

Title 194 - Department of Environmental Quality

Chapter 13 - CIVIL PENALTIES; EMERGENCY ORDER

001 Civil penalties may be imposed by the department for violations of this Title, the Act, orders of the director, or license terms, conditions, or limitations pursuant to the procedures specified in Neb. Rev. Stat. §81-15,112.

002 Except as provided in this Title, proceedings before the department are governed by Title 115, Rules of Practice and Procedure.

003 If an emergency exists requiring action to be taken to protect public health and safety or there is potential hazard to public health, safety and the environment, the director may, without notice or hearing, issue an order requiring action to be taken by the licensee to meet the emergency. Such order may also require the facility be temporarily or permanently closed. The order shall be effective immediately. The licensee shall comply immediately, but on application to the director within 10 days after receipt of notice, shall be afforded a hearing not later than 10 days after the director receives the request. On the basis of such hearing, the director shall continue, modify or revoke such order within 30 days after such hearing. If the order is continued for temporary closure, such order shall recite that the facility remain closed as long as is necessary for remedial action and throughout the period of facility cleanup and stabilization. If a facility that has been temporarily closed is reopened by the director, the department shall issue a news release explaining its reasons for authorizing the reopening.

Enabling Legislation: Neb. Rev. Stat. §§81-15,100 81-15,108 and 81-15,112

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