

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee September 15, 2021

BOSTELMAN: [RECORDER MALFUNCTION]-- and welcome to the Natural Resources Committee. I am Senator Bruce Bostelman, and I am from Brainard, and I represent Legislative District 23. I serve as the Chair of this committee. The committee will take up the order of confirmations as posted on the agenda. Please silence or turn off your cell phones. I will ask each confirmation to come up. They will then be asked to give a brief summary of their qualifications, perhaps the interests of why they want to take-- be a part of that position, to take on that position. Also, once they are done, the senators will be given the chance to ask questions. If you are planning to testify for a specific confirmation, please pick up a green sign-in sheet that is on the table at the back of the room. Please fill out the green sign-in sheet before you testify. Please print. And it is important to complete the form in its entirety. When it is your turn to testify, give the sign-in sheet to a page or to the committee clerk, and this will help us make a more accurate public record. When you come up to testify, please speak clearly into the microphone. And Amy, on the telephone, we really need you to kind of stay in one spot if you're on a cell phone, and speak clearly 'cause it breaks up sometimes. And please speak-- you may-- sorry. You may remove your mask when you come up to testify. We prefer that you do. It's easier for us to hear. Tell us your name, and please spell your first and last name to ensure we get an accurate record. We will be using the light system for all testifiers. That's after the confirmation person is up. You will have three minutes to make your initial remarks to the committee. When you see the yellow light come on, that means you have one minute remaining, and the red light indicates your time has ended. Questions from the committee may follow. Again, the person coming up for confirmation is not limited by the time on the clock; take the time you need. It's those who want to come up in support, opposition, or in neutral testimony that the three minutes applies to. The committee members with us today will introduce themselves, starting on my left.

GRAGERT: Thank you. Senator Tim Gragert, District 40: northeast Nebraska.

AGUILAR: Senator Ray Aguilar, District 35: Grand Island.

BOSTELMAN: And on my right--

J. CAVANAUGH: Senator John Cavanaugh, Omaha, Nebraska, District 9.

BOSTELMAN: There are other senators in the building that are testifying in other committees. So as they come in, I'll introduce them-- recognize them for the record. To my left is committee clerk--

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committee clerk-- committee legal counsel Cyndi Lamm, and to my far right is committee clerk Katie Bohlmeier. Our page today is--

KATIE BOHLMAYER: Lorenzo. Lorenzo.

BOSTELMAN: Lorenzo? Thank you very much for being here today; we appreciate that. With that, we will open the hearing for our first appointment letter-- or appointment for the Environmental Quality Council, which is Amy Staples. And Amy, you're on the phone, correct?

AMY STAPLES: I am. Can you hear me OK?

BOSTELMAN: Yeah, we can. That's great. Could you please go ahead and give us the information you'd like to share with us?

AMY STAPLES: Sure. Good morning, Senators. My name is Amy Staples, A-m-y S-t-a-p-l-e-s, and I live in Broken Bow, Nebraska. I appreciate your understanding and willingness to speak with me over the phone today. I'll start out by telling you a little bit about my background. I grew up in Broken Bow, Nebraska. I graduated from Broken Bow High School in 1995, and from Doane College in 1998, with a degree in biology. After college, I worked for pharmaceutical and medical device companies in both Nebraska and Minnesota over a span of about nine years. My roles were in quality control, quality assurance, and continuous improvement. My family and I moved back to Broken Bow, and I took part in the family feedlot business for 15 years. At Adams Land and Cattle, I am currently the director of quality and regulatory compliance, research and development, and supply [INAUDIBLE]. In my role, I work closely with many local, state, and federal agencies, including the Department of Environment and Energy. My husband and I have four daughters, three in school at Broken Bow and one in college at Doane University. I serve as part of several volunteer groups in the community. I am also a member of the Broken Bow School Board, and the Doane University Agriculture Advisory Board. I am a new appointment to the Environmental Quality Council, and excited to be involved. As I said earlier, I've worked with a number of regulatory bodies throughout my career, and I enjoy the challenges that [INAUDIBLE], changes to rules and regulations, and the interpretation of them, as related to different entities in the industry. I hope that I can use my current role, my past experiences at various industries to help contribute to the [INAUDIBLE] and understanding around rules and regulations, ultimately guiding the regulatory process for the Department of Environment and Energy. I will strive for commonsense rules, protect Nebraska resources, and sustain Nebraska businesses. Thank you.

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BOSTELMAN: Thank you. Miss Staples. Are there any questions from committee members? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman Bostelman. And thank you, Miss Staples, for your willingness to serve on the Environmental Quality Council. You're not our first confirmation on this. We've kind of gone through this with a couple of people, but I'm just-- do you know which specific slot you're filling on the council? There's-- I'm looking at the podium as though you're here.

AMY STAPLES: Biologist.

J. CAVANAUGH: So there's 17 spots and some of them are industry and others. Do you know which specific position you're up for? I'm sorry, did it--?

AMY STAPLES: Biologist.

J. CAVANAUGH: Biologist. OK, thank you.

BOSTELMAN: Other questions? My question would be, how do you think that your past or present experiences will benefit the council?

AMY STAPLES: So through my past and really current position, I've always had to interpret regulations and make them make sense with the industry and business that I was working with. [INAUDIBLE] being able to look at laws and regulations, and understand how they apply and how they impact various businesses [INAUDIBLE].

BOSTELMAN: OK. You broke up just a little bit there. Could you repeat what you said towards the end?

AMY STAPLES: Sure. I just think that being able to understand regulations and laws and how they impact and apply to various businesses and industries would be helpful.

BOSTELMAN: Sure. And it-- I guess what-- what brought your interest-- I think you may have kind of covered this, but what brought your interest to-- to apply to be on the council?

AMY STAPLES: I just think that it is good to be part of the conversation, good to be at the table, good to understand what regulations are being asked, why, and to help pass those down to the Department of Environment and Energy or to businesses, and help them understand why these are actually-- why it helps protect Nebraska businesses and the Nebraska environment.

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BOSTELMAN: OK. Have you attended any of the previous council meetings?

AMY STAPLES: You know, I think I attended one. It had to have been 10, 15 years ago, so a while back.

BOSTELMAN: Sure. No, that's fine. I'm just curious.

AMY STAPLES: Yep.

BOSTELMAN: Other questions? Senator Gragert.

GRAGERT: Good morning, Amy. Senator Gragert. I want to put out this-- and I have been asking this question of every appointee and will ask all the rest today. But are you familiar with-- how familiar are you with the nitrate issue in parts of Nebraska, water qualitywise?

AMY STAPLES: So my familiarity comes with the land that we farm. We have to test for nitrate on our farmland. I also [INAUDIBLE] water systems [INAUDIBLE], and so we have to test for nitrates, for that, as well. So my experience really comes from--

BOSTELMAN: Amy, you're breaking. We lost you there. Could you--

AMY STAPLES: OK.

BOSTELMAN: Sorry. Go ahead.

AMY STAPLES: So within my business, we really deal with nitrates on the field, and then nitrates within our public water system. So my experience with nitrates is really what-- what are our limits and what are our testing requirements, and just to ensure that we meet those [INAUDIBLE].

BOSTELMAN: OK. OK, you just kind of broke up at the end. But we're-- we're OK there. Is that-- Senator Gragert, do you have anything else?

GRAGERT: No, that's good.

BOSTELMAN: Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman Bostelman. And again, Miss Staples, this is John Cavanaugh-- Senator Cavanaugh. Just how did you come to hear about the opening and to apply then?

AMY STAPLES: I initially heard about an opening a couple of years back, consultants that we work with from [INAUDIBLE]. They approached

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me about it, and I had declined at that time. And this time Director Jim Macy contacted me, and wondered if I would be interested.

J. CAVANAUGH: I'm sorry. Who contacted you?

AMY STAPLES: Director Jim Macy.

J. CAVANAUGH: OK. So the-- the agency reached out to you and asked you to apply?

AMY STAPLES: Correct.

J. CAVANAUGH: OK. Thank you.

AMY STAPLES: Yep.

BOSTELMAN: Are there any other questions? Seeing none, thank you, Miss Staples, for your willingness to serve on the Environmental Quality Council, in the area of biology. We thank you for your time today, and that's all I have. Have a good day.

AMY STAPLES: Thank you. I appreciate you guys--

BOSTELMAN: Thank you.

AMY STAPLES: --putting up with the static.

BOSTELMAN: All right. Thank you.

AMY STAPLES: Thank you.

BOSTELMAN: I would ask anyone who would like to testify as a proponent for the appointment of Amy Staples to the Environmental Quality Council. Any proponents? Anyone who would like to testify as an opponent to the appointment, the confirmation of Amy Staples to the Environmental Quality Council? Anyone who would like to testify in the neutral capacity? Seeing none, this will close our hearing on the confirmation hearing for Amy Staples to the Environmental Quality Council. Do you have that shut off or fixed?

KATIE BOHLMeyer: Yep, it's off. Sorry

BOSTELMAN: OK, thanks. Next, we will have a confirmation hearing for the reappointment of Alden Zuhlke to the Environmental Quality Council. Mr. Zuhlke, would you please step forward? Good morning, and please state and spell your name.

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ALDEN ZUHLKE: My name is-- excuse me-- Alden Zuhlke, A-l-d-e-n-- Alden-- and Zuhlke is Z-u-h-l-k-e.

BOSTELMAN: Go ahead.

ALDEN ZUHLKE: OK. I'm obviously up for reappointment. I believe it's-- I don't know-- at least the fourth, maybe fifth time I've been appointed. So I've got a lot of history with the council. Have a family of five-- four boys and one daughter-- and my wife is actually in the room. She came down with me today. Again, I've got a lot of background as far as with the council and enjoyed being on it, enjoyed-- I plan on doing another four-year appointment, I believe, the way it runs here. So I'd really like to get your questions, so--

BOSTELMAN: OK. Thank you, Mr. Zuhlke. What position are you filling?

ALDEN ZUHLKE: I'm the livestock section.

BOSTELMAN: Livestock, OK. And you've been in agriculture for--

ALDEN ZUHLKE: 50-plus years.

BOSTELMAN: OK. What particularly interests you? Are there-- is there anything in the rules or regulations that-- any specific area that, one, interests you but, also, you think might be improved?

ALDEN ZUHLKE: Well, the interest to me, obviously, is the livestock. But as we-- as you become involved with the council, you-- you recognize the problems, nitrates, how they affect the city's lead in Omaha. You could go on and on about it. I mean, the environmental-- there's just multiples that you don't recognize until you're involved with the council on how much-- I mean, the appointment ahead of us was the biologicals. We've got health and-- anyway, you've got the 17 different areas, and then, somehow, you encode-- you try to encompass all of those. So all of those areas are important to Nebraska and to rural Nebraska, so--

BOSTELMAN: Is there anything you would see, regulatory-wise, that[-- that you think might be worked on? Changed? Improved upon?

ALDEN ZUHLKE: A lot of-- you know, one I don't have the answer for. And I-- and I don't know. I mean, you know, we don't-- the council doesn't write rules. We don't, you know-- it's up to you, the Legislature. You know, I think we can bring things forward, but we don't bring it forward as individuals. We're-- we're serving-- kind of the overseers of what's in statute. But if I picked one that's-- or a

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couple-- the tire situation in the state of Nebraska. You know, it's not one that people-- you see in the news. But if you drive around the small towns and you see these high-up pile of tires, now, at one point they were burning them or grinding them up or, you know, different ways of disposing them. But it's-- that kind of concerns me. Senator Gragert, you know, he's going to ask our nitrates. Well, you know, the good thing about a lot of things-- and as time has gone by, we've improved a lot of things. We've changed the way we apply nitrogen and different things there. But with that said, though, nitrogen, what's really hard-- I mean, I'm going to say a major thing, and it-- and it could affect Grand Island or it could affect Brunswick, Nebraska, with 200 people-- and that is the nitrogen situation and the water quality across the state, because these small towns just don't have the ability to put the processes in. Creighton, you know, they've dealt with the nitrogen, and-- and for them to have the right process, you know, they need what we've been-- and this isn't my area, but-- on the council. But I mean, the loans and stuff we've made available-- I mean, we've helped a lot of those small towns, and that needs to really continue, and the Legislature needs to recognize. And I'm not-- you have to figure that funding out. That's not part of it. But I mean, it's a lot of money for any size of community to deal with, especially the small towns, 'cause you can't just put all those costs back to the individual people in them towns because they simply can't afford it. So you're either going to force them out of business or-- but that is a major concern. And you-- and you see it across the state. So probably those two.

BOSTELMAN: OK. Thank you. Are there questions from committee members?
Senator Gragert.

GRAGERT: I guess I just will go next since you brought up the nitrates. And I am referencing this, all the water quality, of course, and the nitrates. Do you feel that government entities, both local and state, are doing enough to address current nitrate issues in-- in-- certainly in parts of our state?

ALDEN ZUHLKE: You know, it hits home for both-- both of us. He's-- he's actually a neighbor of a son of mine. And we had four grandchildren that were-- because actually the nitrates, it comes down to-- one of the big issues is-- is pregnancy. Yeah. And that's-- that's probably the biggest concern over the last 20-plus years is, if we get over that 10 parts per million, then it's considered a risk. And what-- what I say is, my son has hauled water into Creighton, Nebraska, several times. He comes and gets-- out to our farm and gets five gallon or ten gallon of water, takes it in for the safety of his

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kids. But I think it needs to get bigger than that anymore, that ten parts per million has been out there for 20-- 20-plus years. So is it time for just to look at some of that science? If it's-- if it's still that big of a risk, obviously we need-- then-- then we need to continue to work on it the way we've done. I actually live in-- which some of you wouldn't understand, as we call it, sounds like the Bazile Triangle. It's-- but that's-- that's where farmers are asked to-- we report each year what we put on for nitrogen. And it's-- it's a, you know, a reporting system and then how much it goes out there. And then they've been-- they measure the-- the-- they test the water every year and they figure out the parts per million. And those testings on those wells have been going on for several years now. And across the state, you know, we've addressed some of that by drilling wells deeper. You know, a lot of that's been worked on, but it needs to continue to be worked on as long as we look at that nitrogen as being a major issue in the health-- health part of it. So--

GRAGERT: So-- and you're exactly right. The Bazile Groundwater Triangle was a triangle which now has become the Brazil Groundwater Management Area, which-- larger, four times, probably, larger than when it started out. But as far as you know-- and you're familiar with our plant, osmosis plant there at Creighton, do you feel that that's-- do you feel that that's the solution?

ALDEN ZUHLKE: You know, I wish-- I wish we could get the nitrates out of the water, but it's-- you know, it's ironic that one way that we can get it out is what we're-- in our area is through irrigation. The more we pump water, we pump onto that growing crop and take that nitrogen and use it in that crop, that actually purifies that water. So but-- after-- and again, those records are out there. He knows from the NRD that,-- that, you know, we've got 20-plus years, probably 30 or 40 years of nitrogen testing out there. Yeah, it's a little frustrating that we don't see more of that actually going down. You know-- I mean, it-- it would take some time to look at it, but-- but I am a little frustrated to think that we don't see more changes in that. Now, me and the livestock section, we have-- we've done a lot. We've built a lot of-- yeah, we're controlling more and more waste. Not that that was the source of the nitrogen problem to start with, but we have done a lot to change that. And we will again. This is another one of those years where nitrogen has doubled in value already for the farmers. So they will not-- it won't be the open-spigot type of nitrogen that existed there for a few years because of it being so it-- wasn't-- it wasn't very expensive when irrigation started. So from the economic standpoint, if the crop said you needed 150 pounds, you thought, well, I'll just put 170 pounds out there. Well, those

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days are gone. People-- you know, people just don't farm under that situation anymore. So I think it'll-- I don't see it getting any worse, but it just seems like it's taking a long time to get it improved. So--

GRAGERT: Are you familiar with the trend, especially up in the Bazile Groundwater Management Area that-- that-- not-- not that it's getting worse, but the trend, it's still climbing?

ALDEN ZUHLKE: No, I'm aware of that. And that-- and that is-- like I said, that is concerning because I know we've put a lot of practices in and-- but it is still climbing. No, I-- I'm, yes, very aware of that.

GRAGERT: Thanks.

BOSTELMAN: Are there other questions from committee members? I'll ask one real quick. Give me a second. On your-- your fill-in position of livestock, could you explain, is that for a large-- all livestock, certain sector of livestock?

ALDEN ZUHLKE: No, all livestock-- dairy and [INAUDIBLE] hogs.

BOSTELMAN: The large-- large facilities-- large operations to--

ALDEN ZUHLKE: Feed yards, yes.

BOSTELMAN: Feed yards to confinement-- whatever it might be, livestock to cow-calf operations, whomever.

ALDEN ZUHLKE: Yeah.

BOSTELMAN: Hog operations.

ALDEN ZUHLKE: Yep.

BOSTELMAN: OK. All right. Senator Cavanaugh.

J. CAVANAUGH: Thank you. Thank you. Chairman Bostelman. Thank you-- I'm sorry, Mr. Zuhlke?

ALDEN ZUHLKE: That's right.

J. CAVANAUGH: All right, Zuhlke. Well, I appreciate the conversation here. It's been-- it's educational, as always, whenever Senator Gragert asks questions. Kind of, it was just making me think about

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what you've been saying. So you've been on the board for, do you think, 20 years?

ALDEN ZUHLKE: At least 16, yeah-- probably 20.

J. CAVANAUGH: So-- and Senator Bostelman kind of touched on this, but in terms of-- just on this specific issue, is there something more that the board-- the council should be doing, do you think, to remedy either the nitrogen problem or the tire issue that you talked about that you're not doing? Or is there some opportunity there that we're-- we are leaving on the table, I guess?

ALDEN ZUHLKE: You know, again, it's more of what-- you know, the council-- you know, Lance is coming up, you know. We-- we don't always bring things to the-- you know, it's-- so it's kind of frustrating, you know. If we have an issue, we don't necessarily bring it to the-- to our board-- to our group and say: OK, well, let's address this, because each one of us has got our areas. So there's things out there. But I-- you know, I think we're improving. Again, he already mentioned, you know, we've-- we've put a lot of those practices in place and we're not necessarily gaining on them. But--

J. CAVANAUGH: When you say we, you mean the people of Nebraska, not necessarily the council.

ALDEN ZUHLKE: Yeah, I mean, because it's more than-- it's more than just fertilizer. It's-- it's runoff from-- from-- that goes into different rivers. And-- and actually it's so broad, it's hard for me to address to all those because there's-- I can't even think of the one-- the one around Columbus, that-- Shell Creek.

GRAGERT: Shell Creek?

ALDEN ZUHLKE: That's been going on for a long time. And they've made some real positives there. and it-- and it goes down as small as all the state parks putting in these self-contained urinal-- or I mean-- you know, bathrooms and things like-- and those are good things, but, you know, they're just a small piece of the pie to control that. And so-- but those--

J. CAVANAUGH: And those are actions being taken by specific-- I mean, parks doing that. Are they doing that at the direction of the council or-- I guess that's-- my question is: What's the role of the council there? And do you see an opportunity for it to either expand its role or to get out of the way to improve the situation as much, I guess?

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ALDEN ZUHLKE: So-- so the council's role-- and again, you know, me-- me as an individual council member doesn't-- I don't go out and say: OK, that camper, when it pulls out of the camping site, it can't just open its drain. It's down the road, you know. It has to go into a contained area. And so the-- the-- that's regulated, you know, by-- by the DEE. And you know, they have to say: Well, you're going to have to do something about that. And they've been-- you know, they've been good. It takes time, and it takes money across the state, you know, to handle that. So those things are all improving. Every time-- you know, like I said, if you go to a state park and you see this-- you know, it doesn't-- doesn't make it smell any better when you go to the bathroom, but it is contained in there. And again, if you're into camping, you know, you need to drain that camper at those drain. And what they're stopping there is obviously from that running right back into the lake. And is that going to put the lake out of commission? Maybe not, if it is drained in there, but it's still-- it's progressive. You know, it's-- it's making us all responsible. And I'd take those back to even the floods that happened around-- again, up in our area a few years ago, up the river. And I'm saying in the river, in the Missouri west of the Niobrara, you know, those floods. When they come in and flooded those houses, and-- and a lot of those people ended up having to put in new septic tanks and things like that 'cause they were actually out of compliance. They were-- stuff that just drained out on the ground. So that improvement has come and so--

J. CAVANAUGH: Thank you.

BOSTELMAN: Seeing no other questions, thank you, Mr. Zuhlke, for your willingness to continue your service on the council, and for coming in today. Thank you.

ALDEN ZUHLKE: Thank you, too.

BOSTELMAN: I'm going to ask anyone who would like to testify as a proponent for the reappointment of Mr. Alden Zuhlke to the Environmental Quality Council. Anyone who would like to testify as an opponent? Anyone who would like to testify in the neutral capacity? Seeing none, that will close the hearing on the reappointment of-- the hearing of Mr. Alden Zuhlke to the Environmental Quality Council. Next, we will open our hearing for the appointment of Tassia Falcon da Seville-- Silva Steidley [PHONETIC].

TASSIA FALCON DA SILVA STEIDLEY: Steidley.

BOSTELMAN: Steidley, sorry.

TASSIA FALCON DA SILVA STEIDLEY: Close enough. It's all right.

BOSTELMAN: Thank you. Welcome, and please state and spell your name.

TASSIA FALCON DA SILVA STEIDLEY: Sure. Good morning. My name is Tassia Falcon da Silva Steidley: first name, T-a-s-s-i-a, last name-- it's actually all Falcon da Silva Steidley, S-t-e-i-d-l-e-y. And I'm seeking a first term on Nebraska's Environmental Quality Council, where I would be representing the minority population. I was born and raised in Fortaleza, Brazil, where I earned my bachelor's degree in biological science from State University of Ciara. During college, I completed two internships as a molecular biologist and as environmental research assistant that resulted in 13 published peer-reviewed articles. During this time, I met my husband, Shane, who was born and raised in Nebraska. We lived in Brazil together for three years. We also got married there. In 2009, my husband was offered a job where his role would need to be executed from Scottsdale, Arizona, and it was a great opportunity for his career. And I was really excited with the opportunity to get to know the place that he always spoke so highly. So we moved to United States. During my time in Arizona, I received my American citizenship and earned my master's degree in technology, focusing on environmental technology management, from Arizona State University. Instead of writing a thesis for my master's degree, I completed a two-year applied project together with an internship at Maricopa County Air Quality Department. The project focused on emergency management, and its main purpose was to develop and implement a Continuity of Operations Plan, COOP, for the Maricopa County Air Quality Department. In 2014, my husband and I decided to have kids and raise them close to family. So we moved to Waverly, Nebraska. Our two daughters were born there and, as they grew old, my Nebraska roots grow-- grew deeper. In terms of professional background, I am a senior environmental manager with eight-plus years of multistate experience in the environmental field, six of each include environmental compliance management. I have-- I have worked in both government and private sectors: as an air quality inspectors at Marico-- Maricopa County Air Quality Department; as an environmental specialist I and II, at Nebraska Department of Environmental Quality and Lincoln-Lancaster County Health Department; and as a complex environmental manager at Smart Chicken, a company owned by Tyson Foods. I'm currently working at Monolith Materials-- now it's just Monolith, a chemical and energy plant-- as their environmental manager, where I'm responsible for leading and improving the environmental programs through coordination with Monolith employees, consultants, and government agencies. I'm a member of the National Environmental Health Association, NEHA, and I also maintain my

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registered environmental health specialist credential with this organization. In my spare time, I enjoy puzzles, traveling, home improvement projects, and quality time with my family. My husband and I have been happily married for 13 years, 7 of each in Nebraska. We currently live in Lincoln with our two beautiful, incredible daughters, Skye and Luana-- six and four years old, respectively-- and Nebraska become my home. I'm applying for the council because I believe this is a great opportunity for personal growth, while also helping the community. I hope that my unique and diverse background will have-- will provide the council with a different perspective. As representative of the minority population in the council, my goal is that environmental justice concerns are effectively identified and addressed, in order to provide environmental health to all, including minority, low-income, tribal, and then other populations that might be especially vulnerable to environmental hazards, making Nebraska a better place for all of us to live in. Thank you for your time and consideration.

BOSTELMAN: Thank you for coming in this morning and for your willingness to serve. Are there questions from board members? Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman Bostelman. And thank you, Miss Falcon da Silva Steidley?

TASSIA FALCON DA SILVA STEIDLEY: Yes.

J. CAVANAUGH: I got it?

TASSIA FALCON DA SILVA STEIDLEY: A-plus for effort.

J. CAVANAUGH: All right. That's the only thing I ever get credit for. So-- well, I've got two questions. The first one is: How did you come to hear about the position and decide to apply?

TASSIA FALCON DA SILVA STEIDLEY: Absolutely. So the two vice presidents from Monolith Materials, they actually approached me. They-- Phil Joyner and Amy, that would be VP of operations and past human resources-- now she just changed positions. So they approached me and let me know about the position, and that it was available-- together with Rochelle [PHONETIC], that she's also here together with us. So they approached me and thought that would be a good fit. So that was my first contact with it. So that's how I heard about the position.

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J. CAVANAUGH: And then the second question is more like, so you worked at NDEE, right? Correct?

TASSIA FALCON DA SILVA STEIDLEY: NDEQ.

J. CAVANAUGH: Before it was NDEE, right?

TASSIA FALCON DA SILVA STEIDLEY: Oh, yes.

J. CAVANAUGH: Yeah, OK. So I guess my question is from that, out-- I guess reverse perspective that you're bringing to the board-- do you have any, I guess, experience or times that you recall, from the inside, working with the Environmental Quality Council where it was either, you know, NDEE or DEQ at the time, was, I don't know, frustrated or saying: Man, that this board is really a pain, or this is really a good thing, or just any-- anything like that?

TASSIA FALCON DA SILVA STEIDLEY: Right. Well, I think working for the government and also from the private sector, just gave me the perspective to understand both sides. So we ended up being more lenient and understand that making rules is not something like snap your fingers and it just happen, you know? So the process is slow, and you need to be patient. And it's slow for a reason, so we need to make sure you get it right. We need to think about everything that, you know, you can. You need to consider all the perspectives and consequences of that. When I was actually working for Maricopa County Air Quality Department, I was part of the Title 5 commit-- Committee. And part of that was actually working with changing the regulations and the permits to make them more enforceable. And so, as you know, like for-- we have all the federal regulations and the-- the more specific you get, the more restrictive it can be, or if it's [INAUDIBLE] in the attainment area, you know, and things like that. So back in Maricopa County, because we are [INAUDIBLE] for many things, it's very restrictive. And we're always looking for changing the regulations in order to make the regulations more enforceable, and we can actually have a case in court. Being part of that was hard, you know, in working with the changes, with the communities, with the industries that were affected. It is-- it is very challenging. So I-- I am sympathetic, empathetic, you know, for, you know, the environment cause in the legislative, who makes the rule, who approves the rule and understand the process. I-- I don't think I ever felt frustrated. I just felt that that was just the organic order, that things need to happen in its own way and time.

J. CAVANAUGH: Thank you.

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BOSTELMAN: I will note that Senator Moser has joined the committee at this time. Another question?

J. CAVANAUGH: Oh, no. That was my second question. Sorry, but thank you.

BOSTELMAN: To follow up, I think, Senator Cavanaugh's question, is-- we've asked-- understand that the-- the Environmental Quality Council is an oversight, but then also there's an opportunity, I think, for the council maybe to make comments or recommendations on changes that they see that may be needed-- may need to be considered. Is there anything there that you can-- you can think of now that, since you've been on-- on, you know, working in the DEE/DEQ, but as you-- as you're coming into this new role on the council, is there-- are there some things there that you-- you think might be addressed?

TASSIA FALCON DA SILVA STEIDLEY: Well, when I was appointed with-- when I was granted this opportunity to represent the minority, you know, made me think about, you know, things that can be improved and-- and what can I do to make a difference. And I think, maybe, to first increase how we can reach out to these communities and people that are affected, different language in the way that they can be-- they understand what's going on to have an-- even an opportunity to speak up for themselves, so make documents available in different languages or use different medias to-- for them to be able to receive the message. I think it will be some of those things that I would consider and, you know, try to make this change.

BOSTELMAN: Um-hum. Well, I would-- I think I agree with you. I know that we saw that when COVID kicked off, you know. Communication was key, and how to communicate in different languages and different formats was the key to-- it was very important. So I appreciate those comments. I think that is something that perhaps we-- we do need to work on a little bit. Are there any other questions? Senator Gragert.

GRAGERT: Thank you. I'm going to be true to my word. Thank you for your testimony. I am, you know, going to key in on, specifically, water quality. And with your background, I'd be interested in hearing if-- your knowledge on the nitrate issues in Nebraska, and if you feel the government entities, local and state, are doing enough to address nitrate issues in Nebraska.

TASSIA FALCON DA SILVA STEIDLEY: For the first time, I was exposed to the nitrates problem, that I was aware of it, was when I was in the annual conference for NPPD and NDQ, that always carry the energy conference. So I had participated three years in a row. And I think

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the last year-- like it was like two years ago-- they presented the problem, you know, and they-- so they we're talking about treating the water with a very expensive treatment. And-- and I think that would be one of the alternatives that would be parallel, but I think what we should be talking about, as well, is-- my mind-- the way my mind works is more-- instead of corrective, I always thinking about preventive actions. And I think that's how I think we should address and tackle this problem. If you always try to think about correcting the problem, we're going to spend a lot of money, when sometimes, changing some habits and-- and some best [INAUDIBLE] practices, we'll do better, long-term, and prevent this problem from happening at the first place. So we talk about fertilization, over-fertilizing fields and how this nitrogen is getting into the water. What's the cycle? And this is those things that we need to understand and prevent, and I think that's where we can make a difference, making the strict regulations, more restrictive regulations or we can-- we can understand a little bit more how the nitrogen is being put in-- in the water at the first place, you know, so we can kind of go from there, instead of just treating-- putting them on and then treating the problem, so that's going to be just my perspective on that matter.

GRAGERT: Thank you; appreciate it.

TASSIA FALCON DA SILVA STEIDLEY: You're welcome.

BOSTELMAN: So more of an update, if you will, on Monolith, can you share us-- share a little bit information about Monolith, about where you're at now?

TASSIA FALCON DA SILVA STEIDLEY: Yes. Being the environmental manager at Monolith, I'm feeling so-- I'm so grateful. And it's-- it's a great opportunity in a great place-- place because, as you know, it's a very environmental transformative company. And we just changed brands right now. Before we were just an environmental trans-- transformative company that were not putting as much pollutants to-- like other. We were just comparing it to other industries. But now we're having a bold statement that we will decarbonize the world by 2050. We're going to be the key company on helping the world to achieve that. So this is a huge and bold kind of goal that we have. In 2000, like in a couple of years-- two, three years from now, we're going to be introducing another plant in Hallam, Nebraska, that is going to be 12 times bigger than that. We have several permits approved already for-- for that process. And-- and hopefully, if everything goes well, you continue to expand, and-- and not it would be just one plant at a time. We're thinking about tackling these, you know, expanding multiple locations

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at the same time. So it's a beautiful project that I'm just very grateful to be part of it.

BOSTELMAN: Thank you. Are there any other questions from committee members? Seeing none, thank you for your willingness to serve and for being here today; appreciate it. That's-- anyone who would like to testify as a proponent to the-- to the appointment of Tassia Falcon da Silva Steidley, please step forward. Anyone like to testify in opposition to the appointment? Anyone like to testify in a neutral capacity? Seeing none, this will close our hearing on the appointment to the Environmental Quality Council of Tassia Falcon da Silva Steidley. Thank you. Next, we'll open our hearing for the appointment to the Environmental Quality Council for Kurt Alan Bogner, I believe. Please step forward, and welcome. And when you're ready, please state and spell your name and--

KURT BOGNER: Good morning.

BOSTELMAN: Good morning.

KURT BOGNER: My name is Kurt Bogner, K-u-r-t B-o-g-n-e-r. And I'm here to-- as a candidate for the Environmental Quality Council. This would be my first term. And to give you a little background, I'm not from Nebraska, but I got here as soon as I can. So I was born and raised in Ohio and Indiana. So I spent the first 22 years of my life in Ohio. Then with college and first jobs, I was 15 years in Indiana, and then I had the opportunity to move to Nebraska 17 years ago, when a job came up at Nucor. So I packed up my family and we moved out here. I've got three kids. They're all on their own now. So the last one just moved out last week. So she started on a job. But I've always enjoyed the outdoors-- nature, science and, in particular, geology. My first start with geology was going on hikes with my dad, and he had a hunting jacket that he had with them. And I was picking up rocks as a, you know, nine-year-old and sticking them in the back of his game pouch, unbeknownst to him. And he didn't know that until the end of the day when he took his jacket off and it was, you know, 20 pounds heavier, thanks to me. But that's how I got my start in geology. I also spent four summers on backpacking trips in the-- the Four Corners' states: Arizona, Colorado, New Mexico and Utah. One of those was high adventure with Philmont Scout Ranch. Also did a high school summer field studies course in biology and geology. And another time I was with the Student Conservation Association, building backwoods-- backcountry trails in Zion National Park in Utah. I was also a Boy Scout for eight years and attained the rank of Eagle. And then, as a freshman in high school, I actually declared my major as geology, in part because of all the summer adventures that I had-- just really

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appealed to me as geology. And so I went from there and I earned my bachelor's and my master's in geology from Bowling Green State University in Ohio. And then, after that, it was off to a career, and I started off in environmental consulting, did that for 10 years. And some of the the-- the duties of that was I was on an emergency spill response team. And then, also, my mainstay was investigation and remediation of soil and groundwater contamination at various sites, you know: mom-and-pop laundromats, chemical facilities, petroleum facilities, heavy industry, gas stations, underground storage tanks. So I had a lot of experience in-- in tracking things down and getting them back out of the soil and groundwater. For the last 23 years, I've worked on the industrial side of environmental compliance. I currently work at Nucor Steel, as the environmental supervisor, and I've been there for 17 years. The philosophy I've kind of come up with in my years of experience, I believe we have a vested interest in-- in the environment, environmental compliance and stewardship, because we live here, too. We raise our families here. We drink the same water and breathe the same air as our neighbors, so we have a vested interest in protecting that. Also believe conservation means wise use and reducing our impact on the environment where we can, and also, on the environmental industry side or industry side of environmental, one of our mantras is compliance is every day. So we take that with us. And I also believe, from-- from a business standpoint, that environmental compliance and stewardship is an essential business function, just like safety and, you know, producing a product. My current interests, when I'm not doing work, is I enjoy biking way too much, traveling. I do have a home orchard, and I enjoy the outdoor activities like hunting and camping. And then my quirky hobby is Carnegie Library buildings. I track those down and take photos of them across the United States. So I applied for the council. I've known and worked with several members of the EQC in the-- who served in the EQC in the past, and they encouraged me to volunteer my time. I believe in civic involvement. In government, I'm currently the president of the Norfolk Library Board there in Norfolk. I've been there for about eight years. And as a resident of Nebraska for the last 15 years, again, I have a vested interest in ensuring we protect the environment, as well as have a voice for industry and the regulatory process. So that's me. Any questions?

BOSTELMAN: OK, thank you very much. Are there questions from committee members? Senator Gragert.

GRAGERT: I've been true to my word. I'm coming at-- with water quality issues. First of all, in your additional info, Grade III and Grade IV

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water operator certification. Could you explain what that is to me, please?

KURT BOGNER: Yes. So that's the public drinking water certification. At my current position with Nucor Steel, we operated our own public drinking water supply. So we were a Grade III system, which meant we had to have at least one Grade III operator. So I started off as a Grade IV operator, which is the lower of the two. And then, just so we had redundancy in our Grade III operators, myself and another guy got the Grade III, as well. So if you ever left the company, we'd still have a Grade III operator in charge.

GRAGERT: So [INAUDIBLE] to my question, you know, the nitrate issue. Are you-- are you familiar with the nitrate issue and-- and especially at the Lower Elkhorn NRD? Do you feel the local and state entities are doing enough to address the nitrate issue?

KURT BOGNER: Yeah, I am familiar with the nitrate issue, not only from the drinking water standpoint, which was the-- the Grade III, but also, you know, living in Norfolk and being on city water, and the, also, as a regulated industry. You know, we're regulated for nitrates through NPDES-- discharge. As far as whether the-- the local and state governments, I think you said, are doing enough, I think that the regulations out there-- and whether it's a regulatory guideline or a regulatory limit, a guideline, a benchmark, that's the number we've got to hit. And if we're not hitting it, then we need to do something to, you know, get there. Whether that-- that regulatory limit needs to change, I'm not sure. But I think on the-- I'll say the solution side, addressing the problem, getting down to that limit, I think it's a matter of addressing it at the root cause and also doing stopgap measures. So, again, you mentioned reverse osmosis. That's a, you know, expensive endeavor; it's labor intensive. But it doesn't address the source. It just takes care of the symptom. And, you know, for-- for smaller communities, that's a big undertaking to treat drinking water. We had the same issue with arsenic, and they changed that limit a few years ago. And all of a sudden, these small towns in Nebraska were facing arsenic limits that they couldn't meet. And they had to either treat the water through expensive means or, you know, bring in drinking water. So I think that's, you know, one way to do it. But we also have to re-- you know, address the source.

GRAGERT: Are you also familiar with some of the health hazards associated to nitrates in our drinking water above 10 parts per million?

KURT BOGNER: Yes.

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GRAGERT: OK, thank you.

BOSTELMAN: Senator Cavanaugh.

J. CAVANAUGH: Thank you, Chairman Bostelman. And thank you for being here and your willingness to serve. Is it Bahgner [PHONETIC] or Bogner?

KURT BOGNER: Bogner.

J. CAVANAUGH: Bogner. Well, I'll ask my question. So how did you come to, you know, apply and to hear about it? What's-- what's your story there?

KURT BOGNER: So I worked with-- in the past, I worked with a couple of guys who served on the Environmental Quality Council. And when this opening came up, they knew of my interest in, you know, civic involvement in government, and they encouraged me to-- to apply. So I pursued that and put it in the application.

J. CAVANAUGH: So folks who had been on the board before, kind of.

KURT BOGNER: Correct.

J. CAVANAUGH: OK. And I guess, forgive my ignorance about just generally steel manufacturing. But what's the environmental impact of, like, a Nucor? What-- if you didn't exist, what would Nucor be doing to our environment, I guess?

KURT BOGNER: If I didn't-- if we didn't exist--

J. CAVANAUGH: Like if you weren't taking, you know, remedial environmental actions, what-- what is-- what's the potential damage that a Nucor Steel can cause?

KURT BOGNER: So Nu-- Nucor is heavy industry. So we take scrap steel and we make good steel out of it. So you know, when we do our environmental orientation for our new teammates, you know, we say Nucor is heavy industry. We do have an impact on the environment, and our goal is to minimize that impact. So the impacts on the environment are air impacts. We have baghouses and greenhouse gases. So on the baghouses, it's particulate matter. And the greenhouse gases on the water side, we discharge our process cooling water out to Spring Branch Creek. And the one thing is we're-- we're regulated by our environmental permits. So our Title 5 air permit and our NPDES permit, that sets limits on-- on what we can do, and generally we are way under our permit limits. One of the things that's interesting, about

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Nucor in particular, is it's-- it's not your-- your granddad's steel mill. We use electric arc furnace technology, which is basically a large electrode, like a welding rod, that's 18 feet long and, you know, almost 3 feet in diameter. But the electric arc furnace technology, compared to the global average, emits one half of the CO2 per ton of steel produced. So when you look at steel technology, it is a green company. Our number one raw material is scrap steel. Nucor, as a company, is the largest recycler in the United States. And as a steel mill, we produce about 26 percent of the domestic steel here in the U.S., but we only account for like 7.5 percent of the greenhouse gas emissions. In the past, you've heard a lot about the Paris Accords. For the 2025 and 2030 Paris Accord limits for CO2, Nucor meets those today at about a third of what the-- the Paris agreement was. So electric arc furnace technology is actually green technology. And when-- when Nucor was started in about '64-- our-- our mill in Nebraska was built in 1973-- we employed the-- the electric arc furnace technology, and we've been using it ever since. So it is probably the better way to produce steel and minimize impact on the environment.

J. CAVANAUGH: Well, that's a great story.

KURT BOGNER: Sorry.

J. CAVANAUGH: No, I like-- I liked it; I was-- I was mesmerized. So obviously, representing heavy industry, you're kind of cutting-edge industry, do you think-- I mean, 'cause you've got that experience, but is there maybe an issue for other industries' representation purposes that you are so far ahead of everybody else when it comes to issues before the board, as it pertains to those industries? Do you know? Does that make sense?

KURT BOGNER: No. Can you re-ask that?

J. CAVANAUGH: So-- well, I guess, you know, but your perspective-- you're working for a company that's doing so-- going above and beyond, but you're going to be on a board to represent the perspective of heavy industry that's going to be regulated and bring that perspective. But your perspective is obviously slanted by your experience as a company that's doing so much better than other people, I guess. I don't know, do you see an issue with that? Or do you have any--

KURT BOGNER: No-- no, I don't. I don't see an issue with that. And the reason why is, compliance is out there. I mean, it's been there since, you know, 1968, when the EPA was formed. Since '68 and the Clean Water

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Act and the Clean Air Act, we've been getting better. We still have-- have, you know, ways that we can get better and continue to reduce our impact on the environment, but whether you're a Nucor Steel or any other industry, compliance is a fact of life. And as I mentioned, I think it's, you know, an essential business function of any business, whether you're a grocery store or, you know, heavy industry steel manufacturer. We all have, again, the responsibility to, number one, comply with the regulations and two, you know, do better than we can. In my earlier, you know, thing about myself, you know, I talk about environmental compliance and stewardship. Right? So compliance is compliance, and stewardship is going above and beyond, because if we can, you know, reduce our impact on the environment, then we should.

J. CAVANAUGH: I appreciate that. Well, I've got one last question. I know everybody's dying to ask. How many Carnegie libraries have you been to?

KURT BOGNER: Ah, does this go to the record here?

J. CAVANAUGH: Yeah, that's for sure. [INAUDIBLE].

KURT BOGNER: As-- as of last week, I've been to 104 in 8 states, including the-- Washington, D.C. So out of Nebraska's 68 libraries, about 58 still stand, and I've been to about 48 of those. So I have a few more left in Nebraska.

J. CAVANAUGH: I'm jealous. Thank you for being here and answering my questions.

BOSTELMAN: So the bigger question is: How many are left out there, total-- libraries that you haven't visited? Do you know?

KURT BOGNER: In Nebraska or in the US?

BOSTELMAN: No, in the U.S.

KURT BOGNER: Well, in-- in the U.S., there's about 1,700 libraries.

BOSTELMAN: OK.

KURT BOGNER: And this is kind of a guess, but probably a third of those no longer exist. Probably another third of them are no longer libraries. That they serve other purposes like museums or-- lawyers and consultants like those-- those buildings, so they, you know, buy those. Grand Island-- I can't remember who's-- who's there, but that's an organization that's-- that's taken over that one. And then the remaining third are still used as libraries.

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BOSTELMAN: So back to the council and the meetings. How many--

MOSER: Back on task. Sorry-- back on task. You can [INAUDIBLE].

BOSTELMAN: I appreciate the previous conversation. How many meetings does the council have per year? Do you know?

KURT BOGNER: A minimum of two a year, but I believe they do more, as necessary.

BOSTELMAN: Have you ever been to any of the-- to any of their meetings?

KURT BOGNER: No, I have not.

BOSTELMAN: OK. I guess I'd kind of follow up what Senator Cavanaugh was talking about before, too. It'd be interesting-- I kind of asked others the same question. Are there things that you see now that-- that maybe we should look at or DEE-- a recommendation DEE, since-- to any changes, any improvements, anything that you think that might-- might be of-- in, you know, our interest to look at?

KURT BOGNER: I-- I think there probably-- there are. I know, you know, stormwater is always a big issue. The general industrial stormwater permit is coming up for renewal. And we've provided, you know, public comments on that before. You know, one of the things with-- with that is, you know, how they do the-- the number of required samples. So it's quarterly, but if you don't get a sample, then it rolls into the next quarter. And the way I look at that is, not having stormwater flow is a good thing. So if-- if you have an outfall that doesn't see consistent flow, and you roll it into the next quarter and into the next quarter, you're just going to get behind the eight ball when, in actuality, you know, if you have an outfall that-- that flows in one quarter out of four, you know, that's probably a good thing just because, you know, with-- with stormwater typically measuring the con-- not only the concentration but the loading. So, you know, that's a math problem. Concentration times your flow is--s is the loading. And if you have less flow, then you're going to have, you know, less parameters, going out the door.

BOSTELMAN: OK. Thank you. Are there any other questions? Seeing none, thank you for your willingness to serve on the Environmental Quality Council in the heavy industry area. Thank you for coming in today; appreciate it.

KURT BOGNER: Thank you for your time.

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BOSTELMAN: I'd ask: Would anyone like to testify as a proponent for the confirmation of the appointment of Kurt Bogner to the Environmental Quality Council? Anyone like to testify as an opponent to the appointment? Anyone like to testify in the neutral capacity? Seeing none, that we'll close our hearing on the confirmation hearing on the appointment of Kurt Bogner-- Bogner to the Environmental Quality Council. Next, we'll open our hearing for the reappointment to the Environmental Quality Council of Lance Hedquist. Good morning and welcome. Please state and spell your name to begin with.

LANCE HEDQUIST: My name is Lance Hedquist, L-a-n-c-e; Hedquist is H-e-d-q-u-i-s-t. I've been the city administrator for the city of South Sioux City for a little over 40 years in the state of Nebraska. I've been a lifelong resident of the state of Nebraska, very proud of that. I raised two kids here in the state of Nebraska and also very proud of that issue, as well. I'm the past president of the utility section of the League of Nebraska Municipalities. I'm a member of the-- a founding member of the Nebraska Community Energy Alliance that promotes renewable energy activities, and the past president of the Keep Nebraska Beautiful Association, as well as the local Keep Nebraska Committee in our northeast Nebraska area. I'm a member of the South Sioux City Community Development Agency, a member of the Siouxland Economic Development Committee, a participant in the Siouxland Initiative, which is also an economic development committee, as well as a member of the University of Nebraska's President's Advisory Committee. So I'm very proud of those-- those issues. On the environmental stand, I think there's been several unique things that South Sioux City has done over the years. We put in the state's first eco path, which is a path that took out and put-- at that time, put in green bottles from Seven-Up and different activities, put it in the aggregate and used that as a bicycle path along our riverfront. Later that was demised by the flooding. That took that out, but it lasted for a long time. We had our third graders in town get 60,000 milk jugs from-- from their households, brought them to the city. We took them to a plastic recycler, made it into plastic lumber, and then had the state prisoners put together picnic tables in our community. I was very much involved with lots of people and very well-- very well done by our students of our community. We put in one of the first crumb rubber roads in the state of Nebraska that still exists today. We put it in over 20 years ago. It's been an ideal thing for our community. We have 20-plus acres of solar panels in our city. We have-- buy wind energy from the-- in the state of Nebraska. We're not in a good location for wind energy, but we buy 15 megawatts of energy from-- out in western-- or central Nebraska. In fact, 51 percent of our energy is renewable. I think we're the largest renewable energy entity in the--

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in the state of Nebraska. We just installed the first battery storage facility. It's a 1.5 megawatt battery-- battery storage unit. It's the first in the state of Nebraska. We have 14 miles of bicycle paths, which I think is the largest number of bicycle paths, per capita, of any city, probably, in the United States. We have a community orchard where yesterday we had all the kindergartners in town come out and pick apples in our area, get gourds out of that facility, and drink-- drink apple cider-- a very, very well done facility in-- in our community where people can get access to those items, free, from our city. We have a community garden. We've been a Tree City USA, for over 20 years. We plant 500 trees a year in our area. We also have the designation of the largest ash tree city in the state of Nebraska. So we're very concerned about the green-- the green ash borer coming into our-- into our area. We have four electric cars and charging stations. We had a great working relationship with the Papio Missouri Natural Resource District, worked with a lot-- with a lot of state and federal agencies in our-- in our community. I've appreciated serving on the board for the past probably 20-plus years. I think the board has done an excellent job in listening to people, keeping their eyes and ears open to finding out what's happening in the state of Nebraska. And I think the public involvement has been significantly improved over that course of time. I think that Jim Macy has done an outstanding job. His staff has done an outstanding job in working with people, getting more access to people to look at new rules and regulations before it gets to our board, and that makes our job-- is much, much easier. The board itself is very diversified. You've seen that in the past few days, the people that represent different entities. I think that's excitingly good that we have that kind of diversification, that kind of input from a variety of people with a variety of backgrounds. In anticipation of the question on what things do I think we should look at doing, I think, number one-- I think the-- they've done an excellent job in terms of the-- the waste-- community waste, the lagoons in a lot of the very small towns. The extension of those permits have been outstanding, and that's really helped a lot of small, you know, small entities. And I know we're talking with some of the staff about-- doesn't affect South Sioux City at all, but having it so we can set up a system where the very small towns can actually take their waste to us, to a licensed facility. I think that's got to happen. The small towns cannot afford to-- to follow the regulations that are-- that are out there. Overall, it's just the biggest issue, I think, that we deal with is all the EPA regulations coming down. Obviously, that changes with administration and what you face. And that's a reality what-- what we're looking at. So with that, Mr. Chairman and members of the committee, I'd be happy to answer any question you might have.

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BOSTELMAN: Thank you very much. Are there questions from the committee? Senator Aguilar.

AGUILAR: Yeah, I was intrigued by your extensive population of ash trees. What do you do to-- to make sure you don't have an infestation of the ash borer?

LANCE HEDQUIST: Well, on the ash borer, we know it's coming. One of the first things you'll actually hear is woodpeckers. Woodpeckers like to eat the ash borers, so they will actually-- you'll start seeing more woodpeckers coming into your-- into your town. And the-- that's-- that's definitely all the way-- all around us, overall. But the problem with emerald ash borer is that the-- it'll attack the tree, and the limbs don't fall down until years later. So it can look like a healthy tree and, all of a sudden, the branches will fall down overall. We are cutting out trees in our community every year, out of our parks and out of our street right of ways in our community. We're planting new trees all the time. As I mentioned, we do 500 trees a year, but we have to keep-- we can't ignore the problem; we need to address it. You can do expensive treatments of it. There's been some-- that was just a couple of blocks from here-- that people did that. But it's very expensive, and most people can't afford to do that. So the best thing is to-- to eradicate the tree, get it out of the parks.

AGUILAR: Thank you.

BOSTELMAN: I just want to follow up on his question there on that treatment. Is that a annual treatment? Is that a, say, lifelong treatment for that tree? It-- do you know?

LANCE HEDQUIST: I'm not an arborist, but I can tell you that you have to do it at least-- at least, I think, every other year, but it's frequent--

BOSTELMAN: OK. Thank you.

LANCE HEDQUIST: --and it's-- and unless it's a very sacred tree to you, it's-- it's--

BOSTELMAN: Right.

LANCE HEDQUIST: --definitely not worth it. But they did it two blocks from here though.

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BOSTELMAN: My-- my understanding, same as you, is that it is an expensive treatment. I just wasn't for sure how often you had to treat. So other questions from committee members? Senator Cavanaugh.

J. CAVANAUGH: Well, my first-- my standard question: Which position do you feel that you-- municipal would be my guess?

LANCE HEDQUIST: Yes, I was appointed to lead Nebraska municipalities that recommended me many years ago.

J. CAVANAUGH: OK.

LANCE HEDQUIST: So yes, the cities.

J. CAVANAUGH: And you-- one of the things you said about the-- the federal-- kind of have to, I guess, react to changes in federal regulation. You've been on the board for 20 years, which has put you through quite a few different administrations. And obviously, we're kind of at the beginning of a new administration. Is the-- do you see the board as equipped to handle these, I guess, swings in federal policy?

LANCE HEDQUIST: Well, the answer-- we have to be; we don't have any choice. If they change a policy, then we have to-- we have to deal with it. And then you can definitely see swings in what happens on-- on what's happening at the federal level.

J. CAVANAUGH: And again, it looks-- I mean, it sounds like you guys are doing a great job in Norfolk-- or I'm sorry-- in South Sioux. Five hundred trees a year, I would be surprised if we're planting that many in Omaha. And-- but that's one of my pet peeves. But on the 14 miles of bike lanes, are those separated bike lanes? Or--

LANCE HEDQUIST: Yes, these are Class I bike lanes.

J. CAVANAUGH: Wow, I should move to South Sioux. So-- well, I think that answers my questions. Thank you.

LANCE HEDQUIST: I could add, we're the only city in the state that requires bicycle paths be part of any new subdivision that comes in. So we are building on the future.

BOSTELMAN: Good. Senator Gragert.

GRAGERT: Thank you, Chairman Bostelman. And thank you for your testimony. It sounds like you've got a lot of good things going on in South Sioux. But not so you don't feel slighted, I want to ask my

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specific question on water quality. You've been on the board for 20 years and 40 years in South Sioux. That's-- that's pretty wild as city administrator; good for you-- commend you for that. I-- I am going to ask you again, and more as the many years you've been on the committee, are you familiar with nitrate issues in parts of Nebraska?

LANCE HEDQUIST: Absolutely. And we have went to-- there's a board we went to-- Hastings, Nebraska-- many years ago to find out what they were doing, and looking at the major concerns that we have for nitrates across the state.

GRAGERT: So do you feel like our local, state [INAUDIBLE] state-- I you know, state is the NRDs. Do you feel the NRDs are-- are doing-- are addressing the nitrate issue as well as they should be?

LANCE HEDQUIST: They're definitely addressing the issue with-- with nitrates. I do think that cities have the ability to do better promotions on people that are putting fertilizer and stuff on their own property. I know the cities, land-wise, are the smallest part of the state, but I still think they should be doing more. So I think we should be more aggressive in letting the citizens know they don't have to put 20 more pounds or it's-- 'cause everybody wants to do extra, like putting soap-- soap in your dishwasher. You always want to put a little extra-- think it's going to get a little cleaner, where it doesn't. So I think we need to do more on that. And I think we can do that on a voluntary basis to get that information out.

GRAGERT: So specifically up in South Sioux, into your area, do you have high nitrates in your area?

LANCE HEDQUIST: No, we do not.

GRAGERT: OK, thank you.

LANCE HEDQUIST: You bet.

BOSTELMAN: I want to follow up on comments you made about public involvement. So how much public involvement have you seen or is it increasing at--on your meetings for the council?

LANCE HEDQUIST: Well, I think you're getting much more public involvement before it comes to our council, where they have the meetings out in the state or they meet with constituents that are part of a-- worry about a certain new regulation and talk to them first, see what kind of work we can do to modify the regulations, to make it work, make it be effective, but make sure we're listening to the

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citizens that it affects. So I think it's at that middle ground that has really resulted in much less people attending our meetings than happened originally.

BOSTELMAN: OK, thank you. Are there any other questions from the committee? Seeing none,--

LANCE HEDQUIST: Can-- can I throw one more? I'm sorry if-- if--

BOSTELMAN: That's all right.

LANCE HEDQUIST: I can throw one more thing is--

BOSTELMAN: Sure.

LANCE HEDQUIST: --on-- tires. You know, I mentioned we put in a crumb rubber road many years ago. It worked out extremely well. On the tire issue, the-- the state doesn't allow the tires to be put in landfills. That is a state-- state law issue. So what happens is, when you bid out to do tires, they have to take the low bid. The low bid most of the time has taken the tires to Kansas. But that really doesn't make sense to me-- that either we should allow them in our landfills or we should make sure that they're recycled, and something happens to that crumb rubbers--roads. And you can do that on athletic fields, and you've seen it happen. So I'm not saying it doesn't happen, but I think that should be a bigger emphasis to have-- that it'd actually recycle and not put in landfills.

BOSTELMAN: OK, thank you.

LANCE HEDQUIST: Thank you, Mr. Chairman.

BOSTELMAN: One more-- Senator Gragert.

LANCE HEDQUIST: Sure.

GRAGERT: Thank you. Just a quick follow up on that. Now I was on the Creighton School Board for years, and we did do a-- redo our track with ground-up, recycled tires. Is a lot of that going on? Or-- or why-- why-- is it hard to recycle? I mean, I know you can grind up a tire. I think there would be so many uses for it. Why isn't there more?

LANCE HEDQUIST: I think that-- I think it is happening across the state, but I still think the majority of the tires are not being-- being used, recycling-wise. And I think if we had the regulations to say it needs to be recycled and not landfilled, I think you'd get

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different bids, and you would get more creativity by the private sector to get that done.

GRAGERT: By-- I remember by using-- by utilizing recycled tires, we were eligible for grants. So maybe the education out there, also, that what is available.

LANCE HEDQUIST: And I believe 30 percent of that would be covered, if I-- if I remember right.

GRAGERT: Sure.

LANCE HEDQUIST: I could be wrong.

GRAGERT: Thank you.

BOSTELMAN: OK. Thank you for coming down today. Thank you for your willingness to continue to serve on the Environmental Quality Council. Thank you.

LANCE HEDQUIST: Thank you, sir.

BOSTELMAN: I'd ask if anyone would like to testify as a proponent to the reappointment, to the Environmental Quality Council, of Lance Hedquist. Anybody like to testify as an opponent to his reappointment? Anybody who would like to testify in a neutral capacity? Seeing none, that will close a hearing on the reappointment, to the Environmental Quality Council, of Lance Hedquist. We will now open the hearing on the appointment, to the Environmental Quality Council, for Kevin Peterson. Please come up. Welcome and, when you're ready, please state and spell your name.

KEVIN PETERSON: Good morning, Senator Bostelman and members of the Natural Resources Committee. My name is Kevin Peterson, and that's spelled K-e-v-i-n P-e-t-e-r-s-o-n, and I'm a fifth-generation farmer from Osceola in Polk County, where my family and I raised row crops, cattle, and custom feed hogs. I'm honored to speak to you today regarding my initial appointment to the Nebraska Environmental-- Environmental Quality Council. I currently serve on the Nebraska Farm Bureau, state Board of Directors and the Polk County 4-H Council. Previous to that, I have served on the board and leadership of the Nebraska Environmental Trust from 2014 to 2017, the Nebraska Pork Producers Association from 2014 to 2019, and the St. Paul Lutheran Church's congregational council from '14 through 2020. I also maintain membership in Ag Builders of Nebraska, the National Pork Producers Council, the Osceola FFA Alumni Association, and the Osceola Masonic

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Lodge. When I was first approached about applying for the council, I was immediately drawn to the opportunity. Too often production agriculture and conservation interests seem at odds, and I believe that my experience on past boards uniquely qualifies me to help bring these two groups together to enhance the environmental quality of the state while continuing to produce food, fuel, and fiber for-- for a growing world population. The advancement and management techniques in crop and livestock production in my lifetime has gone a long way towards bridging that gap. But there is still work to do. I believe, with tools and techniques currently in use and new technologies to come, we can continue a regulatory climate in Nebraska that is agreeable to those interested parties. On our own farm, we have been able to organically fertilize 300 acres with the effluent created by our hog operation. We monitor the nutrient content yearly and work with our agronomists to make sure that that application is done in a safe and economical way. And that has led to productivity improvements on some of our more marginal acres. As I researched the makeup of the council, I was struck by the diverse-- diversity of expertise and background of its members. In a state like ours, with its land, water, and population differences from north to south and east to west, we owe our citizens and stakeholders regulations that work in specific ways to address broader issues. I'm excited for the chance to be part of this group, and work with the rest of the council to provide perspectives that can represent the state as a whole. In closing, I would like to thank the committee for your time and consideration today, Governor Ricketts for the appointment and the chance to serve the state again, and my family for supporting me in everything I do. And I'd be happy to answer any questions you might have. Thank you.

BOSTELMAN: Thank you. Are there questions from committee members? My first one-- maybe I missed it-- you're serving as to what?

KEVIN PETERSON: Row crop.

BOSTELMAN: Row crop.

KEVIN PETERSON: Yep, yep.

BOSTELMAN: Senator Cavanaugh.

J. CAVANAUGH: Well, thanks for being here, Mr. Peterson.

KEVIN PETERSON: Sure.

J. CAVANAUGH: And again, thank you for your willingness to serve. I-- why did you get off the Environmental Trust?

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KEVIN PETERSON: Just in time, by the looks of it, honestly. It-- I really-- 'cause I, being the last one testifying, I hear people that enjoy to bike and enjoy fish-- hunting and fishing and things like that. I really don't have any hobbies. Serving on boards is kind of my hobby. And when your phone rings and you say yes, you kind of get a-- you get a reputation for doing that, so your phone rings more and more. And so honestly, the reason I got off was because I was on that board, and I was on the state pork-- Pork Producers board, and I was on a couple local boards. I had a son playing travel basketball and travel baseball, and a daughter doing competitive dance. And so when my term was up, I just did not seek re-- did not seek reappointment. I did-- I appreciate my time on that board a great deal. I learned immeasurable amounts of things from-- from serving there, so--

J. CAVANAUGH: So I guess the-- the question is: Has your schedule freed up more, that you're available to serve on this board at this time then?

KEVIN PETERSON: No more travel baseball, no more travel basketball. My-- my oldest son is in high school now, so we just do high school sports. My daughter still is in in competitive dance. I do-- do contribute to the economy in Senator Moser's district; that's where she does, where her studio is. And so we were in Columbus quite a little bit to do that. But it-- it's better than it was. But with anything like this, volunteer positions, you just-- at times you have to get in the pickup, you've got to drive off the place and do what you do-- do what you think you need to do. So that's what I've always tried to do.

J. CAVANAUGH: Well, we appreciate your willingness to serve, and obviously I try not to be mean to people when I'm asking questions. But sometimes it happens. But-- so how did you come to apply for this position? Did somebody ask you? Did you just sort of see that you were ready to do something?

KEVIN PETERSON: Well, I was at-- new director Macy, from my time on-- on the Environmental Trust, ran into him at an event, and he-- my time on the State Farm Bureau Board is-- is done in December. And so we were visiting a little bit, and-- and he mentioned that there was this board and I, of course, you know, laughed it off and tried to ghost him about it a little bit. And then I had a couple other people reach out, some friends that reached out and said: You should really consider doing this. And so-- so I went ahead and applied and was appointed. So--

KEVIN PETERSON: Thank you.

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BOSTELMAN: Senator Gragert.

GRAGERT: Well, Kevin, I think you know my question,--

KEVIN PETERSON: Sure.

GRAGERT: --coming in, but it's very interesting because of where, you know, you're producer and with livestock and-- and row crop, but, you know, working-- working through these old task force and and bringing up not only soil erosion there, but water quality, always organizations jump to the defense of the one on water quality and our nitrate-- nitrate issue. My-- my biggest thing is, is that I'm not about it's the-- it's the producer or the row crops, or it's the cattle, or it's the hogs or chickens, it's the golf course. It's-- like was stated earlier, even us in-- that live in the community is putting on our nitrogen for that nice green grass, you know. But I'd really, really be interested in your perspective on our nitrate issues throughout our state and in Columbus-- you're around Columbus. You're in some of the highest, probably, nitrate-- not the highest, but--

KEVIN PETERSON: Right.

GRAGERT: --higher nitrate communities. What do you-- how do you feel that the local and state entities are-- are they addressing it accordingly? Or it's been around, you know, up in my-- my neck of the woods, for over 40, 50 years. And it's-- I understand it's-- it's going to take a lot, as many years, probably, to get rid of it. So what do-- what do you feel the-- what is your perspective on nitrates in the state of Nebraska?

KEVIN PETERSON: Well, just where our-- where our place is, we-- we live in the Upper Big Blue NRD, which has, you know, Phase I, II, and III requirements. As far as-- what am I looking for-- when you apply nitrogen-- if you apply nitrogen in the fall, you have to have a-- you have to have a-- a bonding agent with it so it can't travel. Right? We also farm in the Central Platte NRD, which is where Columbus is. And so those requirements don't exist in Central Platte. There is-- I think that there could be some uniformity in some of those requirements that might help farmers that are in two different NRDs, kind of deal with those regulations and in a more easy fashion. But you spoke to it, I think, as good as anyone has. I think that, when-- anytime a new regulation comes out, whatever is dear to us, whether it be row crops or livestock or urban living or anything like that, we become defensive as to-- as to whether that industry is being attacked and is going to be forced to take on the lion's share of the, you know, the prescriptive action to fix the problem. And so I-- to, you

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know, Senator Cavanaugh's earlier question, I think that my time, especially on the Environmental Trust and-- and even on Farm Bureau, trying to balance interests between livestock producers and row crop people or on the Environmental Trust, you had-- you had people that were, well, you know, the news of the day is-- is pro-easement or anti-easement. And so being able to try and work with those two groups in trying to find common ground is something that-- that board experience taught me well, and I hope to bring to-- to anything that I do in the future.

GRAGERT: OK, great. Thanks.

BOSTELMAN: Have you had the opportunity to attend any of the previous [INAUDIBLE] council meetings?

KEVIN PETERSON: I have not, no.

BOSTELMAN: And you're available for the meetings as they come up, two or three or four, for that? .

KEVIN PETERSON: Yes, yes, that--

BOSTELMAN: Sounds like your-- your home life has allowed you a little bit more.

KEVIN PETERSON: I have-- I have an amazing wife that indulges my-- that indulges my trips to Lincoln back and forth very, very well. And-- and-- and honestly, my sons, in sports now, are to the point where they don't-- they don't look to the stands to make sure their dad is there-- not that I have to miss too much, but they're understanding when-- when Dad has to be away. And so I've-- I've always appreciated that, too. And the other thing that's changed is-- is-- in the number of years since I got off Environmental Trust and all the other boards I was on, is my-- my father, who I farm with, is-- is continuing to transition more and more into retirement. So we've been-- we've been able to bring on some more hired help. And so that's been able to free me up to kind of-- to do some more of these things, so--

BOSTELMAN: Sure, sure. Are there any other questions from the committee members? Seeing none, thank you for coming in today. Thank you for your willingness to serve on the Environmental Quality Council.

KEVIN PETERSON: Thank you.

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BOSTELMAN: With that, I would ask if anyone would like to testify as a proponent to the confirmation of appointment, for the Environmental Quality Council, of Kevin Peterson. Are there any opponents who would like to testify? Anyone in the neutral capacity? Seeing none, that will close our hearing on the appointment, the confirmation of the appointment of the Environmental Quality Council for Kevin Pieteron. Thank you all for coming today; we appreciate your time. Thank you for traveling in, and have a great day.