

2016 Safety School



"Rinsate Management"

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Legal Aspects of Rinsate Management

(What happens if you don't manage rinsate?)

- Federal regulation
 - U.S. EPA

- State regulation
 - Pesticide state lead agency
 - State pesticide regulations

 - State environmental agency
 - State water regulations
 - State waste disposal regulations



Oversite, Inspection, & Compliance

- U.S. EPA usually defers to states
- State environmental agency often defers to pesticide state lead agency
- Focus of regulatory efforts is usually protection of water, wildlife & property



Federal Laws & Regulations

- Discharge of harmful substances to protected water
 - Spills
 - NPDES permits
- Label directed disposal requirements
- Container & containment regulations
- No FIFRA definition or rule for *rinsate*



"The label is the law"

- Common examples
- Storage and Disposal



Common label language

Proper pesticide storage and disposal are essential to protect against exposure to people and the environment due to leaks and spills, excess product or waste, and vandalism. Do not allow this product to contaminate water, food stuffs, feed or seed by storage and disposal.



Cont.

To avoid wastes, use all material in this container, including rinsate, by application according to label directions. If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program. Such programs are often run by state or local governments or by industry. All disposal must be in accordance with applicable federal, state, and local regulations and procedures.



Another example

Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

Triple rinse as follows:

Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.



Cont.

Pressure rinse as follows:

Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures allowed by state and local authorities.



Federal container & containment reg.

- 40 CFR Part 165 Subpart D
- For refillable containers the product registrant must provide written residue removal procedures to the container refiller / repackager.
- Do those agreements tell you how to manage rinsate?



State pesticide regulation

Variable by state, but Indiana law was drafted based on the *State Pesticide Model Law*



Indiana State Regulations

- IC 15-16-4-50
- The board may adopt rules to provide for the safe handling, transportation, storage, display, distribution, disposal, and production of pesticides & containers.
- We have promulgated no disposal rules other than follow the label.



Indiana State Regulations

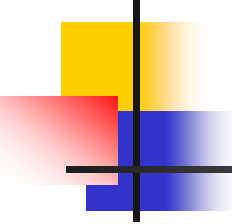
- IC 15-16-5-64
- A person may not produce, transport, store, handle, or dispose of any pesticide or container in a manner that may:
 - cause injury to humans, beneficial vegetation, crops, livestock, wildlife, or beneficial insects; OR
 - pollute any waterway in a way to be harmful to any wildlife in the waterway.
- The board may adopt rules to achieve the above ; considering any US EPA regulations.



So with no specific state or federal regs.
for rinsate or disposal of waste...

...when is it considered:

- pesticide...to be applied as per the label
- rinsate...to be stored or label applied
- waste...to go to regulated disposal?



Storage requirements for product, rinsate, & waste ?

- State law will dictate
- Indiana law says yes



Does unusable rinsate = waste ?

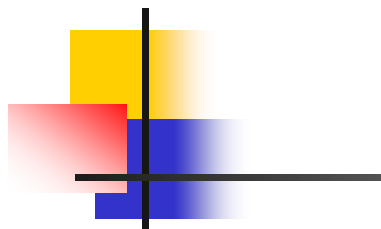
- Most state environmental regs. say yes
- Even very low level rinsate?
- Potential exposure to protected waters requires “zero” or an NPDES permit

What is not proper rinsate management?

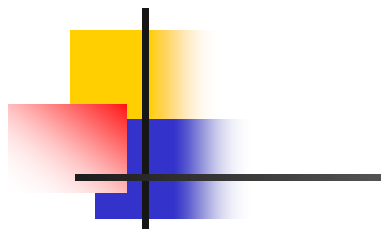




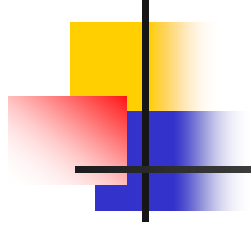












Questions?

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