

# **Schedule 58**

# **DEPARTMENT OF ENVIRONMENTAL QUALITY**

**FEBRUARY 15, 2008**

Nebraska Records Management Division  
440 South 8<sup>th</sup> Street, Suite 210  
Lincoln, NE 68508  
(402) 471-2559

**REQUEST FOR APPROVAL  
OF RECORDS RETENTION  
AND DISPOSITION SCHEDULE**

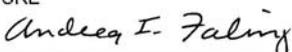
SCHEDULE	58
AGENCY, BOARD OR COMMISSION	<b>Department of Environmental Quality</b>
DIVISION, BUREAU OR OTHER UNIT	
Supersedes Edition of February 22, 1996 and Supersedes 58-14 Edition of March 14, 2006	

**TO: STATE RECORDS ADMINISTRATOR  
STATE OF NEBRASKA**

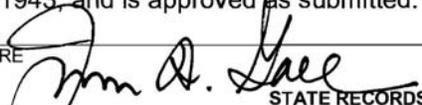
**PART I -- AGENCY STATEMENT**

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.	
SIGNATURE 	
TITLE Director	DATE February 13, 2008

**PART II - ARCHIVAL APPROVAL**

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.	
SIGNATURE  STATE ARCHIVES	DATE Feb. 15, 2008

**PART III -- APPROVAL BY STATE RECORDS ADMINISTRATOR**

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.	
SIGNATURE  STATE RECORDS ADMINISTRATOR	DATE 2/15/08

RMA 01005D

## **INSTRUCTIONS FOR USING #58 – DEPARTMENT OF ENVIRONMENTAL QUALITY** **SCHEDULE**

Records retention and disposition schedules are designed to serve as your records management guideline for storing and disposing of agency records, **regardless of the media on which they reside**, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. These retention schedules, which are approved by the State Records Administrator, provide your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

### **DISPOSING OF RECORDS**

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Disposition of any record whenever litigation is reasonably anticipated or actually occurs is subject to a "Litigation Hold" and must be suspended for the duration of the litigation with direction from the Attorney General's office or Agency Legal Counsel.
3. Records identified for permanent retention will be microfilmed and the original records will be destroyed subject to prior approval of the State Archives.
4. Dispose of records that have met their retention periods.
5. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. If you wish, you may receive this form electronically by contacting the Records Management Division. This report establishes that the destruction was performed in your normal course of business.

**Please remember to retain the blank form for future use.**

### **NON-SCHEDULED RECORDS**

Contact a Records Management Specialist in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

### **SCHEDULE UPDATE**

It is the responsibility of each agency to periodically update their schedule. A Records Management Specialist in Records Management can assist you with the schedule update, which may involve adding new records series and making revisions to existing items. Keeping your schedule current will ensure you have the ongoing authority to dispose of records when their useful life has ended.

### **QUESTIONS**

If you have any questions about these procedures, please contact your agency Records Officer or your Records Management Specialist in Records Management. We will help you with any questions the schedule may present, including: transferring records to the State Records Center, microfilming records, scanning records, etc.

**Records Management Division  
440 South 8th Street, Suite 210  
Lincoln, NE 68508-2294  
402-471-2559**



**Dave Heineman**  
Governor

## STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY  
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### DEQ SCHEDULE #58 MEMO

DATE: February 8, 2008

TO: Department of Environmental Quality Agency Staff

FROM: Mike Linder, Director 

RE: Electronic Records Retention and Disposition Policy

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The following policy shall be applied to the management of electronic records:

- All electronic records shall be retained in accordance with the applicable Schedule 124 or Schedule 58 equivalent to the paper version. Once an electronic record has been printed and filed as indicated above, the electronic version may be disposed of at the creator/recipient's discretion.
- All Electronic Records (including E-mail): Includes copies of electronic data on tapes for the purpose of data recovery/business continuity (not archiving). Tapes will be maintained and then overwritten or destroyed after 7 days.

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 Printed with soy ink on recycled paper 

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## **SCHEDULE 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58-9 FACILITY, PEOPLE, STATE, COUNTY, NATURAL RESOURCE DISTRICT, MUNICIPALITY, LAKE/STREAM CATEGORIES**

A **FACILITY FILE** is for a locational entity subject to regulation by the department, consisting of all buildings, equipment, structures and other stationary items which are located on a single site or on contiguous or adjacent sites and are owned or operated by the same person(s), including such things as monitoring sites and spill incidents.

A **PEOPLE FILE** is for an individual subject to regulation by the department but who cannot be associated with a FACILITY FILE. Examples include operator certification applications and education credits.

A **STATE FILE** is for projects and topical subjects for the State as a whole and for matters that cross State boundaries or impact more than one State. Examples include pipelines and railroad corridors.

A **COUNTY FILE** is for projects and topical subjects based on a County geographic boundary area.

A **NATURAL RESOURCE DISTRICT FILE** is for projects and topical subjects based on a Natural Resource District geographic boundary area. Examples include Ground Water Management Plans, and other Natural Resource District activities.

A **MUNICIPALITY FILE** is for broad community based projects and topical subjects that cannot be filed in a FACILITY FILE. Examples include, municipal separate storm sewer system permits, and sewer use ordinances.

A **LAKE/STREAM FILE** is for projects and topical subjects associated with a lake or stream segment that cannot be filed in a FACILITY FILE. Examples include Total Maximum Daily Load calculations for a given lake or stream segments.

**58-9-1 CONFIDENTIAL FILES**

Confidential files contain trade secrets, complainant information, enforcement investigations, criminal investigations, enforcement referral documents and other information transmitted to, by, and shared with agency legal counsel or the Attorney General in anticipation of litigation.

**Dispose of 30 years after date of most recent document in file folder, subject to Director's approval and subject to review by the State Archives for possible accession.**

**58-9-2 COST RECOVERY FILES**

Original time sheets and related accounting information to support program cost recovery under state and federal laws.

**Retain for the period of any cost recovery legal action. Dispose of in conjunction with program file disposition after any cost recovery legal action is concluded, provided audit has been completed and subject to Director's approval<sup>1</sup>.**

**58-9-3 FINANCIAL ASSURANCE FILES**

Financial assurance files contain information and documents relating to statutory and regulatory financial assurance obligations including financial assurance plans, cost estimates, financial statements, annual reports, asset valuations, and financial assurance instruments.

**Dispose of 30 years after date of most recent document in file folder, subject to Director's approval.**

**58-9-4 GENERAL FILES**

General files contain documents and copies of electronic communications that pertain to compliance with applicable laws and regulations, including inspection reports, complaints, investigations, meeting summaries, general correspondence, notifications, and other general information of specific interest to the file category.

**Dispose of 30 years after date of most recent document in file folder, subject to Director's approval and subject to review by the State Archives for possible accession.**

**58-9-5 GRANT and LOAN FILES**

This file contains grant application, loan applications, award documents, contracts, and any other material related to the grant or loan.

**STATE REVOLVING FUND GRANT FILES: Dispose of after 10 years, provided audit has been completed<sup>1</sup>.**

**ALL OTHER GRANT FILES: Dispose of 10 years after grant or loan period has ended, provided audit has been completed<sup>1</sup>.**

**58-9-6 PERMIT, AUTHORIZATION, CERTIFICATION FILES**

Permit, authorization, and certification files contain applications and related information and all other documents used as the basis for a decision by the agency to issue, modify, deny or revoke a permit, authorization, or certification. Included are fee receipts, construction and operating specifications, fact sheets, engineering calculations, technical review findings, modeling, public notices, proofs of publication, public hearing documents, hearing records, responsiveness summaries, and other decision documents.

**ORIGINAL WASTEWATER TREATMENT FACILITIES PLANS/SPECIFICATIONS:** Retain in associated permit file and any documents required as part of the permit process for 30 years. Dispose of miscellaneous bid documents unrelated to agency authority when no longer of reference value.

**OVERSIZE PLANS:** Microfilm and dispose of plans after project completion; transfer microfilm to State Archives.

**SECURITY MICROFILM:** Retain permanently.

**INCOMPLETE WASTEWATER PLANS/SPECIFICATIONS:** Retain any submitted as part of construction permit process until superseded by a final complete set that has been approved and a permit issued, then dispose of immediately.

**ALL OTHER RECORDS:** Dispose of 30 years after date of most recent document in file folder, subject to Director's approval.

**58-9-7 PROJECT FILES**

This file contains documents that pertain to special projects.

**Dispose of 10 years after project has been completed, subject to review by the State Archives for possible accession.**

**58-9-8 REPORTS & DATA FILES**

Reports and data files contain data and monitoring reports submitted to the agency to fulfill routine compliance monitoring requirements or other purposes and data collected by the agency.

**Dispose of 30 years after date of most recent document in file folder, subject to Director's approval.**

**58-9-9 OFFICIAL RECORD CASE FILES**

This file contains the official record of a contested case compiled under the Administrative Procedures Act and includes all pleadings filed, orders, notices and other information transmitted by the hearing officer to the parties, findings of fact and conclusions of law filed by the hearing officer, transcripts of hearings, and final decisions.

**Dispose of 30 years after date of most recent document in file folder, subject to Director's approval.**

**58-10 MISCELLANEOUS RECORDS**

**58-10-1 AUDIO RECORDING OF MEETINGS**

Audio recordings of public meetings of general interest held by the agency such as regulation development or educational, excluding meetings subject to 58-10-5.

**Dispose or reuse audio recording media 1 year after meeting minutes have been approved.**

**58-10-2 BOND ISSUES**

Revenue bonds issued by the Nebraska Investment Finance Authority for the Wastewater Treatment Facilities Construction Loan Fund or the Drinking Water Facilities Loan Fund. Documents include related correspondence and revenue bonds for the funds.

**Review for disposal 10 years after the final bond maturity date.**

**58-10-3 CONTRACTS, INTERAGENCY AGREEMENTS, AND MEMORANDUMS OF UNDERSTANDING**

Cooperative agreements, related information and documents between the department and other state agencies, political subdivisions, federal agencies and other states that are not filed under 58-9. The agreements for goods and services between the department and other entities may include consultant contracts and other contract documents. Deliverables under a contract, such as data, reports draft documents, etc. should be filed in accordance with 58-9 when appropriate.

**Dispose of 10 years after contract, agreement or memorandum expires.**

**58-10-4 DELEGATION OF ENVIRONMENTAL PROGRAMS**

Documents and records pertaining to the delegation of Federal and State environmental programs.

**Transfer to the State Archives after no longer pertinent to the operation of the agency.**

**58-10-5 ENVIRONMENTAL QUALITY COUNCIL AND OTHER OFFICIAL PUBLIC BODIES**

Information and documents relating to the Environmental Quality Council and statutorily-created advisory committees, including membership, meeting agendas, meeting minutes, and other related information.

**ORIGINAL RECORD OF MEETING MINUTES: Microfilm for security annually; transfer to the State Archives after no longer of reference value. This record may NOT be destroyed after microfilming.**

**OTHER COPIES OF MEETING MINUTES: Dispose of after no longer of reference value.**

**SECURITY MICROFILM OF MEETING MINUTES: Transfer to the State Archives; retain permanently.**

**MICROFILM WORK COPY OF MEETING MINUTES: Retain permanently or transfer to the State Archives when no longer of reference value.**

**ALL OTHER RECORDS: Dispose of 30 years after date of meeting, subject to Director's approval.**

**58-10-6 GENERAL CORRESPONDENCE**

General correspondence, not part of 58-9, generally relating to the duties and responsibilities of the department that is unrelated to any other designated category and are not long-term communications under Schedule 124-1-11.

**Dispose of 10 years after date of most recent document in file folder, subject to Director's approval.**

**58-10-7 OFFICIAL LEGISLATION FILES**

Legislative bills, fiscal notes, interim studies, related correspondence and email, and supporting materials for introduced legislation.

**Dispose of 10 years after the legislative session of introduction. Unintroduced legislative materials may be disposed of after no longer needed as the basis for future legislative work.**

**58-10-8 OFFICIAL RULEMAKING RECORD**

Official rulemaking record for each rule or regulation proposed to or adopted by the Environmental Quality Council. See Neb. Rev. Stat. §84-906.01.

**ORIGINAL RECORD: Retain permanently or transfer to the State Archives when no longer of reference value.**

**OTHER COPIES: Dispose of after no longer of reference value.**

**58-10-9 PUBLIC INFORMATION REQUESTS**

Requests for information from agency files, draft documents not filed under any other file category that were produced in response to public requests, non-record material, transitory emails and billings for copies made.

**ORIGINAL RECORD: Dispose of 5 years after date of request.**

**TRACKING LOGS: Dispose of concurrently with communications.**

**58-10-10 REGULATION DEVELOPMENT**

Outreach materials, correspondence, email and related information not introduced at rule making hearings, but used in conjunction with drafts and working copies of proposed regulations and rules.

**Dispose of with relevant program 4 years after effective date of rule.**

**58-10-11 WEBSITES**

Internet websites established and maintained by the agency.

**Records listed in Schedule 124 or in Schedule 58, and reproduced on the websites, shall follow Schedule 124-1-44. For records residing on the web site only, follow Schedule 124 or 58.**

**58-14 LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY**

**58-14-1 ADMINISTRATIVE FILES**

Documents not specific to the Low-Level Radioactive Waste application review process (e.g.: invoices, copies of timesheets, and outreach materials).

**Dispose of 10 years after litigation is concluded, subject to review by the State Archives for possible accession.**

**58-14-2 APPLICATION REVIEW DOCUMENTATION**

Documents include the US Ecology application, state produced application review documents, maps, and quality assurance documentation.

**ORIGINAL RECORD: Dispose of 10 years after litigation is concluded, subject to review by the State Archives for possible accession.**

**DUPLICATE COPIES: Dispose of after litigation is concluded.**

**58-14-3 COMPUTER TAPES**

Information Management Services backup computer tapes of state mainframe activity. Tapes are obsolete and no longer readable.  
**Dispose of after litigation is concluded.**

**58-14-4 CONSULTANT FILES**

All material related to consultant's work on the Low-Level Radioactive Waste Project.  
**Dispose of 10 years after litigation is concluded, subject to review by the State Archives for possible accession.**

**58-14-5 COURT RECORD**

Documents introduced as evidence in Entergy Arkansas, et. al. v. State of Nebraska, et. al (U.S. District Court, Nebraska), 4:98 cv 03411-RGK1998-2004.  
**Transfer to the State Archives after litigation is concluded.**

**58-14-6 DISCARD PAPERS**

Low-Level Radioactive Waste related discard documents (drafts, working copies, mistakes, etc) stored as a result of injunction.  
**Dispose of after litigation is concluded, subject to review by the State Archives for possible accession.**

**58-14-7 DOCUMENTS SIGNED BY STATE EMPLOYEES WHEN LEAVING STATE GOVERNMENT**

Documents signed by state employees that state whether or not they had anything to do with the Low-Level Radioactive Waste case.  
**Dispose of after litigation is concluded.**

**58-14-8 DUPLICATE COPIES OF "DRAFT SAFETY EVALUATION REPORT" AND "DRAFT ENVIRONMENTAL IMPACT ANALYSIS"**

State produced documents published for Public Hearing. Required by Title 194. Documents were distributed for public comment. File copies of these documents are retained with trial related documents.  
**Dispose of after litigation is concluded, subject to review by the State Archives for possible accession.**

**58-14-9 FINANCIAL RECORDS**

Department of Administrative Services financial records for the Low-Level Radioactive Waste program.  
**Dispose of 10 years after litigation is concluded, subject to review by the State Archives for possible accession.<sup>1</sup>**

**58-14-10 NEWSPAPER CLIPPINGS**

Newspaper clippings (not including DEQ press releases) related to the Low-Level Radioactive Waste issue.  
**Dispose of 10 years after litigation is concluded.**

**58-14-11 OVERSIZE PRESENTATION MATERIALS**

Presentation foam core boards related to Low-Level Radioactive Waste project and trial.  
**Dispose of 10 years after litigation is concluded.**

**58-14-12      RULE 23 DOCUMENTS**

Rule 23 relates to the withdrawal of Nebraska's membership from the Central Interstate Commerce Commission (CICC). Documents were compiled to show that Nebraska acted in good faith. Copies of these documents are duplicated in #58-14-13.

**Dispose of after litigation is concluded.**

**58-14-13      TRIAL RELATED DOCUMENTS**

Documents related to the Low-Level Radioactive Waste Trial. Includes: Trial exhibits, depositions, documents produced for discovery, spoliation documents and computers and hard drives on which the records reside. Computers and hard drives are obsolete and no longer readable.

**ORIGINAL RECORD: Dispose of after litigation is concluded, subject to review by the State Archives for possible accession.**

**DUPLICATE COPIES: Dispose of trial related documents after litigation is concluded. (NOTE: Copies of data may be found on computers, hard drives, etc.)**

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**NOTE**

*1. These records may be disposed of after the required retention period provided the audit of the Comprehensive Annual Financial Report (CAFR) is complete and any required federal audit is complete, and all related audit comments have been resolved. Check with the organization that performed the audit, either the Auditor of Public Accounts or the federal cognizant agency, if there is a question whether resolution is complete.*

# RECORDS DISPOSITION REPORT

<b>TO: SECRETARY OF STATE RECORDS MANAGEMENT DIVISION 440 S. 8<sup>TH</sup> STREET SUITE 210 LINCOLN, NE 68508-2294</b>	AGENCY
	DIVISION
	SUB-DIVISION

## REQUIRED INFORMATION:

In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

## OPTIONAL INFORMATION (FOR YOUR USE ONLY):

You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.

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DATE	SIGNATURE
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**SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR YOUR RECORDS.**

RMA 03006D

## VOLUME ESTIMATING GUIDE

**(PLEASE NOTE THAT FOR REPORTING PURPOSES, AN ESTIMATE OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS ADEQUATE.)**

Container	Cubic Feet	Weight (lbs)	Sheets of Paper (8.5" x 11")	Electronic Data Equivalent
			1	20 Kb
			52	1 Mb (1024 Kb)
			53,687	1 Gb (1024 Mb)
N/A	N/A	2,204 lbs (1 metric ton)	220,000	4.1 Gb
Records center carton	1 Cu. Foot	16.66 lbs	1,667	32 Mb
Vertical File Cabinet, 4 drawer letter-size	6 Cu. Feet	100 lbs	10,000	190 Mb
Vertical File Cabinet, 4 drawer legal-size	8 Cu. Feet	133.3 lbs	13,333	254 Mb
About a pickup load	50 Cu. Feet	7,500 lbs	748,638	14 Gb