

TITLE 178 - NEBRASKA DEPARTMENT OF HEALTH

CHAPTER 1 - RULES AND REGULATIONS RELATING TO RECREATION CAMPS

001 CAMP SITE. The camp site shall be clean, well drained and not subject to flooding. Adequate area shall be available for the development of the camp to include satisfactory water supply and waste disposal systems. The camp shall be so located, maintained and operated so as to be free of nuisances and hazards detrimental to the health and safety of the camper.

002 BUILDINGS AND SHELTER. All buildings shall be structurally sound, in good repair, and of adequate size for their intended use.

All outside openings of permanent structures, except maintenance buildings, shall be effectively screened, including outward-opening, self-closing doors equipped with screens, unless other effective means are provided to prevent the entrance of insects and rodents. This provision also applies to all permanent structures and shelters used for sleeping quarters which facilities must be protected against the elements.

Lighting and ventilation shall be adequate for the purpose intended.

Walls, floors, and ceilings shall be of smooth, durable, non-absorbent, and easily cleanable construction and kept clean and in good repair.

003 WATER SUPPLY. The water supply shall be obtained from a source which is properly located, constructed, and operated to protect it from contamination and pollution. The water supply shall be obtained from a public or other water supply system in compliance with the provisions of the Nebraska Safe Drinking Water Act, Nebraska Revised Statutes, Chapter 71, Article 53 (Reissue 1981), and of the Regulations Governing Public Water Supply Systems, Title 179, Nebraska Administrative Code, Chapter 2; but this is not required if the water supply system has less than fifteen service connections and regularly serves less than twenty-five individuals. If such a water supply system is not required, the water supply system must be constructed, maintained, and operated in accordance with the provisions of the Rules and Regulations Governing A Private Water Well, Title 178, Nebraska Administrative Code, Chapter 9.

An adequate supply of water shall be provided for camp purposes.

Sanitary drinking fountains or individual drinking utensils, separate from toilet rooms, shall be provided. Multiple use drinking utensils shall not be used except when they can be properly washed and sanitized between usage. Common drinking utensils shall not be used.

004 PLUMBING. No plumbing fixture or other device which provides a connection between a drinking water supply and a drainage, soil, waste or other sewer pipe so as to make possible the backflow of sewage or wastewater into the water system, shall be installed or be permitted to remain installed. Water which has been used for cooling or for any other purpose shall not be returned to the system. All plumbing shall conform to the local plumbing code. Where no local plumbing code is in effect, plumbing shall conform to the Standard Plumbing Code, ASA A40-8 1955. Drains and overflows from food and drink equipment shall not be connected directly to a sewer.

005 TOILET FACILITIES. Toilet facilities shall be provided at the ratio of not less than one seat for every ten (10) campers. In camps occupied by males and where urinals are used, one toilet seat shall be provided for every fifteen (15) male occupants, and one urinal for every thirty (30) male occupants. Toilet buildings or rooms shall be conveniently located, well lighted and ventilated, kept in good repair, and, when in use, kept in a clean and sanitary condition. Toilet rooms shall not open directly into any room in which food, drink, or utensils are handled or stored. The entrance of all toilet facilities shall be designed to permit privacy. Toilet facilities located adjacent to food-related operations shall be fully enclosed.

006 LAVATORY AND BATHING FACILITIES. Adequate handwashing facilities shall be provided in proximity to toilets and urinals.

Hot water temperature at lavatories and bathing facilities shall not exceed 120 F.

The use of a common towel and washcloth is prohibited.

Sanitary dispensing and disposal units shall be provided for paper towels.

Bathing facilities shall be provided at the ratio of not less than one bathing facility for every, twenty (20) persons. The walls, floors and ceilings of shower rooms and shower stalls shall be of smooth, durable, non-absorbent, and easily cleanable construction, impervious to moisture and maintained in a clean, sanitary condition when in use. Floor drains properly trapped shall be provided in all bathing facilities.

007 SEWAGE AND LIQUID WASTE DISPOSAL. Sewage and all liquid wastes shall be discharged into a municipal sewage system where such a system is available; otherwise, the sewage shall be collected, treated and disposed of in an independent sewage system which complies with the practice recommended or required by local ordinances. Where such do exit, they shall comply with state

standards. Drains and overflows from food and drink equipment shall not be connected directly to a sewer. Pit-type privies may be approved in decentralized camping areas. Pit-type privies shall conform to the standards of construction and maintenance set up by the State Department of Health.

008 GARBAGE AND REFUSE STORAGE AND DISPOSAL. All garbage and refuse shall be collected, stored, and disposed of in a manner that will not create a nuisance, provide a breeding place for flies, or a harborage for rodents. All containers for garbage and refuse shall be water-tight, have tightfitting covers and shall be fly and rodent proof. Garbage containers shall be kept clean.

009 VECTOR CONTROL. Rodents and insects shall be controlled within the camp premises by measures involving both sanitary practices and the use of rodenticides and insecticides currently recommended by the State Department of Health.

010 SWIMMING POOLS. Swimming pools shall be constructed, operated and maintained in compliance with the rules and regulations of the State Department of Health on the subject.

011 FOOD. All aspects of the food operation in the camp, including source, storage, preparation, and service, shall conform to the standards set forth in the 1976 United States Public Health Service "Food Service Sanitation Manual."

The principal camp area in which food is prepared and served and where sleeping quarters are located shall be at least five hundred (500) feet from any area in which livestock are kept.

012 HEALTH OF CAMPERS AND STAFF. The camp operator shall designate and place on record the name or names of one or more duly licensed practitioners of the healing arts to be called in case of emergency.

No camp operator shall employ a person who is affected with any disease in a communicable form or is a carrier of such disease in any camp establishment.

The camp operator shall provide a place for the reception and first aid treatment of sick or injured campers. First-aid equipment and supplies shall be available. When the existence of a communicable disease is suspected, the operator shall isolate the individual immediately and promptly arrange for medical attention.

A health record of every camper and staff member shall be kept by the camp operator. It shall include each individual's illnesses and injuries occurring, and the first aid treatments given, during the period of attendance at camp. The camp operator shall report all occurrences of poisonings or communicable diseases (excluding the common cold) immediately to the State Department of Health. This shall include all food- and water-borne related illnesses.

013 PERSONAL HYGIENE - SLEEPING FACILITIES. The common use of personal items such as combs, brushes, and toothbrushes is prohibited.

Every camper shall have an individual bed. Beds in permanent structures shall be placed so that heads of campers are at least six (6) feet apart. There shall be forty (40) or more square feet of floor space per camper in sleeping areas in permanent structures.

Beds shall be arranged to provide for adequate cleaning. Mattresses and mattress covers, if provided, shall be in good repair and maintained in a clean and sanitary manner.

014 SAFETY. Firearms and other potentially hazardous equipment shall be kept in locked compartments and shall be used only under proper supervision.

Drugs, insecticides, strong caustics, acids, and any poisons shall be stored away from food in locked cabinets, and used under the sole control of the supervisory staff.

Water recreation shall be permitted only under the supervision of a qualified member of the camp staff.

Reference is made on fire safety in recreation camps to the requirements of the office of the State Fire Marshal.

Transportation shall be available at all times for use in case of emergency.

015 LEASING RECREATION CAMP GROUPS. It shall be the responsibility of the licensee to inform the State Department of Health of all leasing camp groups providing their own camp staff.

016 PLAN SUBMITTAL. Written notification and designation of plans and specifications as "APPROVED - STATE OF NEBRASKA - DEPARTMENT OF HEALTH -DIVISION OF HOUSING AND ENVIRONMENTAL HEALTH" shall constitute a permit for construction, provided construction is begun within six months. When construction is delayed beyond this period it will be necessary for the owner to obtain an extension in writing from the State Department of Health. Plans shall be submitted in duplicate. Failure to submit plans shall constitute cause for the denial, refusal of renewal, suspension or revocation of a recreation camp permit.

017 PERMIT FEE. The annual application for a valid permit for the operation of a recreation camp shall be accompanied by an annual fee of twenty-five dollars.

SOURCE: Sections 1-3102 and 71-3105

Check One

☐ Initial Permit☐ Renewal Permit

NEBRASKA STATE HEALTH DEPARTMENT
DIVISION OF HOUSING AND ENVIRONMENTAL HEALTH
APPLICATION FOR PERMIT FOR OPERATION
OF A RECREATION CAMP
PERMANENT CAMPING FACILITIES

1. Name and address of permanent camp site for which application for a permit as a recreation camp is made or issued

_____.

2. Location of Camp Site _____.
(for example: 4 mi. south of Jct. 281 & 30) County

3. Name of Individual or Corporation having legal ownership of the recreation camp and the camp facilities _____
_____.

4. Mailing Address of Individual or Corporation having legal ownership of the recreation camp and the camp facilities

_____.

5. If the applicant for permit is a corporation, list each officer's name and address:

<u>Name</u>	<u>Address</u>
<u>President</u>	_____
<u>Vice President</u>	_____
<u>Secretary</u>	_____
<u>Treasurer</u>	_____

6. If the applicant for permit is a corporation, state the name, title and business address of the officer or other individual in the corporation actually responsible for the operation of the recreation camp _____

Telephone Number

7. Location of private water well on the premises of the recreation camp, if there is such a well: _____

_____.

8. Is (are) the private water well(s) on the premises of the recreation camp, if any, in compliance with the requirements of the Department of Health Rules and Regulations Governing a Private Water Well, 178NAC9,
___ YES or ___ NO ?

9. The holder of a Permit to Operate a Recreation Camp has the responsibility of completing a SAN 301 Form, if applicable. A "leasing camp group" constitutes a separate camp operation and must obtain a separate recreation .c-camp permit. In order for the Department of Health to act upon the recreation camp application received, the permanent camp application form, SAN 300 and the leasing camp group" form, SAN 301 must be submitted together as soon as possible.

10. I have read the Rules and Regulations Relating To Recreation Camps, Title 178, Nebraska Administrative Code, Chapter 1, and the Rules and Regulations Governing A Private Water Well, Title 178, Nebraska Administrative Code, Chapter 9, adopted and promulgated by the Nebraska Department of Health and I state that the premises of the recreation camp for which application is made are currently in compliance with the preceding regulations. I further state that I understand that compliance with the preceding regulations will be verified by onsite inspection by Departmental inspectors. I also state that I understand that a recreation camp permit may be temporarily suspended or permanently revoked for failure to protect the health or safety of the occupants of the recreation camp or for a violation of state law or of the preceding regulations adopted pursuant thereto. Finally, I certify that to the best of my knowledge all of the statements on this application are true and correct and that this application is being made to obtain a permit to operate a recreation camp.

Signature _____

Date of Application Title _____

Address _____

Telephone: Business _____
Home _____

Upon completion of this application, mail to the Nebraska State Health Department, Division of Housing and Environmental Health, 301 Centennial Mall South, P.O. Box 95007, Lincoln, Nebraska 68509. This application must be accompanied by the permit fee of twenty-five dollars (\$25.00).

For Official Use Only

Permit No. _____

Date Issued _____

Receipt No. _____

Date Mailed _____

Signature of Nebraska Department of Health Official

RECREATION CAMP - LEASING GROUPS

Please complete the following for a listing of leasing groups:

Name and Address of Permanent Camp Site _____

Definitions of a Leasing Camp Group:

A leasing camp group means a group utilizing a permanent camp's physical facilities for a period of more than forty-eight (48) hours for the purposes described in the statutory definition of a recreation camp BUT which furnishes its own operational staff for such recreation camp. The operational staff of a camp includes, but is not limited to, the camp operator, persons directly responsible for food preparation and service, the operators and maintenance personnel of the physical facilities, utilities and recreational facilities, including swimming pools, of such recreation camp, and those otherwise responsible for the health and safety of campers.

Name of Organization: _____

Address of Organization: _____

Name of Camp Director: _____

Date of Operation: _____

If a corporation, list each officer's name and address:

	<u>Name</u>	<u>Address</u>
<u>President</u>	_____	_____
<u>Vice President</u>	_____	_____
<u>Secretary</u>	_____	_____
<u>Treasurer</u>	_____	_____

Name of Organization: _____

Address of Organization: _____

Name of Camp Director: _____

Dates of Operation: _____

If a corporation, list each officer's name and address:

	<u>Name</u>	<u>Address</u>
<u>President</u>	_____	_____
<u>Vice President</u>	_____	_____
<u>Secretary</u>	_____	_____
<u>Treasurer</u>	_____	_____

Name of Organization: _____

Address of Organization: _____

Name of Camp Director: _____

Dates of Operation: _____

If a corporation, list each officer's name and address:

	<u>Name</u>	<u>Address</u>
President	_____	_____
Vice President	_____	_____
Secretary	_____	_____
Treasurer	_____	_____

Name of Organization: _____

Address of Organization: _____

Name of Camp Director: _____

Dates of Operation: _____

If a corporation, list each officer's name and address:

	<u>Name</u>	<u>Address</u>
President	_____	_____
Vice President	_____	_____
Secretary	_____	_____
Treasurer	_____	_____

Please submit this form not later than May 1 of this year. If the previously requested information is not applicable to your recreation camp's operation, indicate the same on this form and return it with form SAN 300 to the Nebraska State Health Department, Division of Housing and Environmental Health, 301 Centennial Mall South, P.O. Box 95007, Lincoln, Nebraska 68509.

Additional Leasing Camp Grounds may be listed on additional sheets of paper if needed.

I have read the Rules and Regulations Relating To Recreation Camps, Title 178, Nebraska Administrative Code, Chapter 1, and the Rules and Regulations Governing A Private Water Well, Title 178, Nebraska Administrative Code, Chapter 9, adopted and promulgated by the Nebraska Department of Health and I state that the premises of the recreation camp for which application is made are currently in compliance with the preceding regulations. I further state that I understand that compliance with the preceding regulations will be verified by onsite inspection by Departmental inspectors. I also state that I understand that a recreation camp permit may be temporarily suspended or permanently revoked for failure to protect the health or safety of the occupants of the recreation camp or for a violation of state law or of the preceding regulations adopted pursuant thereto. Finally, I certify that to the best of my knowledge all of the statements on this application are true and correct and that this application is being made to obtain a permit to operate a recreation camp.

Signature _____

Date of Application Title _____

Address _____

Telephone: Business _____

Home _____

Upon completion of this application, mail to the Nebraska State Health Department, Division of Housing and Environmental Health, 301 Centennial Mall South, P.O. Box 95007, Lincoln, Nebraska 68509. This application must be accompanied by the permit fee of twenty-five dollars (\$25.00).

For Official Use Only

Permit No. _____

Date Issued _____

Receipt No. _____

Date Mailed _____

Signature of Nebraska Department of Health Official

Check One
☐ Initial Permit
☐ Renewal Permit

NEBRASKA STATE HEALTH DEPARTMENT
 DIVISION OF HOUSING AND ENVIRONMENTAL HEALTH
 APPLICATION FOR PERMIT FOR OPERATION
 OF A RECREATION CAMP
 BY A LEASING CAMP GROUP

Name and Address of Permanent Campsite Leased _____

 Street City State Zip

Definition of a Leasing Camp Group:

A leasing camp group means a group utilizing a permanent camp's physical facilities for a period of more than forty-eight (48) hours for the purposes described in the statutory definition of a recreation camp BUT which furnishes its own operational staff for such recreation camp. The operational staff of a camp includes, but is not limited to, the camp operator, persons directly responsible for food preparation and service, the operators and maintenance personnel of the physical facilities, utilities and recreational facilities, including swimming pools, of such recreation camp, and those otherwise responsible for the health and safety of campers.

Name of Leasing Group or Organization _____

Address of Leasing Group or Organization _____

 City State Zip

Name of Camp Director _____

Address of Camp Director _____

 Street City State Zip

Date(s) of Operation _____

If the applicant for permit is a corporation, list each officer's name and address:

Name Address

President _____

Vice President _____

Secretary _____

Treasurer _____

I have read the Rules and Regulations Relating To Recreation Camps, Title 178, Nebraska Administrative Code, Chapter 1, and the Rules and Regulations Governing A Private Water Well, Title 178, Nebraska Administrative Code, Chapter 9, adopted and promulgated by the Nebraska Department of Health and I state that the premises of the recreation camp for which application is made are currently in compliance with the preceding regulations. I further state that I understand that compliance with the preceding regulations will be verified by onsite inspection by Departmental inspectors. I also state that I understand that a recreation camp permit may be temporarily suspended or permanently revoked for failure to protect the health or safety of the occupants of the recreation camp or for a violation of state law or of the preceding regulations adopted pursuant thereto. Finally, I certify that to the best of my knowledge all of the statements on this application are true and correct and that this application is being made to obtain a permit to operate a recreation camp.

Signature _____

Date of Application Title _____

Address _____

Telephone: Business _____
Home _____

Upon completion of this application, mail to the Nebraska State Health Department, Division of Housing and Environmental Health, 301 Centennial Mall South, P.O. Box 95007, Lincoln, Nebraska 68509. This application must be accompanied by the permit fee of twenty-five dollars (\$25.00).

For Official Use Only

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Date Issued _____

Receipt No. _____

Date Mailed _____

Signature of Nebraska Department of Health Official

EFFECTIVE
07/27/2020

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

178 NAC 2

TITLE 178 ENVIRONMENTAL HEALTH

CHAPTER 2 DESIGN CONSTRUCTION, OPERATION, AND MAINTENANCE OF PUBLIC
SWIMMING POOLS

001. SCOPE AND AUTHORITY. These regulations establish standards for swimming pool design, review, construction, approval, operation, and related requirements. The authority for these regulations is found in Nebraska Revised Statute (Neb. Rev. Stat.) §§ 71-4301 to 71-4307.

002. DEFINITIONS. The following definitions apply:

002.01 ADDITIONAL INSPECTIONS. Inspections required to determine if violations discovered in previous inspections have been corrected.

002.02 BATHHOUSE. Any dressing, shower, and sanitary facilities used by the swimmers and bathers.

002.03 BOUNDARY LINE. A line between the shallow and deep areas marked in contrasting color and at least four inches wide on the floor and walls of the pool, and by a safety rope and floats equipped with float keepers.

002.04 CERTIFICATE OF COMPETENCY. A certificate obtained as a result of attendance and successful completion, by passing a test, of a Nebraska swimming pool operator's training clinic approved by the Department.

002.05 CLASS A POOL. A pool operated by a municipality, political subdivision, or governmental agency; or a pool used for accredited competitive aquatic events.

002.06 CLASS B POOL. A swimming pool operated at a facility including, but not limited to, an apartment, a condominium, a property owner association, a child care facility, and lodgings such as hotels and motels.

002.07 CLASS C POOL. A spa, hot tub, or whirlpool which is not intended to be drained, cleaned, and refilled after each use.

002.08 CLASS D POOL. A wading pool that is no more than 24 inches deep.

002.09 CLASS E POOL. A spray park providing recirculated water to spray features with no permanent standing water accessible to pool patrons designed so that users have full body contact with the water.

002.10 CLASS F POOL. A swimming pool at a health club, fitness center, or community fitness center.

002.11 DECK. The area surrounding a pool, which is specifically constructed or installed for use by bathers.

002.12 DEEP AREA. Those areas of a swimming pool where the water is greater than 5 feet deep.

002.13 DEPARTMENT. The Department of Health and Human Services.

002.14 DESIGN PROFESSIONAL. A professional engineer or professional architect registered by the Nebraska Board of Engineers and Architects to practice in the State of Nebraska.

002.15 DROP SLIDE. A slide that discharges to a pool with a drop more than two inches to the water surface.

002.16 MAIN DRAIN. A submerged suction outlet located at the bottom of a pool to conduct water to a recirculating pump.

002.17 MODIFICATION OR IMPROVEMENT. Construction that changes the depth, shape, piping, pumping, or other basic design features of a public swimming pool in a manner that affects pool patron safety or recirculation system design; changes a pool's deck; changes the basic design of a diving board; or adds a special feature. Work not considered to be a substantial modification or improvement includes maintenance and repairs or replacement of the exact make and model. Maintenance does not include total shell replacement.

002.18 NEBRASKA SWIMMING POOL OPERATOR. An individual who has a current certificate of competency.

002.19 OWNER. A person, individual, firm, partnership, association, corporation, company, municipality, political subdivision, community, government agency, club, organization, or other entity owning a pool.

002.20 PATRON. A person using a public swimming pool.

002.21 PATRON LOAD. The maximum number of persons that may use the pool at one time.

002.22 SPECIAL PURPOSE POOL. A swimming pool that is operated for special purposes and incorporates features distinguishing it from a traditional swimming pool.

002.23 SUCTION OUTLET. A fitting, fitting assembly, cover or grate, and related components that provide a localized low pressure area for the transfer of water from a swimming pool.

002.24 VARIANCE. Written approval from the Department to allow a design, modification, or improvement that does not conform to the requirements in 178 NAC 2.

002.25 WADING POOL. A pool no more than 24 inches deep.

003. PLANS AND SPECIFICATIONS. Unless otherwise indicated, plans and specifications for new swimming pools, and modifications or improvements to existing pools must be prepared by a design professional. All plans and specifications must be submitted to the Department in triplicate for review and written approval prior to beginning construction. Plans are to be laid out on sheets having a minimum size of 11 by 17 inches. Plans and specifications for modifications or improvements must include all applicable portions of the swimming pool.

003.01 OWNER SUBMITTAL. The owner of a pool may submit plans and specifications for changes to existing pools for erosion type feeders and solution type.

003.02 SUBMITTAL DETERMINATION. Items not listed in 178 NAC 2-003.03 are to be provided in writing to the Department for determination on whether submittal is required. Determination will be based on engineering, health and safety concerns. All items installed that do not require plans and specifications must be installed per manufacturer's installation instructions.

003.03 PLANS AND SPECIFICATIONS NOT REQUIRED:

- (A) Equipment replacement that is the exact make and model as previously approved by the Department;
- (B) Heaters intended for commercial pool use that contain only nontoxic heat transfer media;
- (C) Anti-entrapment devices that install on the pump or in the treatment train;
- (D) Pumps that are of the same horsepower as previously approved;
- (E) Valves and piping of the identical size;
- (F) pH adjustment equipment;
- (G) Strainer basket housing of the same size;
- (H) Variable frequency drives with the same horsepower as the original;
- (I) Installation of an Oxidation-Reduction Potential controller;
- (J) Repair and maintenance of equipment; and
- (K) Diving boards or stands approved after June 8, 2004.

003.04 CONTENT. Plans, specifications, and swimming pool data sheet submitted for approval must be an accurate record of the proposed construction and contain sufficient information to demonstrate to the Department that the proposed swimming pool or modifications or improvements will meet the standards of Title 178 NAC 2. Submittals must include, at a minimum, the following documentation and information: The Department may require additional information to determine if the submittal meets the standards.

003.04(A) SCALE AND NORTHPOINT.

003.04(B) PLOT PLAN. A plot plan of the property to be used, indicating the location of proposed and existing structures, as well as the location of the proposed swimming pool, pool enclosure, and deck.

003.04(C) DETAILED PLANS. Plans for a swimming pool must be legible and must be drawn to a suitable scale. The detailed plans for facilities must show:

- (i) CONSTRUCTION DETAILS. Construction details for the swimming pool, deck and pool enclosure, including dimensions, elevations, and appropriate cross sections for the swimming pool.
- (ii) RECIRCULATION SYSTEM. Schematic diagrams and plan view of the pool water treatment and recirculation systems, pool equipment room or enclosure.

- (iii) PIPING. Size and location of all piping.
- (iv) SPECIFICATIONS. Complete, detailed specifications for the construction of the swimming pool, bathhouse, recirculation system, filtration system, disinfection equipment and all other appurtenances.
- (v) OPERATION AND MAINTENANCE MANUAL. The design professional must provide 2 copies of a manual for operation.

003.04(D) FEES.

003.04(D)(i) INITIAL REVIEW FEE. When the design professional's plans and specifications are submitted, an initial review fee of \$100 plus 0.5% of his or her estimate of the cost of the project described in the documents to be reviewed, up to a maximum of \$7,600, must be included.

003.04(D)(ii) FINAL FEE. Upon completion of the construction, modification, or improvements, the owner must submit documentation of the actual cost in the form of the actual contract or invoice(s) to the Department for the purpose of determining the final fee amount. Payment of the final fee amount in excess of \$25 must be made prior to the engineering inspection. The Department may refund amounts over \$25.

003.04(D)(iii) VARIANCE FEE. A \$300 fee must accompany each variance request.

003.04(D)(iv) ENGINEERING INSPECTION FEE. The final inspection conducted by the Department review engineers is included in the review fee. A fee of \$400 for each additional inspection conducted by the Department must be paid prior to the date of the additional inspection. The engineering inspection fee is separate from and in addition to the operational inspection fees required in 178 NAC 2-006.01(C)(ii). Pools owned by a municipal corporation are exempt from inspection fees.

003.04(D)(v) AS-BUILT FEE. There is a fee of \$1000 in addition to the plan review fee if construction is begun or completed on items specifically outlined in these regulations prior to obtaining approval from the Department.

003.05 PRELIMINARY PLANS. The design professional may submit preliminary plans, specifications, or concepts to the Department for review prior to preparation of construction documents, allowing 30 working days for comment by the Department. An initial fee for review of preliminary plans must be submitted with the plans as required in 178 NAC 2-003.04(D)(i).

003.06 FINAL PLANS. All swimming pool data sheets, as provided by the Department, the initial fee, any as-built fees, and plans and specifications must be submitted for review and comment or approval at least 30 working days prior to planned construction or installation. Time must be allowed for the incorporation of changes if required.

003.07 CONSTRUCTION APPROVAL. Construction must not begin until the Department has approved final plans and specifications and a swimming pool data sheet, and issues a construction permit. A construction permit will be valid only if construction is started within one year and is completed within 3 years from the date of approval. Written requests may be submitted for reauthorization or time extensions may be subject to any additional requirements of these or such future regulations as are in effect on the date of reauthorization. Beginning construction means the start of work on items that are specifically mentioned in these regulations.

003.08 REVIEW OF PLANS AND SPECIFICATIONS. The Department will issue a comment letter to the design professional when review of the plans and specifications does not indicate compliance with Title 178 NAC 2 or inadequate information is provided for a complete review. The design professional must address issues identified in the Department's comment letter within 60 calendar days from the date of issuance of the comment letter unless the owner or design professional request in writing and the Department approves an extension of time. If the design professional does not respond in writing to the Department's comment letter within 60 days the Department will deny the construction permit for the project. When a project is not approved for construction, new sets of plans and specifications, along with a new review fee as specified in 178 NAC 2-003.04(D)(i), are to be submitted to the Department for review and written approval prior to construction.

003.09 CONSTRUCTION. All new swimming pools, modifications, or improvements must be completed in accordance with approved plans and specifications or approved change orders.

003.10 CERTIFICATION. The design professional or the owner, as appropriate, must certify in writing to the Department on forms provided by the Department that the pool and all appurtenances have been constructed in accordance with approved plans and specifications, prior to a final inspection.

003.11 ENGINEERING INSPECTION. Upon certification per 178 NAC 2-003.10, the Department will inspect and note any deficiencies, which must be resolved before the Department will issue a permit to operate the pool. The Department has the right of entry at any reasonable time to the swimming pool and accompanying facilities for this purpose.

003.12 FINAL APPROVAL. If no deficiencies are found when the Department conducts the engineering inspection or when any deficiencies that were found in the Department's final inspection have been corrected, the Department may issue a permit to operate the pool.

003.13 DENIAL. The Department may deny a construction permit for failure to comply with any of the provisions of Neb. Rev. Stat. §§ 71-4301 to 71-4307 or 178 NAC 2. The Department will inform the design professional and the swimming pool owner, in writing, of the basis of the denial and the statutory or regulatory provisions supporting the decision. Procedures regarding appeals and hearings will follow the Nebraska Administrative Procedure Act and 184 NAC 1.

003.14 CONSTRUCTION, MODIFICATIONS, AND IMPROVEMENTS PRIOR TO APPROVAL. New pools already constructed or on which construction has begun without prior review and approval will not be issued an operating permit until the plans, specifications, and swimming pool data sheet have been reviewed and approved by the Department. Modifications and improvements to existing pools that are being operated without appropriate approval may have the operating permit suspended or revoked. Whenever any work for which a construction permit is required has been started before an operating permit has been issued the following will apply:

- (A) All work must cease until the construction permit has been issued by the Department;
- (B) The design professional and owner must allow for 45 working days for review after receipt of the swimming pool data sheets, the initial fee, plans, and specifications; and
- (C) The Department may require that construction not completed in accordance with the regulations be corrected before a pool operating permit is issued.

004. VARIANCES. A design professional, or owner if 178 NAC 2-003.01 applies, may submit a variance request. A variance must be submitted on forms provided by the Department at least 30 working days before construction is to begin. A variance is at the discretion of the Department. The Department will not issue a variance if there is an increased public health or safety risk.

005. DESIGN STANDARDS. The Department may consider alternate designs that follow generally accepted engineering guidelines and standards with submitted engineering justification.

005.01 EXISTING POOLS. Swimming pools constructed or under construction prior to the effective date of these regulations, which do not fully comply with the design and construction requirements of these regulations may be continued in use as long as the swimming pool meets the current operating requirements in 178 NAC 2, poses no significant health or safety risks as determined by the Department or Director, and is operated and maintained as designed.

005.02 MAXIMUM SWIMMING POOL PATRON LOADING.

005.02(A) AREA LOADING.

005.02(A)(i) SHALLOW AREA. 15 square feet of pool water surface area must be provided for each patron for those portions of the swimming pool 5 feet or less in depth. This also applies to spray parks without standing water.

005.02(A)(ii) DEEP AREA. 25 square feet of pool surface area must be provided for each patron.

005.02(A)(iii) DIVING OR SLIDE AREA. Where a separate designated diving or slide area is provided, and other swimmers are not allowed in this area, this area may be excluded from the surface area used for computing patron load; however, 10 patrons must be included for each board, platform or slide.

005.02(A)(iv) ADDITIONAL AREA ALLOWANCE. Additional allowance will be made on the basis of 1 additional patron per each 50 square feet of pool deck in excess of the minimum area of deck required, and 1 additional patron per each 100 square feet of picnic and play area within the enclosure.

005.03 CONSTRUCTION MATERIAL.

005.03(A) MATERIALS. Swimming pools must be constructed of materials which are inert, stable, non-toxic, and watertight. Sand or earth bottoms are not permitted.

005.03(B) FINISH. Bottom and sides must be white or a light color, with a smooth and easily cleanable surface. The finish surface of the bottom in shallow areas must be slip-resistant.

005.04 DESIGN, DETAIL, AND STRUCTURAL STABILITY. All swimming pools and appurtenances must be designed and constructed to withstand all anticipated patron loading. A hydrostatic relief valve or a suitable underdrain system must be provided for in-ground pools. Swimming pools must be designed to ensure the stability of the pool for both full and empty conditions.

005.04(A) SHAPE. The shape of any swimming pool must be such that the circulation of pool water and the swimmers' safety are not impaired. There may not be any underwater projections or obstructions which would endanger patron safety or interfere with proper pool operation.

005.04(B) BOTTOM SLOPE. The bottom of the pool must slope toward the main drain. Where the water depth is less than 5 feet, the bottom slope must not exceed 1 foot vertical in 12 feet horizontal (1:12). Where the water depth exceeds 5 feet, the bottom slope must not exceed 1 foot vertical in 3 feet horizontal (1:3).

005.04(C) POOL WALLS. Walls of a swimming pool must be either:

- (i) Vertical for water depths of at least 6 feet;
- (ii) Vertical for a distance of at least 3 feet below the water level, below which the wall may be curved to the bottom with a radius not greater than the difference between the depth at that point and 3 feet, provided that the vertical is interpreted to permit slopes not greater than 1 foot horizontally for each 5 feet of depth of sidewall (11 degrees from vertical); or
- (iii) At water depths of 3 feet or less a transitional radius must not exceed 8 inches and must be tangent to the wall and floor.

005.04(D) LEDGES. Ledges must not extend into the pool unless they are essential for support of the upper wall construction.

005.04(E) POOLS WITHOUT GUTTERS. Coping or cantilevered deck may project from a swimming pool or spa wall to provide a handhold for users. The coping or deck must be rounded, have a slip-resistant surface finish, and must not exceed 3-1/2 inches in thickness. The overhang of the coping or deck must not exceed 2 inches or be less than 1 inch. All corners created by coping or cantilevered deck must be rounded in both the vertical and horizontal dimensions to eliminate sharp corners. The handgrip must not be more than 9 inches above the minimum skimmer operating level.

005.04(F) DIVING AREAS. The minimum dimensions of the swimming pool and appurtenances in the diving area must conform to 178 NAC 2 Table 1.

005.04(F)(i) HEAD ROOM. There must be a completely unobstructed clear distance of 16 feet above the diving board measured from the center of the front end of the board. This area must extend at least 8 feet behind, 8 feet to each side, and 16 feet ahead of the measuring point.

005.04(F)(ii) DIVING BOARDS AND PLATFORMS. Diving boards and platforms in excess of 3 meters in height are prohibited except where special design considerations and control of use are provided.

005.04(F)(iii) STEPS AND GUARD RAILS FOR DIVING BOARDS. Steps must be of corrosion-resistant material, easily cleanable and of non-slip design. Handrails must be provided at all steps and ladders leading to diving boards more than 1 meter above the water. Platforms and diving boards which are more than 1 meter high must be protected with guard rails at least 36 inches high, extending at least to the edge of the water. Boards or platforms 3 meters (9.8 ft.) or higher, when permitted, must have an effective side barrier.

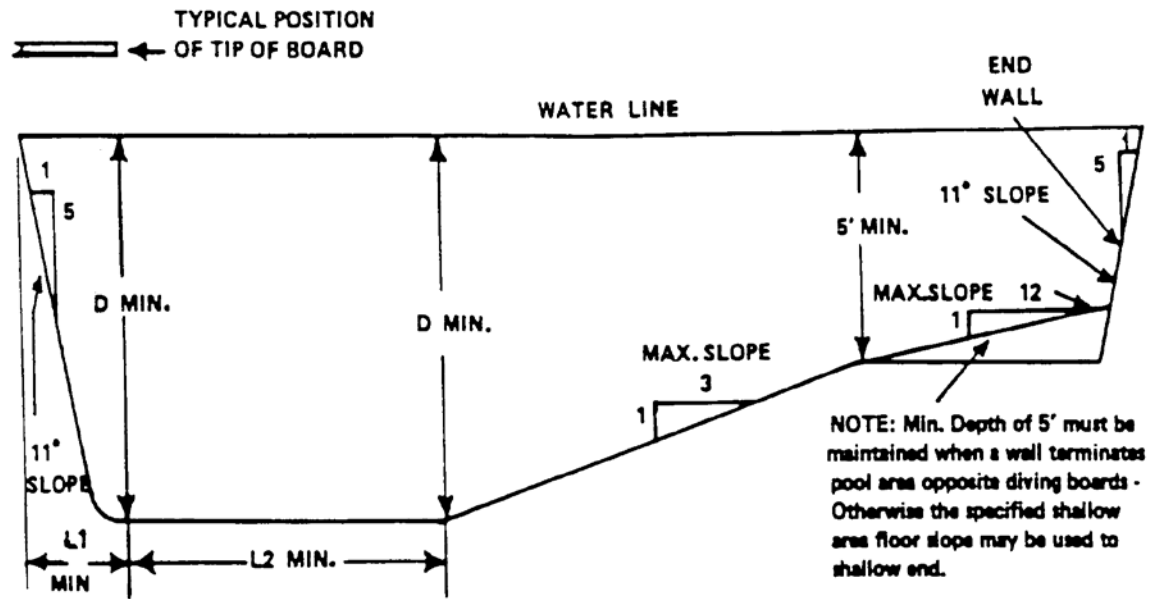


TABLE 1
MINIMUM DIMENSIONS FOR
POOLS WITH DIVING EQUIPMENT

		MINIMUM DIMENSIONS			
Maximum Board Height Over Water	Maximum Diving Board Length	D	L ₁	L ₂	POOL WIDTH
26" (2/3 meter)	10'	8' - 6"	2' - 6"	10' - 0"	20' - 0"
30" (3/4 meter)	12'	9' - 0"	3' - 0"	10' - 0"	20' - 0"
1 meter	16'	10' - 0"	4' - 0"	12' - 0"	20' - 0"
3 meter	16'	12' - 0"	6' - 0"	12' - 0"	24' - 0"

005.04(F)(iv) PLACEMENT. Placement of boards must observe the following minimum dimensions. With multiple board installations minimum pool widths must be increased accordingly. For diving boards or platforms greater than 20 inches in width, add ½ of the width over 20 inches to the following dimensions.

Center line of 1 meter or less board to pool side 10' - 0"
Center line of 3 meters board to pool side 12' - 0"
Center line distance between adjacent boards 10' - 0"

005.05 LADDERS, RECESSED STEPS, AND STAIRS.

005.05(A) LOCATION. Recessed steps, ladders, or stairs must be provided at the shallow end. Ladders or recessed steps must be provided at the deep end. If the pool is over 30 feet wide, the steps, ladders, or stairs must be installed on each side.

005.05(B) LADDERS. Pool ladders must be corrosion-resistant and must have slip-resistant treads. All ladders must be designed to provide a handhold. There must be a clearance of not more than 6 inches or less than 3 inches between any ladder and pool wall. Treads must be no more than 12 inches apart.

005.05(C) RECESSED STEPS. Recessed steps must be readily cleanable, slip-resistant, and must be arranged to drain into the pool. Recessed steps must have a minimum tread of 5 inches and a minimum width of 14 inches. Steps must be no more than 12 inches apart.

005.05(D) HANDRAILS. Where recessed steps or ladders are provided, there must be a handrail at the top of each side thereof, extending over the coping or edge of the deck.

005.05(E) STAIRS AND STAIR HANDRAILS. Where stairs are provided, they must be located in a corner of the pool or be recessed. All stair areas must have a handrail within reach. Stairs must have slip-resistant finish, a minimum tread of 12 inches, and a maximum rise of 12 inches.

005.06 UNDERWATER BENCHES AND SUN LEDGES.

005.06(A) UNDERWATER BENCHES. Requirements for underwater benches are as follows:

- (i) Must be slip resistant;
- (ii) The horizontal surface must be a maximum of 20 inches below water line;
- (iii) An unobstructed surface must be provided that is 12 to 18 inches deep and a minimum of 24 inches wide;
- (iv) Jets are not allowed in conjunction with benches;
- (v) May be installed in varying depths, but the maximum water depth will not exceed 5 feet; and underwater seats may be located in deep areas of the pool where diving equipment, either manufactured or constructed, is installed, provided they are located outside of the minimum water envelope for diving equipment; and
- (vi) Vertical and horizontal leading edges must be visually set apart with a continuous slip-resistant marking not less than 2/3 inch and not greater than 2 inches.

005.06(B) SUN LEDGES AND UNDERWATER SHELVES. The requirements for sun ledges and underwater shelves are as follows:

- (i) Depth must be 12 inches or less;
- (ii) The area leading to the deep portion of the pool must have stairs with handrails within reach;
- (iii) The horizontal leading edge of each stair will be visually set apart;
- (iv) There must be depth markers at the top and bottom of the stairs;
- (v) The sun ledge slope not to exceed 1:12; and
- (vi) There must be a minimum of two bottom inlets.

005.07 DECKS. A portion of the deck from the edge of the pool at least 5 feet wide must be unobstructed unless approved in the construction permit or a variance is obtained. The deck must be of a uniform, easily cleaned, impervious material with a slip-resistant finish. Wood decks are expressly prohibited within 5 feet of the pool. The deck must be protected from surface runoff.

005.07(A) SLOPE. The deck must be sloped away from the pool unless drains are provided to intercept water on the way back to the pool, and must be sloped to provide positive drainage of all deck areas.

005.07(B) DRAINAGE. Deck drains, when used, must be no more than 25 feet apart, and no single drain can serve more than 400 square feet of area. Continuous trench-style drains may be designed to handle areas greater than 400 square feet. There must be no direct connection between the pool deck drains and the storm or sanitary sewer or plumbing drainage systems unless approved in the construction permit or a variance is obtained. They must not drain to the pool gutter or recirculation systems.

005.07(C) ROLL-OUT GUTTERS. If the pool is equipped with roll-out, deck-level gutters, not more than 5 feet of deck may be sloped toward the gutters.

005.07(D) CARPETING. Carpeting is not permitted on pool decks.

005.07(E) HOSE BIBS. At least 1 hose bib with an appropriate backflow preventer must be provided to facilitate cleaning the deck areas.

005.07(F) POOL CONCESSIONS. Where concessions are provided, an area or areas separate from the pool deck must be designated for serving and consuming food or drink.

005.07(G) DRINKING FOUNTAIN. A minimum of 1 drinking fountain must be located in the swimming pool area for Class A swimming pools. Each drinking fountain must be connected to a water system that meets the requirements of 178 NAC 2-005.10(A).

005.08 BARRIERS. The pool area must be completely surrounded by an effective barrier not less than 6 feet high. Any special purpose areas inside the barrier must be fenced or constructed to control traffic. These areas must be designed so they will not drain onto the deck. Any entrance to the pool area must be provided with a self-closing and latching gate or door capable of being locked unless another means of controlling access is provided. The operating controls for the self-latching device must be located at least 48" above the exterior ground surface or pool deck. Barrier openings must be small enough that a 4-inch sphere is not able to pass through.

005.09 LIGHTING, ELECTRICAL, AND VENTILATION REQUIREMENTS.

005.09(A) LIGHTING. During periods of operation sufficient illumination must be provided to allow visibility of all portions of the pools, including the bottom. Illumination must be provided by natural or artificial means by the following:

- (i) Overhead lighting must provide a minimum of 3 foot candles of illumination at the pool water surface and the adjacent deck area;
- (ii) Underwater lighting must provide a minimum of 0.5 watts per square foot of pool water surface; and
- (iii) Underwater lighting requirements may be approved when the overhead lighting provides a minimum of 15 foot candles of illumination at the pool water surface.

005.09(B) ELECTRICAL. All electrical installations must conform to the requirements of the State Electrical Act, Neb. Rev. Stat. §§ 81-2101 through 81-2143.

005.09(C) HEATING AND VENTILATION. Indoor bathhouses, mechanical equipment rooms, storage areas, and pool enclosures must be heated and ventilated. Room ventilation must prevent direct drafts on swimmers and must minimize condensation damage. A fuel-burning heating unit must be provided with air for combustion and vented to the outdoors.

005.10 WATER SUPPLY AND WASTE WATER DISPOSAL.

005.10(A) WATER SUPPLY. Water supplied to a swimming pool and all related plumbing fixtures must use water from a public water system (PWS) or if a public water system (PWS) is not available, water quality must meet the requirements for coliform bacteria and nitrates that apply to a transient public water system in accordance with Title 179.

005.10(B) CROSS-CONNECTION CONTROL. All portions of the water distribution system serving a public swimming pool and related facilities must be protected against backflow and back siphonage. Water introduced into the pool, either directly or to the recirculation system, must be through an air gap or an appropriate approved backflow preventer as required by the Department.

005.10(C) SANITARY WASTES. Disposal must follow Title 123 or 124. Where available, a municipal sanitary sewage system must be used.

005.10(D) BACKFLOW PREVENTION. In a swimming pool, the recirculation system and pool deck drains must be protected against the backflow of waste water in a manner approved by the Department.

005.10(E) CONDENSATE. Condensate must not be introduced to the pool water or any part of the recirculation system.

005.10(F) HEAT EXCHANGERS. Any heating, dehumidification or cooling system which is connected in any way with the pool recirculation system must contain only nontoxic heat transfer media.

005.11 RECIRCULATION SYSTEM. Each swimming pool must be provided with a separate recirculation system, which will convey, clarify, chemically balance and disinfect the swimming pool water.

005.11(A) COMPONENTS. Recirculation system components must be certified to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 50 by an organization accredited by the American National Standards Institute.

005.11(B) RECIRCULATION RATE. A swimming pool recirculation system must meet volume and rate of exchange in Table 2.

Pool Turnover Rate Table 2

Type or Depth of Pool	Required Turnover Rate
Spray parks with no standing water	1 system volume of water every 30 minutes or less for a water treatment tank
Pool areas less than or equal to 2 feet in water depth	1 pool volume of water every 1 hour or less
Pool areas greater than 2 feet but less than or equal to 3 feet in water depth	1 pool volume of water every 2 hours or less
Pool areas greater than 3 feet but less than or equal to 5 feet in water depth	1 pool volume of water every 4 hours or less
Pool areas greater than 5 feet in water depth	1 pool volume of water every 6 hours or less
Plunge Pool for Flume Slide	1 pool volume of water every 1 hour or less

005.11(C) MATERIALS. Recirculation system components in contact with the swimming pool water must be of non-toxic material, resistant to corrosion, suitable for potable water use, and able to withstand operating pressures.

005.11(D) PIPE SIZING. Recirculation piping must be designed so that the water velocity does not exceed 10 feet per second on the discharge side of the recirculation pump, and 6 feet per second in suction piping. Gravity piping must be sized in accordance with accepted engineering practice with consideration of available head.

005.11(E) DRAINAGE AND INSTALLATION. All equipment and piping must be designed and fabricated to drain completely by use of drain plugs, drain valves or other means. All piping must be supported to prevent sagging. All suction piping must be sloped in 1 direction.

005.11(F) PIPE VALVE AND IDENTIFICATION. All exposed piping must be clearly marked to indicate function and use.

005.11(G) OVERFLOW SYSTEMS. All pools must be designed to provide continuous skimming. Makeup water supply equipment must be provided to maintain continuous skimming.

005.11(G)(i) GUTTERS (PERIMETER OVERFLOW SYSTEMS). The gutter must extend around the full perimeter of the swimming pool except at stairways and ramps 6 feet or less in width entering the swimming pool. It must be level within a tolerance of plus or minus 1/8 inch. Piping connections must be provided to permit water to flow from overflows to the recirculation system.

005.11(G)(i)(1) SIZE AND SHAPE. The gutter system must be designed to allow continuous removal of water from the pool's upper surface at a rate of at least 125 percent of the recirculation rate. The gutter must be designed to serve as a handgrip and to prevent entrapment of arms or legs.

005.11(G)(i)(2) OUTLETS. Drop boxes, converters, return piping or flumes used to convey water from the gutter must be designed to handle at least 125 percent of the recirculation rate. Drainage must be sufficient to minimize flooding and prevent backflow of skimmed water into the pool.

005.11(G)(i)(3) SURGE CAPACITY. All overflow systems must be designed with an effective surge capacity of not less than 1 gallon for each square foot of pool surface area. Surge must be provided within a surge tank, in the gutter or filter above the normal flow line, or elsewhere in the system. Surge tanks, gutters, and filter tanks must have overflow pipes to convey excess water to waste. Surge tanks must be provided with means for complete draining. In-pool surge is allowed only with an engineered perimeter gutter system which includes an integral surge weir for each 500 square feet of water surface, and a tank to allow balancing of main drain and gutter flows.

005.11(G)(ii) SKIMMERS. The use of skimmers is limited to pools with widths of 30 feet or less.

005.11(G)(ii)(1) CONSTRUCTION. Skimmers must be installed in the pool walls, and be constructed of corrosion-resistant materials. Skimmers must bear the American National Standards Institute/National Sanitation Foundation (ANSI/NSF) 50 certification mark or be certified to ANSI/NSF Standard 50 by an organization accredited by the American National Standards Institute.

005.11(G)(ii)(2) NUMBER. At least 1 surface skimmer must be provided for each 500 square feet of surface or fraction thereof. At least 2 skimmers must be provided.

005.11(G)(ii)(3) LOCATION. Skimmers must be located as to provide effective skimming of the entire water surface with minimum interference and short-circuiting.

005.11(G)(ii)(4) FLOW RATE. Skimmers must provide for a flow-through rate of 30 gallons per minute or 3.75 gallons per minute per lineal inch of weir, whichever is greater. Skimmer piping must be designed to handle a minimum of 100% of the pool turnover rate.

005.11(G)(ii)(5) CONTROL. Skimmers must have weirs that adjust automatically and operate freely and continuously with variations of at least 4 inches in water level. All skimmed water must pass through an easily removable and cleanable basket or screen before encountering control valves or entering the pump suction line. Each skimmer must be equipped with a device to control flow. If a skimmer is connected directly to the recirculation pump suction pipe, it must include a device to prevent an airlock in the suction line. If equalizer pipes are used, they must pass an adequate amount of water to meet pump suction requirements should the water in the pool drop below the weir level. The equalizer pipes must be located at least 1 foot below the lowest overflow level of the skimmer. A valve or equivalent device that will remain tightly closed under normal operating conditions, but automatically opens when the water level drops below the minimum operating level of the skimmer, must be provided on each equalizer pipe. Equalizer lines must have covers that comply with the American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) A112.19.8-2007 or -2008 or other standard approved under the federal Virginia Graeme Baker (VGB) Act.

005.11(G)(ii)(6) BALANCING. The recirculation system must be balanced to provide for optimum and uniform skimming.

005.11(H) MAIN DRAIN SYSTEM AND SUCTION OUTLETS. Main drains of the pool must be installed in the pool floor at the deepest point, and must comply with American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) A112.19.8-2007 or -2008 or other standard approved under the federal Virginia Graeme Baker (VGB) Act.

005.11(H)(i) NUMBER. 2 or more main drains or suction outlets, or a single unblockable main drain or suction outlet must be installed. Dual main drains or suction outlets must be connected in parallel, and must not permit any drain to be individually valved off.

005.11(H)(ii) SPACING. Dual main drains or suction outlets must be at least 3 feet apart but not greater than 20 feet on centers, and main drains must be provided not more than 15 feet from each side wall.

005.11(H)(iii) FIELD FABRICATED MAIN DRAINS OR SUCTION OUTLETS. Must be certified by a design professional per American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) A112.19.8-2007 or -2008 or other standard approved under the federal Virginia Graeme Baker (VGB) Act. The open area of the grate must not exceed 1.5 feet per second. Openings in grates must not be over 1/2-inch wide. Gratings must not be removable without the use of tools.

005.11(H)(iv) PIPING. The main drains and associated piping must carry 100 percent of the recirculation rate, and must be equipped with a valve.

005.11(I) ANTI-ENTRAPMENT FOR EXISTING POOLS.

005.11(I)(i) All pools must be equipped with anti-entrapment devices or systems that comply with the American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) A112.19.8-2007 or -2008 performance standard, or any other standard approved under the federal Virginia Graeme Baker (VGB) Act; and

005.11(I)(ii) All pools with a single main drain other than an unblockable drain must be equipped, at a minimum, with 1 or more of the following devices or systems designed to prevent entrapment by pool or spa drains that meets the safety requirements of any American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) performance standard if there is such a standard for such device or system, or any applicable consumer product safety standard:

005.11(I)(ii)(1) SAFETY VACUUM RELEASE SYSTEM. A system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to American Society of Mechanical Engineers/American National Standards Institute (ASME/ANSI) standard A112.19.17-2007 or American Society for Testing and Materials (ASTM) standard F2387;

005.11(I)(ii)(2) SUCTION-LIMITING VENT SYSTEM. A system with a tamper-resistant atmospheric opening;

005.11(I)(ii)(3) GRAVITY DRAINAGE SYSTEM. A system that utilizes a collector tank;

005.11(I)(ii)(4) AUTOMATIC PUMP SHUT-OFF SYSTEM. An automatic pump shut-off system;

005.11(I)(ii)(5) DRAIN DISABLEMENT. A device that disables the drain may be allowed per a design professional's certification and Department review and approval; and

005.11(I)(ii)(6) OTHER SYSTEMS. Any other system determined by the Department to be at least as effective as the systems described in items 005.11(I)(ii)(1) through 005.11(I)(ii)(5) above at preventing or eliminating the risk of injury or death associated with pool drainage systems.

005.11(J) PUMPS AND STRAINERS.

005.11(J)(i) STRAINERS. A cleanable strainer must be provided on all pressure filter systems before entering the pump. The strainer must have a quick-opening cover. At least 1 spare strainer basket must be provided. In systems where the filter is located on the suction side of the pump, strainers are not required.

005.11(J)(ii) PUMPING EQUIPMENT. A pump and motor must be provided for the recirculation of the swimming pool water. The pump must provide the recirculation flow rate, and the filter backwash rate unless a separate backwash pump is provided against the total dynamic head generated in the recirculation system. The pump must be self-priming or must be installed so that there is a net positive suction head on the pump inlet whenever the pump is operating. The Department may allow multiple pumps. A gauge which indicates pressure or vacuum, as appropriate, must be installed on the pump suction header, and a pressure gauge must be installed on the discharge side of the pump.

005.11(J)(iii) ACCESSIBILITY. Pumps and motors must be readily accessible for inspection and service.

005.11(K) FLOW MEASUREMENT AND CONTROL.

005.11(K)(i) FLOW MEASUREMENT. A flow meter or which gives a continuous indication of the flow rate in gallons per minute in the recirculation system must be provided. Flow meters must have a measurement capacity of at least 1.5 times the design recirculation flow rate, and must be accurate within 10% of the actual flow rate. The indicator must have a range of readings appropriate for the anticipated flow rates, and be installed where it is readily accessible for reading and maintenance, and with straight pipe upstream and downstream of any fitting or restriction in accordance with the manufacturer's recommendation.

005.11(K)(ii) FLOW REGULATION. A valve must be provided in the recirculation pump discharge piping.

005.11(L) INLETS.

005.11(L)(i) INLETS. The recirculation system must have inlets and must be based on a minimum of 1 return inlet per 300 square feet of pool surface area or fraction thereof. Wall inlets must be spaced not over 20 feet apart, with 1 inlet within 5 feet of each corner of the pool and 1 in each recessed step area.

005.11(L)(ii) LOCATION. Wall inlets must be located at least 12 inches below the design water surface, or not less than 6 inches if designed to provide downward flow. Bottom inlets must be uniformly spaced, with a separating distance of no greater than 20 feet.

005.11(L)(iii) TYPE. Inlet fittings must be of the adjustable rate-of-flow type. Directional flow inlets must be used with skimmer-type pools. Floor inlets must not project from the pool floor. Wall inlets must not extend from the wall more than 2 inches.

005.12 FILTRATION. At least one filter must be provided that bears the American National Standard Institute/National Sanitation Foundation (ANSI/NSF) Standard 50 certification mark or be certified to ANSI/NSF Standard 50 by an organization accredited by the American National Standards Institute. They must be installed with adequate clearance and facilities for ready and safe inspection, maintenance, disassembly and repair.

005.12(A) SAND FILTERS.

005.12(A)(i) FILTER RATE. The design filtration rate of rapid sand filters must not exceed 3 gallons per minute per square foot of filter area. High-rate sand filters must not exceed a filtration rate of 15 gallons per minute per square foot. Higher rates may be used if the filter has been successfully tested against American National Standard Institute/National Sanitation Foundation (ANSI/NSF) Standard 50 at the higher rate. The sand filter system must be equipped to backwash each filter at a rate of 15 gallons per minute per square foot of filter bed area, or as recommended by the manufacturer. A flow meter or other device which gives a continuous indication of the flow rate in gallons per minute to indicate the backwash rate for rapid sand filters must be provided. The backwash water must be discharged to waste through a suitable air gap.

005.12(A)(ii) FILTER MEDIA. Sand or other media must be carefully graded and meet the manufacturer's recommendation for pool use.

005.12(A)(iii) ACCESSORIES. Accessories must include both an influent pressure gauge and an effluent pressure gauge or a differential pressure gauge, a backwash sight glass, and an air relief valve. When required the filter system must have valving and piping to allow isolation, drainage, and backwashing of individual filters.

005.12(B) DIATOMACEOUS EARTH (DE) TYPE FILTERS.

005.12(B)(i) FILTER RATE. The design filtration rate for pressure or vacuum filters must be not greater than 2 gallons per minute per square foot of effective filter area, except that a maximum filtration rate of 2.5 gallons per minute per square foot may be

allowed for vacuum diatomaceous earth (DE) filters only where continuous "body feed" is provided.

005.12(B)(ii) PRECOATING. The filter piping must be designed to refilter or waste the effluent until a uniform body coat is applied.

005.12(B)(iii) REGENERATIVE-TYPE FILTERS. Regenerative-type filters must meet the same standards as other pressure filters. Bumping or agitating by air or manual means must be provided for, and provision for inspection of elements must be provided.

005.12(B)(iv) ACCESSORIES. Accessories for vacuum filters must include a vacuum gauge and a vacuum limit switch interconnected with the pump. Pressure filters require a backwash sight glass, effluent pressure gauge, influent pressure gauge and air relief valve. Valving and piping must be provided to allow isolation, drainage, and backwashing of individual filters, if needed for proper operation.

005.12(C) CARTRIDGE-TYPE FILTERS.

005.12(C)(i) FILTER RATE. The design filtration rate for surface-type cartridge filters must not exceed 0.375 gallons per minute per square foot.

005.12(C)(ii) CLEANING AND DISINFECTION. Equipment and facilities must be provided for cleaning and disinfection of filter elements.

005.12(C)(iii) ACCESSORIES. Accessories must include both an influent and an effluent pressure gauge or a differential pressure gauge and an air relief valve.

005.12(C)(iv) SPARE CARTRIDGE. An extra set of cartridges, with at least 100% filter area, must be provided.

005.13 DISINFECTION AND CHEMICAL APPLICATION.

005.13(A) CHEMICAL FEED EQUIPMENT. Feeders must withstand wear, corrosion or attack by chemicals. The design must minimize potential for blockage.

005.13(A)(i) INTENDED USE. The chemical feeder must only use chemicals recommended by the manufacturer.

005.13(A)(ii) SAFEGUARDS. The feeders must incorporate antisiphon safeguards so that the chemical cannot continue to feed if any type of failure of the pool equipment occurs. Chemical feed systems must be designed to prevent chemical feed when water is not flowing from the recirculation system to the pool.

005.13(A)(iii) CYANURIC ACID AND INDOOR POOLS.

005.13(A)(iii)(1) Cyanuric acid will not be allowed in new indoor pools.

005.13(A)(iii)(2) When replaced, a chemical feed system must not use cyanuric acid.

005.13(B) DISINFECTION. Swimming pools must be designed to provide for continuous disinfection of the pool water with a chemical which is an effective disinfectant, and which imparts an easily measured, active residual.

005.13(B)(i) DISINFECTANT FEEDERS. An automatic feeder which is easily adjustable must be provided for the continuous application of disinfectant.

005.13(B)(ii) CAPACITY. Feeders must be capable of supplying disinfectant at a rate of 0.1 pound per day chlorine (or equivalent) per gallon per minute recirculation flow. This equates to a minimum of 8 parts per million in the recirculation flow.

005.13(B)(iii) HYPOCHLORINATORS. Where hypochlorinators are used, feed must be capable of being continuous under all conditions of pressure in the recirculation system.

005.13(B)(iv) OTHER DISINFECTANTS. Feed equipment must bear the American National Standard Institute/National Sanitation Foundation (ANSI/NSF) -50 certification mark or be certified to ANSI/NSF Standard 50 by an organization accredited by the American National Standards Institute and must be installed in accordance with the manufacturer's instructions.

005.13(B)(v) TEST EQUIPMENT. The owner of each swimming pool must have at least the following testing equipment at the pool:

005.13(B)(v)(1) FERROUS AMMONIUM SULFATE-DIETHYL-P-PHENYLENE DIAMINE (FAS-DPD) TEST KIT. If other halogens are used, an appropriate scale must be provided. Electronic residual monitoring devices may be used in addition to the test kit.

005.13(B)(v)(2) pH TEST KIT. A pH test kit with a range from 7.0 to 8.0, accurate to the nearest 0.2 pH unit.

005.13(B)(v)(3) ALKALINITY TEST KIT. The alkalinity test range must be at least 60 to 400 parts per million (mg/L) as CaCO₃.

005.13(B)(v)(4) CYANURIC ACID TEST KIT. Where cyanurates are used, a test kit to measure the cyanuric acid concentration must be provided. It must permit readings to at least 100 parts per million (mg/L) with maximum increments of 25 parts per million (mg/L).

005.14 BATHHOUSE.

005.14(A) GENERAL. All Class A pools must have a bathhouse with dressing, shower, and sanitary facilities. All class B, C, D, E, and F swimming pools are required to have minimum sanitary facilities consisting of toilets and sinks. Omission of part or all of the pool-side shower and toilet facilities may be approved by the Department when adequate facilities are conveniently available as determined by the Department.

005.14(B) DESIGN CRITERIA.

005.14(B)(i) BATHHOUSE ROUTING. The location of the bathhouse must be adjacent to the pool.

005.14(B)(ii) BATHHOUSE DESIGN. Floors of the bathhouse must be of smooth-finish material with slip-resistant surface, impervious to moisture, easily cleanable and sloped at least 1/4 inch per foot to drains. Carpeting is not permitted in shower and toilet areas.

005.14(B)(iii) FIXTURE REQUIREMENTS. Unless approved pursuant to 178 NAC 2-005.14(A), bathhouse facilities must be provided based on maximum patron load designed for the swimming pool per Table 3. Fixtures provided in family changing rooms or other unisex restroom facilities which are available to swimming pool patrons may be included in the required male or female fixture count, but not both.

Fixture Requirement Table 3

Total Patron Load	Fixtures Required Male				Fixtures Required Female		
	Toilets	Urinals	Sinks	Showers	Toilets	Sinks	Showers
0-50	1	1	1	1	2	1	1
51-100	1	1	1	1	2	1	1
101-150	1	2	1	2	3	1	2
151-200	1	2	1	2	3	1	2
201-250	2	2	1	3	4	2	3
251-300	2	3	2	4	5	2	4
301-400	2	3	2	5	5	2	5
401-500	3	3	2	6	6	2	6
501-1000	3	4	2	7	7	2	7
1001-1500	4	5	2	10	9	2	10
1501-2000	5	6	2	15	11	2	15
2001 or more	6	7	3	20	13	3	20

005.14(B)(iv) HOSE BIBS. Hose bibs with a back-siphonage device must be provided to enable the entire bathhouse area to be flushed.

005.15 MISCELLANEOUS.

005.15(A) POOL CLEANING SYSTEM. A system must be provided to remove dirt and other foreign material from the pool. Built-in vacuum lines must not be used.

005.15(B) STARTING BLOCKS. Starting blocks, when provided, must be located where the water depth is at least 5 feet and must be removable.

005.15(C) SAND AREA RINSE SHOWERS. Sand areas are not allowed inside the pool enclosure unless separated by an effective barrier to control access to the swimming pool deck. Persons entering the swimming pool from the sand area must pass a water spray or shower. Drainage must not be directed to the pool.

005.15(D) BOILERS. Where boilers are provided, the design professional must ensure that they meet the Boilers Inspection Act, Neb. Rev. Stat. §§ 48-719 through 48-743.

005.16 SPRAY PARKS. Except as modified by 178 NAC 2-005.16, compliance is required with all other applicable portions of 178 NAC 2-005. A spray park includes no standing water and uses potable water that is recirculated and treated or from the deep area of a swimming pool. A play area with sprays or other features that uses only potable water that is not circulated is not included in this definition.

005.16(A) GENERAL.

005.16(A)(i) SURFACE MATERIAL. The surface of a spray park must be impervious and durable. Padding specifically designed for water features must be water resistant or must permit full drainage without retaining water in its structure. Walking surfaces must be slip-resistant.

005.16(A)(ii) SURFACE SLOPES. The splash zone must be properly sloped so that only water from the sprays flows back to the drains. Areas adjacent to the splash zone must be sloped away from the collection drains. Plants or vegetation within the immediate area of the splash zone are prohibited.

005.16(A)(iii) SPRAY PARK DRAINS. Must not be directly connected to a pump. At least 2 drains must be provided. The openings in the drain covers must be no wider than ½ inch. Drain covers must be securely fastened to the drain structure so that they cannot be removed without tools. Drains and the associated piping must be designed for 125% of the flow into the spray park (play feature and recirculation, as applicable).

005.16(A)(iv) PLAY FEATURES.

005.16(A)(iv)(1) SURFACE SPRAYS. Must be flush with the spray park surface. Spray openings must be ½ inch or less.

005.16(A)(iv)(2) ABOVE GROUND FEATURES. Must not present a tripping hazard. Features must not have sharp edges or points, or rough surfaces and must be of corrosion-resistant materials or coating.

005.16(A)(iv)(3) ATOMIZED MISTS. All sprays that produce finely atomized mists must be connected to a separate potable water source.

005.16(B) WATER TREATMENT TANK. The recirculation system must be independent from any adjacent swimming pool. The recirculation system components and design must

comply with all other applicable parts of 178 NAC 2-005 except as modified by 178 NAC 2-005.16.

005.16(B)(i) WATER VOLUME. Must be 5 minutes of the flow in gallons per minute of the spray features and the recirculation system combined or 4,000 gallons, whichever is the larger volume.

005.16(B)(ii) RATE. A 30 minute turnover must be provided.

005.16(B)(iii) TANK VOLUME. Must have a volume of at least 125% of the volume specified in 178 NAC 2-005.16(B)(i). The tank must be accessible for cleaning and inspection.

005.16(B)(iii)(1) DRAIN. Must be provided with a drain to waste and not directly connected to a sanitary system.

005.16(B)(iii)(2) AUTOMATIC LEVEL CONTROL. The water level must be automatically maintained at the overflow level.

005.16(B)(iv) SEPARATE SYSTEMS. The recirculation treatment system and the play feature pump(s) and piping must be separate. The play feature pump system must not operate if the recirculation system pump is not operating.

005.16(B)(v) PLAY FEATURE PIPING. The play feature pump suction and return line to the water storage tank must be designed to prevent short-circuiting. The suction intake for the recirculation pump must be located in the lowest portion of the water treatment tank. Play features and piping must automatically drain into the water treatment tank when the play features are not operating. An easily readable flow meter that complies with the requirements of 178 NAC 2-005.11(K)(i) must be installed in the play feature circulation system.

005.16(B)(vi) TREATED WATER DISTRIBUTION. The water storage tank must be designed to maintain water quality as outlined in 178 NAC 2-006.

005.16(B)(vii) SAMPLE TAP. A sample tap must be available in the equipment area for the play feature piping.

005.17 FOUNTAINS, SPRAYS, OR SIMILAR FEATURES. Are permitted only in water depths not exceeding 2 feet. These features must be of a nonclimbable design, unless specifically manufactured as a climbing structure. Water supplied to these fountains must come from the recirculation system after filtration. Water supplied to these fountains may also come from the deepest portion of the main swimming pool excluding the surge tank, main drain, gutters, skimmers, and depths of less than 2 feet. Dedicated wading or zero depth pools not exceeding 2 feet in depth must use filtered water.

005.18 BRIDGES AND OVERHEAD OBSTRUCTIONS. The minimum height of the bridge or obstruction must be at least 8 feet from the bottom of the pool and at least 4 feet above the surface of the pool. Minimum 42-inch high handrails must be provided along each side of the bridge. The walking surfaces must be constructed of concrete or other nonabsorbent material having a smooth slip-resistant finish.

005.19 SPAS. A spa is not intended to be drained, cleaned, and refilled after each individual use. It may include, but not be limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction systems, or any combination thereof. A pool used under direct supervision of licensed healthcare professionals is excluded.

005.19(A) GENERAL. Requirements for conventional swimming pools may be modified for spas at the discretion of the Department. Except as modified by 178 NAC 2-005.19, compliance is required with all other applicable sections of 178 NAC 2-005.

005.19(B) PHYSICAL SEPARATION. A spa must be physically separated from any other swimming pool.

005.19(C) PATRON LOAD. The patron load must not exceed 1 person per 3 lineal feet of seat or bench measured at the front edge.

005.19(D) MAXIMUM DEPTHS. The maximum water depth must be 4 feet measured from the water line. The maximum depth of any seat or sitting bench must be 2 feet measured from the water line.

005.19(E) STAIRS, LADDERS, AND RECESSED TREADS. Must be provided when spa depths are greater than 2 feet. A spa must be equipped with at least 1 means of egress with handrails for each 50 feet of perimeter or portion thereof.

005.19(F) DECK WIDTHS. A 5 foot minimum width, continuous, unobstructed deck, which may include the coping, must be provided on 50% or more of the spa. When the spa is adjacent to another pool, the spa must be located at the shallow end, with a minimum distance of 5 feet between the 2 bodies of water.

005.19(G) WATER TEMPERATURE CONTROLS. Must be provided to prevent water temperatures in excess of 104 degrees Fahrenheit (40°C) and must be accessible only to a Nebraska swimming pool operator.

005.19(H) SPA DRAINAGE. The spa must be equipped to completely drain. Water suction outlets must conform to 178 NAC 2-005.11(H) or 178 NAC 2-005.11(I).

005.19(I) SURFACE SKIMMERS. 1 surface skimmer must be provided for each 100 square feet or major fraction thereof of surface area.

005.19(J) RECIRCULATION SYSTEM INLETS. A minimum of 2 inlets must be provided.

005.19(K) AIR INDUCTION SYSTEMS. An air induction system, must prevent water back-up that could cause electrical shock hazards. Air intake sources must not permit the introduction of toxic fumes or other contaminants.

005.19(L) DISINFECTANT FEEDERS. Gas chlorinators must not be used.

005.19(M) RECIRCULATION RATE. The recirculation rate must provide 30 gallons per minute per skimmer, or provide a 30-minute turnover, whichever provides a greater flow rate.

005.19(N) AGITATION SYSTEMS. The agitation system must be connected to a timer located out of reach of persons in the spa. The timer must not exceed 15 minutes.

005.19(O) EMERGENCY SHUTOFF. Must be located within sight of the spa, at least 5 feet horizontally from the inside walls of the spa, and must be clearly labeled. This control must disable all spa circulation, agitation, air induction systems, as well as other associated mechanical, chemical feed and electrical devices.

005.19(P) ROOFS OR CANOPIES OVER SPA. Must be constructed so that moisture or condensation from the roof or canopy will not drain into the spa. Where a roof or canopy covers the spa, the height from the rim of the spa to the lowest point of the canopy must be at least 7-1/2 feet.

005.19(Q) HEATING. All room heating units must be isolated or protected from contact with spa users to prevent injury. The spa room-heating unit must be capable of maintaining a temperature of 75°F to 82°F.

005.19(R) THERMOMETER. An in-line thermometer on the spa water return line is required.

005.20 WADING POOLS.

005.20(A) GENERAL. Except as modified by 178 NAC 2-005.20, compliance is required with all other applicable parts of 178 NAC 2-005.

005.20(B) RECIRCULATION.

005.20(B)(i) RATE. The recirculation rate must provide a turnover of 1 hour or less.

005.20(B)(ii) SEPARATE SYSTEM. A wading pool must have a separate recirculation system from other swimming pools.

005.20(B)(iii) SURFACE SKIMMING. Intermittent fixed weir overflow structures, including gutters, scuppers, and drains at zero depth may be used. The overflow system must have a hydraulic capacity of at least 125 percent of the recirculation flow rate.

005.20(B)(iv) SKIMMER EQUALIZER LINE. May be connected to the main drain.

005.20(B)(v) INLETS. Inlets must be located to distribute treated water to all parts of the wading pool and to move debris to the overflow and drain systems.

005.20(C) SAFETY.

005.20(C)(i) BARRIER AND LOCATION. When a wading pool is in the same enclosure as a supervised swimming pool, it must be near the shallow end of the pool, and there must be a barrier at least 3 feet high between the wading pool and the swimming pool with a self-closing, self-latching gate.

005.20(C)(ii) BARRIER. Stand-alone wading pools or wading pools associated with unsupervised swimming pools must have a barrier, as required by 178 NAC 2-005.08.

005.20(C)(iii) DEPTH MARKING. Signs must be provided at the pool indicating the maximum depth in addition to other required depth markings.

005.20(C)(iv) STEPS OR LADDERS. Steps or ladders are not required at wading pools.

005.21 WAVE POOLS. Pools with wave generating equipment and a design which provides for control of the waves within the side walls and dissipation of the waves at a zero depth shallow end.

005.21(A) GENERAL. Requirements for conventional swimming pools may be modified for wave pools at the discretion of the Department. Except as modified by 178 NAC 2-005.21, compliance is required with all other applicable sections of 178 NAC 2-005.

005.21(B) GUTTERS. Overflow gutters must be provided, but may be omitted along the side of the pool with the wave generating equipment if effective skimming devices are provided instead. Continuous skimming must be provided during the quiescent period over the entire length of the gutter. The zero depth end must have a continuous trench with a grate.

005.21(C) DECKS AND LADDERS.

005.21(C)(i) BARRIERS. A safety railing or other effective barrier at least 42 inches in height must be provided to prevent swimmers from entering the pool at any location other than the zero water depth end. It must have at least 1 intermediate-height rail or rope.

005.21(C)(ii) RUNOUT. Runout areas sloping down toward the zero depth trench must not exceed 4 feet.

005.21(C)(iii) ACCESS. Deck areas accessible to swimmers may be omitted along the side of the pool with the wave generating equipment.

005.21(C)(iv) LADDERS. Ladders must be of a recessed design.

005.21(D) WAVES.

005.21(D)(i) MAGNITUDE. The wave generating equipment must not be capable of producing waves of a magnitude which could cause swimmers to have contact with the pool bottom in the deep end.

005.21(D)(ii) EMERGENCY SHUTOFF. An emergency shutoff for the wave generating equipment must be provided at every lifeguard chair at a minimum. At least 4 emergency shutoffs must be provided.

005.21(E) OPENINGS.

005.21(E)(i) INLET. The zero depth area must have bottom inlets.

005.21(E)(ii) OPENINGS TO WAVE GENERATING EQUIPMENT. Openings to wave generating equipment must be designed to prevent entrapment of swimmers.

005.22 ZERO DEPTH POOLS.

005.22(A) GENERAL. Except as modified by 178 NAC 2-005.22, zero depth pool facilities must comply with all other applicable provisions of 178 NAC 2-005.

005.22(B) ZERO DEPTH END. A gutter or trench with a grate cover is required along all zero depth areas. It must be at an elevation that allows effective skimming at the trench at all times.

005.22(C) RUNOUT. Runout areas sloping toward the zero depth trench must not exceed 6 feet.

005.22(D) BOTTOM INLETS. A system of bottom inlets must be provided in the shallow end, designed to provide the minimum of a 2-hour turnover for that area.

005.23 POOL SLIDES. All slides used at pools must be specifically designed and intended for use with a pool. An emergency shutdown control must be provided for all water slides. This control must stop all water flow on the slide and must be mounted in the pool area, no more than 50 feet from the slide for lifeguards or for slide users. Water slides require special consultation with the Department for consideration of design variations and areas where potential problems may exist. Requirements for swimming pools may be modified for water slides at the discretion of the Department. Except as modified by 178 NAC 2-005.23, compliance is required with all other applicable sections of 178 NAC 2-005.

005.23(A) ENTRY. Slide entry areas must be designed so the rider is able to properly enter and position himself or herself before sliding down the chute. This area must be a small platform or a less-sloped portion of chute, with well-placed assist bars.

005.23(B) HANDRAILS. Slides must have handrails on both sides of the ladder or steps. Platforms and landings must have guardrails not less than 42 inches high, with an effective barrier such that a 4-inch diameter sphere cannot pass through. Handrail height must not be less than 34 inches and not more than 38 inches high, with balusters or ornamental patterns such that a 4-inch diameter sphere cannot pass through.

005.23(C) PUMP INTAKE. Water from the surge tank and water leaving the pool for recirculation (for example, main drain, gutter, skimmers, and main drain line) must not be used for pump intakes.

005.23(D) CHILDREN'S ACITIVITY SLIDES. Children's activity slides are small slides with a low exit velocity designed by the manufacturer for use by small children at pools. They must be designated by the manufacturer for use in 24 inches or less of water.

005.23(E) DROP SLIDES. A drop slide discharges to a pool with a drop of more than 2 inches to the water surface.

005.23(E)(i) LANDING AREA. There must be a drop slide landing area extending 5 feet on either side of the center line of the slide and from the back wall to 20 feet in

front of the slide terminus. This area must not infringe on the required landing areas for other pool equipment.

005.23(E)(ii) LANDING AREA DESIGNATION. The landing area must be clearly designated by float ropes. A slide mounted in a separate diving area may be allowed to use the diving area separation as long as access to the diving well is restricted to patrons using the slide and diving equipment.

005.23(E)(iii) SLIDE TERMINUS. The terminus of the chute must extend beyond the pool wall, and must not interfere with the safety area of other pool equipment.

005.23(E)(iv) EXIT ANGLE. The maximum angle of the slide runway at the exit must be between 0 degrees and 11 degrees, measured downward from horizontal.

005.23(E)(v) WATER DEPTH. The area from the slide terminus outward 6 feet in front of the slide terminus must have a depth as established from the table below. The slide must be constructed so the rider enters the water in this 6-foot area. If the depth is 5 feet or less, the bottom in this area must have a maximum slope of 1 inch in 12 inches (1:12), and the slide must be located at least 5 feet from any change to steeper slope of the pool bottom.

Water Depth from the Slide Terminus to 6 Feet in Front of the Terminus (see above)	Corresponding Maximum Exit Height Above the Water
4 feet minimum	2 to 12 inches
>4 to 8 feet minimum	greater than 12 to 42 inches (Subject to interpolation)

005.23(E)(vi) MAXIMUM DROP. The maximum drop height at the terminus of the slide must not exceed 42 inches.

005.23(F) FLUME SLIDES. A flume slide consists of 1 or more flumes entering a plunge pool or dedicated plunge area of a multiple use pool at or near the water level.

005.23(F)(i) FLUMES.

005.23(F)(i)(1) POSITION. A flume must be perpendicular to the plunge pool wall for a distance of at least 10 feet from the exit end of the flume.

005.23(F)(i)(2) CLEARANCE. The distance between the side of a flume terminus and a plunge pool side wall must be at least 4 feet. The distance between sides of adjacent flume terminuses must be at least 6 feet. The distance between a flume exit end and the opposite side of the plunge pool, excluding steps, must be at least 20 feet.

005.23(F)(i)(3) ELEVATION. A flume must terminate at a depth between 6 inches below the plunge pool operating water surface level and 2 inches above the water surface level. The flume must not exceed a 1-in-ten slope for a distance of at least 10 feet from its exit end.

005.23(F)(i)(4) DESIGN. The design of the flume must minimize abrupt contact with the slide and prevent people from being airborne.

005.23(F)(ii) PLUNGE POOLS.

005.23(F)(ii)(1) DEPTHS. The plunge pool operating water depth at the end of a flume must be 3 to 4 feet. A depth of at least 3 feet must be maintained in front of the flume for a distance of at least 10 feet, from which the pool floor may have a constant slope upward.

005.23(F)(ii)(2) PLUNGE AREA. The plunge area in multi-use pools must be designated by float ropes, and each area must have ladders, steps, or stairs for egress.

005.23(F)(iii) FLUME PUMPS.

005.23(F)(iii)(1) CHECK VALVES. Each flume pump discharge pipe must have a check valve.

005.23(F)(iii)(2) WALKWAYS. A 4-foot minimum width, surfaced walkway or steps must be provided between the plunge pool deck and the steps leading to the top of the flume(s).

005.23(F)(iii)(3) PUMP RESERVOIR. If a separate pump reservoir is provided, it must have a main drain and surface skimmer, both connected to the recirculation system.

005.24 LAZY RIVER RIDES. Except as modified by 178 NAC 2-005.24, compliance is required with all other applicable parts of 178 NAC 2.

005.24(A) CONSTRUCTION MATERIAL. Lazy River Rides must be constructed of concrete or other impervious materials with a nontoxic, smooth and slip-resistant finish. These rides must be of such shape and design as to be operated in a safe and sanitary manner.

005.24(B) WATER DEPTH. The maximum water depth of the Lazy River Ride must not exceed 4 feet.

005.24(C) DECKS. Decking must be provided at the entrance and exit points as necessary to provide safe patron access but must not be smaller than 10 feet in width and length. Additional decking along the ride course is not required except that decking is required at lifeguard locations and emergency exit points.

005.24(D) EMERGENCY EXIT LOCATIONS. Access and exit must be provided at the start and end of the ride only, except that emergency exit locations may be located along the ride course as necessary to provide for the safety of the patrons.

005.24(E) PATRON LOADING. 25 square feet of Lazy River water surface area must be provided for each patron.

006. OPERATION AND MANAGEMENT OF PUBLIC SWIMMING POOLS.

006.01 PERMIT REQUIREMENTS AND PROCEDURES. Before operating a swimming pool, a person must apply for and obtain an operating permit from the Department. The permit is not transferable and must be renewed annually. The permit expires at midnight of March 31 of each year unless otherwise suspended or revoked. The permit must be conspicuously posted on the pool premises.

006.01(A) OPERATING PERMIT. The owner or Nebraska swimming pool operator of a pool facility must apply for an operating permit on forms provided by the Department.

006.01(B) OPERATOR COURSE. An individual wanting to obtain a certificate of competency from the Department, must attend a Nebraska swimming pool operator clinic, take an exam provided by the Department, and obtain a passing score of 70%. The individual must apply for a certificate of competency on forms provided by the Department.

006.01(C) SCHEDULE OF FEES. Fees associated with operating permits, inspections, and certificates of competency are as follows:

006.01(C)(i) PERMIT FEE. A fee of \$40 to obtain an annual operating permit must be paid by the owner of the pool.

006.01(C)(ii) OPERATIONAL INSPECTION FEES. Operational inspection fees are separate from and in addition to the engineering inspection fee found in 178 NAC 2-003.04(D)(iv). Pools owned by a municipal corporation are exempt from inspection fees.

006.01(C)(ii)(1) INITIAL INSPECTION FEE. A fee of \$60 for each initial inspection conducted by the Department must be paid by the owner or Nebraska swimming pool operator of any swimming pool at the time the permit application is submitted.

006.01(C)(ii)(2) ADDITIONAL INSPECTION FEE. A fee of \$60 for each additional inspection conducted by the Department must be paid by the owner or Nebraska swimming pool operator of any swimming pool within 30 days of inspection.

006.03(C)(iii) EXAMINATION AND CERTIFICATE OF COMPETENCY FEE. Individuals and Nebraska swimming pool operators who are tested at Nebraska swimming pool operator clinics conducted by the Department must pay an examination and certificate of competency fee of \$40. The certificate is valid for 2 years from date of issuance. Nebraska swimming pool operator certificate of competency fees must be paid before issuance of the certificate.

006.03(C)(iv) CERTIFICATION OF PERMIT OR CERTIFICATE OF COMPETENCY FEE. A fee of \$25 must be paid to the Department for issuance of a certification of an operating permit or a Department issued Nebraska swimming pool operator certificate of competency.

006.03(C)(v) VERIFICATION OF PERMIT OR CERTIFICATE OF COMPETENCY FEE. A fee of \$5 must be paid to the Department for verification of an operating permit or a Department issued Nebraska swimming pool operator certificate of competency. The verification includes written confirmation as to whether a permit or certificate of competency was valid at the time the request was made.

006.03(C)(vi) DUPLICATE PERMIT OR CERTIFICATE OF COMPETENCY FEE. A fee of \$10 must be paid to the Department for a duplicate operating permit or Department issued Nebraska swimming pool operator certificate of competency.

006.03(C)(vii) METHOD OF PAYMENT. The Department will accept payment by personal or certified check, cashier's check, money order, or currency. Checks must be made payable to the "Department of Health and Human Services". Payments made in currency, until properly receipted, are not the responsibility of the Department. The Department will not accept payments made in stamps, foreign currency, or third party endorsed checks.

006.03(C)(viii) REFUNDS. The Department will not refund any fee paid for which the applicable service has been performed except in cases of mistake or fraud.

006.03(C)(ix) PENALTIES. Failure to pay the specified fees for the permit or inspection of a swimming pool constitutes cause for the denial, suspension, revocation, or refusal of renewal of the operating permit.

007. POOL OPERATING STANDARDS.

007.01 SAFETY REQUIREMENTS. The following safety requirements must be met at all pools unless otherwise indicated:

- (1) Water in unbreakable containers is permitted in the swimming pool. Food and beverages are permitted in designated areas of the pool deck if they are in unbreakable containers;
- (2) Class A, B, and F pools must have a boundary line per 178 NAC 2-002.03. During swimming lessons, lap swims, and swim meets, ropes and floats may be moved to enable those purposes to be accomplished if the pool is under the direct supervision of an individual responsible for supervising the group;
- (3) Water depth must be plainly marked at or above the water surface on the vertical pool wall and on the edge of the deck at maximum and minimum points of break between the deep and shallow portions and at intermediate increments of depth, spaced at no more than 25-foot intervals. Depth markings must be in numerals at least 4 inches high and in a color contrasting with the background. Where depth markings cannot be placed on the vertical walls above the water level, or space does not allow 4-inch letters, other means must be used so that markings are plainly visible to persons in the pool;
- (4) Each lifeguard on duty must have within arm's reach a rescue tube equipped with a 6-foot long strap or tow rope. Class B and Class F pools must provide either a rescue tube or a ring buoy, United States Coast Guard approved, or its equivalent, with an attached rope at least as long as the width of the pool;
- (5) Class B pools must provide a shepherd's crook type of pole having blunted ends with a minimum length of 12 feet;
- (6) Class A pools must have a backboard equipped with at least three straps.
- (7) First aid kit
 - (a) Each Class A pool must have a first aid kit which contains the following materials:
 - (i) 3 units triangular bandage;
 - (ii) 2 units 1" tape;
 - (iii) 6 units 3" x 3" plain gauze pad;
 - (iv) 2 units 2" x 6 yds. gauze roller bandage;
 - (v) 1 unit tweezer, bandage scissor;

- (vi) 1 unit Red Cross First Aid Book or an equivalent substitute;
 - (vii) 1 unit assorted bandages, such as Band-aids;
 - (viii) 1 unit latex-free gloves (or equivalent);
 - (ix) 1 unit rescue breathing face shield or mask; and
 - (x) 1 unit emergency response pack for cleaning up blood.
- (b) All other pools must have a first aid kit;
- (8) Lifesaving equipment must be mounted in conspicuous places, accessible, its function plainly marked, and kept in repair and ready condition. Bathers or others must not be permitted to tamper with, use for any purpose other than its intended use, or remove such equipment from its established location;
 - (9) Swimming pools must have an accessible working telephone in the pool enclosure or easily visible from the pool enclosure with emergency telephone numbers prominently posted. If a cellular phone is used, service must be reliable, the phone charged at all times, and be equipped with 911 locations services;
 - (10) All Class A swimming pools must conduct an emergency drill within 30 days of opening for the season. Additionally, an emergency drill must be conducted with new pool employees within 30 days of employment. Pools operating year round or seasonal pools that operate for more than 6 months a year, must conduct emergency drills at least once every 6 months;
 - (11) The pool owner or the Nebraska swimming pool operator must immediately notify the Department of any drowning or near drowning. Any accident occurring on the pool premises requiring hospitalization or medical treatment must be reported within 24 hours on forms provided by the Department;
 - (12) Footbaths are prohibited;
 - (13) Ladders, ladder rungs, ramps, and handrails must be securely anchored;
 - (14) During hours of operation, unsupervised entrance areas and gates for fences separating wading pools, spas, and swimming pools within the perimeter fence must not be locked but must be self-closing and self-latching;
 - (15) A thermometer must be available for each Class C pool;
 - (16) Decks must be clear of bags and personal items in an area large enough to allow emergency personnel to reach a victim;
 - (17) A properly operating carbon monoxide detector is required in the pool enclosure for indoor pools where gas or propane is used for heating and in enclosed mechanical rooms where there is a gas or propane fueled water heater;
 - (18) Water temperature in a pool must not exceed 104 ° F;
 - (19) An emergency shutoff switch must be located within sight of the spa, at least 5 feet horizontally from the inside walls of the spa, and must be clearly labeled. This control must disable all spa circulation, agitation, air induction systems, as well as other associated mechanical, chemical feed, and electrical devices, not including lighting;
 - (20) Skimmers and drain covers must be kept clean and operational;
 - (21) The chemical feed system must be maintained and operational;
 - (22) All gauges associated with the operation and maintenance of the pool must be properly maintained;
 - (23) Covers on outlets that create suction must be properly maintained;
 - (24) The bottom and sides of a pool must be white or a light color, with a smooth and easily cleanable surface;
 - (25) Pool lighting must be secure and in good operating condition;
 - (26) The barrier surrounding the pool must be maintained so that any openings will not allow a 4-inch sphere to pass through;
 - (27) Backflow or cross connection devices must be in place where required and must be

- properly maintained;
- (28) All pools must have main drain systems, suction outlets or anti-entrapment devices or systems that comply with 178 NAC 2-005.11(H) and 2-005.11(I);
- (29) Chemical safety;
- (a) Chemicals that are toxic or irritating to humans must not be added to a swimming pool from the deck of the pool while the pool is in use. This includes, but is not limited to, disinfectant chemical, pH control chemical, algaecide, and shock treatment chemical. When chemical additions are made from the deck, the Nebraska swimming pool operator must follow the manufacturer's instructions for proper use of the product. The Nebraska swimming pool operator must test the water as appropriate before allowing use of the swimming pool. The chemical addition and the test results must be recorded in the swimming pool records;
 - (b) Chemical storage containers must be clearly labeled and treatment chemicals must be stored and handled in accordance with the manufacturer's recommendations;
 - (c) Material safety data sheets (SDS) for the chemicals used at the pool must be at the facility in a location known and readily accessible to the facility staff;
 - (d) A warning sign stating "AUTHORIZED PERSONNEL ONLY" must be placed on the door of rooms where chemicals are used or stored, or where bulk containers are located. Rooms must be kept locked at all times except when occupied by authorized personnel;
 - (e) Where chlorine gas is used, chlorine cylinders and proportioning equipment must be housed in a separate, well-ventilated enclosure. All full and empty chlorine cylinders must be secured to the scale or to the walls to prevent accidental tipping. The enclosure must have a vent at floor level which terminates out-of-doors and must contain:
 - (i) An approved scale for weighing the chlorine cylinders to determine the amount of chlorine fed over any period and to permit the Nebraska swimming pool operator to know when the supply of chlorine in the cylinder is nearing exhaustion;
 - (ii) An ammonia fume dispenser bottle to be used to check for chlorine leaks;
 - (iii) An approved chlorine cylinder valve stem wrench. This wrench must be maintained on the valve stem of the cylinder(s) in use so that the chlorine supply can be shut off quickly in the case of an emergency; and
 - (iv) Valve protection hoods kept in place on all cylinders except those attached to the chlorinator.

007.02 WATER QUALITY AND DISINFECTANTS. Failure to meet any standard in this section will result in immediate closing of the swimming pool, except item K.

007.02(A) CLARITY. The water must be sufficiently clear at all times so the main drain cover or grate is visible.

007.02(B) DEBRIS. The pool water must be free from all scum and floating matter on the surface and from dirt and other materials or objects.

007.02(C) COMBINED CHLORINE. If a chlorine chemical is used for disinfection, the water must be tested for combined chlorine at least once each week the swimming pool is open for use. The combined chlorine must not exceed 0.5 parts per million (ppm).

007.02(D) CHLORINE. Spas using chlorine as a disinfectant must maintain a free chlorine residual of at least 3.0 parts per million (ppm). All other swimming pools using chlorine as a disinfectant must maintain a free chlorine residual of at least 2.0 parts per million (ppm) in all parts of the pool.

007.02(E) BROMINE. Spas using bromine as a disinfectant must maintain a total bromine residual of at least 4.0 parts per million (ppm). All other swimming pools using bromine as a disinfectant must maintain a total bromine residual of at least 2.0 parts per million (ppm) in all parts of the pool.

007.02(F) MINIMUM DISINFECTANT LEVELS. A spa must be closed if the free chlorine residual is less than 3.0 parts per million (ppm) or the total bromine residual is less than 4.0 parts per million (ppm). All other pools must be closed if the minimum level of free chlorine residual is less than 2.0 parts per million (ppm) or the total bromine residual is less than 2.0 parts per million (ppm).

007.02(G) MAXIMUM DISINFECTANT LEVELS. All swimming pools must be closed if the free chlorine residual exceeds 10.0 parts per million (ppm) or the total bromine residual exceeds 18 parts per million (ppm).

007.02(H) OTHER DISINFECTANTS. The Department will accept other disinfection methods when it has been adequately demonstrated that they provide a satisfactory residual which is easily measured and that they are as effective under conditions of use as is the chlorine concentration specified in 178 NAC 2-007.02(D), and are not dangerous to public health.

007.02(I) CYANURATES. In pools where cyanurates are used, the cyanuric acid levels must be below 90 parts per million (ppm).

007.02(J) pH. The water must maintain a pH of not less than 7.2 and not over 7.8.

007.02(K) ALKALINITY. The total alkalinity of the water must be a minimum of 80 parts per million (ppm).

007.03 REQUIRED TESTING AND RECORDKEEPING. The following records must be kept on forms provided by the Department.

007.03(A) DAILY RECORDS AND TESTS. Daily records must document patron load totals, amounts of chemicals used, and maintenance or any malfunction of equipment. Daily records must also document the following tests, which must be performed every day:

- (i) The disinfectant residual must be tested before opening and then at intervals not longer than four hours until closing time. If the swimming pool, wading pool, or spa is equipped with an automatic controller with a readout or printout of the disinfectant residual, the Nebraska swimming pool operator may make visible readings of the disinfectant residual and record them. The swimming pool water must be tested manually by means of a Ferrous Ammonium Sulfate-Diethyl-P-Phenylene Diamine (FAS-DPD) test at least once per day before opening. The Nebraska swimming pool operator must specify in the pool records which test is from the automatic controller and which is done manually;
- (ii) The pH of the water must be tested each day by means of a phenol red test or equivalent before opening and then at least every four hours until closing time.

- If the swimming pool, wading pool, or spa is equipped with an automatic controller with a readout or printout of pH, the Nebraska swimming pool operator may make visible readings of the pH and record them. The swimming pool water must be tested manually at least once per day before opening. The Nebraska swimming pool operator must specify in the pool records which test is from the automatic controller and which is done manually. The pH instrumentation must be calibrated periodically according to the manufacturer's instructions if the readout is to be used to supplement manual pH readings; and
- (iii) Spa temperature must be taken before opening and then at intervals not longer than four hours until closing time.

007.03(B) WEEKLY RECORDS AND TESTS. Records must document the following tests, which must be performed every week:

- (i) Total alkalinity;
- (ii) Combined chlorine, if chlorine is used as a disinfectant; and
- (iii) Cyanuric acid level, where applicable.

008. POOL STAFF AND SUPERVISION STANDARDS. The following staffing and supervision standards apply to Class A, B, and F swimming pools.

008.01 CLASS A. Every Class A swimming pool must be under the direct and immediate supervision of a Nebraska swimming pool operator whenever the pool is open.

008.02 CLASS B AND F. Every Class B and Class F swimming pool must have a Nebraska swimming pool operator on site or able to be on site within 60 minutes.

008.03 PROOF OF CERTIFICATE. Proof of certificate of competency must be available in the office of the facility.

008.04 LIFEGUARDS. Every Class A swimming pool must have lifeguards on duty whenever the pool is open. The requirements for lifeguards are as follows:

008.04(A) CERTIFICATION. Lifeguards must be currently certified by:

- (i) The American Red Cross, the National Pool and Water Park Lifeguard Training Program, the YMCA, the Boy Scouts of America, or another lifeguard certifying organization with an equivalent lifeguard certification program, as determined by the Department. If a certification was issued with restrictions, the certification must be appropriate for the duty to which the lifeguard is assigned; and
- (ii) The American Heart Association, the National Safety Council, the American Red Cross, or another nationally recognized organization. The certification course must include infant, child, and adult cardiopulmonary resuscitation (CPR), two-person CPR, and the use of a bag valve mask and a rescue breathing mask. Certification must be renewed annually.

008.04(B) LIFEGUARD NUMBER. There must be 1 lifeguard per each 1-100 bathers or 2,000 square feet of water surface area, whichever is the lesser number. The number of lifeguards on duty must be sufficient to permit periodic relief or rest periods.

008.04(C) AREA RESPONSIBILITY. A lifeguard must not simultaneously guard more than one pool unless the area under surveillance can be continuously monitored with a clear unobstructed view and immediate assistance can be rendered if needed.

08.04(D) POSITION. A lifeguard must be in position to view all areas of the pool that he or she is responsible for watching.

008.04(E) LIFEGUARD ATTIRE. A lifeguard must wear a distinguishing swim suit or emblem while on duty.

008.04(F) WATER SLIDES, DROP SLIDES, OR WATER FEATURES. Where the discharge area of the slide is not clearly visible by the patron about to ride the feature, one lifeguard is required within 50 feet of the discharge point of the slide. This lifeguard must be responsible for guarding the plunge area for the feature and no other areas and must be in voice or visual communication with the attendant or lifeguard at the top of the slide or feature. One lifeguard may monitor up to three slides and no other areas if they are adjacent to and discharge to the same plunge area. At water slides, drop slides, or water features where the discharge area of the slide is clearly visible by the patron about to ride the feature, one lifeguard is required to monitor the discharge area and must be in voice or visual communication with the patron.

008.04(G) SWIMMING CLASSES AND MEETS. Class A pools where swimming classes or swimming meets are conducted are exempt from the lifeguard requirement during classes or meets, if the class or meet in session is under the direct supervision of an individual responsible for supervising the group and capable of taking the necessary actions in the case of an emergency.

009. PHYSICAL PLANT STANDARDS. Swimming pools must meet applicable standards for lifeguard chairs, signs, and bathhouses.

009.01 LIFEGUARD CHAIRS. All Class A swimming pools, and those Class B and F swimming pools which elect to have a lifeguard on duty, are required to meet the following standards:

009.01(A) CHAIR NUMBER. A lifeguard chair for each 2,000 square feet of water surface area must be provided.

Water Surface Area in Sq. Ft. (meters)	Minimum Number of Chairs
Less than 2,000 (<186)	0
2,000 to 3,999 (187-372)	1
4,000 to 5,999 (373-557)	2
6,000 to 7,999 (558-743)	3

009.01(B) GREATER THAN 5 FEET DEPTH. At least one chair must be located so the lifeguard is able to maintain surveillance of all pool floor area having a depth greater than 5 feet.

009.01(C) LIFEGUARD CHAIR LOCATION. All lifeguard chairs must be:

- (i) Located so the guard is not required to protect a segment greater than 180°;
- (ii) Placed at waterside in locations to minimize the effect of glare on the water; and
- (iii) Placed to give complete coverage of the pool(s).

009.02 SIGNS. All pool regulations must be stated on signs with clear, legible print.

009.02(A) WARNING SIGNS. At Class B, C, D, E, and F swimming pools, where lifeguard service is not continuously provided, a warning sign must be placed in plain view of the user and must state: "WARNING – NO LIFEGUARD ON DUTY" in letters at least four inches high, and "CHILDREN UNDER THE AGE OF 16 MUST NOT USE POOL WITHOUT AN ADULT IN ATTENDANCE" in letters at least two inches high.

009.02(B) POOL REGULATIONS. Must be conspicuously posted in the swimming pool area, or in the dressing rooms at all swimming pools, including wading pools. Signs must have the title "Pool Regulations" in letters at least four inches high and must list the following regulations:

- (i) No person is permitted to use the pool without first having taken a warm water shower, using soap.
- (ii) No person having an obvious communicable disease, skin eruption, cut, sore or lesion, eye, ear, nose, or throat infection, is permitted to use any public swimming pool.
- (iii) Spitting or spouting of water, blowing the nose, or any other similar activities in the swimming pool is strictly prohibited.
- (iv) No running, boisterous or rough play, except supervised water sports, is permitted in the pool, or on the runways, diving boards, floats, platforms, or in the dressing rooms.
- (v) Maximum patron load is ____ persons.

009.02(C) SPA REGULATIONS. Must be conspicuously posted in the spa area. Signs must have the title "Spa Regulations" in letters at least four inches high and must list the following regulations:

- (i) No person is permitted to use the spa without first having taken a warm water shower, using soap.
- (ii) Pregnant women, elderly persons, and persons suffering from heart disease, diabetes, or high or low blood pressure should not enter the spa or hot tub without prior medical consultation and permission from their doctor.
- (iii) Do not use the spa or hot tub while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness or that raise or lower blood pressure.
- (iv) Do not use at water temperatures greater than 104° Fahrenheit (40°C).
- (v) Do not use alone.
- (vi) Unsupervised use by children under the age of 16 is prohibited.
- (vii) Enter and exit slowly.
- (viii) Observe reasonable time limits (that is, 10-15 minutes), then leave the water and cool down before returning for another brief stay.
- (ix) Long exposure may result in nausea, dizziness, or fainting.
- (x) Keep all breakable objects out of the area.
- (xi) Maximum patron load is ____ persons.
- (xii) "No one under the age of 5 years is permitted in spa" must be on the same sign or on a separate sign.

009.03 BATHHOUSES. All Class A pools must have a bathhouse.

009.03(A) BATHHOUSE SANITATION. Bathhouses must be kept in good repair and kept free from dirt and algae. They must be kept clean at all times and disinfected at least once each day.

009.03(B) SOAP DISPENSERS. Liquid or powdered soap dispensers and soap must be provided. Glass soap dispensers and bar soap are not acceptable. Each handwashing sink or shower must be provided with a dispenser, however, two adjacent handwashing sinks or showers can share a dispenser located between them.

009.03(C) BATHING SUITS AND TOWELS. All bathing suits and towels furnished to bathers must be thoroughly washed with detergent and water, thoroughly rinsed, completely dried, and stored in a clean place after each use.

009.03(D) SHOWERS. Showers must supply water at a temperature of at least 90° Fahrenheit (32° C.) and no more than 115° Fahrenheit (46° C.). Sinks must supply water at a temperature of at least 90° Fahrenheit and no more than 115° Fahrenheit (46° C.). Single temperature fixtures must supply water at a temperature of at least 90° Fahrenheit (32° C.) and no more than 105° Fahrenheit (41° C.).

010. POOL CLOSING. If the Department, upon inspection and investigation of a swimming pool, finds any condition that poses a serious health risk to patrons that warrants prompt closing of the pool, the Department will notify the owner or Nebraska swimming pool operator that the pool must be closed. The owner or Nebraska swimming pool operator of a swimming pool must prohibit any person from using the pool upon such notification.

010.01 PROMPT CLOSING. Conditions that warrant prompt closing of a pool include, but are not limited to the following:

- (1) Water quality that fails to meet the standards in 178 NAC 2-007.02 (A-J);
- (2) Not meeting the main drain, suction outlet, or anti-entrapment requirements of 178 NAC 2-005.11(H) and 2-005.11(I);
- (3) Not meeting the phone requirements of 178 NAC 2-007.01(9);
- (4) For Class A pools, or other pools where lifeguards are provided, an insufficient number of or unqualified lifeguards;
- (5) Not meeting backboard requirements per 178 NAC 2-007.01(6);
- (6) No shepherd's crook, and no ring buoys or rescue tubes accessible at Class B or F pools;
- (7) No Nebraska swimming pool operator at Class A pool; or
- (8) No Nebraska swimming pool operator available for Class B, C, or F pools.

011. DENIAL, SUSPENSION, OR REVOCATION OF PERMIT. The Department may deny, suspend, or revoke a swimming pool permit for violations of the Swimming Pool Act or its related regulations. Before a permit is denied, suspended, or revoked, the Department will send a written notice to the applicant or permit holder enumerating instances of failure to comply with the Act or its related regulations, or of the nature of the invalidity of the original application for a permit. If the permit is denied, suspended, or revoked, the person may request a hearing before the Department within 30 days of receipt of notice of denial, suspension, or revocation. On the basis of the hearing, the Department will affirm or revoke its previous action.

011.01 The denial, suspension, or revocation of the permit will terminate and the permit will be issued or reissued, as the case may be, upon proper application and upon the presentation of evidence sufficient to show that the deficiencies and the unsafe or unsanitary conditions causing the denial, suspension, or revocation have been corrected.

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Title 178 - NEBRASKA DEPARTMENT OF HEALTH

Chapter 5 RULES, REGULATIONS AND STANDARDS GOVERNING MOBILE HOME PARKS

001 Definitions and Scope.

001.01 Definitions. In these rules, regulations and standards, unless the context to be intelligible or prevent absurdity otherwise requires, the following definitions shall apply:

001.01A Mobile Home shall mean a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately lovable but designed to be joined into one integral unit.

001.01B Mobile Home Lot shall mean a designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.

001.01C Mobile Home Park shall mean a parcel or contiguous parcels of land which have been so designated and improved that it contains two or more mobile home lots available to the general public for the placement thereon of mobile homes for occupancy. The term mobile home park shall not be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, corporation, company, or other entity on its own premises and used exclusively to house its own labor force.

001.01D Department shall mean the Department of Health of the State of Nebraska.

001.01E Person shall mean any individual, firm, partnership, corporation, company, association, joint stock company or association, political subdivision, governmental agency or other legal entity, and shall include any trustee, receiver, assignee or other legal representative thereof.

001.01F Mobile Home Stand shall mean that area of a mobile home lot which has been reserved for the placement of a mobile home.

001.01G Public Sewer System shall mean a sewer system owned, operated or otherwise utilized by the state, a municipality or any other governmental agency or political subdivision, federal governmental agencies being excepted.

001.01H Public Water Supply System shall mean a water supply system designed to provide the public piped water fit for human consumption, if 'such system has at least fifteen service connections or regularly serves at least twenty-five individuals daily, at least sixty days out of the year. This definition shall include (a) any collection, treatment, storage, or distribution facilities under control of the operator of such system and used primarily in connection with such system, and (b) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

001.02 Scope and Application. These rules, regulations and standards shall apply to the utility systems and sanitary conditions for mobile home parks. Mobile home parks in existence and operation on July 10, 1976 shall have until December 31, 1980 within which to comply with the Departmental standards concerning utility systems and sanitary conditions as a condition of licensure, except that in no case shall any such existing and operating mobile home park be required to comply with any electrical system standards. These rules and regulations shall also pertain to administrative forms to be submitted, licensure fees, and other administrative procedures.

002 Administrative Forms - Copies. Copies of all administrative forms required by the Department of Health concerning the licensure of a mobile home park shall be furnished by the Department to all applicants and licensees. A copy of each of these forms is attached to and forms a part of this body of rules, regulations and standards. A listing of these forms is:

002.01 Application for Annual License to operate a Mobile Home Park (Attachment 1)

002.02 Application for Permit to Construct, Expand, Remodel or Make Alterations to the Sanitary Facilities in a Mobile Home Park (Attachment 2)

003 Submission of Plans. Each application for an initial license to establish a newly constructed mobile home park and each application for a permit to construct, expand, remodel or make alterations to the sanitary facilities in a mobile home park must be accompanied by plans and specifications of the mobile home park and the appurtenances thereto, and in the latter instance shall also include a description of the nature, type, location and extent of the proposed construction, expansion, remodeling and alterations to the sanitary facilities. All plans and specifications shall be submitted in triplicate and must be prepared by an engineer or architect if the mobile home park has or is to have facilities for fifteen (15) or more mobile homes.

The detailed construction plans shall show: the area and dimensions of the park site; the number, location, and dimensions of all mobile home lots; the location and width of roadways, automobile parking facilities, and walkways; the location of service buildings and any other proposed structures; plans and specifications for the water supply, sewage-disposal, and solid waste disposal facilities, including the location of water lines, sewer lines, and riser pipes; and the location and details of lighting and electrical systems.

Depending on the extent of the facilities to be provided; additional plans may be required to show: the location of fire hydrants; plans and specifications for swimming pools; and details of fuel-oil and LP-gas storage facilities.

004 Fees.

004.01 The following fees relative to the licensure, inspection and plan review for mobile home parks shall be paid in order for such licensure, inspection and plan review to be valid:

004.01A All licenses shall expire at midnight December 31 of each calendar year. The following fees must be paid on or before January 1 of each year for the applicable category in order for a person to receive an annual license to conduct, operate or maintain a mobile home park and receive the required annual inspection of such park:

<u>CATEGORY</u>	<u>FEE</u>
Mobile home park with facilities for 2-3 mobile homes -	\$25
Mobile home park with facilities for 4-15 mobile homes -	\$50
Mobile home park with facilities for 16-25 mobile homes -	\$75
Mobile home park with facilities for 26-50 mobile homes -	\$100
Mobile home park with facilities for 51-100 mobile homes -	\$125
Mobile home park with facilities fur over 100 mobile homes -	\$175

004.01B For each additional necessitated inspection of a mobile home park, which is conducted after the initial annual inspection, the following fees must be paid: (Additional inspections shall be classified as those which are required to determine if violations which were discovered in previous inspections have been corrected.)

<u>CATEGORY</u>	<u>FEE</u>
Mobile Home Park with facilities for 2-3 mobile homes -	\$20
Mobile Home Park with facilities for 4-15 mobile homes -	\$40
Mobile Home Park with facilities for 16-25 mobile homes -	\$70
Mobile Home Park with facilities for 26-50 mobile homes -	\$95
Mobile Home Park with facilities for 51-100 mobile homes -	\$120
Mobile Home Park with facilities for over 100 mobile homes -	\$170

004.02 An initial fee for the review of plans and specifications for the types of projects described in subsection 003 shall be submitted with the plans and specifications to be reviewed and in the amount of one hundred dollars plus five tenths of one percent of the engineer's estimate of the cost of the project, alteration, or improvement described in the documents to be reviewed but such total fee shall not exceed \$7,600.00 and:

004.02A Documentation of the contract or actual cost of the project shall be provided to the Department by the engineer or owner of the mobile home park for the purpose of determining the final fee amount;

004.02B Payment of the final fee amount based on one hundred dollars plus five tenths of one percent of the engineer's estimate or the contract or actual cost of the project, whichever is larger, shall be made before the project is placed in service.

004.03 Time of Payment

004.03A Fees for the licensure and initial annual inspection shall be paid at the time the application for licensure is submitted.

004.03B Inspection fees for subsequent necessitated inspections shall be paid within 30 days of the inspection.

004.04 Mode of payment Payments made in the form of currency will be accepted, without responsibility being placed on the Division of Drinking Water and Environmental Sanitation, Department of Health, until properly receipted. Payment should be made, however, in the form of a personal, certified, or cashier's check or money order made payable to the "Division of Drinking Water and Environmental Sanitation, Department of Health." Payments made in the form of stamps, foreign currency, or third party endorsed checks will not be accepted.

004.05 Refunds No refund shall be made of any fee paid for which the applicable service has been performed except in cases of mistake or fraud.

004.06 Penalties Failure to pay the specified fees for the licensure and/or inspection and/or plan review of mobile home parks shall constitute cause for the denial, suspension, revocation or refusal of renewal of the license to operate the park.

005 Utility Systems.

005.01 Water Supply:

005.01A General Requirements: An accessible, adequate, safe and potable supply of water shall be provided to each mobile home lot. The collection, treatment, storage, and distribution systems of all mobile home parks with fifteen or more service connections or which regularly serve twenty-five or more individuals, shall be constructed, maintained and operated in accordance with all provisions of the Nebraska Safe Drinking Water Act, Nebraska Revised Statutes Chapter 71, Article 53 and of the Regulations Governing Public Water Supply Systems, Title 179, Nebraska Administrative Code, Chapter 2. The collection, treatment, storage, and distribution systems of all mobile home parks with less than fifteen service connections and which serve less than twenty-five (25) individuals shall be constructed, maintained, and operated in accordance with the provisions of the Rules and Regulations Governing a Private Water Well, Title 178, Nebraska Administrative Code, Chapter 9.

Where an approved public water supply of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and its supply used exclusively. Where an approved public water supply system is not available within a reasonable distance for extension to a mobile home development, a private water supply system shall be developed and constructed in accordance with the provisions of the Rules and Regulations Governing a Private Water Well, Title 178, Nebraska Administrative Code, Chapter 9.

005.01B The water supply shall be capable of supplying a minimum of 150 gallons per day per mobile home site. The water supply system shall be capable of delivering a minimum sustained flow of 5 gallons per minute per mobile home site.

005.01C The water supply system shall deliver water to each mobile home lot at normal operating pressures of 20 to 80 lbs. per square inch.

005.01D Every mobile home stand shall be provided with an individual branch water service pipe and riser pipe. The riser pipe shall be at least three-quarters of an inch in diameter and extend at least four inches vertically above ground elevation unless it is shielded by a riser above ground elevation or unless it is shielded by a riser protector encasement extending above grade and fitted with a lid.

005.01E The water supply riser pipe shall be located within 4 feet (1.22 m) of the mobile home stand, and a minimum of 10 feet (3.50 m) from the sewer drain inlet.

005.01F Water service lines, valves, and riser pipes shall be installed and protected from damage by freezing, ground movement, vehicles or other damage sources. Surface drainage shall be diverted from the riser pipe.

005.01G A shutoff valve shall be provided on the water-riser pipe serving each mobile home site. The shutoff valve shall be protected and shall be listed for backflow protection (listed by I.A.M.P.O. - International Association of Plumbing and Mechanical Officials, N.S.F. - National Sanitation Foundation, or other comparable organization with similar Standards). Heat tapes, when used for protection of plumbing components against freezing, shall be of the listed type (listed by U.L. - Underwriter Laboratories, C.S.A. - Canadian Standards Association, or other comparable organization with similar Standards).

005.01H Mobile homes shall be connected to the water riser pipe with flexible metal tubing not less than the size of the mobile home water supply inlet (3/4 in., 19 mm.).

005.02 Sanitary Sewer System

005.02A General Requirements: Facilities shall be provided and properly maintained for the collection and disposal, or treatment and disposal, of sewage from all mobile homes, service buildings, and other facilities. Where a public sewer system is available all plumbing fixtures, building sewers, and mobile home park sewers shall be connected thereto. If a public sewer system is not available, a private sewage disposal facility meeting Nebraska Department of Environmental Quality and applicable local sewage disposal requirements shall be installed and all plumbing fixtures, building sewers, and mobile home park sewers connected thereto. Sewage shall not be deposited upon the surface of the ground.

005.02B Detailed plans and specifications shall be submitted to the Nebraska Department of Health for review and approval, as outlined in Section 003, prior to the construction of a newly built sewage disposal facility or the alteration to an existing system.

005.02C Sewage collection lines shall be laid in trenches of sufficient depth to be free of breakage from traffic or ground movement and shall be separated from any pressurized drinking-water supply line by a horizontal distance of 10 feet.

005.02D The sewer lines shall be constructed in compliance with the applicable municipal or county plumbing code. In the absence of a local plumbing code, all sewer lines shall be constructed in compliance with the National Plumbing Code of 1955.

005.02E Sewers shall be at a grade sufficient to ensure a mean velocity of 2 feet per second when flowing full. The system shall be designed for a minimum flow rate of at least 200 gallons per day per mobile home lot.

005.02F Each mobile home lot shall be provided with a sewer branch line and riser pipe at least 4 in. in diameter. The branch shall be installed with a slope of at least 1/4 in. per linear foot and shall be trapped when all fixtures in the mobile home are not trapped and vented. The branch line shall terminate at a riser pipe of at least four (4) inches in diameter, which extends vertically four (4) inches above ground elevation.

005.02G The sewer service connection shall be equipped with standard screw, ring, or clamp-type fittings or adapters so that water-tight, and air-tight, connections can be obtained at the mobile home drain outlet and sewer riser pipe. The connection shall be of approved semi-rigid, noncollapsible, corrosion-resistant pipe having a smooth interior surface and an inside diameter of not less than 3 inches. Each mobile home shall be connected to the site sewer inlet by means of a drain connector consisting of pipe Schedule 40, meeting the standards of the UPC (1991), (Table A-Plumbing Material Standards, which is attached hereto marked attachment 8 and made a part hereof by reference), appropriate fittings and connectors, and shall be not less in size than the mobile home drain outlet. The fitting connected to the inlet shall be a directional fitting to discharge into the sewer inlet. A listed flexible connector may be used at each end of the pipe (listed by I.A.M.P.O. or N.S.F. or other comparable organization with similar Standards). Mobile homes with drain outlets less than three (3) inches inside diameter shall be connected with reducers and screw or clamp type fittings.

005.02H The sewer drainage inlet shall be positioned within four (4) feet of the mobile home stand and a minimum of ten (10) feet from the water riser.

005.02I When a mobile home does not occupy the mobile home stand, the sewer riser pipe shall be capped with an airtight cap or plug.

005.03 Electrical System. All electrical installations in mobile home parks including mobile home accessory buildings or structures and electrical wiring fixtures and equipment installed in a building other than a mobile home in a mobile home community, shall be designed and constructed in accordance with the NEBRASKA ELECTRICAL CODE, adopted by the Nebraska State Electrical Board under section 81-2104, Reissue Revised Statutes of Nebraska, 1943.

However, in no case shall a mobile home park in existence and operation on July 10, 1976, be required to comply with any electrical system standards as a condition of licensure. This part applies to electrical distribution systems in mobile home parks. It does not apply to the electrical systems of mobile homes.

005.04 Fuel Supply. Each mobile home park shall comply with the following specifications.

005.04A Mobile Home Park Gas Systems

005.04A1 General. Gas equipment and installations within a mobile home park shall be designed and constructed in accordance with these regulations and with chapter 5 of ANSI A225.1 NFPA501A, "Manufactured Home Installation" 1982 which is marked attachment 4, attached hereto and incorporated herein by reference and the Standard for Storage and Handling of Liquified Petroleum Gases, (NFPA No. 58-1989) which is marked attachment 5, attached hereto and incorporated herein by reference.

005.04A2 Required Gas Supply. The minimum hourly volume of gas required at each mobile home lot outlet or any section of the mobile home park gas piping system shall be calculated as shown below.

DEMAND FACTORS FOR USE IN CALCULATING GAS PIPING SYSTEMS IN MOBILE HOME PARKS

No. of Mobile Home Sites	BTU Per Hour Per Mobile Home Site
1	125,000
2	117,000
3	104,000
4	96,000
5	92,060
6	87,000
7	83,000
8	81,000
9	79,000
10	77,000
11-20	66,000
21-30	62,000
31-40	58,000
41-60	55,000
Over 60	50,000

005.04A3 Installation. Underground piping shall be buried a sufficient depth (18" minimum) or covered in a manner so as to protect the piping from physical damage when it passes through flower beds, shrub beds, and other such cultivated areas.

Gas piping shall not be installed underground beneath a mobile home stand unless it is installed in an open-ended gas-tight conduit designed to withstand the superimposed loads. The conduit shall extend into a normally usable and accessible portion of the building and, at the point where the conduit terminates in the building, the space between the conduit and the gas piping shall be sealed to prevent the possible entrance of any gas leakage. If the end sealing is of a type that will retain the full pressure of the pipe, the conduit shall be designed for the same pressure as the pipe. The conduit shall extend at least 4 inches outside the building, be vented above grade to the outside, and be installed so as to prevent the entrance of water and insects. Gas piping installed underground within mobile home parks shall comply with ' ' 3.1 to 3.1.7, 3.6 to 3.6.4, and 3.7 to 3.16 of Part 3 and all of Part 4 of THE NATIONAL FUEL GAS CODE (NFPA No. 54- 1988, ANSI z223.1-1988). Parts 3 and 4 of THE NATIONAL FUEL GAS CODE (NFPA NO. 54- 1988, ANSI z223.1-1988) is marked attachment 6, attached hereto and incorporated by reference.

The gas supply to the mobile home shall be located within 4 feet (1.22 m) of the mobile home stand.

Exception: The above requirements do not apply to gas supply connections for mobile homes located on an all-weather wood or concrete or concrete block foundation system, or on a foundation constructed in accordance with the local building code or, in the absence of a local code, with a recognized model building code.

All underground fuel gas piping systems shall comply with the requirements of chapter 5 of ANSI A225.1 NFPA 501A, Manufactured Home Installations, 1982.

005.04A4 System Shutoff Valve. A readily accessible and identified shutoff valve controlling the flow of gas to the entire gas piping system shall be installed near to the point of connection to the natural gas service piping or supply connection of the liquefied petroleum gas container.

005.04A5 Lot Shutoff Valve. Each mobile home lot shall have an accessible, listed gas shutoff valve installed. Such valve shall not be located under a mobile home. Whenever the mobile home lot outlet is not in use, the shutoff valve shall be plugged or capped to prevent accidental discharge.

005.04A6 Gas Connector. Each gas supply connector shall be: (1) Listed for outside mobile home use by American Gas Association, Canadian Gas Association, or other comparable organization with similar standards; (2) Installed with sufficient flexibility to prevent bending or breakage by load shift. Flexibility shall be provided by the use of bends, loops, or offsets, (acceptable methods are illustrated in attachment 3); (3) Not more than 6 feet (1.83m) in length; and (4) Have a capacity rating adequate to supply the connected load. Exception: All gas supply connections for mobile homes located on an all-weather wood or concrete or concrete block foundation system or on a foundation constructed in accordance with the local building code or, in the absence of a local code, with a recognized model building code.

005.04A7 Protection From Physical Damage. All gas outlet risers, regulators, meters, valves or other exposed equipment shall be protected from physical damage by vehicles or other causes.

005.04A8 Maximum Pressure Permitted. Gas supplied into the mobile home shall not exceed 1/2 pound per square inch gauge or 14 inches water-column.

005.04B Mobile Home Park Oil Supply Systems

005.04B1 General. Oil-burning equipment and installations within a mobile home park shall be designed and constructed in accordance with all the provisions, except S 3-8, of chapter 2 and chapter 3 of the STANDARD FOR THE INSTALLATION OF OIL BURNING EQUIPMENT (N.F.P.A. No. 31 1987). The STANDARD FOR THE INSTALLATION OF OIL BURNING EQUIPMENT (N.F.P.A. No. 31 1987), is marked attachment 7 and attached hereto and incorporated herein by reference.

005.04B2 Oil Supply. The following three methods of supplying oil to an individual mobile home site are permitted:

Supply from an outside underground tank (see 005.04B3).

Supply from a centralized oil distribution system designed and installed in accordance with accepted engineering practice and in compliance with Section 3-8 of the STANDARD FOR THE INSTALLATION OF OIL BURNING EQUIPMENT (N.F.P.A. No. 31 1987;) adopted by reference in section 005.04B1 above.

Supply from an outside above ground tank (see 005.04B3).

005.04B3 Recommended Minimum Oil Supply Tank Size. Oil supply tanks shall have a minimum capacity equal to 20 percent of the average annual oil consumption. Except for areas with mild winters (less than 1,800 degree days), 60 gallon ICC-5 shipping containers (drums) are not recommended.

006 Sanitary Conditions.

006.01 Refuse, Garbage and Solid Waste Disposal

006.01A The storage, collection, transportation, and disposal of refuse, garbage and solid waste shall be so conducted as to not create insanitary conditions, nuisances, rodent harborages, insect breeding areas, accident or fire hazards, or air pollution.

006.01B All refuse, garbage and solid waste shall be stored in fly-tight, water-tight, rodent-proof containers which shall be maintained in clean condition and in good repair.

006.01C Containers shall be provided in sufficient number and capacity to properly store all refuse, garbage and solid waste whether the licensee of the mobile home park or each occupant of a mobile home provides the container or containers depends entirely upon the internal rules of each mobile home park.

006.01D Concrete platforms, metal racks, or holders shall be provided for all refuse, garbage and solid waste containers and such platforms, racks, or holders shall be so designed and constructed as to prevent the containers from being tipped, to minimize spillage, and to facilitate cleaning around the containers.

006.01E Refuse, garbage and solid waste shall be removed from the mobile home park premises at least once weekly. Where adequate refuse, garbage and solid waste removal service is not available, the licensee of the mobile home park shall provide such service and the removal and disposal shall conform to local ordinance, if any is applicable.

006.01F All refuse, garbage and solid waste shall be collected and transported in a leak-proof covered vehicle or covered containers.

006.01G Where adequate municipal or private solid waste disposal service is not available, the mobile home park licensee shall provide for disposal of the refuse, garbage and solid waste.

006.02 Insect and Rodent Control

006.02A Grounds, buildings, and structures shall be maintained free of insect breeding areas, rodent haborage, and infestation of insects, rodents or vermin that transmit disease to humans.

006.02B All exterior openings of management buildings or other applicable structures shall be effectively screened or insects, rodents and vermin excluded by other effective means.

006.02C The growth of grass, brush, and weeds shall be controlled to prevent the harborage of noxious insects.

006.02D Mobile home parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, and other noxious plants detrimental to human health and well-being.

007 Observance of Regulations. The person to whom a license is issued to operate a mobile home park shall operate said park in strict compliance with the provisions of these rules, regulations and standards and shall provide adequate supervision to maintain the park, its related facilities, roadways, walkways, open spaces, utilities and equipment in good repair and in a clean and sanitary condition.

The licensee shall not construct, expand, remodel or make alterations to the sanitary facilities, including water supply and sewage disposal facilities in a mobile home park or the appurtenances thereto without first obtaining a permit therefore from the Department. No fee shall be charged for such permit, and no such permit shall be required in the making of minor repairs or in matters of general maintenance.

The licensee applying for such a permit must submit a completed application form for a permit to construct, expand, remodel or make alterations to the sanitary facilities in a mobile home park (Attachment 2), accompanied by plans and specifications of the mobile home park and the appurtenances thereto which shall include a description of the nature, type, location and extent of the proposed construction, expansion, remodeling and alterations to the sanitary facilities. All plans and specifications shall be submitted in triplicate and must be prepared by an engineer or architect if the mobile home park has or is to have facilities for fifteen (15) or more mobile homes.

008 Rules of Practice in Administrative Hearings.

008.01 Application. An application for issuance of renewal of an annual license to establish, conduct, operate or maintain a mobile home park or an application for a permit to construct, expand, remodel or make alterations to the sanitary facilities in a mobile home park shall be made on forms provided by the Department (Attachments 1 and 2). The application form must be accompanied by any necessary supporting data as prescribed in section 003. Every application shall be acted upon within one hundred and fifty (150) days after its filing with the Department.

008.02 Denials and Revocations of Licenses and Permits. Whenever the Department determines to deny, refuse renewal of, suspend or revoke a license, or deny a permit, or deny or revoke a certificate of exemption, it shall send to the applicant or licensee, by either certified or registered mail, a notice setting forth the specific reasons for the determination. Such notice shall state that the denial, refusal of renewal, suspension, or revocation shall become final thirty (30) days after the mailing of the notice in all cases of failure to pay the required licensure fee if not paid by the end of such period, and in all other instances unless the applicant or licensee, within such thirty-day period, shall give written notice of a desire for a hearing. Thereupon the applicant or licensee shall be given opportunity for a formal hearing before the Department and shall have the right to present evidence on his own behalf. The Department, within thirty (30) days of the receipt of the request, shall schedule a formal hearing to be held before the Department.

008.03 Rules of Practice and Procedures. All hearings shall be conducted in accordance with the Administrative Procedures Act and the "Rules of Practice and Procedure of the Department of Health." 184 NAC 1

Source: Sections 71-4621, 71-4623
to 71-4626, 71-4628, 71-
4629, 71-4631, and 71-4632

(ATTACHMENT 2)

APPLICATION FOR PERMIT TO CONSTRUCT, EXPAND, REMODEL OR MAKE ALTERATIONS
TO SANITARY FACILITIES IN A MOBILE HOME PARK

Instructions: Fill in the applicable information, please type. Plans and specifications outlining the proposed construction, expansion, remodeling, or alteration, must be submitted in triplicate with this application. If the proposed construction is for a Mobile Home Park with facilities for fifteen (15) or more mobile homes the plans and specifications must be prepared by an engineer or architect. No permit required in the making of minor repairs or in matters of general maintenance.

Applicant's Name: _____

If Corporation, List Officers -- If Partnership, List Partners

Applicant's Mailing Address _____
Street City State Zip

Business Telephone: _____

Does hereby make application to construct sanitary facilities at the following mobile home park:

Name of Park: _____
Address of Park: _____
Street City County

OR, does hereby make application to expand, remodel, or make alterations to the sanitary facilities in the following mobile home park:

Name of Park: _____
Address of Park: _____
Street City County

Mobile Home Park License Number: _____

Indicate the systems to be included in this alteration:

Sewer ____
Water ____
Electrical ____
Fuel Supply ____

Briefly describe the nature, type, location and extent of the construction, expansion, remodeling or alterations contemplated.

USE ADDITIONAL SHEETS OF PAPER IF NECESSARY

Department Use Only:

I.D. Number _____
Plans Rec'd _____
Plans Approved: Site: _____
Water ____
Sewage ____
Electrical ____
Fuel Supply ____

Permit Issued _____
Inspection _____
By _____

TITLE 178 ENVIRONMENTAL HEALTH

CHAPTER 7 CLEAN INDOOR AIR

001. SCOPE AND AUTHORITY. These regulations implement Nebraska Revised Statute (Neb. Rev. Stat.) § 71-1911 and the Nebraska Clean Indoor Air Act, Neb. Rev. Stat. §§ 71-5716 to 71-5734.

002. DEFINITIONS. Definition set in the Nebraska Clean Indoor Air Act and the following apply to this chapter.

002.01 CHILD CARE PROGRAM. A child care program has the meaning found in Neb. Rev. Stat. § 71-1910 and which is licensed under Neb. Rev. Stat. § 71-1911.

002.02 CHILD CARE PROVIDER. A child care provider is a person who is licensed to operate a child care program.

002.03 COMPLETE APPLICATION. An application provided by the Department which contains all of the requested information, with attestation to its truth and completeness, signatures of the applicant(s), submitted with all required documentation.

002.04 SMOKING CESSATION PROGRAM. A program designed to help people stop smoking tobacco products is a smoking cessation program.

002.05 WALL. A vertical partition with a height and length greater than its thickness; used to divide, define, or enclose an area is a wall. For the purposes of these regulations, it can be of any shape or material which impedes airflow.

003. PUBLIC PLACES AND PUBLIC MEETINGS. The following apply to persons providing public places and public meetings.

003.01 MEASUREMENT. For purposes of determining compliance with the statutes and this chapter, areas will be assessed according to the requirements of § 71-5730 and by measurements of the wall area to determine whether less than 20% is permanently open to the outdoors as follows:

- (A) The first eight feet of height and the entire length of each wall are measured to obtain total wall square footage. If a proprietor chooses to install security devices, such as bars, fencing, and wood slats, they must be permanent fixtures. Any security devices located within permanently open areas must be included in total wall measurements; and
- (B) A calculation of 20% of total wall square footage to obtain total open area square footage is done to determine whether less than 20% of permanently open space is present.

003.02 RESPONSIBILITIES OF PROPRIETOR OR OTHER PERSON IN CHARGE OF A PUBLIC PLACE. To ensure compliance, a proprietor must take measures as required by Neb. Rev. Stat. § 71-5731.

004. SMOKING CESSATION PROGRAMS. To qualify, a smoking cessation program a program must:

- (A) Consist of a minimum of three contacts between participant and a qualified counselor, equaling two hours of counseling time;
- (B) Be able to track the progress of participants to determine required counseling time is met; and
- (C) Issue a certificate of completion to participants.

004.01 APPROVAL. To have a program approved by the Department as a smoking cessation program, the program facilitator must submit a complete application to the Department and a copy of the certificate issued to participants upon completion.

005. CHILD CARE PROGRAMS. Child care programs that are not located in the residence of the child care provider must be located in a smoke free environment and meet the requirements of this chapter. A child care provider who operates a child care program in his or her residence must inform parents, guardian(s), or other individuals responsible of all enrolled children if any household member, including the provider, smokes in the home. This information must be provided to parents, guardian(s), or other individuals responsible before accepting a child into care.

006. WAIVER OF THE LAW. Provisions of the law may be waived under § 71-5732 (3) and this chapter.

006.01 APPLICANT. An applicant for a waiver must demonstrate good cause for a waiver and demonstrate that the waiver will not significantly affect the health and safety of the public and employees.

006.02 APPLICATION. To apply for a waiver of provisions of the Act, or these regulations, the proprietor or other person in charge must submit a complete application to the Department.

006.03 WAIVERS ARE TEMPORARY. At the time of the waiver's expiration, if an applicant desires a continued waiver, the applicant must reapply for another waiver to ensure the continued protection of the public, including employees', health and safety.

006.04 GRIEVANCES. Any person aggrieved by the Department's decision regarding a waiver may make a written request for a hearing pursuant to 184 Nebraska Administrative Code 1.

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

TITLE 178 CHAPTER 8

FEE FOR INSPECTION OF PRIVATE WATER SUPPLY OR PRIVATE SEWAGE DISPOSAL FACILITIES

01. Fee For Inspection. The Department of Health shall collect a fee of one-hundred dollars (\$100.00) for each inspection of private water supply or private sewage disposal facilities requested of and made by the Department of Health in order for the person requesting the inspection to qualify for any type of commercial loan, guarantee, or other type of payment or benefit from any commercial agency or enterprise to the person applying for or receiving the same, or to meet the requirements of any federal governmental agency, including, but not limited to, the Farms Home Administration, the Federal Housing Administration, and the United States Veterans= Administration, that such an inspection be conducted as a condition of applying for or receiving any type of grant, loan, guarantee, or other type of payment or benefit from such agency to the person applying for or receiving the same. All fees so collected shall be paid into the state treasury and by the State Treasurer credited to the Department of Health Cash Fund.

Title 178 - ENVIRONMENTAL HEALTH

Chapter 9 - RULES AND REGULATIONS GOVERNING A PRIVATE WATER WELL

001 SCOPE. Any private water well supplying water to the following facilities must comply with these rules and regulations unless the water supply for them is a public water supply subject to the provisions of the NEBRASKA SAFE DRINKING WATER ACT, Neb. Rev. Stat. Chapter 71, Article 53 (Reissue 1981): dairy plants; public and correctional institutions of the state, counties, and cities; child care facilities licensed by the Department of Social Services; mobile home parks; recreation camps; and swimming pools.

SOURCE: Nebraska Revised Statutes section 2-3928(2) (Cum. Supp. 1982), section 71-901 (Reissue 1981), section 71-1903 (Cum. Supp. 1983), and sections 71-3105, 71-4302, and 71-4629 (Reissue 1981)

TITLE 178 ENVIRONMENTAL HEALTH

CHAPTER 10 LICENSURE UNDER THE WATER WELL STANDARDS AND CONTRACTORS' PRACTICE ACT

10-001 SCOPE AND AUTHORITY: These regulations govern credentialing and continuing competency under the Water Well Standards and Contractors' Practice Act, Neb. Rev. Stat. §§ 46-1201 to 46-1241, and the Uniform Credentialing Act (UCA).

10-002 DEFINITIONS

Act means Neb. Rev. Stat. §§ 46-1201 to 46-1241, known as the Water Well Standards and Contractors' Practice Act.

Active Addiction means current physical or psychological dependence on alcohol or a substance, which develops following the use of alcohol or a substance on a periodic or continuing basis.

Alcohol or Substance Abuse means a maladaptive pattern of alcohol or substance use leading to clinically significant impairment or distress as manifested by one or more of the following occurring at any time during the same 12-month period:

1. Recurrent alcohol or substance use resulting in a failure to fulfill major role obligations at work, school, or home;
2. Recurrent alcohol or substance use in situations in which it is physically hazardous;
3. Recurrent legal problems related to alcohol or substance use; or
4. Continued alcohol or substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the alcohol or substance use.

Attest or Attestation means that the individual declares that all statements on the application are true and complete.

Board means the Water Well Standards and Contractors' Licensing Board.

Business Engaged in the Installation of Pumps and Pumping Equipment means any activity or enterprise undertaken for profit or otherwise which involves the installation of pumps and pumping equipment on water wells. The term shall not include any such activity carried out by an individual on land owned by him/her and used by him/her for farming, ranching or agriculture purposes or as his/her place of abode.

Business Engaged in the Construction of Water Wells means any activity or enterprise undertaken for profit or otherwise which involves the construction of water wells. The term shall not include any activity carried out by an individual on land owned by him/her and used by him/her for farming, ranching or agricultural purposes or as his/her place of abode.

Certificate of Completion means written evidence or documentation that shows attendance and completion of a continuing education program.

Continuing Education means that education required as a condition of licensure under the Act, for the maintenance of skills necessary for the protection of groundwater and the health and general welfare of the citizens and the competent practice of the construction of water wells, the installation of pumps and pumping equipment, and water well monitoring which has been approved by the Board in accordance with 178 NAC 10-007.

Continuing Education Program or Program means a formal offering of instruction or information to licensees for the purpose of maintaining skills necessary to the protection of groundwater and the health and general welfare of the citizens and the competent practice of the construction of water wells, the installation of pumps and pumping equipment, water well monitoring, the inspection of chemigation systems, or the inspection and servicing of flow meters. Programs may be offered under names such as, "school," "clinic," "forum," "lecture," "course of study," "educational seminar," "workshop," "conference," "convention," or "short course."

Complete Application means an application that contains all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the required fees and all required documentation.

Confidential Information means information protected as privileged under applicable law.

Construction of Water Wells means and includes all acts necessary to make a water well usable for the purpose for which it is intended including, without limitation, the siting of and excavation for the water well and its construction, alteration, or repair, but excluding the installation of pumps and pumping equipment.

Consumer means a person receiving health or health-related services or environmental services and includes a patient, client, resident, customer, or person with a similar designation.

Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere or non vult contendere made to a formal criminal charge, or a judicial finding of guilt irrespective of the pronouncement of judgment or the suspension thereof, and includes instances in which the imposition or the execution of sentence is suspended following a judicial finding of guilt and the defendant is placed on probation.

Credential means a license, certificate, or registration.

Department means the Division of Public Health of the Department of Health and Human Services.

Dependence means a maladaptive pattern of alcohol or substance use, leading to clinically significant impairment or distress, as manifested by three or more of the following occurring at any time in the same 12-month period:

1. Tolerance as defined by either of the following:
 - a. A need for markedly increased amounts of alcohol or the substance to achieve intoxication or desired effect; or
 - b. A markedly diminished effect with continued use of the same amount of alcohol or the substance;
2. Withdrawal as manifested by either of the following:
 - a. The characteristic withdrawal syndrome for alcohol or the substance as referred to in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, published by the American Psychiatric Association; or
 - b. Alcohol or the same substance or a closely related substance is taken to relieve or avoid withdrawal symptoms;
3. Alcohol or the substance is often taken in larger amounts or over a longer period of time than was intended;
4. A persistent desire or unsuccessful efforts to cut down or control alcohol or substance use;
5. A great deal of time is spent in activities necessary to obtain alcohol or the substance, to use alcohol or the substance; or to recover from the effects of use of alcohol or the substance;
6. Important social, occupational, or recreational activities are given up or reduced because of alcohol or substance use; or
7. Alcohol or substance use continues despite knowledge of having had a persistent or recurrent physical or psychological problem that was likely to have been caused or exacerbated by alcohol or the substance.

Director means the Director of Public Health of the Division of Public Health or his/her designee.

Good Cause means a substantial reason consistent with the purposes of the Act.

Hour of Continuing Education means 1 hour of credit toward the continuing competency requirements of the Act (Neb. Rev. Stat. §46-1225).

Inactive Credential means a credential which the credential holder has voluntarily placed on inactive status and by which action has terminated the right to practice or represent him/herself as having an active credential.

Installation of Pumps and Pumping Equipment means the procedure employed in the placement and preparation for operation of pumps and pumping equipment at the water well location, including connecting all wiring to the first control and all construction or repair involved in making entrance to the water well, which involves the breaking of the well seal.

Installed Water Well Equipment means but is not limited to equipment that may be set up for use on a water well, such as main line check valves, vacuum relief valves, chemigation devices, and flow meters.

License means an authorization issued by the Department to an individual to engage in a profession which would otherwise be unlawful in this state in the absence of such authorization as provided by Neb. Rev. Stat. § 38-118.

Licensed Natural Resources Ground Water Technician means a natural resources ground water technician who has taken a training course, passed an examination based on the training course, and received a license from the Department indicating that s/he is a licensed natural resources ground water technician.

Licensed Pump Installation Contractor means an individual who has obtained a license from the Department and who is a principal officer, director, manager, or owner/operator of any business engaged in the installation of pumps and pumping equipment or the decommissioning of water wells.

Licensed Pump Installation Supervisor means any individual who has obtained a license from the Department and who is engaged in the installation of pumps and pumping equipment or the decommissioning of water wells. Such supervisor may have discretionary and supervisory authority over other employees of a pump installation contractor.

Licensed Water Well Contractor means an individual who has obtained a license from the Department and who is a principal officer, director, manager, or owner-operator of any business engaged in the construction or decommissioning of water wells.

Licensed Water Well Drilling Supervisor means any individual who has obtained a license from the Department and who is engaged in the construction or decommissioning of water wells. Such supervisor may have discretionary and supervisory authority over other employees of a water well contractor.

Licensed Water Well Monitoring Technician means any individual who has obtained a license from the Department and who is engaged solely in the measuring of ground water levels, the collection of ground water samples from existing water wells, or the inspection of installed water well equipment or pumping systems. A licensed water well monitoring technician shall not supervise the work of others.

Military Service means full-time duty in the active military service of the United States, a National Guard call to active service for more than 30 consecutive days, or active service as a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration. Military service may also include any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. (From the Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as it existed on January 1, 2007.)

Pattern of Incompetent or Negligent Conduct means a continued course of incompetent or negligent conduct in performing the duties of the profession.

Practice means work done under the Water Well Standards and Contractors' Practice Act that requires a license. (See 178 NAC 10-003.)

Profession means any profession or occupation named in subsection (1) or (2) of Neb. Rev. Stat. § 38-121.

Provider means an institution, organization or individual that presents continuing education programs to licensees and requests approval from the Board for the programs.

Pumps and Pumping Equipment means any equipment or materials utilized or intended for use in withdrawing or obtaining ground water including, but not limited to, seals, tanks, fittings, and controls.

Sampling Event means the collection of a single sample or a single set of samples per each site visit from a water well for the purpose of water quality analysis.

Served in the Regular Armed Forces has the same meaning as “military service” in these regulations.

Supervision or its derivatives means the ready availability of a person licensed under the Act for consultation and direction of the activities of any person not licensed who assists in the construction of a water well or the installation of pumps and pumping equipment. Contact with the licensed contractor or supervisor by telecommunication will be sufficient to show ready availability.

Water Sampling Practices means acts by which ground water samples are obtained from a water well or pumping system in which the water well seal is broken. The term generally includes any act which serves to protect the integrity of the water well or the quality of the ground water and may include preparation of the sampling point, use of sampling equipment, and certain aspects of sample collection. Water well monitoring technicians may temporarily employ sampling equipment or pumping equipment in a water well for each and every sampling event after which time the equipment must be removed. Natural resources ground water technicians may temporarily employ sampling equipment. Employment of sampling equipment for longer periods of time or pumping equipment may only be carried out by a licensed pump installation contractor or supervisor and is deemed to be pump installation rather than water sampling practices.

Water Sampling Techniques means the procedure(s) and/or method(s) by which water sampling practices are conducted.

Water Well means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground, obtaining hydrogeologic information, or extracting water from or injecting fluid as defined in Neb. Rev. Stat. § 81-1502 into the underground water reservoir. Water well does not include any excavation made for obtaining or prospecting for oil or natural gas, or for inserting media to repressure oil or natural gas bearing formations regulated by the Nebraska Oil and Gas Conservation Commission.

Well Repairs means any change, replacement, or other alteration of any water well, pump or pumping equipment or any other activity which requires a breaking or opening of the well seal.

Well Seal means an arrangement or device used to cap a water well or to establish and maintain a junction between the casing or curbing of a water well and the piping or equipment installed therein, the purpose or function of which is to prevent pollutants from entering the water well.

10-003 TYPES OF LICENSES/WHEN REQUIRED

10-003.01 A water well must be constructed, pumps and pumping equipment must be installed and repaired onsite, and water wells must be decommissioned in accordance with Title 178 NAC 10 and 12.

10-003.02 A water well may only be opened or the seal may only be broken by:

1. A licensed contractor or supervisor or a person working directly under the supervision of a licensed contractor or supervisor;
2. An individual who owns a water well on land owned by him/her and used by him/her for farming, ranching, or agricultural purposes or as his/her place of abode.
3. A licensed water well monitoring technician or a licensed natural resources ground water technician,
4. A licensed operator of a public water system in the course of his/her employment or someone under his/her supervision, or
5. A state electrical inspector in the course of his/her employment.

10-003.03 A licensed water well contractor may have supervisory authority over all employees.

10-003.04 A licensed water well drilling supervisor shall work under the supervision of a licensed water well contractor and may have supervisory authority over noncredentialed employees.

10-003.05 A licensed pump installation contractor may have supervisory authority over all employees.

10-003.06 A licensed pump installation supervisor shall work under the supervision of a licensed pump installation contractor and may have supervisory authority over noncredentialed employees.

10-003.07 A licensed water well monitoring technician may work independently and shall not have supervisory authority.

10-003.08 A licensed natural resources ground water technician employed by a natural resources district may work independently and shall not have supervisory authority over any credentialed or noncredentialed persons.

10-003.09 An individual who owns land and uses it for farming, ranching, or agricultural purposes or as his/her place of abode may, on such land, construct a water well, install a pump in a well, or decommission a driven sandpoint well.

10-004 INITIAL CREDENTIAL

10-004.01 Qualifications: To receive a credential to practice as a licensee under the Act, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to employment as a credential holder in the United States.
3. Examination: Pass the examination(s) for licensure prescribed by the Board unless the person qualifies for a temporary hardship license as provided in 178 NAC 10-005.08;
4. Otherwise comply with the Act and all standards, rules and regulations adopted and promulgated pursuant to the Act; and
5. For water well and/or pump installation contractors, furnish proof to the Department that there is in force a policy of public liability and property damage insurance issued to the applicant in at least the sum of \$100,000.00.

10-004.02 Application: To apply for a credential to practice as a licensee under the Act, an individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application: An individual may apply for 1 or more licenses under a single application. The Department issues licenses to individuals for any category or combination of categories for which they have passed any required examination(s) and otherwise meet the requirements of the Act and 178 NAC 10.
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Date of birth (month, day, and year);
 - (3) Place of birth (city and state or country if not born in the United States);
 - (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (5) The applicant's:
 - (a) Social Security Number (SSN); or
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) number).Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
 - (6) The applicant's telephone number including area code;
 - (7) The applicant's e-mail address (optional);
 - (8) The applicant's fax number (optional);
 - (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or

- (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to employment as a credential holder in the United States;
 - b. Practice Before Application: The applicant must state:
 - (1) That s/he has not practiced as a licensee under the Act in Nebraska before submitting the application; or
 - (2) If s/he has practiced as a licensee under the Act in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the name and location of practice;
 - c. The type of license desired;
 - d. The name, address and telephone number of the business with which the applicant is/will be engaged;
 - e. All addresses and phone numbers of each business location;
 - f. The nature of the business;
 - g. The person's affiliation with the business;
 - h. The name of all partners in a partnership and the business address and telephone number of each partner;
 - i. If a corporation, the officers and directors of that corporation and the address and telephone number for each office of that corporation within the state.
 - j. If applying for licensure as a water well and/or pump installation contractor, proof of public liability and property damage insurance in the amount of at least \$100,000 from the insurance company(ies);
 - k. If the applicant is licensed/certified in any other state or jurisdiction, and whether or not disciplinary action has been taken against the license/certificate;
 - l. Which exam(s) s/he needs to take: the Nebraska exam, the water well monitoring technician exam, the natural resources ground water technician exam, the pump installation exam, and/or the general drilling exam.
 - m. Persons requesting a hardship exemption for licensure must indicate the reasons for the request;
 - n. Persons requesting special arrangements for administering the exam must list the reasons for the request and the special arrangements sought, and
 - o. Attestation: The applicant must attest that:
 - (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete;
 - (3) S/he is of good character
 - (4) S/he has not committed any act that would be grounds for denial under 178 NAC 10-009. or if an act(s) was committed, provide an explanation of all such acts; and
 - (5) For the purpose of complying with Neb. Rev. Stat. §§ 4-108 to 4-114, s/he is a citizen of the United States or a qualified alien under the federal Immigration and Nationality Act. The applicant must provide his/her immigration status and alien number, and agree to provide a copy of his/her United States Citizenship and Immigration Services (USCIS) documentation upon request.
2. Documentation: The applicant must submit the following documentation with the application:

- a. Evidence of age, such as:
 - (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;
 - (6) Military identification; or
 - (7) Other similar documentation;
- b. Evidence of good character, including:
 - (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed. The applicant must have the licensing agency submit to the Department a certification of his/her credential;
 - (2) Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial;
 - (4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address behaviors/actions related to the conviction;
 - (d) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (f) Any other information as requested by the Board/Department;
- c. Evidence that the applicant is:
 - (1) A citizen;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to employment as a credential holder in the United States;
- d. Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:
 - (1) A U.S. Passport (unexpired or expired);
 - (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
 - (3) An American Indian Card (I-872);

- (4) A Certificate of Naturalization (N-550 or N-570);
- (5) A Certificate of Citizenship (N-560 or N-561);
- (6) Certification of Report of Birth (DS-1350);
- (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
- (8) Certification of Birth Abroad (FS-545 or DS-1350);
- (9) A United States Citizen Identification Card (I-197 or I-179);
- (10) A Northern Mariana Card (I-873);
- (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
- (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
- (13) A document showing an Alien Registration Number ("A#") with visa status; or
- (14) A Form I-94 (Arrival-Departure Record) with visa status;
- (15) A request for special accommodations, if special testing accommodations are needed by the applicant;
- (16) Any other documentation as requested by the Board/Department; and

3. Fee: The applicant must submit the required license fee (See 178 NAC 11) along with the application and all required documentation.

10-004.03 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.

10-004.04 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential, the Department will deny issuance of a credential. If the applicant is found to have committed any act which would be grounds for denial of a credential as listed in 178 NAC 10-009, the Department may deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

10-004.05 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

10-004.06 Practice Prior to Credential: An individual who practices as a licensee under the Act prior to issuance of a credential is subject to assessment of an administrative penalty under 178 NAC 10-012 or such other action as provided in the statutes and regulations governing the credential.

10-004.07 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

10-004.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

10-004.09 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

10-005 EXAMINATION OF APPLICANTS FOR LICENSURE

10-005.01 Type and Categories: The examination for licenses is designed in accordance with Neb. Rev. Stat. § 46-1223. Applicants for licensure as a water well monitoring technician must successfully complete the examination sections described in 178 NAC 10-005.01 items 1 and 2. Applicants for licensure as a water well contractor, water well drilling supervisor, pump installation contractor, or pump installation supervisor must successfully complete the applicable examination sections described in 178 NAC 10-005.01 items 1 and 3. Applicants for licensure as a natural resources ground water technician must successfully complete the examination section described in 178 NAC 10-005.01 item 4. All examinations are written unless special hardship provisions apply, and consist of the following:

1. Section I, the "Nebraska Section", which examines the applicant's knowledge of Nebraska minimum standards for water wells and water well pumps and pumping equipment, the geological characteristics of the State of Nebraska, and the Act, rules and regulations adopted pursuant to the Act and other laws and regulations as may apply to groundwater and the water well industry.
2. Section II, the water well monitoring category, which examines the applicant's knowledge in water sampling practices and techniques and measuring groundwater levels.
3. Section III
 - a. For applicants for licensure as a water well contractor or as a water well drilling supervisor, the special knowledge category consists of current drilling practices and techniques in general drilling and/or environmental drilling.
 - b. For applicants for licensure as a pump installation contractor or supervisor, the special knowledge category consists of current pump installation practices and techniques.
4. Section IV, the natural resources ground water technician category which examines the applicant's knowledge concerning the inspection of chemigation systems, measuring and recording static water levels, inspecting and servicing flow meters, and taking water samples.

10-005.02 Examination Contents: The Department with the approval of the Board may contract with examination development consultants, water well technical experts or other technical experts as deemed necessary to prepare the examinations and may assign a member or members of the Board to work with the consultants and technical experts to assure that the

requirements of this rule and regulation are complied with. All persons holding a license under the Act, or any other persons involved in developing an exam are not allowed to take the exam for a period of 3 years after completion of the exam.

10-005.03 Passing Scores: All applicants taking the examination must achieve a score of at least 70% on each required examination section(s) to successfully complete the examination requirements for licensure under the Act. When an applicant satisfactorily passes an examination section as herein required, the applicant need retake only those section(s) which have not yet been passed.

10-005.04 Board Representation at Examinations: The Board must be represented at all examinations by 1 or more members of the Board or a Board approved proctor who will observe details of the examination and report to the Board.

10-005.05 Review Materials: The Board must, to the extent possible, provide to each applicant for licensure a list of published or unpublished materials and the source of each which may be useful as teaching or review materials in preparation for the examination. The list must specify that materials listed thereon may not necessarily cover all matters tested.

10-005.06 When Required: Examination is required for licensure under the Act for:

1. All applicants for initial regular licensure; and
2. All applicants for reinstatement of licenses
 - a. Whose license has been expired or on inactive status for a period of two or more years, or
 - b. Who have not met the requirements for continuing competency each renewal period, or
 - c. Who have been required to retake the examination as a condition of discipline.

10-005.07 Special Arrangements

1. Administering Examination - Hardship Exceptions: In case of hardship, and with good and sufficient cause shown, the Board may provide for special arrangements for administering the examination which to the extent possible will accommodate the hardship without compromising the examination purposes. Hardships may include but not be limited to reading difficulties, physical skills limitations or absence from the state during regular examination dates. Accommodations may include special proctors or readers, oral examination, dictation of answers or non-resident proctor.
2. Hardship Application: Any individual who believes s/he may have good and sufficient cause to request a hardship exemption may request the Board to review his/her petition for hardship ruling by submitting a written request which includes:
 - a. A completed application for license;
 - b. A written description of the hardship;
 - c. A suggestion of the accommodation requested.

3. Recommendation to Department: The Board reviews each hardship request submitted and approves or denies it. If the Board approves the request, it notifies and directs the Department to make the accommodation.

10-005.08 When Not Required: Upon a finding by the Board that a current licensed contractor has died and that business cannot function unless the applicant is issued a temporary contractor's license or upon a finding by the Board of other good cause and a recommendation by the Board that a temporary license should be issued without examination, the Department will issue a temporary license to the applicant who meets all other qualifications for the requested license.

10-005.08A Hardship Licensing: The Board may upon application recommend that the Department grant a temporary hardship license without examination provided all other requirements are fulfilled by the applicant when the current licensed contractor has died or for other good documented cause.

10-005.08B Application: Any individual who believes s/he may have good and sufficient cause to request a temporary hardship license may request the Board to review his/her petition for a ruling by submitting a written request which includes:

1. A completed application for a license;
2. A written description of the hardship.

10-005.08C Recommendation to Department: The Board must review each such request submitted and must recommend approval or denial of the request to the Department to issue the temporary hardship license.

10-005.09 Eligibility for Examination: In order to be eligible to take the examination for licensure under the Act, an applicant must meet all qualifications necessary for the issuance of the appropriate license other than examination. Applicants for the examination required for reinstatement must meet all requirements for reinstatement of the license other than examination.

10-005.10 Time and Place of Examination: The Department will hold examinations for licensure at least 4 times each year, with no less than 1 examination during each calendar quarter, in Lincoln, Nebraska, at the test sites the Department, with the advice of the Board, may determine.

10-005.10A If a regularly scheduled examination is canceled due to inclement weather or other cause, a new examination date will be scheduled and notice given to all eligible candidates.

10-005.10B Special arrangements for administering examinations may be made by the Department upon recommendation by the Board in cases of hardship determined by the Board.

10-005.11 Notice to Examinees: Applicants eligible for examination will be provided with:

1. Notice of the date, time and place of the examination;

2. An admission card or receipt and information on the requirements for admission to the examination site;
3. Information on equipment or materials needed for the examination, if any;
4. Information on the general format of the examination and tentative schedule of examination periods;
5. At the request of the applicant, copies of Department regulations pertinent to the examination and Nebraska law covered in the examinations; and
6. Other information pertinent to the conduct of the examination as the Board and Department may determine.

10-005.12 Administration: Examinations may be administered by representatives of the Department, Board members or their designated representatives, or a combination of the same. The identity of examinees must not be disclosed on the examination papers in such a way as to enable the examiner to know by whom it was written.

10-005.13 Examination Security: Subject to the provisions of 178 NAC 10-005.14 and 10-005.15, no applicant, license holder, or persons other than Department staff, Board members, or legal representatives or test experts consulting with the Department or Board, will be provided with advance copies of or access to examination questions, answers, or answer keys, with copies of past or proposed questions, answers or answer keys, or any information disclosing the content of or compromising the integrity of any examinations or portions of examinations under development, in use, or proposed to be used.

10-005.13A All examination materials must be kept under lock and key when not under review by Department staff, Board members, or Department legal counsel, or test consultants to the Department and Board, in use during an examination, or under review by an examinee or his/her legal representative in accordance with 178 NAC 10-005.15, item 8.

10-005.13B The Department must maintain a log of persons provided access to examination questions, answers, or other examination materials in a form as agreed between the Department and Board.

10-005.13C Any applicant or license holder who subverts an examination may be subject to discipline under 178 NAC 10-009.

10-005.14 Security Procedures During Examination: Security procedures during the examination include but are not limited to:

1. Admission Identification: All examinees are required to show at least one piece of picture identification and an admissions card provided by the Department.
2. Late Admissions: No late admissions to the examination room are allowed. Any time following commencement of verbal instructions by the proctor is considered late.

3. Distribution of Materials: Examination books, sheets and/or answer sheets will be handed individually and directly to each examinee. Each examinee will receive only one examination book, sheet, and/or answer sheet.
4. Examinations Instructions: The chief proctor will read verbatim the instructions for the examination and will not repeat them.
5. Answering Questions: The proctors will not answer any questions concerning content during the examination. If an examinee thinks a test item is misprinted or incorrect, the examinee will be told to answer the question as it reads. The examinee will be assured that a report of this concern will be made before the examinations are scored.
6. Leaving the Examination Room: Examinees may be permitted to go to the restroom unescorted one at a time. The proctor must hold the examinee's test book, sheet, and/or answer sheet during this absence. No additional testing time is allowed.
7. Leaving the Examination Permanently: If an examinee must leave the examination because of an emergency or illness, the examinee's test book, sheet, and/or answer sheet will be collected. If an examinee finishes the examination early s/he may leave the examination room after all materials are collected; however, to ensure proper security of test materials, no examinee may leave the room during the last 10 minutes of the testing time.
8. Permitted Materials: Examinees must have nothing on their work surface or area except the test book, sheet, and/or answer sheet, identification/admission card, and any materials or equipment needed to respond to exam questions.
9. Taking the Examination: No examinee may work ahead or behind when the examination requires all examinees to work simultaneously on one section or part of the examination. Examinees must stop writing at the end of the session. No extra time will be allowed.
10. Notes: No examinee may write notes concerning the examination nor may examinees remove pages from the test or leave the examination room with any materials held during the examination.
11. Communications: Examinees must not communicate with anyone other than the proctor in any way after the examination questions have been distributed. No electronic communication devices are allowed.
12. 10-Minute Warning: A warning will be given when there are 10 minutes left in the examining session.
13. Observers: No persons are allowed in the examination room other than the examinees, Board members, Department staff, designated proctors, or their representatives administering the examination.

14. Proctors: If more than one proctor is necessary for test administration, 1 proctor will be designated as chief proctor. The chief proctor has the authority and responsibility to assure that the examination is conducted under the conditions and procedures required by 178 NAC 10 with the assistance of the other proctors.
15. Disruptive Behavior: An examinee who exhibits behavior that disrupts or interferes with the testing conditions for other examinees and who fails to cease the behavior will be removed from the examination room after failure to comply with 1 warning.
16. Irregular Behavior: An examinee who is suspected of giving, copying, or otherwise receiving unauthorized information about the contents of the examination will be immediately removed from the examination room and have his/her application for licensure returned as unacceptable.

10-005.15 Access to Examinations: All persons who take and fail examinations required under the Act and Department and Board regulations may review their own answers subject to the following conditions:

1. Review may take place only after results of the examination have been issued by the Department.
2. Photographic identification is required.
3. Review must take place in the offices of the Department during regular business hours.
4. Review may take place only in the presence of a representative of the Department. A representative of the Board may also be present.
5. The answer sheet may not be taken from the site designated for review.
6. Answers may not be copied from the answer forms. Notes may be made but must be limited to the question number and any objections, challenges or questions concerning examination questions and answers. The Department will review notes and may confiscate them if, in the opinion of the representative, the notes are likely to compromise the integrity of the examination.
7. No questions may be asked of or answered by the Department or Board representative during review concerning the examination or answers. Questions, objections, or challenges may be submitted to the Board in writing for its consideration.
8. The examinee may have legal counsel present during review or authorize, in writing, legal counsel to review the examination and answer sheet in his/her absence. Review by counsel is subject to the same conditions and terms as those for the examinee.

10-005.16 Discovery on Examinations During Appeals: Unsuccessful examinees in the process of administrative appeal of the denial of a license for failure of the required

examination may review their own answer sheets as set forth in 178 NAC 10-005.15 and the questions and model answers marked wrong or not given full credit on their answer sheets. No copies of examination materials are provided except upon order of the Director or a court of competent jurisdiction. If the number of wrong answers is so great that release of copies of the records will jeopardize the security of the examination, or if access to and/or copies of the questions is sought, the Director or a court of competent jurisdiction, on motion, may order disclosure of such records as are relevant under such conditions as are warranted in the circumstances. Conditions on records found by the Director to be subject to disclosure may include, but are not limited to:

1. Restrictions on who may possess the copies;
2. Restriction on the number of copies thereto which may be made;
3. Restriction on distribution of any copies provided;
4. Restriction of the persons who may review the material or copies thereof, including limitations on the examinee;
5. Procedures for maintaining security of the copies and for documenting or logging access provided;
6. Security of the examination during hearing and further appeal; and/or
7. Other measures as may be deemed necessary to ensure that security is maintained.

10-005.17 Access to Other Examination Materials: Any person may have access to public records concerning examinations and their development, or statistical information available, if any, relating to examination results.

10-005.18 Failure of Examination: Failure of an examination required for licensure or reinstatement of a license results in denial of the application for the license or its reinstatement.

10-005.19 Retakes of Examinations: An examinee who fails to pass an examination may, upon reapplication for licensure or for reinstatement retake the examination at any regularly scheduled examination.

10-006 CONTINUING COMPETENCY REQUIREMENTS: Each person holding an active credential under the Act must on or before the date of expiration of the credential, complete at least 12 hours of continuing education related to the discipline for which his/her license was issued unless the continuing education requirements are waived in accordance with 178 NAC 10-008.03 or 10-008.04. Each credentialed individual is responsible for maintaining certificates or records of continuing competency activities.

10-006.01 General Requirements:

10-006.01A Each individual licensed under the Act may, following his/her completion of each continuing education program, submit to the Board an affidavit evidencing his/her

completion of the program or may in the alternative make one or more affidavit submissions to the Board of evidence of all programs completed during the applicable period on or before December 31 of each even-numbered year after the initial renewal.

10-006.01B Licensees must submit one or more notarized affidavit(s) showing evidence of completion of the programs. The affidavit(s) must include the name, address, telephone number, and license number of the individual; the program name and provider; the program location; the program dates; and the number of continuing education hours that were earned at each program. The licensee must submit a copy of all certificates or other evidence of completion provided by the program sponsor for each program included on the affidavit.

10-006.01C Whenever licensees serve as presenters in a program, they may receive credit only for their initial presentation during a single renewal period, regardless of the number of times a program is presented.

10-006.02 Responsibilities: The licensee is responsible for:

1. Maintaining documentation of attendance at continuing education programs; and
2. Verifying with the Board that the continuing education program is approved by the Board in accordance with 178 NAC 10-007.

10-006.03 Application for Waiver: In order to apply for a waiver of continuing education requirements for circumstances other than initial renewal and military service, the licensee must submit on or before December 31 of the applicable renewal period a written request for a waiver addressed to the Department which includes:

1. The applicant's license number;
2. The number of continuing education hours for which waiver is sought;
3. A narrative explaining what circumstances beyond the applicant's control prevented completion of all or part of the continuing education requirements, including, but not limited to, pertinent dates and identification of persons by name, address, and telephone number, who have direct knowledge of the grounds claimed for waiver; and
4. Documentation of the circumstances which prevented the licensee from fulfilling the continuing education requirement. Documentation may include, but is not limited to, things such as letters from treating physician(s) stating that the licensee suffered a serious illness or physical disability, duration of the illness and recovery period and the inability of the licensee to complete the continuing education hours.

10-007 APPROVAL OF CONTINUING EDUCATION PROGRAMS: The Board will evaluate applications from licensees or providers for approval of continuing education programs. The Board will grant approval for a specific number of hours of continuing education and will indicate to which occupational activities the program applies.

10-007.01 General Requirements for Approval: To be approved for hours of continuing education all continuing education programs must meet the following general requirements:

1. Content must relate directly to ground water or the water well industry and must include but is not limited to, water well and water well pump standards, geologic characteristics of the State, state groundwater laws and regulations, water well construction and pump installation practices and techniques; water well monitoring; inspection of chemigation devices; and inspection or repair of flow meters;
2. Presenters of programs must be qualified by education, experience or training; and
3. The program provider agrees to provide each attendee a certificate of attendance and to submit a complete attendance record to the Board no later than 30 days after the occurrence of each program provided and must include the following information and assurances:
 - a. The name and address of licensed individuals in attendance,
 - b. Program title,
 - c. Program date(s), and
 - d. Number of hours each individual was in attendance.

10-007.02 Application: To obtain approval of a continuing education program, a provider or a licensee must submit a written application, which must include the following information:

1. The applicant's name, address and telephone number;
2. The name, address, and telephone number of the provider;
3. The name, location and date(s) of the program;
4. A description in detail of program content;
5. A description of program objectives;
6. A description of the qualifications of each presenter;
7. The number of hours of continuing education credit for which approval is requested;
8. In the case of application by a provider, a description of the process the provider uses to verify attendance; a sample of the document required in 178 NAC 10-007.01 item 3 which the provider must issue to attendees; and, the means by which and the time the provider intends to maintain records of attendance.
9. In the case of application by a licensee a copy of any written evidence or certification of attendance of the program from the provider showing attendance and completion of the program and properly executed affidavit of completion of continuing education programs as required in 178 NAC 10-006.01B.

0-007.03 Additional Information: An applicant may submit additional documents or information as the applicant may consider relevant to the application and compliance with the provisions of these regulations.

10-007.04 Applications for CEUs: The Board will consider only applications which are complete. In the event that the Board determines an application is incomplete, the Department

will notify the applicant of the information necessary to complete the application. The Board may accept alternative sources of evidence from that required under 178 NAC 10-007.

10-007.05 Continuing Approval: Once the Board has approved an application for any continuing education program, reapproval is not required for each occasion on which the program is presented provided the program is not changed, or program requirements are not changed by law or regulation. If the program, or any portion of a program is changed, or requirements are changed by statute or regulations, reapplication must be made. The program provider must notify the Department in writing each time an approved continuing education program is presented. The notification must include the date, number of hours presented, and a statement that the program presented was not changed from the program approved previously by the Department.

10-007.06 Advertisement of Approvals: After the Board has granted its written approval of an application, the provider is entitled to state upon its publications: "This program is approved for _____ (number of credit hours approved) hours of continuing education credit (on water well construction licenses, pump installation licenses, water well monitoring technician licenses, or natural resources ground water technician licenses) (or any combination) under the Nebraska Water Well Standards and Contractors' Practice Act".

10-007.07 Prior Approval: The Board must receive an application that contains all the required information at least 65 days prior to the date on which the program is to be presented in order for the Board to issue prior approval. Board action on applications received less than 65 days prior to the date on which the program is to be presented may be deferred until the next regularly scheduled Board meeting.

10-007.08 Post-Program Approval: Applications for approval of a continuing education program made after the program has occurred must be submitted to the Board within 1 year from the date the program was presented.

10-007.09 Provider Record Keeping: In order for the Board to approve a continuing education program, the provider must maintain the records of all certificates of completion issued for the most recent 3 years. The records must identify the following:

1. Full name of each recipient;
2. License number;
3. Program title;
4. Date(s) of program;
5. Program description; and
6. Number of hours of continuing education credit earned.

10-007.10 List of Approved Continuing Education Activities: The Board must provide, upon request, a list of all approved continuing education activities currently available to the public. The list must include but need not be limited to information on the location where the activity is to be held, the number of credit hours assigned, and program description.

10-007.11 Approved Continuing Education Activity - Loss of Approval

10-007.11A The Board may withdraw or suspend approval of a program if the Board determines that:

1. The provider changed the program teaching method or program content without notice to the Board and the Board's approval of the program as changed;
2. The provider issued a certificate of completion to an individual who did not attend or complete the approved program in accordance with the provisions under which the program was approved;
3. The provider did not give certificates of completion to all individuals who have satisfactorily completed the approved activity in accordance with the provisions under which the program was approved;
4. The provider does not maintain records for certificates of completion issued; or
5. Fraud or misrepresentation has occurred with the application for program approval, maintenance of records, teaching method, program content, or issuance of certificates for a particular course or program.

10-007.12 Appeal: If the Board proposes to deny, suspend or withdraw approval of a continuing education program, it must send notice and provide opportunity for hearing in accordance with the Administrative Procedure Act and its rules of procedure 184 NAC 1.

10-008 RENEWAL: An individual who wants to renew his/her credential under the Act must request renewal as specified in 178 NAC 10-008.02 and must meet all requirements for continuing competency for each renewal period. All credentials issued by the Department under the Act will expire on December 31 of each even-numbered year.

10-008.01 Renewal Notice: At least 30 days before the expiration of a credential, the Department will notify each credential holder at the last known address of record. The renewal notice will include:

1. The type of credential;
2. The credential number;
3. The expiration date;
4. Continuing competency requirements for renewal;
5. The amount of the renewal fee; and
6. Information on how to request renewal and how to place a credential on inactive status.

10-008.02 Renewal Procedures: The request for renewal may be submitted in person or by mail or Internet, and must include all required documentation and the renewal fee, which must be paid no later than the expiration date. The applicant may obtain an application from the Department or construct an application.

1. Application: The applicant must attest that all information in the application is truthful and complete, and the applicant, in his/her application:
 - a. Must provide the following information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (3) The applicant's:
 - (a) Social Security Number (SSN); or

- (b) Alien Registration Number (A#); or
 - (c) Form I-94 (Arrival-Departure Record) number.
Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
 - (d) Telephone number including area code.
 - b. Must state that s/he is one of the following:
 - (1) A citizen of the United States;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to employment as a credential holder in the United States;
 - c. May provide the following information about him/herself:
 - (1) The applicant's e-mail address; and
 - (2) The applicant's fax number;
 - d. Must indicate that s/he:
 - (1) Is of good character;
 - (2) Has met the continuing competency requirements specified in 178 NAC 10-006.01; or has requested a waiver if s/he meets the requirements of 178 NAC 10-008.03 and/or 10-008.04;
 - (3) Has not, since the last renewal of the credential, committed any act which would be grounds for action against a credential as specified in 178 NAC 10-009.01 or if an act(s) was committed, must provide an explanation of all such acts. and
 - (4) Is a citizen of the United States or a qualified alien under the federal Immigration and Nationality Act, for the purpose of complying with Neb. Rev. Stat. §§ 4-108 to 4-114. The applicant must provide his/her immigration status and alien number, and agree to provide a copy of his/her USCIS documentation upon request.
- 2. Documentation: The applicant must submit the following documentation with the application:
 - a. Alien or Non-Immigrant: Evidence of lawful permanent residence, and/or immigration status may include a copy of:
 - (1) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (2) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (3) A document showing an Alien Registration Number ("A#") with visa status; or
 - (4) A Form I-94 (Arrival-Departure Record) with visa status;
 - b. Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed;
 - c. Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;

- d. Denial: If the applicant was denied a credential or denied the right to take a credentialing examination, an explanation of the basis for the denial;
- e. Conviction Information: If the applicant has been convicted of a felony or misdemeanor since his/her last renewal or during the time period since initial credentialing if such occurred within the previous two years, the applicant must submit to the Department:
 - (1) A list of any misdemeanor or felony convictions;
 - (2) A copy of the court record, which includes charges and disposition;
 - (3) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (6) Any other information as requested by the Board/Department;
3. For licensed contractors, proof of public liability and property damage insurance in the amount of at least \$100,000.00; and
4. The renewal fee according to 178 NAC 11-003.

10-008.03 Waivers for Military Service: A credential holder who has served in the regular armed forces of the United States during part of the credentialing period immediately preceding the renewal date, or is actively engaged in military service as defined in 178 NAC 10-002, is not required to pay the renewal fee or to meet the continuing competency requirements if acceptable documentation is submitted to the Department. The individual must document his/her military service by submitting to the Department:

1. Military identification proving that s/he is in active service;
2. Military orders; or
3. A letter from his/her Commanding Officer indicating that s/he is on active duty.

Upon receipt of acceptable documentation, the Department will waive the fee and the continuing competency requirements and renew the credential. The credential will remain active until the next renewal period.

10-008.04 Waiver of Continuing Competency Requirements

10-008.04A The Department waives continuing competency requirements for individuals who were first credentialed within the 24-month period immediately preceding the renewal date.

10-008.04B The Department may waive continuing competency requirements, in whole or in part, upon submission by a credential holder of documentation that circumstances beyond his/her control have prevented completion of these requirements. These circumstances may include that the licensee suffered a serious or disabling illness or physical disability which prevented completion of continuing education hours during the 24 months immediately preceding the license renewal date.

10-008.05 Audit: The Board reserves the right to audit for good cause the continuing education filing of any licensee by notifying the licensee and requesting the licensee to produce within 30 days of mailing all documents verifying attendance at approved continuing education programs.

10-008.06 Failure to Document: If a licensee is unable to document any hours of attendance at a continuing education program after audit as provided in these regulations, the Department will not include those hours in the calculation of the total of continuing education credit hours earned by the applicant for renewal of his/her license.

10-008.07 Department Review: The Department will act within 150 days upon all completed applications for renewal.

10-008.07A False Information: The Department may refuse to renew a credential for falsification of any information submitted for renewal of a credential. The refusal will be made according to 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

10-008.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

10-008.09 Expiration of a Credential: A credential expires if a credential holder fails to:

1. Notify the Department that s/he wants to place his/her credential on inactive status upon its expiration;
2. Meet the requirements for renewal on or before the date of expiration of his/her credential; or
3. Otherwise fails to renew his/her credential.

10-008.09A Failure to Renew: A credential automatically expires without further notice or opportunity for hearing if a credential holder fails by the expiration date of the credential to either:

1. Submit documentation of continuing competency; or
2. Pay the required renewal fee.

10-008.09B Failure to Meet Continuing Competency Requirements: The Department will refuse to renew a credential, after notice and opportunity for hearing, if a credential holder fails to meet the continuing competency requirements for renewal by the expiration date of the credential.

10-008.09C Right to Practice: When an individual's credential expires, the right to represent him/herself as a credential holder and to practice under the Water Well Standards and Contractors' Practice Act terminates.

10-008.09D Practice After Expiration: An individual who practices after expiration of his/her credential is subject to assessment of an administrative penalty under 178 NAC 10-012 or such other action as provided in the statutes and regulations governing the credential.

10-008.09E Reinstatement of an Expired Credential: If a credential holder wants to resume practice under the Act after failing to renew his/her credential by the expiration date, s/he must apply to the Department for reinstatement as specified in 178 NAC 10-011.

10-008.10 Inactive Status: When an individual wants to have his/her credential placed on inactive status, s/he must notify the Department in writing. There is no fee to have a credential placed on inactive status.

10-008.10A Request for Inactive Status: When the Department has received notification that an individual wants to have his/her credential placed on inactive status, the Department will notify the credential holder in writing of the acceptance or denial of the request.

10-008.10B Placement on Inactive Status: When an individual's credential is placed on inactive status, the credential holder must not engage in practice as a licensee under the Act, but may represent him/herself as having an inactive credential.

10-008.10C Return to Active Status: A credential may remain on inactive status for an indefinite period of time. An individual who wants to have his/her credential returned to active status must apply to the Department for reinstatement and meet the requirements specified in 178 NAC 10-011.

10-009 DISCIPLINARY ACTIONS

10-009.01 Grounds for Action Against a Credential: A credential to practice a profession may have disciplinary actions taken against it on any of the following grounds:

1. Misrepresentation of material facts in procuring or attempting to procure a credential;
2. Immoral or dishonorable conduct evidencing unfitness to practice the profession in this state;
3. Abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance;
4. Failure to comply with a treatment program or an aftercare program, including, but not limited to, a program entered into under the Licensee Assistance Program established pursuant to Neb. Rev. Stat. § 38-175;
5. Conviction of:
 - a. A misdemeanor or felony under Nebraska law or federal law, or
 - b. A crime in any jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony under Nebraska law and which has a rational connection with the fitness or capacity of the applicant or credential holder to practice the profession;
6. Practice of the profession:
 - a. Fraudulently,
 - b. Beyond its authorized scope,
 - c. With gross incompetence or gross negligence, or
 - d. In a pattern of incompetent or negligent conduct;
7. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, drugs, mind-altering substances, physical disability, mental disability, or emotional disability;

8. Physical or mental incapacity to practice the profession as evidenced by a legal judgment or a determination by other lawful means;
9. Illness, deterioration, or disability that impairs the ability to practice the profession;
10. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a credential by a person not credentialed to do so;
11. Having had his/her credential denied, refused renewal, limited, suspended, revoked, or disciplined in any manner similar to 178 NAC 10-009.05 by another state or jurisdiction based upon acts by the applicant or credential holder similar to acts described in this part;
12. Use of untruthful, deceptive, or misleading statements in advertisements;
13. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act;
14. Distribution of intoxicating liquors, controlled substances, or drugs for any other than lawful purposes;
15. Violations of the Uniform Credentialing Act, the Water Well Standards and Contractors' Practice Act, or the rules and regulations under either of those acts;
16. Unlawful invasion of the field of practice of any profession regulated by the Uniform Credentialing Act which the credential holder is not credentialed to practice;
17. Violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the act.
18. Failure to file a report required by Neb. Rev. Stat. §§ 38-1,124 or 38-1,125;
19. Failure to maintain the requirements necessary to obtain a credential;
20. Violation of an order issued by the Department;
21. Violation of an assurance of compliance entered into under Neb. Rev. Stat. § 38-1,108;
22. Failure to pay an administrative penalty;
23. Unprofessional conduct as defined in 178 NAC 10-009.02;
24. Permitting, aiding, or abetting the practice of the trade or the performance of activities requiring a license by a person not licensed to do so;
25. Conduct or practices detrimental to the health or safety of persons hiring the services of the licensee or of members of the general public;
26. Practice of the trade while the license to do so is suspended or practice of the trade in contravention of any limitation placed upon the license;
27. Failing to file a properly completed notice of abandonment of a water well required by subsection (8) of Neb. Rev. Stat. § 46-602; or
28. Failing to file a water well registration required by subsection (1), (2), (3), (4), or (5) of Neb. Rev. Stat. § 46-602 or failing to file a notice required by subsection (7) of Neb. Rev. Stat. § 46-602.

10-009.02 Unprofessional Conduct: Unprofessional conduct means any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or the ethics of the profession, regardless of whether a person, consumer, or entity is injured, but does not include a single act of ordinary negligence. Unprofessional conduct also means conduct that is likely to deceive or defraud the public or is detrimental to the public interest. Unprofessional conduct includes but is not limited to:

1. Obtaining any fee for professional services by fraud, deceit, or misrepresentation, including, but not limited to, falsification of third-party claim documents;
2. Cheating on or attempting to subvert the credentialing examination;

3. Use of any letters, words, or terms, either as a prefix, affix, or suffix, on stationery, in advertisements, or otherwise, indicating that the person is entitled to practice a profession for which s/he is not credentialed;
4. Knowingly disclosing confidential information except as otherwise permitted by law;
5. Commission of any act of sexual abuse, misconduct, or exploitation related to the practice of the profession of the applicant or credential holder;
6. Failure to keep and maintain adequate records of service;
7. Failure to comply with any federal, state, or municipal law, ordinance, rule, or regulation that pertains to the applicable profession; or
8. Failure to comply with any law, ordinance, rule or regulation that pertains to the applicable profession.

10-009.03 Temporary Suspension or Limitation

10-009.03A The Department may temporarily suspend or temporarily limit any credential issued by the Department without notice or a hearing if the Director determines that there is reasonable cause to believe that grounds exist under 178 NAC 10-009.01 for the revocation, suspension, or limitation of the credential and that the credential holder's continuation in practice or operation would constitute an imminent danger to the public health and safety. Simultaneously with the action, the Department will institute proceedings for a hearing on the grounds for revocation, suspension, or limitation of the credential. The hearing will be held no later than 15 days from the date of the temporary suspension or temporary limitation of the credential.

10-009.03B A continuance of the hearing will be granted by the Department upon the written request of the credential holder, and the continuance must not exceed 30 days unless waived by the credential holder. A temporary suspension or temporary limitation order by the Director will take effect when served upon the credential holder.

10-009.03C A temporary suspension or temporary limitation of a credential under 178 NAC 10-009.03 will not be in effect for more than 90 days unless waived by the credential holder. If a decision is not reached within 90 days, the credential will be reinstated unless and until the Department reaches a decision to revoke, suspend, or limit the credential or otherwise discipline the credential holder.

10-009.04 Department Action: The Department will follow the procedures delineated in the Uniform Credentialing Act to notify credential holders of any disciplinary action to be imposed and the time and place of the hearing.

10-009.05 Sanctions: Upon the completion of any hearing held regarding discipline of a credential, the Director may dismiss the action or impose the following sanctions:

1. Censure;
2. Probation;
3. Limitation;
4. Civil Penalty;
5. Suspension; or
6. Revocation.

10-009.05A Additional Terms and Conditions of Discipline: If any discipline is imposed pursuant to 178 NAC 10-009.05, the Director may, in addition to any other terms and conditions of that discipline:

1. Require the credential holder to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral or both, at the option of the Director;
2. Require the credential holder to submit to a complete diagnostic examination by one or more physicians or other qualified professionals appointed by the Director. If the Director requires the credential holder to submit to an examination, the Director will receive and consider any other report of a complete diagnostic examination given by one or more physicians or other qualified professionals of the credential holder's choice if the credential holder chooses to make available the report or reports by his/her physician or physicians or other qualified professionals; and
3. Limit the extent, scope, or type of practice of the credential holder.

10-010 VOLUNTARY SURRENDER OR LIMITATION: A credential holder may offer to voluntarily surrender or limit a credential issued by the Department. The credential holder must make the offer in writing on a form provided by the Department or constructed by the credential holder, which must include the following information:

1. Personal Information:
 - a. First, middle and last name;
 - b. Mailing address (street, rural route, or post office address), city, state, and zip code;
 - c. Telephone number; and
 - d. Fax number.
2. Information Regarding the Credential Being Offered for Surrender or Limitation:
 - a. List credential(s) and credential number(s) that would be surrendered or limited;
 - b. Indicate the desired time frame for offered surrender or limitation:
 - (1) Permanently;
 - (2) Indefinitely; or
 - (3) Definite period of time (specify);
 - c. Specify reason for offered surrender or limit of credential; and
 - d. Specify any terms and conditions that the credential holder wishes to have the Department consider and apply to the offer.
3. Attestation: The credential holder must:
 - a. Attest that all the information on the offer is true and complete, and
 - b. Provide the credential holder's signature and date.

10-010.01 The Department may accept an offer of voluntary surrender or limitation of a credential based on:

1. An offer made by the credential holder on his/her own volition;
2. An offer made with the agreement of the Attorney General or the legal counsel of the Department to resolve a pending disciplinary matter;
3. A decision by the Attorney General to negotiate a voluntary surrender or limitation in lieu of filing a petition for disciplinary action; or

4. A decision by the legal counsel of the Department to negotiate a voluntary surrender or limitation in response to a notice of disciplinary action.

10-010.02 The Department may reject an offer of voluntary surrender of a credential under circumstances which include, but are not limited to, when the credential:

1. Is under investigation;
2. Has a disciplinary action pending but a disposition has not been rendered; or
3. Has had a disciplinary action taken against it.

10-010.03 When the Department either accepts or rejects an offer of voluntary surrender or limitation, the Director will issue the decision in a written order. The order will be issued within 30 days after receipt of the offer of voluntary surrender or limitation and will specify:

1. Whether the Department accepts or rejects the offer of voluntary surrender; and
2. The terms and conditions under which the voluntary surrender is accepted or the basis for the rejection of an offer of voluntary surrender. The terms and conditions governing the acceptance of a voluntary surrender will include, but not be limited to:
 - a. Duration of the surrender;
 - b. Whether the credential holder may apply to have the credential reinstated; and
 - c. Any terms and conditions for reinstatement.

10-010.04 A limitation may be placed on the right of the credential holder to practice a profession to the extent, for the time, and under the conditions as imposed by the Director.

10-010.05 Violation of any of the terms and conditions of a voluntary surrender or limitation by the credential holder will be due cause for the refusal of renewal of the credential, for the suspension or revocation of the credential, or for refusal to restore the credential.

10-010.06 Reinstatement following voluntary surrender is set out in 178 NAC 10-011.

10-011 REINSTATEMENT: This section applies to individuals previously credentialed in Nebraska who seek the authority to return to practice in Nebraska with a valid Nebraska credential. To qualify for reinstatement, the applicant must first meet the requirements for renewal. Individuals may apply for reinstatement as follows:

1. An individual whose credential has expired, been placed on inactive status, voluntarily surrendered for an indefinite period of time, or suspended or limited for disciplinary reasons, may apply for reinstatement at any time.
2. An individual whose credential has been voluntarily surrendered for a definite period of time may apply for reinstatement after that period of time has elapsed.
3. An individual whose credential has been revoked may apply for reinstatement only after a period of two years has elapsed from the date of revocation.
4. An individual whose credential has been permanently voluntarily surrendered may not apply for reinstatement.

The voluntary surrender of a credential may be unrelated to disciplinary matters, or may be done to resolve a pending disciplinary matter, in lieu of disciplinary action, or in response to a notice of disciplinary action.

10-011.01 Reinstatement From Expired or Inactive Status or Following Voluntary Surrender Unrelated to a Disciplinary Matter

The applicant must submit to the Department a written application on a form provided by the Department or constructed by the applicant.

1. Application: The applicant must attest that all information in the application is truthful and complete, and the applicant, in his/her application:
 - a. Must provide the following information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Mailing address (street, rural route, or post office address; and city, state, and zip code or country information);
 - (3) The applicant's:
 - (a) Social Security Number (SSN); or
 - (b) Alien Registration Number (A#); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
 - (4) If the applicant holds a professional credential in another state, a list of the state(s) and type of credential; and
 - (5) Telephone number including area code;
 - b. Must state that s/he is one of the following:
 - (1) A citizen of the United States;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to employment as a credential holder in the United States;
 - c. If the applicant is an alien or non-immigrant, s/he must submit evidence of lawful permanent residence, and/or immigration status may include a copy of:
 - (1) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (2) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (3) A document showing an Alien Registration Number ("A#") with visa status; or
 - (4) A Form I-94 (Arrival-Departure Record) with visa status;
 - d. May provide the following information about him/herself:
 - (1) E-mail address;
 - (2) Fax number; and
 - e. Must indicate that s/he:
 - (1) Is of good character;
 - (2) Has met the continuing competency requirements specified in 178 NAC 10-006 within the 24 months immediately preceding submission of the application;

- (3) Has not practiced in Nebraska since s/he last held an active credential, or if the applicant has practiced in Nebraska since s/he last held an active credential, the actual number of days practiced;
 - (4) Has not committed any act which would be grounds for action against a credential as specified in 178 NAC 10-009 since the last renewal or issuance of the credential (whichever is later), or if an act(s) was committed, provide an explanation of all such acts; and
 - (5) Is a citizen of the United States or a qualified alien under the federal Immigration and Nationality Act, for the purpose of complying with Neb. Rev. Stat. §§ 4-108 to 4-114. The applicant must provide his/her immigration status and alien number, and agree to provide a copy of his/her USCIS documentation upon request; and
2. Fee(s): The following fee(s):
- a. If the credential is expired or inactive, the reinstatement and renewal fees; or
 - b. If the credential was voluntarily surrendered, the renewal fee.

10-011.01A If an applicant has practiced while his/her credential was expired, inactive, or voluntarily surrendered, the Department may, with the recommendation of the Board, take one or more of the following actions:

1. Deny the application to reinstate the credential;
2. Reinstate the credential to active status and impose limitation(s) or other disciplinary actions on the credential; and/or
3. Reinstate the credential.

10-011.01B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Deny the application for reinstatement of the credential;
2. Reinstate the credential to active status and impose limitation(s) or other disciplinary actions on the credential; and/or
3. Reinstate the credential.

10-011.01C The Department will act within 150 days on all completed applications.

10-011.01D The Department's decision may be appealed to the Director by any party to the decision. The appeal must be in accordance with the Administrative Procedure Act.

10-011.02 Reinstatement Following Suspension, Limitation, Revocation, or Voluntary Surrender to Resolve a Pending Disciplinary Matter, In Lieu of Discipline, or In Response to a Notice of Disciplinary Action: An individual whose credential was suspended or limited may apply for reinstatement at any time. An individual whose credential has been revoked may apply for reinstatement after a period of two years has elapsed from the date of revocation. An individual whose credential was voluntarily surrendered may apply for reinstatement according to the order entered by the Director.

The applicant must submit to the Board a written application on a form provided by the Department or constructed by the applicant.

1. Application: The applicant must attest that all information in the application is truthful and complete, and the applicant, in his/her application:
 - a. Must provide the following information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Mailing address (street, rural route, or post office address; and city, state, and zip code or country information);
 - (3) The applicant's:
 - (a) Social Security Number (SSN) or
 - (b) Alien Registration Number (A#); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
 - (4) If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - (5) A statement of the reason the applicant believes his/her credential should be reinstated;
 - (6) Proof of restitution to all persons suffering damage or injury as a result of the actions for which the disciplinary measure was imposed; and
 - (7) Telephone number including area code; .
 - b. Must state that s/he is one of the following:
 - (1) A citizen of the United States;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to employment as a credential holder in the United States;
 - c. If the applicant is an alien or non-immigrant, s/he must submit evidence of lawful permanent residence, and/or immigration status may include a copy of:
 - (1) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (2) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (3) A document showing an Alien Registration Number ("A#") with visa status; or
 - (4) A Form I-94 (Arrival-Departure Record) with visa status;
 - d. May provide the following information about him/herself:
 - (1) E-mail address;
 - (2) Fax number; and
 - e. Must indicate that s/he:
 - (1) Is of good character;
 - (2) Has met the continuing competency requirements specified in 178 NAC 10-006 within the 24 months immediately preceding submission of the application (or other requirements as specified by the practice act);

- (3) Has not practiced in Nebraska since s/he last held an active credential, or if the applicant has practiced in Nebraska since s/he last held an active credential, the actual number of days practiced;
- (4) Has not committed any act which would be grounds for action against a credential as specified in 178 NAC 10-009 since the last renewal or issuance of the credential (whichever is later), or if an act(s) was committed, provide an explanation of all such acts; and
- (5) Is a citizen of the United States or a qualified alien under the federal Immigration and Nationality Act, for the purpose of complying with Neb. Rev. Stat. §§ 4-108 to 4-114. The applicant must provide his/her immigration status and alien number, and agree to provide a copy of his/her USCIS documentation upon request; and

2. Fee: The renewal fee found in 178 NAC 11.

10-011.02A The Board will make a recommendation regarding reinstatement following suspension, limitation, revocation, or voluntary surrender within 180 days of receipt of the application.

10-011.02B The Department, with the recommendation of the Board, may:

1. Conduct an investigation to determine if the applicant has committed acts or offenses prohibited by Neb. Rev. Stat. § 38-178;
2. Require the applicant to submit to a complete diagnostic examination, at the expense of the applicant, by one or more physician(s) or other professionals appointed by the Board. The applicant may also consult a physician(s) or other professionals of his/her own choice for a complete diagnostic examination and make available a report(s) of the examination(s) to the Department and to the Board;
3. Require the applicant to pass a written, oral, or practical examination or any combination of examinations at the expense of the applicant;
4. Require the applicant to successfully complete additional education at the expense of the applicant; or
5. Take any combination of these actions.

10-011.02C On the basis of the written application, materials submitted by the applicant and the information obtained under 178 NAC 10-011.02B, the Board may:

1. Deny the application for reinstatement; or
2. Recommend to the Department:
 - a. Full reinstatement of the credential;
 - b. Modification of the suspension or limitation; or
 - c. Reinstatement subject to limitations or subject to probation with terms and conditions.

If the applicant has practiced while his/her credential was suspended, limited, revoked, or voluntarily surrendered, the Department may assess an administrative penalty pursuant to 178 NAC 10-012, in which case a separate notice of opportunity for hearing will be sent to the applicant.

10-011.02D An affirmative vote of a majority of the full membership of the Board as authorized by statute is required to recommend reinstatement of a credential with or without terms, conditions, or restrictions.

10-011.02E Full Reinstatement: If the Board recommends full reinstatement of the credential, modification of the suspension or limitation, or reinstatement of the credential subject to limitations or subject to probation with terms and conditions, the Board's recommendation will be sent to the applicant by certified mail. The following information will be forwarded to the Director for a decision:

1. The written recommendation of the Board, including any finding of fact or order of the Board;
2. The application for reinstatement;
3. The record of hearing, if any; and
4. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the applicant.

10-011.02F Denial, Modification, Limitation, or Probation: If the Board's initial decision is to deny the application for reinstatement, recommend modification of the suspension or limitation, or reinstate the credential subject to limitation or probation with terms and conditions, notification of the Board's decision will be mailed to the applicant by certified mail.

1. The initial decision or recommendation of the Board will become final 30 days after the decision or recommendation is mailed to the applicant unless the applicant requests a hearing within that 30-day period.
 - a. If the applicant requests a hearing before the Board, the Department will mail a notice of the date, time, and location of the hearing. The notice will be sent by certified mail at least 30 days before the hearing.
 - b. Following the hearing, the Board may deny the reinstatement or recommend full reinstatement of the credential, or recommend modification of the suspension or limitation, or recommend reinstatement of the credential subject to limitations or probation with terms and conditions.
2. If the applicant has been afforded a hearing or an opportunity for a hearing on an application for reinstatement within two years before filing the current application, the Department may grant or deny the application without another hearing before the Board.

10-011.02G Decision Denial: If the Board's final decision is denial of the application for reinstatement, the applicant will be notified by certified mail. The applicant may appeal the Board's denial to District Court in accordance with the Administrative Procedure Act.

10-011.02H Board Recommendation: If the Board's final recommendation is full reinstatement of the credential, modification of the suspension or limitation, or reinstatement of the credential subject to limitations or probation with terms and conditions, the Board's recommendation will be sent to the applicant by certified mail. The following information will be forwarded to the Director for a decision:

1. The written recommendation of the Board, including any finding of fact or order of the Board;
2. The application for reinstatement;
3. The record of hearing, if any; and
4. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the applicant.

10-011.02I Director's Review: The Director, upon receipt of the Board's recommendation for full reinstatement, modification, or probation, will review the application and other documents and make a decision within 150 days of receipt of the Board's recommendation and accompanying documents. The Director will enter an order setting forth the decision. The Director may:

1. Affirm the recommendation of the Board and grant reinstatement; or
2. Reverse or modify the recommendation if the Board's recommendation is:
 - a. In excess of statutory authority;
 - b. Made upon unlawful procedure;
 - c. Unsupported by competent, material, and substantial evidence in view of the entire record; or
 - d. Arbitrary and capricious.

The order regarding reinstatement of the applicant's credential will be sent to the applicant by certified mail. The Director's decision may be appealed to District Court by any party to the decision. The appeal must be in accordance with the Administrative Procedure Act.

10-012 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists of practice without a credential to practice a profession. Practice without a credential for the purpose of this regulation means practice:

1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the reinstatement of a credential.

10-012.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without being credentialed:

1. The person admits to engaging in practice;
2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;
3. Billing or payment records document the provision of service by the person;
4. Service records document the provision of service by the person;
5. Water well registration or other government records indicate that the person was engaged in practice; and
6. The person opens a business and announces or advertises that the business is open to provide service.

For purposes of this regulation, prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

10-012.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess the penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice will specify:
 - a. The total amount of the administrative penalty;
 - b. The evidence on which the administrative penalty is based;
 - c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;
 - d. That the Department will within 30 days following receipt of payment of the administrative penalty, remit the penalty to the State Treasurer to be disposed of in accordance with Article VII, section 5 of the Constitution of Nebraska;
 - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property. The Department may also collect in such action attorney's fees and costs incurred directly in the collection of the administrative penalty; and
 - f. Failure to pay an administrative penalty may result in disciplinary action.
2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.

10-012.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

10-013 FEES: Fees referred to in these regulations are set out in 178 NAC 11, unless otherwise specified.

THESE AMENDED RULES AND REGULATIONS replace Title 178 NAC 10, Licensure of Water Well and Pump Installation Contractors and Certification of Water Well Drilling and Pump Installation Supervisors, and Water Well Monitoring and Natural Resources Ground Water Technicians, effective June 13, 2007.

TITLE 178 - ENVIRONMENTAL HEALTH

CHAPTER 11 - FEES UNDER THE WATER WELL STANDARDS AND CONTRACTORS' PRACTICE ACT

11-001 SCOPE AND AUTHORITY: These rules prescribe fees for licensure under the Water Well Standards and Contractors' Practice Act. The authority for these regulations is found in Neb. Rev. Stat. §§ 46-1201 to 46-1241 and the Uniform Credentialing Act.

11-002 DEFINITIONS

Act means the Water Well Standards and Contractors' Practice Act, Neb. Rev. Stat. §§ 46-1201 to 46-1241.

Credential means a license, certificate, or registration.

Department means the Division of Public Health of the Department of Health and Human Services.

License means an authorization issued by the Department to an individual to engage in a profession which would otherwise be unlawful in this state in the absence of such authorization. In 178 NAC 11 it means those licenses issued under the Act.

Reinstatement means the restoration of a license to active status.

11-003 FEES

11-003.01 Schedule of Fees

1. A fee of \$150 for any regular or temporary hardship, initial or renewed license issued under the Act. These fees include a \$1 fee for the Licensee Assistance Program;
2. A fee for each water well required to be registered by the Department of Natural Resources. The fee for water wells designed and constructed to pump 50 gallons per minute or less and each monitoring and observation well is \$30. The fee for a water well designed and constructed to pump more than 50 gallons per minute is \$70. For water wells permitted pursuant to the Industrial Ground Water Regulatory Act, the fee is collected for each of the first 10 water wells registered; and for each group of 10 or fewer water wells registered thereafter, the fee is collected as if only 1 water well is being registered. These fees are remitted to the Director of Natural Resources with the registration form required by Neb. Rev. Stat. §46-602 and are described in Neb. Rev. Stat. § 46-606;
3. A fee of \$100 for application for a declaratory order and;

4. A fee of \$100 for application for a variance.

11-003.02 Proration of Credentialing Fees: When a credential will expire within 180 days after its initial issuance date and the initial credentialing fee is \$25 or more, Department will collect \$25 or one-fourth of the initial credentialing fee, whichever is greater, for the initial credential. The credential will be valid until the next subsequent renewal date.

11-003.03 Administrative Fees: These fees are:

1. \$10 for a duplicate original or reissued credential.
2. \$25 for certification of a credential. This includes a certified statement that provides information regarding the basis on which a credential was issued; the date of issuance; and whether disciplinary action has been taken against the credential; and whether a credential is valid at the time the request is made.
3. \$5 for verification of a credential.
4. \$35 reinstatement fee in addition to the renewal fee.
5. \$25 retained by the Department from the credentialing fee when a credential is denied or an application is withdrawn. If the credentialing fee is less than \$25, the fee is forfeited. Exam fees are not returned.

THESE AMENDED RULES AND REGULATIONS Replace Title 178 NAC 11, Fees Under the Water Well Standards and Contractors' Practice Act, effective June 7, 2011.

TITLE 178 WATER WELL STANDARDS

CHAPTER 12 WATER WELL CONSTRUCTION, PUMP INSTALLATION, AND WATER
WELL DECOMMISSIONING STANDARDS

12-001 SCOPE AND AUTHORITY: These regulations apply to the construction, location, and decommissioning of water wells, the installation of pumps and pumping equipment, the collection of water samples from water wells, and the inspection of installed water well equipment and chemigation regulation devices. The statutory authority is found in Neb. Rev. Stat. §§ 46-1201 to 46-1241, and 46-602. **These are minimum requirements.** Local requirements may be more stringent.

12-001.01 Related Regulations: Persons doing the work referenced above must be aware that other statutes and regulations may apply, including but not limited to:

1. Nebraska Department of Health and Human Services Title 179, Regulations Governing Public Water Systems;
2. Nebraska Department of Natural Resources (NDNR) Chapter 46, Article 6;
3. Nebraska Department of Environmental Quality (NDEQ) Title 122 Rules and Regulations for Underground Injection and Mineral Production Wells;
4. NDEQ Title 135 Rules and Regulations for Mineral Exploration Holes;
5. NDEQ Title 128 Rules and Regulations Governing Hazardous Waste Management in Nebraska;
6. NDEQ Title 130 Rules and Regulations for Livestock Waste Control;
7. Nebraska Natural Resources Districts (NRD) regulations; and
8. State Electrical Code.

12-002 DEFINITIONS

Abandoned Water Well means any water well (1) the use of which has been accomplished or permanently discontinued, (2) which has been decommissioned as described in the rules and regulations of the Department of Health and Human Services, and (3) for which the notice of abandonment required by Neb. Rev. Stat. §46-602(2) has been filed with the Department of Natural Resources by the licensed water well contractor or pump installation contractor who decommissioned the water well or by the water well owner if the owner decommissioned the water well.

Annular Fill means materials placed in the annular space between the surface seal required in NAC 12-003.08C and the primary aquifer seal required in NAC 12-003.08A.

Annular Space means the space between the well casing and the well borehole wall and/or the space between two or more strings of well casing.

Aquifer means a geological formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

Aquifer Seal

Primary Aquifer Seal means a non-slurry bentonite or high solids bentonite grout interval placed in the annular space on top of the gravel pack just above the screened openings, and/or beginning at the base of the first layer of silt/clay above the production zone, and/or at or immediately below the static water level, whichever provides the most aquifer protection.

Surface Seal means a grout interval placed in the annular space within the first 15 feet below surface.

Backflow Preventer means an assembly, a device, or a construction practice that prohibits the backflow of water from the distribution piping into the water well. This includes but is not limited to check valves, curb stops, or air gaps.

Bentonite means a highly plastic, colloidal sodium clay composed largely of montmorillonite.

Bentonite Seal means a viscous bentonite based material used as a seal or plug.

Bored or Dug Well means a well consisting of a large diameter borehole, usually two feet or more, lined with concrete, clay tile, brick, or stone.

Casing means a structural retainer which is installed in the borehole to support loose formation, provide a conduit for movement of fluids, and/or house pumping equipment.

Cesspool means an underground catch and discharge basin for household sewage or other liquid waste.

Clay means a fine grained inorganic material (grains less than 0.0005 mm in diameter) which has very low permeability.

Community Water System means a public water system that (a) serves at least 15 service connections used by year-round residents of the area served by the system or (b) regularly serves at least 25 year-round residents. (Neb. Rev. Stat. §71-5301)

Confining Layer means a geologic layer of either unconsolidated or consolidated material having permeability distinctly lower than the adjacent aquifer(s).

Construction of Water Wells means and includes all acts necessary to make a water well usable for the purpose for which it is intended including, without limitation, the siting of and excavation for the water well and its construction, alteration, or repair, but excluding the installation of pumps and pumping equipment.

Contamination means the addition of unwholesome or undesirable parts that render the larger whole physically unclean or impure.

Decommissioned when used in relation to a water well, means the act of filling, sealing, and plugging a water well in accordance with the rules and regulations of the Department.

Department means the Department of Health and Human Services.

Dewatering Well means a water well constructed for the purpose of lowering the ground water surface elevation, either temporarily or permanently.

Discharge Pipe means any and all piping beginning at the discharge head, or pitless unit tapping, extending to the first backflow prevention device.

Distribution Piping means all piping extending beyond the discharge pipe.

Driven Sandpoint Well means a well that is driven, washed or jetted into an aquifer with the sandpoint attached directly to the pump suction line.

Good Cause means a substantial reason consistent with the purposes of the Water Well Standards and Contractors' Practice Act.

Gravel Pack means filter material placed in the annular space around the well screen.

Ground Water means water below the surface of the ground.

Ground Water Heat Pump Well means a well constructed for the purpose of utilizing the geothermal properties of the ground.

1. Open Loop Heat Pump Well means a well that transfers heat via pumped ground water which is discharged above and/or below ground. For below ground discharge refer to NDEQ Title 122.
2. Closed Loop Heat Pump Well means a well constructed for the purpose of installing the underground piping necessary to recirculate heat transfer fluid.
 - a. Horizontal Closed Loop System means a boring, trench, or pit essentially parallel to the horizon and into which a closed loop pipe is placed for the purpose of utilizing the geothermal properties of the ground.

- b. Vertical Closed Loop System means a borehole essentially perpendicular to the horizon into which a closed loop pipe is placed and includes the horizontal closed loop header piping for the purpose of utilizing the geothermal properties of the ground.

Grout means materials composed of bentonite clays and/or portland cements, and if needed, other additives that when combined form a low permeability seal not greater than 1×10^{-7} cm/sec. Grout material is designed to seal the annular space when used for well construction and the well cavity when used for decommissioning.

Illegal Water Well means any water well which has not been properly decommissioned and which meets any of the following conditions:

1. The water well is in such a condition that it cannot be placed in active or inactive status;
2. Any necessary operating equipment has been removed and the well has not been placed in inactive status;
3. The water well is in such a state of disrepair that continued use for the purpose for which it was constructed is impractical;
4. The water well was constructed after October 1, 1986, but not constructed by a licensed water well contractor or by an individual on land owned by him/her and used by him/her for farming, ranching, or agricultural purposes or as his/her place of abode;
5. The water well poses a health or safety hazard;
6. The water well is an illegal water well in accordance with Neb. Rev. Stat. § 46-706; or
7. The water well has been constructed after October 1, 1986, and such well is not in compliance with the standards developed under the Water Well Standards and Contractors' Practice Act.

Inactive Status Water Well means a water well that is in a good state of repair and for which the owner has provided evidence of intent for future use by maintaining the water well in a manner which meets the following requirements:

1. The water well does not allow impairment of the water quality in the water well or of the ground water encountered by the water well;
2. The top of the water well or water well casing has a watertight welded or threaded cover or some other watertight means to prevent its removal without the use of equipment or tools to prevent unauthorized access, to prevent a safety hazard to humans and animals, and to prevent illegal disposal of wastes or contaminants into the water well;
3. All entrances and discharge piping to the water well are effectively sealed to prevent the entrance of contaminants; and
4. The water well is marked so as to be easily visible and located and is labeled or otherwise marked so as to be easily identified as a water well and the area surrounding the water well is kept clear of brush, debris, and waste material.

Injection Well means a well into which fluids are injected (regulated under NDEQ Title 122).

Installation of Pumps and Pumping Equipment means the procedure employed in the placement and preparation for operation of pumps and pumping equipment at the water well location, including connecting all wiring to the first control and all construction or repair involved in making entrance to the water well, which involves the breaking of the well seal.

Monitoring Well means a well constructed for purposes of monitoring water quality and/or quantity.

Non-potable Well means a water well constructed to produce water not intended for human consumption.

Observation Well means a non-potable water well constructed for the purpose of measuring water levels and/or collecting water quality samples that is not located in a zone of contamination.

Open Hole Well means a water well that results from the drilling of a hole into certain rock formations and often finished with no casing or screen adjacent to the water-yielding portion of the rock.

Person means any: Individual; partnership; limited liability company; association, public or private corporation; trustee; receiver; assignee; agent; municipality or other governmental subdivision, public agency; other legal entity; or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity.

Pitless Unit means an underground discharge assembly for a water well which attaches directly to the casing and provides watertight subsurface connections for suction lines or pump discharge without the use of a well pit and includes the underground distributor and the steel extension to the ground surface.

Pollution means an impairment of water quality to a degree that restricts the intended use of ground water.

Potable Well means a water well constructed to produce water for human consumption.

Primary Aquifer Seal means a non-slurry bentonite or high solids bentonite slurry grout interval placed in the annular space on top of the gravel pack just above the screened openings, and/or beginning at the base of the first layer of silt/clay above the production zone, and/or at or immediately below the static water level, whichever provides the most aquifer protection.

Public Water System means a system for providing the public with water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. Public water system includes (a) any collection,

treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system and (b) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Public water system does not include a special irrigation district. A public water system is either a community water system or a non-community water system.

Service connection does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if (i) the water is used exclusively for purposes other than residential uses, consisting of drinking, bathing, cooking, or other similar uses, (ii) the Department determines that alternative water to achieve the equivalent level of public health protection provided by the Nebraska Safe Drinking Water Act and rules and regulations under the act is provided for residential or similar uses for drinking and cooking, or (iii) the Department determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the Nebraska Safe Drinking Water Act and the rules and regulations under the act.

Special Irrigation District means an irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential or similar use if the system or the residential or similar users of the system comply with exclusion provisions of subdivision (ii) or (iii) of this subdivision. (Neb. Rev. Stat. §71-5301.)

(Licensed) Pump Installation Contractor means an individual who has obtained a license from the Department and who is the principal officer, director, manager, or owner/operator of any business engaged in the installation of pumps and pumping equipment or the decommissioning of water wells.

(Licensed) Pump Installation Supervisor means an individual who has obtained a license from the Department and who is engaged in the installation of pumps and pumping equipment or the decommissioning of water wells. Such supervisor may have discretionary and supervisory authority over other employees of a pump installation contractor.

Pumps and Pumping Equipment means any equipment or materials utilized or intended for use in withdrawing or obtaining ground water including, but not limited to seals, tanks, fittings, and controls.

Recovery Well means a water well constructed for the purpose of, or in conjunction with, the removal of contamination from an aquifer or aquifers.

Sanitary Well Seal means a device used to cap a water well or to establish and maintain a junction between the casing or curbing of a water well and the piping or equipment installed therein, the purpose or function of which is to prevent pollutants from entering the water well.

Screen Apertures means a series of openings in a water well casing, made either before or after installation of the casing, to permit the entrance of water into the well.

Screened Vent means an inverted, U-shaped tube, or the equivalent, the open end of which is covered with a wire mesh, that is inserted into the top of a well to equalize the air pressure inside the well with that of the atmosphere.

Secure Cover or Cap means an object placed over a borehole or water well, the purpose of which is to prevent the degradation of ground water quality and/or personal injury.

Seepage Pit means a cavity into which sewage discharges and from which the discharge seeps into the surrounding soil.

Septic Tank means a covered, watertight receptacle for receiving sewage and liquid waste, for separating solids and liquids, for disintegrating organic material by bacterial action, and for discharging clarified liquid for final disposal.

Soil Absorption System (Septic Lateral Field) means a drain field, leaching area, or seepage bed including the effluent application/distribution system intended for the treatment of wastewater or disposal of effluent. The absorption system includes the infiltrative surface in the absorption trench and the soil between and around the trenches.

Static Water Level means the distance from the ground surface to the water level in a well when the well is not being pumped.

Substantially Equivalent means any procedure or material to be used for water well construction, pump installation, or water well decommissioning which provides equal protection to ground water resources from potential pollution and protects public health equivalent to the procedures or materials prescribed in 178 NAC 12.

Subsurface Disposal System means any system that utilizes the soil for subsequent absorption of treated sewage; such as a lateral field, absorption trench, seepage bed, or seepage pit.

Supervision or its derivatives means the ready availability of an individual licensed as a contractor or supervisor under the Water Well Standards and Contractors' Practice Act for consultation and direction of the activities of any individual not licensed who assists in the construction of a water well, the installation of pumps and pumping equipment, or decommissioning of a water well. Contact with the licensed contractor or supervisor by telecommunication is sufficient to show ready availability.

Surface Seal means a grout interval placed in the annular space within the first 15 feet below surface.

Test Hole means a hole or excavation designed to obtain information on hydrogeologic conditions.

Tremie Pipe means a pipe or hose that carries grout or gravel pack to the placement depth.

Watertight Casing means a watertight pipe that is of sufficient wall thickness to permit threading, gluing, or welding; is capable of withstanding the pressures exerted during installation and

forces imposed by the surrounding materials; and will resist corrosion by soil and water environments.

Watertight Secure Cover means a welded, solvent welded, threaded, or bolted watertight cover for a water well that is secured in such a way so as to prevent its removal without the use of tools.

Water Well means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground, obtaining hydrogeologic information, or extracting water from or injecting fluid as defined in Neb. Rev. Stat. §81-1502 into the underground water reservoir. Water well does not include any excavation described in Neb. Rev. Stat. §46-601.01 (1) (b) and (1) (c).

(Licensed) Water Well Contractor means any individual who has obtained a license from the Department and who is the principal officer, director, manager, or owner-operator of any business engaged in the construction or decommissioning of water wells.

(Licensed) Water Well Drilling Supervisor means any individual who has obtained a license from the Department and who is engaged in the construction or decommissioning of water wells. Such supervisor may have discretionary and supervisory authority over other employees of a water well contractor.

Well Development means the act of repairing alterations to the formation during construction of the well and enhancing the porosity and permeability of materials surrounding the intake portion of the well. The development process is the application of mechanical devices and/or the use of chemicals to remove drilling fluids and debris left in the filter pack and formation as a result of the drilling process.

Well Pit means a structure that is set at or below grade and houses a pump and/or pumping equipment and is large enough to allow an individual to fully enter the structure to work on such equipment and is not water tight.

Well Screen means the section of the well that allows water to pass from an aquifer into the well or from the well into an aquifer.

12-003 GENERAL REQUIREMENTS: These requirements apply to all water wells constructed under Title 178 NAC 12, except as modified in 178 NAC 12-004 through 12-014.

12-003.01 Protection and Location:

12-003.01A A well must not be located in a well pit.

12-003.01B Protection: All water wells must be protected from surface drainage, flooding and seepage from sources of contamination and pollution by:

1. Locating the well site to promote drainage away from the well, and

2. Terminating the top of the well and vent above the 100 year flood plain,
or
3. Locating on a berm and/or within a dike to protect the well from a 100
year flood, or
4. Plugging the vent and seal at the top of the well if yield is less than 50
GPM.

12-003.01C Separation distances must at a minimum comply with the distances listed in Chart 1 (or Chart 2 if the requirements in 178 NAC 12-003.01C item 2 are met). Be aware that other state, NRD, and local statutes and regulations may have more restrictive requirements. If locations are found to not comply with more stringent standards of other state or local regulations that apply, the Department may notify the appropriate authority.

1. All water wells except those covered in 178 NAC 12-007 must meet the minimum separation distances in accordance with Chart 1 below.

Chart 1

Minimum Distance in Feet	From
1,000	Any Title 179 community water supply wells under different ownership
1,000	Any industrial wells under different ownership
600	Any irrigation wells under different ownership
100	Any waste water lagoon
100	Any privy, cesspool, subsurface disposal system
100	Any septic lateral field (soil absorption system)
100	Any animal waste containment structure
100	Any holding pens of animals
100	Any other known sources of contamination or pollution
50	Any sewer line
50	Any septic tank
10	Any depression that could retain stagnant water
10	Any storm water way
10	Any frost proof hydrant
10	Any well pit

2. A well driller may locate a well as indicated in Chart 2 below only if:
- a. Compliance with the separation distances established in Chart 1 cannot be met; and
 - b. The well driller notifies the Department in writing of his/her intent and receives Department written approval prior to construction; and
 - c. The water well is grouted the full length of the annular space from immediately above the gravel pack above the screened openings to the surface with chip bentonite; and
 - d. The subsurface geology includes sufficient silts and/or clays that will provide a protective seal to the groundwater when combined with chip bentonite.

Chart 2

These Separation Distances Require Prior Written Approval from the Department	
Distance in Feet	From
50-100	Any waste water lagoon
50-100	Any privy, cesspool and subsurface disposal system
50-100	Any septic lateral field (soil absorption system)
50-100	Any animal waste containment structure
50-100	Any holding pens of animals
50-100	Any other known sources of contamination or pollution
25-50	Any sewer line
25-50	Any septic tank
5-10	Any depression that could retain stagnant water
5-10	Any storm water way
5-10	Any frost proof hydrant

3. If a person wants to locate a well closer than the listed separation distances in Chart 2, a declaratory order request may be submitted to the Department so the Department can determine if the proposal is substantially equivalent to the regulations.

12-003.02 Sanitation: All water wells must be constructed to prevent the introduction of biological, chemical or radiological substances which may degrade the ground water.

12-003.02A Drilling Equipment: The water well contractor must use precautions to ensure that all down hole equipment used in the construction of water wells is free of contaminated or polluted materials.

12-003.02B Secure Cover: All water wells must be protected with a secure cover or cap. All inactive water wells must be capped with a watertight secure cover. When the pump is in place, it must be made secure and watertight in accordance with 12-011.03D.

12-003.03 Well Screens

12-003.03A Materials: Well screens must be constructed of durable non-toxic materials of sufficient strength to withstand the pressure to which they may be subjected. They must also be resistant to any corrosion which may result from the characteristics of the water and aquifer materials in which they are placed.

12-003.03B Screen Apertures: Screen apertures must be formed by the continuous slot method, louver, punched casing, molded or mill slotted. Torch slotted casing must not be used. The method of construction must allow for control of aperture width. In general, the aperture width should retain a minimum of 85% of the gravel pack, if used, or a minimum of 50% of the aquifer material if gravel pack is not used.

12-003.04 Well Casing: All wells other than test holes and closed loop heat pump wells must be cased. Well casing must be composed of nontoxic durable material compatible with the water quality encountered.

12-003.04A Casing Wall Thickness: The wall thickness of water well casing must be sufficient to withstand the pressures exerted by the surrounding materials, forces imposed on it during installation, and corrosion by soil and water environments.

12-003.04B Casing Placement: The casing must be centered in the borehole in areas of grout so there is a minimum 2-inch uniform annular space.

12-003.04C Watertight Casing must be constructed of steel, PVC, fiberglass, or teflon and must be manufactured expressly for water well casing.

12-003.05 Gravel Pack

12-003.05A Gravel Pack must consist of clean sand or gravel of selected grain size and gradation.

12-003.05B Gravel Pack, Screen Size, and Gradation must be determined based upon the grain size and gradation of the portion or portions of the aquifer to be screened. Gravel pack must be designed to stabilize the aquifer material and to permit the fine fraction to move into the water well during development. Gravel pack, when used, must extend to a length equal to at least 2.5 times the casing diameter above the screen apertures.

12-003.06 Grout: Cement based grouts must not contain fly ash. The Department has approved the following grout materials:

1. Neat Cement Grout Slurry which must consist of a mixture of portland cement and no more than 5.2 gallons of clean water per bag (1 cubic foot or 94 pounds) of cement. Non-toxic additives may be used to minimize shrinkage and cracking.
2. Sand Cement Grout Slurry which must consist of a mixture of portland cement, sand and water in the proportion of no more than 2 parts by weight of sand to 1 part of cement with no more than 6 gallons of clean water per bag of cement (1 cubic foot or 94 pounds).
3. Non-slurry Bentonite Grout which must consist of chip, chunk or pelletized bentonite varieties that are hydrated to manufacturer's specifications.
4. Cement/Bentonite Grout Slurry which must consist of a mixture of portland cement and bentonite in the following proportion: no more than 6.5 gallons of water and 3 to 5 pounds of bentonite per 94-pound sack of portland cement.
5. High Solids Bentonite Grout Slurry which must consist of an inorganic mixture of:
 - a. Soda ash for pre-treatment of makeup water, and
 - b. Minimum of 20% by weight active solids bentonite-to-water ratio, and
 - c. Fine to medium grade sand added at a minimum ratio of 4:1 sand to bentonite by weight, and if needed
 - d. Additives designed for yield/rate control for bentonite products that form a low permeability seal not greater than 1×10^{-7} cm/sec which resists flow of fluid through the seal, is pumpable, and is mixed to the manufacturer's specifications.
6. Bentonite Grout Slurry which must consist of an inorganic mixture of:
 - a. Soda ash for pretreatment of makeup water, and
 - b. Minimum of 20% solids by weight bentonite that forms a low permeability seal not greater than 1×10^{-7} cm/sec which resists flow of fluid through the seal, is pumpable, and is mixed to the manufacturer's specifications, and if needed
 - c. Additives designed for yield/rate control for bentonite products that form a low permeability seal not greater than 1×10^{-7} cm/sec which resists flow of fluid through the seal, is pumpable, and is mixed to the manufacturer's specifications.

12-003.07 Placement of Grout

12-003.07A Slurry Grout: All grout slurries must be placed by tremie or by pumping. Cement based grout must not be allowed to free-fall more than 10 feet. Cement based grout must be separated from bentonite grouts by a 2-4 foot interval of fine sand.

12-003.07B Non-slurry Grout: Pellet, chip, chunk bentonite or any combination of those materials must be placed, measured frequently, and hydrated, before installing another interval to confirm the grout is placed without bridging and provides a tight homogeneous seal.

12-003.08 Aquifer Protection: All water wells must be filled and sealed in a manner that protects the water bearing formations from contamination from surface runoff and from subsurface contaminants.

12-003.08A Primary Aquifer Seal: All water wells, except (a) bored wells (178 NAC 12-004.04 and 12-005.03), (b) temporary dewatering wells (178 NAC 12-006.02), and (c) wells that require surface casing and additional gravel pack throughout the life of the well (178 NAC 12-005.05) must have a 5 foot primary aquifer seal of non-slurry bentonite or high solids bentonite slurry as defined in 178 NAC 12-003.06 items 3 and 5, respectively. The primary aquifer seal must be placed in the borehole at one or more of the following locations to provide optimal aquifer protection.

1. On top of the gravel pack just above the screened openings (See Figure 1A), and/or
2. Beginning at the base of the first layer of silt/clay above the production zone (See Figure 1B), and/or
3. At/or immediately below the static water level. (See Figure 1C)

12-003.08B Filling the Annular Space: The annular space of all wells except closed loop heat pump wells that are part of a closed loop heat pump system in 178 NAC 12-010.03C must be filled from the top of the primary aquifer seal to the bottom of the surface seal (12-003.08C) with:

1. Non-slurry bentonite grout, or
2. Non-slurry bentonite grout mixed with gravel pack in a 1:1 ratio by weight, or
3. Sand and granular bentonite mixed in a 2:1 sand-to-bentonite ratio by weight, or
4. High solids bentonite slurry as defined in 12-003.06 item 6, or
5. A mixture of bentonite/clay, drilling fluid, and gravel pack, or
6. Cement based grouts.

12-003.08C Surface Seal: The annular space of all wells, except bored wells and temporary dewatering wells, must have at least 5 feet of non-slurry bentonite, high solids bentonite slurry, or sand cement grout placed between 5 and 15 feet below

grade or at the static water level, whichever is less (See Figure 2A). If a pitless unit is used to terminate the top of the well, the surface seal must extend 5 feet down the borehole below the bottom of the pitless adapter (See Figure 2B).

12-003.08D Above Ground Protection: Cased water wells that terminate in a pump house must be protected with a concrete floor measuring a minimum of 4 inches thick by 12 inches beyond the borehole wall and sloping away from the water well. Watertight casing must extend 12 inches above the floor of the pump house.

12-003.08E Surface Completion: The earth surrounding the casing must slope away from the water well and must be firmly tamped to prevent water from seeping down around the casing.

12-003.09 Well Development: All cased water wells must be developed to repair the alterations to the formation during the construction of the well and to enhance the porosity and permeability of materials surrounding the intake portion of the well. The development process is the application of mechanical devices and/or the use of chemicals to remove drilling fluids and debris left in the filter pack and formation as a result of the drilling process.

12-003.10 Test Pumping a Well: Test pumping must be utilized to determine the most efficient production rate for the well. The pumping water level must be recorded during the period of test pumping.

12-003.11 Repairing a Well: Only the portion(s) of a well being repaired must meet the same minimum standards as it would if it were within a new well with regard to design, construction, and material. Bored and dug wells must be repaired so that they meet the standards of a bored well. (See Figure 3.)

12-003.12 Well Logs: Any owner of a water well or any licensed water well contractor who engages in the act of or business of constructing a water well must keep and maintain an accurate well log of the construction of each water well and test hole. A licensed water well contractor must forward a copy of the well log to the owner.

12-003.12A Required Information: The well log must include the following information:

1. Legal description and the GPS coordinates of the location of the water well or test hole;
2. Description and depth of geologic materials encountered;
3. Depth and diameter or dimension of constructed water well and test hole;
4. Diameter and depth or dimension of excavated hole if applicable;
5. Depth and volume of formation stabilizer or gravel pack and size of particles, if used;
6. Depth and thickness (intervals and volume) of grout or other sealing material if applicable;

7. Casing and/or loop pipe information, including length, inside and outside diameter (ID and OD), wall thickness, and type of material if applicable;
8. Screen information, including length, trade name, inside and outside diameter, slot size and type of material if applicable;
9. Static water level;
10. Water level when pumped at the designed rate giving the rate of pumping and amount of time pumped, if applicable;
11. Yield of water well in gallons per minute or gallons per hour if applicable;
12. Signature of water well contractor;
13. Dates drilling commenced and construction completed;
14. Intended use of the water well;
15. Name and address of the landowner;
16. Identification number of any permit for the water well issued pursuant to Neb. Rev. Stat. § 46-601 et seq. or Neb. Rev. Stat. § 66-1101 et seq., and
17. Name, address, and license number of any license issued pursuant to the Water Well Standards and Contractors' Practice Act of any individual, other than the owner of the water well, who constructed the water well.

12-003.12B Availability for Inspection: The well log must be available to the Department for inspection and copying during reasonable hours or the regular business hours of the contractor.

12-003.13 Registration: A licensed water well contractor must register all wells with the Nebraska Department of Natural Resources on forms provided by that Department, except as otherwise provided by Neb. Rev. Stat. § 46-602.

12-004 POTABLE WELL CONSTRUCTION: A water well contractor must verify the purpose of a new well with the owner or the system's engineer. If the well is to serve water to the public, see 178 NAC 12-008.

12-004.01 Construction of Potable Well:

1. A potable water well to be used for human consumption must not be constructed as a driven sandpoint well.
2. It must meet the requirements specified in 178 NAC 12-003.

12-004.02 Casing a Potable Well: A potable water well must be cased with unused watertight casing in the following manner:

12-004.02A The top of the well must extend at least 12 inches above the grade of the land surface. The earth surrounding the well must slope away from the well and must be firmly tamped to prevent water from seeping down the casing.

12-004.02B Non-steel cased wells must be fitted with a watertight connection to .237 inch wall minimum steel casing through the frost zone, unless terminating in a pump house.

12-004.02C Non-steel watertight casing must be manufactured expressly for well casing, and must meet the following specific requirements:

1. Casing strength must be not less than 160 pounds per square inch or Standard Dimension Ratio (SDR) 26.
2. Plastic or other non-steel casing must bear the National Sanitation Foundation (NSF) 61 stamp of approval.

12-004.02D Special Engineered (SE) plastic piping systems must meet the requirements of 178 NAC 12-004.02C item 2.

12-004.02E Packaging of thread compounds, sealants and lubricants must bear the NSF Standard 61 stamp of approval.

12-004.03 Potable Well Shock Decontamination

12-004.03A When a well which will produce water for human consumption is constructed or altered, it must be decontaminated.

12-004.03B The water well contractor/pump installation contractor must supply the landowner with an informational brochure that tells the owner why s/he should test his/her water and what the results mean.

12-004.03AC Shock decontamination must be accomplished by:

1. Using a solution equivalent to 200 parts per million chlorine (See Table 1);
2. Pouring the solution directly into the well; splashing the well pump, piping, casing, and other well equipment as much as possible; agitating the water in the well by surging the pump or by other means to mix the solution with the water or recirculating the water into the well, always washing down the casing or drop pipe;
3. Letting the mixture stand in the well for a minimum of 4 hours;
4. Opening all water taps and pumping the well until evidence of the solution is detected at all taps. The system must be allowed to stand idle for a minimum of 2 additional hours and then the entire system must be flushed to waste.

12-004.04 Bored (Seep or Cistern) Wells must be constructed to the same minimum standards for potable wells with the following exceptions: (See Figure 3)

12-004.04A Casing materials may be concrete, tile, or other material approved in 178 NAC 12-003.04C.

12-004.04B The annular space below the surface seal must be filled with gravel.

12-004.04C Watertight casing and grout must be placed from 10 feet below the surface or the static water level, whichever is less, to the surface or the bottom of the pitless unit. (See Figure 3)

12-004.05 Open Hole Wells must be constructed to the same minimum standards for potable wells and in the following manner. (See Figure 4)

12-004.05A The casing must extend at least 2 feet into the open borehole. A seal must be created between the casing and the lower borehole to ensure that the annular fill material remains in the upper borehole. This can be accomplished by using a collar attached to the casing, a drive shoe, or other sealing device.

12-004.05B A minimum 5 foot primary aquifer seal must be placed in the annular space directly above the collar, drive shoe, or other sealing device.

12-004.05C Open Hole Wells in Multiple Aquifers must be constructed to the same minimum standards for potable wells and must comply with 178 NAC 12-004.05A and 12-004.05B. The screened section must be gravel packed. The gravel pack must extend both above and below the screen for a length equal to 2.5 times the diameter of the well. A 5 foot minimum primary aquifer seal must be placed directly above the gravel pack. (See Figure 5)

12-005 NON-POTABLE WELLS

12-005.01 Construction of a Non-Potable Well

12-005.01A Driven sandpoint wells are permitted only for temporary use and must be decommissioned within 90 days of installation. They must meet the requirements specified in 178 NAC 12-003.

12-005.01B Observation wells must be located as required in 178 NAC 12-003.01C item 1.

12-005.02 Casing a Non-Potable Well: A non-potable water well must be cased with unused watertight casing in the following manner:

12-005.02A Cased wells with an outside diameter (OD) of 6-5/8 inches or less

12-005.02A1 The top of the well must extend at least 12 inches above the grade of the land surface. The earth surrounding the well must slope away from the well and must be firmly tamped to prevent settling around the casing.

12-005.02A2 Non-steel cased wells must be fitted with a watertight connection to 0.237 inch wall minimum steel casing or fitted inside a metal sleeve secured and cemented in the borehole through the frost zone. The annular space between the metal sleeve and the casing must be a minimum of 2 inches and must be filled with an approved grout (178 NAC 12-003.06) or annular fill (12-003.08B). (See Figures 6 and 7)

12-005.02A3 Above Ground Protection for Observation Wells: Non-steel cased wells completed above ground must be enclosed with a 5-5/8 inch minimum metal casing/sleeve, buried a minimum of 2-1/2 feet below the ground surface, and covered with an overlapping, vandal-resistant secured metal cap.

12-005.02B Cased Wells with an OD Larger than 6-5/8 Inches

12-005.02B1 The casing must extend a minimum of 6 inches above the grade of the land surface. (See Figure 8)

12-005.02B2 The well must have a concrete pad a minimum of 40 inches by 40 inches by 8 inches thick. Prefabricated slabs are acceptable. The concrete must contact the entire circumference of the casing. (See Figure 8)

12-005.02C The earth surrounding the well must slope away from the well and must be firmly tamped to prevent settling around the casing. (See Figure 8)

12-005.02D Watertight steel casing must be a minimum of 0.188 inch wall thickness.

12-005.02E Watertight non-steel casing must be manufactured expressly for well casing and must meet the following specific requirements:

1. Casing strength must not be less than 160 pounds per square inch or Standard Dimension Ratio (SDR) 26 for 8-5/8 inch or less OD casing. Casing strength must not be less than schedule 40 for casing larger than 8-5/8 inches OD; and
2. Non-steel casing must bear the National Sanitation Foundation (NSF) 61 stamp of approval.

12-005.02F Special Engineered (SE) plastic piping systems must meet the requirements of 178 NAC 12-005.02E item 2.

12-005.02G Packaging of thread compounds, sealants, and lubricants must bear the NSF 61 stamp of approval.

12-005.03 Bored (Seep or Cistern) Wells must be constructed to the same minimum standards for non-potable wells with the following exceptions: (See Figure 3.)

12-005.03A Casing may be concrete, tile, or other material approved in 178 NAC 12-003.04C;

12-005.03B The annular space must be filled with gravel;

12-005.03C Watertight casing is required and grout must be placed from 10 feet below the surface or the static water level, whichever is less, to the surface or the bottom of the pitless unit.

12-005.04 Open Hole Wells must be constructed to the same minimum standards for non-potable wells and in the following manner. (See Figure 4.)

12-005.04A The casing must extend at least 2 feet into the open borehole. A seal must be created between the casing and the lower borehole to ensure that the annular fill material remains in the upper borehole. This can be accomplished by using a collar attached to the casing, a drive shoe, or other sealing device.

12-005.04B A minimum 5 foot primary aquifer seal must be placed in the annular space directly above the collar, drive shoe, or other sealing device.

12-005.04C Open Hole Wells in Multiple Aquifers must be constructed to the same minimum standards for non-potable wells and must comply with 178 NAC 12-005.04A and 12-005.04B. The screened section must be gravel packed. The area of gravel pack must extend both above and below the screen for a length equal to 2.5 times the diameter of the well. A minimum 5 foot primary aquifer seal must be placed directly above the gravel pack. (See Figure 5.)

12-005.05 Wells Located in the Arikaree Formation Subject to Subsidence must be constructed to the same minimum standards as non-potable wells with the following exceptions. (See Figure 9)

12-005.05A The borehole for the surface casing must allow for a uniform annular space of 4 inches or larger than the surface casing;

12-005.05B A minimum 6 inch annular space must exist between the surface casing and the well casing to provide for gravel placement.

12-005.05C The metal surface casing must be a minimum of 20 feet in length.

12-005.05D A minimum of 5 feet of concrete must be placed between the borehole wall and the surface casing and allowed to set, encasing the bottom 5 feet of surface casing.

12-005.05E A minimum layer of 5 feet of non-slurry bentonite must be placed between the borehole wall and the surface casing above the concrete, with an additional 5 feet of concrete placed on top of the non-slurry bentonite. The concrete must be set prior to drilling inside the surface casing.

12-005.05F The metal gravel chute must be straight and a minimum of 6-5/8 inches OD. The top of the chute must extend a minimum of 6 inches above the concrete pad and be equipped with a vandal resistant, secure cover or cap. The bottom of the gravel chute must extend from the surface casing a minimum of 2 feet below grade. The gravel chute and the upper 5 feet of surface casing must be encased in concrete.

12-005.05G The concrete pad must extend a minimum of 12 inches beyond the surface casing borehole and be a minimum of 5 feet by 5 feet which surrounds the gravel chute. The thickness must be a minimum of 12 inches above grade and an additional minimum of 12 inches below grade within the boreholes.

12-006 DEWATERING WELLS

12-006.01 Permanent Installation: Permanently constructed dewatering wells must be constructed to the same standards as non-potable wells.

12-006.02 Temporary Installations: Temporary installations must be constructed in a manner that prevents the introduction of contaminants into the ground water. They must be decommissioned within 90 days of installation.

12-006.02A Location: Dewatering wells must be located or the site graded so that surface drainage is away from the well.

12-006.02B Sanitation: Temporary dewatering wells must be constructed to prevent the introduction of microbiological, chemical, or radiological substances which may be toxic into the aquifer or aquifers penetrated.

12-006.02C Well Screens must be composed of nontoxic, durable material.

12-006.02D Temporary Casing: Casing and screen may be re-used.

12-006.02E Casing Wall Thickness: The wall thickness of temporary dewatering well casing must be sufficient to withstand the forces imposed on it during installation and pressures exerted on it by the surrounding materials.

12-006.02F Secure Cover: Any temporary dewatering well which is under construction must be protected with a secure cover or cap when it is unattended.

12-006.02G Repair of a Dewatering Well: All temporary dewatering well repairs must be done in accordance with current standards.

12-007 GROUND WATER MONITORING AND RECOVERY WELLS must be constructed in the following manner.

12-007.01 Well Screens: The top of the screen aperture may extend to within 2 feet of the land surface. The gravel pack thickness may be reduced so as to not compromise the surface seal.

12-007.02 Watertight Well Casing

12-007.02A Casing must be composed of nontoxic durable material compatible with water quality encountered.

12-007.02B Wells must be cased with watertight casing through required areas of grout. The watertight casing must extend at least 12 inches above ground level except for construction in sidewalks, roadways, driveways, parking lots, other heavily trafficked areas, or wherever else the situation requires flush mounted installation with watertight caps.

12.007.02C Casing must be chemically resistant to all contaminants which are expected to be encountered.

12.007.02D Casing must be equipped with a watertight cap or plug in conjunction with both flush mount and above-ground protectors.

12-007.03 Grouting the Annular Space: A non-slurry bentonite seal with a minimum thickness of 5 feet must be placed on top of the gravel pack immediately above the screen. All wells must be grouted from immediately above the non-slurry bentonite seal/fine sand to the surface in accordance with 178 NAC 12-003.07.

12-007.04 Above Ground Protection: Non-steel cased wells completed above ground must be enclosed with a steel casing embedded in the concrete pad and covered with an overlapping, vandal-resistant secured metal cap.

12-007.05 Pad: Ground water monitoring and recovery wells must have a concrete pad extending a minimum of 1 foot past the walls of the original borehole and must be a minimum of 8 inches thick. The concrete must contact the entire circumference of the casing.

12-007.06 Well Logs: The location of each well must be shown on a site diagram in addition to the driller's log, to be provided in accordance with 178 NAC 12-003.12A.

12-007.07 Nested Well Design: Wells constructed for ground water investigations may use a nested design. (See Figure 10)

12-007.07A Individual casings must be separated vertically by a minimum of 2 feet of non-slurry bentonite grout between casings of different lengths within the borehole. A 1-foot minimum non-slurry bentonite grout must be placed on top of each gravel pack interval. The annular space must be grouted as per 178 NAC 12.003.06 and 12-003.07 between non-slurry bentonite grout and the next gravel pack interval.

12-007.07B Individual casings must be separated horizontally by a 2 inch annular space, including 2 inches between the outermost casing and the borehole wall.

12-007.08 Temporary Well Installation: A pre-notification document must be submitted to the Department 30 days before constructing a temporary well to be in use longer than 10 days (does not apply to temporary dewatering wells). The notification must indicate what type of surface seal will be provided. Temporary wells must be decommissioned within 90 days of installation and cannot be used as a monitoring, recovery, or test well on a permanent basis unless the construction complies with the provisions of Title 178 NAC 12-003.04B, or the well is granted a Declaratory Order in accordance with 178 NAC 12-013 before it is constructed.

12-008 PUBLIC WATER SUPPLY SYSTEMS: If a well is to serve water to the public, the contractor must verify if the well is to serve a community or a non-community system.

12-008.01 Community public water wells must be sited, constructed, and/or relined in accordance with Title 179 NAC 7 requirements, including Department-approved plans and specifications. Examples of community public water systems include, but are not limited to mobile home parks, subdivisions, and nursing homes or assisted living residences.

12-008.02 Non-community public water systems include, but are not limited to restaurants, gas stations, factories, schools, rest areas, and recreation camps. When a well is intended to be a non-community public water supply well, the contractor may drill the well in accordance with the requirements of 178 NAC 12 only when:

1. The capacity of the well is less than 100 gallons per minute (gpm), and the total system capacity of any associated bladder tank and piping does not exceed 200 gallons, and
2. The top of its well screen is greater than 50 feet from the original ground surface, and
3. The well is located more than 200 feet from surface water, and
4. The owner supplies the contractor with written confirmation from the Department that states the well may be drilled according to Title 178 NAC 12 standards.

12-008.03 Any public water system wells not meeting the criteria in 179 NAC 12-008.02 must be constructed in accordance with Title 179 NAC 7 plans and specifications prepared by a registered Nebraska engineer and approved by the Department.

12-009 TEST HOLES: Test holes, constructed in conjunction with ground water investigations must not be retained for more than 10 days, must be covered when not in use, and must be properly decommissioned within 10 days of drilling.

12-009.01 Location: A test hole must be located so that it is protected from surface waters and seepage from sources of contamination and pollution.

12-009.02 Surface Casing: When onsite conditions dictate, surface casing is permitted but must be protected with a secure cover or cap when left unattended, and decommissioned within 10 days of drilling completion.

12-010 GROUND WATER HEAT PUMP WELLS

12-010.01 Open Loop Heat Pump Wells:

1. Water wells intended only to withdraw water must comply with 178 NAC 12-004, Potable Water Wells.
2. Water wells intended only to inject ground water must comply with Nebraska Department of Environmental Quality's Title 122 – Rules and Regulations for Underground Injection and Mineral Production Wells.

12-010.02 Closed Loop Heat Pump Wells: Water wells for closed loop heat pump systems must be constructed in accordance with the following standards.

12-010.02A For a closed loop heat pump system that has 10 or more boreholes, the following information must be submitted to the Department a minimum of 14 working days prior to initial construction.

1. Location of project;
2. Name and address of licensed water well contractor supervising the installation of the heat pump system; and
3. A completed copy of the information referenced in 178 NAC 12-003.12A, showing proposed construction and installation of the closed loop heat pump system.

12-010.02B Location: All water wells constructed for closed loop heat pump systems must be located in accordance with 178 NAC 12-003.01.

12-010.02B1 Location from a Public Water System Well

12-010.02B1a The location of closed loop heat pump wells must comply with 178 NAC 12-003.01C item 1. Be aware that other state and local statutes and regulations may have more restrictive requirements. If locations do not comply with more stringent standards of other applicable state or local regulations, the Department may notify the appropriate authority, which could require the well to be decommissioned.

12-010.02B1b Water wells constructed for a closed loop heat pump system must be located more than 100 feet from a non-community public water system well.

12-010.02B1c A closed loop heat pump system must be located more than 1,000 feet from a community public water system well.

The Department will consider approval for location of closed loop heat pump wells at closer proximity than 1,000 feet horizontal separation distance, when the licensed professional engineer or licensed professional geologist representing the owner(s) of the closed loop heat pump wells, demonstrates to the Director or Director's designee that such location will not constitute a pollution hazard to the safety of the water supply, and that the owner(s) of the community water system has no objection to the location of the closed loop heat pump wells.

The engineer or geologist must submit the supporting data as appropriate to make a case for approval of the proposed location of heat pump wells to the Department 30 working days prior to the date on which action by the Director or Director's designee is desired. The contractor must not begin construction until the Department has approved the location.

12-010.02C Borehole Diameter: The borehole diameter of a closed loop heat pump well must be of sufficient size to allow placement of the pipe and placement of a tremie to emplace the grout. The borehole diameter must be a minimum of 4 inches larger than the total OD of the loop pipes.

12-010.02D Pipe: Pipe material must be composed of polyethylene, grade p34, minimum cell classifications PE 355434C or PE 345434C, when tested under ASTM Standard 3350, incorporated herein by reference. (ASTM standards are copyrighted and available from the American Society for Testing and Materials International, 1916 Race St., Philadelphia, PA 19103; Phone 215-299-5585, Fax 215-977-9679, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959 USA; Phone: 610-832-9500; <http://www.astm.org>. Standards may be viewed during normal business hours at the Nebraska Department of Health and

Human Services, Division of Public Health, 301 Centennial Mall South, 3rd Floor, Lincoln, NE 68509.)

12-010.02E Pipe Joining Method: Heat fusion methods for pipe joining must be the socket or butt heat fusion technique as referenced in ASTM Standards D3261 or D2683, both of which are incorporated herein by reference. (ASTM standards are copyrighted and available from the American Society for Testing and Materials International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959 USA; phone: 610-832-9500; <http://www.astm.org>; OR standards may be viewed during normal business hours at the Nebraska Department of Health and Human Services, Division of Public Health, 301 Centennial Mall South, 3rd floor, Lincoln, NE 68509.)

12-010.02F Pressure Testing: The installed system must be pressure tested to a minimum of 100 pounds per square inch (psi). After 6 hours it is permissible for the pressure to drop a maximum of 15% of the initial psi due to expansion of the HDPE piping. A pressure loss greater than 15% in 6 hours is an indication of a leak in the circulating system. If a pressure loss is detected, the cause must be properly repaired, the material replaced, or the well must be properly decommissioned.

12-010.02G Purging a Loop System: After a loop system is installed and pressure tested, and prior to introducing additives to the circulating fluid, the entire loop, header and associated plumbing must be purged at a minimum rate of 5 feet per second to remove any debris that has entered the loop during construction.

12-010.02H Circulating Fluids: When food grade propylene glycol is added to water for antifreeze protection, it must be non-toxic in nature when combined with the circulating fluid additives in a closed loop heat pump system. If needed, the addition of corrosion inhibitors and biocides may be used in circulating fluid if such additives are also:

1. Non-toxic; and
2. Compatible with food grade propylene glycol; and
3. Non-hazardous materials upon disposal or a change of circulating fluid.

12-010.03 Completion of a Vertical Closed Loop System: Completion of a borehole for a closed loop heat pump well must be finished within 6 hours from the time the borehole is drilled. Drilling muds or cuttings cannot be used as completion materials. The tremie pipe must not be left in the borehole.

12-010.03A Systems that have 10 or more boreholes must be grouted full-length with high solids bentonite slurry in accordance with 178 NAC 12-003.06 item 5. (See Figure 11A)

12-010.03B Systems that have fewer than 10 boreholes must be grouted full-length with high solids bentonite slurry in accordance with 12-003.06 item 5 when they are

located less than 1000 feet of a community public water well (which requires prior written permission from the community). (See Figure 11B)

12-010.03C Systems that have fewer than 10 boreholes and are located 1000 feet or more from a community public water well must use one of the following methods to complete construction of the boreholes: (See Figure 11C)

1. High solids bentonite slurry that meets the requirements of 178 NAC 12.003.06 item 5 must be used to grout the full length of the borehole, or
2. Sand or gravel must be placed through the sodium bentonite fluid with a viscosity that allows the sand to settle through the fluid from the bottom of the borehole to the static water level by tremie or free fall method. A 5 foot interval of bentonite chips must be placed at the static water level, and the remainder of the borehole must be sand/gravel packed through the fluid to within 30 feet of the surface minus excavation for the header piping. The remaining annular space must be filled with non-slurry bentonite chips.

12-010.04 Horizontal Closed Loop System

12-010.04A A horizontal closed loop heat pump system that is constructed by trenching or digging is exempt from the grouting requirements of closed loop systems provided that no part of the horizontal loop is constructed at or below the ground water level.

12-010.04B A horizontal closed loop heat pump system constructed by boring or drilling must be grouted with high solids bentonite slurry grout that meets the requirements of NAC 12-003.06 item 5.

12-010.04C All other construction standards for closed loop heat pump wells in 178 NAC 12-010 apply.

12-011 INSTALLATION OF PUMPS AND PUMPING EQUIPMENT

12-011.01 General Requirements: The following are general requirements and apply to the installation of all pumps and pumping equipment not already regulated, such as public water systems under Title 179.

12-011.01A Contamination: Pumps and pumping equipment must be installed in a manner that prevents contaminants from entering the well.

12-011.01B Disinfection

12-011.01B1 Care must be taken so that all tools used in the removal of pumps and pumping equipment are disinfected periodically, or as needed. Disinfection solution must be equivalent to 50 parts per million chlorine

solution (See Table 2). It is not permissible to lay the drop pipe, pump, pumping equipment, or wire on the ground.

12-011.01B2 When a pump for a potable well is installed or repaired the well must be disinfected with a disinfectant solution equivalent to 50 ppm chlorine solution (See Table 2), unless specifically waived in writing by the landowner. The waiver must be worded in accordance with Attachment 1, "Waiver of Disinfection." The water well contractor/pump installation contractor must supply the landowner with an informational brochure that tells the owner why s/he should test his/her water and what the results mean.

12-011.01C Secure Cover: Any water well which is being serviced or repaired must be protected with a secure cover or cap during periods when the water well is left unattended.

12-011.01D Packaging of thread compounds, sealants, and lubricants must bear the NSF Standard 61 stamp of approval.

12-011.01E New Electrical Installations: When designing and installing a new water supply system, the electrical components must comply with the state electrical code. Electrical work that does not appear to meet standards may be reported to the State Electrical Board.

12-011.01F Repair or Modifications to Pumps and Pumping Equipment: Upon the removal of, or the repair and/or modification to the pump or pumping equipment in which replacement of original equipment is required, current pump and pumping equipment installation standards must be followed. This includes replacement of, or modification to the electrical wiring and/or controls located in the electrical layout serving the pump and pumping equipment including connection to the load side of the service disconnect or breaker. Any upgrade of this electrical system must be in compliance with all current applicable state or national electrical codes, and be installed according to the manufacturer's specifications.

12-011.01G Casing Vent: If a vent is used, it must terminate in a down-turned position, at or above the top of the casing or pitless unit and be covered with a 24 mesh corrosion-resistant screen.

12-011.02 Installation of Pumps: All pump installation must comply with 178 NAC 12-011.01 and 12-011.03.

12-011.02A Line Shaft Pumps must be equipped with a pump base and be designed so the weight of the pump and column pipe is supported by the casing or is resting on a concrete platform which rests upon natural ground and they must be secured to prevent movement.

12-011.02B Submersible Pumps: The drop pipe must be steel pipe, NSF 61 approved plastic material, or fiberglass. There must be at least 1 check valve within the casing which may be furnished with the pump.

12-011.02C Centrifugal and Jet Pumps do not require a relief valve. They must be equipped in the following manner:

1. Offset Location: The suction pipe must be encased in a sleeve from the basement or well pit wall to the well. In the instance of a packer jet system, the pressured pipeline can serve as a sleeve for the suction line.
2. Priming Port must be located higher than the discharge of the pump. Discharge of the priming port may be controlled with a shut off valve. Potable water must be used for priming the pump. Priming valve must be sealed when not in use to prevent contamination from accumulating above the valve.

12-011.02D Reciprocating Pumps must be equipped with a pump base. The pump base must be designed so the weight of the pump pipe and cylinder is supported by steel casing or a metal sleeve embedded in concrete. It must be secured to prevent movement.

12-011.03 Installation of Pumping Equipment

12-011.03A Pitless Units must:

1. Bear the Pitless Adapter Standard (PAS) stamp of approval of the Water Systems Council.
2. Be factory assembled and ready for installation from a point of connection with the well casing to the unit cap or cover.
3. Be a threaded, welded, screwed, or flanged gasket compression connection to the well casing.
4. Be of watertight construction throughout, except for any required vent.
5. Be made of steel through the frost zone and be compatible with the casing.
6. Have a field connection to the lateral discharge from the pitless unit of threaded, flanged, or mechanical joint connection.
7. Terminate at least 12 inches above final ground elevation. Where a water well needs to be located in an area of high traffic and physical damage to the pitless unit is probable, the contractor must finish off the

water well even with the grade of the surrounding land surface and protect it by terminating it in a pitless unit covered by a watertight flush mount cover capable of withstanding high vehicle traffic conditions. In all cases where the top of the pitless unit is enclosed in a watertight flush mount vault, the vent opening must be sealed and all electrical conduit fittings must be watertight. If the entrance of the electrical conduit is below ground level, the opening around the wire must be sealed. (See Figure 12)

8. Provide:
- a. Access to the well for disinfecting or other purposes;
 - b. A properly constructed vent for wells with a pumping rate greater than 50 gpm;
 - c. A watertight secure cover at the upper terminal of the well that will prevent the entrance of contamination;
 - d. A contamination-proof entrance connection for electrical cable; and
 - e. An inside diameter sufficient for the insertion and removal of the pump and pumping equipment.

12-011.03B Pressure Relief Valve must be installed on any pump capable of developing a pressure higher than 115 psi, or exceeding the safe working pressure rating of the water supply system. Relief valve must be of adequate size and the plumbing where the relief valve is located must have sufficient capacity to accommodate 50% of the rated pump volume.

12-011.03C Backflow Protection: The discharge piping from any pump and pumping equipment must be equipped with a backflow preventer. A backflow preventer must be placed before any other device or branches in the distribution piping. Check valves must not be buried at the well for backflow prevention. The device must be located within 1 foot of the discharge head and prior to any other devices.

12-011.03D Discharge Piping includes any and all piping beginning at the discharge head or pitless unit tapping, extending to the first shut off valve or backflow preventer.

12-011.03D1 Above ground discharge piping must:

1. Be protected against the entrance of contamination;
2. For potable water use, be constructed of materials appropriate to each specific service;
3. Be equipped with a backflow preventer, chemigation valve, or air gap;
4. For air gap protection, daylight above the high water line of any tank, pond, stream, or reservoir;

5. Be properly anchored to prevent movement; and
6. Be protected against water hammer.

12-011.03D2 Underground Discharge Piping must be equipped with a curb stop valve and schedule 80 plastic or metal riser within one foot of the discharge, and be in compliance with 178 NAC 12-011.01.

12-011.03E Sample Point: Distribution piping must include a sample point. Location of the sample point must be as follows:

1. Sample point must terminate no less than 12 inches above the floor of the basement, well pit, or pump house floor.
2. A primary sample point must not be located down flow from any filter, trap, or conditioning equipment. A secondary sample point may be located down flow from a filter, trap, or conditioning equipment to verify the proper operation of such equipment.

12-011.03F Storage Tanks

1. Pressurized, if used (hydro-pneumatic or captive-air design)
 - a. Tank construction must be of materials approved for use in potable water systems; and
 - b. Tanks must be equipped with identification as to size, maximum working pressure, and name of manufacturer; and
 - c. Tanks and combinations of tanks and mechanical or electronic short cycle prevention devices must be of adequate size and design to prevent short cycling of the pump motor as per the pump motor manufacturer's specifications.
2. Non Pressurized, if used (reservoirs, cisterns, and standpipes)
 - a. Underground storage tanks must be constructed of material that is structurally adequate to withstand being buried below ground surface without collapsing when emptied;
 - b. Vent must be turned downward and be covered with a #24 mesh screen;
 - c. Vent piping must be of adequate size to prevent either a positive or negative pressurization of the buried tank, and
 - d. Vent piping must be constructed of materials approved for use in potable water systems. Inspection hatch and vent must extend 12 inches above grade. Inspection hatch must have a watertight seal to prevent contaminants from entering the tank.

12-011.03G Above Ground Connections: A pump house may be utilized to prevent the freezing of pipes. If used, the pump house must be mounted on a concrete

platform which slopes away from the well in all directions. The casing must extend a minimum of 12 inches above the concrete platform and the space between the casing and the pump pipe must be closed with a sanitary well seal. The well seal must be watertight and if vented, must be provided with a screened vent.

12-011.03H Well Pit: The installation of pumping and storage equipment in a pit directly over a well is not allowed. A pit for housing the equipment must be located at least 10 feet away from a well.

12-012 WATER WELL DECOMMISSIONING

12-012.01 General Requirements: The well cavity of all water wells to be decommissioned must be filled and sealed in accordance with the appropriate procedure described below. Any licensed water well contractor constructing a water well for any customer must as a part of the agreement include the proper decommissioning of each water well and test hole constructed to explore for ground water pursuant to the agreement. A landowner may only decommission a driven sandpoint water well on land owned by him/her and used by him/her for farming, ranching, or agricultural purposes or as his/her place of abode. A well constructed after October 1, 1988, but not constructed according to Title 178 NAC 12 must have a Declaratory Order prior to decommissioning.

12-012.02 Preliminary Work: Prior to decommissioning a water well, the depth of the well and the static water level must be measured and an investigation must be made to determine the details of the well construction. Potential sources of well construction details include:

1. The personal records of the owner,
2. The contractor that drilled the well,
3. The registration forms on file with the Nebraska Department of Natural Resources, available on its website,
4. Water well contractors familiar with the area, and
5. Water well records on file with the University of Nebraska-Lincoln Conservation and Survey Division, School of Natural Resources.

12-012.03 Obstructions: Every effort must be made to remove obstructions. If they cannot be removed, the well cavity must be filled with approved fill material in accordance with 178 NAC 12-003.08B from the bottom of the well to a point above the obstruction. If this is not possible, a 5-foot non-slurry bentonite grout plug must be placed above the obstruction, or the entire length of the water well from the obstruction to the surface must be grouted.

12-012.04 Material Volume: The volume of material required to decommission a water well can be determined using Table 3. Volumes for each interval that is to be either filled or sealed must be calculated prior to beginning. Materials used and calculated volumes must be consistent. If they are not, (1) additional material must be added to replace lost volumes until the interval is filled or sealed or (2) if material bridges in the well (evidenced

by calculated amount of filler/sealer being too much), operations must stop until the bridge is removed by high pressure jetting, drilling, or other methods.

12-012.05 Well Decommissioning Materials: Approved fill material (178 NAC 12-003.08B, 12-012.05B) or grout material (178 NAC 12-012.05A) must be used to decommission water wells. Grout seals must be used to prevent water movement into or between water-bearing zones; approved fill material may be used where grout seals are not necessary.

12-012.05A Grout Material: Grout material found in 178 NAC 12-003.06 can be used as a seal in decommissioning water wells.

12-012.05B Approved Fill Material for Decommissioning to be used in water wells in intervals where grout seals are not used or are not required must be disinfected sand, gravel, or crushed stone except that native earth material may be used in large diameter bored or dug wells because of the volume required. All fill material must be free of potentially toxic chemical residue and trash such as leaves and foreign materials. All fill material must be sized and introduced into the well at a rate to avoid bridging.

12-012.06 Decontaminating: Disinfectant equivalent to at least 200 parts per million chlorine must be introduced into the well before any material is placed into the well. The disinfectant can be in a liquid, granular, or pellet form. This will also decontaminate the fill material placed adjacent to the water-bearing zones. (See Table 1 for the amount of disinfectant to use.)

12-012.07 Upper Plug: All cased water wells to be decommissioned must have an upper plug to prevent surface and near-surface contaminants from entering the well casing. Only non-slurry bentonite and sand cement grouts are allowed in the upper plug. If the water well records indicate that a surface seal was installed during construction, then any option below can be used. If a surface seal was not installed or it is not known if a surface seal was installed, then Option 1 or Option 3 must be used.

12-012.07A Option 1: Remove the top 3 feet of the well casing and grout the upper 5 feet of the remaining casing. Install a 6-inch thick grout seal above the top of the casing that extends a minimum of 1 foot past the walls of the original borehole and extends at least 1 foot below the top of the cut-off casing. Backfill the remainder of the hole with native soil mounded for settlement and proper drainage. (See Figure 13)

12-012.07B Option 2: For all other wells not located in a structure and if the water well was constructed with an annular surface seal, the water well casing may be left in place. A 5-foot long grout plug must be placed in the casing within the top 10 feet. If the casing is going to remain above the concrete surface, a watertight secure cover or cap must be installed on top of the casing. (See Figure 14)

12-012.07C Option 3: If the water well is surrounded by concrete/asphalt that extends 1 foot beyond the original borehole, and the casing is to be cut off flush with the top of the concrete, then a 5 foot minimum grout plug must be placed 10 feet below the concrete pad, and a minimum of 5 feet of concrete must be installed above the grout plug and struck off level with the top of the concrete. (See Figure 15)

12-012.08 Procedures for Specific Well Types are set forth below and must be followed.

12-012.08A Test Holes must be sealed with a 5-foot grout plug placed at static water level and/or confining layer. Approved fill material must be placed from the 5 foot grout plug to the surface seal within the top 10 feet.

12-012.08B Drilled, Bored, or Dug Water Wells

1. Measure the static water level and the total depth of the well.
2. If there is no water in the casing, place a minimum 5 foot grout plug in the bottom as described in the Placement of Grout section (178 NAC 12-003.07).
3. Use these measurements and the information in Tables 3 and 4 to determine the volume of material to be used.
4. Fill the well cavity or casing with clean disinfected sand, gravel, or grout up to 1 foot below the static water level.
 - a. If the static water level is less than 6 feet, refer to upper plug procedures for near-surface decommissioning.
 - b. If the static water level is greater than 6 feet, place a seal at least 5 feet thick on top of the sand/gravel fill. (See Figure 16.)
5. Native earth is an acceptable decommissioning fill material only for dug or bored wells that are two feet or more in diameter because of the volume required. Place native earth material in the excavated hole and mound over the well to accommodate future settling and to divert surface water away from the well. (See Figure 17)
6. Fill the remainder of the well with clean sand or gravel or grout up to 8 feet below the ground surface. At this point, place a 5-foot non-slurry bentonite grout seal in the casing. (See Figure 17)
7. The remainder of the water well must be decommissioned as described in the Plug Section. (See Figure 13)

12-012.08C Driven Sandpoint Wells

1. Fill the entire casing with grout to the top and cut off the casing 3 feet below the ground surface or water level. Place a 6-inch grout seal 1 foot beyond the casing and backfill the remainder of the hole with native soil mounded for settlement. (See Figure 18) or
2. If the casing is pulled, decommission like a test hole as described in 178 NAC 12-012.08A.

12-012.08D Full Length Grouted Wells must be decommissioned by pressure grouting the inside of the screen and casing. (See Figure 19) The rest of the well must be decommissioned as described in the Upper Plug Section, Option 1 or Option 3 only, as described in 178 NAC 12-012.07A and 12-012.07C.

12-012.08E Multiple Aquifer Wells: Water wells that obtained water from more than 1 water bearing zone must have a seal between each zone if each water bearing zone is separated by a confining layer. (See Figure 20) A grout seal not less than 5 feet in length must be placed adjacent to each confining layer and 5 feet of grout must be placed at the static water level.

12-012.08F Flowing Water Wells: Decommissioning these wells requires the placement of neat cement through a tremie line to stop the flow; otherwise, expandable plugs may be installed in the casing (or bedrock if not cased) to stop the water flow.

12-012.08F1 If it is known where a confining layer exists, the following procedure to install an intermediate seal (see Figure 21) is required.

12-012.08F1a If, during construction, the annular space was not grouted at the confining unit, a plug must be set at the bottom of the confining layer and the casing must be perforated a minimum of 3 feet, to allow pressure grouting of the annular space with neat cement.

12-012.08F1b Bentonite grout can be used above the confining layer if the flow has been stopped. The rest of the well must be decommissioned as described in the Upper Plug section, 178 NAC 12-012.07.

12-012.08F2 The exact location of these wells must be flagged for at least 1 year after decommissioning.

12-012.08G Closed Loop Heat Pump Wells must be decommissioned as follows:

1. Remove all heat transfer fluid from the closed loop, and

2. Dig down to the top of the borehole and cut off the loop pipe at least 6 feet below the surface. Pump the remaining loop full of bentonite or cement slurry. The remainder of the borehole is to be decommissioned as described in the Upper Plug section 178 NAC 12-012.07.

12-012.09 Documentation: A record that includes the materials used, the quantity of those materials, location of placement thereof, and mix specifications, including the type and viscosity of bentonite grouts must be maintained on every decommissioned water well, including test holes.

12-012.10 Reporting Decommissioning: A notice of decommissioning for all water wells except test holes must be submitted to the Director of the Department of Natural Resources on the Notice of Decommissioning form supplied by the Department of Natural Resources within 60 days of the decommissioning of the water well as required in Neb. Rev. Stat. § 46-602 as follows:

1. The pump installation contractor or water well contractor must submit written notice of the decommissioning of a water well to the Department of Natural Resources.
2. If both a water well contractor and a pump installation contractor are involved in the decommissioning of a water well, the pump installation contractor must submit the notice of decommissioning to the Department of Natural Resources.
3. If a landowner decommissions a driven sandpoint water well on land owned by him/her and used by him/her for farming, ranching, or agricultural purposes or as his/her place of abode, the landowner must report the decommissioning to the Department of Natural Resources.

12-013 DECLARATORY ORDER ABOUT SUBSTANTIALLY EQUIVALENT PROCEDURE OR MATERIAL

12-013.01 Any water well contractor, pump installation contractor or any other individual carrying out activities subject to 178 NAC 12 who desires to carry out such work by a procedure inconsistent herewith or using materials other than herein prescribed but which the contractor or other individual believes to be substantially equivalent to the standards prescribed in 178 NAC 12 may request a declaratory order by the Department on whether the proposed procedure or material is substantially equivalent to the prescribed standards and may be used to comply with 178 NAC 12.

12-013.02 Such a request must be submitted in writing at least 10 days prior to the initiation of construction or alteration of the well(s) involved, unless good cause is shown for a shorter review period.

12-013.03 The request must include a description of the material(s) and/or construction procedure(s) proposed, identify the procedure or material required by the prescribed

standards and include proof of the alleged equivalency and such written arguments as are deemed appropriate by the requesting party.

12-013.04 Such request must be made generally in accordance with 184 NAC 2, Rules of Practice and Procedure of the Department for Declaratory Orders, but unless the requesting party at the time of the request demands a hearing thereon, the matter will be deemed submitted on the written request, attachments thereto, and facts of which the Department takes judicial notice.

12-013.05 Any order issued by the Department hereunder will be binding between the Department and the requesting party on the facts alleged unless it is altered or set aside by a court. The Department may in situations when the submission of a request 10 days in advance would result in an immediate environmental threat, significant economic hardship on or pose a health threat to the owner or other individuals, waive the 10 day review period.

12-014 VARIANCES: The Department may grant a variance from any rule, regulation, or standard adopted and promulgated by the Department relating to the construction of a water well upon proof by a licensed water well contractor or well owner that the enforcement of the rule, regulation, or standard would create an unreasonable hardship or be unreasonable, impractical, or not feasible under the circumstances. A variance is limited to the construction of a water well to replace an existing water well. A variance may only be requested after a declaratory order about substantially equivalent procedure or material has been requested and denied.

12-014.01 Procedures for Requesting a Variance: The party requesting the variance or renewing a variance must submit the variance request to the Department along with any applicable fee. The request for a variance must be submitted in writing at least 10 days prior to the planned initiation of construction of the well involved. Variances may only be granted in writing by the Department. All variance requests must contain the following:

1. The name, address, telephone number, and signature of the individual(s) requesting the variance;
2. The specific rule(s) for which the variance is requested (if more than 1 rule is affected then each must be listed);
3. The reason the rule(s) cannot be met, with supporting evidence;
4. The length of time for which the variance is requested
5. The alternative or protective measure that will be taken to assure a comparable degree of protection to health or environment;
6. Construction plans and specifications of the proposed water well with all the relevant and required information listed in 178 NAC 12-003.12A; and
7. A scaled map showing the location of the well in relation to property lines, structures, utilities, and contamination sources.

12-014.02 Variance Conditions: A variance may be under such terms and conditions and for such time as the Department may prescribe. The Department must notify the requesting party in writing of the decision to grant or deny the variance. If a variance is

granted, the notification must specify conditions or alternative measures imposed upon the variance, if any. If the variance is denied, the Department will specify the reasons for the denial.

12-014.03 Alternative Measures or Conditions: Alternative measures or conditions attached to a variance have the force and effect of the applicable regulation. If the alternative measure or condition attached to the variance is violated, the party may be enjoined from continuing such activities. The injunction may include an order to properly decommission the water well.

12-014.04 Renewal of a Variance: A request for a renewal of a variance must be submitted in writing to the Department within 30 days of the expiration date. A renewal request must contain the information in 178 NAC 12-014.01 (Procedures for Requesting a Variance). A variance may be renewed if the party continues to satisfy the criteria for granting the variance and demonstrates compliance with the alternative measures or conditions imposed at the time the original variance was approved.

TABLE 1
Decontamination Chart Calculator for Total System Volumes

Casing ID Inches	Gal/ft	Ft of H ₂ O	Standing Well Volume ¹ Feet	Total Treat. Volume ²	Total Decontam. Volume ³	200 ppm	200 ppm
						5% chlorine gallons ⁴	65% HCL oz. ⁴
4	.065	100	65	130	260	0.26	15.6
5	1.02	100	102	204	408	0.408	24.48
6	1.47	100	147	294	588	0.588	35.28

Casing ID Inches	Gal/ft	Ft of H ₂ O	Standing Well Volume ¹ Feet.	Total Treat. Volume ²	Total Decontam. Volume ³	200 ppm	200 ppm
						5% chlorine gallons ⁴	65% HCL oz. ⁴
8	2.61	100	261	391.5	1044	1.044	62.64
10	4.08	100	408	612	1632	1.632	97.92
12	5.87	100	587	880.5	2348	2.348	140.88
16	10.45	100	1045	1567.5	4180	4.18	250.8
24	23.51	100	2351	3526 .5	9404	9.404	564.24

¹Standing Well Volume equals the total amount of water in the casing.

²Total Treatment Volume equals the amount of water in the casing plus the annular space of the borehole.

1. For 4" to 6" wells, the standing well volume times 2 equals the total treatment volume.
2. For 8" wells and larger the standing well volume times 1.5 equals the total treatment volume.

³Total Decontamination Volume equals the standing volume times 4 to approximate the water in the system.

⁴The decontamination amounts are based on a calculation or percent of the available chlorine and dosage strength per given volume of water.

TABLE 2
Disinfection Chart Calculator for Total System Volumes

Casing ID Inches	Gal/ft	Ft of H ₂ O	Standing Well Volume ¹ Feet	Total Treat. Volume ²	Total Disinf. Volume ³	50 ppm	50 ppm
						5% chlorine gallons ⁴	65% HCL oz. ⁴
4	.065	100	65	130	260	0.065	3.9
5	1.02	100	102	204	408	0.102	6.12
6	1.47	100	147	294	588	0.147	8.82

Casing ID Inches	Gal/ft	Ft of H ₂ O	Standing Well Volume ¹ Feet.	Total Treat. Volume ²	Total Disinf. Volume ³	50 ppm	50 ppm
						5% chlorine gallons ⁴	65% HCL oz. ⁴
8	2.61	100	261	391.5	1044	0.261	15.66
10	4.08	100	408	612	1632	0.408	24.48
12	5.87	100	587	880.5	2348	0.587	35.22
16	10.45	100	1045	1567.5	4180	1.045	62.7
24	23.51	100	2351	3526.5	9404	2.351	141.06

¹Standing Well Volume equals the total amount of water in the casing.

²Total Treatment Volume equals the amount of water in the casing plus the annular space of the borehole.

1. For 4" to 6" wells, the standing well volume times 2 equals the total treatment volume.
2. For 8" wells and larger the standing well volume times 1.5 equals the total treatment volume.

³Total Disinfection Volume equals the standing volume times 4 to approximate the water in the system.

⁴The disinfection amounts are based on a calculation or percent of the available chlorine and dosage strength per given volume of water.

Table 3
Well casing volume and bentonite needed to fill a well casing

Diameter of opening	Volume		Approximate pounds graded bentonite per foot*	Approximate linear feet filled per 50 pound bag of graded bentonite
	Gallons per foot of depth	Cubic feet per foot		
2 inches	0.16	0.02	1.4	35.70
3 inches	0.37	0.05	3.5	14.30
4 inches	0.65	0.09	6.3	7.90
5 inches	1.02	0.14	9.8	5.10
6 inches	1.47	0.20	14.0	3.60
8 inches	2.61	0.35	24.5	2.00
10 inches	4.08	.055	38.5	1.30
12 inches	5.88	0.79	55.3	0.90
14 inches	8.00	1.07	74.9	0.67
16 inches	10.44	1.40	98.0	0.51
18 inches	13.22	1.77	123.9	0.40
2 feet	23.50	3.14	220.0	0.23
2.5 feet	36.72	4.91	344.0	0.16
3 feet	52.88	7.07	495.0	0.10
4 feet	94.00	12.57	880.0	0.06
5 feet	146.90	19.64	1375.0	0.04
6 feet	211.50	28.27	1979.0	0.03
7 feet	287.90	38.48	2694.0	0.02
8 feet	376.00	50.27	3519.0	0.01
9 feet	475.90	63.62	4453.0	0.01
10 feet	587.50	78.54	5498.0	0.01

*Based on a granular bentonite bulk density of 70 pounds per cubic foot. (The typical range of reported bulk density is 68 to 72 pounds per cubic foot)

Table 4

Useful Equivalents	
1 cup	8 fluid ounces
2 cups	1 pint
1 pint	16 fluid ounces
1 quart	32 fluid ounces
½ gallon	64 fluid ounces
1 gallon	128 fluid ounces
1 cubic foot (ft³)	7.48 gallons
1 cubic yard (yd³)	27 cubic feet
Gallons per foot of depth	0.0408 (opening diameter, square inches)
Cubic feet per foot of depth	0.0055 (opening diameter, square inches)
1° Latitude	69.2 miles
1 minute of 1°	6,089.6 feet
1 second of 1 minute of 1°	101.49333 feet
1/10 of 1 second of 1 minute of 1°	10.149333 feet
1° Longitude	69.172 miles
1 minute of 1°	6,087.136 feet
1 second of 1 minute of 1°	101.45226 feet
1/10 of 1 second of 1 minute of 1°	10.145226 feet

EFFECTIVE
8/26/14

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

178 NAC 12
ATTACHMENT 1

WAIVER OF DISINFECTION

This is to certify that I have been informed by _____
of the advantages of the disinfection of the water well producing water for human consumption
located at _____.

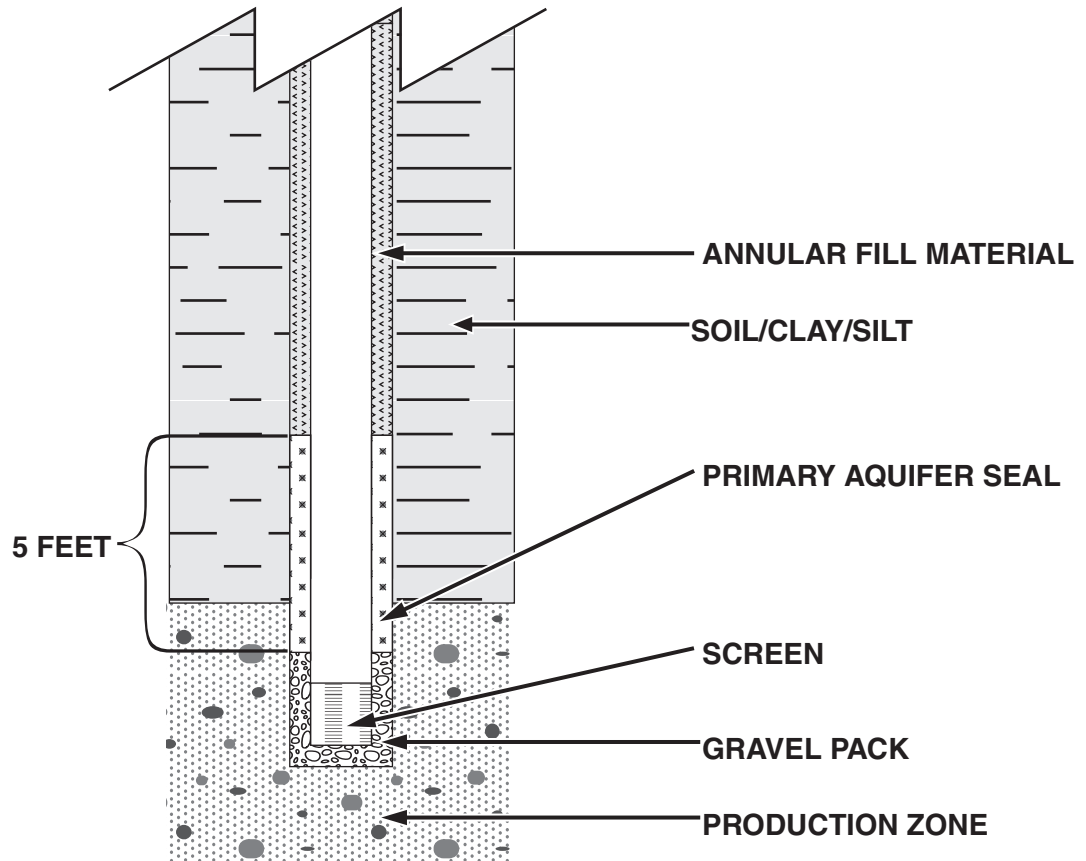
I do not desire to have the well disinfected and hereby waive the disinfection requirement.

Landowner or Owner's Agent

Date

**FIGURE 1A.
PRIMARY AQUIFER SEAL ON TOP OF
GRAVEL PACK ABOVE THE WELL SCREEN**

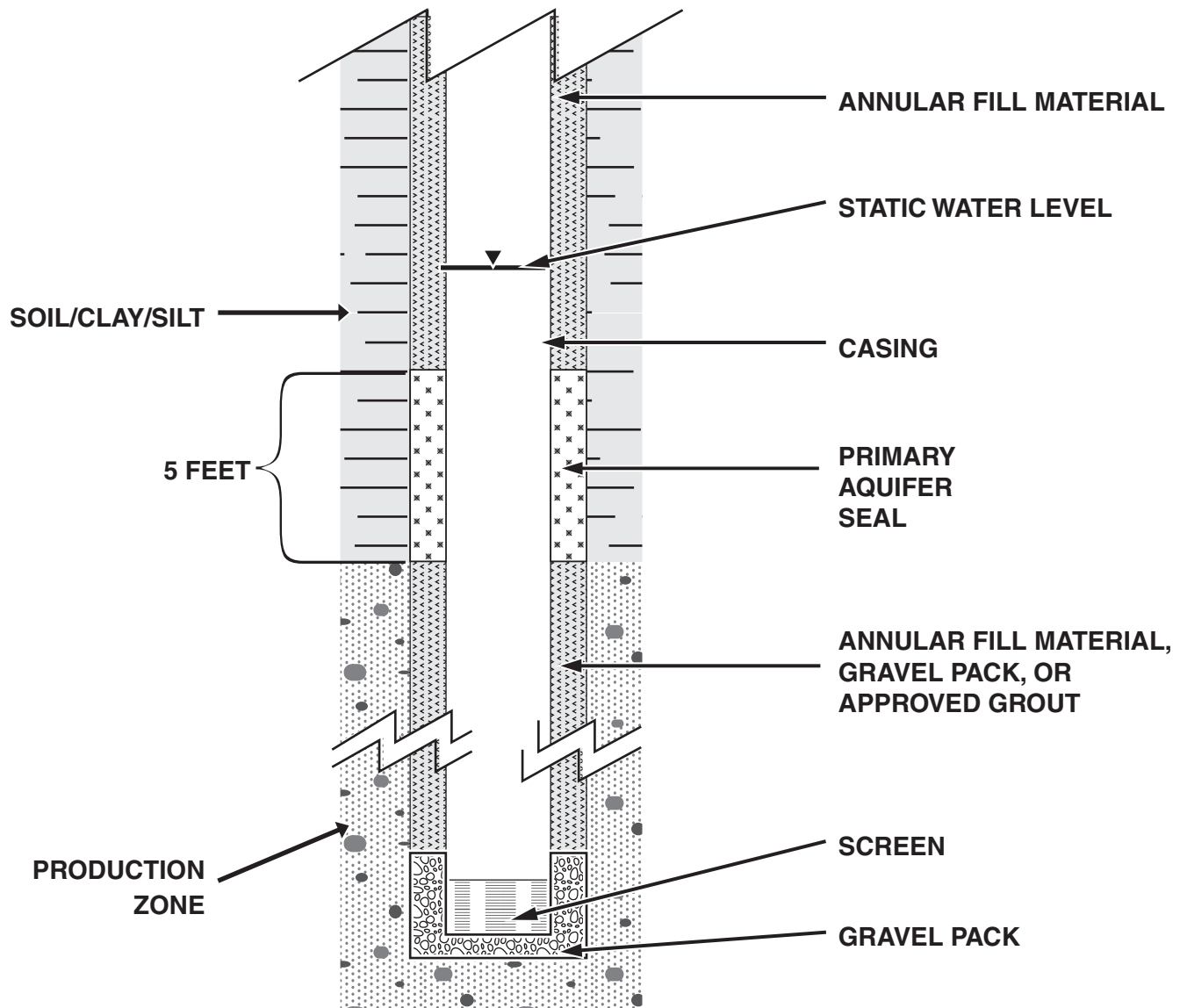
178 NAC 12-003.08A item 1



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

FIGURE 1B.
PRIMARY AQUIFER SEAL AT THE BASE OF THE
FIRST SILT/CLAY LAYER ABOVE THE PRODUCTION ZONE

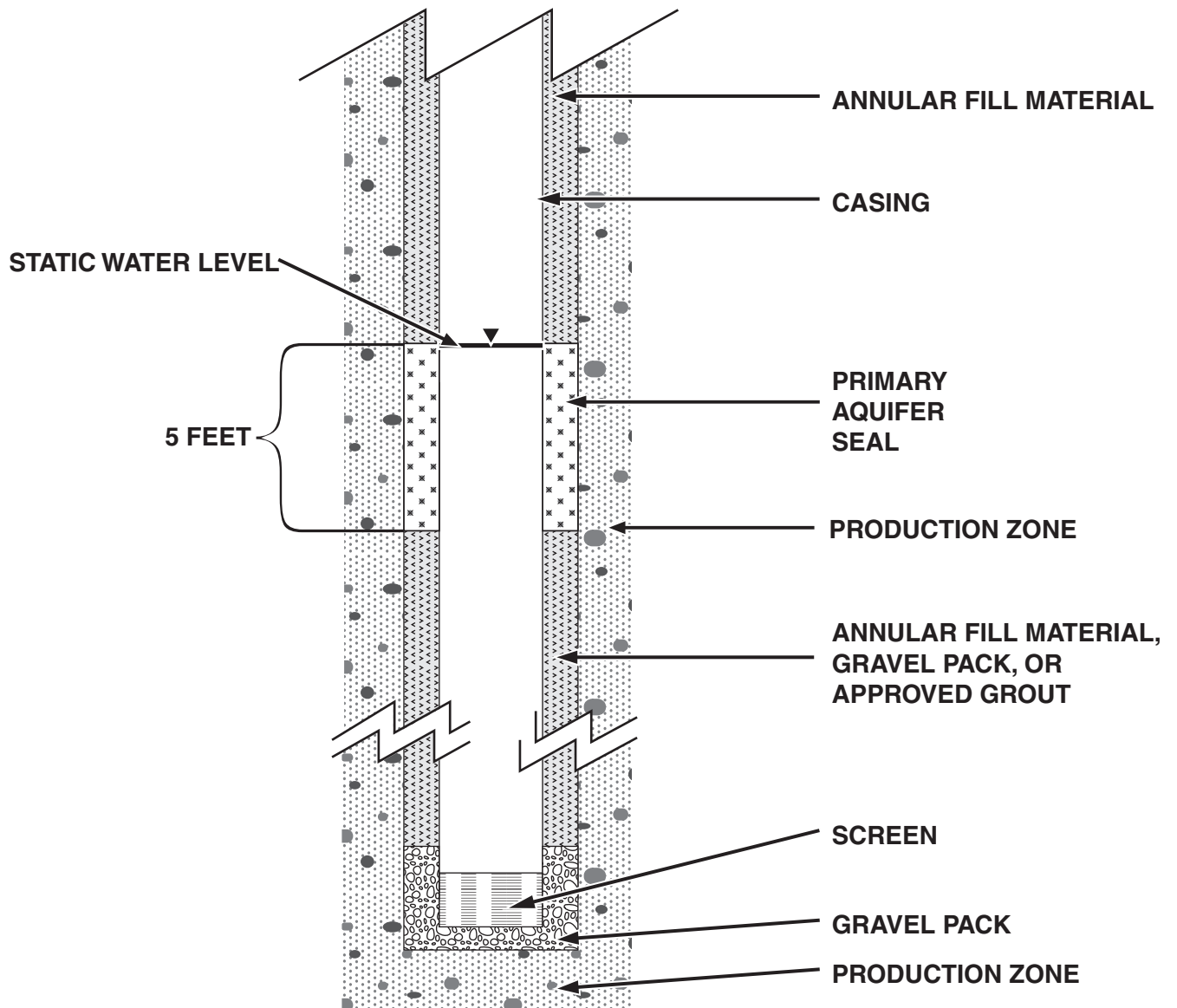
178 NAC 12-003.08A item 2



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 1C.
PRIMARY AQUIFER SEAL AT/OR IMMEDIATELY
BELOW THE STATIC WATER LEVEL**

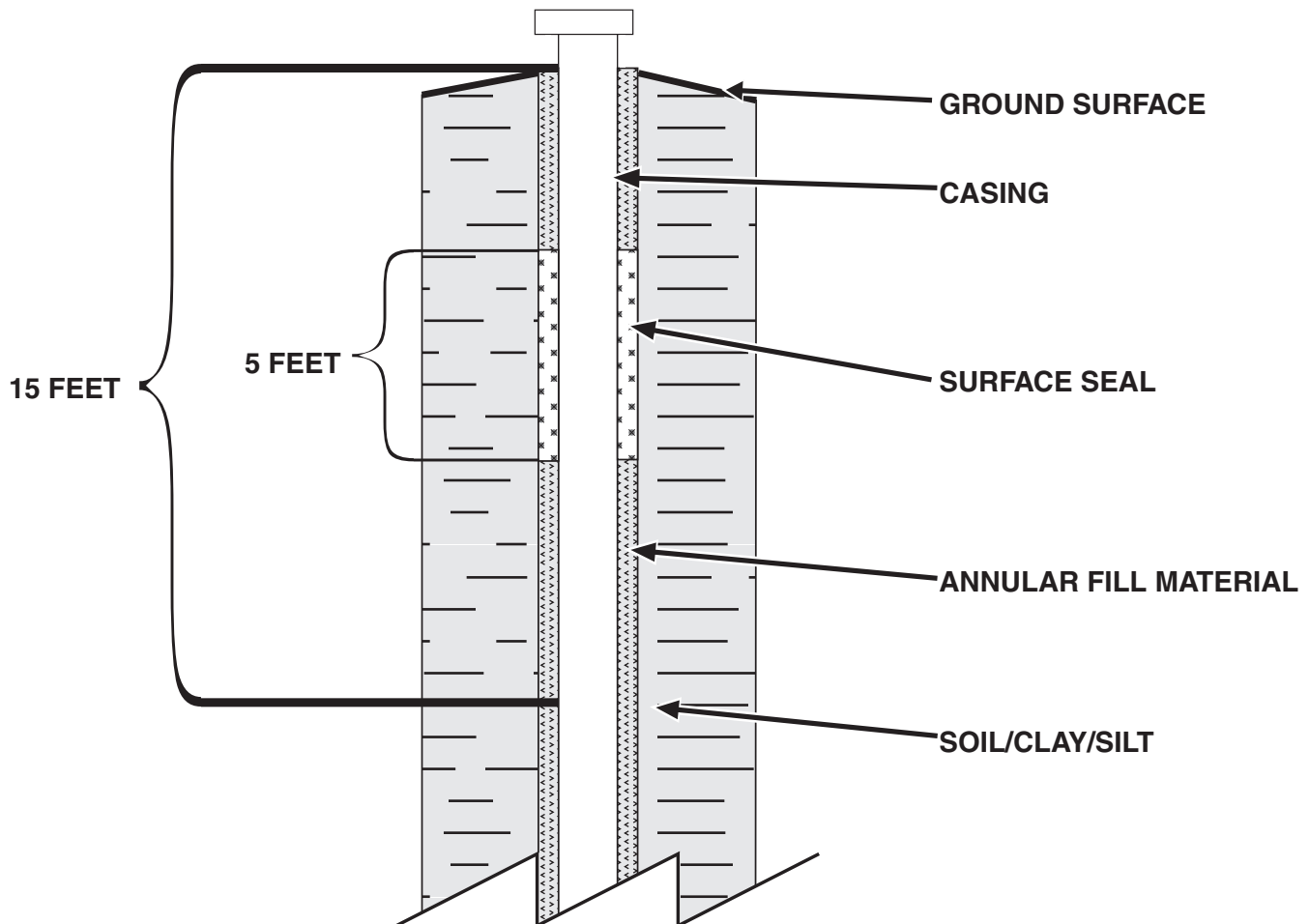
178 NAC 12-003.08A item 3



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 2A.
SURFACE SEAL FOR ALL WELLS NOT
EQUIPPED WITH PITLESS UNITS**

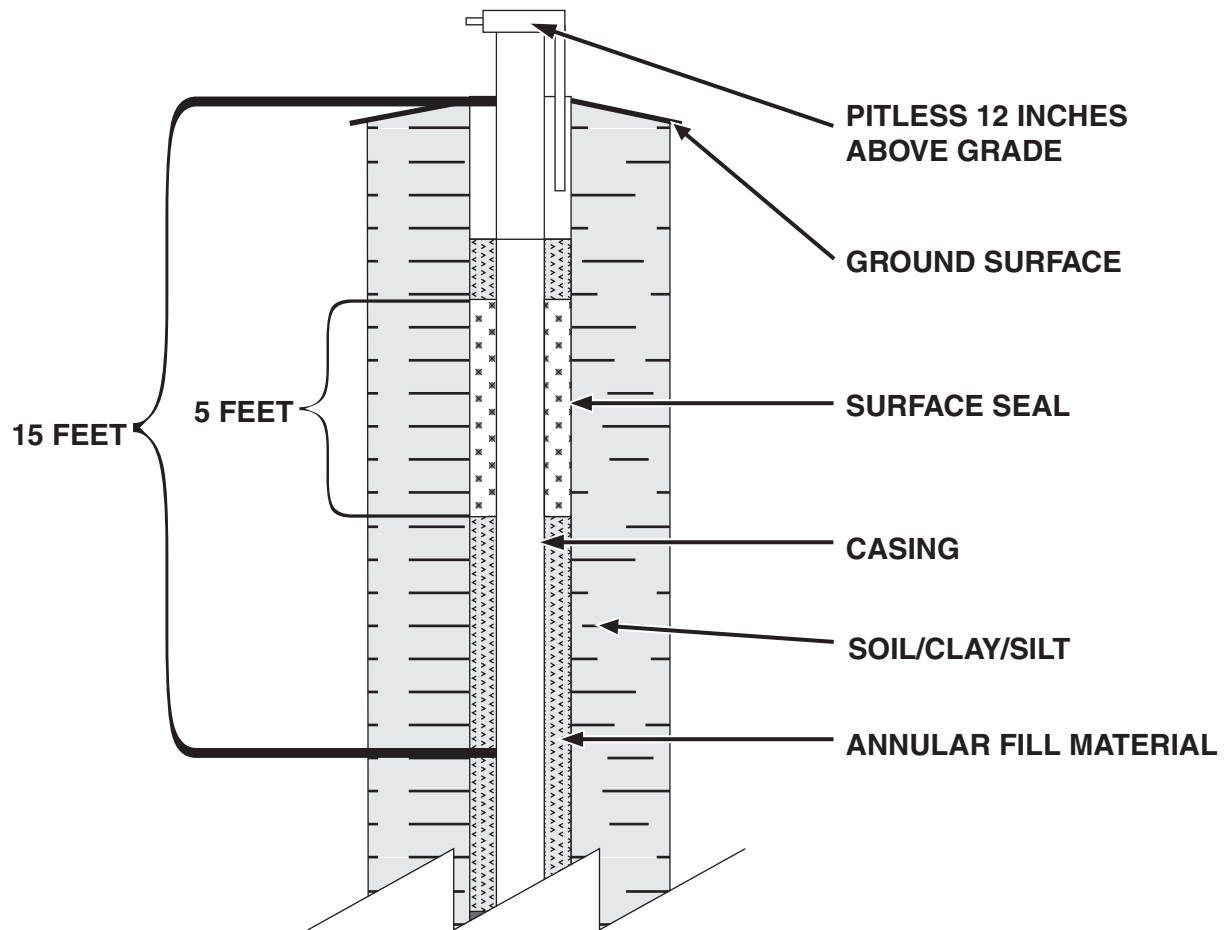
178 NAC 12-003.08C



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 2B.
SURFACE SEALS FOR ALL
WELLS WITH PITLESS UNITS**

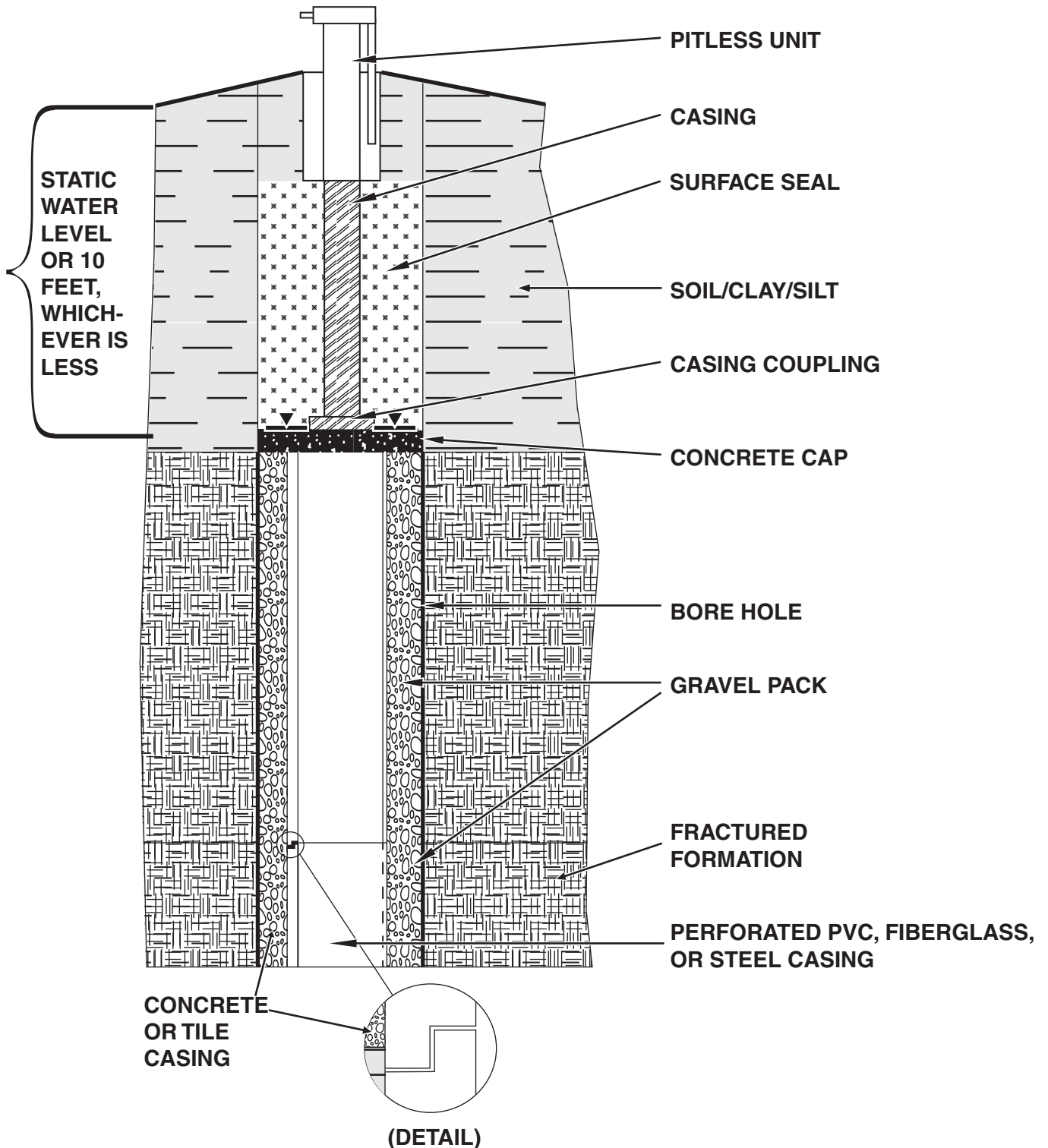
178 NAC 12-003.08C



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

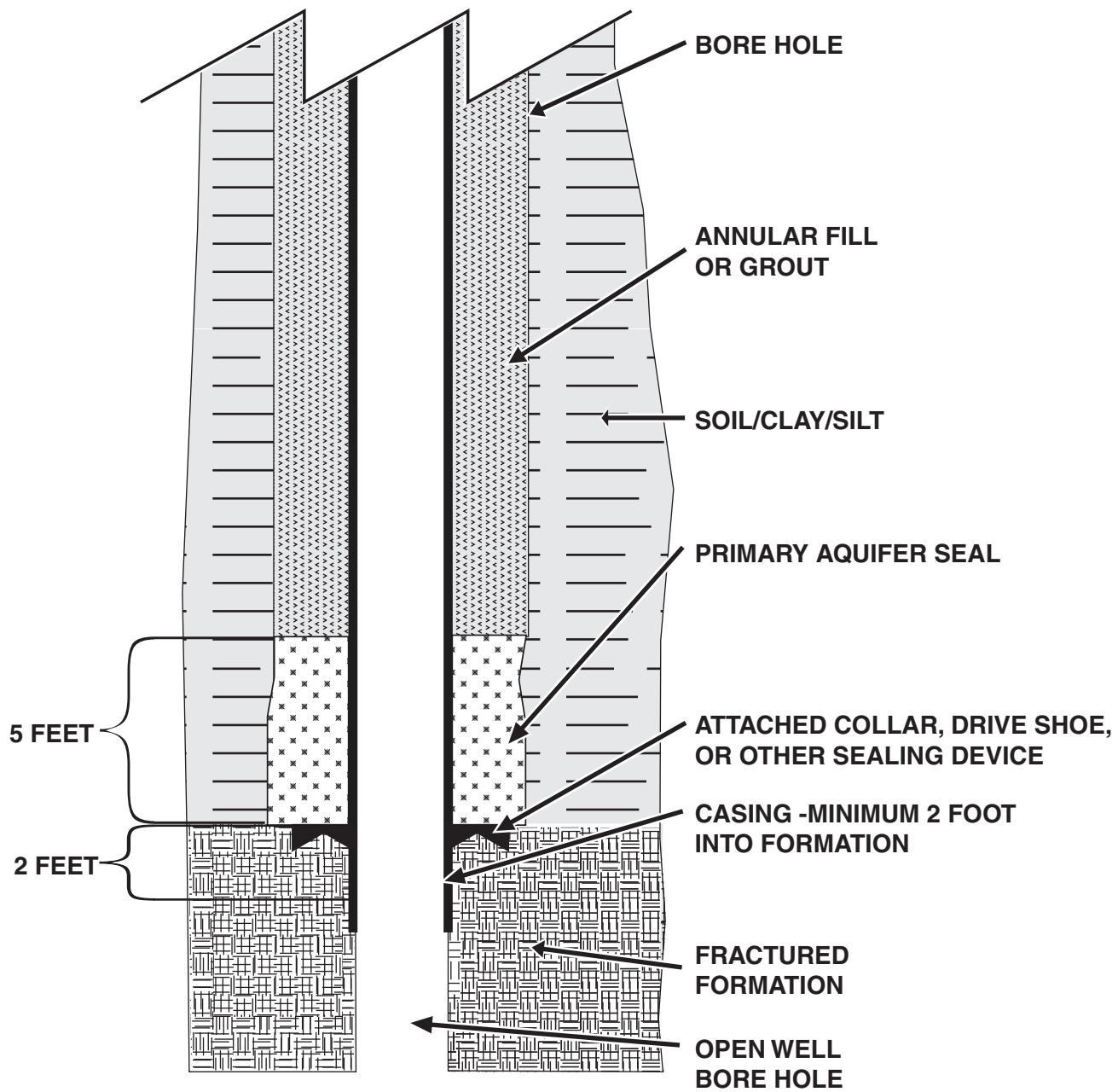
**FIGURE 3.
CONSTRUCTION AND REPAIRS OF BORED
AND DUG WELLS**

178 NAC 12-003.11
12-004.04
12-005.03



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

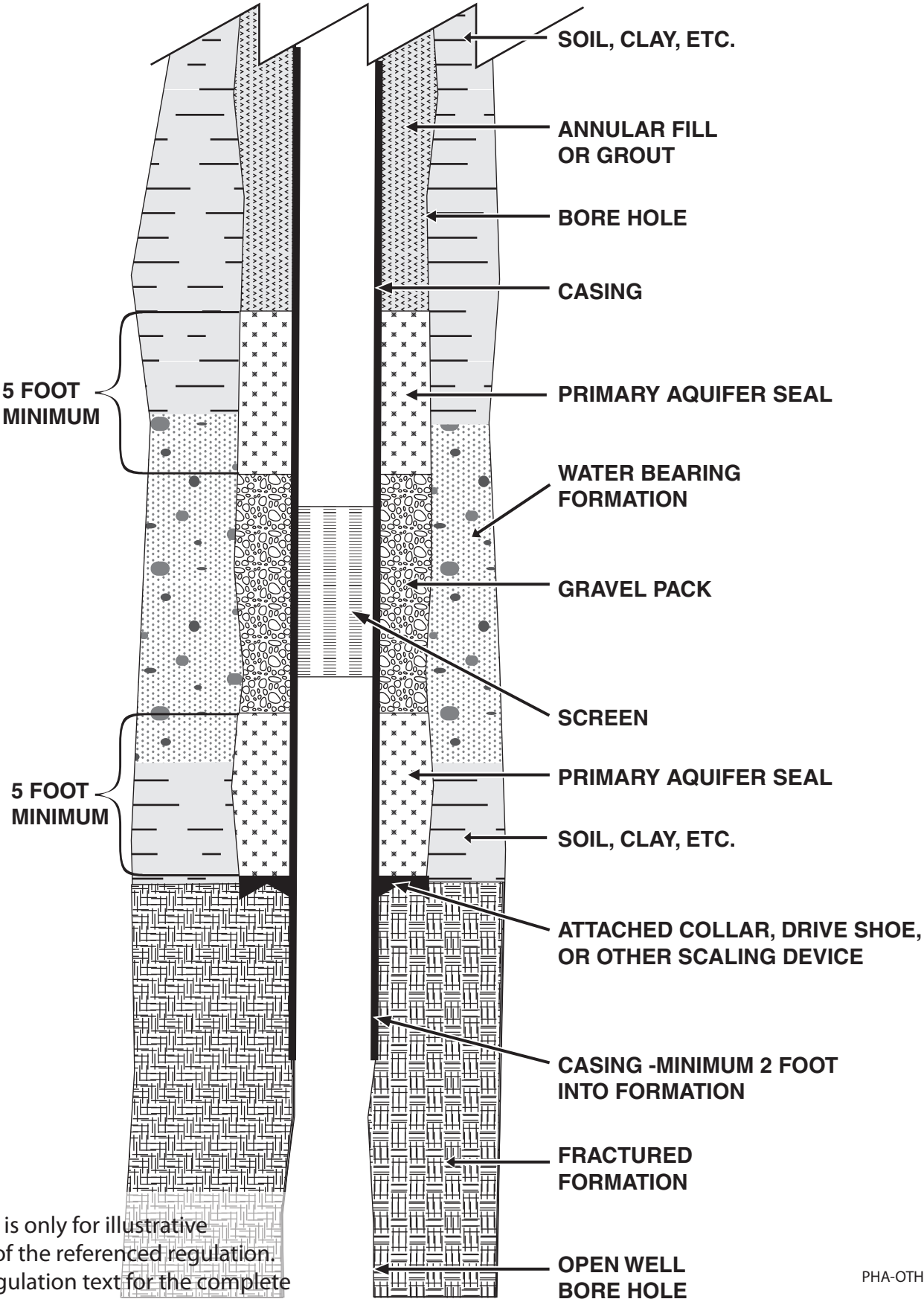
**FIGURE 4.
OPEN HOLE WELL CONSTRUCTION**



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

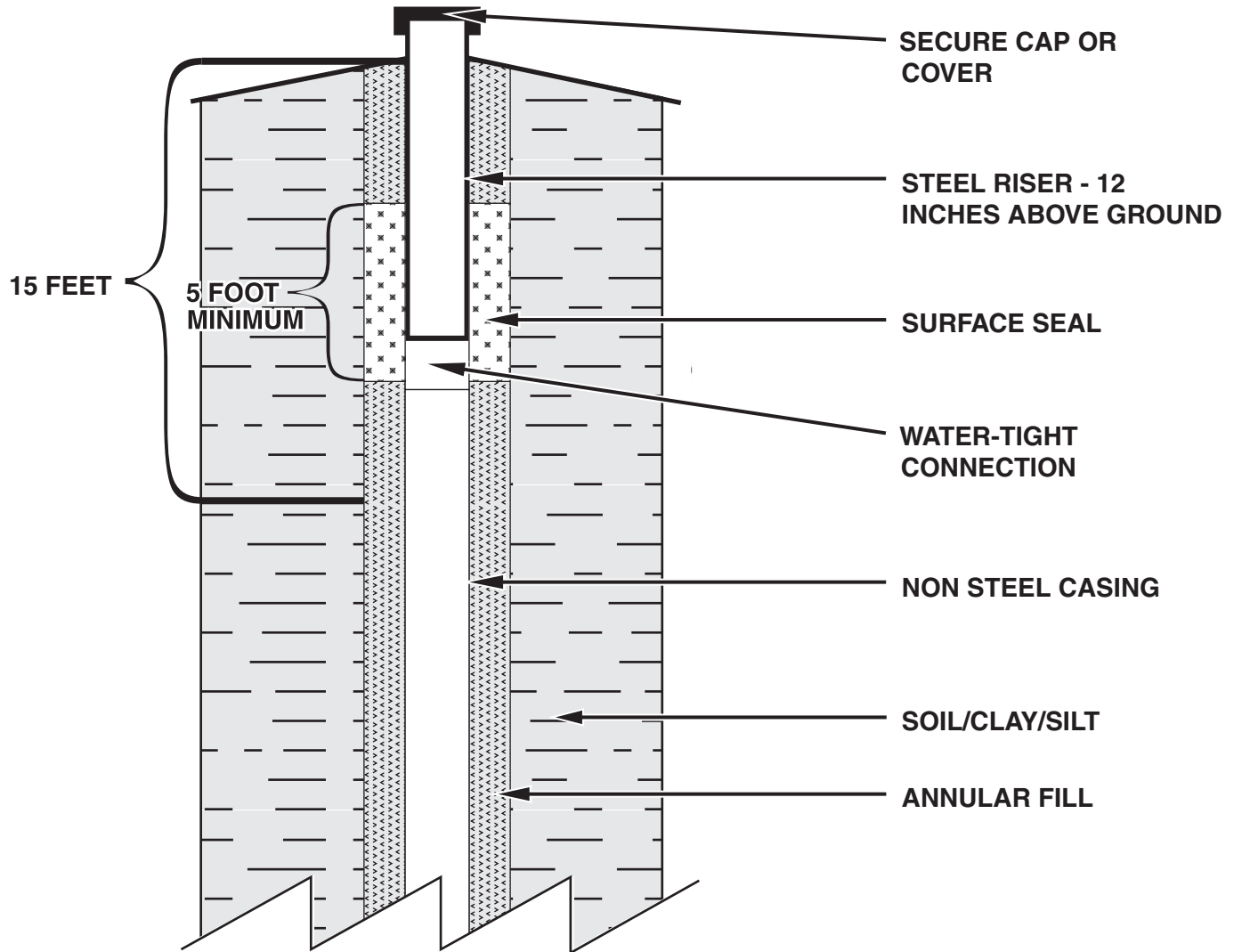
FIGURE 5.
OPEN HOLE CONSTRUCTION - MULTIPLE AQUIFERS

178 NAC 12-004.05C
12-005.04C



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

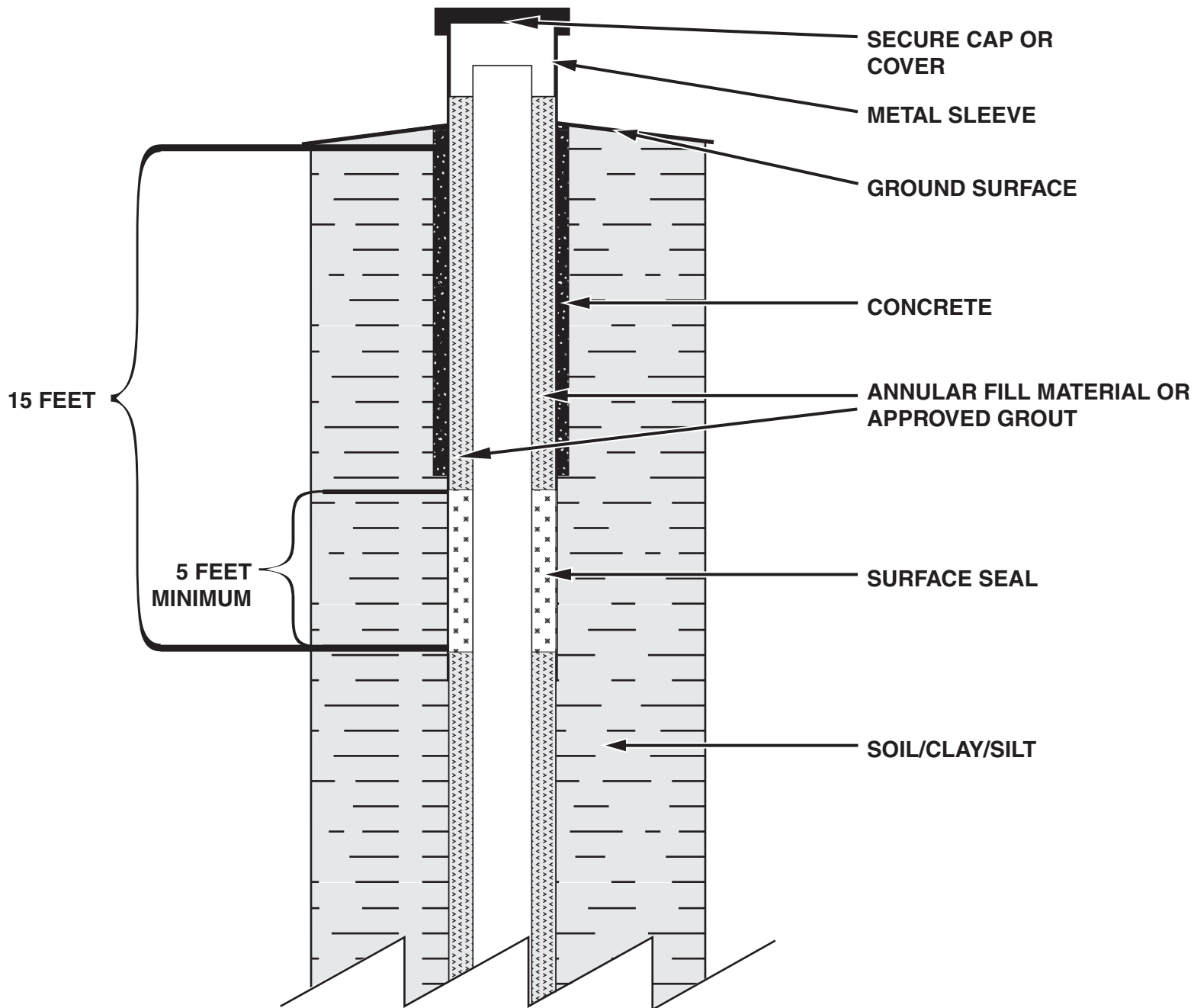
FIGURE 6.
UPPER PORTION OF NON-POTABLE WELLS 6-5/8 INCH
OD AND LESS WITH STEEL CASING RISER



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 7.
NON-POTABLE WELLS 6-5/8 INCH OD AND LESS
WITH METAL SLEEVE BOLLARD**

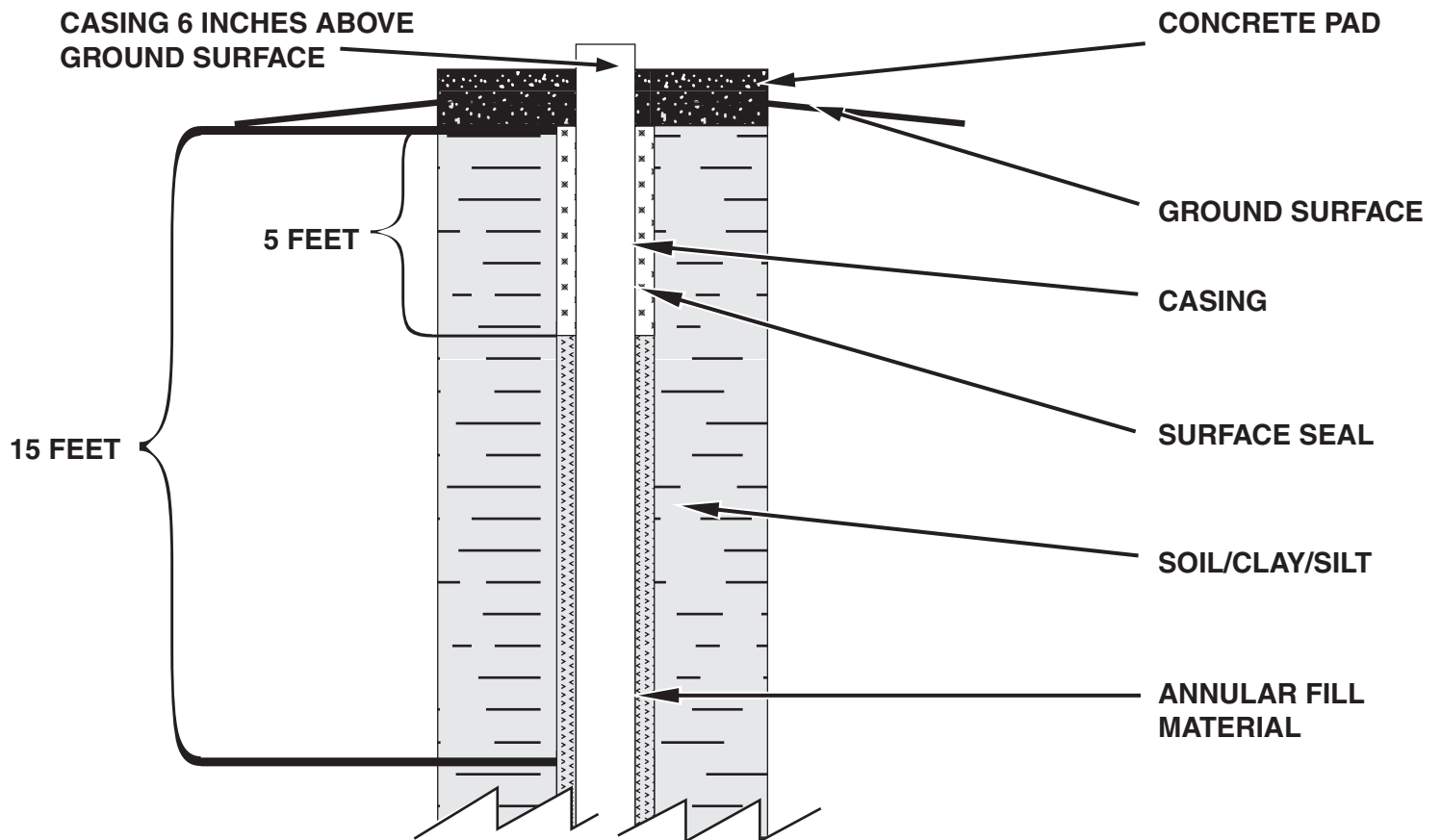
178 NAC 12-005.02A2



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 8.
CONCRETE PAD FOR NON-POTABLE WELLS
LARGER THAN 6-5/8 INCHES IN OD**

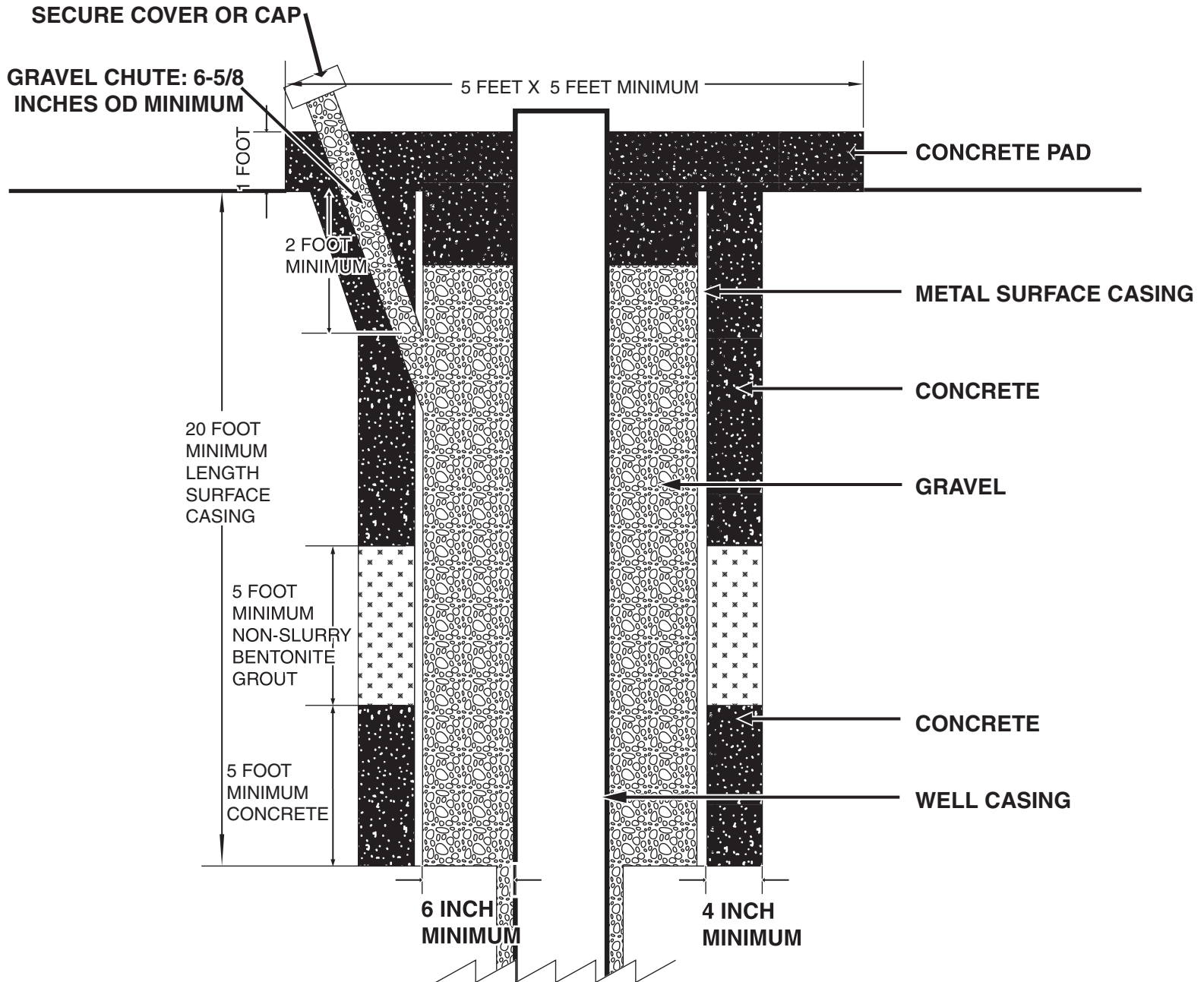
178 NAC 12-005.02B1
12-005.02B2
12-005.02C



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 9
WELLS LOCATED IN THE ARIKAREE FORMATION
THAT ARE SUBJECT TO SUBSIDENCE**

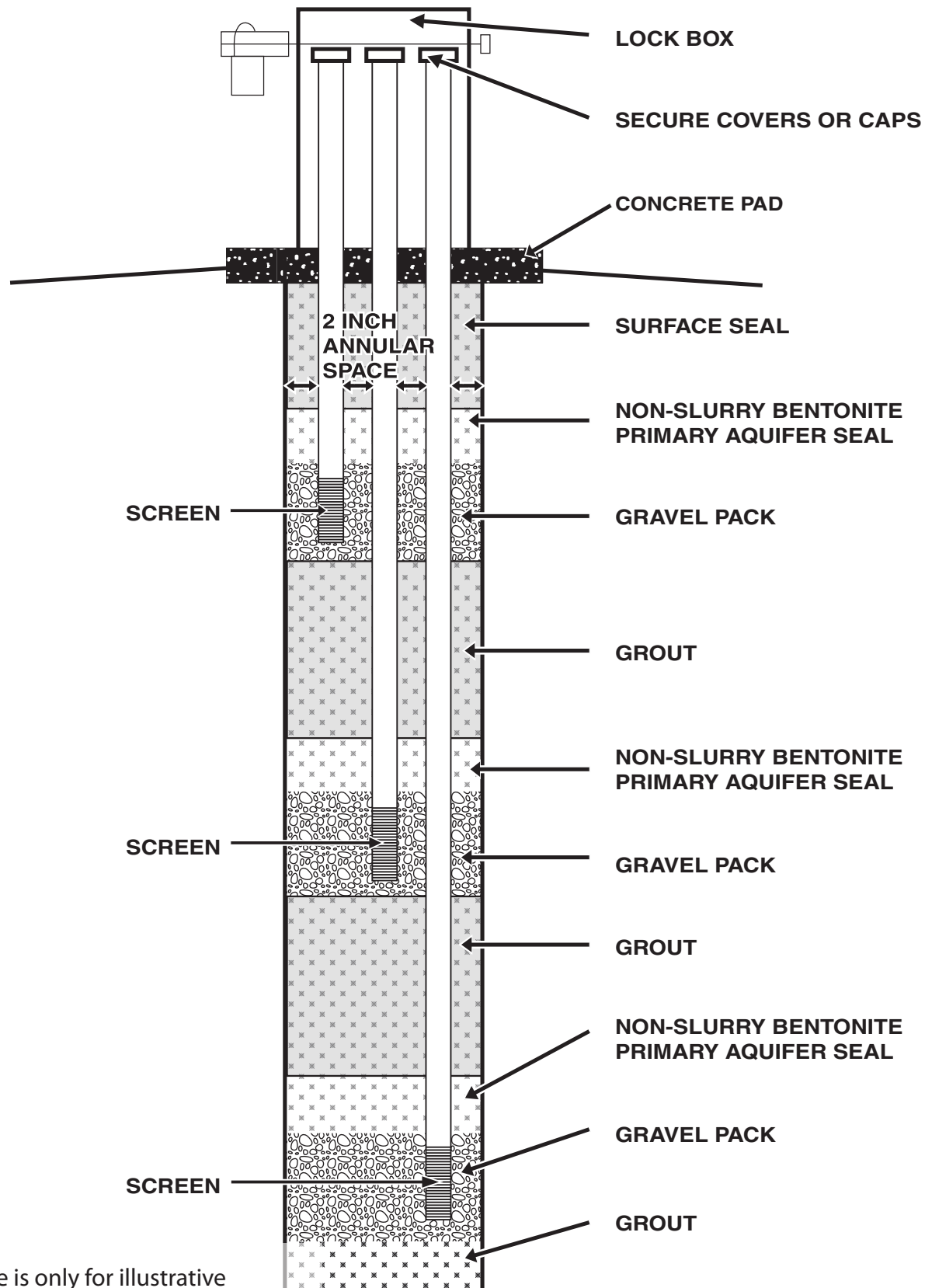
178 NAC 12-005.05



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

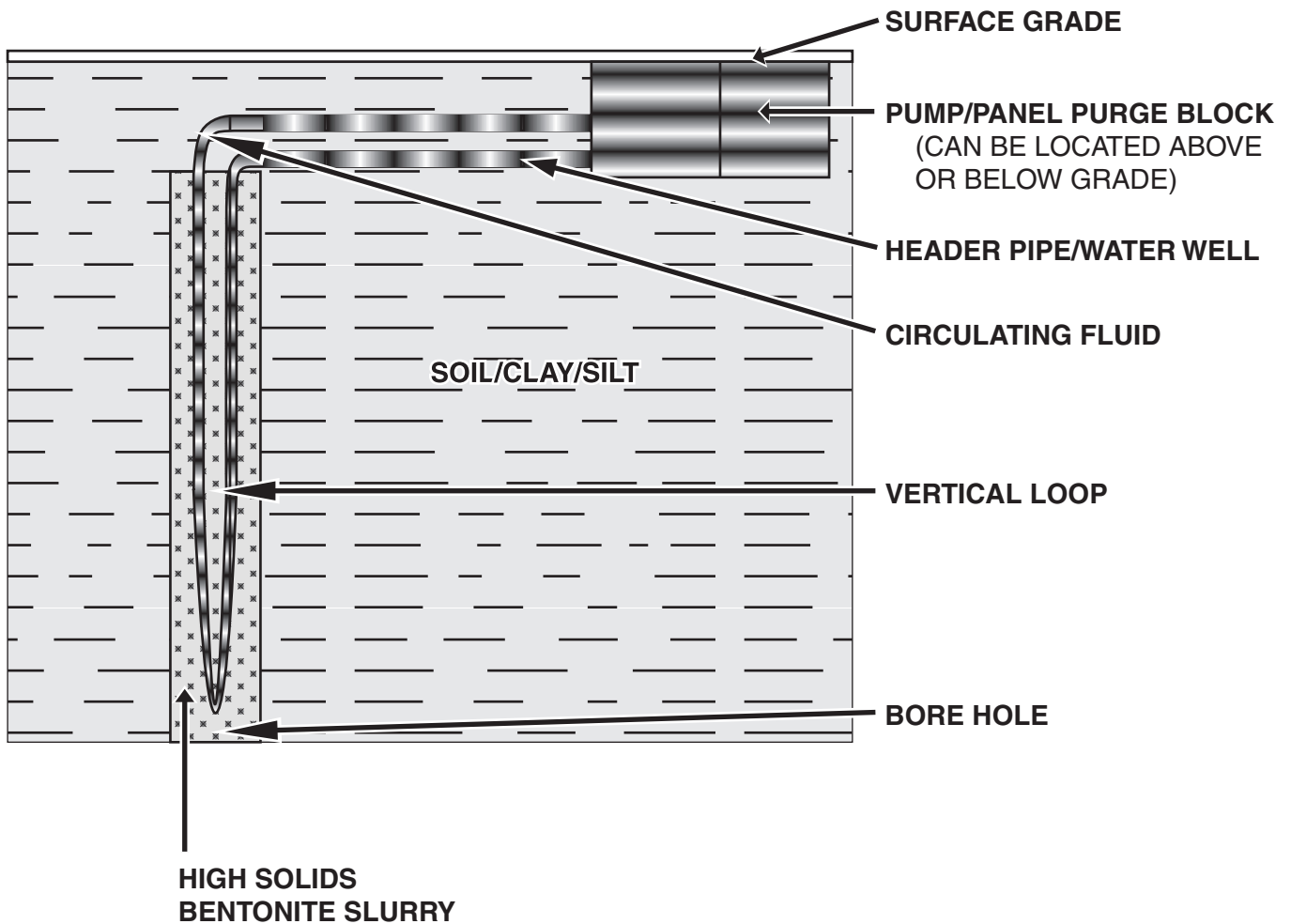
**FIGURE 10
NESTED WELL DESIGN**

178 NAC 12-007.07



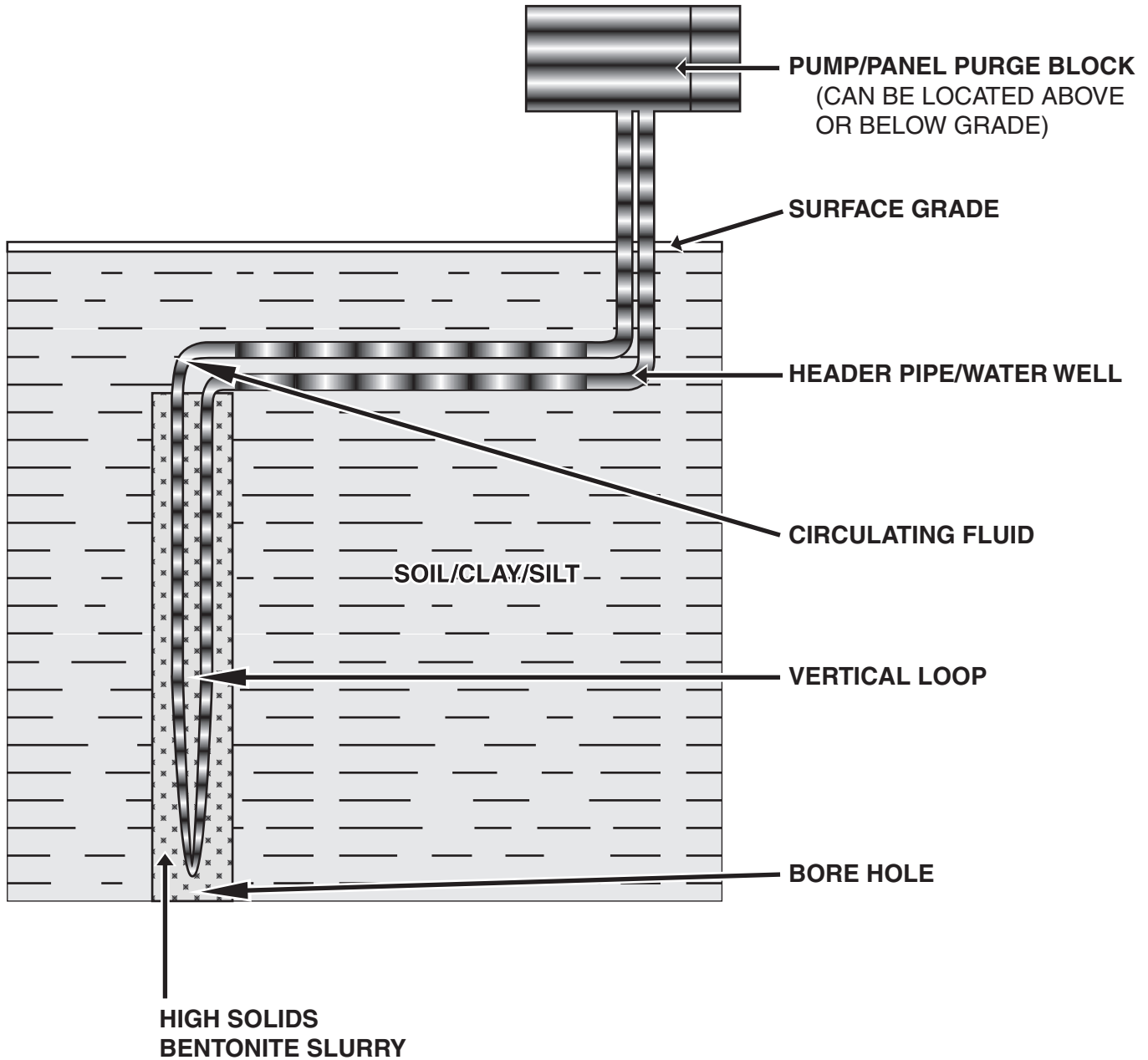
This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 11A.
CLOSED LOOP WATER WELL AS PER 46-1212
10 OR MORE BOREHOLES**



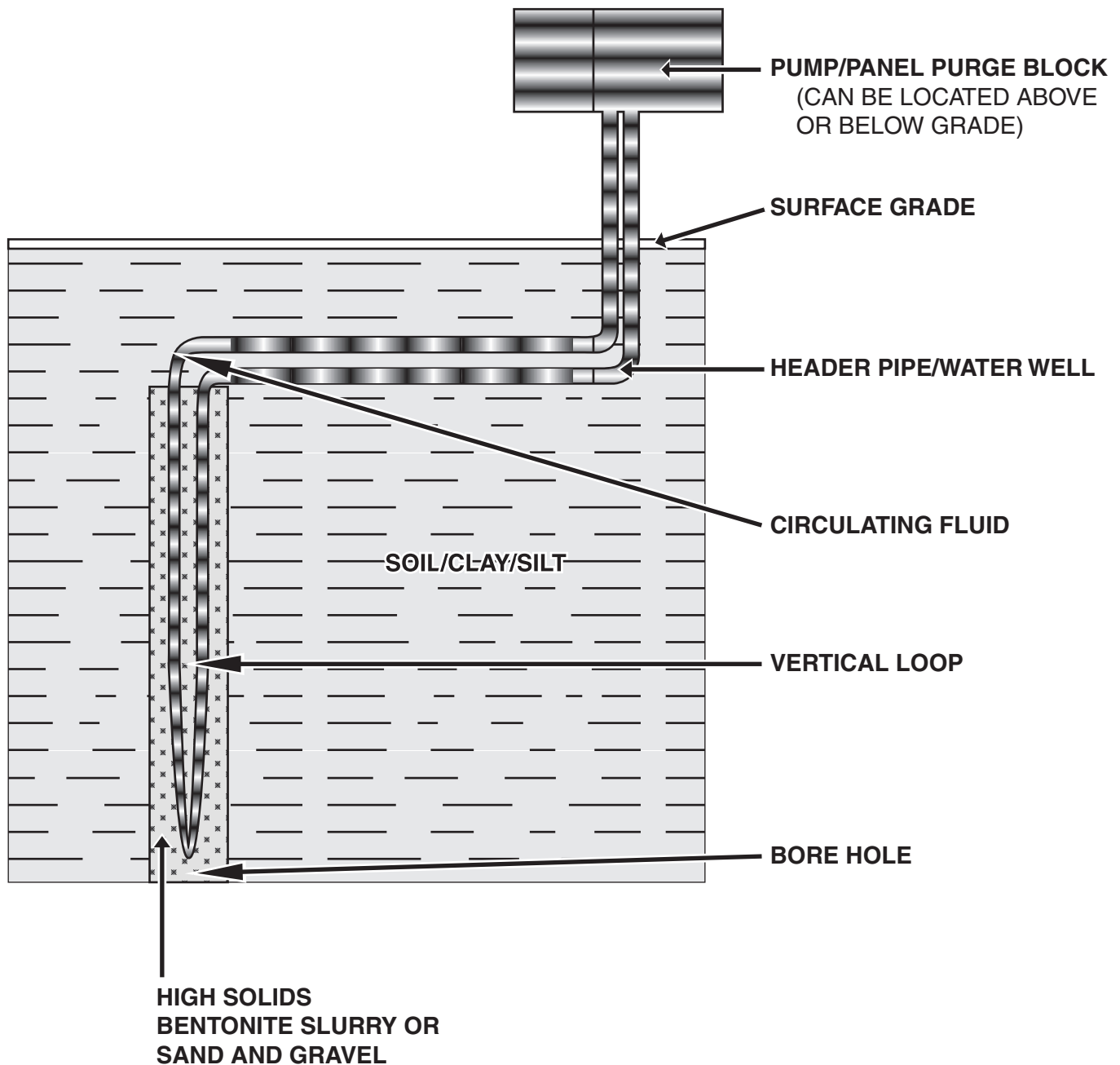
This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

FIGURE 11B.
CLOSED LOOP WATER WELL AS PER 46-1212
LESS THAN 10 BOREHOLES AND LOCATED LESS
THAN 1000 FEET OF A COMMUNITY PUBLIC WATER WELL



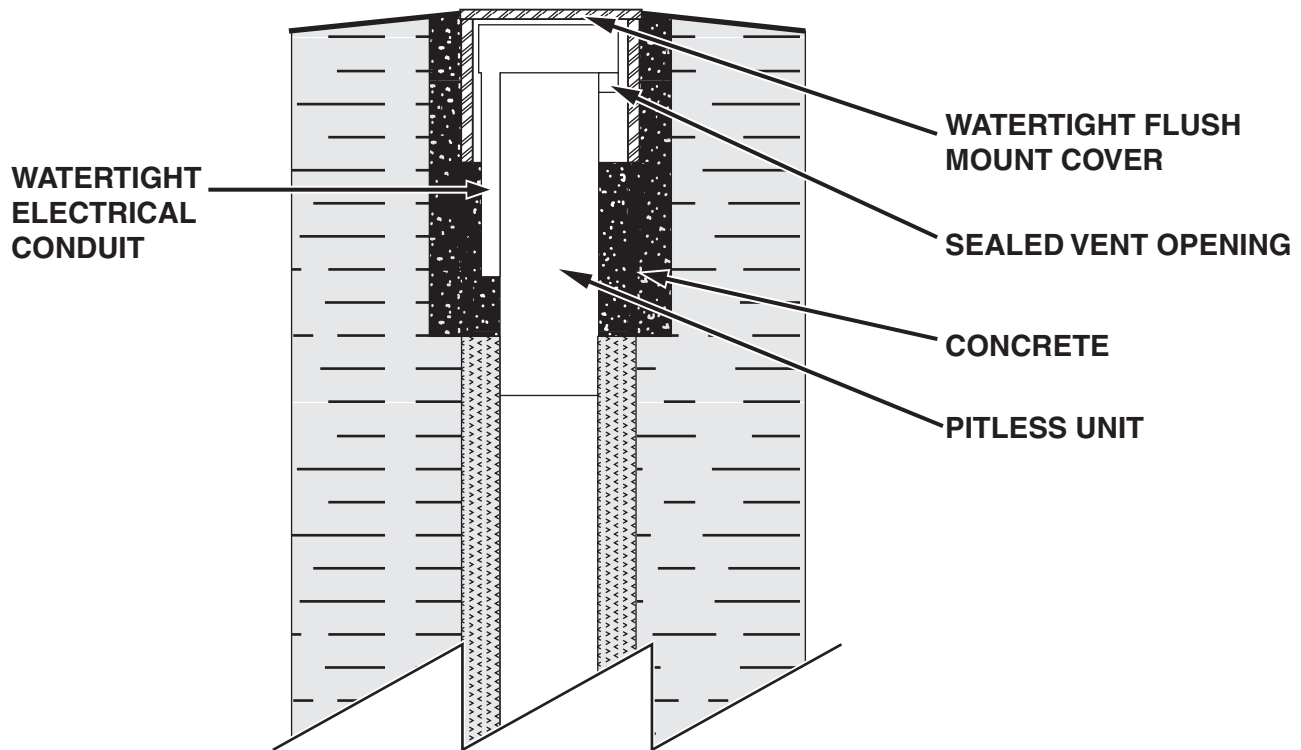
This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 11C.
CLOSED LOOP WATER WELL AS PER 46-1212
LESS THAN 10 BOREHOLES AND LOCATED
1000 FEET OR MORE OF A COMMUNITY PUBLIC WATER WELL**



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

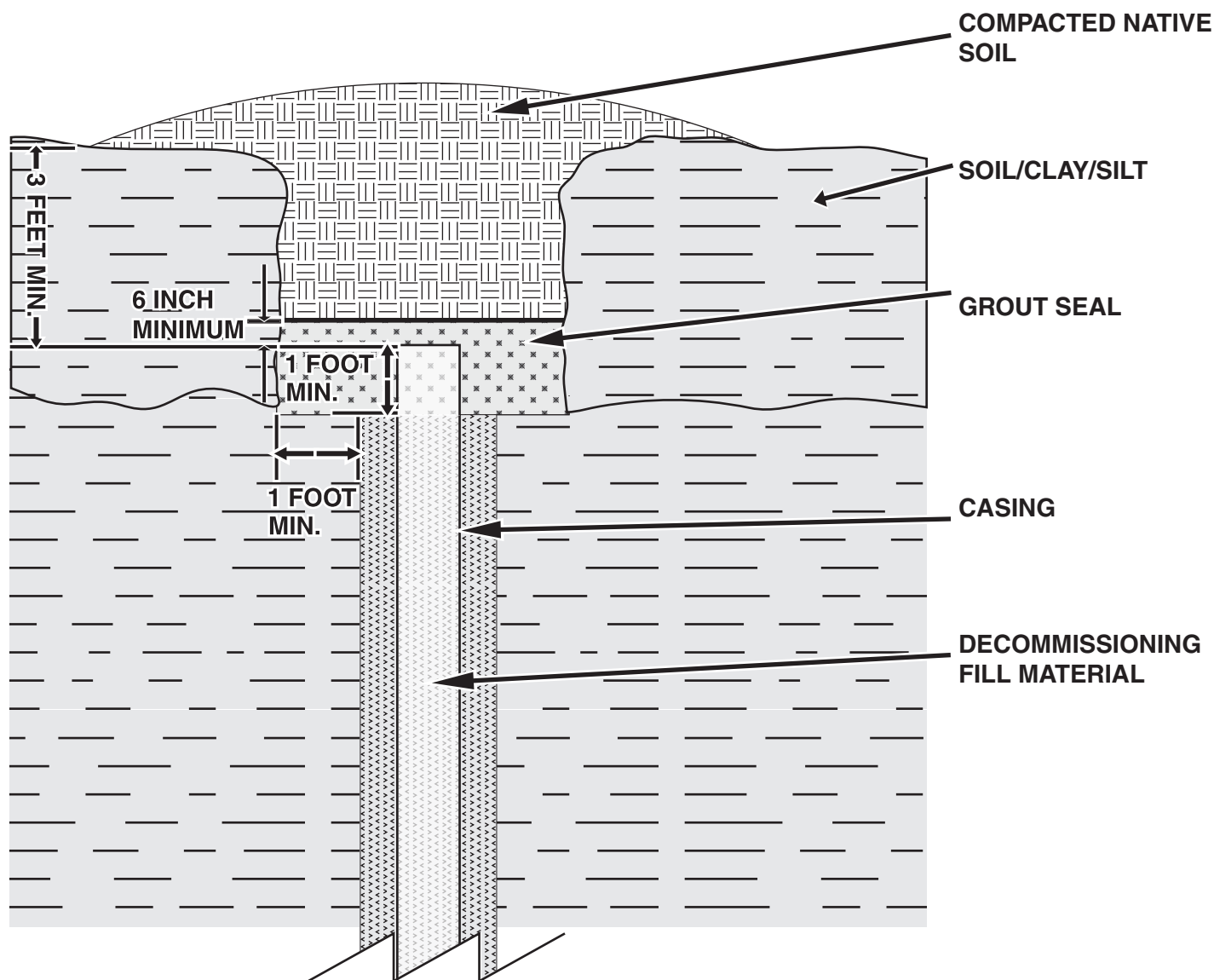
**FIGURE 12.
PITLESS UNITS INSTALLATION
IN A HIGH TRAFFIC AREA**



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

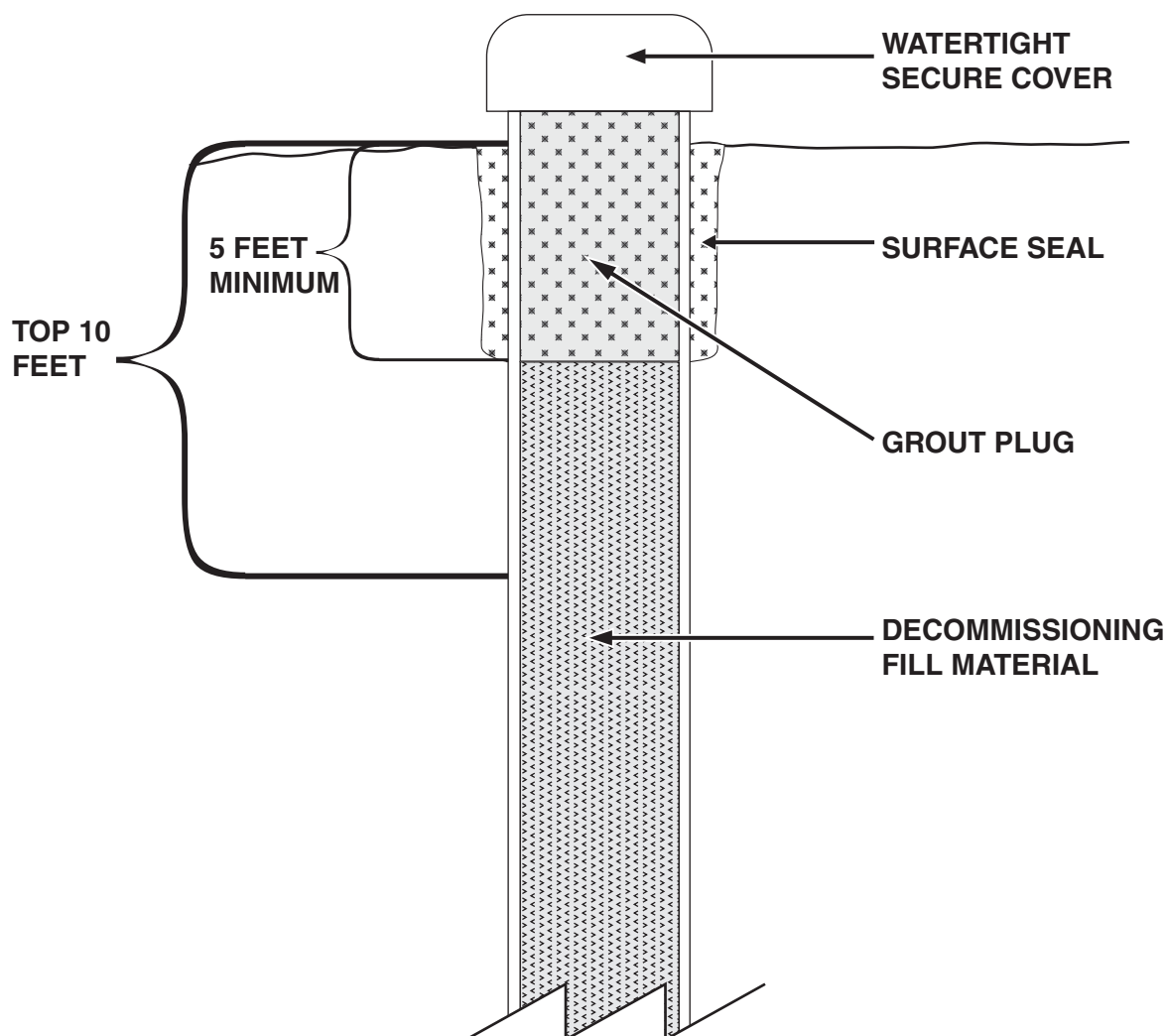
**FIGURE 13.
DECOMMISSIONING THE UPPER PLUG - OPTION 1**

178 NAC 12-012.07A
12-012.08B item 7



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

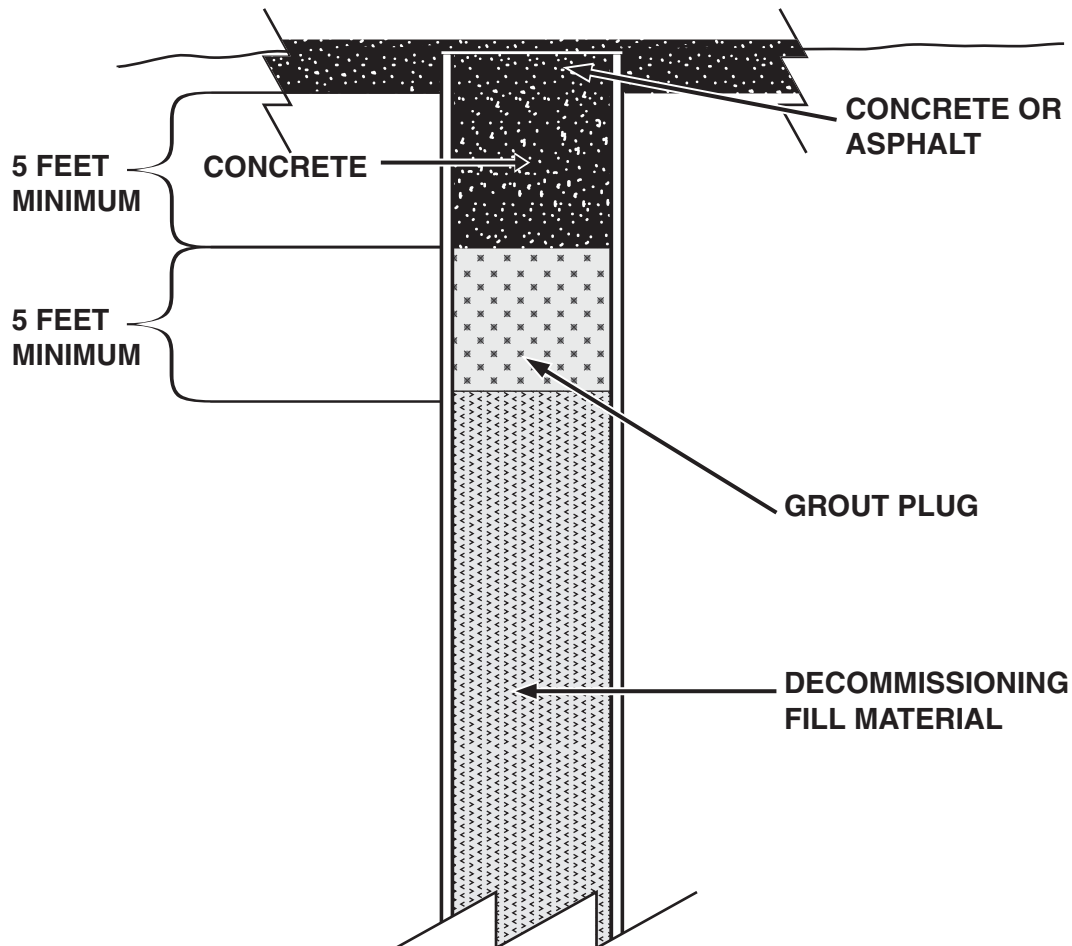
**FIGURE 14.
DECOMMISSIONING THE UPPER PLUG - OPTION 2**



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 15.
DECOMMISSIONING THE UPPER PLUG - OPTION 3**

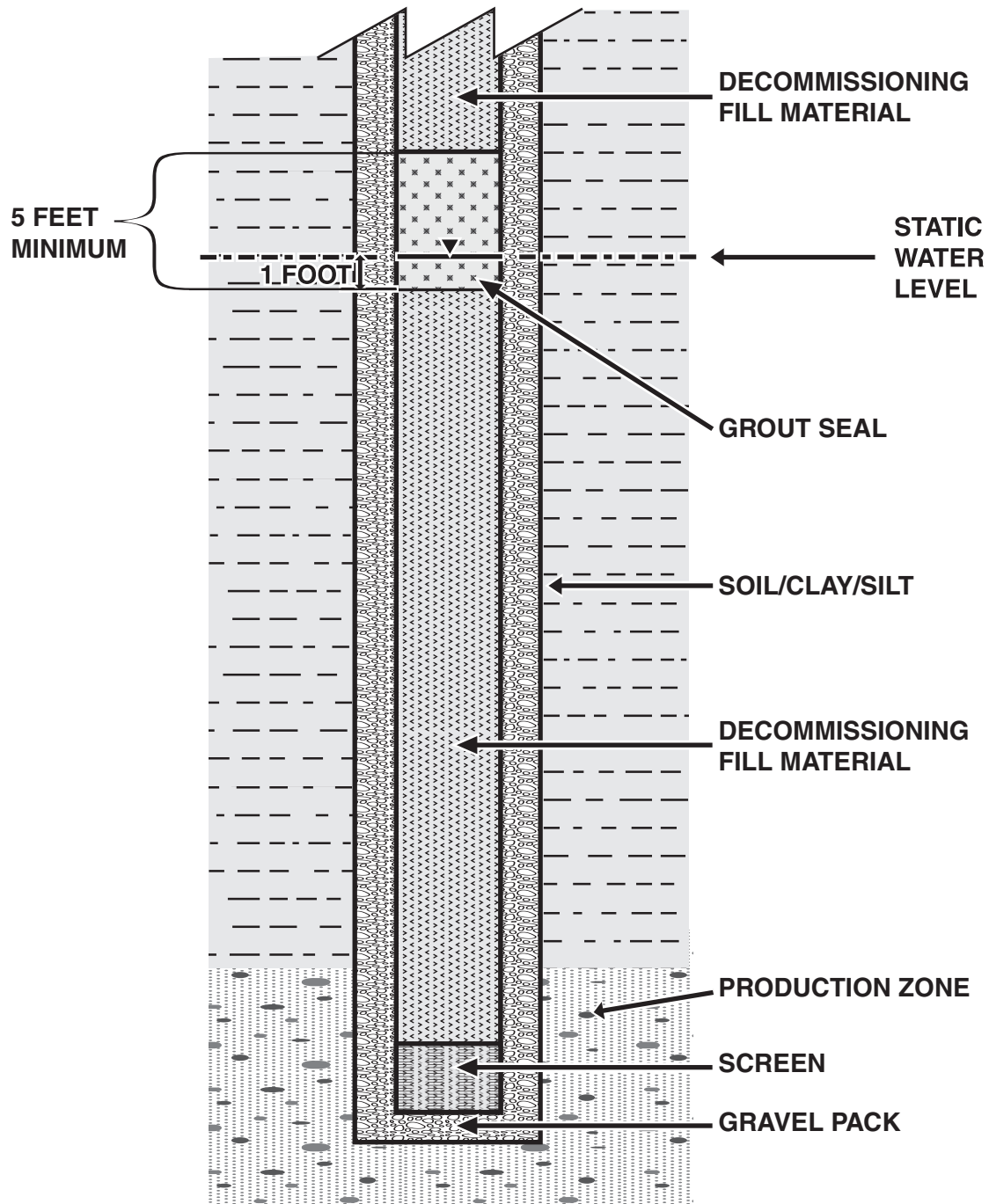
178 NAC 12-012.07C



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 16.
DECOMMISSIONING DRILLED WELLS**

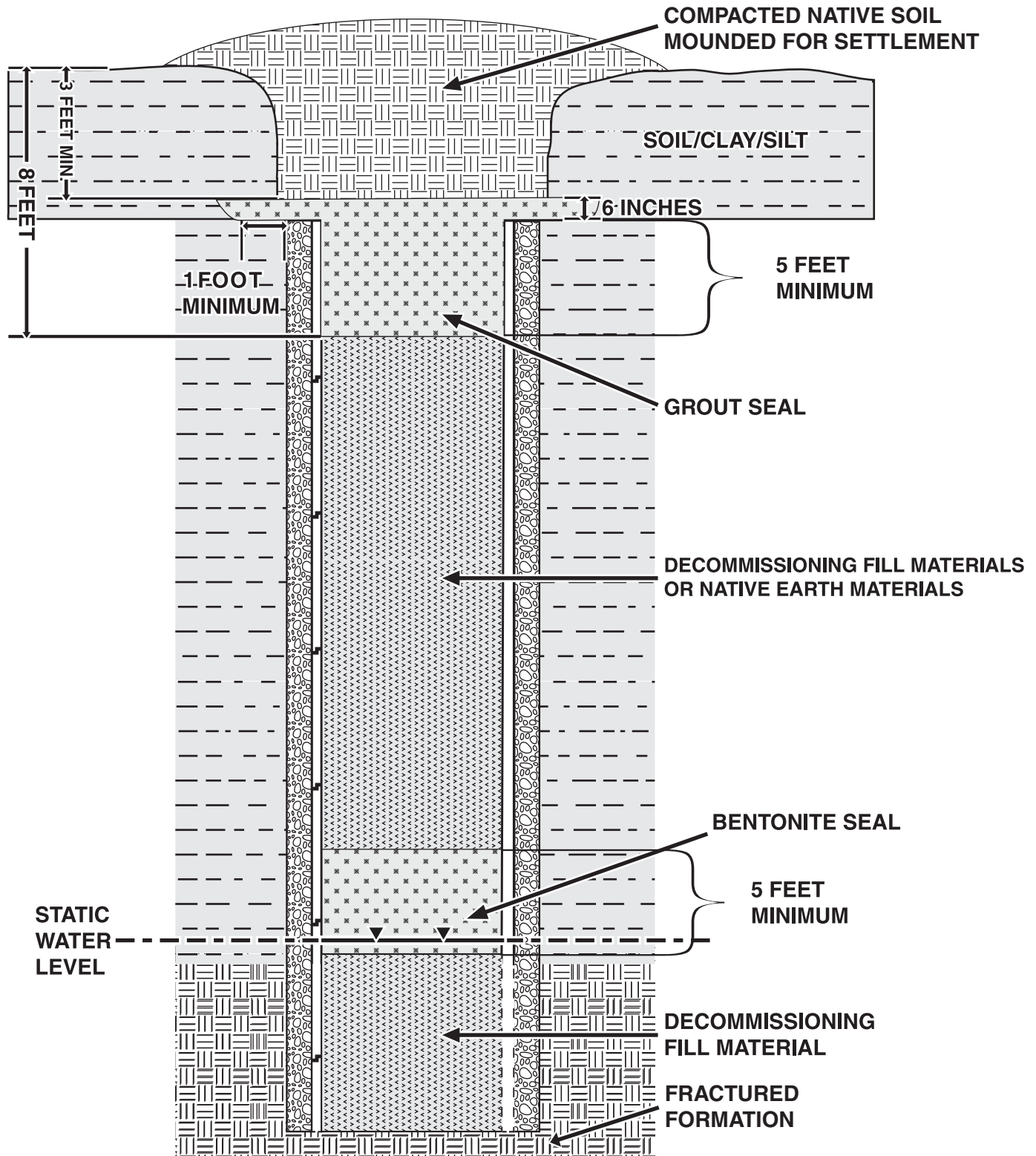
178 NAC 12-012.08B item 4b



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 17.
DECOMMISSIONING DUG OR BORED WATER WELLS**

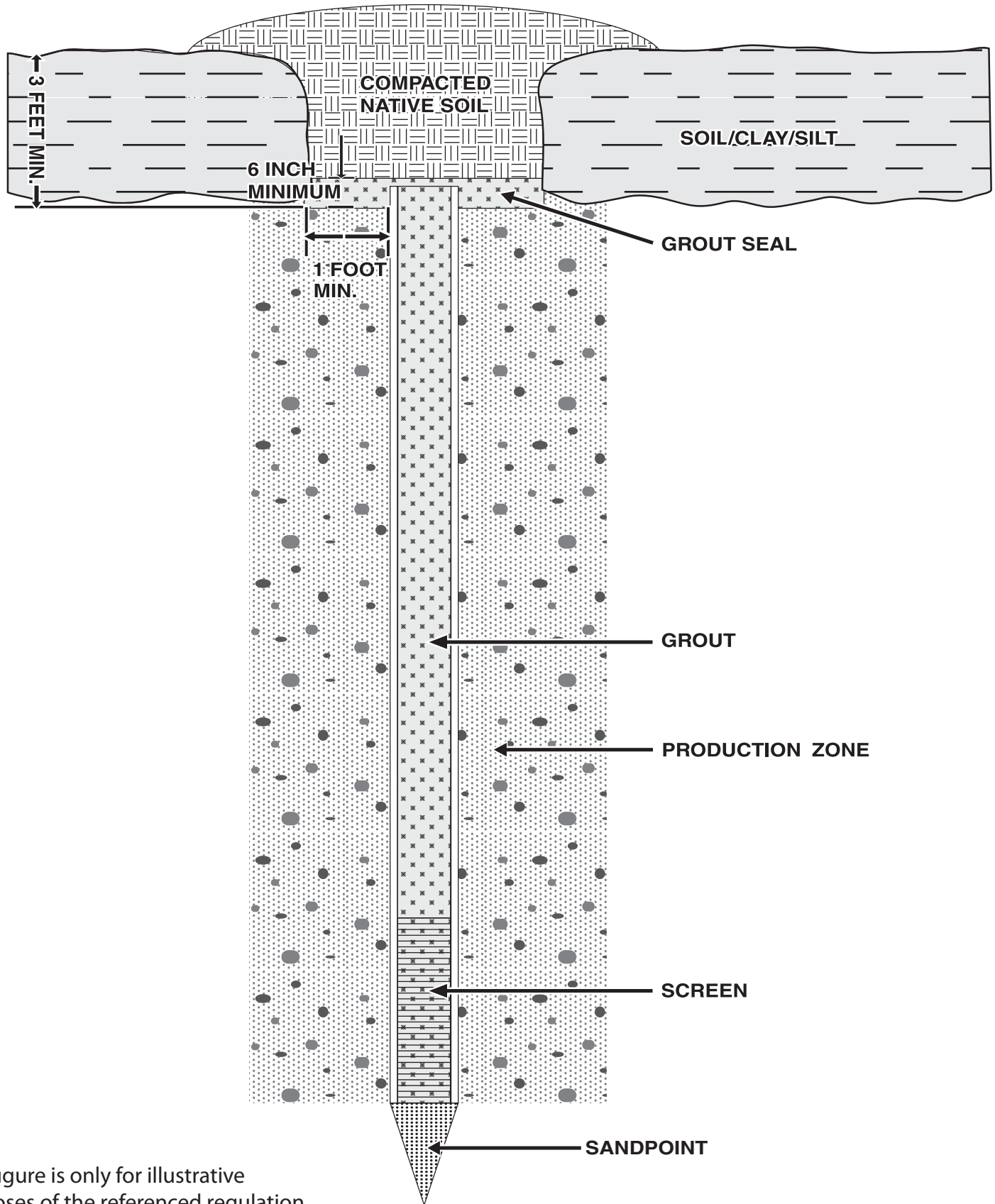
12-012.08B item 5
12-012.08B item 6



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 18.
DECOMMISSIONING DRIVEN SANDPOINT WELLS
WHERE THE CASING IS LEFT IN PLACE**

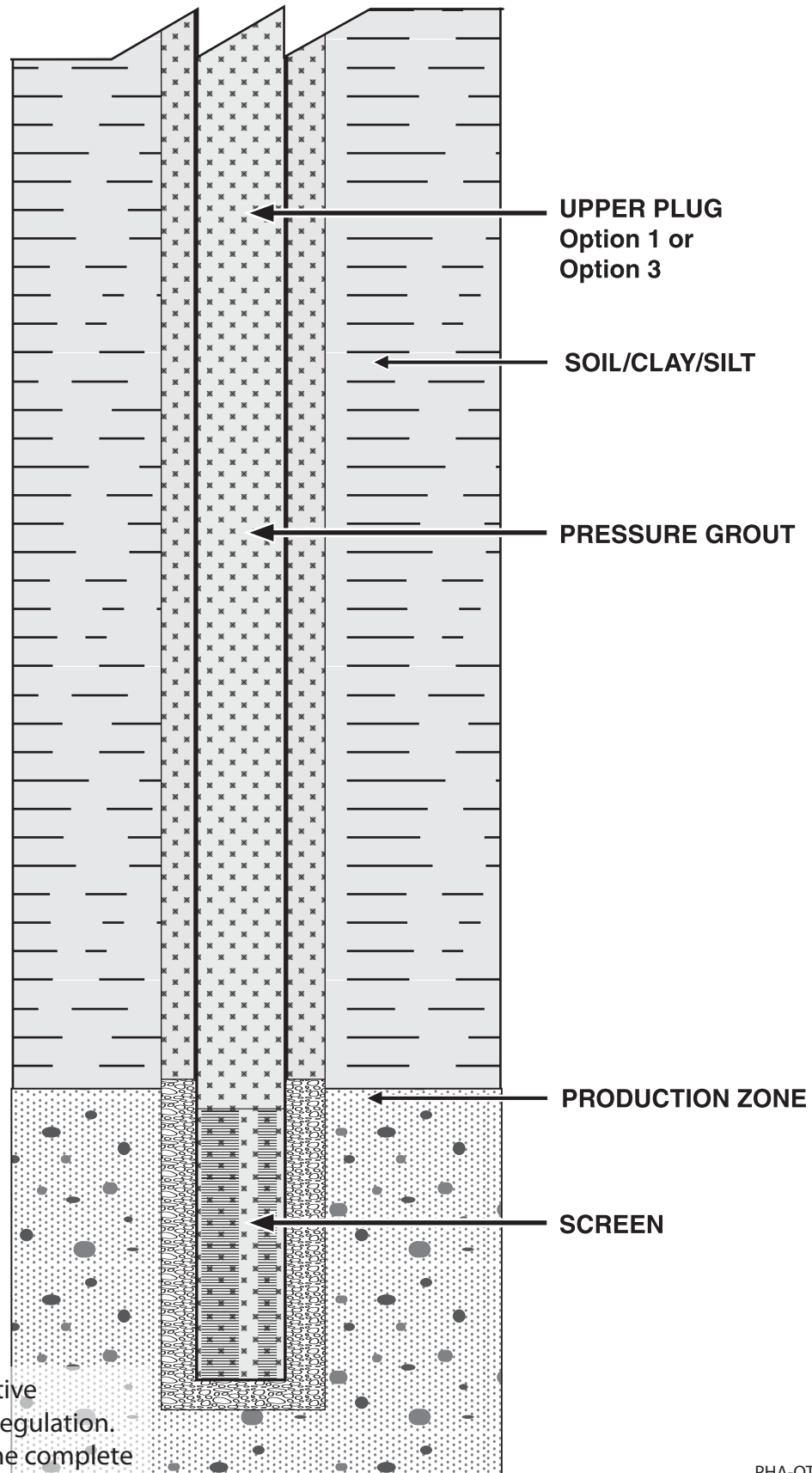
178 NAC 12-012.08C item 1



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 19.
DECOMMISSIONING FULL LENGTH
GROUTED WELLS**

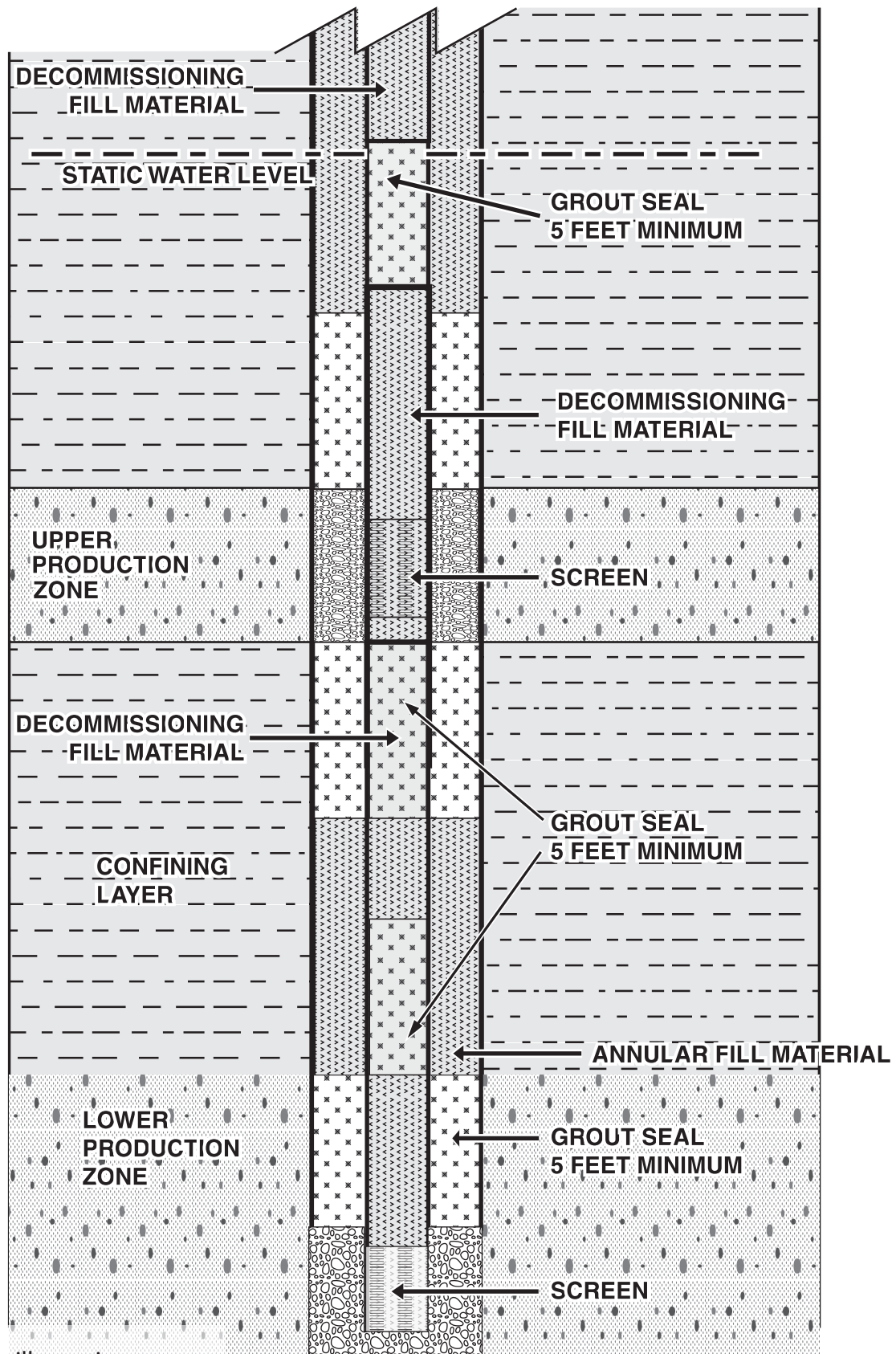
178 NAC 12-012.08D



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 20.
DECOMMISSIONING MULTIPLE AQUIFER WELLS**

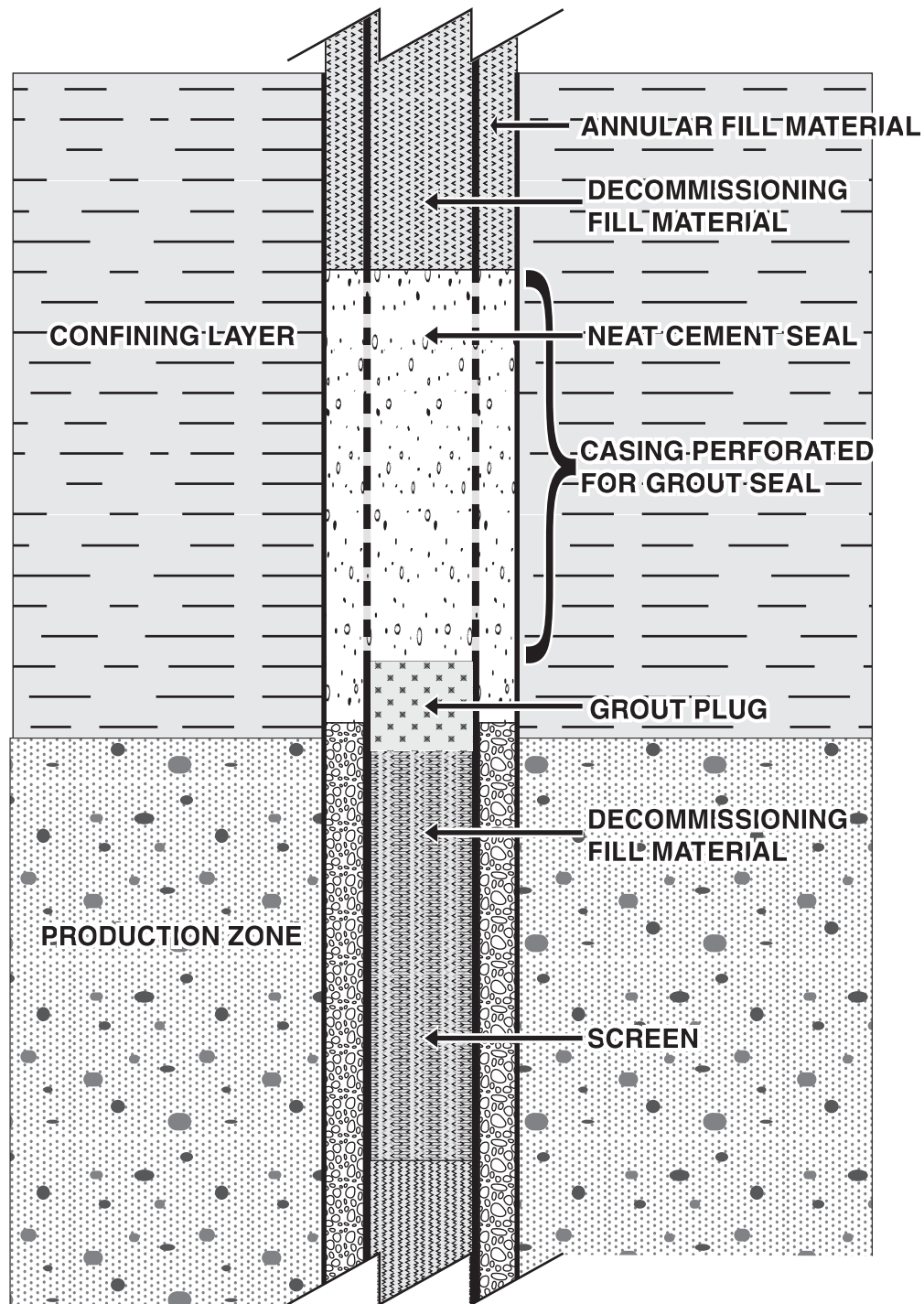
178 NAC 12-012.08E



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

**FIGURE 21.
DECOMMISSIONING FLOWING WATER
WELLS AND CONFINING LAYERS**

178 NAC 12-012.08F1



This figure is only for illustrative purposes of the referenced regulation. See the regulation text for the complete standard requirements.

TITLE 178 - ENVIRONMENTAL HEALTH

CHAPTER 13 - THE WATER WELL STANDARDS AND CONTRACTORS' LICENSING BOARD

13-001 SCOPE AND AUTHORITY: These regulations define the purpose, membership, duties, and procedural rules for the operation of the Water Well Standards and Contractors' Licensing Board. The authority is found in Neb. Rev. Stat. §§ 46-1201 to 46-1241 and the Uniform Credentialing Act.

13-002 DEFINITIONS

Act means the Water Well Standards and Contractors' Practice Act, Neb. Rev. Stat. §§ 46-1201 to 46-1241.

Board means the Water Well Standards and Contractors' Licensing Board.

Department means the Department of Health and Human Services.

License means an authorization issued by the Department to an individual to engage in a profession or to a business to provide services which would otherwise be unlawful in this state in the absence of such authorization. (In 178 NAC 10 to 13 it means those licenses issued under the Act.)

UCA means the Uniform Credentialing Act, Neb. Rev. Stat. §§ 38-101 to 38-1,139.

13-003 BOARD PURPOSE: The purpose of the Board is to protect the health, safety, and welfare of the public.

13-004 BOARD DUTIES: The duties of the Board include, but are not limited to:

1. Setting the minimum standards of proficiency and competency,
2. Providing recommendations regarding reinstatement of licenses,
3. Providing recommendations related to the issuance or denial of licenses, disciplinary action, and changes in legislation,
4. Providing the Department with recommendations on regulations to carry out the Act and the UCA,
5. Setting construction standards for water wells,
6. Setting fees, and
7. Approving regulations.

13-005 BOARD MEMBERSHIP

13-005.01 Designation of Members: The Water Well Standards and Contractors' Licensing Board will be composed of ten members, six of whom will be appointed by the Governor as follows: (1) a licensed water well contractor representing irrigation water well contractors, (2) a licensed water well contractor representing domestic water well contractors, (3) a licensed water well contractor representing municipal and industrial water well contractors, (4) a licensed pump installation contractor, (5) a manufacturer or supplier of water well or pumping equipment, and (6) a holder of a license issued under the Water Well Standards and Contractors' Practice Act employed by a natural resources district. The chief executive officer of the Department of Health and Human Services or his/her designated representative, the Director of Environmental Quality or his/her designated representative, the Director of Natural Resources or his/her designated representative, and the Director of the Conservation and Survey Division of the University of Nebraska or his/her designated representative will also serve as members of the Board. Each member shall be a resident of the State of Nebraska. Each industry representative shall have had at least five years of experience in the business of his/her category prior to appointment and shall be actively engaged in such business at the time of appointment and while serving on the Board. Each member representing a category subject to licensing under the Water Well Standards and Contractors' Practice Act shall be licensed by the Department pursuant to the Act.

13-005.01A The appointed members of the board will be appointed for terms of five years except as stated in Neb. Rev. Stat. § 46-1218. No appointed member will be appointed for or serve for more than two consecutive full five-year terms except as otherwise specifically provided in the UCA.

13-005.02 Changes in Membership: State agency representative Board members will serve at the discretion of their respective agency heads. The Board Chairperson must be notified by letter signed by the agency head of his/her designated representative and any changes in such agency's representation on the Board as from time to time may be made. New members will be entitled to vote only after receipt by the Chairperson of such notification. In the absence of the Chairperson, such letters will be transmitted to and received by the Vice Chairperson. For purposes of continuity of action, it is the policy of the Board to encourage each agency to designate only one representative and to discourage frequent substitution of representation.

13-006 COMMITTEES: The Board may establish advisory committees or other advisory bodies as necessary for specific purposes. At least one Board member will serve on each advisory committee or body, and other members may be appointed from outside the Board. No committee thus established will have authority to take final action on any matters assigned

to it but will report its findings and make recommendations to the full Board for action as necessary.

13-007 CONDUCT OF BUSINESS

13-007.01 Election of Officers: The Board will organize annually at its first meeting subsequent to December 1 and will select a chairperson, a vice-chairperson, and a secretary from its membership.

13-007.02 Quorum Requirements: No action may be taken by the Board unless a quorum is present. A majority of the members of the Board constitutes a quorum for transaction of business. Six affirmative votes will be necessary for the passage of motions. Every act of a majority of the total number of members of the Board will be deemed to be an act of the Board.

13-007.03 Designation of Meeting Dates and Notification Thereof: Meetings of the Board shall be called by the Board Chairperson. Special meetings of the Board shall be called by the Chairperson upon the written request of any three members of the Board. The Board Chairperson will cause due notice to be publicized and transmitted to each Board member no less than ten days prior to the meeting. Board members will simultaneously be provided with copies of a tentative agenda and other relevant material. Notice and conduct of all Board meetings will be in accordance with the Nebraska Open Meetings Act. All meetings will be held at the offices of the Department unless otherwise determined by the Board.

13-007.04 Parliamentary Rules: The Board will at all officially convened meetings conduct its business in accordance with the current edition of Robert's Rules of Order except insofar as they may be inconsistent with these rules and regulations.

13-007.05 Executive Secretary to the Board: The Department will designate an individual with the approval of the Board to serve as Executive Secretary of the Board. The Executive Secretary will act as administrative coordinator of the Board's activities and needs; and, will be responsible for the recording of minutes of meetings and their subsequent distribution to all Board members and other concerned parties consistent with Neb. Rev. Stat. §84-1413. The Executive Secretary to the Board will keep continually current a roster of the members of the Board, including their date of appointment and their term in office; and will be responsible for notifying the Chairperson of the Board and the Governor of any resignations or vacancies on the Board which may occur because of limitation of terms as provided in Neb. Rev. Stat §46-1218.

13-008 PUBLIC HEARINGS

13-008.01 Calling Public Hearings: The Board may at any time on its own motion order any public hearing which the Board is authorized,

either by law or by inherent authority, to conduct and, after giving notice, conduct such hearing in the manner appropriate to the nature of the hearing as hereinafter provided.

13-008.02 Formal Adjudicatory Hearings: The Board will set a formal adjudicatory hearing when requested by any individual appealing a decision of the Board. The Board hereby adopts by reference for its rules of practice and procedure in any formal adjudicatory hearing Title 184 NAC 1 - Rules of Practice and Procedure for Administrative Hearings, except that the word "Board" will be substituted for "Department".

13-008.03 Informal, Non-adjudicatory hearings: All hearings set by the Board, not formal adjudicatory hearings, and which may include but not be limited to hearings called for rule making and for public inputs into the Board responsibilities for advising and consenting to Department rules and regulations will be informal, non-adjudicatory hearings governed by this rule and regulation.

13-008.03A Notice: Notice will be given of all public hearings held by the Board. Except as otherwise specified by law, the notice will be published at least once in a newspaper or newspapers of general circulation in the state. The notice may also be published in the area or areas which are affected by the business of the hearing, if regional or local in nature and the publication will be made at least ten days prior to the date of the hearing. The published notice will contain information as to the date, time, place and purpose of the hearing, and as appropriate will include an agenda of the meeting or the place where an agenda is available.

13-008.03B Presiding Officer or Hearing Examiner: The Chairperson of the Board or his/her delegate will serve as presiding officer over the hearing; however, the presiding officer will, in all cases, be a member of the Board. The presiding officer may appoint a hearing examiner for the purpose of assisting in the conduct of the hearing, which person may or may not be a member of the Board.

13-008.03C Powers of Officer or Examiner: The presiding officer or hearing examiner will among other things, open the proceedings; enter into the record the notice given of the hearing; take appearances; accept and see that exhibits are properly numbered; answer questions asked or call upon other persons present to answer questions asked; and close the proceedings. The presiding officer and hearing examiner have no power, acting alone, to take any action involving a final determination from the proceedings when action by law is required of the Board. The record in any hearing will not be affected by any change of presiding officers or examiners during the conduct of that hearing.

13-008.03D Oath Not Required: No person will be required to be sworn or take an oath prior to presenting any comments, which may consist of any oral or written question, statement relevant to the subject of the hearing, and any document.

13-008.03E Receipt of Comments: Comments at a public hearing will ordinarily be received in the following sequence: (1) Board member and staff; (2) other state agencies (3) all other persons in the order the presiding officer, at his/her discretion, chooses. All persons present will be given the opportunity to be heard on matters relevant to the business and purpose of the hearing.

13-008.03F Presentation of Comments: All persons presenting comments at a hearing must first state their full name and address, and declare whether they are appearing on their own behalf or on behalf of another person or organization, in which case the person or organization represented must be named.

13-008.03G Propriety of Comments: All comments presented at the hearing are to be directed at the business and purpose of the hearing. Any comments not directed at the business and purpose of the hearing, or which are cumulative or repetitive, must, at the request of the presiding officer or hearing examiner, be terminated and excluded from the record.

13-008.03H Staff Comments: In addition to comments presented by other persons, the Board may, through the Board staff or otherwise, secure and present such comments as it may consider necessary or desirable. A copy of the notice given for the public hearing and a statement explaining the business and purpose of the hearing will be made as part of the record of the hearing.

13-008.03I Record Made: A record will be made of the hearing proceedings with the comments presented being a part thereof. Such record may consist of written statements and other documents along with tape recordings of oral evidence or transcripts as deemed necessary by the Board.

13-008.03J Record Held Open: The record of public hearings may be held open for a specific period of time at the discretion of the presiding officer for submission of any comments not available or presented at the time of the hearing. At the designated time the hearing will be closed by the presiding officer or hearing examiner after the inclusion of any comments submitted and accepted.

13-009 APPROVAL: The Department, with the approval of the Board, shall adopt and promulgate rules and regulations for the establishment of standards for the:

1. Construction of water wells,

2. Installation of pumps and pumping equipment, and
3. Decommissioning water wells.

13-010 REQUESTS FOR REPORTING: The Board will routinely, as a part of each meeting, request reports from each agency represented on the Board. In advising the Department as provided under the Act, the Board will, following such reports, assign any subjects or proposals requiring Board advice, consultation, or advice and consent to any standing or special committee of the Board for further investigation or work and will upon report of any such committee to the Board take such further action as deemed appropriate. The Board may take such action at any regular or special meeting of the Board with or without a public hearing.

THESE AMENDED RULES AND REGULATIONS Replace Title 178 NAC 13, Procedural Rules for Operation of the Water Well Standards and Contractors' Licensing Board, effective June 13, 2007.