



## Pesticide Containment Scenarios for Determining if Secondary Containment is Required



### ***Is secondary containment required?***

In the following scenarios, assume that all of the facilities handle agricultural pesticides.

**Scenario 1:** A 1,000-gallon truck holding an agricultural pesticide is at a facility for 2 weeks. The facility dispenses pesticide from the truck for commercial application.

*Answer: No, secondary containment is not required. The facility is potentially subject to the regulations because it is a commercial applicator of agricultural pesticides. However, the truck is not a “stationary pesticide container” because it is not fixed nor at the facility for at least 30 consecutive days.*

**Scenario 2:** Same as scenario 1, except the truck is at the facility for 2 months.

*Answer: Yes, secondary containment is required. The facility is potentially subject to the regulations because it is a commercial applicator of agricultural pesticides. In this case, the truck is a “stationary pesticide container” because it is at the facility for at least 30 consecutive days. It also holds greater than 500 gallons, so secondary containment is required by §165.81.*

**Scenario 3:** A commercial applicator facility has ten 200-gallon minibulk containers.

*Answer: No, secondary containment is not required. The facility is potentially subject to the regulations because it is a commercial applicator of agricultural pesticides. However, none of the containers are equal to or larger than 500 gallons.*

**Scenario 4:** A retail facility (that repackages) has two 450-gallon tanks that are bolted to concrete.

*Answer: No, secondary containment is not required. The facility is potentially subject to the regulations because it is a retailer that repackages agricultural pesticides for distribution or sale. However, neither of the containers is equal to or larger than 500 gallons.*

**Scenario 5:** A retail facility (that repackages) has several 5,000-gallon tanks that are clearly stationary storage tanks.

*Answer: Yes, secondary containment is required. The facility is potentially subject to the regulations because it is a retailer that repackages agricultural pesticides for distribution or sale. The tanks are stationary pesticide containers and have capacities larger than 500 gallons, so secondary containment is required by §165.81.*

**Scenario 6:** A retailer (who has a 1,000-gallon stationary tank with an agricultural pesticide) is also a commercial applicator. The retailer also has a repackaging agreement with a registrant to repackage a different agricultural pesticide into 15-gallon refillable containers for sale and he stores that pesticide in a 300-gallon minibulk. Does the 300-gallon minibulk container have to be in secondary containment?

*Answer: No, the 300-gallon minibulk container does not have to be in secondary containment. The facility is potentially subject to the regulations because it is a retailer that repackages agricultural pesticides for distribution or sale and a commercial applicator. However, the minibulk is smaller than the threshold of 500 gallons.*