



One Hundred First Legislature - First Session - 2009
Introducer's Statement of Intent
LB 56

Chairperson: Chris Langemeier
Committee: Natural Resources
Date of Hearing: January 28, 2009

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

LB 56 will clarify that discharges of livestock waste into waters of the state, which constitute violations of the Livestock Waste Management Act, apply on a facility-by-facility basis. The violation would apply against the permitholder and its partners as to the facility at which the discharge occurred and would not be applied against other separate facilities.

The bill will require a formal finding by the Nebraska Department of Environmental Quality (“NDEQ”) of a discharge violation after investigation, notice and hearing.

The bill will change the standard of culpability for finding a strike up from strict liability to one of “willful negligence” or “intentional” conduct. This change eliminates the possibility of a strike applying even when the permitholder took all reasonable measures to prevent a discharge.

The bill also will grant NDEQ discretion to reject an application for a National Pollutant Discharge Elimination System permit, a construction and operating permit or major modification of either type of permit, or to revoke a permit upon a finding of three strikes. Currently, NDEQ has no discretion. Rejection and revocation are mandatory.

LB 56 does not eliminate or diminish any environmental protection law or regulation.

Principal Introducer: _____
Senator Deb Fischer