

NEBRASKA ADMINISTRATIVE CODE
Title 198 – RULES AND REGULATIONS PERTAINING TO AGRICULTURAL CHEMICAL
CONTAINMENT

Chapter 2 - SECONDARY CONTAINMENT FACILITY; WHEN REQUIRED

001 A secondary containment facility is mandatory when:

001.01 bulk liquid pesticide is stored in aggregate quantities with capacity greater than 500 U.S. gallons, or when bulk dry pesticide is stored.

001.02 bulk liquid fertilizer is stored:

001.02A in a container with capacity greater than 2,000 U.S. gallons;

001.02B in containers with an aggregate capacity greater than 3,000 U.S. gallons at any location; or

001.02C in quantities exceeding 25 percent of the container capacity for containers larger than 500 U.S. gallons anytime during the period November 1 through March 15.

002 A container designed and used for the storage of ammonium nitrate fertilizer is exempted from the requirements in 001 above provided the concentration of the ammonium nitrate is such that the temperature at which it freezes is 120 degrees Fahrenheit or higher, the container was in use prior to November 14, 1992, and a monitoring or leak detection system approved by the Department is in place prior to January 1, 1999.

003 The Department may consider, on a case-by-case basis, the need for secondary containment directly under a container having a capacity of 100,000 U.S. gallons or more and in use prior to November 14, 1992. In such cases, the owner or operator of the container is to conduct an environmental evaluation and economic assessment of compliance with these regulations and identify possible alternatives to be considered by the Department. When compliance with the regulations produces serious hardship without equal or greater benefits to the public, the Department may approve an alternative which demonstrates technical practicability and economic reasonableness.

004 A container designed and used for transportation of a bulk liquid pesticide or bulk fertilizer is exempted from the requirements in 001 above as long as any storage is solely incidental to the loading or unloading of the container and the container is not connected to a chemigation system. A container with a capacity of 275 U.S. gallons or less which is sealed, and remains sealed at the facility, may be excluded from the aggregate capacities in 001 above provided storage is solely incidental to the transfer of the container.

005 A container or containers with an aggregate capacity of 6,000 U.S. gallons or less which is used at the application site as part of the normal application associated with activities in that field any time during the period March 15 through October 1 may be excluded from the aggregate capacities in 001.02 above. For a container to be excluded from the aggregate capacities, the container and appurtenances are to be:

005.01 located a minimum of 500 feet from surface waters of the state and a minimum of 100 feet from any well;

005.02 located in that field for a period not to exceed 21 consecutive days;

005.03 positioned on relatively level terrain to maintain tank stability;

005.04 inspected for leakage and soundness immediately prior to the initial use each year; and

005.05 structurally sound, free of obvious defects, and compatible with the fertilizer placed in the container. Leaky or faulty containers and appurtenances are to be repaired or replaced at the time of detection.

006 A container used in the application of a bulk liquid pesticide or bulk fertilizer through a chemigation system will be considered part of the aggregate capacity stipulated in 001.02 above for the purposes of these regulations.

007 Storage and handling of anhydrous ammonia, dry fertilizer and unmanipulated animal and vegetable manures is exempt from the requirements of these regulations. Storage of anhydrous ammonia is regulated by Title 153 - NAC.

Enabling Legislation: Neb. Rev. Stat. § 81-1505(8)(14)