

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

BOSTELMAN: Good afternoon. Welcome to the Natural Resources Committee, I'm Bruce-- Senator Bruce Bostleman from Brainard, representing the 23rd Legislative District. I serve as Chair of the committee. Today, the committee will take up several gubernatorial appointments to boards and commissions in the order posted. If you are testifying today on one of these appointments, please fill out one of the green testifier sheets that are on the table at the back of the room. Be sure to print clearly and fill it out completely. When it is your turn to come forward to testify, give the testifier sheet to the page or to the committee clerk. When you come up to testify, please speak clearly into the microphone. Tell us your name and spell your first and last name to ensure we get an accurate record. First, we, we will begin each hearing with the appointee's opening statement to introduce themselves to the committee, followed by any questions the committee members may have of the appointee. And finally, we will hear from anyone wishing to speak as a proponent or opponent on that appointee. For those testifiers, we will be using a three minute light system. When you begin your testimony, the light on the table will be green, when the yellow light comes on, you have one minute remaining, and when the red light indicates you need to wrap up your final thought and stop. Questions from the committee may follow. Also, committee members may come and go during the hearing. This is just part of the process, Senators may have other meetings to attend to. Just a reminder to please silence or turn off your cell phones, and that verbal outbursts or applause are not permitted in the hearing room. Such behavior may cause for you to be asked to leave the hearing. The committee members with us today will introduce themselves, starting on my far right.

JACOBSON: My name is Senator Mike Jacobson, District 42, and I'm just having my lunch.

HUGHES: Oh, God, sorry. A very healthy lunch. Senator Jana Hughes. District 24, Seward, York, Polk, and a little bit of Butler County.

MOSER: Mike Moser, District 22. It's Platte County, and most of Stanton County.

BOSTELMAN: Senator Moser also serves as the Vice Chair of the committee. Also my, my left is committee counsel, legal counsel, Cyndi Lamm. And to my far left is our committee clerk, Laurie Vollertson. Our page for the committee today is Julie-- Skavdahl?

JULIE SKAVDAHL: Skavdahl. Skavdahl

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

BOSTELMAN: Thank you very much for being here today and helping us out. Appreciate that. With that, we will start our hearings today with our first one, which is Allison Willis, a gubernatorial appointment to the Environmental Quality Council. Allison, please step up. Good afternoon. Welcome.

ALLISON WILLIS: Thank you. Well, I am Allison Willis. I am with AGP. I've been with AGP since 2007. And in that over 17 years with the soybean processing and soybeans biofuel industry, I'm aware of the crucial balance between agribusiness needs and environmental stewardship. So my commitment lies in advocating for responsible practices that benefit everyone in our state.

BOSTELMAN: Excuse me, Allison. Could-- Spell your first and last name, please.

ALLISON WILLIS: Oh, I'm sorry. A-l-l-i-s-o-n, first name. Last name, Willis, W-i-l-l-i-s.

BOSTELMAN: Thank you.

ALLISON WILLIS: My interest in serving on the EQC is driven by what I feel is the important relationship between agricultural interests and environmental protection. Throughout my career, I've been involved in a ton of air and water permitting for our plants, and also ensuring that all of our plants are in compliance with all applicable, environmental regulations. So I have seen firsthand the positive impact that proactive environmental policies can have on our agricultural sector and our communities, the health of our communities. Given agriculture's significant role in Nebraska's economy, integrating the voices of farmers and other key stakeholders into environmental policy is vital. By advocating for policies that strike a balance between agricultural interests, agribusiness, environmental protection, and community well-being, I believe we can pave the way for a more resilient and sustainable future for our state. So, I certainly appreciate this opportunity and would look forward to collaborating with fellow council members and stakeholders.

BOSTELMAN: Thank you for your testimony and for being in here today. Questions from committee members? Mike-- Senator Jacobson.

JACOBSON: Thank you, Chair Bostelman. Ms. Willis, I, I'm curious. You talk about balance and sustainability and all those things. Obviously in the agricultural world today there are a lot of people that are really attacking agriculture for everything from nitrate problems to

you name it. What's your-- going to be your posture on this board as it relates to those kinds of issues? And how would you advise the director when it comes to issues such as nitrates and other issues that, that agriculture's getting a broad-brush attack on?

ALLISON WILLIS: Well, I think a lot of it is misinformation. And I think that education is important in getting the facts out. Because that's the only way we're going to have prompt change and understanding, so we don't get just broad stroked into this is all bad. Because I really do-- agriculture in and of itself is sustainable. It's just getting the messaging out, and getting the facts out.

JACOBSON: And a follow up question, if I could, I-- you-- so you've indicated you've been working with AGP and working with their environmental side, I, I'm pretty familiar with AGP's facility in Hastings. In fact, we do some business there. Clearly the, the department has come under some attack historically on how they manage certain ethanol plants in particular. But yet I've always appreciated the balance of recognizing that things can happen, but it doesn't necessarily mean that they're intentional and that we're going to shut down businesses simply because something comes up along the way. I'm assuming you've had some experience in that with all the plants you've overseen. Do you have any examples of situations where maybe AGP's had an issue and how those have been resolved?

ALLISON WILLIS: Yes. So, you know, we, we have had an issue with facility response plans. We didn't quite have all the components that we needed in place at all of our plants, including Hastings. And we really worked closely with the NDEE to resolve those. And, they were very understanding of the situation that we were in. And together we worked through those and we got to a point where we were in compliance. So-- and we didn't have any interruptions in our plant operations at the same time. So it was a good collaborative effort on both parts to get those results.

JACOBSON: Why-- and I appreciate that answer, and, and I think that, that's probably one of the attributes that I would like to see in all people that are involved in these boards and commissions, that they understand the realities. And obviously, you've spent time understand the other side of it, understand that balance. So I appreciate the answer. And, and, look forward to you serving on the commission.

ALLISON WILLIS: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

BOSTELMAN: Other questions from committee members? Seeing none, thank you for your willingness to serve.

ALLISON WILLIS: Thank you.

BOSTELMAN: Um-hum. I would ask that anyone who'd like to testify as an opponent [SIC] in support of Allison Willis to appointment of the Environmental Quality Council, please step forward. Any supporters? Seeing none, anyone like to testify in opposition to this gubernatorial appointment? Anyone opposed? Seeing none, anyone who'd like to testify in the neutral capacity? Seeing none. We did not receive any comments online. And this will close our hearing of the gubernatorial appointment of Allison Willis to the Environmental Quality Council. The next hearing we'll have is the appointment of Jill Becker to the Environmental Quality Council. And in the-- before the speaker starts, if Senator Fredrickson would like to introduce himself? He's joined us.

FREDRICKSON: Yes. Apologize for my tardiness. My name is John Fredrickson, I represent District 20, which is in central west Omaha.

BOSTELMAN: Thank you. Good afternoon.

JILL BECKER: Good afternoon, Senator Bostelman and members of the committee. My name is Jill Becker, it's spelled J-i-l-l B-e-c-k-e-r. And all of you know me because I'm a lobbyist for Black Hills Energy, which is my current role. Similar to the other testifier, next week I mark 17 years with the company, and prior to that, served as a staffer here in the Legislature. I am here representing myself though, not Black Hills Energy, and I'm actually joining the board as a representative of the industry. In putting together my application for this, I realized that I've served on a lot of boards for nonprofits, and for like my kids at school, my church, but I haven't actually been on a public board. So that's what this is here today. Don't have a whole lot of familiarity with the council itself up until I was asked, and as an organization, we do seek a few permits from NDEE, and so obviously, if there were any issues that arose that I would have to abstain from the discussion or recuse myself, I certainly would. But other than that, we don't have a-- I don't personally have any interaction, interaction with the board. So I would be happy to answer any questions that you may have.

BOSTELMAN: OK. Thank you. Questions from committee members? Senator Moser.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

MOSER: So different members of this committee represent different segments of the business world. And I see, you're in the automotive petroleum industry, so, in fact, working in the gas business qualifies you as taking that position to represent your body of knowledge that you know from your business when you consider things in, in that council. And the, the previous testifier is representing the ag processing, so. And that's the business that she works in too, so. So when I first saw this and I saw Jill Becker, I thought, whoa, everything's going to be natural gas. But then after reading the handout, that's the purpose is to have representatives from industry so that we consider all aspects when we make decisions. So thank you for your willingness to serve. Maybe after hanging around here, I thought maybe you wouldn't even be interested. But anyway, welcome.

JILL BECKER: Thank you, Senator. I figured there's always a lot for me to learn. And as you mentioned, I will be representing a, a very broad industry, so looking forward to bringing that perspective to the board.

MOSER: Thank you.

BOSTELMAN: Other questions? I guess my question kind of touched on a little bit in your-- when you spoke to us about your position being a lobbyist. How do you see that fits into being on a commission or on a board? That's not typically what we see on, on members. So--

JILL BECKER: Yeah.

BOSTELMAN: --your thoughts on that.

JILL BECKER: Admittedly, we-- I, for the organization I represent, have not been involved a whole lot in a lot of the legislation that this council would be implementing. So I guess that would be the connection, is if there is some legislation that this body passes that then that department would have to implement. And while the, the council does have involvement in those, we'll say new regulations, that's a public process governed by the Administrative Procedures Act. So I guess I look at it is, it is an entirely separate function in the sense that it is implementing whatever this legislative body would promulgate, would pass. So.

BOSTELMAN: OK. Any other questions from committee members? OK. Seeing none--

JILL BECKER: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

BOSTELMAN: Thank you for your testimony, and your willingness to serve. With that, I ask that if any oppon-- proponents for the appointment of Jill Becker for Environmental Quality Council please step forward. Any proponents? Seeing none, anyone who would like to testify in opposition to the appointment of Ms. Becker to the Environmental Quality Council? Any opposition? Seeing none, anyone who would like to testify in the neutral capacity? Seeing none, we did not receive any comments for this gubernatorial appointment, and that will close our hearing on the gubernatorial, gubernatorial appointment of Jill Becker to the Environmental Quality Council. Let Senator Brandt introduce himself, he's joined the committee.

BRANDT: Senator Tom Brandt, District 32, Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster counties.

BOSTELMAN: Thank you. Our next hearing will be the gubernatorial appointment of James Theiler to the Environmental Quality Council. [CYNDI LAMM TALKS QUIETLY] Oh, sorry. Good afternoon.

JAMES THEILER: Good afternoon. And, thank you, Chairman Bostelman, members of the committee. It's James, J-a-m-e-s, Theiler, T-h-e-i-l-e-r, it's a good German name. T- h there. And so thank, thank you for, for allowing me to speak to you today. I, I am looking to take the vacated position of the professional engineer appointment to the Nebraska Environmental Quality Council. I have been a professional engineer in the state of Nebraska for over 25 years. I am currently the Assistant Director of Public Works for the City of Omaha. The environment-- we have two assistant directors. I do the environmental side of public works within the city of Omaha. We handle wastewater treatment, solid waste, flood control, a lot of environmental issues. I've been personally working directly with the NDEE for over two decades, and we have worked a great partnership as the city of Omaha working closely with the NDEE. I, I believe the time that I have spent working with the NDEE, I've witnessed this board in action. And it's, it's really, really, I'm going to say, to see the different members of the board coming in with their different perspectives and being able to offer those different perspectives that provides that balance people have been talking to, so you get rural, you get business, you get urban. I, as a professional engineer, will be able to weigh in from that standpoint. That different makeup of the board really provides a great service to, to the state. And, and I'm honored to be able to, hopefully, serve in that capacity. I, I have witnessed the board in action a few times. The, the way that they look out for the state as to, you know, here's laws and rules and regulations coming down. And we have to look at this in a way that we

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

cannot overregulate the people in our state, but we also have to look at it from the standpoint of if we don't do this, the EPA can come in and make this harder on us. And, and, and seeing that board in action and providing that balance that's protecting these important businesses in our state, I'm just truly honored to be able to, hopefully, be a part of that.

BOSTELMAN: Questions from committee members? Have you had an opportunity to sit in on any previous meetings? I see the appointment's as of March 19th, so.

JAMES THEILER: I, I did sit in on the last meeting that was in, I believe it was November. I sat in on that meeting as a-- just, just as a member of the public. We have, as a city of Omaha, we have led tours of the committee, they would come up and see what we were doing with the city of Omaha, primarily with our combined sewer system and that program that is unique in the state of Nebraska, and costly for our ratepayers. So I have witnessed the board in action, both as us providing information to the board, and also just sitting as a member of the general public in, in the board meetings.

BOSTELMAN: Are there any things that you see currently, I don't know if you had much, done much research within the council itself, anything that you see, changes or additions, things that you see that you're interested in, or--

JAMES THEILER: You know, my, my big interest is-- it ,it's-- my big interest is making sure that as a board we, we, we provide what we need to the NDEE to make sure that we do what we need to do to protect human health and the environment, but at the same time, do not overregulate, have common sense regulations that make, make these rules and regulations do what they need to do without overburdening the, the members of our-- citizens, citizens of the state.

BOSTELMAN: And I think there, there's just a couple of meetings a year that they have. Is that right?

JAMES THEILER: My, my understanding is that at one time it was four, the last few years it's been two. I don't know if they intend to go back to four, but two to four meetings a year. Information in advance to know what we're going to be talking about. And, and they make important decisions for the state, so, I'm, I'm honored to be able to have this opportunity.

BOSTELMAN: OK. Thank you. Questions? Senator Jacobson.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

JACOBSON: Thank you, Chairman Bostelman. Mr. Theiler, I guess I'd like to ask you the same-- similar question as Se-- I did of Ms. Willis. So you've spent time, obviously have had some interaction with NDEE, as it relates to your role in Omaha. Can you think of any particular situations where there was an issue with the NDEE, and can you tell me how you went through resolving that, and--

JAMES THEILER: Yeah, so we, we're a big city, we have lots of problems, and, and we've had our issues where sometimes, we'll have an issue with, I'll just say let's use an example, like a stormwater permit, and we may have had a few things out of line. And as long as what we've been doing as to the NDEE is, is, hey, we may not be getting everything perfect, but we're showing commitment and we're showing progress-- progress toward what we're supposed to be achieving, and then the NDEE themselves, you know, they, they took a shift a few years ago to really focus, not necessarily on enforcement, but compliance assistance. You know, the first thing we're going to do is we're going to help you get into compliance. And that's the way we work with that. Is that what you--

JACOBSON: That's, that's exactly what I wanted to hear, and, and it's exactly the answer I wanted to hear, so thank you.

JAMES THEILER: OK.

BOSTELMAN: Other questions? Senator Moser.

MOSER: So does Omaha still have combined sewer and drain water systems?

JAMES THEILER: Sure. So, I, I, I've been working with the City of Omaha's combined sewer system since 2005. The system itself will never be completely separated. That's not the goal of the, the federal combined sewer program. The goal is to make sure that at the end of those combined pipes, we do everything we can to minimize the number of pollutants. So it's a water quality program. And Omaha will always have combined sewers. We're putting in more and more efforts to separate some of those sewers, and where we cannot separate those sewers we're adding advanced treatment, treatment only when it rains in certain places, so the pollutants from the combined sewers don't make it to the rivers and streams.

MOSER: OK, great. Thank you for that answer.

JAMES THEILER: Sure.

BOSTELMAN: Other questions? Seeing none, thank you, "Thy-lar"
[PHONETIC]?

JAMES THEILER: "Ty-ler" [PHONETIC].

BOSTELMAN: Thank you very much for your willingness to serve, we appreciate that.

JAMES THEILER: Thank you.

BOSTELMAN: I'd like to ask anyone would like to come up and testify in support of the gubernatorial appointment of James Theiler to the Environmental Quality Council. Anyone in support? Seeing none, anyone who'd like to testify in opposition? Anyone like to oppose? Seeing none, anyone like to testify in a neutral capacity? Seeing none, that will-- there were no comments, online comments. That will close our hearing on the gubernatorial appointment of James Theiler, to the Environmental Quality Council. Our next hearing will be the appointment of Lynn Mayhew to the Environmental Quality Council. Good afternoon.

LYNN MAYHEW: Good afternoon. My name is Lynn Mayhew, L-y-n-n M-a-y-h-e-w. I'm currently the-- serving as the Assistant Utilities Director for Grand Island Utilities. I oversee operations and, and maintenance of the Platte Generating Station, the Burdick Power Generating Station, and the Grand Island city water system. Been there for a little over 16 years. I'm also a professional engineer, and I'm also a veteran of the U.S. nuclear submarine force. I'm here to serve to represent the power generation indus-- industry. And, you know, the toughest part of my job has been for the last 16 years is meeting the Environmental Protection Agency regulations that keep coming up. We put on scrubbers at Platte Generating Station, we put in low NOx burners to reduce noxious gasses. We, we do air permits, water permits, discharge permits, you know, and we're-- we work regularly with the NDEE. And to rep-- my, my thoughts on this is to represent the generation industry, and to make sure that NDD-- NDEE understands what, what cost it is to keep a power generation station running.

BOSTELMAN: OK, thank you for coming here and your willingness, your willingness to serve. Thank you for your service as well. Any questions from committee members? One question I have, not necessarily this appointment, Mayhew. Do you have, did you have any relatives that come from Superior, Nebraska?

LYNN MAYHEW: I'm-- that I'm not sure of.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

BOSTELMAN: Well, we'll talk later, maybe. So have you had an opportunity to sit in on any Environmental Quality Council meetings before?

LYNN MAYHEW: Yeah, I went to the-- to the last meeting in November.

BOSTELMAN: And how do you see its function, how it's working? Are there things within it you see could be changed, could be done differently or, or just your general impression of it?

LYNN MAYHEW: With just one introduction to a-- the first meeting I don't-- didn't really get to see, you know, they talked about, I guess the biggest thing was that, that during that meeting was lead service line replacements, and, and I understand the cost, and the need to do that currently, and doing that for Grand Island's water system, so.

BOSTELMAN: Other questions? Senator Brandt.

BRANDT: Thank you, Chairman Bostelman. Thank you for, for appearing today. With your background in the nuclear fleet, what, what do you see the future, and this isn't really related to your appointment, but what do you see as the future of nuclear energy in the state of Nebraska?

LYNN MAYHEW: Well, personally, I think, you know, without nuclear energy, you know, we don't have that dispatchable resource available for our generation needs. You know, the big push is to go solar and, and wind power. But, you know, the coal plants are, are getting heavily regulated, and, you know, we're going to need some source of dispatchable resources. And in the-- natural gas distribution in Nebraska is not quite stout enough to support especially cold winters. I saw that in January. We, we were called on to run our gas turbines, natural gas wasn't available, so we had to use the backup fuel. And, and, you know, that's that's the biggest issue right now, you know, there's not enough gas support, but, you know, we're still a long ways away from getting nuclear to back up our coal resources.

BRANDT: All right. Thank you.

BOSTELMAN: So as a representative of the power generating, generating industry, is there subcommittees, do you know, or like that on the Environmental Quality Council that fit into different areas? I don't know if you had that much--

LYNN MAYHEW: I'm not--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

BOSTELMAN: At their meeting that they have subcommittees where those fit, and where you might fit into that.

LYNN MAYHEW: I'm not aware of any subcommittees right now.

BOSTELMAN: Other questions? Seeing none, thank you very much for coming in today--

LYNN MAYHEW: Thank you.

BOSTELMAN: --and your willingness to serve. Yep. I'd ask if there's any proponents for the gubernatorial appointment of Lynn Mayhew to the Environmental Quality Council? Anyone like to testify in support? Seeing none, anyone like to testify in opposition to the appointment of Mr. Mayhew? Anyone opposed? Seeing none, anyone like to testify in the neutral capacity? Seeing none, that will-- we did not receive any comments online. That will close our hearing on the gubernatorial appointment of Mr. Lynn Mayhew to the Environmental Quality Council. Our next hearing will be the gubernatorial appointment of Kurt Bogner to the Environmental Quality Council. So, reappointment?

KURT BOGNER: Yes, reappointment. Hello.

BOSTELMAN: Good afternoon. Welcome.

KURT BOGNER: Good afternoon. Thanks for having me. My name is Kurt Bogner, K-u-r-t -B-o-g-n-e-r. And as you mentioned, I'm here for reappointment to the EQC, as a member of-- or representative of heavy Industry. So just a little bit about my background. I've always enjoyed the outdoors, nature, science, geology. Spent a lot of my summers backpacking and camping out in the the Four Corners areas of the west, really loved it. Really fortified my interest in geology. And, and during that time, I was also a Boy Scout, taking the rank of Eagle Scout. And then when I graduated from high school, actually my, my freshman year in high school, I declared I'm going to be a geologist. And so I graduated, completed a bachelor's and master's degree in geology, and then launched my career. So the first ten years of my career was spent on the environmental side and consulting. So that included some emergency spill response. But the majority of what I did was soil and groundwater investigation, delineation, and remediation. So cleaning up the, the messes that we already had. And then after ten years, I moved to the industry side. The last 20 years I spent at Nucor Steel in Norfolk on the environmental team there. So that's where the bulk of my experience has come from. But my philosophy is we all have a vested interest in environmental

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

compliance and stewardship because we all live here, we breathe the same air and drink the water as our neighbors. At the same time, I believe conservation means wise use. There has to be a balance. But the other thing is on, especially on the heavy industry side, we used to preach this to our, our team is-- compliance is every day; it's not when the inspectors show up, it's every day. And part of that is because environmental compliance and stewardship, it's an essential business function just like every other. It's just good business sense. So that's kind of where I come from. A little bit about me on the personal side, my current interests are do a lot of bicycle riding, I love history, and visiting Carnegie libraries. So that's, that's a little glimpse of me.

BOSTELMAN: Thank you for a willingness to serve. Are there questions from committee members? Senator Brandt.

BRANDT: Thank you, Chairman Bostelman. You've got quite a resume, you've, you've, you've seen a lot of stuff. So this is kind of an off the-- off wall question. So what's the worst environmental spill or, or disaster that, that you or your team has had to clean up over the last 30 years, 40 years?

KURT BOGNER: I'll, I'll stay with with more recently Nucor. In environmental we get all sorts of calls, the environmental department. So one day we got a phone call, it's like-- we, we'd just had a big rain, and they're like, have you seen the water? It's blue. It's like, well, yeah, you know, fluke, we get it. Well, then we looked out the window and it was like the color of the carpet. And it's like, that's not rain, that's something, something's going on. So we dispatched our, our team. You know, you go this way, we're going this way, looking for the source, we gotta find out what's going on. And, we determined that it was from herbicide spraying. And so it was in-- it was in the, the ditches and if you're familiar with Norfolk, the ditches go to, to Spring Branch Creek, and that goes into the Elkhorn River. And, you know, fortunately, I have, you know, ten years experience in spill response. So we actually got ahold of our on site contractors, like bring bucket loads of, of slag, we're going to dump it in the ditches, we got to stop this. And so we, we, we created check dams to prevent it from going any further. Well, it turned out that it was not our problem. It was our neighbors uphill from us. They had gone in and, and sprayed gravel areas to kill off the herbicides. And their contractor had a-- literally a window of opportunity, we had heavy rains in the morning, and then there was a break of two hours, and then we had heavy rains in the afternoon, starting at like 1:30. And this was, believe it or not, 3:00 the sun came out and the water's

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

blue. And so we, you know, had taken action. It wasn't our problem, wasn't our fault, but we took action to protect the environment, and we did that. The grass in our ditches was dead for the rest of the summer because it was all killed off. But we had-- we had talked about, it's like, you know, our first concern was Spring Branch Creek and the Elkhorn River. And, you mentioned, you know, my past history. I lived in Fort Wayne, Indiana, when the, the White River suffered a fish kill of about 60 miles. And that's the vision I had in my mind is like, no, that's not going to be us. And so we got it taken care of, we contacted the people responsible, and they got NDEE involved, and basically, that's how we handled it.

BRANDT: All right. Thank you.

BOSTELMAN: Other questions? Had the opportunity to come up and tour your plant over the summer, over the interim, appreciate that. I had the opportunity and see the functions, and the environmental concerns and things that you all do at Nucor up in Norfolk, and I, I appreciate that. and

KURT BOGNER: Very good. I, I, I should add-- you said that was just recently? I am currently unsupervised, I retired a year ago from Nucor. So that's my team still there, and they're a bunch of great people, so.

BOSTELMAN: Yeah, they did-- it's an, an interesting plant. And the safeguards, things that have been put in place there are, are, are needed and very impressed, you know.

KURT BOGNER: I like to call it Nucor is Nebraska's best kept secret, because not many people realize that we have a full blown steel mill in the state of Nebraska.

BOSTELMAN: Right.

KURT BOGNER: So that's kind of unique and interesting.

BOSTELMAN: With your experience on the council from before, is there any changes, any things you see, strengths or that that you would like us to, to hear about?

KURT BOGNER: Nothing comes to mind. You did mention in the previous person, subcommittees? In my time there, I took over for a previous guy, so I fulfilled his term, and then now I'm being reappointed. We, we did have one subcommittee that took a look at something. I don't know if that's something that we could get more value out of as, you

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

know, more subcommittees as, as the need arises to get some of the work done outside of the EQC meetings ahead of time. And also, you know, the work of a small subcommittee reporting to the EQC to help make things move faster. But that's kind of topic-dependent, so that might be an opportunity as it arises.

BOSTELMAN: You feel that the council works pretty well together, the members, and we'll have new members coming on, but--

KURT BOGNER: Yes. And I know one, one thing that that we've talked about with the, the EQC members amongst us is the fact that we've-- for quite a while, we've had a lot of vacancies on the, the various segments that are represented on the EQC and, it seems like those are getting filled by Governor Pillen, so that'll, that'll be a really good thing. You know, with the EQC being created to, to kind of do the regulations for-- environmental regulations for the state of Nebraska, we need to have everyone's input. And without having those members, you know, we're, we're kind of hobbling ourselves because we can't necessarily guess what their unique needs are for their industry or their, their segment that they're representing, and so it would be good to have those positions filled and be up to more of a full board, especially as we go forward into this next year and the appointment of a new director. And, you know, that whole thing, so.

BOSTELMAN: Very good. OK. Other questions? Seeing none, thank you for your willingness to continue to serve, and coming down today.

KURT BOGNER: Thank you for your time.

BOSTELMAN: Anyone would-- who like to testify in support of Kurt Bogner to the-- reappointment to the Environmental Quality Council? Anyone in support? Seeing none, anyone who would like to testify in opposition? Opposed? Seeing none, anyone want to testify in the neutral capacity? Seeing none that will close our hearing on the gubernatorial reappointment of Kurt Bogner to the Environmental Quality Council. Our next hearing will be on the gubernatorial reappointment of Seth Harder to the Environmental Quality Council. Good afternoon.

SETH HARDER: Good afternoon, Mr. Chairman, Council members. My name is Seth Harder, S-e-t-h H-a-r-d-e-r. I am the CEO and president of Husker AG, LLC, an ethanol plant in Plainview, Nebraska. And through that, I manage four production facilities in two states. We grind about 90 million bushels a year and produce about 300 million gallons of, of ethanol per year. I started in the industry in my 20s, and I was lucky

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

enough to spend a large amount of time with former Senator Loran Schmit down here at the Capitol. So I, I recognize the importance of what happens down here. That's part of my appointment on the council, my commitment if you will. The ethanol industry, by nature, has aspects that are good for the environment. And so that's always-- that's kind of been my approach from day one. I, I've been doing this for 20 years in the ethanol industry, and we feel like there's a lot of opportunity to-- for Nebraska to show the rest of the world's economies, you know, how we can power them through a clean energy that's good for the environment, but it's also good for business and commerce. And I guess through, through those 20 years, I feel like, you know, I've gained a lot of education on the intricacies of what happens at the department and what happens in the environment on a-- on a level that people can't see with their eyes. And so we've put a lot of things in over the years that have made our plant cleaner, and made our industry cleaner. And, of course, the federal government has a, a big push right now for low carbon fuels and sustainability. And, you know, we're proud of our facility in Plainview because it qualifies for low carbon fuels into those low carbon markets. Anytime you remove carbon from the facility, that number is calculated on the amount of chemicals and, and the amount of energy that goes through the plant. And so as we reduce those, we reduce our footprint, and it inherently becomes better for the environment. So, I'm excited about this appoint-- appointment. I appreciate it, and look forward to serving on the committee. If there are questions?

BOSTELMAN: Thank you for testimony, any questions from committee members? Senator Brandt.

BRANDT: Who's your partner?

SETH HARDER: Well, he, he didn't at school today, and he begged me. He loves Lincoln. Anytime he can come down here and he wants to be here, so. He loves to see things. We're going to do a little touring and, and make it a-- make it a good day. So, thanks for asking.

BRANDT: I see in your, in your, resume that you were extracting corn oil for the biodiesel industry. Have you guys thought about building a refinery for biodiesel?

SETH HARDER: Yeah, we have. That needs to be several facilities, pushing into-- I, I, I think that those need to be centrally located with many plants feeding them for economies of scale. We've got the plant down in Beatrice that we all sell to. But the renewable diesel industry is growing pretty rapidly. So, you know, there's, there's a

bit of a struggle between biodiesel and renewable diesel there. And with sustainable aviation fuel coming on, that corn oil is going to be worth quite a bit in that industry as well. You know, the, the national market for, for renewable diesel is 30 billion-- or, or for the sustainable aviation fuel, or aviation fuels, 30 billion gallons, international is 90 billion gallons. And we're looking at a 3 billion gallon push from the federal government for sustainable aviation fuel. And the corn oil and the soybean oil are, are direct fits for that.

BRANDT: OK, well, let's hope so. Thank you.

BOSTELMAN: Senator Jacobson.

JACOBSON: Thank you, Chair Bostelman. Mr. Harder, thank you again for, for accepting your reappointment and for your service there, and, and for what you're doing in the ethanol industry. I, I guess my question, I'm, I'm impressed with all the can-- all the folks here today, they're either being newly appointed or reappointments. But I am curious, how many are on, totally, on the commission?

SETH HARDER: Well, there's seven--

JACOBSON: -Or on the council.

SETH HARDER: --17 positions, and I think we're needing four, we have four vacancies.

JACOBSON: How many are-- how many are located west of Grand Island? Do you have any idea?

SETH HARDER: I-- one or two, I believe, but I can't say that I [INAUDIBLE].

JACOBSON: Out of 17.

SETH HARDER: Yeah.

JACOBSON: OK. All right. And, and basically many of these are industry appointments. Does the Governor appoint all the members, or are any of them elected?

SETH HARDER: I think so.

JACOBSON: OK. And so I assume you've got industry appointees, and then there's some just at large?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

SETH HARDER: Yeah, there's government and-- I gotta go back through them, but yeah--

JACOBSON: Does anybody rep-- represent just agriculture, production agriculture, or--

SETH HARDER: I believe there is livestock. And then I believe there's agriculture, I gotta go back through and look again.

JACOBSON: Grain as well. OK. All right. Thank you.

BOSTELMAN: Are there-- since this is a reappointment, you've served one term, is this your second then?

SETH HARDER: This is my second, yes.

BOSTELMAN: And is there anything that you see that, that you would like to share with us, to highlight, or concerns?

SETH HARDER: I think, I think, you know, we've had a little bit of a change in the director's position recently, so it'll be interesting to see how that goes. Director Macy did a good job. I think most people in the state would see that, you know, the department has been very balanced in the last ten years as far as providing a balance between industry and the environment. I think we've seen a lot of good changes there. So it'll be interesting to see how we move forward. We're working internally to maybe see if we can get some of the materials a little sooner. So little things like that, so we can make informed decisions at the meetings.

BOSTELMAN: Other questions? Are there-- name?

SETH HARDER: What's that?

BOSTELMAN: His name?

SETH HARDER: Samuel.

BOSTELMAN: Samuel. OK. Samuel. All right. Well, thank you for coming down, and thanks for your willingness to continue to serve.

SETH HARDER: Thank you.

BOSTELMAN: Appreciate that. So now we'll ask anyone who would like to testify in support of the gubernatorial reappointment of Seth Harder to Environmental Quality Council. Please step forward. Good afternoon. Welcome.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee April 3, 2024

TRACI MENKE: Hello. Good afternoon, Chairman Bostelman and committee members. My name is Traci Menke, T-r-a-c-i M-e-n-k-e, with Renewable Fuels Nebraska, the statewide trade association for the ethanol industry. I'm here today to testify in support of the reappointment of Seth Harder to the Nebraska Environmental Quality Council, leveraging his invaluable experience as GM and CEO of Husker AG and Lincolnway Energy. Under his leadership, both ethanol plants have not only prospered, but have also set benchmarks for sustainability and environmentally friendly practices in both Nebraska and Iowa. Seth's deep understanding of the agriculture and energy sectors, combined with his commitment to innovative and environmental stewardship, positions him uniquely to contribute to the Council's mission. His proven track record of implementing eco conscious strategies and fostering partnerships for sustainable developments reflect his capability to drive the state's environmental agenda forward. Seth's visionary leadership and practical approach to solving complex environmental challenges make him an indispensable asset to the Enviro-- Nebraska Environmental Quality Council, ensuring that our state remains at the forefront of ecological conservation and sustainability efforts. On behalf of Renewable Fuels Nebraska, I want to thank you in advance for your positive vote to reappoint Seth Harder to the Environmental Quality Council. Thank you.

BOSTELMAN: Thank you for your testimony. Questions from committee members? Seeing none, thank you for your testimony.

TRACI MENKE: Thank you.

BOSTELMAN: Anyone else like to testify in support of Seth Harder for the guber-- gubernatorial reappointment to Environmental Quality Council? Samuel, would you like to come up and say something? Giving you the opportunity to come up and say-- That's OK. All right. Any other supporters? Seeing none, anyone like to testify in opposition? Any opposed?

JACOBSON: You might give Sam [INAUDIBLE] opportunity.

BOSTELMAN: Anyone in a neutral capacity we did receive one proponent for the appointment, or reappointment of Seth Harder. So that will close our hearing on the gubernatorial reappointment of Seth Harder to the Environmental Quality Council. Thank you all for coming down today, thank you for being here. Thanks, Samuel, for coming down. All right. Have a good day. Thank you.

MOSER: Are we going to have an exec?

BOSTELMAN: We have exec paperwork? OK.