

NOTICE OF PUBLIC HEARING
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 17, 2023, beginning at 10:00 A.M. Central Time (CT) at 245 Fallbrook Blvd., Lincoln, Nebraska. Preceding the hearing will be business items on the agenda, including consideration of two resolutions to increase borrowing authority for the Wastewater Treatment Facilities Construction Loan Fund (Clean Waste State Revolving Fund) and the Drinking Water State Revolving Fund. Hearings are 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 2023 Funding Percent Allocations for the Litter Reduction and Recycling Program and proposed amendments to Title 117- Nebraska Surface Water Quality Standards.

The meeting agenda and a draft copy of the proposals scheduled for hearing are available at the NDEE's Lincoln office, 245 Fallbrook Blvd, Suite 100, 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 16, 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, 2024 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 Year 2024, the NDEE recommends the following percentage allocations: recycling 28%, public education 68%, and cleanup 4% 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 117 – Nebraska Surface Water Quality Standards. Title 117 is the foundational regulatory means by which the department is administratively responsible and directed by the Federal Clean Water Act (CWA) to maintain certain water quality standards. 40 Code of Federal Regulations states “(a) State review. The state shall from time to time, but at least once every 3 years, hold public hearings for the purpose of reviewing applicable water quality standards adopted pursuant to §§ 131.10 through 131.15 and federally promulgated water quality standards and, as appropriate, modifying and adopting standards.” A public hearing was held in April 2021 to signify the beginning of the triennial review process and to solicit comments from interested parties. These revisions are proposed as part of the State’s triennial review of water quality standards. States are required to review their classifications of waters, designations of uses, and adopt EPA recommended criteria developed under Section 304(a) of the CWA or to provide scientific justification for not doing so. Agency name has been updated to NDEE throughout Title 117 to reflect the merger with the Nebraska Energy Office in 2019. Typographical errors have also been updated throughout. Changes to Chapter 4 (Standards for Water Quality) include an update to the aquatic life selenium criteria based on an errata correction published by EPA in 2021 to indicate that fish tissue criteria will be the preferred criteria over water column criteria unless selenium inputs are increasing in a waterbody, and the inclusion of a reference to Document 3.7 in the Nebraska Continuing Planning Process Document “Natural Background Chloride Criteria: Site Specific Chloride Criteria Implementation Procedure” signed on June 22, 2023. Changes to Chapter 5 (Stream Classification By Basin) include the removal and addition of key species based on the latest scientific information, the inclusion of scientific nomenclature, the designation of 870 stream segments with the designated beneficial use of Primary Contact Recreation to comply with the CWA Section 101(a)(2), the addition of 4 stream segments, and updates to stream names to conform to the Geographic Names Information Systems. Changes to Chapter 6 (Lakes and Impounded Waters) include the addition of 8 lakes / reservoirs, the removal of one reservoir that no longer exists, and updates to lake / reservoir names to conform to the Geographic Names Information System. Changes to Chapter 7 (Water Quality Standards for Wetlands) include an update to the aquatic life selenium criteria based on an errata correction published by EPA in 2021 to indicate that fish tissue criteria will be the preferred criteria over water column criteria unless selenium inputs are increasing in a waterbody, and the removal and addition of key species based on the latest scientific information. The EQC will vote to adopt, amend, or not approve the NDEE proposal after hearing and considering all testimony and written submissions.