

NEBRASKA ADMINISTRATIVE CODE

Title 195 - CHEMIGATION REGULATIONS

Chapter 1 - PERMITS, APPLICATIONS, CERTIFICATION, DUTIES OF PERMITHOLDER

001 Definitions.

001.01 Relevant definitions are located in Neb. Rev. Stat. §§ 46-1104 through 46-1116.01.

001.02 Restricted use pesticide is defined in Neb. Rev. Stat. §2-2624(38) of the Pesticide Act.

001.03 Accident means the release of a chemical by spill, leak, faulty or damaged equipment, or similar instance, onto land or into waters of the state in a quantity greater than permitted by the product label.

002 Applications. In addition to the requirements of Neb. Rev. Stat. § 46-1120, the following information is to be included with any initial or renewal application for a permit required by Neb. Rev. Stat. §§46-1117 and 46-1119.

002.01 Telephone number of applicant.

002.02 Calendar year for which application is being made.

002.03 Whether the application is for an initial, renewal or emergency permit.

002.04 The name(s) of the certified chemigation applicator(s), their certification number and the expiration date of their certification.

002.05 Whether the chemical injection equipment to be used is stationary or portable.

002.06 Signature of the permit applicant and date of signing. The signature must be that of the proposed permitholder or a person holding power of attorney from the applicant.

002.07 If the application is for a renewal permit, the applicant is to list the names and estimated amounts of all the chemicals that were used in the chemigation system the previous year.

003 Transferability. Permits are not transferrable.

004 Subsurface System. A person is hereby authorized by rule to inject chemicals for maintenance of a subsurface drip irrigation system once each calendar year, provided:

004.01 The system is equipped with an irrigation pipeline check valve: and

004.02 The system is authorized under Title 122 – Rules and Regulations for Underground Injection and Mineral Production Wells: and.

004.03 Any chemical that is injected is done so in accordance with label restrictions.

005 Posting. Signs must be posted on chemigated fields when a restricted use pesticide or a chemical for which the label requires posting is used. The signs are to meet the following requirements:

005.01 Posted at each usual point of entry into a treated area and at the point of chemical injection if located outside the treated area. Each sign is to be posted in such a manner that it is clearly visible and legible.

005.02 Contain the words “KEEP OUT, CHEMICAL APPLICATION THROUGH IRRIGATION SYSTEM”.

005.03 The lettering clearly contrasts with the background and the letters are two and one-half inches in height.

005.04 Posted and maintained during the chemigation period and until the end of reentry period as specified by the chemical label. The sign will be posted no sooner than 48 hours prior to the start of chemigation and be removed, covered, or otherwise made illegible, no later than 48 hours after the end of reentry period.

006 Accident Reporting. Notification of a suspected or actual accident will be made by telephone to the Department and the appropriate district during office hours, from 8 a.m. to 5 p.m., Monday through Friday. After hours and holidays, reports will be made to the Nebraska State Patrol. All information known about the accident at the time of discovery is to be included, such as time of occurrence, quantity and type of material, location, and any corrective or cleanup actions presently being taken.

006.01 The applicator or permitholder will supply any additional information requested in the course of the investigation regarding the amount and type of substance(s) involved, the well and equipment involved, and information the applicator or permitholder would reasonably be expected to know.

007 Investigation and Remediation. The procedures outlined in Title 118, - Ground Water Quality Standards and Use Classification, Appendix A, the Ground Water Remedial Action Protocol will apply to the investigation and remedial action for releases and groundwater contamination associated with chemigation systems. The remedial action workplan is to be carried out by the permitholder under the supervision of the Department or the district.

008 Certifications. Any person who has a certification revoked pursuant to Neb. Rev. Stat. § 46-1129.01 will be afforded an opportunity for a fair hearing as provided in Neb. Rev. Stat. §81-1507(2)(3). The hearing will be held upon written application to the director within thirty days

after receipt of the notice from the director of such revocation. The hearing will be considered conducted as a contested case subject to Title 115, Rules of Practice and Procedure.

Enabling Legislation: Neb. Rev. Stat. §§ 46-1120, 46-1136