**12:56:17:03.  Pesticide handling and discharge response procedures and plans.** All applicators who conduct operational area activities must utilize procedures to minimize and mitigate the adverse effects of discharges on the environment. By February 1, 1995, all private and commercial applicators must conduct operational area activities utilizing a written pesticide handling and discharge response plan. The plan must be kept current at all times and available for use. A copy of the plan must be available for inspection by the department at either the operational area or the applicator's nearest local office or the location from which the operational area is administered. The written plan must contain the following information:

(1)  Methods and procedures to be used for the transfer, loading, unloading, mixing, repackaging, and refilling of pesticide containers and pesticide application equipment;

(2)  Methods and procedures to be used for the periodic inspection of appurtenances used to transfer or hold pesticides and for the repair of any equipment found to be defective;

(3)  Methods and procedures to be used for the rinsing, washing, and cleaning of pesticide containers and application, storage, or transportation equipment;

(4)  Methods and procedures to be used in the transfer, handling, storage, and disposal of materials recovered from within operational area containment, if required;

(5)  Methods, procedures, materials, and equipment to be used to contain, recover, store, transport, and dispose of discharges outside of operational area containment systems; and

(6)  The identity and telephone numbers of responsible persons and agencies who are to be contacted if a discharge occurs.

Pesticide handling and discharge response plans written to comply with another law, rule, or ordinance may be used to comply with all or part of the requirements in this section.

**Source:** 18 SDR 49, effective September 15, 1991; 20 SDR 91, effective December 19, 1993.

**General Authority:** SDCL 38-21-15, 38-21-15.1, 38-21-51.

**Law Implemented:** SDCL 38-21-15, 38-21-15.1.