



# Nebraska Department of Environmental Quality

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## Nebraska Chemigation Regulations FAQ

The Nebraska Chemigation Act (Neb. Rev. Stat. §46-1101 thru 1148) and Title 195 “*Rules and Regulations Pertaining to Chemigation*” place certain requirements on anyone who uses chemigation in Nebraska. These rules are administered by each of the state’s 23 Natural Resources Districts (NRDs) and the Nebraska Department of Environmental Quality (NDEQ). The NRDs inspect the required chemigation safety equipment on chemigation systems, receive permit applications and fees, and issue chemigation site permits. The NDEQ developed the statewide regulations (Title 195). NDEQ coordinates the overall program, and issues chemigation applicator certifications to persons who attend a training session conducted by the University of Nebraska Cooperative Extension and pass a written test.

Following are some frequently asked questions and the Department’s responses. Additional information about the chemigation program and the regulations can be found on the NDEQ website ([www.ndeq.state.ne.us](http://www.ndeq.state.ne.us)) or you may contact the NDEQ by mail (NDEQ, Agriculture Section, P.O. Box 98922, Lincoln, NE 68509-8922), by telephone (402-471-4239), or by email ([moreinfo@ndeq.state.ne.us](mailto:moreinfo@ndeq.state.ne.us)). For information about obtaining a permit for a chemigation system, please contact your local NRD. If you need certification as a chemigation applicator, please contact your county’s UNL Cooperative Extension Office.

**Q: What is chemigation?**

**A:** Chemigation is defined in the Chemigation Act as “any process whereby chemicals are applied to land or crops in or with water through an on-farm irrigation distribution system” (Title 195, Ch. 1, 003). The regulations apply whether the water is from a surface water source, such as a stream or canal, or ground water from an irrigation well.

**Q: What does the term “chemical” mean or include with regards to chemigation?**

**A:** “Chemical” is any fertilizer or pesticide mixed with the water supply (Title 195, Ch. 1, 002). Note that insecticides, herbicides, and fungicides are all different forms of pesticide. The term fertilizer is limited to formulations or products used and formally recognized as plant nutrients. So, for the purposes of the Chemigation Act, livestock manures or waste products are not considered fertilizer. However, similar safety equipment is required for irrigation systems applying livestock wastes, as specified in Title 130 “*Rules and Regulations Pertaining to Livestock Waste Control*,” which is a separate permit program for livestock operations that is administered by the NDEQ.

**Q: Where can I find pesticide label information to determine whether or not a pesticide can be applied through a chemigation system?**

**A:** The manufacturer or seller of the pesticide should be able to provide you with a label for any pesticide you purchased. You can also go to [www.greenbook.net](http://www.greenbook.net) or to the Nebraska Department of Agriculture's pesticide database at [www.kellysolutions.com/NE](http://www.kellysolutions.com/NE) for additional information.

**Q: I have one well and two center pivots. Do I need one permit or two?**

**A:** Title 195, Ch. 2, 002, specifies, "An application must be filed with the district for each injection location." If you plan to inject chemicals for chemigation into the irrigation distribution pipeline at one location, say near the well, only one application is required. However, if you inject at each center pivot, an application must be filed for each injection location.

**Q: Is a surfactant, spray adjuvant, or crop oil covered by the chemigation rules?**

**A:** Generally not. These products alone do not typically meet the definition of a pesticide or fertilizer, so the use of these materials is, by definition, not considered chemigation. However, the Department encourages the use of safety equipment on an irrigation system when any material is injected into it or mixed with the irrigation water.

**Q: I operate a commercial tree or garden nursery and plan to apply chemicals through an irrigation system to the plants at the nursery. Do I need a chemigation permit?**

**A:** Yes. Chemigation at a nursery would be considered an "onfarm" activity subject to the regulations.

**Q: I have a commercial pesticide applicator's license. Do I still need the chemigation applicator certification if I plan to operate the chemigation system?**

**A:** Yes. The pesticide applicator's license or card is completely separate from the chemigation applicator certification. One does not substitute for the other. The Nebraska Chemigation Act and the Title 195 regulations require that anyone operating a chemigation system be certified as a chemigation applicator (Title 195, Ch. 1, 001 and Chapter 13). In addition, any permit application must include the name of a certified chemigation applicator (Title 195, Ch. 2, 002).

**Q: How do I get certified as a chemigation applicator?**

**A:** You must attend a training session and pass a written test. To pass the test you must correctly answer at least 35 out of the 50 questions. UNL Cooperative Extension conducts the training and testing, so you should first contact your local County Extension Office for information about the nearest training and testing session and to obtain an application form and study materials.

**Q: How do I find out about the applicator certification training and testing sessions?**

**A:** A schedule of the applicator training and testing sessions is available on the UNL Northeast Extension Center's web site (go to <http://nrec.unl.edu/programs.htm>, then

click on “Chemigation Training”) or the NDEQ web site (go to [www.ndeq.state.ne.us](http://www.ndeq.state.ne.us), then click on “NDEQ Programs” then “Agriculture Programs” to get to the chemigation selections). You might also contact your local county extension office as training and testing sessions are occasionally scheduled locally or on short notice and may not be included on either web site listing.

**Q: How long does it take before I get notification if I passed the test or not?**

**A:** Please allow six to eight weeks for processing and receipt of the chemigation application certification card in the mail from the NDEQ. If you did not pass the test, Cooperative Extension will notify you.

**Q: I lost my chemigation applicator certification card. What should I do?**

**A:** For a replacement card, please contact the Agriculture Section at NDEQ at (402) 471-4239. Be sure to provide your full name and current address. Please note that you do not need to carry the chemigation applicator certification card as it simply helps to serve as a reminder. The list of certified chemigation applicators also is available on the NDEQ web site along with the expiration date of their certification.

**Q: It’s been two months since the training session and I haven’t received any notice. What should I do?**

**A:** Please contact NDEQ’s Agriculture Section by mail, by telephone at (402) 471-4239, or by email at [moreinfo@ndeq.state.ne.us](mailto:moreinfo@ndeq.state.ne.us). Be ready to provide your name, address, and the date and location where you took the training and testing. If you have web site access, you can also check the chemigation applicator list on the NDEQ web site to see if you are on the list. If your certification is current on the web site list and you just haven’t received your card please let us know and a replacement card will be sent.

**Q: When does my chemigation applicator certification expire?**

**A:** All chemigation applicator certifications expire on January 1 of the fourth year following the year issued (Neb. Rev. Stat. §46-1128). So, a chemigation applicator certification issued in March of 2004 will expire on January 1, 2008. This information may also be found on the NDEQ web site.

**Q: My chemigation applicator certification expires January 1 of next year. When do I need to recertify and what do I need to do?**

**A:** You do not have to recertify before the certification expires. However, a current applicator certification is needed for any chemigation permit application. Applicators sometimes wait until after their certification has expired and then attend a training session early that same year. The Chemigation Act requires training and testing for initial or subsequent certification. Please be aware that there are a limited number of training and testing dates and locations and that most of the training sessions are held from January thru April, so don’t wait too long to attend a training and testing session.

**Q: Do I need to carry the chemigation applicator certification card?**

**A:** No. The card simply serves as your reminder of your certification number and when your certification expires. The card is not required for anything else and when the NRD is checking the applicator information on your permit application they may simply check the NDEQ website listing. You can also check this information on the NDEQ website. Go to [www.ndeq.state.ne.us](http://www.ndeq.state.ne.us) then click on “NDEQ Programs”, then “Agriculture Programs”, “Chemigation Program”, “Chemigation Applicator List”, and select either to view the entire list or to use the search function. You may want to view the entire list (it’s arranged alphabetically by last name) as the search function has limited capability.

**Q: What if I fail the test?**

**A:** Anyone that fails the test is normally notified by mail by the UNL Cooperative Extension and given information on the retest procedure, which can be done in the local Extension office. You may wish to attend another training session, but it is not required.

**Q: My center pivot passes over a stream in part of its circle. Do I need to shut off the chemigation system while the irrigation system is sprinkling on this area?**

**A:** Yes. The Nebraska Environmental Protection Act makes it unlawful to cause pollution or place potential pollutants (i.e. fertilizers or pesticides) where they are likely to cause pollution (Neb. Rev. Stat. §81-1506). In addition, most pesticide labels prohibit application near or on surface water or wells. Contact the Nebraska Department of Agriculture’s Pesticide Program at (402) 471-2394 if you have questions about pesticide label and pesticide application restrictions.

**Q: My water supply is an irrigation supply canal. Do I need safety equipment and a chemigation permit?**

**A:** Probably. Irrigation canals are, by definition, waters of the state so anyone connecting to an irrigation canal to supply a chemigation system is subject to the Chemigation Act. However, there is an exemption for limited situations involving open discharge systems (Title 195, Ch. 1, 001).

**Q: Where can I find irrigation pipeline check valve models that have been certified or approved for use in chemigation systems in Nebraska?**

**A:** A list of certified irrigation pipeline check valves can be requested from the NDEQ’s Agriculture Section or you can go to the NDEQ web site (go to [www.ndeq.state.ne.us](http://www.ndeq.state.ne.us), click on “NDEQ Programs,” then “Agriculture Programs,” “Chemigation Program,” “Applications, Forms, and Publications,” then finally, on “Certified Chemigation Check Valve Models and Manufacturers”).

**Q: What is an “open discharge system”?**

**A:** An open discharge system is defined as “a system in which water is pumped or diverted directly into a ditch or canal in such a manner that the force of gravity at the point of discharge into the ditch or canal cannot cause water to flow back to the point from which the water is pumped or diverted” (Title 195, Ch. 1, 011). So, a closed pipe system would not be considered “open discharge”. Please note that there may also be other

considerations related to potential ground water pollution in high water table areas. If you have a question about this, please contact the NRD and NDEQ to discuss whether or not your system would be considered an open discharge system before you attempt to use it for chemigation. Appropriate safety equipment is still recommended for open discharge systems and may still be required by the pesticide label.

**Q: When is posting required and what do I need to post?**

**A:** Posting of a field is required when a restricted use pesticide or a chemical for which the label requires posting is used (Title 195, Chapter 12).

**Q: I didn't get my application in by June 1 to renew the chemigation permit for my irrigation system. What do I do?**

**A:** If you still wish to chemigate, you must first submit your permit application to the NRD and include the initial application fee. Since you missed the June 1 deadline, the NRD must handle your application as an initial or new one. The NRD is also required to inspect and approve the safety equipment before a permit can be issued (Title 195, Ch. 4, Sect. 003).

**Q: Are chemigation permits transferable?**

**A:** No. A permit for one injection location cannot be transferred or issued for another location (Title 195, Ch. 4, Sect. 004). A new permit would be needed.

**Q: What is a Special Permit?**

**A:** The regulations provide for a "Special Permit" where the NRD determines by inspection that a chemigation system does not need all of the safety equipment specified in the regulations and the NDEQ concurs (Title 195, Ch. 5). Only a few special permits have been issued. Please contact your local NRD or the NDEQ if you would like further information on Special Permits or have a specific situation you would like to discuss.

**Q: I am considering applying fertilizer to my grass through my lawn sprinkler system. Is a chemigation permit needed?**

**A:** No. Chemigation is defined as "any process whereby chemicals are applied to land or crops in or with water through an onfarm irrigation distribution system." Application of chemicals to a residential lawn would not be "onfarm". However, there are specific rules on backflow prevention for connections to a public drinking water supply system. So, if the lawn sprinkler system is connected to a public water supply system, please check with the water supplier or the Regulation and Licensure Division of the Nebraska Health and Human Services System (HHSS). Contact HHSS at 402-471-2133 or at [hhss\\_system\\_information@hhss.state.ne.us](mailto:hhss_system_information@hhss.state.ne.us) for more information. Even if a chemigation permit is not required and the lawn sprinkler system is on an individual well, we recommend that appropriate safety equipment be installed.

**Q: Are there any requirements on chemical containers used during chemigation?**

**A:** Yes, there may be requirements if the container capacity or use meets certain requirements spelled out in the Title 198 *“Rules and Regulations Pertaining to Agricultural Chemical Containment.”* For instance, if the pesticide or fertilizer container has a capacity of 500 gallons or more, requirements may exist for secondary containment (i.e. diking) as specified in the Title 198 regulations, even if the container is mobile or mounted on a trailer. Fertilizer containers up to 2,000 gallons in capacity have a seasonal exemption in most cases. However, please contact the NDEQ Agriculture Section at (402) 471-4239 with any questions, or go to the NDEQ web site and click on the “NDEQ Programs” tab, then “Agriculture Programs,” “Agricultural Chemical Secondary Containment” for more information.

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For more information, contact

[MoreInfo@ndeq.state.ne.us](mailto:MoreInfo@ndeq.state.ne.us)

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