

SENATOR R. JOHNSON: Thank you, Madam President. Members, we are back on LB 409, which seems like the one-hundredth time we have dealt with this issue this session, but some additional complications have come up based on the concerns that EPA has expressed to the Department of Environmental Control on our particular program dealing with this fund that we are creating in 409. I have passed around for you the explanation of these amendments. The amendments are printed on page 1765 of the Journal, if you would like to follow along, but yesterday officials from DEC, Fire Marshal's Office, PRO, Petroleum Marketers, the Natural Resources Committee Counsel, and myself met and talked about some of the pros and the cons of LB 409 and its reflection by the EPA on whether or not we will be approved. Recall or remember that our fund is approved until it is not approved, and there is a chance that the EPA will rule on this fund and this program within the next two or three months. It could be another year, but it appears that they may rule on it earlier than that, and one of the concerns is that our fund is not viable, that we will have so much demand on the fund that there will not be adequate funds available to address all of the remedial action that will take place for any leaking underground storage tanks, or, in addition, any third party liability claims that will be filed against our marketers for reimbursement of those claims. So we met yesterday, we talked about some of the pros and the cons of LB 409, some of the areas that EPA expressed concerns to DEC about our program, and I think the committee amendments are fairly self-explanatory, and as I said, we have passed around an explanation of the amendments. The first and most important amendment is actually amendment number two, which changes the size of the fund. As you recall, we have a triggering mechanism in this bill that says when the fund goes below \$1 million, the fees double, the petroleum fees double. The purpose behind that is to generate dollars quickly to get the fund back up to a viable level. Well, EPA has said to us, well, because you are adding third party liability, because you are adding new releases from July of 1983 to July of 1986, because you are giving DEC access to the fund, because you've reduced a deductible for smaller operators from 25,000 down to 15,000, and because the emergency triggering mechanism will take some time to replenish the fund, they felt that it was questionable whether we should let the fund go below \$1 million before the fund kicks on, or the new fees kick on, I should say. So what we have done is we have moved that triggering mechanism up from \$1 million to \$2 million. And if you recall, there is