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## Full version

Order on the filling, washing, etc. of sprayers for the application of plant protection products<sup>1)</sup>

The following is laid down, pursuant to Section 7, subsection 1, No 1, Section 19, subsection 5, Section 27, subsection 3, Section 44, subsection 1, Section 67, Section 80, subsections 1 and 2, and Section 110, subsections 3 and 4, of the Environmental Protection Act, cf. Ministerial Order No 1757 of 22 December 2006:

### Chapter 1

#### Scope and definitions of the Order

Section 1. The regulations in this Order concern limiting the pollution of soil, groundwater and surface water with plant protection products as a result of the filling and washing of sprayers or tractors used commercially for the application of plant protection products.

Subsection 2. Conditions that are more far-reaching than the provisions in this Order may be laid down in decisions pursuant to Chapters 3–5 of the Environmental Protection Act.

Section 2. Definition of terms in this Order:

#### 1) Sprayer:

- a) All types of agricultural sprayer, including mistblowers, for the application of plant protection products outdoors
- b) Knapsack sprayers for the application of plant protection products and designed to be carried on the back during spraying.
- c) Greenhouse sprayers for the application of plant protection products in greenhouses.

2) Washing location: An area used for collecting wash water and plant protection product spillage generated during filling, to be collected in a slurry tank or other receptacle.

- 3) Check valve: A valve that ensures that water in the pipeline network can only flow in one direction.
- 4) Induction Bowl: A chemical filling device that is designed for filling sprayers with plant protection products.
- 5) Spray residue: The residual part of the prepared sprayer fluid that cannot be pumped out of the sprayer.
- 6) Rinse water tank: Water tank that contains clean water for the internal cleaning of sprayers.
- 7) Rinse nozzle: Equipment that has been fitted inside the tank of a sprayer and is intended for internal cleaning.
- 8) Equipment for direct injection: Equipment that automatically channels undiluted plant protection products into the hoses that carry fluid from the sprayer's tank to the nozzles.
- 9) Water meter: A technical appliance that automatically stops the filling of a sprayer with water from the water supply, once it has been filled with a predetermined volume of water.
- 10) Wash water: Water from the washing of a sprayer or tractor which contains residue of plant protection products, etc.
  
- 11) Public water supply: A water supply that supplies 10 or more households with drinking water.
- 12) Tap: The part of a water installation from which water can be tapped.
- 13) Treated area: An area that has been treated with pesticides.

## Chapter 2

### Requirements for agricultural sprayers, receptacles and taps

Section 3. The following equipment shall be available at an agricultural holding or operation for agricultural sprayers that are used commercially for the application of plant protection products:

- 1) Preparation filling equipment or equipment for direct injection into the sprayer,
- 2) rinsing water tanks with a capacity such that, following completion of the dilution procedure, the residual sprayer fluid will have been diluted 50 times, and
- 3) rinse nozzles.

Subsection 2. In the case of agricultural sprayers or tractors that pulls agricultural sprayers used commercially for the application of plant protection products, equipment shall be available at the agricultural holding or operation to make it possible to carry out the external cleaning of the sprayer in the treated area after the spraying of plant protection products, unless the external cleaning of the sprayer is carried out at a washing location that has a slurry tank or other receptacle for collection purposes.

Section 4. Receptacles other than a slurry tanks that is used for the collection of wash water and spillage of plant protection products in connection with filling, cf. Section 7, shall be leak proof and must not be used for other purposes. If, during washing in a greenhouse, cf. Section 8, subsection 2, wash water is collected in a receptacle that is not stationary, it must be stated on the receptacle that it contains wash water with residue of plant protection products.

Section 5. Taps used for filling and washing sprayers shall be equipped with check valves and water meters or similar installations to prevent overflowing when filling the tank. During the filling of sprayers, there must be no direct contact between water hoses fitted to the tap and the fluid in the sprayer.

## Chapter 3

### Filling and washing locations

Section 6. Washing locations shall be reinforced to prevent seepage into the soil or run-off to the surrounding area.

Section 7. The filling of agricultural sprayers or knapsack sprayer used outdoors with plant protection products shall take place at a washing location with collection in a slurry tank or other receptacle or in the area where the plant protection product is to be applied.

Subsection 2. The filling of knapsack sprayers used in greenhouses with plant protection products shall take place at a washing location with collection in a slurry tank or other receptacle or in the greenhouse where the plant protection product is to be applied.

Section 8. The washing of agricultural sprayers and tractors that have been used for the application of plant protection products or knapsack sprayer that have been used outdoors shall take place at a washing location with collection in a slurry tank or other receptacle for collection purposes or in the area where the plant protection product has been applied.

Subsection 2. The washing of greenhouse sprayer or knapsack sprayer that have been used in greenhouses shall take place at a washing location with collection in a slurry tank or other receptacle or in the greenhouse where the plant protection product has been applied.

## Chapter 4

### Location of filling and washing installations

Section 9. Washing locations with collection in a slurry tank or other receptacle must be set up not any closer than

- 1) 50 metres from a public water supply for drinking purposes,
- 2) 25 metres from a non-public water supply for drinking purposes and from treatment sumps and cesspools of drainage systems, and
- 3) 50 metres from surface water (watercourses, lakes and coastal waters) and from nature reserves pursuant to Section 3.

Section 10. In areas where plant protection products are applied, the filling and washing of agricultural sprayers or knapsack sprayers used outdoors must take place no less than

- 1) 300 metres from a public or non-public water supply for drinking purposes and
- 2) 50 metres from surface water (watercourses, lakes and coastal waters), treatment sumps and cesspools of drainage systems, and nature reserves pursuant to Section 3.

Section 11. If an outdoor area where plant protection products are applied is used for filling or washing, a new area shall be used for each filling and washing during the growing season.

## Chapter 5

### Handling of plant protection products when filling and washing sprayers and related equipment

Section 12. When filling agricultural sprayers, induction bowls or equipment for direct injection shall be used. Rinse nozzles shall be used for the internal washing of the sprayer.

Section 13. Unwashed sprayers or tractors that have been used for the application of plant protection products shall be placed in a treated area, a washing location connected to a slurry tank or other receptacle for collection purposes, or under a roof.

## Chapter 6

### Handling of wash water

Section 14. Wash water, etc. can be used in accordance with this chapter without prior permission pursuant to Section 19, subsection 1 of the Environmental Protection Act.

Section 15. The spray residue shall be diluted at least 50 times during internal washing of sprayers and sprayed on the treated area in a similar manner in the area that has been treated. In so doing, the maximum dosage allowed, which is stated on the label of the product used, must not be exceeded at field level.

Section 16. The content of slurry tanks and other receptacles, cf. Sections 7 and 8, shall be applied pursuant to the regulations in the Order on livestock farming for more than three livestock units, livestock manure, silage, etc. in force at any particular time.

Subsection 2. Agricultural holdings or operations that dispose of the content of slurry tanks or other receptacles, cf. Sections 7 and 8, by applying it to the fields of the holding or the operation's areas shall inform the municipal council of this practice.

Subsection 3. Agricultural holdings or operations that dispose of the content of slurry tanks or other receptacles cf. Sections 7 and 8, by applying it to the fields of a third party shall obtain permission from the municipal council to carry out this practice.

Subsection 4. Notwithstanding Section 1, any content of slurry tanks and other receptacles, cf. Section 7, subsection 1 and Section 8, subsection 1, that meets the criteria for hazardous waste shall be disposed of pursuant to the regulations in the Order on Waste.

Subsection 5. Notwithstanding Section 1, if a slurry tank or other receptacle, cf. Section 7, subsection 2 and Section 8, subsection 2, not approved for use outdoors, the content shall be disposed of pursuant to the regulations in the Order on Waste.

## Chapter 7

### Authorities, supervision and control

Section 17. The Plant Directorate will carry out supervision of compliance with the regulations in this Order.

Section 18. The Environmental Protection Agency may, provided this poses no risk to the environment, grant an exemption from the regulations in this Order. Exemptions may be subject to conditions specified in greater detail.

Section 19. In accordance with Section 18, appeals against decisions of the Environmental Protection Agency cannot be made to any other administrative authority.

## Chapter 8

### Penalty provisions

Section 20. Unless a greater penalty is prescribed in accordance with other legislation, a penalty of a fine will be imposed on anyone who

- 1) does not comply with the requirements for agricultural sprayers, receptacles and water installations and the use of these, cf. Sections 3, 4, 5 and 12
- 2) fills or washes sprayers anywhere else than prescribed, cf. Sections 7 and 8
- 3) does not comply with the prescribed distances, cf. Sections 9 and 10

4) does not comply with the requirement for the use of a new area for each filling and wash, cf. Section 11

5) places unwashed sprayers or tractors anywhere else than prescribed, cf. Section 13

6) does not handle wash water and plant protection product waste as prescribed, cf. Section 15, does not inform the municipal council as prescribed in Section 16, subsection 2, or fails to obtain permission pursuant to Section 16, subsection 3, or

7) disregards conditions associated with an exemption granted pursuant to Section 18.

Subsection 2. The penalty may increase to imprisonment of up to two years if the infringement has been committed intentionally or due to gross negligence and if, as a result of the infringement,

1) damage has been caused to the environment or a risk of this has arisen, or

2) an economic advantage has been obtained or is intended to be obtained for the person in question or others, including through savings.

Subsection 3. Companies, etc. (legal entities) may be penalized according to the rules in Chapter 5 of the Criminal Code.

## Chapter 9

### Entering into force and transitional provisions

Section 21. The Order will enter into force on 8 April 2009. However, Sections 3, 6 and 12 will not take effect until 8 April 2010.

Subsection 2. Distance requirements, cf. Section 9, apply to washing locations with a slurry tank or other receptacle for collection purposes, for which planning permission is granted after the entry into force of this Order.

Subsection 3. Permission granted pursuant to Section 19, subsection 1 of the Environmental Protection Act to administer water containing residue of plant protection products will lapse six months after the commencement of this Order.

*The Ministry of the Environment, 31 March 2009*

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/ Claus Torp

### Official notes

1) This draft Order has been notified in accordance with Directive 83/189/EC of the European Parliament and of the Council (the Information Procedure Directive), as amended by Directive 98/48/EC. This Order contains provisions implementing parts of Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain directives (OJ EU 2008 L 312, p. 3).