

**NORTH PLATTE NATURAL RESOURCES DISTRICT
RULES AND REGULATIONS
For the Enforcement of the Nebraska Chemigation Act**

1.1 Area Designation and Boundaries

1.1.1 The area subject to these rules and regulations (rules) for the enforcement of the Nebraska Chemigation Act (Neb. Rev. Stat. §§ 46-1101 to 46-1148) is the entirety of the District.

2.1 Title 195 N.A.C. and Nebraska Chemigation Act Incorporation

2.1.1 The North Platte Natural Resources District (District) hereby incorporates, as part of these rules and regulations, the requirements of Title 195 of the *Nebraska Administrative Code*, as promulgated by the Nebraska Department of Environmental Quality (DEQ) and the provisions of the Nebraska Chemigation Act (Neb. Rev. Stat. §§ 46-1101 to 46-1148), as the same may be amended from time to time.

2.1.1.1 Nothing in these rules shall be construed as exempting any person from the provisions of *Title 195 N.A.C.* or the Nebraska Chemigation Act.

3.1 Chemigation Permit

3.1.1 No person within the geographic boundaries of the District 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.

3.1.1.1 A chemigation permit is not required to pump or divert water to or through an open discharge system.

3.1.2 Any person who intends to engage in chemigation shall, before commencing chemigation, apply to the District, on forms provided by the District, for a chemigation permit for each injection location.

3.1.2.1 The chemigation permit application shall be accompanied by an application fee, as determined by the type of permit application. The fees are as follows:

3.1.2.2 The application fee for a new chemigation permit is fifty dollars (\$50), with five dollars (\$5) of this amount paid by the District to the DEQ.

3.1.2.3 The application fee for a chemigation renewal permit is twenty dollars (\$20), with two dollars (\$2) of this amount paid by the District to the DEQ.

3.1.2.4 The application fee for an emergency chemigation permit is two hundred dollars (\$200), with ten dollars (\$10) of this amount paid by the District to the DEQ.

3.1.2.5 The application fee for a special chemigation permit is one hundred dollars (\$100), with five dollars (\$5) of this amount paid by the District to the DEQ.

3.1.3 The District will review the chemigation permit application, conduct an inspection of the chemigation system and approve or deny the application within forty-five (45) days after a completed application form is filed.

3.1.3.1 Emergency chemigation permit applications shall be reviewed and approved or denied within two (2) working days after a completed application is filed.

4.1 Inspection and Equipment

4.1.1 Employees of the District shall have access at all reasonable times to inspect chemigation systems and otherwise carry out their duties under the Chemigation Act and these rules.

4.1.2 All approved chemigation permit holders will have their chemigation system inspected at a minimum of once every two (2) years.

4.1.2.1 The District will make periodic inspections of chemigation systems for which no permit has been issued.

4.1.3 If a chemigation permit is not issued following an inspection by District personnel, it is the responsibility of the permit applicant to request the District to perform a re-inspection of the chemigation system.

4.1.4 A reapplication for a new chemigation permit will be required if two inspections of the chemigation system have been conducted and the District has denied the permit application or suspended or revoked an existing chemigation permit.

4.1.5 The chemigation permit holder or applicator is required to be present during inspection of the chemigation system by District staff.

4.1.5.1 District staff will not operate any irrigation or chemigation equipment, nor will District staff open any electrical control box.

4.1.5.2 The chemigation system must be started and shut-down during the inspection.

4.1.6 District staff may assist in removal of the chemical injection line check valve and the inspection port if requested by the chemigation permit holder or applicator. The District, at its expense, will replace a chemical injection check valve that is damaged during the testing process.

4.1.6.1 The District will not replace a chemical injection check valve which becomes damaged during removal or reattachment thereof or by any defects in the valve.

4.1.7 District staff will have a limited number of chemigation equipment parts available for sale during the inspection process, in the event of equipment malfunction.

5.1 Compliance and Enforcement Actions

5.1.1 Compliance with the Nebraska Chemigation Act shall be an affirmative defense to any civil action, resulting from a person's use of chemigation.

5.1.2 The District will investigate complaints concerning chemigation systems for which no permit has been issued.

5.1.2.1 If consent for an inspection of the chemigation system against which the complaint has been filed is denied, the District may apply to the district or county court of the county in which the chemigation system is located for an inspection warrant to require the alleged violator to allow District staff entry onto his or her land to carry out District duties under the Nebraska Chemigation Act and these rules and regulations.