NOTICE OF PUBLIC HEARINGS
AND PUBLIC MEETING
STATE OF NEBRASKA
DEPARTMENT OF ENVIRONMENT AND ENERGY (NDEE)
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 a meeting and public hearings on November 7 and 8, 2019 beginning at 1:00 P.M. Central Time (CT) at the Cornhusker Hotel, 333 South 13th St., Lincoln, Nebraska. Preceding the hearings will be business items on the agenda. The hearings are scheduled to begin at 1:00 P.M. CT on November 7, or as soon thereafter as can reasonably be heard, and continue on November 8, 2019 if necessary. The purpose of the hearings is to take testimony and evidence about the proposed Fiscal Year 2020 Funding Percentage Allocations for the Litter Reduction and Recycling Grant Program and proposed amendment of NDEE regulations, as outlined in this notice.

The meeting agenda and a draft copy of the proposals scheduled for hearing are available at the NDEE's Lincoln office, 1200 N St., Suite 400, Lincoln, NE and on the NDEE website at [HYPERLINK "http://dee.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, 1201 N St., Suite 120, Lincoln, NE, 68508. The description of the fiscal impact of the proposed regulations on state agencies, political subdivisions, or persons regulated is also available at these locations.

All interested persons may attend and testify orally or by written submission at the public hearing. Any person may provide advance notice of intent to testify by contacting Carla Felix, Hearing Officer, NDEE, 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 6, 2019.

Please notify the NDEE 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. Litter Reduction and Recycling Grant Program, 2020 Funding Percentage Allocations. The NDEE 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 NDEE recommendations for percentage

amounts. For the Year 2020, the NDEE recommends the following percentage allocations: recycling 20.1%, public education 75.0%, and cleanup 4.9% with additional approval to adjust these percentages by up to 20%. 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 NDEE proposal after hearing and considering all the testimony and written submissions.

2. Amendments to Title 195 – Chemigation Regulations. Chapter 1 is deleted and reference to definitions is moved to new Chapter 1, which is Chapter 2, renumbered. Changes to Chapter 2 include renumbering it to Chapter 1, addition of definitions and references, deletion of language that restates statute, updates application requirements and chemical use, and renames chapter title to include applications, certification, and duties of permitholder. Changes to Chapter 3 remove language on permit issuance, denial, and revocation that repeats statute, and deletes the chapter. Changes to Chapter 4 remove permit renewal and expiration provisions which repeat statute, relocates non-transferability of permit provision to new Chapter 1, and deletes Chapter 4. Changes to Chapter 5 remove special permit requirements which are stated in statute, moves information regarding special permit to be submitted to new Chapter 2, and deletes Chapter 5. Changes to Chapter 6 remove requirements related to emergency permits which are stated in statute, and deletes Chapter 6. Changes to Chapter 7 remove fee language that duplicates statute, moves fee payment schedule to new Chapter 2, and deletes Chapter 7. Changes to Chapter 8 update language relating to natural resource district duties, and renumbers new Chapter 2. Changes to Chapter 9 update equipment standards and installation requirements, renumbers new Chapter 3, and adds maintenance to chapter title. Changes to Chapter 10 remove certain equipment replacement requirements that duplicate statute, moves remaining standards for equipment to new Chapter 2, and deletes Chapter 10. Changes to Chapter 11 remove inspection requirements that restate statute, move provision relating to permit suspension to new Chapter 2, and deletes Chapter 11. Changes to Chapter 12 move posting requirements to new Chapter 1, and delete Chapter 12. Change to Chapter 13 remove requirements for applicator training session and certification which repeat statute, move provision affording a hearing if certification revoked to new Chapter 1, and delete Chapter 13. Changes to Chapter 14 remove certain requirements for accident reporting that duplicate statute, move language on process for reporting accidents to new Chapter 1, and delete Chapter 14. Changes to Chapter 15 remove certain requirements for investigation and remediation of accidents that duplicate statute, move remaining requirements to new Chapter 1, and delete Chapter 15. Changes to Appendix I make minor changes and updates. The EQC will vote to adopt, amend or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.

3. Amendments to Title 135 – Rules and Regulations for Mineral Exploration Holes. Chapters 9 through 12 are proposed for repeal because the language is duplicative of statute, is not needed to implement the statutorily-prescribed program, or restates general legal principles not needed in regulation. The EQC will vote to adopt, amend, or not

approve the NDEE proposal after hearing and considering all the testimony and written submissions.

4. Amendments to Title 200 – Petroleum Release Remedial Action Reimbursement Fund. Chapter 1, definitions, is proposed for deletion. Changes to Chapter 2 include a reference to definitions; make changes relating to the application for reimbursement; include provisions applicable to department review, bidding, reimbursement, reduction in reimbursement, auditing, and notice of department disapproval of an application currently contained in Chapter 3; include provisions relating to limitations on reimbursements currently contained in Chapter 4; include provisions on fixtures and tangible personal property currently in Chapter 5; and renumber Chapter 2 as new Chapter 1. Chapter 3 is proposed for deletion because department review provisions and requirements related to bidding, reimbursement, reduction in reimbursement, auditing, and notice of department disapproval of an application have been moved to and consolidated in new Chapter 1, and the remaining provisions are duplicative of statute or addressed in agency guidance. Chapter 4 is proposed for deletion because provisions relating to limitations on reimbursements are duplicative of statute. Chapter 5 on fixtures and tangible personal property is proposed for deletion because provisions have been moved to new Chapter 1 or have been addressed in agency guidance. Chapter 6 on department use of funds is proposed for deletion as duplicative of statute. Chapter 7 is proposed for deletion because it restates general statutory provisions relating to powers of the department, intervention, release notification, severability, appeals, and effective date of regulations. The EQC will vote to adopt, amend, or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.

5. Amendments to Title 197 – Rules and Regulations for the Certification of Wastewater Treatment Operators. Changes to Chapter 1 add, delete, and modify definitions; and include provisions related to exemptions of wastewater treatment facilities exempted from regulation currently in Chapter 2. Chapter 2 is proposed for deletion because provisions have been moved to Chapter 1 or are no longer applicable. Changes to Chapter 3 include renumbering as Chapter 2; classifications of facilities, staffing and reporting requirements have been modified and updated; and tables added for ease of use. Changes to Chapter 4 include renumbering as Chapter 3; elimination of obsolete temporary and restricted certification provisions; and changes to improve readability. Changes to Chapter 5 include renumbering as Chapter 4; adding and modifying expiration and renewal and certificate requirements currently in Chapter 7; and reciprocity requirements currently in Chapter 8. Changes to Chapter 6 include renumbering to Chapter 5; and modifying applicant education, experience; and continuing education requirements currently in Chapter 7. Chapter 7 is proposed for deletion because provisions have been moved to other chapters or are no longer needed. Chapter 8 is proposed for deletion and reciprocity provisions have been moved to new Chapter 5. Changes to Chapter 9 include renumbering to Chapter 6; and modifying provisions applicable to contract operations and operators. Minor changes have been made to Appendices A and B for readability. No change made to Appendix C. The EQC will vote to adopt, amend, or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.

6. Amendments to Title 198 – Rules and Regulations Pertaining to Agricultural Chemical Containment. Changes to Chapter 1 update add, delete, and update definitions. Changes to Chapter 2 update language for readability and delete obsolete provisions relating to when a secondary containment facility is required. Changes to Chapter 3 update language for readability and delete obsolete provisions relating to when a loadout facility is required. Changes to Chapter 4 update language for readability relating to location of secondary containment and loadout facility. Changes to Chapter 5 update language for readability relating to design requirements for secondary containment facility. Changes to Chapter 6 update language for readability relating to design requirements for loadout facilities and include an applicable date. Changes to Chapter 7 update language for readability for construction plans for secondary containment and loadout facilities. Changes to Chapter 8 update language for readability for management requirements for secondary containment and loadout facilities. Changes to Chapter 9 update language for readability and delete an obsolete provision. Appendix A is proposed to be deleted as not necessary to be included in order to implement regulatory program. The EQC will vote to adopt, amend, or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.

7. Amendments to Title 129 – Nebraska Air Quality Regulations. Chapters 25, 39, and 40 are proposed for repeal. Chapter 25 relating to nitrogen oxides previously applied to only one source which is now subject to regulatory requirements in Chapter 18. Chapter 39 addresses visible emissions testing of motor vehicles which is no longer justified. Chapter 40 relating to a lead nonattainment designation in Douglas County which is obsolete now that Nebraska has been federally designated as in attainment for lead. The EQC will vote to adopt, amend, or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.