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Changes in Ownership – Permit Transfers

When a facility regulated by the Nebraska Department of Water, Energy, and Environment (DWEE) changes ownership, the owner or operator may be required to notify the DWEE for permits to transfer legally.

While not all DWEE-issued permits can be transferred from the existing permittee to the new ownership, most can. Typically, the current owner and new owner must file a written agreement containing a specific date for transfer of permit responsibility, coverage and liability as part of the permit transfer process. Other requirements and notification periods can vary by program. The following provides a summary of the conditions for the proper transfer of air, water, and waste management permits from one owner to another.

Permits Issued by the Air Quality Program

Title 129 – Air Quality Regulations allows an administrative permit amendment for a change in ownership or operational control of a Title 129-permitted source if the Department determines that no other change in the permit is necessary. Chapter 9, Section 001 outlines what must be submitted to the DWEE to request an administrative amendment to construction and operating permits issued by the DWEE. The written request for a change in ownership or operational control must include a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee. DWEE is required to take action on the request within 60 days. The source may also use the Request of Administrative Amendment for Name Change, Ownership or Operational Change form.

Permits Issued by the Water Quality Division

NPDES Permits

- *Title 119 – Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System* Chapter 24 authorizes transfer of an NPDES permit (which includes dewater, discharge, industrial storm water, pretreatment program permits, etc.) if the current permittee notifies the Department at least 30 days in advance of the transfer date. The notification must include a written agreement between the current and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee.

Livestock Waste Permits

- *Title 130 – Livestock Waste Control Regulations* Chapter 6 authorizes the transfer of a construction and operating permit, construction approval, operating permit or NPDES permit issued under Title 130. Title 130-issued permits require submission of a completed Applicant Disclosure form (Appendix C), completed by the new owner or operator, and a Transfer Request form (Appendix D), signed and dated by the current authorized representative, and the authorized representative for the proposed owner or operator at least 30 days prior to the proposed transfer. The transfer is effective only upon written approval by the DWEE Director.

Injection and Mineral Production Well Permits

- *Title 122 – Rules and Regulations for Underground Injection and Mineral Production Wells*, Chapter 29 governs permit transfers of underground injection and mineral production well permits.
- Permits for Class I wells (wells which inject fluids beneath the lowermost formation of an underground source of drinking water, including industrial and municipal waste disposal wells) and Class III wells (wells which inject fluids to promote extraction of mineral resources or energy), may only be transferred if DWEE approves and reissues the permit with any additional requirements the DWEE determines are necessary. A written agreement between the current and proposed new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them is required and must be received at least 90 days before the proposed transfer. The request must also specify how the new permittee will meet the financial responsibility requirements.
- Permits for Class V wells (wells that are not categorized as Class I – IV wells, and are typically drainage, domestic wastewater, industrial or commercial/utility disposal or related wells) may be transferred if the current permittee notifies the Director at least 30 days in advance of the proposed transfer date and includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability, and demonstrates that the financial responsibility requirements will be met by the new permittee.

Onsite Wastewater Treatment System Permits

- *Title 124 – Rules and Regulations for the Design, Operation and Maintenance of Onsite Wastewater Treatment Systems*, Chapter 3, allows transfer of ownership of an onsite wastewater treatment system automatically, but obligates the new owner to operate under the existing permit with the same obligations and conditions that applied to the previous owner.

Chemigation Permits

- The Nebraska Natural Resources Districts (NRDs) issue chemigation permits. *Title 195 – Chemigation Regulations*, Chapter 4 prohibits the transfer of chemigation permits. Except for emergency chemigation permits issued under Chapter 6, chemigation permits issued during a calendar year expire on June 1st of the following year. Permits may be renewed each year upon payment of the annual renewal fee and completion of an application form providing all the necessary information requirements.

Permits (and Identification Numbers) Issued by the Waste Management Division

Notification Requirements for Small Quantity and Large Quantity Hazardous Waste Generators

- *Title 128 – Nebraska Hazardous Waste Regulations*, Chapter 4 describes the notification requirements for Small Quantity Generators (SQGs) and Large Quantity Generators (LQGs). SQGs

and LQGs are required to have a DWEE/EPA Identification Number. If a facility changes ownership, the owner or operator must notify DWEE within 30 days to update their information by following instructions outlined in EPA Form 8700-12.

Permits for Hazardous Waste Management Units

- *Title 128 – Nebraska Hazardous Waste Regulations* outlines permit requirements for owners or operators of active (or closing) hazardous waste management units, as well as post-closure permits for surface impoundments, landfills, land treatment units, and waste pile units. Chapter 12 identifies when a permit is required. For those facilities that do require permits under Title 128, Chapter 15 outlines the requirements for permit issuance and permit changes including transfer of ownership. A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued in accordance with the procedures described in Chapter 15. The new owner or operator must submit a revised permit application no later than 90 days prior to the scheduled change. The current permittee and new owner or operator must submit a written agreement containing a specific date for transfer of permit responsibility between must to the DWEE Director. The new owner or operator must demonstrate compliance with the financial responsibility requirements within six months of the date of the change of ownership or operational control of the facility. Permits for land disposal facilities cannot be transferred. The new owner or operator must submit an application and obtain a new permit.

Permits for Solid Waste Management Facilities

- *Title 132 – Integrated Solid Waste Management Regulations* describes permitting requirements for operating a solid waste management facility. Title 132 permits may be transferred in accordance with Chapter 2 procedures only upon the approval of the DWEE Director. The new owner and operator must sign and submit a form provided by the DWEE. Necessary supporting documentation, such as the operational plan, contingency plan and any references to financial assurance may also need to be modified; review the existing permit and supporting documentation for any necessary modifications prior to submitting a signed application form. A permit transfer is subject to public notice participation procedures and requires demonstration of compliance with the financial responsibility requirements by the new owner or operator.

Waste Tire Haulers

- *Title 132 – Integrated Solid Waste Management Regulations*, Chapter 14 describes permit requirements for hauling waste tires. Waste tire hauler permits are issued for up to one (1) year in duration. Since they are not Solid Waste Management Facilities, there are no provisions for the transfer of a waste tire hauler permit.

Paunch Waste

- *Title 126 - Rules and Regulations Pertaining to the Management of Wastes*, governs permits for the land application of paunch waste. These permits may be transferred in accordance with Chapter 2. In order for a Title 126-issued permit to be transferred, DWEE must be notified in writing at least 60 days prior to the proposed transfer, including a written agreement between the permittee and the proposed permittee indicating a date for permit responsibility and transfer.

Permit Transfer Requirement – Summary Table

Permit or Notification	Regulation	Notification Timeframe
Air Construction	Title 129, Chapter 9	Allowed at the Date of the Transfer of Ownership Agreement is signed
Air Operating	Title 129, Chapter 9	Allowed at the Date of the Transfer of Ownership Agreement is signed
NPDES	Title 119, Chapter 24	30 Days, in Advance
Livestock Waste	Title 130, Chapter 6	30 Days, in Advance
UIC Class I or Class III	Title 122, Chapter 29	90 Days, in Advance
UIC Class V	Title 122, Chapter 29	30 Days, in Advance
Onsite Wastewater	Title 124, Chapter 3	Automatic Transfer
Chemigation	Title 195, Chapter 4	Non-Transferrable, Contact your NRD
DWEE/EPA Identification Number	Title 128, Chapter 4	30 Days
Hazardous Waste Management	Title 128, Chapter 15	90 Days, in Advance
Solid Waste Management	Title 132, Chapter 2	Contact Department
Waste Tire Haulers	Title 132, Chapter 14	Not Applicable
Management of Waste	Title 126, Chapter 2	60 Days, in Advance

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