

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 263

FINAL READING

Introduced by Hudkins, 21

Read first time January 10, 2007

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Integrated Solid Waste Management Act;
2 to amend section 13-2036, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to permits; and
4 to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-2036, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 13-2036 (1) The department shall review applications for
4 permits for facilities and provide for the issuance, modification,
5 suspension, denial, or revocation of permits after public notice.
6 Applications shall be on forms provided by the department which
7 solicit information necessary to make a determination on the
8 application. The department shall issue public notice of its
9 intent to grant or deny an application for a permit within sixty
10 days after receipt of an application containing all required
11 information. If an application is granted and the permit is issued
12 or modified, any aggrieved person may file a petition for a
13 contested case with the department within thirty days after the
14 granting or modification of the permit, but such petition shall
15 not act as a stay of the permit. If an application is denied,
16 the department shall provide written rationale therefor to the
17 applicant. Any change, modification, or other deviation from the
18 terms or conditions of an approved permit must be approved by the
19 director prior to implementation. Minor modifications described in
20 subsection (5) of this section shall not require public notice or
21 hearing.

22 (2) The department shall condition the issuance of
23 permits on terms necessary to protect the public health and welfare
24 and the environment as well as compliance with all applicable
25 regulations. Any applicant may apply to the department for a

1 variance from rules and regulations. The director may grant such
2 variance if he or she finds that the public health and welfare
3 will not be endangered or that compliance with the rules or
4 regulations from which variance is sought would produce serious
5 hardship without equal or greater benefits to the public. The
6 considerations, procedures, conditions, and limitations set forth
7 in section 81-1513 shall apply to any variance granted pursuant to
8 this section.

9 (3) The director shall require the owner or operator
10 of a facility to undertake investigation and corrective action in
11 the event of contamination or a threat of contamination caused by
12 the facility. Financial assurance for investigative or corrective
13 action may be required in an amount determined by the director
14 following notice and hearing.

15 (4) In addition to the information required by this
16 section, the following specific areas shall be addressed in detail
17 in any application filed in conjunction with the issuance, renewal,
18 or reissuance of a permit for a facility:

19 (a) A closure and postclosure plan detailing the schedule
20 for and the methods by which the operator will meet the conditions
21 for proper closure and postclosure of the facility as defined by
22 the council. The plan shall include, but not be limited to, the
23 proposed frequency and types of actions to be implemented prior
24 to and following closure of an operation, the proposed postclosure
25 actions to be taken to return the area to a condition suitable for

1 other uses, and an estimate of the costs of closure and postclosure
2 and the proposed method of meeting the costs;

3 (b) A plan for the control and treatment of leachate,
4 including financial considerations proposed in meeting the costs of
5 such control and treatment; and

6 (c) An emergency response and remedial action plan,
7 including provisions to minimize the possibility of fire,
8 explosion, or any release to air, land, or water of pollutants
9 that could threaten human health and the environment and the
10 identification of possible occurrences that may endanger human
11 health and environment.

12 (5) If such application is modified after approval by the
13 department, the application shall be resubmitted as a new proposal.
14 The director may approve a minor modification of an application if
15 he or she finds that the public health and welfare will not be
16 endangered. The following minor modifications to an application are
17 subject to departmental approval but do not require public notice
18 or hearing: -

19 (a) Correction of typographical errors;

20 (b) Change of name, address, or telephone number of
21 persons or agencies identified in the application;

22 (c) Administrative or informational changes;

23 (d) Changes in procedures for maintaining operating
24 records;

25 (e) Changes to provide for more frequent monitoring,

1 reporting, sampling, or maintenance;

2 (f) Request for a compliance date extension if such date
3 is not more than one hundred twenty days after the date specified
4 in the approved permit;

5 (g) Adjustments to the cost estimates or the financial
6 assurance instrument for inflation;

7 (h) Changes in the closure schedule for a unit or in
8 the final closure schedule for the facility or an extension of the
9 closure schedule;

10 (i) Changes to the days or hours of operation if the
11 hours of operation are within the period from 6:00 a.m. to 8:00
12 p.m.;

13 (j) Changes to the facility contingency plan;

14 (k) Changes which improve sampling or analysis methods,
15 procedures, or schedules;

16 (l) Changes in quality control or quality assurance plans
17 which will better ensure that the specifications for construction,
18 closure, sampling, or analysis will be met;

19 (m) Changes in the facility plan of operation which
20 conform to guidance or rules approved by the Environmental Quality
21 Council or provide more efficient waste handling or more effective
22 waste screening; or

23 (n) Replacement of an existing monitoring well with a new
24 well if location is not changed.

25 Sec. 2. Original section 13-2036, Reissue Revised

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1 Statutes of Nebraska, is repealed.