

ENVIRONMENTAL QUALITY COUNCIL
MEETING MINUTES
FEBRUARY 6, 2014

Joe Citta, Chair, called the meeting of the Nebraska Environmental Quality Council (EQC) to order at 9:05 am, Central Time, February 6, 2014. Joe Citta, Chair, read the Open Meetings Act provisions. The meeting was held at The Cornhusker Hotel, 333 South 13th Street, Lincoln, Nebraska. The meeting time and place was provided by advance legal notice according to law.

ROLL CALL

Present at roll call were Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Hall, Mr. Hedquist, Mr. Kinter, Mr. Powers, Mr. Turnbull, and Mr. Zuhlke. Absent were Mr. Anderson, Mr. Baker, Mr. McNutt, Dr. Sheppard, and Mr. Williams.

ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

A motion to approve minutes from the June 20, 2013, meeting was moved by Mr. Hedquist and seconded by Mr. Zuhlke. Motion carried.

REPORTS OF EQC MEMBERS:

None.

DIRECTOR'S REPORT

Acting Director Pat Rice introduced himself and welcomed the two new Council members, Mr. Dilsaver and Mr. Dahab. Mr. Zuhlke asked about the process of appointing a new director, and Tom Lamberson explained the process that has been used in the past. Mr. Hedquist asked if the candidate's names would be made public, and Mr. Rice, Acting Director, replied yes. Mr. Kinter asked who was the Acting Water Quality Division Administrator, and Pat Rice answered that Marty Link is Acting in that capacity.

OLD BUSINESS

None.

NEW BUSINESS

None.

NEXT MEETING

Tom Lamberson announced the June 19, 2014, meeting would be held in Hastings, Nebraska.

PUBLIC HEARING ON TITLE 128, NEBRASKA HAZARDOUS WASTE REGULATIONS

Tom Lamberson, Hearing Officer, opened the hearing.

The following exhibits were entered into the record during the hearing:

- Order appointing Tom Lamberson Hearing Officer (Exhibit 1)
- Proof of Publication of Legal Notice (Exhibit 2)
- Proposed Amendments to Title 128, Nebraska Hazardous Waste Regulations (Exhibit 3)
- Memorandum from David Haldeman, DEQ Waste Management Division Administrator, to the Environmental Quality Council, dated December 5, 2013, Regarding Title 128 – Nebraska Hazardous Waste Regulations (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)
- Testifier List (Exhibit 6)

David Haldeman, DEQ Waste Management Division Administrator, provided testimony explaining the proposed amendments. No one else testified.

The Hearing Officer closed the hearing and returned the conduct of the meeting to the Chairperson.

The motion to adopt the amendments was made by Mr. Gangwish and seconded by Mr. Turnbull.

The council members discussed the proposed amendments. Mr. Kinter explained that Nucor worked with Sen. Scheer on LB203, so for Title 128, Title 132, and Title 199 he would be abstaining from the vote.

Voting yes: Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Hall, Mr. Hedquist, Mr. Powers, Mr. Turnbull and Mr. Zuhlke. Voting no: None. Abstaining: Mr. Kinter. The motion carried.

PUBLIC HEARING ON TITLE 132, INTEGRATED SOLID WASTE MANAGEMENT REGULATIONS

Tom Lamberson, Hearing Officer, opened the hearing.

The following exhibits were entered into the record during the hearing:

- Order appointing Tom Lamberson Hearing Officer (Exhibit 1)
- Proof of Publication of Legal Notice (Exhibit 2)
- Proposed Amendments to Title 132, Integrated Solid Waste Management Regulations (Exhibit 3)
- Memorandum from David Haldeman, DEQ Waste Management Division Administrator, to the Environmental Quality Council, dated December 5, 2013, Regarding Title 132 – Integrated Solid Waste Management Regulations (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)
- Testifier List (Exhibit 6)

David Haldeman, DEQ Waste Management Division Administrator, provided testimony explaining the proposed amendments. No one else testified.

The Hearing Officer closed the hearing and returned the conduct of the meeting to the Chairperson.

The motion to adopt the amendments was made by Mr. Czaplewski and seconded by Mr. Powers.

The council members discussed the proposed amendments.

Voting yes: Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Hall, Mr. Hedquist, Mr. Powers, Mr. Turnbull and Mr. Zuhlke. Voting no: None. Abstaining: Mr. Kinter. The motion carried.

PUBLIC HEARING ON TITLE 199, WASTE REDUCTION AND RECYCLING INCENTIVE GRANTS PROGRAM

Tom Lamberson, Hearing Officer, opened the hearing.

The following exhibits were entered into the record during the hearing:

- Order appointing Tom Lamberson Hearing Officer (Exhibit 1)
- Proof of publication of Legal Notice (Exhibit 2)
- Proposed Amendments to Title 199, Waste Reduction and Recycling Incentive Grants Program (Exhibit 3)
- Memorandum from David Haldeman, DEQ Waste Management Division Administrator, to the Environmental Quality Council, dated December 5, 2013, Regarding Title 199 – Waste Reduction and Recycling Incentive Grants Program (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)
- Testifier List (Exhibit 6)

David Haldeman, DEQ Waste Management Division Administrator, provided testimony explaining the proposed amendments. No one else testified. Mr. Hedquist commented that in the future, tires might be recycled instead of being placed in a landfill.

The Hearing Officer closed the hearing and returned the conduct of the meeting to the Chairperson.

The motion to adopt the amendments was made by Mr. Hedquist and seconded by Mr. Dahab.

The council members discussed the proposed amendments.

Voting yes: Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Hall, Mr. Hedquist, Mr. Powers, Mr. Turnbull and Mr. Zuhlke. Voting no: None. Abstaining: Mr. Kinter. The motion carried.

PUBLIC HEARING ON TITLE 197, RULES AND REGULATIONS FOR CERTIFICATION OF WASTEWATER TREATMENT OPERATORS IN NEBRASKA

Tom Lamberson, Hearing Officer, opened the hearing.

The following exhibits were entered into the record during the hearing:

- Order appointing Tom Lamberson Hearing Officer (Exhibit 1)
- Proof of Publication of Legal Notice (Exhibit 2)
- Proposed Amendments to Title 197, Rules and Regulations for Certification of Wastewater Treatment Operators in Nebraska (Exhibit 3)
- Memorandum from Steve Goans, DEQ Wastewater Section Supervisor, to the Environmental Quality Council, dated December 3, 2013, Regarding Title 197 –

Rules and Regulations for Certification of Wastewater Treatment Operators in Nebraska (Exhibit 4)

- Fiscal Impact Statement (Exhibit 5)
- A copy of the PowerPoint presentation titled, "Title 197 – Rules and Regulations for the Certification of Wastewater Operators in Nebraska" (Exhibit 6)
- Testifier List (Exhibit 7)

Marty Link, DEQ Acting Water Quality Division Administrator, provided testimony explaining the proposed amendments. Ms. Bucklin asked if alternative testing was still an option. Marty Link replied answering that this option had expired under the statute. No one else testified.

The Hearing Officer closed the hearing and returned the conduct of the meeting to the Chairperson.

The motion to adopt the amendments was made by Ms. Bucklin and seconded by Mr. Kinter.

The council members discussed the proposed amendments.

Voting yes: Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Hall, Mr. Hedquist, Mr. Kinter, Mr. Powers, Mr. Turnbull and Mr. Zuhlke.
Voting no: None. The motion carried.

PUBLIC HEARING ON AMENDMENTS TO TITLE 129, NEBRASKA AIR QUALITY REGULATIONS

Carla Felix, Hearing Officer, opened the hearing.

The following exhibits were entered into the record during the hearing:

- Order appointing Carla Felix as Hearing Officer (Exhibit 1)
- Proof of Publication of Legal Notice (Exhibit 2)
- Proposed Amendments to Title 129, Nebraska Air Quality Regulations (Exhibit 3)
- Memorandum from Shelley Schneider, DEQ Air Quality Division Administrator, to the Environmental Quality Council, dated December 31, 2013 (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)
- A CD identified as 40 CFR, 2013 (Exhibit 6)
- An email from David Darling, Senior Director, Environmental Affairs, American Coatings Association, to Tom Lamberson, DEQ Deputy Director, dated January 9, 2014, Regarding Online Comment on Title 129, Nebraska Air Quality Regulations (Exhibit 7)

- An email with an attachment from Richard Sumpter, U.S. EPA Region 7, to Tom Lamberson, DEQ Deputy Director, dated January 23, 2014, Regarding Final Comments on Title 129, Nebraska Air Quality Regulations (Exhibit 8)
- A letter dated February 3, 2014, signed by Joshua Tapp, U.S. Environmental Protection Agency, Region 7 (Exhibit 9)
- Response to Formal Stakeholder Outreach for the Draft Title 129 Rulemaking Package (Exhibit 10)
- A copy of the PowerPoint presentation titled, "Proposed Amendments to Title 129 Air Quality Regulations" (Exhibit 11)
- A letter dated February 12, 2014, signed by Shawn Zablocki, Nebraska Industrial Council on Environment (Exhibit 12)
- Department of Environmental Quality (NDEQ) Proposed Amendment 1 (Exhibit 13)
- Testifier List (Exhibit 14)
- Comments to the Nebraska Environmental Quality Council by Association of Nebraska Ethanol Producers – February 6, 2014, Proposed Changes to Title 129 (Exhibit 15)

Shelley Schneider, DEQ Air Quality Division Administrator provided testimony explaining the proposed amendments. Ms. Schneider responded to questions from the Council members.

Loran Schmit, Executive Director of the Association of Nebraska Ethanol Producers provided testimony in support. No one else testified.

The Hearing Officer closed the hearing and returned the conduct of the meeting to the Chairperson.

The motion to adopt the amendments to Title 129 as amended by Exhibit 13 was made by Mr. Kinter and seconded by Ms. Bucklin.

Voting yes: Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Hall, Mr. Hedquist, Mr. Kinter, Mr. Powers, Mr. Turnbull and Mr. Zuhlke.
Voting no: None. The motion carried.

PUBLIC HEARING ON AMENDMENT TO THE 2014 STATE REVOLVING FUND INTENDED USE PLAN

Carla Felix, Hearing Officer, opened the hearing.

The following exhibits were entered into the record during the hearing:

- Order appointing Carla Felix as Hearing Officer (Exhibit 1)
- Proof of Publication of Legal Notice (Exhibit 2)
- Proposed Amendment 1 to the State Fiscal Year 2014 Intended Use Plan for the Clean Water and Drinking Water State Revolving Fund Program (Exhibit 3)
- Memorandum from Donna Garden, Section Supervisor of the Financial Assistance Section, DEQ Water Quality Division, to Environmental Quality Council, Regarding Proposed Amendment to the SFY 2014 Clean Water State and Drinking Water State Revolving Fund Intended Use Plan (Exhibit 4)
- Testifier List (Exhibit 5)

Marty Link, DEQ Acting Water Quality Division Administrator, provided testimony explaining the proposed amendment. No one else testified.

The motion to adopt the proposed amendment to the State Fiscal Year 2014 Intended Use Plan was made by Mr. Gangwish and seconded by Mr. Powers.

Voting yes: Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Hall, Mr. Hedquist, Mr. Kinter, Mr. Powers, Mr. Turnbull and Mr. Zuhlke.
Voting no: None. The motion carried.

The meeting was adjourned at 11:20 am.

Respectfully submitted,



Patrick W. Rice
Secretary for EQC



Date Signed