

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

Chapter 8 - MANAGEMENT

001 All facilities, including the containment structure, valves, hoses, pipes and tanks, are to be maintained and operated to function as originally designed. Seams and cracks are to be sealed to prevent leakage. Leaking or faulty appurtenances are to be repaired or replaced at the time of detection.

002 Fertilizer, pesticide and contaminated material spilled or deposited on the loadout facility or on the secondary containment facility are to be promptly recovered. Material not used or recycled, releases unrecovered, or hazardous waste generated may result in the facility being classified as a generator and subject to regulation under Title 128 NAC. All releases shall be reported to the Department pursuant to Title 126 NAC.

002.01 Fertilizer contaminated material is to be used as fertilizer, recycled, or disposed of in a method approved by the Department.

002.02 Pesticide contaminated material is to be used or disposed of according to the pesticide label directions or by a method approved by the Department. Care is to be taken to segregate pesticides which are not compatible for use on the same site.

003 Stormwater accumulated in the secondary containment facility or loadout facility which has not been contaminated by a fertilizer, pesticide or other pollutant may be directly pumped from the facility into the normal stormwater drainage system. Any pump used for the removal of stormwater is to be manually activated.

004 Stormwater that comes in contact with pesticide, fertilizer, or pesticide or fertilizer contaminated material within the secondary containment or loadout facility is to be managed as contaminated material as described in 002 above.

005 At a minimum, any collection point or sump is to be cleared daily of any contaminated material. This material will not be allowed to compromise the minimum required containment volume.

006 A release of pesticide, fertilizer, or pesticide or fertilizer contaminated material from the secondary containment facility or loadout facility is to be immediately reported to the Department. The release and soil or other contaminated material is to be promptly recovered and used or disposed of in a manner approved by the Department.

007 No fertilizer or pesticide contaminated material will be allowed to be disposed of:

007.01 Through a storm sewer system or waters of the State;

007.02 Through a treatment system without a National Pollutant Discharge Elimination System (NPDES) permit or, in the case of underground disposal, an Underground Injection Control permit;

007.03 Through a sanitary sewer connected to a publicly owned treatment works without prior written approval of the Department and the sanitary sewer authority in accordance with the discharge limitation of a pretreatment agreement or sewer use ordinance; or

007.04 In violation of Title 126 NAC or Title 128 NAC.

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