

Proposed Updates to Title 126 Rules and Regulations Pertaining to Management of Waste

Nancy Mann, Section Supervisor
DWEE.PetroleumRemediation@nebraska.gov




Regulations on Agency Webpage

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


- Menu
- “Resources and Services”
- “Laws & Regulations”
- Rules and Regulations
- “DWEE Draft and Proposed Rules and Regulations”



Summary of Changes

- Structural Changes
 - Clarifying Definitions
 - Clarifying Release Notification Requirements
 - Other Clarifying Changes and Corrections
- 

Structural Changes

- DWEE name change resulting from LB317 in 2025
 - Title retitled to "Regulations for Releases of Oil or Hazardous Substances"
 - Chapter 18 moved and renumbered as Chapter 1
 - Obsolete definitions and chapters repealed
 - Paunch manure rules relocated from Title 126, Ch. 10 and Appendix 1 to Title 132, Ch. 17
- 


Section 001 – Definitions

- 001.01 – Cleanup: Revised to align with Title 118 definition: removal or attenuation of pollutants through physical or chemical processes
- 001.03 – Hazardous Substance: Updated obsolete reference from already repealed regulations in Title 126 to Title 128.
 - Meeting any 1 of 3 listed criteria qualifies a substance as hazardous.
- 001.05 – Oil: Revised for consistency with EPA Spill Prevention, Control, and Countermeasure (SPCC) of 40 Code of Federal Regulations (CFR) § 112.2.
- 001.08 – Responsible Person: "Responsible person" adds "in possession or" to clarify that physical possession triggers responsibility.

Section 003 – Release Notification

- 001.04 – Definition of “immediate notification” specified to be within 15 minutes.
 - If the “specific circumstances of a release” prevent a 15-minute notification, the responsible person shall provide notification soon as practicable but no more than 24 hours, with explanation of specific circumstances preventing notification within 15 minutes.
- 003.01A through 003.01D – clarified that a “suspected release” carries the same reporting obligations as a “release”
- Added “local” government agencies to the list of reporting parties (Federal, State)

Other Clarifying Changes

- Former Ch. 18 002.04K – Removed: Eliminated the reporting requirement for “medical attention necessary for exposed individuals” as this requirement is outside agency jurisdiction, expertise, and required 15 days after the release.
 - 004.01 – Containment: Language added to clarify that a responsible person has a duty to take all necessary steps to stop and contain the release “as soon as practicable”, not just within 24 hours.
 - 008.01 – Unwilling/Unknown Party: Added word “investigations” to actions DWEE Director may initiate in the event of an unknown or unwilling responsible person
 - Former Ch. 18 Section 008 – “Liabilities”: Section removed entirely since the section restated enforcement provisions already codified in statute
- 

Questions & Comments

- Please participate in the process if interested
 - Additional Webinar May 4 @ 2:00 p.m. – invites to follow
 - Please send comments related to Title 126 to:
DWEE.PetroleumRemediation@nebraska.gov
- 