

**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 April 3, 2019 beginning at 9:00 A.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 9:00 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 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. Un-scheduled 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, April 2, 2019.

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. Amendments to Title 129 – Nebraska Air Quality Regulations, Chapter 8. Change to Chapter 8 eliminates language referring to supersession of previously issued operating and construction permit to clarify such permits do not lapse when a subsequent operating permit is issued. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.

2. Amendments to Title 117 – Nebraska Surface Water Quality Standards. These amendments are proposed as part of the State's triennial review of Water Quality Standards, required by Section 303 of the Federal Clean Water Act. Changes in Chapter 1 revise and update definitions, and where applicable reference statutory citations. Changes in Chapter 2 revise, clarify, and update language; and propose procedures for application and granting a variance to water quality standards as authorized by new federal regulations established in 40 Code of Federal Regulations § 131.14. Changes to Chapter 4 revise and update water quality standards as described in the chapter. Changes to Chapter 5 update designated use classifications of certain streams in the Nemaha River Basin identified in the chapter; update key species codes for streams identified in the chapter; and remove illustrative basin maps from the chapter which will be made available on the department website. Changes to Chapter 6 clarify that point source discharges from livestock sources are prohibited; add fifteen lakes and reservoirs located in the Big Blue River Basin, the Middle Platte River Basin, the Missouri Tributaries River Basin, the Nemaha River Basin, the Niobrara River Basin, and the North Platte River Basin; and delete one lake that no longer exhibits the characteristics of a lake and is now covered by Chapter 7 wetlands requirements; and make other minor revisions and updates language. Changes to Chapter 7 revise and update key species; update and revise pollutants; and make other minor revisions and update language. Chapter 8 is proposed for deletion because it duplicates statutory language found in Neb. Rev. Stat. § 84-906(1) of the Administrative Procedure Act.

3. Amendments to Title 131 – Rules and Regulations for the Wastewater Treatment Facilities and Drinking Water Construction Assistance Programs. Changes to Chapter 1 add, revise, and update definitions, and where applicable reference statutory citations. Changes to Chapter 2 remove redundant and unnecessary requirements; include provisions on interest rates and administrative fees from Chapter 3; include provisions on emergency assistance from Chapter 3 and 9; include provisions on application denial from Chapter 7; add new provisions related to environmental assessments; include provisions on applications and general loan terms from Chapter 8; and rename chapter. Chapter 3 as it currently exists is deleted because the language on Intended Use Plan (IUP) and its required elements is duplicative of federal requirements or state statute. General requirements applicable to wastewater treatment projects, nonpoint and other projects, and public water system projects, currently found in Chapters 4, 5, and 6, have been included as provisions in renamed Chapter 3; and the existing Chapters 4, 5, and 6 are deleted. Chapter 7 is deleted because provisions relating to application denial are moved to Chapter 2 and remaining provisions are duplicative of federal IUP requirements. Chapter 8 is deleted because its provisions on applications and general loan terms are moved to Chapter 2, are adequately addressed in statute, or will be included in the IUP. Chapter 9 is deleted because emergency assistance has been moved to Chapter 2 and will be implemented through the IUP. Chapter 10 is deleted because it is redundant of state statutes which adequately address requirements and eligibility for the linked deposit program. Chapter 11 is deleted because the requirements will be covered by applicable agreements and contracts with financial institutions.

4. Amendments to Title 115 – Rules of Practice and Procedure. Changes to Chapter 1 delete definitions and incorporate model rules of agency procedure promulgated by the Attorney General. Chapter 2 is deleted and incorporated as a model rule in Chapter 1. Chapter 3 is deleted because it duplicates statutory public record requirements and is not needed in regulation. Changes to Chapter 4 update language on confidentiality of trade secrets and is renumbered as Chapter 2. Changes to Chapter 5 update language on public hearings and is renumbered as Chapter 3. Chapter 6 is deleted because it duplicates statutory language on voluntary compliance. Chapters 7 through 10 are deleted and incorporated as model rules in Chapter 1. The EQC will vote to adopt, amend or not approve the NDEQ proposal after hearing and considering all the testimony and written submissions.

**Proof of publication**

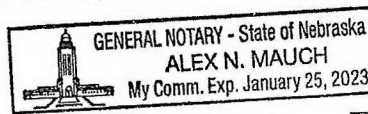
**AFFIDAVIT**

State of Nebraska, County of Douglas, ss:

I, Frank Chandler, being duly sworn, deposes and says that he/she is an employee of The Omaha World-Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas, and Sarpy and State of Nebraska, and the attached printed notice was published in the newspaper on the 28<sup>th</sup>, of February, 2019 and that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge. The Omaha World-Herald has an average circulation of 95,415 on weekdays and 115,419 Sunday, in 2019.

Frank Chandler Title: Account Executive  
I, \_\_\_\_\_, do hereby certify that the above is a true and correct copy of the original as filed with me.

Subscribed in my presence and sworn to before me this 28 day of February, 2019.



Alex N. Mauch  
Notary Public

Notary's Fee \$ \_\_\_\_\_  
Affidavit \_\_\_\_\_  
By \_\_\_\_\_

JUN 19 2019