

April 15, 1980

LB 853A

businessman, the little operator? To me there is just a whole number of problems with this particular section. I think those are all the points that I had to make and I thank you for the time and I apologize to Senator Schmit for getting on this so late but things go so fast, some things you don't see till late.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, I accept the apology from Senator Beutler. I realize what he says is true. There are a great many items here that we must watch and sometimes it is impossible to be as informed as we would like on all those issues. I believe I can answer all of his concerns. First of all, the matter of the \$150,000 is a figure which Mr. Drain and myself and members of the committee decided would be a reasonable figure and again, we just pulled it out of the air, Chris, because we had no idea what it would take to go out and pick up these chemicals because we don't know how many that there are in existence. We don't know where they are at. We don't know who has them or anything of that nature. There is another fact that is involved. There are probably some other funds, some federal funds and some 208 funds that can be used for this purpose and if so, Mr. Drain will use them because they always use good judgment over there in this area. They have always used the existing federal funds and other funds prior to the use of state funds whenever they could do so. In the matter that you referred to insofar as identification of hazardous waste, that really isn't our problem because the EPA has not identified what constitutes a hazardous waste. They speak about it. They refer to it. They consistently talk about it but you cannot get from them a list of what, the chemicals for example, which they deem to be a hazardous waste. The technical parts that you objected to, I think can be handled in that manner and so far as why the department should have the sole responsibility, that is why, because they must determine. If I, for example, call them and tell them that I have on hand a dozen barrels of D.D.T., then it is up to them, in this instance it wouldn't be because that would be considered hazardous waste. It has been suspended. The sale of it has been suspended but they would have to determine if you called and said I have a barrel of Dieldrin or a barrel of Toxaphene on hand, they would have to determine whether it was a hazardous waste because the EPA may not have a listing that would include that while at the same time if you or I said we were going to take it out and dump it they would then have to make a decision. Now I think as Senator Goodrich has pointed out and in the discussion of 853, the department has exercised excellent

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