

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER i: PESTICIDE CONTROL

PART 256

LAWNCARE SPILL, WASH WATER AND RINSATE COLLECTION

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AUTHORITY: Implementing and authorized by the Illinois Lawncare Products Application and Notice Act [415 ILCS 65].

SOURCE: Adopted at 17 Ill. Reg. 2189, effective February 9, 1993; amended at 19 Ill. Reg. 6800, effective May 8, 1995; amended at 26 Ill. Reg. 8808, effective June 7, 2002.

Section 256.10 Definitions

Definitions for this Part can be located in Section 2 of the Lawncare Products Application and Notice Act. The following definitions shall also apply to this Part:

"Act" means the Lawncare Products Application and Notice Act [415 ILCS 65].

"Alteration" means changes in structures, processes or activities at a containment area that do not change the efficiency or effectiveness of the containment area.

"Impervious materials" means those substances utilized to construct containment areas that can be so constructed and maintained to provide for a water permeability (hydraulic conductivity) rate not to exceed 1×10^{-6} centimeters per second.

"Modification" means changes in structures, processes or activities at a containment area that change the efficiency or effectiveness of the containment area, i.e., changes in capacity.

(Source: Amended at 26 Ill. Reg. 8808, effective June 7, 2002)

Section 256.20 Scope and Application

- a) This Part shall apply to containment areas utilized for the capture of spills or washing or rinsing of pesticide residues from vehicles, application equipment, mixing equipment, floors, or other items used for the storage, handling, preparation for use, transport, or application of pesticides to land areas covered with turf kept closely mown or land area covered with turf and trees or shrubs. This Part shall also apply to containment areas utilized for the loading of lawncare products for distribution to a customer. This Part shall not apply to the above described containment areas associated with the application of pesticides to:

- 1) trees and shrubs only,
- 2) the land area utilized for research for agricultural production of turf only,
- 3) the land area utilized for the commercial production of turf only,
- 4) the land area located within a public or private right-of-way only, or
- 5) the land area that is devoted to the production of any agricultural commodity, including but not limited to plants and plant parts, livestock and poultry and livestock or poultry products, seed, sod, shrubs and other products of agricultural origin raised for sale or for human or livestock consumption.

- b) This Part shall not apply to containment areas associated with the handling of fertilizers only.
- c) This Part shall not apply to containment areas associated with structural pest control.
- d) Any new containment area shall be in compliance with all of this Part before the commencement of any operational activities or use of pesticides.

(Source: Amended at 26 Ill. Reg. 8808, effective June 7, 2002)

Section 256.30 Permits

- a) A lawncare containment permit (either general class,

experimental, or special), issued by the Department shall be obtained for each existing and new containment area as defined by the Act. Permit applications shall be submitted on forms provided by the Department. A permit shall be obtained prior to the commencement of any construction necessary to meet the requirements of the Act or this Part. When required by the provisions of the Illinois Professional Engineering Act [225 ILCS 325], all engineering plans and specifications accompanying the application for the containment area shall be prepared by an Illinois Professional Engineer. A permit shall be amended before the commencement of any modification of the containment area. Alterations to the containment area may be done without permit amendment. A facility owner or operator may contact the Department for determinations regarding proposed alterations versus modifications. A permit shall be transferred to a new owner or operator upon written notification by the permittee to the Department. Permits shall be renewed every 5 years.

- b) An application for a permit submitted by a corporation shall be signed by a principal executive officer of at least the level of the vice president, or a duly authorized representative who is responsible for the overall operation of the containment area described in the application. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively. In the case of a publicly owned containment area, the application shall be signed by either a principal executive officer, ranking official or a duly authorized employee.
- c) The containment area shall be constructed of impervious materials as required by the Act and shall be compatible with the materials applied by the application device. Synthetic materials or liners may be used for spill, wash water and rinsate collection containment structures provided they are compatible with the pesticides being contained and they are installed according to the manufacturer's written directions. The structure shall be repaired and maintained according to the manufacturer's recommendations. These directions and recommendations shall become permanent records to be maintained at the facility site. A written confirmation of compatibility and a written estimate of life expectancy from the manufacturer shall also be kept on file at the facility.
- d) The Department shall allow an innovative design to satisfy the structural requirements of this Part if the application for a permit is accompanied with a registered professional engineer's statement certifying that the design shall provide protection to the environment equivalent to that of this Part. All engineering costs shall be the responsibility of the person making the request. A permit issued "with

conditions" means that the facility is deficient in some area in order to meet full compliance with the beforestated rules. A permit with conditions would be issued if the operation of the facility, during the period of time that the facility owner was correcting the deficiency, does not jeopardize the environment. If the Department fails to grant or deny the permit as requested or issue with conditions within 90 days from the date of receipt of the application, the applicant may deem the permit granted for a one year period commencing on the 91st day after the application was received by the Department. If the application for a permit is denied, the Department shall notify the applicant in writing as to why the permit was denied.

(Source: Amended at 26 Ill. Reg. 8808, effective June 7, 2002)

Section 256.40 General Class Permits

There shall be 3 types of general class permits available for issuance by the Department to a facility owner or operator as defined under subsections (a), (b) and (c). In addition to completed application forms, a submittal for a general class permit shall include a location area map, a detailed plot plan of the facility and any additional information the applicant or Department deem necessary to fully describe the project.

- a) A General Class A lawncare containment permit shall be available for issuance by the Department for a portable containment area for use with small pesticide application devices with a device capacity of less than or equal to 100 gallons of liquid product or 100 pounds of dry product. The containment area shall measure at least 1.5 times the length and 1.5 times the width of the application device. The design of the containment area shall be such that the contained volume shall be a minimum of 25 gallons of liquid or the volume of the application device, whichever is greater. The containment area shall be constructed of impervious materials as required by the Act and shall be compatible with the materials applied by the device. The containment area design shall provide for the collection and reuse or disposal of the spills, wash waters and rinsates in accordance with Sections 256.70(a) and 256.80(b) of this Part. This provision for the collection and reuse or disposal of spills, wash waters and rinsates, in the case of portable containment structures, does not specifically require the inclusion of a sump. The use of underground structures, pits or piping for storage or transport of rinsates, wash water or recycled liquid is prohibited at a facility wishing to qualify for a General Class A lawncare containment permit. This prohibition shall not include sumps or wet wells that are used for the transfer of spills, rinsates or wash waters provided these structures have a detention time of 72 hours or

less. Facility owners or operators desiring to construct and operate a containment area adhering to these requirements shall make application to the Department for a General Class A lawncare containment permit.

- b) A General Class B lawncare containment permit shall be available for issuance by the Department for a non-portable containment area for use with small pesticide application devices with a device capacity less than or equal to 100 gallons of liquid product or 100 pounds of dry product. The containment area shall measure at least 1.5 times the length and 1.5 times the width of the application device. The design of the containment area shall be such that the contained volume shall be a minimum of 25 gallons of liquid or the volume of the application device, whichever is greater. Notwithstanding the aforementioned volume requirement, if the containment area is not protected from contact with precipitation, the containment volume shall be not less than the volume generated by a 6-inch rain storm (a 25-year, 24-hour storm). The containment volume requirements may be achieved with a curbed containment area and catch basin or in combination with above ground tanks connected to an automatic sump pump transfer system or by gravity flow where elevation or installation allows. The containment area shall be constructed of impervious materials as required by the Act and shall be compatible with the materials applied by the application device. The containment area design shall provide for the collection and reuse or disposal of the spills, wash waters and rinsates in accordance with Sections 256.70(a) and 256.80(b) of this Part. Collection and reuse or disposal of spills, wash waters and rinsates, in the case of non-portable containment structures, specifically requires the inclusion of a sump in the structure. The use of underground structures, pits or piping for storage or transport of spills, rinsates, wash waters or recycled liquid is prohibited at a facility wishing to qualify for a General Class B lawncare containment permit. This prohibition shall not include sumps or wet wells that are used for the transfer of spills, rinsates or wash waters provided these structures have a detention time of 72 hours or less. Facility owners or operators desiring to construct and operate a non-portable containment area adhering to these requirements shall make application to the Department for a General Class B lawncare containment permit.
- c) A General Class C lawncare containment permit shall be available for issuance by the Department for a non-portable containment area for use with pesticide application devices with device capacities greater than 100 gallons of liquid product or 100 pounds of dry product. The containment area shall measure at least 1.25 times the length and 1.25 times the width of the application vehicle or device. Pesticide

application devices of a lesser volume than that described in this subsection may also be used with a containment area permitted under this subsection. The design of the containment area shall be such that the contained volume shall be a minimum of 120 gallons or 120% of the largest applicator tank volumes, whichever is greater. Notwithstanding the aforementioned volume requirement, if the containment area is not protected from contact with precipitation, the containment volume shall be not less than the volume generated by a 6-inch rain storm (a 25-year, 24-hour storm). The containment volume requirements may be achieved with a curbed containment area and catch basin or in combination with above ground tanks connected to an automatic sump pump transfer system or by gravity flow where elevation or installation allows. The containment area shall be constructed of impervious materials as required by the Act and shall be compatible with the materials applied by the applicator. The containment area design shall provide for the collection and reuse or disposal of the spills, wash waters and rinsates in accordance with Sections 256.70(a) and 256.80(b) of this Part. This provision for the collection and reuse or disposal of spills, wash waters and rinsates, in the case of non-portable containment structures, includes the requirement of a sump in the containment area. The use of underground structures, pits or piping for storage or transport of spills, rinsates, wash waters or recycled liquid is prohibited at a facility wishing to qualify for a General Class C lawncare containment permit. This prohibition shall not include sumps or wet wells which are used for the transfer of spills, rinsates or wash waters provided these structures have a detention time of 72 hours or less. Facility owners or operators desiring to construct and operate a containment area adhering to these requirements shall make application to the Department for a General Class C lawncare containment permit.

(Source: Amended at 26 Ill. Reg. 8808, effective June 7, 2002)

Section 256.50 Experimental Permits

- a) To facilitate the improvement of containment technology, the Department shall issue experimental permits for containment areas that do not specifically satisfy all the requirements of this Part, provided the applicant provides proof (i.e., quality control, quality assurance, and supportive analytical data) that the process or technique has a reasonably substantial chance for success (i.e., the quality control for the experimental design will indicate if there is any malfunction).
- b) The Department shall issue an experimental permit within 90 days after receipt of the application, provided the documents accompanying the

application indicate that the containment area shall be in compliance with the provisions of the Act and this Part. In addition to completed application forms, the submittal for an experimental permit shall include the following documents:

- 1) a location area map,
 - 2) detailed plot plan of the facility,
 - 3) water supply protection schematic flow diagram,
 - 4) detailed engineering plans and specifications,
 - 5) operations and management practices plan, and
 - 6) any additional information the applicant or Department may deem necessary to fully describe the project.
- c) A valid experimental permit shall constitute a prima facie defense to any action brought against the permit holder for a violation of the Rules of this Part, but only to the extent that such action is based upon the failure of the process or technique.
- d) Initially, all experimental permits shall have a duration not to exceed two years.
- e) Application for renewal of an experimental permit shall be submitted to the Department at least 90 days prior to the expiration of the existing permit. To the extent the information to be supplied for renewal is identical with that contained in the prior permit application, the applicant shall so note on the renewal application, and the Department shall not require the submittal of data and information submitted with the original application.

(Source: Amended at 26 Ill. Reg. 8808, effective June 7, 2002)

Section 256.60 Special Permits

- a) A special lawncare containment permit shall be available for issuance by the Department to facility owners or operators for the construction and operation of containment areas that do not fall within the parameters of either general class or experimental permits.
- b) The Department shall issue a special lawncare containment permit within 90 days after receipt of the application, provided the documents accompanying the application indicate that the containment area shall be in compliance with the provisions of the Act and this Part. In addition to the completed application forms, the submittal for a special lawncare containment permit shall include the

following documents:

- 1) a location area map,
 - 2) detailed plot plan of the facility,
 - 3) water supply protection schematic flow diagram,
 - 4) detailed engineering plans and specifications,
 - 5) operations and management practices plan, and
 - 6) any additional information the applicant or the Department may deem necessary to fully describe the project.
- c) The containment area permitted by the Department under a special lawncare containment permit shall provide for a minimum contained volume of 25 gallons of liquid or the volume of the application device, whichever is greater. Notwithstanding the aforementioned volume requirement, if the containment area is not protected from precipitation, the containment volume shall not be less than the volume generated by a 6-inch rain storm (a 25-year, 24-hour storm). The containment volume requirements may be achieved with a curbed containment area and catch basin or in combination with above ground tanks connected to an automatic sump pump transfer system or by gravity flow where elevation or installation allows. The containment area shall be constructed of impervious materials as required by the Act and shall be compatible with the materials applied by the application device. The containment area design shall provide for the collection and reuse or disposal of the spills, wash waters and rinsates in accordance with Sections 256.70(a) and 256.80(b) of this Part. Collection and reuse or disposal of spills, wash waters and rinsates, in the case of containment areas permitted under special lawncare containment permits, specifically requires the inclusion of a sump in the structure.

(Source: Amended at 26 Ill. Reg. 8808, effective June 7, 2002)

Section 256.70 Containment Area Management and Operations

- a) Precipitation accumulation shall never exceed a level that would impair the holding capacity of the containment area. Such precipitation accumulation shall be removed from the containment area after each storm and shall be field applied at agronomic rates, used in a liquid mixing operation, or otherwise recycled or disposed of in accordance with this Part. Precipitation accumulation from containment areas shall not be discharged from the containment area as surface runoff during the application season, except

when the containment structure has been cleaned and rinsed of pesticides in compliance with subsection (b), and the discharge shall not cause either water quality violations pursuant to 35 Ill. Adm. Code, Subtitle C or a pesticide release pursuant to the Environmental Protection Act [415 ILCS 5]. Any pesticide laden residues, rinsates, and pesticide contaminated wash water that are to be land applied shall be handled in accordance with the products' labels. Field application of diluted pesticide solutions is an acceptable use if the total annual application amounts of the pesticide do not exceed the pesticide label application rates. Spills, rinsates and pesticide contaminated wash water may be used to make up the total spray mixture if the mixture does not exceed the pesticide label application rates. Pesticides, pesticide residues, rinsates, and pesticide contaminated wash water shall not be disposed through storm sewers, sanitary sewer systems, public or private sewage treatment facilities or wells, waters of the State, nor to land, except as provided in this Section.

- b) Pesticide spills into containment areas shall be recovered promptly and the structure washed to remove pesticide contamination. Proper cleaning shall include removal, washing and rinsing of material from the area, mud pits, sump pits and all interconnected pipes of structures. These containment areas shall be washed with a biodegradable cleanser, triple rinsed with a high pressure hose and all standing water removed and disposed of as provided in subsection (a).
- c) Field washing of exterior surfaces of pesticide application equipment is acceptable at the site of the pesticide application provided no runoff from the site occurs.
- d) Spray application vehicles and equipment that are not cleaned shall be parked in the containment area or otherwise protected from precipitation so as to prevent the release of pesticide residues to the environment.

(Source: Amended at 26 Ill. Reg. 8808, effective June 7, 2002)

Section 256.80 Site Closures and Discontinuation of Operations

When a lawncare containment area is closed or operations are discontinued, pesticides, rinsates, wash waters, and other materials containing pesticides, and all pesticide containers shall be removed from the site and disposed of or utilized in one of the following manners:

- a) utilized for the original intended purpose of the pesticide product, provided that the product is in a usable state, the product's registration (if required)

has not been canceled, suspended, revoked, or denied by the United States Environmental Protection Agency or the Department, and label directions are followed; or

- b) disposed of as a special waste or hazardous waste as authorized by the Environmental Protection Act and the rules adopted under that Act (35 Ill. Adm. Code 724, 725 and 809).

(Source: Amended at 26 Ill. Reg. 8808, effective June 7, 2002)

Section 256.90 Connections to the Water Supply

- a) Water service lines that connect a containment area to a community public water supply shall include either a reduced pressure principle backflow preventer or a fixed proper air gap, in accordance with the Illinois Environmental Protection Act [415 ILCS 5] and Agency Technical Policy Statement (35 Ill. Adm. Code 653.803(c)(4)).
- b) Water service lines that connect a containment area to a water supply other than a community public water supply shall include either a reduced pressure principle backflow preventer or a fixed proper air gap, in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- c) A fixed proper air gap with a minimum of 6 inches above the flood level rim of the receptacle is required for water distribution points which are pesticide product pipe connections and tank filling operations. A reduced pressure principle backflow preventer is adequate for water distribution points that wash vehicles, rinsate pads, containers or other uses that are not directly connected to product lines or tanks.
- d) Installation, maintenance and inspection of such backflow prevention devices shall be carried out in accordance with Illinois Environmental Protection Agency Technical Policy Statement (35 Ill. Adm. Code 651 and 653) or the Illinois Plumbing Code (77 Ill. Adm. Code 890), whichever is applicable.

(Source: Amended at 26 Ill. Reg. 8808, effective June 7, 2002)