

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 4, 2015 beginning at 9:00 A.M. Central Time (CT) at the Embassy Suites Omaha-La Vista Hotel & Conference Center, 12520 Westport Road, La Vista, 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 proposed amendments to Title 195-Chemigation Regulations, the proposed Fiscal Year 2016 State Revolving Fund Clean Water and Drinking Water Intended Use Plan (2016 IUP), and proposed amendments to Title 129-Nebraska Air Quality Regulations, as outlined in this notice.

The meeting agenda and a draft copy of the proposed amendments to Title 195 and Title 129 regulations, and the proposed 2016 IUP, scheduled for hearing on June 4, 2015 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 amendments to Title 195 and Title 129 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 3, 2015.

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 195 – Chemigation Regulations implement changes the Nebraska Legislature made to the Nebraska Chemigation Act in Legislative Bill (LB) 272 enacted in 2014. Change to Chapter 4 removes the specified dollar amount of the

application fee. Changes to Chapter 6 substitute two working days for forty-eight hours as the time period when an emergency permit shall be deemed issued if not specifically denied, define working day, and how days are to be counted. An additional change to Chapter 6 uses more general language in referring to the penalty authority for natural resources districts (NRDs) to be compatible with LB 207 enacted by the Legislature in 2015. Changes to Chapter 7 amend the amounts that a NRD may charge for initial application for a chemigation permit or special permit, renewal application, and application for an emergency permit. Changes to Chapter 8 provide that each NRD shall establish permit fees under the Chemigation Act in accordance with LB 272 which amends Neb. Rev. Stat. §46-1121. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.

2. The 2016 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 2016 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 2016 IUP includes a Project Priority Rating System and Fiscal Year 2016 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 2016 IUP. The EQC will vote to adopt, amend or modify the 2016 IUP after hearing and considering all the testimony and written submissions.

3. Amendments to Title 129 – Nebraska Air Quality Regulations. Changes to Chapter 1 expand the definition of “general permit” to include a general construction permit or a combination general construction and general operating permit. Changes to Chapter 9 add procedures related to application for and issuance of general construction permits in addition to general operating permits, and make other minor grammatical changes. The EQC will vote on the NDEQ proposal after hearing and considering all the testimony and written submissions.