

CCR Financial Assurance Update

April 28, 2026

Daniel LeMaistre PE
Waste Permits Section Supervisor

CCR Updates

- In 2026 the DWEE is updating Title 132 to incorporate Federal standards for Electric Generating Unit Ash Disposal Facilities
 - Called FFCA (Fossil Fuel Combustion Ash) in Title 132
 - Called CCR (Coal Combustion Residuals) in Federal Rules

State Rules (Title 132)

- FFCA facilities required to obtain a permit by Chapter 2.
- Technical Standards and Design Criteria established in Chapter 4.
 - Section 006 establishes a post-closure care period of 5 years.

State Rules (Title 132)

- Financial assurance is required by Title 132, Chapter 8 (Financial Assurance Criteria: Solid Waste Management Facilities)
 - Section 004 – Financial Assurance for Closure
 - Section 006 – Financial Assurance for Post-Closure
 - Section 008 – Financial Assurance for Remedial Action
 - Section 009 – Allowable Mechanisms
- Chapter 8 does not distinguish between facility type

Federal Rules

- CCR Requirements established in 40 CFR 257, Subpart D (257.50 -257.107)
- Does not establish financial assurance requirements at the federal level.
- Establishes a post-closure care Period of 30-years.

Changes

- Title 132 is being updated to match Federal CCR Rule
 - Chapter 4, Section 006: The post closure care period will be extended to 30 years.
 - Chapter 8 is not changing
 - Because the post closure care period is now 30 years facilities will need to increase financial assurance to match the new post closure care period.

Changes

- DWEE will not immediately require a permit modification to incorporate FA changes.
 - Will require each facility to adjust financial assurance during the next permit renewal
 - If a facility wants to adjust the financial assurance prior to their next renewal the DWEE will accept a modification
 - Minor Modification (Title 132, Chapter 010.04G), no fee required

Questions

- Daniel LeMaistre
 - Waste Permits Section Supervisor
 - daniel.lemastre@nebraska.gov
 - (402) 471-4495
- Crystal Tannehill
 - Engineer, Financial Assurance Coordinator
 - crystal.tannehill@nebraska.gov