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Environmental Quality Council

The Nebraska Legislature created the Environmental Quality Council in 1971 as the public body that adopts rules and regulations for the Department of Environmental Quality to administer. The Council consists of 17 members who are appointed by the Governor to serve staggered four-year terms. Council members are appointed to represent the following: food products manufacturing, conservation, agricultural processing, the automotive or petroleum industries, chemical industry, heavy industry, power generating industry, livestock industry, crop production, labor, county government, municipal government (two members, one from a city other than primary or metropolitan class), one member who is a professional engineer with experience in control of air and water pollution and solid wastes, one member who is a physician knowledgeable in the health aspects of air, water, and land pollution, one representative of minority populations, and one biologist. Appointments require the advice and consent of the Legislature.

The Council holds at least two regular meetings a year. The time and place of each meeting, together with an agenda and a description of proposed regulations and other actions to be considered, are public noticed in accordance with the Nebraska Administrative Procedure Act and posted on the agency webpage. The council conducts public hearings on proposed regulations and other actions to receive public input through testimony and written comments prior to making a final decision. Council meetings are open meetings and a recording of the proceedings and minutes of each meeting are made, all of which are public records. The Council considers proposals from the Department to adopt, amend, or repeal regulations and may also consider rulemaking petitions initiated by citizens.

The Nebraska Legislature has delegated authority to the Council to adopt regulations on a broad range of environmental subjects to carry out the intent of the Legislature and the purpose of specific legislative Acts. The Council has, for example, adopted standards applicable to air, water, and land quality to protect public health and welfare. In addition, the Council has adopted regulations that govern various environmental programs, practices, and procedures related to permitting sources that have the potential to discharge or emit pollutants to the environment.

Finally, the Council serves an important role in the selection of the Director of the Department of Environmental Quality. The Council submits a list of candidates to the Governor from which the Governor shall appoint a director who shall be experienced in air, water, and land pollution control. The Director is responsible for administration of the Department and the rules and regulations adopted by the Council.