

ENVIRONMENTAL QUALITY COUNCIL MEETING MINUTES

August 30, 2016

Joe Citta, Chair, called the meeting of the Nebraska Environmental Quality Council (EQC) to order at approximately 1:30 pm, Central Time, August 30, 2016. The meeting was held at the Cornhusker Marriott Hotel, 333 S. 13th Street, Lincoln, 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 Mr. Anderson, Ms. Bucklin, Mr. Buhl, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Grams, Mr. Hall, Mr. Hawks, Mr. Hedquist, Mr. Kinter, Mr. Turnbull and Mr. Zuhlke. Absent were Mr. Gangwish, Ms. Maricle and Dr. Sheppard. Fourteen members present, constituting a quorum.

ANNOUNCEMENTS

Jim Macy thanked the administrative team and staff for providing a surprise cake and birthday celebration before the meeting. He also thanked the council members for attending.

APPROVAL OF MINUTES

Mr. Hawks made a motion to approve the minutes from the June 14, 2016 meeting. Mr. Hedquist seconded the motion. Voting in favor were Mr. Anderson, Ms. Bucklin, Mr. Buhl, Mr. Citta, Mr. Dahab, Mr. Dilsaver, Mr. Grams, Mr. Hawks, Mr. Hedquist, Mr. Kinter, and Mr. Zuhlke. Mr. Czaplewski, Mr. Hall and Mr. Turnbull abstained. Eleven voting yes, the motion carried.

REPORTS OF EQC MEMBERS

Mr. Gangwish entered the meeting at 1:35 pm.

DIRECTOR'S REPORT

Director Macy provided a written report to the EQC. A copy of this report is attached to these minutes.

Mr. Dilsaver asked if the webinar that Director Macy mentioned is available online. He stated yes it is and he would be interested in any ideas for future webinars and any comments regarding this ethanol webinar.

OLD BUSINESS

None.

NEW BUSINESS

None.

NEXT MEETING

Alicia Boss announced that the next meeting will be scheduled for November 15, 2016 in Lincoln, Nebraska.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO TITLE 119, RULES AND REGULATIONS PERTAINING TO THE ISSUANCE OF PERMITS UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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 119, Rules and Regulations Pertaining to the Issuance of Permits under the NPDES (Exhibit 3)
- A memorandum from Steve Goans, DEQ Deputy Director for Water, to the Environmental Quality Council, dated July 14, 2016, Regarding "Explanatory Statement for Proposed Amendments to Title 119, Nebraska Administrative Code, Nebraska Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System" (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)
- An email from Ed Chu, U.S. EPA Region 7, to Carla Felix, DEQ, dated August 19, 2016, Regarding EQC Meeting August 30, 2016 (Exhibit 6)
- A memorandum from Reuel Anderson, DEQ Supervisor for NPDES Permits and Compliance, to the NPDES Permittee, dated July 28, 2016, Regarding "Title 119, Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System (NPDES), Chapter 28, Environmental Infrastructure Sustainability Evaluation" (Exhibit 7)
- Title 119, Chapter 28 Mailing List (Exhibit 8)
- A copy of the PowerPoint presentation titled, "Title 119 – Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System," presented by Steve Goans, DEQ (Exhibit 9)
- Testifier List for the August 30, 2016 Environmental Quality Council hearing (Exhibit 10)

Steve Goans, DEQ Deputy Director for Water provided testimony and a PowerPoint presentation explaining the proposed amendments. No one from the public provided testimony before the EQC.

Mr. Citta asked what type of comments or response DEQ received from the outreach. Mr. Goans stated that they had just a few comments and ones that were received were general questions or inquiries to clarify what the outgoing letter described. Mr. Citta also stated that he assumed since this was a Legislative rule that DEQ did not have a choice to implement the change in Chapter 28.

Mr. Kinter asked about the utilization, if it is voluntary and how much will it be used. Mr. Goans stated that it is voluntary for the communities. He also stated that they have tools such as the AWIN to help them determine what is needed. DEQ will work with the communities to help them in any way we can. This may include extending the length

of their permit if needed.

Ms. Bucklin stated in her opinion that it will most likely be used in smaller communities that need to improve their wastewater. She's concerned that they will struggle with the fees. Mr. Goans replied that DEQ's intention is to make the fee schedule as affordable as they can and will work with communities to evaluate their situations. He also stated that there may even be some midpoint and larger communities such as Lincoln and Omaha that will have issues as well due to their recent growth.

Mr. Dahab asked to clarify the background basis for the schedule fee. Ms. Bucklin also as if the fees were based on historical information or in comparison to other states. Mr. Goans reiterated that the goal is no more than \$20.00 maximum per household. He stated that the Legislation did not state specific amounts; only the \$5,000 cap.

Mr. Hall stated wanted to clarify that there is not much of a difference in fees between a medium size community and a large one. Mr. Goans stated that is correct and is unfortunately how the fee schedule worked out with the numbers given.

Mr. Citta inquired if it may be possible for smaller communities that have to do several studies could combine them to make them more affordable. Mr. Goans stated that this is something they would review and use all available tools to evaluate the financial ability of the applicant.

Mr. Hedquist thanked Mr. Goans and DEQ for their hard work and outreach regarding the fee schedule.

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

Mr. Hedquist made a motion to approve the proposed Amendments to Title 119, Rules and Regulations Pertaining to the Issuance of Permits under the NPDES. Mr. Grams seconded the motion. Voting in favor were: Mr. Anderson, Ms. Bucklin, Mr. Buhl, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hawks, Mr. Hedquist, Mr. Kinter, Mr. Turnbull and Mr. Zuhlke. No one abstained. Fifteen voting yes, the motion carried.

Chair Citta adjourned the meeting at approximately 2:14 p.m. CT.

Respectfully submitted,



Jim Macy
Director