

LEGISLATIVE BILL 142

Approved by the Governor March 20, 2003

Introduced by Schrock, 38

AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2033, Reissue Revised Statutes of Nebraska; to provide powers and duties; and to repeal the original section.

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

Section 1. Section 13-2033, Reissue Revised Statutes of Nebraska, is amended to read:

13-2033. (1) Except as provided in subsections (2) and (3) of this section, after October 1, 1993, no person shall dump or deposit any solid waste at any place other than a landfill approved by the director unless the department has granted a permit which allows the dumping or depositing of solid waste at any other facility. The council may adopt and promulgate rules and regulations regarding the permitting of this activity, which rules and regulations shall protect the public interest but may be based upon criteria less stringent than those regulating a landfill. The council may adopt and promulgate rules and regulations exempting from permit requirements under this section (a) the use of dirt, stone, brick, or some inorganic compound for landfill, landscaping excavation, or grading purposes, (b) the placement of tires, posts, or ferrous objects, not contaminated with other wastes, for bank or blowout stabilization, or (c) such other waste placement or depositing activities that are found not to pose a threat to the public health or welfare.

(2) No person shall be found to be in violation of this section if (a) the solid waste generated by an individual is disposed of on such individual's property, (b) such property is outside the corporate limits of a municipality, and (c) the department determines that the county has not provided integrated solid waste management facilities for its residents.

(3) Any person, county, municipality, or agency may apply to the department for an extension of the deadline contained in subsection (1) of this section. The department shall determine whether or not to grant such extension based upon the good faith efforts of the person, county, municipality, or agency to comply with the Integrated Solid Waste Management Act.

(4) If necessary in the course of an investigation or inspection or during remedial or corrective action and if the owner of the subject property or the owner's agent has specifically denied access to the department for such purposes, the director may order the owner or owner's agent to grant access to such property for the performance of reasonable steps to determine the source and extent of contamination, for remediation, or for other corrective action, including drilling and removal of wastes. Access shall be by the department or by a person conducting the investigation, inspection, or remedial action at the direction of the department. The property shall be restored as nearly as possible to its original condition at the conclusion of the investigation, inspection, or remedial action.

Sec. 2. Original section 13-2033, Reissue Revised Statutes of Nebraska, is repealed.