

Title 198 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 3 - LOADOUT FACILITY; WHEN REQUIRED

001 All mixing, loading and unloading of bulk pesticides or bulk fertilizers at a bulk pesticide or bulk fertilizer storage facility and all draining, rinsing and washing of applicator and transportation equipment shall be performed within the loadout facility. A loadout facility is required under the following conditions:

001.01 When secondary containment is required pursuant to Chapter 2 for bulk liquid pesticide stored in aggregate quantities greater than 500 U.S. gallons;

001.02 When secondary containment is required pursuant to Chapter 2 for bulk liquid fertilizer stored in aggregate quantities greater than 5,000 U.S. gallons;

001.03 When a custom applicator uses pesticides from original containers greater than three U.S. gallons in capacity;

001.04 When a custom applicator uses pesticide or fertilizer mixtures in individual quantities greater than 100 U.S. gallons; or

001.05 When bulk fertilizer or bulk pesticide is loaded or unloaded from a rail car.

002 A loadout facility required pursuant to 001 above shall be constructed according to the following schedule:

002.01 A custom applicator of pesticide, person with existing bulk pesticide storage, or person using rail car transfer of bulk pesticide as of November 14, 1992 has until January 1, 1995 to comply.

002.02 A custom applicator of fertilizer, person with existing bulk fertilizer storage, or person using rail car transfer of bulk fertilizer as of July 1, 1994 has until January 1, 1999 to comply.

002.03 A bulk pesticide storage facility, a person with rail car transfer of bulk pesticide or a custom applicator of pesticide that commences operation after November 14, 1992 shall have a loadout facility constructed prior to operation.

002.04 A bulk fertilizer storage facility, a person with rail car transfer of bulk fertilizer, or a custom applicator of fertilizer that commences operation after July 1, 1994 shall have a loadout facility constructed prior to operation.

003 A loadout facility is not required under the following conditions:

003.01 When loadout activities are conducted at the application site as part of the normal application; or

003.02 When custom applicator loadout activities are conducted no more than fourteen days in a calendar year at any one location, the custom applicator has a loadout facility at a primary operating location, and all other requirements are met. This fourteen day allowance does not apply to loadout facilities required in conjunction with secondary containment specified in 001.01 and 001.02 above, ~~or~~ to loadout facilities specified in 001.05 above, or when loadout activities are conducted by an agricultural aerial applicator utilizing a fixed-wing aircraft when applying pesticides.

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

Legal Citation: Title 198, Ch. 3, Nebraska Department of Environmental Quality