Title 118 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 1 - DEFINITIONS

001 "Aquifer" shall mean a geologic formation, group of formations, or part of a formation that is capable of yielding usable amounts of water to a well, spring, or other point of discharge.

002 "Background" shall mean the levels of chemical, physical, biological, and radiological constituents or parameters prior to an activity or pollution event, as determined by methods acceptable to the Department.

003 "Beneficial use" shall mean any existing or potential ground water quality dependent use as identified in Chapter 6, 001.

004 "Cleanup" shall mean the removal or attenuation of pollutants from the environment through physical, chemical, or biological processes.

005 "Council" shall mean the Environmental Quality Council.

006 "Degradation" shall mean a worsening (i.e., of ground water quality) caused directly or indirectly by man.

007 "Department" shall mean the Department of Environmental Quality.

008 "Director" shall mean the Director of the Department of Environmental Quality.

009 "Gross beta particle activity" shall mean the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

010 "Ground water" shall mean water occurring beneath the surface of the ground that fills available openings in rock or soil materials such that they may be considered saturated.

011 "Impairment of Use" shall mean an adverse impact on a beneficial use of ground water due to water quality degradation (as indicated by the narrative and numerical standards of Chapter 4) such that any previously existing beneficial use cannot be fully attained.

012 "Maximum contaminant level" shall mean the maximum permissible level of a substance or matter in ground water.

013 "Milligrams per liter (mg/l)" shall mean the concentration of a substance expressed as the weight in milligrams contained in one liter of solution. For most practical purposes, this term is equivalent to parts per million (ppm).

014 "Nonpoint source" shall mean any source of pollutants other than those defined as point sources.

015 "Person" shall mean 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 “Petroleum” shall mean:

a) motor vehicle fuels as defined in §66-482, except denatured agricultural ethyl alcohol that is not blended with motor vehicle fuels;

b) diesel fuel as defined in §66-654, including kerosene; and

c) c) a fraction of crude oil that is liquid at a temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per square inch absolute, except any such fraction which is regulated as a hazardous substance under §101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

017 "pH" shall mean the negative logarithm of the hydrogen ion concentration (pH = -log [H]+). pH is a measure of the acidity and alkalinity of a solution on a scale from 0 to 14, with 7 representing neutrality. Numbers from 7 up to 14 denote increasing alkalinity, and numbers from 7 down to 0 denote increasing acidity.

018 "Picocurie (pCi)" shall mean that quantity of radioactive material producing 2.22 nuclear transformations per minute.

019 "Point source" shall mean any discernible confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft from which pollutants are or may be discharged.

020 "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

021 "Pollutant" shall mean any gas, liquid, or solid introduced into ground water that causes pollution.

022 "Private drinking water supply" shall mean that ground water used as drinking water which is not included under public drinking water supply.

023 "Public drinking water supply" shall mean that ground water used in a public water supply system.

024 "Public water supply system" shall mean a water supply system designed to provide the public water for human consumption if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. Public water supply system includes, but is not limited to,

a) any collection, treatment, storage, or distribution facilities under control of the operator of such system and used primarily in connection with such system; and

b) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. For purposes of this subdivision, a connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection if

i) the water is used exclusively for purposes other than residential uses, such as drinking, bathing, cooking, and other similar uses,

ii) the Department of Health and Human Services Regulation and Licensure determines that alternative water to achieve the equivalent level of public health protection provided

by the Nebraska Safe Drinking Water Act and rules and regulations under the act is provided for residential or similar uses for drinking and cooking, or

iii) the Department of Health and Human Services Regulation and Licensure determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of protection provided by the Nebraska Safe Drinking Water Act and the rules and regulations.

An irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential or similar use shall not be considered to be a public water system if the system or the residential or similar users of the system comply with subdivision (ii) or (iii) of this subdivision. A water supplier that would be a public water system only as a result of the amendments made by the 1996 amendments to the federal Safe Drinking Water Act shall not be considered a public water system until August 7, 1998.

025 “Rem” shall mean the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A “millirem” (mrem) is 1/1000 of a rem.

026 "Remedial action" shall mean any immediate or long term response to a pollution occurrence including cleanup, restoration, mitigative actions, and any other action approved or required by the Department.

027 "Responsible party" shall mean any person causing pollution or creating a condition from which pollution is likely to occur, any owner or operator of a source where pollution has occurred or where a condition has been created from which pollution is likely to occur, or any responsible person as defined by Title 126 - Rules and Regulations Pertaining to the Management of Wastes.

028 "Restoration" shall mean the cleanup of polluted ground water to background quality.

029 "Toxic substances" shall mean those pollutants or combinations of pollutants, or disease causing agents which, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Department, cause either death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), inhibition of growth or physical deformation on any organism or its offspring.

030 "Wastes" shall mean all liquid, gaseous, solid, radioactive, or other substances introduced directly or indirectly by man which may pollute or tend to pollute any air, land, or waters of the State.

031 "Water supply system" shall mean all sources of water and their surroundings under the control of one owner, and shall include all structures, conduits, and appurtenances by means of which such water is collected, treated, stored, or delivered, except service pipes between street mains and buildings and the plumbing within or in connection with the buildings served.

032 "Water well" shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground, obtaining hydrogeologic information, or extracting water from or injecting water into the underground water reservoir. Water well shall not include any excavation made for obtaining or prospecting for oil or natural gas or for inserting media to repressure oil or natural gas bearing formations regulated by the Nebraska Oil and Gas Conservation Commission.

033 "Waters of the State" shall mean 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.

034 "Wellfield" shall mean a group of two or more public drinking water supply wells in close proximity to each other.

035 "Wellhead area" shall mean the water-saturated subterranean strata from which ground water is withdrawn for a public water supply system, along with the overlying unsaturated subterranean strata, land surface, surface waters, and air space providing ground water recharge to such strata.

036 "Wellhead protection area" shall mean that part of a wellhead area from which ground water contaminants could be expected to reach a public water supply well within the useful lifetime of that well.

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