

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 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 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: 198
Chapter: 10-14
Name: *Rules and Regulations Pertaining to Agricultural Chemical Containment*

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 Chapters 10-14 in Title 198.

Political Subdivision: No fiscal impact

Regulated Public: No fiscal impact

~~NEBRASKA ADMINISTRATIVE CODE~~

~~Title 198 — RULES AND REGULATIONS PERTAINING TO AGRICULTURAL CHEMICAL
CONTAINMENT~~

~~DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Chapter 10 — COMPLIANCE; ACTION TO ENFORCE, PENALTIES FOR NONCOMPLIANCE~~

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

~~Enabling Legislation: Neb. Rev. Stat. §§ 81-1508(3), 81-1504(22)~~

~~Legal Citation: Title 198, Ch. 10, Nebraska Department of Environmental Quality~~

~~NEBRASKA ADMINISTRATIVE CODE~~

~~Title 198 — RULES AND REGULATIONS PERTAINING TO AGRICULTURAL CHEMICAL
CONTAINMENT~~

~~DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Chapter 11 — SEVERABILITY~~

~~001 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.~~

~~Enabling Legislation: Neb. Rev. Stat. § 81-1505(11)(16)(17)~~

~~Legal Citation: Title 198, Ch. 11, Nebraska Department of Environmental Quality~~

~~NEBRASKA ADMINISTRATIVE CODE~~

~~Title 198 — RULES AND REGULATIONS PERTAINING TO AGRICULTURAL CHEMICAL
CONTAINMENT~~

~~DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Chapter 12 — APPEALS~~

~~001 — Any appeal from any final order or final determination by the Director shall be pursuant to Neb. Rev. Stat. § 81-1509.~~

~~Enabling Legislation: Neb. Rev. Stat. § 81-1509~~

~~Legal Citation: Title 198, Ch. 12, Nebraska Department of Environmental Quality~~

~~NEBRASKA ADMINISTRATIVE CODE~~

~~Title 198 — RULES AND REGULATIONS PERTAINING TO AGRICULTURAL CHEMICAL
CONTAINMENT~~

~~DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Chapter 13 — AMENDMENT OR REPEAL~~

~~001 These rules and regulations may be amended or repealed pursuant to the Department's Title 115,
Rules of Practice and Procedure which shall, in all respects, conform to Neb. Rev. Stat. ___84-901 et. seq.~~

~~Enabling Legislation: Neb. Rev. Stat. §§ 84-901 thru 84-912, 81-1505(16)(17)~~

~~Legal Citation: Title 198, Ch. 13, Nebraska Department of Environmental Quality~~

~~NEBRASKA ADMINISTRATIVE CODE~~

~~Title 198 — RULES AND REGULATIONS PERTAINING TO AGRICULTURAL CHEMICAL
CONTAINMENT~~

~~DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~Chapter 14 — EFFECTIVE DATE~~

~~001 These regulations shall become effective five days after filing with the Secretary of State.~~

~~Enabling Legislation: Neb. Rev. Stat. §§ 84-906, 81-1505(11)(17)~~

~~Legal Citation: Title 198, Ch. 14, Nebraska Department of Environmental Quality~~