

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 851

Introduced by Preister, 5; Bohlke, 33; Bromm, 23; Dierks, 40;
Kiel, 9; Schimek, 27; Schmitt, 41; Thompson, 14

Read first time January 20, 1999

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Livestock Waste Management Act; to amend
2 section 54-2413, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to best management practices;
4 to repeal the original section; and to declare an
5 emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-2413, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 54-2413. (1) The council shall adopt and promulgate
4 rules and regulations to carry out the Livestock Waste Management
5 Act within twelve months after April 15, 1998. The rules and
6 regulations shall include a permit program for livestock waste
7 control facilities which provides for:

8 (a) A permitting process which includes:

9 (i) A construction permit which prohibits construction of
10 a livestock waste control facility prior to its issuance;

11 (ii) An operating permit for new and existing livestock
12 waste control facilities to be issued after terms of the
13 construction permit have been fulfilled and which may be
14 terminated, modified, or revoked by the department for cause;

15 (iii) An application process which requires a permitting
16 determination by the department within sixty days after receipt of
17 a complete application, an acknowledgment by the applicant that a
18 construction permit may not be approved, and an operating plan to
19 be incorporated into the permit;

20 (iv) Monitoring of surface or ground water by the
21 permittee which may be necessary as determined by the department
22 where a significant risk to waters of the state exists;

23 (v) Modification of operating permits in accordance with
24 section 54-2407; and

25 (vi) Notification of the applicant by the department
26 within thirty days if the application is complete or, if the
27 application is not complete, notification as to what information or
28 requirements are needed;

1 (b) Requirements for existing livestock waste control
2 facilities whose permits are being modified under section 54-2407;

3 (c) Best management practices where appropriate to
4 specific sites to control runoff of waste, including adequate area
5 for land application and proper methods and rates of disposal of
6 waste and nutrients such as nitrogen and phosphorus, and best
7 management practices for control of odor; ~~which terminate July 1,~~
8 ~~1999,~~

9 (d) Modifications to the calculation of animal units for
10 immature animals; and

11 (e) A training program for land application of waste
12 which may include contracting with the Cooperative Extension
13 Service of the University of Nebraska for curriculum development
14 and instruction.

15 (2) Rules and regulations adopted and promulgated under
16 this section may be based upon size classification of livestock
17 waste control facilities and the form of waste management and may
18 include more stringent requirements for facilities of larger size
19 classes and waste control technologies that are more likely to
20 cause adverse impacts.

21 (3) The council may adopt and promulgate any other rules
22 and regulations necessary to carry out the purposes of the
23 Livestock Waste Management Act.

24 Sec. 2. Original section 54-2413, Reissue Revised
25 Statutes of Nebraska, is repealed.

26 Sec. 3. Since an emergency exists, this act takes effect
27 when passed and approved according to law.