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LB 870

SENATOR BEUTLER: Senator Schrock, if we could, looking at subsection (2), let's go through the criteria a little bit, because there are, I think, some things, subject to interpretation and at least we can get some intent on the floor, even if we don't need floor amendments, to clarify what it is we expect of the department, particularly of the department and of producers, generally, that is in this case producers who have existing facilities. The first requirement, in order to come into compliance, is to...is that the facility has been inspected by the department. What kind of...what kind of inspection is envisioned under this criteria? The subsequent criteria seem to indicate that notwithstanding the nature of the...of whatever the inspection might be, that if certain of the factors are shown, it may be irrelevant what the inspection turns out. Let me...let me give you an example. If...if there happens to be a monitoring well. Let me see, is this a good example? If there happens to be...well, let's start with this question, what kind of an inspection would the department do? What would you expect them to do or not to do in the inspection of an existing facility?

SENATOR SCHIMEK: Senator Schrock.

SENATOR SCHROCK: Senator Beutler, I've not been on an inspection before, but I would anticipate they would go to the site, they would look for the type of soil that is there, they would inspect the lagoon to see if it was properly maintained, to see if the holding capacity appeared to be adequate, to see what has happened in times of large runoff, if there's been a problem with waste escaping. Certainly, if there's been a problem with waste escaping, it's been my experience that neighbors, people concerned have complained. And it would be my contention that the probability of there being a problem is probably not very large, if there's been no complaints by the citizenry in the past. I have a particular feedlot, about five, six miles from me, and certainly there's a neighbor who is upset with the facility. And I think the facility has probably been turned in about three times and has been inspected about three times. And then DEQ comes out and they make sure that their lagoons are adequate, that it's been engineered correctly, and they're not discharging waste into the waters of the state. It's obvious to me that the big complaint here is odor and dust