

# ENVIRONMENTAL QUALITY COUNCIL MEETING MINUTES

JUNE 20, 2013

Joe Citta, Chair, called the meeting of the Nebraska Environmental Quality Council (EQC) to order at 8:00 am, Central Time, June 20, 2013. The meeting was held at The Marina Inn Hotel & Conference Center, 385 East 4th Street, South Sioux City, Nebraska. The meeting time and place was provided by advance legal notice according to law.

## ROLL CALL

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

## ANNOUNCEMENTS

None.

## APPROVAL OF MINUTES

A motion to approve minutes from the April 4, 2013, meeting was moved by Mr. Hedquist and seconded by Mr. Czaplewski. All voted in favor by saying aye.

## REPORTS OF EQC MEMBERS:

None.

## DIRECTOR'S REPORT

Director Mike Linder outlined the tour itinerary that would follow the meeting and hearings today.

Director Linder addressed the issue of lead in soil at sites in Nebraska that have been in the news lately. He also explained the EPA's involvement to conduct additional soil testing at the Department's request.

Director Linder provided a legislative update. He explained that Department senior management had met to discuss the regulation amendment process to allow more time for outreach prior to the legal notice publication in hopes of the public being better

informed and having a better understanding of the proposed changes. The Department plans to have three council meetings a year, tentatively in February, June and October.

### **OLD BUSINESS**

The Council considered the proposal to mend the bylaws which was first presented to the Council at the September 20, 2012 meeting. The motion to adopt the amendments to the bylaws was made by Mr. Czaplewski and seconded by Mr. Kinter.

Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. Powers, Dr. Sheppard, Mr. Turnbull, Mr. Whitehead and Mr. Zuhlke all voted in favor. The motion carried.

### **NEW BUSINESS**

None.

### **NEXT MEETING**

Director Linder said the next meeting is not presently scheduled, but if there are agenda items an October meeting would be scheduled. A decision is anticipated to be made by the end of July.

### **PUBLIC HEARING ON CLEAN WATER AND DRINKING WATER STATE REVOLVING FUNDS INTENDED USE PLAN**

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

- Order appointing Carla Felix Hearing Officer (Exhibit 1)
- Legal Notice (Exhibit 2)
- Proposed Clean Water and Drinking Water State Revolving Funds Intended Use Plan State Fiscal Year 2014 (Exhibit 3)
- A memorandum from Donna Garden, DEQ Section Supervisor of the Financial Assistance Section, to the Environmental Quality Council (Exhibit 4)
- Powerpoint presentation by Donna Garden, DEQ Section Supervisor of the Financial Assistance Section and Steve McNulty, NHHS (Exhibit 5)
- Email from Rao Surampalli, EPA Region 7, to Donna Garden, DEQ Section Supervisor of the Financial Assistance Section and Steve McNulty, NHHS, regarding The Nebraska 2014 Intended Use Plan Review Comments (Exhibit 6)
- Amendment 1 to the State Fiscal Year 2014 Intended Use Plan for the Clean Water and Drinking Water State Revolving Fund Program, dated May 16, 2013 (Exhibit 7)
- Amendment 2 to the State Fiscal Year 2014 Intended Use Plan for the Clean Water and Drinking Water State Revolving Fund Program, dated June 17, 2013 (Exhibit 8)

- Witness List (Exhibit 9)

Donna Garden, DEQ Section Supervisor of the Financial Assistance Section and Steve McNulty, NHHS provided testimony explaining the plan. No one else testified.

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

The motion to approve the proposed Intended Use Plan was made by Mr. Hedquist and seconded by Mr. Anderson.

The council members discussed the proposed plan.

Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. Powers, Dr. Sheppard, Mr. Turnbull, Mr. Whitehead and Mr. Zuhlke all voted in favor. The motion carried.

### **PUBLIC HEARING ON AMENDMENTS TO TITLE 129, AIR QUALITY REGULATIONS**

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

- Order appointing Carla Felix as Hearing Officer (Exhibit 1)
- Legal Notice (Exhibit 2)
- Proposed Amendments to Title 129, Nebraska Air Quality Regulations (Exhibit 3)
- A memorandum from Shelley Schneider, DEQ Air Quality Division Administrator, to the Environmental Quality Council, dated May 10, 2013 (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)
- A CD of the 2012 Code of Federal Register (Exhibit 6)
- An email to Tom Lamberson, DEQ Deputy Directory, from David Darling, Senior Director, Environmental Affairs, American Coatings Association, dated May 31, 2013, regarding Volatile Organic Compound (VOC) Definition, ACA Comments (Exhibit 7)
- An email to Shelley Schneider, DEQ Air Quality Division Administrator, from David Darling, Senior Director, Environmental Affairs, American Coatings Association, dated May 24, 2013, regarding VOC Definition (Exhibit 9)
- An email from Richard Sumpter, EPA Region 7, to Steve Stevenson, DEQ, dated June 6, 2013 regarding the June EQC meeting (Exhibit 10)
- Powerpoint presentation by Shelley Schneider, DEQ Air Quality Division Administrator (Exhibit 11)
- List of Outreach Contacts for Title 129 (Exhibit 12)
- Title 129 Witness List (Exhibit 13)
- Testimony of Loran Schmit, Executive Director of the Association of Nebraska ethanol Producers (Exhibit 14)

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. 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, was made by Mr. Gangwish and seconded by Mr. Kinter.

Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. Powers, Dr. Sheppard, Mr. Turnbull, Mr. Whitehead and Mr. Zuhlke all voted in favor. The motion carried.

A short break was taken and the hearing resumed at 9:40 am.

Nebraska Senator Jerry Johnson addressed the council. He explained that as a former Mayor of Wahoo and currently serving on the Legislature's Natural Resources Committee, he was familiar with what the DEQ and the EQC did. He said he appreciated the opportunity to observe our process and attend the tours with DEQ staff and the EQC members.

### **LITTER REDUCTION AND RECYCLING GRANT PROGRAM, 2014 FUNDING PERCENTAGE ALLOCATIONS**

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

- Order appointing Carla Felix as Hearing Officer (Exhibit 1)
- Legal Notice (Exhibit 2)
- Memorandum from David Haldeman, DEQ Waste Management Division Administrator, to the Environmental Quality Council, dated May 7, 2013 (Exhibit 3)
- Witness List (Exhibit 4)

Steve Danahy, DEQ Waste Management Division Planning and Aid Unit Supervisor provided testimony explaining the proposal. No one else testified.

The motion was made by Mr. Hedquist and seconded by Mr. Anderson.

Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. Powers, Dr. Sheppard, Mr. Turnbull, Mr. Whitehead and Mr. Zuhlke all voted in favor. The motion carried.

**AMENDMENT OF 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)
- Legal Notice (Exhibit 2)
- Proposed Amendments to Title 133, Litter Reduction and Recycling Grant Program (Exhibit 3)
- Memorandum from David Haldeman, DEQ Waste Management Division Administrator, to the Environmental Quality Council, dated May 6, 2013 (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)
- Title 133 Witness List (Exhibit 6)

Steve Danahy, DEQ Waste Management Division Planning and Aid Unit Supervisor Provided testimony explaining the proposal. No one else testified.

A motion was made by Dr. Sheppard to repeal the existing Title 133 regulation, contingent on final approval of the new version of Title 133 which was adopted by the EQC on April 4, 2013. The motion was seconded by Mr. Whitehead.

Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. Powers, Dr. Sheppard, Mr. Turnbull, Mr. Whitehead and Mr. Zuhlke all voted in favor. The motion carried.

The meeting was adjourned at 10:00 am.

Respectfully submitted,



Michael J. Linder  
Secretary for EQC

June 25 2013

Date Signed