

LEGISLATIVE BILL 498

Approved by the Governor March 7, 2012

Introduced by Louden, 49.

FOR AN ACT relating to the Industrial Ground Water Regulatory Act; to amend section 46-683.01, Reissue Revised Statutes of Nebraska; to provide an exception for amendments for permits for mineral exploration and production; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 46-683.01, Reissue Revised Statutes of Nebraska, is amended to read:

46-683.01 If during construction or operation a permit holder determines (1) that an additional amount of water is or will be required for the proposed use set forth in a permit issued pursuant to section 46-683 or (2) that there is a need to amend any condition set forth in the permit, the permit holder may file an application to amend the permit. Following a hearing conducted in the manner prescribed by section 46-680, the director shall issue a written order containing specific findings of fact either granting or denying the proposed amendment in accordance with the public interest considerations enumerated in section 46-683. An application to amend a permit shall not be approved if the amendment would increase the daily peak withdrawal or the annual volume by more than twenty-five percent from the amounts approved in the original permit, except for an amendment to increase the maximum daily volumetric flow rate or annual volume to levels authorized under a permit issued by the Department of Environmental Quality pursuant to section 81-1504 and subsection (9) of section 81-1505.

Sec. 2. Original section 46-683.01, Reissue Revised Statutes of Nebraska, is repealed.