

Chapter Ag 163

PESTICIDE BULK STORAGE

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Note: See Chapter Ag 162 for rules on fertilizer bulk storage. See s. Ag 29.12 for general rules on pesticide storage, including bulk pesticide storage. The U.S. Environmental Protection Agency has interpreted the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et. seq.) to include certain requirements of persons who, as pesticide sellers, repackage pesticides by delivering them from bulk storage into customers' bulk containers. These requirements may include, and are not necessarily limited to: registration of the facility as a pesticide producing establishment; filing of annual pesticide production reports; maintenance of books and records; provision of labeling to purchasers of bulk pesticides; delivery of pesticides from a dealer's bulk storage only to bulk containers of customers; and maintaining a formal agreement with the product registrant authorizing repackaging of the registrant's pesticide product for sale in bulk quantity.

Ag 163.01 Definitions. As used in this chapter:

(1) "Appurtenances" means all valves, pumps, fittings, pipes, hoses, metering devices, mixing containers, and dispensing devices which are connected to a storage container, or which are used to transfer liquid bulk pesticide into or out of a storage container.

(2) "Bulk pesticide" means liquid pesticide in a container larger than 55 gallons (208 liters) or a solid pesticide in undivided quantities greater than 100 pounds (45 kilograms). It includes mini-bulk pesticide, except as otherwise specified.

(2m) "Department" means the department of agriculture, trade and consumer protection.

(3) "Discharge" means a spill, leak, accidental or intentional release, or other emission of bulk pesticide from a storage container, container or appurtenance, and includes a discharge into secondary containment. It does not include a fully contained transfer of bulk pesticide which is made pursuant to sale, storage or distribution.

(4) "Distribute" means to import, consign, sell, offer for sale, solicit orders for sale or otherwise supply pesticide for sale or use in this state.

(5) "Dry pesticide" means pesticide which is in solid form prior to any application or mixing for application, and includes formulations such as dusts, wettable powders, dry flowable powders, and granules.

(6) "Groundwater" means any of the waters of the state, as defined in s. 144.01 (19), Stats., occurring in a saturated subsurface geological formation of rock or soil.

(7) "Inorganic soil" means a soil composed of less than 30% organic matter, measured as less than 15% organic carbon by weight.

(8) "Liquid pesticide" means pesticide in liquid form, and includes solutions, emulsions, suspensions and slurries.

(9) "Manufacture" means to process, manufacture, formulate, prepare, compound, propagate, package, or label any pesticide.

(10) "Mini-bulk pesticide" means an amount of liquid pesticide greater than 55 gallons (208 liters) but not exceeding 400 gallons (1,514 liters), or an amount of solid pesticide greater than 100 pounds (45 kilograms) but not exceeding 500 pounds (225 kilograms), which is held in a single container designed for ready handling and transport, has been filled by the original pesticide product manufacturer, and to which no substance has been added by any person.

(11) "Person" has the meaning specified under s. 144.01 (9m), Stats.

(12) "Pesticide" has the meaning specified under s. 94.67 (25), Stats. For purposes of this rule, the term includes substances or mixtures of substances which are labeled as pesticides for use in further manufacture or formulation of pesticides.

(13) "Storage" means storage of bulk pesticide by a person who manufactures or distributes bulk pesticide.

(14) (a) "Storage container" means:

1. A container used for the storage of liquid bulk pesticide.
2. A rail car, nurse tank, or other mobile container used for the storage of liquid bulk pesticide.
3. A container of mini-bulk pesticide.

(b) "Storage container" does not include:

1. A mobile container storing liquid bulk pesticide at a storage facility for less than 15 days, if this storage is incidental to the loading or unloading of a storage container at the storage facility.
2. A mobile container located other than on property owned, operated or controlled by a manufacturer or distributor.
3. A container used solely for emergency storage of leaking pesticide containers that are 55 gallons or smaller.

(15) "Storage facility" means a location at which bulk pesticide is held in storage.

(16) "Waters of the state" has the meaning specified under s. 144.01 (19), Stats.

History: Cr. Register, September, 1985, No. 357, eff. 12-29-85; cr. (2m) and r. and recr. (14), Register, February, 1988, No. 386, eff. 3-1-88.

**Ag 163.02 Storage containers and appurtenances; liquid pesticide. (1) GENERAL REQUIREMENTS.** Storage containers and appurtenances shall be constructed, installed and maintained so as to prevent the discharge of liquid bulk pesticide. Storage containers and appurtenances shall be constructed of materials which are resistant to corrosion, puncture or cracking. Materials used in the construction or repair of storage containers and appurtenances may not be of a type which reacts chemically or electrolytically with stored bulk pesticide in a way which Register, February, 1988, No. 386

may weaken the storage container or appurtenance, create a risk of discharge, or adulterate the pesticide. Metals used for valves, fittings and repairs on metal containers shall be compatible with the metals used in the construction of the storage container, so that the combination of metals does not cause or increase corrosion which may weaken the storage container or its appurtenances, or create a risk of discharge. Storage containers and appurtenances shall be designed to handle all operating stresses, taking into account static head, pressure buildup from pumps and compressors, and any other mechanical stresses to which the storage containers and appurtenances may be subject in the foreseeable course of operations.

(2) **APPURTENANCES.** (a) Every storage container connection, except a safety relief connection, shall be equipped with a shutoff valve located on the storage container or at a distance from the storage container dictated by standard engineering practice. Except for a storage container of mini-bulk pesticide, all wetted parts inside shutoff valves, and all connections from the storage container to the shutoff valve, shall be made of stainless steel or other department-approved material. Valves shall be secured to protect against vandalism or accidental valve openings which may result in a discharge.

(b) Pipes and fittings shall be adequately supported to prevent sagging and possible breakage because of gravity and other forces which may be encountered in the ordinary course of operations.

(3) **VENTING OR EXPOSURE MONITORING.** (a) Except as provided in par. (b), each fixed storage container used for liquid bulk pesticide shall be equipped with a conservation vent which opens and closes within the designed pressure limits of the container, so as to relieve excess pressure, prevent evaporative losses, and keep precipitation out of the container.

(b) In place of a conservation vent under par. (a), a company storing bulk pesticides for use as a wood preservative may conduct air sampling capable of determining the presence of the wood preserving compound stored at or above levels regulated by state or federal standards in accordance with acceptable protocol.

(4) **LIQUID LEVEL GAUGING DEVICE.** Every storage container shall be equipped with a liquid level gauging device by which the level of liquid in the storage container can be readily and safely determined. A liquid level gauging device is not required if the level of liquid in a storage container can be readily and reliably measured by other means. Liquid level gauging devices shall be secured, in a safe manner, to protect against breakage or vandalism which may result in a discharge. External sight gauges are prohibited.

(5) **PROHIBITED MATERIALS.** (a) Storage containers and appurtenances may not be made of polyvinyl chloride.

(b) A storage container may not be made of ferrous metals, unless any of the following occur:

1. The container is made of stainless steel.

2. The container has a protective lining which inhibits corrosion and which does not react chemically with the stored pesticide.

3. The department approves the use of ferrous metals based on documentation it receives showing the product stored to be noncorrosive, and the product stored is intended for use by the wood preservative industry.

(6) **ANCHORING OF STORAGE CONTAINERS.** Storage containers shall be anchored, as necessary, to prevent flotation or instability which might occur as a result of liquid accumulations within a secondary containment facility constructed under s. Ag 163.04.

(7) **SECURITY.** Outdoor storage containers shall be located within a permanently fenced area. All storage containers shall be secured against access by unauthorized persons and to provide reasonable protection against access by wildlife. Appurtenances shall be fenced or otherwise secured to provide reasonable protection against vandalism or unauthorized access which may result in a discharge. Valves on storage containers shall be locked or otherwise secured except when persons responsible for facility security are present at the facility. Valves on rail cars, nurse tanks, and other mobile pesticide containers parked overnight at a storage facility shall be locked or secured except when persons responsible for facility security are present at the facility.

(8) **FILLING.** Storage containers may not be filled to more than 95% of capacity unless:

(a) The storage container construction or location provides constant temperature control; or

(b) The storage container is a mini-bulk pesticide container.

(9) **INSPECTION AND MAINTENANCE.** The operator of a storage facility shall routinely inspect and maintain storage facilities, storage containers and appurtenances to minimize the risk of a discharge. The operator shall inspect valves and other appurtenances for leakage at least weekly, and inspect vents for proper operation at least monthly. The operator shall measure and record the liquid pesticide level in each storage container at least weekly, except that a container with a capacity of over 55 gallons (208 liters) but not exceeding 400 gallons (1,514 liters) which is stored on a concrete base meeting the requirements of s. Ag 163.04 (5) (b) or in a prefabricated facility meeting the requirements of s. Ag 163.04 (6) may instead be visually inspected for leakage weekly and the result recorded at the time of the inspection. A written record of all inspections and maintenance shall be made on the day of the inspection or maintenance and kept at the storage site, or at the nearest local office from which the storage site is administered.

History: Cr. Register, September, 1985, No. 357, eff. 12-29-85; renum. (3) to be (3) (a) and am., cr. (3) (b) and (5) (b) 3., am. (5) (b) (intro.) and 1., Register, February, 1988, No. 386, eff. 3-1-88.

**Ag 163.03 Loading areas; liquid pesticide.** (1) **CURBED AND PAVED SURFACE; CATCH BASIN.** (a) Areas used for the loading of liquid bulk pesticide into storage containers, or for unloading liquid bulk pesticide from storage containers into mobile containers shall be curbed and paved with asphalt, concrete or other department approved material. The curbed and paved surface shall form or drain into a liquid-tight catch basin. If the curbed and paved surface drains to a sump, the catch basin may include the sump and an above-ground container, provided a pump is installed which automatically transfers the contents of the sump into

an above-ground container. Except as provided in par. (b), curbed surfaces and catch basins shall be of adequate size and design to contain a combined total of at least 1,500 gallons (5,680 liters) of discharged liquid.

**Note:** The department will maintain a list of approved paving materials for given pesticides, and provide the current list to interested persons upon request. Additional materials may be approved and added to the list upon submission and review of chemical compatibility and permeability information provided to the department by the product manufacturer.

(b) If no storage container used at the storage facility has a capacity of more than 1,000 gallons (3,780 liters), and if no mobile container used to transfer liquid bulk fertilizer [pesticide] to or from storage containers has a capacity of more than 1,000 gallons, the curbed surface and catch basin shall be of adequate size and design to contain 1.25 times the capacity of the largest storage container or mobile container used, whichever is larger.

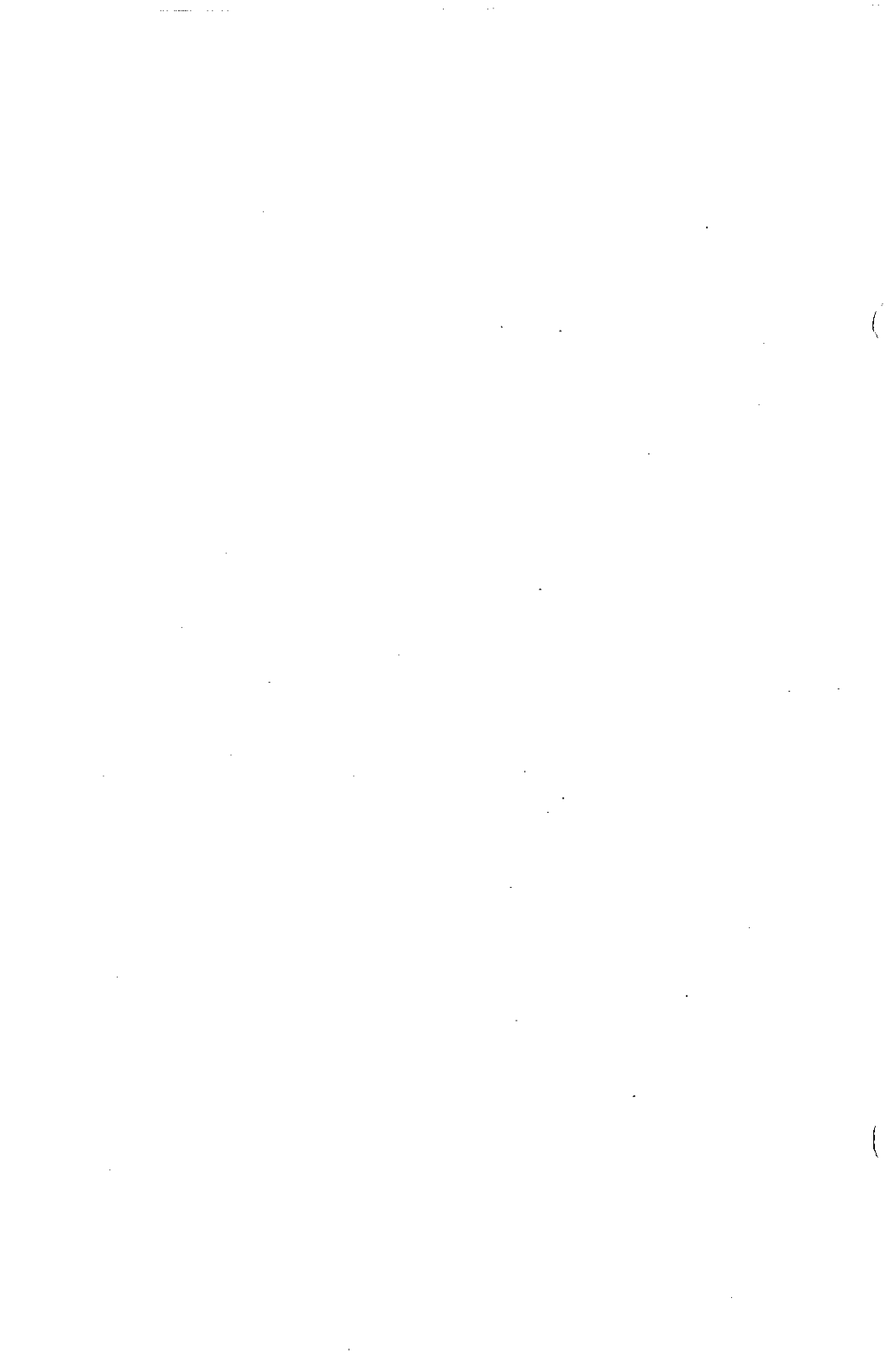
(2) **PROTECTION AGAINST DAMAGE BY MOVING VEHICLES.** Storage containers and appurtenances, including pipes, shall be protected against reasonably foreseeable risks of damage by trucks and other moving vehicles engaged in the loading or unloading of bulk pesticide.

(3) **RECOVERY OF DISCHARGES; LOADING AREAS.** Discharges incident to loading or unloading shall be promptly recovered from the paved surface and catch basin, such that the capacity required under sub. (1) is available at all times.

**History:** Cr. Register, September, 1985, No. 357, eff. 1-1-88.

**Ag 163.04 Secondary containment; liquid pesticide. (1) GENERAL REQUIREMENTS.** Except as provided in sub. (9), storage containers shall be enclosed in a secondary containment facility which is adequate, in the

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event of a discharge, to prevent the movement of liquid pesticides to waters of the state including groundwater. A secondary containment facility shall consist of:

- (a) A wall and liner as provided under subs. (4) and (5); or
- (b) A prefabricated facility as provided under sub. (6).

(2) **CAPACITY.** The capacity of a secondary containment facility shall be at least equal to the sum of all the following:

(a) The greatest volume of liquid which could be discharged from the largest storage container within the secondary containment facility; and

(b) Twenty-five percent of the capacity of the largest storage container located within the secondary containment facility for an outdoor storage container, or 10% of the capacity of the largest storage container located within the secondary containment facility for an indoor storage container; and

(c) The total volume of discharged liquid which would be displaced by the submerged portions of all other storage containers, fixtures and materials located within the secondary containment facility, if the facility were filled to capacity with discharged liquid.

(3) **STORAGE WITH OTHER COMMODITIES.** No other commodity, except liquid pesticide, pesticide diluent, empty pesticide containers, or pesticide discharges recovered under sub. (8) and s. Ag 163.03 (3), may be stored within a liquid pesticide secondary containment facility. A liquid pesticide secondary containment facility may be located within, or may share a wall or portion of a wall with, a liquid fertilizer secondary containment facility constructed under s. Ag 162.04.

(4) **WALLS.** The walls of a secondary containment facility shall be constructed of earth, steel, concrete or solid masonry, and be designed to withstand a full hydrostatic head of any discharged liquid. Cracks and seams shall be sealed to prevent leakage. Walls constructed of earth or other permeable materials shall be lined as provided under sub. (5). Earthen walls shall have a horizontal-to-vertical slope of at least 3 to one, unless a steeper slope is consistent with good engineering practice, and shall be protected from erosion. Walls may not exceed 6 feet (1.8 meters) in height above interior grade.

(5) **LINING.** (a) *General requirement.* The base of a secondary containment facility, and any earthen walls of the facility, shall be lined with asphalt, concrete, an approved synthetic liner, or a soil liner designed to limit the permeability of the base and walls. Liners shall meet the requirements of this subsection.

(b) *Asphalt or concrete liners.* Asphalt or concrete liners shall be designed according to good engineering practices to withstand any foreseeable loading conditions, including a full hydrostatic head of discharged liquid. Cracks and seams shall be sealed to prevent leakage.

(c) *Synthetic liners.* Synthetic liners shall be approved by the department. Synthetic liners shall have a minimum thickness of 30 mils (0.8 millimeters), and be chemically compatible with the materials being stored within the facility. A synthetic liner may not be approved by the department until the manufacturer of the liner provides the department with a written confirmation of compatibility, and a written estimate of

the life of the liner. The synthetic liner shall be protected by a 6 inch (15 centimeter) soil layer below the liner, and a 12 inch (30 centimeter) soil layer above the liner. Both soil layers shall be free of large rocks, angular stones, sticks or other materials which may puncture the liner. Synthetic liners shall be installed under the supervision of a qualified representative of the manufacturer, and all field constructed seams shall be tested, and repaired if necessary, in accordance with the manufacturer's recommendations.

Note: The department will maintain a list of approved synthetic liners for given pesticides, and will provide the current list to any person upon request. Additional liners may be approved and added to the list upon submission and review of chemical compatibility information provided to the department by the manufacturer.

(d) *Soil liners.* 1. A liner may be constructed of natural soil, or of natural soil treated with bentonite clay, provided that the liner meets the requirements of this paragraph. The liner shall be designed and constructed according to good engineering practices, to achieve a coefficient of permeability not to exceed  $1 \times 10^{-6}$  cm/sec, with a thickness of not less than 6 inches (15 centimeters). The liner shall be covered by an inorganic soil layer not less than 6 inches (15 centimeters) thick, and shall be maintained, as necessary, to prevent cracking. Liners may not be constructed of frost-susceptible soils, which include silts and silty sand.

2. A natural soil may not be used in a soil liner if less than 50% by weight of the natural soil passes a No. 200 sieve, or if more than 5% by weight of the natural soil is retained on a No. 4 sieve. Natural soil liners shall contain less than 2% organic material and shall have a plasticity index of at least 15.

3. Bentonite treated liners shall consist of a uniform mixture of natural soil and bentonite. The natural soil used in the mixture shall have a plasticity index of at least 12. At least 30% by weight of the natural soil shall pass a No. 200 sieve, and less than 5% by weight of the natural soil shall be retained on a No. 4 sieve. Ninety percent of the bentonite by weight shall pass a No. 80 sieve, and the soil-bentonite mixture shall contain at least 5% bentonite by weight.

(6) **PREFABRICATED FACILITIES.** A prefabricated facility shall be composed of a rigid prefabricated basin having both a base and walls constructed of steel or synthetic materials which are resistant to corrosion, puncture or cracking. Materials used in the facility shall be chemically compatible with the products being stored within the secondary containment facility. A written confirmation of compatibility from the basin manufacturer shall be kept on file at the storage facility or at the nearest local office from which the storage facility is administered. The prefabricated facility shall be designed and installed to withstand all foreseeable loading conditions, including the tank load and a full hydrostatic head of any discharged liquid. Multiple basins connected to provide the capacity required under sub. (2) shall be connected in a manner which assures an unrestricted transfer of discharged liquid between basins.

(7) **INSPECTION AND MAINTENANCE.** (a) *General.* Every secondary containment facility shall be inspected at intervals of not more than 12 months, and be maintained as necessary to assure compliance with this section. A written record of all inspections and maintenance shall be made on the day of the inspection or maintenance, and kept at the



storage facility, or at the nearest local office from which the storage facility is administered.

(b) *Precipitation accumulations.* Precipitation may not be permitted to accumulate in a secondary containment facility to the point where the accumulation may tend to:

1. Impair the adequacy of the facility for discharge containment purposes;
2. Increase the corrosion of storage containers or appurtenances; or
3. Impair the stability of storage containers.

(8) **RECOVERY OF DISCHARGES.** Discharges at a storage facility shall be promptly recovered, to the maximum extent feasible. Pumps and recovery containers for this purpose shall be readily available, as provided in s. Ag 163.08 (2).

*Note:* It is recommended that a recovered discharge not be sold. Unless it is applied in accordance with the product label directions, a recovered discharge may be a waste regulated under ch. 144, Stats.

(9) **EXEMPTIONS.** The secondary containment requirements under this section do not apply to rail cars which are periodically moved from the storage facility or to empty containers which have a capacity of over 55 gallons (208 liters) but not exceeding 400 gallons (1,514 liters).

*History:* Cr. Register, September, 1985, No. 357, eff. 1-1-88.

**Ag 163.05 Underground liquid storage prohibited; exemption.** No person may store liquid bulk pesticide in an underground storage container. This prohibition does not apply to a watertight catch basin used for the temporary collection of runoff or rinsate from transfer and loading areas, pursuant to s. Ag 163.03.

*History:* Cr. Register, September, 1985, No. 357, eff. 12-29-85.

**Ag 163.06 Abandoned containers.** (1) **GENERAL.** Storage containers and other containers used at a storage facility to hold bulk pesticide or pesticide rinsate are considered abandoned containers under this section if they have been out of service for more than 6 months because of a weakness or leak, or have been out of service for any reason for more than 2 years. A secondary containment facility is not considered abandoned merely because there have been no discharges into the secondary containment facility.

(2) **UNDERGROUND CONTAINERS OR CATCH BASINS.** Abandoned underground containers, including abandoned underground catch basins under s. Ag 163.03, shall be:

- (a) Thoroughly cleaned and removed from the ground; or
- (b) Thoroughly cleaned and filled with an inert solid. All connections and vents shall be disconnected and sealed. A record of the catch basin size, location, and method of closing shall be maintained at the storage facility.

(3) **ABOVE-GROUND CONTAINERS.** Above-ground containers which have been abandoned shall be thoroughly cleaned. All hatches on the

containers shall be left open, and all valves or connections shall be severed and sealed.

History: Cr. Register, September, 1985, No. 357, eff. 12-29-85.

**Ag 163.07 Recordkeeping; liquid pesticide storage.** (1) The following records shall be prepared and maintained on file at every storage facility, or at the nearest local office from which the storage facility is administered:

(a) A record of all discharges at the storage facility, including the date and time of discharge, the type of liquid bulk pesticide discharged, the volume of the discharge, the cause of the discharge, any action taken to control or recover the discharge, and the method of use or disposal of any recovered discharge. The discharge record shall be completed on the day the discharge is discovered, and shall be promptly updated to show measures taken to control, recover, use or dispose of the discharge.

(b) A regular record of the liquid pesticide levels in each storage container. The level in each storage container shall be measured and recorded at least weekly, as provided in s. Ag 163.02 (9).

(c) A monthly inventory reconciliation, showing the amount of liquid bulk pesticide from each storage container which is lost or unaccounted for at the end of each monthly period.

(d) Inspection and maintenance records pertaining to storage containers, appurtenances, and secondary containment facilities, as provided under ss. Ag 163.02 (9) and 163.04 (7).

(e) A record of manufacturers' compatibility statements as provided under s. Ag 163.04 (5) and (6).

(f) A record of abandoned underground containers, if any, as provided under s. Ag 163.06 (2) (b).

(2) Records under this section shall be maintained for at least 3 years. Discharge records under sub. (1) (a) shall be maintained for at least 5 years. Records under subs. (1) (e) and (f) shall be kept as permanent records. Records shall be available for inspection and copying by the department.

History: Cr. Register, September, 1985, No. 357, eff. 12-29-85.

**Ag 163.08 Storage of dry pesticide in bulk quantity.** (1) **COVERING.** Except during loading or unloading, stored dry bulk pesticide shall be covered by a roof or tarpaulin which will keep precipitation off the pesticide.

(2) **REQUIREMENTS FOR OUTDOOR STORAGE FACILITIES.** Dry bulk pesticide stored outdoors shall be kept in storage containers. Storage containers shall be placed on pallets or on a raised concrete platform which is drained to prevent the accumulation of water in or under the pesticide.

(3) **SECURITY.** Storage facilities shall be secured against entry by unauthorized persons or wildlife.

(4) **DISCHARGE RECORDS.** A record shall be kept of all discharges of dry bulk pesticide, including the date and time of discharge, the type of dry bulk pesticide discharged, the volume of the discharge, the cause of the discharge, any action taken to control or recover the discharge, and the method of use or disposal of any recovered discharge. The discharge

record shall be completed on the day of the discovery of the discharge, and shall be promptly updated to show measures taken to control, recover, use or dispose of the discharge. Records shall be maintained for at least 5 years, and shall be made available for inspection and copying by the department on request.

History: Cr. Register, September, 1985, No. 357, eff. 12-29-85.

**Ag 163.09 Preparations for control and recovery of pesticide discharges.**

(1) **DISCHARGE RESPONSE PLAN.** The operator of a storage facility shall prepare a written discharge response plan for the storage facility. The operator shall keep the plan current at all times. A copy of the plan shall be kept readily available at the storage facility and at the nearest local office from which the storage facility is administered, and shall be available for inspection and copying by the department. The operator of the storage facility shall inform the local fire and police departments of the existence of the plan, and shall provide a current copy of the plan to the local fire and police departments. The plan shall include:

(a) The identity and telephone number of the persons or agencies who are to be contacted in the event of a discharge, including persons responsible for the stored pesticide.

(b) For each bulk pesticide stored at the facility, a complete copy of the storage container labeling required under s. Ag 163.10, and the labeling required to accompany sale of the pesticide under s. 94.70, Stats.

(c) An identification, by location, of every storage container located at the storage facility, and the type of bulk pesticide stored in each storage container. The plan need not include the specific location of each storage container of mini-bulk pesticide, provided that the plan includes the general location within the facility at which storage containers of mini-bulk pesticide are held.

(d) For each type of bulk pesticide stored at the facility, the procedures to be used in controlling and recovering, or otherwise responding to a discharge.

(e) Procedures to be followed in using or disposing of a recovered discharge.

(2) **EQUIPMENT AND SUPPLIES.** (a) Manufacturers and distributors who store bulk pesticides shall have access to pumps and recovery containers which can be used to control and recover discharges, and to personal protective equipment and clothing for use by persons involved in discharge control and recovery. Pumps, recovery containers, personal protective equipment and clothing, and persons capable of deploying and operating them, shall be readily available in an emergency. Pumps, recovery containers, personal protective equipment and clothing required under this subsection may include those provided by a local fire department or other persons, if the use and availability of the pumps, recovery containers and personal protective equipment is arranged in advance as part of a discharge response plan. Pumps, recovery containers, personal protective equipment, and other materials used in control and recovery of discharges shall be decontaminated promptly after the discharge has been recovered, and may not be used for other purposes until they have been decontaminated.

(b) Absorbent materials suitable for the control and cleanup of small liquid discharges shall be kept readily available at every storage facility.

(3) TRAINING. Persons employed at storage facilities shall be trained in discharge response procedures, pursuant to the discharge response plan.

Note: The department of natural resources must be promptly informed of the discharge of any hazardous material, pursuant to s. 144.76, Stats. Under most circumstances, this requirement applies to a pesticide discharge.

History: Cr. Register, September, 1985, No. 357, eff. 12-29-85.

**Ag 163.10 Labeling of storage containers.** (1) Every storage container shall bear a label stating, with regard to the current contents of the container:

(a) The product brand name.

(b) The registration number assigned to the product by the United States environmental protection agency, if the product is a registered pesticide.

(c) The pesticide producing establishment number, if any, which was placed on the container by the original pesticide product manufacturer.

(d) An ingredient statement meeting the specifications of s. 94.67 (17), Stats.

(e) The name and address of the person who has registered the product with the U.S. environmental protection agency, if the product is a registered pesticide.

(f) The net contents of the storage container. For liquid bulk pesticide, the net contents shall be the net contents when the storage container is filled to the capacity specified in s. Ag 163.02 (8). For a mini-bulk pesticide storage container, the statement of net contents shall be that which was placed on the storage container by the original pesticide product manufacturer.

(g) Storage and disposal directions, and any other precautionary labeling, as specified under s. 94.676, Stats., if the product is a registered pesticide.

(h) The appropriate toxicity signal word and directions for treatment of human exposure.

(2) The label required under this section shall be placed on the storage container so as to be visible from outside of the secondary containment facility. The label shall be kept in readable condition. The type size used on the label shall be that which is specified under Title 40, Part 162, of the Code of Federal Regulations.

*supplied* (3) A copy of the label specified under sub. (1), and any other labeling supplies with the pesticide by the pesticide product registrant, shall be kept with each copy of the discharge response plan required under s. Ag 163.09 (1).

Note: With every sale from a bulk pesticide storage container, the customer shall be supplied with complete labeling, as required under s. 94.70, Stats. Such labeling would include, among other required information, the seller's pesticide producing establishment number as Register, September, 1985, No. 357

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assigned by the United States environmental protection agency, and the net contents of each container sold.

**History:** Cr. Register, September, 1985, No. 357, eff. 12-29-85.

**Ag 163.11 Exemptions.** The department may exempt any person from a requirement under this chapter if compliance is not technically feasible, but only if the department finds that alternative measures provide substantially similar protection for the waters of the state. A person requesting an exemption shall provide the department with adequate information to show that alternative measures provide substantially similar protection for the waters of the state.

**History:** Cr. Register, September, 1985, No. 357, eff. 12-29-85.

**Ag 163.12 Effective dates.** This chapter shall take effect 90 days after publication in the Wisconsin Administrative Register, except that ss. Ag 163.03 and 163.04 shall take effect on January 1, 1988.

**History:** Cr. Register, September, 1985, No. 357, eff. 12-29-85.