

Title 198 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 1 - DEFINITION OF TERMS

001 "Appurtenances" means all valves, pumps, fittings, pipes, hoses, and metering devices which are connected to a container, or which are used to transfer a material into or out of such container.

002 "Bulk Dry Pesticide" means any pesticide, once formulated, that is in dry or solid form in an individual container of undivided quantities equal to or greater than 4,000 pounds, and that has not been combined with liquids; this includes formulations such as dusts, wettable powders, dry flowables, water-soluble powders, granules, and dry baits.

003 "Bulk Fertilizer" means any liquid fertilizer held in an individual container of undivided capacity greater than 55 U.S. gallons liquid measure.

004 "Bulk Liquid Pesticide" means any liquid pesticide held in an individual container of undivided capacity greater than 55 U.S. gallons liquid measure.

005 "Container" means any device, excluding a lagoon or pit, in which a material is stored, mixed, treated, disposed of, or otherwise handled.

006 "Custom Applicator" means any person who uses or supervises the use of pesticides or fertilizers on property other than their own or which they rent or lease and bills, charges or assesses the cost of such work.

007 "Department" means the Department of Environmental Quality.

008 "Fertilizer" means any formulation or product used as a plant nutrient which is intended to promote plant growth and contains one or more plant nutrients recognized by the Association of American Plant Food Control Officials in its official publication. Anhydrous ammonia, dry fertilizer, and unmanipulated animal and vegetable manures shall not be included in this definition for the purposes of these regulations.

009 "Flood Plain" means the area adjoining a watercourse or drainage which has been or may be covered by flood waters from a 100-year flood.

010 "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in Title 128 or whose act first causes a hazardous waste to become subject to regulation.

011 "Hazardous waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

011.01 Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness;

011.02 Pose a substantial present or potential hazard to human or animal health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed; and as more fully defined in Title 128.

012 "Loadout Facility" means a location, other than the field of application, used for the loading, unloading, handling or mixing of pesticides or fertilizers or a location used for the rinsing or washing of delivery or application equipment which is designed, constructed, and maintained to hold or confine a release of a liquid pesticide or liquid fertilizer.

013 "Operator" means the person responsible for the overall operation of a storage facility or loadout facility.

014 "Owner" means the person who owns all or part of a storage facility or loadout facility.

015 "Person" means any individual, partnership, association, public or private corporation, trustee, receiver, assignee, agent, municipality or other governmental subdivision, public agency, officer or governing or managing body of any municipality, governmental subdivision, or public agency, or any other legal entity except the Department.

016 "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, insect, rodent nematode, fungus, weed, or other form of plant or animal life or virus, except viruses on or in living humans or animals, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

017 "Release" means, but is not limited to, any discharging, spilling, leaking, pumping, emitting, emptying, or dumping of pesticide, fertilizer, or materials containing pesticide or fertilizer, upon land, beneath the surface of the land, or into waters of the State, either by accident or otherwise, except that this definition shall not apply to normal field applications or to the normal rinsing and washing activities on the loadout facility.

018 "Secondary Containment" means a device or structure designed, constructed, and maintained to hold or confine a release of a liquid pesticide or liquid fertilizer from a storage facility.

019 "Storage Facility" means a location where bulk pesticide, bulk liquid pesticide, or bulk fertilizer is stored. A storage facility shall include the entire contiguous tract of land upon which bulk pesticide or bulk fertilizer is loaded, unloaded, mixed, blended, or stored.

020 "Sump" means any pit or reservoir open to visual inspection, designed to temporarily collect and contain an accumulation of rinsed or washed off material or spilled liquids, structurally sound, and compatible with the materials contained.

021 "Title 117" means the Department's Title 117 - Nebraska Surface Water Quality Standards.

022 "Title 118" means the Department's Title 118 - Ground Water Quality Standards and Use Classification.

023 "Title 126" means the Department's Title 126 - Rules and Regulations Pertaining to the Management of Wastes.

024 "Title 128" means the Department's Title 128 - Rules and Regulations Governing Hazardous Waste Management in Nebraska.

025 "Totally Covered or Enclosed" means protected from precipitation and any subsequent drainage so that unwanted moisture does not enter the structure.

026 "Underground Storage" means any container, combination of containers, surface impoundment, pit, pond, or lagoon, including underground pipes connected to such storage, which is used to store an accumulation of pesticide, fertilizer, fertilizer or pesticide solution, or related material and the volume of which is ten percent or more beneath the surface of the ground.

027 "Waters of the State" means all waters within the jurisdiction of this State including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the State.

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