

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 March 30-31, 2022 beginning at 10:00 A.M. Central Time (CT) on March 30, 2022 at 245 Fallbrook Blvd., Lincoln, Nebraska. Preceding the hearing will be business items on the agenda. Hearings are scheduled to begin at 10:00 A.M. CT or as soon thereafter as can reasonably be heard. If necessary to complete its agenda, the EQC meeting will continue on March 31. The purpose of the hearings is to take testimony and evidence about the proposed amendment 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 are also available at the Office of the Secretary of State, Regulations Division, 1201 N St., Ste. 120, Lincoln, NE or by contacting SOS.Regulations@nebraska.gov. 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, March 29, 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. Amendments to Title 129 – Nebraska Air Quality Regulations. The proposed amendments revise and consolidate several chapters and update references to the July 1, 2020 Code of Federal Regulations (CFR) for National Ambient Air Quality Standards (NAAQS), New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NDESHAPS). Changes to Chapter 1 include renaming “General Provisions; Definitions”, and revise, add, and delete definitions, add general provisions, and add provisions from Chapters 2 (Definition of Major Source), 37 (Compliance), and portions of 41 (General Provisions) into Chapter 1. Changes to Chapter 2 include renaming “Nebraska Air Quality Standards” and add provisions from Chapter 3 (Region and Subregion classification), 4 (Ambient Air Quality Standards), 21 (Controls for rock processing operations in Cass County), 38 (Emergency

Episodes), and 43 (Visibility Protection). Changes to Chapter 3 include renaming “Construction Permits” and add provisions from Chapter 16 (Stack Heights, Good Engineering Practices), 17 (Construction Permits), and 38 (Emergency Episodes). Changes to Chapter 4 include renaming “Prevention of Significant Deterioration of Air Quality” and add provisions of Chapter 19 of the same name and update the CFR reference. Changes to Chapter 5 include renaming “Acid Rain” and add provisions from Chapter 26 of the same name and update the CFR reference. Changes to Chapter 6 include renaming “Operating Permits” and add provisions from Chapters 5 (Operating Permits, When Required), 7 (Operating Permits, Applications), 8 (Operating Permit Content), 10 (Operating Permit for Temporary Sources), 11 (Operating Permit – Emergency Defense), 12 (Operating Permit Renewal and Expiration), 13 (Class I Operating Permit), 29 (Operating Permit Emission Fees), and 31 (Compliance Assurance Monitoring), clarify exemptions of the Low Emitter Rule or No Permit Require source categories, remove mercury budge permit provisions, clarify option for permit to specify keeping of electronic source records, clarify that conditions of an expired permit cannot be modified without issuance of a new permit or renewal, and clarify when emission inventory late payment fees are due. Changes to Chapter 7 include renaming “General Permits” and adding provisions of Chapter 9 of the same name and clarify incorporation of general permits into subsequent permits. Changes to Chapter 8 include renaming “Permits by Rule”, adding provisions of Chapter 42 of the same name, and remove future eligibility standards. Changes to Chapter 9 include renaming “Permits Revisions; Reopening for Cause”, add provisions of Chapter 15 of the same name, and clarify ownership change requirements. Changes to Chapter 10 include renaming “Permits – Public Participation” and adds provisions from Chapter 14 of the same name and reference to Title 115. Changes to Chapter 11 include renaming “Emissions Reporting, When Required” and add provisions from Chapter 6 of the same name. Changes to Chapter 12 include renaming “NSPS and Emissions Limits for Existing Sources”, add provisions from Chapter 18 of the same name, and update CFR reference. Changes to Chapter 13 include renaming “Hazardous Air Pollutants”, add provisions from Chapters 23, 27, and 28, and update CFR reference. Changes to Chapter 14 include renaming “Incinerators, Emissions Standards”, add contents from Chapter 22 of the same name, and clarify exemptions. Changes to Chapter 15 include renaming “Compliance”, add provisions from Chapters 20 (Particulate Emissions, Limitations, and Standards), 30 (Open Fires, prohibited, Exceptions), 32 (Dust, Duty to Prevent Escape of), 33 (Compliance, Time Schedule for), 34 (Emission sources, Testing, Monitoring), 35 (Compliance, Exceptions Due to Startup, Shutdown, or Malfunction), and 36 (Control Regulations, Circumvention, When Excepted), and add requirements for community burn sites. Changes to Chapter 16 include renaming “Sulfur Compound and Nitrogen Oxides Emissions Standards”, and add provisions from Chapters 24 (Sulfur Compound Emissions, Existing Sources Emission Standards) and 25 (Nitrogen Oxides, Emissions Standards for Stationary Sources). Chapters 17 through 43 are proposed for repeal because their provisions have been moved to other chapters as indicated above. Changes to Appendix I include renaming “Hazardous Air Pollutants”, add contents of existing Appendix II, and add 1-Bromopropane to the list. Changes to Appendix II include renaming “Air Pollution Emergency Episodes”, and add and update contents from existing Appendix I. Appendix III is proposed for repeal because it is duplicative of the new Appendix I (Hazardous Air Pollutants). The EQC will vote to adopt, amend, or not approve the NDEE proposal after hearing and considering all the testimony and written submissions.

2. Amendment 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 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 NDEQ proposal after hearing and considering all the testimony and written submissions.