

Title 198 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 2 - SECONDARY CONTAINMENT FACILITY; WHEN REQUIRED

001 A secondary containment facility is required when bulk liquid pesticide is stored in aggregate quantities with capacity greater than 500 U.S. gallons, or when bulk dry pesticide is stored.

002 A secondary containment facility is required when bulk liquid fertilizer is stored:

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

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

002.03 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.

003 A container designed and used for the storage of ammonium nitrate fertilizer shall not be included in the requirements stipulated in 001 and 002 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.

004 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 shall 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.

005 A container designed and used for transportation of a bulk liquid pesticide or bulk fertilizer shall not be included in the requirements stipulated in 001 or 002 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 stipulated in 001 or 002 above provided any storage is solely incidental to the transfer of the container.

006 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 stipulated in 002 above. For a container to be excluded from the aggregate capacities, the container and appurtenances must be:

006.01 located a minimum of 500 feet from surface waters of the state;

006.02 located a minimum of 100 feet from any well;

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

006.04 positioned on relatively level terrain to maintain tank stability;

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

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

Provided, however, that a container used in the application of a bulk liquid pesticide or bulk fertilizer through a chemigation system shall be part of the aggregate capacity stipulated in 002 above for the purposes of these regulations.

007 A secondary containment facility required pursuant to 001 or 002 above shall be constructed according to the following schedule:

007.01 Any person with existing bulk liquid pesticide storage as of November 14, 1992 has until January 1, 1995 to comply.

007.02 Any person with bulk fertilizer storage in existence as of July 1, 1994 has until January 1, 1999 to comply.

007.03 New bulk liquid pesticide storage or expansion of existing bulk liquid pesticide storage constructed after November 14, 1992 shall have secondary containment prior to use.

007.04 New bulk fertilizer storage or expansion of existing bulk fertilizer storage constructed after July 1, 1994 shall have secondary containment prior to use.

008 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 the State Fire Marshal, Title 153 - Nebraska State Fire Code Regulations.

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

Legal Citation: Title 198, Ch. 2, Nebraska Department of Environmental Quality