

February 26, 1991 LB 67

CLERK: 22 ayes, 14 nays on adoption of Senator Morrissey's amendment to the committee amendments.

PRESIDENT MOUL: The amendment to the amendment is adopted.

CLERK: Madam President, Senator Lamb would move to amend the committee amendments. (See FA40 on pages 818-19 of the Legislative Journal.)

PRESIDENT MOUL: Senator Lamb.

SENATOR LAMB: Madam Chair, members of the Legislature, this gives the cities of the second class and villages a third option. Under the committee amendments, as they now stand, they can be licensed, they can be closed. Here is a third option. A city of the second class or village that establishes to the satisfaction of the Department of Environment Control that its landfill does not constitute a threat to the water supplies is exempt from these requirements. It puts the burden on the town, it puts the burden on the town to prove to the department that their landfill is not a threat. Now there has been a lot of conversation here on the floor about the burden being on the state, being on the department under my previous amendment, which would be hard to enforce, which would be expensive, which the department does not have the personnel for. What this does is says, city, if you think your landfill is good, and I would anticipate they would have an engineering study by a reputable firm, if they are willing to go to that expense, then they have that option. That it does provide an option beyond the regulations of DEC, that if they are convinced, the city, this village, or a Class B city is convinced that their landfill is not constituting a threat and they can prove it to the department, then they can go ahead and operate.

SPEAKER BAACK PRESIDING

SPEAKER BAACK: Thank you, Senator Lamb. On the Lamb amendment, we will go to Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, members of the body. I don't know if my comments are directed so much at the Lamb amendment but I think that Senator Lamb and I share some of the same concerns in this area. Looking at the committee amendments with the Lamb amendment, without the Lamb amendment, there is