

NEBRASKA ADMINISTRATIVE CODE

Title 122 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 26 - SCHEDULES OF COMPLIANCE

001 A permit may, when appropriate, specify a schedule of compliance leading to compliance with these regulations.

002 Schedules of compliance shall require compliance as soon as possible but not later than two years after the effective date of the permit.

003 If a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

004 No later than fourteen days following each interim date and the final date of compliance, the permittee shall notify the Director in writing of its compliance or noncompliance with the interim or final requirements, or submit progress reports.

005 A permit applicant or permittee may cease conducting regulated activities (by plugging and abandonment for wells and conducting restoration) rather than continue to operate and meet permit requirements as follows:

005.01 If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has been issued;

005.01A The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

005.01B The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit;

005.01C If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination which will ensure timely compliance with applicable requirements;

005.02 If the permittee is undecided whether to cease conducting regulated activities, the Director may issue or modify a permit to contain two schedules as follows:

005.02A Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities or comply with applicable requirements;

005.02B One schedule shall lead to timely compliance with applicable requirements; and

005.02C The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements.

005.03 The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the Director, such as a resolution of the board of directors of a corporation.

Enabling Legislation: Neb. Rev. Stat. §§ 81-1504(2)(13)(25); 81-1505(9)

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