

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 870

have applied for a permit in Stanton County. They have applied for an expansion in Nance County. Will DEQ give them the permits? Would they be classified as a bad actor under LB 1209? I see Senator Schrock has returned. Would you like, if you heard what I asked, would this guy be a bad actor under the clause of LB 1209?

SENATOR SCHROCK: What criteria are you using for a bad actor, Senator Schmitt?

SENATOR SCHMITT: As I understand it, they deliberately pumped a pit that was not permitted, DEQ did not know the pit even existed, and it killed fish in the Loup River.

SENATOR SCHROCK: Certainly DEQ would have the option of reviewing that situation and if they thought it was damaging enough, they would have the option under LB 1209, to declare that person a bad actor. I don't know the circumstances of the case. I don't know the degree of the fish kill, and certainly that type of activity is not condoned by DEQ or I don't think anybody else involved in the state of Nebraska.

SENATOR SCHMITT: I would almost guarantee you that these permits will be granted by DEQ because this is a large operation. And somebody mentioned the Governor should be aware of this. I think the Governor is aware of this. Because when I read the Grand Island paper...

SPEAKER KRISTENSEN: One minute.

SENATOR SCHMITT: ...this morning, I was in contact with the Governor's Office. I have been in contact with DEQ. I have been in contact with the sheriff's department out there. I was born in the dark, but it wasn't last night and I do check into these things. I still have a little bit of investigative background in me yet I guess from the ex-law enforcement. But anyway, I'm still going to stand in support of this because we're dealing with the large confinements, and I think that's what we have to deal with. I don't want to hurt the family farm. I don't think anybody in here wants to hurt the family farm. But if we don't do something with these mega operations, we're going to be like the Carolinas and everywhere else. We're