

**Notice of Intent to Adopt a Rule**

LSA Document #22-386

Under [IC 4-22-2-23](#), the State Chemist of the State of Indiana intends to adopt a rule concerning the following:

**OVERVIEW:** Adds [355 IAC 5-0.5](#) to identify the scope of the regulated persons under this article. Amends and adds provisions to [355 IAC 5-1](#) to establish definitions referenced throughout the article, and to clarify the applicability of the definitions in [IC 15-16-4](#) and [IC 15-16-5](#). Amends [355 IAC 5-2-1](#) to limit appurtenance requirements to bulk and minibulk only. Amends [355 IAC 5-2-2](#) to limit underground pesticide storage restrictions to bulk and minibulk only. Amends [355 IAC 5-2-3](#) to limit abandoned container restrictions to bulk and minibulk only. Amends [355 IAC 5-2-4](#) to limit container materials restrictions to bulk and minibulk only. Amends [355 IAC 5-2-5](#) to limit storage container anchoring requirements to bulk and minibulk only. Amends [355 IAC 5-2-6](#) to limit storage container venting requirements to bulk only. Amends [355 IAC 5-2-8](#) to limit container filling restrictions to bulk only. Amends [355 IAC 5-2-9](#) to limit shutoff valve requirements to bulk and minibulk only. Amends [355 IAC 5-2-10](#) to limit appurtenance requirements to bulk and minibulk only. Amends [355 IAC 5-2-11](#) to limit leveling gauge requirements to bulk only. Amends [355 IAC 5-2-12](#) to limit maintenance requirements to bulk and minibulk only. Amends [355 IAC 5-3-1](#) to limit operational area requirements to bulk and minibulk only. Amends [355 IAC 5-4-1](#) to differentiate between bulk and minibulk secondary storage requirements. Amends [355 IAC 5-4-2](#) to clarify the reference to floors of containment structures. Amends [355 IAC 5-4-3](#) to clarify acceptable materials for floors of secondary containment. Amends [355 IAC 5-4-4](#) to differentiate between bulk and minibulk drainage requirements. Amends [355 IAC 5-4-7](#) to permit double wall storage containers to satisfy the secondary containment requirement. Amends [355 IAC 5-5-1](#) to limit certain storage requirements to dry bulk only. Amends [355 IAC 5-8-1](#) to limit storage registry requirements to bulk only. Adds [355 IAC 5-10](#) to consolidate and simplify pesticide storage and use restrictions in wellhead protection areas and isolation areas. Adds [355 IAC 5-11](#) to consolidate pesticide service container requirements. Adds [355 IAC 5-12](#) to consolidate open burning restrictions for pesticide containers. Repeals [355 IAC 5-1-7.5](#) and [355 IAC 5-1-12](#). Statutory authority: [IC 15-16-4-50](#); [IC 15-16-4-52](#); [IC 15-16-5-64](#).

For purposes of [IC 4-22-2-28.1](#), the Small Business Regulatory Coordinator for this rule is:

David Scott  
Pesticide Administrator  
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(765) 494-1593  
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For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Matthew Jaworowski  
Small Business Ombudsman  
Indiana Economic Development Corporation  
One North Capitol, Suite 700  
Indianapolis, IN 46204  
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Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

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