

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 its regular meeting and public hearings on November 12, 2015 beginning at 10:00 A.M. Central Time (CT) at the Cornhusker Hotel, 333 South 13<sup>th</sup> St., Lincoln, Nebraska. Preceding the hearings will be an orientation for EQC members, a briefing on the Ozone National Ambient Air Quality Standard, and business items on the agenda. Hearings are scheduled to begin at 1:00 P.M. CT or 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, proposed amendments to the Waste Reduction and Recycling Incentive Grants Program Priority System, the proposed 2016 Funding Percentage Allocations for the Litter Reduction and Recycling Fund, and proposed amendment to the 2016 Intended Use Plan and Project Priority List for Clean Water State Revolving Fund and Drinking Water State Revolving Fund, as outlined in this notice.

The meeting agenda and a draft copy of the proposed regulations, amendments, and proposals scheduled for hearing on November 12, 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, November 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 132 – Integrated Solid Waste Management Regulations. Changes to Chapter 2 include provide a specific exemption from permit requirements

under certain conditions for a generator or group of generators who process their own waste such as autoclaving, compaction, or temporary storage and do not speculatively accumulate waste; and moved relocated language regarding a signature requirement on reports or correspondence. Changes to Chapter 3 modify provisions relating to closure for municipal solid waste disposal areas to require closure after one year at facilities with remaining capacity but which are not actively receiving wastes and to authorize the director of NDEQ to approve extensions to this one-year deadline on a case-by-case basis. Changes to Chapter 4 make grammatical clarifications. Changes to Chapter 5 add notification and recordkeeping requirements for construction and demolition waste disposal areas. Changes to Chapter 6 would allow the NDEQ to approve an alternative to gates to secure solid waste transfer stations and make a minor grammatical change. Changes to Chapter 8 establish a maximum pay-in period of 30 years for construction and demolition waste landfills using a trust fund for financial assurance. Changes to Chapter 9 delete fees for initial applications for existing facilities and clarify language. Changes to Chapter 14 provide clarification on beneficial use of waste tires for agricultural purposes, provide a fixed term for waste tire hauler permits, and make other minor corrections. The EQC will vote on the NDEQ proposal after hearing and considering all the testimony and written submissions.

2. Litter Reduction and Recycling Grant Program, 2016 Funding Percentage Allocations. The NDEQ administers the Litter Reduction and Recycling Grant Fund in percentage amounts to grantees for projects within three categories: public education, cleanup, and recycling. Neb. Rev. Stat. §81-1561 requires the EQC to annually determine the percentages for each category. A statewide litter fee is the source of revenue for the fund. At this hearing, the EQC will take action on the NDEQ recommendations for percentage amounts. For the Year 2016, the NDEQ recommends the following percentage allocations: public education 34%, cleanup 5%, and recycling 61% with additional approval to adjust these percentages by up to 5%. All persons affected by the proposed allocations are hereby notified that modifications may be offered to the proposed percentage allocations or the EQC may propose new allocations. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.

3. 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. This system provides a numerical ranking on each grant application and is used by grant reviewers and the Director of NDEQ in making final award decisions. The Program Priority System is used in ranking all Waste Reduction and Recycling Incentive grant applications for funding. This Program Priority System is used in the application, review, and scoring of 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.

4. Amendments to Title 131 – Rules and Regulations for the Wastewater Treatment Facilities and Drinking Water Construction Assistance Programs. Changes to Chapter 1

add a definition of county, director, intended use plan, municipality, nonpoint source, and point source and modify other definitions. Changes to Chapter 2 add certain federal requirements for loans and allow refinancing debt obligations for certain projects. Changes to Chapter 3 provide the method, criteria, and limits for refinancing and buying debt obligation under the Clean Water State Revolving Fund (CWSRF) will be addressed in the Intended Use Plan. Changes to Chapter 4 add a cost and effectiveness analysis and a fiscal sustainability plan as wastewater treatment works design requirements and clarify that engineers used on CWSRF projects must be registered in Nebraska. Changes to Chapter 5 require loan applicants for nonpoint source control system and land acquisition and source water protection projects to prepare a cost and effectiveness plan. Changes to Chapter 7 provide the NDEQ may provide written notice to the applicant prior to denying a loan application and offer an opportunity to respond or cure the deficiency. Changes to Chapter 10 remove incorrect references and unnecessary language. The EQC will vote on the NDEQ proposal after hearing and considering all the testimony and written submissions.

5. Amendment to the 2016 Intended Use Plan and Project Priority List for Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF). The proposed amendment would add Stanton County Sanitary Improvement District #1 to the Appendix B1-a Future Needs List. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.