



Hundredth Legislature - First Session - 2007
Introducer's Statement of Intent
LB 704

Chairperson: LeRoy Louden
Committee: Natural Resources
Date of Hearing: March 8, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The federal Clean Water Act requires states to prepare a list of impaired surface waters. These are waters that do not support their assigned beneficial uses which are defined as: primary contact recreation; aquatic life – coldwater A, coldwater B, warm water A and warm water B; water supply – public drinking water, agriculture and industrial; and aesthetics. From this list, states are to prepare total maximum daily allowances (TMDLs) that include the pollution control goals and strategies necessary to improve the quality of these waters and remove the identified impairments.

LB 704 creates the Fishable and Swimmable Waters Act to ensure that Nebraska's water bodies meet state water quality standards and federal Clean Water Standards. Under the Act the Department of Environmental Quality (DEQ) is required to put in place a plan which includes a specific timeline and estimated funding needs to ensure that:

1. DEQ completes by 2011 total maximum daily load (TMDL) allocations on every water body that failed to meet Nebraska surface water quality standards as of January 1, 2007 under existing state and federal standards.
2. DEQ completes by 2017 assessments of every water body to determine whether or not each water body meets or fails to meet applicable state and federal surface water quality standards;
3. DEQ completes by 2019 TMDL allocations on every water body determined after January 1, 2007 as not meeting state or federal surface water quality standards; and
4. DEQ implements each TMDL assessment within 3 years of the assessment – but in no case later than 2022. Highest priority shall be given to streams that supply water for public water systems.

DEQ must ensure that the measures recommended for implementation in the allocation of TMDLs are of sufficient quantity, quality and duration to bring the water body into compliance in a reasonable amount of time – in no event later than 2027. LB 704 creates the Surface Water Quality Cash Fund to carry out the requirements under this Act including: carrying out surface water quality assessments; undertaking TMDL allocations; and providing incentive programs to landowners and others to help achieve meetings state and federal surface water quality standards. Five million dollars is appropriated in FY 2007-08 and ten million dollars in FY 2008-09 from the General Fund.

By September 1, 2007 the Governor must appoint a 14-member Surface Water Quality Task Force to:

1. review the plan adopted by DEQ;
2. review the estimated funding needed to achieve the responsibilities under the Act;
3. review the potential available sources of funds that could provide long-term support for surface water quality; and
4. report by January 1, 2009 to the Governor and Legislature on its findings and recommendations.

Principal Introducer:

Senator Don Preister