

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB413

Hearing Date: Friday February 20, 2015
Committee On: Natural Resources
Introducer: Mello
One Liner: Provide for the evaluation of permits issued to political subdivisions by the Department of Environmental Quality regarding water quality

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor

Nay:

Absent:

Present Not Voting:

Verbal Testimony:

Proponents:

Senator Heath Mello
Marty Grate
Rick Kubat
Loran Schmit

Representing:

Introducer
City of Omaha
Metropolitan Utilities District
ANEPP

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Anyone discharging or proposing to discharge pollutants from a point source into any waters of the state are required to obtain a permit under the National Pollutant Discharge Elimination System. The Department of Environmental Quality is responsible for developing and issuing the NPDES permits, and for insuring that permitted facilities comply with permit requirements.

LB 413 would authorize the department to exercise all possible discretion allowed by the U.S. E.P.A. to enable political subdivisions requesting a permit to comply with the standards of the federal law, while remaining sustainable according to the political subdivision's needs and recognizing its financial capabilities. The department, at the request of a political subdivision, is to conduct an evaluation to determine the extent to which a political subdivision must comply with the permit, while taking into consideration financial capability, ratepayer affordability, infrastructure growth projections, overall costs and benefits, improvements already made, and other relevant economic and social concerns or environmental conditions.

The bill would also add the power under the Wastewater Treatment Facilities Construction Assistance Act to provide grants or interest subsidy on loans for municipalities if there is a sustainable community feature, measurable energy use reduction, low impact development, or special assistance needs.

Explanation of amendments:

AM566 provides the department with more flexibility to determine the needs of the individual communities, rather than requiring the same evaluation for every community by changing the mandatory language "shall" to the permissive "may."

The committee amendment also requires the political subdivision to submit an application fee and creates a fund into which such fees will be placed. The language further allows the department to create a tiered fee schedule in cases of financial hardship.

Ken Schilz, Chairperson