

**02 NCAC 09L .1905 STORAGE FACILITY REQUIREMENTS: RUP**

- (a) In addition to the requirements as set forth in Rule .1902 of this Section, the requirements of this Rule shall apply to any quantity of restricted use pesticides in commercial storage.
- (b) Storage areas shall utilize security precautions that prevent unauthorized access to pesticides. Non-display pesticide storage areas shall be locked when unattended. A warning sign shall be posted beside all entrances to non-display pesticide storage areas stating "PESTICIDE STORAGE," "AUTHORIZED PERSONNEL ONLY," "IN CASE OF EMERGENCY CALL \_\_\_\_\_."
- (c) Pesticide spills shall be cleaned up with regard to personnel safety by wearing appropriate personal protective equipment (PPE) and handling the pesticide in accordance with the manufacturer's product labeling. Floor-sweeping compounds such as adsorptive clay, sand, sawdust, lime, or similar suitable materials shall be kept on hand to absorb spills or leaks. Safe disposal techniques in accordance with the labeling shall be employed when disposing of pesticide contaminated adsorptive materials.
- (d) Pesticides shall be stored to prevent contact with water resulting from area cleanup, the intrusion of storm waters, leaks, or impounded or flowing waters, or any other source which represents a likely potential for flooding.
- (e) Pesticides shall not be stored within 100 feet horizontally of a public water supply. Pesticides shall not be stored within 50 feet horizontally of a private water supply. An exemption from the requirements of this Paragraph may be granted by the Board upon receipt of written request for such exemption from the owner or operator of a storage facility. Each request shall describe existing conditions requiring such exemption. When reviewing exemption requests, the Board shall consider the potential for groundwater or aquifer contamination, such as whether drainage from the facility is designed to protect the public water supply and ensure that runoff from the facility would be directed away from the water source, or if the source is no longer used as a public or private water supply, or whether a well has been properly closed and sealed according to 15A NCAC 02C .0113.
- (f) The person responsible for each pesticide storage facility shall also be responsible for the following:
- (1) compliance with all State and local fire codes and building codes and with all applicable State environmental laws and rules applicable to the type of facility;
  - (2) development of a prefire plan for the storage facility. The plan shall be a description of the facility's plans and procedures for management of fires involving pesticides.
    - (A) one copy of the plan approved by the fire department or emergency services office having jurisdiction shall be maintained in the office of the storage facility for inspection by the Board;
    - (B) one copy of the plan shall be filed with the fire department or emergency services office having jurisdiction;
    - (C) a request shall be made in writing to the local fire department or emergency services office having jurisdiction for no less than an annual inspection of the facility.
- (g) The person responsible for the storage facility shall upon discovery of any emergency such as a fire, spill, or unintended release of pesticides into the environment from the facility, notify the secretary of the Board if such emergency threatens the health, safety or welfare of man, animals, aquatic life, or damage to property. Such notification of the secretary does not preclude notification being given to the appropriate local fire department, emergency services office, or other State or federal agencies requiring such notification.
- (h) Any person operating a storage facility shall maintain a current inventory list of the kinds of stored pesticides by brand name and formulation. An inventory list shall be considered current if it is updated every 30 days. A copy of this list shall be maintained in a separate location from the storage facility. This list shall be made available to the Board or its agents upon request.
- (i) Pesticide applicators storing restricted use pesticides shall be subject to the same requirements as set forth in this Rule.

*History Note: Authority G.S. 143-437; 143-441; 143-461; 143-466;  
Eff. January 1, 1984;  
Amended Eff. November 1, 1989;  
Readopted Eff. August 1, 2020.*