

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 724**

Introduced by Natural Resources Committee: Louden, 49, Chairperson;  
Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43;  
Hudkins, 21; Kopplin, 3; Wallman, 30.

Read first time January 09, 2008

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Remedial Action Plan Monitoring Act;  
2 to amend section 81-15,184, Revised Statutes Cumulative  
3 Supplement, 2006; to change fee provisions; and to repeal  
4 the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 81-15,184, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           81-15,184 (1) Any entity which voluntarily chooses to  
4 make application for monitoring of remedial action plans for  
5 property where land pollution or water pollution exists shall:

6           (a) Submit an application on a form approved by the  
7 Department of Environmental Quality;

8           (b) Provide the department with a nonrefundable  
9 application fee of ~~five~~ two thousand dollars; and

10           (c) Execute a written agreement to provide reimbursement  
11 of all department direct and indirect costs related to technical  
12 review, oversight, guidance, and other activities associated with  
13 the remedial action plan. As part of the voluntary agreement,  
14 the department shall require the applicant to post a deposit  
15 of ~~five~~ three thousand dollars to be used by the department  
16 to cover all costs. The department shall not commence technical  
17 review, oversight, guidance, or other activities associated with  
18 the remedial action plan until the voluntary agreement is executed  
19 and a complete remedial action plan has been submitted. If the  
20 costs of the department exceed the initial deposit, an additional  
21 amount agreed upon by the department and the applicant may be  
22 required prior to proceeding. After the mutual termination of  
23 the voluntary agreement, any balance of funds paid under this  
24 subdivision shall be refunded.

25           (2) The department shall review and approve or deny

1 all applications and notify the applicant in writing. If the  
2 application is denied, the notification shall state the reason  
3 for the denial. If the department determines that an application  
4 does not contain adequate information, the department shall return  
5 the application to the applicant. The applicant has sixty days to  
6 resubmit the required information or the application will be deemed  
7 denied.

8 (3) Within ninety days of approval of the application  
9 and voluntary agreement, the applicant shall provide a complete  
10 remedial action plan for the proposed project that conforms to  
11 all federal and state environmental standards and substantive  
12 requirements, including:

13 (a) Documentation regarding the investigation of  
14 land pollution or water pollution including, when appropriate,  
15 information indicating that the applicant holds or can acquire  
16 title to all lands or has the necessary easements and rights-of-way  
17 for the project and related lands;

18 (b) A remedial action work plan which describes the  
19 remedial action measures to be taken to address the land or water  
20 pollution; and

21 (c) Project monitoring reports, appropriate engineering,  
22 scientific, and financial feasibility data, and other data and  
23 information as may be required by the department.

24 Sec. 2. Original section 81-15,184, Revised Statutes  
25 Cumulative Supplement, 2006, is repealed.