

## NEBRASKA ADMINISTRATIVE CODE

### Title 122 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

#### Chapter 32 - PUBLIC NOTICE

##### 001 General

001.01 The Director shall give public notice that the following actions have occurred:

001.01A A permit application has been tentatively denied;

001.01B A draft permit has been prepared;

001.01C A hearing has been scheduled; or

001.01D A petition has been made for designation of an exempted aquifer.

001.02 No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied. Written notice of that denial shall be given to the requester and to the permittee. Such denial shall be considered a "final order" by the Director and subject to appeal pursuant to Neb. Rev. Stat. § 81-1509

001.03 No public notice is required for Class V wells authorized in Chapter 6 of this Title except when deemed necessary by the Director. The Director shall consider the potential effect to endanger the health and safety of persons or cause pollution of the environment when deciding if a public notice is necessary.

001.04 Public notices may describe more than one permit or permit action.

##### 002 Timing

002.01 Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) or petition for designation of an exempted aquifer required under Section 001 of this Chapter shall allow at least 30 days for public comment.

002.02 Public notice of a public hearing shall be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and/or aquifer exemption petition and the notices may be combined.)

003 Public notice of activities described in Section 001.01 of this Chapter shall be given by the following methods:

003.01 By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this section may waive his or her rights to receive notice for any classes and categories of permits):

003.01A The applicant;

003.01B Adjacent land owners; and

003.01C Any other person or group either upon request or on a Departmental mailing list to receive UIC public notices under this title.

003.02 By publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity; and

003.03 Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

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004.01 All public notices issued under this Chapter shall contain the following minimum information:

004.01A Name and address of the office processing the action under Section 001.01 of this Chapter for which notice is being given;

004.01B Name and address of the permittee or permit applicant and/or the petitioner for aquifer exemption, if different, of the facility or activity regulated by the permit;

004.01C A brief description of the business conducted at the facility or activity which is described in the permit application or the draft permit or which requires an aquifer exemption;

004.01D Name, address and telephone number of a person from whom interested persons may obtain further information;

004.01E A brief description of the comment procedures and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision; and

004.01F Any additional information considered necessary or proper.

004.02 In addition to the general public notice described in Section 004.01 of this Chapter, the public notice of a hearing shall contain the following information:

004.02A Reference to the date of previous public notices relating to the permit;

004.02B Date, time, and place of the hearing; and

004.02C A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

004.03 In addition to the general public notice described in Section 004.01 of this Chapter, upon request all interested persons shall be mailed a copy of the fact sheet, the permit application (if any), the draft permit (if any), and the petition for aquifer exemption.

Enabling Legislation: Neb. Rev. Stat. §§ 81-1504(2)(3)(6)(9)(a)(11) (13)(17)(20); 81-1507(1)(3)(5); 81-1509(1).

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