

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 30**

Introduced by Langemeier, 23.

Read first time January 06, 2011

Committee: Natural Resources

A BILL

- 1 FOR AN ACT relating to the Environmental Protection Act; to amend
- 2 section 81-1505, Reissue Revised Statutes of Nebraska; to
- 3 change provisions relating to composting sites; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 81-1505, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   81-1505 (1) In order to carry out the purposes of the  
4 Environmental Protection Act, the Integrated Solid Waste Management  
5 Act, and the Livestock Waste Management Act, the council shall adopt  
6 and promulgate rules and regulations which shall set standards of  
7 air, water, and land quality to be applicable to the air, waters, and  
8 land of this state or portions thereof. Such standards of quality  
9 shall be such as to protect the public health and welfare. The  
10 council shall classify air, water, and land contaminant sources  
11 according to levels and types of discharges, emissions, and other  
12 characteristics which relate to air, water, and land pollution and  
13 may require reporting for any such class or classes. Such  
14 classifications and standards made pursuant to this section may be  
15 made for application to the state as a whole or to any designated  
16 area of the state and shall be made with special reference to effects  
17 on health, economic and social factors, and physical effects on  
18 property. Such standards and classifications may be amended as  
19 determined necessary by the council.

20                   (2) In adopting the classifications of waters and water  
21 quality standards, the primary purpose for such classifications and  
22 standards shall be to protect the public health and welfare and the  
23 council shall give consideration to:

24                   (a) The size, depth, surface area, or underground area  
25 covered, the volume, direction, and rate of flow, stream gradient,

1 and temperature of the water;

2 (b) The character of the area affected by such  
3 classification or standards, its peculiar suitability for particular  
4 purposes, conserving the value of the area, and encouraging the most  
5 appropriate use of lands within such area for domestic, agricultural,  
6 industrial, recreational, and aquatic life purposes;

7 (c) The uses which have been made, are being made, or are  
8 likely to be made, of such waters for agricultural, transportation,  
9 domestic, and industrial consumption, for fishing and aquatic  
10 culture, for the disposal of sewage, industrial waste, and other  
11 wastes, or other uses within this state and, at the discretion of the  
12 council, any such uses in another state on interstate waters flowing  
13 through or originating in this state;

14 (d) The extent of present pollution or contamination of  
15 such waters which has already occurred or resulted from past  
16 discharges therein; and

17 (e) Procedures pursuant to section 401 of the Clean Water  
18 Act, as amended, 33 U.S.C. 1251 et seq., for certification by the  
19 department of activities requiring a federal license or permit which  
20 may result in a discharge.

21 (3) In adopting effluent limitations or prohibitions, the  
22 council shall give consideration to the type, class, or category of  
23 discharges and the quantities, rates, and concentrations of chemical,  
24 physical, biological, and other constituents which are discharged  
25 from point sources into navigable or other waters of the state,

1 including schedules of compliance, best practicable control  
2 technology, and best available control technology.

3 (4) In adopting standards of performance, the council  
4 shall give consideration to the discharge of pollutants which reflect  
5 the greatest degree of effluent reduction which the council  
6 determines to be achievable through application of the best available  
7 demonstrated control technology, processes, operating methods, or  
8 other alternatives, including, when practicable, a standard  
9 permitting no discharge of pollutants.

10 (5) In adopting toxic pollutant standards and  
11 limitations, the council shall give consideration to the combinations  
12 of pollutants, the toxicity of the pollutant, its persistence,  
13 degradability, the usual or potential presence of the affected  
14 organisms in any waters, the importance of the affected organisms,  
15 and the nature and extent of the effect of the toxic pollutant on  
16 such organisms.

17 (6) In adopting pretreatment standards, the council shall  
18 give consideration to the prohibitions or limitations to  
19 noncompatible pollutants, prohibitions against the passage through a  
20 publicly owned treatment works of pollutants which would cause  
21 interference with or obstruction to the operation of publicly owned  
22 treatment works, damage to such works, and the prevention of the  
23 discharge of pollutants therefrom which are inadequately treated.

24 (7) In adopting treatment standards, the council shall  
25 give consideration to providing for processes to which wastewater

1 shall be subjected in a publicly owned wastewater treatment works in  
2 order to make such wastewater suitable for subsequent use.

3 (8) In adopting regulations pertaining to the disposal of  
4 domestic and industrial liquid wastes, the council shall give  
5 consideration to the minimum amount of biochemical oxygen demand,  
6 suspended solids, or equivalent in the case of industrial  
7 wastewaters, which must be removed from the wastewaters and the  
8 degree of disinfection necessary to meet water quality standards with  
9 respect to construction, installation, change of, alterations in, or  
10 additions to any wastewater treatment works or disposal systems,  
11 including issuance of permits and proper abandonment, and  
12 requirements necessary for proper operation and maintenance thereof.

13 (9)(a) The council shall adopt and promulgate rules and  
14 regulations for controlling mineral exploration holes and mineral  
15 production and injection wells. The rules and regulations shall  
16 include standards for the construction, operation, and abandonment of  
17 such holes and wells. The standards shall protect the public health  
18 and welfare and air, land, water, and subsurface resources so as to  
19 control, minimize, and eliminate hazards to humans, animals, and the  
20 environment. Consideration shall be given to:

21 (i) Area conditions such as suitability of location,  
22 geologic formations, topography, industry, agriculture, population  
23 density, wildlife, fish and other aquatic life, sites of  
24 archeological and historical importance, mineral, land, and water  
25 resources, and the existing economic activities of the area

1 including, but not limited to, agriculture, recreation, tourism, and  
2 industry;

3 (ii) A site-specific evaluation of the geologic and  
4 hydrologic suitability of the site and the injection, disposal, and  
5 production zones;

6 (iii) The quality of the existing ground water, the  
7 effects of exemption of the aquifer from any existing water quality  
8 standards, and requirements for restoration of the aquifer;

9 (iv) Standards for design and use of production  
10 facilities, which shall include, but not be limited to, all wells,  
11 pumping equipment, surface structures, and associated land required  
12 for operation of injection or production wells; and

13 (v) Conditions required for closure, abandonment, or  
14 restoration of mineral exploration holes, injection and production  
15 wells, and production facilities in order to protect the public  
16 health and welfare and air, land, water, and subsurface resources.

17 (b) The council shall establish fees for regulated  
18 activities and facilities and for permits for such activities and  
19 facilities. The fees shall be sufficient but shall not exceed the  
20 amount necessary to pay the department for the direct and indirect  
21 costs of evaluating, processing, and monitoring during and after  
22 operation of regulated facilities or performance of regulated  
23 activities.

24 (c) With respect to mineral production wells, the council  
25 shall adopt and promulgate rules and regulations which require

1 restoration of air, land, water, and subsurface resources and require  
2 mineral production well permit applications to include a restoration  
3 plan for the air, land, water, and subsurface resources affected.  
4 Such rules and regulations may provide for issuance of a research and  
5 development permit which authorizes construction and operation of a  
6 pilot plant by the permittee for the purpose of demonstrating the  
7 permittee's ability to inject and restore in a manner which meets the  
8 standards required by this subsection and the rules and regulations.

9           The rules and regulations adopted and promulgated may  
10 also provide for issuance of a commercial permit after a finding by  
11 the department that the injection and restoration procedures  
12 authorized by the research and development permit have been  
13 successful in demonstrating the applicant's ability to inject and  
14 restore in a manner which meets the standards required by this  
15 subsection and the rules and regulations.

16           (d) For the purpose of this subsection, unless the  
17 context otherwise requires, restoration shall mean the employment,  
18 during and after an activity, of procedures reasonably designed to  
19 control, minimize, and eliminate hazards to humans, animals, and the  
20 environment, to protect the public health and welfare and air, land,  
21 water, and subsurface resources, and to return each resource to a  
22 quality of use consistent with the uses for which the resource was  
23 suitable prior to the activity.

24           (10) In adopting livestock waste control regulations, the  
25 council shall consider the discharge of livestock wastes into the

1 waters of the state or onto land not owned by the livestock operator,  
2 conditions under which permits for such operations may be issued,  
3 including design, location, and proper management of such facilities,  
4 protection of ground water from such operations, and revocation,  
5 modification, or suspension of such permits for cause and all  
6 requirements of the Livestock Waste Management Act.

7 (11) In adopting regulations for the issuance of permits  
8 under the National Pollutant Discharge Elimination System created by  
9 the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., the council  
10 shall consider when such permits shall be required and exemptions,  
11 application and filing requirements, terms and conditions affecting  
12 such permits, notice and public participation, duration and review of  
13 such permits, and monitoring, recording, and reporting under the  
14 system.

15 (12) The council shall adopt and promulgate rules and  
16 regulations for air pollution control which shall include:

17 (a) A construction permit program which requires the  
18 owner or operator of an air contaminant source to obtain a permit  
19 prior to construction. Application fees shall be according to section  
20 81-1505.06;

21 (b) An operating permit program consistent with  
22 requirements of the Clean Air Act, as amended, 42 U.S.C. 7401 et  
23 seq., and an operating permit program for minor sources of air  
24 pollution, which programs shall require permits for both new and  
25 existing sources;

1           (c) Provisions for operating permits to be issued after  
2 public notice, to be terminated, modified, or revoked for cause, and  
3 to be modified to incorporate new requirements;

4           (d) Provisions for applications to be on forms provided  
5 by the department and to contain information necessary to make a  
6 determination on the appropriateness of issuance or denial. The  
7 department shall make a completeness determination in a timely  
8 fashion and after such determination shall act on the application  
9 within time limits set by the council. Applications for operating  
10 permits shall include provisions for certification of compliance by  
11 the applicant;

12           (e) Requirements for operating permits which may include  
13 such conditions as necessary to protect public health and welfare,  
14 including, but not limited to (i) monitoring and reporting  
15 requirements on all sources subject to the permit, (ii) payment of  
16 annual fees sufficient to pay the reasonable direct and indirect  
17 costs of developing and administering the air quality permit program,  
18 (iii) retention of records, (iv) compliance with all air quality  
19 standards, (v) a permit term of no more than five years from date of  
20 issuance, (vi) any applicable schedule of compliance leading to  
21 compliance with air quality regulations, (vii) site access to the  
22 department for inspection of the facility and records, (viii)  
23 emission limits or control technology requirements, (ix) periodic  
24 compliance certification, and (x) other conditions necessary to carry  
25 out the purposes of the Environmental Protection Act. For purposes of

1 this subsection, control technology shall mean a design, equipment, a  
2 work practice, an operational standard which may include a  
3 requirement for operator training or certification, or any  
4 combination thereof;

5 (f) Classification of air quality control regions;

6 (g) Standards for air quality that may be established  
7 based upon protection of public health and welfare, emission  
8 limitations established by the United States Environmental Protection  
9 Agency, and maximum achievable control technology standards for  
10 sources of toxic air pollutants. For purposes of this subdivision,  
11 maximum achievable control technology standards shall mean an  
12 emission limit or control technology standard which requires the  
13 maximum degree of emission reduction that the council, taking into  
14 consideration the cost of achieving such emission reduction, any  
15 health and environmental impacts not related to air quality, and  
16 energy requirements, determines is achievable for new or existing  
17 sources in the category or subcategory to which the standard applies  
18 through application of measures, processes, methods, systems, or  
19 techniques, including, but not limited to, measures which accomplish  
20 one or a combination of the following:

21 (i) Reduce the volume of or eliminate emissions of the  
22 pollutants through process changes, substitution of materials, or  
23 other modifications;

24 (ii) Enclose systems or processes to eliminate emissions;

25 or

- 1 (iii) Collect, capture, or treat the pollutants when  
2 released from a process, stack, storage, or fugitive emission point;
- 3 (h) Restrictions on open burning and fugitive emissions;
- 4 (i) Provisions for issuance of general operating permits,  
5 after public notice, for sources with similar operating conditions  
6 and for revoking such general authority to specific permittees;
- 7 (j) Provisions for implementation of any emissions  
8 trading programs as defined by the department. Such programs shall be  
9 consistent with the Clean Air Act, as amended, 42 U.S.C. 7401 et  
10 seq., and administered through the operating permit program;
- 11 (k) A provision that operating permits will not be issued  
12 if the Environmental Protection Agency objects in a timely manner;
- 13 (l) Provisions for periodic reporting of emissions;
- 14 (m) Limitations on emissions from process operations,  
15 fuel-burning equipment, and incinerator emissions and such other  
16 restrictions on emissions as are necessary to protect the public  
17 health and welfare;
- 18 (n) Time schedules for compliance;
- 19 (o) Requirements for owner or operator testing and  
20 monitoring of emissions;
- 21 (p) Control technology requirements when it is not  
22 feasible to prescribe or enforce an emission standard; and
- 23 (q) Procedures and definitions necessary to carry out  
24 payment of the annual emission fee set in section 81-1505.04.
- 25 (13)(a) In adopting regulations for hazardous waste

1 management, the council shall give consideration to generation of  
2 hazardous wastes, labeling practices, containers used, treatment,  
3 storage, collection, transportation including a manifest system,  
4 processing, resource recovery, and disposal of hazardous wastes. It  
5 shall consider the permitting, licensing, design and construction,  
6 and development and operational plans for hazardous waste treatment,  
7 storage, and disposal facilities, and conditions for licensing or  
8 permitting of hazardous waste treatment, storage, and disposal areas.  
9 It shall consider modification, suspension, or revocation of such  
10 licenses and permits, including requirements for waste analysis, site  
11 improvements, fire prevention, safety, security, restricted access,  
12 and covering and handling of hazardous liquids and materials.  
13 Licenses and permits for hazardous waste, treatment, storage, and  
14 disposal facilities shall not be issued until certification by the  
15 State Fire Marshal as to fire prevention and fire safety has been  
16 received by the department. The council shall further consider the  
17 need at treatment, storage, or disposal facilities for required  
18 equipment, communications and alarms, personnel training, and  
19 contingency plans for any emergencies that might arise and for a  
20 coordinator during such emergencies.

21 In addition the council shall give consideration to (i)  
22 ground water monitoring, (ii) use and management of containers and  
23 tanks, (iii) surface impoundments, (iv) waste piles, (v) land  
24 treatment, (vi) incinerators, (vii) chemical or biological treatment,  
25 (viii) landfills including the surveying thereof, and (ix) special

1 requirements for ignitable, reactive, or incompatible wastes.

2           In considering closure and postclosure of hazardous waste  
3 treatment, storage, or disposal facilities, the council shall  
4 consider regulations that would result in the owner or operator  
5 closing his or her facility so as to minimize the need for future  
6 maintenance, and to control, minimize, or eliminate, to the extent  
7 necessary to protect humans, animals, and the environment,  
8 postclosure escape of hazardous waste, hazardous waste constituents,  
9 and leachate to the ground water or surface waters, and to control,  
10 minimize, or eliminate, to the extent necessary to protect humans,  
11 animals, and the environment, waste decomposition to the atmosphere.  
12 In considering corrective action for hazardous waste treatment,  
13 storage, or disposal facilities, the council shall consider  
14 regulations that would require the owner or operator, or any previous  
15 owner or operator with actual knowledge of the presence of hazardous  
16 waste at the facility, to undertake corrective action or such other  
17 response measures necessary to protect human health or the  
18 environment for all releases of hazardous waste or hazardous  
19 constituents from any treatment, storage, or disposal facility or any  
20 solid waste management unit at such facility regardless of the time  
21 at which waste was placed in such unit.

22           Such regulations adopted pursuant to this subsection  
23 shall in all respects comply with the Environmental Protection Act  
24 and the Resource Conservation and Recovery Act, as amended, 42 U.S.C.  
25 6901 et seq.

1                   (b) In adopting regulations for hazardous waste  
2 management, the council shall consider, in addition to criteria in  
3 subdivision (a) of this subsection, establishing criteria for (i)  
4 identifying hazardous waste including extraction procedures,  
5 toxicity, persistence, and degradability in nature, potential for  
6 accumulation in tissue, flammability or ignitability, corrosiveness,  
7 reactivity, and generation of pressure through decomposition, heat,  
8 or other means, and other hazardous characteristics, (ii) listing all  
9 materials it deems hazardous and which should be subject to  
10 regulation, and (iii) locating treatment, storage, or disposal  
11 facilities for such wastes. In adopting criteria for flammability and  
12 ignitability of wastes pursuant to subdivision (b)(i) of this  
13 subsection, no regulation shall be adopted without the approval of  
14 the State Fire Marshal.

15                   (c) In adopting regulations for hazardous waste  
16 management, the council shall establish a schedule of fees to be paid  
17 to the director by licensees or permittees operating hazardous waste  
18 processing facilities or disposal areas on the basis of a monetary  
19 value per cubic foot or per pound of the hazardous wastes, sufficient  
20 but not exceeding the amount necessary to reimburse the department  
21 for the costs of monitoring such facilities or areas during and after  
22 operation of such facilities or areas. The licensees may assess a  
23 cost against persons using the facilities or areas. The director  
24 shall remit any money collected from fees paid to him or her to the  
25 State Treasurer who shall credit the entire amount thereof to the

1 General Fund.

2 (d) In adopting regulations for solid waste disposal, the  
3 council shall consider storage, collection, transportation,  
4 processing, resource recovery, and disposal of solid waste,  
5 developmental and operational plans for solid waste disposal areas,  
6 conditions for permitting of solid waste disposal areas,  
7 modification, suspension, or revocation of such permits, regulations  
8 of operations of disposal areas, including site improvements, fire  
9 prevention, ground water protection, safety and restricted access,  
10 handling of liquid and hazardous materials, insect and rodent  
11 control, salvage operations, and the methods of disposing of  
12 accumulations of junk outside of solid waste disposal areas. Such  
13 regulations shall in all respects comply with the Environmental  
14 Protection Act, the Integrated Solid Waste Management Act, and the  
15 Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et  
16 seq.

17 (14) In adopting regulations governing discharges or  
18 emissions of oil and other hazardous materials into the waters, in  
19 the air, or upon the land of the state, the council shall consider  
20 the requirements of the Integrated Solid Waste Management Act,  
21 methods for prevention of such discharges or emissions, and the  
22 responsibility of the discharger or emitter for cleanup, toxicity,  
23 degradability, and dispersal characteristics of the substance.

24 (15) In adopting regulations governing composting and  
25 composting sites, the council shall give consideration to:

1                   (a) Approval of a proposed site by the local governing  
2 body, including the zoning authority, if any, prior to issuance of a  
3 permit by the department;

4                   (b) Issuance of permits by the department for such  
5 composting operations, with conditions if necessary;

6                   (c) Submission of construction and operational plans by  
7 the applicant for a permit to the department, with approval of such  
8 plans before issuance of such permit;

9                   (d) A term of ~~five~~up to ten years for such permits; ~~7~~  
10 ~~which shall not be transferable;~~

11                   (e) Renewal of permits if the operation has been in  
12 substantial compliance with composting regulations adopted pursuant  
13 to this subsection, permit conditions, and operational plans;

14                   (f) Review by the department of materials to be  
15 composted, including chemical analysis when found by the department  
16 to be necessary;

17                   (g) Inspections of such compost sites ~~at least~~  
18 ~~semiannually followed by ratings, with a copy of such ratings to be~~  
19 ~~given to the site management. by the department.~~ Operations out of  
20 compliance with composting regulations, permit conditions, or  
21 operational plans shall be given a reasonable time for voluntary  
22 compliance, and failure to do so within the specified time shall  
23 result in a hearing after notice is given, at which time the owner or  
24 operator shall appear and show cause why his or her permit should not  
25 be revoked;

1           (h) Special permits of the department for demonstration  
2 projects not to exceed six months;

3           (i) Exemptions from permits of the department; and

4           (j) The Integrated Solid Waste Management Act.

5           (16) Any person operating or responsible for the  
6 operation of air, water, or land contaminant sources of any class for  
7 which the rules and regulations of the council require reporting  
8 shall make reports containing information as may be required by the  
9 department concerning quality and quantity of discharges and  
10 emissions, location, size, and height of contaminant outlets,  
11 processes employed, fuels used, and the nature and time periods or  
12 duration of discharges and emissions, and such other information as  
13 is relevant to air, water, or land pollution and is available.

14           (17) Prior to adopting, amending, or repealing standards  
15 and classifications of air, water, and land quality and rules and  
16 regulations under the Integrated Solid Waste Management Act or the  
17 Livestock Waste Management Act, the council shall, after due notice,  
18 conduct public hearings thereon. Notice of public hearings shall  
19 specify the waters or the area of the state for which standards of  
20 air, water, or land are sought to be adopted, amended, or repealed  
21 and the time, date, and place of such hearing. Such hearing shall be  
22 held in the general area to be affected by such standards. Such  
23 notice shall be given in accordance with the Administrative Procedure  
24 Act.

25           (18) Standards of quality of the air, water, or land of

1 the state and rules and regulations adopted under the Integrated  
2 Solid Waste Management Act or the Livestock Waste Management Act or  
3 any amendment or repeal of such standards or rules and regulations  
4 shall become effective upon adoption by the council and filing in the  
5 office of the Secretary of State. In adopting standards of air,  
6 water, and land quality or making any amendment thereof, the council  
7 shall specify a reasonable time for persons discharging wastes into  
8 the air, water, or land of the state to comply with such standards  
9 and upon the expiration of any such period of time may revoke or  
10 modify any permit previously issued which authorizes the discharge of  
11 wastes into the air, water, or land of this state which results in  
12 reducing the quality of such air, water, or land below the standards  
13 established therefor by the council.

14 (19) All standards of quality of air, water, or land and  
15 all rules and regulations adopted pursuant to law by the council  
16 prior to May 29, 1981, and applicable to specified air, water, or  
17 land are hereby approved and adopted as standards of quality of and  
18 rules and regulations for such air, water, or land.

19 (20) In addition to such standards as are heretofore  
20 authorized, the council shall adopt and promulgate rules and  
21 regulations to set standards of performance, effluent standards,  
22 pretreatment standards, treatment standards, toxic pollutant  
23 standards and limitations, effluent limitations, effluent  
24 prohibitions, and quantitative limitations or concentrations which  
25 shall in all respects conform with and meet the requirements of the

1 National Pollutant Discharge Elimination System in the Clean Water  
2 Act, as amended, 33 U.S.C. 1251 et seq.

3 (21)(a) The council shall adopt and promulgate rules and  
4 regulations requiring all new or renewal permit or license applicants  
5 regulated under the Environmental Protection Act, the Integrated  
6 Solid Waste Management Act, or the Livestock Waste Management Act to  
7 establish proof of financial responsibility by providing funds in the  
8 event of abandonment, default, or other inability of the permittee or  
9 licensee to meet the requirements of its permit or license or other  
10 conditions imposed by the department pursuant to the acts. The  
11 council may exempt classes of permittees or licensees from the  
12 requirements of this subdivision when a finding is made that such  
13 exemption will not result in a significant risk to the public health  
14 and welfare.

15 (b) Proof of financial responsibility shall include any  
16 of the following made payable to or held in trust for the benefit of  
17 the state and approved by the department:

18 (i) A surety bond executed by the applicant and a  
19 corporate surety licensed to do business in this state;

20 (ii) A deposit of cash, negotiable bonds of the United  
21 States or the state, negotiable certificates of deposit, or an  
22 irrevocable letter of credit of any bank or other savings institution  
23 organized or transacting business in the United States in an amount  
24 or which has a market value equal to or greater than the amount of  
25 the bonds required for the bonded area under the same terms and

1 conditions upon which surety bonds are deposited;

2 (iii) An established escrow account; or

3 (iv) A bond of the applicant without separate surety upon  
4 a satisfactory demonstration to the director that such applicant has  
5 the financial means sufficient to self-bond pursuant to bonding  
6 requirements adopted by the council consistent with the purposes of  
7 this subdivision.

8 (c) The director shall determine the amount of the bond,  
9 deposit, or escrow account which shall be reasonable and sufficient  
10 so the department may, if the permittee or licensee is unable or  
11 unwilling to do so and in the event of forfeiture of the bond or  
12 other financial responsibility methods, arrange to rectify any  
13 improper management technique committed during the term of the permit  
14 or license and assure the performance of duties and responsibilities  
15 required by the permit or license pursuant to law, rules, and  
16 regulations.

17 (d) In determining the amount of the bond or other method  
18 of financial responsibility, the director shall consider the  
19 requirements of the permit or license or any conditions specified by  
20 the department, the probable difficulty of completing the  
21 requirements of such permit, license, or conditions due to such  
22 factors as topography, geology of the site, and hydrology, and the  
23 prior history of environmental activities of the applicant.

24 This subsection shall apply to hazardous waste treatment,  
25 storage, or disposal facilities which have received interim status.

1                   (22) The council shall adopt and promulgate rules and  
2 regulations no more stringent than the provisions of section 1453 et  
3 seq. of the federal Safe Drinking Water Act, as amended, 42 U.S.C.  
4 300j-13 et seq., for public water system source water assessment  
5 programs.

6                   The council may adopt and promulgate rules and  
7 regulations to implement a source water petition program no more  
8 stringent than section 1454 et seq. of the federal Safe Drinking  
9 Water Act, as amended, 42 U.S.C. 300j-14 et seq.

10                   Sec. 2. Original section 81-1505, Reissue Revised  
11 Statutes of Nebraska, is repealed.