Title 118 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 8 - PROCEDURES FOR CHANGING A GROUND WATER CLASSIFICATION

001 Ground waters classified by these regulations may be reclassified by the Council, pursuant to the Department's Title 115 - Rules of Practice and Procedure, if a just cause exists. Requesting a classification change to avoid cleanup in the event of ground water pollution or in anticipation of ground water pollution shall not be considered a just cause except that reclassification may be justified if a lower classification is appropriate based on the criteria of 003 below.

002 The Department may initiate the reclassification process, or any other person may petition the Council to reclassify a portion of ground water. If a petition for reclassification comes from outside the Department, it shall contain or reference sufficient information for the Council to make a decision on the petition. All information will be thoroughly examined to determine the need for reclassification.

003 Criteria which may be used to evaluate the need for reclassification shall include but not be limited to:

003.01 Information documenting a use of the ground water that either was previously unknown or has changed since a former classification;

003.02 Information concerning the natural or background quality of the ground water; and

003.03 Hydrogeologic conditions including depth to ground water and transmissivity and areal extent of the aquifer.

004 A ground water reclassification to Class GC shall not be required for an aquifer exemption petition to be considered or granted by the Department pursuant to Title 122.

Enabling Legislation: Neb. Rev. Stat. § 81-1505(1)(2)

Legal Citation: Title 118, Ch. 8, Nebraska Department of Environmental Quality