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**TITLE 357 INDIANA PESTICIDE REVIEW
BOARD**

LSA Document #02-292(F)

DIGEST

Adds 357 IAC 1-10 to establish pesticide use, application, storage, and disposal requirements near community public water systems wells in addition to any requirements that may already be established on the pesticide product labels. Effective 30 days after filing with the secretary of state.

357 IAC 1-10

SECTION 1. 357 IAC 1-10 IS ADDED TO READ AS FOLLOWS:

Rule 10. Regulation of Pesticides Near Community Public Water Supply System Wells

357 IAC 1-10-1 Definitions

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24

Affected: IC 15-3-3.6

Sec. 1. The following definitions apply throughout this rule:

- (1) "Community public water supply system" or "CPWSS" means a public water supply system as referenced in 327 IAC 8-4.1-1(5) that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.
- (2) "Discharge" means a release of a pesticide from a storage container into secondary containment.
- (3) "Impervious surface" means a surface composed of a watertight material that effectively prevents discharged pesticide from impacting the soil or ground water, and from reaching a drinking water well or dry well, storm or sanitary sewer, or septic system.
- (4) "Isolation area" means an area as referenced in 327 IAC 8-3.4-9, which is established around a CPWSS production well, to protect ground water from direct contamination by pesticides.
- (5) "Public water supply system" or "PWSS" means a public water supply as established by 326 IAC 8-4.1-1(20) for the provision to the public of piped water for human consumption if such a system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.
- (6) "Secondary containment" means any structure, such as a dike, used to contain pesticide discharge from storage containers and prevent run-off or leaching.
- (7) "State chemist" means the Indiana state chemist or his appointed agent.
- (8) "Time of travel" or "TOT", as referenced in 327 IAC 8-4.1-1(25), means the calculated length of time that a particle of water takes to reach a CPWSS production well from a certain point.
- (9) "Time of travel threshold" means a minimum five (5) year TOT for modeled wellhead protection areas or three thousand (3,000) feet for fixed radius wellhead protection areas as delineated in 327 IAC 8-4.1-1(26).
- (10) "Wellhead protection area" or "WHPA" as referenced in 327 IAC 8-4.1-1(27) means the surface and subsurface area that contributes water to a CPWSS production well or well field and through which contaminants are likely to move and reach the well within the TOT threshold.

(Indiana Pesticide Review Board; 357 IAC 1-10-1; filed Apr 23, 2003, 3:45 p.m.: 26 IR 2859)

357 IAC 1-10-2 Prohibited activities within the isolation area

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24

Affected: IC 15-3-3.6

Sec. 2. (a) The following activities shall be prohibited within the isolation area, except for pesticides labeled for the intentional use in the treatment of water for drinking:

- (1) Pesticide loading.**
- (2) Pesticide mixing.**
- (3) Pesticide storage.**

(b) Application of pesticides within the isolation area shall be permitted unless prohibited by:

- (1) the pesticide label; or**
- (2) a rule by the Indiana pesticide review board.**

(Indiana Pesticide Review Board; 357 IAC 1-10-2; filed Apr 23, 2003, 3:45 p.m.: 26 IR 2860)

357 IAC 1-10-3 Pesticide storage within the WHPA and outside of the isolation area

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24

Affected: IC 15-3-3.6

Sec. 3. (a) Pesticide containers with the capacity for the storage of pesticides in undivided quantities exceeding fifty-five (55) U.S. gallons or one hundred (100) pounds dry product shall be subject to the storage and containment requirements in 355 IAC 5.

(b) Pesticide containers not covered by the requirements referenced in subsection (a) shall be stored:

- (1) on an impervious surface;**
- (2) in a covered area that is protected from precipitation; and**
- (3) within secondary containment when the quantity of pesticide product in all containers exceeds fifty-five (55) U.S. gallons of liquid or one hundred (100) pounds of dry product and a spill or leak is likely to enter a septic system, sanitary or storm sewer, drinking water well, or dry well.**

(c) Secondary containment required in subsection (b) shall be:

- (1) constructed with a capacity of a minimum of at least one hundred ten percent (110%) of the volume of the largest storage container within the contained area plus the volume displaced by all other pesticide containers, equipment, and other items in the containment vessel; and**
- (2) constructed, installed, and maintained so as to prevent the spill or leakage of the pesticide.**

(Indiana Pesticide Review Board; 357 IAC 1-10-3; filed Apr 23, 2003, 3:45 p.m.: 26 IR 2860)

357 IAC 1-10-4 Cleanup of discharged or spilled pesticide

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24

Affected: IC 15-3-3.6

Sec. 4. (a) Remediation and cleanup of discharged or spilled pesticide shall be performed immediately upon discovery.

(b) Clean-up procedures shall be conducted:

- (1) in accordance with the procedures on the pesticide product label; and**
- (2) in a manner that prevents the pesticide from impacting the soil or ground water, and from reaching a drinking water well, dry well, storm sewer, sanitary sewer, or septic system.**

(Indiana Pesticide Review Board; 357 IAC 1-10-4; filed Apr 23, 2003, 3:45 p.m.: 26 IR 2860)

357 IAC 1-10-5 Inspection and compliance

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24

Affected: IC 15-3-3.6

Sec. 5. (a) The inspection for compliance with this rule is the responsibility of the state chemist but may be delegated by the state chemist to the Indiana department of environmental management and to employees of state, county, or municipal government.

(b) The initiation of enforcement for violations of the provisions shall be the sole responsibility of the state chemist.

(Indiana Pesticide Review Board; 357 IAC 1-10-5; filed Apr 23, 2003, 3:45 p.m.: 26 IR 2861)

357 IAC 1-10-6 Compliance with the effective date of rule

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24

Affected: IC 15-3-3.6

Sec. 6. (a) This rule shall become effective within one (1) year of the date of adoption.

(b) For newly established facilities, full compliance shall be required immediately.

(c) For existing facilities:

(1) full compliance with section 3 [of this rule] shall be required no later than two (2) years following adoption; and

(2) full compliance with all other sections of this rule shall be required immediately.

(Indiana Pesticide Review Board; 357 IAC 1-10-6; filed Apr 23, 2003, 3:45 p.m.: 26 IR 2861)

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