

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER i: PESTICIDE CONTROL

PART 255  
AGRICHEMICAL FACILITIES

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AUTHORITY: Implementing and authorized by the Illinois Pesticide Act [415 ILCS 60] and the Illinois Fertilizer Act of 1961 [505 ILCS 80].

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NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

**Section 255.10 Definitions**

Definitions for this Part can be located in Section 3 of the Illinois Fertilizer Act of 1961 [505 ILCS 80/3] and Section 4 of the Illinois Pesticide Act [415 ILCS 60/4]. The following definitions shall also apply to this Part:

"Agrichemicals" means pesticides or commercial fertilizers, at an agrichemical facility, non-commercial agrichemical facility, or on-farm storage facility, but does not include anhydrous ammonia fertilizer material.

"Agrichemical facility" means a site used for commercial purposes, where bulk pesticides are stored in a single container in excess of 300 gallons of liquid pesticide or 300 pounds of dry pesticide for more than 30 days per year or where more than 300 gallons of liquid pesticide or 300 pounds of dry pesticide are being mixed, repackaged or transferred from one container to another within a 30-day period or a site where

bulk fertilizers are stored, mixed, repackaged or transferred from one container to another.

"Alterations" means permanent changes in activities or processes at an agrichemical facility, non-commercial agrichemical facility, or on-farm storage facility, or changes in stored and handled product mix that do not modify the efficiency of containment structures or systems.

"Commercial" means buying and selling agrichemicals and agrichemical services for compensation.

"Groundwater" means groundwater as defined in the Illinois Groundwater Protection Act [415 ILCS 55].

"Load or loading" means the transfer of formulated pesticide, at agrichemical facilities or non-commercial agrichemical facilities, from facility storage to application equipment, resulting in use dilutions; or the transfer of bulk pesticides to field nursing transportation equipment; or the transfer of liquid fertilizer or dry fertilizer at facilities from facility storage to application equipment and field nursing transportation equipment.

"Mini-bulk container" means a portable container which is designed for transportation and has a capacity of not less than 100 gallons nor more than 660 gallons.

"Modification" means changes in structures, processes or activities at an agrichemical facility, non-commercial agrichemical facility, or on-farm storage facility, that alter the efficiency of containment structures or systems, i.e., changes in capacity.

"New" means an agrichemical facility, non-commercial agrichemical facility, or on-farm storage facility, not in existence at the time of adoption of this Part or that undergoes modification where the fixed capital cost of construction exceeds 50% of the fixed capital cost of a comparable entirely new facility and such modification occurs within a two-year period.

"Non-commercial agrichemical facility" means a site, including the land and structures and equipment fixed thereon, designed and used for each of the following activities:

storing pesticides or fertilizer for more than 45 consecutive days in a single container holding in excess of:

300 gallons bulk liquid pesticides; or  
300 pounds bulk dry pesticides; or  
5000 gallons bulk liquid commercial fertilizer; or  
50,000 pounds bulk dry commercial fertilizer.

loading and mixing, including bulk repackaging, of pesticides or fertilizer at a permanent site for more than a 45 day period in quantities in excess of:

300 gallons bulk liquid pesticides; or  
300 pounds bulk dry pesticides; or  
5000 gallons bulk liquid commercial fertilizer; or  
50,000 pounds bulk dry commercial fertilizer.

the non-commercial application of pesticides or fertilizer.

"Non-mobile" means not readily capable of moving or being moved from place to place.

"On-farm storage facility" means a permanent site, including the land and structures and equipment fixed thereon, that:

is designed and used for the non-commercial storage of pesticides or fertilizers for more than 45 consecutive days in a single non-mobile container holding in excess of:

300 gallons bulk liquid pesticides; or

300 pounds bulk dry pesticides; or

5,000 gallons bulk liquid fertilizer; or

50,000 pounds bulk dry commercial fertilizer;

is not used for commercial purposes; and

is not a "non-commercial agrichemical facility".

"Operational activity" means loading, unloading, and mixing of agrichemicals and/or the cleaning of transportation or application equipment at agrichemical facilities or non-commercial agrichemical facilities.

"Operational area" means an area or areas at the agrichemical facility or non-commercial agrichemical facility where agrichemicals are loaded, unloaded, mixed, repackaged, or where agrichemicals are cleaned and washed from application, storage or transportation equipment.

"Operational area containment structure or system" means any structure or system used to intercept, prevent runoff or leaching, and contain spills and residues containing agrichemicals from operational activities such as loading, unloading, mixing, and equipment washing and rinsing.

"Reportable agrichemical spill" means an uncontrolled release outside an operational area containment or secondary containment structure involving more than 25 gallons of unrecovered liquid fertilizer or 100 pounds of unrecovered dry fertilizer or 5 pounds of unrecovered liquid or unrecovered dry active ingredient equivalent of pesticides except for reportable substances it means when the amount spilled equals or exceeds the RQ for those chemical substances.

"Reportable quantity" or "RQ" means a quantity that equals or exceeds the reportable quantity for substances listed in the Appendix to 49 CFR 172.101 (1988) or in Appendix A of 40 CFR 355 (1988).

"Reportable substance" means any substance listed in the Appendix to 49 CFR 172.101 (1988) or in Appendix A of 40 CFR 355 (1988).

"Secondary containment structure" means any structure or basin used to contain agrichemical spills and prevent runoff or leaching from bulk agrichemical containers.

"Unload or unloading" means the transfer at agrichemical facilities or non-commercial agrichemical facilities of formulated pesticide in an unaltered state from the transport vehicle into facility storage or the transfer of bulk commercial fertilizer in an unaltered state from the transport vehicle into facility storage.

(Source: Amended at 26 Ill. Reg. 10386, effective July 1, 2002)

### **Section 255.20 Incorporation by Reference**

Incorporations by reference in this Part do not include any later amendments or editions beyond the date specified.

### **Section 255.30 Scope and Application**

- a) Any new agrichemical facility or new non-commercial agrichemical facility shall be in compliance with all of this Part, except for the provisions of Section 255.180, before the commencement of any operational activities or any storage or use of agrichemicals. Any new on-farm storage facility shall be in compliance with Section 255.180 of this Part before the commencement of any storage or use of agrichemicals.
- b) All other agrichemical facilities and non-commercial agrichemical facilities shall achieve compliance with this Part in accordance with Section 255.40 and Section 255.50. All other on-farm storage facilities shall achieve compliance with the applicable provisions of this Part in accordance with Section 255.180.
- c) An agrichemical facility, non-commercial agrichemical facility, or on-farm storage facility needs only to comply with this Part when agrichemicals are handled in quantities exceeding the thresholds included in the definitions of "agrichemical facility", "non-commercial agrichemical facility" and "on-farm storage facility".
- d) This Part does not apply to the field mixing of agrichemicals for either commercial or non-commercial application.
- e) This Part does not apply to temporary loading sites remote from the field of actual application for aerial applicators, except for Section 255.110(e).
- f) An agrichemical facility permit issued to an agrichemical facility or non-commercial agrichemical facility prior to the effective date of the 2002 amendments to this Part shall remain in effect until its normal expiration date. All permits issued or renewed by the Department after July 1, 2002 shall be issued as an agrichemical containment permit.
- g) In the case of a pesticide manufacturing facility, this Part shall apply only to the portions of the pesticide manufacturing facility engaged in the manufacture or production of agricultural use pesticides. For the purposes of this Section, an agricultural use pesticide shall mean a pesticide registered for use in the normal production of an agricultural commodity.

(Source: Amended at 26 Ill. Reg. 10386, effective July 1, 2002)

**Section 255.40 Registration**

- a) All agrichemical facilities and non-commercial agrichemical facilities existing on January 1, 1990 shall register with the Department of Agriculture (Department) within 90 days after that date (the "adoption date").
- b) Facility registration pursuant to this Section shall be accomplished on forms to be provided by the Department. In completing such registration, the facility owner or operator shall provide notification as to each of the following conditions that exist at the facility:
  - 1) The facility holds a currently valid permit issued by the Illinois Environmental Protection Agency, Division of Water Pollution Control, for operational area containment structures (35 Ill. Adm. Code: Subtitle C), or operational area containment structures exist that provide for the containment and recovery of operational activity spillage from mixing, loading and equipment washing.
  - 2) Secondary containment, for all non-mobile liquid fertilizer containers of volume less than 100,000 gallons or all non-mobile pesticide containers that exist, which provides capacity for at least 100% of the volume of the largest container within the containment area, and which provides for the containment and recovery of spillage or leakage from the containers in the containment area.
  - 3) The conditions described in both subsections (b)(1) and (2) of this Section do not exist, and the facility is an agrichemical facility.
  - 4) The facility contains at least one liquid fertilizer storage tank with capacity in excess of 100,000 gallons.
  - 5) The facility conducts dry bulk fertilizer storage operations.
  - 6) The facility conducts dry bulk fertilizer blending operations.
  - 7) The facility is a non-commercial agrichemical facility.
- c) The Department shall review completed facility registration forms within 180 days after the 1990 adoption date. The Department shall notify the registrant in writing that the facility registration under subsection (b) was incomplete or inappropriate for the subject facility. In the event of such notification, the Department shall inform the registrant of the additional information required to complete the facility registration or of the appropriate facility registration subsections for the facility, and the facility shall comply with the corresponding compliance schedule under Section 255.50.

(Source: Amended at 26 Ill. Reg. 10386, effective July 1, 2002)

**Section 255.50 Permits and Compliance Schedules**

- a) An Agrichemical Containment Permit ("Permit") issued by the Department shall be obtained for each existing and new agrichemical facility and non-commercial agrichemical facility. Permit applications shall be submitted on forms provided by the Department. The application shall be accompanied by engineering plans and specifications for any construction or modification to be accomplished pursuant to the Permit. Such plans and specifications shall be prepared by an Illinois Professional Engineer when required by the provisions of the Illinois Professional Engineering Practice Act [225 ILCS 325]. A Permit shall be obtained before the commencement of any construction necessary to meet the earliest compliance date, as determined by the applicable subsections of this Section. A Permit must be amended before the commencement of any modification to the facility. A Permit amendment shall not be required for alterations at the facility. A Permit will be transferred to a new owner or operator upon written notification by the permittee to the Department. Permits shall be renewed every 5 years.
- b) An application for a Permit submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president, or a duly authorized representative who is responsible for the overall operation of the facility described in the application. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner or the proprietor respectively. In the case of a publicly owned facility, the application shall be signed by either a principal executive officer, ranking official or a duly authorized employee.
- c) The Department shall issue a Permit within 90 days after receipt of the application, provided the documents accompanying the application indicate that the facility will be in compliance with Sections 255.80, 255.90, 255.100, 255.140, 255.150, and 255.160, as applicable, and the Environmental Protection Act (415 ILCS 5). In addition to completed application forms, documents that must be submitted include a location area map, detailed plot plan of the facility, water system protection schematic diagram, narrative description of operational and management practice plan, detailed engineering plans and specifications, process flow diagram for dry fertilizer facilities and any additional information the applicant or Department deem necessary to fully describe the project. The Department shall allow an innovative design to satisfy the structural requirements of this Part if the application for a Permit is accompanied by a registered professional engineer's statement certifying that the design shall provide protection to the environment equivalent to that of this Part. All engineering costs shall be the responsibility of the person making the request. A Permit issued "with conditions" means that the facility is deficient in some area in order to meet full compliance with this Part. A Permit with conditions would be issued if the operation of the facility during the period of time that the facility owner was correcting the deficiency does not jeopardize the environment. If the Department fails to grant or deny the Permit as requested or issue with conditions within 90 days from the date of receipt of the application, the applicant

may deem the Permit granted for a one year period commencing on the 91st day after the application was received. If the application for a Permit is denied, the Department shall notify the applicant in writing as to why the permit was denied.

- d) A facility that is registered pursuant to Section 255.40(b)(1) shall meet the following compliance schedule:

Item	Compliance Date
Submittal of all plans and specifications required for Permit approval	Two years after the 1990 adoption date
Compliance with Section 255.80 (except as provided in subsection (h))	Three years after the 1990 adoption date for bulk pesticides and four years for liquid fertilizers
Compliance with Section 255.90	Five years after the 1990 adoption date

- e) A facility that is registered pursuant to Section 255.40(b)(2) shall meet the following schedule:

Item	Compliance Date
Submittal of all plans and specifications required for Permit approval	Two years after the 1990 adoption date
Compliance with Section 255.90	Three years after the 1990 adoption date
Compliance with Section 255.80	Four years after the 1990 adoption date

- f) A facility that is registered pursuant to Section 255.40(b)(3) or fails to register under Section 255.40 shall meet the following compliance schedule:

Item	Compliance Date
Submittal of all plans and specifications required for Permit approval	One year after the 1990 adoption date
Compliance with Section 255.90	Two years after the 1990 adoption date
Compliance with Section 255.80 (except as provided in subsection (h))	Three years after the 1990 adoption date for bulk pesticides and 4 years for liquid fertilizers

- g) A facility that is registered pursuant to both Section 255.40(b)(1) and Section 255.40(b)(2) shall meet the following compliance schedule:

Item	Compliance Date
Submittal of all plans and specifications required for Permit approval	Three years after the 1990 adoption date
Compliance with Section 255.80 and Section 255.90	Five years after the 1990 adoption date
h) A facility that is registered pursuant to Section 255.40(b)(4) shall be in compliance with Section 255.80 with respect to its liquid fertilizer storage tanks with capacity of 100,000 gallons or more in accordance with the following schedule:	
Item	Compliance Date
Notify Department of intent to take tank out of service or to comply with Section 255.80	Four years after the 1990 adoption date
Submittal of all plans and specifications required for approval of amended permit	Five years after the 1990 adoption date
Compliance with Section 255.80	Seven and 1/2 years after the 1990 adoption date
i) A facility registered pursuant to Section 255.40(b)(5) shall be in compliance with Section 255.140 within five years after the 1990 adoption date.	
j) A facility registered pursuant to Section 255.40(b)(6) shall be in compliance with Section 255.150 within five years after the 1990 adoption date.	
k) All non-commercial agrichemical facilities shall be in compliance with all of this Part within five years after the 1990 adoption date.	
l) Nothing in this Part shall require the loading of pesticide into anhydrous ammonia nurse tanks to be accomplished within an operational area containment structure, provided that a closed transfer system is used.	

(Source: Amended at 26 Ill. Reg. 10386, effective July 1, 2002)

#### **Section 255.60 Experimental Permits**

- a) To best aid the improvement of agrichemical containment technology, the Department shall issue Experimental Permits for containment processes or techniques that do not satisfy the requirements of this Part, provided the applicant provides proof (i.e., quality control, quality assurance, and supportive analytical data) that the process or technique has a reasonably substantial chance for success (i.e.,



the quality control for the experimental design will indicate if there is any malfunction).

- b) A valid Experimental Permit shall constitute a prima facie defense to any action brought against the permit holder for a violation of the Rules of this Part, but only to the extent that such action is based upon the failure of the process or technique.
- c) Initially, all Experimental Permits shall have a duration not to exceed two years. Experimental Permits which have been renewed at least once and have thus been in effect for at least 4 years may be renewed for periods of no greater than 5 years.
- d) Application for renewal of an Experimental Permit shall be submitted to the Department at least 90 days prior to the expiration of the existing permit. To the extent the information to be supplied for renewal is identical with that contained in the prior permit application, the applicant shall so note on the renewal application, and the Department shall not require the submittal of data and information submitted with the original application.

(Source: Amended at 19 Ill. Reg. 6787, effective May 8, 1995)

#### **Section 255.70 Agrichemical Facility Plans, Specifications and Records**

- a) The following records shall be maintained at the agrichemical facility, and the records shall be available for review on request by the Department:
  - 1) A plot plan of the property showing all structures and the location of all wells on the site.
  - 2) A plot plan or map showing surface water runoff routes from the agrichemical facility, approximate distance to and identity of nearby lakes, streams, drainage ditches or storm drains, distance and direction to nearest public and private wells, and site soil characteristics and groundwater depth.
  - 3) Tank schedule showing material of construction, capacity, diameter, height, and product stored.
  - 4) Secondary and operational area containment construction plans and capacity of such structures in gallons. Manufacturer's confirmation of compatibility with agrichemicals, and installation instructions if synthetic liners or synthetic materials are used. Manufacturer's confirmation of compatibility with agrichemicals and estimate of life expectancy if prefabricated basins are used.
  - 5) Operational plan for containment areas showing the handling and utilization of recovered agrichemical, rinse water, and precipitation accumulation.
  - 6) Storage and handling instructions on each pesticide handled in bulk (i.e., registrant's instructions).
  - 7) Spill reports on all reportable spills associated with the

- agricultural facility operation.
- 8) State inspection reports.
  - 9) Agricultural Facility inspection and maintenance reports required of the operation in Section 255.130.
- b) Agricultural Facility specifications, records, plans or reports required under any other State or Federal regulatory program and that contain the information requested by subsection (a) may be used to fulfill this recordkeeping requirement.
  - c) Non-commercial agricultural facilities and on-farm storage facilities are not covered by the recordkeeping provisions of this Section but shall remain subject to inspection by the Department as is deemed necessary to ensure compliance with the provisions of this Part.

(Source: Amended at 26 Ill. Reg. 10386, effective July 1, 2002)

#### **Section 255.80 Secondary Containment**

- a) All agricultural non-mobile storage containers for liquid pesticides and liquid fertilizer shall be located within a secondary containment structure.
- b) Secondary containment structures and systems shall provide the following capacity:
  - 1) When not protected from receiving precipitation, the containment shall have a minimum containment volume of a 6-inch rain storm (a 25 year, 24 hour rain), the capacity of the largest tank, and the volume displaced by the bases of the other tanks located within the secondary containment structure.
  - 2) When protected from receiving precipitation, the containment shall have a minimum containment volume of 100% of the capacity of the largest tank, plus the volume displaced by the bases of the other tanks located within the secondary containment structure.
- c) Structural materials and integrity shall provide secondary containment that meets or exceeds the requirement of this Section. Materials shall be compatible with the agricultural to be contained.
  - 1) General requirements include:
    - A) Clay, natural soil clay mixtures or clay/bentonite mixtures shall not be used to contain any bulk pesticide.
    - B) Secondary containment for liquid agriculturals storage at facility sites should provide for separation between bulk pesticides and bulk fertilizer to the extent that a common wall or curbing between the fertilizer area and the pesticide area shall provide

for the interception and recovery including clean up of pesticide spills while the entire secondary containment area shall meet or exceed the total capacity requirement specified in this Section.

- C) The secondary containment structure shall be constructed to a water permeability rate of not greater than  $1 \times 10^{-6}$  centimeters per second and maintained so that liquid movement through the walls and base does not exceed a rate of  $1 \times 10^{-5}$  centimeters per second permeability rate. The secondary containment structure shall be designed and maintained to withstand a full hydrostatic head of any contained liquid. The containment area shall not be equipped with a permanent pump unless the pump has only a manual mode of operation.
  - D) The secondary containment structure shall not have a discharge outlet or gravity drain through the wall or floor.
  - E) Synthetic materials or liners may be used with secondary containment structures provided they are compatible with agrichemicals being contained and it is installed according to manufacturer's written direction and repaired and maintained according to manufacturer's recommendations. These directions and recommendations shall become records maintained at the facility site.
- 2) Walls: The walls of secondary containment structures shall meet each of the following criteria:
- A) Walls shall be constructed of materials, including but not limited to, steel, reinforced concrete, solid masonry, or compatible synthetic materials or synthetic liners as authorized in this Section.
  - B) No piping shall be installed through the wall except for interconnections between multiple secondary containment structures authorized in this Section.
  - C) Multiple basins connected to provide the containment capacity as set forth in this Section shall be connected in a manner that assures an unrestricted transfer of discharged liquid between basins.
  - D) Earthen walls used for secondary containment of fertilizer shall be protected against erosion (e.g., sodding and seeding). Side slopes shall not exceed a 3 to 1 ratio of horizontal to vertical. The top width of earthen walls shall not be less than 2 1/2 feet.
  - E) Provisions shall be made for safe and emergency access and exit to and from the secondary containment structures.
- 3) Floor: The base of a secondary containment structure shall

be lined with materials, including but not limited to, reinforced concrete, steel, or compatible synthetic liner or synthetic materials as authorized in this Section, and the floor shall meet each of the following criteria:

- A) Floors shall be constructed to allow the safe and expeditious removal of precipitation water and any spilled liquid in a manner that does not disrupt the ability of the containment structure to prevent the movement of liquid as required in this Section (e.g., sloped to a collection sump well).
  - B) Liners used for secondary containment of fertilizer may be constructed of suitable soil or of soil treated with bentonite clay or other comparable material, with a minimum depth of 12 inches provided the other floor requirements as stated in this Section are met. The liner shall be covered by a soil or smooth aggregate layer not less than 6 inches thick and shall be maintained to prevent cracking or puncture.
- 4) Prefabricated facilities: A prefabricated secondary containment structure shall be composed of a rigid prefabricated basin having both a base and walls constructed of steel, reinforced concrete or synthetic liner or synthetic materials which are resistant to corrosion, puncture or cracking. A written confirmation of compatibility and a written estimate of life expectancy from the basin manufacturer shall be kept on file at the facility. Multiple basins connected to provide the capacity required in this Section shall be connected in a manner which assures an unrestricted transfer of discharged liquid between basins.
- 5) Drainage and basin facility: A drainage and basin facility diverts uncontaminated storm water drainage and provides secondary containment in accordance with this Section. The curb, base and drainage path shall be at least 12 inches thick and shall be constructed in lifts not to exceed 6 inches in thickness. Persons wishing to use a drainage and basin facility should consider the overall facility plan, topography, subsoil type, water table location, and surface water drainage patterns.
- d) Facilities with mini-bulk containers filled and warehoused for product distribution shall:
- 1) Provide warehousing area secondary containment structures or systems equal in volume to the largest container stored; or
  - 2) Provide a current immediate response action plan for leakage or spillage and maintain necessary supplies and equipment to effect containment recovery and residue clean up, in order to be in compliance with secondary containment provisions of this Part.

(Source: Amended at 26 Ill. Reg. 10386, effective July 1, 2002)

**Section 255.90 Operational Area Containment**

- a) Except as provided in Section 255.140, all transfer of agrichemicals between containers, including loading, unloading, repackaging and mixing, and equipment cleaning performed at an agrichemical facility or a non-commercial agrichemical facility, shall be done with a containment system designed to intercept, retain, and recover operational and accidental spillage, leakage, wash water, and agrichemical residues. Materials of containment structures shall be compatible with the products handled and maintained in a condition to retain recovered material until it is used or properly disposed of.
- b) General requirements for permanent operational containment structures consisting of floors, curbs, and walls include:
- 1) Floors, curbs, and walls of a permanent operational containment structure shall be constructed of reinforced concrete or other materials compatible with the agrichemical being handled.
  - 2) A permanent operational area containment structure shall be sealed or otherwise maintained to provide a rate of permeability not to exceed  $1 \times 10^{-6}$  centimeters per second.
  - 3) Cracks and seams that develop shall be repaired and sealed.
  - 4) Storm water drainage shall be diverted away from all permanent containment structures.
- c) Loading area containment: Total loading area containment volume shall be equal to or greater than the volume of the largest tank to be loaded in the loading area. If the loading area containment area is not protected from contact with precipitation, the containment volume shall be equal to or greater than the volume generated by a 6 inch rain storm (a 25 year, 24 hour storm). The loading area containment volume requirements may be achieved with a curbed containment area and catch basin or in combination with above ground tanks connected to an automatic sump pump transfer system or by gravity flow where elevation or installation allows.
- d) Unloading area containment: Total unloading area containment volume shall be a minimum of 25 gallons. The loading area containment may be used as the unloading area containment. Individual catchment basins or portable containers may be used to meet the requirements of this Section. The individual basins or portable containers shall be placed to catch and recover spillage and leakage from transfer connections and pumps.
- e) Mixing and repackaging area containment: Mixing and repackaging containment areas shall provide curbing or other means (e.g., basins) to intercept, retain, and recover agrichemicals spilled or leaked during mixing and repackaging operations.
- f) Cleaning and washing area containment: Cleaning and washing of agrichemical residue from handling, processing and application equipment at an agrichemical facility or a non-commercial

agricultural facility shall be done utilizing an operational containment system or structure. Cleaning and washing containment may be accomplished at the loading containment area. If a separate cleaning and washing area is used, it shall be designed to intercept, retain and recover all wash water and agricultural residue containing pesticides.

- g) Transfer structures and systems: The use of underground structures or pits for storage of rinsates, washwater or recycle liquid is prohibited. This prohibition includes scale pits but does not include sumps or wet wells containing pumps used for transfer of spilled agriculturals, rinse waters or wash waters to containment, holding or recycle systems. Sumps or wet wells are structures that have detention times of 72 hours or less. Sumps or wet wells shall be constructed and maintained to provide a rate of permeability not to exceed  $1 \times 10^{-6}$  centimeters per second. Sumps and wet wells shall be inspected for cracks and leaks and sealed immediately if any cracks or leaks are found.

(Source: Amended at 26 Ill. Reg. 10386, effective July 1, 2002)

#### **Section 255.100 Storage Containers and Appurtenances**

- a) General: Storage containers and appurtenances shall be constructed, installed, and maintained so as to prevent the discharge of liquid agriculturals and shall meet each of the following criteria:
- 1) The materials used in construction shall be resistant to corrosion, puncture, or cracking and shall be compatible with the agricultural being stored.
  - 2) The materials used in construction and repair may not be of a type that reacts chemically or electrolytically with stored agriculturals in a way that may weaken the storage container or appurtenances.
  - 3) The metals used for valves, fittings, and storage container repair on metal containers shall be compatible with the metals used in the construction of the container so that the combination of metals does not cause or increase corrosion that may weaken the container or its appurtenances.
  - 4) Containers and appurtenances shall be designed to handle operating stresses, taking into account hydrostatic head, pressure buildup from pumps and compressors, and any other foreseeable mechanical stresses to which the containers and appurtenances may be subject.
- b) Non-mobile agricultural storage containers shall be anchored or placed on a raised area if necessary to prevent flotation or instability in the event of agricultural discharge into the secondary containment structure.
- c) A liquid level gauging device or other provision for establishing and measuring liquid levels (e.g., tape measure) and tank outage tables shall be maintained for all non-mobile agricultural storage containers.

- 1) External sight gauges shall not be used with bulk pesticide storage containers.
- 2) External sight gauges may be used for liquid fertilizers and when used shall have a lockable bottom valve.
- d) Each non-mobile agrichemical storage container shall be equipped with a vent or inverted opening. Where the loss of vapor affects the product quality, conservation vents shall be used on storage containers.
- e) Containers, pipes and valves shall be protected (e.g., guard rails, pipes and fittings supported to prevent sagging and breakage, and cages) against breakage or damage from operating personnel and moving vehicles.
- f) Security: When persons responsible for agrichemical facility or non-commercial agrichemical facility security are not present at the facility, the following conditions shall be met to protect against vandalism or unauthorized access:
  - 1) Valves on non-mobile agrichemical storage containers including sight gauge valves shall be locked in the closed position or otherwise secured to prevent discharge.
  - 2) Valves subject to discharge of agrichemicals on rail cars, mobile agrichemical containers, and mini-bulk tanks shall be locked in a closed position or otherwise secured to prevent discharge.
  - 3) Buildings or structures housing agrichemical storage containers shall be locked.

(Source: Amended at 26 Ill. Reg. 10386, effective July 1, 2002)

#### **Section 255.110 Containment Management and Operations**

- a) Precipitation and accumulation shall never exceed a level that would impair the holding capacity of the secondary or operational area containment. Such precipitation accumulation should be removed from the secondary and operational area containment systems after each storm.
  - 1) Precipitation accumulation containing agrichemicals shall be used as provided in subsection (e) or disposed of as provided in subsection (g).
  - 2) Precipitation accumulation from containment structures shall not be discharged from the containment area as surface runoff during the agrichemical application season, except when the following conditions are met:
    - A) The containment structures have been cleaned and rinsed of agrichemicals in compliance with subsections (b) and (c).
    - B) The discharge shall not cause water quality violations

pursuant to 35 Ill. Adm. Code, Subtitle C, or a pesticide release pursuant to the Environmental Protection Act [415 ILCS 5].

- b) Agrichemical spills into secondary containment structures shall be recovered promptly and the structures washed to remove agrichemical contamination.
- c) Operational area containment shall be promptly cleaned and rinsed after any agrichemical spill or leakage. The operational area containment shall also be cleaned and rinsed immediately after the termination of each agrichemical application season. These facilities shall be washed with a biodegradable cleanser, triple rinsed with a high pressure hose and all standing water shall be removed. Proper cleaning of the operational area containment shall include removal, washing and rinsing of material from the operational area, mud, pits, sump pits and all interconnected pipes or structures.
- d) Discharges or spills of agrichemicals, agrichemical mixtures, rinsates and wash waters outside of secondary or operational area containment shall be immediately contained, material recovered to extent possible, and the area cleaned. Reportable agrichemical spills shall be reported immediately by telephone to the Illinois Emergency Management Agency any time during the day or night by calling 1-800-782-7860 or 1-217-782-7860.
- e) Agrichemicals, agrichemical residues, rinsates, and agrichemical contamination wash water recovered from the secondary and operational containment facilities shall be field applied at agronomic rates, used in a liquid mixing operation, or otherwise recycled or disposed of in accordance with this Part. Any pesticide laden residues, rinsates, and pesticide contaminated wash water that are to be land applied shall be handled in accordance with the products' labels. Field application of diluted pesticide solutions is an acceptable use if the total annual application amounts of the pesticide do not exceed the pesticide label application rates. Rinsates and pesticide contaminated wash water may be used to make up the total spray mixture if the mixture does not exceed the pesticide label application rates.
- f) Field washing of exterior surfaces of agrichemical application equipment is acceptable at the site of the agrichemical application provided no runoff from the site occurs.
- g) Agrichemicals, agrichemical residues, rinsates, and agrichemical contaminated wash water shall not be disposed through storm sewers, sanitary sewer systems, public or private sewage treatment facilities or wells, waters of the State, nor to land, except as provided in subsections (e) and (f).
- h) Agrichemicals and agrichemical mixtures that cannot be used in accordance with the respective product's label or as set forth in this Section shall be disposed of as a special waste or hazardous waste as authorized by the Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 724, 725 and 809.



- i) Empty pesticide containers shall be stored in the operational containment area or an area protected from contact with precipitation prior to disposal and such containers shall be triple rinsed or comparably cleaned (e.g., rinsed with pressure hose). Such containers shall be disposed of in accordance with the Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 724 and 725.
- j) Spray application vehicles that are not cleaned as provided in subsection (f) shall be parked in the operational containment area or protected from precipitation. Agricultural aircraft are not covered by this provision.
- k) Dry fertilizer application equipment with covered hoppers may be field cleaned by brushing the working end of the equipment to remove the fertilizer or cleaned as provided in subsection (f) or protected from precipitation.

(Source: Amended at 26 Ill. Reg. 10386, effective July 1, 2002)

#### **Section 255.120 Site Closures and Discontinuation of Operations**

When an agrichemical facility or a non-commercial agrichemical facility is closed or operations are discontinued, agrichemicals, rinsates, wash waters, and other materials containing agrichemicals, and all agrichemical containers shall be removed from the agrichemical facility or non-commercial agrichemical facility site and disposed of or utilized in one of the following manners:

- a) for the original intended purpose of the agrichemical product, provided that the product is in a usable state, the product's registration (if required) has not been canceled, suspended, revoked, or denied by the United States Environmental Protection Agency or the Department, and label directions (where applicable) are followed; or
- b) as provided in Section 255.110(e), (g), (h), and (i).

(Source: Amended at 26 Ill. Reg. 10386, effective July 1, 2002)

#### **Section 255.130 Inspection and Maintenance**

- a) **General:** Every secondary containment structure shall be visually inspected at least once a week and 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 shall be kept at the facility, except as provided in subsections (c) and (d).
- b) **Inspection and maintenance:** The operator of an agrichemical facility or non-commercial agrichemical facility shall once each week inspect and maintain storage containers and appurtenances to minimize the risk of a discharge. The operator shall inspect valves and other appurtenances for leakage at least once a week. The operator shall inventory, measure, and record the liquid level in each non-mobile agrichemical storage container at least once a month, except as provided in subsection (c).
- c) Inspections are not required when agrichemicals are not being

stored.

- d) Non-commercial agrichemical facilities and on-farm storage facilities are not covered by the recordkeeping provisions of this Section.

(Source: Amended at 26 Ill. Reg. 10386, effective July 1, 2002)

#### **Section 255.140 Dry Fertilizer Storage and Handling**

- a) Dry fertilizer materials shall be stored and handled in a manner to prevent pollution by minimizing losses to the air, surface water, underground water or subsoil.
- b) Nonliquid fertilizers shall be stored inside a sound structure or device having a cover or rooftop, sidewalls and base sufficient to prevent contact with precipitation and surface waters.
- c) All loading, unloading, mixing and handling of dry fertilizer, unless performed in the field of application, shall be done using a containment method, device or structure. The containment method, device or structure shall be of a size and design that will contain the fertilizer and operated to minimize emission of dust and/or vapors beyond the facility boundaries. Any collected material shall be applied at agronomic fertilizer rates or otherwise recycled.
- d) Containment, devices or structures may include, but are not limited to, the following methods:
  - 1) Paving and curbing of outdoor handling areas with materials that allow for collection and recycle or reuse of storm water, and that are sealed or otherwise maintained to provide a rate of permeability not to exceed  $1 \times 10^{-6}$  centimeters per second.
  - 2) Enclosing conveyors and equipping conveyors with dust control boots. Manually extendable boots may be adaptable to upright and auger type conveyors.
  - 3) Enclosing handling areas.
  - 4) Collection and recycle of contaminated precipitation from rooftops of roof-filled storage structures.
  - 5) Daily cleanup of the outside areas when in use.

(Source: Amended at 26 Ill. Reg. 10386, effective July 1, 2002)

#### **Section 255.150 Dry Fertilizer Blending Operations**

Dry fertilizer blending operations, including the process of impregnating fertilizer material with pesticides, shall be conducted in a manner to provide for dust and vapor control and for total collection and reuse of any spilled fertilizer.

#### **Section 255.160 Connections to the Potable Water Supply**

- a) General: Potable water supply lines shall not be connected to process water lines, chemical lines or equipment, unless proper backflow protection is installed.
- b) Water service lines which connect an agrichemical facility or a non-commercial agrichemical facility to a community public water supply shall include either a reduced pressure principle backflow preventer or a fixed proper air gap, in accordance with the Illinois Environmental Protection Agency Technical Policy Statement (35 Ill. Adm. Code 653.803 (c) (4)).
- c) Water service lines which connect an agrichemical facility or a non-commercial agrichemical facility to a potable water supply other than a community public water supply shall include either a reduced pressure principle backflow preventer or a fixed proper air gap, in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- d) Installation, maintenance and inspection of such backflow prevention devices shall be carried out in accordance with Illinois Environmental Protection Agency Technical Policy Statement (35 Ill. Adm. Code 651 and 653) or the Illinois Plumbing Code (77 Ill. Adm. Code 890), whichever is applicable.

#### **Section 255.170 Open Burning**

- a) No person shall cause or allow open burning of agrichemical containers or other agrichemical related wastes at an agrichemical facility or a non-commercial agrichemical facility, except as provided in this Section.
- b) Any burning of agrichemical containers or other agrichemical related wastes at an agrichemical facility or a non-commercial agrichemical facility located 1,000 feet or less from a residential or other populated area shall be performed with an incinerator that is in compliance with the Illinois Environmental Protection Act [415 ILCS 5] and rules adopted under that Act (35 Ill. Adm. Code 201).
- c) The open burning of combustible agrichemical containers is permissible at the field where the chemicals are applied, provided the following conditions are met:
  - 1) Containers holding liquid agrichemical formulations have been triple rinsed;
  - 2) Containers holding dry or solid formulations have been emptied to the extent feasible;
  - 3) Atmospheric conditions will readily dissipate the contaminants;
  - 4) The burning does not create a visibility hazard on roadways, railroad tracks or air fields;
  - 5) The burning occurs more than 1,000 feet from residential or other populated area;
  - 6) It can be shown that it is the most efficient disposal method available, based upon factors including, but not limited to, cost, location and type of waste;

- 7) The burning does not cause air pollution as defined in the Illinois Environmental Protection Act; and
  - 8) The area where the burning occurs is not subject to State or local restrictions.
- d) Until January 1, 1995, the open burning of combustible agrichemical containers is permissible at an agrichemical facility provided the following conditions are met:
- 1) Containers holding liquid agrichemical formulations have been triple rinsed;
  - 2) Containers holding dry or solid formulations have been emptied to the extent feasible;
  - 3) Each burning event shall be limited to 40 items (e.g., bags, cartons, plastic jugs) or less;
  - 4) Atmospheric conditions will readily dissipate the contaminants;
  - 5) The burning does not create a visibility hazard on roadways, railroad tracks or air fields;
  - 6) The burning occurs more than 1,000 feet from residential or other populated area;
  - 7) It can be shown that it is the most efficient disposal method available, based upon factors including, but not limited to, cost, location and type of waste;
  - 8) The burning does not cause air pollution as defined in Sections 3.02 and 9 of the Illinois Environmental Protection Act [415 ILCS 5/3.02 and 9];
  - 9) The area where the burning occurs is not subject to State or local restrictions; and
  - 10) Ashes and other residues resulting from the open burning shall be protected against contact by precipitation and disposed of in accordance with the Environmental Protection Act [415 ILCS 5] and the rules adopted under that Act (35 Ill. Adm. Code 807).

(Source: Amended at 19 Ill. Reg. 6787, effective May 8, 1995)

#### **Section 255.180 On-farm Storage Facility Containment**

Notwithstanding the other provisions of this Part, an on-farm storage facility shall comply with the following:

- a) All agrichemical non-mobile storage containers for liquid pesticides and liquid fertilizer at an on-farm storage facility shall be located within a secondary containment structure. Dry fertilizer or dry pesticide materials shall be stored in a manner to prevent pollution by minimizing losses to the air, surface water, underground water or subsoil. Dry fertilizers and pesticides shall be stored inside a sound structure or device

having a cover or roofed top, sidewalls and base sufficient to prevent contact with precipitation and surface waters.

- b) **Registration and Compliance Schedules:** All existing on-farm storage facilities shall register with the Department, on forms provided by the Department, no later than March 31, 2003. The Department shall issue a compliance schedule to each existing on-farm storage facility registered with the Department no later than June 30, 2003. The compliance schedule shall require the submittal of all containment plans and specifications to the Department no later than March 31, 2004 and the completion of all construction of required containment structures no later than June 30, 2005.
- c) **On-Farm Storage Facility Permits:** The owner or operator of an existing or new on-farm storage facility shall obtain an agrichemical containment permit issued by the Department for each facility. Permits shall be obtained prior to the commencement of any containment construction and shall be obtained in accordance with the compliance schedule issued by the Department pursuant to subsection (b) of this Section.
- 1) Permit applications shall be submitted on forms provided by the Department. The application shall be accompanied by detailed engineering plans and specifications for any construction or modification of a secondary containment structure to be accomplished pursuant to the Permit. Such plans and specifications shall be prepared by an Illinois Professional Engineer when required by the provisions of the Illinois Professional Engineering Practice Act [225 ILCS 325]. In addition to completed permit application forms and detailed engineering plans/specifications, documents submitted to the Department shall include a location area map, detailed plot plan of the facility, and any additional information the applicant or Department deems necessary to fully describe the project.
  - 2) A Permit shall be obtained before the commencement of any construction necessary to meet the compliance date. A Permit must be amended before the commencement of any modification to the facility. A Permit amendment shall not be required for alterations at the facility as defined in Section 255.10 of this Part.
  - 3) A Permit will be transferred to a new owner or operator upon written notification by the permittee to the Department.
  - 4) Permits shall be renewed every 5 years.
  - 5) An application for a Permit submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president, or a duly authorized representative who is responsible for the overall operation of the facility described in the application. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.
  - 6) The Department shall issue a Permit within 90 days after

- receipt of the application, provided the documents accompanying the application indicate that the on-farm storage facility will be in compliance with this Section.
- 7) The Department shall allow an innovative design to satisfy the structural requirements of this Section if the application for a Permit is accompanied by a registered professional engineer's statement certifying that the design will provide protection to the environment equivalent to that of this Section.
  - 8) All engineering costs shall be the responsibility of the person making the request.
  - 9) A Permit issued "with conditions" means that the facility is deficient in some area in order to meet full compliance with this Part. A Permit with conditions will be issued if the operation of the facility during the period of time that the facility owner was correcting the deficiency does not jeopardize the environment.
  - 10) If the Department fails to grant or deny the Permit as requested or issue a Permit with conditions within 90 days from the date of receipt of the application, the applicant may deem the Permit granted for a one-year period commencing on the 91st day after the Department received the application. If the application for a Permit is denied, the Department shall notify the applicant in writing as to why the permit was denied.
- d) Liquid Fertilizer and Pesticide Containment Structures and Systems: Secondary containment structures and systems at on-farm storage facilities shall provide the following capacity:
- 1) When not protected from receiving precipitation, the containment shall have a minimum containment volume of a 6-inch rain storm (a 25 year, 24 hour rain), the capacity of the largest tank, and the volume displaced by the bases of the other tanks located within the secondary containment structure.
  - 2) When protected from receiving precipitation, the containment shall have a minimum containment volume of 100% of the capacity of the largest tank, plus the volume displaced by the bases of the other tanks located within the secondary containment structure.
- e) Containment structural materials and integrity shall provide secondary containment that meets or exceeds the requirement of this Section. Materials shall be compatible with the agricultural to be contained.
- 1) General requirements include:
    - A) Clay, natural soil clay mixtures or clay/bentonite mixtures shall not be used to contain any pesticide.
    - B) Secondary containment for liquid agricultural storage

at facility sites should provide for separation between bulk pesticides and bulk fertilizer to the extent that a common wall or curbing between the fertilizer area and the pesticide area shall provide for the interception and recovery, including clean up of pesticide spills, while the entire secondary containment area shall meet or exceed the total capacity requirement specified in this Section.

- C) The secondary containment structure shall be constructed to a water permeability rate of not greater than  $1 \times 10^{-6}$  centimeters per second and maintained so that liquid movement through the walls and base does not exceed a rate of  $1 \times 10^{-5}$  centimeters per second permeability rate. The secondary containment structure shall be designed and maintained to withstand a full hydrostatic head of any contained liquid. The containment area shall not be equipped with a permanent pump unless the pump has only a manual mode of operation.
  - D) The secondary containment structure shall not have a discharge outlet or gravity drain through the wall or floor.
  - E) Synthetic materials or liners may be used with secondary containment structures provided they are compatible with agrichemicals being contained and are installed according to the manufacturer's written directions and repaired and maintained according to the manufacturer's recommendations. These directions and recommendations shall become records maintained at the facility site.
- 2) Walls: The walls of secondary containment structures shall meet each of the following criteria:
- A) Walls shall be constructed of materials, including but not limited to, steel, reinforced concrete, solid masonry, or compatible synthetic materials or synthetic liners as authorized in this Section.
  - B) No piping shall be installed through the wall except for interconnections between multiple secondary containment structures authorized in this Section.
  - C) Multiple basins connected to provide the containment capacity as set forth in this Section shall be connected in a manner that assures an unrestricted transfer of discharged liquid between basins.
  - D) Earthen walls used for secondary containment of fertilizer shall be protected against erosion (e.g., sodded or seeded). Side slopes shall not exceed a 3 to 1 ratio of horizontal to vertical. The top width of earthen walls shall not be less than 2 1/2 feet.
  - E) Provisions shall be made for safe and emergency access

and exit to and from the secondary containment structures.

- 3) Floor: The base of a secondary containment structure shall be lined with materials, including, but not limited to, reinforced concrete, steel, or compatible synthetic liner or synthetic materials as authorized in this Section, and the floor shall meet each of the following criteria:
  - A) Floors shall be constructed to allow the safe and expeditious removal of precipitation water and any spilled material in a manner that does not disrupt the ability of the containment structure to prevent the movement of liquid as required in this Section (e.g., sloped to a collection sump well).
  - B) Liners used for secondary containment of fertilizer may be constructed of suitable soil or of soil treated with bentonite clay or other comparable material, with a minimum depth of 12 inches, provided the other floor requirements as stated in this Section are met. The liner shall be covered by a soil or smooth aggregate layer not less than 6 inches thick and shall be maintained to prevent cracking or puncture.
- 4) Prefabricated Facilities: A prefabricated secondary containment structure shall be composed of a rigid prefabricated basin having both a base and walls constructed of steel, reinforced concrete or synthetic liner or synthetic materials that are resistant to corrosion, puncture or cracking. A written confirmation of compatibility and a written estimate of life expectancy from the basin manufacturer shall be kept on file at the facility. Multiple basins connected to provide the capacity required in this Section shall be connected in a manner that assures an unrestricted transfer of discharged liquid between basins.
- 5) Drainage and Basin Facility: A drainage and basin facility diverts uncontaminated storm water drainage and provides secondary containment in accordance with this Section. The curb, base and drainage path shall be at least 12 inches thick and shall be constructed in lifts not to exceed 6 inches in thickness. Persons wishing to use a drainage and basin facility should consider the overall facility plan, topography, subsoil type, water table location, and surface water drainage patterns.
- f) Tank Anchoring: Non-mobile agrichemical storage containers shall be anchored or placed on a raised area if necessary to prevent flotation or instability in the event of agrichemical discharge into the secondary containment structure.
- g) Storage containers and appurtenances shall be constructed, installed, and maintained so as to prevent the discharge of liquid agrichemicals and shall meet each of the following criteria:
  - 1) The materials used in construction shall be resistant to



- corrosion, puncture, or cracking and shall be compatible with the agrichemical being stored.
- 2) The materials used in construction and repair may not be of a type that reacts chemically or electrolytically with stored agrichemicals in a way that may weaken the storage container or appurtenances.
  - 3) The metals used for valves, fittings, and storage container repair on metal containers shall be compatible with the metals used in the construction of the container so that the combination of metals does not cause or increase corrosion that may weaken the container or its appurtenances.
  - 4) Containers and appurtenances shall be designed to handle operating stresses, taking into account hydrostatic head, pressure buildup from pumps and compressors, and any other foreseeable mechanical stresses to which the containers and appurtenances may be subject.
- h) **Security:** When persons responsible for an on-farm storage facility are not present at the facility, the valves on non-mobile agrichemical storage containers, including sight gauge valves, shall be locked in the closed position or otherwise secured to prevent discharge. External site gauges shall not be used with bulk pesticide storage containers.
- i) Accumulated precipitation in the secondary containment structure shall never exceed a level that would impair the holding capacity of the secondary containment. Such precipitation accumulation should be removed from the secondary containment system after each storm.
- 1) Precipitation accumulation containing agrichemicals shall be used as provided in Section 255.110(e) or disposed of as provided in Section 255.110(g).
  - 2) Precipitation accumulation from containment structures shall not be discharged from the containment area as surface runoff, except when the following conditions are met:
    - A) The containment structures have been previously cleaned and rinsed of agrichemicals. Proper cleaning of the structure should include removal of all contained material and the proper washing and rinsing of the structure. Washing should include the use of a biodegradable detergent, triple rinsing with water under high pressure, and the removal of all standing fluids from the containment structure.
    - B) The discharge shall not cause water quality violations pursuant to 35 Ill. Adm. Code, Subtitle C, or a pesticide release pursuant to the Environmental Protection Act [415 ILCS 5].

(Source: Added at 26 Ill. Reg. 10386, effective July 1, 2002)

**Section 255.190 Severability**

If any Section, subsection, sentence or clause of this Part is judged invalid, that adjudication shall not affect the validity of this Part as a whole or any section, subsection, sentence or clause of this Part not judged invalid.

(Source: Added at 26 Ill. Reg. 10386, effective July 1, 2002)