



Ninety-Ninth Legislature - Second Session - 2006  
**Introducer's Statement of Intent**  
**LB 975**

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**Chairperson:** Ed Schrock  
**Committee:** Natural Resources  
**Date of Hearing:** January 26, 2006

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 975 proposes to amend the Livestock Waste Management Act in response to a 2005 2<sup>nd</sup> Circuit Court of Appeals Decision regarding the US Environmental Protection Agency (EPA) rule on Concentrated Animal Feeding Operations (CAFOs). The decision vacated elements of the CAFO rule, which the court determined were beyond the authority of the federal agency. The EPA is currently revising its rule to reflect the court action; EPA is expected to release its new rule for public comment in the spring. The Nebraska Legislature adopted changes to the Livestock Waste Management Act (LB 916) in 2004 to coincide with EPA's CAFO rule. LB 975 addresses portions of the Act which will allow the state more flexibility to meet EPA's new program requirements.

Specifically, LB 975 eliminates the requirement that all large animal feeding operations are required to apply for a National Pollutant Discharge Elimination System (NPDES) permit. Instead, the legislation requires only those animal feeding operations which discharge to waters of the state to apply for a NPDES permit. LB 975 also creates a new construction and operating permit program for those operations which are not covered under the CAFO rule or are not exempt under the Livestock Waste Management Act.

LB 975 also addresses two other areas beyond the focus of EPA's CAFO rule. First, LB 975 clarifies that no new animal feeding operation will be issued a NPDES permit or a construction and operating permit in any part of a watershed that feeds directly or indirectly into a cold-water class A stream. Secondly, LB 975 incorporates components of LB 293, introduced in 2005, which require the Nebraska Department of Environmental Quality to send a copy of a construction and operating permit application to natural resources districts and county boards

within five days of receipt. It also increases the amount of time from twenty to thirty days that NRD's and county boards have to comment on an application.

**Principal Introducer:**

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**Ed Schrock, Chairperson  
Committee on Natural Resources**