

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, public hearings, and potential director candidate interviews on February 11 and 12, 2015 beginning at 1:00 P.M. Central Time (CT) on February 11 at the Cornhusker Hotel, 333 South 13<sup>th</sup> St., Lincoln, 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 the amendment of NDEQ regulations, Waste Reduction and Recycling Incentive Grants Program Priority System, and a rulemaking petition, as outlined in this notice. The EQC intends to conduct interviews for potential candidates for director of NDEQ on February 12 beginning at 8:15 A.M. CT which shall be open to the public and take action to select a final list of candidates to submit to the Governor pursuant Neb. Rev. Stat. §81-1503.

The meeting agenda and a draft copy of the proposed regulations and amendments scheduled for hearing on February 11, 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 regulations scheduled for hearing 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 persons 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, February 10, 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. Changes to Chapter 7 amend the amounts that a natural resources district (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. Amendments to the Program Priority System for the Waste Reduction and Recycling Incentive Grants Fund. Pursuant to Title 199 – Waste Reduction and Recycling Incentive Grants Program, the EQC approves a Program Priority System, which the NDEQ uses to rank applications for funding. This Program Priority System is used in ranking all Waste Reduction and Recycling grant applications except Scrap Tire applications and Deconstruction applications. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.

3. Pursuant to Neb. Rev. Stat. §84-907.08 and NDEQ Title 115 – Rules of Practice and Procedure, Chapter 10, Tyson Foods, Inc. has filed a rulemaking petition with the EQC. The petition requests the EQC amend Title 128 – Nebraska Hazardous Waste Regulations, Chapter 2, to exempt certain discarded leather products from the definition of hazardous waste. EQC action will be limited to whether or not to initiate rulemaking proceedings or deny the petition.