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**STATE OF NEBRASKA**  
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Billing Code / Business Unit:

84-10-01

(Mandatory)

Agency Name: Nebraska Department of Environmental Quality

Agency Address: 1200 N Street, Suite 400, PO Box 98922

Lincoln, NE 68509

Agency Contact: Alicia Boss

Agency Telephone: 402-471-3585

**Dates advertisement is to be published:**

Publish Start Date: Friday, May 10, 2019

Publish End Date: One Time Only

Additional Date(s): N/A

**Deadline for scheduling is 11:30 a.m. the day prior to publication, excepting  
holidays.**

**See attached legal advertisement**

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 a meeting and public hearings on June 20, 2019 beginning at 1:00 P.M. Central Time (CT) at the Sandhills Convention Center, 2102 S. Jeffers St., North Platte, Nebraska. Preceding the hearings will be business items on the agenda. The hearings are scheduled to begin at 1:00 P.M. CT or as soon thereafter as can reasonably be heard. The purpose of the hearings is to take testimony and evidence about the proposed amendment of NDEQ regulations and the proposed Fiscal Year 2020 State Revolving Fund Clean Water and Drinking Water Intended Use Plan (2020 IUP), as outlined in this notice.

The meeting agenda and a draft copy of the proposals scheduled for hearing 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 regulations scheduled for hearing are also available at the Office of the Secretary of State, Regulations Division, 1201 N St., Suite 120, Lincoln, NE, 68508. The description of the fiscal impact of the proposed regulations on state agencies, political subdivisions, or persons regulated is also available at these locations.

All interested persons may attend and testify orally or by written submission at the public hearing. 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, which will be entered into the hearing record if received at the Lincoln office by 5:00 P.M. CT, June 19, 2019.

Please notify the NDEQ at least one week in advance of the EQC meeting if auxiliary aids or 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 proposed 2020 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 the Nebraska Department of Health and Human Services, Division of Public Health. The proposed 2020 IUP is presented to the EQC in compliance 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 proposed 2020 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 2020 IUP includes a Project Priority Rating System and Fiscal Year 2020 Funding List for each of the funds, and an Interest Rate System. The purpose of the hearing is to accept public testimony and EQC approval of the 2020 IUP. The EQC will vote to adopt, amend or modify the 2020 IUP after hearing and considering all the testimony and written submissions.

2. Amendments to Title 123 – Rules and Regulations for the Design, Operation, and Maintenance of Wastewater Works. Changes to Chapter 1 update and modify definitions and cite to statute where appropriate. Changes to Chapter 2 clarify and update the scope of NDEQ's regulatory authority

including when wastewater facilities are required to upgrade to current design standards and includes the financial assurance exemption from Chapter 12. Changes to Chapter 3 clarify the list of wastewater projects exempted from the construction permit requirement, remove language exempting facilities that were not required to obtain a Nebraska Pretreatment permit, and clarify when construction must commence and application of new regulations after permit issuance. Chapters 4 through 11 make minor editing revisions to promote clarity and readability. Chapter 12 is proposed for deletion because it duplicates statutory language and regulatory authority and restates general legal principles not needed in regulation. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.

3. Amendments to Title 195 – Chemigation Regulations. Chapter 1 is deleted and reference to definitions is moved to new Chapter 1, which is Chapter 2, renumbered. Changes to Chapter 2 include renumbering it to Chapter 1, addition of definitions and references, deletion of language that restates statute, updates application requirements and chemical use, and renames chapter title to include applications, certification, and duties of permit holder. Changes to Chapter 3 remove language on permit issuance, denial, and revocation that repeats statute, and deletes the chapter. Changes to Chapter 4 remove permit renewal and expiration provisions which repeat statute, relocates non-transferability of permit provision to new Chapter 1, and deletes Chapter 4. Changes to Chapter 5 remove special permit requirements which are stated in statute, moves information regarding special permit to be submitted to new Chapter 2, and deletes Chapter 5. Changes to Chapter 6 remove requirements related to emergency permits which are stated in statute, and deletes Chapter 6. Changes to Chapter 7 remove fee language that duplicates statute, moves fee payment schedule to new Chapter 2, and deletes Chapter 7. Changes to Chapter 8 update language relating to natural resource district duties, and renumbers new Chapter 2. Changes to Chapter 9 update equipment standards and installation requirements, renumbers new Chapter 3, and adds maintenance to chapter title. Changes to Chapter 10 remove certain equipment replacement requirements that duplicate statute, moves remaining standards for equipment to new Chapter 2, and deletes Chapter 10. Changes to Chapter 11 remove inspection requirements that restate statute, move provision relating to permit suspension to new Chapter 2, and deletes Chapter 11. Changes to Chapter 12 move posting requirements to new Chapter 1, and delete Chapter 12. Change to Chapter 13 remove requirements for applicator training session and certification which repeat statute, move provision affording a hearing if certification revoked to new Chapter 1, and delete Chapter 13. Changes to Chapter 14 remove certain requirements for accident reporting that duplicate statute, move language on process for reporting accidents to new Chapter 1, and delete Chapter 14. Changes to Chapter 15 remove certain requirements for investigation and remediation of accidents that duplicate statute, move remaining requirements to new Chapter 1, and delete Chapter 15. Changes to Appendix I make minor changes and updates. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.

4. Repeal of Title 196 – Rules and Regulations Pertaining to Ground Water Management Areas. Chapters 1 through 11 are proposed for repeal because the language is duplicative of statute, is not needed to implement the statutorily-prescribed program, and restates general legal principles not needed in regulation. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.