

Regulatory failure

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As the reporters for both the Omaha World-Herald and Lincoln Journal Star dig deeper into the lack of regulatory enforcement of the AltEn facility in Mead by the Nebraska Department Energy and Environment, a clear picture emerges of an agency completely incapable of carrying out its obligation to protect Nebraska's natural resources and its people.

After the Legislature's Judiciary Committee hearing regarding LB 634, Dr. Anne Hubbard's Midlands Voices piece on Saturday, and the recent piece in the LJS regarding a "lack of action" by NDEE, all Nebraskans need to be asking how NDEE failed in its duties of regulatory enforcement. How did this agency allow the facility at Mead to continue with operations when NDEE has known for years the permit granted to AltEn was invalid, given the deceit surrounding how ethanol was produced? Why did it take the Nebraska Department of Agriculture to set in motion the belated regulatory actions only begun recently by NDEE?

Is the issue one of lack of regulatory authority? This is possible, given Nebraska's mediocre regulatory framework for water quality and land application activities as it relates to industrial commodity agriculture. Or is there an unwritten rule within NDEE that their job is not enforcement but to "Coach to Compliance"? My belief it is a matter of both, with the weight of the source of the problem the latter.

With so many unanswered questions related to NDEE's oversight over AltEn, the time is now for the Legislature to call for an expedited special committee to investigate the operational role of NDEE in carrying out its legislatively mandated duty of environmental regulatory compliance and enforcement.

George R. Cunningham, *Omaha*

conservation chair,

Nebraska Sierra Club