

STANDARDS FOR NEW CONTAINMENT STRUCTURES (40 CFR Part 165 Subpart E)

Definition

1. Existing Structure

An existing containment structure is defined as one whose installation began on or before November 16, 2006.

2. New Structures.

A new containment structure is one whose installation began after November 16, 2006. Installation is considered to have begun if:

- (1) You, as the owner or operator, have obtained all Federal, State, and local approvals or permits necessary to begin physical construction of the containment structure; **AND**
- (2) You have either begun a continuous on-site physical construction or installation program OR you have entered into contractual obligations. The contract must be such that it cannot be canceled or modified without substantial loss, and must be for the physical construction or installation of the containment structure within a specific and reasonable time frame.

BULK LIQUID PESTICIDE CONTAINMENT

DESIGN AND CAPACITY REQUIREMENTS.

Material Specifications -

- (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.
- (2) The structure must be liquid-tight with cracks, seams and joints appropriately sealed.
- (3) The structure must not be constructed of natural earthen material, unfired clay, or asphalt.
- (4) The containment structure must be made of materials compatible with the pesticides stored. In this case, compatible means able to withstand anticipated exposure to stored or transferred materials and still provide secondary containment of those same or other materials within the containment area.



General Design Requirements

- (1) You must protect appurtenances (hoses, pumps, valves, pipes etc.) and pesticide containers 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.



Figure 2. Example of Appurtenances Being Protected

(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.

Capacity Requirements

Covered or Indoor - Protected from Rainfall, must have a capacity of at least 100 percent of the volume of the largest stationary pesticide container plus the volume displaced by other containers and appurtenances within the unit.

Exposed or Unprotected from Precipitation must have a capacity of at least 110 percent of the volume of the largest stationary pesticide container plus the volume displaced by other containers and appurtenances within the unit.

Specific Design Requirements

Containers

You must either anchor or elevate each new stationary liquid pesticide container protected by a secondary containment unit to prevent flotation in the event that the secondary containment unit fills with liquid.

DRY BULK PESTICIDE CONTAINMENT

Design Requirements

(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 the accumulation of water in or under the pesticide.

(3) 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.

OPERATIONAL, INSPECTION AND MAINTENANCE REQUIREMENTS

Operating Procedures

As the owner or operator of a new or existing pesticide containment structure, you must:

- (1) Manage the structure in a manner that prevents pesticides or materials containing pesticides from escaping from the containment structure (including, but not limited to, pesticide residues washed off the containment structure by rainfall or cleaning liquids used within the 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.
- (3) **Cleanup** must occur no later than the **end of each day** on which pesticides have been spilled or leaked.
- (4) Ensure that all materials resulting from **spills and leaks** and any materials containing pesticide residue are **managed** according to label instructions and applicable Federal, State and local laws and regulations.
- (5) Ensure that **transfers** of pesticides between containers, or between containers and transport vehicles are **attended at all times**.
- (6) Ensure that each **lockable valve** on a stationary pesticide container, if it is required by § 165.45(f), is **closed and locked** whenever the **facility is unattended**.

Inspection and Maintenance Requirements

As owner or operator of a new or existing pesticide containment structure, you must:

- (1) **Inspect** each stationary pesticide container and its appurtenances **at least monthly** during periods when **pesticides are being stored or dispensed** on the containment structure. Your inspection must look for visible signs of wetting, discoloration, blistering, bulging, corrosion, cracks or other signs of damage or leakage.
- (2) Immediately repair 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.
- (3) Can not store any pesticide on a containment structure if the structure fails to meet the requirements of this subpart until suitable repairs have been made. Prompt removal of pesticides, including emptying of stationary pesticide containers, in order to effect repairs or recovery of spilled material is acceptable.

If constructing both a containment pad and a secondary containment unit you may combine containment pads and secondary containment units as an integrated system provided the requirements set out in this subpart for containment pads and secondary containment units in §§ 165.85(a) and (b), 165.87(a) and (b) and § 165.90, and as applicable, §§ 165.85(c)-(f) and 165.87(c)-(f) are satisfied separately.

RECORDKEEPING

Recordkeeping -Facility Owner or Operator

You must maintain the following records, and you must furnish these records for inspection and copying upon request by an employee of EPA or any entity designated by EPA, such as a State, another political subdivision or a Tribe:

(a) **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:

- (1) Name of the person conducting the inspection or maintenance;
- (2) Date the inspection or maintenance was conducted;
- (3) Conditions noted;
- (4) Specific maintenance performed.

(b) 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.

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RECORDS FOR NON-STATIONARY PESTICIDE CONTAINERS

Records for any non-stationary pesticide container designed to hold undivided quantities of agricultural pesticides 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 that holds pesticide but is not protected by a secondary containment unit meeting these regulations must be kept for 3 years. Records on these non-stationary pesticide containers must include the time period that the container remains at the same location.