

CODE AGENCIES: SUBMIT TO GOVERNOR BEFORE SUBMITTING TO EXECUTIVE BOARD AND BEFORE PUBLIC HEARING DATE IS SET

**PROPOSED REGULATION
GPRO COVERPAGE
(ATTACH TO REVIEW CHECKLIST)**

Agency: Department of Water, Energy, and Environment.
Title, Chapter(s): Title 134 (previously Title 178, chapters 10–13).
Subject: Water Well Standards.
Prepared by: Maxwell Anderson.
Telephone: 402-471-2186.
Submitted to the Governor: March 10, 2026.

Projected dates for public hearings: March 2026 or April 2026

Projected deadline for final approval: April 2026 or May 2026

A copy of the section of laws or federal regulations that triggered these changes is attached.

FOR GOVERNOR OFFICE RECORDS.

Advisor Assigned: Cicely Batic
Date Approved to Proceed: 3/16/26
Options for Proceeding: _____

- a. No further contact with GPRO is necessary until final rules have been approved by the Attorney General.
- _____ b. Contact Governor through GPRO concerning issues raised in Negotiated Rulemaking procedures.
- _____ c. Submit Rules and Regulations Policy Review Checklist to Governor if rules are changed hereafter and a new public hearing is scheduled.
- _____ d. Keep the Governor informed through GPRO as issues arise in negotiations, drafting sessions, advisory board meetings, and public hearings.
- _____ e. Specific policy comments per Governor’s instructions are attached.

PROPOSED REGULATION POLICY REVIEW CHECKLIST

Agency: Department of Water, Energy, and Environment.

Title, Chapter: Title 134 (previously Title 178, chapters 10–13).

Subject: Water Well Standards.

Prepared by: Maxwell Anderson.

Contact Info: 402-471-2186.

A. Policy Changes and Impacts

1. What does the regulation do and whom does it impact? Provide a brief description of the proposed rule or regulation and its impacts on state agencies, political subdivisions, and regulated persons or entities.

The proposed regulations update the regulations currently codified in Chapters 10 to 13, of Title 178 of the Nebraska Administrative Code (“NAC”). The new regulations will be codified in Chapters 1 to 5 of Title 134 (created specifically to house the proposed regulations).

The proposed regulations will impact all individuals who practice a profession or intend to practice a profession under the Water Well Standards and Contractors’ Practice Act (“WWSCPA”), Neb. Rev. Stat. §§ 46-1201 to 46-1241. An update to the fee schedule is also proposed. The Water Well Standards and Contractors’ Licensing Board (“Board”) sets fees pursuant to the authority granted in Neb. Rev. Stat. § 46-1224(1).

2. Describe changes being proposed to current policy and briefly provide rationale.

The primary changes entail an update to the fee schedule, as well as conforming amendments made in light of the legislative transfer of the well driller program from the Department of Health and Human Services (“DHHS”) to the then-Department of Environment and Energy (“DEE”) (Laws 2021, LB148), and, second, by the merger of the Department of Environment and Energy and the Department of Natural Resources (“DNR”) (Laws 2025, LB317).

The fee changes are being proposed to help offset the Department’s reliance on General Funds. As outlined in the attached Fiscal Impact Statement, the Department anticipates an additional \$108,200 in revenue remitted to the Water Well Standards and Contractors’ Licensing Fund. The update to the Board-set fee schedule is outlined in the following table:

Fee For	Old Fee	New Fee
Initial License	\$150	\$400
Temporary Hardship License	\$150	\$400
Renewal of water well contractor license	\$150	\$300
Renewal of pump installation contractor license	\$150	\$300

Fee For	Old Fee	New Fee
Renewal of combination water well and pump installation contractor licenses	\$150	\$400
Renewal of water well drilling supervisor license	\$150	\$200
Renewal of pump installation supervisor license	\$150	\$200
Combination water well and pump installation supervisor licenses	\$150	\$300
Renewal of water well monitoring technician license	\$150	\$200
Renewal of water well contractor and water well monitoring technician licenses	\$150	\$300
Renewal of water well supervisor and water well monitoring technician licenses	\$150	\$250
Renewal natural resources groundwater technician licenses	\$150	\$200
License reinstatement	\$35 + renewal fee	\$200 + renewal fee
Registering a well designed to pump less than 50 gallons per minute	\$30	\$40
Registering a monitoring observation well	\$30	\$40
Registering a water well designed to pump greater than 50 gallons per minute	\$70	\$80
Each water well of the first 10 water wells registered pursuant to the Industrial Ground Water Regulatory Act	\$30	\$40
Each group of 10 or fewer water wells after the first 10 water wells registered pursuant to the Industrial Ground Water Regulatory Act	\$30	\$40

The conforming amendments made in light of LB317 entail updating references to the Department's name from DHHS to DWEE. The current regulations refer to DHHS. The conforming amendments made in light of LB148 entail removing provisions related to the Uniform Credentialing Act, from the scope of which the WWSCPA was removed. Specifically, the LB148 conforming amendments update the provisions related to disciplinary action and licensure reinstatement.

Other proposed changes include modifications to the construction standards that more accurately reflect current industry standards. For example, the proposed changes to decommissioning standards streamline provisions and eliminate confusion in rule interpretation for the regulated public, while maintaining adequate aquifer protections. One of these changes requires test holes in areas of known contamination to be sealed full-length with non-slurry bentonite grout.

Finally, examinees who pass an examination for one class of license will be permitted to take an examination for another class of license without a waiting period before doing so. The current regulations are unclear on when and whether a waiting period applies; the original intent of the regulations was not to impose any waiting period.

B. Why is the rule necessary? Explain and provide an identification of specific authorizing statute(s) or legislative bill(s).

The rule is necessary to help offset the Department's reliance on general funds for the administration of WWSCPA. The authorizing statutes for the setting of fees are Neb. Rev. Stat. §§ 46-1223(2), 46-1224.

C. What happens if these rules are not adopted?

The Department would continue to rely on general funds to administer the WWSCPA.

D. Policy Checklist

1. Is this an update or editorial change reflecting essentially no change in policy?

See answer to question 2(A).

2. Does the policy in the proposed regulation reflect legislative intent?

Yes.

3. State Mandate.

i. Is the policy proposed in the regulation a state mandate on local government?

No.

ii. If so, is it funded?

N/A.

4. Federal Mandate.

i. Is the policy proposed in the regulation a federal mandate on local government?

No.

ii. If so, is it funded?

N/A.

E. Fiscal Impact. In addition to completing the required Fiscal Impact Statement (a copy must be attached to this document), the agency must address the following:

1. Will the proposed regulation reduce, increase, or have no change in resources – funds, personnel, or FTE?

The proposed regulation will result in increased revenues to the Water Well Standards and Contractors' Licensing Fund.

2. Have initial contacts been made with citizens or organizations that may be impacted by the proposed regulation?

Yes.

3. Interagency Impact.

i. Does the proposed regulation impact another agency?

No.

ii. If so, explain the impact.

N/A.

4. What is the agency's best estimate of the additional or reduced spending? If there is none, please note. If receipt of federal funds is contingent upon approval of the proposed regulation, then indicate the amount and nature of the federal funds affected, and enclose laws or correspondence from federal officials substantiating the information.

There is none. Additionally, receipt of federal funds is not contingent upon approval of the proposed regulation.

F. Unique problems or issues and recommendations.

None.

G. Who is expected to be affected, or to oppose or support the proposed regulation? Explain what initial informal contacts have been made with organizations or citizens who may be affected by the regulation prior to the public hearing.


Each member of the Water Well Standards and Contractors' Licensing Board ("Board") holds a license under the WWSCPA. The Department has been in contact with the Board regarding the proposed regulations. The Department has received feedback from the Board regarding the proposed regulations and has incorporated many of their suggestions into the proposed regulations. The Board is almost certain to approve the regulations. Some members of the regulated public may oppose the proposed changes to the fee schedule.

H. Are these proposed rules a likely candidate for negotiated rulemaking?

No.

Director's Verification of Review

I have reviewed these proposals and verify that, at this stage of the regulation's development, these questions have been accurately addressed.



Jesse Bradley, Director
Department of Water, Energy, and Environment

Marach 10, 2026

Date

FISCAL IMPACT STATEMENT

Agency: Nebraska Department of Environment and Energy
 Prepared by: Maxwell Anderson
 Date Prepared: March 9, 2026
 Phone: 402-471-2186
 Title: 134 (currently part of 178)
 Chapter: 1–5 (currently 10–13 of Title 178)
 Name: *Water Well Standards*

State Status: GPRO Pre-approval Draft

Type of Fiscal Impact:

	State Agency	Political subdivision	Regulated Public
No Fiscal Impact		X	
Increase Costs			X
Decrease Costs			
Increased Revenue	X		
Decreased Revenue			
Indeterminable			

Estimated Cost and Description of the Impact:

Based on current projections, the updated fee schedule will result in an approximate \$108,200 increase in revenues remitted to the Water Well Standards and Contractors’ Licensing Fund every year. This estimation is based on the number of water well contractor licenses that are required to be renewed every other year. The increase in fees will impact the regulated public.