



Ninety-Ninth Legislature - First Session - 2005
Introducer's Statement of Intent
LB 191

Chairperson: Ed Schrock
Committee: Natural Resources
Date of Hearing: February 23, 2005

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

LB 191 allows counties and cities to set more stringent financial assurance requirements than those imposed by the Director of the Department of Environmental Quality (DEQ) or the Environmental Quality Council (EQC). Nebraska statute 81-1505 (21) (a) currently requires the EQC to establish financial assurance requirements for new or renewed licenses or permits under the Environmental Protection Act, the Integrated Solid Waste Management Act and the Livestock Waste Management Act.

Currently, neither the Director nor the EQC has acted to require any kind of financial assurance for any size animal feeding operation. This would allow any city or county that feels it is necessary to protect their community, to enact financial assurance requirements in order to protect their community from anticipated clean-up costs.

Communities should be granted the authority to protect their local natural resources, particularly such precious natural resources as groundwater. Recently, DEQ identified 30 confined animal feeding operations (CAFO's) sites as having several groundwater monitoring reports showing groundwater contamination. Thirty-nine percent of these sites are operating under the Open Lot General Permit issued under the Nebraska Environmental Protection Act pursuant to the National Pollutant Discharge Elimination System (NPDES) and regulations under Title 119. These General Permit authorizations had all been issued by DEQ within 12 months prior to sending letters to the CAFO's concerning groundwater monitoring contamination.

In instances such as these where the state has not adopted financial assurance requirements, it seems appropriate to provide an optional tool for local government to protect their taxpaying citizens from picking up the pollution price tag. These local protections, if enacted, would require the polluter to pay the costs of clean-up rather than require all the community members or other Nebraska taxpayers to pick up the clean-up tab.

Principal Introducer:

Senator Don Preister