

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 704

Introduced by Preister, 5

Read first time January 17, 2007

Committee: Natural Resources

A BILL

- 1 FOR AN ACT relating to environmental quality; to adopt the Fishable
- 2 and Swimmable Waters Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 6 of this act shall be known
2 and may be cited as the Fishable and Swimmable Waters Act. It is
3 declared to be the policy of the State of Nebraska, and the purpose
4 of the act, to ensure that all Nebraska streams, lakes, and public
5 reservoirs meet state water quality standards and federal Clean
6 Water Act standards by or before January 1, 2027.

7 Sec. 2. To accomplish the purpose of the Fishable and
8 Swimmable Waters Act, the Department of Environmental Quality
9 shall, by January 1, 2008, develop, publish, and put in place a
10 plan, including a specific timeline and estimated future funding
11 needs, that will ensure that:

12 (1) The department shall complete, on or before January
13 1, 2011, total maximum daily load allocations of every stream,
14 lake, and public reservoir that failed to meet Nebraska surface
15 water quality standards as of January 1, 2007, under existing state
16 and federal standards;

17 (2) The department shall complete, on or before January
18 1, 2017, assessments of every stream segment, lake, and public
19 reservoir in Nebraska, in such manner as shall allow the department
20 to determine whether or not each stream segment, lake, or public
21 reservoir meets or fails to meet applicable state and federal
22 surface water quality standards;

23 (3) The department shall complete, on or before January
24 1, 2019, total maximum daily load allocations of all streams,
25 lakes, and public reservoirs that are determined on or after

1 January 1, 2007, to not meet state or federal surface water quality
2 standards in effect at the time of the determination; and

3 (4) The department shall implement each total daily
4 maximum load assessment completed pursuant to subdivision (1) or
5 (3) within three years of its completion, and in no case later
6 than January 1, 2022. In determining when to undertake assessments
7 and total maximum daily load allocations, the department shall give
8 highest priority to streams that supply water for public water
9 systems as defined in section 71-5301.

10 Sec. 3. In completing total maximum daily load
11 allocations, the Department of Environmental Quality shall ensure
12 that the measures recommended for implementation in the allocation
13 are of sufficient quantity, quality, and duration as to be expected
14 to bring the water body into compliance with state and federal
15 water quality standards in a reasonable time period and in no event
16 later than January 1, 2027.

17 Sec. 4. The Surface Water Quality Cash Fund is created
18 to aid in carrying out the purposes of the Fishable and Swimmable
19 Waters Act. The fund may be used to carry out surface water quality
20 assessments, undertake total maximum daily load allocations, and
21 to provide incentive programs to landowners or others to help
22 achieve state and federal surface water quality standards where
23 those standards are not being met.

24 Sec. 5. The Governor shall, on or before September
25 1, 2007, appoint a fourteen-member Surface Water Quality Blue

1 Ribbon Task Force which shall (1) review the plan adopted by the
2 Department of Environmental Quality pursuant to section 2 of this
3 act, (2) review the estimated funding needed to achieve the purpose
4 of the Fishable and Swimmable Waters Act, (3) review the potential
5 available sources of funds that could provide long-term support for
6 surface water quality efforts in Nebraska, and (4) on or before
7 January 1, 2009, report to the Governor and Legislature on its
8 findings, which shall include recommendations for funding sources
9 to meet the purpose of the act, and in sufficient quantity to
10 achieve the goals by January 1, 2027. In appointing the task force,
11 the Governor shall appoint three members representing public water
12 supply systems, three members representing fishing, swimming, and
13 other recreational users of Nebraska surface water, three members
14 representing business, industry, or agriculture, two members
15 representing the environment, and three members representing the
16 general public. At least one task force member shall have expertise
17 in public health, and at least one shall be an aquatic biologist.
18 The Director of Environmental Quality and the Director of the Game
19 and Parks Commission shall serve as nonvoting members of the task
20 force.

21 Sec. 6. It is the intent of the Legislature to
22 appropriate five million dollars in fiscal year 2007-08 and ten
23 million dollars in fiscal year 2008-09 from the General Fund to the
24 Surface Water Quality Cash Fund to carry out the purposes of the
25 Fishable and Swimmable Waters Act.