355 IAC 5-2-12
355 IAC 5-1-3	355 IAC 5-2-13
355 IAC 5-1-4	355 IAC 5-3-1
355 IAC 5-1-5	355 IAC 5-3-2
355 IAC 5-1-6	355 IAC 5-4-1
355 IAC 5-1-7.5	355 IAC 5-4-2
355 IAC 5-1-10	355 IAC 5-4-3
355 IAC 5-1-11	355 IAC 5-4-4
355 IAC 5-1-13	355 IAC 5-4-5
355 IAC 5-1-14	355 IAC 5-4-6
355 IAC 5-1-15	355 IAC 5-4-7
355 IAC 5-2-2	355 IAC 5-4-8
355 IAC 5-2-3	355 IAC 5-4-9
355 IAC 5-2-4	355 IAC 5-5-1
355 IAC 5-2-5	355 IAC 5-5-2
355 IAC 5-2-6	355 IAC 5-6
355 IAC 5-2-7	355 IAC 5-7
355 IAC 5-2-8	355 IAC 5-8-1
355 IAC 5-2-9	355 IAC 5-8-2

SECTION 1. 355 IAC 5-1-1 IS AMENDED TO READ AS FOLLOWS:

**ARTICLE 5. STORAGE AND SECONDARY CONTAINMENT OF PESTICIDES**

**355 IAC 5-1-1 “Approved” defined**

**Authority:** IC 15-3-3.5-11

**Affected:** IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 1. As used in this article, “approved” means approval by the ~~Indiana~~ state chemist or his agent except where otherwise stated. (*State Chemist of the State of Indiana; 355 IAC 5-1-1; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1400, eff sixty (60) days after filing with secretary of state*)

SECTION 2. 355 IAC 5-1-1.5 IS ADDED TO READ AS FOLLOWS:

**355 IAC 5-1-1.5 “Appurtenance” defined**

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

**Sec. 1.5. As used in this article, “appurtenance” means any valve, pump, fitting, pipe, hose, metering device, or mechanical device that is connected to a storage container, or is used to transfer a material into or out of such container.** *(State Chemist of the State of Indiana; 355 IAC 5-1-1.5)*

SECTION 3. 355 IAC 5-1-3 IS AMENDED TO READ AS FOLLOWS:

**355 IAC 5-1-3 “Discharge” defined**

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 3. As used in this article, “discharge” means ~~any spill, leak, deposit, dumping, or emitting, either accidental or otherwise, that results in~~ a release of a pesticide into either a secondary containment or operational containment area at a storage facility. ~~“Discharge” does not include lawful repackaging, transfer, loading, unloading, distribution use, disposal, or application of a pesticide.~~ *(State Chemist of the State of Indiana; 355 IAC 5-1-3; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1401, eff sixty (60) days after filing with secretary of state)*

SECTION 4. 355 IAC 5-1-4 IS AMENDED TO READ AS FOLLOWS:

**355 IAC 5-1-4 “Dry pesticide” defined**

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 4. As used in this article, “dry pesticide” means pesticide ~~which in an undivided quantity exceeding one hundred (100) pounds that~~ is in solid form prior to any application or mixing for application and includes formulations, such as dusts, wettable powders, dry flowable powders, and granules. *(State Chemist of the State of Indiana; 355 IAC 5-1-4; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1401, eff sixty (60) days after filing with secretary of state)*

SECTION 5. 355 IAC 5-1-5 IS AMENDED TO READ AS FOLLOWS:

**355 IAC 5-1-5 “Elephant ring” defined**

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 5. As used in this article, “elephant ring” means a storage container with open top serving as a secondary containment vessel into which a smaller ~~primary~~ storage container is placed. *(State Chemist of the State of Indiana; 355 IAC 5-1-5; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1401, eff sixty (60) days after filing with secretary of state)*

SECTION 6. 355 IAC 5-1-6 IS AMENDED TO READ AS FOLLOWS:

**355 IAC 5-1-6 “Liquid pesticide” defined**

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 6. As used in this article, “liquid pesticide” means pesticide in liquid form, including solutions, emulsions, suspensions, and slurries contained in an undivided quantity exceeding fifty-five (55) U.S. gallons. ~~It includes minibulk pesticide except as otherwise specified.~~ *(State Chemist of the State of Indiana; 355 IAC 5-1-6; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1401, eff sixty (60) days after filing with secretary of state)*

SECTION 7. 355 IAC 5-1-7.5 IS ADDED TO READ AS FOLLOWS:

**355 IAC 5-1-7.5 “Mobile container” defined**

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 7.5. As used in this article, “mobile container” means a storage container that is designed and used as:

- (1) a delivery vehicle;
- (2) application equipment; or
- (3) a minibulk pesticide container.

*(State Chemist of the State of Indiana; 355 IAC 5-1-7.5)*

SECTION 8. 355 IAC 5-1-11 IS AMENDED TO READ AS FOLLOWS:

**355 IAC 5-1-11 “Secondary containment” defined**

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 11. As used in this article, “secondary containment” means any structure, **such as a dike**, used to contain ~~product~~ **pesticide discharges** from storage containers and prevent run-off or leaching. *(State Chemist of the State of Indiana; 355 IAC 5-1-11; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1402, eff sixty (60) days after filing with secretary of state)*

SECTION 9. 355 IAC 5-1-13 IS AMENDED TO READ AS FOLLOWS:

**355 IAC 5-1-13 “Storage container” defined**

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 13. (a) As used in this article, “storage container” means ~~the following:~~

- (1) a container used for the storage of liquid **or dry pesticide at a storage facility.**
- (2) ~~A rail car, nurse tank, or other mobile container used for the storage of liquid pesticide.~~

(b) ~~“Storage container”~~ **The term** does not include ~~the following:~~

- (1) a mobile container storing liquid pesticide ~~at a storage facility~~ for less than ~~fifteen (15)~~ **thirty (30) days. if this storage is incidental to the loading or unloading of a storage container at the storage facility. In the case of minibulk pesticide containers, written and verifiable documentation as to the period of storage at the storage facility shall be required and made available to the state chemist upon request.**
- (2) ~~A mobile container located other than on property owned, operated, or controlled by an owner or operator of a storage facility.~~
- (3) ~~A container used solely for emergency storage of leaking pesticide containers that are fifty-five (55) gallons or smaller.~~

*(State Chemist of the State of Indiana; 355 IAC 5-1-13; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1402, eff sixty (60) days after filing with secretary of state)*

SECTION 10. 355 IAC 5-1-14 IS AMENDED TO READ AS FOLLOWS:

**355 IAC 5-1-14 “Storage facility” defined**

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 14. As used in this article, “storage facility” means a location at which liquid ~~pesticide and/or bulk or dry~~ pesticide is held in storage. *(State Chemist of the State of Indiana; 355 IAC 5-1-14; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1402, eff sixty (60) days after filing with secretary of state)*

SECTION 11. 355 IAC 5-1-15 IS AMENDED TO READ AS FOLLOWS:

**355 IAC 5-1-15 “Storage facility registry” defined**

Authority: IC 15-3-3.5-11  
Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 15. As used in this article, “storage facility ~~location registry~~” means the annual listing of all ~~liquid pesticide and bulk pesticide~~ storage facilities in Indiana by the state chemist as derived from written notification ~~of such from the storage facility. location by the facility’s owner, operator, or person in charge.~~ *(State Chemist of the State of Indiana; 355 IAC 5-1-15; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1402, eff sixty (60) days after filing with secretary of state)*

SECTION 12. 355 IAC 5-2-2 IS AMENDED TO READ AS FOLLOWS:

## **Rule 2. Storage of Liquid Pesticide**

### **355 IAC 5-2-2 Prohibition against underground storage**

Authority: IC 15-3-3.5-11  
Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 2. ~~No person may store~~ Liquid pesticide **shall not be stored** in an underground storage container. ~~This prohibition does not apply to a watertight catch basin used for the temporary collection of run-off or rinsate from transfer and loading areas.~~ *(State Chemist of the State of Indiana; 355 IAC 5-2-2; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1403, eff sixty (60) days after filing with secretary of state)*

SECTION 13. 355 IAC 5-2-3 IS AMENDED TO READ AS FOLLOWS:

### **355 IAC 5-2-3 Abandoned containers**

Authority: IC 15-3-3.5-11  
Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 3. (a) Storage containers and other containers used at a storage facility to hold pesticide or pesticide rinsate are considered abandoned if they have been out of service for more than six (6) months because of a weakness or leak or have been out of service for any reason for more than two (2) years.

(b) Abandoned underground containers, including abandoned underground catch basins, shall be thoroughly cleaned and removed from the ground or thoroughly cleaned and filled with an inert solid. All connections and vents shall be disconnected and sealed. A record of the catch basin size, location, and method of closing shall be maintained at the storage facility or as otherwise provided for in this article.

(c) Abandoned aboveground containers shall be thoroughly cleaned. All hatches on the containers shall be left open, and all valves or connections shall be severed and left open.

(d) ~~A~~ Secondary containment ~~facility~~ is not considered abandoned merely because there have been no discharges into the secondary containment. ~~facility.~~ *(State Chemist of the State of Indiana; 355 IAC 5-2-3; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1403, eff sixty (60) days after filing with secretary of state)*

SECTION 14. 355 IAC 5-2-4 IS AMENDED TO READ AS FOLLOWS:

### **355 IAC 5-2-4 Prohibited materials**

Authority: IC 15-3-3.5-11  
Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 4. (a) Storage containers and appurtenances ~~may~~ **shall** not be made of polyvinyl chloride.

(b) A storage container ~~may~~ **shall** not be made of ferrous metals, unless the container is made of stainless steel **or other approved materials**, or the container has a protective lining **which that** inhibits corrosion and **which** does not react chemically with the stored pesticide. ~~or the manufacturer of the stored pesticide has confirmed in writing to the state chemist that corrosion tests have been conducted and storage in such unlined containers has been found to be satisfactory.~~ *(State Chemist of the State of Indiana; 355 IAC 5-2-4; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1403, eff sixty*

(60) days after filing with secretary of state)

SECTION 15. 355 IAC 5-2-5 IS AMENDED TO READ AS FOLLOWS:

**355 IAC 5-2-5 Anchoring storage containers**

**Authority:** IC 15-3-3.5-11

**Affected:** IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 5. (a) Storage containers shall be anchored, as necessary, to prevent flotation or instability which might occur as a result of liquid accumulations within a secondary containment. ~~facility constructed in accordance with this article.~~

(b) ~~In lieu of anchoring, the Storage container may~~ **containers shall be considered anchored if, in addition to other approved means, the containers:**

**(1) are** placed on a raised area or platform of such height as to prevent flotation or instability in the event of liquid accumulations; **or**

**(2) store product with sufficient volume to rise to at least the height of the secondary containment walls.**

*(State Chemist of the State of Indiana; 355 IAC 5-2-5; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1403, eff sixty (60) days after filing with secretary of state)*

SECTION 16. 355 IAC 5-2-6 IS AMENDED TO READ AS FOLLOWS:

**355 IAC 5-2-6 Vents**

**Authority:** IC 15-3-3.5-11

**Affected:** IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 6. (a) Each storage container shall be equipped with a vent with hood or inverted opening.

(b) Conservation vents shall be used on containers storing products where loss of vapor affects product quality or where the vapor is harmful ~~or objectionable~~ to plants, animals, or humans.

(c) ~~When~~ Conservation vents ~~are used, they~~ shall open and close within the designed pressure limits of the storage container. *(State Chemist of the State of Indiana; 355 IAC 5-2-6; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1403, eff sixty (60) days after filing with secretary of state)*

SECTION 17. 355 IAC 5-2-7 IS AMENDED TO READ AS FOLLOWS:

**355 IAC 5-2-7 Security**

**Authority:** IC 15-3-3.5-11

**Affected:** IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 7. (a) Storage containers and appurtenances shall be secured to provide reasonable protection from wildlife, vandalism, and unauthorized access. ~~which may result in damage and a subsequent discharge.~~ Such security shall be provided by fencing, lighting, or other approved means.

(b) Valves on storage containers shall be locked or otherwise secured, except when persons responsible for facility security are present at the facility.

(c) Valves on mobile ~~pesticide~~ containers ~~containing liquid pesticide and~~ parked overnight at a storage facility shall be locked or secured except when persons responsible for facility security are present at the facility.

(d) Valves on empty containers need not be secured. *(State Chemist of the State of Indiana; 355 IAC 5-2-7; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1403, eff sixty (60) days after filing with secretary of state)*

SECTION 18. 355 IAC 5-2-8 IS AMENDED TO READ AS FOLLOWS:

### 355 IAC 5-2-8 Filling

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 8. Storage containers shall not be filled to more than ninety-five percent (95%) of capacity unless the storage container construction or location provides constant temperature control, ~~or the storage container is a minibulk pesticide container,~~ or is otherwise designed to be filled to a capacity of greater than ninety-five percent (95%) ~~of its total volume according to the manufacturer's recommendations.~~ *(State Chemist of the State of Indiana; 355 IAC 5-2-8; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1404, eff sixty (60) days after filing with secretary of state)*

SECTION 19. 355 IAC 5-2-9 IS AMENDED TO READ AS FOLLOWS:

### 355 IAC 5-2-9 Shutoff valves

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 9. (a) ~~Every~~ Storage container ~~connection, connections,~~ ~~except a for~~ safety relief ~~connection, connections,~~ shall be equipped with a shutoff valve located on the storage container or at a distance from the storage container dictated by standard engineering practice.

(b) Except for a storage container of minibulk pesticide, all wetted parts inside shutoff valves and connections from the storage container to the shutoff valve shall be made of stainless steel or other approved material.

~~(c) Valves shall be secured to protect against vandalism or accidental valve openings which may result in a discharge.~~ *(State Chemist of the State of Indiana; 355 IAC 5-2-9; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1404, eff sixty (60) days after filing with secretary of state)*

SECTION 20. 355 IAC 5-2-10 IS AMENDED TO READ AS FOLLOWS:

### 355 IAC 5-2-10 Appurtenances

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 10. ~~Pipes and fittings~~ **Appurtenances** shall be adequately supported to prevent sagging and possible breakage because of gravity and other forces which may be encountered in the ordinary course of operations. *(State Chemist of the State of Indiana; 355 IAC 5-2-10; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1404, eff sixty (60) days after filing with secretary of state)*

SECTION 21. 355 IAC 5-2-11 IS AMENDED TO READ AS FOLLOWS:

### 355 IAC 5-2-11 Liquid level gauging device

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 11. (a) ~~Every~~ Storage ~~container~~ **containers** shall be equipped with a liquid level gauging device **or other means** by which the level of liquid in the storage container can be readily and safely determined. ~~A liquid level gauging device is not required if the level of liquid in a storage container can be readily and reliably measured by other approved means.~~

(b) Liquid level gauging devices shall be secured, in a safe manner, to protect against breakage or vandalism which may result in a discharge.

~~(c)~~ **(b)** External sight gauges are prohibited. *(State Chemist of the State of Indiana; 355 IAC 5-2-11; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1404, eff sixty (60) days after filing with secretary of state)*

SECTION 22. 355 IAC 5-2-12 IS AMENDED TO READ AS FOLLOWS:

### 355 IAC 5-2-12 Maintenance

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 12. (a) ~~The operator of a storage facility shall routinely inspect and maintain storage facilities; Storage containers and appurtenances shall be maintained~~ to minimize the risk of a discharge.

(b) ~~The operator shall inspect valves and other appurtenances for leakage at least weekly and shall inspect vents for proper operation at least monthly.~~

(c) ~~A written record of all inspections and maintenance shall be made on the day of the inspection or maintenance.~~

(d) ~~Inspection and maintenance records shall be kept at the storage site or at the nearest local office from which the storage site is administered. (State Chemist of the State of Indiana; 355 IAC 5-2-12; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1404, eff sixty (60) days after filing with secretary of state)~~

SECTION 23. 355 IAC 5-3-1 IS AMENDED TO READ AS FOLLOWS:

### 355 IAC 5-3-1 Operational area containment

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 1. (a) ~~Areas used for the loading of liquid pesticide into storage containers or for unloading liquid pesticide from storage containers into mobile containers shall be~~ **Operational areas at a storage facility shall have containment that is curbed and paved with reinforced concrete or other suitable approved material which that provides an impervious surface. and is approved by the state chemist.** Operational area activities at the liquid pesticide storage facility shall be carried out within this area. Such activities include the loadout and unloading of liquid pesticide to and from storage containers; application equipment; mobile containers; equipment and container washing; and other similar activities. ~~containment.~~

(b) The operational area containment shall be constructed and reinforced to ~~handle at least support~~ the foreseeable maximum gross load ~~including of all product, equipment that utilize the operational area, mobile container, and motor vehicle vehicles utilizing the area.~~ The curbed and paved area ~~containment~~ shall have a minimum width of ten (10) feet, and a minimum length of twenty (20) feet, ~~Any fill or unloading point and a minimum capacity of seven hundred fifty (750) gallons. Points of the mobile container loading and unloading shall be positioned over the paved area during loading or unloading to assure retention of any discharge.~~ ~~containment.~~

(c) Wherever sufficient capacity required in 355 IAC 5-4-1(c) and provisions of this rule are complied with, the ~~diked secondary containment area~~ described in 355 IAC 5-4 may be designed for and jointly used in lieu of a separate operational area containment.

(d) The operational area containment shall form or drain into a watertight catch basin. If the operational area containment drains to a sump, the catch basin may include the sump and an aboveground container, provided a pump is installed which automatically transfers the contents of the sump into an aboveground container. Such containers used for the temporary storage of liquids collected from the operational area containment shall be located within secondary containment.

(e) ~~The curbed surface and catch basin shall be of adequate design and size to contain a combined total of at least seven hundred fifty (750) gallons of discharged liquid.~~

(f) ~~Discharges incidental to loading or unloading and rainwater~~ (e) **All liquids shall be promptly recovered removed from the operational area containment area and catch basin such that for use in the blending process or for proper disposal in accordance with all applicable rules.** The capacity required in subsection (e) is (b) shall be available at all times.

~~(g)~~ (f) Storage containers and appurtenances, including pipes, shall be protected against reasonably foreseeable risks of damage by trucks and other moving vehicles engaged in the loading or unloading of liquid pesticide: **operating in the area.**

~~(h)~~ (g) This section does not apply to **the unloading of** mobile containers used to nurse field operations when at a field unloading **the pesticide application** site.

(i) The operator of a storage facility shall routinely inspect and maintain the (h) Operational area containment system. Such inspections shall be conducted at least weekly during operational periods: **shall be maintained as necessary to assure compliance with this rule.**

(j) (i) Alternative means, including portable operational area containment systems, shall be permitted to serve as operational area containment systems if recommended by the manufacturer and approved. for this use by the state chemist.

(k) A written record of all inspections and maintenance shall be made on the day of the inspection or maintenance. Inspection and maintenance records shall be kept at the storage site or at the nearest local office from which the storage site and operational area is administered. (*State Chemist of the State of Indiana; 355 IAC 5-3-1; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1405, eff sixty (60) days after filing with secretary of state*)

SECTION 24. 355 IAC 5-4-1 IS AMENDED TO READ AS FOLLOWS:

#### **Rule 4. Secondary Containment of Liquid Pesticide**

##### **355 IAC 5-4-1 General requirements**

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 1. (a) Primary storage of Liquid pesticide **storage containers** shall be located within a **diked area secondary containment** constructed with a base, perimeter wall, and sloped floor. ~~drain, except as noted in sections 4 through 6 of this rule.~~ Exception for a sloped floor ~~drain~~ may be granted ~~prior existing diked areas~~ providing other requirements of this rule are met: **by the state chemist.**

(b) The ~~diked containment~~ area shall be separate from a secondary containment area for other materials and used only for containment of ~~primary storage of~~ liquid pesticide **storage containers** or other **pesticide related** equipment. ~~used in the operational area provided the minimum containment requirement noted in subsection (c) is maintained at all times.~~ Adjoining secondary containment areas may share common walls.

(c) ~~The diked area for Secondary containment of storage facilities~~ not protected from rainfall shall **contain at all times have** a minimum **capacity** of one hundred percent (100%) of the volume of the largest storage container within the ~~diked contained~~ area plus the volume ~~occupied displaced~~ by all the other tanks, equipment, and appurtenances in the area up to the safe design level of the ~~dike containment structure~~ plus a freeboard of six (6) inches.

(d) ~~Diked Secondary containment areas~~ protected from rainfall ~~are is~~ not required to ~~provide have~~ the freeboard noted in subsection (c), but shall comply with all other requirements therein.

(e) ~~Diked Secondary containment areas~~ constructed prior to enactment of this rule and ~~which have that has~~ a capacity of a minimum of one hundred ten percent (110%) of the volume of the largest storage container within the ~~diked contained~~ area plus the volume ~~occupied displaced~~ by all the other tanks in the area up to the safe design level of the ~~dike containment structure~~ shall be deemed to be in compliance with this rule. Any such storage facility upon alteration of the secondary containment area or increases in storage container volume shall be brought into full compliance within ninety (90) days of alteration or increase.

(f) Tile drainage **shall not be permitted** within or underlying the area to be diked shall be eliminated: **under**



**secondary containment.** *(State Chemist of the State of Indiana; 355 IAC 5-4-1; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1405, eff sixty (60) days after filing with secretary of state)*

SECTION 25. 355 IAC 5-4-2 IS AMENDED TO READ AS FOLLOWS:

**355 IAC 5-4-2 Walls**

**Authority:** IC 15-3-3.5-11

**Affected:** IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 2. (a) The walls of a secondary containment facility shall be constructed of steel, poured reinforced concrete, precast concrete modules, or solid masonry and be designed to withstand a full hydrostatic head of any discharged liquid and weight load of material used in construction.

(b) Cracks and seams shall be sealed to prevent leakage.

(c) Walls ~~may~~ **shall** not exceed six (6) feet in height above interior grade unless provisions are made for normal access and necessary emergency access to ~~tanks,~~ **storage containers,** valves, and other equipment and for safe exit from the secondary containment. ~~facility.~~

(d) Walls constructed of concrete or solid masonry shall rest upon a floating base of concrete prepared as in section 3(b) of this rule or upon suitable concrete footings which extend below the average frost depth. ~~to provide structural integrity.~~ **Joints between walls and the base shall be watertight.** *(State Chemist of the State of Indiana; 355 IAC 5-4-2; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1406; errata filed May 10, 1991, 2:30 p.m.: 14 IR 1730, eff sixty (60) days after filing with secretary of state)*

SECTION 26. 355 IAC 5-4-3 IS AMENDED TO READ AS FOLLOWS:

**355 IAC 5-4-3 Base liners**

**Authority:** IC 15-3-3.5-11

**Affected:** IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 3. (a) The base of a secondary containment facility shall be lined with concrete, steel, or other approved liners. ~~Liners shall meet the requirements of this section.~~

(b) Concrete liners shall be designed according to good engineering practices to withstand any foreseeable loading conditions, including a full hydrostatic head of discharged fluid and static loads of storage containers, including appurtenances, equipment, and contents. Cracks and seams shall be sealed to prevent leakage.

(c) ~~Steel plates may be used for wall and for base liners~~ **Installation plans shall be approved by the state chemist who shall require that the plates are protected against corrosion and are joined in a manner as to provide water-tight joints. and installation plans shall be approved before use.**

(d) ~~Synthetic liners and installation plans shall be approved by the state chemist. A synthetic liner may not be approved by the state chemist until the manufacturer of the liner provides the state chemist with a written confirmation of compatibility and a written estimate of the life of the liner. before use.~~

(e) Synthetic liners shall have a minimum thickness of thirty (30) mils (eight-tenths (0.8) ~~millimeters~~) **millimeter**) and be chemically compatible with the materials being stored within the containment. ~~and operational areas.~~

(f) Synthetic liners shall be installed under the supervision of a qualified representative of the manufacturer, and all field constructed seams shall be tested and repaired, if necessary, in accordance with the manufacturer's recommendations. *(State Chemist of the State of Indiana; 355 IAC 5-4-3; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1406, eff sixty (60) days after filing with secretary of state)*

SECTION 27. 355 IAC 5-4-4 IS AMENDED TO READ AS FOLLOWS:

#### 355 IAC 5-4-4 Drainage from secondary containment

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 4. ~~A prefabricated diked area~~ **Secondary containment** shall not have a relief outlet ~~and or~~ valve. The base shall slope to a collecting spot where ~~storm water can liquid shall be discharged removed~~ by a manually ~~operated~~ **activated** pump over the ~~berm wall~~ for use in the blending process or for proper disposal in accordance with ~~local requirements for disposal of storm water: all applicable regulations.~~ *(State Chemist of the State of Indiana; 355 IAC 5-4-4; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1407, eff sixty (60) days after filing with secretary of state)*

SECTION 28. 355 IAC 5-4-7 IS AMENDED TO READ AS FOLLOWS:

#### 355 IAC 5-4-7 Alternative to secondary containment for storage containers of 3,000 gallons or less

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 7. (a) Individual storage containers not exceeding three thousand (3,000) gallons may be contained within a ~~secondary storage container an elephant ring in lieu of a diked secondary containment area.~~ The “elephant ring” serves as a second containing wall in the event that the primary storage container develops a leak.

(b) Both the primary storage container and the elephant ring shall be fabricated of ~~material materials~~ compatible with each other and with the pesticide being stored. ~~Dissimilar metals between~~ The primary storage container and the elephant ring ~~contribute to electrolytic corrosion and such use is prohibited: shall be constructed of similar metals.~~ Elephant rings ~~shall not be constructed of plastic. are prohibited from use.~~

(c) The height of the elephant ring wall shall not exceed four (4) feet. The ~~volume contained within the secondary storage walls up to the working height~~ **minimum capacity** of the elephant ring shall be ~~sufficient to contain a volume equal to one hundred percent (100%) of~~ the volume of the primary storage container plus the volume displaced by ~~any all~~ equipment, i.e., pumps, meters, etc., placed within ~~and appurtenances in~~ the secondary containment vessel up to the safe storage level of the elephant ring, plus a freeboard of six (6) inches. ~~which freeboard is exempted if the containment system is protected from rainfall. An elephant ring protected from rainfall is not required to have the freeboard of six (6) inches.~~

(d) The elephant ring shall be free of leaks and structural defects. The base shall be protected from corrosion, both from inside and outside, and shall be underlain by a concrete pad or ~~with by~~ eight (8) inches of compacted gravel beneath four (4) inches of compacted sand or as recommended by the manufacturer of the elephant ring and approved by the state chemist.

(e) ~~All piping connections to the primary storage container shall be made over~~ **The elephant ring shall not have a relief outlet or valve. No appurtenances shall extend through** the wall of the elephant ring, ~~and shall be adequately supported and braced.~~ Pumps and other fixtures, if located within the elephant ring ~~containment structure,~~ shall be placed on an elevated platform.

(f) ~~Accumulations of storm water and other material~~ **Liquid** shall be ~~drained removed~~ from the elephant ring ~~over the wall of the container by means of a sump manually activated pump within the secondary container or by means of an exterior portable pump, and disposed of in accordance with section 5(g) of this rule: for use in the blending process or disposal in accordance with all applicable regulations.~~

(g) ~~Inspection and maintenance of the primary storage container and of the Elephant rings shall be conducted and records of inspections and maintenance maintained as in section 8 of necessary to assure compliance with this rule.~~ *(State Chemist of the State of Indiana; 355 IAC 5-4-7; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1407, eff sixty (60) days after filing with secretary of state)*

SECTION 29. 355 IAC 5-4-8 IS AMENDED TO READ AS FOLLOWS:

### 355 IAC 5-4-8 Maintenance

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 8. (a) ~~Every~~ Secondary containment shall be inspected by the operator of the storage facility at intervals of not greater than six (6) months and be maintained as necessary to assure compliance with this rule.

(b) ~~A~~ written record of all inspections and maintenance shall be made on the day of the inspection or maintenance and kept at the storage facility or at the nearest local office from which the storage facility is administered.

(c) ~~All~~ (b) Secondary containment areas shall be maintained free of debris and foreign matter. *(State Chemist of the State of Indiana; 355 IAC 5-4-8; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1408, eff sixty (60) days after filing with secretary of state)*

SECTION 30. 355 IAC 5-5-1 IS AMENDED TO READ AS FOLLOWS:

### 355 IAC 5-5-1 Storage requirements

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 1. (a) Dry bulk pesticide stored in outdoor facilities shall be kept in storage containers effectively designed and constructed to hold dry bulk pesticide, and which shall be compatible with the pesticide stored therein. Storage containers shall be constructed of materials which that are compatible with the pesticide being stored resistant to corrosion, puncture, or cracking, and shall be maintained in a good state of repair. Storage containers shall be placed on pallets or on a raised concrete platform which is drained to prevent the accumulation of water in or under the pesticide.

(b) Except during loading or unloading, stored dry bulk pesticide shall be covered by a roof or tarpaulin which that will keep precipitation off the pesticide.

(c) Storage facilities shall be secured against unauthorized persons or to provide reasonable protection from wildlife, vandalism, and unauthorized access. *(State Chemist of the State of Indiana; 355 IAC 5-5-1; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1408, eff sixty (60) days after filing with secretary of state)*

SECTION 31. 355 IAC 5-8-1 IS AMENDED TO READ AS FOLLOWS:

### Rule 8. Storage Facility Registry

#### 355 IAC 5-8-1 Facility registry

Authority: IC 15-3-3.5-11

Affected: IC 15-3-3.5-33; IC 15-3-3.5-34

Sec. 1. The owner, operator, or person in charge of a liquid pesticide or a bulk pesticide Storage facility facilities shall notify the state chemist each year prior to the receipt of the initial shipment of such pesticide, the location of each respective storage facility operated in this state. The notice shall be submitted in writing upon either a form furnished by the state chemist upon request of the facility owner, operator, or person in charge, or upon the facility letterhead: of the facilities' location and status. The notice shall disclose the physical location of the facility and its mailing address, if different. The state chemist shall compile the location notices into a location registry and may use the registry as deemed necessary to promote the general public benefit. include the facilities':

- (1) mailing address;
- (2) owner or manager name;
- (3) rated or calculated capacity off all storage containers; and
- (4) physical location of storage containers.

*(State Chemist of the State of Indiana; 355 IAC 5-8-1; filed Mar 8, 1991, 2:45 p.m.: 14 IR 1410, eff sixty (60) days after filing with secretary of state)*

SECTION 32. THE FOLLOWING ARE REPEALED: 355 IAC 5-1-2; 355 IAC 5-1-10; 355 IAC 5-2-13; 355 IAC 5-3-2; 355 IAC 5-4-5; 355 IAC 5-4-6; 355 IAC 5-4-9; 355 IAC 5-5-2; 355 IAC 5-6; 355 IAC 5-7; 355 IAC 5-8-2.

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on November 30, 2001 at 9:00 a.m., at the Office of the Indiana State Chemist, Purdue University, 1154 Biochemistry, Room A151, West Lafayette, Indiana the State Chemist of the State of Indiana will hold a public hearing on proposed amendments to standardize some of the terms used throughout the article; add a definition of a mobile container and an appurtenance; and repeal outdated effective dates for compliance by existing storage facilities, duplicative and contradictory provisions for drainage from secondary containment, inspection and record keeping requirements with a maintenance standard, and a duplicative requirement for a discharge response plan. Copies of these rules are now on file at the State Chemist of the State of Indiana, Purdue University, 1154 Biochemistry Building, West Lafayette and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

David Scott  
Pesticide Administrator  
State Chemist of the State of Indiana