

NEW BULK STORAGE REGULATIONS

On January 13, 2009, the North Carolina Pesticide Board adopted, by reference the containment portion of the United States Environmental Protection Agency's new Pesticide Container and Containment Rule, thereby making it also a state regulation. This regulation will become effective on August 17, 2009. Regulation changes are notated in red in below:

02 NCAC 09L .0810 ADOPTION BY REFERENCE

The North Carolina Pesticide Board hereby adopts by reference, including subsequent amendments, Part 165 of Title 40: Protection of Environment of the Code of Federal Regulations, entitled "Pesticide Management and Disposal Subpart E –Standards for Pesticide Containment Structures." Copies of this material may be obtained at no cost from the U.S. Government Printing Office website, www.gpoaccess.gov/cfr/index.html.

History Note: *Authority G.S. 143-441; 143-461;*
 Eff. April 1, 2009.

02 NCAC 09L .1901 DEFINITIONS

All specific words or terms used in this Section other than those defined in this Rule shall have the same definitions as shown in the North Carolina Pesticide Law of 1971, G.S. 143-460. The rules contained in this Section shall be deemed to be minimum for storage.

- (7) **Bulk Storage.** Commercial Storage of any pesticide held in stationary pesticide containers designed to hold undivided quantities equal to or greater than 500 gallons (1,890 liters) of liquid pesticide or equal to or greater than 4,000 pounds (1,818 kilograms) of dry pesticide are subject to the regulations in this Rule unless any of the following conditions exists:
- (a) The container is empty, that is, all pesticide that can be removed by the methods such as draining, pumping, or aspirating has been removed (whether or not the container has been rinsed or washed).
 - (b) The container holds only pesticide rinsates or wash waters, and is labeled accordingly.
 - (c) The container holds only pesticides which would be gaseous when released at atmospheric temperature and pressure.
 - (d) The container is dedicated to non-pesticide use, and is labeled accordingly.

History Note: *Authority G.S. 143-437; 143-441; 143-461; 143-466;*
 Eff. January 1, 1984;
 Amended Eff. April 1, 2009; November 1, 1989; November 1, 1988.

NEW STATE BULK STORAGE REGULATIONS - are now found in the Sub-Section .1914

02 NCAC 09L .1914 BULK STORAGE REQUIREMENTS

- (a) Outlets, filler and access ports shall be locked at all times when not in use. Keys to the outlet, filler and access ports shall be in the possession of the purchaser and authorized employees only. Locks on ports are not required if bulk tanks are stored inside a facility utilizing security precautions that prevent unauthorized access to the bulk pesticide storage area.
- (b) All bulk pesticide storage tanks must display the appropriate signal word as shown on the label on all sides exposed to view. The words shall be either stenciled directly on the containers or storage tanks or placed on a sign of durable construction which is firmly attached to the containers and storage tanks. All

letters of said words shall be a minimum of four inches in height and one inch in width, and shall be printed in contrasting colors to the containers and storage tanks which are readily visible.

(c) All bulk storage areas shall be posted with a durable sign stating "PESTICIDE STORAGE," "AUTHORIZED PERSONNEL ONLY," "IN CASE OF EMERGENCY CALL _____"

(d) Pesticide applicators utilizing bulk storage containers shall be subject to the same requirements as set forth in this Rule.

*History Note: Authority G.S. 143-441; 143-461;
Eff. April 1, 2009.*

For more information please contact the NCDA & CS – Pesticide Section, Compliance Monitoring & Field Operations at (919) 733-3556.