

AMENDMENTS TO LB 203

Introduced by Natural Resources

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 81-1502, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-1502 For purposes of the Environmental Protection Act,
6 unless the context otherwise requires:

7 (1) Air contaminant or air contamination shall mean the
8 presence in the outdoor atmosphere of any dust, fume, mist, smoke,
9 vapor, gas, other gaseous fluid, or particulate substance differing
10 in composition from or exceeding in concentration the natural
11 components of the atmosphere;

12 (2) Air pollution shall mean the presence in the outdoor
13 atmosphere of one or more air contaminants or combinations thereof
14 in such quantities and of such duration as are or may tend to be
15 injurious to human, plant, or animal life, property, or the conduct
16 of business;

17 (3) Chairperson shall mean the chairperson of the
18 Environmental Quality Council and council shall mean the
19 Environmental Quality Council;

20 (4) Complaint shall mean any charge, however informal, to
21 or by the council, that any person or agency, private or public, is
22 polluting the air, land, or water or is violating the Environmental
23 Protection Act or any rule or regulation of the department in

1 respect thereof;

2 (5) Control and controlling shall include prohibition and
3 prohibiting as related to air, land, or water pollution;

4 (6) Department shall mean the Department of Environmental
5 Quality, which department is hereby created;

6 (7) Director shall mean the Director of Environmental
7 Quality, which position is hereby established;

8 (8) Disposal system shall mean a system for disposing
9 of wastes, including hazardous wastes, either by surface or
10 underground methods, and includes sewerage systems and treatment
11 works, disposal wells and fields, and other systems;

12 (9) Emissions shall mean releases or discharges into the
13 outdoor atmosphere of any air contaminant or combination thereof;

14 (10) Person shall mean any: Individual; partnership;
15 limited liability company; association; public or private
16 corporation; trustee; receiver; assignee; agent; municipality or
17 other governmental subdivision; public agency; other legal entity;
18 or any officer or governing or managing body of any public or
19 private corporation, municipality, governmental subdivision, public
20 agency, or other legal entity;

21 (11) Rule or regulation shall mean any rule or regulation
22 of the department;

23 (12) Sewerage system shall mean pipelines, conduits,
24 pumping stations, force mains, and all other constructions,
25 devices, appurtenances, and facilities used for collecting or
26 conducting wastes to an ultimate point for treatment or disposal;

27 (13) Treatment works shall mean any plant or other works

1 used for the purpose of treating, stabilizing, or holding wastes;

2 (14) Wastes shall mean sewage, industrial waste, and
3 all other liquid, gaseous, solid, radioactive, or other substances
4 which may pollute or tend to pollute any air, land, or waters of
5 the state;

6 (15) Refuse shall mean putrescible and nonputrescible
7 solid wastes, except body wastes, and includes garbage, rubbish,
8 ashes, incinerator ash, incinerator residue, street cleanings, and
9 solid market and industrial wastes;

10 (16) Garbage shall mean rejected food wastes, including
11 waste accumulation of animal, fruit, or vegetable matter used or
12 intended for food or that attend the preparation, use, cooking,
13 dealing in, or storing of meat, fish, fowl, fruit, or vegetables,
14 and dead animals rejected by rendering plants;

15 (17) Rubbish shall mean nonputrescible solid wastes,
16 excluding ashes, consisting of both combustible and noncombustible
17 wastes, such as paper, cardboard, tin cans, yard clippings, wood,
18 glass, bedding, crockery, or litter of any kind that will be a
19 detriment to the public health and safety;

20 (18) Junk shall mean old scrap, copper, brass, iron,
21 steel, rope, rags, batteries, paper, trash, rubber debris, waste,
22 dismantled or wrecked automobiles, or parts thereof, and other old
23 or scrap ferrous or nonferrous material;

24 (19) Land pollution shall mean the presence upon or
25 within the land resources of the state of one or more contaminants
26 or combinations of contaminants, including, but not limited to,
27 refuse, garbage, rubbish, or junk, in such quantities and of such

1 quality as will or are likely to (a) create a nuisance, (b) be
2 harmful, detrimental, or injurious to public health, safety, or
3 welfare, (c) be injurious to plant and animal life and property,
4 or (d) be detrimental to the economic and social development, the
5 scenic beauty, or the enjoyment of the natural attractions of the
6 state;

7 (20) Water pollution shall mean the manmade or
8 man-induced alteration of the chemical, physical, biological, or
9 radiological integrity of water;

10 (21) Waters of the state shall mean all waters within the
11 jurisdiction of this state, including all streams, lakes, ponds,
12 impounding reservoirs, marshes, wetlands, watercourses, waterways,
13 wells, springs, irrigation systems, drainage systems, and all other
14 bodies or accumulations of water, surface or underground, natural
15 or artificial, public or private, situated wholly or partly within
16 or bordering upon the state;

17 (22) Point source shall mean any discernible confined
18 and discrete conveyance, including, but not limited to, any pipe,
19 ditch, channel, tunnel, conduit, well, discrete fissure, container,
20 rolling stock, or vessel or other floating craft from which
21 pollutants are or may be discharged;

22 (23) Effluent limitation shall mean any restriction,
23 including a schedule of compliance, established by the council
24 on quantities, rates, and concentrations of chemical, physical,
25 biological, and other constituents which are discharged from point
26 sources into waters of the state;

27 (24) Schedule of compliance shall mean a schedule of

1 remedial measures including an enforceable sequence of actions or
2 operations leading to compliance with an effluent limitation, other
3 limitation, prohibition, or standard;

4 (25) Hazardous waste shall mean a solid waste, or
5 combination of solid wastes, which because of its quantity,
6 concentration, or physical, chemical, or infectious characteristics
7 may (a) cause or significantly contribute to an increase in
8 mortality or an increase in serious irreversible, or incapacitating
9 reversible, illness or (b) pose a substantial present or potential
10 hazard to human or animal health or the environment when improperly
11 treated, stored, transported, disposed of, or otherwise managed;

12 (26) Solid waste shall mean any garbage, refuse, or
13 sludge from a waste treatment plant, water supply treatment plant,
14 or air pollution control facility and other discarded material,
15 including solid, liquid, semisolid, or contained gaseous material
16 resulting from industrial, commercial, and mining operations and
17 from community activities.~~7~~ Solid waste shall not include
18 slag, a product that is a result of the steel manufacturing process
19 and is managed as an item of value in a controlled manner and not
20 as a discarded material; solid or dissolved materials in irrigation
21 return flows or industrial discharges which are point sources
22 subject to permits under section 402 of the Clean Water Act, as
23 amended, 33 U.S.C. 1251 et seq.;~~7~~ or source, special nuclear, or
24 byproduct material as defined by the Atomic Energy Act of 1954, as
25 amended, ~~68 Stat. 923~~ 42 U.S.C. 2011 et seq.;

26 (27) Storage, when used in connection with hazardous
27 waste, shall mean the containment of hazardous waste, either on a

1 temporary basis or for a period of years, in such manner as not to
2 constitute disposal of such hazardous waste;

3 (28) Manifest shall mean the form used for identifying
4 the quantity, composition, origin, routing, and destination of
5 hazardous waste during its transportation from the point of
6 generation to the point of disposal, treatment, or storage;

7 (29) Processing shall mean to treat, detoxify,
8 neutralize, incinerate, biodegrade, or otherwise process a
9 hazardous waste to remove such waste's harmful properties or
10 characteristics for disposal in accordance with regulations
11 established by the council;

12 (30) Well shall mean a bored, drilled, or driven shaft or
13 a dug hole, the depth of which is greater than the largest surface
14 dimension of such shaft or hole;

15 (31) Injection well shall mean a well into which fluids
16 are injected;

17 (32) Fluid shall mean a material or substance which flows
18 or moves whether in a semisolid, liquid, sludge, gas, or other form
19 or state;

20 (33) Mineral production well shall mean a well drilled
21 to promote extraction of mineral resources or energy, including,
22 but not limited to, a well designed for (a) mining of sulfur by
23 the Frasch process, (b) solution mining of sodium chloride, potash,
24 phosphate, copper, uranium, or any other mineral which can be mined
25 by this process, (c) in situ combustion of coal, tar sands, oil
26 shale, or any other fossil fuel, or (d) recovery of geothermal
27 energy for the production of electric power. Mineral production

1 well shall not include any well designed for conventional oil or
2 gas production, for use of fluids to promote enhanced recovery of
3 oil or natural gas, or for injection of hydrocarbons for storage
4 purposes;

5 (34) Mineral exploration hole shall mean a hole bored,
6 drilled, driven, or dug in the act of exploring for a mineral other
7 than oil and gas;

8 (35) Solution mining shall mean the use of an injection
9 well and fluids to promote the extraction of mineral resources;

10 (36) Uranium shall mean tri-uranium oct-oxide;

11 (37) Solid waste management facility shall mean a
12 facility as defined in section 13-2010; and

13 (38) Livestock waste control facility shall have the same
14 meaning as in section 54-2417.

15 Sec. 2. Original section 81-1502, Reissue Revised
16 Statutes of Nebraska, is repealed.