

INFORMAL COMMENT NOTICE
Nebraska Department of Water, Energy, and Environment
Permitting and Engineering Division

Notice is given to the public, according to Chapter 10 of Title 129 - Nebraska Air Quality Regulations as amended September 28, 2022, that DWEE is proposing changes to Title 129 - *Nebraska Air Quality Regulations*. Feedback on these changes is welcomed through the closing of business on September 22, 2025. DWEE is conducting outreach efforts now so that any informal comments received from the public may be evaluated and incorporated into Title 129 if applicable and presented to the Nebraska Environmental Quality Council (EQC) during its meeting in November.

A summary of the proposed revisions to the regulations is listed below:

- correction of grammatical and typographical errors and reformatting
- correction of references within the regulations to account for reformatting/renumbering
- addition or revision of language to clarify existing content
- changing the Agency name to “Department of Water, Energy, and Environment”, and
- changing the reference date to July 1, 2023 for citations of the Code of Federal Regulations.

Chapter-specific revisions include:

- Chapter 1
 - adding definitions for “air pollutant”, “council”, “person”
 - revising the definition of “complete”
 - revision the definition of “regulatory authority” to reflect the change in agency name
- Chapter 3
 - reformatting Section 001.01 to clarify activities allowed prior to receipt of a construction permit
 - revising required lead time for notification of pre-construction activity to five (5) days (currently 30 days)
- Chapter 6
 - removing Section 005 (affirmative defense provisions) to align with current federal regulations
- Chapter 11
 - revising text in Section 001 to reflect the use of electronic emission reporting in the State
- Chapters 12 and 13
 - Incorporating NSPS and NESHAP standards that are applicable to Nebraska sources that currently are not in the Title as of July 1, 2023,
- Chapter 14
 - clarifying types of waste and materials allowed for burning
 - clarifying incinerator criteria that allow for exemption from the particulate matter emission provisions in Chapter 3, Sections 001.03A1 and 001.03A2

Chapter 15

- removing “nuisance” in Sections 002.02A, 002.02D, and 002.02E, since the Department does not enforce nuisance violations
- adding “public power and irrigation districts” to the list of groups allowed to conduct burning for plant, wildlife, and parks management
- specifying additional public entities that are allowed to conduct open burning for specified purposes

Questions and feedback should be submitted to DWEE via email at DWEE.AirQuality@nebraska.gov no later than close of business on September 22, 2025. Following this date, the public will have an additional opportunity to provide comments during the formal comment period for consideration by the EQC.

The DWEE does not discriminate on the basis of race, color, national origin, disability, age, or sex in administration of its programs or activities, and NDWEE does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in or oppose actions protected/prohibited by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

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