

ENVIRONMENTAL QUALITY COUNCIL MEETING MINUTES

JUNE 4, 2015

Joe Citta, Chair, called the meeting of the Nebraska Environmental Quality Council (EQC) to order at approximately 9:05 am, Central Time, June 4, 2015. The meeting was held at the Embassy Suites Omaha-LaVista Hotel & Conference Center, 12520 Westport Pkwy, LaVista, Nebraska. Public notice of the meeting, scheduled public hearings, and the tour presented by City of Omaha, 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. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hedquist, Mr. Kinter, Mr. Turnbull, and Mr. Zuhlke. Absent were Mr. McNutt, Mr. Powers, Dr. Sheppard and Mr. Williams. Thirteen members present, constituting a quorum.

ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

Mr. Czaplewski made a motion to approve the minutes from the February 11-12, 2015 meeting. Mr. Hedquist seconded the motion. Voting in favor were Mr. Anderson, Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hedquist, Mr. Kinter, Mr. Turnbull, and Mr. Zuhlke. Thirteen voting yes, the motion carried.

REPORTS OF EQC MEMBERS

None.

DIRECTOR'S REPORT

Director Macy provided a written report to the Council. A copy of this report is attached to these minutes.

OLD BUSINESS

David Haldeman, Waste Division Administrator, gave an update on the stakeholder outreach process that is being conducted for proposed changes to the Department's Program Priority System used in the review and award of grant funds under the Waste Reduction and Recycling Incentive Grants Program. The Department held the first of two scheduled open house meetings on May 6, 2015 in Lincoln. The second meeting will be scheduled in August 2015. The Department is working on draft amendments to the Program Priority System that it plans to propose to the Council for hearing on November 12, 2015. The Nebraska Industrial Council for the Environment has also submitted an informational letter dated June 2, 2015 to the Council.

NEW BUSINESS

The Chair opened the floor for nominations for the Chair and Vice Chair positions. For the Chair position, Mr. Gangwish made a motion to nominate Joe Citta as Chair, seconded by Mr. Hedquist. There were no other nominations. Voting in favor were: Mr. Anderson, Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hedquist, Mr. Kinter, Mr. Turnbull, and Mr. Zuhlke. Mr. Citta was re- elected unanimously.

For the Vice Chair position, Mr. Turnbull made a motion to nominate Mark Czaplewski, seconded by Mr. Kinter. There were no other nominations. Voting in favor were: Mr. Anderson, Ms. Bucklin, Mr. Citta, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hedquist, Mr. Kinter, Mr. Turnbull, and Mr. Zuhlke. Not voting was Mr. Czaplewski. Mr. Czaplewski was re-elected. The officers' terms will begin at the next Council meeting.

NEXT MEETING

Legal Counsel Kovar announced that the next meeting will be held on November 12, 2015 in Lincoln, Nebraska.

PUBLIC HEARING ON AMENDMENT OF TITLE 195, CHEMIGATION REGULATIONS

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

- Order appointing Carla Felix as Hearing Officer marked (Exhibit 1)
- Proof of publication of legal notice (Exhibit 2)
- Proposed Amendments to Title 195, Chemigation Regulations (Exhibit 3)
- A memorandum from Marty Link, DEQ Associate Director, Water Quality Division, to the Environmental Quality Council, dated April 20, 2015, Regarding "Explanatory Statement for Proposed Amendments to Title 195 – Chemigation Regulations" (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)
- An email from Mike Brincks, U.S. EPA Region 7, to Carla Felix, DEQ, dated May 20, 2015, regarding EQC Meeting, June 4, 2015 (Exhibit 6)
- A copy of the PowerPoint presentation titled, "Title 195 Chemigation Regulations," presented by Marty Link, DEQ (Exhibit 7)

- Testifier List for the June 4, 2015, public hearing (Exhibit 8)

Marty Link, Associate Director, Water Quality Division, provided testimony and a PowerPoint presentation explaining the proposed amendments. No one from the public provided testimony before the Council.

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

Mr. Hedquist made a motion to approve the proposed amendments to Title 195. Mr. Czaplewski seconded the motion. Ms. Bucklin noted that in Chapter 7 the word "shall" appeared to have been accidentally crossed out and she asked if this could be corrected as a typographical mistake. Legal Counsel Kovar said she thought it could. Mr. Zuhlke commented that he thought the fee increase would become a concern over the long-term. He also acknowledged concern and frustration of chemigators regarding the number of permits and certifications that are required in order to chemigate. Mr. Gangwish also echoed concerns, noting that while he appreciates these requirements are a cost of doing business, they can be expensive. Voting in favor were: Mr. Anderson, Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hedquist, Mr. Kinter, Mr. Turnbull, and Mr. Zuhlke. Thirteen voting yes, the motion carried.

PUBLIC HEARING ON 2016 INTENDED USE PLAN AND PROJECT PRIORITY LIST FOR CLEAN WATER STATE REVOLVING FUND (CWSRF) AND DRINKING WATER STATE REVOLVING FUND (DWSRF)

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

- Order appointing Carla Felix as Hearing Officer marked (Exhibit 1)
- Proof of publication of legal notice (Exhibit 2)
- 2016 Nebraska State Revolving Fund, Clean Water & Drinking Intended Use Plan State Fiscal Year 2016 (Exhibit 3)
- A memorandum from Kevin Stoner, DEQ Section Supervisor of the Financial Assistance Section, Water Quality Division, to the Environmental Quality Council, dated April 17, 2015, Regarding "Proposed SFY 2016 Clean Water State Revolving Fund and Drinking Water State Revolving Fund Intended Use Plan and Project Priority Lists for June 4, 2015 Intended Use Plan Hearing" (Exhibit 4)
- Amendment 1 To the State Fiscal Year 2016 Intended Use Plan for the Clean Water and Drinking Water State Revolving Fund Program (Exhibit 5)
- An email from Mike Brincks, U.S. EPA Region 7, to Carla Felix, DEQ, dated May 20, 2015, regarding EOC Meeting, June 4, 2015 (Exhibit 6)
- A copy of the PowerPoint presentation titled, "2016 Intended Use Plan Clean Water & Drinking Water State Revolving Fund," presented by Kevin Stoner, DEQ and Steve McNulty, DHHS (Exhibit 7)
- Testifier List for the June 4, 2015, public hearing (Exhibit 8)

Kevin Stoner, DEQ Section Supervisor of the Financial Assistance Section, Water Quality Division, provided testimony explaining the proposed 2016 Intended Use Plan. Steve McNulty, Department of

Health and Human Services Environmental Engineer II, testified. No one from the public provided testimony before the Council.

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

Mr. Hedquist made a motion to approve the 2016 Intended Use Plan and Project Priority List for Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) and Amendment 1. Mr. Kinter seconded the motion. Voting in favor were: Mr. Anderson, Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hedquist, Mr. Kinter, Mr. Turnbull, and Mr. Zuhlke. Thirteen voting yes, the motion carried.

PUBLIC HEARING ON AMENDMENT TO TITLE 129, NEBRASKA AIR QUALITY REGULATIONS

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

- Order appointing Carla Felix as Hearing Officer marked (Exhibit 1)
- Proof of publication of legal notice (Exhibit 2)
- Proposed Amendments to Chapter 1, Title 129, Nebraska Air Quality Regulations, Chapter 9, Title 129, Nebraska Air Quality Regulations (Exhibit 3)
- A memorandum from Shelley Schneider, Air Quality Division Administrator, to the Environmental Quality Council, dated April 20, 2015, Title 129 – Nebraska Air Quality Regulations, Explanatory Statement for June 2015 Regulation Package (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)
- An email from Mike Brincks, U.S. EPA Region 7, to Carla Felix, DEQ, dated May 20, 2015, regarding EOC Meeting, June 4, 2015 (Exhibit 6)
- A copy of the PowerPoint presentation titled, "Proposed Amendments to: Title 129 Air Quality Regulations," presented by Shelley Schneider, DEQ (Exhibit 7)
- Testifier List for the June 4, 2015, public hearing (Exhibit 8)

Shelley Schneider, Air Quality Division Administrator, provided testimony explaining the proposed amendments. No one from the public provided testimony before the Council.

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

Ms. Bucklin made a motion to approve the amendments to Title 129, Nebraska Air Quality Regulations. Mr. Anderson seconded the motion. Voting in favor were: Mr. Anderson, Ms. Bucklin, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Dilsaver, Mr. Gangwish, Mr. Grams, Mr. Hall, Mr. Hedquist, Mr. Kinter, Mr. Turnbull, and Mr. Zuhlke. Thirteen voting yes, the motion carried.

Jay Ringenberg, Deputy Director of Programs, thanked the City of Omaha for the excellent tour they presented on June 3, 2015. Mr. Ringenberg indicated to Council members that Adam Yarina with DEQ, Air Quality Division, will do a brief presentation at the next EQC meeting in November. The presentation was postponed due to time constraints on June 3.

Chair Citta adjourned the meeting at approximately 11:35 a.m. CT.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim Macy". The signature is written in a cursive, flowing style with a large initial "J" and "M".

Jim Macy
Director