

NOTICE OF PUBLIC HEARINGS
AND PUBLIC MEETING
STATE OF NEBRASKA
DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ)
ENVIRONMENTAL QUALITY COUNCIL

Notice is hereby given pursuant to Neb. Rev. Stats. §81-1505(17), §84-907, and 84-1411; the Nebraska Environmental Quality Council (EQC) will hold and conduct its regular meeting and public hearings on June 14, 2016 beginning at 2:00 P.M. Central Time (CT) at the Divots Conference Center, 4200 West Norfolk Ave., Norfolk, Nebraska. Preceding the hearings will be business items on the agenda. Hearings are scheduled to begin as soon thereafter as can reasonably be heard. The purpose of the hearings is to take testimony and evidence about the proposed Fiscal Year 2016 State Revolving Fund Clean Water and Drinking Water Intended Use Plan (2016 IUP), proposed amendments to Title 131-Rules and Regulations for Wastewater Treatment Facilities and Drinking Water Construction Assistance Program, and proposed amendments to Title 129-Nebraska Air Quality Regulations, as outlined in this notice.

The meeting agenda and a draft copy of the proposed amendments to Title 131 and Title 129 regulations, and the proposed 2016 IUP, scheduled for hearing on June 14, 2016 are available at the NDEQ's Lincoln office, 1200 N St., Suite 400, Lincoln, NE and on the NDEQ website at <http://deq.ne.gov>. The meeting agenda and a draft copy of the proposed amendments to Title 131 and Title 129 regulations are also available at the Office of the Secretary of State, Regulations Division, Room 1305, State Capitol Building, Lincoln, NE. The description of the fiscal impact of the proposed regulations on state agencies, political subdivisions, or persons regulated is available at these locations.

All interested persons may attend and testify orally or by written submission at the public hearings. Any person may provide advance notice of intent to testify by contacting Carla Felix, Hearing Officer, NDEQ, 1200 N St., Suite 400, P.O. Box 98922, Lincoln, NE 68509-8922. Unscheduled testimony will be heard following scheduled testimony. Interested persons may also submit written comments to Carla Felix prior to the hearing; comments will be entered into the hearing record if received at the Lincoln office by 5:00 P.M. CT, June 13, 2016.

Please notify the NDEQ at least one week in advance of the EQC meeting if auxiliary aids, reasonable accommodations, or alternate formats of materials are needed. Contact phone number is 402-471-2186. TDD users call 800-833-7352 and ask the relay operator to call us at 402-471-2186.

A public hearing will be held on the following:

1. The 2017 IUP and Project Priority Lists for determining loan recipients under the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF). This document is developed by the NDEQ, with DWSRF priority system and list as provided by Nebraska Department of Health and Human Services, Division of Public Health; it is brought before the EQC in conformance with Neb. Rev. Stat. §81-15,152, Neb. Rev. Stat. §71-5321, Title 131 – Rules and Regulations for Wastewater Treatment Facilities and Drinking Water Construction Assistance Program, and the federal Clean Water and Safe Drinking Water Acts. The 2017 IUP describes how Nebraska intends to use money available in the two funds for making loans to qualified recipients for assistance in construction needs. The 2017 IUP includes a Project Priority Rating System and Fiscal Year 2017 Funding List for each of the funds, and an Interest Rate System. The purpose of the hearing is to accept public testimony and EQC adoption of the 2017 IUP. The EQC will vote to adopt, amend or modify the 2017 IUP after hearing and considering all the testimony and written submissions.
2. Amendments to Title 131 – Rules and Regulations for Wastewater Treatment Facilities and Drinking Water Construction Assistance Program. These amendments include amendments to implement changes the Nebraska Legislature adopted in Legislative Bill 514 in 2013 to authorize the NDEQ to establish and administer a linked

deposit program to promote loans for construction, rehabilitation, operation, or maintenance of nonpoint source control systems in accordance with the Wastewater Treatment Facilities Construction Assistance Act. Changes to Chapter 1 add, revise, and delete definitions and terms. Changes to Chapter 2 revise language to be consistent with definition revisions in Chapter 1 and revise language referring to applicability of federal cross-cutting authorities. Changes to Chapter 3 clarify procedures establishing interest rates and administrative fees on loans described in IUP, add reference to the Linked Deposit Program to be addressed in IUP, and make other minor changes and update references. Changes to Chapter 4 and Chapter 5 revise use of the term “loan contract” to “loan” to avoid confusion with linked deposit loan contracts and to provide consistency. Changes to Chapter 6 revise language consistent with definition revisions in Chapter 1 and revise use of the term “loan contract” to “loan”. Changes to Chapter 8 would allow the NDEQ flexibility to apply an administrative fee of less than one percent, revise language consistent with changes made in other chapters of the term “loan contract” to “loan”, and other minor grammatical changes. Chapter 10 is a new chapter describing eligible use of linked deposit funds. Chapter 11 is a new chapter describing general requirements for eligible financial institutions and borrowers to follow for linked deposit loans. The EQC will vote on the NDEQ proposal after hearing and considering all the testimony and written submissions.

3. Amendments to Title 129 – Nebraska Air Quality Regulations. Changes to Chapter 25 clarify the applicability of the chapter’s nitrogen oxide requirements unless more stringent federal standards or specific construction permit requirements apply for nitric acid production. The EQC will vote on the NDEQ proposal after hearing and considering all the testimony and written submissions.

