

Nebraska Section, Rules and Regulations

Tutorial

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

- Title 134-Regulations
- Chapter 1- Definitions
- Chapter 2- License Requirements, CEU's, Exams
- Chapter 3- Fees
- Chapter 4- Construction Standards
- Chapter 5-Licensing Board

Practice Act-State Statute

- ❖ Water Well Standards and Contractor's Licensing Act
- ❖ Sections 46-1201 / 46-1241
- ❖ Matrix of Title 134 regulations
- ❖ 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 134 – Chapter 1 and 2

- ❖ Scope of Authority
- ❖ Definitions,
- ❖ Continuing Education Program, Provider,
- ❖ Certificate or proof of attendance.

Title 134

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

When a License is required

- ❖ “A water well must be constructed, pumps and pumping equipment must be installed and repaired onsite and water wells decommissioned in accordance with Title 134 Chapter 4 ”
- ❖ A water well may only be opened or the seal broken by;
 - A licensed contractor or supervisor
 - Landowner, farm ranching, place of abode...
 - Licensed water well monitoring technician, natural resources
 - Licensed public water supply systems operator
 - State electrical inspector

Authority

- ❖ **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.

License Qualifications

- ❖ Age of Majority-19
- ❖ Completed Application
- ❖ Pay the fees
- ❖ Pass the exam(s)- 70%
- ❖ Proof of insurance - Contractors license only
- ❖ Comply with the Act

Licensure-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

CEU requirements

- ❖ 12 hours of CEU's on or before Dec 31 of the full 2nd year
- ❖ 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

Board CEU Approval

❖ 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

CEU Program Approval

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

License Renewal

- ❖ Expiration date - Dec 31 each even year
- ❖ Proper fees are paid
- ❖ Late renewal Fee- \$200.00
- ❖ CEU's requirement - 12 hours in two years
- ❖ Over 60 days expired requires a new Application and must meet the same requirements as initial licensing including passing examinations.

Disciplinary Action

- ❖ Department may deny, refuse renewal, suspend, limit, or revoke for the following offense....
 - Violation of the act or standards...Failure to report unregistered wells 46-604
- ❖ Procedure if denied, refused renewal, suspends or revoked

Penalties

- ❖ Censure - least severe
- ❖ Probation
- ❖ Limit the scope of license
- ❖ Civil penalty (fine)
- ❖ Suspension
- ❖ Revocation, or Dismissal - most severe

Hearings

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

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

Late Renewal of License

- ❖ Eligibility of expired license
- ❖ Late renewal within 60 days of expiration –
 - [Late Renewal Application](#) - late fee assessed
- ❖ [Late renewal after 60-day expiration](#) - retake all exams
 - [Late renewal application](#) - late fees applied
- ❖ [After Disciplinary Action](#) - hearing

Licensing 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

Summary

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

Fees

- ❖ Board sets fees for:
 - Licenses
 - Well registrations
 - Late renewal fees - \$200.00
 - Declaratory Orders - \$100.00
 - Variances - \$100.00

Title 134 - Chapter 5

- ❖ 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