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making changes, in terms of the small operators.

SENATOR CUDABACK: One minute.

SENATOR STUTHMAN: Okay. That clarifies it a little bit for me. But I'm very much concerned, you know, with the nutrients plans that are already in place, and how a person has to report any changes that you do, you know, unforeseen changes that you have to adjust yourself to every year. And these are things that smaller operators, you know, don't have the ability, or would probably be very lax as far as reporting any changes to their plan. I am going to stand in opposition to this amendment, and I'll return the balance of my time to the Chair. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuthman. Senator Preister, on your amendment.

SENATOR PREISTER: Thank you, Honorable President, members of the body. There is some confusion in terms of how many small operators will be brought into this. Senator Stuthman and Senator Vrtiska both raised the issue. This does not bring a lot of small operators, who would otherwise be exempt, into compliance or requirements here unless, and one of the exceptions is, if they have already discharged into the waters of the state. So under that circumstance, a small operator who has already caused pollution of the waters, has already discharged, they do need to be monitored more closely. So it would only bring those in if they've already discharged. Another exception is if NDEQ makes the determination that they have the potential, and I can say to you there can be a large operation that can be managed in such a way and is situated in such a way that it's less likely to pollute than a small operator. So if, in NDEQ's determination, and again, I'm not changing their determinations, they make the determination that that small operator has the potential to discharge into the waters of the state, then they would also have their nutrient management plans updated, because they're already required then to file. I'm not changing that. The only other area with this amendment that's being affected is that if somebody applies for a construction permit. And that's very clear. The amendment states the department shall require an operator submitting an