

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 263

Introduced By: Hudkins, 21
Read first time: January 10, 2007
Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Integrated Solid Waste Management Act;
2 to amend section 13-2036, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to permits; and to
4 repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

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

3 13-2036. (1) The department shall review applications for
4 permits for facilities and provide for the issuance, modification,
5 suspension, denial, or revocation of permits after public notice.
6 Applications shall be on forms provided by the department which
7 solicit information necessary to make a determination on the
8 application. The department shall issue public notice of its intent to
9 grant or deny an application for a permit within sixty days after
10 receipt of an application containing all required information. If an
11 application is granted and the permit is issued or modified, any
12 aggrieved person may file a petition for a contested case with the
13 department within thirty days after the granting or modification of
14 the permit, but such petition shall not act as a stay of the permit.
15 If an application is denied, the department shall provide written
16 rationale therefor to the applicant. Any change, modification, or
17 other deviation from the terms or conditions of an approved permit
18 must be approved by the director prior to implementation. Minor
19 modifications described in subsection (5) of this section shall not
20 require public notice or hearing.

21 (2) The department shall condition the issuance of permits
22 on terms necessary to protect the public health and welfare and the
23 environment as well as compliance with all applicable regulations. Any
24 applicant may apply to the department for a variance from rules and
25 regulations. The director may grant such variance if he or she finds
26 that the public health and welfare will not be endangered or that
27 compliance with the rules or regulations from which variance is sought

1 would produce serious hardship without equal or greater benefits to
2 the public. The considerations, procedures, conditions, and
3 limitations set forth in section 81-1513 shall apply to any variance
4 granted pursuant to this section.

5 (3) The director shall require the owner or operator of a
6 facility to undertake investigation and corrective action in the event
7 of contamination or a threat of contamination caused by the facility.
8 Financial assurance for investigative or corrective action may be
9 required in an amount determined by the director following notice and
10 hearing.

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

15 (a) A closure and postclosure plan detailing the schedule
16 for and the methods by which the operator will meet the conditions for
17 proper closure and postclosure of the facility as defined by the
18 council. The plan shall include, but not be limited to, the proposed
19 frequency and types of actions to be implemented prior to and
20 following closure of an operation, the proposed postclosure actions to
21 be taken to return the area to a condition suitable for other uses,
22 and an estimate of the costs of closure and postclosure and the
23 proposed method of meeting the costs;

24 (b) A plan for the control and treatment of leachate,
25 including financial considerations proposed in meeting the costs of
26 such control and treatment; and

27 (c) An emergency response and remedial action plan,

1 including provisions to minimize the possibility of fire, explosion,
2 or any release to air, land, or water of pollutants that could
3 threaten human health and the environment and the identification of
4 possible occurrences that may endanger human health and environment.

5 (5) If such application is modified after approval by the
6 department, the application shall be resubmitted as a new proposal,
7 except that the following minor modifications to an application are
8 subject to departmental approval but do not require public notice or
9 hearing: -

10 (a) Correction of typographical errors;

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

13 (c) Administrative or informational changes;

14 (d) Changes in procedures for maintaining operating
15 records;

16 (e) Changes to provide for more frequent monitoring,
17 reporting, sampling, or maintenance;

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

21 (g) Changes to the cost estimates or the financial
22 assurance instrument;

23 (h) Changes in the closure schedule for a unit or in the
24 final closure schedule for the facility or an extension of the closure
25 schedule;

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

1 (j) Changes to the facility contingency plan;

2 (k) Changes in sampling or analysis methods, procedures, or
3 schedules;

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

7 (m) Changes in the facility plan of operation which conform
8 to guidance or rules approved by the Environmental Quality Council or
9 provide more efficient waste handling or more effective waste
10 screening;

11 (n) Replacement of an existing monitoring well with a new
12 well if location is not changed;

13 (o) Changes in the design or depth of a monitoring well
14 that provide more effective monitoring; or

15 (p) Changes in the statistical method used to analyze the
16 ground water quality data.

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