

LEGISLATIVE BILL 712

Approved by the Governor April 06, 2016

Introduced by Hughes, 44.

A BILL FOR AN ACT relating to environmental protection; to amend sections 25-21,255 and 81-1577.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of aboveground motor vehicle fuel storage tanks; to remove an obsolete provision; to eliminate certain provisions relating to the storage of hazardous substances; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1575, 81-1576, and 81-1577, Reissue Revised Statutes of Nebraska.

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

Section 1. Section 25-21,255, Reissue Revised Statutes of Nebraska, is amended to read:

25-21,255 For the purposes of sections 25-21,254 to 25-21,264:

(1) Environmental audit means any document dated and labeled as a confidential environmental audit and prepared pursuant to a specific written directive to review compliance with an environmental requirement or requirements, including any report, finding, communication, or opinion or any draft of a report, finding, communication, or opinion, related to and prepared as a result of a voluntary self-evaluation that is done in good faith;

(2) Environmental requirement means an environmental protection requirement contained in (a) the Environmental Protection Act, the Integrated Solid Waste Management Act, the Nebraska Chemigation Act, the Pesticide Act, the Petroleum Products and Hazardous Substances Storage and Handling Act, ~~sections 81-1575 to 81-1577,~~ or federal law, a rule or regulation adopted and promulgated pursuant to such acts, ~~sections,~~ or laws, a permit or order issued pursuant to such acts, ~~sections,~~ or laws, or an agreement entered into or court order issued pursuant to any of the foregoing or (b) an ordinance or other legally binding requirement of a local governmental unit under authority granted by state or federal law relating to environmental protection;

(3) Person means any individual, partnership, limited liability company, association, public or private corporation, trustee, receiver, assignee, agent, municipality, other governmental subdivision, public agency, other legal entity, or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity; and

(4) Voluntary self-evaluation means a self-initiated assessment, audit, or review, not otherwise expressly required by environmental requirements, that is performed by any person for himself, herself, or itself, either by an employee of such person assigned the responsibility of performing such assessment, audit, or review or by a consultant engaged by such person specifically for the purpose of performing such assessment, audit, or review to determine whether such person is in compliance with environmental requirements.

Sec. 2. Section 81-1577.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-1577.01 ~~(1) The State Fire Marshal shall allow a tank used for the storage of motor vehicle fuel to remain aboveground if the tank was in existence on May 29, 1959, and is in compliance with the rules and regulations established pursuant to section 81-502.~~

~~(1~~ 2) The State Fire Marshal shall permit by rule and regulation, in cities with a population of less than two thousand inhabitants, in villages, and in unincorporated areas, the installation of aboveground tanks to replace ~~underground tanks~~ used for the storage of motor vehicle fuel by dealers who sell motor vehicle fuel at retail. ~~The capacity of the aboveground replacement tanks shall not exceed the total capacity of the underground tanks being replaced or eighteen thousand gallons per retail facility, whichever is less.~~

~~(2~~ 3) For purposes of this section, dealers and motor vehicle fuel shall have the meanings provided in section 66-482 for importers and motor vehicle fuel.

Sec. 3. Original sections 25-21,255 and 81-1577.01, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 4. The following sections are outright repealed: Sections 81-1575, 81-1576, and 81-1577, Reissue Revised Statutes of Nebraska.