

Nebraska Section, Rules and Regulations

Tutorial

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Rules and Regulations of the State of Nebraska for Wells and Pumps.

- Article 12- State statute
- Title 178 - regulations
- NAC 10- License required, penalties, CEU's, Exams
- NAC 11- Fees
- NAC 12- Construction standards
- NAC 13- Licensing Board

Article 12 - State Statute

- Water Well Standards and Contractors' Licensing Act
- Sections 46-1201 / 46-1241
- Matrix of Title 178 regulations
- Passed in 1986
- **Features 4 distinct purposes-46-1202**

46-1202, Purpose of the Act

- Provide protection of ground water...
Licensing of contractors
- Protect the health and welfare of the citizens of the State
- Protect ground water resources...
construction standards...decommissioning
- Provide data ...well logs,and registration

Title 178 - NAC 10

- Scope and Authority (UCA-WWSCCLA)
- Definitions,
- Continuing education program,
- Provider,
- Certificate or proof of attendance.

Title 178 - NAC 10 002 - Definitions,

- Business engaged... Water Wells... Pumps and Pumping Equipment.
- Licensed Water Well/Pump installation, Contractor- Telecommunication required.
Licensed Supervisor, Water Well Monitoring Technician- know the limitations.
- Person.

Title 178 - NAC 10 - Licensure

When a License is required - 003.01

- “A water well must be constructed, pumps and pumping equipment must be installed and repaired onsite and water wells decommissioned in accordance with Title 178 NAC 10 and 12...”
- 003.02
- “... a water well may only be opened or the seal broken by;
- “ licensed contractor or supervisor...
- Landowner, farm ranching, place of abode....
- Licensed water well monitoring technician, natural resources groundwater technician...
- Licensed public water supply systems operator....
- State electrical inspector.”

Title 178 NAC 10 – Licensure

003.03-003.09

- **Licensed contractor-** authority over licensed supervisors/ unlicensed employees within the same business;
- **Licensed supervisor-** must work under authority of the contractor
- **Licensed technician-** no supervisory authority
- Landowner may construct their own well, install pump, decommission sand points wells only, if place of abode- farming-other ag purposes.

Title 178 - NAC 10- License Qualifications – 004.01

- Age of Majority-19
- Good moral character
- Proof of citizenry-birth certificate, passport
- Pass the exam- 70%
- Pay the fees
- Proof of insurance -**Contractors license only**
- Comply with the Act

Title 178 - NAC 10- License Qualifications – 004.02

- Application forms
- Initial- written on forms provided
 - ◆ Personal info, practice before application, other state certifications
 - ◆ Good moral character, history of any discipline, history of conviction,
 - ◆ **Proof of citizenry – passport, birth certificate, Social Security number...**
- License fee- \$150.00

Title 178 - NAC 10- License Qualifications – 004.03-09

- 004.03-Department review-150 day limit
- 004.04- Denial of Credential
 - ◆ Failure to meet qualifications, fraud etc.
- 004.05- **Withdrawn application- Refund fee less \$25.00-(\$150 -\$25= \$125)**
- 004.06-Prior practice- fine \$10.00 per day
- 004.07- Confidentiality- Personal information is protected

Title 178 - NAC 10- License Qualifications – 004.03-09

- 004.08- Address information- Must give correct address , notify Dept of changes...
- 004.09- Non-English documents- Foreign language documents must be accompanied by notarized original translation to English

Title 178 NAC 10- Licensure- 005- Exams

- Type of Exam- multiple choice 50 Question
- passing scores- 70%
- Study guides or review material
- Hardship license- Replace a license who dies...
- Security of the exam
- Procedures
- Time and date

NAC 10- CEU requirements-006

- 12 hours of CEU's on or before Dec 31 of the full second year
- Affidavit certifying attendance to any CEU program on or before Dec 31 of the renewal period
- Maintain a record of classes attended
- Verify with the board approval of classes for CEU's
- **Maintain Documentation of attendance**

Title 178 - NAC 10- CEU Approval -007

■ General Requirements

- ◆ Must relate to groundwater industry, regulatory subject specific to Nebraska
- ◆ Qualified presenters-bios
- ◆ Proof of attendance- printed/electronic sign –in sheets, certificates
- ◆ Dates and location

Application- attachment II

- ◆ Providers name address and contact info
- ◆ Requester name address and contact info
- ◆ Description of content
- ◆ Number of hours requested

Title 178 - NAC 10 -CEU Program Approval-007

- Requirement for approval
- Post program approval-within 1 year of original program / class
- Prior approval
- Record keeping
- Exemptions from CEU- board approval

Title 178 - NAC 10 -Licensure

- RENEWAL-008
- Expiration date- Dec 31 each even year
- Proper fees are paid
- Late renewal, date , fee- \$35.00
- CEU's requirement - 12 hours in two years
- Application same requirements as initial

Title 178 - NAC 10- Licensure

- DISCIPLINARY ACTION-009
- Department may deny, refuse renewal, suspend, limit, or revoke for the following offense....(28 offenses) **Violation of the act or standards... Failure to report unregistered wells 46-604**
- Procedure if denied, refused renewal, suspends or revoked

Title 178 - NAC 10- Licensure 009.05

■ PENALTIES

■ Censure- least severe

■ Probation

■ Limit the scope of license

■ Civil penalty (fine)

■ Suspension

■ Revocation, or Dismissal- most severe

Title 178 - NAC 10- Licensure

- Other Sanctions
- Class II , Class III misdemeanor
- Licensed contractor penalty- Criminal \$500.00 and Class III misdemeanor / Civil \$500.00 per day
- Unlicensed contractor penalty- Criminal \$1000.00 and Class II misdemeanor / Civil \$1000.00 per day

Title 178 - NAC 10- Licensure

- Right to a hearing - using evidence
 - Failure to appear after hearing request
 - Appeal of order/ judgement
 - Cost of proceedings- (loser pays)

Title 178 - NAC 10- Voluntary Surrender- 010

- Personal information
- Credential being surrendered
 - ◆ Time of surrender-length of surrender
 - ◆ Permanent- or temporary
- Attestation
 - ◆ Swear all info is accurate
 - ◆ Sign and date application

Title 178 - NAC 10 Licensure

- REINSTATEMENT OF LICENSE,
CERTIFICATE-0111
- Application –same as initial
- Eligibility expired or inactive status
- After Disciplinary Action- hearing
- Reinstatement after expiration- retake test

Title 178-NAC 10-Licensure Summary

- Who needs a license- Landowner?
Professional?
- How to get a license
- What kind of license to get
- How to renew a license
- How to lose a license
- How to get a license back-reinstatement

Title 178-NAC 10

Summary

- Continuing Education
 - ◆ Program-program provider- required hours
 - ◆ CEU approval
- Fee's
 - ◆ Licenses
 - ◆ Late renewal

Title 178 - NAC 11 - Fees-006

- Board sets fees for:
- Licenses
- Well registrations
- Late renewal fees- \$35.00
- Declaratory Orders-\$100.00
- Variances -\$100.00

Title 178 - NAC 13

- Board members - Term of service
 - ◆ 5 year terms
- Make up of the board- Governor Appointee
 - ◆ 10 members- 6 industry, 4 governmental
- Duties and functions;
 - ◆ Approve CEU's... develop regulations... exams.

Nebraska Section Tutorial

The End

Any Questions?????????