

a little question.

PPRESIDENT: Senator Lamb, please.

SENATOR LAMB: All right.

SENATOR MORRISSEY: It seems innocuous enough to remove that word but wouldn't that allow them the situation where they could, basically, dig a great big hole and put the facility down in that hole and it's above that grade?

SENATOR LAMB: I don't think so. I don't think so. But if you think that's right, you know, we don't need this amendment. I agree with Senator Schmit, we're trying to facilitate the language so that we think it's clarified, but, you know, it's not a big thing one way or the other. If you don't want it, you don't have to take it. It's not going to affect the whole situation that much but it is an attempt to try to clarify and make it clear that you don't have to go with the undulating surface that may be there.

SENATOR MORRISSEY: Okay, thank you, Senator. I don't believe...if we were in California, I think maybe we could do this, because California has a compact that states that the state has all the rights, the state will...the state laws will supersede compact language and contract language, but we're in Nebraska. We're in Nebraska where our state laws cannot conflict with the compact or the contract. This is in direct conflict with page 3 of the contract between US Ecology and the Commission that says, above grade means constructed in such a manner that the base is at or above the preexisting ground surface level. I agree it's no bit deal. I am certainly not going to go out there and complain when they skim the surface to level it to build an above-grade facility. But this language, striking this would allow them, theoretically, whether they would do it or not, I don't think they would, but they could dig a big hole and then construct a facility above the grade at the bottom of that hole. That's just what you explained earlier, Senator Lamb. But the main thing is I don't believe we can do it because the contract does not allow us to do it and this contract, evidently, is a pretty good little document because it was written by the people that were representing us and the people from the Commission that were representing the citizens of this state. So I don't have a big problem with it but I think we simply can't do it. It might be a good test of the