

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 10, 2022, beginning at 10:00 A.M. Central Time (CT) at 245 Fallbrook Blvd., Lincoln, Nebraska. Business items on the agenda will precede a hearing which is scheduled to begin at 10:00 A.M. CT or as soon thereafter as can reasonably be heard. The purpose of the hearings is to take testimony and evidence about the proposed Fiscal Year 2023 Funding Percentage Allocations for the Litter Reduction and Recycling Grant Program and proposed amendments 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, 245 Fallbrook Blvd, Lincoln, NE and on the NDEE website at <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. Interested persons may also submit written comments by mail addressed to: EQC, P.O. Box 98922, Lincoln, NE 68509-8922 or electronically to NDEE.eqc@nebraska.gov prior to the hearings, which will be entered into the hearing record if received by 5:00 P.M. CT, November 9, 2022.

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, 2023 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 2023, the NDEE recommends the following percentage allocations: recycling 34%, public education 63%, and cleanup 3% 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 118 – Ground Water Quality and Use Classification. Changes to Chapter 1 add a reference to Neb. Rev. Stat. § 81-1502, remove definitions which are duplicative of Neb. Rev. Stat. § 81-1502 or for terms not used elsewhere in the title, replace section 010 with a citation to Neb. Rev. Stat. § 46-706, replace section 016 with a citation to Neb. Rev. Stat. § 66-1510, replace section 024 with a citation to Neb. Rev. Stat. § 71-5301(10), replace section 031 with a citation to Neb. Rev. Stat. § 71-5301(9), replace section 036 with a citation to Neb. Rev. Stat. § 46-1502(4). Changes to Chapter 2 include minor correction to language and updating of references. Changes to Chapter 3 delete parts of section 1 and move it to section 2, delete parts of section 2 and move it to section 3, delete parts of section 3 and move it to section 4. The contents of Chapter 4 are moved to Chapter 3, clarifying language is added to Table 6 for chromium, cyanide, and xylene, and a reserve is added for perchlorate. Changes to Chapter 5 move sections 001 and 002 to Chapter 3 section 009. Changes to Chapter 6 delete in part sections 001, 002, and 003, and move them to Chapter 3 section 001. Changes to Chapter 7 partially move section 004 to section 003.03, deletes section 5. Changes to Chapter 8 reword section 002. Changes to Chapter 9 delete in part section 001 and 002 and move them to Chapter 2 section 2. Changes to Chapter 10 adds clarifying language to section 001 and 002. Changes to Chapter 11 delete in part section 001.02 and move it to section 001.01, remove a reference to Nebraska Department of Health and Human Services from section 003.03B, adds language allowing publication on the Department’s website to section 003.04, deletes section 003.07D. Changes to Chapter 12 move section 001 to Chapter 7 section 005, deletes section 002, 003, and 004. Changes to Appendix A reorganizes all sections, deletes unnecessary language, and adds clarifying language and make minor changes and updates. Changes to Attachment A delete the attachment. Changes to Attachment B delete the attachment. Changes to Appendix B reorganizes all sections, deletes unnecessary language, adds clarifying language and makes 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 119 – Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System. The proposed amendments revise and consolidate provisions in several chapters, update references to the July 1, 2019, Code of Federal Regulations (CFR) and delete provisions duplicative of state statutes. Changes to Chapter 1 add, revise, or delete definitions and update references to the CFR. Changes to Chapter 2 correct typographical errors, clarify when permits are required; incorporate requirements of existing Chapters 4 (New Discharger and New Source; Application), 5 (Permit Application – General Requirements), 6 (Permit Application – Additional Information for Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers), 7 (Permit Application – Additional Information for POTWs), 8 (Permit application – Additional Information for New sources and New Discharges), and 9 (Variances) by reference to the CFR; add requirements from existing

Chapters 3 (Permits; Exclusions; Prohibitions), 4 (New Discharger and New Source; Application), 13 (Application; Signatories), 14 (Permits; Terms and Conditions: General), and 24 (Permit Transfer, Modification, Revocation, Reissuance, Continuation and Termination). Changes to Chapter 3 include renaming to “NPDES Regulations Applicable to Storm Water Discharges, incorporate 40 CFR Part 122.26 by reference, and add requirements for permit, storm water discharges, small municipal separate storm water management system (MS4), application deadlines, petitions, and conditional exclusion. Changes to Chapter 4 include renaming “Land Application of Domestic Effluent, Land Application of Single Pass Noncontact Cooling Water and Disposal of Domestic Biosolids” and add requirements on procedures for authorization of land application, authorization by rule, application for site specific land application authorization, land application of effluent, single pass noncontact cooling water, and sewage sludge. Changes to Chapter 5 include renaming “Effluent Guidelines and Standards”, add effluent limitations guidelines for existing sources, standards of performance for new and existing sources, test procedures for analysis of pollutants, criteria and standards for determining fundamentally different factors, thermal discharges and cooling water intake structures, toxic pollutant effluent standards pH effluent limitations under continuous monitoring, and incorporate effluent guidelines found at 40 CFR Chapter I, Subchapter N by reference. Changes to Chapter 6 include renaming “Environmental Infrastructure Sustainability Evaluation” and add requirements for application and application fees. The contents of Chapters 7 through 28 are moved to other chapters as referenced above and chapters are proposed for repeal. The EQC will vote to adopt, amend or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.