

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 February 6, 2014 beginning at 9:00 A.M. Central Time (CT) at the Cornhusker Hotel, 333 South 13th St., Lincoln, 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 amendment of NDEQ regulations and amendment of the Fiscal Year 2014 State Revolving Fund Clean Water and Drinking Water Intended Use Plan (2014 IUP), as outlined in this notice.

The meeting agenda and a draft copy of the proposed regulations and the proposed amendment to the 2014 IUP scheduled for hearing on February 6, 2014 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 and amendment to the 2014 IUP scheduled for hearing 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 person 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, which will be entered into the hearing record if received at the Lincoln office by 5:00 P.M. CT, February 5, 2014.

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. Amendments to Title 128 – Nebraska Hazardous Waste Regulations. Changes in Chapters 1 and 2 reflect a change in the definition of solid waste enacted by the Nebraska Legislature in Legislative Bill (LB) 203 in 2013 and add steel slag to the list of materials excluded from regulation as a solid waste. The EQC will vote to adopt, amend or not adopt the NDEQ proposal or parts thereof after hearing and considering all the testimony and written submissions.
2. Amendments to Title 132 – Integrated Solid Waste Regulations. Changes in Chapter 1 reflect a change in the definition of solid waste enacted by the Nebraska Legislature in LB 203 in 2013

excluding steel slag from regulation as a solid waste. The EQC will vote to adopt, amend or not adopt the NDEQ proposal or parts thereof after hearing and considering all the testimony and written submissions.

3. Amendments to Title 199 – Waste Reduction and Recycling Incentive Grants Program. Changes to Chapter 1 reflect a change in the definition of solid waste enacted by the Nebraska Legislature in LB 203 in 2013 excluding steel slag from regulation as a solid waste. Changes to Chapter 2 update the available funding amount and sunset date for scrap tire grants to reflect the changes enacted by the Nebraska Legislature in LB 549 in 2013. The EQC will vote to adopt, amend or not adopt the NDEQ proposal or parts thereof after hearing and considering all the testimony and written submissions.

4. Amendments to Title 197 – Rules and Regulations for Certification of Wastewater Treatment Operators in Nebraska. Changes to Chapter 5 amend the application process and increase the minimum number of days for an application to be received before a scheduled exam; and delete an obsolete alternative testing option. Changes to Appendix C modify or delete existing language but do not increase fees. The EQC will vote to adopt, amend or not adopt the NDEQ proposal or parts thereof after hearing and considering all the testimony and written submissions.

5. Amendments to Title 129 – Nebraska Air Quality Regulations. Changes to Chapter 1 substitute and update the list of volatile organic compounds (VOCs) with a reference to the Code of Federal Regulations (CFR) where the same list exists in federal regulation including the partial exemption for t-butyl acetate, substitute the definition of solid waste with a reference to the statutory definition, and correct numbering, formatting, and other minor errors. Changes to Chapter 4 incorporate the revised primary National Ambient Air Quality Standard (NAAQS) for Particulate Matter smaller than or equal to 2.5 microns (PM_{2.5}), remove the obsolete 1997 NAAQS for ozone, and update CFR reference to the July 1, 2013 edition. Changes to Chapter 15 modify and clarify procedures for reopening operating permits for cause, for making administrative amendments to permits, and for making minor and significant permit revisions; incorporate provisions for making “off-permit changes” consistent with 40 CFR Part 70; amend certain time periods for providing notice to the NDEQ of certain types of changes within a permitted facility; and make other minor changes, corrections, and clarifications. Changes to Chapter 18 add seven New Source Performance Standards (NSPS) for: electric utility steam generating units; nitric acid plants; commercial and industrial solid waste incineration units; emission guidelines and compliance times for existing commercial and industrial solid waste incineration units; sewage sludge incineration units; emission guidelines and compliance times for existing sewage sludge incineration units; and crude oil and natural gas production, transmission and distribution; and update the CFR reference to the July 1, 2013 edition. Changes to Chapter 20 modify the chapter heading and clarify that sources must comply with the emissions standards in this chapter unless the source is subject to a more stringent standard in an applicable federal rule or construction permit. Changes to Chapter 28 add four National Emission Standards for Hazardous Air Pollutants (NESHAPs) for: industrial, commercial, and institutional boilers and process heaters that are major sources; industrial, commercial, and institutional boilers that are area sources; coal and oil fired electric utility steam generating units; and polyvinyl chloride and copolymers production; and update the CFR reference to the July 1, 2013 edition. Changes to Chapter 34 update the reference to the EPA publication entitled Test

Methods for Evaluating Solid Waste, Physical/Chemical Methods; allow submission of test results within 60 days of completion unless a different time period is specified in an applicable federal rule; and allow the NDEQ to allow testing with less than 30 days advance notice under certain circumstances. The EQC will vote to adopt, amend or not adopt the NDEQ proposal or parts thereof after hearing and considering all the testimony and written submissions.

6. Amendment to the Fiscal Year 2014 State Revolving Fund Clean Water and Drinking Water Intended Use Plan (2014 IUP). The proposed change clarifies the description of distribution of fund proportionality in conformance with 40 Code of Federal Regulations 35.3155(d)(5). The EQC will vote to adopt, amend or modify the 2014 IUP after hearing and considering all the testimony and written submissions.