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LB 870

SENATOR BEUTLER: Okay. It's very difficult to follow from the amendment because of the restructuring of the placement of that particular provision. And I'll bring my copy over to you, Senator, so you can see exactly how it reads. But I will indicate to you that basically, the language that's stricken out of subsection (2) of Section 4 of the bill on page 7, starting down on lines 20 through 27, and a portion of the next page, that material was taken and put over into Section 11, where it always was intended to relate to the engineering section of the bill. So now what it says in Section 11, if you add the amendment to the material that's already there in Section 11, it says, the department may require an engineering evaluation or assessment performed by a licensed professional engineer if...and then there are two different alternatives. The first one says, if the department determines that the facility has visible signs of structural breakage, signs of discharge or proven discharge due to structural weakness, improper maintenance, or in adequate capacity. So if any of those factors exist, the department may, but is not required to, have an engineering evaluation by a licensed professional engineer. And they may also require it under a separate...

SPEAKER KRISTENSEN: One minute.

SENATOR BEUTLER: ...subsection, which says that the department...they may require it if the department has reason to believe that an existing livestock waste control facility has violated or threatens to violate the Environmental Protection Act, the Livestock Waste Management Act, or any rules or regulations adopted under the act. So it...

SENATOR BROMM: So...

SENATOR BEUTLER: ...that's how it breaks down now.

SENATOR BROMM: Would it be fair to say that the standard for when an engineering assessment would be required is not changed by the amendment? Or is there...it's just...or would that be...?

SENATOR BEUTLER: I think DEQ's latitude is broadened a little bit.