

ENVIRONMENTAL QUALITY COUNCIL MEETING MINUTES

JUNE 19, 2014

Joe Citta, Chair, called the meeting of the Nebraska Environmental Quality Council (EQC) to order at approximately 9:00 a.m., Central Time, June 19, 2014. The meeting was held at The Lark, 809 West 2nd Street, Hastings, Nebraska. Public notice of the meeting and scheduled public hearings was published more than 30 days prior to the meeting in accordance with the law. Mr. Citta read a statement at the beginning of the meeting informing the public attending the meeting of the location of a current copy of the Open Meetings Act at the back of the meeting room.

ROLL CALL

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

ANNOUNCEMENTS

Mayor of Hastings and EQC member, Vernon Powers, welcomed EQC and the public and NDEQ staff in attendance to the Lark, a new venue in the city for a variety of public and private events. Mr. Powers also described tour events for after the meeting. EQC members were instructed to give their expense reimbursement materials to Carla Felix.

APPROVAL OF MINUTES

Mr. Czaplewski made a motion to approve the minutes from the February 6, 2014 EQC meeting, seconded by Mr. Hedquist. Voting in favor were Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dilsaver, Mr. Hedquist, Mr. Powers, Dr. Sheppard, Mr. Williams, and Mr. Zuhlke. Mr. McNutt abstained. Nine voting yes, the motion carried.

REPORTS OF EQC MEMBERS

None

DIRECTOR'S REPORT

Pat Rice, Acting Director, explained NDEQ's role in the emergency response efforts associated with the recent storms in Northeast Nebraska and NDEQ's

participation in the emergency operations center. He noted there were numerous dead animals and destroyed homes to deal with which fall under NDEQ jurisdiction. The director narrated a powerpoint presentation on the Beaver Crossing tornado which occurred on May 11, 2014. He also explained the importance of accurate assessments to support future claims. He explained that safety is a primary concern and government officials rely on the Nebraska National Guard and Nebraska State Patrol (NSP) for access.

The director called on Jay Ringenberg, Deputy Director for Programs, to further explain NDEQ's role in emergencies. Mr. Ringenberg explained NDEQ's support function in the Emergency Response Center and implementing the State Emergency Operations Plan. NDEQ together with the NSP and State Fire Marshal form the Nebraska Hazardous Incident Team. Principal activities for NDEQ in the most recent storm aftermath have been helping to coordinate debris management and livestock loss disposal.

OLD BUSINESS

None

NEW BUSINESS

The EQC considered two resolutions, agenda items 007a and 007b, one to increase the borrowing authority for the Wastewater Treatment Facilities Construction Loan fund (Clean Water State Revolving Fund or CWSRF) and the other to increase the borrowing authority for the Drinking Water State Revolving Loan Fund (DWSRF). Kevin Stoner, Section Supervisor of the Financial Assistance Section, Water Quality Division, explained that the Federal capitalization grants for the SRF programs require a 20% state match and the State uses bonds issued by the Nebraska Investment Finance Authority (NIFA) to fund this state match.

Agenda item 007a – Mr. Powers made a motion to approve the Resolution to increase the borrowing authority for the CWSRF. Mr. Hedquist seconded the motion. Voting in favor were: Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dilsaver, Mr. Hedquist, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Williams, and Mr. Zuhlke. Motion carried.

Agenda item 007b – Ms. Bucklin made a motion to approve the Resolution to increase the borrowing authority for the DWSRF. Mr. Czaplewski seconded the motion. Voting in favor were: Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dilsaver, Mr. Hedquist, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Williams, and Mr. Zuhlke. Motion carried.

OLD BUSINESS

None

NEXT MEETING

Tom Lamberson, Deputy Director for Administration, informed the EQC that the next meeting was tentatively scheduled for October 16, 2014 in Lincoln, Nebraska.

PUBLIC HEARING ON 2015 INTENDED USE PLAN AND PROJECT PRIORITY LIST FOR CWSRF AND DWSRF

Carla Felix, Hearing Officer, opened the hearing. The following exhibits were received:

- Order appointing Carla Felix as Hearing Officer (Exhibit 1).
- Proof of publication of legal notice (Exhibit 2).
- Proposed Clean Water & Drinking Water Intended Use Plan for State Fiscal Year 2015 (Exhibit 3).
- Memorandum from Kevin Stoner, Section Supervisor of the Financial Assistance Section, Water Quality Division, dated April 29, 2014 explaining the 2015 IUP (Exhibit 4).
- Amendment 1 to the State Fiscal Year 2015 IUP (Exhibit 5).
- Amendment 2 to the State Fiscal Year 2015 IUP (Exhibit 6).
- Amendment 3 to the State Fiscal Year 2015 IUP (Exhibit 7).
- Memorandum dated April 2, 2014 from Jack L. Daniel, Administrator, Office of Drinking Water and Environmental Health to Dr. Joseph M. Acierno, Chief Medical Officer, Department of Health and Human Services, Division of Public Health (Exhibit 8).
- Copy of the powerpoint presentation entitled "2015 Intended Use Plan Clean Water & Drinking Water State Revolving Fund" presented by Kevin Stoner (NDEQ) and Steve McNulty (NHHS) (Exhibit 9).
- Email dated May 28, 2014 to Carla Felix, Hearing Officer, from Mark Hague, Deputy Regional Administrator, U.S. Environmental Protection Agency (EPA) Region 7 (Exhibit 10).
- Testimony of Kevin Stoner, NDEQ, and Steve McNulty (DHHS) presented at the June 19, 2014 public hearing (Exhibit 11).
- Witness list for the June 19, 2014 public hearing (Exhibit 12).

Kevin Stoner with NDEQ and Steve McNulty with DHHS, provided testimony and a powerpoint presentation explaining the proposed 2015 IUP and proposed amendments 1, 2, and 3 and answered questions from EQC members. No one else testified.

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

Mr. Hedquist made a motion to approve the Fiscal Year 2015 Intended Use Plan as amended by Amendments 1, 2, and 3. Ms. Bucklin seconded the motion. Voting in favor were: Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dilsaver, Mr. Hedquist, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Williams, and Mr. Zuhlke. Motion carried.

PUBLIC HEARING ON LITTER REDUCTION AND RECYCLING GRANT PROGRAM 2015 FUNDING PERCENTAGE ALLOCATIONS

Carla Felix, Hearing Officer, opened the hearing. The following exhibits were received:

- Order appointing Carla Felix as Hearing Officer (Exhibit 1).
- Proof of publication of legal notice (Exhibit 2).
- Memorandum from David Haldeman, Division Administrator, Waste Management Division dated April 28, 2014 (Exhibit 3).
- Email dated May 28, 2014 to Carla Felix, Hearing Officer, from Mark Hague, Deputy Regional Administrator, U.S. Environmental Protection Agency (EPA) Region 7 (Exhibit 4).
- Witness list for the June 19, 2014 public hearing (Exhibit 5).

Steve Danahy, Supervisor, Planning & Aid Unit, Waste Management Division provided testimony explaining the proposed 2015 Percentage Allocations and answered questions from EQC members. No one else testified.

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

Mr. Hedquist made a motion to approve the 2015 Funding Percentage Allocations for the Litter Reduction and Recycling Grant Program. Mr. McNutt seconded the motion. Voting in favor were: Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dilsaver, Mr. Hedquist, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Williams, and Mr. Zuhlke. Motion carried.

PUBLIC HEARING ON AMENDMENTS TO TITLE 133 - LITTER REDUCTION AND RECYCLING GRANT PROGRAM

Carla Felix, Hearing Officer, opened the hearing. The following exhibits were received:

- Order appointing Carla Felix as Hearing Officer (Exhibit 1).
- Proof of publication of legal notice (Exhibit 2).

- Proposed amendments to Title 133, Litter Reduction and Recycling Incentive Grant Program (Exhibit 3).
- Memorandum and explanatory statement from David Haldeman, Division Administrator, Waste Management Division dated April 30, 2014 (Exhibit 4).
- Fiscal Impact Statement (Exhibit 5).
- Copy of powerpoint presentation made by Steve Danahy, Supervisor, Planning & Aid Unit, Waste Management Division (Exhibit 6).
- Email dated May 28, 2014 to Carla Felix, Hearing Officer, from Mark Hague, Deputy Regional Administrator, U.S. Environmental Protection Agency (EPA) Region 7 (Exhibit 7).
- Letter dated June 19, 2014 from Russell George to the EQC (Exhibit 8)
- Witness list for the June 19, 2014 public hearing (Exhibit 9).

Steve Danahy, Supervisor, Planning & Aid Unit, Waste Management Division, provided testimony and a powerpoint presentation explaining the proposed amendments to Title 133 and answered questions from EQC members. Russell George provided testimony and a typewritten letter to the EQC and responded to questions from EQC members. Jay Ringenberg, Deputy Director for Programs and Steve Danahy answered additional questions from EQC members.

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

Mr. Hedquist made a motion to approve the Amendments to Title 133, Litter Reduction and Recycling Grant Program. Mr. Williams seconded the motion. Voting in favor were: Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dilsaver, Mr. Hedquist, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Williams, and Mr. Zuhlke. Motion carried.

Chair Citta adjourned the meeting at approximately 11:12 a.m. Central Time.

Respectfully submitted,



Patrick W. Rice, Acting Director
Secretary for the EQC

JUN 30 2014