

ENVIRONMENTAL QUALITY COUNCIL MEETING MINUTES

OCTOBER 16, 2014

Joe Citta, Chair, called the meeting of the Nebraska Environmental Quality Council (EQC) to order at approximately 9:00am, Central Time, October 16, 2014. The meeting was held at the Cornhusker Hotel, 333 South 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. Citta, Mr. Czaplewski, Mr. Dilsaver, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. Powers, Dr. Sheppard, Mr. Turnbull, and Mr. Williams. Twelve members present, constituting a quorum.

ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

Mr. Czaplewski asked to delete the repeat reference of Old Business. He then made a motion to approve the minutes from the June 19, 2014, meeting, seconded by Mr. Hedquist. Voting in favor were Mr. Anderson, Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dilsaver, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. Powers, Dr. Sheppard, Mr. Turnbull, and Mr. Williams. Twelve voting yes, the motion carried.

REPORTS OF EQC MEMBERS

None.

DIRECTOR'S REPORT

Tom Lamberson, Deputy Director, discussed the federal and state budget processes as they impact the Department. Jay Ringenberg informed the Council that DEQ will comment on several major rules in the next couple months, including Water of the U.S. (WOTUS) 111(d), and ozone values.

OLD BUSINESS

None.

NEW BUSINESS

None.

NEXT MEETING

Mr. Lamberson noted the dates for three 2015 EQC meetings are tentatively February 12, 2015, in Lincoln, June 18, 2015, at an alternate location, and October 15, 2015, in Lincoln. He said a special meeting may be held in 2015 regarding the selection process for a new agency Director. Mr. Citta said he may also call a process meeting. Mr. Powers asked if the June meeting could be held in Nebraska City. Mr. Gangwish asked if the June meeting could be held a week earlier in June.

PUBLIC HEARING ON AMENDMENT OF TITLE 128, NEBRASKA HAZARDOUS WASTE REGULATIONS

Tom Lamberson, Hearing Officer, opened the hearing. The following exhibits were received:

- Order appointing Tom Lamberson as Hearing Officer marked (Exhibit 1)
- Proof of publication of legal notice (Exhibit 2)
- Proposed Amendments to Title 128, Nebraska Hazardous Waste Regulations (Exhibit 3)
- A memorandum from David Haldeman, DEQ Waste Management Division Administrator, to the Environmental Quality Council, dated August 28, 2014, titled "Explanatory Statement for Proposed Amendments to Title 128 – Nebraska Hazardous Waste Regulations" (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)
- A copy of the PowerPoint presentation titled, "Proposed Amendments to Title 128 – Nebraska Hazardous Waste Regulations" (Exhibit 6)
- An email from Rebecca Weber, U.S. EPA Region 7, to Tom Lamberson, DEQ Deputy Director, dated October 14, 2014, Regarding Response to Nebraska EQC (Exhibit 7)
- Testifier List for the October 16, 2014, public hearing (Exhibit 8)

David Haldeman, DEQ Waste Management Division Administrator, provided testimony and a PowerPoint presentation explaining the proposed amendments. No one else testified.

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

Mr. Kinter made a motion to approve the proposed amendments to Title 128. Mr. Anderson seconded the motion. Voting in favor were Mr. Anderson, Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dilsaver, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. Powers, Dr. Sheppard, Mr. Turnbull, and Mr. Williams. Twelve voting yes, the motion carried.

PUBLIC HEARING ON AMENDMENT OF TITLE 117, NEBRASKA SURFACE WATER QUALITY STANDARDS

- Order appointing Tom Lamberson as Hearing Officer marked (Exhibit 1)
- Proof of publication of legal notice (Exhibit 2)
- Proposed Amendments to Title 117, Nebraska Surface Water Quality Standards (Exhibit 3)
- A memorandum from Marty Link, DEQ Acting Water Quality Division Administrator, to the Environmental Quality Council, dated August 22, 2014, titled "Explanatory and Fiscal Impact Statements for Proposed Revisions to Title 117 – Nebraska Surface Water Quality Standards" (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)
- A copy of the PowerPoint presentation titled, "Title 117 – Nebraska Surface Water Quality Standards – Proposed Revisions" (Exhibit 6)
- An email from Rebecca Weber, U.S. EPA Region 7, to Tom Lamberson, DEQ Deputy Director, dated October 14, 2014, Regarding Response to Nebraska EQC (Exhibit 7)
- Testifier List for the October 16, 2014, public hearing (Exhibit 8)
- Comments to the Nebraska Environmental Quality Council by Association of Nebraska Ethanol Producers – October 2014, Proposed Changes to Title 117 (Exhibit 9)

Mr. Powers departed the meeting.

Marty Link, DEQ Acting Water Quality Division Administrator, provided testimony and a PowerPoint presentation explaining the proposed amendments. Loran Schmit, Executive Director of the Association of Nebraska Ethanol Producers (ANEPP), provided testimony. John Bender, Water Quality Planning Unit, answered questions from several Council members.

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

Mr. Czaplewski made a motion to approve the proposed amendments to Title 128. Ms. Bucklin seconded the motion. Voting in favor were Mr. Anderson, Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dilsaver, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. Powers, Mr. Turnbull, and Mr. Williams. Dr. Sheppard voted no. Ten voting yes, the motion carried.

Chair Citta adjourned the meeting at approximately 11:15am Central Time.

Respectfully Submitted,

Patrick W. Rice, Acting Director
Secretary for the EOC

By:

Jay D. Ringenberg
Deputy Director