

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 June 19, 2014 beginning at 9:00 A.M. Central Time (CT) at The Lark, 809 West 2<sup>nd</sup> Street, Hastings, Nebraska. Preceding the hearings 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 Water State Revolving Fund) and the Drinking Water State Revolving Fund. 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 proposed Fiscal Year 2015 State Revolving Fund Clean Water and Drinking Water Intended Use Plan (2015 IUP), the proposed 2015 Funding Percentage Allocations for the Litter Reduction and Recycling Fund, and proposed amendments to Title 133-Litter Reduction and Recycling Grant Program, as outlined in this notice.

The meeting agenda and a draft copy of the proposed Title 133 regulations, the proposed 2015 IUP, and proposed 2015 Funding Percentage Allocations scheduled for hearing on June 19, 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 Title 133 regulations 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, June 18, 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. The 2015 IUP and Project Priority Lists for determining loan recipients under the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving

Fund (DWSRF). This document is developed by the NDEQ, with DWSRF priority system and list as provided by Nebraska Department of Health and Human Services, Division of Public Health, and is brought before the EQC in conformance 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 2015 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 2015 IUP includes a Project Priority Rating System and Fiscal Year 2015 Funding List for each of the funds, and an Interest Rate System. The purpose of the hearing is to accept public testimony and EQC adoption of the 2015 IUP. The EQC will vote to adopt, amend or modify the 2015 IUP after hearing and considering all the testimony and written submissions.

2. Litter Reduction and Recycling Grant Program, 2015 Funding Percentage Allocations. The NDEQ 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 NDEQ recommendations for percentage amounts. For the Year 2015, the NDEQ recommends the following percentage allocations: public education 40%, cleanup 5%, and recycling 55% with additional approval to adjust these percentages by up to 5%. 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 on the proposal after hearing and considering all the testimony and written submissions.

3. Amendments to Title 133 – Litter Reduction and Recycling Grant Program. Changes to Chapter 1 add, delete, and revise definitions. Changes to Chapter 2 identify activities for which grant funding may be allocated and distributed; and change the Chapter name. Changes to Chapter 3 describe the competitive grant application process, application deadline, bidding requirements for equipment purchase or contractual services and reasons for rejection of an application; change the Chapter name; and remove language on funding activities moved to Chapter 2. Changes to Chapter 4 describe the evaluation process for competitive grant applications, ranking by a program priority system, request for additional information, discretion to apportion funds if requests exceed funding available, and include project ranking among factors considered in funding decisions; change the Chapter name; and remove language on grant period, return of funds not expended, and use of earned interest or dividends on grant funds. Changes to Chapter 5 identify grant conditions applicable to grant recipients and requirements for equipment purchased with grant funds, including equipment disposition; change the Chapter name; and remove application procedures and requirements moved to other Chapters. Changes to Chapter 6 delete existing language and add language describing grant administration, including notification of award, award of partial funding, redistribution of returned or unexpended grant funds, grant disbursement, equipment liens, audits, grant project or budget modifications, acknowledgement of grant award, grant termination, and penalties

for failure to comply; and change the Chapter name. Chapter 7 is deleted—grant conditions and penalties addressed in Chapters 5 and 6. Chapter 8 is deleted—definition of program priority system included in Chapter 1. Chapter 9 is deleted—Chapter 2 identifies eligible funding activities. Chapter 10 is deleted—general accountability requirements are covered in Chapters 5 and 6. Chapter 11 is deleted—conditions for grant-funded equipment are addressed in Chapter 2. Chapter 12 is deleted. The EQC will vote on the NDEQ proposal after hearing and considering all the testimony and written submissions.