



**UPPER BIG BLUE NATURAL RESOURCES DISTRICT  
RULES AND REGULATIONS**

**RULE 7: CHEMIGATION**

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195 OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

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**RULE 7  
CHEMIGATION RULES AND REGULATIONS SUPPLEMENTAL  
TO TITLE 195 DEPARTMENT OF ENVIRONMENTAL QUALITY**

**CHAPTER 1  
AUTHORITY**

- 01 These rules and regulations are adopted pursuant to the authority granted in Chapter 46 of the Nebraska Revised Statutes.

**CHAPTER 2  
PURPOSE**

- 01 The purpose of these rules and regulations is to implement the District's duties authorized in the Nebraska Chemigation Act and Title 195.

**CHAPTER 3  
APPLICABILITY**

- 01 These rules and regulations shall apply to all lands in the Upper Big Blue Natural Resources District.

**CHAPTER 4  
DEFINITIONS**

- 01 District means the Upper Big Blue Natural Resources District.
- 02 Inspector means a person or persons designated by the general manager of the District to perform chemigation safety equipment and injection location inspections.
- 03 Title 195 means rules and regulations adopted by the Nebraska Department of Environmental Quality pertaining to chemigation.
- 04 Application means an application for a chemigation permit as authorized by the Nebraska Chemigation Act and Title 195.
- 05 Permit means a new, renewal, special or emergency permit issued in accordance with the Nebraska Chemigation Act and Title 195.
- 06 All definitions found in Title 195 shall also apply to these rules and regulations unless specifically defined herein.



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### CHAPTER 5 APPLICATIONS, WHEN RECEIVED

- 01 An application for a chemigation permit shall be considered received by the District on the date that it is delivered to the office of the District either in person or by mail provided:
  - 01.01 that the application has been properly completed and signed by the permit holder; and
  - 01.02 the appropriate fee accompanies the application.
- 02 If an application is delivered to the District office which does not meet the criteria of 01.01 of this chapter, the District will promptly return the application to the permit holder for correction.
  - 02.01 Any application fee received with an incomplete application will also be returned.
- 03 If an application is delivered to the District office which does not meet the criteria of 01.02 of this chapter, the District will hold the application and notify the permit holder of the fee required.
  - 03.01 Any application held by the District for more than thirty (30) days, for which no fee is paid, may be destroyed.
- 04 An application will be marked received on the date on which all of the above criteria of Chapter 5 of these rules and regulations and Title 195 are met.

### CHAPTER 6 RENEWAL PERMITS

- 01 The District will attempt to notify the permit holder of his or her option to renew a permit prior to the expiration date of the permit.
- 02 Failure of the District to notify a permit holder prior to the expiration of the permit shall not give the permit holder the right to receive a renewal after the permit's expiration date.

### CHAPTER 7 SAFETY EQUIPMENT INSPECTIONS

- 01 After January 1, 1988, an inspection of the permit holder's chemigation safety equipment and injection location will be conducted by a District inspector within forty-five (45) days from the date the application for a permit was received in accordance with Chapter 5 of these rules and regulations.
  - 01.01 The application for a new permit, in accordance with Chapter 5 of these rules, shall serve as indication that the permit holder is ready for an inspection unless he or she indicates to the contrary.



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#### CHAPTER 7 (Continued) SAFETY EQUIPMENT INSPECTIONS

- 02 The permit holder or applicator must be present during the inspection.
  - 02.01 If the permit holder or applicator fails to appear at a scheduled appointment, the inspector shall continue to his or her next appointment.
  - 02.02 Failure to keep said appointment without reasonable cause shall be treated in the same manner as an inspection in which safety equipment has not passed inspection.
  - 02.03 If the inspector is unable to make a scheduled appointment, every reasonable effort will be made to notify the permit holder.
  - 02.04 If an inspection is not made as provided in 02.02, then 02.02 of this chapter shall not apply.
- 03 It will be required that the irrigation system be started, brought up to normal operating pressure and shut down during an inspection.
- 04 The inspector will not operate any irrigation or chemigation equipment, nor will he or she open any electrical control box.
- 05 The inspector may assist in removal and/or reattachment of the vacuum relief valve or injection line check valve, if requested by the permit holder or applicator.
- 06 The District will not be responsible for damage done to valves during removal and/or reattachment or for any valve defect.
- 07 The District will replace the injection line check valve only if damaged by the inspector during testing.
- 08 The inspector will conduct a second inspection of any safety equipment which did not meet the requirements to Title 195 during the first inspection or was not inspected in accordance with 02.01 of this chapter, at no cost to the permit holder.
- 09 A second inspection will be conducted within fifteen (15) days after the permit holder has notified the District that the equipment has been repaired or replaced.
- 10 If upon completion of the second inspection, the safety equipment does not meet the requirements of Title 195 or the permit holder or applicator does not appear for the inspection as provided in 02.01 and 02.02 of this chapter, the chemigation permit shall be denied.
- 11 If a permit is denied or revoked, application may be made for another permit in the manner provided in Title 195 and Chapter 5 of these rules and regulations.



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### CHAPTER 8 RECIPROCAL INSPECTIONS

- 01 When a permit holder or applicator has chemigation sites in more than one Natural Resources District, it may be convenient for the District to allow an inspector from an adjacent district to inspect systems in the Upper Big Blue Natural Resources District.  
01.01 In such cases the District will accept the findings of the inspector of an adjacent district, provided a reciprocity agreement has been made with that district.

### CHAPTER 9 COMPLIANCE INSPECTIONS

- 01 The District will inspect injection locations, for which renewal permits have been granted, on a scheduled rotating basis.
- 02 All special permits, as determined by the department, and which have been granted renewal permits, will be inspected annually.
- 03 The District will conduct District-wide random inspections of irrigation distribution systems to determine compliance with the Nebraska Chemigation Act.

### CHAPTER 10 APPEAL

- 01 Anyone aggrieved by actions taken by the District or its representatives, based on these rules and regulations, may request a formal adjudicatory hearing before the Board of Directors of the District, in accordance with District rules and regulations governing such hearings.
- 02 A requests for a hearing shall not deny or delay the District's right to carrying out the powers granted to it in the Nebraska Chemigation Act or Title 195.

*First Adopted:* [May 21, 1987](#)  
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