

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

Title 195
Chapter 3

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