

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 870

SENATOR BEUTLER: Senator Schrock, I was really...I appreciate your open-mindedness on the amendment. I was really looking back a little bit more to try to understand how subsection (2) and subsection (3) worked together. If you...if you meet the criteria of subsection (3), it looks like you're considered to be in compliance with the design and capacity requirements of a construction permit. Does that mean that you're home free then? Or...or are there other components of the construction permit that you would then look to subsection (2) for, to see if you met those requirements? I'm just trying to get a sense of how those two subsections work together, or whether they work together at all, maybe they're completely independent.

SENATOR SCHROCK: Senator Beutler, they are independent of one another, it's (2) or (3).

SENATOR BEUTLER: So, so really with respect to (3), you're saying it's not just the design and capacity requirements that you comply with, if it's in accordance with these Natural Resources Conservation Service site-specific plans, but the entire construction requirements of the act are met, if you have a plan as defined in subsection (3), and you would never look to subsection (2). Is that...

SENATOR SCHROCK: That is...that is correct, Senator Beutler.

SENATOR BEUTLER: Is that correct?

SENATOR SCHROCK: That is correct.

SENATOR BEUTLER: Okay.

SENATOR SCHROCK: And that's currently what is done by the NRDs at the present time.

SENATOR BEUTLER: Elaborate on that just a little bit more, what the NRDs are doing what?

SENATOR SCHROCK: If they take a look at a facility, they look at the plans that the facility was constructed under.

SENATOR BEUTLER: They're not required to take a look at the