

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

April 22, 1999 LB 822

point.

SENATOR CUDABACK: Senator Schrock, do you yield?

SENATOR BEUTLER: But as I understand it, generally, this takes out all of the expansion limitations that had been in the bill before, so if you have an existing livestock operation, you can expand it as much as you want now in these areas, right?

SENATOR SCHROCK: As long as DEQ determines that it does not provide a greater threat to the stream.

SENATOR BEUTLER: Okay. The language that is here says the department may deny or restrict an application for a permit regarding a transfer or modification based upon potential degradation of a cold water stream. Isn't it currently the law, before this bill even existed, I mean it's currently the law that DEQ can modify a permit if a stream is being degraded? Is that not correct?

SENATOR SCHROCK: Yes, that is correct.

SENATOR BEUTLER: Okay, so this sentence, the total effect of this amendment is to take out the expansion limitations and it really doesn't give any further power to DEQ that it doesn't already have. Isn't that accurate?

SENATOR SCHROCK: You could determine, you could assume that, Senator Beutler, but I think with this bill and with this language, it puts them on a higher level of alert.

SENATOR BEUTLER: Okay. Well, the...one of the major problems, as you and I know from our discussions, at least in my mind, is the physical ability of DEQ to determine whether there has been any degradation in the stream, because their monitoring requirements are so slack right now, or their monitoring resources are so small. So it seems to me that we're going back to our old system of reviewing things, which comes back to Senator Bromm's conversation actually, and altogether is not bad in my mind if we can add a little more to the bill to fix up the monitoring and start making more progress there, I think. Thank you.