

**LOWER REPUBLICAN NATURAL RESOURCES DISTRICT**  
**CHEMIGATION RULES AND REGULATIONS**

**Effective March 19, 2015**

Pursuant to the authority provided in the Nebraska Chemigation Act, *Neb. Rev. Stat.* §§ 46-1101 to 46-1148, the Lower Republican Natural Resources District (the "District") hereby adopts, to the extent applicable to natural resources districts, Title 195 of the Nebraska Department of Environmental Quality ("NDEQ") – Rules and Regulations Pertaining to Chemigation ("Title 195") a copy of which is attached hereto as Appendix 1 and incorporated herein by this reference. Any future amendments to Title 195 by NDEQ will not become effective as part of these rules unless specifically adopted by the District at a later time.

In addition, the District hereby supplements Title 195 by adopting the following Rules and Regulations:

Supplement to Title 195 Chapter 2 - PERMITS; WHEN REQUIRED, APPLICATIONS, AUTHORIZATION BY RULE

Insert 002.05.01 The signature of the permit holder and the certified applicator(s) is required on all chemigation applications.

Insert 002.05.02 The applicator is responsible for keeping a certification valid.

Supplement to Title 195, Chapter 4 - PERMITS, EXPIRATIONS, RENEWAL

Insert 005.01 If an inspection reveals noncompliance, renewal shall be refused, suspended or revoked until compliance is achieved, as determined by the District.

Supplement to Chapter 6 PERMITS; EMERGENCY

Delete 001.01 in Chapter 6 of Title 195 the following: ~~If the district has not denied an emergency permit within forty-eight hours after the application is filed, the permit shall be deemed issued.~~

Insert 001.01 A person may file an application for an emergency permit as provided in Title 195, Chapter 6. . The District shall have two working days to review the permit before issuing or denying. "Two working days" shall mean 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 two working days. 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 permit within two working days, the permit shall be deemed issued.

Supplement to Title 195, Chapter 7 - PERMITS; FEES

As required by Title 195, Chapter 3, the District shall review applications, conduct inspections, and approve or deny permits. No permit may be approved without payment of the requisite permit fee, which shall reflect the cost of administration and inspections.

Insert 005 The schedule for permit fees is as follows:

005.01 An original application fee of \$50.00 for each new permit shall be paid to the District, of which \$5.00 shall be paid to the Department of Environmental Quality.

005.02 A special permit application fee of \$50.00 shall be paid to the District, of which \$5.00 shall be paid to the Department of Environmental Quality.

005.03 The annual renewal fee of \$15.00 shall be paid to the District, of which \$2.00 shall be paid to the Department of Environmental Quality.

005.04 An emergency permit application fee of \$500.00 shall be paid to the District, of which \$10.00 shall be paid to the Department of Environmental Quality.

#### Supplement to Title 195 Chapter 9 - EQUIPMENT; STANDARDS; INSTALLATION

Insert 002.05 The chemigation injector valve may be moved from site to site, provided there has been modifications made to the systems involved to accept a portable chemigation injector valve.

#### Supplement to Chapter 11 - INSPECTIONS, ACCESS

Insert 002.04. As the system is required to be started, brought to normal operating pressure, and shut down for the inspection process, a permit holder or applicator is required to be present during inspection by District Staff. Inspectors will not operate any irrigation or chemigation equipment, nor will they open any electrical control box.

Insert 002.05. While the inspector may assist in removal and/or reattachment of the vacuum relief valve or injection line check valve, if so requested by the permit holder/applicator, the District will not be responsible for damage done to those valves during the removal and/or reattachment process, or for any valve defect. The District will replace any injection line check valve only if damaged during the testing process for that valve.

Insert 005.01. A full inspection requiring a start-up and shut-down of the chemigation system will be required a minimum of once every four years.

Insert 005.2. If the system was not inspected the year it was due for re-inspection, the permit will be suspended. A renewal application for a suspended permit will not be approved until the system has been inspected and all requirements are met. A renewal application must be paid prior to inspection.

Insert 005.03. The District will make area wide selective and periodic inspections of non-permitted or permitted irrigation systems. The District will also investigate complaints concerning non-permitted systems. In cases of non-cooperation 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.

Insert 006. If District Staff is required to make a second trip to complete a chemigation inspection, a **\$50.00** fee can be charged to the permit holder/applicator. If a third trip is required the fee would increase to **\$100.00**. District staff can use discretion in apply such fees.

**ENFORCEMENT** In addition to the statutory penalties for violating the Chemigation Act, as provided in the Chemigation Act, the Enforcement provisions of the District's Ground Water Management Rules and Regulations provided in **RULE 7-3**, where applicable, will also apply to the District's Chemigation Rules.