

Lower Elkhorn Natural Resources District
Rules for Chemigation

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Rule 1. Authority

- 1.1. These rules and regulations are adopted pursuant to the authority granted in: Neb. Rev. Stat. §§46-701-754, the Nebraska Ground Water Management and Protection Act; Neb. Rev. Stat. §§46-1101-1148, the Nebraska Chemigation Act; and Nebraska Administrative Code Title 195, Nebraska Department of Environmental Quality.
- 1.2. These rules and regulations will apply district-wide.

Rule 2. Definitions

- 2.1. Act shall mean the Nebraska Chemigation Act (Neb. Rev. Stat. §§46-1101-1148).
- 2.2. Applicant shall mean the person applying to be a Permitholder of a Chemigation Permit.
- 2.3. Certification Number shall mean the number issued by the Director to a Certified Chemigation Applicator to acknowledge the satisfactory demonstration of competency for use of Chemigation.
- 2.4. Certified Chemigation Applicator, also referred to as Chemigation Applicator in these rules, shall mean:
 - 2.4.1. Any person engaged in the application of Chemicals by means of Chemigation and has completed the training, passed the examination and otherwise satisfied the requirements of the Act for certifying Chemigation Applicators;
 - 2.4.2. Has a current, non-expired Certification Number; and
 - 2.4.3. Shall include any person operating equipment used for Chemigation whether for himself or herself or on behalf of the Permitholder for the land on which the Chemigation will take place.
- 2.5. Chemical shall mean any fertilizer, herbicide, or pesticide mixed with the water supply.
- 2.6. Chemigation shall mean any process whereby Chemicals are applied to land or crops in or with water through an on-farm Irrigation Distribution System.
- 2.7. Chemigation Permit shall mean the written authorization of the District for a Permitholder to use Chemigation at a specific Injection Location. There are four Chemigation Permit types:
 - 2.7.1. New Permit, also referred to as original permit or original application or initial permit or initial application, shall mean a Chemigation Permit for an Injection Location that did not have an approved Chemigation Permit at the time that a Chemigation Permit Application was submitted to the District.
 - 2.7.2. Renewal Permit shall mean a Chemigation Permit for an Injection Location that did have an approved Chemigation Permit at the time the Applicant submitted the Chemigation Permit Application to the District.
 - 2.7.3. Special Permit shall mean a Chemigation Permit granted by the District if the

District and the Department determine that certain elements of the Chemigation Safety Equipment otherwise prescribed by Title 195 and these Rules are not necessary.

- 2.7.4. Emergency Permit shall mean a Chemigation Permit that the District shall review and approve or deny within two working days of when the application is filed. If the district has not denied an Emergency Permit within two working days, it shall be deemed approved. Such permit shall be valid for a period of forty-five days from the date of issuance.
- 2.8. Chemigation Permit Application shall mean the form completed and submitted, along with the appropriate fee, to the District prior to the use of Chemigation. One Chemigation Permit Application is required for each Injection Location. The District shall provide Chemigation Permit Application forms.
- 2.9. Chemigation Safety Equipment shall mean the equipment used in the practice of Chemigation (listed in Rule 11) to prevent backflow of Chemicals into a well, to prevent backflow of irrigation water into Chemical storage tanks, and to otherwise prevent contamination of groundwater at Sites where Chemigation is used.
- 2.10. Chemigation Site shall mean the Injection Location along with the location(s) of all Chemigation Safety Equipment subject to these Rules for any Chemigation Permit Application or Chemigation Permit.
- 2.11. Council shall mean the Environmental Quality Council.
- 2.12. Department shall mean the Nebraska Department of Environmental Quality.
- 2.13. Director shall mean the Director of Nebraska Department of Environmental Quality.
- 2.14. District shall mean the Lower Elkhorn Natural Resources District.
- 2.15. Fertilizer shall mean any formulation or product used as a plant nutrient that 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.
- 2.16. Injection Location shall mean a site where Chemicals will be applied through an Irrigation Distribution System.
- 2.17. 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.
- 2.18. Open Discharge System shall mean a system in which 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.
- 2.19. Permitholder shall mean 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.

- 2.20. 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.
- 2.21. Restricted Use Pesticide shall mean 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.
- 2.22. Site shall mean the Injection Location along with the location(s) of all Chemigation Safety Equipment subject to these Rules for any Chemigation Permit Application or Chemigation Permit.
- 2.23. Site Inspection shall mean the physical, on-site inspection by District staff to:
- 2.23.1. Verify the proper installation and functioning of all necessary Chemigation Safety Equipment; and
- 2.23.2. Investigate Sites where the District has received a complaint or otherwise suspects the use of Chemigation absent a Chemigation Permit.
- 2.24. 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.
- 2.25. Title 195 means Nebraska Administrative Code Title 195, administered by the Nebraska Department of Environmental Quality.

Rule 3. Chemigation Permit Required

- 3.1. Any person applying or authorizing the application of Chemicals to land or crops through the use of Chemigation from a well or diversion within the District must obtain a Chemigation Permit from the District, except that a Chemigation Permit is not required to pump or divert water to or through an Open Discharge System.
- 3.2. A Chemigation Permit is required for each Injection Location. All Chemigation Permits expire on June 1 of each year, and the Permitholder is solely responsible for renewal.
- 3.3. The District shall review Chemigation Permit Applications, conduct inspections as necessary, and approve or deny Chemigation Permits. An appeal of a District denial of an Application can be processed under the District's Groundwater Management Area Rules and Regulations.

Rule 4. Chemigation Permit Application Process

- 4.1. Any person who intends to use Chemigation shall first apply for a Chemigation Permit from the District. To apply for a Chemigation Permit, a person shall complete an "Application for Chemigation Permit" form (provided by the District) and submit the

application with the appropriate fee to the District (see Rule 9, Chemigation Fee Schedule).

- 4.1. The District shall return any Chemigation Permit Application to or otherwise contact the Applicant if the Applicant's Chemigation Permit Application is incomplete or lacks the appropriate fee to request such information or fee. The District must receive all information or fees within 10 days of the request or the District will not process the application.
- 4.2. The contents of the Chemigation Permit Application shall include:
 - 4.2.1. The name, post office address, and telephone number(s) of the Applicant;
 - 4.2.2. The legal description of the land and Injection Location where Chemigation is to be used;
 - 4.2.3. Whether the Applicant is applying for a new, renewal, special or emergency Chemigation Permit;
 - 4.2.4. Whether the injection unit is stationary or portable;
 - 4.2.5. The name, phone number, Certification Number, and certification expiration date for each Certified Chemigation Applicator that will be engaged in the operation of Chemigation for the land and Injection Location;
 - 4.2.6. For Renewal Permit applications, the name and total quantity of Chemicals applied through Chemigation the previous season and the total number of treated acres;
 - 4.2.7. For Special Permits, a description of the relationship of the conditions warranting a Special Permit and the Chemigation Safety Equipment that may be unnecessary due to those conditions;
 - 4.2.8. The signatures of the Permitholder and the Certified Chemigation Applicator(s) and the date of each signature; and
 - 4.2.9. A sketch of the location of the access road, well, and Injection Location.
- 4.3. Receipt of Chemigation Permit Applications.
 - 4.3.1. Renewal Permits.
 - 4.3.1.1. Since Chemigation Permits expire on June 1 each year, applications for Renewal Permits must be received by the District on or before June 1 to be considered Renewal Permit applications. Once a permit has expired, it shall not be reinstated without meeting all of the requirements for a New Permit including the District conducting a Site Inspection and the Applicant submitting the proper application fee.
 - 4.3.1.2. The District will consider applications for Renewal Permits received by the District after June 1 to be applications for New Permits, and the provisions for applying for a New Permit will apply. If June 1 does not fall on a working day, the preceding requirements will fall on the soonest working day following June 1.

- 4.3.2. All other Chemigation Permit Applications.
 - 4.3.2.1. Applications for New, Special, and Emergency Permits shall be considered received by the District on the date it is either hand delivered, received by mail, or otherwise received by the District so long as the Chemigation Permit Application is properly completed, signed by the Permitholder and the Certified Chemigation Applicator, and the Permitholder has paid the requisite fee.
 - 4.3.2.2. Applications that are incomplete, unsigned, or do not include the proper fee will be returned to the Applicant. The Applicant must provide the requested information or fee within 10 days of the District's request or the application is deemed automatically denied.

Rule 5. Chemigation Permit Application Approval Requirements

- 5.1. Conditions required for District approval of Chemigation Permit Applications:
 - 5.1.1. The Applicant must provide the required information specified in Rule 4 and Chapter 2, 002 of Title 195 on the Chemigation Permit Application form;
 - 5.1.2. Each Chemigation Applicator listed on the Chemigation Permit Application form must have a current, non-expired Certification Number;
 - 5.1.3. The Applicant must remit the appropriate fee with its application;
 - 5.1.4. Any request from the District for further information or fees must be met within 10 days or the District will not process the Chemigation Permit Application;
 - 5.1.5. For Renewal Permits only, Renewal Permit applications must be received by the District on or before June 1 as described in Rule 4 to be considered Renewal Permit applications;
 - 5.1.6. Except for the District's requirements for Special Permits described under Rule 7, all Chemigation Safety Equipment listed in Rule 11 must be installed and working properly;
 - 5.1.7. The chemical injection line check valve must be dedicated to the site of the Injection Location and cannot be moved from one Injection Location to another;
 - 5.1.8. District staff must have reasonable access to all Chemigation Safety Equipment that is subject to District inspection as listed in Rule 10, and the Applicant must provide a suitable path for the District to drive a vehicle or 4-wheeler to said Chemigation Safety Equipment;
 - 5.1.9. All electrical simultaneous interlock devices must comply with applicable electrical codes as amended by the governing political subdivision;
 - 5.1.10. The District may require the Permitholder or Certified Chemigation Applicator to:

- 5.1.10.1. Facilitate access to all Chemigation Safety Equipment that District staff must inspect;
- 5.1.10.2. Be present during inspection by District staff; and
- 5.1.10.3. Operate applicable Irrigation Distribution System, Chemigation Safety Equipment, and/or electrical control boxes.
- 5.1.11. If the Chemigation Safety Equipment fails to meet the requirements of these Rules upon a second District staff inspection in the same year, the Applicant must submit the appropriate fee for a third Site Inspection per Rule 9; and
- 5.1.12. Any Chemigation Permit Application that does not meet the requirements of these Rules after two District staff inspections in the same year must meet the requirements of these Rules upon the third District staff Site Inspection, otherwise:
 - 5.1.12.1. The District shall deny the Chemigation Permit Application;
 - 5.1.12.2. The Applicant and Certified Chemigation Applicator(s) may not use Chemigation at the Injection Location or on the land listed in the Chemigation Permit Application; and
 - 5.1.12.3. The Applicant cannot submit a Chemigation Permit Application until the following year for the Injection Location or on the land listed in the denied Chemigation Permit Application.

Rule 6. Conditions and Consequences for the District to Terminate the Processing of or to Deny a Chemigation Application

- 6.1. If the District terminates the processing of a Chemigation Permit Application, the Applicant must submit a new Chemigation Permit Application under Rule 4. The District shall terminate its processing of a Chemigation Permit Application if:
 - 6.1.1. The Chemigation Permit Application is not fully and properly completed as required in Rule 4 and the Applicant does not furnish this information within 10 days of a District request to fully and properly complete the application form; and/or
 - 6.1.2. The appropriate fee as required in Rule 9 is not submitted with the Chemigation Permit Application and the Applicant does not submit the proper fee within 10 days of a District request to do so.
- 6.2. If the District denies a Chemigation Permit Application, the following applies for the Injection Location or on the land listed in the Chemigation Permit Application: a) the Applicant and Certified Chemigation Applicator(s) may not use Chemigation, and b) the Applicant may not submit a Chemigation Permit Application until the following year. The District shall deny a Chemigation Permit Application if:
 - 6.2.1. The Applicant or the Permitholder knowingly furnishes false or deceiving information on the Chemigation Permit Application;
 - 6.2.2. The Applicant or the Permitholder violates any provisions of the Act, Title 195, or these Rules;

- 6.2.3. A deficiency is found in the proper installation and/or operation of any of the Chemigation Safety Equipment required under Rule 11, and the deficiency is not corrected as described in Rule 10;
- 6.2.4. The chemical injection line check valve is not dedicated to the site of the Injection Location and is or has been moved from one Injection Location to another;
- 6.2.5. The Applicant does not provide reasonable access and a suitable path for the District to drive a vehicle or 4-wheeler to the Chemigation Site and all Chemigation Safety Equipment;
- 6.2.6. The electrical simultaneous interlock device does not comply with applicable electrical codes as amended by the governing political subdivision; or
- 6.2.7. The Permitholder or Certified Chemigation Applicator, after a request by District Staff, fails to:
 - 6.2.7.1. Facilitate access to all Chemigation Safety Equipment that District staff must inspect;
 - 6.2.7.2. Be present during inspection by District staff; or
 - 6.2.7.3. Operate applicable Irrigation Distribution System, Chemigation Safety Equipment, and/or any electrical control box.
- 6.3. Before the District terminates the processing of, denies or refuses to renew a Chemigation Permit, it shall send to the Applicant or Permitholder a notice stating the specific reasons for the proposed action. The District shall terminate the processing of, deny or refuse to renew a Chemigation Permit ten calendar days after mailing of the notice unless such person, within the ten-day period, gives the District written notice of a request for a hearing. If such request is made, the Applicant or Permitholder shall be given an opportunity for a hearing before the District Board of Directors and shall have the right to present evidence on his or her own behalf. The hearing shall be conducted pursuant to hearing policies as adopted by the District. On the basis of the evidence presented, the proposed action shall be either affirmed or set aside by the District. A copy of such decision shall be sent to the Applicant or Permitholder.

Rule 7. District Chemigation Permit Application Review Process

- 7.1. Upon receipt of a Chemigation Permit Application, the District shall:
 - 7.1.1. Ensure the applicant has provided all information as required under Rule 4 and the appropriate fee as required under Rule 9 with its Chemigation Permit Application. The District shall return the Chemigation Permit Application or otherwise contact the Applicant if the Chemigation Permit Application lacks complete information and/or the appropriate fee. Any request from the District for further information or fees must be received within 10 days of the request or the District will not process the application;
 - 7.1.2. Perform Site inspections of the Chemigation Safety Equipment as required by Rule 10;

- 7.1.3. Perform any other reviews, checks or investigations to ensure compliance with these Rules, Title 195, and the Act; and
- 7.1.4. Notify the Applicant of the District's decision to approve, deny, suspend, revoke or terminate the processing of the Chemigation Permit Application.
- 7.2. New Permit Process
 - 7.2.1. The District shall conduct a Site Inspection (Rule 10) of the Chemigation Safety Equipment for each New Permit application; and
 - 7.2.2. The District shall complete its review of each New Permit application and approve or deny the application within 45 days after the Applicant files its application.
- 7.3. Renewal Permit Process
 - 7.3.1. All Chemigation Permits expire on June 1 of each year. The Permitholder is responsible for renewing the Chemigation Permit annually. Once a permit has expired, it shall not be reinstated without meeting all of the requirements for a New Permit including an inspection and payment of the New Permit application fee;
 - 7.3.2. Renewal Permit applications received by the District on or before June 1, unless June 1 does not fall on a working day, these requirements will fall on the soonest working day following June 1, to be considered Renewal Permit applications;
 - 7.3.3. The District will consider applications for Renewal Permits received by the District after the requirements of Rule 7.3.2 to be applications for New Permits. The District shall return these applications or otherwise contact the applicant to request the fee for a New Permit;
 - 7.3.4. The District shall consider a Renewal Permit to be in compliance with these Rules if:
 - 7.3.4.1. The Renewal Permit application is filed by its expiration date as explained in Rule 7.3.2;
 - 7.3.4.2. All Chemigation Safety Equipment is properly installed and operational; and
 - 7.3.4.3. All other requirements of the Act, Title 195 and these Rules are being met.
 - 7.3.5. Each application for renewal is subject to inspection of equipment and Chemigation Site to determine compliance with the Act, Title 195 and these Rules. The District will inspect the Chemigation Safety Equipment for Renewal Permits at the frequency listed in Rule 10;
 - 7.3.6. If an inspection reveals noncompliance, renewal shall be refused, suspended, or revoked until compliance is achieved, as determined at the discretion of the District;
 - 7.3.7. Under no circumstances may a permit be transferred.

7.4. Special Permit Process

- 7.4.1. If the proposed Chemigation Site does not need all the Chemigation Safety Equipment, as determined by District inspection, the District shall forward such information to the Department for review. If the Department agrees with the District's inspection, the Department shall grant the District authority to issue a Special Permit. Before issuing any Special Permit, the District shall obtain information for Special Permits specified by Chapter 5 of Title 195;
- 7.4.2. A Special Permit will otherwise be processed in the same manner as a New Permit or a Renewal Permit;
- 7.4.3. The District shall inspect Special Permits annually to ensure the conditions under which the Special Permit was issued have not changed.

7.5. Emergency Permit Process

- 7.5.1. A person may file an application for an Emergency Permit as established in Chapter 6 of Title 195.
- 7.5.2. The District shall have two working days from receipt of a complete Emergency Permit application and fee to review the Emergency Permit application before issuing or denying. A working day includes any day Monday through Friday, but does not include Saturday, Sunday, or a federal or state holiday. The day the District receives the permit application is not included in the computation of two working days.
- 7.5.3. On the second working day, the District shall complete its review and either issue or deny the Emergency Permit.
- 7.5.4. If the District has not denied the permit within two working days, the permit shall be deemed approved.
- 7.5.5. The District intends, but is not obligated to perform a Site Inspection prior to approval or denial of each application for an Emergency Permit, however, the District may consider whether the following conditions have been met if it must approve or deny an Emergency Permit within two working days without a Site Inspection:
 - 7.5.5.1. The Applicant and Certified Chemigation Applicator(s) have demonstrated compliance with all District Rules and Regulations and the District has not taken action against the Applicant or Certified Chemigation Applicator(s) for violation of any District Rules and Regulations;
 - 7.5.5.2. The Applicant and Certified Chemigation Applicator(s) have historically demonstrated the successful and responsible use of Chemigation within the District;
 - 7.5.5.3. The Applicant and Certified Chemigation Applicator(s) have historically demonstrated promptness in providing the District with additional information or fees when requested;
 - 7.5.5.4. The Applicant and Certified Chemigation Applicator(s) have a

historically demonstrated promptness, cooperation, and respectfulness when correcting all Chemigation Safety Equipment deficiencies discovered by the District;

- 7.5.5.5. The Applicant and Certified Chemigation Applicator(s) have a history of keeping Site Inspection appointments with District staff; and
- 7.5.5.6. The Applicant and Certified Chemigation Applicator(s) have demonstrated a history of working cooperatively and respectfully with District staff.
- 7.5.6. Emergency permits shall be valid for a period of forty-five (45) days from the date of issuance.
- 7.5.7. If the District did not perform a Site Inspection prior to approval of an Emergency Permit within two working days of receiving the application for such permit, it shall perform a Site Inspection within forty-five (45) days from the date of issuance.
- 7.5.8. Any Permitholder of an Emergency Permit or a Certified Chemigation Applicator applying Chemicals pursuant thereto who violates any of the provisions of the 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.

Rule 8. Permit Denial, Suspension or Revocation

- 8.1. The District shall immediately suspend or revoke a Chemigation Permit if there is an actual or imminent threat of danger to the public or environment due to the use of Chemigation at that Site.
- 8.2. The District shall suspend, revoke or deny any and all permits if:
 - 8.2.1. A permit was obtained fraudulently;
 - 8.2.2. A Permitholder fails to notify the district of equipment replacement or alteration within seventy-two hours;
 - 8.2.3. The Certified Chemigation Applicator or Permitholder fails to notify the District and Department of actual or suspected spill or accident within 24 hours;
 - 8.2.4. The Chemigation Safety Equipment is not properly installed or functioning; or
 - 8.2.5. The Permitholder fails to carry out cleanup measures developed by the Department within the time specified.
- 8.3. Should a violation of the Act or rules and regulations promulgated pursuant to the Act occur:
 - 8.3.1. The District shall notify the person in violation;
 - 8.3.2. The violator has 10 days to remedy the violation or request a hearing before

the District's Board of Directors;

- 8.3.3. If the violation has not been corrected in the 10-day period, the District shall notify the Department of the violation;
- 8.3.4. If after a preliminary investigation, the Department determines there is a violation, then the person's Chemigation Permit shall be revoked until compliance is met; and
- 8.3.5. For systems operated by a Permitholder, the District may, but shall not be required to, establish a compliance schedule in lieu of the 10-day compliance deadline.

Rule 9. Chemigation Permit Fee Schedule

- 9.1. As required by the Act, Chapter 3 of Title 195, and these Rules, the District shall review Chemigation Permit Applications, conduct Site Inspections, and approve or deny Chemigation Permits. No Chemigation Permit may be approved without payment of the requisite fee, which shall reflect the cost of administration and Site Inspections.
 - 9.1.1. New Permit Fees. A fee of \$50 for each New Permit application shall be paid to the District, of which \$5.00 shall be paid to the Department.
 - 9.1.2. Special Permit Fees. A fee of \$50 for each Special Permit application shall be paid to the District, of which \$5.00 shall be paid to the Department.
 - 9.1.3. Renewal Permit Fees. A fee of \$20 for each Renewal Permit application shall be paid to the District, of which \$2.00 shall be paid to the Department.
 - 9.1.4. Emergency Permit Fee. A fee of \$250 for each Emergency Permit application shall be paid to the District, of which \$10.00 shall be paid to the Department.
- 9.2. The District shall conduct two Site Inspections in one year under the initial application fee for New, Special, Renewal and Emergency Permit applications. If a third Site Inspection is necessary, in order for the District to defray the cost of three Site Inspections in one year, the Applicant shall remit a \$50 fee to the District prior to the District conducting the third Site Inspection.

Rule 10. Site Inspections

- 10.1. District and Department employees shall have reasonable access to inspect all Chemigation Sites and to otherwise carry out their duties pursuant to the Act, §46-1124. The District shall conduct an inspection of each Injection Location for which the permit is sought to ensure compliance with the equipment standards set forth herein and in Title 195, Chapters 9 and 10.
- 10.2. The District shall conduct an inspection of replaced or altered Chemigation Safety Equipment and shall approve the continuance of Chemigation so long as the inspected Chemigation Safety Equipment is deemed to be in compliance with the Act, Title 195 and these Rules. The District shall not collect a new fee for an inspection of previously approved Injection Locations where the Chemigation Safety Equipment has been replaced or altered.

- 10.3. Timing and Frequency of Site Inspections:
- 10.3.1. New Permits. Site Inspections for New Permit applications shall be conducted within 45 days of filing and prior to use for Chemigation.
 - 10.3.2. Special Permits. Site Inspections for Special Permit applications shall be conducted annually prior to Special Permit renewal.
 - 10.3.3. Emergency Permits. Site Inspections for Emergency Permit applications shall be conducted during the 45-day effective period if no Site Inspection was conducted prior to Emergency Permit issuance.
 - 10.3.4. Renewal Permits. The District has the right to conduct a Site Inspection for any Renewal Permit to determine compliance.
 - 10.3.4.1. The District intends, but is not obligated to conduct Site Inspections at a frequency of at least once every two years.
 - 10.3.4.2. When the District discovers, through a Site Inspection, noncompliance with the Act or these Rules, the Renewal Permit shall be suspended and District shall notify the Applicant that the Chemigation Site cannot be used for Chemigation until compliance with the Act is demonstrated.
- 10.4. The District shall contact each applicant to ensure that the Applicant has prepared the Chemigation Site for inspection. For the Chemigation Site to be prepared, the Applicant must:
- 10.4.1. Ensure that all necessary Chemigation Safety equipment is installed and working properly according to the standards set in Title 195, Chapters 9 and 10;
 - 10.4.2. Ensure that District staff will have reasonable access to the Injection Location and all Chemigation Safety Equipment by providing a suitable path for the District to drive a vehicle or 4-wheeler to the Site;
 - 10.4.3. Ensure that the Site is clear of debris and safe for District staff; and
 - 10.4.4. Inform District staff of any Chemicals applied near the time of inspection to ensure the health and safety of District staff.
- 10.5. The District's inspection process requires the Irrigation Distribution System to be started, brought up to its normal operating pressure, and shut down. The District may require the Permitholder or Certified Chemigation Applicator to:
- 10.5.1. Facilitate access to all Chemigation Safety Equipment that District staff must inspect;
 - 10.5.2. Be present during inspection by District staff; and/or
 - 10.5.3. Operate any Irrigation Distribution System or Chemigation Safety Equipment and/or open any electrical control box.
- 10.6. District staff may assist in removal and/or reattachment of the vacuum relief valve or injection line check valve if requested to do so by the Permitholder or Certified Chemigation Applicator, however, the District cannot be held responsible for damage

to those valves during the removal and/or reattachment process, or for any valve defect.

- 10.7. First Site Inspection. District staff shall conduct a Site Inspection and prepare a report of its findings.
 - 10.7.1. If the Chemigation Safety Equipment meets the requirements of these Rules, the District shall approve the Chemigation Permit.
 - 10.7.2. If the Chemigation Safety Equipment fails to meet the requirements of these Rules, the District shall notify the Permitholder or Certified Chemigation Applicator of the results of the Site Inspection, explain any deficiencies discovered during inspection, and explain the necessary actions to correct those deficiencies, and:
 - 10.7.2.1. The Permitholder or Certified Chemigation Applicator may request a second Site Inspection if it has corrected all deficiencies discovered in the first Site Inspection; or
 - 10.7.2.2. If the Permitholder or Certified Chemigation Applicator does not request a second Site Inspection, the District shall deny the Chemigation Permit.
- 10.8. Second Site Inspection. The Applicant may request, either verbally or in writing, a second Site Inspection. The District shall perform such inspection within 10 working days of receiving the request at no additional fee.
 - 10.8.1. If the second Site Inspection reveals that the Chemigation Safety Equipment meets the requirements of these Rules, the District shall approve the Chemigation Permit.
 - 10.8.2. If the second Site Inspection reveals that the Chemigation Safety Equipment fails to meet the requirements of these Rules, the District shall notify the Permitholder or Certified Chemigation Applicator of the results of the Site Inspection, explain any deficiencies discovered during inspection, and explain the necessary actions to correct those deficiencies, and:
 - 10.8.2.1. The Permitholder or Certified Chemigation Applicator may request a third Site Inspection if it has corrected all deficiencies discovered in the second Site Inspection, however, the Applicant must submit the appropriate fee for a third Site Inspection as specified in Rule 9; or
 - 10.8.2.2. If the Permitholder or Certified Chemigation Applicator does not request a second Site Inspection, the District shall deny the Chemigation Permit.
- 10.9. Third Site Inspection. The Applicant may request a third Site Inspection by completing and submitting a form (provided by the District) and the appropriate fee for a third Site Inspection as specified in Rule 9. The District shall perform such inspection within 10 days of receiving the Applicant's request.
 - 10.9.1. If the third Site Inspection reveals that the Chemigation Safety Equipment

meets the requirements of these Rules, the District shall approve the Chemigation Permit.

- 10.9.2. If the third Site Inspection reveals that the Chemigation Safety Equipment fails to meet the requirements of these Rules, the District shall notify the Permitholder or Certified Chemigation Applicator of the results of the Site Inspection, and explain any deficiencies discovered during inspection: and
 - 10.9.2.1. The District shall deny the Chemigation Permit;
 - 10.9.2.2. The Applicant and Certified Chemigation Applicator(s) may not use Chemigation at the Injection Location or on the land listed in the Chemigation Permit Application; and
 - 10.9.2.3. The Applicant cannot submit a Chemigation Permit Application until the following year for the Injection Location or on the land listed in the denied Chemigation Permit Application.

Rule 11. Chemigation Safety Equipment Requirements

- 11.1. Each Chemigation Site shall be equipped with the following devices:
 - 11.1.1. Department-approved main-line check valve;
 - 11.1.2. Vacuum relief valve located between the irrigation pump and the main-line check valve;
 - 11.1.3. Low pressure drain, including a hose with an inside diameter of 0.75 inches and a length of at least 20 feet that is directed away from and downstream of the well;
 - 11.1.4. Inspection port with a diameter of at least four (4) inches located between the main-line check valve and the irrigation pump that is also positioned so that the low pressure drain can be observed through the port;
 - 11.1.5. Chemical injection line check valve designed to stop the flow of water from the Irrigation Distribution System into the Chemical supply tank and prevent gravity flow from the Chemical supply tank into the irrigation pipeline. The check valve shall have a breaking pressure of at least 10 pounds per square inch. The 10 pounds per square inch requirement may be waived only if a vacuum relief valve designed to open at atmospheric pressure is installed in the injection line between the chemical injection line check valve and the injection pump at an elevation higher than the highest part of the Chemical supply tank. The chemical line check valve is not transferrable from one Injection Location to another; and
 - 11.1.6. Simultaneous interlock device to ensure that if the irrigation pump shuts down, the chemical injection pump automatically shuts down, also. If this is an electrical device, its wiring must comply with applicable electric codes as amended by the governing political subdivision.
- 11.2. All Chemigation Safety Equipment shall comply with Chapters 9 and 10 of Title 195 and these Rules.

- 11.3. All Permitholders shall maintain the above listed equipment in good working condition at all times during the use of Chemigation.
- 11.4. Some conditions, topographic or otherwise, may make the use of certain Chemigation Safety Equipment devices unnecessary. If these conditions exist, an Applicant may apply for a Special Permit (see Rules 4 and 7).

Rule 12. Posting

- 12.1. All Permitholders shall post signs on fields when using Chemigation to apply any herbicide or pesticide, or a Chemical for which the label requires posting. The Permitholder shall post a sign with the words, “KEEP OUT, CHEMICAL APPLICATION THROUGH IRRIGATION WATER SYSTEM” at each point of entry into the treated area, adjoining farmstead, or residential area, along any public road where public exposure may occur, and at the point of Chemical injection if such point is outside the treated area. The signs shall conform to Title 195, Chapter 12, 002.04.

Rule 13. Enforcement

- 13.1. The District maintains the authority to seek inspection warrants under state statute should the District determine that a possible violation of the Chemigation rules has either taken place or is imminent.
- 13.2. The District shall enforce the provisions of Neb. Rev. Stat. §§ 46-601, 46-602.01, the Groundwater Management and Protection Act, the Nebraska Chemigation Act, and all its own orders and rules and regulations adopted pursuant thereto through the issuance of notices, cease and desist orders, and/or by bringing an appropriate action in the district court in the county where the violation occurs. This provision shall in no way be interpreted to limit the District’s statutory enforcement authorities.
- 13.3. In the event the District finds an adverse effect caused by an actual or suspected accident related to Chemigation, the District may require the Permitholder to carry out a cleanup and recovery plan pursuant to Neb. Rev. Stat. §46-1131.

Rule 14. Reporting

- 14.1. 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 District within twenty-four hours of its discovery. Notification shall be made by telephone to the Department and the District during office hours, from 8:00 a.m. to 5:00 p.m., Monday through Friday. After hours, weekdays, and holidays, reports shall be made to the Nebraska State Patrol. All information known about the accident at the time of discovery shall be included, such as time of occurrence, quantity and type of material, location and any corrective or cleanup actions presently being taken.
- 14.2. Permitholders shall notify the District and the Department of any actual or suspected accident resulting from the use of Chemigation within 24 hours. Failure to do so may result in a civil penalty as provided by statute. Permitholders shall note the District and Department consider each day a single, separate violation.

- 14.3. Permitholders who replace, alter or authorize such replacement or alteration of Chemigation Safety Equipment 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.

Rule 15. Chemigation Applicator Certification

- 15.1. All Chemigation Applicators must undergo and maintain certification pursuant to Chapter 13 of Title 195. Training programs shall be offered through the University of Nebraska Cooperative Extension Service.
- 15.2. The Director shall issue a certificate acknowledging the competency, determined by a written examination prepared and administered by the department.
- 15.3. Each Chemigation Applicator's certificate, shall be valid for a period of four years, and shall expire on January 1 of the fourth year after the date of issuance.