

Nebraska Department of Environment and Energy

Agency and Legislative Updates

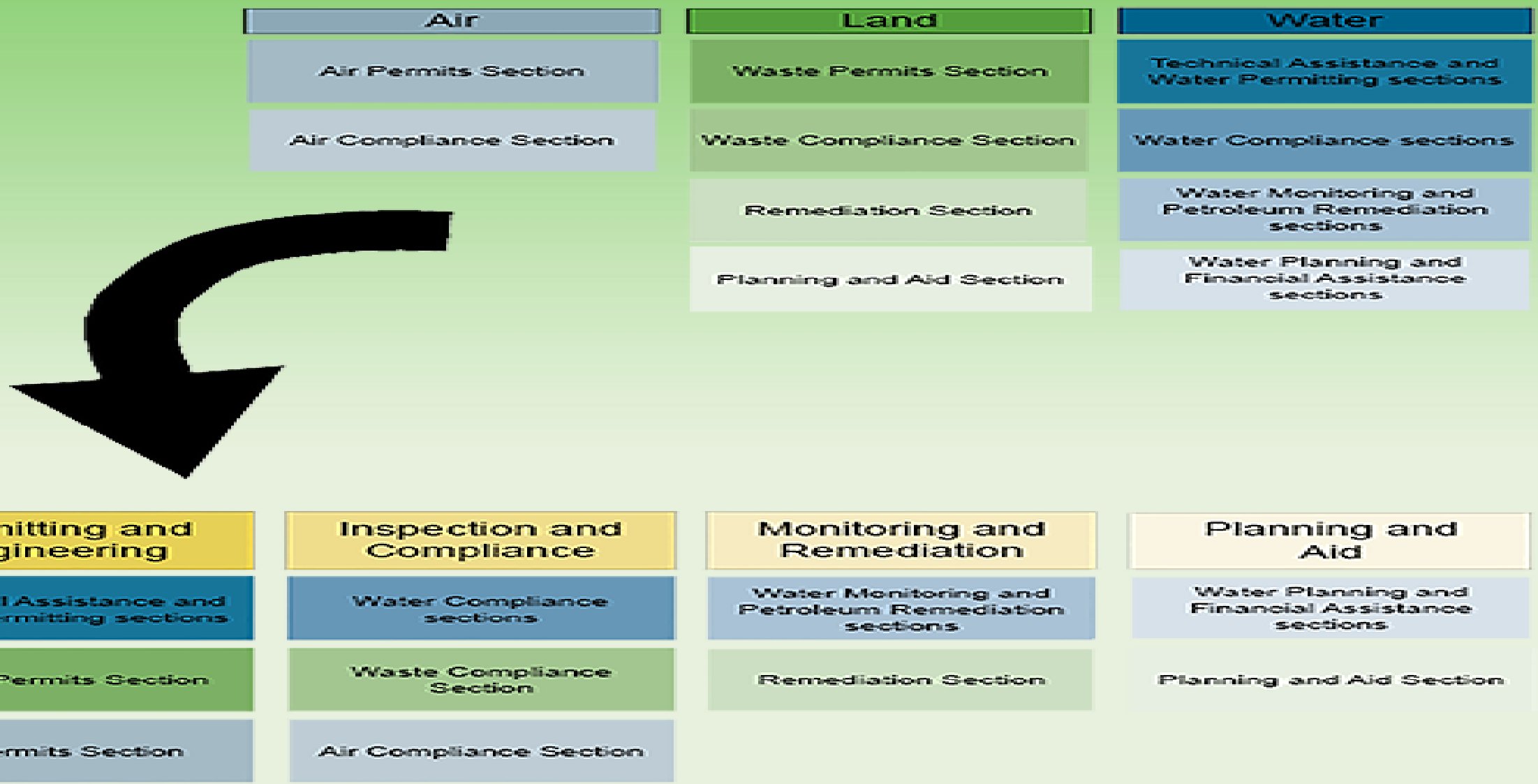
Jim Macy

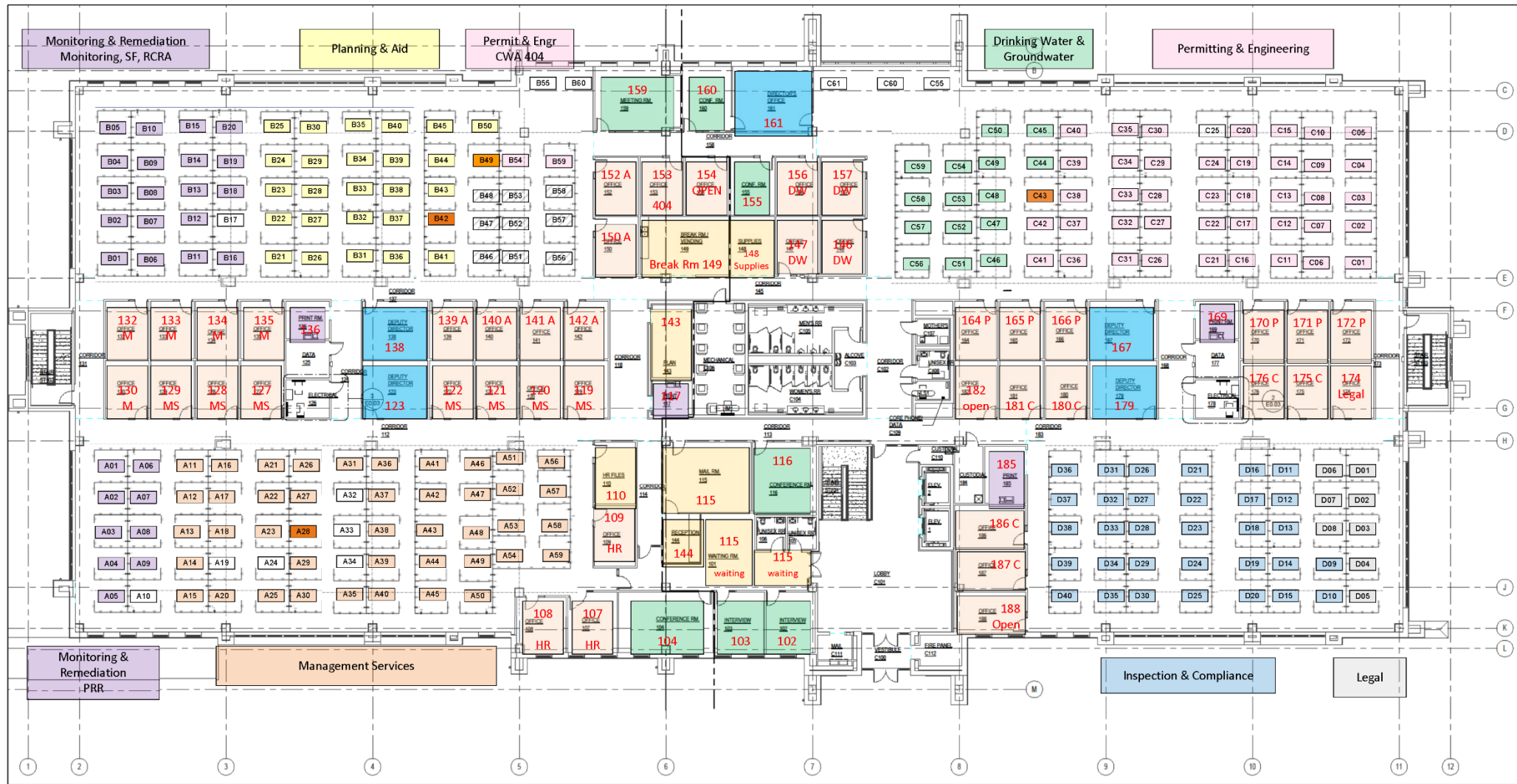
Director

Outline

- **Agency Updates**
- **Legislative Updates**
- **Infrastructure and Investments Jobs Act (IIJA)**

	Land	Air	Water	Drinking water	Energy
Permitting and Engineering	Waste Permits Section	Air Permits Section	Technical Assistance, NPDES & State Permits, and CWA 404 sections		
Inspection and Compliance	Waste Compliance Section	Air Compliance Section	NPDES, OnSite, and Livestock Compliance sections		
Monitoring and Remediation	Remediation Section		Surface Water Monitoring and Petroleum Remediation sections		
Planning and Aid	Planning and Aid Section		Water Planning and State Revolving Fund sections		DESL and Weatherization & State Energy Programs Sections
Drinking water and Groundwater			Groundwater Section	Drinking Water Monitoring & Compliance and Drinking Water Field Services sections	







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LB 809

Introduced by: Senator Mosser

Summary:

- Allows the Drinking Water (DW) State Revolving Fund Act to buy or refinance the debt obligation of a municipality or public water supply system.
- Increases the allowable amount of grant and loan forgiveness assistance to up to seventy-five percent of eligible project costs for entities serving ten thousand persons or less, the level typically allowed by other federal infrastructure grant programs.
- Adds additional authority for grant and forgiveness assistance for community public water systems to carry out lead and service line removal projects. All grant and forgiveness assistance will be provided concurrent with State Revolving Fund loans.

LB 978

Introduced by: Senator Hughes

Summary:

The bill would give the department the power to:

- Issue, modify, or revoke orders prohibiting or abating the discharge of dredged and fill material into WOTUS;
- Issue, continue in effect, modify, deny, or revoke permits for the discharge of dredged and fill material into WOTUS;
- Receive and initiate complaints of, hold hearings in connection with, and institute legal proceedings in the name of the state for the control, prevention, or abatement of the discharge of dredged and fill material into WOTUS and for the recovery of penalties; and
- Enter and inspect property where dredged or fill material is being discharged to ascertain compliance.

LB 1102

Introduced by: Senator Bostelman

Summary:

- Create the Nebraska Environmental Response Act
- The bill amends Neb. Rev. Stat. 81-1507 to authorize the director to issue cease and desist orders that take effect immediately to stop an act or practice that presents substantial harm to the environment or to take action to come into compliance with environmental laws.
- The bill also amends Neb. Rev. Stat. 81-1508 to better align the State's authority consistent with the federal government's authority under the Resource Conservation and Recovery Act (RCRA) 7003.

Infrastructure Investment Jobs Act (IIJA)

IIJA – State Revolving Fund (SRF) estimated funding

Fiscal Year	CWSRF	DWSRF	SDC WIIN*	Total
FFY 2022	\$9,091,000	\$54,339,000	\$700,000	\$64,130,000
FFY 2023	\$11,031,000	\$57,249,000	\$800,000	\$69,080,000
FFY 2024	\$12,001,000	\$59,189,000	\$1,000,000	\$72,190,000
FFY 2025	\$12,971,000	\$61,129,000	\$1,200,000	\$75,300,000
FFY 2026	\$12,971,000	\$61,129,000	\$1,400,000	\$75,500,000

IIJA – Energy Programs and Superfund/Brownfields estimated funding

Fiscal year	State Energy Program (SEP)	Energy Efficiency Revolving Loan Fund Grant Program	Energy Efficiency and Conservation Block Grant Program (EECBG)	Weatherization Assistance Program (WAP)	LIHEAP (DHHS)	Superfund	Brownfields	Total
FFY 2022	\$5,165,536	\$1,033,107	\$1,925,000	\$29,637,155	*per LB306 NDEE WAP will receive 10% of any HHS LIHEAP funds received	\$1,347,000 ^[2]	60 Million 104K = 300 million	\$55,085,798 ^[1]
FFY 2023								
FFY 2024								
FFY 2025								
FFY 2026								

Title 129 updates Executive Order 17-04

Title 129 protects air quality throughout the state by maintaining National Ambient Air Quality Standards (NAAQS) through implementation of an ambient air quality monitoring program; implementation of and compliance with federal air regulations; issuing and enforcing permits with monitoring, testing, reporting, and recordkeeping requirements to prevent noncompliance with the NAAQS. Title 129 is primarily based on regulations developed by the Environmental Protection Agency (EPA) to address the Clean Air Act (CAA) requirements.

Title 129 also incorporates federal regulations that address toxic and hazardous air pollutants not covered by the NAAQSs, and EPA may delegate authority to the state for implementation and enforcement of some or all of the incorporated regulations.

Proposed revisions to Title 129 include:

- Replacing duplicative language with references to state statute and federal regulation
- Consolidation of chapters
- Reduction or modification of regulations to better serve the regulated community
- Revisions to reflect changes to state and federal law
- Add necessary definitions, and remove definitions that no longer appear within the Title;
- Add pre-permit state construction permit activities that would **not** require sources to request a variance;
- Clarify what constitutes a complete construction permit application;
- Provide flexibility to Class II permit lifetimes; and
- Update references to the National Ambient Air Quality Standards (NAAQS) and other federal standards to 2020

Thank You

Jim Macy

Director

Nebraska Department of Environment
and Energy

Jim.Macy@Nebraska.gov

402 471 3383