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LB 870

SENATOR BEUTLER: Senator Schrock, proceeding with the conversation just a little bit, in...in the most common sense language that you can use, tell me what subsection (b) is designed to do and not to do. When you say something has been properly maintained, that sounds good and it is good. But if you're maintaining something that in the long-term will be inadequate, then it's not quite as impressive to say that something has been properly maintained. Because if it isn't designed to do the job, or properly constructed to do the job, regardless of how it's...how well maintained it might be, it may not do the job, probably will not do the job. And then that phrase goes on and says, and shows no visible signs of structural breakage below the permanent pool. When you go out to inspect a lagoon, I assume, depending on the time of year, it has a certain level of liquid in it. Would that be accurate?

SENATOR SCHROCK: (Response inaudible.)

SENATOR BEUTLER: And if an inspector is going out and looking at an existing operation, he's looking at a lagoon that has a level of liquids in it, what does it mean then to say it shows no visible signs of structural breakage below the permanent pool?

SENATOR SCHROCK: Senator Beutler, the lagoons that I have seen all have berms around them, so that any water that is channeled into them is channeled in from the facility. And keep in mind here there's quite a difference between an open lot facility, that the cattle we're used to seeing, especially in my area of the state, versus a facility that has confinement in it, which is more relevant to hogs. The ones I have seen, if there had been escape, you would have known it. It's kind of like if you have a dam and there's been an escape, the dam breaks. And so if there's been an overflow, it breaks, and there is evidence of discharge. And I would guess if I was an inspector and trained in this and I could see visible evidence that there has been a discharge and there's been erosion on the berm, then I would be concerned about permitting that operation.

SENATOR BEUTLER: Okay. So this criteria is designed principally to look for structural breaks that would result in a release downstream someplace?