

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

May 5, 1999

LB 870

Senator Beutler for working with us and for crafting this compromise, if that's what we should call it. But I think LB 870 will become a better bill with this amendment. I would like to comment, at least on the first three sections of the amendment. The first part of the amendment strikes the word "suggested", and I think Senator Beutler will agree with me that we in no way want to take away the flexibility of the producer to use the management practices that they determine are the most practical to meet the standards of no discharge. It also would still allow them to have the flexibility to use new technology, and so I would like to have that be on the record. But, with that, I think Senator Beutler's fear that it was that these were just suggested standards, and I understand his concern there and I think with a record on the floor and I think Senator Beutler ably described what we intended there, that there are many ways to reach a standard of no discharge and to comply with the environmental regulations of LB 870 and LB 1209. And this is...means that there's going to be flexibility in reaching that end. The second part, which has to do with exemption of livestock facilities under 300, certainly we should have caught this last year in LB 1209, but under LB 1209 every 4-H and FFA student in this state or child in this state who had an FFA or 4-H animal livestock project would have to have...would have to be permitted under DEQ. Certainly that was not our intentions last year and we thought a reasonable place to draw a line was 300 animal units and, of course, for your memory, that would be 300 cattle or 750 hogs. So we are exempting livestock facilities under those size...under that size, but keep in mind even if you are under 300 animal units it is still against the law to discharge waste into the waters of the state and I think the second part of this amendment tightens that up a little bit. Even though it is against the law under our present regulation to discharge in the state, this means that, if someone has a site that there is a probability of a discharge, DEQ has the flexibility to inspect them before there is a discharge. Certainly we didn't intend in the original version of LB 870 that there should be a discharge before action was taken. And the third part, which allows a transfer of an existing operation that is exempt, we did not intend to...we did not intend to make that livestock operation to apply for a permit when they...when the ownership did take...change did take place, and so that is a good amendment and I thank Senator Beutler for bringing that to