

NOTICE OF PUBLIC HEARINGS
AND PUBLIC MEETING
STATE OF NEBRASKA
DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT (DWEE)
ENVIRONMENTAL QUALITY COUNCIL

Notice is hereby given pursuant to Neb. Rev. Stat. §81-1505(17), §84-907, and §84-1411, the Nebraska Environmental Quality Council (EQC) will hold a meeting and four (4) public hearings on June 24, 2026, beginning at 9:00 A.M. Central Time (CT) at 245 Fallbrook Blvd., Lincoln, Nebraska, in Hearing Room 031. Business items on the agenda will precede the hearings which are scheduled to begin at 9:00 A.M. CT or as soon thereafter as can reasonably be heard. The purpose of the hearings is to take testimony and evidence about the proposed Fiscal Year 2027 State Revolving Fund Clean Water and Drinking Water Intended Use Plan (2027 IUP), and of proposed amendments to Title 126 – *Rules and Regulations Pertaining to Management of Waste* (Title 126), Title 130 – *Livestock Waste Control Regulations* (Title 130), and Title 132 - *Integrated Solid Waste Management Regulations* (Title 132). Following the hearings, the EQC will vote on the adoption of the proposed amendments to Title 126, Title 130, and Title 132.

The meeting agenda and draft copies of the proposed regulations scheduled for hearings are available at the DWEE's Lincoln office, 245 Fallbrook Blvd, Suite 100, Lincoln, NE 68521 and on the DWEE website at <http://dwee.nebraska.gov>.

Draft copies of the proposed regulations scheduled for hearings are also available at the Office of the Secretary of State, Regulations Division, 1201 N St., Suite 120, Lincoln, NE, 68508. The description of the fiscal impact of the proposed regulations on state agencies, political subdivisions, or persons regulated is also available at DWEE's Lincoln office and the Office of the Secretary of State, Regulations Division. There will be no fiscal impact to DWEE, political subdivisions, or the regulated public from the proposed changes to Title 126. Proposed changes for Title 132 will result in cost savings to political subdivisions and no fiscal impacts to DWEE or the regulated public. Proposed changes to Title 130 will result in cost savings to DWEE and the regulated public and no impacts to political subdivisions.

All interested persons may attend and testify orally or by written submission at the public hearings. Interested persons may also submit written comments by mail addressed to: EQC, 245 Fallbrook Blvd, Suite 100, Lincoln, NE 68521 or electronically to DWEE.eqc@nebraska.gov prior to the hearings, which will be entered into the hearing record if received by 5:00 P.M. CT, June 23, 2026.

Please notify the DWEE at least one week in advance of the EQC meeting if auxiliary aids or reasonable accommodations or alternate formats of materials are needed. Contact phone number is 402-471-2186. TDD users call 800-833-7352 and ask the relay operator to call us at 402-471-2186.

Public hearings will be held on the following:

1. A public hearing will be held on the State Fiscal Year 2027 Intended Use Plan (IUP) for determining loan and assistance recipients under the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF). The 2027 IUP is presented to the EQC in compliance with Neb. Rev. Stat. §§ 71-5321 and 81-15,152, Title 131 – Rules and Regulations for Wastewater Treatment Facilities and Drinking Water Construction Assistance Program, and the federal Clean Water and Safe Drinking Water Acts. The 2027 IUP describes how Nebraska intends to use all sources of funding for making loans, with forgiveness assistance to qualified recipients, for construction of eligible water infrastructure projects and assistance for other water quality needs throughout the state. The 2027 IUP includes Project Priority Ranking Systems and Fiscal Year 2027 Funding Priority Lists for each of the funds, the system for setting borrowing rates, and defines the required Affordability Criteria (CWSRF) and Disadvantaged Community definition (DWSRF) methods needed for the offering of forgiveness assistance. Additionally, the 2027 IUP provides specific details on the federal Infrastructure Investment and Jobs Act’s General Supplemental and Emerging Contaminants Funding for each SRF, the Lead Service Line Replacement Funding for the DWSRF, and the funding annually appropriated to both SRF programs. The purpose of the hearing is to accept public testimony prior to any EQC approval of the 2027 IUP. The EQC will vote to adopt, amend, or modify the 2027 IUP after hearing and considering all the testimony and written submissions.

2. Proposed Amendments to N.A.C. Title 130 – *Livestock Waste Control Regulations*

A public hearing will be held on proposed amendments to Title 130. Title 130 regulates animal feeding operations (AFOs) for the protection of surface water and groundwater quality. References to the department name are proposed to be updated in all chapters of Title 130 to “Department of Water, Energy, and Environment” consistent with the passage of LB317 during the 1st session of the 109th Legislature and as approved by the Governor. Title 130, Forms A through D related to livestock facility permit applications and supporting documents are proposed to be removed from regulation and made available on the department webpage and in paper form on request. Form E – ‘Field Phosphorous Risk Assessment’ is proposed to be retained and renamed as Appendix A on both the form itself and in references to Form E throughout Title 130.

3. Proposed Amendments to N.A.C. Title 126 - *Rules and Regulations Pertaining to the Management of Wastes*

A public hearing will be held on proposed amendments to Title 126. Title 126 presently contains two (2) areas of regulatory content: 1) regulations for responding to spills of oil or hazardous substances, and 2) regulations for the land application of livestock paunch manure. Oil and hazardous substance spill response regulations presently in Title 126, chapters 1 and 18 are proposed to be consolidated in Title 126, Chapter 1 with clarifying revisions made to definitions, release notification requirements, and requirements for containment of releases. Additional proposed revisions to Title 126, Chapter 1 establish that the department director may initiate investigations of releases when the person responsible for the release is unknown or unwilling to respond, consistent with department authority in Neb. Rev. Stat. § 81-15,124, and remove a section relating to liability which restates general legal principles and state statutes that do not need to be repeated in regulation. Regulations related to the land application of livestock paunch

manure presently in Title 126, chapters 1, 10, and Appendix I are proposed to be repealed from Title 126 and moved to Title 132, chapters 1 and 17 in a separate rulemaking. Chapters 3 through 9, 11 through 17, and 19 which are presently marked “Reserved” and have no regulatory text are proposed for repeal. Title 126, Chapter 2 which contains permit requirements and permit administration procedures for regulations in other chapters that were previously repealed and are now marked as “Reserved” is also proposed for repeal. Title 126 is proposed to be re-titled “Title 126 – *Regulations for Releases of Oil or Hazardous Substances*” to reflect its sole remaining area of regulatory content.

4. Public Hearing on Proposed Amendments to N.A.C. Title 132 - *Integrated Solid Waste Management Regulations*

A public hearing will be held on proposed amendments to Title 132. Title 132 regulates solid waste management activities and facilities through the issuance of permits, the use of conditional exemptions from the permit requirement, and other solid waste management requirements. References to the department name are proposed to be updated in all chapters of Title 132 to “Department of Water, Energy, and Environment” consistent with LB317 passed during the 1st session of the 109th Legislature and approved by the Governor. The federal regulatory program for the management of coal combustion residuals (CCR) in 40 CFR part 257, subpart D, is proposed to be adopted by reference in Title 132, Chapter 4, replacing the current state “Fossil Fuel Combustion Ash” regulatory program for the same material. Unique state permit requirements are proposed to be retained in Chapter 4 and permit application instructions are proposed to be added. Clarifying revisions necessary to adopt the federal CCR regulatory program are also proposed for existing provisions in chapters 1, 2, 7, 9, and 10. Proposed revisions to Chapter 1 clarify terms used in the CCR regulatory program, transfer and adopt definitions related to the land application of paunch manure from Title 126, add “uncontaminated wood pallets” to the materials listed in the definition of construction and demolition waste, clarify that the definition of livestock waste does not include solid waste from sources other than animal agriculture, move the definition of “major modification” from Chapter 9 – a fee chapter – to a more appropriate chapter with clarifying revisions, and shorten the definition of “solid waste processing” as an activity for consistency with the definition of “solid waste processing facilities”. Proposed revisions to Chapter 2 clarify permit requirements related to pre-application local siting documentation, notification of facility activities which may result in noncompliance with a permit, incorporation of the application into the issued permit, permit transfer decision-making, facility setbacks from residential areas, and establish conditions for continuation of an expiring permit. Proposed revisions to chapters 3 and 5 establish that failure to maintain the final cover of a closed municipal solid waste landfill or construction and demolition waste landfill is a violation in addition to acts which disturb the final cover or wastes deposited below the final cover. Proposed revisions to Chapter 9 clarify fee-related information. Proposed revisions to Chapter 11 reference the state statute amended by LB247 in 2025 increasing the solid waste disposal fee from \$1.25/ton of solid waste to \$2.34/ton. The current text in Chapter 17 repeating provisions from the Plastic Container Coding Act, Neb. Rev. Stat. § 69-2501 *et seq.*, and related definitions in Chapter 1, both of which do not need to be repeated from state statute are proposed to be replaced with regulations for the land application of paunch manure transferred from Title 126, chapters 1, 2, 10, and Appendix I with streamlining and clarifying revisions. Chapter 18 which presently repeats general legal principles and state statutory

citations that do not need to be codified in regulation is proposed for repeal. A typographical error is proposed to be corrected in Appendix III, reflecting the correct federal and state drinking water standard for a single chemical constituent used in groundwater monitoring and remedial actions.