

Q/A from T119 Proposed Changes Webinar 12/07/2021

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About the webinar:

The purpose of this meeting is to provide public outreach on the proposed revisions to Title 119 –Rules and Regulations Pertaining to The Issuance Of Permits Under The National Pollutant Discharge Elimination System.

- 1) What is the benefit for taxpayers to have the Adopt by Reference? **Adopting by reference streamlines the update process. This results in less time and effort changing written titles and the efficiency keeping them current. Keeping titles more current with regulatory changes provides certainty to stakeholders for operating facilities and planning for changes when necessary.**
- 2) Why is the State of Nebraska choosing to go this route when other States in Region 7 or within the United States are not? **Adopting by reference is a State of Nebraska administrative policy intended to create opportunity through more effective, more efficient, and customer focused state government.**
- 3) Why have your own approved State regulations and your own program when all Nebraska is choosing to do is mimic Federal interpretation? **To act as the state water pollution control agency for the purposes of the Clean Water Act (§81-1504), the State of Nebraska is required to have lawfully adopted State statutes and regulations (40 CFR 123.23).**
- 4) Why is the NDEE choosing this route? Had prior outreach to those it affects been done before this webinar? **This is the first outreach webinar for Title 119. However, NDEE has updated other titles with the same type of revisions.**
- 5) Can a link to the proposed changes to Title 119 be posted? I could not find them on the website. **NDEE will review the ability to link directly from title to 40 CFR. Federal regulations can be found at <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D>.**
- 6) If other states are not adopting the changed NPDES updates rule, why is Nebraska? **State NPDES programs are required to be as stringent as the Federal rules as provided in 40 CFR Part 123.25.**
- 7) Why is Nebraska choosing to do this? **Adopting by reference is a State of Nebraska administrative policy intended to create opportunity through more effective, more efficient, and customer focused state government (see question 2).**
- 8) Where is this referenced in the state statute that Nebraska will adopt the NPDES Fed program? **§81-1504(4)**
- 9) Is there any draw backs to making the changes to Title 119 as proposed at this time? **NDEE does not foresee drawbacks to the Title as proposed.**
- 10) When are you meeting with the Env Quality Board? **To be announced.**
- 11) can you send the link to the red line version here?
- 12) Are you planning on summarizing the changes? **We should be able to provide a summary, but the red line version may satisfy this request.**
- 13) Will the update have links to 40 cfr? **Repeated questions**
- 14) Are these slides available?
Yes. The slides and presentations are available at the following link on the NDEE website.
<http://dee.ne.gov/NDEQProg.nsf/OnWeb/VideoEvent>