

AMENDMENTS TO LB 263

Introduced by Natural Resources Committee:

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 13-2036, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 13-2036 (1) The department shall review applications for
6 permits for facilities and provide for the issuance, modification,
7 suspension, denial, or revocation of permits after public notice.
8 Applications shall be on forms provided by the department which
9 solicit information necessary to make a determination on the
10 application. The department shall issue public notice of its
11 intent to grant or deny an application for a permit within sixty
12 days after receipt of an application containing all required
13 information. If an application is granted and the permit is issued
14 or modified, any aggrieved person may file a petition for a
15 contested case with the department within thirty days after the
16 granting or modification of the permit, but such petition shall
17 not act as a stay of the permit. If an application is denied,
18 the department shall provide written rationale therefor to the
19 applicant. Any change, modification, or other deviation from the
20 terms or conditions of an approved permit must be approved by the
21 director prior to implementation. Minor modifications described in
22 subsection (5) of this section shall not require public notice or
23 hearing.

1 (2) The department shall condition the issuance of
2 permits on terms necessary to protect the public health and welfare
3 and the environment as well as compliance with all applicable
4 regulations. Any applicant may apply to the department for a
5 variance from rules and regulations. The director may grant such
6 variance if he or she finds that the public health and welfare
7 will not be endangered or that compliance with the rules or
8 regulations from which variance is sought would produce serious
9 hardship without equal or greater benefits to the public. The
10 considerations, procedures, conditions, and limitations set forth
11 in section 81-1513 shall apply to any variance granted pursuant to
12 this section.

13 (3) The director shall require the owner or operator
14 of a facility to undertake investigation and corrective action in
15 the event of contamination or a threat of contamination caused by
16 the facility. Financial assurance for investigative or corrective
17 action may be required in an amount determined by the director
18 following notice and hearing.

19 (4) In addition to the information required by this
20 section, the following specific areas shall be addressed in detail
21 in any application filed in conjunction with the issuance, renewal,
22 or reissuance of a permit for a facility:

23 (a) A closure and postclosure plan detailing the schedule
24 for and the methods by which the operator will meet the conditions
25 for proper closure and postclosure of the facility as defined by
26 the council. The plan shall include, but not be limited to, the
27 proposed frequency and types of actions to be implemented prior

1 to and following closure of an operation, the proposed postclosure
2 actions to be taken to return the area to a condition suitable for
3 other uses, and an estimate of the costs of closure and postclosure
4 and the proposed method of meeting the costs;

5 (b) A plan for the control and treatment of leachate,
6 including financial considerations proposed in meeting the costs of
7 such control and treatment; and

8 (c) An emergency response and remedial action plan,
9 including provisions to minimize the possibility of fire,
10 explosion, or any release to air, land, or water of pollutants
11 that could threaten human health and the environment and the
12 identification of possible occurrences that may endanger human
13 health and environment.

14 (5) If such application is modified after approval by the
15 department, the application shall be resubmitted as a new proposal.
16 The director may approve a minor modification of an application if
17 he or she finds that the public health and welfare will not be
18 endangered. The following minor modifications to an application are
19 subject to departmental approval but do not require public notice
20 or hearing: -

21 (a) Correction of typographical errors;

22 (b) Change of name, address, or telephone number of
23 persons or agencies identified in the application;

24 (c) Administrative or informational changes;

25 (d) Changes in procedures for maintaining operating
26 records;

27 (e) Changes to provide for more frequent monitoring,

1 reporting, sampling, or maintenance;

2 (f) Request for a compliance date extension if such date
3 is not more than one hundred twenty days after the date specified
4 in the approved permit;

5 (g) Adjustments to the cost estimates or the financial
6 assurance instrument for inflation;

7 (h) Changes in the closure schedule for a unit or in
8 the final closure schedule for the facility or an extension of the
9 closure schedule;

10 (i) Changes to the days or hours of operation if the
11 hours of operation are within the period from 6:00 a.m. to 8:00
12 p.m.;

13 (j) Changes to the facility contingency plan;

14 (k) Changes which improve sampling or analysis methods,
15 procedures, or schedules;

16 (l) Changes in quality control or quality assurance plans
17 which will better ensure that the specifications for construction,
18 closure, sampling, or analysis will be met;

19 (m) Changes in the facility plan of operation which
20 conform to guidance or rules approved by the Environmental Quality
21 Council or provide more efficient waste handling or more effective
22 waste screening; or

23 (n) Replacement of an existing monitoring well with a new
24 well if location is not changed.

25 Sec. 2. Original section 13-2036, Reissue Revised
26 Statutes of Nebraska, is repealed.