

# Proposed Updates to N.A.C. Title 132


## Integrated Solid Waste Management Regulations

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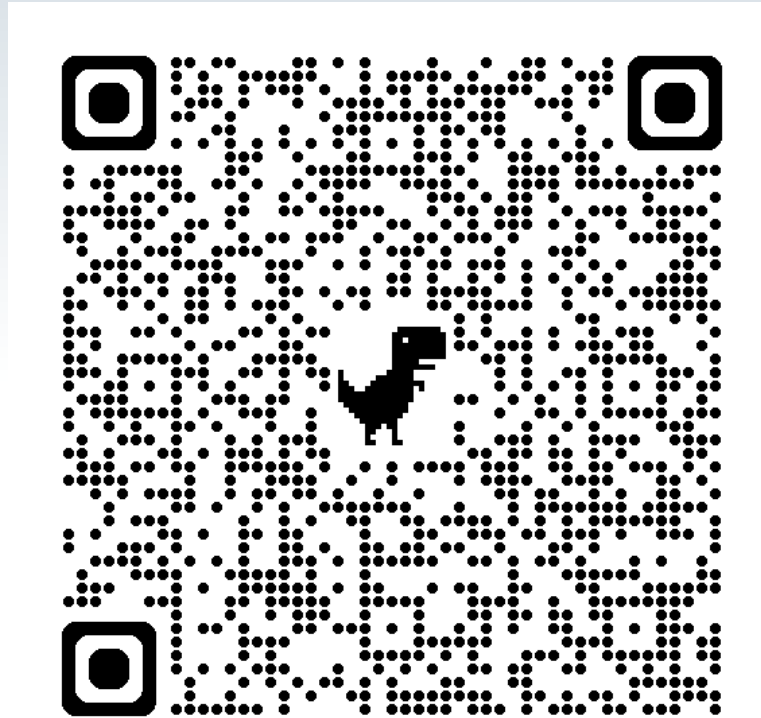
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## 4 major areas

- Adopt 2015 federal CCR rule & subsequent amendments, including CCRMU rule & extensions
  - Various cleanup, clarifying, and gap-filling revisions – the major focus today
  - DEQ → DWEE name change resulting from LB317 in 2025
  - Update reference to landfill tipping fee increase in N.R.S. §13-2042(1) resulting from LB247, also in 2025
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Let's try for interactive and maybe get to interesting



# Regulations on Agency Webpage

<https://dee.nebraska.gov/>

→ “Resources and Services”


→ “Laws & Regulations”

→ “Proposed Rules and Regulations”


Under the “Preliminary Drafts” Heading (1<sup>st</sup> heading)




# Chapter 1 – Definitions (misc. solid waste)

- “construction and demolition waste” (023) + “uncontaminated wood pallets . . . .”
  - “livestock waste” (066) clarified as solid waste from “animal agriculture for purposes of food or fiber production”
  - “major modification” moved from Chapter 9 to 1, 069; distinguished from CCR definition; clarifying deletion re. type of modification decides public participation
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## Ch. 2 – Permit Application Procedures

- 006.01H – “if applicable” replaces “whichever is applicable” re. certification of local siting for consistency w/ policy & department application form
  - 007.03-007.05 – add’l record-keeping for CCR facilities
  - 007.04B – clarifying revision re. duty to notify when a change in facility activities may result in non-compliance
  - 007.08 – clarifying revision re. incorporation of the application as conditions of the issued permit
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## Ch. 2 – Permit Application Procedures (cont.)

- 009.02C – distinguishes permit renewals (009.02B) from permit transfers and that compliance history of the transferee may be considered in agency permit decision
  - 009.02D – streamlining revision, no change in meaning re. setbacks from residential areas for disposal facilities
  - 010.04 – major modification → public participation; one definition for CCR facilities in Ch. 4; all others use Ch. 1
  - 012.05 – continuation of expiring permit; in other titles
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## Ch. 3 & 5 – MSWLFs and C&D LFs – final cover

- Chapter 3, 005.09 (MSWLFs) & Chapter 5, 005.10 (C&Ds):


““No person shall excavate, disturb, or fail to maintain the final cover, or remove any deposited materials from any active or closed solid waste disposal area without having received prior approval from the Department.”



## Ch. 9 – application fees; Ch. 11 – tipping fee

- Ch. 9, 001.01 – streamline & correct outdated, incorrect legal citations of state statutes
  - Ch. 9, 002 – move “major modification” to Ch. 1, 069
  - All Chapter 9 fee amounts remain unchanged
  - Ch. 11, 001.01 – tipping fee now references the statute, N.R.S. §13-2042(1), which was updated by LB247 in 2025 from \$1.25/ton to \$2.34/ton, effective 7-1-2025
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# Chapter 1 – Definitions (land app. of paunch)

- “paunch manure” (087)
  - “dedicated paunch manure site” (031)
  - “non-dedicated paunch manure site” (077)
  - “dry ton” (042)
  - These are moved from Title 126, Ch. 1 and are now used in Title 132, Ch. 17
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# Ch. 17 – Land Application of Paunch Manure

- Plastic Container Coding repealed – industry standard now
- Non-dedicated sites – transport properly; apply it w/in 24 hours at <10 tons/acre; observe setbacks; no discharges
- Dedicated paunch manure site – need a permit
  - Storage > 24 hours + applied at  $\geq$  10 tons/acre
  - Location req'ts – setbacks from residences, wells, and waters
  - Operational criteria – loading/unloading, land app. rate & methods
  - Design criteria – pads, runoff controls, any dewatering described


# 2008 Dam Failure – TVA Kingston Fossil Plant



## CCR (condensed) timeline

- 2015 federal CCR rule – regulated active & new LFs, surface impoundments (SIs), and inactive SIs at active facilities
    - intended by EPA as “self-implementing” (enviro groups sue utilities)
  - 2016 – Water Infrastructure Improvements for the Nation Act
  - 2018 – *USWAG v. EPA* case - unlined surface impoundments
  - 2020 – DRAFT federal CCR permit program rule; not finalized
  - 2023 – EPA State Assistance Grants
  - 2024 – Legacy Surface Impoundments & CCRMU (new) rule
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# Chapter 1 – Definitions (CCR)

- “CCR” (015) and “CCR unit” (012) added from CFR; more definitions IBR’ed from 40 CFR 257.53 in Chapter 4, 001.01
  - “CCR” added to definition of “solid waste” (122), “s.w. disposal” (124), “s.w. disposal area” (125) and “s.w.m.f.” (127)
  - state FFCA program definitions removed/replaced
  - “landfill unit” (061), “lateral expansion” (062), “surface impoundment” (137), and “uppermost aquifer” (146) have separate definitions for CCR units
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# T132, Ch. 4 sections and corresponding CFR sections

Title 132, Chapter 4, section number & heading	Corresponding CFR sections
<b><u>001.01</u> Scope, Applicability, and Definitions</b>	40 CFR §§ 257.50 through 257.53
<b><u>002</u> Location Restrictions</b>	40 CFR §§ 257.60 through 257.64
<b><u>003</u> Design Criteria</b>	40 CFR §§ 257.70 through 257.74
<b><u>004</u> Operating Criteria</b>	40 CFR §§ 257.80 through 257.84
<b><u>005</u> Groundwater Monitoring and Corrective Action</b>	40 CFR §§ 257.90 through 257.98
<b><u>006</u> Closure and Post-Closure Care</b>	40 CFR §§ 257.100 through 257.104
<b><u>007</u> Recordkeeping, Notification, and Posting of Information to the Internet</b>	40 CFR §§ 257.105 through 257.107
<b><u>008</u> Appendices</b>	Appendix III to part 257—Constituents for Detection Monitoring  Appendix IV to part 257—Constituents for Assessment Monitoring


# Ch. 7 & 8 – CCR GW req'ts & financial assurance

- Chapter 7, 001.01 – CCR units have separate g.w. monitoring and corrective action (C.A.) req'ts in Ch. 4, 005
  - Chapter 8, 007 and 008 – financial assurance req'ts applicable to C.A. cost estimates and C.A. work
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# State & Federal CCR Program Differences

- Under CCR rule, G.W. monitoring & C.A. program is based on SDWA MCLs; FFCA program allows for risk-based corrective action and alternate GWPS when justified
  - State CCR program maintains F.A. requirement of closure, post-closure, and corrective action
  - State CCR program maintains CQAP req'ts; certain maps
  - State CCR program continues to allow P.G.s to sign various G.W. monitoring & C.A. reports & documents
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# Timeline – Rulemaking & CCR Application

- now to May 21, 2026 – outreach & informal comment
  - May 22 to June 24, 2026 – formal comment period to EQC
  - June 24, 2026 – EQC public hearing & take testimony
  - June 25, 2026 (if adopted) → review by other branches
  - Late summer (if approved) → Secretary of State + 5 days
  - T132 in effect → state CCR application to EPA + 180 days
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# Title 128 – Hazardous Waste Regulations

- Planning two (2) updates for 2026-2027
- Update #1 will adopt H.W. generator fees as LB759 passed
  - There will be a robust public outreach process on type & amount
  - H.W. generator fees are required in all Region 7 states (IA, KS, MO)
- Update #2 will adopt recent RCRA rules since 2015-2016
  - Hazardous waste generator improvements rule, aerosol cans as universal waste rule, Subpart P pharmaceutical waste rule, etc.
- 1<sup>st</sup> update in 2026, 2<sup>nd</sup> in 2027 due to EPA review process

# Questions & Comments

- Please participate in the process if interested
  - 2 webinars in April & May – similar presentation to today
  - Will forward email updates to SWANA contacts
  - Brian McMullen, DWEE Attorney
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