

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 16, 2004 LB 916

that there were concerns with. So, in the spirit of collegiality and my willingness to work with people, I view this as a compromise. I have not gotten official word that people are in agreement with it, so I will state that at the onset. This amendment attempts to get at a central issue of what we're dealing with, and that's the nutrient management plan, which has all of the information in it to help zoning and other community folks make some determinations. The nutrient management plan is a document that provides all the information that local zoning authorities use when they review applications on file with the Nebraska Department of Environmental Quality to determine whether the applicant has met all of their local zoning requirements. Currently, under Title 130, the livestock waste control regulations, the plan is required to be filed with the application for a permit, and that has been the practice and what is being done, and they're currently on file. So there really isn't a change. The information contained in the plan is absolutely necessary in local zoning if local zoning boards are going to be able to continue to function, and if local control is going to continue. And we've heard over and over again on other bills that local zoning is important and local control is crucial. Though there is language in committee amendment AM2826 in new Section 18, on page 23, which was one of the issues that I raised in committee and the committee was good enough to put in the committee amendment, that requires a nutrient management plan to be filed with the applications, it does not require the plan, however, to be kept continuously on file and to be updated with changes or new information. It simply requires that it be filed with the application. The reason we need to address this issue is because under new federal NPDES CAFO rule, under the Clean Water Act, the nutrient management plan is kept on site. That's an important distinction between being kept at DEQ or kept on site; makes a determination whether or not the county board, the zoning officials, or the public can have access to that information. It only has to be made available to the regulator, DEQ or the EPA, upon request. Thus, the public will not have access to the plan, nor will the local zoning or county boards when making their decisions. The amendment that we have substituted, AM28...I'm sorry, AM3168, on page 23, line 24, after the period, inserts the following language: "A copy of the nutrient management plan and supporting documentation shall