



NEMAHA NATURAL RESOURCES DISTRICT
CHEMIGATION RULES & REGULATIONS
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Chapter 1 – AUTHORITY

001.00 These rules and regulation are adopted pursuant to the authority granted in Nebraska Revised Statutes §§46-701-754, the Nebraska Ground Water Management and Protection Act, and Nebraska Revised Statutes §§46-1101-1148, the Nebraska Chemigation Act and Title 195 of the Nebraska Administrative Code. These rules and regulation are intended to apply District-wide.

Chapter 2 – DEFINITIONS

001.00 Applicator shall mean any person engaged in the application of chemicals by means of chemigation. Applicator shall include any person operating equipment used for chemigation whether for himself or herself or on behalf of the permit holder for the land on which the chemigation will take place.

002.00 Chemical shall mean any fertilizer, fungicide, herbicide, or pesticide mixed with the water supply.

003.00 Chemigation shall mean any process whereby chemicals are applied to land or crops in or with water through an on farm irrigation distribution system.

004.00 Council shall mean the Environmental Control Council.

005.00 Department shall mean the Department of Environment & Energy.

006.00 Director shall mean the Director of the Department of Environment & Energy.

007.00 District shall mean the Nemaha Natural Resources District.

008.00 Fertilizer shall mean 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.

009.00 Injection location shall mean each site where chemicals will be applied through an irrigation distribution system.

010.00 Irrigation distribution system shall mean any device or combination of devices having a hose, pipe, or other conduit, which connects directly to any source of ground or surface water, through which water or a mixture of water and chemicals is drawn and applied for agricultural or horticultural purposes. Irrigation distribution system shall not include any hand-held hose sprayer or other similar device which is constructed so that an interruption in water flow that automatically prevents any backflow to the water source.

011.00 Open discharge system shall mean a system in which the water is pumped or diverted directly into a ditch or canal in such a manner that the force of gravity at the point of discharge into the ditch or canal cannot cause water to flow back to the point from which the water was pumped or diverted.

012.00 Permit holder shall mean the owner or operator of land who applies or authorizes the application of chemicals to such land by shall mean of chemigation. The permit holder shall be the party primarily responsible for any liability arising from chemigation on the property.

013.00 Pesticide shall mean 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.

014.00 Restricted use pesticide shall mean a pesticide classified as a restrict-use pesticide by the United States Environmental Protection Agency, a state-limited-use pesticide, or any pesticide for which an exemption under Section 136p of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136, et seq., has been granted.

015.00 Working day shall mean Monday through Friday but shall not include Saturday, Sunday or a Federal or State holiday. In computing two working days, the day of receipt of the permit is not included and the last day of the two working days is included.

Chapter 3 – CHEMIGATION APPLICATION

001.00 No person shall chemigate, or authorize the application of chemicals to land or

crops through the use of chemigation, unless such person obtains authorization from the District, via permit, authorizing such chemigation. No permit is required to pump or divert water to or through an open discharge system. Each injection location must be permitted on an annual basis, using forms provided by the District. Each permit expires on June 1 of each year, and the permit holder is solely responsible for renewal.

An application for a chemigation permit shall be considered received by the District on the date it is either hand delivered or received by mail, so long as the application is properly completed as per Nebraska Administrative Code Title 195, signed by the permit holder, and the permit holder has paid the requisite fee (see Chapter 8: Permits; Fees). Any incomplete, unsigned, or unpaid applications will be returned to the applicant.

002.00 An application must be filed with the District for each injection location. The following information is the minimum requirement of the Department.

002.01 Name, address and telephone number of applicant.

002.02 Calendar Year for which application is being made.

002.03 Legal description of the injection location site, defined to the quarter of quarter section (forty-acre increment).

002.04 Whether the application is for an initial, renewal, special or emergency permit.

002.05 The name(s) of the certified chemigation applicator(s) and, if known, their certification number and the expiration date of their certification.

002.06 Whether the chemical injection equipment to be used is stationary or portable.

002.07 Signature of the permit applicant and date of signing.

002.08 If the application is for a renewal permit, in addition to the information required in 002.01 through 002.07, the applicant shall list the names and estimated amounts of all the chemicals that were used in the chemigation system the previous year.

003.00 All applications for a chemigation permit must be completed on forms provided by the Department. Application forms shall be available at the District and the Department, and such other locations as the District deems advisable.

Chapter 4 – PERMITS; ISSUANCE, DENIAL, REVOCATION, SUSPENSION

001.00 Except as provided in Chapters 5 and 6, the District shall review each completed application, conduct an inspection, and approve or deny the application within forty five (45) days after the application is filed.

002.00 No chemigation permit, except a Special permit shall be issued or renewed by the District, except as provided in Chapter 5, if any of the following conditions occur:

002.01 The applicant has failed to provide the required information on the application form, as specified in Title 195 Chapter 2, 002, Nebraska Department of Environment & Energy;

002.02 The irrigation distribution system does not comply with the equipment standards set forth in Title 195, Chapters 9 and 10, Nebraska Department of Environment & Energy;

002.03 The applicator has not been certified as a chemigation applicator by the Department; or

002.04 Failure of the applicant to remit the appropriate fee.

003.00 The permit holder shall notify the District within ten (10) days of any changes in the information provided on the permit application.

004.00 The District shall deny, suspend, refuse renewal of, or revoke a permit applied for or issued on any of the following grounds:

004.01 Fraud or deceit was used in obtaining a permit;

004.02 Failure to notify the District of equipment replacement or alteration within seventy-two (72) hours;

004.03 Failure of the applicator or permit holder to notify the District and Department of an actual or suspected spill or accident within twenty four (24) hours;

004.04 Failure of the permit holder to carry out cleanup measures developed by the Department within the time specified; or

004.05 Violations of any other provisions of the Nebraska Chemigation Act or any standards or rules and regulations adopted pursuant to the Act.

005.00 The District or Department shall immediately suspend a permit if the District or Department concludes that there is an actual or imminent threat of danger to the public

or the environment as a result of operation of a chemigation system.

006.00 The District shall notify any person found to be in violation of the Nebraska Chemigation Act or rules or regulations issued pursuant to the Act and said person has ten (10) days in which to comply. If the violation has not been corrected in the ten (10) day period then the District shall notify the Department of the violation. If after a preliminary investigation the Department determines there is a violation then the person's permit shall be revoked until compliance is met. For systems operated by the permit holder, the District may establish a schedule for compliance in lieu of the ten (10) day compliance requirement.

Chapter 5 – PERMITS; EXPIRATION, RENEWAL

001.00 Permits issued during the calendar year shall expire on June 1 of the following year, except as provided in Chapter 6.

002.00 A permit may be renewed each year upon payment of the annual renewal fee and completion of an application form providing all the information requirements of Chapter 3, 002.00. All renewal applications must be on file with the District by May 31st.

003.00 Permits not renewed before June 1 shall not be reinstated without filing a new application containing the information prescribed in Chapter 3, 002.00, payment of the initial application fee (\$60.00), and are subject to inspection of equipment and site which shows compliance with the Chemigation Act and these rules and regulations.

004.00 If an inspection reveals noncompliance, renewal shall be refused, suspended, or revoked until compliance is achieved, as determined by the District.

005.00 Under no circumstances may a permit be transferred.

Chapter 6 – PERMITS; SPECIAL

001.00 If the District determines by inspection that a chemigation system does not need all of the safety equipment prescribed in Chapters 10 and 11, it shall forward such information to the Department for review, if the Department concurs with the District, the Department shall grant approval to the District to issue a special permit.

002.00 Before issuing any special permit, the District shall obtain the information for a special permit as specified by Nebraska Administrative Code Title 195, Chapter 5. The following information shall be provided by the District and is the minimum requirement of the Department.

002.01 Name, address and telephone number of the applicant.

002.02 Legal description of the system location.

002.03 U.S. Geological survey map showing the system layout topographically with the location and elevation of existing equipment and injection location indicated.

002.04 Location, nominal diameter, and length of all pipe in the irrigation distribution system.

003.00 Issuance of a special permit shall not relieve the permit holder or applicator from compliance with all other responsibilities under the act or these regulations.

Chapter 7 – PERMITS; EMERGENCY

001.00 A person may file an application with the District for an emergency permit as established in Title 195, Chapter 6, Nebraska Department of Environment & Energy. An emergency permit shall be issued in accordance with the conditions set forth in Chapter 3, 002.

001.01 The District shall have two (2) working days, as defined in Chapter 2, 015.00, to review the permit before issuing or denying the application. On the second working day, the District shall complete its review and either issue or deny the permit. If the District has not denied the emergency permit within two (2) working days after the application is filed, the permit shall be deemed issued.

001.02 An emergency permit shall be valid for a period of forty five (45) days from the date of issuance.

002.00 Any holder of an emergency permit or an applicator applying chemicals pursuant thereto who violates any of the provisions of the Nebraska Chemigation Act or standards, rules and regulations adopted under it, shall have such permit automatically revoked by the District or the Department, without a hearing and shall be guilty of a Class II misdemeanor.

003.00 Situations where an emergency permit may be granted by the District include insect infestation, fungal development and fertilization crop needs.

Chapter 8 – PERMITS: FEES

001.00 In order to defray the cost of administration of the Nebraska Chemigation Act, the District shall collect a fee for each type of chemigation application received as listed below. The fees approved by the District were established to pay reasonable costs of administering the permit program pursuant the Chemigation Act.

002.00 The fee for an initial application for a new permit or a special permit shall be sixty dollars (\$60.00) payable to the District. The District shall transfer five dollars (\$5.00) of this fee to the Department.

003.00 The annual fee for renewal of a permit or a special permit shall be thirty dollars (\$30.00) payable to the District. The District shall transfer two dollars (\$2.00) of this fee to the Department.

004.00 The application for an emergency permit shall be accompanied by a fee of two hundred fifty dollars (\$250.00) payable to the District. The District shall transfer ten dollars (\$10.00) of this fee to the Department.

005.00 The District shall forward the appropriate fees for the first half of the calendar year to the Department by September 1 of the calendar year and the fees for the last half of the calendar year by March 1st of the following year.

Chapter 9 – DISTRICT RESPONSIBILITIES

001.00 The District may require additional information and adopt and promulgate rules and regulations as necessary to carry out its responsibilities under the Nebraska Chemigation Act (Neb. Rev. Stat. §§ 46-1101 thru 46-1148). Such information requirements, and rules and regulations must be based on a justifiable need and are subject to approval by the Department.

002.00 The District shall submit an annual report to the Department of each year, which shall include the following information for the previous year:

002.01 The number and type of permit applications received by the District;

002.02 The number and type of permit applications approved by the District;

002.03 The location (legal description) of each permitted chemigation injection

site in the District;

002.04 The name of each permit holder utilizing chemigation in the District;

002.05 The number of chemigation system inspections made by the District at each injection site identified in 002.03 above, and whether the inspections were initial inspections, for equipment replacement or repair, or routine monitoring, and

002.06 The name of all chemicals and estimated amounts used in chemigation systems within the District the previous year.

003.00 The District shall maintain each application or the information contained in the application for a period of five (5) years and shall provide such information to the Department upon request.

Chapter 10 – EQUIPMENT; STANDARDS, INSTALLATION

001.00 Any irrigation distribution system, except an open discharge system, through which chemigation is performed shall be equipped with the mechanical devices specified in paragraphs 002.00 through 007.00 of this Chapter. The equipment shall be installed in accordance with the manufacturer's specifications, at the location specified and shall be in compliance with Title 195, Chapters 9 & 10, Nebraska Department of Environment & Energy. This shall not be construed to prevent the use of portable chemigation equipment if such equipment meets the requirements set forth herein. All permit holders shall maintain the equipment listed below in good working condition at all times during chemigation.

002.00 Mainline Check Valve. The check valve shall be located in the pipeline between the irrigation pump and the point of chemical injection into the irrigation pipeline. Its purpose is to prevent a mixture of water and chemical from draining or siphoning back into the irrigation water source.

002.01 Existing irrigation distribution systems which, as of the date of these rules and regulations, are equipped with a properly located check valve shall be considered in compliance if the valve provides a watertight seal against reverse flow.

002.02 Irrigation distribution systems which are not equipped with a check valve or contain a check valve which after repair cannot meet the requirement in 002.01, shall be equipped with a check valve as specified in Chapter 11.002.00 –

002.05.

002.03 For check valves manufactured or assembled after July 1, 1987, the manufacturer of the valve assembly shall provide verification to the Department that the valve made has been tested and certified by an independent laboratory as meeting the criteria specified in the Appendix.

002.04 All check valves installed on an irrigation distribution system after January 1, 1988, shall be models certified to the director as specified in 002.04 above.

003.00 Vacuum Relief Valve. The vacuum relief valve shall be located on the pipeline between the irrigation pump and the irrigation pipeline check valve. Its purpose is to prevent creation of a vacuum when the water flow stops. If the valve connection also serves as the inspection port, the permit holder will ensure removal of the valve at the time of inspection.

004.00 Inspection Port. The inspection port or other viewing device shall be located on the pipeline between the irrigation pump and the irrigation pipeline check valve. In many cases the vacuum relief valve connection can serve as the inspection port.

004.01 The inspection port or viewing device shall be situated in such a manner that the inlet to the low pressure drain can be observed.

004.02 A minimum four (4) inch diameter orifice or viewing area is required for systems without an existing port or device after January 1, 1986.

005.00 Low Pressure Drain. The low pressure drain shall be located on the bottom of the horizontal pipe between the irrigation pump and the irrigation pipeline check valve. Its purpose is to drain any mixture of water and chemical away from the irrigation water source.

005.01 The drain shall be constructed of corrosion resistant material or otherwise coated or protected to prevent corrosion;

005.02 The drain shall have an orifice of at least three-quarter (3/4) inch diameter and shall not extend onto the horizontal pipe beyond the inside surface of the bottom of the pipe; and

005.03 When the pipeline water flow stops, the drain will automatically open. A tube, pipe or similar conduit shall be used to discharge the solution at least twenty (20) feet from the irrigation water source.

006.00 Chemical Injection Line Check Valve. The chemical injection line check valve shall be located between the point of chemical injection into the irrigation pipeline and the chemical injection pump. Its purpose is to prevent flow of water from the irrigation system into the chemical supply tank and to prevent gravity flow from the chemical supply tank into the irrigation pipeline.

006.01 The valve shall be constructed of chemically resistant materials;

006.02 The valve shall be designed to prevent irrigation water under operating pressure from entering the chemical injection line; and

006.03 The valve shall be designed to have a minimum opening (cracking) pressure of ten (10) psi (pounds per square inch). When the chemical injection pump is shut down, the valve shall prevent any leakage from the chemical supply tank.

006.04 As an alternative to the minimum opening pressure requirement in 006.03 above, a vacuum relief valve may be placed in the injection line between the chemical injection line check valve and chemical injection pump. The vacuum relief valve shall be constructed of chemically resistant materials, shall open at atmospheric pressure, shall be at an elevation greater than the highest part of the chemical supply tank and shall also be the highest point in the injection line.

007.00 Simultaneous Interlock Device. The irrigation pumping plant and the chemical injection pump shall be interlocked so that if the pumping plant stops, the injection pump will also stop. Its purpose is to prevent pumping chemicals into the irrigation pipeline after the irrigation pump stops.

Chapter 11 – EQUIPMENT; REPLACEMENT, REPAIR

001.00 Any permit holder who replaces or alters or authorizes the replacement or alteration of chemigation equipment which was previously approved by the District shall notify the District within seventy two (72) hours of such replacement or alteration. The District shall conduct an inspection of the replaced or altered equipment to determine compliance with Chapter 9.

002.00 Replacement equipment shall meet the requirements of Chapter 10, and in the case of irrigation pipeline check valves, shall meet the following minimum requirements:

002.01 The valve body and all components shall be constructed of corrosion resistant materials or otherwise coated or protected to prevent corrosion;

002.02 The valve shall contain a sealing mechanism designed to close prior to or at

the moment water ceases to flow in the downstream direction. This mechanism shall be either diaphragm-actuated by hydraulic line pressure, spring loaded or weight loaded to provide a watertight seal against reverse flow;

002.03 The valve shall be designed to meet the leakage tests specified in Underwriters Laboratory, Inc., standard UL 312, Chapter 161 Leakage Test, page 11, dated May 22, 1984 (Appendix I);

002.04 All moving components of the valve shall be designed to prevent binding, distortion or misalignment during water flow; and

002.05 The valve shall be designed to allow for easy repair and maintenance, including removal from the pipeline if required to perform such work.

003.00 The equipment required in these rules and regulations shall be maintained in working condition during all times of chemigation. When required, the equipment shall be repaired to its originally designed condition.

Chapter 12 – INSPECTIONS, ACCESS

001.00 Employees of the District and the Department shall have access at all reasonable times to inspect chemigation systems and otherwise carry out their duties pursuant to the Chemigation Act; specifically, Neb. Rev. Stat. §46-1124.

002.00 The District shall conduct an inspection of each injection location for which an application for a chemigation permit has been received to determine compliance with the equipment standards set forth herein and in Title 195, Chapters 9 and 10, Nebraska Department of Environment & Energy.

002.01 The inspection for a permit application to be issued according to Chapters 3 and 5 shall be conducted within forty five (45) days after the application is filed.

002.02 For each special permit issued according to Chapter 5, an inspection shall be conducted prior to permit renewal.

002.03 For each emergency permit issued, an inspection shall be conducted during the forty five (45) day effective period of the permit if no inspection was conducted prior to permit issuance.

003.00 The District shall conduct an inspection of replaced or altered equipment and shall approve the continuance of chemigation so long as the inspected equipment is deemed to be in compliance with the Act. The District shall not collect a new fee for an inspection

of previously approved injection locations.

004.00 Each application for renewal is subject to inspection of equipment and site to determine compliance with the Chemigation Act. When an inspection is made and compliance is not demonstrated, renewal shall be refused, suspended, or revoked (pursuant to Chapter 3, 004) until compliance is achieved and approval for operation given by the District.

005.00 The District shall develop an area wide, selective and periodic inspection program to insure compliance with the Nebraska chemigation Act and these rules and regulations.

005.01 Spot Checks: A full inspection requiring a start-up and shutdown of the chemigation system will be required a minimum of once every three (3) years. The District may inspect systems at more frequent intervals, if it so desires, to improve compliance with the Chemigation Act. The District will also investigate complaints concerning systems for which a permit has been issued.

005.02 Non-Permitted systems: The District will make area wide selective and periodic inspections of non-permitted irrigation systems. The District will also investigate complaints concerning non-permitted systems. In cases of noncooperation by an irrigator, the District may apply to the District or county court of the county in which the irrigation system is located for an inspection warrant to allow the employee entry onto his/her property to carry out duties under the Nebraska Chemigation Act.

006.00 After three (3) inspections have been made and the permit has been denied, suspended, or revoked, the District will require reapplication for a new permit and payment of sixty dollars (\$60.00) prior to the next inspection.

007.00 If after an inspection, a permit is not issued, it is the responsibility of the person making the permit application to request a re-inspection from the District.

008.00 Either the applicator\permit holder is required to be present during an inspection to operate and or detach chemigation equipment. The inspector will not operate irrigation or chemigation equipment.

008.01 Permit holders\applicators are responsible for removal of the vacuum relief valve, if used as an inspection port, and the chemical injection check valve. The inspector may assist in removal of either valve if so requested by the permit holder\applicator. The District will replace, at District expense, a chemical

injection check valve only if damaged during the testing process. The District will not replace a defective chemical injection check valve or if the valve is damaged in removal or attachment.

009.00 On occasion, it may be convenient for the Nemaha Natural Resources District to have neighboring NRD's staff cross over the District boundary and inspect systems in this District. The Nemaha Natural Resources District will allow such inspections as meeting the requirements of the Nemaha Natural Resources District Rules and Regulations.

Chapter 13 – POSTING

001.00 Signs shall be posted on chemigated fields when a restricted use pesticide, herbicide or a chemical for which the label requires posting is used.

002.00 The signs required in these rules and regulations shall meet the following requirements:

002.01 A sign shall be posted at each usual point of entry into a treated area, adjoining farmstead, residential area, along any public road where public exposure may occur, and at the point of chemical injection if located outside the treated area. Each sign shall be posted in such a manner that it clearly visible and legible.

002.02 The sign shall contain the words "KEEP OUT, CHEMICAL APPLICATION THROUGH IRRIGATION WATER SYSTEM".

002.03 The lettering on the sign shall be a color which clearly contrasts with the background and the letters shall be two and one-half (2½) inches in height.

002.04 Each sign shall be posted and maintained during the chemigation period and until the end of reentry period as specified by the chemical label. The sign shall be posted no sooner than forty eight (48) hours prior to the start of chemigation and shall be removed, covered, or otherwise made illegible, no later than forty eight (48) hours after the end of reentry period.

002.05 The sign shall also conform to Title 195, Chapter 12, 0002.4, Nebraska Department of Environment & Energy.

Chapter 14 – CERTIFICATION AND REVOCATION PROCESS FOR CHEMIGATION APPLICATORS

001.00 The Department shall conduct or contract with the University of Nebraska Cooperative Extension Service to conduct annual statewide training sessions in the safe use of chemigation. All chemigation applicators are required to attend a training session.

002.00 The director shall issue a card entitled "Chemigation Applicator Certification" to those individuals who attend a training session and pass a written examination approved by the Department acknowledging his/her satisfactory competency in the use of chemigation.

003.00 The Chemigation Applicator certification shall expire on January 1 of the fourth (4th) year after the date of issuance.

004.00 The Chemigation Applicator Certification shall be renewed by attending a training session and passing a written examination approved by the Department.

005.00 A Chemigation Applicator Certification may be revoked by the Department if the applicator:

005.01 Operates a chemigation system that is known to be defective or not in compliance with permit requirements;

005.02 Fails to report any actual or suspected chemigation accident to the District and the Department;

005.03 Operates or authorizes operation of a chemigation system without the necessary permit; or

005.04 Violates any of the provisions of the Nebraska Chemigation Act or subsequent regulations or standards.

006.00 Any person who has a certification revoked shall be afforded an opportunity for a fair hearing as provided in Neb. Rev. stat. §81-1507(2)(3). The hearing shall be held upon written application to the director within thirty days after receipt of the notice from the director of such revocation. On the basis of such hearing the director shall affirm, modify or revoke his or her previous determination. The hearing shall be considered conducted as a contested case subject to Title 115, Rules of Practice and Procedure.

007.00 The District will make every effort to notify certified chemigation applicators within the District of training dates and locations and when their certification is set to expire or is expired.

Chapter 15 – ACCIDENT REPORTING

001.00 The applicator or permit holder shall report any actual or suspected accident related to the use of chemigation in his or her system to the Department and the appropriate District within twenty four (24) hours of its discovery.

002.00 Notification shall be made by telephone to the Department (402) 471-2186 and the Nemaha Natural Resources District (402) 335-3325 during office hours, from 8 a.m. to 4:30 p.m., Monday through Friday. After hours and holidays, reports shall be made to the Nebraska State Patrol. All information known about the accident at the time of discovery is to be included, such as time of occurrence, quantity and type of material, location, and any corrective or cleanup actions presently being taken. Failure to report an accident may result in a civil penalty of not more than five hundred dollars (\$500.00) or a guilty verdict of a Class III misdemeanor. The District and Department shall consider each day of a single, separate violation.

003.00 Permit holders who either replace or alter or authorize such replacement or alteration of chemigation equipment previously approve by the District shall notify the District with twenty four (24) hours of such replacement or alteration. The District shall conduct an inspection of the replaced or altered equipment.

Chapter 16 – ACCIDENT INVESTIGATION AND REMEDIATION

001.00 Any actual or suspected accident resulting from the use of chemigation shall be investigated by the District and/or the Department. The applicator or permit holder shall supply any additional information requested in the course of the investigation regarding the amount and type of substance(s) involved, the well and equipment involved, and information the applicator or permit holder would reasonably be expected to know.

002.00 The Department shall determine if any immediate action is necessary according to Part I of the Ground Water Remedial Action Protocol (Title 116, Chapter 10 - Ground water Quality standards and Use Classification).

003.00 The Department shall perform the appropriate assessments and develop a work plan for any further (final) remedial action according to Part II of the Ground Water

Remedial Action Protocol (Title 118, Chapter 10). The remedial action work plan shall be carried out by the permit holder under the supervision of the Department and/or the District.

Chapter 17 – COMPLIANCE; ACTION TO ENFORCE, PENALTIES FOR NONCOMPLIANCE

001.00 Absent an immediate threat, the District shall give three (3) days notice to the affected person and an opportunity to be heard before issuing a cease & desist order to enforce the Groundwater Management & Protection Act or the Chemigation Act.

002.00 Failure to comply with the requirements of these regulations may be grounds for revocation of the person's chemigation permit until such time as there is satisfactory compliance as provided in Section 46-1138(1), or penalties in proceedings brought in the discretion of the county attorney or Attorney General pursuant to Sections 46-1138(4) and 46-1139.

Chapter 18 – PERMIT DENIAL, SUSPENSION, REVOCATION, PROCEDURES; HEARINGS

001.00 The District shall immediately suspend any and all permitted chemigation systems if there is an actual or imminent threat of danger to the public or environment due to the operation of the chemigation system.

002.00 The District shall suspend or deny any and all permits if:

002.01 A permit was obtained fraudulently

002.02 A permit holder fails to notify the District of equipment replacement or alteration within seventy two (72) hours,

002.03 The applicator or permit holder fails to notify the District and Department of an actual or suspected spill or accident within twenty four (24) hours,

002.04 The permit holder fails to carry out cleanup measures developed by the Department with the time specified.

003.00 Before the District denies, refuses renewal of, suspends, or revokes a permit, it shall send to the applicant or permit holder a notice stating the specific reasons for the proposed action.

003.01 The denial, refusal of renewal, suspension, or revocation shall become final ten (10) calendar days after mailing of the notice unless such person within such

ten (10) day period, gives written notice of a request for a hearing. If such a request is made, the applicant or permit holder shall be given an opportunity for a hearing before the Board of Directors of the Nemaha Natural Resources District

001.02 The District will set a time, date, and location for a hearing upon request.

004.00 The District shall make reasonable effort to obtain voluntary compliance before compelling compliance with the legal system.

APPENDIX I – LEAKAGE TEST

1. A check valve shall withstand for one (1) minute, without leakage at joints or at the valve seat, an interval hydrostatic pressure of two (2) times the rated working pressure of the valve. Slight weeping of water at the valve seat is acceptable for metal-to-metal seats. Leakage past clappers with, or in contact with, resilient seats, is not acceptable.

2. For the purposes of this test, "slight weeping" is defined as leakage not exceeding one (1) fluid ounce per hour (0.008 ml/sec) per inch (25.4 mm) of nominal valve size.

3. A check valve shall withstand for 16 hours, without leakage at the valve seat, an internal hydrostatic pressure equivalent to the head of a column of water five (5) feet (1.5 m) high retained within the downstream portion of the valve body. No leakage shall occur as evidenced by wetting of paper or sponge placed beneath the valve assembly. This test is to be conducted with the valve in both the horizontal and vertical position if intended for such use.

"This material is based on and taken, with permission from Underwriters Laboratories Inc. Standard for Safety for Check Valves For Fire-Protection Service, UL 312, Sixth Edition dated April 21, 1980, Copyright 1975, 1985 (by Underwriters Laboratories Inc.) copies of which may be purchased from Underwriters Laboratories Inc., Publications Stock, 333 Pfingsten Road, Northbrook, IL 60062-2096."

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