

NOTICE OF PUBLIC HEARING
AND PUBLIC MEETING
STATE OF NEBRASKA
DEPARTMENT OF ENVIRONMENT AND ENERGY (NDEE)
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 November 16, 2021 beginning at 10:00 A.M. Central Time (CT) at 245 Fallbrook Blvd., Lincoln, Nebraska. Preceding the hearing will be business items on the agenda, including consideration of two resolutions to increase borrowing authority for the Wastewater Treatment Facilities Construction Loan Fund (Clean Waste State Revolving Fund) and the Drinking Water State Revolving Fund. Hearings are scheduled to begin at 10:00 A.M. CT or as soon thereafter as can reasonably be heard. The purpose of the hearings is to take testimony and evidence about proposed 2022 Funding Percent Allocations for the Litter Reduction and Recycling Program, proposed amendment to the Fiscal Year 2022 State Revolving Fund Clean Water and Drinking Water Intended Use Plan (2022 IUP), and proposed amendments to Title 124- Rules and Regulations for the Design, Operation and Maintenance of On-site Wastewater Treatment Systems, as outlined in this notice.

The meeting agenda and a draft copy of the proposals scheduled for hearing are available at the NDEE's Lincoln office, 245 Fallbrook Blvd., Lincoln, NE and on the NDEE website at <http://dee.ne.gov>. A draft copy of the proposed amendments to Title 124 regulations are also available at the Office of the Secretary of State, Regulations Division, 1201 N St., Ste. 120, Lincoln, NE or by contacting SOS.Regulations@nebraska.gov. The description of the fiscal impact of the proposed regulations on state agencies, political subdivisions, or persons regulated is available at these locations.

All interested persons may attend and testify orally or by written submission at the public hearing. Interested persons may also submit written comments by mail addressed to: EQC, P.O. Box 98922, Lincoln, NE 68509-8922 or electronically to NDEE.eqc@nebraska.gov prior to the hearings, which will be entered into the hearing record if received by 5:00 P.M. CT, November 15, 2021.

Please notify the NDEE 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. Litter Reduction and Recycling Grant Program, 2022 Funding Percentage Allocations. The NDEE administers the Litter Reduction and Recycling Grant Fund in percentage amounts to grantees for projects within three categories: public education, cleanup, and

recycling. Neb. Rev. Stat. §81-1561 requires the EQC to annually determine the percentages for each category. A statewide litter fee is the source of revenue for the fund. At this hearing, the EQC will take action on the NDEE recommendations for percentage amounts. For the Year 2022, the NDEE recommends the following percentage allocations: recycling 32%, public education 66%, and cleanup 2% with additional approval to adjust these percentages by up to 20%. All persons affected by the proposed allocations are hereby notified that modifications may be offered to the proposed percentage allocations or the EQC may propose new allocations. The EQC will vote to adopt, amend, or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.

2. Amendment to the 2022 Intended Use Plan and Project Priority Lists for determining loan recipients under the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF) (IUP). The amendment would add several new projects to the priority planning list for funding this fiscal year, and potentially result in assistance being offered to small communities to identify the locations of lead service lines. The IUP is developed by the NDEE 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 EQC approved the 2022 IUP on June 15, 2021, after a public hearing. The 2022 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 purpose of the hearing is to accept public testimony and EQC approval of the proposed amendment to the 2022 IUP. The EQC will vote to adopt, amend or modify the proposed amendments to the 2022 IUP after hearing and considering all the testimony and written submissions.

3. Amendments to Title 124 – Rules and Regulations for the Design, Operation and Maintenance of On-site Wastewater Treatment Systems. The title name is changed and simplified on all chapters. Changes to Chapter 1 add, delete, and revise definitions. Changes to Chapter 2 remove redundant and unnecessary language, include coverage under a general permit and associated requirements, add provisions relocated from other chapters (setbacks), and move provisions to other chapters. Changes to Chapter 3 add coverage under a general permit and associated requirements, delete authorization by rule, provide exemption from financial responsibility requirement, revise application language, clarify additional information requirement, add construction permit requirements, add use of designed engineering standards, add and move tank design provisions, provide for coverage under general permit instead of authorized by rule, and delete unnecessary language. Changes to Chapter 4 include revisions to requirements applicable to subdivisions including general permits, additional information and application changes, and moving application fees to Appendix A. Chapter 5 on setbacks is deleted and covered in Chapter 2. Chapter 6 is deleted and percolation test requirements covered under general permits. Chapter 7 is deleted and tank construction requirements covered under general permits. Chapter 8 is deleted and septic tank and holding tank design and placement requirements covered under general permits. Chapter 9 is deleted and grease trap tanks covered under permit and general permit provisions.

Chapter 10 is deleted and tank capacity requirements covered under general permits. Chapter 11 is deleted and mound system requirements covered under general permits. Chapter 12 is deleted and design flow requirements covered under general permits. Chapter 13 is unchanged and remains reserved. Chapter 14 is deleted and trench and bed absorptions system requirements covered under general permits. Chapter 15 is renumbered to Chapter 5 and trees setback and lagoon fencing and signage requirements are included here. Chapter 16 is renumbered Chapter 6 with minor changes. Chapter 17 is renumbered Chapter 7, adds less stringent sludge removal if domestic waste only, and makes minor changes. Chapter 18 is deleted. Chapter 19 is renumbered to Chapter 8 with minor changes and specific sign language covered under general permits. Chapter 20 is renumbered Chapter 9 and adds, revises, and deletes certain certification requirements. Chapter 21 is deleted and grounds for discipline moved to Chapter 9. Chapter 22 is renumbered Chapter 10 and adds, deletes, and revises provisions related to registration of onsite wastewater treatment systems. Chapter 23 is renumbered Chapter 11 and deletes, revises, and makes minor changes to language related to tank pumping and domestic septage disposal. Chapter 24 is deleted and retained language moved to Chapter 2. Chapter 25 is deleted and retained language moved to Chapter 2. Appendix A – Fee Schedule is revised and all fees now listed here. The EQC will vote to adopt, amend, or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.