

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 712

Introduced by Hughes, 44.

Read first time January 06, 2016

Committee: Natural Resources

1 A BILL FOR AN ACT relating to environmental protection; to amend sections
2 25-21,255 and 81-1577.01, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to the regulation of aboveground motor
4 vehicle fuel storage tanks; to remove an obsolete provision; to
5 eliminate certain provisions relating to the storage of hazardous
6 substances; to harmonize provisions; to repeal the original
7 sections; and to outright repeal sections 81-1575, 81-1576, and
8 81-1577, Reissue Revised Statutes of Nebraska.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-21,255, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 25-21,255 For the purposes of sections 25-21,254 to 25-21,264:

4 (1) Environmental audit means any document dated and labeled as a
5 confidential environmental audit and prepared pursuant to a specific
6 written directive to review compliance with an environmental requirement
7 or requirements, including any report, finding, communication, or opinion
8 or any draft of a report, finding, communication, or opinion, related to
9 and prepared as a result of a voluntary self-evaluation that is done in
10 good faith;

11 (2) Environmental requirement means an environmental protection
12 requirement contained in (a) the Environmental Protection Act, the
13 Integrated Solid Waste Management Act, the Nebraska Chemigation Act, the
14 Pesticide Act, the Petroleum Products and Hazardous Substances Storage
15 and Handling Act, ~~sections 81-1575 to 81-1577,~~ or federal law, a rule or
16 regulation adopted and promulgated pursuant to such acts, ~~sections,~~ or
17 laws, a permit or order issued pursuant to such acts, ~~sections,~~ or laws,
18 or an agreement entered into or court order issued pursuant to any of the
19 foregoing or (b) an ordinance or other legally binding requirement of a
20 local governmental unit under authority granted by state or federal law
21 relating to environmental protection;

22 (3) Person means any individual, partnership, limited liability
23 company, association, public or private corporation, trustee, receiver,
24 assignee, agent, municipality, other governmental subdivision, public
25 agency, other legal entity, or any officer or governing or managing body
26 of any public or private corporation, municipality, governmental
27 subdivision, public agency, or other legal entity; and

28 (4) Voluntary self-evaluation means a self-initiated assessment,
29 audit, or review, not otherwise expressly required by environmental
30 requirements, that is performed by any person for himself, herself, or
31 itself, either by an employee of such person assigned the responsibility

1 of performing such assessment, audit, or review or by a consultant
2 engaged by such person specifically for the purpose of performing such
3 assessment, audit, or review to determine whether such person is in
4 compliance with environmental requirements.

5 Sec. 2. Section 81-1577.01, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 ~~81-1577.01 (1) The State Fire Marshal shall allow a tank used for~~
8 ~~the storage of motor vehicle fuel to remain aboveground if the tank was~~
9 ~~in existence on May 29, 1959, and is in compliance with the rules and~~
10 ~~regulations established pursuant to section 81-502.~~

11 (1 ~~2~~) The State Fire Marshal shall permit by rule and regulation, in
12 ~~cities with a population of less than two thousand inhabitants, in~~
13 ~~villages, and in unincorporated areas, the installation of aboveground~~
14 ~~tanks to replace underground tanks used for the storage of motor vehicle~~
15 ~~fuel by dealers who sell motor vehicle fuel at retail. The capacity of~~
16 ~~the aboveground replacement tanks shall not exceed the total capacity of~~
17 ~~the underground tanks being replaced or eighteen thousand gallons per~~
18 ~~retail facility, whichever is less.~~

19 (2 ~~3~~) For purposes of this section, dealers and motor vehicle fuel
20 shall have the meanings provided in section 66-482 for importers and
21 motor vehicle fuel.

22 Sec. 3. Original sections 25-21,255 and 81-1577.01, Reissue Revised
23 Statutes of Nebraska, are repealed.

24 Sec. 4. The following sections are outright repealed: Sections
25 81-1575, 81-1576, and 81-1577, Reissue Revised Statutes of Nebraska.