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LB 870

before April 15th of 1998. The dilemma is essentially this, first of all, I think you have to start from what I think is a fair fact, whether one might put an interpretation of one type or another on it, and that is that Title 130 has been in existence since 1972. And so anybody who had or opened up an operation after that particular point in time was obligated, under the law, to have that operation potentially permitted by DEQ. They were legally obligated to do actually the same thing that they're legally obligated to do today. That was one of the things that was broadly misunderstood about LB 1209, last year, is that the committee, as Senator Schrock well knows, really didn't expand the law at all, it simply put enforcement tools in the law and started the process of saying to people what law we have we really need to enforce. So, all of these operators out here though, for whatever reason, have been ignoring the law. It's not a situation such as has occurred in other areas of environmental law where mom and pop gas stations, for example, didn't have any existing rules or criteria to follow, and then we put on some onerous, fairly onerous rules and criteria with regard to the construction of petroleum tanks. So when we went back to those people, we went back with considerable sympathy and considerable leniency and latitude in terms of bringing them up-to-date, and in fact the state has paid for to a certain extent for bringing people up-to-date. In this instance, we have operators again who may have opened up their existing operations two years ago, or they may have opened it up many, many years ago. And the question is whether you want them to be able to continue in whatever fashion they may have illegally opened it up, or should they be required to bring those existing operations up to current standards or at least up to some minimum modern criteria that you and I might think are applicable. This bill, and we'll go into the details of it to some extent I'm sure, this bill goes a long ways towards saying...it doesn't say absolutely, to be entirely fair, but it goes a long ways towards saying whatever you put into operation back then, whenever that was, if you meet certain very minimal criteria you can continue to operate it and rely upon its engineering and its construction standards and whatever for so long as you continue to operate, essentially. So what I wanted to discuss this afternoon are several provisions relating to what's in the bill on that question of how you treat existing operations and to see if there is some in between ground on that