

NOTICE OF PUBLIC HEARING
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 public hearings on November 12, 2025, beginning at 10:00 A.M. Central Time (CT) at 245 Fallbrook Blvd., Lincoln, Nebraska. Business items on the agenda will precede a hearing which is scheduled to begin at 10:00 A.M. CT or as soon thereafter as can reasonably be heard. The purpose of the hearing is to take testimony and evidence about the proposed Fiscal Year 2026 Funding Percentage Allocations for the Litter Reduction and Recycling Grant Program and proposed amendments of a DWEE regulation.

The meeting agenda and a draft copy of the proposals scheduled for hearing are available at the DWEE's Lincoln office, 245 Fallbrook Blvd, Suite 100, Lincoln, NE and on the DWEE website at <https://dwee.nebraska.gov/>.

All interested persons may attend and testify orally or by written submission at the public hearing. 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, November 11, 2025.

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. Litter Reduction and Recycling Grant Program, 2026 Funding Percentage Allocations. The DWEE administers the Litter Reduction and Recycling Grant Fund in percentage amounts to grantees for projects within three categories: public education, cleanup, and recycling. Neb. Rev. Stat. §81-1561 requires the EQC to annually determine the percentages for each category. A statewide litter fee is the source of revenue for the fund. At this hearing, the EQC will take action on the DWEE recommendations for percentage amounts. For Year 2026, the DWEE recommends the following percentage allocations: recycling 47%, public education 51%, and cleanup 2% with additional approval to adjust these percentages by up to 20%. All persons affected by the proposed allocations are hereby notified that modifications may be offered to the proposed percentage allocations or the EQC may propose new allocations. The EQC will vote to adopt, amend or not approve the DWEE proposal after hearing and considering all the testimony and written submissions.

2. Amendments to Title 129 – Air Quality Regulations. DWEE administers Title 129 Air Quality Regulations, which impact regulated sources of air pollutants in the state. The proposed revisions will ensure that state regulations contain language that is clear, complete, and current. The Department proposes revisions to all chapters of the regulations to correct typographical, grammatical, and formatting errors; clarify and simplify regulatory language; update reference dates for federal regulations cited in the title; incorporate federal rulemaking; remove obsolete references; and reflect agency name change due to merger (LB317).

Additional proposed revisions by chapter include: Chapter 1 General Provisions; Definitions – add definitions of “air pollutant”, “council”, and “person”; Chapter 3 Construction Permits – reformat/revise language to describe and clarify the construction permit process and activities allowed prior to receipt of a permit, list eligibility for preconstruction activities and required actions, and change notification timeframe from 30 to five (5) days; Chapter 6 Operating Permits – remove section 005, which references now-obsolete federal regulations; Chapter 11 Emissions Reporting, When Required – revise text to reflect the use of electronic emission inventory reporting; Chapter 12 New Source Performance Standards and Emission Limits for Existing Sources – incorporate New Source Performance Standards (NSPS) applicable to Nebraska sources; Chapter 13 Hazardous Air Pollutants – incorporate National Emission Standards for Hazardous Air Pollutants (NESHAP) applicable to Nebraska sources; Chapter 14 Incinerators, Emission Standards – revise language to clarify types of waste and materials permitted for burning; Chapter 15 Compliance – revise language to clarify exceptions to open fires and add “public power and irrigation districts” to the list of groups allowed to conduct burning for plant, wildlife, and parks management; Appendix I Hazardous Air Pollutants – add a second table with hazardous air pollutants sorted by chemical name.