NEBRASKA ADMINISTRATIVE CODE

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

TITLE 195 -
CHEMIGATION REGULATIONS

EFFECTIVE September 16,

2015

PETE RICKETTS
GOVERNOR

NEBRASKA ADMINSTRATIVE CODE
TITLE 195 CHEMIGATION REGULATIONS
DEPARTMENT OF ENVIRONMENTAL QUALITY

NUMERICAL TABLE OF CONTENTS

Code Section	Enabling Legislation Neb. Rev. Stat.	Subject or Title
Chapter 1	§§ 46-1104 thru 46-1116	Definitions
Chapter 2	§§ 46-1117, 46-1117.01	Permits; When Required, Applications, Authorization by Rule
Chapter 3	§§ 46-1117, 46-1121(2), 46-1126(2), 46-1138	Permits; Issuance, Denial, Revocation, Suspension
Chapter 4	§§ 46-1121(2) and 46-1136(2)	Permits; Expiration, Renewal
Chapter 5	§§ 46-1117.01 and 46-1136(2)	Permits; Special
Chapter 6	§§ 46-1119(1)(3)	Permits; Emergency
Chapter 7	§§ 46-1117.01, 46-1119(2), 46-1121, 46-1136(2)	Permits; Fees
Chapter 8	§§ 46-1117 46-1123 and 46-1136(2)	District Responsibilities
Chapter 9	§§ 46-1127, 46-1136(1)	Equipment; Standards, Installation
Chapter 10	§§ 46-1136(1)	Equipment; Replacement, Repair

Chapter 11	§§ 46-1117 thru 46-1119; 46-1121, 46-1122, 46-1124 and 46-1127	Inspections, Access
Chapter 12	§§ 46-1130	Posting
Chapter 13	§§ 46-1128, 46-1129, and 46-1129.01	Certification and Revocation Process for Chemigation Applicators
Chapter 14	§§ 46-1131	Accident Reporting
Chapter 15	§§ 46-1131	Accident Investigation and Remediation

NEBRASKA ADMINSTRATIVE CODE
TITLE 195 CHEMIGATION REGULATIONS
DEPARTMENT OF ENVIRONMENTAL QUALITY

ALPHABETICAL TABLE OF CONTENTS

Subject or Title	Enabling Legislation Neb. Rev. Stat.	Code Section
Accident Investigation and Remediation	§§ 46-1131	Chapter 15
Accident Reporting	§§ 46-1131	Chapter 14
Certification and Revocation Process for Chemigation Applicators	§§ 46-1128, 46-1129, and 46-1129.01	Chapter 13
Definitions	§§ 46-1104 thru 46-1116	Chapter 1
District Responsibilities	§§ 46-1117, 46-1123, and 46-1136(2)	Chapter 8
Equipment; Replacement, Repair	§§ 46-1136(1)	Chapter 10
Equipment; Standards, Installation	§§ 46-1127, 46-1136(1)	Chapter 9
Inspections, Access	§§ 46-1117 thru 46-1119; 46-1121, 46-1122, 46-1124 and 46-1127	Chapter 11
Permits; Emergency	§§ 46-1119(1)(3)	Chapter 6
Permits; Expiration, Renewal	§§ 46-1121(2) and 46-1136(2)	Chapter 4

Permits; Fees	§§ 46-1117.01, 46-1119(2), 46-1121, 46-1136(2)	Chapter 7
Permits; Issuance, Denial, Revocation, Suspension	§§ 46-1117, 46-1121(2), 46-1126(2), 46-1138	Chapter 3
Permits; Special	§§ 46-1117.01 and 46-1136(2)	Chapter 5
Permits; When Required, Applications, Authorization by Rule	§§ 46-1117, 46-1117.01	Chapter 2
Posting	§§ 46-1130	Chapter 12

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 1 - DEFINITIONS

001 Applicator means any person engaged in the application of chemicals by means of chemigation. Applicator shall include any person operating equipment used for chemigation whether for themselves or on behalf of the permitholder for the land on which the chemigation will take place.

002 Chemical means any fertilizer, fungicide, herbicide, or pesticide mixed with the water supply.

003 Chemigation means any process whereby chemicals are applied to land or crops in or with water through an onfarm irrigation distribution system.

004 Council means the Environmental Quality Council.

005 Department means the Department of Environmental Quality.

006 Director means the Director of Environmental Quality.

007 District means a natural resources district created pursuant to Chapter 2, article 32.

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.

009 Injection location means each site where chemicals will be applied through an irrigation distribution system.

010 Irrigation distribution system means any device or combination of devices having a hose, pipe, or other conduit, which connects directly to any source of groundwater 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 automatically prevents any backflow to the water source.

011 Open discharge system means 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 Permitholder means the owner or operator of land who applies or authorizes the application of chemicals to such land by means of chemigation. The permitholder shall be the party primarily responsible for any liability arising from chemigation on the property.

013 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.

014 Restricted use pesticide means a pesticide classified as a restricted-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.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1104 thru 46-1116

Legal Citation: Title 195, Ch. 1, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 2 - PERMITS; WHEN REQUIRED, APPLICATIONS, AUTHORIZATION BY RULE

001 No person shall apply or authorize the application of chemicals to land or crops through the use of chemigation, unless such person obtains a permit from the district in which the well or diversion is located, except that nothing in this chapter shall require a person to obtain a chemigation permit to pump or divert water to or through an open discharge system.

002 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 or emergency permit.

002.05 The name(s) of the certified chemigation applicator(s), 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. The signature must be that of the proposed permitholder or a person holding power of attorney from the applicant.

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 All applications for a chemigation permit must be completed on forms provided by the Department or the district. Upon request, forms shall be made available by the Department to each district office and at such other locations as deemed advisable.

004 A person is hereby authorized by rule to inject chemicals for maintenance of a subsurface drip irrigation system once each calendar year, provided such system:

004.01 Is equipped with an irrigation pipeline check valve, and

004.02 Is permitted under Title 122 – Rules and Regulations for Underground Injection and Mineral Production Wells.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1117, 46-1117.01

Legal Citation: Title 195, Ch. 2, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 3 - PERMITS; ISSUANCE, DENIAL, REVOCATION, SUSPENSION

001 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 days after the application is filed.

002 No chemigation 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, as specified in Chapter 2, 002, on the application form;

002.02 The irrigation distribution system does not comply with the equipment standards of Chapters 9 and 10;

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 The permitholder shall notify the district within ten days of any changes in the information provided on the permit application.

004 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 hours;

004.03 Failure of the applicator or permitholder to notify the district and Department of an actual or suspected spill or accident within twenty-four hours;

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

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

005 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 The district shall notify any person found to be in violation of the Nebraska Chemigation Act or any rules or regulations issued pursuant to the Act that said person has ten days in which to comply. If the violation has not been corrected in the ten 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 a permitholder the district may establish a schedule for compliance in lieu of the ten-day compliance requirement.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1117, 46-1121(2), 46-1126(2), 46-1138

Legal Citation: Title 195, Ch. 3, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 4 - PERMITS; EXPIRATION, RENEWAL

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

002 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 2, 002.

003 Permits not renewed on or before June 1 shall not be reinstated without filing a new application containing the information prescribed in Chapter 2, 002, payment of the initial application fee, and an inspection which shows compliance with the Chemigation Act and these regulations.

004 Permits are not transferrable.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1121(2) and 46-1136(2)

Legal Citation: Title 195, Ch. 4, Nebraska Department of Environmental Quality

Chapter 5 - PERMITS; SPECIAL

001 If the district determines by inspection that a chemigation system does not need all of the safety equipment prescribed in Chapters 9 and 10, 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 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 Issuance of a special permit shall not relieve the permitholder or applicator from compliance with all other responsibilities under the Act or these regulations.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1117.01 and 46-1136(2)

Legal Citation: Title 195, Ch. 5, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 6 - PERMITS; EMERGENCY

001 A person may file an application with the district for an emergency permit. An emergency permit shall be issued in accordance with the conditions of Chapter 3, 002.

001.01 If the district has not denied an emergency permit within two working days after the application is filed, the permit shall be deemed issued. 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.

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

002 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 subject to penalties as specified in the Chemigation Act.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1119(1)(3)

Legal Citation: Title 195, Ch. 6, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 7 - PERMITS; FEES

001 The fee for initial application for a permit or special permit shall not exceed one hundred and fifty dollars payable to the district. The district shall transfer five dollars of this fee to the Department.

002 The annual fee for renewal of a permit or special permit shall not exceed one hundred dollars payable to the district. Two dollars of the annual fee shall be transferred by the district to the Department.

003 The application for an emergency permit shall be accompanied by a fee not to exceed five hundred dollars payable to the district. The district shall transfer ten dollars of this fee to the Department.

004 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 1 of the following year.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1117.01, 46-1119(2), 46-1121, 46-1136(2)

Legal Citation: Title 195, Ch. 7, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 8 - DISTRICT RESPONSIBILITIES

001 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 (Secs. 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 Director.

002 Each district shall establish permit fees as required under the Nebraska Chemigation Act (Sec. 46-1121)

003 The district shall submit an annual report to the Department by March 1 of each year, which shall include the following information for the previous year:

003.01 The number of permit applications received by the district;

003.02 The number of permit applications approved by the district;

003.03 The number of chemigation system inspections made by the district at each permitted injection site and whether the inspections were initial inspections, for equipment replacement or repair, or routine monitoring; and

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

004 The district shall maintain each application or the information contained in the application for a period of five years and shall provide such information to the Department upon request.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1117, 46-1123 and 46-1136(2)

Legal Citation: Title 195, Ch. 8, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 9 - EQUIPMENT; STANDARDS, INSTALLATION

001 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 through 007 of this Chapter. The equipment shall be installed in accordance with the manufacturer's specifications and at the location specified. This shall not be construed to prevent the use of portable chemigation equipment if such equipment meets the requirements set forth herein.

002 Irrigation pipeline 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 July 1, 1987 are equipped with a properly located check valve shall be considered in compliance, until repaired or replaced, 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 10.

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

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 002.03 above.

003 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 flowstops. If the valve connection will also serve as the inspection port, the permitholder will ensure removal of the valve at the time of inspection.

004 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-inch diameter orifice or viewing area is required for systems without an existing port or device after January 1, 1988.

005 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 inch diameter and shall not extend into 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 feet from the irrigation water source.

006 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 psi. 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 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.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1127, 46-1136(1)

Legal Citation: Title 195, Ch. 9, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 10 - EQUIPMENT; REPLACEMENT, REPAIR

001 Any permitholder 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 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 Replacement equipment shall meet the requirements of Chapter 9, 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 16, 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 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.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1136(1)

Legal Citation: Title 195, Ch. 10, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 11 - INSPECTIONS, ACCESS

001 Employees of the district and the Department shall have access at all reasonable times to inspect chemigation systems and otherwise carry out their duties under the Chemigation Act.

002 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 of Chapters 9 and 10 except as provided for in Chapter 5.

002.01 The inspection for a permit application to be issued according to Chapters 3 and 5 shall be conducted within forty-five 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 day effective period of the permit if no inspection was conducted prior to permit issuance.

003 The district shall conduct an inspection of replaced or altered equipment after being notified of such changes by the permitholder to determine compliance with Chapter 10. When in compliance, the district shall approve the continuance of the permit. If not in compliance, the permit shall be suspended under Chapter 3, 004.05 until compliance is demonstrated and approval for operation is given by the district.

004 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 The district shall carry out an areawide, selective and periodic inspection program to insure compliance with the Nebraska Chemigation Act and these rules and regulations.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1117 thru 46-1119; 46-1121, 46-1122, 46-1124 and 46-1127

Legal Citation: Title 195, Ch. 11, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 12 - POSTING

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

002 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 and at the point of chemical injection if located outside the treated area. Each sign shall be posted in such a manner that it is clearly visible and legible.

002.02 The sign shall contain the words "KEEP OUT, CHEMICAL APPLICATION THROUGH IRRIGATION 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 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 48 hours prior to the start of chemigation and shall be removed, covered, or otherwise made illegible, no later than 48 hours after the end of reentry period.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1130

Legal Citation: Title 195, Ch. 12, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 13 - CERTIFICATION AND REVOCATION PROCESS FOR CHEMIGATION APPLICATORS

001 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 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 The Chemigation Applicator Certification, shall expire on January 1 of the fourth year after the date of issuance.

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

005 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 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.

Title 195
Chapter 13

Enabling Legislation: Neb. Rev. Stat. §§ 46-1128, 46-1129, and 46-1129.01

Legal Citation: Title 195, Ch. 13, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 14 - ACCIDENT REPORTING

001 The applicator or permitholder 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 hours of its discovery.

002 Notification shall be made by telephone to the Department and the appropriate district during office hours, from 8 a.m. to 5 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.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1131

Legal Citation: Title 195, Ch. 14, Nebraska Department of Environmental Quality

NEBRASKA ADMINISTRATIVE CODE

Title 195 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 15 - ACCIDENT INVESTIGATION AND REMEDIATION

001 Any actual or suspected accident resulting from the use of chemigation shall be investigated by the appropriate district and the Department. The applicator or permitholder 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 permitholder would reasonably be expected to know.

002 The Department shall determine any immediate action necessary according to Part I of the Ground Water Remedial Action Protocol (Title 118, - Ground Water Quality Standards and Use Classification, Appendix A).

003 The Department shall perform the appropriate assessments and develop a workplan for any further (final) remedial action according to Part II of the Ground Water Remedial Action Protocol (Title 118, Appendix A). The remedial action workplan shall be carried out by the permitholder under the supervision of the Department or the district.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1131

Legal Citation: Title 195, Ch. 15, Nebraska Department of Environmental Quality

Appendix I

Leakage Test

1. A check valve shall withstand for 1 minute, without leakage at joints or at the valve seat, an internal hydrostatic pressure of two 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 the test, “slight weeping” is defined as leakage not exceeding 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 5 feet (1,5 m)high retained within the downstream portion of the valve body. No leakage shall occur as evidence by wetting of paper 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 Services, 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.”

“UL shall not be responsible to anyone for the use of or reliance upon a UL Standard by anyone. UL shall not incur any obligation or liability for damages, including consequential damages, arising out of or in connection with the use, interpretation of, or reliance upon a UL Standard.”