

April 15, 1980

LB 853A

just to refresh your memories, allows the Department of Environmental Resources to enact rules and regulations for hazardous waste disposal sites and the regulation of hazardous wastes and it also provides a system for the licensing of disposal sites as well as for the licensing of those who run them and it provides elaborate procedures including public hearings for the approval of disposal sites in various areas around the state and I guess I would like to say for openers that I really do appreciate Senator Schmit having developed this for us because it is a law that I strongly support in general but everything that I have talked about so far, this whole licensing procedure and the rules and regulations procedure, there is a provision that provides for the payment of the cost of regulation through a fee system. So that is all paid for separate and apart from the part I want to get to, Section 14. Okay, if you will turn in your bill you will see that Section 14 basically provides that when the department receives a request by a private citizen to remove hazardous wastes within a one year time period then the department is required to go out and pick up those wastes and dispose of them. In other words, it is putting the burden on the Department of Environmental Control to dispose of certain hazardous wastes for a one year period of time which are held by private individuals. Objection number one to this procedure is that it wasn't state law in the first place that caused these individuals to have the hazardous materials on hand. It was federal law and now what this bill is asking is for the state to go in and pay for the removal of hazardous wastes that were declared hazardous by the federal law. Now there is a federal procedure and a manner of getting rid of this waste and presently that procedure puts the burden on the individual who holds the waste on the private individual. It puts the expense on them of disposing of the waste. Now you may or may not agree with that and I don't know all of the pros and cons of who should bear the burden of disposing of those wastes but it seems quite clear to me that to the extent that it is federal law that has created the problem I do not see why state law, why the state should appropriate its money to pay for the disposal of these wastes. That is point number one. Point number two is this. The whole bill is designed to set up hazardous waste disposal sites in the State of Nebraska. Presumably next year or the year after we will have one or more hazardous waste disposal sites. At that point in time it seems to me that it will not be very expensive for individuals in the state who have these materials to simply go to the site in Nebraska and dump them off. But if we have Section 14 then the Department of Environmental Control has to come this year and pick up those materials

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