

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 a meeting and public hearings on November 15 and 16, 2018 beginning at 1:00 P.M. Central Time (CT) at the Cornhusker Hotel, 333 South 13<sup>th</sup> 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 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 2019 Funding Percentage Allocations for the Litter Reduction and Recycling Grant Program and proposed amendment of NDEQ regulations, as outlined in this notice.

The meeting agenda and a draft copy of the proposals scheduled for hearing 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, 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, 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 14, 2018.

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. Litter Reduction and Recycling Grant Program, 2019 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 2019, the NDEQ recommends the following percentage

allocations: recycling 52.5%, public education 43.6%, and cleanup 3.9% with additional approval to adjust these percentages by up to 10%. 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.

2. Title 197 – Rules and Regulations for Certification of Wastewater Treatment Operators in Nebraska. Chapters 10 and 11 are proposed for repeal. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.

3. Title 198 – Rules and Regulations Pertaining to Agricultural Chemical Containment. Chapters 10 through 14 are proposed for repeal. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.

4. Title 133 – Litter Reduction and Recycling Grant Program. Changes to Chapter 1 modify and delete definitions; describe and consolidate eligibility, application, grant agreement, and reasons for denial, termination, and disqualification for grants; and rename chapter. Chapters 2 through 6 are proposed for repeal. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.

5. Title 199 – Waste Reduction and Recycling Incentive Grants Program. Changes to Chapter 1 modify and delete definitions; describe and consolidate eligibility, application, grant agreement, and reasons for denial, termination, and disqualification for grants; and rename chapter. Chapters 2 through 11 are proposed for repeal. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.

6. Title 120 – Rules and Regulations on 401(1)(A) Certification. Repeal Chapter 1 definitions. Changes to Chapter 2 consolidate provisions from Chapter 3 and 4; make public notice consistent with federal notice; and update, simplify, and modernize language and delete language that is duplicative of or merely repeats statute. Chapter 2 is renumbered Chapter 1. Repeal Chapter 5. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.



## FISCAL IMPACT STATEMENT

Agency: Nebraska Department of Environmental Quality  
Prepared by: Annette Kovar *AK*  
Date Prepared: September 27, 2018  
Phone: (402) 471-3194  
Title: 197  
Chapter: 10, 11  
Name: *Rules and Regulations for the Certification of Wastewater Treatment Operators in Nebraska*

State Status: Hearing Draft

Type of Fiscal Impact:

	State Agency	Political subdivision	Regulated Public
No Fiscal Impact	X	X	X
Increase Costs			
Decrease Costs			
Increased Revenue			
Decreased Revenue			
Indeterminable			

Description of Impact:

**State Agency:** There is no fiscal impact related to the repeal of Title 197, Chapters 10 and 11.

**Political Subdivision:** No fiscal impact

**Regulated Public:** No fiscal impact

~~NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Title 197—NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Chapter 10—REVOCATION, SUSPENSION OR REFUSAL TO GRANT CERTIFICATION~~

~~001—The director may revoke, suspend or refuse to grant the certificate renewal of an operator, following opportunity for hearing, upon any reasonable ground including, but not limited to, the following:~~

~~001.01—The operator has practiced fraud or deception.~~

~~001.02—Reasonable care was not used in the performance of duties.~~

~~001.03—The operator is unable to perform duties properly.~~

~~001.04—The operator fails to meet the minimum continuing education requirements.~~

~~002—Notice of revocation or suspension action shall be issued by the director through certified mail to the affected certificate holder at that individual's last known address and to the owner of the wastewater treatment facility employing that operator. That notice shall state the reason(s) for the action, the effective date of the action and the steps the certificate holder may take to contest the action.~~

~~003—Hearing procedures shall be pursuant to Chapter 11 of these regulations.~~

~~004—Application for certification examination by a person whose certificate has been revoked may not be made sooner than one (1) year from the effective date of revocation.~~

~~005—Any operator having falsified wastewater treatment facility operating records or reports, will no longer be eligible to be in DRC of a wastewater treatment facility, but may obtain a restricted certification and be under the supervision of a certified operator.~~

~~Enabling Legislation: Neb. Rev. Stat. §81-15,136 and §81-15,137.~~

~~Legal Citation: Title 197, Ch. 10, Nebraska Department of Environmental Quality.~~

~~NEBRASKA ADMINISTRATIVE CODE~~

~~TITLE 197— NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Chapter 11— GENERAL PROVISIONS~~

~~001— Failure to comply with the requirements of these regulations may be grounds for a civil fine or enforcement proceedings or injunctive relief by the county attorney or Attorney General.~~

~~002— If any clause, paragraph, subsection or section of these regulations shall be held invalid, it shall be conclusively presumed that the Environmental Quality Council would have enacted the remainder of these regulations not directly related to such clause, paragraph, subsection or section.~~

~~003— Any request for hearing shall be pursuant to Neb. Rev. Stat. §81-1507. Any appeal herein shall be pursuant to Neb. Rev. Stat. §81-15, 142.~~

~~004— These rules and regulations may be amended or repealed pursuant to Title 115, Rules of Practice and Procedure, which shall, in all respects, conform to Neb. Rev. Stat. §84-901 et seq.~~

~~005— These regulations shall become effective five days after filing with the Secretary of State and shall supersede the “Rules and Regulations For The Certification of Wastewater Treatment Facility Operators in Nebraska”, effective on January 24, 1993.~~

~~Enabling Legislation: Neb. Rev. Stat. §81-1504(22), §81-1508(3), §81-15, 142; §84-901 et seq.; §84-907, §81-1505(17) and §81-15, 141.~~

~~Legal Citation: Title 197, Ch. 11, Nebraska Department of Environmental Quality.~~