Title 118 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 11 - PUBLIC NOTICE AND COMMENT PERIOD

001 The Department shall give public notice of the following:

001.01 A final remedial action has been proposed, in accordance with Appendix A, Step 8, or Appendix B, Step 9.

001.02 During implementation, a modification to a final remedial action has been proposed, in accordance with Appendix A, Step 9, or Appendix B, Step 10.

001.03 A hearing has been scheduled.

001.04 The Department will allow degradation of ground water quality, according to Chapter 3.

002 No public notice is required when a request or petition for an action or a hearing is denied by the Department. Written notice of the denial shall be given to the person who submitted the request or petition. Such denial shall be considered a final order by the Director and subject to appeal pursuant to Chapter 12.

003 The conditions or requirements for public notices include:

003.01 Notices may describe more than one proposed action or event.

003.02 Notices shall give the public a comment period of at least 30 days.

003.03 Notices shall be mailed to the following persons:

003.03A Person requesting action by the Department or the responsible party in a remedial action situation.

003.03B Person in charge of the public water supply system and the Nebraska Department of Health and Human Services Regulation and Licensure if a Class GA area is involved.

003.03C Overlying and adjacent ground water users and land owners which would be affected if Class GB or GC areas are involved. A notice published pursuant to 003.04 below may be substituted for individual mailings if the affected area is a densely populated, municipal area.

003.03D Any other person either upon request or on a Department mailing list to receive notices for a particular geographic area or on a specific subject.

003.04 Public notice shall be issued by circulating the notice in the geographical area of the affected ground water through publication in a daily or weekly newspaper with general circulation.

003.05 Notices may be announced in press releases or by other methods designed to give actual notice to persons potentially affected by the proposed action or event.

003.06 Notices shall contain the following information:

003.06A A summary of the proposed action or event including location and description of the ground water involved.

003.06B An address to which all comments should be sent.

003.06C The name, address, and telephone number of a person from whom interested persons may obtain further information.

003.06D A brief description of the comment procedures and the procedures by which a public hearing may be requested.

003.06E Any additional information considered necessary or proper by the Department.

003.07 If the notice is for a hearing, it shall also contain the following:

003.07A A reference to the date of any previous public notices relating to the proposed action or event.

003.07B The date, time, and location of the hearing.

003.07C A brief description of the nature and purpose of the hearing, including the applicable rules and procedures and a concise statement of the issues.

003.07D The name and address of the person requesting or petitioning for a hearing.

004 During the public comment period, any interested person may submit to the Director written comments on the proposed action or event and may request or petition for a hearing, in writing, stating the nature of the issues to be raised in the hearing.

Enabling Legislation: Neb. Rev. Stat. § 81-1505(1)(2)

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