

Agency 84 - Department Of Environmental Quality

Statutory Authority:

The Department's statutory responsibilities are based on the Nebraska Environmental Protection Act as well as numerous other statutory programs.

Vision Statement:

The Department is dedicated to its legislative purposes of ensuring and protecting the quality of the natural environment both today and for future generations.

Mission Statement:

The mission of the Nebraska Department of Environmental Quality (NDEQ) is to fulfill the role described by the Nebraska Legislature in Section 81-1501:

To accomplish this mission, the Legislature granted the department the authority to perform certain tasks such as issuing permits, inspecting facilities, assuring compliance with standards and regulations and to require remediation where necessary. The department believes these basic tasks are best accomplished by assembling an effective workforce which is organized and trained to carry out the agency's responsibilities. In situations where it is most effective and efficient the department will collaborate with other entities and utilize other creative approaches.

Goals:

The department will pursue the following goals:

1. Community presence and relations. NDEQ will be present in the community it serves - Nebraska. The agency will also establish working relationships with citizens and others it affects.
2. Simplify regulations. Persons and entities affected or protected by NDEQ will be assisted in their ability to understand the requirements with as little difficulty as possible.
3. Balanced enforcement. Enforcement means gaining compliance with the law. A balanced approach between compliance assistance and traditional enforcement will be reached.
4. Timely permitting. Permit review and issuance will be streamlined and simplified to allow timely permitting decisions.
5. Assistance in stewardship. The NDEQ will assist those it regulates to enable them to meet and exceed minimum standards. Concepts such as pollution prevention, compliance assistance, and environmental management systems will be incorporated into the mainstream of our work.

Financial Data:

| | Actual FY02 | Approp FY03 | Request FY04 | Recom FY04 | Request FY05 | Recom FY05 |
|---------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| General Fund | 8,430,147 | 6,591,653 | 4,790,298 | 4,674,083 | 4,140,298 | 4,115,544 |
| Cash Fund | 20,243,305 | 29,944,747 | 28,853,611 | 27,945,730 | 29,654,350 | 28,627,211 |
| Federal Fund | 31,635,431 | 27,381,441 | 32,841,783 | 32,985,531 | 32,841,783 | 33,115,611 |
| Revolving Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Agency | 60,308,883 | 63,917,841 | 66,485,692 | 65,605,344 | 66,636,431 | 65,858,366 |

Agency 84 - Department Of Environmental Quality Program 163 - Landfill Closure

Program Objectives:

The purpose of the Landfill Closure Assistance Fund was to provide grants for closure assessment, landfill closure, monitoring and remediation for landfills existing or closed in July 15, 1992. Funding came from State Lottery proceeds. The program ceased to exist in FY 2001.

Financial Data:

| | Actual FY02 | Approp FY03 | Request FY04 | Recom FY04 | Request FY05 | Recom FY05 |
|----------------|----------------|---------------|--------------|------------|--------------|------------|
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 154,933 | 10,443 | 1,910 | 0 | 1,910 | 0 |
| Federal Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Revolving Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 154,933 | 10,443 | 1,910 | 0 | 1,910 | 0 |

Performance Measures:

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Program 513 - Environmental Quality

Program Objectives:

Nebraska statutes direct the department to address contamination problems created in the past, assure that current activities are conducted in accordance with recognized principles of sound environmental management, and enhance the environment of the future by taking the opportunity for pollution prevention.

This program identifies funding necessary to accomplish our mission and includes the following divisions: 1) Water Quality Division; 2) Air Quality Division; 3) Waste Management Division; 4) Environmental Assistance Division; 5) Management Services Division; and 6) the Legal Services Division.

Financial Data:

| | <u>Actual FY02</u> | <u>Approp FY03</u> | <u>Request FY04</u> | <u>Recom FY04</u> | <u>Request FY05</u> | <u>Recom FY05</u> |
|-----------------------|--------------------|--------------------|---------------------|-------------------|---------------------|-------------------|
| General Fund | 3,817,956 | 3,484,563 | 3,842,265 | 3,718,797 | 3,842,265 | 3,804,443 |
| Cash Fund | 16,138,211 | 25,408,375 | 27,851,701 | 26,945,730 | 28,652,440 | 27,627,211 |
| Federal Fund | 11,786,393 | 13,181,441 | 12,701,783 | 12,845,531 | 12,701,783 | 12,975,611 |
| Revolving Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 31,742,560 | 42,074,379 | 44,395,749 | 43,510,058 | 45,196,488 | 44,407,265 |

Performance Measures:

Agency 84 - Department Of Environmental Quality Program 523 - Wastewater Loan Fund

Program Objectives:

The Clean Water Loan Fund provides low-interest loans for construction of wastewater treatment facilities. This program also provides small town matching grants for these activities.

Financial Data:

| | Actual FY02 | Approp FY03 | Request FY04 | Recom FY04 | Request FY05 | Recom FY05 |
|----------------|-------------------|------------------|-------------------|-------------------|-------------------|-------------------|
| General Fund | 82,136 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 155,864 | 200,000 | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 |
| Federal Fund | 12,235,142 | 7,200,000 | 10,140,000 | 10,140,000 | 10,140,000 | 10,140,000 |
| Revolving Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 12,473,142 | 7,400,000 | 11,140,000 | 11,140,000 | 11,140,000 | 11,140,000 |

Performance Measures:

1. Administer the SRF so it will exist in perpetuity as a viable source of financial assistance to communities;
2. Maintain an inventory of statewide wastewater needs;
3. Fund projects that contribute to the most significant improvement to water quality or public health and meet basin management goals and strategies;
4. Promote public participation in the program decision-making process;
5. Work with municipalities during facility planning to ensure that cost-effective and appropriate technology projects are evaluated;
6. Ensure compliance with all state and federal requirement.

Agency 84 - Department Of Environmental Quality Program 528 - Drinking Water Loan Fund

Program Objectives:

The Drinking Water State Revolving Fund (DWSRF) provides low interest loan and loan forgiveness to owners of public water supply systems for construction of storage, wells, distribution, treatment and land for wellhead protection.

Financial Data:

| | Actual FY02 | Approp FY03 | Request FY04 | Recom FY04 | Request FY05 | Recom FY05 |
|----------------|------------------|------------------|-------------------|-------------------|-------------------|-------------------|
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Federal Fund | 7,613,896 | 7,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 |
| Revolving Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 7,613,896 | 7,000,000 | 10,000,000 | 10,000,000 | 10,000,000 | 10,000,000 |

Performance Measures:

1. Administer the DWSRF so it will exist in perpetuity and grow to become a viable source of financial assistance to public water supply systems;
2. Create a statewide inventory of public water supply needs;
3. Fund projects that meet the most critical public health needs and further the goals of the Safe Drinking Water Act;
4. Promote stakeholder participation in the annual program decision-making process;
5. Work with public water supply systems during planning to ensure that cost-effective and appropriate technology projects are considered; and
6. Ensure compliance with all state and federal requirements.

Agency 84 - Department Of Environmental Quality Program 585 - Low Level Waste Disposal Act

Program Objectives:

This program accounts for costs relating to the lawsuit originally filed in December of 1998 by several major generators, the Central Interstate Compact Commission and US Ecology alleging that the State of Nebraska acted in bad faith in making its decision to deny US Ecology's license application for a Low-Level Radioactive Waste Facility in Boyd County, Nebraska.

The judge rendered a decision against the State on September 30, 2002. The State of Nebraska has appealed the decision to the 8th Circuit Court of Appeals. Briefs on the appeal are due in late December 2002 with oral arguments anticipated between late spring and late summer of 2003.

Financial Data:

| | Actual FY02 | Approp FY03 | Request FY04 | Recom FY04 | Request FY05 | Recom FY05 |
|----------------|------------------|------------------|----------------|----------------|----------------|----------------|
| General Fund | 4,530,055 | 3,107,090 | 948,033 | 955,286 | 298,033 | 311,101 |
| Cash Fund | 3,794,297 | 4,325,929 | 0 | 0 | 0 | 0 |
| Federal Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Revolving Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 8,324,352 | 7,433,019 | 948,033 | 955,286 | 298,033 | 311,101 |

Performance Measures:

The Program's primary responsibility will be to represent the state's interests in the lawsuit brought against it by the major generators, the Central Interstate Compact Commission and US Ecology in addition to activities related to the withdrawal proceedings initiated by the Compact Commission.

The 2003-2005 biennium could see the conclusion of the legal action and potential conclusion of the decision-making processes surrounding the Department's decision to deny US Ecology's license application.