

9/27/2017

## **Chemigation Violation Policy**

1. The following is a non-exclusive listing of violations of LPN Chemigation Rules and Regulations and/or related policies:
  1. Chemigating without permit;
  2. No safety equipment;
  3. Faulty equipment during inspection;
  4. No valid applicator licenses;
  5. Oversight by permitholder when sending in other permits;
  6. Putting down the wrong legal on permit of an incomplete permit;
  7. Chemigating without a permit but tank and equipment are in place; and/or
  8. Chemigating without a permit but a tank with product is on site,
2. On all violations LPN staff has authority to make a request to the property owner and/or producer to shut down the system or systems immediately.
3. On violations 1 and 2 on the list, staff will turn over violation documentation to appropriate County Attorney or LPN Attorney after consulting with General Manager, Assistant General Manager and/or Water Resources Manager as deemed appropriate. Producer shall not proceed with chemigation until the violation has been deemed cured by either the LPN staff or the court system.
4. On violations 3, 4, 5, 6, 7 and 8 the land owner and/or producer will be notified and given an opportunity to voluntarily come into compliance. In the event the violation is not cured within 10 days, then staff will notify NDEQ and issue an order to suspend the operation of the well until a valid permit is complete and has passed an inspection. If compliance is not obtained within the 10 days, the violation will be turned over to the county attorney, attorney general or LPN attorney to initiate legal proceedings.
5. After conducting a hearing pursuant to the District's hearing policies and procedures in accordance Neb. Rev. Stat. § 46-743, the District has the right to permanently revoke all permits of permitholder in which permitholder has documented repeat violations of the Chemigation Act or actual or imminent threat of danger to the public or environment.
6. All permits not in LPN office by 4:30 pm on June 1 or postmarked June 1 or sooner will be revoked; after the date, they may only be treated as a new or emergency permit.
7. Emergency Permit can be issued if staff is contacted and agrees to inspect the site on weekends or holidays; otherwise, if permitholder proceeds to chemigate at site without permit and staff inspection, the permitholder and site will be in violation.
8. If permitholder requests an immediate inspection after normal work hours an Emergency Permit will be issued provided staff can perform an inspection.