



Hundredth Legislature - First Session - 2007
Committee Statement
LB 704

Hearing Date: March 8, 2007
Committee On: Natural Resources

Introducer(s): (Preister)
Title: Adopt the Fishable and Swimmable Waters Act

Roll Call Vote – Final Committee Action:

Advanced to General File
Advanced to General File with Amendments
X Indefinitely Postponed

Vote Results:

5	Yes	Senators Christensen, Fischer, Hudkins, Loudon, Wallman
0	No	
2	Present, not voting	Senators Dubas, Kopplin
1	Absent	Senator Carlson

Proponents:

Senator Don Preister
Duane Hovorka
Steven Virgil
Wes Sheets
Jim Knopik
Laura Krebsbach
Pamela Daly
Kara Harbert
Clare Watson
Ken Winston
Steve Larrick

Representing:

Introducer
Nebraska Wildlife Federation
Great Plains Environmental Law Center
Nebraska Division, Izaak Walton League
Self
Self
Self
Self
Self
Nebraska Chapter, Sierra Club
Nebraska Green Party

Opponents:

Bruce Kevil
Duane Gangwish

Representing:

Nebraska State Home Builders
Nebraska Cattlemen

Neutral:

Mike Linder
Verlon Barnes

Representing:

Department of Environmental Quality
Self

Summary of purpose and/or changes:

LB 704 does the following:

- Section 1 Creates the Fishable and Swimmable Waters Act.
- Section 2 Requires the Department of Environmental Quality, by January 1, 2008, to develop a plan, including a specific timeline and future funding needs regarding:
- (1) Requiring the department by January 1, 2011, to complete total maximum daily load allocations of every stream, lake and public reservoir that failed to meet Nebraska surface water quality standards as of January 1, 2007;
 - (2) Requiring the department by January 1, 2017, to conduct assessments of every stream segment, lake, and public reservoir to determine compliance with state and federal water quality standards;
 - (3) Requiring the department by January 1, 2019, to complete maximum daily load allocations of all streams, lakes, and public reservoirs that are determined after January 1, 2007, to not meet state or federal standards; and
 - (4) Requiring the department to implement each total daily maximum load assessment by January 1, 2022, and requiring the department to examine streams that supply water for public water systems first.
- Section 3 Requires that the department ensure that the measures recommended for implementation are of sufficient quantity, quality, and duration to be expected to bring the water body into compliance with state and federal water quality standards no later than January 1, 2027.
- Section 4 Creates the Surface Water Quality Cash Fund.
- Section 5 Creates by gubernatorial appointment on September 1, 2007, a 14-member Surface Water Quality Blue Ribbon Task Force, consisting of three members representing public water supply systems, three members representing fishing, swimming, and other recreational water users, three members representing business, industry or agriculture, two members representing the environment and three members representing the general public. It requires that at least one member have expertise in public health, and one member be an aquatic biologist. The directors of the Department of Environmental Quality and the Game and Parks Commission are to be non-voting members of the task force.

The task force is to:

- (1) Review the plan of the department;
- (2) Review the estimated funding need;
- (3) Review the potential sources of available funding;
- (4) Submit a report to the Governor and the Legislature by January 1, 2009, on its findings.

Section 6 Appropriates \$5 million in fiscal year 2007-08 and \$10 million
in fiscal year 2008-09.

Explanation of amendments, if any:

None

Senator LeRoy Loudon, Chairperson