

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2024-25		FY 2025-26	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$277,130		\$288,810	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$277,130		\$288,810	

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB1258 amends Sec.54-2429 by adding subsections 6 – 10. The newly created sections do the following:

- Prohibits the Department of Environment and Energy from issuing a National Pollutant Discharge Elimination System (NPDES) permit to a livestock waste control facility if the Department has determined that groundwater may become contaminated by such facility or an animal feeding operation with such operation is within 100 feet of a domestic water well not owned by the operation, and provides exceptions to the prohibition;
- Allows for the Department to issue new or modified NPDES permits or new or modified construction, operating, or construction and operating permits under certain conditions, enumerates the conditions;
- Requires an existing animal feeding operation or a livestock waste control facility located within a groundwater management area to have monitoring wells installed to monitor possible nitrate contamination;
- Requires livestock waste control facilities or animal feeding operations with permits or construction approvals to have routine inspections of production areas, irrigation distribution systems, and land applications areas, enumerates the inspection schedules and types for each facility type, and requires the facility to maintain the records for a period of five years; and
- Requires the owner or operator of a large concentrated animal feeding operation to maintain production area and land application area records at such operation for a period of five years. Requires the copy of the plan to be submitted to the Department of Environment and Energy and local natural resources district every year.

The newly created sections are largely codifying portions of Sec. 130 of the Department’s rules and regulations, with the exception of Sec. 8 which would require operators to install monitoring wells to monitor nitrate in groundwater and the annual submission of nutrient management plans in Sec. 10.

As this legislation would likely increase monitoring wells, as NDEE reviews the results of monitoring wells their estimate for one additional FTE under this section appears reasonable. Under Sec. 10 the Department is assuming that the requirement to have nutrient management plans submitted annually is also a requirement for the Department to review and approve the nutrient management plans annually. We find the Department’s estimate reasonable based upon that assumption, however the legislation does not specifically require annual review by the Department.

Technical note: Sec. 9(b) of LB1258 references subdivision 8(a), we assume this is meant to reference Sec. 9(a) as there is no 8(a).

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 1258	AM:	AGENCY/POLT. SUB: Department of Environment and Energy	
REVIEWED BY:	Jacob Leaver	DATE: 1/23/2024	PHONE: (402) 471-4173
COMMENTS: Concur with the Department of Environment and Energy’s estimated fiscal impact to the agency as a result of LB 1258.			

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2024

LB⁽¹⁾ 1258

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Department of Environment and Energy

Prepared by: ⁽³⁾ Kevin Stoner Date Prepared: ⁽⁴⁾ January 22, 2024 Phone: ⁽⁵⁾ 402 471-2186

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2024-25</u>		<u>FY 2025-26</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>277,130</u>	<u> </u>	<u>288,810</u>	<u> </u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u><u>277,130</u></u>	<u><u> </u></u>	<u><u>288,810</u></u>	<u><u> </u></u>

Explanation of Estimate:

LB 1258 changes the requirements relating to an application for a National Pollutant Discharge Elimination System permit or a construction and operating permit under the Environmental Protection Act. It also provides requirements for livestock waste control facilities and animal feeding operations. The bill also requires annual submittal of nutrient management plans which would triple the amount of reviews we currently complete. NDEE estimates this work will require one additional FTE for the Groundwater section and two additional FTE for the NPDES section.

The agency believes LB1258 will require three additional, general funded FTE for SFY '24-'25, which would continue the designated work into SFY '25-'26 to review the additional livestock applications, review the groundwater data, and review the additional nutrient management plans.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25</u>	<u>2025-26</u>
	<u>24-25</u>	<u>25-26</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Environmental Specialist II	<u>3</u>	<u>3</u>	<u>155,214</u>	<u>162,974</u>
Benefits.....			<u>50,833</u>	<u>53,374</u>
Operating.....			<u>69,583</u>	<u>70,962</u>
Travel.....			<u>1500</u>	<u>1500</u>
Capital outlay.....			<u> </u>	<u> </u>
Aid.....			<u> </u>	<u> </u>
Capital improvements.....			<u> </u>	<u> </u>
TOTAL.....			<u><u>277,130</u></u>	<u><u>288,810</u></u>