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Transcriber's Office  
FLOOR DEBATE

February 25, 2005 LB 298

with sand, and capped it with concrete. However, under those circumstances, the EPA still would not want residences on top of that. Now, some kind of parking lot, some kind of storage area, yes. But not a residence. To get to the place of residences or new wells, you'd have to find every bit of pollution and take it all out, and then you'd be able to have pristine land. Well, in this circumstance, better that you do the remediation project to the ten feet of pollution, sand to replace it and capping it with concrete. The environmental covenant would say, so long as future owners never dig a well and never build a residence, that land can be sold and bought and used for other legitimate and appropriate purposes for the land. And by the way, the promise by the buyer never to build a residence or never sink a well will continue with the land into the future. Why would we do such a thing? The reason is, some remediations are too expensive and too difficult and are too impractical to actually be carried out to their end result. And what happens in those situations is, owners simply leave them alone and wait for the superfund, which is overwhelmed and can't pay for these things. So the brownfield stays in place. The owner walks away. Perhaps they're bankrupted. The pollution stays in place. There is no one to look out for the land. And we're waiting for the superfund to get around to those situations. Better, says the agencies and the Uniform State Law Commissioners, to have the agency, EPA, DEQ, require remediation; once the remediation is done, identify the purposes for which the land could then be used at that level of cleanliness and safety; create a rule by which the future users of that land would have to observe environmentally appropriate standards. The remediation would be kept in place, but it could be returned into the stream of commerce with limited sets of usage. The bill sets out the way that we would create those covenants, how they would be administered, the relatively strict standards that would have to be used. And let me say that the state and the cities do not become guarantors of this process. It is the ultimate landowner who becomes the guarantor that the land is being used consistent with the promises that have been made. It does not limit the EPA or DEQ. They can continue to regulate in exactly the way they regulate. If there are new problems, they can come back in and demand higher levels of action. But it is a balancing of interests sufficient to permit the return to the stream of