

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 313

Introduced by Natural Resources Committee:Louden, 49, Chairperson;
Carlson, 38; Christensen, 44; Hudkins, 21; Kopplin,
3; Wallman, 30;

Read first time January 11, 2007

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Livestock Waste Management Act; to amend
2 section 54-2429, Revised Statutes Cumulative Supplement,
3 2006; to exempt certain animal feeding operations from
4 the Engineers and Architects Regulation Act; and to
5 repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-2429, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 54-2429 (1) An applicant for a National Pollutant
4 Discharge Elimination System permit or a construction and operating
5 permit under the Environmental Protection Act or the Livestock
6 Waste Management Act shall, before issuance by the Department of
7 Environmental Quality, obtain any necessary approvals from the
8 Department of Natural Resources under the Safety of Dams and
9 Reservoirs Act and certify such approvals to the Department of
10 Environmental Quality. The Department of Environmental Quality,
11 with the concurrence of the Department of Natural Resources, may
12 require the applicant to obtain approval from the Department of
13 Natural Resources for any dam, holding pond, or lagoon structure
14 which would not otherwise require approval under the Safety of
15 Dams and Reservoirs Act but which in the event of a failure could
16 result in a significant discharge into waters of the state and
17 have a significant impact on the environment. The Department of
18 Environmental Quality may provide for the payment of such costs of
19 the Department of Natural Resources with revenue generated under
20 section 54-2428.

21 (2) An applicant required to obtain a National Pollutant
22 Discharge Elimination System permit is subject to the requirements
23 of the Engineers and Architects Regulation Act.

24 (3) An applicant who has a large concentrated animal
25 feeding operation, as defined in 40 C.F.R. 122 and 123, as such

1 regulations existed on January 1, 2004, and who is required to
2 obtain a construction and operating permit is subject to the
3 requirements of the Engineers and Architects Regulation Act.

4 (4) An applicant who has a small or medium animal feeding
5 operation as defined in 40 C.F.R. 122 and 123 and who is required
6 to obtain a construction and operating permit, but not required to
7 obtain a National Pollutant Discharge Elimination System permit, is
8 exempt from the Engineers and Architects Regulation Act.

9 ~~(2)~~ (5) The department may require an engineering
10 evaluation or assessment performed by a licensed professional
11 engineer for a livestock waste control facility if after an
12 inspection: (a) The department determines that the facility has (i)
13 visible signs of structural breakage below the permanent pool, (ii)
14 signs of discharge or proven discharge due to structural weakness,
15 (iii) improper maintenance, or (iv) inadequate capacity; or (b) the
16 department has reason to believe that an animal feeding operation
17 with a livestock waste control facility has violated or threatens
18 to violate the Environmental Protection Act, the Livestock Waste
19 Management Act, or any rules or regulations adopted and promulgated
20 under such acts. Animal feeding operations not required to have
21 a permit under the Environmental Protection Act, the Livestock
22 Waste Management Act, or the rules and regulations adopted and
23 promulgated pursuant to such acts are exempt from the Engineers and
24 Architects Regulation Act.

25 Sec. 2. Original section 54-2429, Revised Statutes

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1 Cumulative Supplement, 2006, is repealed.